

**TESTIMONY
OF
PENDER MAKIN, COMMISSIONER
DEPARTMENT OF EDUCATION**

Before the Joint Standing Committee on Appropriations and Financial Affairs
And the Joint Standing Committee on Education and Cultural Affairs

Hearing Date: February 21, 2024, 1:30 pm

**LD 2214 “An Act to Make Supplemental Appropriations and Allocations for the
Expenditures of State Government, General Fund and Other Funds and to Change Certain
Provisions of the Law Necessary to the Proper Operations of State Government for the
Fiscal Years Ending June 30, 2024 and June 30, 2025”**

Senators Rotundo and Rafferty, Representatives Sachs and Brennan, and Members of the Joint Standing Committees, my name is Pender Makin and I am the Commissioner of the Department of Education. I am here today to present testimony for those departmental items in the supplemental budget bill.

Some initiatives in this budget will impact more than one program. For this reason, initiatives for the same purpose will appear across several areas of my testimony. The repeated explanations will be summarized and underlined to identify that they were described earlier.

**PART A
ADULT EDUCATION**

This program operates a public education and career pathways system that prepares adult learners for post-secondary education and/or employment. Over 70 adult education programs throughout Maine provide a range of instructional services to help adults develop the skills they need in order to access further educational opportunities, job training, better employment opportunities, and to realize their full potential as individuals, family members, students, and workers.

The program has **one initiative** that may be found on page **A-35**.

This initiative reallocates 3 positions in the Adult Education team between funds, based on work effort to properly account for payroll expenses supported by federal grants.

CHILD DEVELOPMENT SERVICES

This program currently operates nine regional CDS sites statewide, providing early intervention and free appropriate public education services to Maine's youngest learners with disabilities.

The program has **two initiatives** that may be found on page **A-35**.

The **first initiative** allocates one-time funds for payments of a daily rate for special purpose private preschools from July 1, 2024 through June 30, 2025.

The **second initiative** provides funding for increases in staff costs attributed to collective bargaining. In fiscal year 2023-24 Child Development Services (CDS) will be negotiating a contract with the Maine State Employees Association for anticipated salary and benefit increases in fiscal years 2024-25 and 2025-26. This initiative provides funding for the projected fiscal year 2024-25 costs.

GENERAL PURPOSE AID FOR LOCAL SCHOOLS (GPA)

This program provides state funding to support local schools through the Essential Programs and Services (EPS) formula and through targeted education funds. The program relies on a variety of data systems and property valuation information provided through Maine Revenue Services to calculate both the total cost of public education in Maine and the % share for which each municipality will be responsible.

The program has **four initiatives** that may be found on page **A-36**.

The **first initiative** reallocates the cost of one Public Service Manager II position and one Office Specialist II position to the appropriate accounts within the General Fund. The positions have taken on departmentwide responsibilities in the areas of financial management and procurement in addition to their existing school finance duties.

The **second initiative** provides funding to maintain the statutory requirement of funding the state share of the total cost of public education at 55%. This amount represents the increased cost from fiscal year 2023-24 to maintain the state share percentage at 55%.

The **third initiative** transfers a Public Service Manager III position and related All Other costs to the Innovative Teaching and Learning program as a result of a reorganization within the department. The Office of Innovative Teaching and Learning provides technical assistance and other services to schools across the state. Teams within this office include the Early Learning Team, the Learning Through Technology team, the Interdisciplinary Instruction team, Multi-Tiered Systems of Support and Climate Education. This initiative transfers positions and All Other funds for the Office Director, administrative support, and Multi-Tiered Systems of Support to the new program.

The **fourth initiative** reduces allocation to reflect revenue changes based on projections from the Oxford Casino as determined by the Revenue Forecasting Committee at their December 2023 meeting. This funding is included as part of the state's share of the total cost of education.

HIGHER EDUCATION AND EDUCATOR SUPPORT SERVICES (HEESS)

The Office of Higher Education and Educator Support Services includes the certification team, the Higher Education Team, and the Educator Excellence and Support Team. The Office supports high quality learning opportunities for all pre-K through higher education students by ensuring that they have access to certified teachers and leaders; providing and encouraging the

growth of educational opportunities; and advancing policies and practices that encourage and support the recruitment, development, and retention of well prepared and highly skilled teachers and school leaders.

This program has **two initiatives** that may be found on page A-37.

The **first initiative** provides funding for the approved reclassification of one Office Associate II position to an Office Specialist I position retroactive to January 5, 2022. This position provides administrative support to the Teacher Excellence team that addresses teacher recruitment, retention, development, and recognition. This position performs additional advanced office and administrative support work such as researching, compiling, and analyzing complex information, reviewing input and output information from electronic information systems, and implementing quality control standards.

The **second initiative** provides funding to support the administrative work required to facilitate the State Authorization Reciprocity Agreements (SARA) membership. Recognizing the growing demand for distance education opportunities, higher education stakeholders joined together in 2013 to establish this program, which streamlines regulations around distance education programs across states. Maine and Vermont are the only two states in the northeast region who do not currently charge providers of higher education distance learning a fee for participation. Maine plans to implement a participation fee beginning in fiscal year 2024-25. This initiative provides funding to expend the fees collected to facilitate higher education administration.

INNOVATIVE TEACHING AND LEARNING

This program provides guidance, professional learning, and technical assistance to school systems statewide. Teams within this office include Early Learning, Learning Through

Technology, Interdisciplinary Instruction, Multi-Tiered Systems of Support and Climate Education.

The program has **four initiatives** that may be found on page **A-38**.

The **first initiative** transfers one Public Service Manager III position, one Education Specialist III position and funding for All Other costs related to the Early Learning Team from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

The **second initiative** transfers one Public Service Manager II position, 5 Interdisciplinary Instruction Specialist positions and All Other funding for the Interdisciplinary Instruction Team from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

The **third initiative**, previously mentioned in GPA, transfers a Public Service Manager III position and related All Other costs to the Innovative Teaching and Learning program. As a result of a reorganization within the department a new office was created. The Office of Innovative Teaching and Learning provides a wide array of technical assistance to school systems statewide. Teams within this office include Early Learning, Learning Through Technology, Interdisciplinary Instruction, Multi-Tiered Systems of Support and Climate Education. This initiative transfers positions and All Other funds for the Office Director, administrative support and Multi-Tiered Systems of Support to the new program.

The **fourth initiative** transfers 2 State Education Representative positions and related All Other costs for the Digital Learning Team from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

LEADERSHIP

This program encompasses the work of the commissioner's office, covering all areas of organizational leadership - including finance, operations, internal human resources, internal and external communications, data, and policy teams. This team is also responsible for all pertinent matters impacting the operation, reporting, and funding of our statewide education system. The Leadership Team oversees special projects and programs; constituent relations; rulemaking processes; development and alignment of policy; and coordination with and among the other departments and agencies throughout state government.

This program has **one initiative** that may be found on page A-39.

This initiative, previously mentioned in GPA, reallocates the cost of one Public Service Manager II position and one Office Specialist II position to the appropriate accounts within the General Fund. The positions have taken on departmentwide responsibilities in the areas of financial management and procurement in addition to their existing school finance duties.

LEARNING SYSTEMS

The Learning Systems program is comprised of four teams who are responsible for implementation of federal programs and grants, including the Elementary and Secondary Schools Act (ESEA); the Child and Adult Care Food Program; the National School Lunch Program; Supply Chain Assistance; and several funding streams under the American Rescue Plan. The work teams within Learning Systems include: Assessment and Accountability, Child Nutrition, Elementary & Secondary Education (ESEA), and Emergency Federal Relief Programs (EFRP). The Office coordinates and oversees services related to the efficient utilization of federal funds to support instructional programs and activities in schools across our state. The Office also collects, summarizes, and analyzes student data for performance, public reports, and policy

direction while providing technical assistance and professional learning opportunities for school leaders and educators.

The program has **seven initiatives** that may be found on page **A-40**.

The **first initiative** continues four federally funded positions to provide targeted outreach and support for families of young children, expansion of community-based pre-k partnerships, early childhood education workforce development, and integration of early childhood data across state agencies through a preschool development grant. The Department of Health and Human Services (DHHS) received the preschool development grant in December 2022. DHHS is partnering with the Department of Education to ensure children and their families will receive the services they need through an efficient, data-driven and evidenced-based system so that all children enter kindergarten prepared to succeed. These positions support the work of the grant through targeted outreach and support for families, expansion of community-based pre-k partnerships, early childhood education workforce development and integration of early childhood data across state agencies. This initiative continues 4 positions through the end of the grant and provides funding for related costs.

The **second initiative** provides a federal allocation for the English Language Acquisition program grant. The objective of this grant is to ensure that children with limited English proficiency attain English proficiency and meet the same challenging State academic content and student academic achievement standards all children are expected to meet. This initiative increases the federal allocation to meet projected expenditures in fiscal year 2024-25.

The **third initiative** provides a federal allocation for the Title I Part A Grants to local schools. The objective of this grant is to improve teaching and learning in high-poverty schools in particular for children failing, or most at-risk of failing, to meet challenging State academic

achievement standards. This initiative increases allocation of federal funding to meet projected expenditures in fiscal year 2024-25.

The **fourth initiative** provides a federal allocation for the Student Support and Academic Enrichment grant. The objective of this grant is to improve student's academic achievement by increasing the capacity of local educational agencies and schools to provide students with access to a well-rounded education, improve school conditions for student learning, and improve digital literacy for all students. This initiative increases allocation to meet projected expenditures in fiscal year 2024-25.

The **fifth initiative** transfers funding for the George Briggs Fund from the Learning Systems Team program to the Office of Workforce Development and Innovative Pathways program to align funding with the appropriate program.

The **sixth initiative** reduces funding for the Rethinking Remote Education Venture grant. The full allocation is no longer needed as grant funding for this program ends on July 31, 2024. This initiative reduces allocation to the amount of projected expenditures in the last month of the grant.

The **seventh initiative** transfers four positions and related All Other funding for Career and Technical Education from the Learning Systems Team program to the Office of Workforce Development and Innovative Pathways program to align funding with the appropriate program.

MAINE SCHOOL SAFETY CENTER (MSSC)

The MSSC provides guidance, training and technical support to Maine's schools to assist them in meeting their safety and security requirements. The MSSC is developing a safe school infrastructure that will deliver high quality, up-to-date best practices, procedures, training and technical assistance and support to Maine schools.

The program has **three initiatives** that may be found on page **A-41**.

The **first initiative** transfers a Public Service Manager II position from the Federal Expenditures Fund to the General Fund within the same program beginning October 1, 2024. This position serves as the Threat Assessment and Mental Health Coordinator for the Maine School Safety Center. The position is currently funded by the STOP School Violence grant through September 30, 2024. This initiative transfers the position to the General Fund after grant funding has ended to ensure continued support in the areas of threat assessment and mental health.

The **second initiative** transfers funding for restorative practices from the School and Student Supports program to the Maine School Safety Center program. Public Law 2021, chapter 737 provided funding to establish or expand school-based restorative justice programs, mentoring services for juveniles involved in the juvenile legal system and, in collaboration with the Department of Labor, workforce development and educational and vocational programs for juveniles involved in the juvenile legal system. This work is performed by MSSC staff, and this initiative transfers the funding to align it with the appropriate program.

The **third initiative** establishes one Public Service Coordinator II to train public safety professionals and first responders and reduces All Other to fund the position. This position will train public safety professionals and first responders on positive interactions with youth, best practice ways of supporting schools, building collaborative teams with schools and assist the Maine Criminal Justice Academy training and certification of school resource officers to support school safety and security. Demand for this service from Maine schools is high due to the ongoing and growing threats to our school communities. This position will greatly increase the department's ability to offer a much sought after and essential service.

OFFICE OF INNOVATION

The Office of Innovation oversees a network of innovative school projects that have been established in schools across the state to improve opportunities and outcomes for Maine students. This office oversees Climate Education, including a statewide grant program to support schools in working with community based agencies to improve instruction in climate sciences; implementation of RREV Innovation grants; strategic partnerships, including cross-agency and community-based partnerships; opioid prevention efforts in schools; the Maine Outdoor Learning Initiative (MOLI); green school facilities and transportation projects; and the Building Assets / Reducing Risks (BARR) schools.

This program has **five initiatives** that may be found on page A-42.

The **first initiative** transfers one Public Service Manager III position, one Education Specialist III position and funding for All Other costs related to the Early Learning Team from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

The **second initiative** transfers one Public Service Manager II position, 5 Interdisciplinary Instruction Specialist positions and All Other funding for the Interdisciplinary Instruction Team from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

The **third initiative** provides funding for the proposed reorganization of one Public Service Executive II position from range 35 to range 38. This position identifies opportunities for innovative practices in education and brings them to fruition to benefit the overall goals of the department and the state. The position leads the development of strategic plans and directs

implementation of ideas to address complex issues and problems faced by children, families, educators, and systems. This position oversees all initiatives and positions within the Office.

The fourth initiative, previously mentioned in GPA and Innovative Teaching and Learning, transfers a Public Service Manager III position and related All Other costs to the Innovative Teaching and Learning program. The Office of Innovative Teaching and Learning provides a wide array of technical assistance to school systems statewide. Teams within this office include Early Learning, Learning Through Technology, Interdisciplinary Instruction, Multi-Tiered Systems of Support and Climate Education. This initiative transfers positions and All Other funds for the Office Director, administrative support and Multi-Tiered Systems of Support to the new program.

The fifth initiative, previously described in Innovative Teaching and Learning, transfers 2 State Education Representative positions and related All Other costs for the Digital Learning Team from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

OFFICE OF WORKFORCE DEVELOPMENT AND INNOVATIVE PATHWAYS

This program provides comprehensive coordination and alignment of policies, programs, resources, and initiatives of Adult Education (AE), Career and Technical Education, and Extended Learning Opportunities (ELO), Early College & Education Pathways (EPEC) to expand learning opportunities for students, maximize efficiencies, and elevate the office's collective support for Maine's workforce goals. The Office also collects, analyzes and reports on initiatives to provide the department, other state agencies and partners with data-informed recommendations.

This program has **three initiatives** that may be found on page **A-43**.

The **first initiative** allocates funds to provide career exploration programs and services for high school students. Public Law 2023, chapter 412, section CCCCC-1 provided funding to the Department of Labor to be used to provide career exploration services targeted to high school students. The Department of Education's existing career exploration programming, funded through federal emergency relief grants, is already underway in schools across the state and these funds will sustain and expand opportunities for students. This initiative provides allocation to receive funding from the Department of Labor to extend existing Department of Education career exploration grants.

The **second initiative**, previously mentioned in Learning Systems Team, transfers funding for the George Briggs Fund from the Learning Systems Team program to the Office of Workforce Development and Innovative Pathways program to align funding with the appropriate program.

The **third initiative**, previously mentioned in Learning Systems Team, transfers four positions and related All Other funding for Career and Technical Education from the Learning Systems Team program to the Office of Workforce Development and Innovative Pathways program to align funding with the appropriate program.

PRESCHOOL SPECIAL EDUCATION

This program provides funding to school administrative units who are approved to voluntarily assume the free, appropriate, public education of preschool students. The funds will cover the costs of special education and related services for children aged 3 through 5 in approved SAUs.

The program has **one initiative** that may be found on page **A-43**.

This initiative provides funding to establish a new Preschool Special Education program supporting special education and related services for preschool children ages 3-5. Over the next 3 years, public SAUs will assume responsibility for ensuring a free, appropriate, public, education for children under IDEA 619 Part B. In Year 1 (FY25), local SAUs may be approved to oversee the programs for up to 1000 preschool students with Individual Education Plans (IEPs). The funding in this request will be provided in the form of up-front quarterly allocations to schools who will use those funds to provide or procure the necessary special education and related services in each student's IEP.

RETIRED TEACHERS HEALTH INSURANCE

The Retired Teachers' Health Insurance General Fund program provides funding for health insurance benefits for Maine's retired teachers.

The program has **one initiative** that may be found on page **A-43**.

This initiative reduces one-time funding for the State's contribution toward the retired teachers' share of health insurance premiums to align funding with effective date of the change in health insurance premium. Public Law 2023, chapter 412 appropriated funding to increase the State's contribution toward the retired teachers' share of health insurance premiums from 55% to 60%. The premium change began on November 1, 2023; therefore, the full fiscal year 2023-24 appropriation was not needed.

SCHOOL AND STUDENT SUPPORTS

This program strives to ensure that Maine schools are inclusive, healthy, safe and supportive communities where every student thrives. This office coordinates resources and

programs that promote safe, healthy school communities for all. Each team within this office provides information and guidance to school administrators, educators, families, legislators and other stakeholders within their focus areas. This program includes General Fund, Federal Expenditures Fund and Other Special Revenue Funds that are derived from the Dropout & Truancy Education Trust.

The program has **two initiatives** that may be found on page A-44.

The **first initiative** reallocates a portion of the cost of two State Education Representative positions to the General Fund within the same program and reduces related All Other costs. As part of the Coordinated School Health Team, these positions support the teaching of health and physical education standards as outlined in the Maine Learning Results. The Health Education and Promotion Coordinator oversees the planning, development and implementation of statewide education, laws and policies regarding health education and assists in establishing and maintaining school health promotion and wellness programs. The Physical Education Consultant oversees the planning, development and implementation of statewide education, laws and policies regarding physical education, assists with the development and implementation of the Maine Integrated Youth Health Survey and manages state HIV prevention education funds. The positions have historically been supported by two federal grants; however, grant funding is no longer able to fully support both positions. This initiative reallocates a portion of each position's costs to the General Fund.

The **second initiative**, previously mentioned in the Maine School Safety Center program, transfers funding for restorative practices from the School and Student Supports program to the Maine School Safety Center program. Public Law 2021, chapter 737 provided funding to establish or expand school-based restorative justice programs, mentoring services for juveniles

involved in the juvenile legal system and, in collaboration with the Department of Labor, workforce development and educational and vocational programs for juveniles involved in the juvenile legal system. This work is performed by MSSC staff, and this initiative transfers the funding to align it with the appropriate program.

SCHOOL FINANCE AND OPERATIONS

The School Finance and Operations team is responsible for distribution of general purpose aid (GPA) for local schools through the essential programs and services funding model. The team also provides: technical assistance to school administrative units to ensure compliance with school finance statutes; oversight of data collection systems across the department; development and maintenance of a longitudinal student data system; and technology support for department personnel.

The program has **four initiatives** that may be found on page A-45.

The **first initiative** provides the federal funding allocation for the State Longitudinal Data System grant. The objective of this grant is to create a central database to house data needed to fulfill state and federal required reporting. This initiative increases allocation to meet projected expenditures in fiscal year 2024-25.

The **second initiative** provides federal funding for the Farm to School grant. The department received a four year Farm to School grant from the United States Department of Agriculture through the American Rescue Plan Act. The objective of this grant is to support planning, developing and implementing farm to school programs to help state, regional and local organizations as they initiate, expand and institutionalize farm to school efforts. This initiative

increases federal allocation to expend federal emergency relief funds through the end of the grant period.

The **third initiative** provides funding for the approved reclassification of one Office Specialist I position to a Management Analyst II position, retroactive to August 31, 2022, and provides funding for related All Other costs. This position provides administrative support and direction to the Child Nutrition team. The position's core function is financial management and guidance for nutrition programs for public schools and for private non-profit agencies that receive Child Nutrition funding. The position reviews requests for funding, evaluates the complex rules and requirements around usage of the funds, summarizes findings, prepares reports, and recommends changes in the structure, program, or procedures.

The **fourth initiative** provides funding for the approved reorganization of one Office Associate II position to a Management Analyst II position and provides funding for related All Other costs. This position provides broad administrative support to the Child Nutrition team and customer service to school administrative units (SAUs). The position processes invoices, prepares business correspondence and creates basic graphics for public information materials. Additional responsibilities will include financial reconciliation and calculations, maintaining financial records, preparing standard reports and providing technical assistance to SAUs.

SPECIAL SERVICES

This program is dedicated to improving results for students with disabilities, offering leadership, support and oversight for local education agencies. The Office of Special Services ensures the provision of a free, appropriate, inclusive, public education in the least restrictive environment for children with disabilities (ages 3 to 22) as well as early intervention services to

infants and toddlers (birth through age 2). Our work is accomplished through collaboration with families, school districts, public and private agencies, and other programs.

The program has **one initiative** that may be found on page **A-45**.

This initiative provides funding for the approved reclassification of one Public Service Executive II position from range 34 to range 35, retroactive to July 18, 2022, and provides funding for related All Other costs. This position provides direct oversight and support of Child Development Services (CDS), an Intermediate Educational Unit that currently serves preschool children with disabilities as well as CDS services for children from birth through age five. This position reports directly to the State Director of Special Services. The position has expanded responsibilities to include restructuring CDS, supporting grant management and an increase of supervision, evaluation and direct oversight of all CDS staff.

LANGUAGE

PART C

Part C may be found on pages 1 – 8. This Part establishes the total cost of education from pre-kindergarten through grade 12 for fiscal year 2024-25, the state contribution, the annual target state share percentage and the mill expectation for the local contribution for fiscal year 2024-25.

PART W

Part W reorganizes oversight and updates practices for serving infants, toddlers and children with disabilities from birth to 6 years of age. It requires organizational improvements within the state intermediate education agency, Child Development Services, including data and financial systems improvements, expansion of eligibility for Part C early intervention services, and allows for extended Part C option to continue IFSPs until the start of the school year when

the child is 4 years of age, if the family chooses this. It also provides that, beginning July 2029, all school administrative units are responsible for child find and ensuring a free, appropriate public education for resident children eligible under IDEA Part B Section 619, whether or not the school administrative units operate public preschool programs, and requires the Department of Education to implement a funding formula to provide funds for school administrative units when they assume responsibility for the Section 619 children. This Part reorganizes the resources and staffing in CDS Part B to support the work of schools through regional service hubs. This Part also establishes the Preschool Special Education Fund and authorizes the distribution of funds to school administrative units, who have voluntarily assumed the responsibility for ensuring free, appropriate public education for 3-5 year olds, to cover the costs of their special education and related services.

PART X

Part X renames the Facilities, Safety and Transportation program within the Department of Education to the School Facilities program.

PART Y

Part Y removes the Maine School for Marine Science, Technology, Transportation and Engineering from statute, from payments of targeted education and from the general residency rules for the calculation of state subsidy. The school closed as of December 31, 2022.

PART Z

Part Z allows certification hearing officers and Individualized Education Program due process facilitators to be covered under the Maine Tort Claims Act.

PART AA

Part AA authorizes the commissioner to expend and disburse funds, when available, to school administrative units on an as-needed basis for school administrative units engaged in State Approved Major School Construction Projects and/or regionalization efforts related to combining school administrative units or expanding the grade configurations available in the school administrative units.

PART BB

Part BB establishes the Higher Education Administrative Fund as a non-lapsing fund to accept State Authorization Reciprocity Agreements state participation fees and expend the funds to support the facilitation of SARA.

PART CC

Part CC transfers \$11,000,000 from the unappropriated surplus of the General Fund to the Department of Education, Child Development Services Program, Other Special Revenue Funds account to fund the payment of a daily rate.

PART CCC

Part CCC requires the State Controller to transfer \$4 million from the unappropriated surplus of the General Fund to the School Revolving Renovation Fund at the Maine Municipal Bond Bank to support the renovation needs of school administrative units that have voluntarily assumed the free, appropriate public education for children aged 3 through 5.

It has been my honor to present this testimony and we appreciate your time this afternoon. My team and I are prepared to address any questions that you may have.

PART U

Part U changes the maximum period of assignment of an educator under an interchange program from 24 months to 36 months, allowing one additional year of interchange service by a distinguished educator employed by a school administrative unit.