

The Maine View

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The Sinclair Act at 50 What History Tells Us about the Consequences of Consolidation

by Hon. Stephen L. Bowen, M.Ed

How much of the following sounds familiar? Maine people were told by the “powers that be” that the state’s schools were too costly. The problem, it was said, was that the educational system supported too many different schools and school districts, which resulted in wasted resources. It was argued that the solution was to create larger school districts and larger educational bureaucracies. Legislators in Augusta enacted laws eliminating countless community-led school boards across the state and handing over more power and influence to bureaucrats in Augusta. Though many people across the state protested this move, it went ahead anyway, despite few solid predictions about what might result.

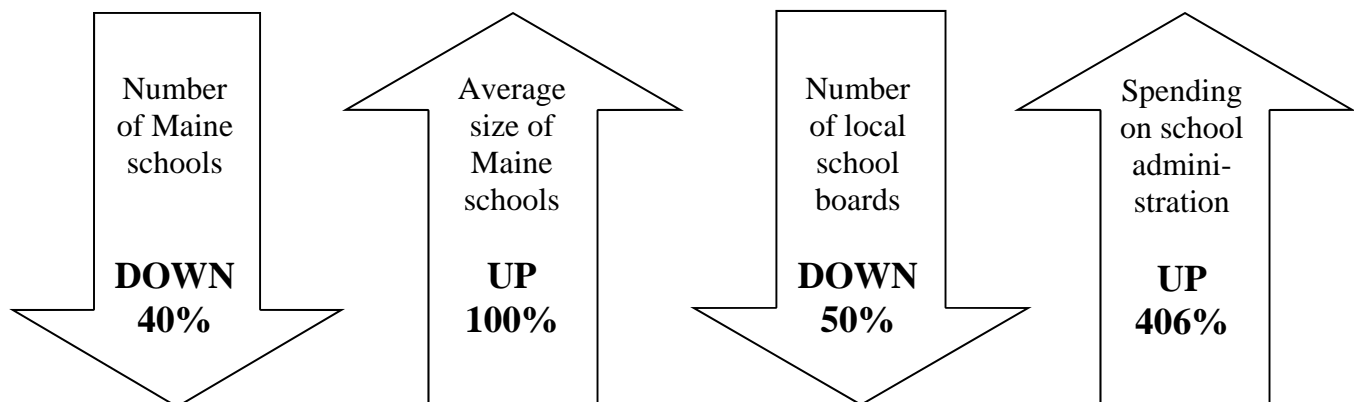
This sounds very much like current efforts to consolidate Maine’s many school districts into fewer, larger ones, but it is actually what happened 50 years ago, when Maine last undertook a dramatic restructuring of its educational system with passage of the *Sinclair Act*. Though the 1957 law has often been heralded as a great step forward for Maine’s educational system, the *Sinclair Act* had many negative, long-term consequences that should throw a dose of cold water on the current debate about whether continued consolidation of our schools and school districts is right for Maine’s schoolchildren.

Here are the results of the *Sinclair Act*:

- The number of schools in Maine dropped by 40 percent, and the average size of each school doubled.
- As larger districts were put in place, the number of local community school boards making decisions about local schools plunged, halving in number between 1950 and 1975.
- As professional administrators and bureaucrats replaced community school boards, administrative costs increased. Per pupil spending on administration grew 406 percent, in 2002 dollars, from 1950 to 1980. Over that same period, the number of people working for the Maine Department of Education tripled.
- Though sold as a means of controlling spending, total per-pupil expenditures on K-12 schools continued to rise dramatically, increasing 353 percent, in 2002 dollars, between 1950 and 1975.

Unfortunately, the state has set on the path of greater consolidation despite the evidence that it will not lead to significant budget savings. Instead, policymakers should revisit The Maine Heritage Policy Center’s plan, based on [Education Service Districts](#), that would produce budget savings without the merging of school districts and creating of larger school bureaucracies.

Consequences of the Sinclair Act of 1957



The Sinclair Act

The *Sinclair Act*, a sweeping school and school system consolidation law, was passed by the legislature in 1957. The School Administrative Districts that are a common feature of Maine's educational system today were created by this act, which sought to merge the many small schools and school units scattered around the state into larger, and, it was hoped, more effective and less costly regional school districts.

It was a confluence of factors that pushed forward the concept of school consolidation both in Maine and across the nation. A need for new schools was generated by the postwar "baby boom" generation, which was of school age and was by the early 1950's, overwhelming the small rural schools built generations earlier. Since transporting students was made easier by the better roads and better school busses available in the postwar world, it seemed to make sense at the time to build larger, more centralized schools to replace the then ubiquitous one-room schoolhouses. These larger schools would have amenities the smaller schools did not, such as laboratories, and it was thought that this would provide a better education to the new generation of schoolchildren that was even then starting to fill up the nation's schools.[1]

Thinking of this kind was reinforced in Maine by the so-called "Jacobs Report" on Maine schools, commissioned by the legislature in 1955. Assessing school equity in the state, the report concluded that "the existence of the many small town school administrative units, designated as the responsibility of individual town governments, places major handicaps on the establishment of a most effective school finance system, and on the attainment of adequate educational opportunity for all children throughout the state." [2] In short, the report found that some Maine children got good educations, but many, in mostly rural areas, did not. Consolidation was thought to be the way to equalize educational opportunity across the state.

Thus inspired, Maine's legislature passed the *Sinclair Act*, one of the most comprehensive pieces of education reform legislation in Maine history. It included a new minimum wage for teachers and it established the "foundation" school funding formula that remained in place for decades.

Most importantly, though, it both created School Administrative Districts and used financial incentives to encourage small school units to join them. Those incentives included additional state financial resources under the new funding formula, as well as state money for the construction of new schools. In exchange, though, towns needed to form districts large enough to support a high school of at least 300 students. A "School District Commission" was established by the bill to oversee the consolidation effort, and while it was empowered to hear appeals on behalf of smaller school units, the lure of increased state money had the intended effect of encouraging creation of larger and larger school districts.[3]

Indeed, despite the fact that towns were not actually forced to consolidate, the state's efforts to encourage just that under the *Sinclair Act* met with great success. By 1967, just 10 years after the bill's implementation, fully half of Maine's towns had become a part of the new regional School Administrative Districts.[4]

Consequences of the Sinclair Act

In the decade and a half or so that followed the bill's enactment, the very face of K-12 education in Maine was dramatically changed.

- Consolidation led to the closure of hundreds of schools. As Chart 1 indicates, over 1,300 schools dotted the landscape across Maine in 1957, but by 1972 there were little more than 800. This came despite the fact that the number of pupils statewide grew by 50,000 over this period. [5]
- As a consequence of more students and fewer buildings, the size of the average school doubled, jumping from 148 students per school in 1957 to 300 per school by 1972, as shown in Chart 2.[6] In 1957, 64 percent of Maine high school students were enrolled in a school with fewer than 200 students. By 1965, only one in five was.[7] As one might expect, the iconic one-room schoolhouse met its end at the hands of the *Sinclair Act*. In 1951 there were 569 one-room schoolhouses in Maine, but by 1971, just 20 years later, there were only 31 left.[8]
- Though the *Sinclair Act* had been sold as a means of controlling rising costs, per-pupil spending climbed dramatically during the consolidation era, as seen in Chart 3.[9] From 1930 to 1950, per-pupil spending grew 21 percent in 2002 dollars. From 1950-1970, during the height of the state's consolidation efforts, spending grew 164 percent, eight times faster.[10]
- School governance was dramatically changed as well. The consolidation of school systems meant the end to many local school boards. As indicated in Chart 4, nearly 600 school committees were in place across the state managing local schools in 1950. By 1970, less than 300 remained.[11]
- Taking over management of schools in place of citizen boards were full-time professional administrators, whose numbers climbed 22 percent from 1950 to 1970. The result, as Chart 5 indicates, was that per pupil spending on administration grew by 135 percent, in 2002 dollars, during this era. [12]
- The power and influence of the state increased in this period as well. The Maine Department of Education had 43 employees in 1950, but by 1980, it had 124.(See Chart 6)[13]

Continued on page 6.

Chart 1
Number of Schools
School Years 1957 to 1972

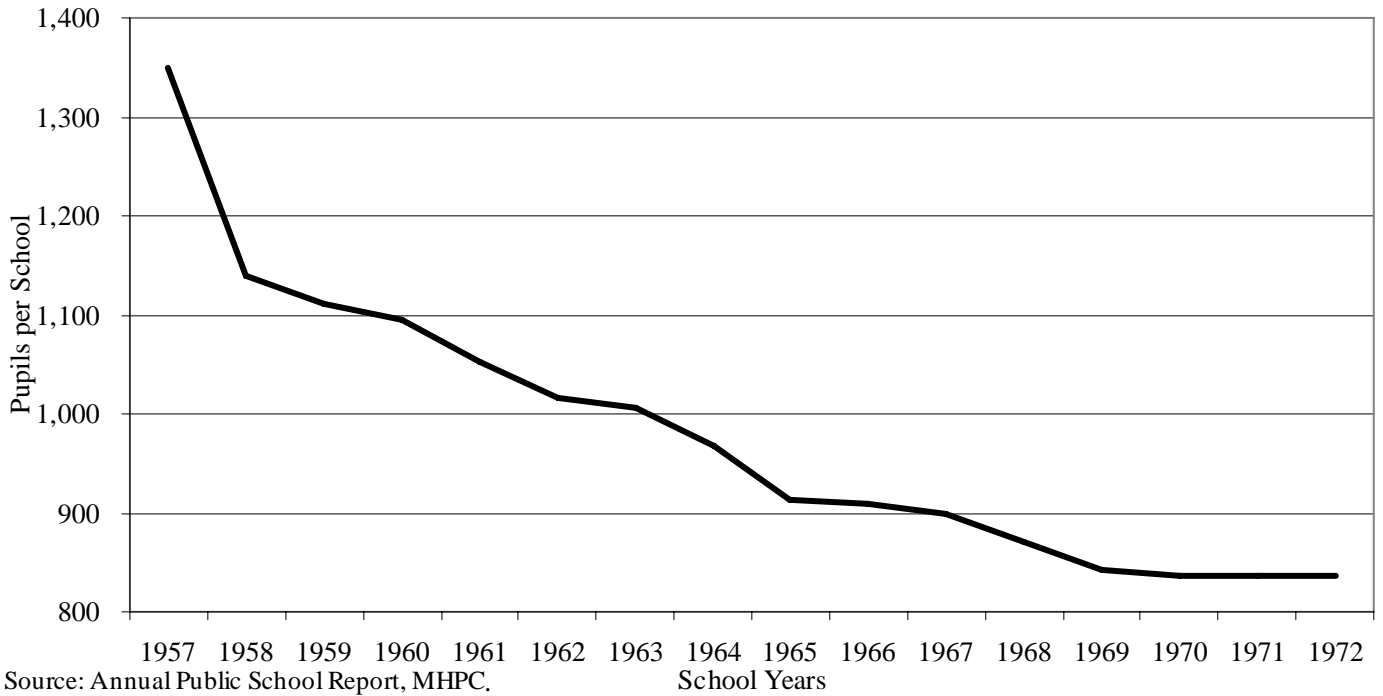


Chart 2
Average School Size
School Years 1957 to 1972

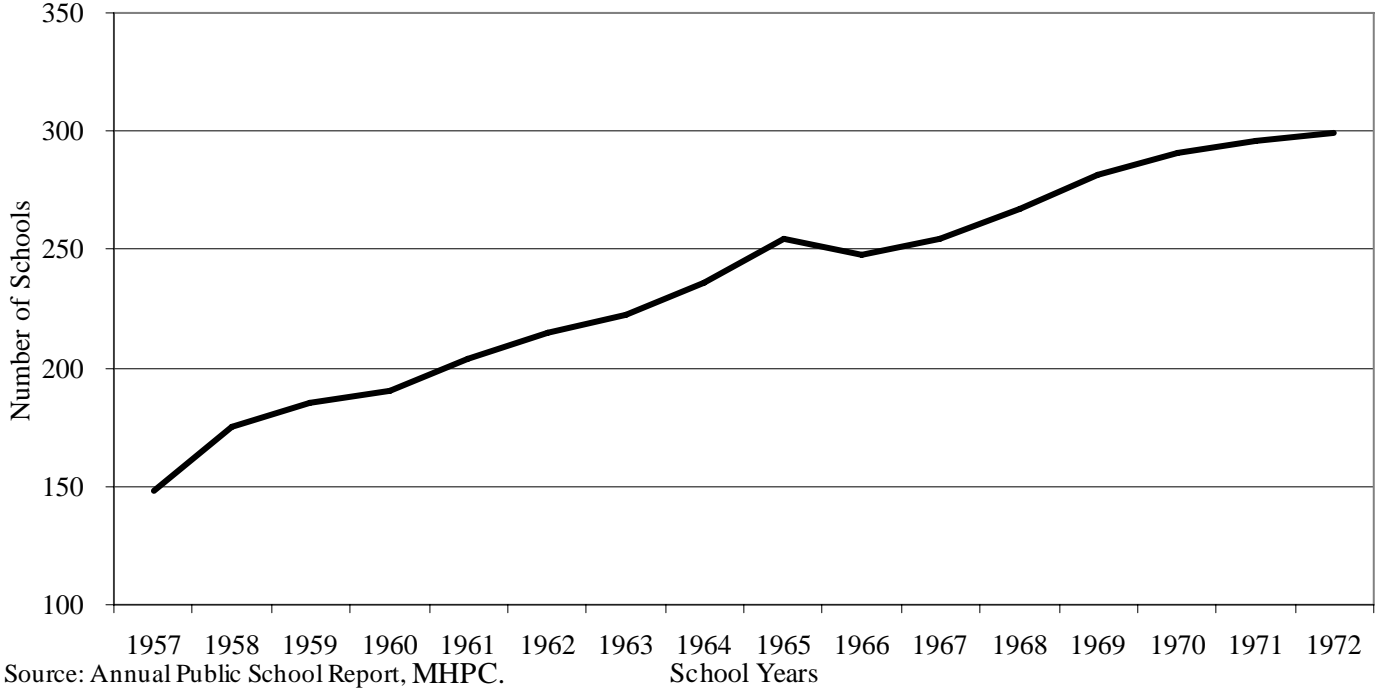


Chart 3
Per-Pupil School Spending (2006 Dollars)
School Years 1957 to 1972

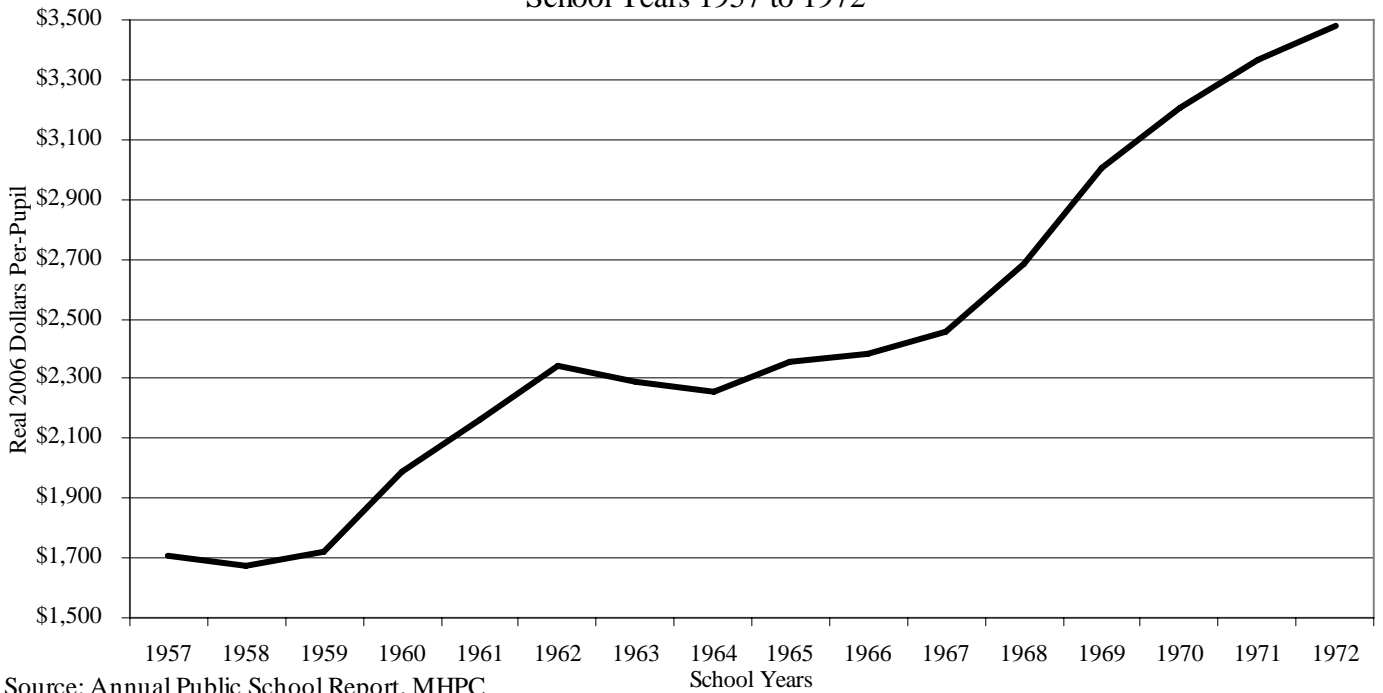


Chart 4
Number of School Committees
Selected Calendar Years 1940 to 1990

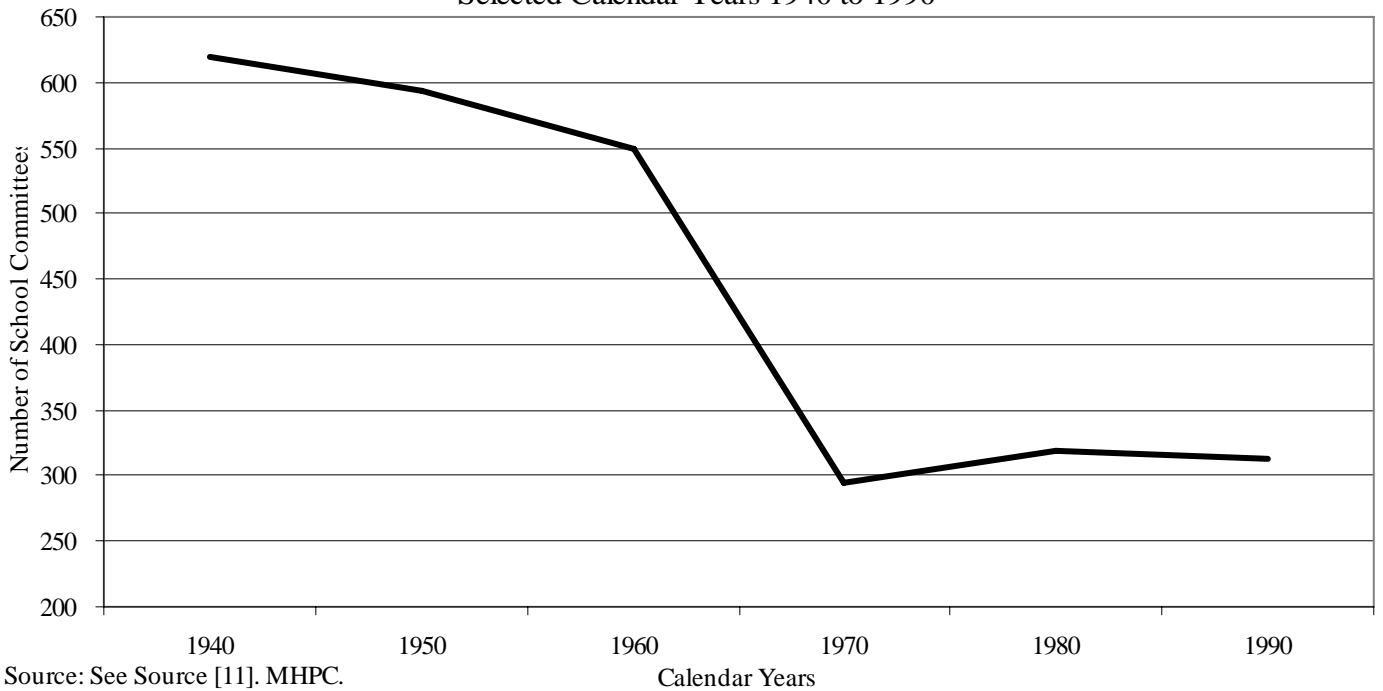


Chart 5
Spending on School Administration
Selected Calendar Years 1940 to 1990

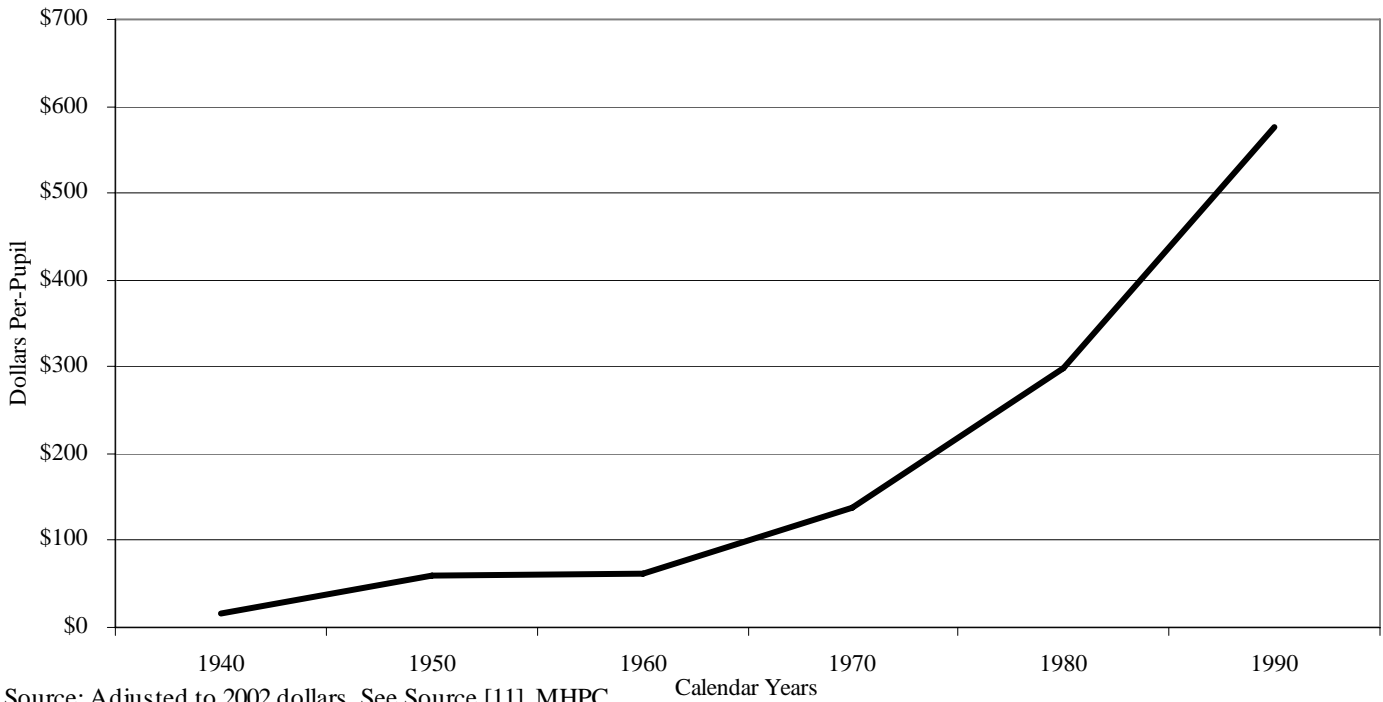
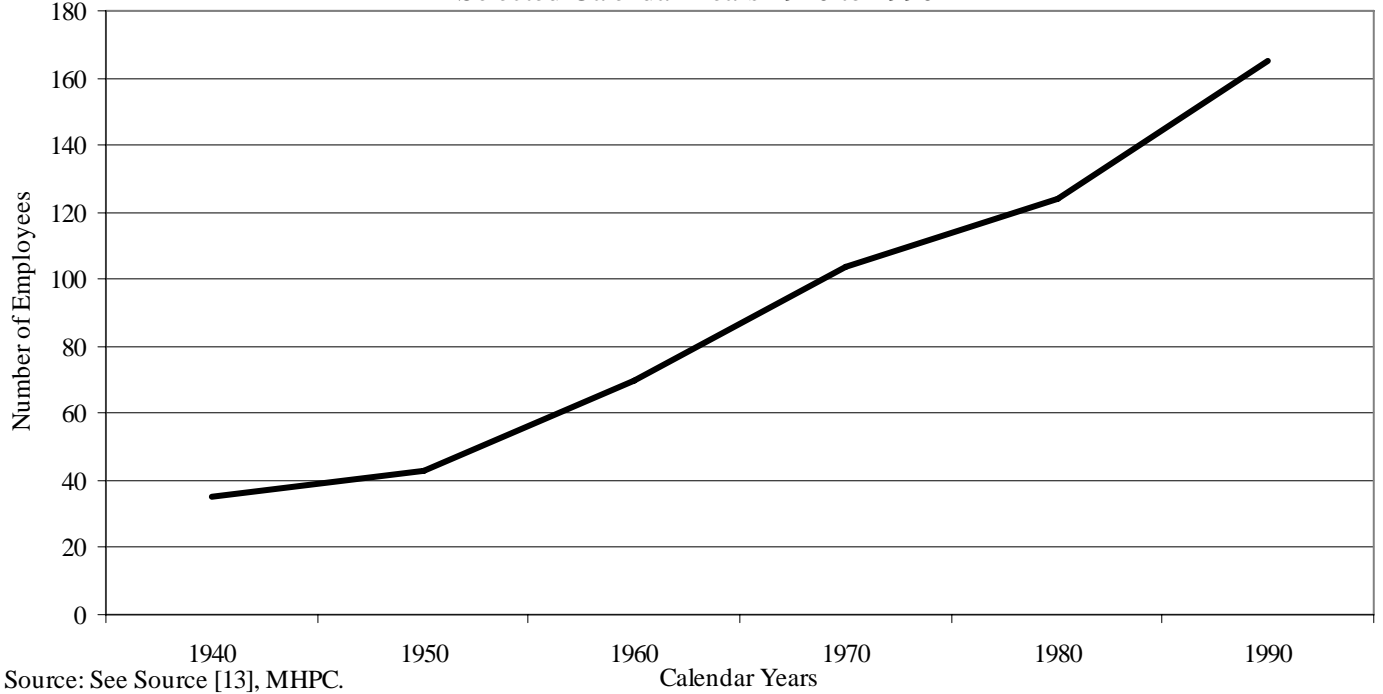


Chart 6
Number of Employees at the Maine Department of Education
Selected Calendar Years 1940 to 1990



Consequences of Consolidation

As a result of the *Sinclair Act*, the world of K-12 education looked far different in 1972 than it did in 1957. Over that 15 year span, the number of schools in Maine dropped nearly 40 percent and the average size of them doubled. The number of local school boards about halved, and spending on administration rose dramatically. Overall per-pupil spending continued to increase as well, despite the dramatic consolidation of schools and districts, and the size of the state government's involvement in K-12 education grew considerably.

Given the lack of adequate measures of student achievement during the *Sinclair Act* era, it is difficult to judge the extent to which all of this consolidation actually led to a better educational product. Whether it did or not, we now appear headed down the road of school consolidation once again.

The Return of School Consolidation

Maine's new consolidation law, passed earlier this year, is not nearly as sweeping a set of reforms as the *Sinclair Act*, but it comes at a different time, and was enacted in response to different concerns.

First and foremost has been the issue of cost. Whereas observers in the 1950's felt that the state wasn't spending enough, today there is near universal agreement that Maine's educational spending is far above what it should be. At more than \$10,000 per-pupil, Maine's level of K-12 spending is one of the highest in the nation. When measured as a percent of the state's Gross State Product, only two other states spend more on their schools than Maine.[14]

Of even more concern is that this high spending continues unabated despite plunging school enrollment. From a height of over 250,000 students in the early 1970's, the number of students in Maine schools has fallen to less than 200,000 and is expected to drop by another 20,000 students over the next decade.[15] Despite this, school systems have actually increased staff. Pupil counts in Maine dropped 6.2 percent from 1995 to 2004, but the number of full-time school teachers increased over that same period by more than 10 percent.[16] Spending on school and school system administration grew 370 percent from 1970 to 2000, again despite dropping student enrollment.[17]

All this spending, teaching, and administrating might be considered acceptable if it was buying an exceptional school system, but various measures of school performance indicate otherwise. When the state's scores on national standardized tests are adjusted to account for the state's overwhelmingly white, English-speaking student population, the achievement of Maine students ranks well below national averages.[18] According to the Maine Department of Education, scores on the state's own MEA test "have reached a plateau and stayed there" for at least a half-dozen years.[19] The average SAT

scores of Maine students have remained largely unchanged for two decades.[20]

In 2005 and 2006, a series of reports analyzing these trends came to very much the same conclusion that led to the *Sinclair Act* a half-century earlier, recommending with near unanimity that a new round of efforts to consolidate schools and school districts be undertaken. In this instance, the argument was made that resources, allegedly wasted on the over-administration of Maine's schools, could be better spent on such things as higher teacher pay, longer school years, and an expansion of the laptop computer program. Governor Baldacci went so far as to call for a "Sinclair Act for the 21st century," and proposed, as part of his 2007-2008 budget bill, a plan to consolidate Maine's 286 school administrative units into 26 regional districts, a move he predicated would save \$241 million.

The six months of political machinations that accompanied the legislature's deliberation of this proposal are too wearying to recount, but in the end, legislators eventually passed a bill that has come to be known as the *School Administrative Reorganization* law.

The School Administrative Reorganization Law

Like the original *Sinclair Act*, the bulk of the consolidation bill recently passed by the legislature establishes a new kind of school district, this one known as the Regional School Unit. Unlike the *Sinclair Act*, though, existing school districts are given little choice whether or not they will participate.

Even though the word "consolidation" appears only three times in the new 60 page law, all school administrative units are required to develop plans to consolidate into larger regional districts of at least 2,500 students, though certain exceptions are allowed. These plans must then go before the education commissioner for approval. If the commissioner "finds that a plan for reorganization meets the requirements" of the law, the plan then goes before the voters of the consolidating districts. If passed by the participating districts, the new regional district is created as set forth in the plan, and a new regional district school board is put into power. Any property in the hands of the original municipal or school districts becomes the property of the new regional body, and the original local school boards are removed from power and their districts disbanded.[21]

Existing school units and their voters are given until November of 2008 to approve a plan to do all this, and failure to do so results in relatively severe penalties, including:

- A withholding by the state of 50 percent of the district's "minimum subsidy" payment.
- A 50 percent cut in state financial support for local district spending on administration
- A higher "mill rate expectation," meaning that the local

share of school spending will be higher than it would be otherwise.

- A “less favorable consideration” by the state for funding of school construction projects.
- A loss of so-called “transition funding” now being received by many districts as the state “ramps up” its school funding contribution to 55 percent.[22]

These penalties stand in sharp contrast to the provisions of the original *Sinclair Act*, which provided financial incentives to encourage consolidation of schools and districts, but no penalties for those that decided against it. This time, there is no local choice in the matter.

There are other components of the new reorganization bill which should be of concern as well.

- The bill gives extraordinary power to the unelected commissioner of education. The commissioner is empowered, for instance, to grant exceptions to any number of provisions of the law, including whether or not districts must submit to reorganization in the first place. Additionally, the commissioner has the power to approve or disapprove any reorganization plan before it goes in front of voters, effectively giving that office a veto over consolidation agreements developed locally. Indeed, the commissioner's authority with regard to reorganization seems both boundless and final, as no method for appeal of any of the commissioner's decisions is included in the law.
- To increase its political palatability, the law contains provisions to prevent the new regional district from closing schools outright, allowing local communities the chance to veto any vote by the regional district board to do so. The local community, though, if it prevents closure of a local school, must pay the increased costs of keeping the school open. The additional costs of doing so are determined by the commissioner of education, with no identified appeal process.
- The new bill also includes provisions that purport to preserve school choice in communities that already have it. As written, towns that currently have a choice of high schools through the Town Tuitioning program, for instance, keep that choice, even as they join with an existing district that does not. The result, as observers have noted, is that “some students in the new regional school unit will have their choice of high schools and some will not.”[23] One wonders how long such a situation will continue before calls are made to end choice options for the students that have them. Consolidation talks in the Bath area are already proposing to eliminate school choice options there.[24]
- This new legislation is a severe and probably fatal blow to local control of schools. Existing local school boards are to

be replaced by much larger regional boards whose representation will be based on population. Small towns merged with larger ones will effectively lose control of their own schools. The bill allows the regional board to create “local school committees and specify their powers and duties,” but these powers will not include budgetary authority and these committees are not otherwise granted any powers whatsoever under state statute.[25]

The contrasts between the current bill and the *Sinclair Act* of a half-century ago could not be more clear. Where the *Sinclair Act* allowed local communities to decide for themselves whether consolidation was right for them, the new bill simply mandates it. While the *Sinclair Act* used financial incentives to encourage consolidation, the new bill uses only penalties for failure to comply. The *Sinclair Act* empowered local governments to make these important decisions, where the new bill empowers only the state's education commissioner.

The *Sinclair Act* and the new law are similar, however, in their ultimate goal: larger school districts. Given the consequences of the *Sinclair Act*, what can Maine people expect as a result of the current reorganization law?

Consequences of “Reorganization”

- One certain result will be the continued decline of local control over schools. Today, well over a thousand Maine people serve their communities on local school committees. As the number of school administrative units shrinks to around 80, though, those local community school boards will be replaced with much larger regional boards, on which larger towns will have the most representation.
- As the legacy of the *Sinclair Act* demonstrates, the decline of local community control over schools will no doubt be accompanied by an increase in school administrative bureaucracy on both the new regional district level and the state level.
- Correspondingly, the percent of each educational dollar spent on administration will likely climb, rather than fall, as educational bureaucracies continue to grow. In 1960, 3.4 percent of overall education costs were spent on administration, but by 2000, 6.7 percent of overall spending was, despite the consolidation efforts of the *Sinclair Act* era.[26]
- Even though language in the new law allegedly makes it harder to do so, small schools will undoubtedly be closed as a result of consolidation, just as they were under the *Sinclair Act*. With the state giving preferential school construction funding to districts that consolidate schools, and with local communities obligated to pay whatever the commissioner mandates they must in order to keep their local school open, it is only matter of time before Maine's small schools are forced to close, like in the 1950's and 1960's.

- School choice options will be endangered. Today, thousands of Maine students have a choice of schools under the Town Tuitioning program. As districts grow larger, and as some students retain choice under provisions of the new bill and others do not, pressure will undoubtedly mount to end the tuitioning program in favor of mandatory attendance at Regional District schools. It is happening already.

Conclusion

It may well be that it is in the best interest for Maine students to be educated in large schools that are part of large school districts managed by enormous administrative bureaucracies with little community input. It may well be that school choice

options should be eliminated, that larger towns should be able to tell smaller towns how to run their schools, and that state bureaucrats should have more power and influence than ever.

Unfortunately, definitive answers to these questions were never even sought in the mad rush to pass Maine's new consolidation law. MHPC even proposed a workable alternative plan in January that produced budget savings without merging school districts and creating larger school bureaucracies.[27]

Regardless, the state has been set on this course whether it is right for Maine's children or not, despite what 50 years of the Sinclair Act tells us about what is gained and, more importantly, what is lost as a consequence of consolidation.

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Stephen L. Bowen is a former teacher, a former state legislator, and is the Education Policy Analyst at the Maine Heritage Policy Center. The author can be reached at sbowen@mainepolicy.org.

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Editor and Director of Communications, Jason A. Fortin

P.O. Box 7829
Portland, ME 04112
207.321.2550 (p)

<http://www.maineconomy.org>
<http://blog.maineconomy.org>
info@mainepolicy.org

MHPC Staff:	Tarren Bragdon <i>Director of Health Reform Initiatives</i>
Bill Becker <i>President & Chief Executive Officer</i>	Heather Noyes <i>Director of Development</i>
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