



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

JOHN ELIAS BALDACCI
GOVERNOR

SUSAN A. GENDRON
COMMISSIONER

May 1, 2008

Robert English
396 Leeds Junction Road
Wales, ME 04280

Dear Mr. English:

Thank you for the letter of response dated April 23, 2008 that you submitted on behalf of Litchfield School Department, Sabattus School Department, Wales School Department and Oak Hill CSD #15 for Department consideration for compliance with the school reorganization law, P.L. 2007, chapter 240, Part XXXX.

I recognize how much time, effort and thoughtful work is required to complete a reorganization plan. The plans must be as clear and precise as possible, to avoid confusion in the future. Members of my staff and I have reviewed the letter in comparison to my request for revisions from April 11, 2008 and offer the following comments and notes to assist you in accurately completing the plan. If you make any substantive change(s) to any part of the plan beyond those listed below, please be sure to note those on the Updated Reorganization Plan Cover Sheet Checklist, along with notation of those items that have changed per the notes contained in this response.

General Documentation (Submittal Sheet)

- All information submitted as required.

Checklist/Plan Text Items

Items Checked "Complete"

With respect to the items you checked as "complete", please note the following:

** Required Elements*

Section 2 (your Item 1). The information provided on the apportionment plan on page 4 does not indicate that the plan passes the compliance test pursuant to 20-A MRSA Section 1472 (that the percentage deviation of voting power for each municipality does not exceed the maximum allowable voting power of 13.1%) as provided in the attached sample. Also, the language in the plan does not

specifically indicate that you are using method B in accordance with 20-A MRSA Section 1472, sub-section 2 – although the calculations appear to be Method B.

Section 6 (your Item 2). A list of the bonds, notes and lease purchase agreements that the regional unit will not assume (as indicated in section 6.B) was not included. A list of this debt must be provided with the plan. A copy of the approved plan with this information will be kept on file at the Department of Education for future reference should any questions arise regarding the responsibility of this debt.

Section 7 (your Item 3). Please remove the reference to an attached Exhibit 7B from your plan if you do not currently have any employees to list in this category.

Section 12 (your Item 4). Section 12 of the plan does not provide sufficient financial information on the estimate of cost savings. The following information should be included for the first three years of operation for the RSU:

- Estimated savings: indicate estimated dollar amount
- Estimated additional costs: indicate estimated dollar amount
- Net savings (or costs): indicate estimated dollar amount

Section 13-B (your Item 5). At the time we responded to this plan (4/11/08), the existing law did not allow for this cost-sharing formula; with the recent enactment of PL 2007 Chapter 668 as of 4/18/08, this is no longer an issue. (This is what staff here would have explained if they had been contacted for clarification, as was invited in the last letter.)

Section 13-C. Your Item 6. The plan should clearly indicate initial staggered terms such as those in the attached examples. Please complete this section in accordance with P.L. 2007, chapter 240, Part XXXX, section 40 regarding initial staggered terms for the regional school unit board of directors.

We will review all items on the checklist again, upon your completion of the plan.

SUBMISSION OF REVISIONS:

Please provide the additional materials to complete your plan by June 13, 2008. Please include:

- Any additional data required
- An updated Submittal Page with Signatures
- An updated Cover Sheet Checklist
- A copy of this Response from the Commissioner.

I will respond no more than 14 days after the revisions/additional materials are refiled with the Department. As you are the contact person identified on the Submittal

Sheet, this response is addressed to you but with the understanding that you will share it with your school administrative unit board members, RPC members and others involved with this Reorganization Plan.

Finally, what I am reviewing for approval is a plan (or a submission, if the plan is incomplete) which is by its very nature prospective, with steps yet to be taken or finalized; and any review comments or approval given are in relation to the elements required under P.L 2007, chapter 240, Part XXXX but not the legality of all the activities proposed. Thus, I strongly recommend that you have your own legal advisor(s) review the details of any particular transaction proposed in your plan (particularly with respect to the disposition of property, to debt, and to employee contracts/relations) as you proceed, to ensure the legality of the steps you'll be taking to implement the plan. If that review leads to any substantive changes in any parts of your plan, please be sure to submit an amended plan to the Department for our review and our file.

Again, my sincere thanks for your efforts and cooperation as you make the necessary revisions to your reorganization plan.

Sincerely,

A handwritten signature in black ink that reads "Susan A. Gendron". The signature is written in a cursive style with a large initial 'S'.

Susan A. Gendron
Commissioner of Education

Enc.

cc: Susan Hodgdon, Superintendent, Oak Hill CSD/Union 44
Bill Cumming, Facilitator

**Proposed RSU board apportionment plan is in compliance with 20-A MRSA Section 1472
Litchfield, Sabattus and Wales**

METHOD "B" WEIGHTED VOTING - that is in compliance

MUNICIPALITY	2006 Federal Estimated CENSUS	% POP	TOTAL VOTES (995 to 1005)	# DIR	VOTES PER DIRECTOR	% DEVIATION OF VOTING POWER
Litchfield	3,419	35.8%	358	3	119	11.9%
Sabattus	4,675	49.0%	490	4	122	12.2%
Wales	1,455	15.2%	152	2	76	7.6%
TOTALS	9549	100.0%	1000	9		

$1000 / 9 = \frac{111.11}{1000} = 11.11\%$	Average
PLUS 2.0%	13.1%
	= MAXIMUM VOTING POWER OF ANY ONE DIRECTOR

This is in compliance **12.2%** does not exceed the maximum allowable voting power of 13.1%.

Examples of Initial Staggered Terms:

Example #1:

Initial terms of members from each town will be determined after the elections by having the person with the most votes take the longest available term. Towns having three members will have a 1-year, 2-year, and 3-year terms. In the remaining towns having two members per town, two towns will have a 2-year and 3-year, one will have a 2-year and 3-year, and one will have a 1-year and 2-year as follows: Towns A and B (1-year and 3-year), Town C (2-year and 3-year), Town D (1-year and 2-year).

Example #2 (incorporated in RSU Board apportionment table):

Municipality	Est. Federal Census per Municipality	Number of Board Members	Votes per Member	Initial Term in Years
Town A	2500	1	1250	2
		1	1250	1
Town B	3000	1	1000	3
		1	1000	2
		1	1000	1
Town C	2000	1	1000	2
		1	1000	1
Town D	1250	1	1250	3
Totals	8750	7	8750	

Example #3:

The RSU Board shall be comprised of 12 members:

- 3 Town A residents,
- 2 Town B residents,
- 3 Town C residents,
- 2 Town D residents and
- 2 Town E residents.

Example #3 continued:

Each board member shall serve a 3-year term, except that the initial terms of the members of the first RSU Board shall be staggered as provided by PL 2007 Chapter 240 Part XXXX-40 below:

INITIAL STAGGED BOARD OF DIRECTOR TERMS

Town	No. of Directors	June 2009	June 2010	June 2011	June 2012	June 2013	June 2014	June 2015	June 2016
Town A	3	1	3			3			3
		2		3			3		
		3			3			3	
Town B	2	3			3			3	
		1	3			3			3
Town C	3	1	3			3			3
		2		3			3		
		3			3			3	
Town D	2	1	3			3			3
		2		3			3		
Town E	2	2		3			3		
		3			3			3	

Note #1: The initial terms will last 1-1/2 years, 2-1/2 years, and 3-1/2 years since the members of the RSU Board of Directors will begin their work in January 2009 after a November 2008 election. The six month period between January 2009 and July 2009 will be a transition period where existing School Committees/Boards of Directors will be completing their duties and the RSU Board will be beginning their responsibilities.

Note #2: The only time there will be candidates running for 1-1/2, 2-1/2, and 3-1/2 year terms will be during the initial twelve member election. Thereafter, all terms will be for a three-year duration. No one election year will see more than four of the twelve seats open nor will any municipality have more than one contested seat.