

Becky Fles, *President, MSAD 11*  
James Grant, *President-Elect, Brunswick*  
Maureen King, *Vice President, RSU 21*  
Marlene Tallent, *Past President, Surry (Union 93)*  
Dale A. Douglass., *Interim Executive Director, [ddouglass@msmaweb.com](mailto:ddouglass@msmaweb.com)*  
Elaine M. Tomaszewski, *Acting Deputy Executive Director, [etomaszewski@msmaweb.com](mailto:etomaszewski@msmaweb.com)*  
Victoria A. Wallack, *Director of Government Relations & Communications, [vwallack@msmaweb.com](mailto:vwallack@msmaweb.com)*

September 2016

# UPDATE...

## MSBA Proposed Resolutions

The MSBA Board of Directors has forwarded the following resolutions for consideration at the MSBA Delegate Assembly on Oct. 27.

### Resolution

#### 4.37 Local Control of Student Transfers

The Maine School Boards Association would like to reconfirm our position that a student transfer should be a local decision made by two superintendents involved in a request. If both agree, the decision should be binding and not subject to an override at the state level. We request this be enshrined in statute after a legislative review process that examines the criteria used by the Department of Education and the State Board of Education to make its determination in an appeal of a local decision. We further call for the creation of a commission composed of stakeholders to develop criteria that would be subject to substantive rulemaking.

### Rationale

Recent history shows us that interpretation of current law on student transfers is at best unpredictable and subject to change with little warning. In the 2015-2016 school year, the commissioner's office overruled local superintendents on 189 student transfers. Only 12 appeals were denied. This is a record in recent history.

While the pace of overrides appeared to have slowed, a recent notification from the DOE indicates the department is looking, once again, to tighten restrictions.

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## MSBA Delegate Assembly

This year's Delegate Assembly is scheduled for 2:25 p.m., Thursday, October 27, the first day of the MSMA Annual Fall Conference, in the Cumberland Room. **It will be preceded by a Delegate Assembly preview from 1:15 – 2:00 p.m. in the same room.**

Governance and policy decisions affecting MSBA are dealt with at the Delegate Assembly. The importance of each School Board being represented at the Delegate Assembly cannot be overstated. The following information about the Delegate Assembly is to inform your School Board of the importance of electing a delegate.

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## MSMA Fall Conference Celebrating the gold



Miranda Beard

This year's 43<sup>rd</sup> Annual MSMA Fall Conference will celebrate the achievements of Maine schools under the theme of "Public Education: The Gold Standard" focusing on progress toward major initiatives and effective school governance.

The conference runs over two days, Thursday, Oct. 27, and Friday Oct. 28, at the Augusta Civic Center. The keynotes are NSBA

President Miranda Beard and well known labor and school attorney Harry Pringle of Drummond Woodsum who helped shape the practice of school law in Maine.

### Clinics

There are more than 50 clinics scheduled; 19 from attorneys skilled in school law. The legal clinics will focus on a range of issues, including protecting students from sexual harassment; an update on school unit de-consolidation; understanding the rights of transgendered students; employee political speech; what teacher evaluation systems can and cannot achieve; and the legal year in



Harry Pringle

review.

Outside of the legal arena, there are clinics planned on effective strategies to reduce absenteeism; summer school for incoming kindergartners; making the change to a later school start time;

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## News Update

### Education Clips on the website

A new feature has been added to the [msmaweb.com](http://msmaweb.com) website highlighting news stories from Maine media about education to keep members up to date about what's happening in districts across the state.

The Education News Clips feature is on the front page of the website and lists headlines and links to stories.

Stories featured are from the Bangor Daily News, Portland Press Herald, the Kennebec Journal and Portsmouth Herald, and a

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# MSBA 2016 Nominating Committee Report

The Nominating Committee met and interviewed prospective candidates for the MSBA Officers and Board of Directors on August 23, 2016. Following is a list of the candidates for Director positions slated by the Nominating Committee.

Region V:	David Kolodin
Region VI:	Denise Rodzen
Region VII:	Jackie Perry
At Large:	Susan Hawes (II)
	Marlene Tallent (IV)
	Mary-Anne LaMarre (VIII)
	Lester Harmon (IX)

Please note that the MSBA Board of Directors has recommended a one-year revision to the MSBA Constitution and By-Laws that, if approved at the Delegate Assembly, will impact the slated Officer candidates election.

The proposed amendment (Section 2.a.) to the Constitution is as follows:

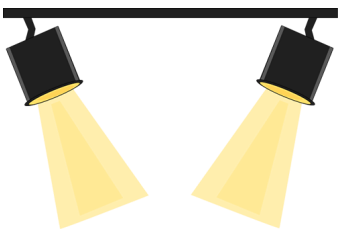
**Section 2. Elections** – President-Elect and Vice President shall be elected at the annual meeting of the Delegate Assembly for a term of one year. In the absence of a President-Elect, the President shall be elected at the annual meeting of the Delegate Assembly for a term of one year.

a. Commencing on October 27, 2016, and for a period of one year, the 2015-2016 President, President-Elect and the Vice President will serve a second term in their respective offices. Upon adjournment of the 2017 MSBA Delegate Assembly this subsection is repealed.

The Nominating Committee nominates the following Officers if the above amendment is not approved at the 2016 Delegate Assembly:

President-Elect: Maureen King (IX)  
Vice President: Kim Bedard (IX)

- Please note:
1. If the Nominating Committee does not nominate a candidate, the candidate may still be nominated by two member boards to ensure that their name is printed on the ballot.
  2. Candidates for director positions may still be nominated from the floor of the Delegate Assembly to be held on October 27, 2016, at the Augusta Civic Center.



## Employee Spotlight Meet Shelly Ventimiglia

Shelly Ventimiglia is the Accounting Manager at MSMA, recording and reviewing transactions for the organization and its insurance trusts and assists in a multitude of other financial responsibilities.

Her work includes accounts receivable, accounts payable, payroll, reconciliations, preparing financial statements and audit preparations, and working with the Finance Director and Executive Director on special projects.

Shelly started with MSMA in June of 2003, bringing with her experience from a public accounting firm in Brattleboro, Vermont, and a smaller firm in Bangor, where she assisted in audits of towns and schools.

She said her favorite things about the job are the variety of what she does and her co-workers.

“Every day is different, and it’s never boring,” she said. “We have a great staff here at MSMA, and we all work well together.”

Shelly grew up in Brewer, moved to Mount Vernon in the 8<sup>th</sup> grade, and now lives with her husband Joseph in Oakland. They have two daughters, age 16 and age 8.

She enjoys spending time with family and friends and attending her children’s sporting events, which include basketball, field hockey and lacrosse.



## Public rates public schools

The annual PDK national poll on public education was released in September showing Americans are divided about whether the purpose of education is to prepare students academically, for work, or for citizenship, and support greater focus on helping young people ultimately get a job.

That is a key finding, according to the poll sponsors – Phi Delta Kappan Magazine – which has been doing the survey for 48 years.

The highlights include:

- 45% of those polled said preparing students academically is the main goal of a public school education; 26% said preparation for citizenship; and, 25 percent preparation for work. In a related matter, 68% said having their local schools focus on career-technical or skilled-based classes is better than focusing on more honors or advanced academic classes.
- In an 84% to 14% split – the most lopsided result in the survey – those polled said that in a school that has been failing for several years, the best option is to keep the school open and try to improve it, rather than closing it. But in a 2-1 margin, they also said if the school is kept open, replacing administrators and teachers is preferable to giving the school more resources.
- A majority of those polled – 59 percent to 37 percent – opposed allowing public school parents to excuse their children from taking standardized tests.
- Funding was identified as the number one problem for the 15<sup>th</sup> year in a row. 53% of those polled supported higher property taxes to improve public schools and 45% opposed. 47% were skeptical that higher spending would result in improvements.
- If taxes were raised to support schools, 34% said the money should go to teachers i.e. to hire more or raise salaries; 17% to supplies; 17% for classes and extracurricular activities; 8% for infrastructure improvements and new schools; and 6% for learning specialists and counselors.
- As in years past, those polled gave high marks to their local public schools – 48% gave them an A or a B – and those high marks went to 67% when parents were asked to rate their child's school. That's compared to the country's public schools overall, where only 25% gave them an A or B.
- Those parents who gave their local schools an A or a B said the schools communicate effectively with them; give them frequent opportunities to visit and offer input; and, are interested in what they have to say.

To read the complete overview of the PDK poll click here: <http://pdkpoll2015.pdkintl.org/>

### Delegate Assembly

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According to Article VIII of the Constitution, the Delegate Assembly is the policy making body of the Association. The Delegate Assembly has four specific powers.

1. It adopts resolutions that express the beliefs and purposes of the Association.
2. It transacts such other business as presented to it prior to the opening of the Delegate Assembly by any delegation or the Executive Board of Directors.
3. It elects the Officers and Executive Board of Directors.
4. It may adopt amendments to the Constitution.

According to Article V of the Constitution, the Association is governed by the Executive Board of Directors. The Board is comprised of Regional Directors and At-Large Directors.

The Delegate Assembly consists of one voting delegate for each member district. In order to be an official delegate the member School Board must report the name of the elected delegate and alternate prior to the Assembly. (See Delegate Form for actual date.)

The resolutions adopted at the Delegate Assembly are an expression of the Assembly's views regarding various issues. The body of resolutions adopted by the Assembly defines the Association's position on various legislative proposals.

As the Officers and Board of Directors approach any legislative session, it is crucial that they represent the Association's members. Make your local Board's voice heard and send a delegate to the MSBA Delegate Assembly held during the MSMA Annual Fall Conference on October 27, 2016.

### Fall Conference

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supporting proficiency-based teaching; collaborative strategic planning; and, an update on the new Major Capital School Construction rating cycle, as part of an array being offered by Department of Education staff.

The DOE also will be doing one-to-one conferences on a variety of subjects ranging from finance and data access to school transportation, school construction and child nutrition.

### Keynotes

NSBA President Beard will be the keynote on the first day talking about how her life influenced her desire and decision to be active in board service. In addition to her national duties at NSBA, Beard is president of the Laurel School District Board of Trustees and past president of the Mississippi School Boards Association. She also will do a clinic on building stronger communities through board service.

Attorney Pringle will share his reflections gleaned from 40 years of working with Maine school boards and superintendents. Pringle was co-founder of the school law practice at Drummond Woodsum and represented schools on an array of issues, ranging from labor law to special education to civil rights. He was the attorney for school boards in leading court decisions that helped shape the course of school law in Maine.

Conference registration should be made through the superintendent's office.

## News Update continued...

growing list of weeklies, including the Ellsworth American, the Forecaster Newspapers in Greater Portland, the Lincoln County News, the York County Coast Star and other Seacoast Newspaper weeklies, and the Quoddy Tides of Eastport. Links to stories from Maine Public Broadcasting also will be posted.

For the Portland Press Herald and Kennebec Journal you will encounter a pay wall that asks you to subscribe after you read 10 articles, but you get 10 free articles in each publication on your computer and another 10 free on a mobile device each month. (Remember if you are browsing on your own and clicking on articles that counts toward the 10.)

The list of articles will be updated regularly and story links will remain on the website for 30 days.

### White Paper on Question 2 online

An overview of the Question 2 referendum on the November ballot that calls for taxing income greater than \$200,000 at 10.15 percent to raise an estimated \$157 million for K-12 education is posted online.

You can find it by clicking on “more” under the News and Updates section on the front page of the website, [www.msmaweb.com](http://www.msmaweb.com).

### Charter Commission adds staff, gives back some funds to charters

The Maine Charter School Commission believes it is taking in too much money based on the administrative fee allowed under law and wants to give some back to charter schools, while still being able to add staff, increase contracted services and create an annual \$100,000 contingency fund.

Language in the state’s charter school law allows the commission to charge charter schools up to 3 percent of the annual per-pupil amounts given them using the Essential Programs and Services formula. The state is sending out just under \$20 million to the 9 charter schools up and running this school year, according to the Department of Education.

The greatest single expense for the Charter Commission is its staffing, with \$253,984 budgeted for fiscal year 2017, covering the positions of executive director, program director, administrative assistant and a newly created financial administrator position that has yet to be filled.

The budget also calls for adding a part-time administrative assistant in fiscal year 2018. Also in 2018, the commission wants to add \$40,000 a year for contracted services and \$100,000 annually for contingency to cover costs should a charter school close its doors.

For the current fiscal year, the commission’s budget shows expenses of \$424,564, revenue of \$615,196, and separate carry-over revenue of \$526,255.

At its meeting on Sept. 6, commission members voted to give back \$428,473 to charter schools, although it did not determine what formula it would use to return the money. That would leave the commission with a \$288,414 cushion at the end of the year.

Going forward, it wants to collect less, and adopted a policy saying it would “assume a flexible approach to the 3 percent draw down, annually assessing the Commission’s oversight and funding needs, with an eye to ensuring that its schools receive as much of their per-pupil allocation as possible.”

## Commission brainstorms changes to public education

The governor’s blue ribbon commission on public education had its first open meeting on Aug. 29, where participants suggested major changes to the system, including a statewide teachers’ contract; making teachers state employees and putting them into the state’s health plan; raising teacher pay and tying it to student outcomes; and, universal pre-K.

Other proposals included consolidating secondary education to provide more opportunities for students in the upper grades; making sure the Department of Education (DOE) has sufficient resources to do its work; and, understanding whether proficiency-based learning – the center of the new graduation standards passed earlier this year – is accepted statewide.

Sen. Justin Alford, D-Cumberland, a commission member, suggested the state adopt and build on former Education Commissioner Stephen Bowen’s 2012 plan for education as a blueprint for today. That plan tied proficiency-based teaching, learning and assessment to strong state standards.

There also were calls for simplifying the Essential Programs and Services (EPS) funding formula; allowing more high school students to take college-level and Career and Technical Education courses; and, regionalizing public school central office functions.

To follow the ongoing work of the commission, officially known as the Commission to Reform Public Education Funding and Improve Student Performance in Maine, click [here](#).

The commission was created this past session by legislation that also increased General Purpose Aid to schools by \$15 million on top of what already had been promised as part of the biennial budget the year before. Its first meeting was held at the Blaine House behind closed doors – a move that ultimately was ruled illegal by the Attorney General’s Office.

The commission voted unanimously on August 29 to pay the fine for the illegal meeting when the case comes up in court again in September. An intentional violation of the open meeting law carries with it a civil penalty of up to \$500.

Gov. LePage no longer attends the meetings and has named Acting Deputy Commissioner William Beardsley as his designee. Former Superintendent Robert Hasson, director of certification for the DOE, has taken over as chair.



**MSBA Proposed Resolutions**

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The great irony is the vast majority of transfer requests – around 92 percent – are approved by superintendents at the local level based on the best interest of the student.

It is time we amended the statute to make clear that student transfers through superintendent agreements are and should remain a local decision.

**Resolution****4.41 Teacher Retirement Costs**

The Maine School Boards Association strongly reiterates its opposition to rising teacher retirement costs that were shifted onto school districts by the state in 2013 – costs which continue to grow at an alarming rate with no legislative oversight. Those costs went from \$30 million a year in the 2013-2014 biennium to \$38 million a year in the current biennium. They are going up to an unprecedented \$46 million a year starting in 2017-2018. The Legislature needs to conduct an immediate examination to determine why these rates are rising so rapidly and adopt legislation that involves legislative oversight and a public review of how the rates are set.

**Rationale**

When the Legislature voted in 2013 to shift retirement costs for working teachers from the state onto school districts, it was done to balance the state budget, with no discussion about how fast these costs would rise. There still has been no public discussion in Augusta about the rates despite the fact they went up 25 percent in fiscal years 2015 and 2016 and will go up another 18 percent in the next biennium. That represents a 53 percent increase since the cost shift was made. This is unsustainable growth and an unfair burden on school districts that threatens to crowd out student-centered programs in schools.

**Resolution****4.42 Department of Education Leadership**

In recognition of the important relationship between school districts and the state Department of Education, the Maine School Boards Association is calling on the governor's office to outline the process and qualifications it wants in a permanent commissioner and to nominate a candidate for legislative approval in the upcoming session. The absence of a permanent commissioner has left the state without an official leader to articulate education policy and direction and has caused disruption and turnover among DOE staff, whom districts rely on for information and guidance.

If the governor's office does not put forth a permanent commissioner nominee, the next Legislature needs to express and advance viable options for filling this key position.

**Rationale**

The department and its leadership have been in a state of flux in recent years, with two commissioners leaving, followed by two acting commissioners – the most recent now serving as deputy commissioner with no one in the permanent commissioner's role.

School districts depend on the Department of Education and its commissioner in their day-to-day operations and for guidance on critical issues from statewide assessments to implementation of the new federal Every Student Succeeds Act.

School districts and the DOE must work together when it comes to required data reporting; compliance with state and federal rules; distribution of General Purpose Aid; student transfer requests; compliance with special education law; Medicaid reimbursement; and so much more.

The current uncertainty around the position has diminished the department's stature and also created instability among its staff. This has been an ongoing problem since the end of 2014, and the concern is it will continue for the more than two years remaining in the governor's term.

**Resolution****4.43 Special Education Costs**

The Maine School Boards Association is calling on the 128<sup>th</sup> Legislature to form a stakeholder task force to make recommendations to address the rising cost of special education while maintaining quality services that accommodate the needs of all children. It is critical that we find innovative and efficient ways to deliver services because the 46 percent cost increase we have seen in special education over the last 10 years is unsustainable.

The federal Individuals with Disabilities Education Act is overdue for a revision and action is anticipated. Maine needs to have a voice in any proposed changes through a stakeholder group made up of people in public education, including a representative from MSBA. This resolution also directs the MSBA officers to connect with Maine's congressional delegation to make them aware of the current levels of concern on this critical issue.

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**Resolutions**

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**Rationale**

Special education has been identified as a key driver by the Department of Education in the overall inflation of education costs statewide.

There are many reasons for the increases in special education spending, including the federal requirement of maintenance of effort that discourages innovation and efficiency in the way students are served; Maine's high identification rate of students with special needs; and, litigation costs tied to due-process hearings.

As school leaders, we need to be a part of the solution by recommending changes in state and federal law that assure student needs are still being met while controlling costs. The solution will have to involve changes to the federal Individuals with Disabilities Education Act because federal requirements currently drive state mandates.

**Resolution****4.44 School Unit Collaboration**

The Maine School Boards Associations directs MSMA staff to prepare and submit to the First Regular Session of the 128<sup>th</sup> Maine Legislature a package of legislative proposals to facilitate voluntary joint efforts to improve educational outcomes for students by clarifying and strengthening the statutes relating to inter-local cooperation and by eliminating unnecessary legal barriers to cooperation among the different types of Maine school units.

**Rationale**

This resolution would cause the development of a package of legislative proposals that would facilitate voluntary cooperation among Maine school administrative units by eliminating unnecessary legal barriers to such voluntary cooperation. The proposed legislative package would address unnecessary barriers to cooperation such as the following:

1. There are separate laws governing inter-local agreements, special education cooperative agreements, other cooperative agreements, and collaborative agreements. These laws have never been coordinated with each other, and it is unclear what purposes each is intended to serve;
2. Under current law, a regional entity that is created by inter-local agreement does not have authority to borrow money on a tax-exempt basis, which prevents voluntary regional groupings of Maine school administrative units from financing or constructing needed school facilities;
3. It is not clear whether or not a career and technical education region is a school administrative unit under the statutes authorizing inter-local cooperation, and there is no statute clearly allowing them to participate in such voluntary arrangements;
4. Although almost all SADs have been converted to RSUs, there are a few SADs the Department still considers SADs and that are governed by a different set of laws; and
5. There are separate laws governing SADs, CSDs, RSUs and municipal school units in numerous areas where there is no logical basis for the differences.

Addressing these barriers would facilitate cooperation. Some examples include:

- Allowing a group of school units to construct and finance joint school facilities;
- Establishing regional special education programs;
- Enabling districts to more readily clarify or modify cost-sharing agreements;
- Allowing Career and Technical Education regions to participate in inter-local agreements; and,
- Eliminating confusion about what laws apply to a SAD, RSU, AOS or municipal district.



**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, Dale Douglass. [ddouglass@msmaweb.com](mailto:ddouglass@msmaweb.com)**