TESTIMONY
OF
A. 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 26, 2020

LR 3206 “An Act Making Unified Supplemental Appropriations and Allocations for the
Expenditures of State Government, General Fund and Other Funds, and Changing Certain
Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal
Years Ending June 30, 2020 and June 30, 2021”

Senators Breen and Millett, Representatives Gattine and Kornfield, and Members of the Joint
Standing Committees on Appropriations and Financial Affairs and Education and Cultural Affairs, my
name is Pender Makin and I am the Commissioner of the Department of Education (DOE). I am here
today to present testimony for those departmental items in the supplemental budget bill.

Governor Mills has presented a supplemental budget that invests in pressing, bipartisan
priorities, including: protecting the health and safety of Maine people; enhancing economic and
workforce development efforts; and bolstering the long-term well-being of our state. Our public
Education system provides the fundamental capacities for these priorities.

On any given day, the 158 staff members who make up the Department of Education provide
oversight, support, and technical assistance to 277 School Administrative Units, more than 600 public
schools, and more than 50,000 school and district employees serving 183,000 students in pre-K through
grade 12. We additionally support Maine’s Adult Education programs, Child Development Services
(CDS) programs, Education in the Unorganized Territories, private schools, and institutions of Higher
Education. The 11 programs within Part A of this supplemental budget request provide a vast array of
critical functions, including regulatory oversight, professional development, emergency preparedness
The program has five initiatives that may be found on page A-26 of the Budget Document.

The first initiative provides a net appropriation of $58,896 in FY21 to establish an Education Specialist III position to support the increased workload in the areas of Adult Education professional development, monitoring and accountability. Current staffing is insufficient to provide the ongoing support needed by the field in order to meet required state and federal performance and outcome requirements. The Adult Education team has had to rely on contracted staff to meet this demand, so this initiative also reduces All Other which is currently used for the temporary services contract, to fund a portion of the position. This initiative was previously requested in the biennial budget. Since that time, the hours for the contracted staff have increased. The amount of All Other that can now be used to help offset this request is $51,056. This initiative will now require a net appropriation of $37,454.

The second initiative requests an appropriation of $13,661 in FY20 and $13,725 in FY21 and a reduction in allocation for the same amounts. The Adult Education Director position is currently paid 100% with federal grant dollars. However, the responsibilities of the director include some additional tasks that do not fall under the purview of the grant. Time studies for this position have shown that 10% of the work effort may not be attributed to the grant, therefore, this initiative reallocates the cost.

The third initiative transfers an appropriation of $29,000 in FY21 from the School Finance and Operations (SFO) program to the Adult Education program. The Adult Education Management System has historically been paid by SFO. This initiative transfers the funding to the appropriate account. The offsetting initiative may be found on page A-37.

The fourth initiative provides an appropriation of $20,000 in FY20 and FY21 for the increased cost of high school equivalency assessments.

The fifth initiative provides a one-time appropriation of $2,400,000 in FY21 to expand innovative adult education projects aimed at strengthening workforce development in Maine. We requested this funding in the biennial budget, and it would be provided in the form of grants to Maine’s adult education programs for innovative projects that are responsive needs of their communities.
The program has two initiatives that may be found on page A-27.

The first initiative transfers an allocation of $553,032 in FY21 to the recently developed Office of School and Student Supports program. The School Safety Center team has moved from the Office of Facilities and Transportation to the Office of School and Student Supports. This initiative reflects the transfer out. The offsetting initiative may be found on page A-35.

The second initiative provides an allocation of $1,253 in FY20 and $7,387 in FY21. This initiative reorganizes a Secretary Associate to a Secretary Specialist. The work of this support position has expanded and has become more complex. The current position has not been adequate to support the technical work of this office. The office requires a position that can act with authority and be able to respond independently to the public regarding the broad and complex topics encompassed within this program.

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 the total cost of public education in Maine and the % share for which each municipality will be responsible.

The program has fourteen initiatives that may be found on pages A-28 and A-29.

The first initiative provides an appropriation of $32,654 in FY20 and $130,615 in FY21 for NEO system data support and upgrades. The NEO system was developed and is managed by Maine’s Office of Information Technology to facilitate the collection and management of crucial school data and it resides on servers that need to be updated to meet security and support requirements. The School Finance and Operations (SFO) program shares this cost. That corresponding initiative may be found on page A-37.

The second initiative provides an appropriation of $249,600 in FY20 and in FY21 for the Maine Educational Center for the Deaf and Hard of Hearing (MBCDHH). Funding of $250,000 for FY20 and
percentage of the previous year until that percentage reaches 55%. This amount is contingent upon the funding of all the other GPA initiatives (Appendix B) as all of the funds within this program contribute to the state’s share.

The **seventh initiative** transfers an appropriation of $250,000 in FY21 from the Department to the Legislature. These funds are used by the Legislature to pay MEPRI for the compilation and analysis of education data as requested by the Legislature, who contracts for this service. The offsetting initiative may be found on page A-74.

The **eighth initiative** transfers a Management Analyst I and Office Specialist I to the Learning Through Technology program in order to reflect the positions in the appropriate account. The offsetting initiative may be found on page A-34.

The **ninth initiative** provides an appropriation of $150,000 in FY21 for grants to schools implementing the Community Schools model. This model provides for counseling, mental health and other trauma informed services to be provided in certain school programs serving students from low socioeconomic and rural schools. This initiative will allow for a total of 4 Community Schools projects; current funding is available for just 1 project.

The **tenth initiative** provides an appropriation of $1,600,000 in FY21 for an increase in the total allocation for Career and Technical Education (CTE) programs. FY21 is the first year in a 3-year transition from an expenditure-based reimbursement system to a funding model according to PL 2019, chapter 343, Part AAAAA. We have been unable to identify a way to initiate the incremental reduction in funding to the programs who have been overspending the model without doing harm to students by reducing CTE opportunities. We also recognize that the programs who have been underspending the model are eager to receive full funding as described by the formula, and that the present cap of 5% above their current expenditures fails to provide sufficient opportunity for much-needed growth. This initiative raises the cap on the underspending programs to 15%.
administration of, and funding for, early college learning programs that allow Maine students to access college courses at no cost to them while they are still in high school, enhancing the likelihood that these students will persist through to degree attainment. These early college programs also contribute to the retention and graduation rate goals of the University of Maine System and Maine Community College System while providing needed tuition revenue for these institutions. Our efforts to support early college options have resulted in an all-time record enrollment in the Aspirations Program.

The program has three initiatives that may be found on page A-30.

The first initiative transfers an Education Specialist III from the Learning Systems Team program and transfers an appropriation of $104,388 in FY21 to fund the position and related All Other costs. This initiative places the position within the appropriate account. The offsetting initiative may be found on page A-33.

The second initiative provides an appropriation of $14,000 in FY20 and in FY21 to cover the cost of increased merchant fees resulting from the new online automated teacher certification system.

The third initiative reduces an allocation of $5,480,535 in FY20 and FY21. The Teacher Incentive Fund Grant ended on September 30, 2017, therefore, allocation is no longer needed.

LEADERSHIP TEAM

This program encompasses the work of the commissioner’s office, including organizational leadership; finance, operations, and internal Human Resources; internal and external communications—including the ongoing communication and interpretation of regulatory and statutory expectations, reporting requirements, and all pertinent matters impacting the operation of our statewide education system; special projects and programs; constituent relations; rulemaking processes; development and alignment of policy; and coordination with and among the departments throughout our government. In addition to a comprehensive reorganization of the Department, this office has spent the past year examining existing statutes and practices to identify areas for improvement, clarification, and simplification; developing a positive, trustful relationship with the field; reinvigorating the public
access through transportation and technology, the development of mutually beneficial program objectives, and the logistical planning for these immersive experiences that will simultaneously allow students to explore potential careers while also learning and demonstrating academic skills and concepts in authentic "real world" settings.

The second initiative is another result of our extensive reorganization to build capacity at DOE, requesting an appropriation of $14,177 in FY21 to reorganize a Public Service Manager II to a Chief of Staff and Operations and to reorganize a Public Service Executive II to a Chief Innovation Officer. These roles have allowed us to support internal HR needs and coordinate resources for effective operations while also contributing to innovative statewide and interdepartmental efforts.

The third initiative requests an appropriation of $72,000 in FY21 to support costs related to legislatively required stakeholder group meetings and associated reports. It also reflects costs of other outreach activities that allow us to coordinate statewide efforts. Providing mileage reimbursement to participants in the statewide think tanks and workgroups that we have been convening helps us to reduce geographical and financial barriers to equitable participation. These collaborative processes provide authentic opportunities for community members and practitioners in the field to contribute their perspectives and ideas as we make decisions that impact them, and existing funding is insufficient to cover associated costs like mileage for participants.

In discussions with the State Board of Education, we discovered that they will be needing $7,000 to cover mileage for their newly appointed Professional Standards Review Board. Therefore, we plan to reduce the funding in this initiative by $7,000 and increase funding to the State Board of Education program by $7,000 in the change package in order to support this need.

The fourth initiative provides an appropriation of $60,000 in FY21 to support and promote educational research and development and to foster statewide education innovation initiatives. We are working on several exciting projects to promote environmental education, school safety and emergency preparedness, STEM and Computer Science programs, multidisciplinary, project-based learning, and
standards. This funding will be provided to local CTE programs for the most critically needed upgrades and replacement equipment.

The eighth initiative reallocates the costs of a Public Service Manager II to be split among the General Fund, Federal Expenditures Fund and Other Special Revenue Funds. The net General Fund savings is $7,692 in FY20. This position is being transferred to the OSSS program in FY21. The reallocation for FY21 may be found on page A-36. This initiative reallocates the cost of the position to the appropriate accounts.

The ninth initiative provides a one-time appropriation of $1,000,000 in FY21. This funding will be provided to school administrative units in the form of mini-grants to enable them to overcome the diverse barriers they face in establishing or expanding preschool programs. We have received feedback from the field that a number of barriers exist and that these are all very different, depending upon geographic, socioeconomic, and multiple other factors. This funding may be used for community organization and strategic planning, consultants or legal assistance in developing public-private partnerships, or for problem-solving other unique challenges facing Maine’s rural communities as they work to provide equitable access to high quality pre-k programs.

The tenth initiative transfers an Education Specialist III to the Higher Education and Educator Support Services program and transfers an appropriation of $104,388 in FY21 to fund the position and related All Other costs. This initiative reflects the position in the appropriate account. The offsetting initiative may be found on page A-30.

The eleventh initiative transfers a Public Service Manager I and the appropriation of $119,076 in FY21 from the General Purpose Aid for Local Schools program in order to reflect the position in the appropriate account. The offsetting initiative may be found on page A-29.

The twelfth initiative reduces allocation of $1,000,687 in FY20 and in FY21, due to the previous sunsetting of a grant. The Eisenhower Math and Science grant ended on September 30, 2017, therefore, the allocation is no longer needed.
SCHOOL AND STUDENT SUPPORTS

This program was developed during the past year in response to an overwhelming number of requests from the field for technical assistance, professional development, guidance, and resources in the areas of: trauma-informed practices; social emotional learning; student behavior; mental health; crisis intervention; culturally responsive educational practices; civil rights; school safety and comprehensive emergency management planning. We have redesigned a federal school safety grant to focus on crucial, preventative approaches and we have reorganized several positions within the department in order to meet these needs and requests. Although this office has only existed for a few months, the team has already hosted two statewide conferences providing emergency preparedness and trauma-informed practices support to hundreds of Maine schools, and the team has begun work on a pre-K-12 open source curriculum specific to Maine students that will be offered for free to all schools. The team has also established a School Safety Center to serve as consultants, providers of technical assistance, and leadership in emergency management for all Maine schools.

The program has ten initiatives that may be found on pages A-35 and A-36.

Last year the department created a new Office of School and Student Supports. Prior to that these support services were provided in the Office of Learning Systems. Five (1st, 2nd, 3rd, 5th and 6th) of the ten initiatives for this program transfers the positions and funding attributed from the Office of Learning Systems to the Office of School and Student Supports. The offsetting initiatives may be found on pages A-32 and A-33. The remaining initiatives are as follows.

The fourth initiative provides an allocation of $553,032 in FY21. This initiative transfers funding from the Facilities, Safety and Transportation program. The School Safety and Security team has moved from the Office of Facilities, Safety and Transportation to the Office of School and Student Supports. This initiative reflects the transfer in. The offsetting initiative may be found on page A-27.
The first initiative provides an appropriation of $43,762 in FY20 and $175,047 in FY21 for NEO system data support and upgrades. The NEO system resides on servers that need to be updated to meet security and support requirements. The General Purpose Aid for Local Schools program shares the cost. That initiative may be found on page A-28.

The second initiative transfers an appropriation of $29,000 in FY21 to the Adult Education program. The Adult Education Management System has historically been paid by School Finance and Operations. This initiative transfers the funding to the appropriate account. The offsetting initiative may be found on page A-26.

The third initiative transfers a Public Service Manager II and related All Other costs with an appropriation of $96,666 in FY21 to the School and Student Supports program. This initiative reflects the position in the appropriate program. The offsetting initiative may be found on page A-36.

The fourth initiative provides an allocation of $783,768 in FY21 for a State Longitudinal Data System. The department has applied for, and has received preliminary notice of award for, a federal grant that will establish and modernize multiple data exchanges across several state and quasi-independent agencies. The project will create a comprehensive reporting portal and operational dashboard and a much needed data warehouse to inform decision making, assist with policy and program evaluation and provide stakeholders with necessary information.

SPECIAL SERVICES TEAM

This program is dedicated to improving results for students with disabilities by providing leadership, support and oversight to local education agencies. The Office of Special Services is committed to ensuring the provision of a free appropriate public education in the least restrictive environment for children with disabilities (ages 3 to 21) 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 two initiatives that may be found on page A-38.
C-14 has a technical change to clarify the intent of the language. “Integrated, Consolidated Secondary and Postsecondary Project” will be included in “Major Capital”. The LD will reflect the removal of that column.

**PARTS M, Q, R**

**Part M** may be found on pages 19 and 20, **Part Q** on page 22 and **Part R** on pages 22 and 23. These 3 parts do the following:
- Change the name of the Director, Policy and Programs/Director of Legislative Affairs to Director of Policy and Government Affairs
- Change the name of the Director, Communications to Director of Marketing and Communications
- Change the name of Director of Special Projects to Chief Innovation Officer
- Add the Chief of Staff and Operations and the Chief Innovation Officer to major policy-influencing positions

The combined parts are as follows:

**5 MRSA §937, sub-§1**, as amended by PL 2019, c. 343, Pt. SS, §1, is further amended to read:
1. **Major policy-influencing positions**. The following positions are major policy-influencing positions within the Department of Education. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter:
   A. Deputy Commissioner;
   B.
   C.
   D.
   E.
   F. Director, Policy and Programs; **Director of Policy and Government Affairs**
   G.
   H.
   I.
   J.
   K.
   L.
   M. Director, Communications **Director of Marketing and Communications**
   N. **Chief Innovation Officer**
   O. **Chief of Staff and Operations**

**20-A MRSA §203, sub-§1**, as amended by PL 2019, c. 343, Pt. TT, §1-3, is further amended to read:
1. **Commissioner’s appointments**. The following officials are appointed by and serve at the pleasure of the commissioner:
   A. Deputy Commissioner;
   B.
   C.
   D.
   E.
PART T

**Part T** may be found on pages 26 and 27. This Part renames the Facilities, Safety and Transportation program to Facilities and Transportation. The Safety and Security team was moved to the School and Student Supports program.

PART HI

**Part HI-4** through **HI-6** may be found on pages 44 and 45. This Part authorizes that the one-time funds appropriated in Part A associated with career exploration ($1m), workforce development ($2.4m) and preschool programs ($1m) carry forward into the next fiscal year for the purposes for which they were intended.

There will be a technical change to Part HI-4. The Learning Systems program will be replaced with the Leadership program. The Part A appropriation is correct.

Part A also includes a one-time appropriation of $3m in FY21 for equipment upgrades at career and technical education schools. This funding will also carry forward into the next fiscal year.

This is the end of my testimony for the Department of Education. I would be pleased to answer any questions you may have.
## Positions to continue

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<th>Head count</th>
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<th>General Fund FY21</th>
<th>Federal &amp; Block Grant FY20</th>
<th>Federal &amp; Block Grant FY21</th>
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## New positions

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## Reorganizations

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## Reallocations

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## Housekeeping

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</tr>
<tr>
<td>Special Services Team</td>
<td>A-38</td>
<td>1.0</td>
<td>Office Associate II</td>
<td>Transfer from CDS</td>
<td>64,108</td>
<td>67,321</td>
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<tr>
<td>Learning Systems</td>
<td>A-33</td>
<td>-1.0</td>
<td>Education Specialist III</td>
<td>Transfer to Higher Education &amp; ESS</td>
<td>(96,005)</td>
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<tr>
<td>Higher Education &amp; Educator Support Svcs</td>
<td>A-30</td>
<td>1.0</td>
<td>Education Specialist III</td>
<td>Transfer from Learning Systems</td>
<td>98,005</td>
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<tr>
<td>General Purpose Aid for Local Schools</td>
<td>A-29</td>
<td>-1.0</td>
<td>Public Service Manager I</td>
<td>Transfer to Learning Systems</td>
<td>(109,076)</td>
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<tr>
<td>Learning Systems</td>
<td>A-33</td>
<td>1.0</td>
<td>Public Service Manager I</td>
<td>Transfer from GPA</td>
<td>109,076</td>
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<tr>
<td>General Purpose Aid for Local Schools</td>
<td>A-28</td>
<td>-1.0</td>
<td>Management Analyst I</td>
<td>Transfer to Learning Through Tech</td>
<td>(75,814)</td>
<td></td>
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</tr>
</tbody>
</table>
# FY 2020/2021 General Purpose Aid for Local Schools Funding

**February 26, 2020**

## Funding

<table>
<thead>
<tr>
<th>Description</th>
<th>FY20</th>
<th>FY21</th>
</tr>
</thead>
<tbody>
<tr>
<td>State contribution (baseline)</td>
<td>1,098,128,396</td>
<td>1,098,151,624</td>
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<tr>
<td>Casino revenue</td>
<td>21,295,290</td>
<td>21,508,243</td>
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<tr>
<td>Budget initiatives enacted in PL 2019, c. 343</td>
<td>44,334,242</td>
<td>70,292,854</td>
</tr>
<tr>
<td><strong>Approved Funding</strong></td>
<td><strong>1,163,757,928</strong></td>
<td><strong>1,189,952,721</strong></td>
</tr>
</tbody>
</table>

## Supplemental Budget Initiatives

### Subsidy Related Initiatives:

- Increased students in Education Service Centers                           | 1,238,863 |
- Increase allocation to career and technical education schools             | 1,600,000 |
- Early childhood initiative                                                | 4,000,000 |
- Increase in the system administration portion of state subsidy costs      | 7,859,885 |
- Increase state share percentage                                           | 22,041,555 |

**Sub-total subsidy related**  | **36,740,303** |

- Ongoing NEO support and upgrades                                         | 32,654       | 130,615       |
- The Maine Educational Center for the Deaf and Hard of Hearing             | 249,600      | 249,600       |
- Transfer All Other for 2 positions moved from GPA to Learning Systems     | (20,000)     | (20,000)      |
- Continue Public Service Coordinator 1 position                            | 112,650      |
- Reduces funding for the compilation and analysis of education data (MEPRI) | (250,000)    |
- Transfer 2 positions to Learning Through Technology                       | (144,566)    |
- Community schools                                                         | 150,000      |
- Music instruction and instruments in rural schools                        | 50,000       |
- Transfer Regional Ed Rep position to Learning Systems Team                | (119,076)    |

**Sub-total other GPA initiatives**                                       | **262,254**  | **159,223**   |

## Total

<table>
<thead>
<tr>
<th>Description</th>
<th>FY20</th>
<th>FY21</th>
</tr>
</thead>
<tbody>
<tr>
<td>State contribution</td>
<td>1,164,020,182</td>
<td>1,226,852,247</td>
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<tr>
<td>Local contribution</td>
<td>1,127,882,947</td>
<td>1,142,503,195</td>
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<tr>
<td><strong>Total cost of education</strong></td>
<td><strong>2,291,903,129</strong></td>
<td><strong>2,369,355,442</strong></td>
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<tr>
<td>State share percentage</td>
<td><strong>50.78%</strong></td>
<td><strong>51.78%</strong></td>
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