

# MeASBO

The official publication of the Maine Association of School Business Officials  
Summer 2012



**Change Agent:**  
Commissioner Bowen Not Standing Pat  
Budget, Classroom Front-stage

**Health Insurance:**  
New Law Held Hostage

**Tri-State ASBO:**  
20th Conference a Hit



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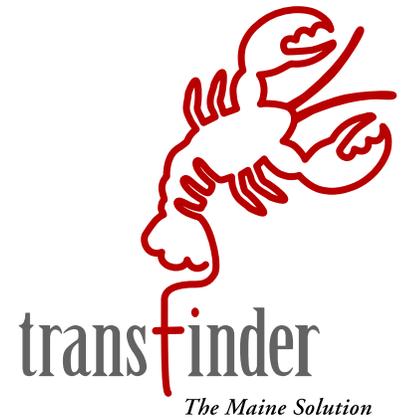
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# 2012-13 MeASBO leadership



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Dean Flanagin

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## President's Message

# Building Bridges a Crucial Mission

Greetings! As I write this message we have just wrapped up an amazing 20th anniversary Tri-State ASBO conference in Portland. Thank you to all of the Tri-State Committee members for a wonderful conference. Great work!

Also my budget has just passed District Meeting and we await our referendum. next week. Last year we did not pass referendum until November. I am aware now know of a few fellow districts who have not had success at the polls, and as you are reading this I hope we all have successfully passed our budgets.

I believe that it is more important than ever for us to be building bridges where ever the opportunity presents itself. The issue of clear communication and understanding with our communities is becoming ever more critical, especially around issues affecting our children and our finances. It is always going to be a good thing to have more people understand what our schools are truly doing for our kids and how their tax dollars are being spent to do it. I encourage you all to see yourselves as community educators as you inter-



Kathy Warren

act with your community and to always being increasing understanding of how our schools are serving kids and responsibly handling the taxpayers money.

The American education system is changing as never before and Maine is a leader in many areas. It is a personal goal of mine for us to be transformational leaders in school finance and operations. Many of you already are transforming your schools and we have much to learn from one another. It is unlikely that there will be additional tax dollars available for educa-

tional funding any time soon and we need to meet that challenge with creativity, innovation and care for our students, our employees and our communities. It is a challenge.

I know we are up for and I look forward to working with the Executive Committee this summer to develop program topics for next year that will help you excel in all you do.

Thank you again for your dedication to your schools and communities. You are making a difference every day. I am so proud of all that you do. •••



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## MeASBO's and Lewiston's Flanagin taking his talents to the classroom

Longtime Lewiston School Department Business Manager Dean Flanagin is leaving school finance and taking his wide-ranging knowledge to the classroom.

MeASBO's 2<sup>nd</sup> vice president is already enrolled in the University of Southern Maine's Extensive Teacher Education Program (ETEP), a fast-track initiative that should have Flanagin teaching math courses in one year.

Elaine Runyan has assumed the new role of controller in the Lewiston School Department's realigned central office, while Stacie Lowe-Field is succeeding Flanagin in his 2<sup>nd</sup> vice president post for MeASBO.

"This is something I've been thinking about the last three years," Flanagin said.

His intent is to earn certification to teach business courses, primarily in high school. This next year he will be taking courses, plus student teaching.

"In a typical day I might take a class at USM in the morning, then teach somewhere in the afternoon," he said.

Flanagin served as business manager at SAD #75 in Topsham for seven years before joining Lewiston in 1997. He holds a degree in accounting from USM.

Since he lives with his family in Raymond, the commute to Gorham "will be a cinch," he said.

The reorganized Lewiston School Department created a new grant accountant, while Runyan will have "a bigger view" of the operations. Runyan joined the staff on Jan. 24 and has already joined MeASBO.

Lowe-Field, formerly at the Jay School Department, now



Dean Flanagin

serves as business manager for the new RSU #72 in Livermore Falls, its high school known as Spruce Mountain. She previously served as MeASBO's 2<sup>nd</sup> vice president.

Elsewhere:

- Sharon LaFlamme has left RSU #23 (Dayton, OOB and Saco) for a position as business manager for the town of Gorham, with Dennis Carrigan replacing her on an interim basis.

- Bobbi Avery is the new business manager at RSU #18 in Oakland.

- Dr. Mark Eastman, a school consultant who retired after 15 years as superintendent for the Oxford Hills School District, is the interim business manager at RSU #21 in Kennebunk. "I'm just keeping the seat warm for my replacement," he said.

Elsewhere, business duties are being handled by:

- Kati Hunt at AOS #93 in the central Lincoln County towns of Bremen, Bristol, Damariscotta, Jefferson, New-castle, Nobleboro and South Bristol.

- Kathleen Pearce at AOS #98, the Rocky Channels School District which includes Boothbay, Boothbay Harbor, Edgecomb and Southport.

- Scott Wyman at SAD #40, which includes Friendship, Union, Waldoboro, Warren and Washington.

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## Bargaining during Troubled Times:

# Of Contract Negotiations and Leverage

By Mark Leslie

**P**ORTLAND — Money, language and leverage. The world of negotiations revolves around them all — especially in the current struggling economy where money is tight and, sometimes, emotions are tighter still.

In this setting, two experienced public-sector negotiators, Roger P. Kelley and Matthew H. Upton of Portland law firm Drummond Woodsum, shared some take-home tips to school business officials at the Tri-State ASBO Conference here, May 16.

No matter what state they worked in, Upton said, “The constant theme of your contract negotiations really needs to be ‘We’re going to be more intelligent consumers of taxpayer dollars.’”

“The more you can convey that theme, the more support you’re going to get from everyone.”

“We’re at a point in the economy,” Upton said, “where you’re going to get concessions.”

Toss into the fray some of the political acrimony evident in recent years and bargaining can get volatile.

“School board members who were mad got elected. Those who were mad as hell did better,” Upton said. “There are a lot of people on these boards who got the idea that we’re not going to give anything to the teachers.”

Speaking of teachers, he added: “Talk about a group that has gone from grace to falling out of grace. That’s what’s occurring on our checkered path.”

Having negotiated scores of con-



Photo courtesy of Mark Bouvier, Tri-State Planning Committee

Matthew Upton shares negotiating tips.

**“ School board members who were mad got elected. Those who were mad as hell did better.”  
— Matthew Upton**

tracts across Maine, New Hampshire and Vermont, the two men offered a number of core bargaining tips, including:

- Find out what the community will support and reason back from that point.
- Be frank and acknowledge what issues the two sides need to deal with.
- “What we have to practice is the skill of persuasion,” Kelley said. “Raise doubt in the other side’s mind. If they’re really

firm in their position, then they have to raise doubt in my mind. Because that’s really what you’re going to do at the bargaining table. Raising doubt is not whether they like you, it’s whether you maintain your credibility in the bargaining process.”

- “Half of bargaining is about relationship,” Kelley said.
- “Never assume what you

**“Your strategy is to try to get them off language and onto money as early as you can and still keep your language proposals alive.”**  
**— Roger Kelley**

assume,” he said. “It gets us every time.”

- “When talking finances,” Upton said, “the best way to make a point is visually. Show spreadsheets on Smart Board.”

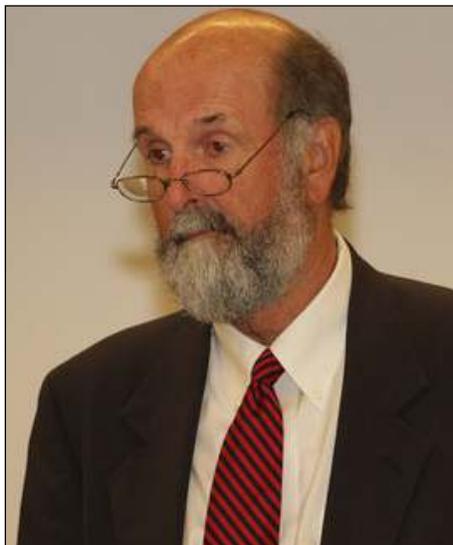
- “If they [unions] won’t give anything, ask, ‘Where’s the money coming from?’” Kelley said.

- “As you bargain, keep a running flow sheet” of the negotiations, he added.

#### **Total-comp Model**

Salaries, health insurance and retirement are the unions’ driving concerns, and Upton presented a procedure he has adopted that works well at the bargaining table: the total-comp model.

“I look at what is their salary now, what the salary will be under the union proposal, what their salary will



*Roger Kelley*

be under the school board proposal, what health insurance is going to cost under the two proposals, what FICA will cost, retirement, everything right down to the last nickel,” he explained. “I put out those spread sheets and we can plug in numbers. Say they want a 1-percent raise, we plug it in and spit it out.”

When a union asks for a 2-percent raise, the spread sheet shows that when all factors are taken into account the 2-percent truly means 7.3 percent.

“That changes the conversation,” Upton said. “When retirement and health insurance aren’t part of the conversation, you’re losing.”

*Photo courtesy of Mark Bouvier, Tri-State ASBO*

#### **Bargaining Strategy**

Teachers unions have a particular strategy when they bargain, Kelley said. “That is, to try to get you to agree to all the language up front because language is free. So they will constantly push you to agree to language, and they will set finances off the table while they’re still in that mode.”

For instance, he said, if the school board wants to end seniority-based salaries, the union “will continue to hound on their language proposals and try to get you to withdraw that.

“Your strategy is to try to get them off language and onto money as early as you can and still keep your language proposals alive.”

Once the two sides agree on money, Kelley said, “now you’ve got leverage. Then you use that leverage to get your language. But until you get an agreement on money they will continue to try to work with you on language and to retract something that they don’t want.

“You won’t get something for nothing. You have to have leverage.”

To get language off the table, he suggested saying things like “We’re not making any progress here. Why don’t we talk about salary?”

“Try to work yourself to a deal, then return at the end and say, ‘If I’ve got to give you this kind of money, I’ve got to get my language in the agreement.’”

Two questions remain at the end, Kelley said. “If I agree to this language, what’s the intent? Second, you [union] walk me through it, and if you can’t do that and reach the same conclusions, I won’t agree to the language.”

Upton mentioned Maine’s recent legislation stating that in a couple of years salary increase is going to be based on student achievement.

“There will be some interesting bargaining,” he said, later adding, “It’s amazing how often the teachers with seniority will eat their young.” •••



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# DOE's Deputy Ass't Secretary School Leadership Crucial to fix NCLB

By Mark Leslie

PORTLAND — Saying that the U.S. Department of Education (DOE) has been a compliance-driven bureau “for too long,” a high official told Tri-State ASBO Conference attendees that mindset is being put aside.

“We want to give states the flexibility [to do what they need to do], the things that are right for you,” said Masse Ritsch, the DOE’s deputy assistant secretary for external affairs and outreach.

“This is not a competition. Everyone can win this,” Ritsch said, pointing to the

DOE’s intention to give states flexibility in how they use their money.

“Instead of spending money on safety, you might need it more for professional development,” he said. “Everyone has the right intentions with strong schools, but they need flexibility [to do accomplish that goal].”

Ritsch said DOE and Congress need to do serious work revising the Elementary and Secondary Education Act,



*Massie Ritsch, the Department of Education's Deputy Assistant Secretary of External Affairs and Outreach, addresses Tri-State ASBO Conference attendees. Behind him is Maine Education Commissioner Stephen Bowen.*

Photo courtesy of Mark Bouvier, Tri-State ASBO

Ritsch declared there is “a new normal: people are being creative; they’re being collaborative.”

We have a long way to go but we’re seeing progress — fewer dropouts, a rising graduation rate,” he said.

In the end, he said, the DOE wants school districts to “customize and personalize what they offer to kids.”

Asked about unfunded mandates, Ritsch said, “If Congress would fully fund laws at the local level, they could drive a tax cut,” then answered, “Yes, Washington is notorious for telling you, you must do this and that. We have to be realistic.

You can call it an unfunded mandate, but it’s also the right thing to do.” •••

“We’re all playing our part but none as big as teachers and school leaders.”  
— Massie Ritsch

better known as No Child Left Behind (NCLB).

“Congress works when they feel people desperately need it,” he said.

Federal DOE officials “sampled the diverse spectrum of schools in the country,” Ritsch said, before drafting a Blueprint for Reform of NCLB.

He said the focus is on both low- and high-performing schools.

“We want to reward schools that are doing well,” Ritsch said, while turning around lowest-performing schools — of which there are 1,300 across the country, many in rural areas.

“The goal is to serve all children, to measure each child’s progress... We’re all playing our part but none as big as teachers and school leaders,” he said.



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## State, MEA Stuck in Court

### After losing in Federal District Court, teachers union appeals legislation to 1st Circuit Court

By Mark Leslie

The Maine Education Association Benefits Trust (MEABT) is not taking “No” for an answer in its attempt to quell new legislation forcing it and Anthem to divulge data that could open the health-insurance marketplace to competition.

Having lost a motion in Federal District Court in Portland to stop implementation of the Maine state Legislature’s L.D. 1326, the MEABT has appealed the decision on the injunction to the 1st Circuit Court in Boston.

L.D. 1326, “An Act To Allow School Administrative Units To Seek Less Expensive Health Insurance Alternatives,” would allow school districts to obtain the claims information they need from the MEABT and Anthem in order to solicit competitive bids for health insurance.

Anthem insures nearly 100 percent of Maine’s school employees and the MEABT serves as the administrator, being paid nearly \$1 million a year by Anthem in administrative fees.

School business officials around the state project possible savings into the hundreds of thousands of dollars in each district.

Maintaining that Maine’s school districts could not obtain better coverage, MEABT is pulling all stops to keep its claim information private. Without that loss-ratio data, insurance companies are wary to propose health insurance plans to the districts.

Attorney Melissa Hewey with Drummond Woodsum in Portland, who represents Maine Superintendent of Insurance Eric Cioppa in the suit, said, “There is a limited injunction pending appeal that is in place now that says the state can’t enforce the law before June 21.”

That implies that court decisions would be made by June 21, but attorneys on both sides will make no such prediction.

The appeal, Hewey said, is before the 1st Circuit Court, while the suit remains before Federal District Court, which only turned down the injunction, not the suit.

The Maine School Boards Association (MSBA), the Bangor and Augusta school departments, SAD #60 in North Berwick and RSU #23 in Old Orchard Beach are all interveners on Cioppa’s behalf. Several other districts have also voiced support. And many, like SAD #49 in Fairfield, anxiously await resolution to the case.

Finance Director Sue Lambert said SAD #49 asked for five years of data from Anthem, but received only one. Then Anthem, calling the information “proprietary,” asked for it to be returned or destroyed.

A spokesman for one insurance company said MEABT and Anthem “are blocking every single attempt in a manner

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that is just egregious.”

“The reality is,” he said, “that because Anthem released only one year’s worth of loss-ratio information, competitors really were not interested in quoting... But the Bureau got hold of the submission requirements that Anthem itself requires at least two years of loss information.”

“It’s a cash cow for the union, so they’re looking at it from that perspective,” said Maine Commissioner of Education Stephen Bowen. “If I were the union and I legitimately thought my plan was the best you could get, I’d show my data and say, ‘We’re absolutely certain you will not get a better insurance product at this cost. And if you don’t believe us, here’s all the data. Go shop, come back and tell us what you’ve got.’”

“The fact that they’re not doing that tells you all you need to know.”

#### **No Better Choice?**

Christopher Taintor of the Portland law firm Norman, Hanson & DeTroy, who is representing MEABT in the case, insisted to *MeASBO Magazine* earlier that “it is extraordinarily unlikely that anyone will actually, as opposed to hypothetically, benefit from the enforcement of LD 1326. It will effectively destroy the Trust as it currently exists.”

Indeed, Superintendent Andrew Dolloff of RSU #21 in Kennebunk said the relationship between MEABT and Anthem is “a symbiotic one that benefits them financially.”

People in symbiotic relationships that benefit them financially, often do all in their power to make sure that relationship doesn’t end, he said.

That could explain why the MEA advised members of the bargaining units for teachers, ed techs and custodians at RSU #21 not to participate in a new 12-person task force created to investigate health-insurance options.

RSU #21 engaged Clark Insurance to share information about the possibilities and opportunities of the marketplace — Health Savings Accounts (HSA), Health Reim-

“They’ve realized that it might be in their best interests to sit at the table and learn about the options that might be available in the insurance world’

— Andrew Dolloff  
RSU #21 Superintendent

bursement Arrangements (HRA), “the whole range of things our employees have perhaps not been exposed to,” said interim Business Director Dr. Mark Eastman. “As this market opens up a bit, it’s an oppor-

tunity to let them see what might be available.

“Our goal [with the task force] was to educate, to make it a learning experience for our employees



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because they've been on a single track for awhile. We don't think we can have good conversations [about health insurance] until we have a common knowledge base."

As the task force prepared to meet, the three unions finally opted to participate. "They've realized that it might be in their best interests to sit at

**It's a cash cow for the union and so they're looking at it from that perspective.**  
— Stephen Bowen

the table and learn about the options that might be available in the insurance world," said Dolloff.

At its first meeting recently, the task force heard from David Hamilton of Clark Associates, and Dolloff said, "I think everyone, including members of those bargaining units, was extremely interested to hear about things such as Health Savings Accounts and Health Reimbursement Arrangements not currently available to them through the Anthem plans.

They only have Choice Plus or Standard, which are two standard group insurance plans."

"There are two issues," said Eastman, who spent 26 years as a superintendent, including 15 at 3,600-student Oxford Hills School District. "Savings is one. Opportunities for employees is the other — enhancing coverages and opportunities for managing their money that goes towards health."

Eastman has experience with other insurers than Anthem.

While at Oxford Hills, "when there were more players in the marketplace," he said, "we insured with New York Life. We saw considerable savings over the MEA Benefits Trust. The first couple years we were pretty happy, but then catastrophic diseases came into play. When the actuaries re-rated, we went into sticker shock.

"And eventually New York Life found it could not insure us at the rates we were willing to pay. So we went back with one of the larger carriers."

Today, Eastman said, RSU #21 has been told savings would be in the 5-percent range, "which is significant for us, probably \$150,000 to \$200,000. And that is a conservative estimate."

Speaking of MEABT's intransigence about revealing claim data, Eastman said, "Are they giving their members the best rate they can when they've accumulated a significant war chest in reserve of around \$90 million? Are they taking that money out of their members' pockets as well as the districts' pockets? Those are issues that come to mind when you say you're putting a million dollars back into your organization and you still have enough money to build a \$90-million war chest.

"It certainly begs questions in my mind. And are we as school districts paying a significant amount of the costs of running that operation — which is problematic."

Asked if he had hopes the issue would be resolved soon, Eastman replied, "Yes. I think this injunction will be heard and my sense is that ultimately, after they hear it, it will allow us to gain some experience.

"Though ultimately it might not do what everybody hoped for, the whole legislative initiative may, in fact, enhance competition in the marketplace even among the different options MEA has, which would be a good thing.

"Anything that provides more options for consumers at lesser cost would be welcomed by everybody, certainly by RSU #21."

Commissioner Bowen said, "I think part of the reason the MEA is fighting this battle is because they know that administrators, if they have options, will go to teachers with those options and say, 'Teachers, here's how it is. We can spend \$17,000 a year for your family plan, or we can spend \$14,500. And if we spend \$14,500 here's a list of the things we can do with the remainder.'

"And the MEA's concern is they will start to pick off groups of teachers here, there and everywhere, and the monopoly the MEA Benefits Trust enjoys now, will collapse."

In the end, Bowen said, "We should have a lot of people to buy heating oil from, a lot of people to buy paper from, and we should have a lot of people to buy health insurance from." \*\*\*



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## Member Profile

# Scarborough's Kate Bolton has taken the long road 'home' to school business

By Mark Leslie

What attracts Kate Bolton to finance prompts a trivia question. Namely, what do mystery novels and spreadsheets have in common?

Bolton, a mystery buff who once even took a crack at writing a mystery novel, has the best answer: "I really do like to sit here with a spreadsheet and have everything tie up and come to zero." In the same way, she said, "I like mysteries that tie things all together in the end."

Here's one mystery: How did a Princeton University graduate with a degree in Romance Languages and Literatures become a school business official in the Scarborough School Department?

Telling the story of her unconventional, circuitous career track, Bolton said, "I'm hoping to be an inspiration to everyone who doesn't earn an accounting degree and go straight to this job — because you can get here in the end. It doesn't matter where you start from, you can always end up being a good school business manager."

Indeed, when Scarborough's then-Business Manager Herb Hopkins hired Bolton as payroll clerk in 1997, she had accumulated "a grab bag of interesting skills," just not in finance.

"Kate had some experiences working in that field, but not much, but she was very level-headed, very mature," said Hopkins, now director of business services for the Yarmouth School Department. "You could tell Kate is a bright person and even if she didn't know something she would learn it very quickly. That proved true.

"The main thing with her was even though she didn't have a degree in finance or accounting, she possessed smarts and maturity and I felt she had the willingness to learn anything you threw at her. And that's what she did.

Whenever I asked something of her, I had it within a short period of time."

Hopkins, who recommended that Bolton replace him when he left in 2008, added, "I had a lot of confidence in Kate and she never let me down."

"Kate is my partner in both analyzing and creatively thinking through some of the challenges we have in trying to stretch the dollars as far as we can ... and get better results with less resources," said Dr. George Entwistle III, who took over as Scarborough's superintendent of schools in July 2011. "I'm highly dependent on her."

With federal jobs-bill funds ending this spring, Entwistle said a major challenge is "in terms of helping the community understand those dynamics of supplemental money going



*Kate Bolton and her walking mate, Rosie, relax at home.*

away, and being able to create a compelling enough story to have the community committed to its schools, recognizing that education continues to be an expensive proposition and it doesn't get cheaper; it gets more expensive.

"Kate is a creative thinker in that process, but she is also the one we depend on in terms of helping us both with the analysis and, quite frankly, the messaging."

Bolton returns the compliments to both Entwistle and Hopkins. "I'm impressed with our new superintendent. He's intelligent and capable, good at planning and strategizing and is an excellent communicator," she said. "I'm not an educator. I've had a lot of good education myself and witnessed a lot of good educators at work, but I don't have that knowledge of what's best practice for student learning. That's where the superintendent and our other school leaders shine."

About Hopkins, she said, "Herb has been a huge mentor for me. I came in with a really weird skill set — a lot of it very applicable, but I had a lot of gaps, too. For a payroll clerk, I was fine. For HR [human resources] in general, I had

some good background, and we started to build towards my taking over the benefits piece.

"I was comfortable with basic accounting, but when it came to budgeting, finance and financial reports and so on, I hadn't done that. That's where Herb came in and taught me pretty much everything he knew about those pieces. He was very generous with his time, with his explanations."

### The Path Less Taken

When Bolton graduated from Princeton University in 1982 expecting to enter U.S. foreign service, the country was still reeling from the Iranian Crisis, when Iranians held 66 Americans hostage for 444 days, subjecting many to beatings and solitary confinement.

She decided to "wait a couple of years for things to cool down before I began my foreign-service career." That decision started her on a 15-year journey. Bolton spent the first four years in her second love, publishing. She joined the international sales department at Crown Publishing Group (now part of Random House) in New York City, traveling around America and sometimes internationally.

Then began her "hippy stage" with husband Jim. Since he is an expert in working with the developmentally disabled, they were able to move anywhere and find jobs — and they did.

They lived in Taos, N.M., for four years, Massachusetts

for a year, New Hampshire for a year, then moved near San Francisco. Her work was a progression: hotel management in Taos, as a cashier for Bread and Circus stores in Massachusetts (now part of Whole Foods); then seven years "doing everything from pushing carts to running the HR Department to accounts receivable and customer service" for Whole Foods in California. "I learned an awful lot there."

When daughter Anna, now a freshman at Scarborough High School, was born in 1997 everything changed. The family "needed to settle for at least 12 years of school so Anna could have friends and family and not be a nomad," Bolton said.

With her parents having retired to Maine and her brother living here as well, they determined it had great communities and schools and "we knew we could find work."

That work came quickly when Scarborough posted a payroll clerk position and ended up hiring its future business office manager — albeit one with a unique background.

When Hopkins left Scarborough, he had essentially turned Bolton into an assistant who could be the go-to person when he was not around.

The district transferred oversight of transportation and food service to the assistant superintendent.

"I was left with the pure business-office functions, which was fine with me," Bolton said.

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*Kate Bolton talks budget matters with Scarborough Superintendent of Schools Dr. George Entwistle III.*

The transition was smooth, completing Bolton’s own transition from the corporate to the public-sector world.

**Private to Public**

“I spent the first two years saying, ‘You do what?’ Because schools are so weird and different,” Bolton recalled. “I’d never been in a public-sector job before and things are done very differently.

“The first difference is autonomy; the second is bureaucracy. In a corporation the bottom line drives your choices and policies. Management is very individual to the organization and depends on what your management thinks management should be. And there isn’t a lot of bureaucracy because it doesn’t serve the corporate bottom line.

“With the public sector, you’ve got so many stakeholders: taxpayers, the state DOE [Department of Education], the federal DOE, federal funding, state funding, myriad rules and regulations. None of this is bad or wrong, necessarily, but it is very different and it takes some time to get used to coming from the private sector because you can’t just do what you think makes sense.

“Then you’ve got all the decision-makers: the taxpayers, the school board, the town council, the state and federal departments. And everyone has an opinion on what should be done. Some are very helpful, but they generally turn into a bit more of a mishmash than you’d like when you put them into practice.”

Now, with more than a decade of public-sector experience to use in comparison, Bolton said, “Management by committee has been proven to be not such a great system in any

“Kate is my partner in both analyzing and creatively thinking through some of the challenges we have in trying to stretch the dollars as far as we can ... and get better results with less resources.”

**Dr. George Entwistle III**  
**Superintendent of Schools**

field. Depending on what school district you work in — if you have a strong board or superintendent — there will be people who say, ‘The buck stops here and this is how we’re doing it.’ But you always have that backdrop.

“I suppose corporations have stakeholders: customers and stockholders, and market forces, too, so they’re not completely free to do whatever they want to. But it’s a much different dynamic.”

Saying she has “worked in well-run and badly run businesses, so you can’t make a blanket statement that the business world is better run than public organizations,” Bolton struck the most telling chord concerning her own well-being.

“Over the course of my career,” she said, “the things I did I had a passion about. With publishing, I’m a huge reader; I write, I love books. I don’t think I would have been very good

at selling other things, but I was good at selling something that made sense to me, something I really wanted for myself. When I was in the hotel business, it was at an historic inn with enormous cultural value which I found fascinating.

“At Whole Foods, it was the focus on organics and team-based management approach that appealed to me. It was very empowering.”

**The Challenges at Hand**

The Scarborough School Department, with its record of success, is an excellent fit, then, and Bolton hopes she can help continue the trend.

“I feel I’m doing something of value to me and hopefully to the community by supporting education for our kids,” she said. “I have an enormous vested interest in this community. I live in Scarborough. My daughter goes to school here.”

Even in a well-heeled community like Scarborough, the economic challenges are myriad: reduced state funding, lost federal revenues, increased costs of heating oil and other goods and services, health-care costs.

In the past two years the Scarborough School Department has made significant cuts in personnel, while also deferring purchases and cutting to the bone on supplies and professional development.

“Seventy-five percent of our budget is people: salaries and benefits,” Bolton said, but with a sigh of relief added, “This year for FY2013, the budget we just passed through the town council, is actually putting a few positions back and trying to restore programs that were pretty much decimated.”

With \$1.1 million in federal jobs-bill funding going away this summer, “we were already a million dollars in the hole in what we would need to ask for in FY2013 in tax revenues,” Bolton said. “It’s a huge challenge, though not unforeseen. We’ve all known this was coming. It was great to have the federal money. Thank you very much. It shored us up. The hope was it would shore us up until the economy came back and we’d be doing booming business again.”

Being a minimum receiver and with a flat enrollment and valuation, Scarborough has not seen any help from the state’s EPS formula. So increased taxes appears the only answer to the budget dilemma.

**Health-insurance debacle**

School business officials would love to see the cavalry riding over the hill from any direction. One of those might be health-care legislation passed by the state Legislature to open up insurance to true competition. But the law is being held up in the courts by the Maine Education Association (MEA) Benefits Trust. (See story, page 10)

“I think it’s a question of due diligence,” Bolton said about the prospects of being able to “shop” insurance coverage. The sole provider, Anthem, pays the MEABT about \$1 million a year in administrative fees. The legislation would force Anthem to release claims data for the school districts around the state, and the Trust has taken the legislation to court to prevent its implementation.

“The general feeling is that we

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need to have the data to be able to go out and get answers,” Bolton said. “It would be terrific if we learned that the plans we have are the best available for the best price. But no business manager is going to take one vendor’s word for that one vendor’s product.... The piece that’s missing is the shopping-around piece.

“I don’t know the answer, whether we would be able to do better. But my guess is that we might.”

She pointed out that Anthem recently issued new higher-deductible, lower-cost plans, showing “there is an ability to be flexible in the market. So why not find out what other opportunities there might be?” Bolton asked.

Materials the MEA has distributed to its members are, she said, “a bit of a shock/scare tactic that school districts are going to dump their employees in the street with rotten insurance. No one is interested in finding cheap and crappy insurance to save money. We want good insurance and equivalent insurance to what we have today, and if we can save money on it, great. If not, then Anthem plans are fine.

“I’m in the Anthem plan; I’m not particularly interested in finding a cheap plan that doesn’t have a lot of coverage.”

#### **Charter Schools & Post-grad Ed**

Besides the loss of federal dollars, school officials are leery of two other issues: the legislature has passed the idea of creating six charter schools in Maine; and President Obama continues to campaign for every American child pursuing university studies.

“I’m reserving judgment” on charter schools, Bolton said. “I think they can serve a great purpose. My fear, like everybody else’s, I think, is that they will draw resources away from the public schools who need them the most. But it depends on how the legislation works — how those resources are allocated, the administration of the school and whether the program is rigorous or not.”

About college for everyone, she said, “There is a wide spectrum of things kids need after they graduate.

“We can all go to Harvard, but

who’s going to fix your car? Kids have different interests as well as aptitudes.”

Having just survived a “grueling” budget process, Bolton said the least favorite parts of her job are “politics and strife. It’s a political process to convince some people that education is an important investment. The other thing is having people face hardships. In HR you see a lot of that. On the positive side, sometimes you can often do things to help. But sometimes there’s a lot of suffering you see and that’s the nature of HR.”

That is more than balanced by what Bolton loves most about her job. That

is, “I’m here in support of a great endeavor by a lot of really talented people. My piece is a little piece in a big puzzle, but I really feel like I’m doing something of value for my community.”

When not hard at work, Bolton unwinds by gardening, cooking, walking her Golden retriever Rosie and “repairing something at home, thinking with my right brain so I can relax.”

At some point, she may return to that mystery she wrote and tie up one last loose end — finishing at zero. ••



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## Q&A with the Commish

# Maine DOE Commissioner Bowen the spearhead of change

By Mark Leslie

**W**hen Stephen Bowen took the reins as Maine's commissioner of education a year ago, he faced an economy in desperate straights; many communities still reeling from consolidation, including a couple dozen now battling to undo what has been done; classroom challenges from No Child Left Behind to a fast-paced move into new technologies; and districts crying out for help in replacing crumbling school buildings.

Nothing has been more pressing than the issue that most closely links his office and Maine's school business officials: finances.

"I think the pressure to contain costs that the operational side always has, is a constant concern," Bowen told Maine ASBO President Kathy Warren and publisher Mark Leslie as they sat down for a wide-ranging conversation in his offices. "That's because ... the resources have got to be in the classroom, going into teacher training and professional development."

"There is all that pressure on how do we improve instruction, curriculum and instructional practices and what goes on in the classroom," said the former teacher, legislator and education specialist for the Maine Heritage Foundation. "And there isn't any new money. The feds are broke. We've got a little up-tick in revenue here that they're busy spending over there [at the State House]. The property taxes are maxed out. So, for all our talk about innovation [the DOE] is really not leading. We've got districts doing pioneering stuff and we're just there to support them and stay out of the way."

The only way to find resources for



*Maine ASBO President Kathy Warren shares her feelings in a wide-ranging conversation with Maine Commissioner of Education Stephen Bowen.*

change, Bowen said, is "to look at every dollar we're spending now and figure out ways to save money.

"I know that districts do bulk purchasing. I know they share food service and busing. We're seeing all these news stories about privatizing food service or buses."

Acknowledging that privatizing and outsourcing do not always make things cheaper, Bowen said, "But districts are looking and investigating the possibilities, and that suggests that [although districts are] under budget pressure — the jobs funds are all gone, the ARRA funding is gone, we lost some Medicaid funding — they are looking very carefully at how to shave a dollar, how to save ten bucks here, how to switch light bulbs and save."

All of this, he said, is not with the idea of "containing budgets so much as how to reallocate those funds into something instructional."

### **Consolidation Still in the Process**

Consolidation was intended to lessen

the financial constraints, but it has been a success in some places and a failure in others.

"I was asked if the consolidation worked," Bowen said. "I said, 'It depends.' Let's be honest. Some of those districts are fine. They probably should have merged; it made sense. Some of them, not so good; and that's to be expected. Some of them were shotgun marriages and they were forced into it and they regret it."

Acknowledging that some neighboring communities like Waterville and Winslow, and Bangor and Brewer were already talking about joining forces when consolidation was mandated, then felt hamstrung by the new law, Bowen said, "We've heard that from the non-operational side, superintendents, everyone."

With the mention of Arundel and Monmouth taking measures to withdraw from their respective

Regional School Units (RSUs), Bowen said, “We have 15 or 20 districts dealing with this.”

The challenge, he said, “is what’s the role of the state in that discussion? When I was still teaching, I was writing about this. When consolidation was first put forward, I started looking at different models and some of the other service center-type models and we pushed that as an alternative. I’m still not convinced that you absolutely needed to merge the districts in order to accomplish what we needed to do.

“Our approach is about how to build that regional capacity.”

Posing the question of a happy medium between the old system of school unions and the consolidation models, Bowen said, “Governor [Paul] LePage didn’t support Governor [John] Baldacci’s approach to say, ‘Henceforth you shall be this size or else.’

“So we’ve eliminated the penalties for noncompliance with the law. In this budget passed a few weeks ago we got language passed and then funding for the Fund for the Efficient Delivery of Educational Services [FEDES]. That is intended to be start-up money for districts to look at structural changes that result in savings or improved outcomes for kids.”

The fund’s origin was in the 2005 citizens initiative requiring 55-percent state funding, a measure the Legislature quickly negated. A component of that initiative was that “we would set aside a chunk of money off the top of GPA to support regionalization efforts,” Bowen said. “It was an incentive plan. And it was never fully funded.”

Knowing LePage did not support the all-stick, no-carrot approach, Bowen proposed adding funds to the FEDES and reworking the language to involve innovation among other things.

Though that passed in 2011, the Legislature wouldn’t release funding, but this year, he said, “We managed to squeeze out \$2 million.”

Not looking for small ideas, the DOE staff has been putting together application forms, processes, rules, etc. necessary to begin funding this summer.

“We’ll tell the districts this is a fund source to help you explore those kinds of options. We want districts to come together, not to have coffee, but with an idea,” Bowen said. “Put together, say, nine districts who ask for two years to hire someone, get the idea going and take time to build some of these structures; here’s how we plan to do it; here’s what we plan to regionalize; here’s what we plan to do with the money; here’s how it’s going to impact kids; and here’s how it is going to be sustainable once the money goes away. Because this is a one-shot deal.”

Saying the DOE has not taken an active role in providing for service delivery in areas like energy and insurance statewide, Bowen cited “a lack of confidence” in the state’s ability to do much better.

“We do MLTI [laptop program]. We bulk purchase. We do a contract on behalf of all the middle schools and half the high schools and there seems to be a lot of interest as

we look into the next round,” he said. “But should we also do RFPs on behalf of districts for heating oil and some of those other things? I don’t know. It hasn’t been a subject of discussion.

“I tend to take baby steps here. Let’s make sure there’s some ownership. Ultimately does it make sense? Probably it does. But how do we get there?”

And the idea of a statewide teachers contract, Bowen said, has “dropped off the bottom of the to-do list.”

Regardless of whether the new RSUs operate more efficiently, much of the push-back against them has been lack of local control.

“Chelsea built a new school when it was its own school district,” Bowen recalled. “The paint hadn’t dried and the new school is now part of the Wiscasset RSU. So now the good people of Chelsea find themselves to be minority shareholders of their own school with only two votes in the RSU. There is outrage in Chelsea.

“I think a lot of that could have been avoided by [Gov. Baldacci] just saying, ‘Look, keep your school but you have to figure out a way to find some kinds of regional capacity.’

“There is no other way. We can’t do professional development on a district-by-district basis. But I think we can keep those local school boards. I know it’s a pain for superintendents to deal with nine school board meetings. But we’ve got to start building some kind of regional structure.”

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### Damaged Reputation

“Consolidation really hurt the reputation of the agency,” Bowen added, and that attitude has worked its way into other areas of concern, especially financially.

“Nobody is happy with the school funding formula,” he said, noting the Appropriations Committee was debating funding a study into the EPS funding formula.

“It doesn’t matter which driveway I pull into, in any school district in the state, nobody likes it,” he said. “Maybe you’re getting a ton, or maybe you’re getting nothing, it doesn’t seem to matter which end of it you’re on. I’ve yet to meet anybody who thinks it works well.”

Speaking of a new bill to study EPS, Bowen said he was trying to avoid cynicism. The idea of the bill is to hire a firm to do a research study.

**“I was asked if the consolidation worked. I said, ‘It depends.’ Let’s be honest. Some of those districts are fine... Some of them were shotgun marriages and they were forced into it and they regret it.”**  
— Commissioner Stephen Bowen

“I’m trying not to be cynical about it for two reasons,” he said. “One of the questions the legislation asks the researcher to determine is, is the existing system fair? I don’t know how an independent research entity is going to determine what ‘fair’ is. That’s a public-policy decision, not research. So that’s problematic in and of itself. What does that mean? That the mil rate be the same for everybody? That’s kind of what we do now. Conceptually what we’re trying to do here in problematic.

“The other reason I’m cynical is because I was a legislator and I know from prior experience. Senator [Kevin] Raye had a bill set up that moved money around based on dealing with Downeast Maine, high-valuation districts with a lot of poor people. Can a system respond to that more effectively than it does now? We crafted a bill that moved about \$6 million of \$914 million basically from where it was to these districts that were high-valuation with a lot of poor people. We introduced that as another indicator in the equation.”



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That bill passed by a single vote in the Senate and narrowly in the House.

“And that was a tweak,” he said. “I’m sure there will be bills in the next session to undo it. There always are.”

“You would like to think you can have a high-level public-policy discussion about how the funding formula should work, the outcomes we want it to have, and if you can get broad agreement and something passed that makes sense,” he said. “What history tells us — from consolidation and LD1 and the implementation of EPS in the first place and this bill in the last session — is that a researcher is going to produce a big fancy study for \$300,000 or whatever; it’s going to have a series of recommendations about what we should do; the phone is going to ring [in my office] and it will be a legislator who wants a spread sheet and wants to know what this means.

“I’ll put the phone down, call Jim Rier and ask for spread sheets. They’ll crunch the numbers, rewrite code, put in different factors and take others out. They’ll run side-by-side sheets showing what districts are getting now and would get under the new plan. And we’ll photocopy hundreds of those; they’ll be all over the Capitol and the phone will start ringing again. And Jim and I will spend weeks walking around with spread sheets. At the end of the day, the districts that get more money will vote ‘yes’ and the districts that get less will vote against it.”

Whatever the result of the EPS process, Bowen said, “When you add money in or take it out, Portland’s always the biggest winner or loser...”

“It doesn’t matter where you go in the state. Everybody feels [there are two Maines]. Southern Maine feels like they are supporting Northern, Eastern and Western Maine. And Northern, Eastern and Western Maine see Portland as consuming all these recourses.”

### 55 Percent or Bust

Asked about the 55-percent state funding that has never been achieved, Bowen said, “If we reach 55 percent — which somehow has become the magic number — I don’t know how the world becomes a better place as opposed 54-1/2 percent.”

But, he added the state should make a “significant amount of investment because it means you can bring some equality into this equation.”

The only way to address the problem of rich towns having good schools and poor town, poor schools, Bowen said, is “to have a significant state contribution to the total cost of public education, and a funding formula that responds to that. The core question is ‘Who’s rich and who’s poor?’ How do you decide that?”

He noted that the suffering of communities like his native Penobscot that has the “misfortune of having salt water lapping its shores” and thus is high-valuation despite a citizenry riddled with poverty.

### E-textbooks and Advanced Technology

Having taught without textbooks and used Porta-Portal

to show web sites to his students, Bowen is a major advocate of new technologies, moving forward.

“We don’t do transformation in the education industry. Our core function has been the same since Socrates,” he declared.

Expanding Maine’s laptop program, forging a future with e-textbooks and breaking down the walls of grade-by-grade education are among Bowen’s intentions.

“One of the big pieces of work to get done this year is the next round of the MLTI contract — the laptop initiative,” Bowen said. “We’re in Year 3 of 4 and have one more school year with the existing machines that are deployed. That means what we need to do this year is figure out a) if we want to continue the program — and there seems to be a pretty wide consensus that we should — and b) what is the device and associated services to go with the device that we want to put in this next RFP?”

At this point the state has placed 72,000 laptops — at all middle schools and half the high schools.

While some school districts may be interested in a grades 7-12 solution, others may have a k-12 or 6-12 solution in mind.

The computer bid is statewide and encompasses not only computers built to withstand student abuse but also wireless networks inside the schools, technical support, repair services, a warranty program, and training for teachers and technicians.

“It’s a very comprehensive piece, and all of those associated services come because of Angus King’s maxim, which I love: ‘I want one throat to choke.’

“He understood that if machines came from one vendor and wireless networks from another and software come from somebody else and training by someone else, you invariably would run into the vendors saying a problem is someone else’s problem.”

While Apple has won the first three rounds, Bowen expects stiffer competition in this next round.

“We need to spend this year thinking about what technology solution



Maine Education Commissioner Stephen Bowen explains a point.

we want to deploy to schools, and what other options we want to include where we could say to a district, ‘You now have the option, under this RFP, to buy iPads for kindergarteners or for K-5 and laptops for 6-12.’ Whatever they want. With the state supporting some of it.”

But what will the content be?

“That is the question we haven’t addressed in past RFPs,” Bowen said.

districts and students access digital learning opportunities of one kind or another,” Bowen said. “Sometimes they are prepackaged programs. Sometimes it’s a model with a live teacher in another school. Other times it’s a software product used in a classroom as part of a blended teacher-computer situation.”

The cost of e-textbooks will be

**“We don’t do transformation in the education industry. Our core function has been the same since Socrates.”  
— Commissioner Stephen Bowen**

“I go to conferences and other states say they don’t have computers. We talk about a computer-adaptive testing coming in Smart and Balanced. There are states talking about computer-adaptive testing where testing will be more precise and cut time, and other states say, ‘Hold on, we don’t have computers.’

“As much as Maine has been leading with MLTI, the place we’re starting to get passed by other states is the content.”

He pointed out that Florida boasts an on-line virtual school which offers hundreds of courses free to students and New Hampshire operates a virtual charter school.

“States all across the country have virtual schools, or some type of a way to help

miniscule compared to traditional paper books.

Bowen recalled speaking with a representative from one of the big three textbook companies who said: “We come to work today, even as big as we are, understanding we could be out of business in 18 months. The ground is moving so quickly that we will follow the newspaper industry and everybody else right into the ash heap of history if we don’t figure out how to do this digital piece.”

He mentioned Kahn Academy as a model where textbooks are unnecessary and where an individual education is customized for each student.

“It’s content-delivery at home,

homework at school, where you can have a teacher looking over your shoulder,” Bowen said. “You do your content delivery. You answer eight or 10 questions on-line. The teacher comes in the next day and sees who answered the questions properly... and can review the material with those who didn’t get it, while the other students work on something else.

“That kind of customized experience, reacting in real time to where these kids are, that’s the promise of this technology.”

From the school districts’ point of view, how much help can they get to establish such a system?

“What we hear from districts is that they don’t have the capacity to figure out who is the provider, or they have a kid who wants to take Italian on-line, so where do we go? That may be a role the state plays,” Bowen said. “But the question is, do we then want to take the additional step — through an RFP or through the MLTI — to say to the world of digital providers, ‘We want these digital courses available to our students. We don’t know how many, but we estimate this number.’

“I don’t know. We have to explore that idea. Does it become part of MLTI? If we are serious about customizing learning for kids and going to a proficiency-based model that’s flexible and responds to kids where they are, it cannot be done without this technology.”

For business managers, “it’s not even close in cost to textbooks, he said. “That’s why we’re seeing textbook

companies racing to try to do something. You saw Apple when they did their piece. They got Pearson and Houghton Mifflin and those guys all lined up. And they all said, ‘Yes, we’re part of this.’

### **But the Cost!**

Bowen acknowledged that with talk about charter schools, digital learning and an unknown number of home-school students, the issue of per-pupil expense is on the minds of business managers.

“They would show up in our counts here and that would affect your subsidy,” Bowen said.

In the case of charter schools, he said the program “was structured in a way to respond to that, to try to contain those costs. The EPS number wasn’t total spending. Charter schools are public schools, so their students are public school students. Depending on whether you are a minimum receiver or what, how much you receive from the state for that student will vary. But it will show up as if that [charter school student] were a student in that district.”

### **Massive Challenges Ahead**

Speaking of the future, Bowen expressed concern that there is not enough focus on “change leadership” in schools.

“My sense is that our professional development and training that the higher eds do around educational leadership is about personal management, it’s about budgeting, it’s about school board relations. It’s about the administration and management — not leadership,” he said. “The challenge we confront in education over the next few years are massive. We have a new set of nationally aligned standards coming along. We have a new set of super-regionally, or multi-state-developed assessment issues coming along that will be much more complex than what we have now. That and our broader data systems are going to produce an avalanche of data that most of our educators have no experience or training to deal with.”

He mentioned new state legislation related to teacher effectiveness that will require that robust teacher and principal evaluation systems be deployed in all the districts that will be “much more complex than what we’ve had before.”

Besides that, schools are now operating in “an ever-changing federal structure.”

“And then,” Bowen said, “we have what’s going on in our districts in terms of the move to the proficiency-based model. That’s not unlike so many educational reforms of the past where we’re nibbling around the edges and hoping for plans that schools will buy into.”

But, he declared, “We’ve been doing this the same way for 100 years and we’re going to stop doing it that way.”

Indeed, Bowen foresees a time in the not distant future when “the lines will collapse between different stages of education.”

There will be no such thing as 5th grade anymore because students will progress at their individual pace.

*Continued on page 26*

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# Let's Start the Bidding

## New Language Added to the Statute Can Trap the Unwary

By Robert J. Nadeau, Esq.

**D**uring the most recent session, the Maine state Legislature amended certain laws that relate to competitive bidding. This article provides a short review of these changes.

Competitive bidding required for contracts over \$250,000, but schools may have to aggregate contract amounts in certain cases.

Under the new competitive bidding law, projects for school construction, major alteration or repair with a total cost in excess of \$250,000 must be awarded by competitive bid. Under the old law, any contract for construction or repair of more than \$100,000 had to be submitted to competitive bid. While this change should make it easier for schools to undertake projects without conducting a competitive-bid process, new language added to the statute does create a bit of a trap for the unwary.

Although the dollar threshold that triggers competitive bidding requirements has been increased from \$100,000 to \$250,000, two new and possibly problematic changes have been made to the law.

First, the new statute requires that, for purposes of determining whether the \$250,000 threshold has been exceeded, the unit must consider all the contracts for "construction, major alteration or repair of school buildings" that the school enters into within a six-month period.

This statute states: "When a school administrative unit enters into two or more contracts for the construction, major alteration or repair of school buildings within a six-month period and the total of these proj-

ects exceeds \$250,000, the contracts for those projects must be awarded by competitive bid."

This statute requires that, in determining whether the \$250,000 threshold has been exceeded, schools must aggregate the cost of construction or repair projects if contracts for these projects are entered into within a six-month period.

The school board should be aware of this aggregation requirement when considering construction or repair projects and plan accordingly.

We are not precisely sure what the Legislature's intent is in providing for the six-month aggregation rule, and this may be an opportunity to ask the Legislature to revise the law. Until it is clari-



Robert J. Nadeau

fied, if you have any questions about its applicability, please call an attorney versed in school law.

Second, if the contract requires that maintenance and service following completion of a project be provided by the contractor responsible for the project, the cost of the ongoing maintenance and repair must be included in determining (a) whether the total cost is in excess of \$250,000 and (b) whether there is a need to award the contract by competitive bid.

One type of project where this may be a problem is a small energy-conservation project that has a construction cost of \$250,000 or less and has **not** been awarded pursuant to 20-A M.R.S.A. § 15915.

If the school unit signs a long-term service or maintenance contract with the same company that performed the construction work, the combined cost of the maintenance and construction work may push the project over \$250,000 and



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bidding may therefore be required.

In summary, school officials should keep the following points in mind concerning this new competitive bidding law:

- The new law will raise the cost threshold required for competitive bidding.
- Competitive bidding required for projects over \$250,000 (the old law required bidding for projects over \$100,000).
- Please be aware that local school policies may require competitive bidding nonetheless.
- The new law is also more complicated, will lead schools to do more project planning, and may actually require bidding for projects that formerly were not subject to competitive bidding.
- Contracts entered into within six months must be aggregated to determine if the \$250,000 threshold is met.
- Maintenance and service must be counted towards the \$250,000 threshold if provided by the same contractors.

### Alternative Delivery Methods

Alternative delivery method for locally funded school construction projects permits selection of a contractor without going through a competitive bid process.

Under a newly amended statute, school districts may qualify certain construction projects for an alternate delivery method instead of employing “design/bid/build.”<sup>2</sup> The primary project delivery method for schools is “design/bid/build,” where the school unit awards the construction contract to a contractor based on competitive bidding.

So-called “alternative project delivery” methods, which do not require a competitive bid, generally were not allowed. In 2011, however, the Legislature approved a pilot program for alternative project delivery. To be eligible, a project must be a locally funded school construction project with a minimum total project cost of \$2.5 million, and the architect contract must be signed prior to Oct. 1, 2016.

The school is required to comply with statutory procedures governing the selection of the construction-management or design-build firm. To use construction-management or design-build, an eligible

project must be approved by a review panel composed of representatives of the Department of Education, the Bureau of General Services, and industry representatives.

If the alternative delivery method is used, a construction manager may be retained either as an advisor or in a so-called “at-risk” project delivery system. In either case, the construction manager would be selected using an RFP/RFQ process, not competitive bidding. This gives the school board much more discretion in selecting a general contractor.

If the construction manager is an advisor, the construction manager is much like an owner’s representative. The construction manager serves as the eyes and ears of the school on the project and, as someone experienced with construction projects, may prove invaluable in avoiding construction issues as the school is built. If the construction manager is at-risk, the construction manager is responsible for construction of the project and promises to deliver the project at a particular price. The construction manager is at-risk since there is a risk that the project will in the end cost more than the promised price and the construction manager in that case may have to absorb the additional cost.

Finally, please keep in mind that the Legislature has also made changes to 20-A M.R.S.A. § 15915, which governs the selection of contractors for energy conservation projects. While these changes to Section 15915 are not directly related to competitive bidding, they do relate to the selection of contractors for energy conservation, or so-called “performance” contracts. Some of these changes include more specific requirements for the performance guarantee in the contract.

---

*Robert Nadeau, an attorney in Drummond Woodsum’s Public Sector Group, practices primarily in the areas of public finance, employee benefits and school law.*



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## Vendor Profile

# Northeast Delta Dental filling all its clients' needs, adding community action to the mix

By Betty Andrews, Manager, Community Relations

**N**ortheast Delta Dental is a values-driven company that successfully balances profitability and social responsibility with leadership, purposefully creating a corporate environment built upon high trust and mutual respect.

For five consecutive years Northeast Delta Dental has been listed among the 10 Best Companies To Work For in New Hampshire by *Business NH Magazine* and the 25 Best Small Companies To Work For in America by SHRM and Great Place to Work® Institute.

It has also been presented a Psychologically Healthy Workplace Award from the American Psychological Association; and a Health Innovator Award by Harvard Pilgrim Health Care and *New Hampshire Business Review*.

For more than 30 years, Delta Dental Plan of Maine, New Hampshire and Vermont have jointly done business as Northeast Delta Dental. Headquartered in Concord, N.H., the company is recognized for its expertise in the dental insurance industry, the vibrancy of its participating dentists' network, and its strong brand. It administers the dental benefits of more than 744,000 people, many of them from its Maine sales office, located in Saco.

More than 2,400 Maine employers — financial institutions, hospitals, school systems, unions, associations, and a variety of businesses and nonprofits of all sizes and in an array of industry sectors — choose Northeast Delta Dental to administer their employees' dental benefits.

Many individuals and families with no access to employer-sponsored dental benefits are covered by their own dental insurance contracts, and Northeast Delta Dental is devoting its marketing resources to increasing its outreach to small businesses and individuals and families. Because its primary objective is to extend the availability of oral health care, it educates group customers, potential purchasers, subscribers and the public on the value of oral health and offers affordable, high-quality dental plans.

Passion about its oral health mission fuels Northeast Delta Dental's focus on offering service that exceeds its customers' expectations. It is well known regionally for reinforcing its key promises to customers through a comprehensive service guarantee program, something



*Mitch Couret, DDS, Northeast Delta Dental's chief dental officer, is one of many of his colleagues who volunteer their time. Couret volunteers at NYUCD clinics in Machias*

which is unusual in the group insurance industry.

“Our Guarantee of Service Excellence program is great for us and our customers, because it keeps us reevaluating, and improving, every one of our processes,” said President and Chief Executive Officer Thomas Raffio, FLMI, who introduced the guarantee program in 1996 after listening to customer feedback.

With its primary business continuing to focus on administering dental benefits, Northeast Delta Dental developed and launched a new vision insurance product in 2009 by joining forces with EyeMed Vision Care. They created an affordable, comprehensive vision program in response to the feedback of customers who wanted more group insurance products. Delta-

Vision® is now offered to Maine and New Hampshire employers of five or more benefit-eligible employees.

Through a holding company, in 2010 they also purchased Combined Services, LLC, a general insurance agency with which they share remarkably similar service orientation and business philosophies within the framework of an established 30-year mutually beneficial relationship. Through this acquisition, both companies are now able to offer complementary, ancillary employee benefits.

### Charitable Work

In 1995, Northeast Delta Dental incorporated the Northeast Delta Dental Foundation, which awards more than \$300,000 annually to oral health initiatives in Maine, New Hampshire and Vermont to support programs and projects providing oral health education and making dental services more accessible.

In 2011, grants awarded to Maine nonprofits totaled close to \$54,000. The Foundation is primarily funded by Delta Dental Plans of Maine, New Hampshire and Vermont; however, individuals can contribute by visiting [www.nedelta.com](http://www.nedelta.com).

Delta Dental Plan of Maine also directly invests funds to address access issues. It made a major investment in the New York University College of Dentistry dental outreach clinics in Machias, Maine, held four times since October 2010. It was also a lead contributor to the University of New England College

of Dental Medicine in Portland, which plans to open in 2013.

Many of Northeast Delta Dental's 200 or so employees provide leadership to the boards or advisory committees of community nonprofits, and many more volunteer in other ways.

Senior Sales Executive Brian Staples serves on the board of Easter Seals Maine. In 2010, Northeast Delta Dental was recognized for its corporate citizenship by the Rotary Club of Saco Bay for its support of the University of New England College of Dental Medicine, The Counseling Services' annual Drive Against Child Abuse fundraiser, and supporting numerous oral health access and awareness initiatives.

Northeast Delta Dental is a member company of Delta Dental Plans Association, America's largest dental benefits carrier. This network of 39 independent dental service organizations conducts business in all 50 states, the District of Columbia and Puerto Rico, sharing a mission to improve the overall oral health of the nation by making dental care more available and affordable to the public through the expansion of dental benefits programs. This mission is accomplished through the members' partnerships with their dentists and customers, resulting in real solutions to oral health care, with a focus on prevention.

Call Brian Staples at 207-282-0404 to learn more about the firm's products and services. •••

## Bowen a change agent

*Continued from page 22*

"We're talking about building a customized education for each child, truly integrating technology and instruction." Bowen said. "We have so fully aligned k-12 education, pre-secondary, elementary and secondary education and post-secondary education and we've created so many early-learning/early-college opportunities and additional post-secondary opportunities for kids while they are still in high school, that the day you stop being a high school student and start becoming a college student has blurred to indefiniteness."

Pointing out that for times long past, people remember high school graduation "as a big deal, as this terminal event. You're done," Bowen said. "Some of those kids are going this way and some are never going to darken the door of an educational institution again for the rest of their lives. And we know when we look at the educational pipeline that that's a hole and that some of those kids go on and some step off a cliff and their chances to lead a productive life are minimal."

Bowen acknowledged the changes he speaks of "are not little, they're not minor, they're not like changing our standardized tests.

"These are huge changes to redefine what school is and how it works," he added, "so those challenges are massive and making those kind of changes work requires not only simply management and administration but leadership. •••



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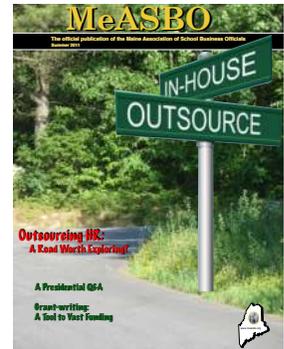
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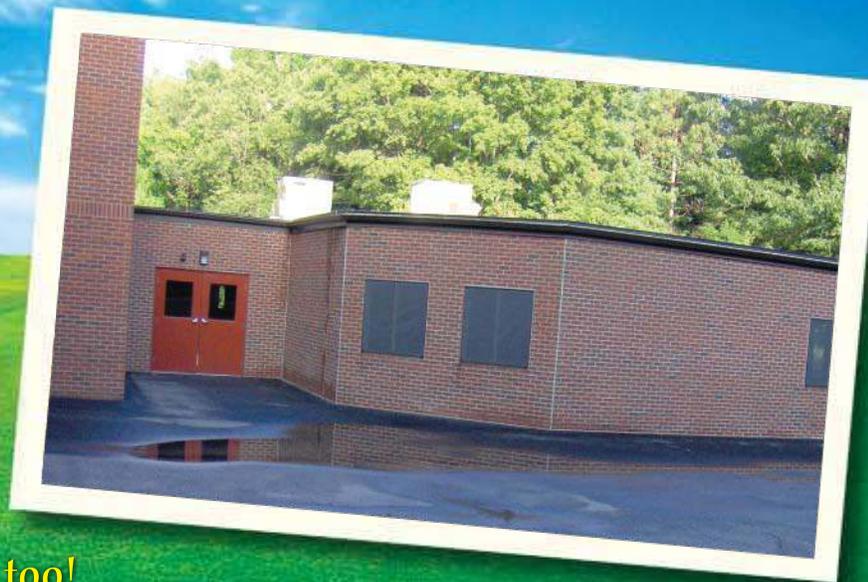
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