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UPDATE...

January 2018

Service center push likened to forced school consolidation

Superintendents and school board members from 11 counties as well as legislators from both parties and representatives of other state organizations testified Jan. 24 in favor of a bill that would repeal cuts to system administration passed as part of the biennial budget.

The bill, L.D. 1689, An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget, would remove a \$46-per-student penalty this coming fiscal year on districts that did not put in preliminary applications to be part of a regional service center. It also would repeal a \$94 per student penalty scheduled to go into effect in 2019-2020.

“For me this bill represents an unfortunate flashback of the issues that caused me to run for the Legislature in 2007 during Governor Baldacci’s effort to consolidate schools and deal with the effects of L.D. 1, which changed the funding allocations to school administrative districts,” said former Rep. Pete Johnson of Greenville, who served on the Education Committee when he was in the Legislature and is currently on the local school board.

“These changes had a negative impact on rural schools and resulted in turmoil for many of Maine’s small school districts causing thousands of wasted hours of effort for school administration and school board members,” he said.

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School leaders oppose gun bill

A bill that would remove prohibitions in law around guns on school property had its hearing on Jan. 24, with the Maine School Boards Association and Maine School Superintendents Association opposed because it would remove what is now a bright line around schools to keep them free of firearms.

L.D. 1761, An Act Regarding the Prohibition on the Possession of a Firearm on School Property, is the second bill being considered by the 128th Legislature that would allow guns in vehicles on school grounds. The first was indefinitely postponed last year.

School Boards are urged to contact their legislators and ask them to oppose L.D. 1761 on behalf of Maine students, whose safety is in the hands of superintendents and boards when they are at school.

The bill’s sponsor, Rep. John Martin, D-Eagle Lake, conceded his proposal would have less support in urban areas than rural ones, “where it is very common to have a vehicle with a gun in it”. He said it becomes an issue during hunting season when those dropping off children would have to drive greater

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GPA by district released

State subsidy printouts for individual school districts have been released for fiscal year 2018-2019, with a number of funding and policy changes affecting the amount each district gets.

While General Purpose Aid increased substantially for the upcoming fiscal year, some districts are getting less funding – a function driven in many cases by property valuations. The state went back to a two-year average for 2018-2019 and that change, coupled with rising property values, created increased valuations as high as 6 percent.

The distribution formula uses a combination of property values and enrollment to determine who gets what share of increased subsidy. To see a chart showing valuation and enrollment by district, click here: [Changes to Valuation, Pupil Counts, and Per Pupil Valuations from FY 18 to FY 19 by SAU.](#)

Changes to the Essential Programs and Services funding model enacted in the biennial budget also affected what each district received. Those changes include:

- Recognizing 100 percent of EPS versus 97 percent, which increased total allocation by \$42 million.

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Legislative Update



System Administration Funding Bill

L.D. 1689, An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget, had its public hearing before the Education Committee on Jan. 24, and its first work session on Jan. 31. The bill would repeal a \$46-per-student penalty on districts that did not put in preliminary applications to be part of a regional service center. The penalty goes up to \$94 per student in 2019-2020, and that also is repealed under the bill. The committee's vote on the bill has not yet been scheduled. (See page 1 story.)

Guns on School Property

L.D. 1761, An Act Regarding the Prohibition on the Possession of a Firearm on School Property, had its public hearing on Jan. 24 before the Education Committee. A work session and committee vote has not yet been scheduled.

This bill would remove the bright line currently in law that does not allow guns on school property. (See page 1 story.)

It would allow a person to possess a firearm on school property in a motor vehicle as long as the person is dropping off or picking up a student and remains in the car, and the gun is not loaded and is in a locked container or locked firearms rack. A major concern of district leaders is how schools will monitor compliance of this proposal and control situations where a car and a gun are left unattended, even briefly.

Food Shaming

L.D. 1684, An Act Forbidding Food Shaming, Food Denial and the Use of Food as Discipline Involving Any Child in Maine's Public Schools had its public hearing on Jan. 17 before the Education Committee. The committee vote was on Jan. 25. No one believes a child should be shamed over unpaid lunch bills, but the bill, as written, was very prescriptive and didn't recognize that parents not paying their children's lunch bills is a more than \$375,000 problem statewide. This bill was not about free-and-reduced lunch, but rather regular pay. The committee vote was divided. The majority voted to amend the bill and require the DOE Child Nutrition Services to write a model policy and school boards to adopt a collections policy locally. The minority vote was ought not to pass. The bill will next go to the House and Senate for a vote.

Return to Work

L.D. 1509, An Act To Prohibit Retired State Employees and Teachers from Returning to Work While Collecting Retirement Benefits, had its public hearing on Jan. 23. It would not allow retired teachers and superintendents to return to work except as substitutes or independent contractors. MSBA and MSSA testified against the bill and raised the teacher shortage in this state and the fact retired superintendents serve as interims when filling superintendent vacancies. This bill was heard by the Appropriations Committee and a committee's vote has not yet been scheduled.

Proficiency-Based Diplomas

L.D. 1666, An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation will have a public hearing before the Education Committee on Feb. 7. Both legislative committee for the Maine School Boards Association and Maine School Superintendents Association are neither for nor against this bill because they don't want to stop the momentum already gained toward adopting a proficiency-based diploma. This bill would delay by one year the timeline currently in statute requiring proficiency in the Learning Results by 2025. MSBA and MSSA will ask that more flexibility be put in the rules around proficiency-based learning to make sure all students, including those with special needs, can earn a diploma. Testimony also will raise concern about the shortage of foreign language teachers.

Youth Suicide Prevention

L.D. 1694, Resolve, Directing the Department of Education To Adopt Protocols Designed To Prevent Youth Suicide, was reviewed and voted on by the Education Committee on Jan. 17. School Boards and Superintendents were neither for nor against the bill because, as written, experts in the field agreed it was unworkable. The committee worked on the bill and ultimately voted to require school boards to adopt protocols dealing with student suicide prevention and intervention. NAMI (National Alliance on Mental Illness) of Maine has protocols and can help review what School Boards propose before it is adopted locally. The bill received a divided vote from the Education Committee and will next go to the House and Senate for a vote.

School-Based Health Centers

L.D. 1710, An Act To Restore Maine's School-based Health Centers, had a hearing before the Health and Human Services Committee on Jan. 18. The bill calls for a restoration of funding for school districts that operate school-based health centers. Those centers were caught completely unaware in the third week of July that their funding had been terminated as a result of negotiations around the Fund for Health Maine and the biennial budget. This bill would restore those funds. The committee voted Feb. 1 to restore \$600,000 to the health centers using one-time funding from balances in the Fund for Healthy Maine and review funding again in the next biennial budget. The vote was 8-4.

Our View: Maine does not have a problem with ‘double dipping’

-Portland Press Herald, January 29, 2018

Lawmakers instead should focus on recruitment, not punishing older state or school district workers who opt to stick around.

By The Editorial Board

School districts and state agencies are facing real problems that result from having an aging workforce.

Hard-to-replace workers are nearing retirement age, making it likely that key positions could be left vacant during a long recruitment process. Decision-makers could be forced to commit to hiring candidates that they don't think are up to the job.

But instead of looking for a solution, the Legislature is considering a bill that would make it even worse.

L.D. 1509, sponsored by Rep. Heidi Sampson, R-Alfred, would discourage the practice of “double dipping” through which a state or school district employee officially retires but keeps working at the same job, drawing a pension and a paycheck at the same time.

The practice sounds bad, especially when you add up how much one person is collecting each month and compare it to what an ordinary employee would take home. It looks bad, too, when you consider that the “retired” employee is still at his desk.

But it's actually one of those rare win-win arrangements that benefits both the employee and the employer.

First of all, the name “double dip” indicates that someone is getting paid twice for the same work. That is false.

The employee draws the pension for which he or she would be eligible, regardless of whether they are cruising in the Bahamas or still back in the classroom. The pension system does not pay one extra nickel if the worker keeps working.

The “retired” employees do not get any fringe benefits when they go back to work. Their pay is capped at 75 percent of what they used to be making and the employer does not have to contribute to their health insurance or retirement account. The state or school district is actually paying less than it would if a benefit-eligible employee had been hired for the job.

The situation is not ideal. Rehiring a retirement-age employee is a temporary fix. It does not move younger people through the ranks, preparing them for long careers in key positions. Seeing older people hanging onto jobs may make younger workers leave the public sector because they can't see a path to advancement.

But being able to rehire a retired worker does give managers time to find the right people for the right jobs, and it doesn't strain the budget. The state is under no obligation to hire a newly retired worker to stay on the job, and those workers can be let go at any time without cause.

Sampson's bill would prevent the employee from receiving pension payments while they are working. That sounds fair, but it takes away any incentive for the employee to stick around. Instead of continuing to work for a school district or the state at a reduced rate, the same worker could take a private sector job while drawing his full pension. Who benefits from that?

Double dipping is not the problem that critics claim, and it should not be on the Legislature's agenda during the short session, which is supposed to be devoted to emergency measures. This is not a problem that needs fixing.

Service center push

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Maine Municipal Association's Kate Dufour said in her testimony L.D. 1689 replaced the stick in current law with the carrot of stable system administration funding for all districts while keeping in place the opportunity to join a regional center.

“This voluntary approach strikes a chord with municipal officials, particularly with those who were involved in the school consolidation efforts of 2007. Through that process, threats of financial penalties, which were never implemented, forced the consolidation of long established school districts. In many cases, the efforts were rushed and in some cases did nothing to create desired efficiencies,” the MMA said.

Supt. Timothy Doak, who heads both RSU 39 and RSU 86/MSAD 20 in Central Aroostook County said voluntary collaboration works.

“Local support and grass roots efforts to consolidate have been a successful model for many years in “The County” and these efforts have been a model for all of Maine. Consolidation can happen without enforcing a loss of funding,” he said.

RSU 10 Supt. Deborah Alden, based in Rumford, shared similar thoughts.

“I believe we can still ‘regionalize’ and share services and additional efficiencies through our current district staffing. We do not need to form additional service centers with executive directors, which citizens of our district have said they feel makes another layer of administration and bureaucracy,” she said.

The committee held its first work session Jan. 31 and ultimately could amend the bill. Two issues raised during discussion were school districts should be given credit for regional efforts they started on their own before Regional Service Centers were proposed, and there needs to be a mechanism to withdraw from a center. The next work session has not been scheduled yet.

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School leaders oppose gun bill

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distances to get their guns, if they could not carry them in the car.

The day before the hearing on the bill, two students were killed and 18 other people wounded in Kentucky when a 15-year-old boy brought a gun to school and opened fire.

L.D. 1761 says the gun has to be unloaded and in a locked container or rack and the person with the gun has to be dropping off or picking up a student and stay in the car. The main concern for school leaders is there is no way to tell if a gun rack is locked or a gun is loaded because they simply don't have the staff or time to check every car.

Brewer Superintendent Dr. Cheri Towle made that point by describing the drop-off scenario at the Brewer Community School.

"This school has over 1,000 students. It is the largest PreK-8 school in the state and the 8th largest school in the state. Many children get dropped off, as Brewer is only 15 square miles" she said.

"The fact that someone could drive into our student drop off circle with a gun rack and guns attached to it and those on duty not know, this is the key, not knowing if they are there to drop off a child or to cause harm, is too high a risk for me."

Lewiston Superintendent Bill Webster said his responsibility to children demands he assume a gun is loaded.

"If anyone sees a firearm on or near school property, our immediate response is lockdown. Student safety is paramount. This happened twice last year in Lewiston. This bill, if passed, will only increase the anxiety for students, staff and families, as we have no way of differentiating between the potential school shooter and the person who might meet the conditions cited in this bill. We will continue to contact the police and lockdown the school. To do otherwise would be irresponsible," he said.

South Portland Supt. Ken Kunin said he is responsible for the safety and security of 3,000 students and with the increase in school shootings around the country now is not the time to change Maine's law.

"I have discussed this issue with South Portland Chief of Police Edward Googins. We both agree that the most troubling aspect of this law is that it prioritizes convenience over safety. We both agree we must maintain the very bright line that prohibits weapons on school property, not create unnecessary exceptions," he said.

MSMA Executive Director Steven Bailey, representing the legislative committees for school boards and superintendents,

said the prohibition of guns on school property has to be maintained.

"We believe that to protect students from unintended or intended harm there has to be a bright line. No guns on school property. Period. Why? Because the bright line is our first line of defense," he said.

GPA by district released

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- Increasing the special education allocation by \$30 million. The major cost driver here is increasing the weight to 1.5 versus the current 1.27. Minimum receivers also will get 40 percent of their special education costs as minimum aid, up from 33 percent.
- Changing the way CTE is funded to a program-based model and providing 100 percent funding from the state versus a state and local shared cost. That coupled with the desire to hold harmless CTEs that would lose money under the program model has increased this category by an estimated \$23 million. Some of these changes require law changes that have yet to be approved. Legislation is anticipated. It also should be noted that the CTE allocation for CTE Centers is going directly to the Centers and not to sending schools. That will increase the Center allocation line on the ED 279, and decrease the sending school allocation. To read more about CTE click here: [Guidance for Changes to Career and Technical Education Funding](#).
- Funding new and expanded Pre-K programs upfront for the coming fiscal year to allow them to get started will cost an additional \$10 million. Changing the student-teacher ratio for early childhood from 17-1 to 15-1 will cost an additional \$8 million.

To see an overview of all the changes and a link to the ED 279s, click here: [2018/19 subsidy printouts \(ED279s\) available with detailed explanation of funding changes](#).

The overall increase in the cost of education, including the CTE changes that still have to be approved by the Legislature, will result in a mill rate of 8.5.

DOE Deputy Commissioner Suzan Beaudoin said at a press conference on Jan. 31, a provision in the biennial budget that requires increased state aid be used for property tax relief only applies if more GPA is approved this year. Funding for schools approved last year, following a government shutdown, was \$48.4 million in the current fiscal year and \$113.6 million in 2018-2019.



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

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