

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: April 19, 2021
To: Committee on Education and Cultural Affairs
From: Samuel Senft, Legislative Analyst

LD 1188 “An Act To Include Librarians and Career and Technical Education Teachers in the Minimum \$40,000 Salary Initiative” (Millett)

SUMMARY

This bill includes school librarians and career and technical education teachers in the minimum \$40,000 salary for teachers initiative.

TESTIMONY

Proponents: Eileen King, MSBA, MSSA; John Kosinski, MEA; Dolly Sullivan, Educate Maine; Simon West, Maine State Chamber of Commerce

- These two groups of educators are an essential part of Maine’s educational system and are certified in accordance with the rules at Chapter 115.
- Currently, the minimum teacher salary is set at \$35,000, and that will increase to \$37,500 by next school year and the new minimum salary of \$40,000 will take effect in the 2022-2023 school year.
- This bill corrects a minor oversight.
- The current version of the law specifically references “school administrative units” and therefore does not apply to CTE regions as they fall outside of that definition.
- CTE centers are part of school administrative units and therefore the minimum teacher salary applies to those instructors/teachers, but not those in the CTE regions.
- Maine currently has 27 CTE centers and regions around the state. 19 of these schools are “centers” where the minimum teacher salary would apply, but 8 are “regions” and therefore the current language does not apply.
- when the Department of Education released a Priority Notice: Verification of Minimum Teacher Salaries in November of 2020, a few specific job classes were left off this list of qualified positions, including school nurses, occupational therapists, and speech and language pathologists. However, no evidence these positions are being paid under \$40,000.
- Having these teacher classifications included in the \$40,000 minimum salary will increase the likelihood of attracting high achieving individuals
- CTE teachers can be hard to recruit
- Higher teacher wages increases the supply of teachers, reduces turnover, keeps top education graduates in the teaching field, stops our teachers from needing second jobs, and improves student performance
- Maine desperately needs workers in the technical fields and it make sense to focus on CTE teachers.
- Librarians need either to have a bachelor’s degree with 36 credit hours in a graduate program of Library Science or to have a bachelor’s degree and a valid Maine teaching certificate. If Librarians without master’s degrees are
- required to have a teaching certificate it seems appropriate that they should earn relatively equal pay for having equal qualifications.

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| <p>Opponents:</p> <ul style="list-style-type: none"> • none |
| <p>Neither For Nor Against: Neal Goldberg, Maine Municipal Association</p> <ul style="list-style-type: none"> • All educators deserve to be fairly compensated • Oppose legislation in which states determines compensation of community employees on behalf of municipal officials and school boards. • Bill is about local control • \$40,000 does not account for the cost and standards of living in different regions of the state. |
| <p>Information Only: Tyler Backus, DOE</p> <ul style="list-style-type: none"> • DOE has reviewed statute and determined librarians are already included and would support an amendment including only CTE teacher. |

INFORMATION REQUESTS:

- It was asked how librarians and CTE teachers were excluded from the original \$40k salary initiative

This exclusion appears to have been an oversight.

ADDITIONAL INFORMATION:

[LD 343](#) (the biennial appropriations bill for the 129th) included language (see below) increasing minimum salaries for teachers beginning in the 2020-2021 school year and ending at a minimum salary of \$40,000 in school years beginning in or after 2022. The language directs school administrative units to establish minimum salaries for certified teachers.

The language in statute establishing minimum salary thresholds is below:

[§13407. Minimum salaries beginning in 2020-2021 school year](#)

Each school administrative unit shall establish a minimum salary for certified teachers as follows:

- 1. School year 2020-2021.** For the school year starting after June 30, 2020, the minimum salary is \$35,000;
- 2. School year 2021-2022.** For the school year starting after June 30, 2021, the minimum salary is \$37,500; and
- 3. School years beginning in or after 2022.** For the school year starting after June 30, 2022, and in each subsequent school year, the minimum salary is \$40,000.

A school administrative unit shall provide to the department annually on or before October 1st the number of teachers eligible for incremental salary increases as defined in [section 15689, subsection 7-A, paragraph A](#).

[§15689, sub-§7-A](#)

7-A. Adjustment for minimum teacher salary. Beginning in fiscal year 2020-21, the commissioner shall, in accordance with this subsection, increase the state share of the total allocation to a qualifying school administrative unit by an amount necessary to achieve the minimum salary for certified teachers established in section 13407.

A. As used in this subsection, unless the context otherwise indicates, "qualifying school administrative unit" means a school administrative unit that the commissioner determines to have a locally established salary schedule with a minimum teacher salary of less than \$40,000 in school year 2019-2020. As used in this subsection, unless the context otherwise indicates, "incremental salary increases" means the incremental increases in the salaries of teachers employed by a qualifying school administrative unit in school year 2019-2020 necessary to meet the minimum salary requirements of section 13407 from fiscal year 2020-21 to fiscal year 2022-23.

B. The commissioner shall allocate the funds appropriated by the Legislature in accordance with the following.

(1) The amount of increased funds provided to qualifying school administrative units under this subsection must be the amount necessary to fund the incremental salary increases specified in this subsection.

(2) The number of teachers eligible for incremental salary increases in a qualifying school administrative unit for a fiscal year must be based on the information supplied to the department pursuant to [section 13407](#) in that fiscal year.

(3) The increased funds provided under this subsection must be issued to qualifying school administrative units as an adjustment to the state school subsidy for distribution to the teachers. Qualifying school administrative units shall use the payments provided under this subsection to provide salary adjustments to those teachers eligible for incremental salary increases. The department shall collect the necessary data to allow the funds to be included in a qualifying school administrative unit's monthly subsidy payments beginning no later than February 1st of each fiscal year.

(4) Funding for incremental salary increases in fiscal year 2020-21 must be based on data submitted to the department and certified by school administrative units as of October 1, 2019.

A school administrative unit is defined at [20-A §1, sub-§26](#) as follows:

26. School administrative unit. "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district, regional school unit or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools, except that it does not include a career and technical education region. Beginning July 1, 2009, "school administrative unit" means the state-approved unit of school administration and includes only the following:

- A. A municipal school unit;
- B. A regional school unit formed pursuant to chapter 103-A;
- C. An alternative organizational structure as approved by the commissioner and approved by the voters;

D. A school administrative district that does not provide public education for the entire span of kindergarten to grade 12 that has not reorganized as a regional school unit pursuant to chapter 103-A;

E. A community school district that has not reorganized as a regional school unit pursuant to chapter 103-A;

F. A municipal or quasi-municipal district responsible for operating public schools that has not reorganized as a regional school unit pursuant to chapter 103-A;

G. A municipal school unit, school administrative district, community school district, regional school unit or any other quasi-municipal district responsible for operating public schools that forms a part of an alternative organizational structure approved by the commissioner; and

H. A public charter school authorized under chapter 112 by an entity other than a local school board.

- Librarians

The determining question appears to be whether librarians are considered “certified teachers” for the purpose of §13407. “Librarian” is defined at [20-A §15672, sub-§17](#) as follows:

17. Librarian. "Librarian" means a full-time equivalent public librarian or media specialist, as documented in the department's database.

Library media specialists fall under the definition of “educational specialists” as defined at [20-A §13001-A, sub-§7](#) as follows:

7. Educational specialist. "Educational specialist" means an individual who provides professional services to a school, including, but not limited to, an athletic director, school counselor, library-media specialist, literacy specialist, school psychologist, school nurse, special education consultant, speech-language clinician or career and technical education evaluator.

The question, the is whether educational specialists are considered “certified teachers” for the purpose of §13407. The term “teacher” it not itself defined in statute, though “certificate” is, at [20-A §13001-A, sub-§2](#), as follows

2. Certificate. "Certificate" means the credential issued by the department to a qualified individual to serve as a teacher, educational specialist, educational technician or administrator.

Educational specialist certificates are further described at [20-A §13019-G](#), as follows

1. Requirement. An educational specialist certificate is required for employment as an educational specialist at a public school or a private school approved for attendance purposes pursuant to section 2901, subsection 2, paragraph B.

2. Qualifications. The state board shall adopt rules establishing the qualifications for an educational specialist certificate.

3. Endorsements. The educational specialist certificate must be issued with an endorsement that specifies the work area for which the individual is determined to be qualified. A holder of an educational specialist certificate may not work outside the holder's area of endorsement.

4. Certificate renewal. An educational specialist's certificate is issued for a 5-year period and may be renewed in accordance with state board rules, which must require, at a minimum, that the educational specialist, whether employed or unemployed, complete at least 6 semester hours of professional or academic study or the equivalent or in-service training designed to improve the performance of the educational specialist in the field.

Given the distinction between teacher and educational specialist certification, it does appear that, on its face, librarians may not be covered by the current language in §13407.

However, the terminology is ambiguous, and DOE has interpreted librarians as covered, based on FY 2011 salary adjustment guidance. See [here](#).

- CTE teachers

As noted in testimony, A CTE *center* is part of an SAU (see [20-A MRSA §8401](#)). A CTE *region*, however is not (see [20-A MRSA §8451](#)). As such CTE teacher teaching in CTE regions are not covered under the minimum salary language.

The FY 2011 salary adjustment guidance from DOE does appear to also consider CTE regions as SAUs for the purpose of salary adjustments.

There are eight CTE regions, as follows:

- Maine Region Ten Technical High School
- Mid-Coast School of Technology - Region 8
- Penobscot Tech – Region 3
- Oxford Hills Tech – Region 11
- Region 9 School of Applied Technology
- Region 2 School of Applied Technology
- Unified Technologies Center – Region 4
- Waldo County Technology Center – Region 7

FISCAL IMPACT: Not yet determined