

# 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)



State of Maine  
131st Legislature, First Regular and First Special Sessions

**Commission to Study Expansion  
of Public Preschool and Early  
Care and Education**

**January 2024**

Office of Policy and Legal Analysis



**STATE OF MAINE  
131<sup>st</sup> LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Commission to Study Expansion  
of Public Preschool and Early  
Care and Education**

**Staff:**

**Hillary Risler, Legislative Analyst  
Elena Roig, Legislative Analyst  
Office of Policy & Legal Analysis  
13 State House Station  
Room 215 Cross Office Building  
Augusta, ME 04333-0013  
(207) 287-1670  
<http://legislature.maine.gov/opla>**

**Members:**

**Sen. Eloise Vitelli, Chair  
Sen. James Libby  
Rep. Tavis Hasenfus, Chair  
Rep. Amanda Collamore  
Dr. Todd Landry  
Lee Anne Larsen  
Christine Frost-Bertinet  
Melissa Harding  
Joe Whitmore  
Chrissie Davis  
Sue Powers  
Jordyn Rossignol  
Carla Kelly  
Heather Manchester  
Erin Frazier**

## Table of Contents

	<b>Page</b>
Executive Summary .....	iii
I. Introduction .....	1
II. Background Information .....	3
III. Commission Process.....	10
A. First Meeting: November 1, 2023 .....	10
B. Second Meeting: November 9, 2023 .....	12
C. Third Meeting: November 28, 2023 .....	13
D. Fourth Meeting: December 13, 2023 .....	17
IV. Commission Findings and Recommendations .....	18
V. Conclusion.....	27

### Appendices

- A. Authorizing Legislation, Resolve 2023, Chapter 477
- B. Commission Membership List, Commission to Study Expansion of Public Preschool and Early Care and Education
- C. Four-Year-Old and Pre-K Funding Breakdown
- D. Samples of Memoranda of Understanding (MOU) for Public Preschool Partnerships
- E. Colorado Proposition EE
- F. Maine DOE Rule Chapter 124, Basic Approval Standards for Public Preschool Programs
- G. Maine DHHS Rule Chapter 32, Section 7 – Staff Child Ratios for Childcare Facilities
- H. Maine DHHS Rule Chapter 33, Section 7 – Staff Child Ratios for Family Childcare Facilities
- I. Maine State Board of Education Rule Chapter 115, Part II, Requirements for Specific Certificates and Endorsements

## Executive Summary

The 131<sup>st</sup> Legislature established the Commission to Study Expansion of Public Preschool and Early Care and Education (referred to in this report as the “commission”) to explore options to provide full-day preschool and pathways for publicly funded early care and education programs through Public Law 2023, chapter 477 (see Appendix A). Pursuant to this law, 15 members were appointed the commission (a list of commission members can be found in Appendix B).

Guiding the commission’s work is the State’s goal of establishing an equitable, mixed-delivery public preschool system that provides universal access for preschool-aged children and their families by the 2026-2027 school year. The public law charged the commission with exploring: how to offer publicly funded preschool in all types of programs and classrooms; partnerships between SAUs and child care programs that meet or could be supported to meet public preschool basic approval standards; and ways to design a funding formula that can achieve the goal of 100% access to preschool programming by 2026.

The public law also provided that the commission could study and consider potential recommendations related to: aligning programs and braiding and blending funding sources; improving the coordination of early childhood programs and services; prioritizing the interests of children, parents, providers and the community; the overall funding structure; and ensuring data and information is used to improve policies and outcomes for children and families.

Over the course of four meetings, the commission learned about the growth of public preschool in the State, the incredible work being done at the State and local level to increase public preschool and early care and education access, the barriers and challenges that schools and communities face in trying to serve the pre-school age population, and the importance of strengthening the State’s public preschool and early care and education system for the benefit of the students, families, providers, and communities.

This report reflects the work of the commission, including the development of the following recommendations, which were voted – unanimously of those voting – at the fourth and final meeting of the commission.

- ❖ **Recommendation 1: Provide incentives and increase funding – both for ongoing costs and start-up costs - for public preschool programs.**
- ❖ **Recommendation 2: Increase flexibility in early childhood education credentialing.**
- ❖ **Recommendation 3: Facilitate coordination and outreach to increase public preschool partnerships through the use of a statewide coordinator and regional coordinators.**
- ❖ **Recommendation 4: Direct the Department of Health and Human Services, in collaboration with the Department of Education and stakeholders, to study the alignment of standards and rules for early childhood educators and providers to reduce barriers.**

The report concludes with additional considerations, which are critical issues in moving the State towards its ultimate goal of universal public preschool access and quality care and early education that will likely require further attention from the Legislature but that the commission either did not have time to fully discuss or which fell outside the scope of the commission's work.

## I. Introduction

Over the past few decades, Maine has increasingly focused on improving equitable access to public preschool and prekindergarten programs for young children and their families. To further this commitment, the Legislature passed Public Law 2023, chapter 477, (Appendix A) which provided that it “is the goal of the State to establish an equitable, mixed-delivery public preschool system that provides universal access for preschool-aged children and their families in accordance with the following timeline: 60% by the 2024- 2025 school year; 80% by the 2025-2026 school year; and 100% by the 2026-2027 school year.”<sup>1</sup>

In order to achieve this goal, Public Law 2023, chapter 477 also established the Commission to Study Expansion of Public Preschool and Early Care and Education, referred to in this report as the “commission.” Pursuant to the public law, the commission consisted of the following 15 members:

- Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
- Two members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
- One representative from the Department of Health and Human Services involved in the provision of services for children and families of children under 5 years of age selected by the Commissioner of Health and Human Services;
- One representative from the Department of Education involved in the provision of services for children and families of children under 5 years of age selected by the Commissioner of Education;
- One representative of the public school system nominated by the Maine School Management Association and appointed by the President of the Senate;
- Two parents of children who are under 5 years of age who have used state services for their children, one appointed by the President of the Senate and one appointed by the Speaker of the House;
- One representative of family child care services appointed by the President of the Senate;
- One representative of a Head Start program appointed by the President of the Senate;
- One representative of center-based child care services appointed by the Speaker of the House;
- One representative of public preschool teachers appointed by the Speaker of the House;
- One member with expertise in school funding nominated by the Commissioner of Education and appointed by the Speaker of the House; and
- One representative from the Child Development Services System selected by the Commissioner of Education.

A list of the members appointed to the commission may be found in Appendix B.

---

<sup>1</sup> 20-A MRSA §4501, first ¶.

The commission was tasked with exploring options to provide full-day preschool and pathways for publicly funded early care and education programs and establish a plan that addresses:

- How to offer publicly funded preschool in all types of programs and classrooms where 4-year-olds are enrolled, including, but not limited to, Maine School Administrative Units (SAUs) and licensed child care programs such as Head Start programs, child care centers and family child care programs;
- Partnerships between SAUs and child care programs that meet or could be supported to meet the public preschool basic approval standards under Department of Education (DOE) rules; and
- Ways to design a funding formula that can achieve the goal of 100% access to preschool programming by 2026 and a timeline, an implementation plan and incentives to expand publicly funded preschool programming to 30 hours per week or the length of the local school day at a SAU with the goal of establishing an equitable, mixed-delivery public preschool system that provides universal access for preschool-aged children and their families that meets the State's goal of 100% access by 2026.

The public law also provides that the commission could study and make additional recommendations related to the tasks above on aligning programs and braiding and blending funding in early care and education systems and make recommendations on:

- Improving the opportunities for children under 5 years of age by ensuring the availability and coordination of early childhood programs and services through the State with a focus on child development, education and supporting the needs of working families;
- Prioritizing the interests and input of children, parents, providers and the community in designing and delivering early childhood programs and services and the equitable delivery of resources and supports for early childhood education;
- Determining whether integrating early care and education systems with a central state access point and a regional hub structure could serve as part of a funding structure;
- Examining how various funding streams can be blended and braided to provide more efficient service delivery for families and providers; and
- Ensuring that data about programs and early care and early childhood education systems are available to the public and are shared, coordinated and used by the State to improve policies and outcomes for children and families.

To inform the work of the commission, the public law also required the Department of Education to update the commission on progress relating to the expansion of public preschools, including establishing state and community partnerships for mixed-delivery of child care and early childhood education programs and services through community and school-based providers, as well as establish a departmental workgroup to develop a plan to align credentials and training earned through the Maine Roads to Quality Professional Development Network with those earned through the Department of Education early childhood certification.<sup>2</sup>

---

<sup>2</sup> PL 2023, ch. 477 also established a new annual reporting requirement for the Department of Education to report to the joint standing committee of the Legislature having jurisdiction over education matters on the department's initiatives, incentives, and progress to expand public preschool programs no later than February 15<sup>th</sup> of each year.



The commission was directed to submit a report with its findings and recommendations, no later than December 6<sup>th</sup>,<sup>3</sup> to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The Joint Standing Committee on Education and Cultural Affairs may report out a bill based on the recommendations to the Second Regular Session of the 131<sup>st</sup> Legislature.

Accordingly, this report provides a brief history and background on the expansion of public preschool in Maine and the current status of Maine's growth towards universal public preschool, an outline of the commission's process over the course of its four meetings, and the commission's findings and recommendations to strengthen public preschool and early care and education in Maine.

## **II. Background Information**

Studies have consistently shown that public preschool programs and investment in high-quality early care and learning increase school readiness and lead to improved outcomes for students and families. Maine's public preschool system is well regarded nationally and is one of eight states that meets nine or more of the ten benchmarks that are used by The National Institute for Early Education Research (NIEER) to rank preschool programs across the country.<sup>4</sup> Below is a brief overview of the history of public preschool in Maine, the federal grants and state funding that have been critical in growing and sustaining public preschool programs, and some of the initiatives being undertaken to expand public preschool that have framed the discussion and ultimate findings and recommendations of this commission.

### **A. Brief History of Public Preschool in Maine**

The growth of public preschools in Maine dates back to 1983, when the State first enacted a law to allow 4-year-olds to enroll in kindergarten programs. By 2001-2002, approximately 10% of Maine 4-year-olds were attending a state-funded public pre-kindergarten program, and the State first released the Maine Early Learning Guidelines (MELGs). Recognizing the growth of public pre-k programs in Maine School Administrative Units (SAUs), in the following year the school funding formula was amended to include funding for prekindergarten programs.

Identifying the need for further definition and standards, in 2007, public prekindergarten was defined in statute and in 2015, the State released the Maine Early Learning and Development Standards (MELDS) – a revision of the previous Early Childhood Learning Guidelines. The MELDS are guidance developed jointly between the Maine DOE and DHHS Office of Child and Family Services (OCFS) and provide developmentally appropriate standards for whole child development for children ages 3-5, are aligned with Maine's Infant/Toddler Development

---

<sup>3</sup> Pursuant to Joint Rule 353(7), the commission requested and was granted by Legislative Council an extension of the reporting requirement to December 15, 2023.

<sup>4</sup> The benchmarks Maine has met include: early learning and development standards, curriculum supports, maximum class size, staff-child ratio, screening and referral process, continuous quality improvement, and teachers having a bachelor's degree specializing in early childhood education. Maine did not meet the professional development benchmark.

Standard and Maine’s Learning Results (K-12) Standards, and inform instruction, assessment, and environmental considerations.

In 2015, the State adopted the Maine Department of Education Rule Chapter 124: Public Preschool Approval Standards (see Appendix F). New programs established for the 2015-2016 school year were required to adhere to Rule Chapter 124, and previously established programs had until July 1, 2017 to align their programs. Today, all public preschool programs are required to follow the unified program requirements established in the rule. Rule chapter 124 establishes school approval standards governing the SAUs that are implementing public preschool programs and adopts procedures for ascertaining compliance with all applicable legal requirements. The intent of the rule was to provide the framework for planning and growth for public preschool programs while maintaining local flexibility. The rule was developed to be aligned with Child Care Licensing and Head Start program standards. These requirements include, but are not limited to standards for:

- Class size, which may not exceed 16 children;
- Curriculum, which must be aligned with the MELDS and is appropriate for the age and developmental level of the students;
- Screening and assessment;
- Instructional time, with a 180-day school year and a minimum of 10 hours per week for 35 weeks, although an extended public preschool program of more than 10 hours per week is encouraged;
- Personnel ratios;
- Teacher credentialing, which includes that teachers must hold the required Maine DOE Early Childhood 081 (B-5) endorsement; and
- Additional requirements, such as those related to nutrition, school facilities, family and community engagement, and parameters of an MOU with community partners if a partnership is utilized.

The Maine Department of Education is responsible for providing program approval and technical assistance related to public preschool program requirements.

As noted in the 2023 Measures of Growth Report, published by the Maine Economic Growth Council, the percentage of SAUs with at least one public prekindergarten classroom has risen drastically in the last two decades, from 24% in the early 2000’s to 85% last year. This expansion is due in large part to the funding opportunities over the past few years.<sup>5</sup>

## **B. How Public Preschool is Funded**

It is a local decision for SAUs in Maine to determine whether to develop a public preschool program, also referred to as a pre-k or 4-year old program. However, if a SAU does decide to pursue a program, it is funded through two key components: initial start-up funding, which – if available – is usually provided through state and federal grants, and ongoing funding provided

---

<sup>5</sup> [https://www.mdf.org/wp-content/uploads/2023/11/2023\\_MOG\\_FullReport\\_FINAL.pdf](https://www.mdf.org/wp-content/uploads/2023/11/2023_MOG_FullReport_FINAL.pdf)

through the State’s Essential Programs and Services (EPS) school funding formula and/or through local school budgets.

## **1. Start-up & Grant Funding**

Recognizing the high-cost of starting a public preschool program, the Legislature, beginning with the 2015-2016 school year and for each subsequent school year, authorized the Commissioner of Education to provide start-up funding – if available – to SAUs to operate public preschool programs for children 4 years of age through grants provided from state, federal or private funds.<sup>6</sup> How much funding, and whether funding is available and/or allocated by the Commissioner for funding for start-ups beyond what SAUs receive through the school funding formula, varies from year to year. It is also important to note that start-up grant funding is distinct from the preliminary calculation of funding for the first year of preschool provided through the EPS formula. If grants are available and the Commissioner chooses to allocate funding for start-up costs beyond what a SAU receives through the formula, start-up funding may be available.

In addition to any state funds provided, Maine has also been awarded several federal Preschool Development Grants (PDGs) that have been critical in supporting the State’s public preschool and early childhood system. The first grant, a Preschool Expansion Grant (PEG), was awarded to expand public pre-k programming beginning in the 2014-2015 school year and running through the 2018-2019 school year.

Administered by the Maine DOE, these grants were provided to 13 economically challenged SAUs to provide high-quality programming that included full-day programming, evidence-based curriculum and assessment, ongoing professional learning and coaching support, and onsite coordination of programming. The resulting strong child-outcomes included that:

- Classrooms were found to score in the mid to high ranges on indicators of classroom organization, instructional support, and emotional support;
- 75% of students who began the year at high risk moved to some or low risk by the end of the year; and
- 73% of students who began the year at some risk moved to low risk by the end of the school year.

In 2019, the Department of Education, in partnership with the Department of Health and Human Services, received a one-year PDG Birth through Five (PDG B-5) planning grant to conduct a needs assessment of its mixed-delivery system and create a strategic plan. An additional needs assessment was also conducted by the Maine Education and Policy Research Institute (MEPRI) in 2021. These needs assessments identified that some of the biggest barriers for the public pre-k and early care and learning programs include:

- A mismatch between families’ need for full-day care options and the preponderance of half-day public pre-k options;

---

<sup>6</sup> 20-A MRSA §4271.

- Lack of transportation and physical space for children to attend public pre-k programs;
- Difficulty hiring and/or retaining qualified staff,
- Start-up and ongoing costs; and
- Finding partnerships.<sup>7</sup>

In addition, the 2019 PDG B-5 Needs Assessment noted that unintended consequences can occur for the early childhood system as a whole when public pre-k expands, particularly raising issues of pay parity between the school system and the child care system and workforce shortage issues. Furthermore, schools noted a need to build administrator background in early childhood and that educators and schools in general are not well-enough equipped to address or support families with comprehensive services, especially in regards to the behavioral and mental health needs of pre-k children.

In 2022, the Maine DOE received \$10 million through the Maine Jobs and Recovery Plan to develop and administer a Pre-K Expansion Grant program. These grants have supported new program start-ups and expansion of current programs, with priority given to programs expanding from part-day/part-week to full day/full-week programming, expansions happening through partnerships with community providers, and programs at SAUs with higher percentages of economic need. A summary of the pre-k expansion grant rounds can be found in the chart below:

Round	# of SAUs	# of Students	# in Partnership	Amount of Funding
1	10	319	2	\$2,422,743.89
2	16	533	10	\$3,795,845.53
3	5	103	1	\$835,580.45
<b>Totals</b>	<b>31</b>	<b>931</b>	<b>13</b>	<b>\$7,054,169.87</b>

Of the 31 SAUs that received this grant funding, 28 are offering full-day/full-week programming through expansions.

In 2022 the State was also awarded a PDG B-5 Renewal Grant. The OCFS served as the lead agency on the grant, with projects implemented through strong partnerships between DHHS, DOE and the Governor’s Office of Policy Innovation and the Future (GOPIF). The grant provided \$8 million per year for three years, for a total of \$24 million. The goal of the grant was to support the State to continue to build needed infrastructure and capacity to create a more coordinated, efficient, and high-quality mixed-delivery system for children ages birth to five and their families and to ensure all children enter kindergarten prepared to succeed into the early elementary school grades. The PDG B-5 Renewal Grant will enable Maine to implement the roadmap created in the strategic plan developed through the original PDG B-5 grant. Grant funding began in 2023 and will run through 2026. In addition to funding a pre-k partnership

<sup>7</sup> [State of Maine Needs Assessment: Vulnerable Children Birth to Age 5 and Their Families](#) and [Public Preschool Programs in Maine: Program Design, Capacity and Expansion Challenges \(MEPRI\) February 2020](#)

specialist, this grant will also fund a Pre-K Advisory Team, made up of a diverse group of stakeholders that is representative of the State and of the mixed-delivery system that supports public pre-k. The group will meet monthly and is charged with studying public pre-k to help inform recommendations to support expansion. Sub-groups will focus on specific issues, including but not limited to: governance, funding, credentialing, and partnerships. The work of the Pre-K Advisory Team will inform design and implementation of a pilot to study partnership strategies in the Fall of 2024.

This grant is also funding the OCFS, DOE's early learning team, and key external stakeholders to work with the Center for Early Learning Equity to conduct a cost model for both child care and publicly funded preschool. The cost model will estimate the related costs associated with providing early childhood education and care at different levels of quality across program setting and geography, by assessing all the factors associated with delivering licensed services at different levels of quality (for example, by considering staffing ratios, compensation, rent, food, and other costs) and relies on input from providers, State agencies, and advocates. When paired with market rate surveys, this kind of cost modeling gives states a more accurate understanding of operating costs and current realities while providing them with key data to inform policy, budgeting and future decision-making.

Finally, the PDG funds are being used to support expanded professional development. The goal is to build off of the current professional development and professional learning provided to early childhood educators and early elementary school teachers by Maine Roads to Quality (Maine's Professional Development Network for early childhood educators), OCFS and the Early Learning Team at DOE to implement a variety of professional learning strategies, many of which will be structured to connect early childhood educators working in child care with those working in public schools. Currently, PDG funds are supporting the Maine Resilience Building Network (MRBN) to offer a variety of synchronous and in-person professional learning sessions focused on building early childhood practitioners' understanding of the impacts of adverse and positive childhood outcomes, trauma informed practices and resilience building strategies, and teams are working on professional learning to build coordinated understanding of language and literacy development across the birth-grade 3 span and strengthening inclusionary practices.

Other workforce initiatives supported by the PDG funds include providing sizable grants to support child care programs to take steps to improve the quality of their programs and move up the Quality Rating and Improvement System (QRIS) and align quality programming for TANF/ASPIRE's childcare subsidy program with the Child Care Subsidy Program, as funding will be used to pay the higher reimbursement rates for programs on the QRIS.

Another source of grant funding has been the Child Care Infrastructure Grants. These grants are directed to support family childcare programs and center-based child care facilities. As of October 1, 2023, OCFS has awarded 136 grants, totaling \$8,607,400. So far:

- 59 of these grants have been or will be used to start up new Family Child Care Programs;
- 40 of these grants have been or will be used to start up new Center-based Child Care Facilities; and

- 37 of these grants have been or will be used to expand existing Center-based Child Care Facilities;

These grants are expected to create 3,068 slots. Over 2,200 of these slots have already been completed.

## 2. Ongoing funding

Once a public preschool program has been established, ongoing state funding for public pre-k programs is provided through the State’s school funding formula, known as the Essential Programs and Services, or “EPS” formula. Essential programs and services are those educational resources that are necessary to ensure the opportunity for all students to meet the standards in the eight-content standard subject areas and goals of the system of learning results established pursuant to Maine Revised Statutes, Title 20-A, section 6209. Accordingly, the EPS formula provides the State with a mechanism for establishing the minimum sufficient funding level for achieving the Maine Learning Results<sup>8</sup> and an equitable way to distribute the funding responsibly between local communities and the State. While the EPS formula allocates funding for pre-k as described below, it is critical to note that the formula does not prescribe how funds should be spent; how funds are budgeted and spent on public education and how much to budget and spend on public education is a local decision.

Funding allocated for pre-kindergarten students are included in the EPS formula. A child must be 4-years-old by October 15<sup>th</sup> to attend a program receiving state subsidy and the program must meet the requirements set forth in Chapter 124. If a SAU operates an approved public preschool program – which requires a minimum of 10 hours per week for 35 weeks – the SAU will receive a basic count allocation for their 4-year-old and 5-year old pre-k students. This allocation remains the same regardless of how many hours (above the minimum) the SAU offers pre-k programming. In addition, allocations for pre-k students are included in the SAU’s overall allocations and/or weighted counts for students identified as English learners, economically disadvantaged students, targeted amounts for student assessments and technology resources, and specific targeted amounts for pre-k programming.

For new or newly expanded public preschool programs, the preliminary calculation of allocations for the first year of the new program or expanded program is based on estimated public preschool program counts, estimated rates and weights based on statewide averages, and the preliminary calculation of total allocation (which must be replaced with actual student count data once students have been enrolled for the new school year).<sup>9</sup> This funding is distinct from any start-up *grant* funding, which is only provided if available.

These allocations are included in an SAU’s total cost of education, which, after any other adjustments (such as those for isolated small schools, adult education, or equivalent instruction), is then divided into each SAU’s state and local share. Because the total amount of state funding

---

<sup>8</sup> Maine Department of Education Rule Chapter 132: *Learning Results: Parameters for Essential Instruction* establishes the parameters for essential teaching and learning in grades pre-kindergarten through diploma across the eight content areas. High school, middle school, and elementary school programming in Maine’s publicly supported schools must be aligned to the knowledge and skills described by this rule.

<sup>9</sup> 20-A MRSA §4271, sub-§3-A.

that a municipality receives is based on the calculation of that municipality’s ability to pay towards the cost of that municipality’s cost of education, the actual amount of state versus local funding for municipalities varies drastically. Accordingly, the impact of the funding provided through the EPS formula for each SAU will be felt differently in different communities.

However, a notable feature of the EPS funding formula as it pertains to public preschool allocations is that if, for example, a SAU currently serving 32 students in half-day programming (16 students in the morning and 16 students in the afternoon) wants to move to full day programming for all students, the funding formula does not adjust to provide additional funding to support the required 1:8 teacher-to-student ratio. In other words, in the half day model, a SAU with 32 students receives funding to support two educators (a teacher and an educational technician). However, in the full day model, a SAU needs four educators (one teacher and one educational technician in each of the two classrooms of 16 students), but does not receive additional funding through the formula to support the increased staffing requirements.

In fiscal year 2024, the total EPS calculation for the State was \$2,545,271,871. Of that, the 55% state share as required by law<sup>10</sup> equaled \$1,400,174,513; the local required contribution equaled \$1,145,097,328. Of these amounts, the state allocation specific to pre-k allocations for FY 2024 was \$34.0 million and \$27.8 million for the local share. For a breakdown of the 4-year-old and pre-k funding for the 2023-24 funding year, see Appendix C.

### **C. Current Status of Public Preschool**

With the increase in funding and initiatives over the last few of years, currently 85% of Maine SAUs offer public pre-k programming, with 51% of SAUs offering pre-k universally to their catchment area. Forty-two percent of the public pre-k programs operate 25 or more hours per week (which is considered as a proxy for what is called “full-day” or “full-week” programming). Additionally, 30% of SAUs are operating pre-k programming in partnership with a community partner, such as a Head Start or childcare program.

As programs expand, so too does access for pre-k students and working Maine families. The percentage of 4-year-olds enrolled in public pre-k rose from 33% in 2020-2021 to 41% in 2021-2022.<sup>11</sup> In the 2022-23 school year, 6,269 eligible 4-year-olds were enrolled in public pre-k programs. When using kindergarten enrollment numbers as a proxy for the number of eligible 4-year-olds, this amounts to 52% of all eligible 4-year-olds accessing public preschool.

Ultimately, there are a variety of factors that contribute to whether a SAU offers public pre-k programming, including the extent to which a SAU is able to enroll some or all of the interested students and how accessible the programming is for students and families in the community. As the commission met over the course of a month and a half they sought to focus on the barriers to expansion and to make recommendations to help move the State forward towards its goal of universal access by the 2026-2027 school year and offering Maine families the ability to choose from a variety of high-quality preschool programs based on their needs.

---

<sup>10</sup> 20-A MRSA §15671, sub-§1;

<sup>11</sup> [2023 Measures of Growth Report](#)

### **III. Commission Process**

Public Law 2023, chapter 477 became effective on October 25, 2023. The commission was authorized to hold four meetings, which were held on November 1, November 9, November 28, and December 13.

#### **A. First Meeting: November 1, 2023**

The first meeting of the commission was held on November 1, 2023. The meeting began with comprehensive commission member introductions, where members were asked to talk about their respective backgrounds, roles, and interests in public preschool and early care and education in the State, as well as what they think are the biggest challenges to expanding public preschool access and what they hoped to get out of the commission's work. Common themes that emerged included increase of equitable access for students, maintaining high-quality programming and ensuring appropriate settings, use of non-traditional settings and mixed-delivery partnerships, solutions for ongoing staffing challenges, and increased funding.

Legislative staff provided an overview of the enabling legislation (Public Law 2023, chapter 477 in Appendix A) covering the duties, process, and timeline for the commission's work, as well as the overarching goal established by the Legislature, to establish an equitable, mixed-delivery public preschool system that provides universal access for preschool-aged children and their families by the 2026-2027 school year.

The commission received two presentations at the first meeting. The first presentation was from Lee Anne Larsen, Director of Early Learning, Maine Department of Education (DOE) and task force member, on the current status of public preschool in Maine and an overview of ongoing efforts, programs, and strategies for increasing access to public preschool and early care and education in Maine. Much of the information included in Director Larsen's presentation is included in Section II of this report. Two issues that arose during Director Larsen's presentation, were questions around how the DOE's figure of 52% of eligible children in the State being enrolled in preschool was calculated, as well as questions about the persistent barrier of transportation.

Annie Colaluca, Pre-School Director, Bath Area Family YMCA provided the second presentation on the Bath Area YMCA and Regional School Unit (RSU) 1 CHOICES<sup>12</sup> public pre-k partnership. Considered one of the best public pre-k programs in the State, the CHOICES partnership was founded with the mission to provide all families with 4-year-old children living in the towns served by RSU 1 access to quality developmentally-appropriate preschool programs. The unique collaborative offers families choices between curricula and child care options that meet their needs and philosophy through a mixed-delivery model including the Bath YMCA enrichment program, RSU 1 elementary schools,<sup>13</sup> and Head Start. At the heart of the

---

<sup>12</sup> The acronym "CHOICES" stands for: Children Having Opportunities in Collaborative Early Settings

<sup>13</sup> RSU1 includes: The Dike-Newell School, Phippsburg Elementary School, and the Woolwich Central School



partnership is the Memorandum of Understanding (MOU), which outlines the terms of service, vision, goals, joint responsibilities and partnerships. A copy of this MOU, along with another sample MOU that the commission discussed, is included in Appendix D. To be eligible for the CHOICES program, the child must be a resident of the RSU 1 school district and must be 4 years of age on or before October 15 of the enrollment year. The enrollment process includes an open house, with the opportunity for parents to meet the partners and ask questions, an application process open for a two-week period in May, and a lottery handled by a third party. Families and partners are informed of the results by June.

Ms. Colaluca identified for the commission four critical success factors for the program:

- 1) Choice: program options that meet families' needs and philosophies;
- 2) Communication: a streamlined process for families to learn about and enroll in the program;
- 3) Collaboration: partners at the table monthly to discuss programmatic logistics, which ensures continuity and consistency;<sup>14</sup> and
- 4) Coordination: having a single point person to assist and communicate with partner agencies and the school district to ensure alignment.

Ms. Colaluca also identified some of the challenges that still exist even once a successful program gets off the ground. These challenges include issues around equity and ensuring there are enough programs offering full-time care for working families; transportation, especially in regard to the different safety standards for 4-year-olds; partnerships; ensuring developmentally appropriate practices; supporting children with challenging behaviors, and pay parity – as staff in partnership locations are not being offered similar compensation and benefits as those employed by the school districts.

Nevertheless, the benefits of successful partnerships are evident in the CHOICES model. Such benefits include the continuity of care for a child throughout their school day and the early years; having childcare available for families during school vacation weeks and holidays; support for childcare partners with professional development and continued opportunities for education and training; financial benefits for working families who have reduced parent fees for full time care when their children attend through a pre-k partnership; flexibility for childcare programs to honor their unique philosophies and meet community needs simultaneously, opportunities for collaboration and support among childcare providers to strengthen relationships, and the early identification of students who qualify for additional support services.

However, continuing and maintaining a successful partnership also takes work, and Ms. Colaluca noted the importance of considering opportunities to include additional partnerships, such as family childcare providers, the need for continued meetings and ongoing communication with superintendents, the school board, and community members, and an annual report to keep the community informed of the success of the program that includes data that reflects students' growth.

---

<sup>14</sup> This collaboration includes an Early Childhood Advisory Council, with representative partners involved in the program, including the RSU1 superintendent, a principal, CHOICES coordinator, kindergarten teacher, partner agencies, Child Development Services, a school nurse, and a community representative.

## **B. Second Meeting: November 9, 2023**

The second meeting of the commission was held on November 9, 2023. The first half of the meeting focused on presentations regarding the financing of public preschool programs and early care and education.

Ana Hicks, Children’s Cabinet Coordinator, Governor’s Office of Policy Innovation and the Future (GOPIF) provided an update on the work of the Children’s Cabinet and their plans to ensure all Maine children enter kindergarten prepared to succeed. To accomplish this, the Children’s Cabinet focuses on three key components:

- 1) Access: Increasing access to affordable early care and education and preventative and early intervention services for young children and their families;
- 2) Quality: Raising the quality of the State’s early care and education system and supporting families to access quality programming; and
- 3) Workforce: Recruiting, preparing, and retaining a diverse early childhood workforce.

The ongoing projects highlighted include work funded through the federal Preschool Development Grant (PDG) funds and grants funded through the federal Maine Jobs and Recovery Program, which are both discussed in more detail in Section II of this report. When asked by a commission member about how the Legislature could support the work of the Children’s Cabinet as it pertains to expansion of preschool, Ms. Hicks responded that it is funding that would make the biggest impact on their work. She further noted that the Children’s Cabinet focuses much of its work around the structuring of partnerships, but funding is ultimately under the purview of the Legislature.

Paula Gravelle, Director of School Finance, Maine Department of Education provided an overview of how 4-year-old and pre-kindergarten funding allocations are incorporated into the Essential Programs and Services (EPS) school funding formula. Director Gravelle outlined the statutory requirements governing how funding is allocated for pre-kindergarten students through key operating, cost-driven components. These components include student demographics, an EPS per-pupil rate for each individual SAU, weighted amounts for specialized student populations (such as English language learners and economically disadvantaged students), and additional targeted amounts for SAUs who meet specified eligibility criteria. Director Gravelle also explained how this funding fits into the overall funding “pie” of the total cost of public education in the State. Director Gravelle also reviewed the phase-in procedures for newly expanded public preschool programs. However, throughout the overview, Director Gravelle emphasized that the EPS formula is not a prescription for how funds should be spent at the local level

Following presentations, and in recognition of the differences among public preschool programs throughout the State, the commission invited Superintendent Jonathan Moody, MSAD 54 and Superintendent Howard Tuttle, RSU 12, to join the discussion and offer their respective

experiences and perspectives. Both superintendents noted how critical expansion grants were in expanding their programs and having partnerships and transportation for children. Superintendent Moody also noted the importance in recognizing that pre-k involves more staff and that whatever funding model is utilized should not incentivize doing less in terms of public preschool offerings, such as only offering half-day preschool rather than full-day.

With the ongoing work of GOPIF and the Maine Children’s Cabinet initiatives, the commission sought suggestions on how to ensure that the commission’s work not duplicate efforts that are already underway. The commission also discussed the difficulty of determining what “access” and what percentage of access truly mean when it is unknown how many public preschool “seats” are needed to ensure that all families who want to access public preschool in the State are able to do so. Similarly, challenges may also arise when some 3-year-olds transition out of a 0-3 child care setting but experience a gap in services before they turn 4 and are preschool eligible.

Another issue that was raised is that the EPS formula does not differentiate between part-time (either half-day or only a couple of days a week) programming and full-time programming. Accordingly, there may be a financial disincentive for a SAU to provide full-time programming if the SAU is not receiving additional funding for providing the additional programming. And, the question was raised as to whether the funding provided through the EPS formula is truly capturing what is “essential” for funding schools today.

Additional impediments to expanding public preschool programs raised by commission members included, but were not limited to: credentialing; misalignment of DHHS and DOE fingerprinting requirements and systems; low wages and disparity in pay between child care staff and school staff; how pupil counts might work in a mixed-delivery system where child care may be out of a student’s resident school district or if a preschool-aged child may need occasional childcare outside of the school setting; child care facility ratios; space limitations; wraparound services; staffing; special education and CDS; and transportation.

However, many commission members also touched on the successes of programs, including the benefit of robust start-up funding, quality programming, and successful partnerships, including coordinating with family childcare centers and Head Start.

### **C. Third Meeting: November 28, 2023**

At the commission’s third meeting, members engaged in a robust discussion of potential recommendations based on information gleaned from previous meetings.

The first matter of discussion was the relationship of the education funding formula with public preschool and specifically how the funding formula could be changed to incorporate public preschool and encourage (but not require) SAUs to explore a full-day preschool model. Commission members concluded that state education funding formula would be best suited to support the ongoing costs of public preschool programming but there remains the barrier of significant upfront costs to SAUs such as transportation and infrastructure costs.

The discussion then moved to the issue of staffing ratios and how this may hinder a childcare provider from filling all of their spots if a 4-year-old child is also enrolled in a public preschool for part of the day. A general recommendation that arose from this discussion reflected the need for increased flexibility with regard to ratios and how school-aged children are counted in childcare settings.

The commission sought to determine where credentialing may create barriers to the implementation or expansion of public preschool programming. Members explored the different general education certifications currently available in the State and identified that the K-6 certification could be reworked to extend certification to allow those educators to teach preschool as well, either through expanding the certification into pre-K-6 or administering a waiver to K-8 certified educators who have taught kindergarten for a certain number of years. This discussion also touched on existing childcare provider staff who may have enough experience to teach preschool but lack a certain credential such as a Bachelor's degree, which then raised the question of how to determine which providers could meet that threshold. From this discussion, the commission came to a potential recommendation for legislation that would direct the Maine Department of Education to review all credentialing and determine how to align credentialing to address gaps in early childhood education roles, or seek a pathway to an alternative certification.

On the topic of fingerprinting and background checks, the commission recommended support for an upcoming bill on this issue, which is anticipated to be introduced to the 131<sup>st</sup> Legislature, Second Regular Session by Senator Trey Stewart.

The commission then moved on to the topic of pay parity among schools, Head Start Centers, and childcare providers. The commission considered the idea that braiding and blending funding – which involves combining two or more sources of funding to support a program or activity either by tracking the funding sources separately or comingling them, respectively - may help achieve pay parity. It was suggested that this may not be the case without specific direction or requirement – the commission resolved that this could be a question to ask the presenters from Colorado that were speaking to the commission later on in the meeting.

The commission also began a discussion on public preschool partnership coordination and outreach and discussed a potential recommendation to establish a position within the Department of Education that would specifically handle coordination and outreach to districts and community partners, as well as determine the needs and current practices of districts. The commission learned that the Department of Education currently has a similar position in place, but it is federally grant-funded and therefore would be dissolved upon the end of that funding stream. One commission member detailed their school district's partnership with the Maine Association for the Education of Young Children which has taken on much of the work of coordinating with local community partners. It was also noted that, whether with MaineAEYC or the Department of Education, some level of ongoing support is needed as programs come online and grow. The commission suggested a potential recommendation to transition the current coordinator position from limited period to a permanent position to ensure ongoing support for districts pursuing universal public preschool. It was later discussed whether it would be more advantageous to instead have a number of regional coordinators rather than one or two

at the state level, or whether regional coordinators could be available to districts that feel they need them.

At the third meeting the commission also received a presentation from representatives of the Colorado Department of Early Childhood: Dr. Lisa Roy, Executive Director, and Dawn Odean, Universal Preschool Program Director and Ian McKenzie, Public Information Officer.

Colorado officially launched its universal public preschool program for the 2023-2024 school year. Starting this year, families in Colorado can receive at least 15 hours per week of free, voluntary preschool for 4-year-olds, although providers may choose to only provide 10 hours.<sup>15</sup> To make this possible, in November 2020, the Colorado voters passed Proposition EE, which created a preschool program cash fund and required enacting legislation in the 2021 legislative session. Proposition EE, a ballot question, asked voters whether state taxes shall be “increased by \$294,000,000 annually by imposing a tax on nicotine liquids used in e-cigarettes and other vaping products that is equal to the total state tax on tobacco when fully phased in” and use those funds, in part, to “enhance the voluntary Colorado preschool program and make it widely available for free.” (Appendix E).

On June 23, 2021, the Governor signed HB 21-1304, which established stakeholder and agency working groups and called for the creation of two reports: A Department of Early Childhood Transition Plan and recommendations for universal preschool. The following year, legislation aligned with the two reports was passed, establishing the responsibilities of the Colorado Department of Early Childhood (CDEC) and its Executive Director, moved early childhood programs to the new department, and created the Colorado Universal Preschool Program. On July 1, 2022, the new CDEC officially launched.

As Dr. Roy noted in her presentation, prior to the new structure, the vast array of programs that served young children and their families were administered across various agencies. The new CDEC instead brought in all programs and services administered by the Colorado Department of Human Services’ Office of Early Childhood, as well as the Colorado Preschool Program/Early Childhood At-Risk Enhancement (ECARE) and all services administered by the Early Childhood Workforce Development Team, both of which were housed within the Colorado Department of Education. Consolidating these programs and services ensured a centralized and more streamlined structure with a singular vision for service.<sup>16</sup> As the commission heard at this meeting, the CDEC identifies their vision as “all Colorado children, families, and early childhood professionals are valued, healthy, and thriving.” And the mission of the CDEC is to “ensure the delivery of an inclusive, community-centered, data-driven, high quality and equitable early childhood system that supports the care, education, and well-being of all Colorado’s young children, their caregivers, and early childhood professionals in all settings.”

Dr. Roy also reviewed the goals of the newly-established CDEC, including equitable access, recruiting, retaining and adequately compensating the early childhood workforce, and

---

<sup>15</sup> Some eligible 3-year-olds may also receive 10 free hours per week; some 4-year-olds with additional qualifying factors may qualify for additional hours of free preschool.

<sup>16</sup> One program excluded from the new structure is preschool special education, which remains housed under the purview of Colorado’s Department of Education.

strengthening families by giving caretakers the necessary opportunities, relationships, network, and supports to raise their children successfully. To accomplish these goals, Dr. Roy noted the importance of meeting the evolving early childhood needs to sustain the system, maximizing funding, utilizing data-informed decision-making, and committing to workplace excellence.

As the CDEC develops and evolves, the commission heard that they are focused on four key areas: childcare and preschool, child health and wellbeing, supporting the early childhood workforce, and improving quality environments in all settings. Dr. Roy noted that they are working on different tools to be able to increase compensation for everyone.

One of the most important components of Colorado's system is the focus on mixed-delivery, which brings together a variety of provider types and program settings, but public and private, to serve children. In their mixed-delivery system, any program is eligible to participate so long as they are licensed and meet certain requirements. This includes faith-based early learning programs, elementary schools (including charter schools), family child care homes, for-profit and nonprofit center-based child care programs, and stand-alone preschools.

The system works through an application and match process. Interested programs sign up stating the number of children they have the capacity to serve. Interested families complete a simple application and rank their preference of up to 5 participating programs. The system generates matches based on families' rankings and program availability, and rather than operating on a first-come, first-served process. The match program also includes parameters to help keep families and siblings together where possible. Today, there are just under 2,000 providers participating. Of those, about 48% are community-based programs, 40% are school-based programs, and 12% are family-care providers.

As the CDEC looks to the future, the commission heard that they are focusing on quality standards, including on issues related to eligibility, instructional practice, healthy development, family and community engagement, and teacher quality/workforce. With regard to workforce, the CDEC noted the demographics of the early childhood workforce and some of the efforts to recruit and retain a quality workforce. Recent initiatives include stabilization grants aimed at the child care sector, grants aimed at providing free early childhood education coursework, T.E.A.C.H scholarships designed to provide funding to allow recipients to earn early childhood credentials towards Bachelor's degrees, and many other workforce strategies.

Following the presentation, commission members asked a variety of questions about Colorado's model, the benefits, and the challenges they've encountered. Of particular interest to the commission was that Colorado's special education oversight for preschool-aged children remained with the Department of Education. Dr. Roy and Ms. Odean noted that there have been challenges with ensuring that families are matched with their necessary IEP resources. Ultimately, they noted that Colorado defers to the local level in many ways, and the local districts have purview of local policy, which varies greatly from district-to-district.

Another question that arose was on the number of hours offered. When first launched, the UPK intended to allow for 30 state-funded hours a week for children with qualifying factors, but the level of poverty had been underestimated and there was not sufficient funding to provide that

level of state-funded preschool. Another issue that was identified and addressed early on had to do with provider rates. Initially, if a provider charged less than the standard rate, families would get a credit. However, many providers noted that they based their rates on what families could afford, and that this penalized them for doing so. Accordingly, revisions were made to the rate formula. The commission also learned that the funding stream is provided directly to providers through a vendor, with pay based on enrollment.

Mr. McKenzie spoke to the commission briefly about the outreach to families, especially disadvantaged families, to ensure that those who want to access the program know how to do so. Mr. McKenzie noted the importance of partnering with a marketing organization to assist with that community outreach, connect with community non-profits and other groups to help insure the necessary information is conveyed to communities. He noted that building a communication strategy around outreach to families was crucial, as was ensuring that the application was simple and easy to fill out.

As the presentation concluded, the Colorado team also touched on the importance of vetting providers for quality and credentialing. Colorado was one of the first states to institute quality ratings and incorporated that into the department. Waivers are also available in certain situations. They noted that paying the same rate per child has raised the quality of all settings and that, as the CDEC gets into its first year they are working support professional development at the department level. They noted the importance of avoiding additional burdens and focusing on supporting providers in raising the bar with child outcomes in mind.

#### **D. Fourth Meeting: December 13, 2023**

The commission met for a fourth and final time on Wednesday, December 13<sup>th</sup> to review its draft report and take final votes on findings and recommendations. As staff provided an overview of the draft report, commission members provided feedback, clarifications, and additional information to include in the final report.

The main focus of the fourth meeting was discussion of the draft recommendations and any revisions necessary to fully capture the scope and intent of each recommendation. In particular, the commission discussion focused on the potential models of statewide and/or regional positions necessary to facilitate coordination and outreach to increase public preschool partnerships as captured in Recommendation #3. After weighing these different models, the commission envisions a single statewide coordinator and various regional coordinators. Although under the direction of a statewide professional, the regional coordinators would still maintain that important familiarity with the region's schools, culture, and needs while still having a direct line of communication with the State for consultation when necessary. The commission also revised Recommendation #4, recognizing that the issues of licensing and regulation alignment is broader than just childcare staffing ratios.

At the conclusion of the meeting, the commission decided to vote on the full report as a whole, including each of the four recommendations included in Section IV. With the exception of those abstaining or absent, the commission voted unanimously in support of this report and the recommendations to the Legislature it contains.

## **IV. Commission Findings and Recommendations**

### **A. Overview & Context**

Although the commission would have liked additional time to fully develop a plan to expand public preschool programming as required by its authorizing legislation, the commission focused the limited time that the commission did have on exploring options to provide full-day preschool and identifying pathways for publicly funded early care and education programs, and identifying the barriers that will need to be overcome to implement universal preschool programming. The commission is mindful that a lot of work is already being done at the State level by the Department of Education, the Department of Health and Human Services, and the Children’s Cabinet Early Childhood Advisory Council. These efforts are in addition to the great work being done at the local level by many of the school administrative units and community partners throughout the State.

As the commission heard over the course of their four meetings, the Department of Education and the Children’s Cabinet Early Childhood Advisory Council are committed to long-term strategies to support expansion of public pre-k in Maine. In addition to the initiatives funded through the PDG B-5 Renewal Grant discussed above, long-term strategies include:

- Exploring refinements to the pre-k funding formula, DOE’s Chapter 124 preschool approval rules, and the MELDs to increase pre-k “dosing” and programming quality;
- Expanding DOE staffing to support pre-k expansion efforts related to technical assistance and continuous improvement;
- Securing resources to provide professional learning and coaching support for public pre-k programs,
- Tracking public pre-k expansion efforts towards reaching the goal of all Maine 4-year-olds having access to quality pre-k, and
- Exploring methods for determining data-based impact on student learning.

It is with this background in mind that the commission began developing its own recommendations to support the ongoing work towards the goal of establishing an equitable, mixed-delivery public preschool system that provides universal access for preschool-aged children and their families by the 2026-2027 school year. In developing these recommendations, the commission emphasizes that all stakeholders – from government agencies to school districts, child care programs, and the families and children they serve – must collaborate and work together to find solutions to overcome barriers. Each community in Maine is different and will require different resources to establish and maintain successful programs.

As identified in the authorizing legislation, the goal is to provide universal access to public preschool. As the commission learned, currently 52% of 4-year-olds were enrolled in public pre-k when kindergarten enrollment is used as a proxy. However, some commission members questioned whether kindergarten enrollment is an appropriate analogue for calculating access to pre-k. Barriers to public preschool such as lack of transportation, limited seats, and lack of full-day programming and/or wrap-around care make public preschool, even if offered by a SAU,



inaccessible to many working families. Simply increasing the number or hours of public preschool programs is not sufficient to address the barriers to access. As the State works towards universal access for public preschool, the State should be mindful of what 100% access should look like and how to ensure that an equitable, mixed-delivery public preschool system meets the needs of the State, communities, and the families and students who choose to utilize it.

Accordingly, much of the commission's work was devoted to identifying these barriers that obstruct Maine's pathway to universal preschool and developing ideas to help preschool providers navigate around these hurdles, while avoiding duplicating the work that is already being done. The culmination of this work is four interrelated recommendations that target issues of funding, the reduction of barriers, and assistance for fostering partnerships. Of course, these recommendations do not constitute the entirety of the necessary work to achieve the goal of high-quality universal preschool in Maine. Nevertheless, the commission believes that the implementation of the following recommendations will spur some of the necessary collaboration and provide more Maine families with access to a high-quality preschool program.

With the exception of two members abstaining and two members who were absent for the vote and did not subsequently record a vote, commission members unanimously voted to endorse this report and make the following recommendations.<sup>17</sup>

## **B. Commission Recommendations**

### **❖ Recommendation 1: Provide incentives and increase funding – both for ongoing costs and start-up costs – for public preschool programs.**

The first recommendation of the commission is for the Legislature, partnering community providers and organizations, and the Maine Department of Education to facilitate and implement financial incentives that encourage the inception or expansion of public preschool offerings in local communities. The commission discussed three general ways these incentives should take shape – funding opportunities to address upfront costs for new and expanding programs, revisions to the school funding formula to support ongoing funding, and the braiding and blending of funding streams with partnering organizations and providers.

From its discussions and after hearing from school administrators, the commission recognizes that the EPS funding formula may not sufficiently address the cost of public preschool programming. Specifically, the EPS funding formula may actually disincentivize schools from implementing full-day public preschool, despite language in the Department of Education's rule chapter 124 that "encourages SAUs to schedule public preschool for more than ten hours per week to improve child outcomes and to reduce the risk of later school failure." (Appendix F). The EPS formula provides funding without regard to half-day or full-day programming. In other

---

<sup>17</sup> Dr. Todd Landry, who served as the representative from the Department of Health and Human Services resigned from his position prior to the commission's final vote and was not replaced; Lee Anne Larsen, serving as the representative from the Department of Education, and Erin Frazier, serving as the representative from the Child Development Services System, both abstained from the final vote; Joe Whitmore, representing a parent of a child who is under 5 year of age who has used state services and Jordyn Rossignol, representing center-based child care services were both absent for the final vote and did not subsequently record a vote.

words, the EPS funding formula does not supplement preschool funding if the school chooses to offer more than the minimum-required preschool hours including full-day preschool, which requires additional space and staffing unless the school ultimately decreases the number of available seats for preschool students. Thus, the commission recommends that the EPS funding formula be revised to truly incentivize schools to offer full-day preschool by appropriately increasing a school's preschool funding to meet the needs of full-day programming without a loss in overall capacity. The commission notes that this change would not necessarily preclude a school from only offering half-day preschool if the school determines that is best for them – this revision to the EPS formula would simply ease the burden on schools to come up with additional funding to expand their programming.

However, changes to the EPS funding formula would only ease the burden of *ongoing costs* and would not address the significant *upfront costs* that a school may be faced with when starting or expanding a public preschool program. These may include infrastructure costs (e.g. construction of a new classroom or outfitting an existing classroom with age-appropriate furnishings) and transportation-related costs (e.g. additional buses, outfitting existing buses with harnesses to transport preschool-aged students, or additional staff to be present on buses). To address this significant barrier, the commission recommends increasing – to the extent possible – grant-based funding opportunities or expanding existing opportunities that specifically target these upfront needs. Moreover, as previously noted, the Commissioner of Education may allocate additional funding to SAUs for these upfront costs if such funding is available. The commission strongly emphasizes that, in order to meet the State's goal of 100% access to public preschool by the 2026-2027 school year, the Legislature needs to appropriate funds and allocate the resources necessary to achieve this goal.

The commission acknowledges that schools in the State will have varying degrees of upfront costs depending on the current status of their preschool offerings and their existing infrastructure; the expansion of grant-based funding is a more appropriate avenue for ensuring that funding is allotted on an as-needed basis. As the commission heard, this initial influx of funding is especially important for costs such as equipping school buses with the appropriate harnesses to allow for transportation of preschool-aged children and adapting physical spaces to be age-appropriate.

Finally, the commission recommends that the various preschool providers in the State (schools, community childcare providers, Head Start) collaborate to blend and braid funding streams in order to better align programming and achieve a full-day program. The opportunity to capitalize on existing resources – rather than having a sole provider take on a public preschool program and fill their own gaps – may incentivize SAUs and partnering providers to come together and jointly expand their programming. On this topic, the commission discussed the difficulties around the different requirements and capacities for different providers – for example, the Maine Department of Education's rule chapter 124 requires that ten hours of preschool are offered while Head Start requires six hours a day for five days a week (although there is flexibility in those Head Start requirements based on community need).<sup>18</sup> There is opportunity for these

---

<sup>18</sup> Potential changes to the Head Start performance standards are in development and are open to public comment at the time of the writing of this report. If implemented, these changes would place more emphasis on community partnerships, among other things. For further information, see:

providers to collaborate with the resources they each have available to be able to jointly offer a full-day preschool program. In order to do this, however, the Department of Education, Head Start, and community partners would also need to collaborate on revisiting each entity's preschool standards and ensure those standards are aligned across the various providers, from length of the preschool day to licensing and inspection. Standards also need to be flexible to local community needs. This is further detailed in the commission's recommendation #4, below. The collaboration around these resources may extend beyond alignment and include the blending and braiding of funding for staffing, classroom supplies, and meal resources as well to achieve the full-day programming goal.

❖ **Recommendation 2: Increase flexibility in early childhood education credentialing.**

Over the course of their work, the Commission identified educator credentialing as a barrier to the expansion of public preschool in the State and believes that additional flexibility in credentialing may ease some of the effects felt from educator workforce shortages. The commission discussed several possible avenues to achieve more flexibility and would simultaneously like to express and encourage support for some of the ongoing work on this issue in addition to the possibility of legislation to expand on that work.

Currently, the State Board of Education Rule Chapter 115, Part II: Requirements for Specific Certificates and Endorsements governs early education teacher credentials. As required under the Maine DOE rule chapter 124, public preschool teachers must hold the Endorsement 081: Early Childhood Teacher, which allows the certificate holder to teach students birth through kindergarten (also referred to as the Maine DOE Early Childhood 081 (B-5) endorsement). The other elementary endorsements available for early childhood educators in the State include:

- Endorsement 029: Early Elementary Teacher, which allows the certificate holder to teach students pre-kindergarten through grade 3 (Prek-3);
- Endorsement 020: Elementary Teacher, which allows the certificate holder to teach students kindergarten through grade 6 (K-6); and
- Endorsement 282: Teacher of Children with Disabilities, which is divided by age ranges including a birth to school age 5 (B-5) and a kindergarten through grade 8 (K-8).<sup>19</sup>

Commission members noted that the varying grade spans create a barrier for SAUs in creating or expanding programs as, for example, a currently certified kindergarten teacher is not certified to teach preschool instead. One pathway to afford more flexibility may be to reconfigure grade-level breakdowns for each of these certification endorsements. A recommendation that arose from a discussion around this was the possibility of extending the 020 endorsement and the K-8 282 endorsement to include preschool on the basis that kindergarten students and preschool students are typically only a year apart in age. This would allow greater flexibility for SAUs to staff preschool classrooms and decrease the additional burdens on teachers to obtain additional endorsements.

---

<https://www.federalregister.gov/documents/2023/11/20/2023-25038/supporting-the-head-start-workforce-and-consistent-quality-programming>

<sup>19</sup> See Appendix I for the specific requirements and details of each of these endorsements

An alternate avenue that arose in discussion was the establishment of a pathway to an alternate certification for early childhood professionals (e.g. childcare provider staff) that have a wealth of experience but who may not hold a Bachelor's degree, disqualifying them from traditional certification. Some members noted that determining eligibility for this certification may be challenging, but acknowledged the potential for an untapped pool of resources in the childcare industry. Another perspective from commission members suggested that a waiver become available for kindergarten-certified educators, granting them the ability to teach preschool if that educators has taught kindergarten for a certain number of school years.

With regard to any potential changes to educator credentialing, however, the commission emphasizes that Maine's preschool students must be taught by the most qualified educators with the best appropriate training for that age group. Although the commission recommends further exploring flexibility in this area, such exploration must include careful consideration of both the needs of expanding the educator pool, while not reducing professional standards. The commission encourages following the guidance of education and early childhood experts on determining, for example, whether a kindergarten educator is sufficiently prepared to teach preschool at the highest standard for Maine's students.

Accordingly, the commission expresses and encourages support for the ongoing work of the Pre-K Advisory Team, which has been formed through the funding of the Preschool Development Grant and which has already begun to explore this critical issue. To expand on the tasks of the Advisory Team, some members of the commission would also put their support behind legislation directing the State Board of Education and relevant stakeholders to study the above issues around early childhood educator credentialing and the feasibility of reworking existing credentialing and/or of establishing an alternate preschool educator certification for childcare professionals.

❖ **Recommendation 3: Facilitate coordination and outreach to increase public preschool partnerships through the use of a statewide coordinator and regional coordinators.**

The commission reiterates the need for and the importance of partnerships in order to achieve the goal of universal preschool in Maine. Where SAUs may have gaps in resources, collaboration with a local childcare provider or other organization can fill these gaps and meet the goal of high-quality preschool programming for communities and SAUs that may feel they are unable to expand or establish a preschool program. These partnerships can also help to preserve family choice, allowing parents to choose what is best for themselves and their children in terms of preschool environment and the convenience of the location. Moreover, encouraging partnerships also facilitates the commission's earlier recommendation regarding the blending and braiding of funding in order to achieve a high-quality program. During the commission's third meeting, members also heard about and discussed examples of successful MOUs with various organizations for preschool programs in the State, and ultimately believe that maintaining a long-term MOU and fostering partnerships is a potential way to address ongoing needs that arise as programs expand. (Appendix D).

A recurring acknowledgement of the commission throughout their meetings was the highly variable status of current public preschool offerings in the State – some school administrative

units may already have a comprehensive preschool program and not need much external support while others may have a dearth of resources and no existing preschool offering. This aspect of the current preschool landscape informed the commission’s recommendation to facilitate outreach and assistance to SAUs related to coordinating partnerships between preschool providers in order for the State to meet its goal of universal access to public preschool by the 2026-2027 school year.

First, the commission expresses and encourages continued support for the existing position within the Maine Department of Education that serves as a statewide resource for preschool-related outreach and coordination. The commission sees this as a vital point of coordination for schools looking to start or expand their public preschool offerings. However, because this is a federally-funded grant position and therefore contingent upon the availability of those funds, members of the commission recommend reclassifying this position as permanent and support making an appropriate allocation of funding for this position upon the termination of the federal grant funding if the position is still needed upon the termination of the federal funding. The continuation of this coordinator position reflects the ongoing and varied needs of SAUs and childcare partners in the State to foster those partnerships and expand their mixed-delivery preschool programming.

However, a single, statewide coordinator position is unlikely to provide sufficient local coordination and is unlikely to know the needs and available resources in every local community. Thus, given the varied needs around the State – as well as the different dynamics and distinct cultures of each region – the commission recommends the creation of several regional coordinator positions as well. If realized, these positions could be housed within the Maine Department of Education and take on similar responsibilities as the statewide coordinator, except that the regional coordinators would only work with schools and potential partners in a particular region of the State. This regionalized approach will consequently allow the regional coordinator to gain a more intimate familiarity with local organizations and partners as well as with the overall landscape and needs of the local SAUs, allowing DOE to more efficiently allocate and direct targeted resources to address the various needs of SAUs. Regional coordinators could also work directly with the statewide coordinator to access resources at the state-level that the local community might not otherwise be aware of. One example of coordination that could be especially helpful is navigating school construction projects, as a critical step to starting or expanding a public preschool program is often constructing or renovating age-appropriate facilities – having regional coordinators help local communities determine their respective need will also necessarily assist the State in directing targeted grant funds where they are needed most.

While the commission does not make a specific recommendation as to how many regional coordinators would be necessary and how the boundaries of each region would be determined, the commission notes that many regional entities already exist and that the State could take advantage of these existing regional structures.<sup>20</sup> As such, the commission encourages flexibility in this regard and encourages appropriate funding for these positions.

---

<sup>20</sup> Examples given include, but are not limited to: the 9 superintendent regions; the regional structure of the Child Development Services System (CDS); counties; and/or public health districts

The commission's focus for these coordinator positions is largely to assist the State in moving toward the goal of 100% public preschool access. The commission recognizes that some regions may achieve this before others and that the level of need for ongoing support is difficult to determine at this time. Accordingly, it will likely be appropriate to reevaluate the coordinator positions to determine the necessary level of ongoing support going forward once the 100% goal is realized.

❖ **Recommendation 4: Direct the Department of Health and Human Services, in collaboration with the Department of Education and stakeholders, to study the alignment of standards and rules for early childhood educators and providers to reduce barriers.**

A significant and complex barrier to the expansion of preschool is the misalignment of standards and rules for each type of (potential) preschool provider. Adding to this complexity is the fact that each type of provider is under the purview of a different agency – childcare providers are regulated by DHHS, preschool programs in public schools are regulated by DOE, and Head Start is federally regulated. The commission repeatedly heard how the differences in each entity's standards for their respective preschool providers can hinder partnerships and ultimately reduce a preschool program's capacity and ability to meet the needs of their communities. With these challenges in mind, the commission recommends directing the Department of Health and Human Services to collaborate with the Department of Education, including the DOE's Head Start Collaboration Office, and other relevant stakeholders, to review each entity's standards and rules and propose changes to better align standards and rules across the all entities.

While this recommendation would initiate a broad look at all misaligned standards and rules, the commission would like to highlight a particular issue that came to its attention and recommend that scrutiny is specifically applied to this problem. The issue arises in the staff-to-child ratios established in Department of Health and Human Services rules for childcare providers. (Appendix G, H). The issue arises when a preschool-enrolled child is also placed with a childcare provider outside of preschool hours – the childcare provider must classify that child as a full-day participant despite only needing care for part of the day. As a result, the childcare provider is in the position of either needing to charge a full-day rate for their care even if the child is not there for the full-day, or charging for a half-day and absorbing the cost, which imposes a financial burden since they cannot fill that spot with another child. Neither option is conducive to a successful childcare model. These constraints can impact the availability of access to childcare if a provider is unable to offer care to an additional child for the duration of preschool hours, and impact the provider's ability to serve all of their clients during instances of school closures.

While the commission is not prepared at this time to recommend exactly which changes need to occur – or whether changes should be accomplished through statutory, regulatory, or other framework – the commission does recognize that this is a barrier to increasing availability of public preschool and early care and education and that DHHS and DOE should examine this issue further. Ultimately, reducing barriers related to alignment of standards and rules will encourage and foster partnerships without imposing financial burdens on those who want to participate in an equitable, mixed-delivery system that meets the communities' needs.

## ❖ **Additional issues; further research**

Throughout its work, the commission came upon a number of issues that the commission is unable to make concrete recommendations on, as these issues require either further research and/or more dedicated time to reach a firm conclusion. Despite this, the commission believes the following issues warrant consideration and offer them to the Legislature for further examination and discussion:

- **Fingerprinting and background checks:** The commission supports a solution to the issue of the misalignment between Department of Education and Department of Health and Human Services fingerprinting and background check processes for educators and childcare providers. This misalignment hinders partnerships and staffing solutions, and encourages support of Senator Stewart’s bill that seeks to address this issue in the Second Regular Session of the 131<sup>st</sup> Legislature.
- **Special education/Child Development Services (CDS):** The commission repeatedly encountered issues surrounding the delivery of early childhood special education and how it may fit into the model of a mixed-delivery public preschool program, especially as it pertains to the transition from CDS in preschool to special education in kindergarten and ensuring that students and families do not encounter gaps in services. It is clear to the commission that early childhood special education and CDS in the context of mixed-delivery public preschool probably warrants its own dedicated study and research. Given the complexity of this issue, the commission did not have time to give it the attention that it deserves. The commission emphasizes and encourages that this issue not be neglected as any expansion to universal access for public preschool must include those children who are also receiving special education services.
- **Alternate funding mechanisms:** As identified earlier in this report, the current funding model for public preschool in this State flows through SAUs. During a presentation from the Colorado Department of Early Childhood, the Commission heard about a funding model in which the state (in this case Colorado) pays partnering providers directly at a pre-determined per-pupil rate for their participation as a partner in public preschool programming. Some commission members noted that this framework mirrors the way Maine allocates funding to schools that serve towns without schools, however, some members expressed concerns that this model would ultimately redirect funding away from schools. The commission feels this model and its feasibility in Maine – as well as the details and feasibility of other alternative funding models – should be explored further as the State moves towards universal access to public preschool, but also emphasizes the need to respect local control when exploring such alternate funding mechanisms.
- **Pay parity:** Much like CDS, the commission feels that determining how to ensure pay parity across different partnering preschool providers is a significant undertaking

and is beyond the scope of this commission’s duties as described in the enabling public law. The commission understands that this issue appears in other states’ universal preschool programs and the issue of pay parity could warrant its own discreet study and research. Revision and better alignment of credential and licensure requirements between schools and child care programs may impact the pay gap. An additional area of potential is the recent implementation by OCFS of monthly stipends for early childhood educators. These stipends were initially funded through initially ARPA Child Care Stabilization Grants, but were continued with state general funds in October 2022. Ultimately, the commission recognizes the need to support all professionals involved in preschool and early care and learning support initiatives to increase pay – and the equity in pay – across all providers.

- **Determining needs, gaps, and resources:** As mentioned, the commission acknowledges the varying level of needs among providers in Maine. The implementation of each of the commission’s recommendations could benefit from more detailed knowledge of the current landscape of public preschool in Maine, including specifically identifying high-need districts and low-need districts. Additionally, the Commission identified two initiatives that could potentially be major partners in the expansion of preschool – First4ME and Help ME Grow – but utilizing these initiatives to their fullest potential and determining their capacity will ultimately depend on the level of support needed across the State.
- **School construction:** The commission discussed that changes to school construction requirements may be an effective avenue to the goal of 100% access to public preschool in Maine. With physical space limitations often cited as a barrier to expanding or starting public preschool programs, the commission noted that many newly-constructed schools that plan to house kindergarten also incorporate plans for a preschool classroom(s) in their construction plans. It was also discussed that this may be something that a statewide and regional coordinators (as discussed in recommendation 3) could assist with. However, given the complexities around school construction funding and requirements, the commission felt that this requires more discussion and research with input from the State Board of Education.

The work of expanding public preschool in Maine is multi-faceted and will require collaboration among a diverse group of entities (including but not limited to government agencies, SAUs and school professionals, childcare providers and community organizations) and evolving policy and legislative work in order to deliver uniformly high-quality programming throughout the State. The commission recognizes that the work is not yet complete but believes that the implementation of the above recommendations will spur some of the necessary collaboration and provide more Maine families with access to a high-quality preschool program.

A final recommendation from the commission – and perhaps the most salient one – is somewhat symbolic: setting and enforcing a goal with a firm deadline for universal access to public preschool in Maine and adequately communicating this goal to SAUs and providers will encourage SAUs to more closely assess their needs and shed light on where the most support is needed. A goal and deadline acting as an inherent incentive can empower local entities – SAUs,



childcare providers, and community organizations – to take the steps they are able to take on their own in developing their own programs at the local level. Public Law 2023, chapter 477 sets the goal of establishing an equitable, mixed-delivery public preschool system that provides universal access for preschool-aged children and their families in accordance with the following timeline: 60% by the 2024- 2025 school year; 80% by the 2025-2026 school year; and 100% by the 2026-2027 school year. The commission is excited to see the progress so far and looks forward to engaging in the work necessary to meet this ambitious goal.

#### **IV. Conclusion**

The commission’s work and publication of its report comes at a time of great energy and movement towards expanding public preschool and early care and education in the State and nationwide. As noted throughout its work, there are many stakeholders engaged in this working, including but not limited to the Maine Department of Education, Maine Children’s Cabinet, Early Advisory Team, and local schools, communities, childcare providers, and families.

However, this work cannot move forward without continued effort by all of those involved. The commission hopes that this report can be leveraged to augment the incredible ongoing work already being done to help meet the State’s goal of universal public preschool through an equitable, mixed-delivery system. It is through the development of this crucial mixed-delivery system that is flexible and can adapt to the diverse local needs of the State, that public preschool can best meet the needs of schools, early care and education providers, local communities, and most importantly, the students and their families.

Finally, the commission would like to thank all of its members and presenters for generously offering their time, expertise, and advice on the complicated issues involved in supporting expansion of public preschool and early care and education. Their knowledge and perspectives were invaluable in honing the focus of the commission’s work and in the development of the commission’s findings and recommendations. In particular, the commission would like to thank and support the ongoing work of the Maine Children’s Cabinet, the Pre-K Advisory Team, DOE, DHHS, Head Start, family child care providers, schools, and everyone else who is so vital in providing quality, equitable early care and education for Maine’s children.

## **APPENDIX A**

Authorizing Legislation: Public Law 2023, chapter 477

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 724 - L.D. 1799

**An Act to Expand Maine's High-quality Early Learning and Care for Children by Increasing Public Preschool Opportunities in Communities**

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 20-A MRSA §4272** is enacted to read:

**§4272. Expansion of public preschool programs report**

The commissioner shall report annually by February 15th to the joint standing committee of the Legislature having jurisdiction over education matters on the department's initiatives, incentives and progress to expand public preschool programs.

**Sec. 2. 20-A MRSA §4501, first ¶**, as amended by PL 2019, c. 343, Pt. UUUU, §1, is further amended to read:

In accordance with the policy expressed in section 2, every school administrative unit shall raise annually sufficient funds to maintain or support elementary and secondary schools to provide free education for its resident students at all grade levels. These schools shall meet the requirements of basic school approval. To the extent the State provides adequate start-up funding, a school administrative unit may offer an opportunity for every child 4 years of age residing in the school administrative unit to attend a public preschool program, or a program affiliated with the school administrative unit, meeting the requirements of basic school approval. It is the goal of the State to ~~provide adequate start-up funding to ensure that public preschool programs for children 4 years of age are offered by all school administrative units by the 2023-2024 school year~~ establish an equitable, mixed-delivery public preschool system that provides universal access for preschool-aged children and their families in accordance with the following timeline: 60% by the 2024-2025 school year; 80% by the 2025-2026 school year; and 100% by the 2026-2027 school year.

**Sec. 3. Commission established.** The Commission to Study Expansion of Public Preschool and Early Care and Education, referred to in this section as "the commission," is established.

1. Notwithstanding Joint Rule 353, the commission consists of 15 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

B. Two members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

C. One representative from the Department of Health and Human Services involved in the provision of services for children and families of children under 5 years of age selected by the Commissioner of Health and Human Services;

D. One representative from the Department of Education involved in the provision of services for children and families of children under 5 years of age selected by the Commissioner of Education;

E. One representative of the public school system nominated by the Maine School Management Association and appointed by the President of the Senate;

F. Two parents of children who are under 5 years of age who have used state services for their children, one appointed by the President of the Senate and one appointed by the Speaker of the House;

G. One representative of family child care services appointed by the President of the Senate;

H. One representative of a Head Start program appointed by the President of the Senate;

I. One representative of center-based child care services appointed by the Speaker of the House;

J. One representative of public preschool teachers appointed by the Speaker of the House;

K. One member with expertise in school funding nominated by the Commissioner of Education and appointed by the Speaker of the House; and

L. One representative from the Child Development Services System selected by the Commissioner of Education.

2. The first-named Senate member is the Senate chair, and the first-named House of Representatives member is the House chair of the commission.

3. All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this Act a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

4. The commission shall explore options to provide full-day preschool and pathways for publicly funded early care and education programs. The commission shall establish a plan that must address the following:

A. How to offer publicly funded preschool in all types of programs and classrooms where 4-year-olds are enrolled, including, but not limited to, school administrative

units and licensed child care programs such as Head Start programs, child care centers and family child care programs;

B. Partnerships between school administrative units and child care programs that meet or could be supported to meet the public preschool basic approval standards under Department of Education rule Chapter 124: Basic Approval Standards: Public Preschool Programs; and

C. Ways to design a funding formula that can achieve the goal of 100% access to preschool programming by 2026. The commission shall establish a timeline, an implementation plan and incentives to expand publicly funded preschool programming to 30 hours per week or the length of the local school day at a school administrative unit with the goal of establishing an equitable, mixed-delivery public preschool system that provides universal access for preschool-aged children and their families as follows: 60% by the 2024-2025 school year; 80% by the 2025-2026 school year; and 100% by the 2026-2027 school year.

5. The commission may also study and make recommendations on aligning programs and blending and braiding funding in early care and education systems. The commission may make recommendations on the following:

A. Improving the opportunities for children under 5 years of age by ensuring the availability and coordination of early childhood programs and services through the State with a focus on child development, education and supporting the needs of working families;

B. Prioritizing the interests and input of children, parents, providers and the community in designing and delivering early childhood programs and services and the equitable delivery of resources and supports for early childhood education;

C. Determining whether integrating early care and education systems with a central state access point and a regional hub structure could serve as part of a funding structure;

D. Examining how various funding streams can be blended and braided to provide more efficient service delivery for families and providers; and

E. Ensuring that data about programs and early care and early childhood education systems are available to the public and are shared, coordinated and used by the State to improve policies and outcomes for children and families.

6. The Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

7. No later than December 6, 2023, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The Joint Standing Committee on Education and Cultural Affairs may report out a bill based on the recommendations to the Second Regular Session of the 131st Legislature.

**Sec. 4. Department of Education responsibilities.** The Department of Education, referred to in this section as "the department," shall inform the Joint Standing Committee on Education and Cultural Affairs and the Commission to Study Expansion of

Public Preschool and Early Care and Education on progress relating to the expansion of public preschools, and the department shall:

1. Develop a plan to align the credentials and training earned through the Maine Roads to Quality Professional Development Network with those earned through the Department of Education early childhood education certification. The department, through a professional development and certification stakeholder working group, shall develop a plan that includes the following components:

A. The development of a competency-based credential that recognizes experience, cumulative elective training hours and a demonstration of knowledge and skills in early childhood teaching practices;

B. Reciprocity for credit for or training hours toward certification from other states and countries;

C. A Maine Roads to Quality Professional Development Network career lattice to align with department educator credentials and that considers credentials obtained in the absence of college course work of the same content;

D. Eligibility of family child care providers who hold and maintain national accreditation standards accepted by the Department of Health and Human Services, Office of Child and Family Services as publicly funded preschool locations; and

E. Collaborating with local adult education providers, apprenticeship sponsors, career and technical education programs, the Maine Community College System and the University of Maine System to create articulation agreements between these entities for the transfer of credits for course work related to early childhood education and to facilitate enrollment in courses that lead to the awarding of a postsecondary degree by an accredited institution of higher education; and

2. Report to the Commission to Study Expansion of Public Preschool and Early Care and Education and the Joint Standing Committee on Education and Cultural Affairs on progress relating to public preschool expansion, including establishing state and community partnerships for a mixed delivery of child care and early childhood education programs and services through community and school-based providers by November 15, 2023.

## **APPENDIX B**

Commission Membership list: Commission to Study Expansion  
of Public Preschool and Early Care and Education

# The Commission to Study Expansion of Public Preschool and Early Care and Education

## An Act to Expand Maine's High-quality Early Learning and Care for Children by Increasing Public Preschool Opportunities in Communities (LD 1799)

### Membership List

<b>Name</b>	<b>Representation</b>
Senator Eloise Vitelli, Chair	Member of the Senate
Senator Jim Libby	Member of the Senate
Representative Tavis Hasenfus, Chair	Member of the House of Representatives
Representative Amanda Collamore	Member of the House of Representatives
Dr. Todd Landry	One representative from the Department of Health and Human Services involved in the provision of services for children and families of children under 5 years of age
Lee Anne Larsen	One representative from the Department of Education involved in the provision of services for children and families of children under 5 years of age
Christine Frost-Bertinet	One representative of the public school system
Melissa Harding	One parent of a child who is under 5 years of age who has used state services for their children
Joe Whitmore	One parent of a child who is under 5 years of age who has used state services for their children
Chrissie Davis	One representative of family child care services
Sue Powers	One representative of a Head Start program
Jordyn Rossignol	One representative of center-based child care services
Carla Kelly	One representative of public preschool teachers
Heather Manchester	One member with expertise in school funding
Erin Frazier	One representative from the Child Development Services System



## **APPENDIX C**

### **Four-Year-Old and Pre-K Funding Breakdown**

## Four Year Old and PreKindergarten Funding

2023-24 Funding Year

Preliminary Data as of 5/16/2023

*Includes estimated counts*

### Essential Programs & Services Allocation

	4 year old & PreK count	Estimate Counts
<a href="#">Title 20-A, §15674 (3)</a>	6,572.0	10/1/2022 466.0

\* In Maine, Pre-kindergarten includes 4-year-olds public preschool and 5-year-old public pre-kindergarten.

### Basic Allocation -- Essential Programs & Services Funding for 4 year old and PreK students

#### Basic Count Allocation\*

Allocation for 4 year olds and PreK students - ED 279 Section 2B.1	\$50,632,590	Combined State & Local Allocations
	55%	times State share percentage
<a href="#">Title 20-A, §15683</a>	<b>\$27,867,454</b>	Estimated State Share of "Allocation"
	<b>\$22,765,136</b>	Estimated Local Share of "Allocation"

### Weighted Allocation -- Essential Programs & Services Funding for 4 year old and PreK students

#### Weighted Count Disadvantaged Allocation\*

Allocation for 4 year olds and PreK students - ED 279 Section 2C.1	\$3,186,922	Combined State & Local Allocations
	55%	times State share percentage
<a href="#">Title 20-A, §15675 (2)</a>	<b>\$1,754,036</b>	Estimated State Share of "Allocation"
	<b>\$1,432,886</b>	Estimated Local Share of "Allocation"

#### Weighted Count English Learners Allocation\*

Allocation for 4 year olds and PreK students - ED 279 Section 2C.4	\$843,451	Combined State & Local Allocations
	55%	times State share percentage
<a href="#">Title 20-A, §15675 (3)</a>	<b>\$464,223</b>	Estimated State Share of "Allocation"
	<b>\$379,227</b>	Estimated Local Share of "Allocation"

\* **Caution these are funding allocations and do NOT represent actual expenditures. There is no requirement that these funds be expended on 4 year old or PreKindergarten students -- local units determine how these funds will be expended through their local budget process.**

### Targeted Funds Allocation for 4 year old and PreK students

#### Targeted Funds Student Assessment Allocation\*\*

Allocation for 4 year old and PreK students- ED 279 Section 2D.1	\$354,888	Combined State & Local Allocations
	55%	times State share percentage
<a href="#">Title 20-A, §15681 (1.C)</a>	<b>\$195,325</b>	Estimated State Share of "Allocation"
	<b>\$159,563</b>	Estimated Local Share of "Allocation"

#### Targeted Funds Technology Resources Allocation\*\*

Allocation for 4 year old and PreK students- ED 279 Section 2D.4	\$775,496	Combined State & Local Allocations
	55%	times State share percentage
<a href="#">Title 20-A, §15681 (2)</a>	<b>\$426,822</b>	Estimated State Share of "Allocation"
	<b>\$348,674</b>	Estimated Local Share of "Allocation"

#### Targeted Funds 4 year old and PreK Pupils Allocation\*\*

Allocation for 4 year old and PreK students- ED 279 Section 2D.7	\$5,063,259	Combined State & Local Allocations
	55%	times State share percentage
<a href="#">Title 20-A, §15675 (3)</a>	<b>\$2,786,745</b>	Estimated State Share of "Allocation"
	<b>\$2,276,514</b>	Estimated Local Share of "Allocation"

#### Targeted Funds 4 year old and PreK Disadvantaged Allocation\*\*

Allocation for 4 year old and PreK students- ED 279 Section 2D.9	\$1,062,307	Combined State & Local Allocations
	55%	times State share percentage
<a href="#">Title 20-A, §15675 (2.B)</a>	<b>\$584,679</b>	Estimated State Share of "Allocation"
	<b>\$477,629</b>	Estimated Local Share of "Allocation"

\*\* **Note: these are funding allocations and do NOT represent actual expenditures. School units are required to expend Kindergarten through Grade 2 funding on early childhood programs for students age 4 through 9 in accordance with Title 20-A MRSA Section 15675 (3).**

### Total Allocation for 4 year old and PreK students

Total Allocation for 4 year old and PreK students	\$61,918,913	Combined State & Local Allocations
	55.0%	times State share percentage
	<b>\$34,079,285</b>	Estimated State Share of "Allocation"
	<b>\$27,839,628</b>	Estimated Local Share of "Allocation"

### Estimated State Share Calculation

State share percentage	Total	State	Preliminary ED 279 as of 5/05/2023
55%	\$2,543,987,734	\$1,400,174,513	<i>ED 279 - Section 5A Adjusted</i>

## **APPENDIX D**

### **Samples of Memoranda of Understanding (MOU) for Public Preschool Partnerships**

# Memorandum of Understanding

**RSU1:** Woolwich Central School, Dike Newell School, Phippsburg Elementary School  
**Community Partner:** Bath YMCA

Bath YMCA and RSU1 recognize and value quality comprehensive early care and education services for young children. In the interest of ensuring that young children receive quality services that prepare them and their families for public school, the parties enter into this collaborative agreement known as **C.H.O.I.C.E.S.**, *Children Having Opportunities in Collaborative Early Settings*.

The **C.H.O.I.C.E.S** vision is: *To empower parents, as the true experts of their own child's and family's needs, through choices of community preschool programs that meet the RSU1 standards. These early collaborative partnerships will strengthen families, allow a seamless transition from preschool to kindergarten, and honor and embrace the whole child.*

The **C.H.O.I.C.E.S** mission is: *To provide all families with 4-year-old children living in the towns served by RSU1 access to quality, developmentally appropriate preschool programs.*

**C.H.O.I.C.E.S.** goals are:

- To provide developmentally appropriate learning experiences for all learners in the program that will develop, enhance and enrich their understanding of themselves and the world around them by integrating the Maine's Early Learning and Development Standards and the NAEYC Accreditation Criteria through the use of the Creative Curriculum or Tools of the Mind Curriculum.
- To facilitate positive transitions for both children and their families into the public school setting, and to minimize transitions for children and families between preschool, childcare, and special services.
- To recognize the importance of parents/guardians in their child's educational process and to enable them to participate as fully as possible through participation on the CHOICES Advisory Board, family conferences, and kindergarten transition activities.

This agreement is for the period of **September 1, 2022 through June 30, 2023** for the purpose of jointly providing early care and educational services. Direct services provided by partners will commence on **September 12, 2022 (with screening & appointments 9/6-9)** and continue on a five morning/week schedule for 35 weeks. This MOU will be reviewed and updated annually and is a working document that is subject to change when necessary. All parties will meet and be informed of any changes. Parties agree to abide by the terms and conditions set out in this MOU and the attached provisions, which are included.

**JOINT RESPONSIBILITY AND GENERAL PROVISIONS (or as Partners we will...)**

**Woolwich Central School, Dike Newell School, Phippsburg Elementary School,  
Bath YMCA**

1. All program activities will occur in inclusive settings. The program will focus on all areas of the child's development: social, emotional, language, cognitive, and physical.
2. Creative Curriculum or Tools of the Mind Curriculum will be the basis for the developmental program.
3. Assessments will be completed three times per year utilizing the Children's Progress Academic Assessment (CPAA).
4. Parent/teacher conferences will be offered at least two times per year.
5. Within 30 school days of enrollment, program partners will conduct developmental screenings and appropriate referrals to Child Development Services will be made.
6. Teaching staff will participate jointly in Early Childhood Team meetings.

7. Families will be encouraged to participate in Kindergarten transition activities.
8. Each site will enter student absences daily into the Infinite Campus system as required by RSU1.
9. Maintenance of records, access to records and storage of records will be supervised by the director at each site during the school year.
10. At the end of each school year, all **C.H.O.I.C.E.S.** records will be transferred to RSU1.
11. A representative from each community partnership will participate in monthly meetings of the Early Childhood Advisory Council.
12. Each site will utilize its own application packet once the student is enrolled in **C.H.O.I.C.E.S.**
13. Professional development opportunities will be promoted and shared among program partners.
14. Each community program will maintain Step 4 on the Quality Rating System and maintain Child Care Licensing in good standing.
15. Each **C.H.O.I.C.E.S.** program will employ teaching staff who hold a 081 Teaching Certificate and teaching assistants with an Educational Technician II qualification.
16. The ratio of qualified staff to children will be 1:8 with a maximum class size of 16.
17. Each community partner will provide representation at the annual **C.H.O.I.C.E.S.** Family Information Meeting.

**RSU1**

1. Provide a program coordinator to monitor each RSU1 student's progress, consult with the preschool provider, and maintain contact with other agencies to ensure integration of programming to meet individual student needs.
2. Maintain and store documentation related to student attendance, participation, developmental progress, as well as parent contact and other agency consultations.
3. Provide vision and hearing screenings of CHOICES students at all partner sites as well as school based sites.
4. Seek out students on an annual basis to be enrolled in **C.H.O.I.C.E.S.** with a public preschool enrollment form.
5. Advertise and conduct an annual Family Information meeting to assist families in selecting the **C.H.O.I.C.E.S.** site that best meets their family's needs.
6. Negotiate fiscal contracts annually with each community partner.

**AUTHORIZED SIGNATURES**

**DATE**

**Regional School Unit 1**

08/22/22

**Bath YMCA**



9/25/23

**Regional School Unit 1**  
**34 Wing Farm Parkway, Bath, ME 04530**  
**Telephone: (207) 443-6601**

**CONTRACTUAL AGREEMENT**

This agreement is made between Regional School Unit 1 hereinafter referred to as the Administrative Unit and Bath Area YMCA, hereinafter referred to as the Agency.

The Agency agrees to provide the following professional services as recommended by the C.H.O.I.C.E.S. Program: *Children Having Opportunities in Collaborative Early Settings* and maintain NAEYC certification.

These services will be provided at the following site: 303 Centre Street, Bath, Maine.

The frequency of services shall be 5 mornings per week, 35 weeks per year. The weeks shall follow the public school calendar and does not include vacation weeks. The provision of professional services will commence on **September 12, 2022**, and will continue through **June 9, 2023**. Services will end if the CHOICES Program terminates a student upon a 2-week notice. The agency will be responsible for recording daily student attendance in the Regional School Unit 1 Infinite Campus database.

In consideration of the aforementioned services provided, the Administrative Unit agrees to pay the Agency in accordance with the following schedule:

The **unit cost** contracted is \$ 150.00 per week for up to 16 students. If parents are interested in additional services provided by the agency, parents will be responsible for additional costs.

The Agency shall utilize wherever possible third party payment for the services provided.

The Agency will forward monthly statements to the Administrative Unit. Under no circumstances may parents be charged for the costs of services performed under this contract. Charges shall be based upon the actual enrollment per student. Payment by the Administrative Unit will only be made upon the receipt of the statements.

The Agency agrees to abide by the applicable State and Federal Laws and Regulations, including the protection of information regarding all students served under the terms of this agreement.

The Agency agrees to comply with all applicable State and Federal licensing, certification and/or accrediting standards established by the Maine Department of Educational and Cultural Services and/or other local, state or federal agencies or departments.

The Agency agrees to notify the Administrative Unit of any change in the site certification as required for the above professional services.

The Agency agrees to hold the Administrative Unit harmless for claims made by third parties arising out of any act or failure to act on the part of the Agency, including, but not limited to, claims based on theories or tort or contract liability or any other theory of legal liability.

This agreement covers all students approved by the Administrative Unit for these services.

The Agency shall maintain all books, documents, payrolls, papers, accounting records, and other evidence pertaining to costs incurred under this agreement. The Agency shall make such materials available at their office at all reasonable times during the period of this agreement and for three (3) years from the date of the expiration of this agreement for inspection by the Administrative Unit, the Maine Department of Education Cultural Services, or any authorized representative of the State of Maine, and copies thereof shall be furnished, upon request.

This document contains the entire agreement of both parties, and neither party shall be bound by any statement or representation not contained herein or attached hereto.

This agreement may be canceled by either party upon 30 days written notice.

IN WITNESS WHEREOF, the Administrative Unit and Agency, by their representatives duly authorized, have executed this agreement in duplicate.

BY:

\_\_\_\_\_  
Authorized Signature  
Dr. Patrick M. Manuel, Superintendent  
Type Name and Title  
Regional School Unit 1  
Administrative Unit  
34 Wing Farm Parkway, Bath, ME 04530  
Address  
443-6601  
Phone Number  
08/22/22  
Date

BY:

\_\_\_\_\_  
Authorized Signature  
Rob Gray, CEO  
Type Name and Title  
Bath Area Family YMCA  
Administrative Unit  
303 Centre St., Bath, ME 04530  
Address  
443-4112  
Phone Number  
9/28/23  
Date



## MOU Between RSU 14 and A Child's World

**Purpose:** To improve availability and the quality of early childhood education for district area children and their families.

This collaborative agreement represents a partnership between RSU 14 and A Child's World, who recognize and value a community approach to comprehensive early care and education services for young children.

We agree that this collaboration will enhance our ability to recognize the value of our individual expertise, and more importantly, our combined value when we can work productively, combining our thinking, talents and financial resources toward the common goal of creating quality early childhood programming.

**To support early learning for four year-old children, their families, and our community, A Child's World will offer publicly-funded Pre-K for 11 children, 6.75 hours per day (M-T-TR-F), 3.5 hours on Wednesdays, 5 days per week, during the 2023/2024 school year, from August 31, 2023 to June 7, 2024 based on the RSU 14 school calendar. The program will serve children who are four years old (before October 15, 2023).**

This MOU will be reviewed and updated annually and is a working document that is subject to change when necessary. All parties will meet and be part of making decisions around any changes. Parties agree to abide by the terms and conditions set out in the MOU.

### **Shared goals:**

- To provide developmentally appropriate, inclusive learning experiences for all learners in the program that will develop, enhance and enrich their understanding of themselves and the world around them.
- To facilitate positive transitions for both children and their families from early care and education into elementary school, and to minimize transitions for children and families between special services, child care, and elementary school.
- To recognize the importance of parents/guardians in their child's development and educational process and to improve our school, program, classroom, and community engagement with families.

### **Joint Responsibility and General Provisions:**

1. All program activities will occur in an inclusive setting.
2. The programming, routines, and learning environment will focus on all areas of the child's development: social-emotional, early language and literacy, physical development and health, math, science, social studies, art, and music. Programs and classrooms will integrate and align the Maine Early Learning Guidelines within their curriculums.



3. A Child's World leadership and RSU 14 leadership will coordinate joint staff meetings, professional learning, and planning as deemed appropriate and beneficial.
4. A Child's World will enroll up to 11 4-year-olds for the 2023-2024 Pre-K class. If a space becomes available at any point during the school year then the child care program will notify the district so that the next family on the RSU 14 Lottery Waitlist can be offered the space.
5. The ratio of staff to children will be 1:8 with a maximum preschool class size of 16.
6. Within 30 school days of enrollment Pre-K staff will conduct developmental screening using the DIAL-IV and when appropriate referrals to Child Development Services will be made with parental input. Pre-OK staff will use their knowledge of separating differences from disability.
7. Assessment will be completed 2-3 times per year. Results will be shared amongst collaborative partners.
8. Documentation related to student attendance, participation, developmental progress, as well as parent contact and other agency consultation will be shared between RSU 14 and A Child's World.
9. Parent/teacher conferences will be offered 2 times per year.
10. A Child's World and RSU 14 will plan Pre-K and K transition activities and families will be encouraged to participate.
11. A Child's World will maintain child care licensing, be enrolled in Maine's child care Quality Improvement Rating System, meet Chapter 124 requirements, and will have teachers as staff enrolled in Maine's career lattice registry.
12. If the program is not at a QRIS Step 3 or 4 (Star 4 or 5), and does not yet have 029 or 081 certified teachers, the program and district leadership will develop a financially supported quality improvement plan.

This agreement covers all students approved by the Administrative Unit for these services. The parties shall maintain all books, documents, payrolls, papers, accounting records, and other evidence pertaining to costs incurred under this agreement. The parties shall make such materials available at their office at all reasonable times during the period of this agreement and for three (3) years from the date of the expiration of this agreement for inspection by RSU 14, the Maine Department of Education Cultural Services, or any authorized representative of the State of Maine, and copies thereof shall be furnished, upon request.

The Parties agree to comply with all applicable State and Federal licensing, certification, rules, and standards established by the Maine Department of Education, Maine Department of Health and Human Services and/or other local state and federal agencies and departments.

In addition the parties agree to abide by all applicable State and Federal laws and regulations, including the protection of information regarding students served under the terms of this collaborative agreement.

Expenses covered by this agreement:

Based on the number of students, A Child's World will receive \$8,641.00 per student (not to exceed 11 students), which is based on the district's per pupil funding formula.

A Child's World will forward monthly invoices to the RSU 14. Under no circumstances may parents be charged for the costs of services performed under this contract. Payment by RSU 14 will only be made upon the receipt of the statements.

This document contains the entire agreement of both parties, and neither party shall be bound by any statement or representation not contained herein or attached hereto.

This agreement may be canceled by either party upon 30 days written notice. IN WITNESS WHEREOF, RSU 14 and A Child's World, by their representatives duly authorized, have executed this agreement.

Signatures:

\_\_\_\_\_  
A Child's World (Director/Owner)

\_\_\_\_\_  
Date

\_\_\_\_\_  
A Child's World (Director/Owner)

\_\_\_\_\_  
Date

\_\_\_\_\_  
RSU 14 Superintendent of Schools

\_\_\_\_\_  
Date

## **APPENDIX E**

Colorado Proposition EE

**Proposition EE**  
**Taxes on Nicotine Products**

**Question:**

SHALL STATE TAXES BE INCREASED BY \$294,000,000 ANNUALLY BY IMPOSING A TAX ON NICOTINE LIQUIDS USED IN E-CIGARETTES AND OTHER VAPING PRODUCTS THAT IS EQUAL TO THE TOTAL STATE TAX ON TOBACCO PRODUCTS WHEN FULLY PHASED IN, INCREMENTALLY INCREASING THE TOBACCO PRODUCTS TAX BY UP TO 22% OF THE MANUFACTURER'S LIST PRICE, INCREMENTALLY INCREASING THE CIGARETTE TAX BY UP TO 9 CENTS PER CIGARETTE, EXPANDING THE EXISTING CIGARETTE AND TOBACCO TAXES TO APPLY TO SALES TO CONSUMERS FROM OUTSIDE OF THE STATE, ESTABLISHING A MINIMUM TAX FOR MOIST SNUFF TOBACCO PRODUCTS, CREATING AN INVENTORY TAX THAT APPLIES FOR FUTURE CIGARETTE TAX INCREASES, AND INITIALLY USING THE TAX REVENUE PRIMARILY FOR PUBLIC SCHOOL FUNDING TO HELP OFFSET REVENUE THAT HAS BEEN LOST AS A RESULT OF THE ECONOMIC IMPACTS RELATED TO COVID-19 AND THEN FOR PROGRAMS THAT REDUCE THE USE OF TOBACCO AND NICOTINE PRODUCTS, ENHANCE THE VOLUNTARY COLORADO PRESCHOOL PROGRAM AND MAKE IT WIDELY AVAILABLE FOR FREE, AND MAINTAIN THE FUNDING FOR PROGRAMS THAT CURRENTLY RECEIVE REVENUE FROM TOBACCO TAXES, WITH THE STATE KEEPING AND SPENDING ALL OF THE NEW TAX REVENUE AS A VOTER-APPROVED REVENUE CHANGE?

## **APPENDIX F**

Maine DOE Rule Chapter 124, Basic Approval  
Standards for Public Preschool Programs

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. The curriculum shall reflect continuous, sequential and specific instruction aligned with the ELDS.
- 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, 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.
- 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 be screened using a valid and reliable research-based 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 1:** Head Start children must be in a child safety restraint system and have an aide to assist. This is a federal requirement.

**NOTE 2:** Pursuant to 20-A MRSA §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. The Department will review and approve on a case by case basis implementation strategies that document how and by when a school administrative unit will come into compliance with a specific program standard after the July 1, 2017 date.
- 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 MRSA §4271(4)

EFFECTIVE DATE:

December 28, 2014 – filing 2014-293

## **APPENDIX G**

Maine DHHS Rule Chapter 32, Section 7 – Staff  
Child Ratios for Childcare Facilities

**SECTION 7. STAFF-CHILD RATIOS, SUPERVISION, AND QUALIFICATIONS**

- A. Children under six weeks of age.** No Child under six weeks of age, as verified by a birth certificate or immunization record may be cared for in a Child Care Facility.
- B. Limitations on capacity.**
  - 1. Children of Child Care Staff Members must be counted in the appropriate age groups and in determining staff-child ratios and capacity when in care at the Child Care Facility.
  - 2. The number of Children allowed may be restricted by the Department when any of the following circumstances are present:
    - a. Space is limited or unusually configured;
    - b. A Child Care Staff Member has physical limitations that would impact the Child Care Staff Member’s ability to safely care for, supervise or respond to the needs of Children in care.
- C. Staff-Child ratios.**
  - 1. The number of Children present must not exceed licensed capacity.
  - 2. The maximum number of Children to be assigned per adult, excluding Staff Members with primary responsibility for clerical, cooking, and maintenance functions must be as follows:
    - a. Ratio requirements for Small Facilities serving 3-12 Children:

<b>CHILD AGES</b>	<b>CHILD CARE STAFF MEMBER-CHILD RATIO</b>		
6 weeks - 2 years	1:4	2:8	3:12
2 years – 5 years	1:8	2:12	Not applicable
Over 5 years	1:12	Not applicable	Not applicable
Mixed ages	1 Staff: 3 Children under 2 years + 3 Children 2 - 5 years + 2 Children over 5 years, <b>or</b> 8 Children 2 - 5 years + 2 Children over 5 years.	2 Staff: 6 Children under 2 years + 6 Children over 2 years.	3 Staff: 12 Children (No more than 9 Children may be under 2 years).

**b. Ratio requirements for Facilities serving 13 or more Children:**

<b>AGE</b>	<b>CHILD CARE STAFF MEMBER-CHILD RATIO</b>	<b>MAXIMUM GROUP SIZE</b>
6 weeks - 1 year	1:4	8
1 year - 2 ½ years	1:4	12
	1:5	10
2 ½ years - 3 ½ years	1:7	21
3 years - Under 5 years	1:8	24
	1:10	20
5 years (School age) - 12 years	1:13	n/a

**c. Ratio requirements for Nursery School programs.**

<b>MAXIMUM GROUP SIZE</b>	<b>CHILD CARE STAFF MEMBER-CHILD RATIO</b>
30	1:12

**3. In Child care programs serving 13 or more Children:**

- a.** A single Child Care Staff Member may provide care in one classroom within the building for six or fewer Children, regardless of age, for a period of time not to exceed one hour at the beginning and end of the posted hours of operation.
- b.** At least two Child Care Staff Members must be present in the Child Care Facility whenever seven or more Children, regardless of age, are present.
- c.** The group size and the number of required Child Care Staff Members must be determined based on the age of the youngest Child, when there is a combination of ages within a group.
- d.** Older Children may fill younger Children’s spaces, but younger Children may not fill older Children’s spaces.
- e.** Special events occurring at the Facility location must provide supervision in accordance with this rule. A Child attending a special event in the care of a parent or legal guardian will not be included in staff-Child ratios. Special events occurring outside of typical hours and days of operation are not subject to this rule.

**D. Supervision.**

- 1. Children must be supervised at all times.**
  - a.** In Child Care Facilities serving 3-12 Children, Child Care Staff Members must have knowledge of the activity and whereabouts of each Child in care.
    - i.** Child Care Staff Members must be able to see or hear all Children at all times and be able to provide prompt intervention when needed.
    - ii.** Child Care Staff Members must be physically present outside when Children under the age of eight outdoors.







10-148 CMR Ch. 32, Child Care Facility Licensing Rule Child Care Centers, Nursery Schools, Small Child Care Facilities, Other Program

- c. 30 college credits in Early Childhood Education, and one year of direct Child care experience; or
        - d. Child Development Associate (CDA) as awarded by the Council for Professional Recognition or a Maine State-approved credential, and three years' direct Child care experience; or
        - e. Five years of direct Child care experience, and 135 hours of training in early childhood education including healthy, safe, and inclusive environments; Child development; observation and assessment; developmentally appropriate practice; guidance; relationships with families; and cultural diversity.
- 6. Facilities licensed for 50 or more Children must employ a Director and/or lead teacher who is at least 21 years of age, and meets one of the following requirements:
  - a. A Bachelor of Science/Bachelor of Arts (BA/BS) in Early Childhood Education; or
  - b. A BA/BS in a Department-approved related field with 18 credit hours in Early Childhood Education and three years of direct Child care experience; or
  - c. An Associate in Arts/Associate in Science (AA/AS) in Early Childhood Education and three years of direct Child care experience; or
  - d. An AA/AS in a related field with 18 credit hours in Early Childhood Education and three years of direct Childcare experience;
  - e. Current CDA as awarded by the Council for Professional Recognition or a Maine State-approved credential, with five years of direct Childcare experience;
  - f. Seven years of experience and 180 hours of training in the topics listed in Section 7(F)(4)(e) above; or
  - g. Meet Level 5, 6, 7, or 8 on the Maine Roads to Quality Career Lattice.
- 7. The lead teacher or person having the primary responsibility for a group of Children in a program with 13 or more Children must be at least 18 years of age and meet one of the following requirements:
  - a. Current CDA as awarded by the Council for Professional Recognition or a Maine State-approved credential; or
  - b. 12 months of direct Child care experience; or
  - c. One year (30 credit hours) of college work including one course in a Child related subject and six months experience.
- 8. Directors and/or lead teachers of school-age Child Care Facilities must have an AA/AS in Early Childhood Education or 30 college credits in a closely related field such as elementary education, Child development, or recreation management.

## **APPENDIX H**

Maine DHHS Rule Chapter 33, Section 7 – Staff Child  
Ratios for Family Childcare Facilities

**SECTION 7. STAFF-CHILD RATIOS, SUPERVISION, AND QUALIFICATIONS**

- A. Children under six weeks of age.** No Child under six weeks of age, as verified by a birth certificate, other than the Provider’s own Children may be cared for by the Provider.
- B. Children of Providers and Staff Members**
  - 1. Children of Staff Members must be counted in the appropriate age groups and in determining staff-Child ratios when in care with the Provider, except as provided for in section 7(C)(2)(b) below.
  - 2. Children living with the Provider who are over four years of age are not counted in determining the staff-Child ratio. Children living with the Provider under four years of age are counted in the staff-Child ratio.
  - 3. All Children in care other than Children identified in Section 7(B)(2) above who are younger than 13 years old must be counted in staff-Child ratios.
  - 4. In determining the number of Children for which a Provider is Licensed, the Department may factor in the needs of Children and Adults who reside in the home. The number of Children allowed may be restricted by the Department when any of the following circumstances are present:
    - a. Space is limited or unusually configured;
    - b. The Provider has physical limitations that would impact the Provider’s ability to safely care for, supervise or respond to the needs of children in care; or
    - c. There is a Child or Children who require exceptional amounts of care due to a health or other condition.
- C. Staff-Child ratios.**
  - 1. The number of Children present must not exceed Licensed Capacity.
  - 2. The maximum number of Children to be assigned per Staff Member must be as follows:
    - a. Ratio requirements:

CHILD AGES	STAFF-CHILD RATIO		
All Children 6 weeks to 2 years old	1 Provider: 4 Children	2 Providers: 8 Children	3 Providers: 12 Children
All Children 2 to 5 years old	1 Provider: 8 Children	2 Providers: 12 Children	Not applicable
All Children over 5 years old	1 Provider:12 Children	Not applicable	Not applicable
Mixed ages	1 Provider: 3 Children under 2 years old + 3 Children 2 to 5 years old + 2 Children over 5 years old, or 8 Children 2 to 5 years old + 2 Children over 5 years old.	2 Providers: 6 Children under 2 years old + 6 Children over 2 years old.	3 Providers: 12 Children (No more than 9 Children may be under 2 years of age).

- b. Older Children may fill younger Children’s spaces, but younger Children may not fill older Children’s spaces.**

3. Capacity may only be exceeded when the following conditions exist: family emergencies or emergency school closings.
  - a. Planned school closures are considered predictable circumstances and, therefore, capacity may not be exceeded.
  - b. Proper supervision and ratios, as defined in this rule, must be maintained. Procedures for managing such events must be explained in the written emergency plan and the reasons for exceeding capacity must be documented on the Attendance Record.
  - c. Special events occurring at the Provider location must provide supervision in accordance with this rule. A Child attending a special event in the care of a Parent or Legal Guardian will not be included in staff-Child ratios. Special events occurring outside of typical hours and days of operation are not subject to this rule.

#### **D. Supervision**

1. Children must be supervised at all times by Provider or a Staff Member. The Provider or Staff Member must be present and interacting, intervening, providing direction, feedback and assistance at all times.
  - a. Providers must have knowledge of the activity and whereabouts of each Child in care.
    - i. A Provider or Staff Member must be able to see or hear all Children at all times and be able to provide prompt intervention when needed.
    - ii. A Provider or Staff Member must be physically present outside when Children under the age of eight are outdoors.
    - iii. If Children over the age of eight are outside, and a Provider or Staff Member is not physically present, the play area must be enclosed by fencing.
2. During napping and/or sleeping hours, the Provider or Staff Member must be awake and supervising all Children, and Child-staff ratios must be maintained. Dimmed, but adequate, lighting to allow visual supervision of all Children must be maintained at all times.
3. Monitors providing both video and audio may be considered as an acceptable form of supervision during quiet indoor activities.
4. The Provider or a Staff Member must attend to a Child crying or crying out.

**E. Crisis plan.** The Provider must develop and follow a written plan for obtaining help in an emergency when only one provider is present, or when staff-Child ratios are exceeded.

**F. Personnel Qualifications.** Staff Members must be at least 16 years of age. Any Staff Member under the age of 18 must be supervised by another Staff Member who is 18 years of age or older.

1. The Provider and All Staff Members must have a high school diploma or equivalent, be attending high school, or be enrolled in a General Educational Development (GED) or HISET (High School Equivalency Test) preparation program.

2. Staff Members responsible for, or assisting with, the care of Children must exercise good judgment in the handling of Children, demonstrate consistent compliance with this rule and all relevant laws, and must not engage in any action or practice detrimental to the welfare of the Children.
3. Providers must be able to perform their assigned tasks and meet all Staff Member requirements in this rule. No alcohol, tobacco, recreational marijuana, or illegal drugs may be consumed while on duty. Prescribed drugs or certified Medications that do not impair the ability of the provider to care for Children are allowed.
4. Either the Provider or at least one Staff Member must satisfy the following qualifications:
  - a. Be at least 18 years of age and hold a current certification in Adult and pediatric first aid and Cardio-Pulmonary Resuscitation (CPR); and
  - b. Have completed at least 6 hours of pre-licensing training in healthy, safe environments; Child development; observation and assessment; developmentally appropriate practice; guidance; relationships with families; individual and cultural diversity; children with special needs, business, and professional development; or childcare practices.
5. Providers and Staff Members must be properly immunized and have the immunization record readily accessible for inspection by the Department.

Requirements include, documentation of immunity against tetanus, pertussis, and diphtheria.

- a. Providers and Staff Members born after 1956 must have available a Certificate of Immunization for measles, mumps, rubella, tetanus pertussis, and diphtheria.
- b. Documentation of immunity against measles, mumps and rubella is not required for Providers and Staff Members born prior to 1957. A laboratory blood test proving immunity may also be accepted.
- c. Only written documentation from a physician that such immunization is medically inadvisable exempts Providers and Staff Members from these required immunizations.

## **APPENDIX I**

Maine State Board of Education Rule Chapter 115, Part II,  
Requirements for Specific Certificates and Endorsements

Chapter 115

PART II: REQUIREMENTS FOR SPECIFIC CERTIFICATES AND ENDORSEMENTS

---

**SUMMARY:** This part of Chapter 115 provides the specific requirements for each certificate and endorsement for teachers, educational specialists, and administrators. For each certificate or endorsement in Part II, applicants shall meet the requirements of Part I.

---

**SECTION 1: TEACHERS AND EDUCATIONAL SPECIALISTS: GENERAL CERTIFICATES AND ENDORSEMENTS**

**1.1 Endorsement 029: Early Elementary Teacher**

- A. **Function:** This endorsement on a teacher certificate allows the holder to teach students pre-kindergarten through grade 3.
- B. **Eligibility:** Applicants shall meet eligibility requirements specified in Part I. In addition, eligibility for this endorsement shall be established by one of two pathways. Individuals who are not eligible through either pathway may be eligible for a conditional certificate, in accordance with Section 1.1.B.3, below, and Part I Section 6.6 of this rule.

**1. Endorsement Eligibility Pathway 1**

- (a) Graduated from a Maine program approved for the education of early elementary teachers, together with a formal recommendation from the preparing institution;
- (b) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule; and
- (c) Completed an approved course for teaching students with exceptionalities in the regular classroom.

**2. Endorsement Eligibility Pathway 2**

- (a) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule;
- (b) Completed a minimum of six semester hours in each of the following: English, mathematics, science, and social studies or social sciences;
- (c) Completed a minimum of three semester hours in early literacy;
- (d) Completed a minimum of three semester hours in children's literature;
- (e) Completed a minimum of three semester hours in mathematics for the young child;
- (f) Completed a minimum of three semester hours in science for the young child;
- (g) Completed a minimum of three semester hours in social studies for the young child;
- (h) Completed a minimum of an additional six semester hours in early childhood education;
- (i) Completed a minimum of three semester hours in diversity-centered content related to today's classroom (e.g., culturally responsive teaching, multicultural education, intercultural education, second language acquisition or world language teaching methods);
- (j) Completed a minimum of three semester hours in human development, educational psychology, developmental psychology, or child development;

- (k) Completed an approved course for teaching students with exceptionalities in the regular classroom;
- (l) Passed basic skills test in reading, writing, and mathematics, in accordance with Maine Department of Education Regulation 13, or achieved at least a 3.0 cumulative GPA in all courses required for the certification, or completed a successful portfolio review demonstrating competency in Maine's Initial Teacher Standards; and
- (m) Completed one academic semester or a minimum of 15 weeks of full-time student teaching, or a combination of part-time and full-time student teaching in an amount equivalent to 15 weeks in this endorsement area at the specified grade level. This requirement shall be waived upon completion of one full year of successful teaching under a conditional certificate in this endorsement area for the specified grade level.

**3. Conditional Certificate for this Endorsement**

- (a) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule; and
- (b) Completed a minimum of six semester hours in each of the following: English, mathematics, science, and social studies or social sciences.



## 1.2 Endorsement 020: Elementary Teacher

- A. **Function:** This endorsement on a teacher certificate allows the holder to teach students kindergarten through grade 6.
- B. **Eligibility:** Applicants shall meet eligibility requirements specified in Part I. In addition, eligibility for this endorsement shall be established by one of two pathways. Individuals who are not eligible through either pathway may be eligible for a conditional certificate, in accordance with Section 1.2.B.3, below, and Part I Section 6.6 of this rule.

### 1. Endorsement Eligibility Pathway 1

- (a) Graduated from a Maine program approved for the education of elementary teachers, together with a formal recommendation from the preparing institution;
- (b) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule; and
- (c) Completed an approved course for teaching students with exceptionalities in the regular classroom.

### 2. Endorsement Eligibility Pathway 2

- (a) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule;
- (b) Completed a minimum of six semester hours in each of the following: English, mathematics, science, and social studies or social sciences;
- (c) Completed a minimum of nine semester hours in elementary literacy methods (e.g., teaching reading, teaching writing, children's literature, writing process, foundations of literacy, multicultural literacy);
- (d) Completed a minimum of three semester hours in elementary mathematics methods;
- (e) Completed a minimum of three semester hours in elementary science methods;
- (f) Completed a minimum of three semester hours in elementary social studies methods;
- (g) Completed a minimum of three semester hours in diversity-centered content related to today's classroom (e.g., culturally responsive teaching, multicultural education, intercultural education, second language acquisition or world language teaching methods);
- (h) Completed a minimum of three semester hours in human development, educational psychology, developmental psychology, adolescent psychology, or child development;
- (i) Completed an approved course for teaching students with exceptionalities in the regular classroom;
- (j) Passed basic skills test in reading, writing, and mathematics, in accordance with Maine Department of Education Regulation 13, or

achieved at least a 3.0 cumulative GPA in all courses required for the certification, or

completed a successful portfolio review demonstrating competency in Maine's Initial Teacher Standards; and

- (k) Completed one academic semester or a minimum of 15 weeks of full-time student teaching, or a combination of part-time and full-time student teaching in an amount equivalent to 15 weeks in this endorsement area at the specified grade level. This requirement shall be waived upon completion of one full year of successful teaching under a conditional certificate in this endorsement area at the specified grade level.

**3. Conditional Certificate for this Endorsement**

- (a) Completed at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule; and
- (b) Completed a minimum of six semester hours in each of the following: English, mathematics, science, and social studies or social sciences.

## 1.16 Endorsement 081: Early Childhood Teacher

- A. **Function:** This endorsement on a teacher certificate allows the holder to teach students birth through Kindergarten.
- B. **Eligibility:** Applicants shall meet eligibility requirements specified in Part I. In addition, eligibility for this endorsement shall be established by one of two pathways. Individuals who are not eligible through either pathway may be eligible for a conditional certificate, in accordance with Section 1.16.B.3 below, and Part I Section 6.6 of this rule.

### 1. Endorsement Eligibility Pathway 1

- (a) Graduated from a Maine program approved for the education of early childhood teachers, together with a formal recommendation from the preparing institution;
- (b) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule; and
- (c) Completed a minimum of three semester hours for teaching early childhood special education.

### 2. Endorsement Eligibility Pathway 2

- (a) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule;
- (b) Completed a minimum of three semester hours in each of the following: English, mathematics, science, and social studies or social sciences;
- (c) Completed a minimum of three semester hours for teaching early childhood special education;
- (d) Completed a minimum of three semester hours in language development and early literacy;
- (e) Completed a minimum of three semester hours in children's literature;
- (f) Completed a minimum of three semester hours in numeracy for the young child;
- (g) Completed a minimum of three semester hours in science for the young child;
- (h) Completed a minimum of three semester hours in child development or developmental psychology;
- (i) Completed a minimum of three semester hours in infant/toddler development;
- (j) Completed a minimum of six semester hours in at least two of the following areas: creative arts, family studies/observation of the young child, assessment of the young child, social studies for the young child, advanced child development, early learning environments, or additional early literacy;
- (k) Completed a minimum of three semester hours in diversity-centered content related to today's classroom (e.g., culturally responsive teaching, multicultural education, intercultural education, second language acquisition or world language teaching methods);
- (l) Passed basic skills test in reading, writing, and mathematics, in accordance with Maine Department of Education Regulation 13, or achieved at least a 3.0 cumulative GPA in all courses required for the certification, or completed a successful portfolio review demonstrating competency in Maine's Initial Teacher Standards; and
- (m) Completed one academic semester or a minimum of 15 weeks of full-time student teaching, or a combination of part-time and full-time student teaching in an amount equivalent to 15 weeks in this endorsement area at the specified grade level. This requirement shall be waived

upon completion of one full year of successful teaching under a conditional certificate in this endorsement area for birth through kindergarten.

**3. Conditional Certificate for this Endorsement**

- (a) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule;
- (b) Completed a minimum of three semester hours in each of the following: English, mathematics, science, and social studies or social sciences; and
- (c) Completed a minimum of nine semester hours from Section B.2.c through j, above.

## SECTION 2: TEACHERS AND EDUCATIONAL SPECIALISTS: SPECIAL EDUCATION CERTIFICATES AND ENDORSEMENTS

### 2.1 Endorsement 282: Teacher of Children with Disabilities

- A. **Function:** This endorsement on a teacher certificate allows the holder to teach children with disabilities and to consult with teachers, children, and parents/guardians. The endorsement specifies the applicable grade levels: birth to school age 5, kindergarten through grade 8, or grades 7 through 12.
- B. **Eligibility:** Applicants shall meet eligibility requirements specified in Part I. In addition, eligibility for this endorsement shall be established by one of two pathways. Individuals who are not eligible through either pathway may be eligible for a conditional certificate, in accordance with 2.1.B.3 and 2.1.B.4, below, and Part I Section 6.6 of this rule.

#### 1. Endorsement Eligibility Pathway 1

- (a) Graduated from a Maine program approved for teachers of children with disabilities birth to school age 5, kindergarten through grade 8, or grades 7 through 12, together with a formal recommendation from the preparing institution;
- (b) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule; and
- (c) Completed an approved course for teaching students with exceptionalities in the regular classroom.

#### 2. Endorsement Eligibility Pathway 2

- (a) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule;
- (b) Completed a minimum of 24 semester hours in special education with three courses (at least three semester hours each) in the following areas: evaluation and assessment, specially designed instruction (SDI), and reading instruction, including phonemic awareness and phonics using evidence-based practices.

Additionally, at least one course (at least three semester hours) must address one of the following areas: Universal Design for Learning (UDL), inclusion and least restrictive environment (LRE), types of disabilities, program planning, behavior intervention and supports, special education law and implementation.

The remaining semester hours must come from the above list or other special education courses.

- (c) For the birth to school age 5 grade level, completed a minimum of three semester hours for teaching early childhood special education;
- (d) Completed a minimum of three semester hours in diversity-centered content related to today's classroom (e.g., culturally responsive teaching, multicultural education, intercultural education, second language acquisition or world language teaching methods);
- (e) Completed a minimum of three semester hours in human development, educational psychology, developmental psychology, adolescent psychology, or child development;
- (f) Passed basic skills test in reading, writing, and mathematics, in accordance with Maine Department of Education Regulation 13, or achieved at least a 3.0 cumulative GPA in all courses required for the certification, or completed a successful portfolio review demonstrating competency in Maine's Initial Teacher Standards; and

- (g) Completed one academic semester or a minimum of 15 weeks of full-time student teaching, or a combination of part-time and full-time student teaching in an amount equivalent to 15 weeks in this endorsement area at the specified grade level: birth to school age 5, kindergarten through grade 8, or grades 7 through 12. This requirement shall be waived upon completion of one full year of successful teaching under a conditional certificate in this endorsement area at the specified grade level.

NOTE: Section 2.1.B.2.f, above, does not apply to this endorsement for birth to age 5.

**3. Conditional Certificate for this Endorsement**

- (a) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule;
- (b) Completed a minimum of nine semester hours in special education; and
- (c) In the first year of employment, be enrolled in a Maine approved program for mentoring teachers under a Conditional Certificate for a special education endorsement.

**4. Conditional Certificate for Endorsement: Educational Technician III to Teacher of Children with Disabilities**

- (a) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule;
- (b) Completed a minimum of three years of experience as an Educational Technician III with positive evaluations from administrator(s);
- (c) Employed as a special education classroom teacher and received positive evaluations annually from a school administrator;
- (d) Accepted into a post-baccalaureate or graduate program in special education at an accredited university program;
- (e) Maintained good standing in the program (e.g., grades, cumulative GPA, successful academic progress); and
- (f) In the first year of employment, be enrolled in a Maine approved program for mentoring teachers under a Conditional Certificate for a special education endorsement.