Measbo

The official publication of the Maine Association of School Business Officials

Winter 2012-13

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Upcoming meetings & conferences

Maine ASBO

March 8 — Bangor - United Technology Center, Bangor. Guest speaker: Maine Education Association Benefits Trust Executive Director Christine Burke. May 3 — Green Ladle, Lewiston. Tri-State ASBO
May 15-17 — Attitash Grand
Summit Hotel and Conference
Center, Bartlett, N.H. See page 8
for more information.

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6 Maine's New Senator

The Governor who bnrought laptops to Maine schoolchildren has now joined the U.S. Senate. How does this Independent stand on issues pertaining to education?



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 Now we'll see what school districts will set themselves free from MEABT.



PRESIDENT'S MESSAGE

Education in U.S., like MeASBO, 'coming of age'

Greetings from windy Vinalhaven!

As I've been thinking about my Presidents column this month Tri State ASBO's "Coming of Age" theme has been rolling around in my mind. I have been a School Business Official now for 15 years. While the issues that face us remain familiar, I feel that the pressure has increased a little bit more each year.

The variety of players who now have an interest in the future of education; in how we run our schools and how we fund them has become incredibly broad. I am always optimistic that this is ultimately the best for our children and our taxpayers in the long term. Thank you all so much for working so hard to handle the very real difficult consequences of the short term every day in your jobs.

I believe that education in the United States is coming of age and that we are playing an important role. I am



extremely proud of our profession and the steps we are taking here in Maine to expand our skill set to meet these new pressures. Through our professional development we are truly challenging each other to think outside the box and break new paths.

Thank you to our professional development committee and our certification program for helping all of us come of age as well. Congratulations again to Deb Holland and Scott Vaitones for setting the bar as SBO III's!

I look forward to seeing you all at the Grand Summit at Attitash in Bartlett, N.H., on May 15th - 17th. Please make every effort to attend even though it is a busy time of year this is a fabulous opportunity to really focus on our own profession for a few days and network with colleagues.



BUSINESS NEWS

Maine School Facility, Maintenance and Air-quality conferences planned

hree upcoming programs will inform facility directors, supervisors, custodians and maintenance personnel about the most efficient products, most productive equipment and "best practices" and techniques in the industry.

The 6th Annual Northern New England Facility Masters Conference will be held in Windham, N.H., on Feb. 27-28, followed by the Maine Indoor Air Quality Conference at the Augusta Civic Center on March 12-13, and the 45th Annual Educational Plant Maintenance Association Custodial and Maintenance Conference at Colby College on June 24-26.

"With budgets continuing to be tight and little or no funds available for professional development, it has become increasingly difficult to make training available to staff," said Jim Reny, facilities director at AOS #92 in Waterville and former MeASBO president. "These programs will provide some excellent opportunities to all levels of facility staffs in our districts."

Facility Masters Conference

This event, Reny said, "will show facility directors and supervisors innovative approaches, proven techniques and cost-saving best practices for achieving excellence in facility and maintenance operations."

National industry authorities and regional school peer leaders are the instructors.

Individuals can personalize schedules to meet their interest and career and training needs in categories such as best practices in facility management, energy management, personnel management, school safety, sustainability and Schooldude services and product training.

Vendor exhibits will feature the latest products, services and solutions to improve and create excellence in Maintenance and Operations Departments. More information is available by going on line at www.facilitymastersonline.com/nne.

Maine Indoor Air Quality Conference

Presented by the MIAQC in partnership with the U.S. Environmental Protection Agency, the Maine Department of Education and the Educational Plant Maintenance Association of Maine, this is the largest IAQ conference in Northern New England.

The first day, a full-day Healthy Indoor Air for Schools Program, is being made available to the school community teams (including facility and maintenance staff, nurses, teachers, administrators) at *no cost*.

"For anyone involved in constructing, renovating, operat-

ing and maintaining educational facilities, this is extremely valuable," Reny said.

Techniques will be shared on making green and healthy school buildings a priority and what school districts across New England are doing to save money, improve health and decrease student and staff absenteeism through simple, low-cost actions.

The program will demonstrate how schools have used the ongoing "Tools for Schools" program to address possible airquality issues in an educational environment. The website www.miaqc.org provides more detailed information.

Custodial and Maintenance Conference

Also free of cost to Maine school personnel through the collaboration of the Educational Plant Maintenance Associa-

With budgets continuing to be tight and little or no funds available for professional development, it has become increasingly difficult to make training available to staff.

— Jim Reny, facilities director AOS #92, Waterville

tion, the Department of Education and sponsoring vendors, this conference focuses on programs designed to meet the needs of school facility directors and supervisors, custodians and maintenance personnel.

George Manning, a professor at Northern Kentucky University and a renowned author, international speaker and consultant, will deliver the keynote address, *Life, Work and the Pursuit of Balance*.

The three-day conference will include more than 30 seminars and workshops dealing with work safety, best practices, supervisor training, custodial and maintenance techniques, roofing maintenance, HVAC maintenance, playground safety, software, Maine Rural Water Association programs toward certification, and many other topics dealing with school facilities.

A vendor exhibit program will take place during the conference as well as workshops by Schooldude.

More information will be available at the EPMA website www.epmamaine.com

Cyr and Warren form new MeASBO Legislative Comm.

Jude Cyr of the Auburn School Department and MeASBO President Kathy Warren of Vinalhaven have stepped forward to join the Legislative Committee, which had been vacant for nearly three years.

Cyr has already begun posting new information to the *Legislative Updates* area of the www.measbo.org online forum.

The forum is the channel that will be used to post leg-



Jude Cvr

islative updates and hopefully prompt discussion among membership about these important topics. ASBO members can register to join through the website. They should also be sure to subscribe to the Legislative Updates forum and any other forums for which they wish to receive email alerts when something has been posted.

To subscribe to specific forums, after logging in to the

site, go to *Member Control Panel* in the upper lefthand corner of the forum.

Once there, click on *Subscriptions*, then scroll to the bottom of the page and go to *Subscribe to Email Notification of New Posts*.

Use the dropdown to subscribe to the forums from which you wish to receive alerts.

MeASBO plans development course

LEWISTON — Maine ASBO is offering a free Professional Development course, entitled *Revenue, Expenditures, and Budgeting I*, which will be held April 26 at the Green Ladle in the Lewiston High School complex on East Avenue.

The six-hour course, with exact times to be announced, will include continental breakfast and lunch. A detailed agenda will be emailed to attendees at a later date.

People intending to attend should RSVP MeASBO Secretary Adam Hanson of the Auburn School Department by March 29 at 784-6431, ext. 1425; or ahanson@auburnschl.edu.

Océ merges

Océ North America, Inc. and Océ Imagistics, Inc. have merged into Canon Business Solutions, Inc., with the newly merged entity named Canon Solutions America, Inc., a wholly owned subsidiary of Canon U.S.A., Inc

A company statement said: "The combined strengths of the Canon and Océ brands, along with our expanded geographical coverage and enhanced expertise in imaging technologies, solutions and services, better positions us to meet the growing demands of our customers and prospects."

The company's Federal Tax ID will change to 13-2677004.

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Attitash Grand Summit Hotel and Conference Center.

Tri-State ASBO's 21st agenda loaded

BARTLETT, N.H. — Two decades after its conception, the Tri-State Association of School Business Officials (ASBO), as the clarion call of its 21st annual conference declares, is "Coming of Age." Hosted by the New Hampshire ASBO at the Attitash Grand Summit Hotel and Conference Center here, the information-packed conference will be held Wednesday through Friday, May 15-17.

While workshops will run the range from Cloud computing to social networking, school lunch compliance and health-care reform, the keynote address by award-winning author, life planner and business owner Mary Molloy will focus on *How To Maintain a Work-Life Balance as School Business Administrators*.

After working for IBM and leading training workshops with companies like HP/Compaq Computer Corp., Microsoft, Motorola, Siemens Healthcare and others, Molloy blends everything she has learned and taught into her book *Design Your Own Destiny: Life Planning for the 21st Century.* She has been honored with the YWCA's Woman of the Year Award and Digital Equipment Corporation's Instructor Excellence Award.

A golf tournament, generally held after the event, will this year be held Tuesday, May 14, in the afternoon.

Peter Lowe of the Lewiston law firm Brann & Isaacson will kick off the conference at 9 a.m. Wednesday, speaking on Lessons To Be Learned from Penn State. Following sessions will deal with Cloud Computing — Taming Technology To Manage Your Life 2.0; Telephone—VOIP, Hosted, or Conventional Phone Systems; Fraud & Embezzlement — What Are the Signs To Look Out for?

Also, Applications for the iPad and Their Compatibility with Other Tablets; Advanced Excel — Creating Charts, Working with Macros, VLockups and Statements with a hands-on session afterwards to try out what attendees just learned; Negotiating: Fact-finding Strategies and What Is Your Next Step?; and Technology — Risk Management, The

Benefits and Pitfalls with Students and BYOD.

New business managers can also attend a session geared to answering their questions.

Thursday's opening ceremonies will feature an address by New Hampshire Commissioner of Education Virginia M. Barry, PhD. The general session that morning is entitled *State DOE Compliance with Federal Financial Accounting for Local and State School Systems*.

Tri-State food service association representatives will lead a workshop and update of the School Lunch Issue, followed by an update on Obamacare; and a talk on forensic audits and a general session on Social Networking: Privacy and Developments in Employment Law — "What You Don't Know Can Hurt You."

Before Friday's keynote address, a general session will address *HR Evaluation of Support Staff: How To Move Them Out the Door*.

Besides a guests program, meals with colleagues and a wine-and-beer tasting, a New Hampshire student brass chamber ensemble and a jazz band will entertain attendees. Kayaking, hiking and a walk-run are also scheduled.

More information is available on the Tri-State ASBO web site: http://www.tristateasbo.org/conf_preview.html



THE JOB

RSU #13:

Making consolidation work and saving millions

By Mark Leslie

he Tigers and Buccaneers are now the Mariners, SAD #5 and SAD #50 are now RSU #13 and "Houston, we have *no* problems" in Rockland and Georges Valley, Maine.

While a number of Maine's consolidated school units are still struggling, the odyssey has been one of success for the people of South Thomaston, Owls Head and Rockland in the old SAD #5; and those in Thomaston, Cushing and St. George in the old SAD #50.

"Our budget this year is \$2.3 million *lower* than the two combined SADs' budgets on June 30, 2009," said RSU #13 Business Manager Scott Vaitones.

That figure actually was \$3.35 million lower in the 2010-11 budget, but the state share of RSU #13's budget has decreased from 17 percent to 14 percent over the last three years and will drop to 12 percent in the new budget season.

Just how were these savings accomplished?

Vaitones points to several key areas:

- Reducing duplication in administration.
- Laying off 20 teachers by combining classes.
- Offering retirement incentives that were accepted by another 20 teachers.
- Closing McDougal Elementary School in Rockland.
- Creating a new high school model by turning the old Georges Valley High School into a grades 8 and 9 institution, called Oceanside-West; and transforming the former Rockland High School into grades 10 to 12, called Oceanside-East.

While most districts would find



Scott Vaitones at the new Oceanside High School in Rockland.

this last point difficult, RSU #13 was fortunate that its two high schools were only six miles apart and, Vaitones said, "the students 'got it' from Day One."

So that decision, Vaitones said, was a no-brainer."

Vaitones, who came on board in July 2010, a year after voters approved the consolidation, said, "We talked about our weaknesses, what the kids needed that we weren't doing a good job of."

The result meant facing difficult personnel decisions and thinking outside the box.

Addressing Duplication

Right off the top, administration costs were nearly halved.

Each SAD had employed a superintendent, curriculum director, business manager, facilities director, transportation direction, food-service director, and an administrative assistant to the superintendent

The annual savings for the new unit: \$360,000 a year in salary and benefits.

In addition, five people manned the two

central offices. Now, there are three: payroll, accounts payable and receivable, and human resources.

Elsewhere, closing McDougall School is saving a couple hundred thousand dollars a year, Vaitones estimated, as well as eliminating four staff positions.

Transforming Rockland and Georges Valley high schools into Oceanside East and West, respectively, Vaitones said, caused "a significant staff reduction but it also greatly increased what we were able to offer for courses."

For instance, while it was impractical to hire two instructors to teach French 4 to five kids in Georges Valley and seven in Rockland, it was possible to hire one to teach a class of 12 in the new setup.

Meanwhile, there was duplication in both schools with very small classes in a number of subjects. This, too, reduced staff.

Continued on page 20

MEMBER PROFILE

Biddeford's Terry Gauvin has rolled with the punches & now she's the 'rock'

By Mark Leslie

erry Gauvin is the picture of satisfaction. Her defining statement: "I'm very content with my

The Biddeford School Department's business manager since 2001, Gauvin embraces going to work every day wearing several "hats."

Most lately, she oversaw the finances and dealt closely with the architect and owner's representative during construction of the \$33.5-million high school renovation; and at the same time carried on her other duties, from finance to human resources and coordinating with the transportation, food-and-beverage and custodial directors.

"Terry is absolutely rock solid," said Superintendent Jeremy Ray, who joined the School Department last July. "She runs a great department. They're efficient. Every 'i' is dotted and every 't' is crossed on her work. The other thing that really is remarkable about her is she has done such a good job keeping records over time and, as a new superintendent, that is invaluable. I'll ask her what happened three years ago and immediately she gives me the last 12 years on a spreadsheet.

"The other part," Ray added, "is that she has a great personality for the position . She doesn't let things bother her. With everything we're going through [financially], we clearly have to roll with the punches and she knows how to do that. And she is a solid decision-maker as well."

"Being a business manager,"
Gauvin said, "is you never have the same thing. Everything is new and changing — like a moving target.
And I need change, not routine.



Biddeford School Department Business Manager Terry Gauvin with Superintendent Jeremy Ray.

"I enjoy my job because it's personnel, it's negotiations, it's budget. There's always something new going on. I enjoy that variety.

"I like the fact there's never a dull moment."

Terry is absolutely rock solid.'Jeremy Ray , Biddeford superintendent

nomic circumstances in Biddeford would provide a difficult challenge for any school business manager.

"While Biddeford's land valuation is high, due in part to the beautiful Biddeford Pool area which drives our EPS formula in determining state/local share of funding, 53 percent of our student population qualify for free and reduced lunch, which drives the School Committee and City Council in determining how much of the tax burden the citizens of Biddeford can handle. This year we closed the Maine Energy Recovery Center

> which has the potential to leave the city with a tax-revenue

shortfall for the upcoming year."

"Terry's a great asset to the School Department and the city," said Biddeford FInance Director Curt Koehler, who worked with Gauvin when Koehler was the city bookkeeper from 1994 to 2000 and since taking over as city finance director in 2004. "We have the best city-school working relationship that I've seen or heard of. We

consult with each other in anything that affects both of us.

"She is very dedicated and is always here to learn and do the job well."

Educating 2,570 students, the School Department operates six schools, including the regional vocational Biddeford Center of Technology.

The last few years the budget has fluctuated between

We have the best city-school working relationship that I've seen or heard of. We consult with each other in anything that affects both of us.'

— Curt Koehler, Finance Director City of Biddeford

\$29,632,000 and \$32,967,685, and Superintendent Ray has reduced the budget by more than \$1 million since he arrived in July 2012.

Handling that budget is a lot of responsibility and when Gauvin was promoted to her position she took that task to heart

The 1985 Biddeford High School alumna had experience but no higher education. She had worked for two years at a bank and 10 years for the City of Biddeford, starting in



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the city's tax office — working her way from tax collection clerk to deputy tax collector, then deputy treasurer and human resources director.

In 1997 she was hired as the office manager for the Biddeford School Department business office. Within a year, retired Superintendent Richard Marx replaced the business manager on an interim basis and began mentoring Gauvin to replace him.

That plan came to fruition in 2000, with the caveat that Gauvin pursue a degree in business administration. She attacked the challenge like she attacks her job—with dogged determination.

While raising two children, running a household and working full-time, she first earned an associate's degree in business administration from York County Technical College, then a bachelor's degree from the University of New England.

"My husband, Glenn, jokes that it took 11 years, but I got it done," Gauvin laughed.

Even now, she said, "I'm not an expert, just a veteran."

Like her colleagues around Maine, this veteran has had to deal the last several years with ever-tightening budgets.

"We're trying to accomplish the same goals but with fewer people and less money," she said.

Over the last three years, Biddeford has cut approximately 35 full-time-equivalent school positions which included jobs eliminated through attrition as well as reducing hours for staff — positions that ranged from teachers to a psychologist to a program assessment coordinator, library aide, literary specialist, computer techs and tech IIs.

Asked if the School Department as a whole is now leaner and meaner, Gauvin said, "Well, it gets you to look at what you have and changing what you're doing and how you're doing it.

"You scrutinize your programming and see what you're offering, compared to what is actually needed in the workplace. That is always changing. Math, science and English always stay, but photography, technology and foreign languages—which are forever evolving and those kinds of things must be evaluated."

"Terry's a great sounding board," said Ray. "We spend a lot of time brainstorming together. What also makes her really good at this position is that she's clear. She can say, 'Financially, we can do this but does it make educational sense?' and that is a real strength of hers.

"She has that strong historical knowledge and data. Things I might have seen or done differently in other places, she can tell me with historical data what can and can't work."

When Gauvin was asked about the possibility of outsourcing functions, she indicated that they had just taken back the custodial services from a contracted source a few years ago and at this time was not looking at outsourcing any functions; and savings in health insurance will have to wait because the department recently signed long-term contracts with all union employees containing language specifying Anthem health coverage through the Maine Education Association Benefit Trust.

The latest hammer to come down on Maine's schools is the \$12.65-million reduction in state subsidies.

To Gauvin, that means \$269,000 in lost financing.

"That came out of the blue," she said, but circumstances in Biddeford helped mitigate the damage. Due to the school budget only being passed through the November referendum, "that kind of helped us because we couldn't spend anything anyway," she said.

"Then in December we heard of the curtailments coming down, so once again we put spending on hold until we could figure out exactly where the money was coming from."

Gauvin said the School Department doesn't have a contingency budget

Math, science and English always stay, but photography, technology and foreign languages—which are forever evolving and those kinds of things must be evaluated.'

— Terry Gauvin

"and due to the fact we would need to give up to a 90-day notice and we are currently halfway through the year, it wouldn't make sense to lay staff off nor do we want to lay staff off. So we're cutting supplies, computer technology, delaying purchases... We have to be more creative with our budget, look ahead to see what makes more sense to do now or postpone."

The toughest part of her work, Gauvin said, is "trying to get it all done and done timely and properly. You face a busy time in the budget season but an HR problem comes up. When it is time to start hiring for the new school year, suddenly you need to finish a year-end report or deal with the year-end audit.

"Nobody puts in more time or works harder in our office than

Terry," said Ray. "She's really a rock on the team."

Through all the challenges, Gauvin points to Maine ASBO as a true asset.

"It's a good opportunity to grow and an absolutely wonderful association," she said.

"There is a lot of professional development and the meetings are very educational and helpful. Plus, it gives me a chance to see what my colleagues are doing."

Now that their children — Chris, 25, and Michelle, 21 — are in the workforce

and in college, respectively, Gauvin and husband Glenn take the time to escape the pressures and challenges of work.

That escape? Cruises.

"We've cruised to the Eastern and Western Caribbean, Hawaii, Mexico," Gauvin said. "No cell phone. No computers. No contacts. It's the only time I can shut down."

It must also be one of few times in a year the School Department Business Office must be free of impending deadlines. •••



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Coming to all United

Beware Obamacare's budget-crushing 'hammers'

By Christopher G. Stevenson, Esq.

ledgehammer" and "Tack Hammer" penalties are just two of the wake-up calls facing school districts across America that do not fulfill the often complicated requirements of the Affordable Care Act (ACA), beginning in 2014.

The Patient Protection and Affordable Care Act — oftentimes referred to as Obamacare — was signed into law March 23, 2010. Under the law, all public schools considered "large employers" will be required to offer health insurance coverage to their "full-time" employees and their dependents, or face a significant consequence that is sometimes referred to as the "Sledgehammer Penalty." In addition, the coverage offered must be "affordable" and provide "minimum value," or the school will face a second penalty sometimes referred as the "Tack Hammer Penalty."

This article will describe: (1) which schools will be considered "large employers" and therefore potentially subject to the Sledgehammer and Tack Hammer penalties; (2) how much these penalties could potentially cost schools that are deemed large employers; and (3) what schools will need to do in order to avoid these penalties.

Large Employer or Not?

Beginning Jan. 1, 2014, a "large employer" will be a school district that employed a monthly average of 50 or more "full-time equivalent" employees (FTE) during the previous calendar year. The calculation is based on a monthly average, meaning that if a school district for the prior calendar year employed 60 FTEs for the first six months of the year and 40 FTEs for the second six months, the school would have a monthly average of 50 FTEs employed during the year and would be considered a "large employer" for the following year.

Although most teachers do not work in July and August, at this point, to be safe, a school district should assume that it will have to consider its teachers to be employed by the school district in July and August for purposes of the large employer calculation.



Each employee who regularly works 30 hours or more per week is counted as one FTE and part-time employees are counted on a pro-rata basis based upon a 120-hour month. For example, a school district with 10 full-time administrators, 30 full-time teachers and 30 ed techs each working 40 hours per month would be considered a "large employer" with 50 FTEs. In this example, the 10 administrators and 30 teachers would each count as 1 FTE for a total of 40 FTEs. Also, the 30 Ed Techs, working 40 hours per month, would each count as 1/3 of a FTE on a pro-rata basis for a total of 10 more FTEs (30 ed techs multiplied by 1/3 equals 10 FTEs).

Most school districts will be considered large employers based on this calculation, which means that they will have to offer their employees health insurance coverage that is "affordable" and provides "minimum value" in order to avoid the Sledgehammer and Tack Hammer Penalties.

States schools in 2014



However, if for a given calendar year a school district can clearly demonstrate that it employed a monthly average of fewer than 50 FTEs for the prior calendar year, the school district would not be considered a "large employer" and would not be subject to the penalties for that given year.

The Sledgehammer and How To Avoid It

Assuming your school district is a large employer, the Sledgehammer Penalty will apply to your district if it: (a) fails to *offer* to all of its "full-time" employees and their dependents health insurance coverage and (b) at least one or more of the employees purchases health insurance on the Exchange and qualifies for the new federal subsidy to do so. If the Sledgehammer Penalty applies, your school

Author's note: Shortly after this article was written, the U.S. Treasury released lengthy proposed regulations that provide additional details on the application of this health insurance mandate under the ACA. This article does not reflect the additional information contained in those regulations, but provides an overview of the mandate as applied to school districts based upon the original, underlying law.

district will have to pay a penalty, on an annual basis, of \$2,000 multiplied by the total number of full-time employees of the school district over 30 full-time employees.

For example, if your school district has 70 full-time employees, and the Sledgehammer Penalty applies, the school district would pay an annual penalty of \$80,000, or \$2,000 multiplied by 40 (or the number of full-time employees, here 70 full-time employees) over 30.

The Sledgehammer Penalty has a few significant details that warrant mention:

- As the law is written, if the school district fails to offer health insurance coverage to just one full-time employee, the school district would have to pay the full amount of the Sledgehammer Penalty on all full-time employees in excess of 30 if that employee instead purchases health insurance on the Exchange and qualifies for a federal subsidy to do so. For example, if a school district has 70 full-time employees but fails to offer just one full-time employee the ability to purchase health insurance coverage for the employee and his dependents and that employee instead purchases insurance on the health insurance exchange and qualifies for a federal subsidy, the school district would pay the full Sledgehammer Penalty of \$80,000 (\$2,000 multiplied by the 40). Therefore, it is very important for school districts to make sure that, as of 2014, all full-time employees (those regularly working at least 30 hours per week) have the opportunity to purchase health insurance for themselves and their dependents under the school's health plan.
- In order to avoid the Sledgehammer Penalty, the school district merely has to "offer" all of its full-time employees the ability to purchase health insurance coverage for themselves and their dependents, even if the school district contributes nothing to the cost of the health insurance.
- The school district does not have to offer health insurance to part-time employees (those working less than 30 hours per week).

• School districts can establish a waiting period of up to three months before which newly hired employees will be allowed to receive health insurance coverage without triggering the Sledgehammer Penalty.

The 'Tack Hammer' Penalty

Assuming your school district is a large employer, the Tack Hammer Penalty will apply if the district offers health insurance to one or more of its full-time employees that: (a) is either "unaffordable" or does not provide"minimum value" and (b) the employee offered the unaffordable or low-value insurance instead purchases health insurance on the new health insurance exchange and qualifies for a federal subsidy.

For these employees offered the unaffordable or low-value insurance, federal subsidies will be available to offset the cost of health insurance purchased on the exchange, provided the employee's income is between 100 and 400 percent of the

federal poverty line. If the employee qualifies for the federal subsidy, the subsidy will ensure that the employee will have to pay no more than 9.5 percent of their household income for health insurance purchased on the Exchange.

If the Tack Hammer Penalty applies to your school district, the amount of the penalty is the *lesser* of: (a) \$2,000 per year per full-time employee in excess of 30 or (b) \$3,000 for each full-time employee who is offered the unaffordable/low-value health insurance and instead purchases health insurance on the new Exchange and receives a federal subsidy to do so.²

For example, consider a school district that has 70 full-time employees, and that offered all of its full-time employees the opportunity to purchase health insurance for themselves and their dependents.

However, for seven of these employees, the insurance was considered "unaffordable" (I'll describe what that means below) and those employees instead purchase their health insurance on the new Exchange and qualify for the federal subsidy to do so (because their house-

hold income is between 100 and 400 percent of the federal poverty line). In that case, the school district would owe a penalty of \$21,000 for the year, or \$3,000 for each of the seven employees who was offered unaffordable health insurance and who instead purchased health insurance on the Exchange and qualified for the federal subsidy to do so. Note that the same \$21,000 penalty would apply if the facts in this example were the same except that the health insurance offered to the seven employees was affordable but did not provide "minimum value."

The remainder of this section will discuss how school districts can determine: (i) if the health insurance they offer to full-time employees will be considered to be unaffordable, or considered not to provide minimum value and (ii) when employees offered such coverage will be eligible for federal subsidies, such that the school district will be liable for the Tack Hammer penalty.

'Unaffordable' or Not?

The law states that health insurance will be considered "unaffordable" if the employee is required to pay more than 9.5 percent of his or her "household income' for self-only coverage. This creates a problem for schools because most schools have no way of easily determining each employee's household income, which would include earnings of the employee's spouse and dependents, as well as other income sources.

The good news is that the Internal Revenue Service has announced that employers can use a safe harbor whereby health insurance will be considered "affordable" provided the employee does not have to pay more than 9.5 percent of his/her wages, as reported in Box 1 of Form W-2, for his or her share of the cost of *self-only* coverage under the employer's health plan.

For example, if self-only coverage costs \$6,000 and the employee electing such coverage received



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Contact us at: 207-781-3519 phone 800-734-2333 toll 207-781-3907 fax www.unitedinsurance.net \$20,000 of wages, as reported in Box 1 of Form W-2, the coverage would be deemed affordable provided the employee was not made to pay more than \$1,900 for his or her share of self-only coverage (9.5 percent of \$20,000 equals \$1,900).

It is important to note that wages reported in Box 1 of Form W-2 are the employee's "taxable wages" and do not include tax-free salary deferrals the employee may make to a 403(b) plan, a 457 plan, a section 125 cafeteria plan, flexible spending account, etc.

School districts that are large employers should closely examine their collective bargaining agreements and other employment contracts to determine whether they are offering "affordable" health insurance to each full-time employee.

Is the Insurance 'Minimum Value'?

The Tack Hammer Penalty will also apply to a school district that: (i) is a large employer, (ii) offers health insurance to employees and their dependents that does not provide "minimum value," and (iii) one of the employees who is offered this low-value insurance instead purchases health insurance on the Exchange and qualifies for a federal subsidy to help pay for its cost.

A health insurance plan will provide "minimum value" if "the plan's share of the total allowed costs of benefits provided under the plan" is at least 60 percent of such costs.

For example, a health insurance plan would not provide minimum value if the plan provided that insurance would cover 55 percent of the insured's medical costs and the insured was responsible for the balance. In that case, the insurance policy would cover less than 60 percent of allowable medical costs and so the insurance would not provide minimum value, meaning the employer would have to pay the Tack Hammer penalty on the employee if the employee instead purchased health insurance on the Exchange and qualified for the federal subsidy.

Obviously, most health insurance plans are not structured so simplistically and instead include various co-payments for office visits/medications and co-insurance rates on surgical procedures and hospital stays.

Therefore, the determination of whether a health plan provides minimum value will be based upon an actuarial calculation and we are still awaiting guidance on exactly how the actuarial calculation will be determined.

However, we believe health insurance plans typically provided by school districts should clearly meet the minimum value threshold.

Although most, if not all, health plans offered by school districts should fall within this category, one potential area where school districts could have an issue with "minimum value" is any school district that decides to offer only high-deductible health plans to employees and their dependents. High-deductible health plans require the participant to pay all of his or her medical costs for the year up to the amount of the deductible, which could be \$5,000 or higher. Once the deductible is met, any remaining health-care costs



incurred during the year over and above the deductible are paid by the health insurance.

It is not entirely clear whether these high-deductible health plans will be considered to cover at least 60 percent of participants' medical costs. So school districts offering these plans, or considering offering them, should monitor this issue.

The Federal Subsidies

The penalty is sometimes referred to as the Tack Hammer penalty because even if a school district offers health insurance to a full-time employee that is either "unaffordable" or "low value," the school district will only have to pay the Tack Hammer penalty on those employees who: (i) were offered the unaffordable/low-value insurance, (i) purchased health insurance on the Exchange and (iii) qualify for the federal subsidy. In other words, even if a district offers an employee unaffordable or low-value insurance, the district will not have to pay the Tack Hammer penalty on the employee if an employee's house-hold income exceeds 400 percent of the FPL.

In fact, even if a district offers an employee unaffordable health insurance, the district will not have to pay the Tack Hammer penalty on the employee if the employee:

- i. obtains health insurance from some place other than the Exchange, such as through the employee's spouse,
- ii. gets health insurance through Medicare or Medicaid.
 - iii. chooses not to purchase health insurance on the



Exchange even with the federal subsidies, or

iv. is not eligible for the federal subsidy because his/her household income exceeds four time the FPL (which for 2012 is \$44,680 for a single employee, approximately \$92,200 for a family of four).

Of course, if a school district offers unaffordable or low-value health insurance to certain full-time employees, there is no way of knowing how many of those employees will end up purchasing health insurance on the Exchange and will qualify for the federal subsidy.

Therefore, school districts that offer unaffordable health insurance coverage may have a difficult time budgeting for the potential Tack Hammer penalty expense. Districts should review all health insurance benefit packages offered to full-time employees and determine which packages would be considered unaffordable under the IRS safe harbor described above.

Addressing the ACA Mandate

In order to ensure that they will not inadvertently incur either of these two penalties, school districts should:

1) Determine if they are a "large employer."

Districts should first determine if they will be considered a "large employer" as of 2014. The Sledgehammer and Tack Hammer penalties only apply to "large employers" — those having a monthly average of 50 or more full-time equivalent employees (FTEs) for the previous calendar year. If the district is not a large employer for a given year, the Sledgehammer and Tack Hammer penalties will not apply for that year. If the district is a large employer, it will have to review the level of health insurance being offered to its employees and assess its risk of penalty.

2) Verify that All Are Offered.

Districts that are "large employers" should next review all employment contracts, policies, collective bargaining agreements, etc., and verify that as of 2014 all employees regularly working 30 hours or more per week are *offered* the opportunity to purchase health insurance for themselves and their dependents through the school's health plan.

In order to avoid the Sledgehammer Penalty, the school district merely has to offer the employee the ability to purchase health insurance coverage under the district's health plan, even if the employee is required to pay 100 percent of the cost of the health insurance.

Schools should also verify that they have not misclassified workers who regularly work 30 or more hours per week as independent contractors. If a misclassified worker is reclassified by the IRS as an employee, the reclassification could cause the school district to incur the Sledgehammer Penalty (among other obligations).

3) Determine if it is "affordable."

School districts that are large employers should determine whether all full-time employees (those that regularly

Continued on page 27

Business officials hoping health data will set them free from MEABT

**

By Mark Leslie

ow that Maine's school districts can demand their health-insurance claim history from Anthem Blue Cross and Blue Shield, what happens with health-insurance coverage is anyone's guess. But the fact that the billing will change on July 1 is written in stone.

The Maine Education Association Benefits Trust (MEABT) has already notified school districts statewide that LD 1326, An Act To Allow School Administrative Units To Seek Less Expensive Health Insurance Alternatives, has "compelled" the Trust to bill in a way that will necessarily cost some districts more and others less.

Correcting the notion that each district will pay premiums in line with its own health data, MEABT Executive Director Christine Burke said of the new billing, "It's actually a modified list pool as opposed to each district standing on its own in terms of its own experience."

She said that because of the legislation, "we essentially have been compelled to rate differently than [in the past] because districts with good [medical] experience are saying, 'We're tired of subsidizing districts with bad experience. We want a better price because we are better performers.'

"That's why we fought the legislation tooth and nail. It's fairer to pool the money together so when you need it you have it"

Burke said districts with a healthier history said, 'Give us a better price,' so we're essentially forced to do this."

At the heart of the conflict was LD 1326's requirement that MEABT's insurer, Anthem Blue Cross and Blue Shield, release claims history upon request. MEABT, which administers the virtual monopoly, filed suit predominantly to withhold from school districts their own health insurance loss information. The MEABT declared the information was proprietary and releasing it would cause the trust immediate and irreparable harm.

Without this historic view of their losses, it was nearly impossible for districts to secure competitive health-insurance bids. The lack of information effectively created a monopoly for the MEABT and Anthem Blue Cross and Blue Shield.

While public schools were hamstrung, private schools were not. Erskine Academy Business Manager Cheryl York said the school, unhappy with premiums and policy options being dictated by MEABT, switched to the Maine Association of Independent Schools (MAIS) health-insurance trust in 2007

Although still with Anthem, she said, "Now we have far more say in how our benefits help our employees.

"We had no say in our coverage, just a letter in the spring

saying what our rates were and the products available, which were limited," she said.

The MAIS options range from \$1,500 to \$10,000 deductible, and Erskine chose the \$1,500 policy.

"The school can choose to offset some of that cost through Health Savings Accounts and flexible spending accounts," York said. "We were able to supplement some of the cost because the premium was so much less."

The \$1,500 deductible is "very reasonable," York said, because once that deductible is met, 100 percent is paid the rest of the year.

York said that in the MEA plan, people may often pay far more than \$1,500 because of co-pays and if the plan pays only 80 percent of costs beyond the \$1,500.

"That's why I view our plan as richer even though it's a higher deductible," she said. "You just have to analyze your particular school to see what is best for you."

'We did not want to do this.

We wanted to remain fair to
everybody. Altruism is done.'

— Christine Burke,
MEABT executive director

Seeking the Data

Since the MEABT withdrew its lawsuit last Oct. 2, many school districts have requested and received their claims data, but few have acted on this information.

Tony Payne of Clark Insurance said he expected more districts changing policies by now, but added that in many cases, their union contracts are not due to expire soon, so they're holding their health-insurance discussion until the next contract negotiation.

"It's always a matter of timing," Payne said. "That said, districts should begin the education process now to ensure everyone involved understands the opportunities for different coverage plans and individual needs. A health plan can be tailored to different ages and different incomes."

Payne also said economic forecasts suggest Maine will not return to 2007 employment levels until at least 2016. With tax revenues off, school units have to look at the second-largest line-item in their budgets: health benefits. Exploring the cost savings offered by consumer-driven health plans such as Health Savings Accounts and health reimbursement arrangements will help offset cuts in state aid.

The first year that state employees in Indiana were offered a Health Savings Account option, only 4 percent enrolled.

Four years later, more than 70 percent had chosen the HSA option as it increased the opportunity for higher overall compensation.

Whatever the reason for the slow progress, many districts will be "winners" or "losers" come July 1 and it

districts.

'The MEABT will be losing a lot of us in Southern Maine.'
— Pan O'Shea dir. of finance & operations

Falmouth Public Schools

all depends on how well they fare compared to the rest of the state's

"We wanted to mitigate the impact, especially in the upper part of the state," said Burke. "Teachers are paid less there, so how could we in good conscience charge them more?

"In the new plan we put buffers over how much the premiums could go up or down. So the better-performing districts will subsidize somewhat, but not to the extent they have been subsidizing. The poorer districts will realize some of that extra expense, but not all."

The buffers, or annual inflation factor, Burke said, will be the statewide medical trend plus 5 for worse-performing districts and the medical trend minus 8 for best-performing districts. Everyone else will be between those two figures.

The actual medical trend became available Jan. 30, which ended a sixmonth period that determined that trend. When that information is deciphered, the MEABT will inform districts of their new premiums.

Asked the meaning of "plus-5" and "minus-8," Burke gave two examples.

"Maine's worst-performing district has an experience medical-loss ratio of 212 percent," she said. "That means that for every dollar they paid in premiums they spent \$2.12 in claims.

"So rather than saying to them, 'Next year, according to your experience, you need to pay 2.25 times more in premium than you pay today,' instead, we're saying we will use medical trends for the group as a whole and they will end up having their premiums go up that amount plus 5 percent. If the trend is 10, they would end up having their premiums rise 10 percent

plus 5 percent."

On the other hand, Burke said, "The best-performing district in the state has a medical-loss ratio of 68 percent, so every dollar they paid in premium they only used 68 cents in claims. So to that group we are saying ... we are willing to reduce their premium by 8 percent. If the medical trend is 10 and we reduce it by 8, their premiums would only go up by 2 percent."

The overlying question: Is 2 percent enough to keep those groups under MEABT coverage?

Burke said, "Another insurer could look at that group and say, 'We could lower your cost by 30 percent.'

"But if they [better-performing districts] get cherry-picked by other insurers then everyone's premium will go up because we won't have the better performers subsidizing them."

In the end, Burke said, "We did not want to do this. We wanted to remain fair to everybody. Altruism is done."

"Some districts will say,' Yahoo! We won!' and will go somewhere and get a better deal," Burke conjectured. "What most don't realize is that they are not in the higher-performing segment. Districts in the 200s will literally see a doubling if they are on their own by themselves."

Dan O'Shea, director of finance and operations for Falmouth Public Schools, confirmed many districts' unhappiness with the MEABT's unwillingness to address and the limited health-insurance options available to them.

Speaking at a meeting last fall between Burke and The Casco Bay Education Alliance's Health Task Force, O'Shea said, "She got the message the MEABT is running the risk of-losing a lot of us in Southern Maine."

Alliance members are Freeport, Yarmouth, Falmouth, Cumberland, Cape Elizabeth and South Portland.

"We'd like a range of plan options with varying deductibles, not simply the two additional plans they just offered last spring, which provided minimal incentive to switch," O'Shea said. "We'd prefer to stay with an



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Anthem-supported model, but have access to a broad menu of deductible choices, low to high, similar to the MMA health-insurance risk pool."

The two options O'Shea mentioned were recently put on the table by Anthem and contain higher deductibles.

"These two plans are a good transition," Burke said. "We're looking at other high-deductibles... Probably not this coming year because there is so much other change."

She said that if higher-performing districts adopt the Standard 1000 policy, which is \$1,000 deductible, "it will save them 10 percent off the bat"

For the "young invincibles," people in their 20s, "a high-deduct-

'I view our plan as richer even though it's a higher deductible.' Cheryl York Erskine Academy

ible plan is a good one," Burke said. "You have to school yourself to put your money away to meet the deductible. But they won't use the plan a lot."

But for employees in food service, custodians and bus drivers—those earning \$20,000 a year or less—"please tell me how you give someone like that a policy for \$10,000 deductible," Burke said. "Plus they are the sicker of all the groups."

Loaded Coffers

Many legislators and school officials were angered when they discovered that the MEABT had socked away more than \$80 million and suggested the money should have been returned to the school districts who had paid the money.

Burke identified that money as the Trust's Rate Stabilization Fund and added that it is now down to \$43 million.

"We used the money to buy the *Continued on page 27*



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Vaitones: Consolidated and saving millions

Continued from page 8

While 20 teachers lost their positions because of replication, Vaitones said that over a two-year period another 20 retired when offered incentives to do so.

"No teachers with tenure were laid off," he said. "It happened through attrition — retirements, or first- or second-year teachers not given renewed contracts.

"It was a hard job that had to be

done," he added. "The superintendent at the time, Judy Lucarelli, took it on and did it. It isn't easy for anybody to lay off 40 employees. There was a lot of reorganization, moving teachers to where management thought they were better suited."

The result, Vaitones said, is that "we have more course offerings, fewer teachers and a focus on interventions at the 8-9 school. The model of 8-9 is the premise that these kids will be successful in the 10th; they will have the skills they need; if they

are getting poor grades in math or reading, there is help coming at them, whether they want it or not."

Besides That

RSU #13's new superintendent, Lewis Collins, who left Vinalhaven to replace the retired Lucarelli, is overseeing "significant changes in special ed for next year," Vaitones said.

"Special ed was never looked at with consolidation," he added. "Each district maintained what it was doing. But when we saw a program at one school for three students in the same type of program in the other for two students, we knew we could produce better programming with less staff."

Critical to the consolidation working, Vaitones said, was the school board's decision to involve the community in "creating a new identity."

After an in-depth process, the two high schools' athletic teams were given the name "Mariners" with completely new school colors, which have been painted throughout both Oceanside East and West.

The RSU removed anything that was possibly antagonistic between the schools, "but appropriately kept stuff that is culturally important to each of them," Vaitones said. "Georges Valley had always been the Buccaneers; Rockland was the Tigers. So we have both a Buccaneer and a Tiger painted on the gym wall, but at center court is a Compass Rose: the symbol of the Mariners."

He said the two high school principals did "a lot of team-building things so the students would understand the kids from Tenants Harbor were no different than those from Rockland."

"It helped that in our first year of the new high school model, the varsity teams across the board were successful," he said. "They all got into playoffs and it helped unite the students."

Other new RSUs may want to take a look at RSU #13's new model. They may not be fortunate enough to have two high schools in close proximity, but other ideas could apply. •••



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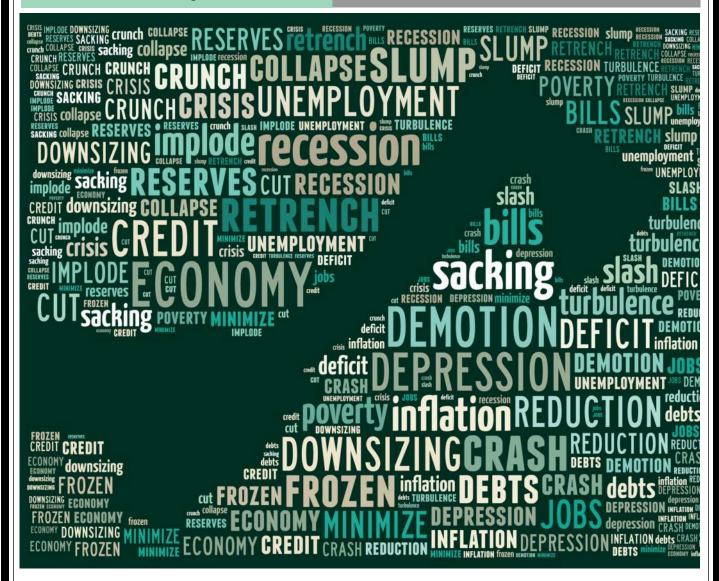
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The Budget



And the ax falls again from Augusta

By Mark Leslie

ven before 2004 when the state Legislature maneuvered around LD1 and its mandated 55-percent school funding, Maine's school business managers have been on the financial equivalent of Disney World's Space Mountain. You're blind, you don't know what direction you're going or when it will all end.

In December, Gov. Paul LePage issued an executive order to reduce educational spending by \$12.58 million. On Jan. 25 the governor released a biennial budget proposal with an extra \$22 million for general purpose aid to schools. The cliff became a shorter plunge but still a dive.

The proposed budget calls for the state to pay approximately 50 percent of the cost of education — a ninth year below the 55-percent requirement, though gaining.

Then two new budget wrinkles have rankled the ranks for business officials and superintendents:

- Gov. LePage proposes to "corner" \$14 million in revenues from the Oxford Casino, steering it away from education where it was intended to go and into the General Fund.
- State Treasurer Sawin Millett Jr. has postponed school districts' June subsidy into July, which will result in another \$18 million onto education's shoulders and cause some districts to borrow money, even if it for only two weeks.

Between the \$12.58 million, the \$14 million and the \$18 million, "that's \$44.6 million the governor has carved out from education," said Jude Cyr, business manager for the Auburn School Department.

When voters approved the casino, legislation mandated a portion of the revenue would go toward education.

In doing his budget last year, Education Commissioner Stephen Bowen did not include that money because the casino was not yet operating and there was no forecast of revenue. Bowen expected that once the revenue came in he would put it aside and use it in next year's budget.

But, since that money is projected for FY 2013, the governor is proposing to slide the \$14 million into the General Fund to offset revenue shortfalls.

"Therein lies the rub," said Cyr. "Whenever there is an issue, they keep robbing the schools... We're told education was fortunate because out of the \$38 million in curtailments we were only responsible for \$12.6 million. What they didn't say was they found other ways to reduce the curtailment for the state's other departments, but not education."

Up for Review

On March 14, the Legislature's Education and Appropriations committees will review the proposed budget, according to Jim Rier, director of finance and operations for the Department of Education (DOE).

The range of cuts is wide, the deepest felt by school districts with high property values relative to their total state and local funding.

For instance, Scarborough stands to lost 1.2 percent, South Portland, 1.1 percent and Portland and Biddeford 1 percent. That means \$870,000 out of Portland's \$94.2-million budget; \$411,000 for South Portland.

On the other hand, Gorham would face only a 0.5-percent

cut and SAD #10 in Fort Kent, 0.3 percent.

But all are cuts.

Budgets are always tenuous, sometimes filled with dreams, other times brought down to earth by stark reality. And one bleak truth in 2013 is that Maine is in serious financial condition and pragmatism rules the day for most, if not all, central offices.

Strategic cuts, drawing down contingency funds and even freezing the budget — they're all on the table in business offices statewide.

"We have frozen the budget and are just watching it day-to-day," said soon-to-retire Brian MacFarland of RSU #20. "We can't buy anything unless it's absolutely necessary."

The Millinocket School Department is also reportedly operating on "zero-based budgeting," a method that requires starting from scratch and having every department and program justify its funding.

"We've lost on both school and city sides and if there is any more, we have nothing but people to give," said Curt Koehler, city finance manager for Biddeford which is seeing \$200,000 disappear from the school budget.

Certainly as the state reduces its share of funding, it is putting more and more pressure on local communities, as James Boothby, the superintendent of RSU #25 in Bucksport told the *Bangor Daily News* on Jan. 28.

In Auburn, Jude Cyr released his version of "strategic cuts" to make up the \$219,098 his department is losing.

Continued on page 27

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SENATORIAL Q&A

Maine's new Senator dedicated to schools

aine's new U.S. Senator, Angus King, is no stranger to school officials. While governor, he was particularly involved in education decisions, his signature legislation being the school laptop program.

Before assuming his new seat in Congress, he responded to several questions from Maine ASBO. Here are his responses:

MeASBO: Do you support school vouchers? Why?

King: I believe that improving the efficacy and efficiency of American public education is one of the central imperatives of our times - and the challenge is urgent. In this context, I have always been skeptical of charter schools because of my long-standing commitment to traditional public schools and a concern that charter schools could draw resources away from public education.

While I still believe that traditional U.S. Senator Angus King, I-Maine public schools should be the predomi-

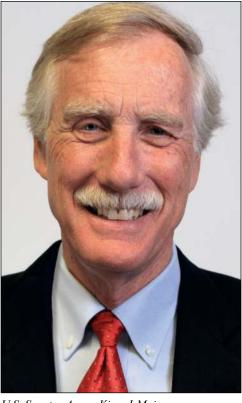
nant model, the urgency I mentioned above has made me realize that we must experiment with other models, particularly in urban areas, such as funding-follows-the-student, in order to insure that we are providing our kids with the highest quality education possible.

My thinking on this will be guided by data and results, not by ideology or the politics of charter schools.

MeASBO: What would you like to do with No Child Left Behind and how would that affect Maine's schools?

King: I believe the federal government took a wrong turn in 2001 with the No Child Left Behind Act. NCLB was created with the best of intentions, but in practice the federal government created a role for itself that was too involved in the everyday nature of schooling, and not what it does best.

Public education is a national priority but is a function of local communities and state governments. States and communities know the needs of their students much better than the federal government. The federal government should leverage its resources to encourage states, communities, teachers, students and parents to be innovative and responsive to the



needs in their community; not creating one-size-fits-all answers to education that often fit none well.

As a senator, I would take the opportunity of the pending reauthorization of the Elementary and Secondary Education Act, to identify opportunities to repurpose education money for new solutions that will lead to a community of learning and better preparation for our students.

I believe instead of funding another one-size-fits-all tool for our schools, federal education money should be provided to states in a way that allows them to make the best decisions for their own schools.

With more flexibility, Maine would once again have the freedom to develop standards and evaluation tools that best meet the needs of our students. Maine schools already know how to work together through the Maine Learning Technology Initiative that was established when laptops were introduced to all 7th-graders in Maine in 2001. Working together

and creating innovative programs will never be a challenge for Maine educators, and I am confident Maine schools would benefit greatly by having more flexibility to meet the needs of students.

MeASBO: The new federal School Lunch Meal rules regarding healthier meals require the use of more expensive products. Do you support mandating the federal government to provide funding to help schools implement the new guidelines?

King: You can't teach a hungry child. School meals are an essential part of education. I support the concept of meals that are varied, feature local products and represent a "teachable moment" in good food, good nutrition and new food experiences, especially for children who are not exposed to a variety of foods at home. School meals are also essential for low-income students who do not have adequate food security at home. Food service directors report that students often eat more at the beginning and end of the week as they know they are not going to have enough to eat over the weekend. Some schools across the country have programs to pack backpacks of food for children to take home over the weekend. Food security is a significant issue.

I have heard some concerns about the nutritional needs of children who are athletes or very active and may need more calories than are provided under the new rules. I look forward to hearing from school nutrition directors and others as the school year continues to better understand how they perceive the rules and any changes that may need to occur.

Finally, when the federal government imposes these rules on schools without financial assistance it is another unfunded mandate that schools must manage. In light of the current federal deficit crisis, I am not making any commitments to funding increases but will certainly consider any and all information that I receive about the increased costs associated with these new rules.

MeASBO: Maine's special-education mandates far exceed the federal, which funds special education well below 40 percent. Do you intend to work toward the promise of funding

special education at 40 percent?

King: I am committed to working toward the promise of funding special education at 40 percent. Just as we teach our children to be accountable for their actions and meet their responsibilities, I believe we need to do the same with our government. At the time IDEA was first enacted, about 8.3 percent of public-school students were enrolled in special education.

Today, that number is 13.2 percent. In other words, over the past 35 years, the proportion of public-school students enrolled in special education has increased by a staggering 60 percent.

Similarly, in 1975 it was estimated that children with disabilities cost approximately twice as much to educate as other children. Now the cost of educating these children is 2.5 times greater. Yet the federal government has never met its promise to pay 40 percent of the costs. In fact, its commitment has peaked only at 17 percent. This lack of commitment is unacceptable.

Not only is fulfilling this commitment the right thing to do for our students, it's the right thing to do for our communities. When the federal government does not fulfill its promise, IDEA funding is assumed by the states and local school districts. which results in tax increases for everybody. Our communities should not be struggling with high taxes because the federal government has not met its responsibility.

MeASBO: What are your thoughts on using some of Maine's innovative ideas about standards-based learning and teacher evaluation as a national model?

King: As governor, I supported the adoption of the Maine Learning Results in 1996, making Maine one of the first states to define standards for student performance. Maine has always been a leader in education and I am proud of our learning standards as well as our teacher evaluation.

Maine is an example of great success in standards-based learning and teacher evaluation. I also believe what works well here may not work well in Alabama or North Dakota schools. Each school should have the ability and the tools to choose the best system for their students, teachers and parents.

The federal government can leverage its resources and act as a conductor of this information. Each state could receive the funding necessary from the federal government to create a virtual clearinghouse of best teaching practices and best practitioners in their state.

That information could be uploaded to a virtual clearinghouse that all schools across the country could access. This would enable a community 10 minutes or 10 hours away to access information about a lesson plan or teaching practice they could apply in their own classroom. This would empower teachers to expand their skills by learning from colleagues they might never have a chance to meet.

I believe Maine's system works very well in Maine and I want all schools to have the opportunity to learn from our successes. At the same time, I want to empower all schools to make the best choices for their students.

The federal government is capable of helping schools share their successes with all schools across the nation and that is where they should leverage their resources. •••





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VENDOR PROFILE

Horace Mann supports educators

Company has a long history dealing with school administrations & teachers

orace Mann employees believe educators have one of the most important jobs on the planet and, as a result, they feel those educators deserve special attention.

While other companies may offer similar products and services, "ours are designed specifically to provide educators the peace of mind they deserve through a lifetime of changing needs — both in and out of the classroom," said Matt Surgento, market access consultant for the Northeast region and MeASBO member.

"We know it's not always easy for school districts to

provide the benefits and services their employees deserve," Surgento said. "That's where we come in. Whether it's recognizing outstanding



educators or providing employees the information they need to make well-educated insurance and financial decisions, we can help."

Founded by Educators for Educators® more than 65 years ago, Horace Mann serves the needs of America's educators with auto, home and life insurance, and retirement annuities. Today, it is the largest national multiline insurance company focusing on educators.

"Like no other company, we combine educator-tailored products with local agents," Surgento said. "As part of our commitment to the education community, we offer programs and services that set us apart from other companies."

These include:

- Horace Mann is a national sponsor for DonorsChoose. org, the website teachers use to seek funding for their classroom projects. The company's donations have helped ease the financial burden many teachers take upon themselves for basic school supplies and specialty materials.
- Its school payroll program allows school employees to pay auto and life insurance premiums directly from their paychecks and make their retirement annuity contributions the same way, at no cost to the district or employee.
- Administering payroll participants and making payments through the company's online billing system is a snap, and dedicated payroll specialists are here to support you.
- Local agents are experts in State Teachers' Retirement Systems and host seminars for school employees to learn detailed information about their state-specific retirement benefits.

Resources for Schools To Succeed

In addition to educator resources, Horace Mann offers

several free educational sessions specifically for business officials jam-packed with practical information every school district should have. Programs include:

Maximizing the benefits and savings potential of a Section 125 plan – addresses questions related to Section 125 plans and provides insights into:

- How school districts, as the employer, can see direct budgetary benefits.
- Why strong employee participation is important to schools as the plan sponsor.
- How a perceived employer expense can actually contribute to a net savings.
 - New "consumer-driven health-care" concepts that

will set the stage for a different approach to employee benefit plans.

What business managers need to know about their 403(b) plans

– handles questions related to 403(b) plans and discusses topics including:

- Why does the IRS care about 403(b) plans?
- A brief history of the development of 403(b) regulations.
 - IRS Surveys what are they all about?
 - What you DON'T need to worry about.
 - Key issues for the IRS.

"(b) Prepared" workshop: tips and tools for surviving an IRS 403(b) plan audit – Examiners from the Internal Revenue Service (IRS) Employee Plans Division are conducting 403(b) plan audits nationwide. How well will each school district's 403(b) plan fare under such scrutiny? Here are some highlights covered in the session:

- The ABCs of retirement plan audits.
- Common 403(b) plan violations.
- What to expect during an on-site examination.
- Documents the IRS will want to closely examine.
- Which new 403(b) rules will most likely be scrutinized?

What Horace Mann believes

"The teachers, administrators, school business officials and support personnel who make up the educational community we serve expect us to maintain the highest ethical standards and business practices while meeting their needs," Surgento said. "Our dedication to supporting the educational process is summarized by a series of beliefs every Horace Mann agent and employee shares:

• We believe educators are taking care of our children's Continued on page 27

SCHOOL SAFETY

A simple solution to higher safety

aving an emergency in your organization is scary. Not doing everything you can to improve the outcome is even scarier.

School officials make hundreds of decisions every day that affect the lives of students, staff and visitors. As school safety is growing in prominence within the national discourse, schools are looking into ways to prevent violence and mitigate external threats. But one of the most important decisions school officials may consider is internal – ensuring that their technology and infrastructure are up-to-date to ensure emergency responders can appropriately and accurately respond to a crisis situation.

An organization with multiple sites and one system-wide voice solution is well connected, but without enhanced 9-1-1 (E911) services, isn't doing everything it can to keep its inhabitants safe.

Consider this scenario: If a person in one of an organization's satellite facilities calls emergency responders but is unable to share their specific location for a medical or other reason, the emergency responders will respond to the install location of the phone system (the location typically provided to them, for residential and small business calls as well)



Providing full building engineering design services to Maine schools since 1958.



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— often miles or more from the location of other facilities and the person in need/the emergency rescue location.

A voice solution for a school system handles multiple locations. However, the customer database of the telephone company, and the corresponding E911 database, does not have telephone numbers or unique locations for each of the stations behind the Private Branch Exchange (PBX) or Centrex voice solutions. So the call-back number and specific location information of the caller is unknown.

Private Switch Automatic Location Identification (PS-ALI) is an inexpensive, life-saving service that can close the gap. This system is an add-on to current phone systems which enables users to provide specific location information for each of these telephones to agencies responding to an emergency, specific even to the room number and floor and which entrance is best for fastest access.

In fact, since 2007, it has been a state of Maine regulation that organizations over a certain size (approximately 40,000 square feet, multi-stories, or more than 50 extensions), or those purchasing a new private branch exchange or Centrex to connect the voice services of their organization's locations must implement E911. That is the same level of E911 services that others receive, including automatic number identification signaling; station identification data; and updates to Public Safety Answering Point (PSAP), or 911 operators.

Maine is one of 22 states where E911 legislation has been enacted or is pending.

"We chose to implement PS/ALI in our schools because the additional location information sent to first responders can be critical in any emergency situation," said Dave Person, director of technology services at Maine SAD #54. "School security is of primary importance and this added another tool to protect staff and students."

So if a school district is linking its voice services together to reduce cost, improve efficiency or streamline communications, PS-ALI gives it the safety of a landline and the efficiency of a data voice solution.

"Anything that can cut down even a few seconds of response time is a good thing," said Beth McCarthy, senior account manager, government and education solutions, FairPoint Communications, a leading provider of voice and data solutions in Maine. "Our PS-ALI service provides peace of mind to school administrators that they are both meeting state mandates and, more importantly, doing everything they can to keep their staff, students and visitors safe."

FairPoint has experience with developing the latest solutions for emergency services. Recently it was awarded a *Continued on next page*

Beware Obamacare's 'hammers'

Continued from page 16

work 30 hours or more per week) have the opportunity to purchase self-only health insurance coverage that is affordable. Under the IRS safe harbor that will be available through at least all of 2014, the district's health insurance will be deemed affordable provided the employee does not have to pay more than 9.5 percent of his or her wages, as reported on Box 1 of Form W-2, for self-only coverage. Penalty **Sometimes Preferable**

School districts should review

the health insurance being offered to each full-time employee and its cost. Depending upon the district's current health insurance benefit package, it may be cheaper to incur the \$3,000 penalty instead of offering "affordable" health insurance coverage to certain employees.

For example, if a school district traditionally has not offered health insurance to a particular class of full-time employees and if it would cost \$4,500 for the school district to begin offering each employee in the class affordable health insurance coverage, the school district may decide to pay the Tack Hammer

Penalty rather than incur the additional health insurance cost.

Finally, it bears repeating that recently released Treasury Regulations contain additional details on these penalties that we are still in the process of assessing for their impact on school districts. Drummond Woodsum will continue to monitor developments in these areas and provide additional guidance to school districts on ACA implementation issues in the near future.

Christopher Stvenson is an attorney with the Portland law firm Drummond Woodsum.

The ax falls in Augusta

Continued from page 22

It includes:

- \$40,000 n technical hardware, software and supplies;
- \$15,000 in stipends;
- \$20,000 in course reimbursement;
- \$13,200 in copier replacement;
- \$10,000 in homeless transportation;
- \$8,000 in occupational therapy;
- \$8,758 in textbooks;
- \$5,400 in dues, fees and workshops;
- \$5,000 in special-ed transportation;
- \$4,922 in library books; and
- numerous other smaller items, particularly reductions in maintenance for the city's nine schools.

"At this point," Cyr said in late January, "I'm only \$18,000 short from meeting the Governor's curtailment."

That story is repeated at school districts from Kittery to Fort Kent. •••

A simple solution

Continued from previous page

\$32-million, five-year contract to provide the state's next-generation 911 system to serve Maine's 26 Public Safety Answering Points (PSAPs) which have responsibility to answer all 911 calls in their local coverage areas. This effort makes Maine one of the first states in the nation to deploy a Next Generation 911 system compliant with the National Emergency Number Association standards published in June 2011.

This system solidifies the state's leadership role in providing NG 911 and paves the way for the state, and FairPoint, to deploy and support advanced communications services that is designed to help protect the lives and property of Maine's citizens.

For more information about FairPoint's Emergency Services, call 866-984-4001.

Health plans up in the air

Continued from page 19 rates down," she said.

"When Anthem says the medical trend for your group is 13 percent (like last year) you saw a 6.5-percent increase. That's because we prepaid them \$28 million to get the rate down. We've used significant funds over the past few years."

She explained the Rate Stabilization Fund is the Trust and it was originally seeded with \$6 million of MEA money.

Over the years the Trust was built up because when districts paid more in premiums than they used in claims, Anthem rebated part of that to MEABT.

"We're down to \$43 million and can't continue these large outlays," Burke lamented.

Meanwhile, the future may look bleaker rather than brighter for the MEABT and school districts tied to its Anthem insurance for the next few years.

"I hope higher-performing districts will stay with us but some are adamant they are done with subsidizing," Burke said.

Those districts' departure from MEABT would mean an unwelcome diagnosis for the rest of the state's schools. •••

Horace Mann dedicated

Continued from page 25

future, and we need to take care of their future.

- We believe peace of mind should be available to every educator.
- We believe in respect; we treat others as we would like to be treated.
 - We believe we can help advise and educate the educator.
- We believe in helping educators through a lifetime of changing needs.
- We believe we are uniquely qualified to do all of this because we were Founded by Educators for Educators®.

Matt Surgento, market access consultant for Horace Mann's Northeast region, can be contacted at T. 617-957-7143; e: matthew.surgento@horacemann.com

MeASBO Membership Application

It is time to renew your membership to MeASBO for 2012-13. The membership fees have remained the same and continue to be a bargain. MeASBO is an affiliate of ASBO International and Tri-State ASBO. MeASBO provides members informative meetings with timely topics, a magazine published twice a year, and the opportunity to meet and discuss issues with peers. Contribute to the continued success of the MeASBO by sending in your membership today.

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