

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

H.P. 1335 - L.D. 1850

Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula

Sec. 5(1). Public preschool programs for children 4 years of age.

- A. Review the work products and any proposed rules developed by the Department of Education's work group to implement quality standards of practice for Maine public preschool programs, including an analysis of the standards proposed to address quality and consistency of public preschool programs and collaboration with other early childhood and preschool programs;
- B. Conduct an analysis of the targeted funds for public preschool to grade 2 students that are allocated specifically for preschool students and conduct an analysis of the projected costs for providing public preschool programs for all eligible children 4 years of age in the State;
- C. Review the current method for calculating the number of public preschool students enrolled in a school administrative unit's public preschool program and conduct an analysis of the projected costs for changing the current method for calculating the number of public preschool students that counts each public preschool student as a 0.5 full-time equivalent student for the first year and a 1.0 full-time equivalent student beginning in the 2nd year to a new method that counts each public preschool student as a 1.0 full-time equivalent student for the first year and subsequent years; and
- D. Collect and review information on the physical space and facility capacity of school administrative units and project the school facility costs necessary to implement public preschool programs for eligible children 4 years of age in the State.

Commission Action:

The commission received and reviewed materials from the Maine Department of Education (MDOE) and the Maine Education Policy Research Institute (MEPRI). In addition, a two-phase survey study was conducted to collect information from SAU superintendents and preschool teachers regarding facilities, programming, and costs of current public preschools in Maine along with projected costs for expanding preschool opportunities. Results from the superintendents' survey were analyzed and presented the commission. Results from the survey of preschool teachers was not available at the time of the commission discussions. Based on the review of materials, the commission made the following recommendations:

- **1. The Maine Department of Education begin as soon as possible a process for school districts to apply for preschool program grants that should become available in 2015-16.**
- **2. Recommend that the Maine Joint Standing Committee on Education and Culture Affairs further investigate what the obstacles are in terms of start-up costs and capital costs and ongoing operational costs for SAUs to develop pre-K programs. In addition the Committee should investigate parental obstacles and issues related to expanding public preschool programs.**

Public Preschool Programs for Children 4 Years of Age

Table of Contents

Development of Rules to Implement Quality Preschool Program Standards.....	4
Chapter 124: BASIC APPROVAL STANDARDS: PUBLIC PRESCHOOL PROGRAMS.....	1
Fiscal Note	21
The EPS Funding Formula Statute Language Regarding Full-Time Equivalent Preschool Students	24
Summary Results from the Preschool Program Superintendent Survey Study	25
Superintendent Reports on Public Preschool Programs in Maine	31

Development of Rules to Implement Quality Preschool Program Standards

One task assigned the commission was to review the work products and any proposed rules developed by the Department of Education's work group to implement quality standards of practice for Maine public preschool programs, including an analysis of the standards proposed to address quality and consistency of public preschool programs and collaboration with other early childhood and preschool programs.

The Department has proposed Chapter 124, Basic School Approval: Public Preschool Program Standards. Hearing were held November 17, 2014. The comment period ended on December 5, 2014. A survey with open ended questions was sent to the public preschool program teachers to determine the actual: class sizes, staffing ratios, type of curriculum, screening and assessment instruments, transition procedures, transportation, etc in each of the programs. This concrete data will be reviewed in the context of the rulemaking underway, and will inform the refinements to the proposed regulation. A copy of the draft rules are attached.

Chapter 124: BASIC APPROVAL STANDARDS: PUBLIC PRESCHOOL PROGRAMS

SUMMARY: This rule establishes school approval standards governing the school administrative units which are implementing public preschool programs and adopts procedures for ascertaining compliance with all applicable legal requirements, as authorized by Title 20-A, Maine Revised Statutes, Chapters 203 and 206. By July 1, 2017, all preschool programs must comply with the program standards contained in this rule. Any new public preschool programs implemented for the 2015-2016 school year must be approved prior to opening.

Section 1. GENERAL OBJECTIVES

- 1.01 This rule establishes the substantive school approval standards pertaining to school administrative units which operate a public preschool program. Its intent is to provide a framework for planning and growth with local flexibility as influenced by local conditions. This rule establishes procedures for comprehensive reviews of school administrative units which operate a public preschool program by which the Commissioner will determine compliance with applicable standards and methods of enforcement for ensuring compliance.
- 1.02 School administrative units may operate a public preschool program or provide for children to participate in such programs in accordance with 20-A §4271 and shall meet all school approval requirements of Title 20-A, Maine Revised Statutes (20-A MRSA), other statutes, and rules applicable to the operation of public preschool programs, and the requirements of this rule.

Section 2. DEFINITIONS

- 2.01 Administrator: "Administrator" means any person certified by the Commissioner as an administrator and employed by a school administrative unit in an administrative capacity.
- 2.02 Assessment: "Assessment" means an educational instrument or activity designed to gather information on a child's knowledge and skill to make instructional decisions.
- 2.03 Commissioner: "Commissioner" means the Commissioner of the Maine Department of Education or a designee.

- 2.04 Curriculum: "Curriculum" means the school administrative unit's written document that includes the learning expectations for all children for all domains of development as indicated in the Early Learning and Development Standards.
- 2.05 Department: "Department" means the Maine Department of Education.
- 2.07 Early Learning and Development Standards (ELDS): "Early Learning and Development Standards" means what should children know and be able to do at kindergarten entry.
- 2.08 Elementary school: "Elementary school" means that portion of a school that provides instruction in any combination of grades pre-kindergarten through grade 8.
- 2.09 Essential Programs and Services: "Essential Programs and Services" means those programs and services, as defined by the State Board of Education or adopted by the Legislature, that a school administrative unit offers for each student to have the opportunity to meet the content standards of the system of Early Learning and Development Standards/Learning Results.
- 2.10 Instructional day: "Instructional day" means a school day during which both students and teachers are present, either in a school or in another setting.
- 2.11 Instructional time: "Instructional time" means that portion of a school day devoted to the teaching-learning process, but not including extra-curricular activities, lunchtime, or recess. Time spent on organized field trips related to school studies may be considered instructional time, but the instructional time counted for extended field trips shall not exceed a normal school day for each day of the field trip.
- 2.12 Kindergarten: "Kindergarten" means a one or two-year instructional program aligned with the system of Learning Results, immediately prior to grade one.
- 2.13 Parent: "Parent" means the parent or legal guardian of a student, or the student if of majority age.
- 2.14 Provisional Approval: "Provisional Approval" means an approval for a specified period of time during which a school administrative unit must take corrective action to the public preschool program to comply with this rule.
- 2.15 Public Preschool Program: "Public Preschool Program" means a program offered by a public school that provides instruction of children who are four years of age by October 15th.
- 2.16 School: "School" means an individual attendance center within a school administrative unit including any combination of grades pre-kindergarten through

12. In this rule, an educational program located in or operated by a juvenile correctional facility, an educational program located in the unorganized territories and operated by the Department of Education, the Maine School of Science and Mathematics, and the Maine Educational Center for the Deaf and Hard of Hearing shall be considered schools.

2.17 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.

2.18 School calendar: "School calendar" means the schedule of school days adopted in advance of the school year by the school board.

2.19 School day: "School day" means a day in which school is in operation as an instructional day and/or a teacher in-service day.

- 2.20 School personnel: "School personnel" means individuals employed by a school administrative unit or under contract with the unit to provide services to the children enrolled in the schools of the unit.
- 2.21 School year: "School year" means the total number of school days in a year as established by the school administrative unit.
- 2.22 Screening. "Screening: means utilizing a standard or norm-referenced screening tool designed and validated to identify a child's level of performance overall in developmental areas (i.e., cognition, fine motor, gross motor, communication, self-help/adaptive, and gross motor skills). The screening is a brief check (10-15 minutes) of the child's development and is not diagnostic or confirming in content.
- 2.23 Student records: "Student records" means those records that are directly related to a student and are maintained by a school or a party acting for the school.
- 2.24 Teacher: "Teacher" means any person who is regularly employed for the instruction of students in a school and who is certified by the Commissioner for this position.
- 2.25 Teacher in-service day: "Teacher in-service day" means a school day during which a majority of teachers and professional staff report for work, but students are not present for instruction. These days may include days devoted to in-service educational programs, administrative meetings, parent-teacher conferences, record-keeping duties, curriculum preparation, and other similar activities related to the operation of school programs, and may take place in a school in the school administrative unit.

Section 3. CLASS SIZE

- 3.01 Maximum class size: 16 children

Section 4. CURRICULUM AND COMPREHENSIVE ASSESSMENT SYSTEM

- 4.01 Each school administrative unit shall have an evidence-based written curriculum aligned with the Early Learning and Development Standards. The school administrative unit shall inform parents and students of the curriculum, instructional expectations, and assessment system.
- 4.02 Public preschool programs must demonstrate curriculum practice that aligns with the Maine Early Learning and Development Standards and is appropriate for the age and developmental level of the students. Teachers must organize space and

select materials in all content and developmental areas to stimulate exploration, experimentation, discovery and conceptual learning.

- A. A variety of activity areas are offered every session including, but not limited to: block building, dramatic play, writing, art, music, science, math, literacy, sand/water play, manipulatives, gross motor activities and mealtime routines , which allows teachers to eat with children.
- B. Equipment, materials and furnishings are available and are accessible to all children, including children with disabilities.
- C. A daily schedule is posted that includes:
 - (1) Opportunities for individual, small group and whole group activities. The amount of time spent in large group, teacher-directed activity is limited to short periods of time – 10-20 minutes depending on the time of the year.
 - (2) Opportunities for physical movement, fresh air and access to drinking water are provided to the children.
 - (3) Opportunity for rest in a full-day program (more than 5 hours) is provided for the children. Cots or mats are provided for each child.
 - (4) The schedule and program activities minimize the transitions that children make from one classroom space to another, including school “specials” especially during the first half of the school year. Most special supports or therapies are provided in-class to minimize transitions for children with disabilities.
 - (5) Program development and services to any and all English learners are overseen by an English as a Second Language-endorsed teacher.

4.03 Screening and Assessment

- A. Screening
 - (1) All children must receive a valid and reliable research-based screening tool within the first 30 days of the school year (or prior to school entry) which includes: early language and literacy/numeracy/cognitive; gross and fine motor; personal/social; social/emotional development- to identify those who may be in need of additional assessment or to determine eligibility for special education services unless the child has an existing Individualized Education Program-IEP). All children must receive a hearing,

vision, and health screening upon entry to the public preschool program. The health screening must include information pertaining to oral health and lead poisoning awareness. If hearing, vision, and health screening has been done in the public preschool, the screenings do not have to be redone in kindergarten, unless there is a concern.

- (2) Each preschool program shall develop a written Child Find referral policy consistent with the State of Maine Unified Special Education Rules 05-071 Chapter 101 Section IV. 2(D)(E).
- (3) Administration of a home language survey is undertaken to identify possible English learners.

B. Assessment

Programs provide periodic and ongoing research based assessment of children's learning and development that:

- (1) Documents each child's interests, needs and progress to help plan instruction, relying mostly on demonstrated performance of authentic activities.
- (2) Includes: children's work samples, observations, anecdotal notes, checklists and inventories, parent conference notes, photographs, video, health screening reports and referral records for support services.
- (3) Communicates with families regularly to ensure connection between home and school, including providing interpreters and translators, as needed.
- (4) Aligns with the Early Learning and Development Standards and are used to inform curriculum and instruction.
- (5) Is informed by family culture, experiences, children's abilities and disabilities, and home language.
- (6) Is used in settings familiar to the children.
- (7) Informs activities to support planning for individual children.

4.04 Child Development Reporting

Parents shall have the opportunity to meet individually with their child's teacher about their child's development at least twice during each school year using the research based assessment (providing interpreters and translators as needed).

Section 5. INSTRUCTIONAL TIME

5.01 School Year

A school administrative unit shall make provision for the maintenance of all its schools for at least 180 school days. At least 175 school days shall be used for instruction. In meeting the requirement of a 180-day school year, no more than 5 days may be used for in-service education for teachers, administrative meetings, parent-teacher conferences, records' days and similar activities.

5.02 Public Preschool Instructional Time

Instructional time for public preschool program shall be a minimum of 10 hours per week for 35 weeks and shall not include rest time. Public preschool programs shall schedule within the 175 school days that the school administrative unit has designated as instructional time, but does not have to use all days, allowing flexibility as to numbers of days per week.

Extended public preschool program Day: A school administrative unit is encouraged to schedule public preschool for more than 10 hours per week to improve child outcomes and to reduce the risk of later school failure.

Section 6. SCHOOL ADMINISTRATIVE UNIT ORGANIZATION AND SCHOOL SIZE

6.01 Personnel Ratios

A. Classroom student-teacher ratios

- (1) Maximum adult to child ratio is 1 adult to 8 children
- (2) Ratios include, at a minimum, one teacher holding appropriate teacher certification from the Maine Department of Education (as per current statute) and a support staff with a minimum of an Educational Technician Authorization II from the Maine DOE. These ratios are maintained during both indoor and outdoor activities and during mealtimes.

Section 7. QUALITY OF EDUCATION PERSONNEL

7.01 Specific Requirements

- A. Teacher degree requirement: Teachers must hold (as per current statute) the required Maine DOE Early Childhood 081 (B-5) endorsement.
- B. Assistant teacher requirements: An assistant teacher must hold (as per current statute), at a minimum, an Educational Technician II Authorization from the Maine DOE who obtains a Level 4 status on the Maine Roads to Quality Registry within 3 years.
- C. All preschool staff must join the Maine Roads to Quality Registry.

Section 8. NUTRITION

8.01 General Requirements

The program shall serve well-balanced meals and/or snack that follow the U.S. Department of Agriculture guidelines in all programs.

8.02 Specific Requirements

- A. The program shall serve at least one meal and/or snacks at regularly established times. Meals and snacks are not more than three hours apart.
- B. Each child is given sufficient time at mealtimes and snacks to eat at a reasonable, leisurely rate.
- C. Classroom ratios will be maintained during mealtimes.
- D. Meals and or snacks are culturally responsive to participating families.
- E. The meal and snack time offers opportunities for interactions between adults and children.

Section 9. SCHOOL FACILITIES

9.01 Indoor: Minimum requirement shall be 35 square feet per child. Areas not to be calculated as usable space include but are not limited to: hallways, lockers, cubbies, door swings, closets, supply cabinets, corridors, bathrooms, teacher spaces, food preparation areas and offices.

- A. All classroom spaces must be accessible to all children, including children with disabilities.

- B. There shall be a water source in the classroom for hand washing, and drinking water is readily available to children throughout the day.
- C. The indoor environment shall be designed so staff can supervise children by sight and sound at all times. Supervision for short intervals by sound is permissible, as long as teachers check frequently on children who are out of sight (e.g., independent toileting).
- D. Toilets, accessible for use by all participating children, must be within 40 feet of the indoor areas that children use. It is preferable to have them within the classroom.
- E. Electrical outlets in public preschool classrooms shall be protected by safety caps, plugs or other means.
- F. Natural light must be present in any classroom used for four-year-old program activities.
- G. Easily accessible and individual space shall be made available for children's outside clothing and personal possessions.

9.02 Outdoor: The program must have access to an outdoor play area with at least 75 square feet of usable space per child and with equipment of a size suitable to the age and needs of four-year-old children as dictated by the National Safety Standards for playgrounds in public schools.

- A. The outdoor play area must be protected by fences or natural barriers.
- B. Surfaces used under climbers, swings and at the bottom of slides are energy-absorbing materials such as mulch, sand or bark. Concrete or asphalt shall not be used.
- C. Outdoor play areas provide both shade and sun.
- D. There are established protocols for emergencies.
- E. The playground areas and equipment are accessible to all children.
- F. Preschool classrooms schedule outdoor time by themselves, with other preschool classrooms, or with kindergarten children.

Section 10. FAMILY ENGAGEMENT

10.01 Programs identify how they will engage in a process of partnership-building with families to establish mutual trust and to identify child strengths, goals, and necessary services and supports.

10.02 Programs have written policies and procedures that demonstrate intentional practices designed to foster strong reciprocal relationships with families, including, but not limited to: application information, family orientation, parent conferences, parent education-specifically around literacy and numeracy, newsletters, PTA participation, home visits, family events, program evaluations, and these policies and procedures are to be translated in a language understandable to parents/guardians.

Section 11. COMMUNITY ENGAGEMENT

Programs establish relationships with community-based learning resources and agencies, such as libraries, arts education programs, and family literacy programs.

Section 12. COORDINATED PUBLIC PRESCHOOL PROGRAMS

12.01 Any school administrative unit that wishes to develop an early childhood program for children 4 years of age must submit a public preschool program implementation plan for children 4 years of age for submission to and approval by the department. Evaluation of the proposal must include consideration of at least the following factors:

- A. Demonstrated coordination with other early childhood programs in the community to maximize resources;
- B. Consideration of the extended child care needs of working parents; and
- C. Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been disseminated broadly to other early childhood programs in the community. [20-A MRSA §4502(9)]
- D. Demonstrated coordination with Child Development Services.

12.02 Schools offering a public preschool program in partnership with a community agency must submit a Memorandum of Understanding (MOU), signed by all involved parties, on a yearly basis. The elements of the MOU shall, at a minimum, include:

- A. Roles and responsibilities of each of the partners;

- B. A budget, including the amount of resources that each partner will provide for the implementation of the plan;
- C. Describe the organizational capacity and the existing infrastructure of the SAU and the partners to deliver a high quality program;
- D. The methods and processes for making different types of decisions (e.g., policy, operational);
- E. How the partners will coordinate, but not supplant, the delivery of the public preschool program with existing services for preschool –aged children including, if applicable, programs and services supported through Title I of ESEA, the Head Start Act, and Child Care Development Block Grant;
- F. How the partners will coordinate with Child Development Services (under Part B, Section 619 of IDEA) regional site to ensure access for CDS for conducting its statutory obligations under IDEA and Maine law /regulations; and
- G. A description of the responsibilities and process of sharing child records that meets Section 16 of this chapter.

12.03 Beginning with 2015-16 school year the Commissioner may provide start-up funding as set forth in 20-A MRSA §4271 to school administrative units to implement or expand public preschool programs for children 4 years of age as required by 20-A MRSA §4502(9).

Section 13 TRANSITION

13.01 Enrollment transition into the public preschool program. Public preschool programs will have a process for enrollment transition from home and or other early childhood programs. The process will involve parents/legal guardians, including parental consent for transition of the pertinent educational records.

13.02 Public preschool to kindergarten transition. Public preschool program will have a process to provide transition between four-year-old programs and the kindergarten program. This includes links, by the elementary school, with other area Head Start and early childhood programs serving young children who will be entering kindergarten. The process will involve parents/legal guardians, including parental consent for transition of pertinent educational records.

Section 14 TRANSPORTATION

14.01 If a school transports public preschool children, it is recommended that the standard of care offered to public preschool students meet the standard of care as defined by “Guideline for the Safe Transportation of Preschool Age Children in School Buses,” which is provided by the National Highway Transportation Safety Agency, as follows:

- A. Children should be in a child safety restraint system appropriate for the age, weight and height of the student.
- B. There should be at least one aide on board the bus to assist with loading, unloading, correct securement and behavior/emotional support.
- C. There will be training, communication and operational policy items for drivers, aides, parents, students and routes.

NOTE: Pursuant to 20-A MRS §5401(3-A) school administrative units are not required to provide transportation for public preschool children.

Section 15. RECORDS AND REPORTS

If the public preschool program operates within the school administrative unit (SAU), the SAU addresses these provisions within the basic school approval.

If the public preschool program operates in an external facility and/or under a contract with the SAU, the contract between the SAU and the contractor must address the provisions of this section.

15.01 Student Records

Each school board shall adopt a policy in accordance with the Family Education Rights and Privacy Act (FERPA) that establishes the procedure for changing a student record by adding or removing items, and for controlling access to records.

A. Each school administrative unit shall maintain accurate and up-to-date education records on each enrolled student. Education records shall be defined as in FERPA and shall include academic records, disciplinary records, and other information including directory information.

- (1) Academic records include information relating to the student’s educational performance including student performance on the local assessment system and on other assessments as may be required for an individual student.

(2) Disciplinary records include, but are not limited to, a record of suspensions and expulsions, and other violations of the Student Code of Conduct adopted by the school board.

B. Records shall be entrusted to designated personnel who shall be knowledgeable about the confidentiality provisions applicable to the records. All records shall be safeguarded from unauthorized access. Either student records will be kept in fireproof storage at the school or a duplicate set will be kept off site.

C. Upon request of the parent or school officials, a student's education records, including special education records, shall be forwarded to any school in which the student is enrolled or is intending to enroll. The school administrative unit shall notify parents that all records, including disciplinary records, must be sent to a school administrative unit to which a student applies for transfer.

D. Parental Access Rights: Confidentiality

Each school administrative unit shall adopt a policy describing the access rights of parents, students, and educational personnel to student records and the applicable confidentiality rights of parents and students. Student records shall be made available to the parents, or to the student of majority age, for inspection and copying.

A copy of the policy shall be posted in each school and parents shall be notified annually of the policy. The school administrative unit shall maintain records in accordance with the Family Education Rights and Privacy Act (FERPA).

Section 16. PUBLIC PRESCHOOL APPROVAL

16.01 Approval Procedures

A. A school administrative unit shall obtain approval from the Commissioner prior to opening a new public preschool program. All new public preschool programs implemented in the 2015-16 school year must be approved prior to opening. By July 1, 2017 all public preschool programs implemented before 2015-16 must comply with programs standards contained in this rule.

B. A school administrative unit seeking approval status for any public preschool program shall make this intention known to the Commissioner in writing at least nine months prior to the school year. School units that

have received school construction approval from the State Board of Education shall be deemed to have met this notice requirement.

- C. An Implementation Plan for initial approval status shall be made on forms provided by the Commissioner and available on the Maine Department of Education Public Preschool website. The superintendent of the school administrative unit is responsible for supplying all information necessary for a determination that the school is entitled to approval. The implementation plan application form must be signed by the superintendent of the school administrative unit in which the school is located, certifying that the form contains information that is accurate at the time of reporting. Prior to receiving approval from the Commissioner, the facility shall be approved for safety by the State Fire Marshal or local municipal fire department official, and certified as sanitary by the Department of Health and Human Services (DHHS).
- D. Two months prior to the initial opening the applicant school must arrange for an on-site inspection by a representative of the Commissioner.
- E. Approval status shall be awarded when the Commissioner determines that the school is likely to comply with all approval standards.
- F. Upon obtaining approval by the Commissioner, the school administrative unit shall be entitled to operate the public preschool program and to receive state subsidy aid to which it is otherwise entitled.
- G. Six weeks after student occupancy, representatives of the Commissioner shall visit the public preschool program while it is in session to determine if all applicable school approval standards are being met. If school approval standards are not being met, approval status shall continue until compliance is demonstrated or until the end of the school year, whichever is the earlier date.

16.02 Provisional Approval

- A. Any public preschool program that is determined by the Commissioner not to comply with applicable school approval standards shall be placed on provisional approval. Failure to submit School Approval Reports, other than financial reports, in a timely manner, in accordance with Section 15.05 of this rule, shall result in provisional approval status. Failure to submit financial reports in a timely manner shall result in a withholding of state subsidy in accordance with Section 16.03.B.
- B. When placing a school on provisional approval status the Commissioner shall take the following action:

- (1) The Commissioner shall notify, in writing, the superintendent responsible for any public preschool programs placed on provisional approval status and shall include a statement of the reasons for provisional approval status.
- (2) Representatives of the Commissioner shall meet with the superintendent and shall determine a reasonable deadline for achieving compliance with school approval standards.
- (3) A school or school administrative unit on provisional approval status shall be required to file with the Commissioner an acceptable written plan of corrective action.
- (4) Failure to file a required plan of corrective action shall result in enforcement action by the Commissioner, pursuant to Section 16.03 of this rule.

C. The Commissioner shall restore full approval status upon the Commissioner's determination of compliance with school approval standards.

16.03 Enforcement Measures

A. Notice of Failure to Comply

The Commissioner shall give written notice of pending enforcement action to the superintendent of any school or school administrative unit that fails to comply with school approval standards by the established deadlines in statute or in the plan of corrective action established in Section 16.02.B.(3). Such notice shall include a statement of the laws and regulations with which the school or school administrative unit fails to comply. School administrative units failing to comply with school approval standards shall be given notice and the opportunity for a hearing.

B. Penalties

The Commissioner may impose the following penalties on school administrative units until compliance is achieved:

- (1) Withhold state subsidy and other state funds from school administrative unit;
- (2) Refer the matter to the Attorney General, who may seek injunctive relief to enjoin activities not in compliance with the governing statute or seek any other remedy authorized by law; or

- (3) Employ other penalties authorized in statute or authorized or required by federal law.

Section 17. PRESCHOOL PROGRAM MONITORING

17.01 Public preschool programs, including partnerships, will complete the electronic Public Preschool Program Annual Report online and submit to the Maine Department of Education no later than 30 days after the end of the school year.

17.02 Each public preschool program, including partnerships, will receive a site visit by the Department no less than once every three years.

17.03 The review will utilize observational instruments, implemented by qualified individuals with demonstrated reliability, that assess:

- A. Compliance with the program standards,
- B. Classroom quality, and
- C. Multiple dimensions of teacher-child interactions that are linked to positive child development and later achievement.

17.04 The results of this classroom evaluation will be shared with the teacher and principal and a plan for training and technical assistance will be developed.

STATUTORY AUTHORITY: 20-A MRS §4271(4)

EFFECTIVE DATE:



126th MAINE LEGISLATURE

LD 1530

LR 171(02)

An Act To Establish a Process for the Implementation of Universal Voluntary Prekindergarten Education

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Net Cost (Savings)				
General Fund	\$0	\$69,877	\$69,667	\$320,576
Appropriations/Allocations				
General Fund	\$0	\$69,877	\$69,667	\$320,576

Fiscal Detail and Notes

This bill includes a General Fund appropriation of \$69,877 to the PK-20, Adult Education and Federal Programs Team program within the Department of Education for 80% of the cost of one Early Childhood Coordinator position and related all other beginning in fiscal year 2014-15. The requirement that a uniform common statewide assessment program be established for kindergarten which must be used by all local school administrative units (SAU's) beginning with the 2016-2017 school year will result in a one-time General Fund cost to the Department of Education of approximately \$248,000 in fiscal year 2016-17 for professional development for teachers, principals and central office representatives, including the cost for teacher stipends, travel reimbursement and other related expenses. According to the Department of Education, it is part of a multistate consortium that will be working on developing a kindergarten assessment over the next 3 and a half years as part of a federal grant. This fiscal note assumes that the assessment tool will be provided to SAU's at no cost and will be administered to students during normal school hours.

This legislation requires SAU's to operate or otherwise provide for the availability of a public preschool program if adequate funding is provided from State, federal and/or private funding sources, including slot machine and table game revenue from the Oxford Casino distributed to SAU's by the Department of Education pursuant to current law. This legislation also provides that SAU's are not required to expend any local revenues to implement and operate a public preschool program.

Public Law 2013, Chapter 368, Part C, section 5 required funds from casino slot machines and casino table games distributed by the Department of Education pursuant to Title 8, section 1036, subsection 2-A, paragraph A or Title 8, section 1036, subsection 2-B, paragraph A to SAU's as general purpose aid for local schools with each SAU making its own determination as to how to allocate the funds. This legislation diverts those funds by requiring that, beginning in fiscal year 2015-16, slot machine and table games revenue from the Oxford Casino be used to fund an approved plan for the development or expansion of a public preschool program. Current estimates of slot machine and table game revenue to be distributed to SAU's for K-12 public education for fiscal year 2015-16 and fiscal year 2016-17 are projected to be \$19.3 million and \$19.5 million respectively.

The total cost for SAU's to provide a public preschool program will depend on the number of students that participate in the program each year. Had this requirement been in place during the 2013-2014 school year the cost to the State associated with funding 100% of the total cost of the public preschool program is estimated to have been between \$42.3 million and \$102.2 million depending on the number of 4 year olds enrolled. After adjusting for state funding currently being provided to those SAU's that are offering public preschool programs in the 2013-2014 school year, the additional cost to the State would have been between \$26.1 million and \$85.9 million. These estimates are based on the following:

10/1/2013 Kindergarten Count	13,365
10/1/2013 4 year olds plus Pre-K 5 year olds Counts	4,887
Estimated additional public preschool program students	<u>8,478</u>

FY14 State Elem EPS Rate	\$ 6,415
FY14 State Elem EPS Rate @ 10% for PreK-2 Targeted Funds	\$ 642
Total estimate per student	<u>\$ 7,057</u>

Total FY 14 cost - additional public preschool students	\$ 59,825,007
Total FY 14 cost -existing public preschool students	\$ 34,485,116
Estimated FY 2014 cost for public preschool program	<u>\$ 94,310,123</u>

Classroom cost	63 classrooms @ \$125,000	\$ 7,875,000
----------------	---------------------------	--------------

Assume 100% eligible student participation:

Estimated FY 2014 cost for public preschool program	\$ 94,310,123
Classroom cost	<u>\$ 7,875,000</u>

Cost to fund 100% of public preschool program	\$ 102,185,123
less: FY 14 Estimated state funding provided for pre-k programs	<u>\$ 16,308,011</u>

Estimated additional state funding needed (100% student participation)	<u>\$ 85,877,111</u>
--	-----------------------------

Assume only currently participating students continue to participate:

Estimated FY 2014 cost for public preschool program	\$ 34,485,116
Classroom cost	<u>\$ 7,875,000</u>

Total cost	\$ 42,360,116
------------	---------------

Cost to fund 100% of public preschool program	\$ 42,360,116
less: FY 14 Estimated state funding provided for pre-k programs	<u>\$ 16,308,011</u>
Estimated additional state funding needed (no new student participation)	<u>\$ 26,052,104</u>

Additional costs to the Department of Education associated with gathering the required feedback and submitting the required report can be absorbed within existing budgeted resources.

The EPS Funding Formula Statute Language Regarding Full-Time Equivalent Preschool Students

The EPS Funding Formula statute was changed in 2013. The new statute language is:

Title 20-A: EDUCATION; Chapter 606-B: ESSENTIAL PROGRAMS AND SERVICES

HEADING: PL 2001, c. 660, §1 (new)

§15674. PUPIL COUNTS

1. Pupil counts used for determination of operating costs. In addition to the additional weighted counts authorized under section 15675 and except as provided in subsection 2, the pupil count used for operating costs in this Act is the sum of:

A. The average number of secondary school-age persons enrolled in an adult education course counted during the most recent calendar year counted pursuant to section 8605, subsection 2; [2003, c. 504, Pt. A, §6 (NEW).]

B. The average number of students in equivalent instruction programs during the most recent calendar year, as reported pursuant to section 5021, subsection 8; and [2003, c. 504, Pt. A, §6 (NEW).]

C. The greater of:

(1) The average of the 2 pupil counts for April 1st and October 1st of the most recent calendar year prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with section 5104-A; and

(2) The average of the 6 pupil counts for April 1st and October 1st of the 3 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program and counted in accordance with section 5104-A. [2007, c. 667, §15 (AMD).]

2. Exception. Notwithstanding subsection 1, paragraph C, the pupil count identified in subsection 1, paragraph C, subparagraph (1) must be used for:

A. Elementary school level and middle school level students for school administrative units that send all their elementary school level and middle school level students as tuition students to schools elsewhere in the State; [2003, c. 504, Pt. A, §6 (NEW).]

B. High school level students for school administrative units that send all their high school level students as tuition students to schools elsewhere in the State; and [2003, c. 504, Pt. A, §6 (NEW).]

C. School level students for school administrative units that send all their school level students to schools elsewhere in the State. [2003, c. 504, Pt. A, §6 (NEW).]
[2003, c. 504, Pt. A, §6 (NEW) .]

3. Pupil count for public preschool programs. Beginning with funding for the 2015-2016 school year, the pupil count for students 4 years of age and students 5 years of age attending public preschool programs must be based on the most recent October 1st count prior to the year of funding. [2013, c. 581, §7 (NEW) .]

Summary Results from the Preschool Program Superintendent Survey Study

Overview

In fall 2014, MEPRI conducted an online survey of Maine superintendents regarding preschool offerings by their district. The purpose of the survey was to gather information regarding the costs and capacity of public preschool programs in Maine. The survey was designed with input from Department of Education staff and pilot tested by four superintendents. After modifications based on feedback from the pilot study, a final version of the superintendent survey was developed and posted online. The Commissioner of Education announced the survey in the weekly Commissioner's newsletter, and included a link for Superintendents to access the online form. Following the Commissioner's announcement, a cover letter and link to the survey was also emailed to all Superintendents in Maine. Follow-up reminders were subsequently emailed to all Superintendents who did not complete the survey, with additional follow-up emails sent to all Superintendents by both the Department and the Maine School Management Association.

Summary of Results

Surveys were completed by 83 Superintendents reflecting a total of 104 districts – with some Superintendents reporting on multiple districts (e.g., AOS's). For simplicity in language, the following results will refer to “districts” even though in certain cases a response covered multiple districts within an AOS. Fifty-eight percent of responding superintendents reported that their district had a preschool program, with one-in-five of those doing so in partnership with a community agency. An additional 12% of respondents indicated that their district entirely contracted out preschool services with a local community partner. Sixteen percent indicated that their district had no program but was in the process of planning for one, with the balance indicating that their district had no program and had no plans to add one. Respondents indicated that their programs served a total of 2,792 students, which is slightly more than half of the 5,004 preschool students listed in the State Longitudinal Data System enrollment report.

Nearly half of the respondents — including those not currently offering a preschool program, but intending to start one — indicated that they planned to expand their program. These superintendents reported that their expansion plans would allow them to serve up to 1,695 additional students, at a mean estimated expansion cost of \$1,036 per new potential student.

Of the districts currently offering programs, 83% provided an estimate the operating costs associated with their preschool program, although a number of respondents indicated that it was difficult if not impossible to fully differentiate all costs specific to their preschool activities. Responding superintendents estimated that operating costs for their preschool program were approximately \$4,204 per student, with staff salary and benefits constituting approximately two-thirds of this amount. For those programs offering transportation (approximately three-fourths of SAU operated programs), transportation was the next most significant operating cost. Not surprisingly, this was particularly true for districts that were not able to incorporate preschool transportation into their otherwise existing transportation operations.

Results on Operating Costs

Results from the superintendent surveys were combined with data accessed in the State Longitudinal Data System in order to estimate the total state-wide operating costs associated with universal preschool programs in Maine. Analyses estimated both the total state-wide operating costs if preschool programs were offered for all 4 year-old children in Maine (i.e., cost for all approximately 13,448 children), as well as the increase in operating costs if current programs serving approximately 5,004 children were expanded to 13,448 children.

The number of *potential* preschool students was estimated by using the number of kindergarten students enrolled in 2013/2014 based on two approaches:

- (a) **School-based model.** Every school currently offering kindergarten also offers preschool. For example, a school with 20 kindergarten students and no preschool program would be estimated as having 20 potential preschool students, while an otherwise identical school with 5 preschool students would be estimated as having 15 potential additional preschool students.
- (b) **District-based model.** Every district currently offering kindergarten also offers preschool at a capacity-level that would serve all 4 year olds in their district; although this may not be in every elementary school or every school offering kindergarten.

Per-Student Operating Costs. Operating costs estimates were based on per-student operating costs reported in the superintendent's survey. On average, superintendents reported a mean

operating cost of \$4,204 per preschool student served in their district; however, the average per-student cost was greater for small programs, before leveling off for larger programs. Therefore, several statistical models were explored to weight per-student operating costs based on the size of a program (e.g., simple mean, linear function, power function, inverse function, etc.). Based on these analyses, an inverse function was chosen to estimate per-student operating costs based on the number of potential preschool students in a school (for the school-based model) and district (for the district-based model). An inverse function has the benefit of reflecting the higher per-student operating costs observed in smaller programs, while “leveling off” for larger programs.

Total Statewide Operating Costs (School-Based Model). The estimate for the school-based model (i.e., every school currently offering kindergarten also offers preschool) was calculated by multiplying the number of potential preschool students in each school by the per-student operating cost for that school. This reflected the estimated per-school operating costs for a fully-enrolled preschool program. Schools that did not currently offer kindergarten were assumed to not offer preschool and had preschool counts and operating costs equal to zero. The per-school operating costs were then summed across all schools in Maine resulting in the statewide operating costs for the school-based model.

Using these analyses, it was estimated that if every school currently offering kindergarten also offered preschool at a capacity that could serve all four year old children in their community, the total annual operating costs for Maine would be approximately **\$50,194,206**. Of this amount, approximately **\$31,986,459** reflects costs associated with new or expanded programs and **\$18,207,747** is associated with existing preschool programs.

Total Statewide Operating Costs (District-Based Model). The estimate for the district-based model (i.e., every district currently offering kindergarten also offers preschool within their district) was calculated by multiplying the number of potential preschool students in each district by the per-student operating cost for that district. This reflected the estimated per-district operating costs for a fully-enrolled preschool program. Districts that did not currently offer kindergarten were assumed to not offer preschool and had preschool counts and operating costs

equal to zero. The per-district operating costs were then summed across the all districts in Maine resulting in the statewide operating costs for the district-based model.

Using these analyses, it was estimated that if every district currently offering kindergarten also offer preschool within their district with the capacity to fully enroll all four year children, the total operating costs for Maine would be approximately **\$47,267,868**. Of this amount, approximately **\$29,116,288** reflects costs associated with new or expanded programs and **\$18,151,580** is associated with existing preschool programs.

Possible Factors Impacting Actual Operating Costs. While these estimates have the benefit of (1) being based on superintendent-reported estimates of operating costs for existing pre-school programs, and (2) incorporating the higher costs associated with smaller programs, there are several factors that may suggest that if implemented the final actual operating costs may be greater than these estimates indicate. First, new regulations being proposed may lead to higher future per-pupil operating costs than current values. For example, larger programs may need to hire additional staff in order to satisfy lower student: teacher ratios required in the future. Second, while the model used to estimate per-pupil costs is weighted by program size, based on student enrollment data in the State Longitudinal Data System, survey respondents were disproportionately from districts with larger preschool programs than non-responding districts. Consequently, actual per-student costs in particularly small districts may be greater than those estimated here. Finally, given schools are not required to offer preschool it is logical that schools currently offering programs will also disproportionately be those for which the operating costs are relatively low. Schools for which the anticipated operational costs are greater may be more inclined to not offer preschool programs at all. If so, the per-pupil operating costs based on existing programs may underestimate the operating costs when programs are implemented statewide.

Results on Start-Up and Expansion Costs

Results from the superintendent surveys were similarly combined with State Longitudinal Data System information in order to estimate the initial start-up costs required to offer preschool to all four year old children in Maine. This includes expanding existing programs so that they have the physical capacity to serve all four year old children in their community, as well as start-up costs

for schools or districts that currently do not offer preschool to begin doing so. For simplicity, we will refer to both of these combined as *expansion costs* given it is the cost of expanding preschool programs to all children in Maine (i.e., expanding services from the approximately 5,004 children currently in public preschool to 13,448 children).

As with the operating costs, expansion costs were estimate using both a school-based model (i.e., every school currently offering kindergarten would also offer preschool) and a district-based model (i.e., every district currently offering kindergarten would also offer preschool at a capacity-level that would serve all four year old children in their district).

Per-Student Expansion Costs. Expansion costs estimates were based on per-student expansion costs reported in the superintendent’s survey. On average, superintendents who reported that they were currently planning to expand their preschool program reported a mean cost of \$1,036 per additional student that could be served. Unlike operating costs, this value was on average fairly constant regardless of the program size. Therefore, while several statistical models were explored as ways to weight per-student expansion costs based on the size of a program, the overall mean per-student expansion cost was used in subsequent analyses.

Total Statewide Expansion Costs (School-Based Model). The estimate for the school-based model (i.e., every school currently offering kindergarten either starts a preschool program or expands their existing program so that it can serve all four year old children in their community) was calculated by multiplying the potential *increase* in preschool student enrollment in each school by the per-student expansion cost. Schools that did not currently offer kindergarten were assumed to not offer preschool as part of this expansion and thus had no expansion costs. The per-school expansion costs were then summed across all schools in Maine resulting in the statewide expansion costs for the school-based model.

Using these analyses, it was estimated that the cost to expand preschool programs to every school in Maine currently offering kindergarten would be approximately **\$9,260,483**. This is based on creating the capacity within each of these schools to potentially serve all four year old children in their community

Total Statewide Operating Costs (District-Based Model). The estimate for the district-based model (i.e., every district currently offering kindergarten also offers preschool with the capacity to serve all four year old children) was calculated by multiplying the number of potential preschool students in each district by the per-student expansion cost. If a district did not offer kindergarten, it was assumed they would not add a preschool program as part of this expansion and thus had no expansion costs. The per-district expansion costs were then summed across all districts in Maine resulting in the statewide expansion costs for the district-based model.

Using these analyses, it was estimated that if every district offering kindergarten also offered preschool with the capacity to fully enroll all four year old children, the total expansion costs for Maine would be approximately **\$8,846,995**.

Possible Factors Impacting Actual Expansion Costs. As with estimates of operating costs, there are two possible factors that suggest the final expansion costs may be higher than those reported here. First, as with operating costs, new regulations may lead to higher per-pupil expansion costs than superintendents anticipated when answering the survey. Furthermore, given schools are not required to offer preschool it is logical that schools with higher expansion costs (e.g., requiring extensive new physical space, etc.) would be less likely to have already undertaken such expansion. If so, the expansion costs based on existing programs may underestimate the actual costs when programs are expanded statewide.

Superintendent Reports on Public Preschool Programs in Maine

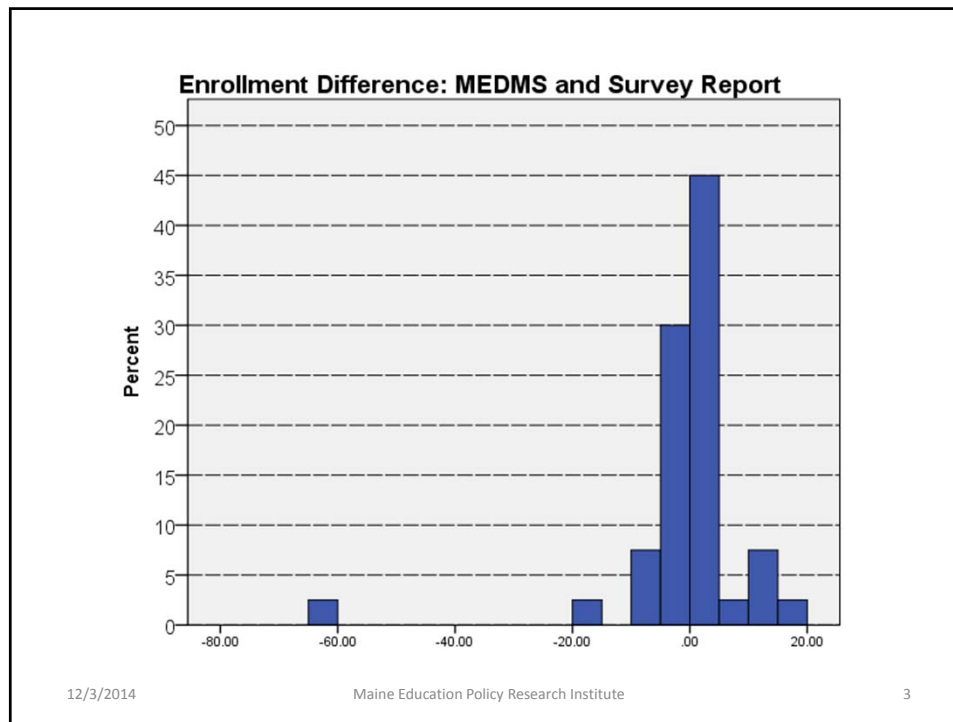
Craig A. Mason, PhD
Michael J. Porter, M.S.

Maine Education Policy Research Institute
University of Maine

Version: 20141204

Updates: MEDMS and DOE Data

- Question regarding possible discrepancy between superintendent and MEDMS counts
 - Student counts, with one outlier appear consistent given different reporting dates
 - No statistically significant difference in superintendent reports of enrollment numbers and MEDMS counts.



Updates: MEDMS and DOE Data

- Question regarding possible discrepancies in classroom counts
 - Further examination and linking with MDOE reports suggest less discrepancy than initially appeared
 - DOE reports may be under counting cases where multiple classrooms are present, as well as some more recent additions
 - Some superintendents may also be report classroom sessions, rather than physical classrooms

Comparison to Non-Respondents

- Survey covers half of SAUs with programs/students based on MEDMS
 - SAUs with programs were more likely to respond
 - Respondents: 67.5% have program
 - Non-Respondents: 52.2% have program
 - Respondents tended to come from larger districts
 - Respondents: 1443
 - Non-Respondents: 644

12/3/2014

Maine Education Policy Research Institute

5

Comparison to Non-Respondents

- Survey covers half of SAUs with programs/students based on MEDMS
 - **Among SAUs with programs**, respondents tended to have higher levels of enrollment based on MEDMS data
 - Respondents: 56.3 students
 - Non-Respondents: 35.3 students
 - Based on MEDMS data, responding districts tended to have lower free/reduced lunch rates
 - Respondents: 45.3%
 - Non-Respondents: 51.5%

12/3/2014

Maine Education Policy Research Institute

6

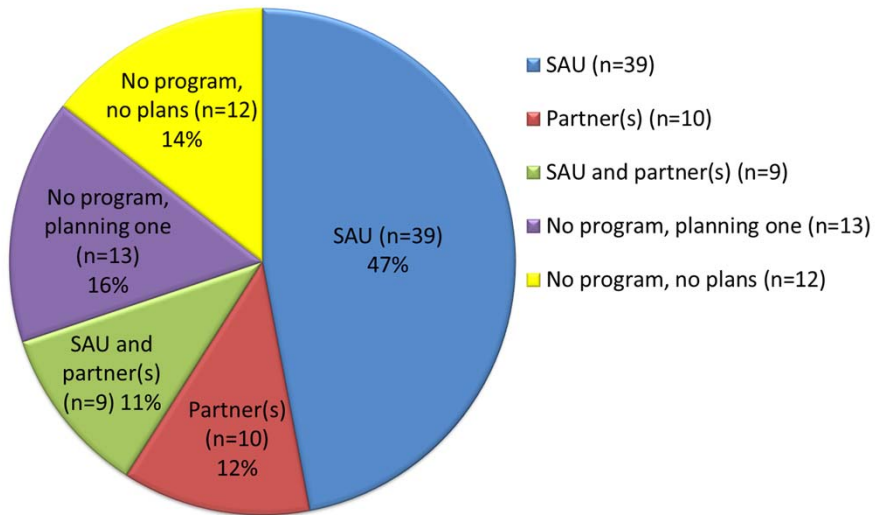
SUPERINTENDENT SURVEY DATA

12/3/2014

Maine Education Policy Research Institute

7

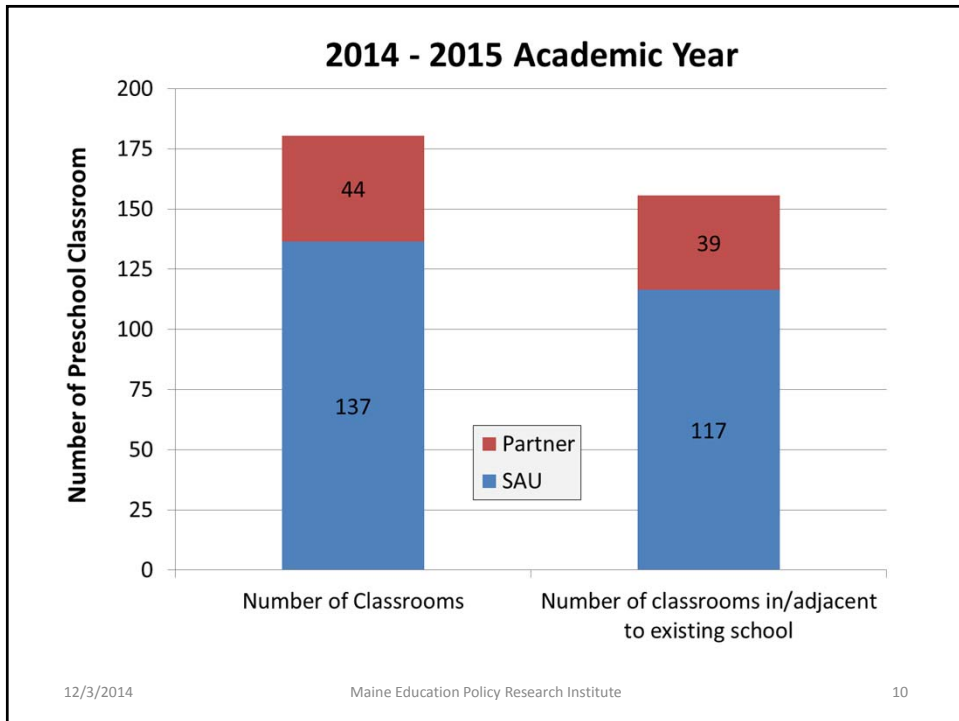
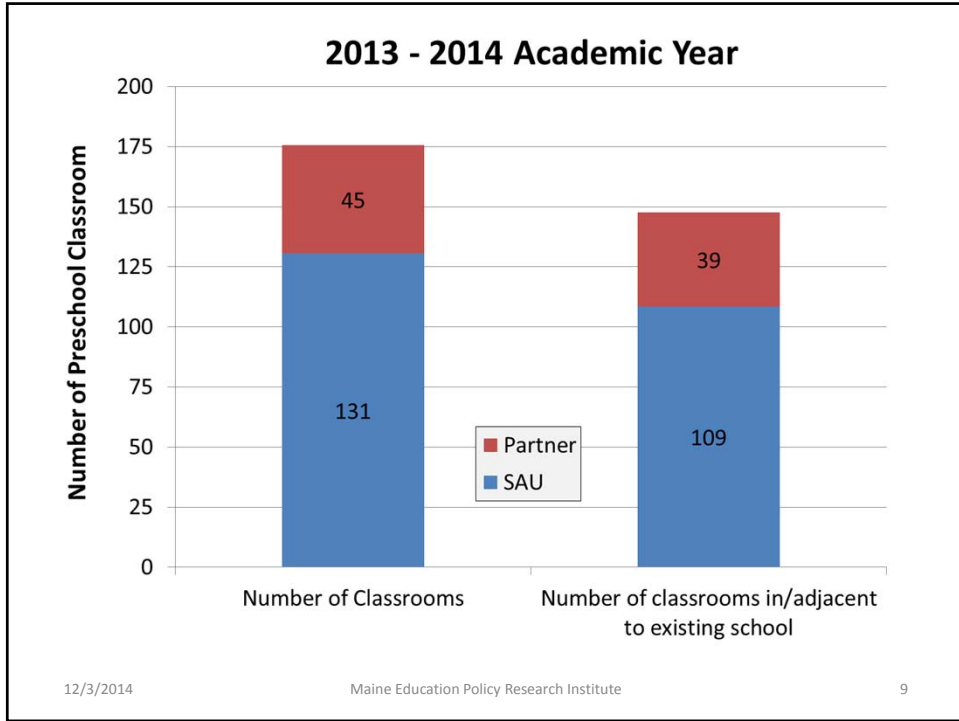
Entity Operating Preschool Program

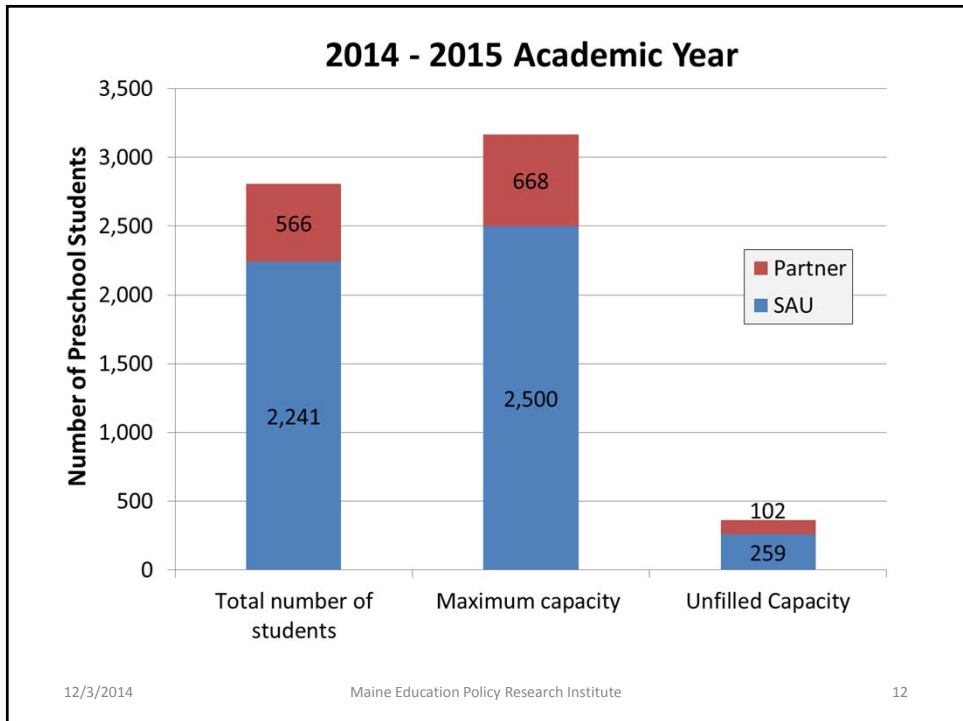
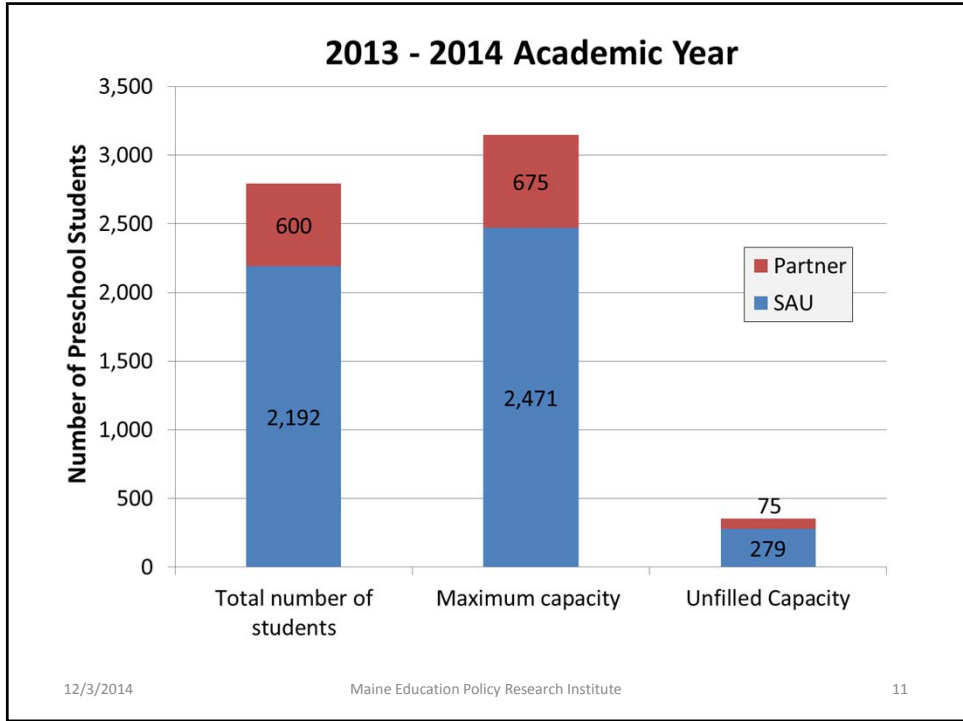


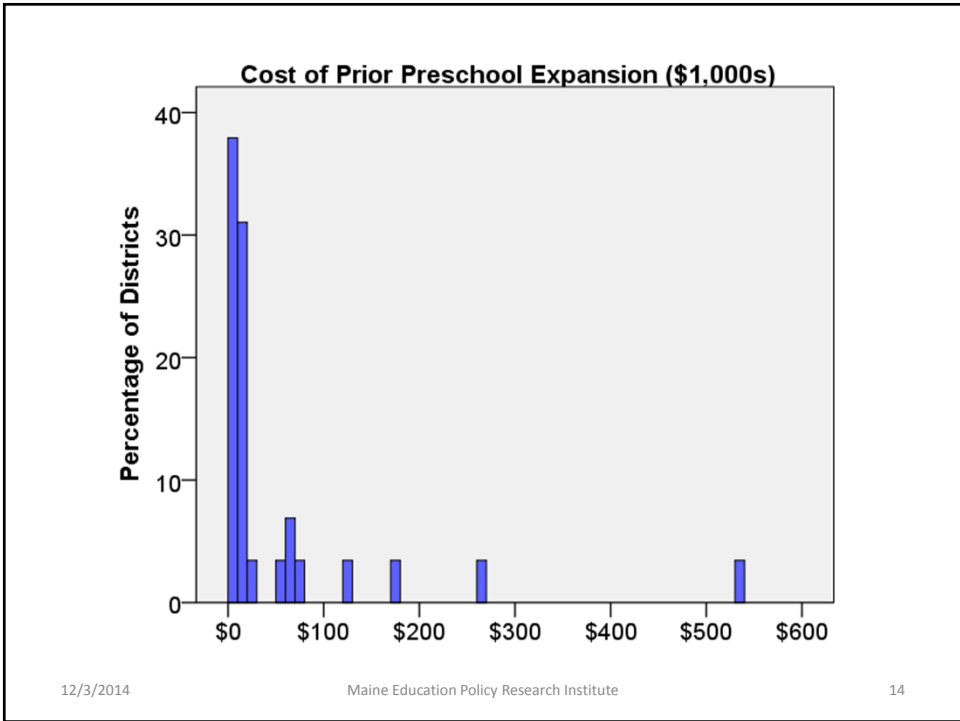
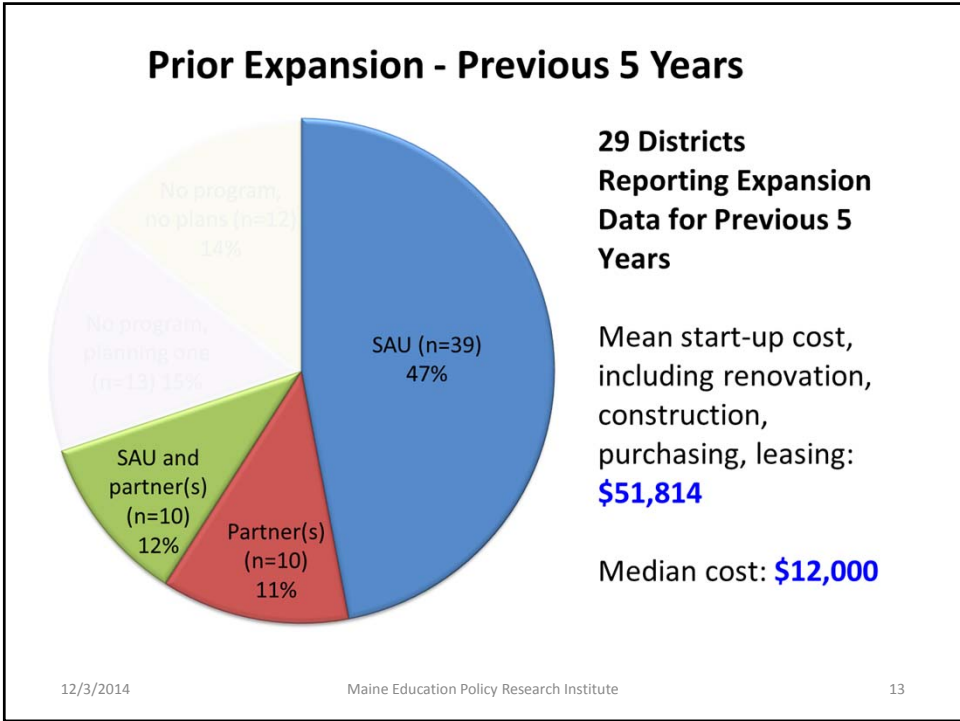
12/3/2014

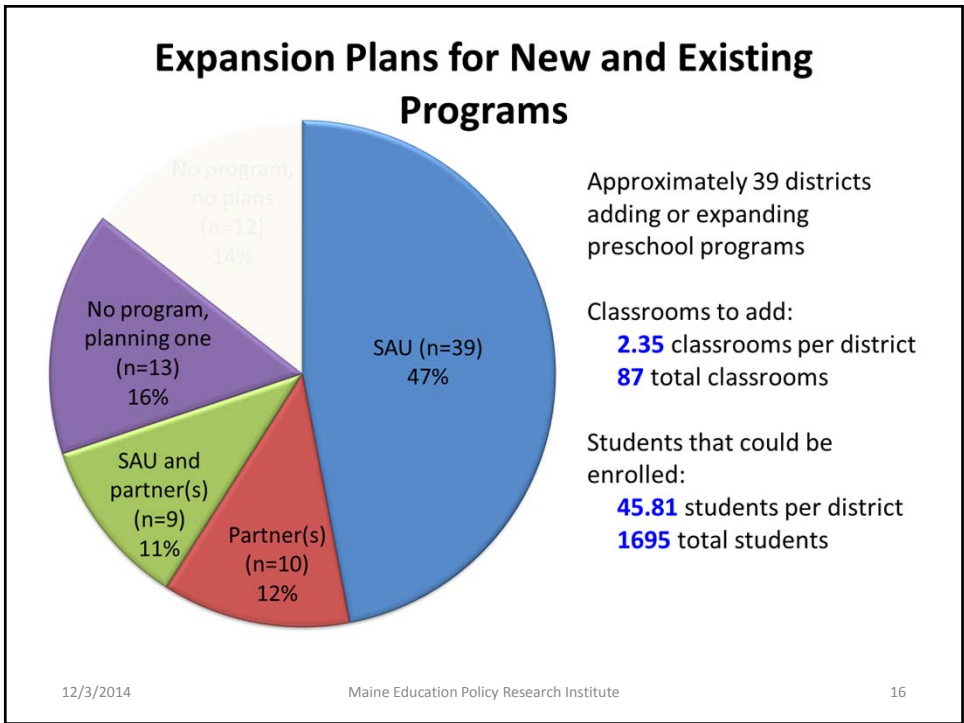
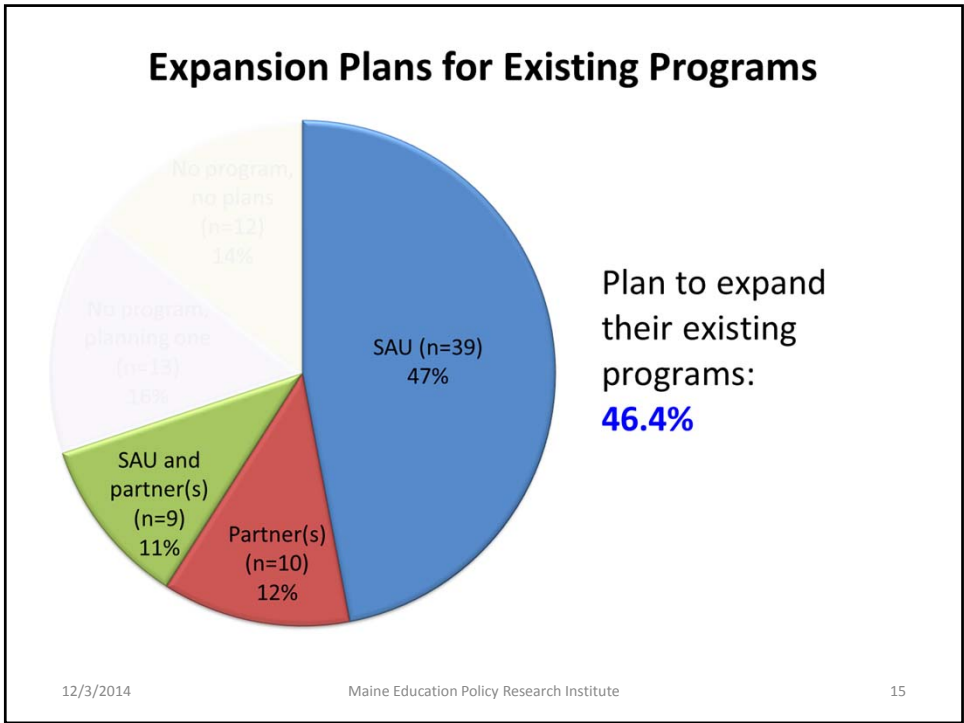
Maine Education Policy Research Institute

8

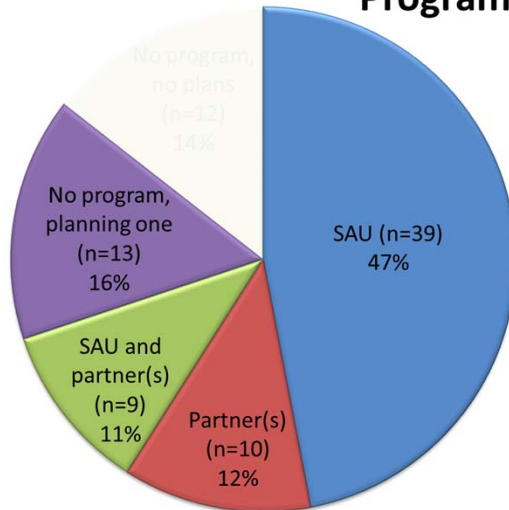








Expansion Plans for New and Existing Programs



78.2% of responding districts indicated they can expand using existing SAU space

Others require 2-6 rooms

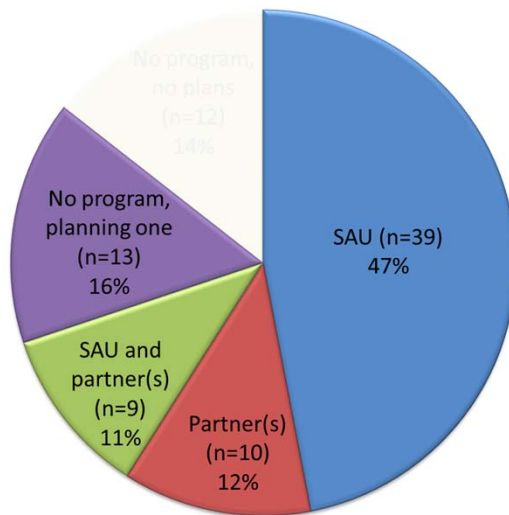
In total, this would add approximately **21 rooms** across all reporting districts.

12/3/2014

Maine Education Policy Research Institute

17

Costs by Student, Classroom, District



Estimated expansion costs, approximately 3/4 of which are "hard" renovations

Per Student: **\$1,036**
Median=**\$538**

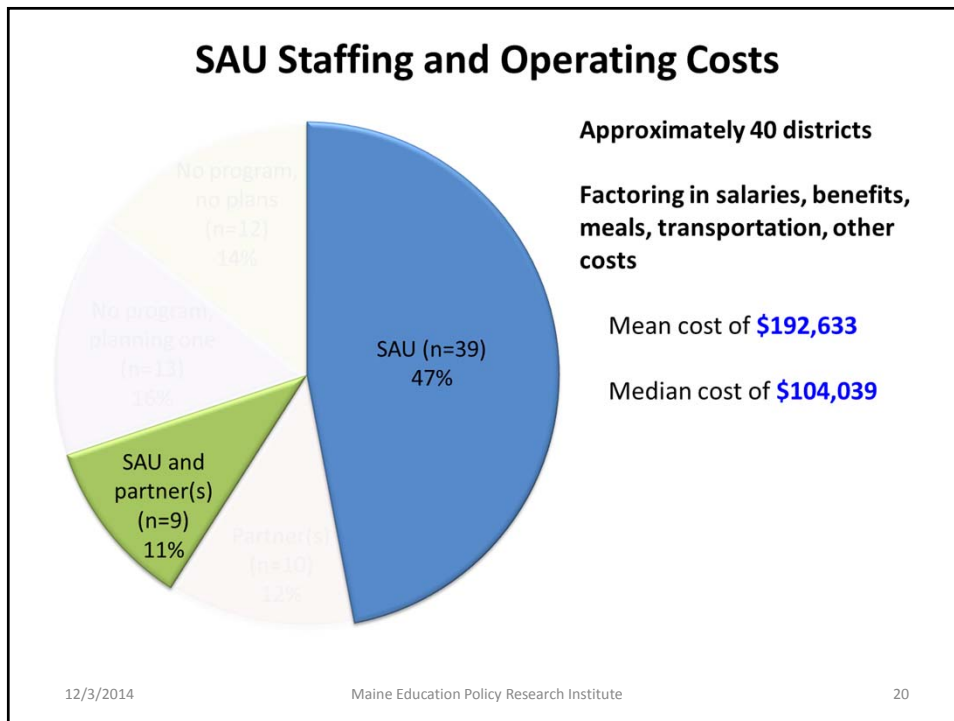
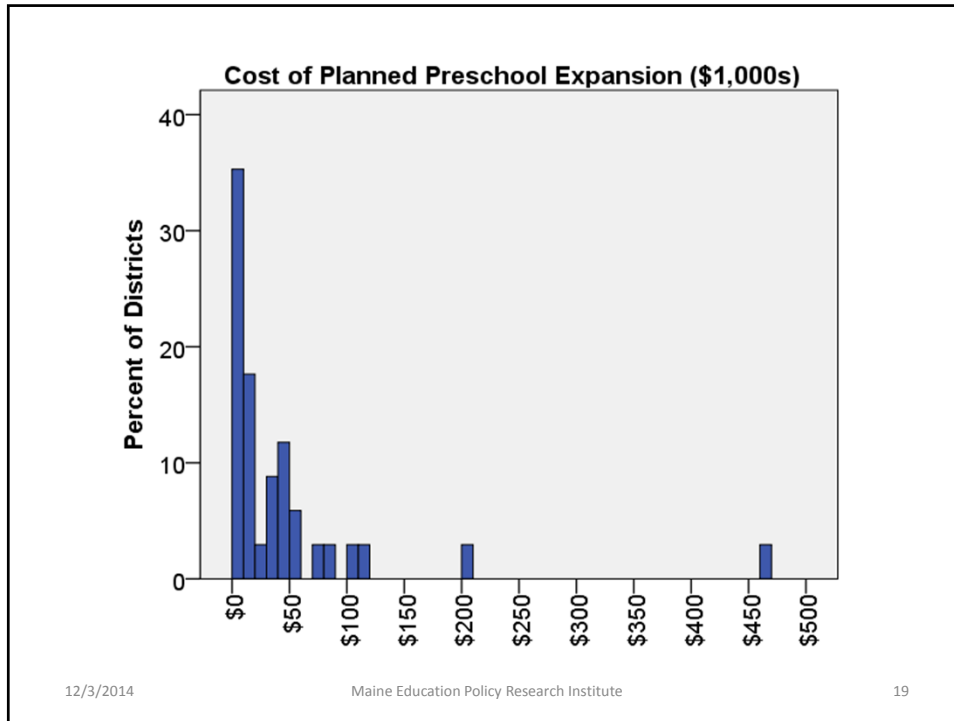
Per Classroom: **\$20,422**
Median=**\$10,000**

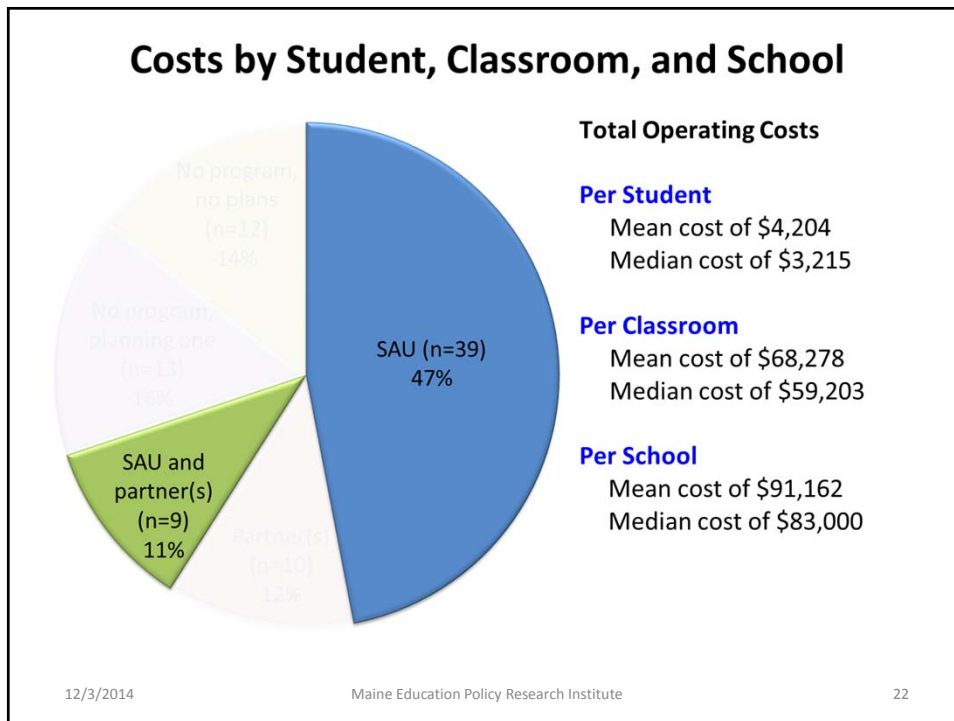
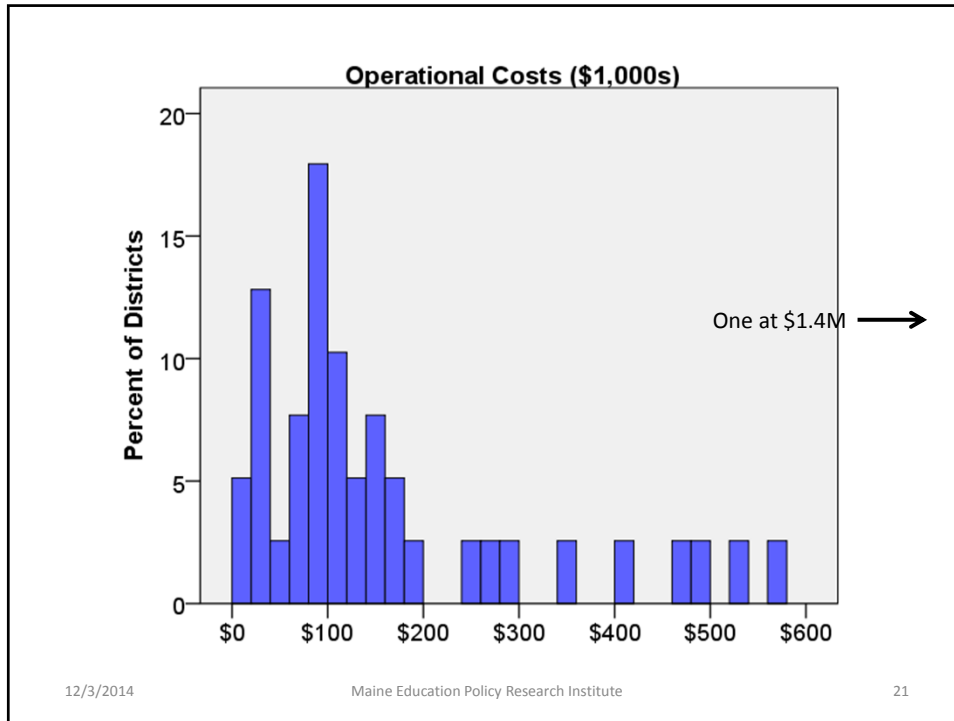
District-wide : **\$44,480.**
Median=**\$12,500**

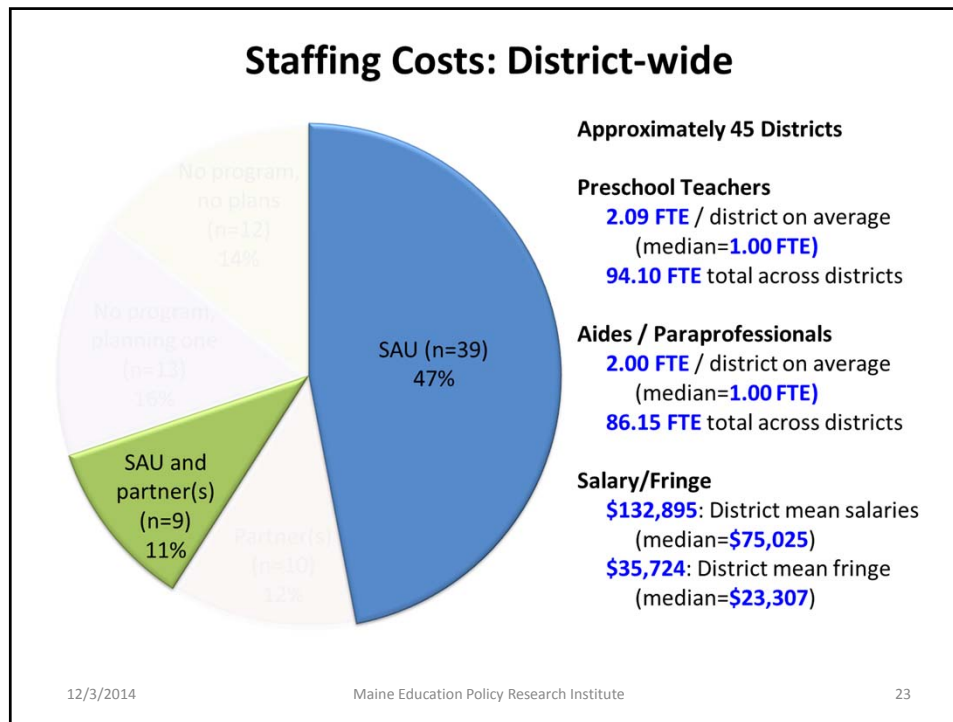
12/3/2014

Maine Education Policy Research Institute

18







Staffing by Student, Classroom, School

- Mean Teacher FTE
 - Per student: **0.05** (median = 0.04)
 - Per classroom: **0.79** (median = 0.79)
 - Per school: **1.05** (median = 1.00)

- Mean Teacher FTE
 - Per student: **0.04** (median = 0.03)
 - Per classroom: **0.73** (median = 0.86)
 - Per school: **1.07** (median = 1.00)

Staffing by Student, Classroom, School

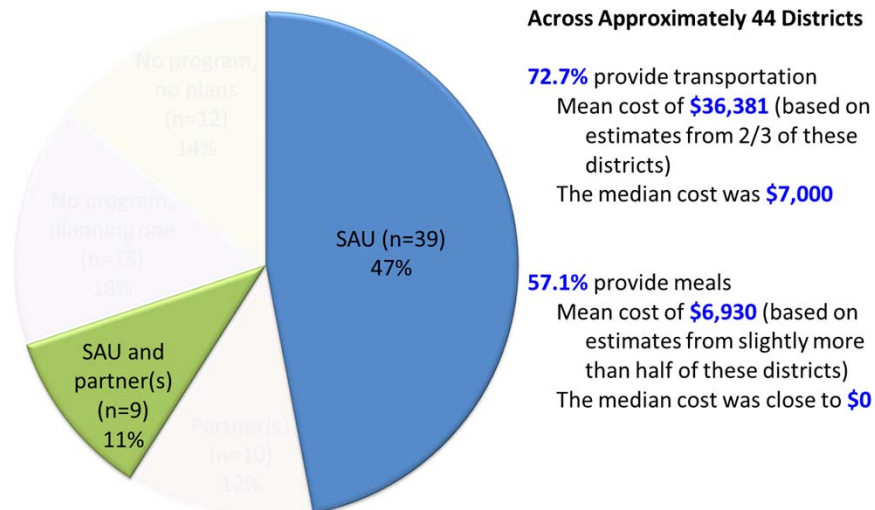
- Mean Staff Salary
 - Per student: **\$2,965** (median = \$2,195)
 - Per classroom: **\$47,586** (median = \$43,617)
 - Per school: **\$63,507** (median = \$63,000)
- Mean Staff Benefits
 - Per student: **\$927** (median = \$616)
 - Per classroom: **\$14,807** (median = \$11,070)
 - Per school: **\$17,696** (median = \$15,372)

12/3/2014

Maine Education Policy Research Institute

25

SAU Operating Costs



12/3/2014

Maine Education Policy Research Institute

26

