



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

JOHN ELIAS BALDACCI

GOVERNOR

SUSAN A. GENDRON

COMMISSIONER

August 29, 2008

Michael Gallagher, Superintendent
MSAD #53
293 Hartland Avenue
Pittsfield, ME 04967

Dear Superintendent Gallagher:

I have reviewed your letter regarding the question of whether MSAD #53 should be allowed to proceed without penalties because the citizens of its member communities voted in favor of the reorganization plan put to them at referendum on June 10, 2008.

As I indicated previously, PL 2007, Ch. 240, Pt. XXXX contains no provisions that allow MSAD #53 to be found in compliance. According to Sec. 36(6)(A)(7) a "doughnut hole" must have at least 1,200 students. And even if MSAD #53 were to meet the definition of an "isolated, rural" district in Sec. 36 (6)(A-1), that provision requires at least two SAUs to reorganize. In addition, Sec. 1461(3)(B)(2) requires each RSU to contain programming for all students in grades K-12, but MSAD #53 does not have a high school.

It was never envisioned by the Legislature or our Department that after one try an SAU should be "let off the hook" from the requirement to find suitable partners. Nor do I think that would be an appropriate position to take. The need for long-term sustainability of educational programming remains, and the goals of the reorganization law are to provide that sustainability by finding efficiencies and savings.

I am sympathetic to MSAD #53's situation. The citizens worked in good faith and approved the proposed merger. However, the work is not over. If, after continued efforts, MSAD #53 is without a partner, I will report that to the Legislature in January as part of my report about reorganization progress. There are several unique situations that have arisen around the state, all of which will be part of my report for the Legislature to consider.

It is, in my opinion, too early for MSAD #53 to give up on reorganization efforts. I strongly encourage MSAD #53 to pursue possible mergers with surrounding units.

These could include MSAD #38 and MSAD #48, which has previously expressed interest, as well as the configuration in the works that includes MSAD #74, MSAD #13, possibly MSAD #59, and other surrounding communities.

At this time, I do not have the authority to reconsider my position, as it is guided by the law as it is written.

Sincerely,

A handwritten signature in cursive script that reads "Susan A. Gendron". The signature is written in black ink and is positioned above the printed name and title.

Susan A. Gendron
Commissioner of Education

cc: Bob Downs, MSAD 53 Board Chair