

# Maine School Management Association

## Bulletin

Sept. 22, 2009

### Committee prepares for consolidation repeal vote

Education Commissioner Susan Gendron told the Education Committee last week the Legislature needs to act quickly if voters repeal mandatory school consolidation on the November ballot to assure a smooth transition back to the statutes that were in place before the controversial law was passed.

The commissioner also believes that legislation should be approved even if the law is not repealed to deal with some persistent problems with the mandate – most notably the minimum district size, which has prevented smaller school districts from coming together.

While the Department of Education will be making recommendations on how the Legislature should deal with either a pass or fail scenario at the ballot box, Commissioner Gendron said she and her staff will not try to influence the vote.

“We’re not going to be out there campaigning,” she said, but rather providing information.

The commissioner was asked if she could talk about how much money has been saved as a result of consolidation, but said it was too early to be definitive about cost savings.

“If there’s no concrete information about whether there’s been savings, what are people going to be voting on?” asked Rep. Richard Wagner, D-Lewiston.

The biggest concern about repeal is what would happen to the 21 Regional School Units (RSUs) and five Alternative Organizational Structures (AOSs) that were formed under the law.

Commissioner Gendron said RSUs could be designated as School Administrative Districts (SADs), which would still exist in law if consolidation is repealed. RSUs were, in fact, modeled after SADs, so the transition would be a relatively smooth one.

SAD law also has a mechanism for members to withdraw if the arrangement isn’t working – an escape clause that does not exist for RSUs.

Legislation would be needed to turn RSUs into SADs, and the commissioner recommended the Legislature also consider passing a law that allows for a bridge period during which that transformation could take place. She recommended a bridge of 18 months to two years.

As for AOSs, Commissioner Gendron said they were created through inter-local agreements that arguably would still be in place even if consolidation is repealed.

While some have questioned whether the \$36 million cut in General Purpose Aid last fiscal year that was tied to the consolidation law would be a problem if the law was repealed, Commissioner Gendron said there would be a straightforward way to keep the cut on the books – a necessary move to keep the budget in balance. It would require adding some language to a supplemental budget that would uphold the reduction, which would then have to be approved by the full Legislature.

“The \$36 million is the least of the issues,” the commissioner said.

Repeal of the consolidation law is on the Nov. 3 ballot as a result of a successful citizen’s petition drive that collected 58,193 signatures. Momentum for the petition drive was fueled by opposition to the law, particularly in rural Maine, which largely rejected the mandate.

While the original goal of school consolidation was to cut the 290 districts in the state to 80, there are 218 districts left today. Those include:

- 21 RSUs and 5 AOSs
- 123 existing districts where consolidation plans failed at the ballot box and 4 where no votes were ever taken
- 12 districts that were given a special dispensation this year by the Legislature because of their geographic isolation and 8 islands and the 3 Maine Indian Education schools that were exempt as part of the original legislation
- 42 districts that were not required to merge with anyone either because of their size or other circumstances

(See the attachment to this email listing the status of all school districts.)

Commissioner Gendron said if repeal is not successful, she still would recommend the law be changed to allow for smaller sized districts. The current law says 2,500 students or more is optimum, but districts can be as small as 1,000. If a proposed merged district falls below that number, the commissioner said she has no authority to approve it under the current law.

“I’ve actually had a request for two smaller units to come together, but I can’t do that,” she said.

Commissioner Gendron said she also has been asked to change the budget validation process that was passed as part of the consolidation law, and to make it simpler for RSUs to close schools.

Rep. Peter Johnson, R-Greenville, said he would like to eliminate the penalties hanging over the heads of those districts that did not consolidate as required.

“Eliminate the penalties and replace them with an incentive system,” he said, adding if that had been the case from the start, the state could have been “a lot farther down the road.”

*Please forward this email to your school board members.*

**Contact:** Dale Douglass, executive director [douglass@msmaweb.com](mailto:douglass@msmaweb.com)

Victoria Wallack, communications director [vwallack@msmaweb.com](mailto:vwallack@msmaweb.com)

Telephone: 207-622-3473 or 1-800-660-8484