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UPDATE...

U.S. DOE releases draft ESSA Rules

The U.S. DOE has released draft rules regarding accountability under the Every Student Succeeds Act (ESSA) that allow states to choose indicators of success that go beyond test scores and graduation rates, while underscoring that academic progress is still an essential part of any school profile.

According to the U.S. DOE, the proposed rules are designed to encourage states to engage a broad group of stakeholders to give input on how each state will implement the new law, under what is known as the State Plan. Unlike the No Child Left Behind law, which ESSA replaces, the federal government is ceding much discretion to the states, which, in turn, can give more power to local school boards and districts when it comes to school improvement.

The State Plan has to be developed by the Department of Education in consultation with the stakeholder group, which will include legislators, representatives from local school units, charter schools, teachers, instructional support staff, principals, administrators and parents. MSMA will send out notice to members when the DOE announces its stakeholder process and timeline.

Under the proposed ESSA regulations, the state will assign ratings to each school, and each school has to produce an annual report card for the public, as they do today under the waiver language of NCLB. Academic progress and graduation rates will be part of that report, but so can other more nuanced descriptions of school quality and student success.

The rules, notice of which was given May 31 in the Federal Register, will be open to public comment for 60 days, with the comment period ending Aug. 1.

Here are the major provisions as described in a U.S. DOE overview:

Accountability

ESSA requires that all students be held to college- and career-ready standards. The proposed regulations reinforce the law's flexibility for states to incorporate new measures of school quality and student success into their accountability systems while upholding the core expectation that states, districts, and schools work to improve academic outcomes for all students, including individual subgroups of students.

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Can Maine make schools better by raising income tax on high earners?

By Christopher Cousins

Bangor Daily News May 29, 2016

AUGUSTA, Maine — One area where politicians of all stripes can usually find common ground is supporting schools, but this November's Stand Up for Students referendum is an exception.

If successful, the referendum would funnel tens of millions of new dollars directly to public schools in Maine with the intention of bringing state support for K-12 public education to 55 percent of the total cost. That's been a goal for some in Maine since 2004, when voters approved a citizen-initiated referendum to increase the state's share of public education funding to 55 percent.

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Winners of 2016 Maine Constitution Essay and Poster Contest



A depiction of the four seasons by Jade L. Noel, a kindergartener from Jameson Elementary School in Old Orchard Beach

AUGUSTA - Secretary of State Matthew Dunlap has announced the names of the winners of the 2016 Maine Constitution Essay and Poster Contest.

The annual contest allows Maine students from grades K through 12 to participate, with older students submitting essays regarding the Maine Constitution, voting and democracy; and younger students creating posters reflecting Maine history or symbols.

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Can Maine make schools better

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The state has never met that threshold and is currently funding about 47.5 percent of the total cost, according to the [Stand Up for Students](#) coalition. Maine legislatures, however, have regularly changed the way state aid to education is calculated, and some — including Republican Gov. Paul LePage, who opposes the referendum — argue that Maine spends more per student than at any time in its history.

Voters in November will be asked again whether they want state funding for education to reach 55 percent. This time the referendum identifies a funding source.

Sound good? To some it does. To others, it's among the worst things that could happen to Maine's economic prosperity.

Why?

Keep reading.

What's the initiative?

It's a new tax on the wealthy. In March, the secretary of state's office verified nearly 67,000 signatures, which authorized [the Stand Up for Students initiative](#) for the November ballot. If successful, it would put a 3 percent surtax on any income over \$200,000 annually, generating in the neighborhood of \$157 million a year.

That's enough to bring the state's share of education costs to 55 percent, proponents say.

The tax would not apply to individuals, households or businesses that make less than \$200,000 a year. The initiative would establish the Fund to Advance Public Kindergarten to Grade 12 Education to ensure that the proceeds are spent on in-classroom costs, as opposed to administration. The new surtax would kick in Jan. 1, 2017.

Why?

Some believe Maine schools need more funding. State funding for schools has crept upwards under LePage, but only slightly and according to some education advocates, slower than the rise in total cost of education, which is driven by increases in salaries and other services, such as insurances and supplies. A [2015 report](#) by the Maine Education Policy Research Institute found that total expenditures on Maine schools increased by less than 2 percent when adjusted for inflation between 2004 and 2014.

The initiative also is meant to ease upward pressure on property taxes, which along with state aid, pay for public schools. In recent years, the state has increased how much local communities must raise in order to qualify for full state funding, with a number that is called "the minimum expected property tax rate." That number has gone from [about 6.7 five years ago](#) — meaning a town must raise \$6.70 for every \$1,000 of property valuation — to well over \$8 per \$1,000 today.

What are the chances it will work?

State and local governments contribute to education costs, but there are disagreements about what should be funded. The state has defined what it thinks school budgets

should include through its [Essential Programs and Services funding formula](#). Among other functions, it is supposed to keep the target the same for state government trying to achieve 55 percent financial support for education.

Communities can opt to spend more than the Essential Programs and Services formula calls for, but doing so requires a special local vote.

There have been numerous initiatives at the state level over the years aimed at reducing costs — perhaps most notably Democratic Gov. John Baldacci's largely failed attempt to consolidate school administrations in Maine. If there is a common theme for debate over those proposals, it's the wrangle over local control.

Can the state force local governments to spend their property tax dollars in certain ways? Can locals expect full funding from the state without guidelines or restrictions on how it is spent?

The answers are "no" and "no."

"You'll never get to 55 percent [state funding] because the state has nothing to do with setting up the budget," LePage said recently during a radio appearance on WVOM. "Every year when you think we're at 55 percent, the price goes up."

Taxing the 'rich'

Opponents of the surtax have a few core arguments. One is that the tax would effectively put Maine's income tax for top earners at 10.15 percent, which the Maine Department of Administration and Financial Services says would be the second-highest top marginal income tax rate in the country. Only California, which has a 13.3 percent rate for income over \$1 million, is higher. Their lower 10.3 percent rate kicks in at \$263,000 for individuals and \$526,000 for married couples, [according to the Tax Foundation](#).

David Heidrich, a Department of Administration and Financial Services spokesman, said that aside from opposition to raising the income tax for some Mainers when the administration's priority has been to reduce or eliminate it, there are two flaws in the initiative. One is that it does not distinguish between individual and joint filers, meaning any individual or family with taxable income over \$200,000 would be subject. Also, the \$200,000 threshold is not indexed for inflation, meaning it will remain at \$200,000 into the future, subjecting more and more Mainers to the tax as incomes rise, Heidrich said.

There are more than 440,000 Mainers who pay income taxes and more than 700,000 income tax filers, according to 2014 data. The surtax would apply to about 16,000 Mainers in 2017 — which is somewhere around 2 percent of all tax filers, according to Department of Administration and Financial Services.

A stable source of funding?

Income tax collections are volatile and prone to economic peaks and valleys. Since 2005, Maine's income tax collections have been all over the spectrum. After increases in Maine income tax collections of 17 percent and 20 percent in 2006 and 2007, for example, the financial crisis in late 2008 caused drops of 32 percent and 20 percent in income tax collections in 2008 and 2009, respectively. More recently, year-over-year fluctuations have ranged from a 36 percent increase in 2012 to a 12 percent decrease in 2013.

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School Leadership

Tom On Point: Why School Boards?

By Thomas J. Gentzel

The assault on local governance of education is not confined to the United States. I recently was contacted by my counterpart at the Canadian School Boards Association, who described efforts in several provinces of that country to diminish if not eliminate the role of school boards. The proposals vary, but the effect would be essentially the same -- a transfer of education decision-making from communities to centralized government. The issue sounded eerily familiar, given the numerous efforts in some of our state capitals to achieve essentially the same result. I was asked to write a succinct argument to counter these attacks and provided the following. There is, of course, much more to say, but the bottom line is this: The public must be owners of the educational system and not simply the recipient of its services.

The American and Canadian systems of education are very different in many ways. Language, religion, and cultural distinctions are both numerous and significant. Still, our countries have much in common beyond a 5,500 mile border -- including, most notably, a rich democratic heritage.

It is this shared commitment to self-governance that makes education especially important in both nations. An effective democracy demands a public that is well informed and capable of making critical decisions about its leaders, its direction, and its future. This issue is truly personal and impactful, affecting everyone. That is why, whether in Canada or the U.S., education is deeply rooted in the community and why leadership of it must be, too.

Schools are local assets, appreciated for the education they provide as well as for the way they bind diverse portions of the public, creating a sense of common purpose. People see the value of a well-educated citizenry, of young people who are prepared to take their rightful place in the life of the community, and of a public that is capable of addressing complex challenges that require deliberation and action. They also want schools to meet the unique needs of the towns, cities, or rural areas where they live. They want them to be responsive to changing conditions. And, they want them to be held accountable.

How to balance high expectations for all children to learn with a means for the public to have a direct stake in how that happens? Herein lies the true genius of our two countries' educational systems, which constitute both a universally provided service and a local enterprise. It is why school boards matter. These citizens from all walks of life, ethnic and racial backgrounds, occupations, and religious beliefs, serve as local stewards, ensuring that the public feels a sense of ownership of the education that is being delivered in their communities.



Without school boards and the leadership role they provide, education would be little more than just another public service. In a democracy, the people should be as much in control of their schools as they are of the government itself.

Thomas J. Gentzel (tgentzel@nsba.org (link sends e-mail)) is the Executive Director of NSBA. Follow Gentzel on Twitter @Tom_NSBA

- See more [here](#).

Can Maine make schools better

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Those fluctuations already create revenue holes and surpluses that reverberate through state and local budgets on a year-to-year basis. Opponents of the Stand Up for Students initiative worry that funding for schools would be increased in prosperous years, leaving state or local governments to pick up the slack in lean years.

Cost versus benefits

Most people agree that the success of Maine's economy is tied to the success of its public schools. But would more money from the state translate to more success? Would it guarantee relief to property taxpayers? Those are the goals, according to Stand Up for Students.

"When the state fails to pay its share of school funding, our children and our communities suffer," [the initiative's website](#) reads. "The coalition supporting Stand Up for Students asks the wealthy to pay their fair share so the state of Maine can meet its commitment to fund 55 percent of pre-K to 12 education. Fully funding our public schools helps our children, our communities and eases the burden on property taxpayers."

Opponents question the premise that more spending will improve the quality of Maine schools, and the campaign for this year's ballot question will play out against a backdrop of the state's years-long but unresolved debate over how best to measure student achievement.

Voters will deliver a final grade for this latest funding proposal Nov. 8.

Article taken from Bangor Daily News - <http://bangordailynews.com>



Employee Spotlight Meet Michelle Goocher



Michelle Goocher helps manage MSMA's Flexible Spending Account program that allows employees in school districts across the state to deposit pre-tax money that is then used to pay medical bills and child care expenses.

Her official title is FSA Account Representative and she answers member questions, audits the receipts, enters claims, posts participant deposits and

issues the checks. She is also responsible for FSA enrollment in July and September and creates and mails out plan documents to the participating districts. She helped implement the new debit card system for participants.

Since Michelle was hired as the FSA representative in 2002, participation in the program has tripled.

Michele says she loves the people with whom she works, how the program is organized and that she gets to work with both participants and the school district contacts that help administer the program locally.

Prior to coming to MSMA, she was an administrative assistant for a fiber optics company.

Michelle grew up in Augusta and as her work colleagues can attest, she loves to play softball. She's on two teams and also serves as their assistant coach. She also enjoys watching baseball, football and hockey and is a die-hard fan of the Dallas Cowboys and Boston Red Sox.

She lives with her boyfriend and "an amazing 10-year-old girl". She also has a much loved German Shepard and two cats.

Department of Education Updates

- **EPS Meeting Postponed:** The meeting of the EPS Blue Ribbon Commission, scheduled for June 6, has been postponed by Deputy Commissioner William Beardsley due to scheduling logistics and the upcoming Commissioner's Conference for Superintendents, scheduled for late June. The EPS commission meeting will be rescheduled for mid-July.
- **Acting Commissioner Beardsley is now Deputy Commissioner** after DOE Policy Director Debra Plowman, a former senator, was briefly named temporary deputy commissioner so she could swear him in – a move that still leaves him in charge of the DOE. Beardsley's acting commissioner status had expired under law.

Winners of 2016 Maine Constitution Essay

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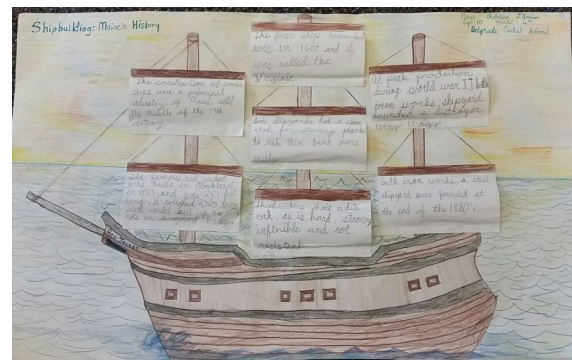
"The essay and poster contest is a great opportunity for students to reflect on the wide spectrum of Maine's identity, from our traditional industries to the iconic animals that roam our woods and waters," said Dunlap. "We congratulate the winners and hope that all of the students gained a deeper appreciation for their state through their participation."

The essay contest is for students in middle school and high school. It is divided into two categories: The theme for grades 6-8 is "The Maine Constitution." Rylee Bellemare, a seventh-grade student in Helen Beesley's class at Windsor Elementary School, received top honors in this category for her essay titled "Parks and Recreation."

The theme for grades 9-12 is "The Importance of Voting and Democracy." Kiley Eckstein, an 11th-grade student in William Prest's class at Highview Christian Academy in Charleston, took first place in this category for her essay titled "Making Your Voice Heard."

The poster contest, open to students from kindergarten to grade 5, is broken into two categories, with a theme of "Maine Symbols" for grades K-3 and "Maine History" for grades 4-5.

Jade L. Noel, a kindergarten student at Jameson Elementary School in Old Orchard Beach, received top honors for her symbols poster with a four seasons theme. Rebecca D'Amico, a fourth-grade student at Belgrade Central School, took first place for her poster depicting Maine's shipbuilding history.



These students and their classmates are invited to view the state's original 1820 Constitution at the Maine State Archives in Augusta - a special honor, as it is not regularly removed from the storage vault for viewings.

Judges for this year's contest were: Sen. Thomas B. Saviello of Wilton, Rep. Michelle A. Dunphy of Old Town and Rep. Louis J. Luchini of Ellsworth.

To learn more about the program and view winning entries from this year's contest, visit the Secretary of State's website: http://www.maine.gov/sos/kids/student-programs/const_essay.htm.



If you have questions about any articles in this newsletter or suggestions for improving this publication, let us know.

You can contact me, MSBA Executive Director, Connie Brown. cbrown@msmaweb.com

U.S. DOE releases draft ESSA rules

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And while states and districts will continue to be required to take action to turn around struggling schools, and to intervene in schools where groups of students are consistently underperforming, they have new flexibility, working closely with stakeholders, to choose interventions that are tailored to local needs.

Statewide Accountability Systems

- The proposed regulations affirm that states **set their own ambitious goals, and measurements of interim progress**, for academic outcomes, while also ensuring that states take into account the improvement necessary among subgroups of students to make significant progress in closing gaps in statewide proficiency and graduation rates.
- The proposed regulations reinforce the statutory requirement that states have **robust, multi-measure statewide accountability systems, while giving them the flexibility to choose new statewide indicators that create a more holistic view of student success**.
 - ◆ The proposed regulations include indicators of academic achievement, graduation rates (for high schools) or academic progress (for elementary and middle schools), and progress towards English language proficiency.
 - ◆ States would also have the opportunity to select new indicators of school quality or student success, while ensuring that those indicators:
 - ◇ Measure the performance of all students in all public schools (including public charter schools);
 - ◇ Allow for comparisons between subgroups of students;
 - ◇ Demonstrate variation across schools in the state; and
 - ◇ Are likely to increase graduation rates or academic achievement.
- To promote transparency in a format that is easily understandable by parents, the proposed regulations require states to assign a **comprehensive, summative rating** for each school to provide a clear picture of its overall standing. However, to ensure a nuanced picture of school success, states would also report a school's performance on each indicator, in addition to the school's summative result.
- To give states room to develop systems tailored to their individual needs, **the proposed regulations do not prescribe or suggest specific percentages for any of the indicators, or a range for weighting**; rather, they include the following provisions to ensure that states are emphasizing the academic indicators that the law requires be afforded "substantial" weight individually and "much greater" weight in the aggregate by stating that:
 - ◆ a school identified for comprehensive support cannot be removed from identification on the basis of an indicator of school quality or student success unless it is also making significant progress for all students on an academic one;
 - ◆ a school identified for targeted support because of a struggling subgroup cannot be removed from targeted support status on the basis of an indicator of school quality or student success unless that subgroup is making significant progress on at least one academic indicator; and
 - ◆ a school achieving the lowest level of performance on any academic indicator must receive a different summative rating than a school performing at the highest level on all of the indicators.
- Consistent with the statute's focus on measures beyond graduation rates and test scores, the proposed regulations **clarify that states choose their own indicators of school quality or student success**. Consistent with the law's focus on equity, the proposal requires that states are able to compare subgroups of students on each measure. To maintain the focus on student learning, they also propose that the measures included within the indicators of Academic Progress and School Quality or Student Success be supported by research indicating that performance or progress on such measures are likely to increase student academic achievement or, at the high school level, graduation rates.
- Recognizing the growing numbers and diversity of the English learner population, the proposed regulations ensure that states consider unique student characteristics, including students' initial English language proficiency level, in setting goals, measurements of interim progress, and determining performance on the **indicator of progress in achieving English language proficiency**.
- In order to provide a fair and accurate picture of school success, and help parents, teachers, school leaders, and state officials understand where students are struggling and how to support them, the law requires that all students participate in statewide assessments. States must factor into their accountability systems whether all schools have assessed at least 95% of all their students and 95% of each subgroup of students. The proposed regulations **do not prescribe how those rates must be factored into accountability systems**, but they do require states to take robust action for schools that do not meet the 95% participation requirement. **States may choose among options or propose their own equally rigorous strategy for addressing the low participation rate**. In addition, schools missing participation rates would need to develop a plan, approved by the district, to improve participation rates in the future.

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- To ensure the statewide accountability system meaningfully **includes all students, especially historically underserved students**, the proposed regulations:
 - ◆ **ensure states consider each student subgroup separately.** A combined subgroup of students – or “super subgroup” – cannot replace an individual subgroup.
 - ◆ **do not specify what a State’s n-size must be for accountability purposes, but require that any State with an n-size larger than 30 students submit a justification for its n-size in its State Plan**, including information about the number and percentage of schools that would not be held accountable for the results of students in each particular subgroup if a state adopted a higher n-size.
- To ensure states hold all public schools accountable, the proposed regulations **ensure that states include all public charter schools in their accountability systems.**
- To provide states with flexibility to develop thoughtful accountability systems, the proposed regulations **allow states to update their accountability systems as they are able to include new measures within their indicators.**

Supporting Low-performing Schools

Under the proposed regulations, states must identify certain schools at least once every three years for **comprehensive support and improvement**, including: the bottom 5% of Title I schools in the state; high schools with graduation rates below 67% for all students based on the four-year adjusted cohort graduation rate; and Title I schools with chronically low-performing subgroups that have not improved after receiving additional targeted support.

- States must also identify schools for **targeted support and improvement**, including:
 - ◆ schools with a low-performing subgroup performing similarly to all students in the bottom 5% of Title I schools, identified each time the State identifies its schools for comprehensive support (these schools must be provided additional targeted support)
 - ◆ Title I schools with a consistently underperforming subgroup, as defined by the State, annually.
- The proposed regulations **provide suggested definitions of “consistently underperforming,” but allow states the flexibility to propose their own definitions** as long as they identify schools with subgroups that, based on the state’s indicators, underperform over two or more years.
- The proposed regulations **recognize the critical role of stakeholders, including parents, educators, principals, and other school leaders, in supporting the development and implementation of school improvement activities** by requiring that each district notify parents of students at schools identified for support and improvement of how to be involved in the school improvement process, so they can participate in developing a plan that fits its unique needs. These schools may have up to a year in the school year they are identified to conduct these planning and engagement activities.
- In place of prescriptive interventions required under No Child Left Behind, the proposed regulations **allow schools, districts, and states to select evidence-based strategies tailored to local needs.** They also would ensure that states set meaningful exit criteria so that schools implement additional actions where initial interventions do not work to improve student outcomes.
- In schools identified for comprehensive support or for additional targeted support, the proposed regulations would **require that their improvement plans review resource inequities**, including per-pupil expenditures and disproportionate access to ineffective, out-of-field, or inexperienced teachers identified by the State and district, drawing on data already collected and reported under ESSA.
- Under the proposed regulations, **states must continue to direct funds set aside for school improvement** to schools most in need of support. In order to ensure sufficient funds to provide meaningful support, the proposed regulations require that a district that receives funds for school improvement receives a minimum of \$500,000 for each comprehensive support school it serves and \$50,000 for each targeted support school it serves, unless the state determines that a smaller amount is sufficient. Additionally, the proposed regulations reinforce the state’s key role in providing technical assistance, monitoring, and other support, including ongoing efforts to evaluate the use of these funds for evidence-based interventions to improve student outcomes.
- In order to provide time for an orderly transition to new ESSA accountability systems and to ensure there is not a gap in supports for students, the proposed regulations require that **all states identify schools for comprehensive and additional targeted support for the 2017-2018 school year**, with annual identification of schools with consistently underperforming subgroups for targeted support beginning in the 2018-2019 school year.

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Data Reporting

One of the core goals of ESSA is to enable parents and other stakeholders to engage meaningfully in their education systems, which is only possible when they have access to clear, robust, and ongoing information about how their students and schools are doing. To accomplish this goal, the proposed regulations seek to ensure that states and districts work with stakeholders to develop report cards that include timely and essential information to inform educational improvement for all kids, including by:

- requiring states and districts to **consult with parents in designing the report cards**, and make them publicly available no later than December 31st of each year. These report cards serve to inform parents and community members about how students and schools are doing in a timely way;
- ensuring that **report cards include a full set of accountability information** (including student assessment outcomes and graduation rates) in an easily accessible manner, so that stakeholders can fully understand school performance and better participate in developing solutions that target the specific needs of schools and students;
- clarifying requirements for new provisions, **including how students with the most significant cognitive disabilities who earn alternate diplomas may be included in graduation rate calculations**;
- **ensuring more transparency for parents, educators and community members around resource equity measures**, such as access to preschool, access to rigorous coursework, and school discipline;
- clarifying that state and local **report cards must include specific information about district-and school-level per-pupil expenditures** calculated based on uniform, state-developed procedures, to ensure parents and educators have transparency into school funding; and
- **improving the quality of postsecondary enrollment data** included on report cards, so that stakeholders have greater insight into student preparation for programs of postsecondary education.

Consolidated State Plans

The proposed regulations give states the flexibility, and responsibility, to think holistically about how to improve educational outcomes for all of their students while helping to ensure access to a high-quality and well-rounded education. The proposed regulations are designed to encourage each state to engage meaningfully with a wide array of stakeholders as it thinks comprehensively about implementation of ESSA and promotes better coordination across state-based ESEA formula grant programs to improve student outcomes and close achievement gaps. The consolidated state plan requirements also are intended to eliminate duplication and streamline requirements across programs, reducing burden for states in meeting federal requirements.

- The proposed regulations would **require broad, robust, transparent engagement with a diverse, representative group of stakeholders** at multiple points during the design, development, and implementation of a consolidated State Plan. Stakeholders must include superintendents, educators, parents, community leaders, civil rights organizations, representatives of Indian tribes, and others.
- The proposed regulations reinforce the ESSA's strong emphasis on **equitable access to resources for all students**, particularly those who are traditionally underrepresented (including foster children, homeless students, and English learners). Through the consolidated plans, states must put forward plans to ensure that states meet the needs of all learners, including providing access to a well-rounded education that incorporates rigorous coursework such as STEM, history, foreign languages, music, and computer science.