

**TESTIMONY**

Neither For Nor Against

**LD 135: An Act To Address Issues in Funding Prekindergarten**  
**LD 255: An Act To Ensure Student Success**  
**LD 386: An Act To Improve Operations at the Department of Education**

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Before the Joint Standing Committee on Education and Cultural Affairs

**May 19<sup>th</sup>, 2021**

Senator Rafferty, Representative Brennan and other members of the Education and Cultural Affairs Committee,  
I am John Kosinski, and I am submitting this testimony neither for nor against the three bills designed to alter the Child Development Services System.

MEA has watched the proceedings diligently and we wanted the chance to listen to the testimony of others before offering a position and feedback on the important bills before you.

MEA has consistently advocated for high quality early childhood programs. We support universal pre-k for all children, and we support efforts to repair and improve the work of the Child Development Services program. We know, without question, addressing learning or developmental concerns of young children provides children with better opportunities in their lives, while also being less costly than waiting until a child is 5 or older to address any difficulties they may face. To the extent these bills will help build a more robust system of addressing the concerns of our youngest children, we support them, but we also feel obligated to raise some concerns the Committee will consider.

**Transition 0-3 Services to Department of Education:**

As this Committee has heard over several years, the CDS program has lacked the resources and staff to provide the services needed to infants and toddlers. Many on this Committee have raised concerns in the recent past to new positions in the Department of Education. Moving CDS into the Department of Education should be done with a commitment to ensuring the Department has the staffing and expertise to fulfill its duties, not to continue to languish without the resources that they will be required to meet the needs of our youngest children. We hope the Committee is committed to supporting the Department in its efforts to transition these services, specifically with the resources and staff they will need to successfully transition this program.

We especially applaud the Committee for including a “contingent effective date” found in Section 18 of the proposal. Requiring the Commissioner to certify “that all steps, benchmarks and milestones toward implementation of the transition” is a wise move that again demonstrates the careful approach of this Committee and we support this approach.

The MEA feels compelled to raise the concerns that were already raised by others regarding the retirement security of current CDS employees. A transition to a MainePERs pension could have severe negative consequences for these employees since they are currently in Social Security, but if they are employed by the state, their pension may need to change to the MainePERs system. Depending on their current age and years of service, and due to the current Windfall Elimination Provision of Social Security, the switch to a new pension system could leave these employees with limited resources in retirement.

**Resolve, Directing the Department of Education to establish oversight, direction and benchmarks for a centralized billing process for special education services and report on updates to child find.**

MEA fully supports this resolve to further develop a centralized billing system for special education services. We know the current system can be onerous and challenging for districts to manage given the complexity of MaineCare billing. We support this resolve and hope the Committee will vote “ought to pass.”

**Resolve, Directing the Department of Education to establish the process for transitioning the provision of early childhood special education services for children with disabilities from 4 years of age to under 6 years of age from regional Child Development Services to school administrative units.**

The MEA wholeheartedly appreciates the care and caution being exercised by the Committee in the possible transition of services for children ages 4 to 6 from Child Development Services to school administrative units. We support the approach of this resolve.

Too many times in public education, a new law is passed and then a plan is developed – the proverbial cart before the horse. As the state embarks on this transition and seeks to improve our services to students ages 0-5, we appreciate this resolve requiring the Department to “establish a process, timeline and implementation for transitioning the provision of early childhood special education services for children with disabilities from 4 years of age to under 6 years of age from Child Development Services to school administrative units.” Further, we appreciate this Committee will review this plan next year, evaluate the merits and potentially develop legislation to begin this transition.

We remain concerned about any potential transition and we hope the Department will specifically address these issues as part of their planning process:

- Workforce shortages: We have heard representatives of CDS raise concern about shortages of qualified professionals to help students with current needs. These workforce challenges will not go away if CDS services for four-year-olds are transitioned to public schools and we hope there is a concrete effort to address the ongoing shortages of qualified staff to help the youngest children.
- Collective bargaining status: We know some on this Committee may balk at the notion of preserving collective bargaining for current and future school employees, but we strongly feel employees that are employed by schools for the purpose of providing services to 4-year-olds should have collective bargaining rights and should be accreted into existing collective bargaining units. We have heard how underpaid the

CDS employees have been over the years, and collective bargaining is the only mechanism for employees to effectively advocate for salaries and benefits that can help recruit and retain employees into these important positions.

- Space: We know some school districts will struggle to find a space in their existing schools to provide services to students that are currently provided by CDS. Governor Mills has proposed a substantial investment in the Revolving Renovation Fund and, if approved, this funding can and should be used to help districts retrofit existing spaces for the provision of services for students ages 4 and older. A comprehensive assessment of the ability for districts to house such programs in existing schools or via satellite offices is critical. We do not want these services provided in broom closets or other environments that are not best for children and families.
- Funding: While the state has made great strides in improving funding for local school districts, we know special education services can be expensive and have been among the biggest factors in recent increases in the cost of public education. We hope the Department will develop a clear plan to ensure districts are paid for these services, so the costs are not solely borne by local property taxpayers in local communities.

Lastly, given the importance of this potential transition, the MEA would like to request representation on the Advisory Committee, either a staff member or member leader of the MEA. We would also suggest including other institutional stakeholders on the Advisory Committee, such as staff or leaders of Maine School Boards Association, Maine Superintendents Association, Maine Principals Association, Maine Administrators of Services for Children with Disabilities. We believe all the stakeholders have reach across the state and can survey memberships, solicit feedback from educators in specific districts, and offer statewide perspectives on the potential transition.

Thank you for reading our concerns. Again, we appreciate the work that is being done to plan for a potential transition and we look forward to being actively engaged in the discussion.