

December 14, 2007

Gail Marshall
PO Box 578
Mount Desert, ME 04660

Dear Ms. Marshall:

I am writing to inform you that the Reorganization Plan you submitted in accordance with the December 1, 2007 deadline does not meet the requirements set forth in the reorganization law as it fails to vest the proposed Regional School Unit Board with the powers and duties given to it by law, and instead retains the current administrative structure of several K-8 administrative systems with a shared secondary school.

Many of your responses to the required elements of the plan cite to the chart that is included at #4 of the plan text, which outlines in chart form the proposed assignment of responsibilities to the RSU Board of Directors and to seven local school committees. A preliminary review raises significant concerns regarding the ability of the proposed RSU Board to function effectively as the unit of school administration legally responsible for providing public education to all of the students of the region. Several specific examples are listed below, but the following is not an all inclusive list of the areas in which the proposal fails to respect the legal authority of the RSU and its Board:

1. the apparent assignment to each local school committee to oversee their respective K-8 schools with the authority of RSU Board of Directors limited to the oversight of the high school and the RSU's central office, where 20-A MRSA Section 1463 vests the RSU Board with responsibility for the management and control of the public schools and programs within the school administrative units in operation prior to the creation of the region, and Section 1476 vests the RSU Board with authorizing and overseeing the operation of schools within the regional school unit;
2. the apparent assignment to each local school committee of the authority to develop and approve budgets for each K-8 program and to conduct the validation of their individual budgets by referendum and then forward the results to the RSU Board, which is left with only the secondary school budget and the budget for the central office, where the authority to develop, approve

and validate the RSU budget is specifically given to the RSU Board and the voters of the region under 20-A MRSA Sections 1482 and 1486;

3. the apparent assignment to each local school committee of the authority to assess their municipalities for the K-8 portions of the budget related to their schools, where the authority to assess is specifically given to the RSU Board under 20-A MRSA Section 1489;
4. the apparent assignment to the local school committees of the authority to authorize and administer renovation and construction projects at their respective K-8 schools, where such authorization is specifically given to RSU boards under 20-A MRSA Sections 1490 and 15902;
5. the apparent assignment to the local school committees of the authority to approve and administer future voter-approved K-8 debt, where such authority is specifically given to RSU boards under 20-A MRSA Sections 1490 and 1506;
6. the apparent assignment to the local school committees of the authority to make binding K-8 employment recommendations to the RSU Board, which is not consistent with the authority given to RSU boards under 20-A MRSA Section 13302, and to determine staff assignments, determine staffing guidelines and supervise staff within each K-8 system – all of which are the purview of the RSU Board as the statutorily-authorized employer;
7. the apparent assignment to the local school committee to “control” their respective K-8 schools, have responsibility for their respective K-8 extracurricular programs, establish their respective grade structures, determine programming decisions, oversee their respective school lunch programs, make changes to the RSU calendar, and conduct student expulsion hearings, where such activities are the responsibility of the RSU and its Board as the unit with the legal obligation to provide kindergarten to grade 12 education pursuant to Sections 1451, 1452, and 1476.

While the reorganization law, under 20-A MRSA Section 1478, does permit an RSU board to create local school committees and to specify their powers and duties, it was not the intent of the law to allow local school committees to usurp the authority of the RSU boards themselves and to, in effect, continue a “school union” arrangement with a shared secondary school such as the one that is described here. Moreover, as detailed above, this proposed division of responsibilities effectively nullifies the overarching statutory requirement that the Regional School Unit be the responsible for the provision of a K-12 education for the students of the region

Finally, this plan also indicates that “cost savings from this plan are not projected,” despite the requirement under P.L. 2007, chapter 240, Part XXXX-36(5)(L) that:

“Each regional school unit’s plan must provide an estimate of the cost savings to be achieved through formation of a regional school unit and how costs will be reduced.

I will report your school administrative unit as not in compliance with the reorganization law when I report to the legislature on the implementation of the reorganization law in January, 2008, as I am required to do under P.L. 2007, chapter 240, Part XXXX-47.

Sincerely,



Susan A. Gendron
Commissioner of Education

cc: Robert Liebow, Superintendent, Union 98
Brian Hubbell, Vice-chair RPC