



## Maine Education Association

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**Testimony**  
**Neither for Nor Against**  
**LD 2002: An Act to Provide Incentives to Schools That Contract for Certain Social Work and Family Services**  
**Before the Education and Cultural Affairs Committee**  
**January 11, 2024**

Senator Rafferty, Representative Brennan and other esteemed members of the Education and Cultural Affairs Committee,

My name is John (Jan) Kosinski, and I am here on behalf of the Maine Education Association to testify neither for nor against LD 2002, *An Act to Provide Incentives to Schools That Contract for Certain Social Work and Family Therapy Services*. The MEA represents 24,000 educators in the state of Maine, including teachers, certified professionals, and support staff in nearly every public school in the state as well as the faculty and other professionals in the University of Maine and Community College systems.

The MEA is fully aware of the dire need for additional mental health and behavioral supports for our students. Teachers, ed techs, bus drivers and others have consistently communicated with us about the ongoing spike in challenging and sometimes dangerous behaviors exhibited by students while at school. Sadly, we regularly have reports of teachers and other school employees experiencing injuries due to the student behaviors we are seeing and encountering, and they often turn to the MEA for help navigating workers comp and how to manage time they need away from school to heal and recuperate.

But we offer not just anecdotal evidence to substantiate this claim, but empirical evidence as well. The Maine Department of Education, through their ESSA dashboard, tracks the reported incidents of violent incidents in our schools and the data is extremely alarming and matches the reports we are regularly receiving from school employees. It is important to note, below is a list of the REPORTED incidents but we fully expect some incidents go unreported:

### **REPORTED Violent Incidents in Maine's Public Schools<sup>1</sup>**

#### **2018/2019 School Year**

Violent Incident WITH Physical Injury – 447

Violent Incident WITHOUT Physical Injury – 1,799

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#### <sup>1</sup> Definitions:

Violent incident with physical injury: Violent Incident (with Physical Injury): Any physically violent incident with injury where one or more students, school personnel, or other persons on school grounds require professional medical attention.

Violent incident without physical injury: Incidents involving violent behavior or the threat of violent behavior but that did not result in the need for professional medical attention.

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**2019/2020 School Year (Despite an increase, please note, schools were remote March – June)**

Violent Incident WITH Physical Injury – 550

Violent Incident WITHOUT Physical Injury – 1,806

**2020/2021 School Year (Please note, most schools were hybrid/had modified schedules, etc.)**

Violent Incident WITH Physical Injury – 128

Violent Incident WITHOUT Physical Injury 518

**2021/2022 School Year**

Violent Incident WITH Physical Injury – 690

Violent Incident WITHOUT Physical Injury – 2,293

Data from the 22-23 school year has not been updated by the Maine Department of Education but we expect the figures to be even more troubling than prior years.

I wish I could tell you that we had a complete explanation for this rise in violent behaviors, but we do not. What we know is that there is a sudden and alarming uptick in the types of behaviors students and educators are encountering especially since March 2020 when schools closed due to the pandemic.

For these reasons, the MEA wholeheartedly supported LD 829, *An Act to Improve Behavioral Health Support for Students in Public Schools*, sponsored by Representative Lydia Crafts, who was a school social worker and has firsthand knowledge of the challenges taking place in schools. This proposal, as you may remember from last year, attempts to recognize the need for additional behavioral supports for students by including mental health providers in the school funding formula (they are currently not included) and reducing the counselor/student ratio in the formula. With an \$81 million fiscal note, the Legislature was unable and/or unwilling to fund this necessary proposal but we remain committed to making progress on this issue. If we want all students to have the opportunity to meet Maine's Learning Results, we must provide more support to the mental health of our students and we must do more to address their behavioral challenges. We know students will struggle to learn when they are not safe, and we have an obligation to make sure they feel safe at school. We feel additional supports should be including in the state's Essential Programs and Services formula to reflect this reality.

However, we are neither for nor against LD 2002 for three primary reasons.

First, we believe the proposal represents subcontracting of services and we feel students benefit more when mental health supports are blended into the fabric of the school community and the best way to achieve this is when mental health professionals are school employees. Subcontracting to outside firms and companies may be helpful in the short term, and so that is why we are not opposed to this proposal, but we feel strongly students benefit the most when these providers are on-site and in the school every day, or almost every day, during the regular school year. Not only do they help students manage feelings, concerns, and behaviors when they happen and before they happen, but they provide critical support to teachers and educators including tactics, techniques, and remedies to prevent challenging behaviors in the future. We can not overstate the importance of having mental health and behavioral

supports blended into our schools but given the dire need we are seeing, we have decided not to oppose this measure, but we believe better solutions are at hand if we can find the funding to make them happen.

And while we have concerns about the subcontracting of these critical services, we have one suggestion that will help alleviate concerns. When this Committee adopted the emergency teacher certificates, language was put in law to prevent the emergency certified teachers from replacing veteran teachers or personnel currently serving in roles in our schools:

**§13012-B. Emergency teacher certificate and reciprocal professional certificate**

Upon the identification of an educator staffing shortage in the State, the commissioner may issue emergency certificates to teachers, specialists and administrators in accordance with this section. The commissioner shall issue an emergency teacher certificate or reciprocal professional certificate to an applicant who meets the requirements of this section. The commissioner shall provide to an applicant who is not qualified information regarding any remaining requirements and other certification options available to the applicant. The commissioner may issue an emergency teacher certificate or reciprocal professional certificate under this section only to address the identified staffing shortage and **only in a manner that ensures that the person issued an emergency teacher certificate or reciprocal professional certificate does not supplant an otherwise qualified and available teacher, specialist or administrator.** [PL 2021, c. 228, §2 (NEW).] (emphasis added)

If this Committee decides to move forward with this bill, we hope it will include language that stipulates that the grant funding can only be used to supplement, not supplant the work currently being done by mental and behavioral health professionals in our schools. We do not want to lose qualified and critical staff because a penny-pinching district tries to use the state grant provided for in this bill to reduce or eliminate currently employed staff. What's more, we hope an amendment can be included, like it was in the emergency teacher language, that requires districts to hire mental health professionals if one is available instead of relying on subcontracted services. Again, we would rather not see subcontracted services if districts can hire staff who can be fully involved and fully enmeshed in the school community.

Second, the proposal in LD 2002 raises concerns about equity and we encourage the Committee to address equity via an amendment. The proposal includes a tiered grant system based on student population. But, as you all know, there are inequities in our school systems. Some districts are more advanced in hiring mental health providers to navigate the feelings and challenges students face. Others struggle to provide the funding to meet the bare minimum necessary under EPS. As you may remember from the October 2023 meeting of this Committee, the Department of Education produced a shocking chart demonstrating the ability for low-receiving districts to often fund well above EPS, while the high-receiving districts struggle to meet the minimum. If this Committee decides to move forward, we encourage you to consider targeting the resources to the communities and school districts with the highest demonstrated need and least ability to pay.

Lastly, while the fiscal note attached to LD 2002 is a modest \$1.3 million, we believe the best solution is to lift the pay for professionals in our schools. We remain committed to LD 1064, *An Act to Increase the Teacher Salary*, sponsored by Senator Teresa Pierce. This proposal gradually lifts the minimum teacher salary in Maine to \$50,000 and we believe, as written, would also apply to certified mental health professionals in our schools including social workers. Typically, school districts have one salary

scale for all certified staff and therefore LD 1064 would serve to lift salaries for the exact professionals schools are trying to hire. A review of [servingschools.com](http://servingschools.com) shows schools across the state have several social worker positions posted but are apparently unable to fill them. We hope the Committee will continue to prioritize lifting salaries for professionals (and wages for ed techs and other support staff) above all else rather than, or in addition to, providing funding for services via subcontracting.

Thank you for your time and attention to this important matter. I will do my best to answer any questions you may have.