

**Testimony of Jeff McCabe, Maine Service Employees Association, SEIU Local 1989
Before the Joint Standing Committee on Education and Cultural Affairs
May 18, 2021 1pm**

Neither for nor against:

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

Senator Rafferty, Representative Brennan, and members of the Committee on Education and Cultural Affairs, I'm Jeff McCabe, Director of Politics & Legislation for the Maine Service Employees Association, Service Employees International Union, Local 1989. We are a labor union representing over 13,000 members statewide, including our members who work for Child Development Services (CDS). We are here to speak neither for nor against LDs 135, 255, and 386.

We have been meeting with our CDS members around these issues as the committee was discussing them and had expected this issue to come up associated with the baseline budget and or change package. The issues facing CDS and the future of the organization as a whole have been discussed during multiple legislative sessions now. The issue of the waiting list for services has been ongoing if you ask the workers, and is something that management at CDS should have been well aware of. Those concerns should not fall directly on CDS employees; they work tirelessly day in and out to provide services to children. The CDS employees deserve a great deal of respect for their continued dedication to Maine's children and their willingness to continue working so diligently, despite years of uncertainty around the future of CDS. We're here today to voice some of their concerns and questions.

We agree that if this Committee moves forward with legislation to move Part C services from CDS to DOE, current CDS staff should continue to be employed, rather than using contracted providers as some have suggested. CDS employees are knowledgeable and dedicated individuals who possess a wealth of information and experience when it comes to their work with pre-K children, and this should not be underestimated. Additionally, our members have raised concerns around the fact that contractors, unlike CDS employees, can cap services such as speech therapy. We've heard stories of contracted therapists unwilling to travel to certain areas of the state, leaving children in those areas without the services they need, through no fault of CDS staff. They cannot force a contractor to come to an area that the contractor is unwilling to serve. While some have raised concerns about there being a "conflict of interest" by having providers employed by the same agency that is responsible for service provision, I would like to point out that School Districts currently do testing, Individualized Education Programs (IEPs), and placement for K-12 aged children. Further, birth to age 3 evaluations are done by a team of multiple CDS employees, and it's not uncommon for the services to be provided by employees other than those who did the evaluation.

CDS has been starved for years by inadequate funding, forcing bills to pile up and creating problems in the recruitment and retention of staff. Wages and benefits remain an issue and have an impact on CDS' ability to hire employees. While there were significant gains made in the most recent collective bargaining agreement, it's unclear how these gains would transfer if employees are transitioned to DOE.

Retirement security is another issue this Committee needs to consider when discussing these bills. Currently, employees of CDS pay into Social Security. They are not participants in the Maine Public Employees Retirement System (MainePERS), which is the plan that covers Department of Education employees. What would this mean for CDS workers who have been paying into Social Security for years, if not decades? How will they be transitioned into MainePERS in an equitable, fair way especially given the existence of the federal Social Security Offsets, formally known as the Windfall Elimination Provision and the Government Pension Offset?

Our members also raised concerns around the ability of local school districts to provide services to 3-to-5-year-olds if or when Part B 619 services are transitioned. Will local districts have the physical and financial resources necessary to provide adequate, comprehensive services to these children? What is the plan for providing services in the least restrictive environment in districts that do not currently offer pre-K services at all? Will these districts also provide round-trip transportation, and, if so, will 3-year-olds be riding buses with high school students? These issues could be especially problematic in rural districts that already may face issues with capacity and staffing.

It's also important to note that special education certifications for students from birth to age 5 are different from special education certifications for K-12 students, which could be an issue as well. Another concern is about students who require nursing care to be available; how will that work in a district where there might be one school nurse serving multiple school buildings? These are all important things to keep in mind when moving forward.

Finally, we agree a centralized billing system would be beneficial and would help avoid future issues with unpaid bills and CDS being "in the red" at the end of a fiscal year. Our members see there could be benefits in having a uniform, central billing system.

Thank you for your consideration. I would be happy to answer any questions.