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STATE OF MAINE
ONE HUNDRED AND THIRTIETH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

To: Senator Catherine E. Breen, Senate Chair
Representative Teresa Pierce, House Chair
Members, Joint Standing Committee on Appropriations and Financial Affairs

From: Senator Matthea Daughtry, Senate Chair
Representative Michael Brennan, House Chair
Members, Joint Standing Committee on Education and Cultural Affairs

Date: February 5, 2021

Re: Report back on the Governor's Proposed Supplemental Budget, LD 42, An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

On Wednesday, February 3, 2021, the Joint Standing Committee on Education and Cultural Affairs met to review the supplemental budget items pertaining to the agencies under our jurisdiction in the Governor's proposed supplemental budget: LD 42, An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government.

Attached, please find the report-back template outlining the committee's votes on each initiative in Part A and the Part C language. The committee unanimously (13-0) voted to support all of the curtailment-related initiatives, but was not in agreement on the initiative regarding one-time funding for the Aspirations program (Ref. #172), which is discussed in more detail below.

In addition to the initiatives contained in the education and cultural affairs portion of the supplemental budget, a majority of the committee (8-4) voted to support a new initiative to require the Department of Education to establish a program to provide reimbursement for substitutes for school employees who are unable to work and are quarantined as a result of a school-related COVID-19 exposure, diagnosis, or symptoms.

The committee also discussed two other proposals in the supplemental budget: the proposed transfer of \$40 million to the Rainy Day Fund and the proposed one-time funding for broadband mapping. Although the committee does not make any formal recommendation on these proposals, please find below a summary of the committee's discussions and concerns.

**Aspirations Program - Department of Education: General Purpose Aid for Local Schools:
Ref. # 172 & Part C Language**

The majority of the committee (10-3) voted to support this initiative and corresponding change in the Part C language that provides one-time funding of \$2,500,000 for postsecondary course payments in the Aspirations program. The Aspirations program provides early college opportunities for Maine high school students. Members who support this initiative noted the importance of the program, the increased demand for the program during remote and hybrid learning, and that with higher education institutions absorbing costs due to curtailments, this additional funding is necessary to help sustain this program.

The minority of the committee voted not to support this initiative and corresponding changes to the Part C language, not because of any opposition to the value and importance of the program, but because of concern with the timing of providing these funds. With curtailments across the board and a lack of understanding of how additional federal funding will be utilized, these members feel that the \$2.5 million in funding may be unrealistic at this time.

New Initiative: Program for Substitute Teachers & Staff in K-12 Education

(8-4, 1 member absent)

During the public hearing on the supplemental budget and during a subsequent Question and Answer meeting with the Commissioner of Education, the committee learned that there are concerns that teachers and other school employees in the State are being required to use accrued sick leave when those employees are required to quarantine and unable to work due to school-related exposure, diagnosis, or symptoms from COVID-19, or a close contact with a positive or suspected COVID-19 case in that school or district. This concern was raised, in part, as a result of the expiration, on December 31, 2020, of the federal paid sick leave provisions passed in the federal Families First Coronavirus Relief Act (FFCRA).

First and foremost, the committee unanimously agrees that a school employee should not be required to use accrued sick leave in these situations. The committee heard from Commissioner Makin that the Department of Education has urged districts not to engage in this behavior and that some, if not most districts, are not requiring the use of accrued sick time. However, the committee also heard that there may be some districts that are requiring the use of accrued sick time.

A majority of the committee (8-4) voted to support a new initiative to require the Department of Education to utilize a mix of state and federal funding to establish an opt-in program for school administrative units that would provide reimbursement for substitutes for school employees who are required to quarantine and unable to work as a result of a COVID-19 exposure, diagnosis, or symptoms or a close contact with a positive or suspected COVID-19 case in that school or district. To be eligible for the proposed program a school administrative unit may not require a school employee to use accrued sick time and the school employee must have been exposed to COVID-19 while acting within the scope of the employee's employment with the school administrative unit. At this time, it is not clear how much federal funding could be put towards this program, but the majority of the committee supporting this proposal voted to cap the allocation at \$500,000, which would include any federal money that is available and a state appropriation for the remaining balance. The members that voted in support of this initiative are:

Senators Daughtry and Rafferty, Representatives Brennan, Crockett, Dodge, McCrea, Millett and Salisbury.

The minority of the committee voted in opposition to this new initiative. While members of the minority are also opposed to the required use of accrued sick time in these situations, the minority feels that this is primarily a labor issue and that there are a number of issues and unanswered questions raised by the majority's motion, including that it is not clear what federal money will be available and how the \$500,000 would be allocated between state and federal funds; that the Department of Education has federal money for this already and therefore it's not necessary to add it into the supplemental budget; that if there is a need for a program like this it could be addressed through a separate bill when more is known about the scope of the problem and available funding; and that it will be difficult to know or prove whether a school employee's exposure occurred within the scope of that employee's employment in the school.

Rainy Day Fund

Although the committee is not making any formal recommendation on this issue, members of the committee expressed some concern about the Governor's proposal to transfer \$40 million to the Rainy Day Fund. Currently, educational institutions and students are facing a number of challenges, including learning loss due to hybrid and remote learning, and schools may need greater flexibility in order to address these challenges. Members are concerned that if these funds are not available there will be a negative impact on education in the State.

However, other members of the committee emphasized that, while this is an area of concern, the Rainy Day Fund is beyond the scope and purview of the portion of the budget that falls under the jurisdiction of the Education and Cultural Affairs Committee and that a much more in-depth discussion would be warranted before members are comfortable taking a position on this initiative.

Ultimately, the committee respectfully requests that, in your deliberations regarding the Rainy Day Fund, you consider some of the issues and challenges facing educators and students in this State.

Broadband Mapping

A few committee members raised support for the Governor's proposed initiative to provide one-time funding for an enhanced broadband mapping, noting that broadband is critical to the success of students and teachers in the State. However, as this initiative was not in front of the committee and members of the committee did not know enough about the initiative (including its cost or what it would entail) the committee does not make any formal recommendation on this initiative at this time.