

**SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT'S RESPONSE
& LIST OF CHANGES TO PROPOSED RULE**

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**Early Childhood Educator Salary Supplement System
 10-148 CODE OF MAINE RULES CHAPTER 30**

The Maine Department of Health and Human Services, Office of Child and Family Services (OCFS), (the "Department") held a virtual public hearing via the Zoom platform on October 30, 2023, on the proposed *Early Childhood Educator Salary Supplement System* Rule. Written comments were accepted through November 9, 2023, at 5pm. Comments were received from the following people:

COMMENTERS – Oral and Written

Commenter # and Name	Date	Representing	Format
#1 Dawn Barrett	10.30.2023	Joyful Beginnings	Oral
#2 Meg Helming	10.30.2023	YMCA Alliance	Oral and Written
#3 Heather Marden	10.30.2023	Maine AEYC	Oral
#4 Deb Arcaro	10.30.2023 11.07.23	Family Child Care Association of Maine	Oral and Written
#5 Laurie Davis	10.30.2023	Little Schoolhouse Child Care	Oral
#6 Cristina Salois	10.12.2023 10.30.2023	SKCDC	Oral and Written
#7 John Bagshaw	10.30.2023	Little Hands Daycare	Oral
#8 Laura Day	10.25.2023 10.30.2023	Art Play Nursery School	Oral and Written
#9 Sierra Proulx	10.30.2023	Learning Time Childhood Development Center	Oral and Written
#10 Nicole Hogle	10.30.2023	Portside Learning Center	Oral
#11 Jen Szantyr	10.30.2023	Oxford SACC	Oral
#12 Alyssa Harvey	11.03.2023	Growing Learners Child Care	Written
#13 Sara Perrigo & Will Newburn	10.30.2023	Heidi's House	Written
#14 Rita Furlow, Megan Hannon, Heather Marden, Sue Power, Kim Russell	11.03.2023	Right From the Start	Written
#15 Katonya Compton	11.06.2023	No Program Reported	Written
#16 Terra Travis	11.08.2023	No Program Reported	Written
#17 Pete Plummer	11.08.2023	Woodfords Family Services	Written
#18 Kelsey Alexander	11.08.2023	Bright Beginnings at the Landing	Written
#19 Haleigh Rice	11.09.2023	The Learning Garden	Written

The Department's response follows each comment. Comments with the same general intent are synthesized into single statements.

1. **Comment:** Commenters 2, 3, 6, 8, 9, 13, 14, 17, 19 expressed their appreciation and thanked the Department for the creation and work on the development of the ECE Salary Supplement Program

C2 We greatly appreciate the Department's efforts on this important undertaking. During the pandemic, the American Rescue Plan Act (ARPA) Child Care Stabilization funding provided a critical lifeline to childcare providers to help us keep our doors open for Maine's working families. The childcare sector continues to be extremely challenged to recruit and retain high quality educators and meet the demand for care. While the salary supplement program isn't a panacea to the myriad challenges impacting this sector, we are grateful that our State has committed to a continued investment in the childcare sector to support the educators providing critical services to Maine's young children and working parents.

C3 We'd like to recognize and thank OCFS for the commitment to raise these wages of early childhood educators teaching in these licensed programs and implementing and administrating this workforce salary supplement program.

C6 And thanks for your efforts to support Maine's Early Educators.

C8 I am thankful that this system is attempting to acknowledge our value and assist with the issue of grossly underpaid early childhood educators.

C9 I appreciate your time and dedication towards this program and I hope you enjoy the rest of your day. I appreciate all the time and work that is being put into supporting and improving the ECE industry in the state of Maine and how that positively impacts all Maine people.

C13 I truly appreciate the proposed rules and the wage supplement as it certainly will be a positive step forward to maintain the current ECE workforce and hopefully attract more employees going forward.

C14 On behalf of all of our 42 member partner organization who make up RIGHT FROM THE START, we would like to recognize and thank the Office of Child and Family Services (OCFS) for joining us in our collective efforts during the 130th and 131st Legislative Sessions to meaningfully raise wages of early childhood educators who are teaching in licensed child care programs by implementing and administering the Early Childhood Educator Workforce Salary Supplement. We believe that increase wage support for child care providers is a critical step toward needed child care reform that will strengthen this vital workforce, which is the workforce behind Maine's workforce. We know, and STUDIES show, that the current child care crisis for just infants and toddlers is costing Maine's economy more than \$403 million each year. We can ill afford this to continue unaddressed. And we appreciate your partnership with us and lawmakers to make meaningful and long-last changes. We appreciated OCFS' quick and thoughtful actions to use a portion of Maine's American Rescue Plan Act Child Care Stabilization funding to put in place a \$200/month wage supplement program for those essential child care workers in programs across Maine. With the leadership of former Speaker of the House Ryan Fecteau, who worked closely with Governor Mills and her administration, last session a new law was approved to make these stipends permanent. This session, President of the Senate Troy Jackson's legislation to double funding in the wage supplement program was approved and is now law. These are major steps in the right direction for Maine's child care workforce needs. To inform the

important work of how best to structure these wage supplements last year, we know OCFS sought input from the child care field and then implemented the current Early Childhood Educator Workforce Salary Supplement System. As part of that collective work, child care educators, directors, and stakeholders recommended that child care providers' wage supplements be tiered based on experience and training.

We are thankful for all the hard work and planning that has led OCFS to now be proposing the rules needed to implement this recommendation for continued monthly wage stipends for child care providers working in licensed programs.

C17 As a Provider of multiple licensed childcare facilities employing a large number of early childhood educators, we fully support and appreciate the State of Maine's effort to supplement the wages of the early childhood educator direct care workforce.

C19 As a 15-year early childhood professional, small business owner, large childcare center operator, and current full-time student at UMF (Thanks to the T.E.A.C.H scholarship); I first would like to thank you for the attention to our field, the allocation of recent funds, and the in-depth conversations that have taken place over the last few months and years. I have worked in advocacy since 2019, had numerous conversations with ECE professionals across the country, and there are not many states in our nation that can even compare to the work that has been done here, in our small state of Maine. For this, I am immensely grateful; on behalf of myself, my staff, and our field; thank you!

Response: The Department thanks you for the support and appreciates feedback regarding the rulemaking process for the Early Childhood Educator Salary Supplement System Rules.

2. **Comment:** Commenters 1, 2, 3, 4, 11, 12, 13, 14 and 19 suggested that Maine Roads to Quality Professional Development (MRTQ PDN) Registry Career Lattice level 4 should be in Tier 2.

C1 I don't feel that a Level 1 and 4 with MRTQ should be in the same tier. I would consider maybe making either one more tier or consider where the levels fall within those tiers. For example, I have staff that are level 1, level 2, level 4, and level 7. I don't think level 4 should be the same and I don't think level 7 should be as close to a level 4 or a level 1. My recommendation would be to have an additional tier or split the levels up in the tiers as to go: tier 1 maybe being 1, 2, and 3 levels and then tier 2 be 4, 5, and 6, and tier 3 being 7 and 8 on your career lattice. As others possibly will say and have stated on a public forum, it's degrading to see what these tiers are and the guidelines and what qualifies somebody for a specific tier. There's been a lot of work put into. We have endless amount of trainings. Some of us have credentials, some of us are working on credentials.

C2 We respectfully recommend that Level Four on the PDN career lattice be included in Tier 2. This would honor educators' work in earning an Associates Degree by putting them in Tier 2. Therefore, the tiers would be: Tier 1: Levels One through Three Tier 2: Levels Four through Six Tier 3: Levels Seven and Eight

C3 So, in one of those pieces, the recommendation we would make is, in the national framework at an ECE 2, which I'm kind of taking and equivalating to a tier 2 here, an associate's degree would be counted in that ECE 2 level. So I think a suggestion we would make, and certainly we've talked to the field and seems like a strong recommendation of the field is that we move level 4 in the career lattice to a tier 2 in the supplement program. So that's probably one of the strongest recommendations that we would make here. We also had a group of stakeholders that were a part of our RFTS coalition in Maine

that worked in consultation with the teach national center and kind of looked at this national framework and looks that this career lattice in Maine and we had also had that similar alignment. We would also put that level 4 into tier 2 as part of that recommendation and work that we do. We understand there is not a clear delineation between our current career lattice and how that would crosswalk over into an ECE 1, 2, and 3 and this national framework. But what we do appreciate is that Maine does place value on years of experience in this career lattice, and we think that it's important this always stays here. We also see this as an opportunity going forward to engage around this national framework and think about how we might align our PDN career lattice with some of these things. We also know that cost modelling will bring out a lot of good data considering salary scales as well. So we're looking forward to continuing engaging as more of this data comes out.

C4 Looking specifically at the 3 tiered system aligning with Maine Roads to Quality Career Lattice I am concerned that the proposed tier 1 covers Level 1 through 4. The Power to the Profession Unifying Framework for the Early Childhood Education Profession includes three distinct designations — Early Childhood Educator (ECE) I, Early Childhood Educator (ECE) II, and Early Childhood Educator (ECE) III. While this framework is not national yet, I think Maine's tiered system is approaching it and it makes sense to me to rework this proposed rule to align. That would mean that Tier 1 would include Level 1-3 and Tier 2 would start with Level 4. There are also differences across the career lattice for the highest levels that need to be addressed for equality before Tier 3 is finalized.

C11 In direct care, we are all kind of in agreement that the balance is a little off between a level 1 and somebody who is a level 4. I think level 4 in particular by the comments, and what I agree, is in the wrong tier. I think at a minimum that should be moved up to the second tier.

C12 Level 4 should absolutely be included in tier 2. This is a huge oversight- and many people in the field are disappointed and angry that someone who has their child development associate, which takes a lot of time, and effort, would be in the same tier as people who are just starting out in the field as a level 1. It takes 6 years of experience with your CDA to move to a level 5. A person with their certification will be left at a tier one for 6 years with all people new to the field. There are also many people who have been in this field for 10+ years and are a level 4 due to education in the industry not being pushed previously. They absolutely shouldn't be a tier one with people who are just starting out in ECE.

C13 I would like to propose that the way the salary supplement's tiers are being divided should be reconsidered. The majority of the teachers we have hired since 2020 are individuals with Bachelor's Degrees in non-related fields, this makes them very unlikely to go back to school to get another associates degree or bachelors degree in a field where the pay is so low (compared to other fields) and we are only able to pay for 40 hours of training each calendar year. This means it will take a number of years to move up the Direct Care Lattice to get to a level 3 or 4. Based on the findings from the Maine Department of Labor in The Jobs Recovery and Worker Retention in Childcare Services Report the child care workforce in Maine is trending younger with less experience and are more likely to change jobs. This also supports what we are seeing, and unfortunately this means less quality and stability for children and families at their ECE programs. Based on this information, I would like to propose the wage supplement tiers be divided differently. I would like to see teachers be able to move to the 2nd tier sooner, as it is unlikely that they will put in the effort or number of years it takes to get there and will just be in the field for a year and move on, which does not help improve the ECE field. I would recommend smaller wage bumps for each level of the Direct Care Lattice to keep momentum going. However, if it needs to stay a 3 tier system based on the current proposal, then I would propose Tier 1

include Direct Care Lattice Levels 1-3, Tier 2 include Direct Care Lattice levels 4-6, and Tier 3 to include Direct Care Lattice Levels 7-8.

C14 We encourage OCFS to give this input from the field your serious consideration, especially the specific recommendations for how the various levels of these wage supplements should be structured, the placement of specific career lattice levels into different tiers, and the desire to aligned Maine's Professional Career Lattice with the national Unifying Framework for the Early Childhood Profession to the degree possible while allowing for credited value based on years of experience, training and education.

C19 Though we are beginning to see serious change in the right direction, we cannot lose momentum now! The tiered format for pay out of stipend funds is exactly what we are looking for, however a few small tweaks are needed to ensure the allocation of funds is fair, equitable, and based on the efforts, experience, and education providers are putting in. As the proposed tiered system reads: Tier 1 includes levels 1-4, Tier 2: 5 and 6, and Tier 3: 7 and 8. On behalf of my staff, and many others in the field; we ask that level 4 be considered in Tier 2. In the Childcare Facility Licensing Rule, teachers at Level 4 are qualified as Lead Teachers in our programs, have put in extended time and effort to obtain their CDA's, obtain credentials, and associate degrees, in addition to proof of dedication to the field through multiple years' experience. This dedication and tenure should be honored above those in entry level positions, or just out of school.

Response: The Department maintains that Level 1, 2, 3 and 4 on the MRTQPDN Registry should remain in Tier 1 of the Salary Supplement System. Currently, 91% of Level 4 direct care staff in the Salary Supplement System have less than a college degree, Child Development Associate credential (CDA), or Maine approved credential. Under the rule, all direct care staff in Tier 2 have a minimum of an AA/AS in ECE, Social Services, or a related field with 2 years' experience or have a BA/BS in ECE, Social Services, or a related field. The Department continues to financially support several pathways for individuals seeking early care and education (ECE) related certification and degrees through quality awards and scholarships that will lead to a Level 5 on the MRTQ PDN Registry. In addition, through the work of the Department's Preschool Development Grant Birth through Five (PDG B-5), the Department has a new Workforce Navigator Specialist to assist individuals in ECE seeking to understand the options for career pathways.

3. **Comment:** Commenter 16 stated "I am writing to you this morning due to my disappointment in the way the supplement program is set up. I have been in childcare for 30 years, I did not get a degree for this profession. I started as an assistant teacher at 20 years old and have worked my way up to a teacher/director. I have completed all necessary trainings throughout my 30 years which to this point is well over 900 hours. My experience has taught me compassion, strategies, techniques and teaching styles that I know you can only achieve through experience. Many veteran teachers will not feel they are being recognized for their time and knowledge and therefore will decide to leave this profession. I see morale sinking in many if not all centers. It is my hope that this program will recognize years of experience alone when determining the tier and level of pay to so many deserving teachers."

Response: The Department thanks the commentor for their dedication to the field. MRTQ PDN includes relevant years of experience in determining step levels on its career lattice.

4. **Comment:** Commenter 6 expressed concern that the MRTQ Management/Administration Career lattice only has 6 levels.

C6 In terms of the various wage supplement tiers - I wanted to point out that on the MRTQ Management/Administration Career lattice, there are only six levels - so that would make those folks unable to move past tier two on the wage supplement as it is currently written. Tier three requires a level 7 or 8 on the career lattice.

Response: The salary supplement system provides salary supplements to child care providers and early childhood educators who provide direct services to children, and salary supplement funding must be paid by child care facilities or family child care providers in order to increase wages for any child care provider or early childhood educator who provides direct services to children. 22 M.R.S. § 3737-A. Although Directors and Program Owners are eligible for salary supplements pursuant to section 2(B) if they are otherwise eligible, the tiers are deliberately set up to provide employees with the highest education and experience level in providing direct services to children the maximum salary supplement amount.

5. **Comment:** Commenters 9 and 17 question the long-term viability of this program's state funding

C9 Out of curiosity what is the duration of this salary supplement program? Is it just going to be for how long Govern Mills is in office or is she making this a permanent part of Maine's yearly budget and patenting it in some way so the next governor in office can't get rid of it or undo the work that's been done?

C17 Over time, the employee educators that take advantage of this program will become accustomed to the supplemental salary, my fear is that due to future State of Maine budget constraints, this benefit may sunset at some point in the future. If that fear does come to pass, I fear unintended staffing turnover in the industry that already has very high turnover.

Response: The Early Childhood Educator Workforce Salary Supplement System is in state statute and will remain in effect unless the law is repealed. Future legislatures will determine funding levels.

6. **Comment:** Commenters 5 and 9 indicated that the tiers need to reflect the time and money it takes to earn a degree.

C5 The other area of comment that I'd like to make. I'm retired and have worked in a number of fields. I happen to have a degree in ECE, but I rarely worked in that field. In fact I didn't. I would Echo that people often major in a lot of different things that's quite different from what they end up doing or where they are actually perhaps, even best suited. Much of my career was spent in educational access, working with low-income, first-generation students. Many of whom go into some major because it appeals to them when they're 20 and when they're 35,40, 50 it may be something entirely different. The value of a associates, bachelors, all the way on up to doctorate, but particularly the associates, bachelors, and even masters degrees, is the education somewhat in the topics but really in the ability to learn how to learn and how to take what you learned in a book and apply it in real time. So broadening that, I would also urge. I think that makes sense and is respectful of the time that anyone has put into earning an actual degree

C9 I would like to comment on the fact that I believe the board should reconsider the amounts proposed

towards the different tiers. I don't believe the amounts reflect an adequate representation towards the education aspect that is encompassed and time towards earning said degrees. In my case I am a first-generation college graduate who paid for both her associates and bachelor's degree program completely on her own and with the help of scholarships. I was driven to get a bachelor's degree to reflect not only my education but my drive to help support Maine's early learners the best I could as I'm sure many other providers have done as well.

Response: The Department recognizes and applauds those individuals that earn college degrees. The rule recognizes that hard work, dedication, and money that it takes to earn those degrees by rewarding those individuals that have achieved the higher levels on the MRTQ PDN Direct Care Career Lattice. The Department financially supports several pathways for individuals seeking ECE related certification and degrees through quality awards and scholarships.

7. **Comment:** Commenters 1, 5, 7, 8, 9, 10 and 18 stated that experience is not weighted heavily enough in the career lattice levels and education is overvalued.

C1 And I really feel strongly that the tiers do not match our education or our experience levels. Some people that have been in this field for 30 years could be a level 7 as far as experience goes but only a level 2 as for books. I understand that we're trying to make people a little bit closer on those tiers and in those levels, but I would highly consider looking at the levels and career lattices for MRTQ and make them match better.

C5 The other thing that I really want to comment on. I'm glad there is credit for actual experience. I think that is incredibly important, especially in a rural state like Maine which has very uneven access to educational opportunity. This state has many parts of the state where it's multiple hours on small 2 lane roads to get to an institution of higher learning. Earning a degree is not easy if you live in Greenville, it just is not. The sort of default is, well do it online. I will underscore, while we have made tremendous progress in getting folks online, I only got online access in the last year, having lived in Greenville for awhile. For many people, to go online and take a course, means sitting outside the library to get access at 7 or 8 at night. That's not realistic. So I think for many of the rural centers the educational access is not equal to what it is having lived in Portland or other places where you're a few minutes from I-95 and you can get to somewhere to take a course. And I think it's discriminatory at its core and it's embedded in the whole Rising Stars thing. It assumes that education means that there is higher quality and that's an associational belief that I don't think is always borne out in reality. While I spent my career encouraging education, I am troubled by the state's reliance on assuming quality is the degree you have in hand or the number of courses you have taken. To think about access for a rural state like Maine, really think about what that's like on the ground. Because I know our center will probably never rise very high in this. Our staff just don't have the access and the ability to do that, and they're very good staff. So that's demoralizing for them and us as a community

C7 I'd just like to make a comment, I've read through it and I don't know all the details. I feel like I agree that if someone has an ECE degree in college, it's very important. But I also think just as important that experience is just as important. A lot of people decide after they go to college or at a certain point in their life that they want to be in child care and really can't go back to college to get that degree. It may deter someone from getting into the field because they don't have the degree and knowing that even if they stay in the field for 15 years, the person that has the degree is going to get the

highest tier bonus and they will never get to that point to that highest tier. Just as much emphasis should be put on experience as the degree. My experience, my wife and I run a center, it's been 20 years. I have a business degree with a minor in communications. When I was in college, I never thought I would be running a daycare 20 years later. Myself, I wouldn't qualify for a higher tier of the bonus even though I've been in the industry for 20 years and running a daycare for 20 years and with children and working in the classroom for 20 years, I would still be on the lower part of the bonus tier. I'm absolutely not saying this for myself, cause for myself I really don't care about the bonus. It's more about those people that want to stay in the industry but won't stay in the industry because they know they'll never get that bonus. Maybe there's something about having people be grandfathered in. Saying that, anyone that's in the industry right now, the experience counts more, but people that are in college knowing that there's going to be this big bonus that they can get every month if they get into the childcare industry. That might persuade people to say "ok, I'm 18 years old, I'm coming out of high school I'm going to college for ECE because I know the pay in this industry is a lot higher than it was before." So they'll do that while they're in college. But I think there's a lot of people now that are in the industry, like we have people that have worked for us for 11 years, she doesn't have her degree but she would be like a level 3 or 4 and will never get to that higher level. She is actually retiring at the end of this year, but I just wanted to give that information that experience is just as important, I feel, as getting a degree who likely provides training and mentoring for inexperienced educators with higher degrees, is made invisible. My college degree gave me a foundation for understanding child development, my years of professional development helped me understand family systems and how to communicate effectively with parents of young children to ensure their wellbeing. Through it all, my greatest teachers have been children. They have taught me more than any textbook ever could. Each day when they walk into my classroom, I know they are bringing something that contributes to my "education." They have taught me everything about how the smallest wrinkle in their sock to a close family member dying from substance use disorder affects them and how they interact with this world. Listening to and observing children is a skill that takes years to practice and truly understand. Recognizing the individual development of each child and balancing that within a classroom community is something introduced by a textbook, but not really learned until you are sitting on the floor amongst a group of 10 to 18 preschoolers.

C8 The proposed rules only allow for a maximum of 5 years of experience in conjunction with my A.A. in Early Childhood Education to be counted in determining what I would receive as a wage supplement. I have the utmost respect for peers that have earned higher degrees in this field. The amount of monetary debt incurred to earn that degree and work in a field with notably low pay does deserve a return on investment at the highest level. However, the proposed system all but completely ignores the dedication of professionals who have given their lives to the field through years of experience.

C9 My other question is towards older generation child care workers that work as a provider on a daily basis. We have a 73 year old who works at our child care. Now she has had a lot of experience, but because of her lack of knowledge through technology she struggles being able to complete, let alone her individual 30 hours of training, because there are not adequate trainings out there. I'm not going to state what her current level status she is, as that's not relevant, but I can definitely say she is much higher than what her level reflects according to MRTQ, but unfortunately, in her situation it's just something that she struggles with and she doesn't understand. So I think that's something that wasn't exactly thought of

in terms of this proposal. I think it's a disadvantage, because a lot of older generation still working in child care. And I just think that's something that maybe an alternative needs to be brought in place so that it can reflect what they actually are and their experience.

C10 Echo everything that my colleagues have shared and expressed previously, especially with regard to putting more weight on experience in the career lattice.

C18 I have been in the childcare industry for twelve years; eight years spent in direct care with children as a lead teacher and the past four years as the owner of a large center. In 2018, I obtained my Bachelor's degree in Early Childhood Education. My experience, especially my time spent in direct childcare, has shown me that the best educational experiences come from hands-on practice. I would not be the teacher and/or owner I am today without the hands-on experience I have had over the years. There are aspects of this profession that simply cannot be learned from textbooks. It has been proven time and time again my best teachers in this field are those with extensive experience, not academic credentials. Therefore, it is crucial to acknowledge and account for years of hands-on experience within the proposed tiered system, without requiring specific degrees or credentials, there has to be a balance. If the current tiered system remains as it is, we are at risk of losing our veteran childcare workers who have dedicated their lives to this profession. These teachers deserve the recognition and validation they have rightfully earned over the years. Their work is important, regardless of their education level! To demonstrate the flaws in the current proposed tiered system, I am going to share the experience levels and backgrounds of some of my teachers: Terra, my director for the past four years, has been in childcare for 31 years. She has countless hours of training and hands on experience. Despite this, she was placed in the first tier. Sue, my preschool lead teacher, has over 18 years of experience, including eight years running her own licensed in-home childcare business. She also remains in the first tier. Sonja, my infant classroom lead teacher, has been in childcare for over 20 years, she owned and operated a small licensed center for three years and held her Ed Tech certification. She too is in the first tier. Vicki, my toddler classroom teacher, has been in childcare for six years and has over 70 hours of MRTQ Core Knowledge training hours alone. She is also in the first tier. Sarah, my assistant preschool teacher, has been in childcare for ten years and obtained her Early Childhood Certification in high school. She remains in the first tier. Katonya, my Pre-K teacher, has been in childcare for 14 years and has an impressive 247 hours of MRTQ Core Knowledge Training hours. She too is shockingly placed in the first tier due to the lack of a specific credential. All of these experienced and knowledgeable teachers are placed into the first tier with educators who are just beginning their journey in childcare. The proposed tiered system fails to recognize their extensive experience, proving a significant flaw in the current structure. Please ask yourself, would you rather an educator with 10, 20, 30+ years of hands-on experience teaching your child, or would you rather an educator with an associate's degree in ECE, social services, or a related field and two years of experience teaching your child? The first example is in the first tier, the second example is in the second tier. I can confidently say I, along with most parents, would choose the educator with decades of experience, even if they are left behind in the first tier. I urge you to reconsider the current Early Childhood Educator Workforce Salary Supplement System Rules and make changes to each tier that will recognize the contributions of experienced early childhood educators. This change will ensure the ongoing high-quality care for our young children during the most important developmental years!

Response: Experience and education are both recognized in the MRTQ PDN Direct Care Career Lattice.

Individuals with questions on their MRTQ PDN Career Lattice level can contact MRTQ by email at

mrtq.registry@maine.edu to discuss the designation.

8. **Comment:** Commenter 8 stated that the rule should take into account years of experience and position held within the program.

C8 Not only should years of experience be considered in determining the distribution of wage supplements, but also the position held by the professional in the field. I was selected to fulfill an administrator position based on my qualifications and knowledge of working not only with children and families, but also with managing the day to day operations of the program, including personnel, financial matters and the ongoing implementation of licensing and quality requirements per the State of Maine Child Care Facility Licensing Rule (10-148 Code of Maine Rules, Chapter 32). In practice it is a position that equals the responsibility of an elementary or secondary school principal. However, the proposed system does not recognize this responsibility and complexity. It is my feeling that a director of an early childhood program should qualify to be placed on the highest tier of the wage supplement system.

Response: Experience is recognized in the MRTQ PDN Direct Care Career Lattice. Consistent with statute, only those positions that provide direct services to children qualify for salary supplements under the rule. 22 M.R.S. § 3737-A. Although Directors and Program Owners are eligible for salary supplements pursuant to section 2(B) if they are otherwise eligible, the tiers are deliberately set up to provide employees with the highest education and experience level in providing direct services to children the maximum salary supplement amount.

Individuals with questions on their MRTQ PDN Career Lattice level can contact MRTQ by email at mrtq.registry@maine.edu to discuss the designation.

9. **Comment:** Commenter 2 questioned the difference between the eligibility requirements of the ARPA Stabilization bonus payments and the salary supplements.

C2 Is there any difference in the eligibility requirements of this program and the program that utilized ARPA funds? We respectfully urge the Department to ensure that as much as possible, the eligibility requirements of this program match those of the program that utilized ARPA funds. We want to avoid any educators that have been receiving the supplement to become ineligible.

Response: According to the Administration for Children and Families Log No. CCDF-ACF-IM-2021-02 the ARPA Stabilization staff bonus payments were to be used as “*Wages and benefits for child care program personnel, including increases in compensation for any staff in a child care center or family child care providers and their employees; health, dental, and vision insurance; scholarships; paid sick or family leave; and retirement contributions. Raising the wages of child care staff is a central part of stabilizing the industry, and lead agencies are strongly encouraged to prioritize this use of funds. Other examples of allowable personnel costs include ongoing professional development or training, premium or hazard pay, staff bonuses, and employee transportation costs to or from work.*” The ARPA Stabilization funds were federally authorized in response to the COVID-19 pandemic.

The Early Childhood Educator Workforce Salary Supplement System is authorized by the State of Maine pursuant to 22 M.R.S. § 3737-A and funded by State General Funds. The Department recognizes that these laws are different and therefore, eligibility requirements may differ.

10. **Comment:** Commenters 2, 3, 4, and 14 requested that individual staff should be able to opt out of the salary supplement program.

C2 While we strongly support the rule that all licensed ECE programs must register and offer this program to their staff, we respectfully urge the Department to add language indicating that individual educators may opt out of the program if they so desire. Unfortunately, we are aware that in some instances, receiving this supplement puts other important benefits at risk (for example: housing assistance, MaineCare), and we would not want to inadvertently jeopardize anyone's financial security with this program.

C3 I'd also just echo, that allowing an educator to opt out. We do know that because of the wages in this field, there are many folks working in licensed child care programs that receive public benefits themselves and their families rely on for things like food security and health care and other things. We do know, that because these programs are tangled federal and state regulations and rules, it would be too hard to say that this stipend wouldn't count for some of those benefits. So we do feel the easiest solution is to allow an educator to provide the opportunity to opt out and say a raise of \$1.15 in pay would push me out of my housing, it would push me out of my healthcare. We certainly don't want people to be hurt by this and we don't want families to be hurt by this. So we think an opt out option would solve that and allow folks to plan their own financial security around this.

C4 I encourage you to remove the requirement that all individuals need to participate in the wage supplement program. Any member of the workforce offering direct care that receives financial services such as housing and health care could negatively be impacted. Acknowledging that means there needs to be the option for an individual to remove themselves from engagement / an opt out.

C14 We also hope that OCFS will consider providing an opt-out option for the few child care providers who wish to do so to avoid the unforeseen consequences of those individuals then losing other benefits that help to support them and their families.

Response: The Department's intent with this rule is to allow individual staff to opt out of the program if they wish. Therefore, the language in Section 3(C), Mandatory Registration, will be amended to include "Any licensed Early Care and Education Program eligible to register with the Early Childhood Educator Workforce Salary Supplement System must do so. Individual Educators may opt out of participating in the Early Childhood Educator Workforce Salary Supplement System."

11. **Comment:** Commenters 2, 11 and 17 requested that the Department send a list of staff and the salary supplement amount they are entitled to with the payment.

C2 We respectfully request that the Department send with each monthly payment an itemized report including the name of the educator(s) and the corresponding payment amount(s). This will help us ensure that payments are accurate, especially as we move to the tiered payment system

C11 I did also wanted to second somebody else’s comment about the breakdown of payments and amounts and names. I think that would be a very good tool when that’s being sent out to make sure that we are allocating it. Because there is a lot of emphasis in this plan as far as overpayment and underpayment and making sure that it’s being applied correctly. So if that step could be added on there to ensure that. That would be great.

C17 We have multiple licensed locations and many employees, the monthly direct deposit of all ECE funds as a lump sum without any per location breakdown or indication of funds purpose makes the administrative/oversight of this even more complex. Does the Department foresee the opportunity to communicate or otherwise note this information somewhere at the time of deposit?

Response: The Salary Supplement Registration Portal will automatically email the approval status to each program upon program registration approval. This email will include a list of each approved Educator that is registered, and the salary supplement dollar amount based upon the tier of that Educator. The program needs to retain a copy of this email for Educator payment processing. The payment itself will not include this information. The adopted rule clarifies the requirement that Programs retain a copy of the email confirming approval—see list of changes from proposed rule, below.

12. **Comment:** Commenter 2 questioned the amounts associated with the tiers.

C2 The wage supplement provided via federal funds, while technically \$200 per month, amounted to about \$160 in take-home pay after taxes for the educator. We respectfully encourage the Department to set the minimum tier at an amount that results in at least \$200 *in take-home pay* per month.

Response: The tier amounts will be annually determined based upon the number of Educators registered with the Salary Supplement System and the annual budget as determined by the State of Maine. The tier amounts will be posted on the Salary Supplement System webpage.

<https://www.maine.gov/dhhs/ocfs/provider-resources/early-childhood-educator-workforce-salary-supplement-program>

13. **Comment:** Commenter 2 and 4 requested advance notice on tier amounts

C2 How frequently does the Department plan to redetermine tier amounts? How much notice will be provided to childcare programs of any changes?

C4 Lastly, I would encourage the department to provide as much advance notice around the monetary amount for each tier as possible. There are just too many questions and rumors about this program floating around and I believe it would serve the department to provide as much lead time as possible.

Response: The tier amounts will be annually determined based upon the total number of Educators registered with the Salary Supplement System and the annual program budget as determined by the State of Maine. The tier amounts will be posted on the Salary Supplement webpage and updated as needed when any changes are made to the payment amount of the tiers. OCFS will provide significant outreach to the public and stakeholders when changes occur.

<https://www.maine.gov/dhhs/ocfs/provider-resources/early-childhood-educator-workforce-salary-supplement-program>

14. **Comment:** Commenters 3, 4 and 14 stated the desire to align Maine’s Professional Career Lattice with the National Unifying Framework for the Early Childhood Profession.

C3 As an organization that is an affiliate of NAEYC, they had worked across and in partnership with 14 other national organizations to develop this power to the profession work in the US as a guide that states could use. They kind of used similar to what we’re developing here. 3 tiers to identifying folks credentialing, education, and experience into some different bodies of similarities. So from that national stakeholder effort, which was a 5 year process, it had 8 decision cycles, it included sending out surveys to states and stakeholders and educators across the united states and they did share out all of the surveys and information during that 5 year decision cycle in Maine as well. So we know that Maine providers did offer some input on that. So what we see is an opportunity to bring some alignment here between what we do in the state with this national work as well

C4 Looking specifically at the 3 tiered system aligning with Maine Roads to Quality Career Lattice I am concerned that the proposed tier 1 covers Level 1 through 4. The Power to the Profession Unifying Framework for the Early Childhood Education Profession includes three distinct designations — Early Childhood Educator (ECE) I, Early Childhood Educator (ECE) II, and Early Childhood Educator (ECE) III. While this framework is not national yet, I think Maine’s tiered system is approaching it and it makes sense to me to rework this proposed rule to align. That would mean that Tier 1 would include Level 1-3 and Tier 2 would start with Level 4. There are also differences across the career lattice for the highest levels that need to be addressed for equality before Tier 3 is finalized.

C14 We encourage OCFS to give this input from the field your serious consideration, especially the specific recommendations for how the various levels of these wage supplements should be structured, the placement of specific career lattice levels into different tiers , and the desire to aligned Maine’s Professional Career Lattice with the national Unifying Framework for the Early Childhood Profession. to the degree possible while allowing for credited value based on years of experience, training and education.

Response: Thank you for your comments. The Department maintains that the Early Childhood Educator Salary Supplements tiers do align with the National Unifying Framework for the Early Childhood Profession. From the National Unifying Framework for the Early Childhood Professions' document under the Overview of recommendations section, page 1: “Three primary professional preparation pathways—early childhood education certificate/credential programs, early childhood associate degree programs, and early childhood bachelor’s degree/initial master’s degree programs—will prepare early childhood educators for licensure at the ECE I, II, and III designations, respectively. At each of these designations, early childhood educators must have a general early childhood education foundation before specializing. Professional preparation programs are encouraged to collaborate with professional organizations, which will be responsible for developing, administering, and issuing specializations, and to create high-quality and accelerated pathways to those specializations, such as blended programs. Other qualifying professional preparation programs, particularly non-degree-awarding programs or programs in freestanding institutions, will also be incorporated.” The ECE I designation coincides with Tier 1, ECE II coincides with Tier 2, and ECE III coincides with Tier 3 of the Early Childhood Educator Workforce Salary Supplement system.

<https://powertotheprofession.org/wp-content/uploads/2020/03/Power-to-Profession-Framework-03312020-web.pdf>

Individuals with questions on their MRTQ PDN Career Lattice level can contact MRTQ by email at mrtq.registry@maine.edu to discuss the designation.

15. **Comment:** Commenters 3 and 10 asked the state to include more trainings than those offered by MRTQ PDN in assigning tier levels.

C4 I would also ask that you broaden the education training valued to be more than the core knowledge courses through Maine Roads to Quality. There are many recognized quality organizations that offer training of value in developing knowledge relevant to quality early childhood education and care. I would also encourage you to find ways to recognize the value of elective training; professional growth activities; and different levels of supervision (lead teacher, co-director). Using myself as an example since joining the MRTQ Registry in 1/2003, I earned: 278 core knowledge hours, 489.25 hrs of elective training hours, and 33 college course credits (teacher credential renewals) and over 170 hours of Professional Growth through participation in Communities of Practice.

C10 I will also add to that currently the only hours that count towards moving up on the career lattice MRTQ training. Which, just plain on its face seems wrong and a flawed system. That is not to say the MRTQ isn't wonderful and fantastic, and they don't offer quality educational programs. They do. But they are not the end all be all for quality education for the ECE field. Specifically, Martha Eshoo from Bowdoin College, she offered training during the pandemic on outdoor learning. How to do it safely, how to bring risk play into learning centers. She is obviously qualified because Maine AEYC asked her and valued her to be a speaker at their annual conference, yet at the very same time the training that she offered through Bowdoin College does not count towards your credit hours. That really seems to be in direct conflict with each other how someone can be so highly regarded to be asked to speak at the conference and represent us, but at the same time training that she offers doesn't count towards the career lattice. I also believe that since rising stars came in so quickly, there should be some leeway regarding what counts towards your career lattice. We focused 100s of hours here at Portside Learning Center on our outdoor learning program, yet none of those hours give any of my staff credit on their career lattice because, at the time MRTQ wasn't offering those trainings. Had I known that all of that extra time and money on their behalf was never going to give them credit when it came to a tiered system a year and a half later, we would have focused our efforts to MRTQ hours. But again, as I started this conversation, that seems so wrong to limit to one organization that receives the credit for determining where I or any other staff member here at Portside Learning Center or any person that's working anywhere in the state of Maine, the only value that's given to is MRTQ training and that's wrong.

Response: MRTQ PDN reviews all submitted training and professional certificates to be added to an individual Educator's Professional Development Plan within the MRTQ Registry. Any Early Childhood related training taken for an employer or professional development is reviewed by MRTQ PDN. Please note that MRTQ Trainings are automatically added to the account associated with your training login, and do not need to be sent. If you're not sure a training is related, you can send it to our Registry team to verify.

Individuals with questions on their MRTQ PDN Career Lattice level can contact MRTQ by email at mrtq.registry@maine.edu to discuss the designation.

16. **Comment:** Commenters 4, 5, and 17 requested clarification on summer/short term staff and short and long term changes in employment impact eligibility.

C4 Also please consider how this language: “Early Childhood Educators that leave employment within the field of providing Direct Services to Children prior to payment of the Salary Supplement for the prior month are not eligible for the payment.” will work with programs that hire additional staff to cover a limited number of months (such as: summer, short-term substitute)

C5 I’m trying to figure out in practical terms how it would work with summer employees in terms of the section that described they had to be employed. I see how it works with employees who are constantly there, but for programs that operate summer programs and may hire additional staff to work from say June to the end of August. How would this supplement impact them? Would they be eligible and particularly that ending piece? It sounded like they still needed to be there when it was actually paid. The lag in the payment would mean they would still need to be an employee longer in order to get paid in say, August. So the question that I just wanted to flag for people to think about in terms of administration.

C17 requests “the vacation example is clear. What is the eligibility of an employee on short-term/long-term disability, workers comp, or FMLA? Part Time, Casual/per diem staff/subs – employed year round, but may only work sporadically as their schedule allows and/or subs are needed. Are these staff eligible? Are they eligible only the months they work or the months they are on payroll? What if they also work for another Provider? (Page 7, in response to Section 3-D “Vacation Eligibility”)”

Response: Educators that are employed and on the payroll of a Program enrolled in the Supplemental Salary System are eligible to continue to receive payments during vacations and leave of absences.

17. **Comment:** Commenter 11 and 17 asked about the administrative costs being included in the rules.

C11 I do have just a few questions and one of them being the current wage supplement where there was an admin fee paid out as well for programs administering the wage supplement. I don’t see that in the salary supplement program as it’s proposed and I don’t know if I’m missing it. I just want to make sure that’s taking into consideration for the increased costs of taxes and workman’s comp for employers administering the wage supplement.

C17 The administrative process to ensure accurate execution of this requirement is time consuming. Will the state consider compensating Providers for the time it takes to process this accurately (HR, Finance, and Program)? We currently receive 7.65% payroll tax compensation which covers only the Social Security and Medicare tax portion of payment, or \$15.30/pp for each \$200 bonus. Will Providers continue to receive this, as it is an additional Provider expense? This update represents a significant administrative burden that is not compensated. If not, employers will have to absorb the significant administrative cost of implementing this program.” (Page 8, in response to Section 4-C number 1-A “every single cent of the Salary Supplement Funding”)

Response: The Department thanks the commenters for the comments. The Department will determine on an annual basis the tier amounts and the feasibility of including an administrative fee for programs based upon the total number of staff registered with the Salary Supplement System and the annual program budget as determined by the State of Maine. The Department has amended the rule in response to these comments to clarify that an administrative fee may still be available for providers, and will be clearly identified as such in the Registration Portal, consistent with current practice.

18. **Comment:** Commenter 11 asked how many educators and which percentage will be at the 3rd tier (levels 7-8 on the MRTQ PDN career lattice).

Response: Based upon the eligible registered staff within the Early Childhood Educator Workforce Salary Supplement system as of November 1, 2023, there are 790 Educators at an MRTQ Career Lattice Level 7 or 8 with 6,964 total Educators registered.

19. **Comment:** Commenter 15 expressed that every provider should receive \$400.

C15: I am a childcare provider with over 7 years of hands on experience and over 251 contact hours of core knowledge within MRTQ. I am in tier 1 (level 4 on MRTQ) on your rating system. I am currently teaching the future. A child who is in my class may very well be the next president, our next governor, a scientist who cracked the cure for cancer, or maybe an artist who created the next "Mona Lisa". I have a problem with this new \$400 tiered system. Firstly, it is surprising to me that you would make this a tiered system. When passing this bill it wasn't said it would be based off a tiered system. This bill is to HELP entice child care providers into a dying workforce. We are one of the most underpaid professions WHO HAVE ONE OF THE BIGGEST ROLES. Without us there will be a hit on the Maine economy. How are you supposed to have workers when they don't have child care? Why won't they have child care, you ask? Because this tiered system of \$400 NOT going completely 100% to EVERY childcare worker is not going to work. How can you lump someone with 5+ years experience with someone walking off the street needing a fast job? How can you think that someone with a Doctorate will be working in a daycare making them into the highest tier, the third tier?! So that is the first flaw with this system. The second issue is that- this bill was supposed to help get workers in so places can open, stay open and more importantly stay fully staffed, so all the hundreds of people without childcare can find jobs. More jobs=better maine economy, better jobs= less people on unemployment. I worry with the tier system, and based off what we make hourly, this will NOT retain teachers or bring in new teachers. If anything, veteran teachers with experience will LEAVE the field and cause a scary domino affect of daycare closures throughout the state. I LOVE my job, I am doing my dream job. However the price of everything is going up and unfortunately our pay isn't. PLEASE reconsider the tier system for this \$400. PLEASE make it so it doesn't matter your degree and all around EVERY SINGLE CHILD CARE PROVIDER WILL GET \$400 a month.

Response: Statute requires the rules to provide, at a minimum, 3 tiers based on the education and experience levels of child care providers and early childhood educators. The 2nd tier must provide a salary supplement that is at least 50% greater than the first tier and the 3rd tier must provide a salary supplement that is at least 50% greater than the 2nd tier. [22 M.R.S. § 3737-A](#).

20. **Comment:** Commenter 17 asks “Currently we understand part of the licensing review is proof of a Professional Development Network (PDN) membership and compliance for the direct care staff, referred to as employee educators. My comment is that licensing does not require participation in this supplemental salary system. What prompts the department’s need to clarify that this as not a licensing

rule and therefore, why does licensing independently review the participation of this program?” (Page 3, in response to “This is not a licensing rule”)

Response: Children’s Licensing and Investigation Services (CLIS) is a unit within the OCFS. CLIS does not independently review participation in the Salary Supplement System. Although not required for licensure, Salary Supplement System staff do inform CLIS of a programs’ noncompliance. Licensing Specialists may mention this noncompliance when in the field visiting programs as additional support and awareness to the field.

21. **Comment:** Commenter 17 asks “Request to add “Member/Educator Active Status in Registry” to the list of definitions. Currently, it is the employee’s responsibility to maintain active status in MRTQ. This involves initial registration, training, and personal information entry to receive a career lattice level and then annual requirements, including an MRTQ health and safety refresher. The employer on the back end of the registry can see the career lattice level but not fully verify active status unless a staff proactively submits training completion forms. Moving forward, will the annual training requirements remain in place? What happens if an employee does not complete the annual training requirements? Is it the employee educator’s responsibility to track their own trainings? If they become out of compliance, how can the employer pay the stipend if they are not reimbursed? How would an employer know of the inactive status or the reasoning behind an employee’s inactive status? The Director of Record (DOR) and Director of Record Assistant (DORA) can only see the back end accounts and the employee’s career lattice level and if their status is active or inactive.” (Page 4, in response to definition #18 “Maine’s Professional Development Network (PDN) Registry”)

Response: Maine’s Family Child Care Provider Licensing Rule and Child Care Facility Licensing Rule require all providers and staff members to register with Maine’s Professional Development Network and maintain annual training requirements. Compliance with licensing requirements is outside the scope of the Early Childhood Educator Workforce Salary Supplement System, and the Department does not intend to require providers make any changes to comply with licensing rules as a result of this rulemaking. The Department will make funding available for all early childhood educators based on their tier level as determined by the information updated in the Registration Portal.

The Early Childhood Educator Workforce Salary Supplement System rule requires an individual to maintain an “Active” status in the PDN Registry to be eligible for salary supplement payments. Enrolled child care providers will receive email notification if an Educator becomes ineligible due to ineligible position title, inactive MRTQ Registry status, or does not have a direct care responsibility. Employers do not need to know of an employee’s inactive status or the reasoning behind their inactive status under the rule.

22. **Comment:** Commenter 17 requests “Section 2-A number 1: Please define “in the month prior” does this mean for the full month or within any number days within the month? Section 2-A number 4: please define “for the month prior” does this mean for the full prior month or anytime within the prior month?” (Pages 5 & 6, in response to Section 2-A numbers 1 and 3, “in the month prior” vs. “for the month prior”)

Response: The Department has added the following language to Section 2(A)(1) in response to this comment: “Be employed by a Child Care Facility or Family Child Care Provider for compensation (including as an employee, owner, independent contractor, or self-employed) *at any time* in the month

prior to the Early Childhood Educator Workforce Salary Supplement Payment (Volunteers are not eligible for Salary Supplements).” There is no minimum number of hours a staff member needs to work in order to qualify for the salary supplements.

23. **Comment:** Commenter 17 queries “Are Providers, who can only access limited back end information in the PDN with DOR or DORA access, expected to ensure employee educators accurately set up and maintain their individually accessed accounts, including position titles, trainings, etc.? In reference to listed position titles, is OCFS currently monitoring the position titles for staff receiving funds? How and when will a Provider know if the titles that their employee educators entered are eligible or not, as the Provider’s titles for positions may in essence be an eligible function, but a different job titles as listed.” (Page 6, in response to Section 2-A number 3-C)

Response: The Department will monitor position titles upon initial registration, as well as a monthly review prior to payment processing. Enrolled child care providers will receive email notification if an Educator becomes ineligible due to ineligible position title, inactive MRTQ Registry status, or does not have a direct care responsibility.

The Department maintains that it is both the program and direct care Educator’s responsibility to ensure that all Educators are active members of MRTQ Registry. If the Educator does not maintain an active status within the MRTQ Registry then they would not be eligible for a salary supplement.

With the MRTQ Registry Director of Record Access (DoRA) directors/owners have the ability to view Active staff names, status, start date, career path, career lattice level, position, education and responsibility. On the salary supplement registration directors/owner only need to update an Educator’s name, MRTQ Registry status as active, and Career Lattice Level.

24. **Comment:** Commenter 17 asks “In reference to the wording - “leave employment within the field.” If an employee educator changes employment mid-month and goes to another employer “within the field”, which Provider is required to make the payment for the month of the transition? How should a Provider determine this? Will the Department advise Providers how to handle this? How would a Provider determine eligibility in the month the employee leaves if their new employer is not “within the field”? Does the employee educator need to be employed/on payroll on the last day of the bonus month to receive that bonus or at any time within the month? For example, what if an employee educator leaves mid-month, or just days before the last day of the month, etc.” (Page 6, in response to Section 2-A number 4).

Response: If an Educator leaves a program’s employment mid-month and becomes employed by another participating licensed program, the Department has processes in place to work with the Educator member and both programs to determine which program will pay out the salary supplement for the month in question. The Department has clarified this in the adopted rule—see list of changes, below.

If the Educator leaves the early childhood field mid-month and is no longer providing direct child care with an enrolled Program, they are no longer entitled to the Salary Supplement per section 2(A)(4). There is no minimum number of hours an Educator needs to work at a program to be eligible for the salary supplement, unless they are no longer employed in the early childhood field.

25. **Comment:** Commenter 17 requests “What is the responsibility of the employee educator to inform Providers if they have multiple employers? How is a Provider expected to know if an employee educator is employed at multiple eligible facilities? If an employee educator is eligible to receive stipends in more than one agency, how is it determined (and who determines) which Provider is required to make the monthly payment, especially in the instances of part-time, casual, per diem, or sub staff?” (Page 6, in response to Section 2-A number 5)

Response: The Department has processes in place to determine which enrolled Programs will receive and pay out the Salary Supplement to an Educator that is employed by more than one eligible Program. The Department has clarified this in the adopted rule—see list of changes, below.

26. **Comment:** Commenter 17 asks “Will OCFS actively monitor tiers on a monthly basis? What is the expectation for OCFS and the Provider to monitor changing tier levels of staff as they move up the career lattice? If a staff moves up a tier mid-month what tier are they eligible for in the next payment? Will OCFS notify Providers of a tier change? Will there be any retroactive payments for a late tier entry?” (Page 7, in response to Section 4-A number 2 “based on the information provided in the Registration Portal”)

Response: The licensed child care provider’s director/owner has access to the Salary Supplement Registration Portal using license number and access code. That same director/owner needs to establish MRTQ Registry Director of Record Access (DoRA). The director/owner needs to review and update Educator changes in the Salary Supplement Registration Portal by midnight of the last day of each month prior to the next Salary Supplement Funding payment, including career lattice level changes. The highest tier level achieved in a month will be the Salary Supplement payment amount for that month. Retroactive payments are allowed when the Department receives notification of an alleged Underpayment from the Early Care and Education Program along with supporting documentation sufficient to establish the Underpayment within thirty (30) calendar days of the date Salary Supplement Funding is issued to the Early Care and Education Program. The Department will review the provided documentation and its own records to determine if an Underpayment occurred.

27. **Comment:** Commenter 17 asks “Confirm that this is the deadline for all of the eligibility questions. For example, if I am tier 1 for 29 days of the month and update my tier on day 30, is the Provider required to process/pay the updated tier? Is there a reasonable processing time allowed by Providers? By example, if an employee educator updates their career lattice at 4 pm at the end of the month, is the Provider supposed to review and update this before midnight same day?” (Page 8, in response to Section 4-C number 2)

Response: The Salary Supplement Registration Portal closes on the first day of a new month for payment processing of the previous month. Although Department staff may catch any last-minute changes to Career Lattice levels, the Department expects Programs to update the Registration Portal. In the event an Educator receives a payment at a lower tier level than they were eligible for, retroactive payments are allowed when the Department receives notification of an alleged Underpayment from the Early Care and Education Program along with supporting documentation sufficient to establish the Underpayment within thirty (30) calendar days of the date Salary Supplement Funding is issued to the Early Care and Education Program. The Department will review the provided documentation and its own records to determine if an Underpayment occurred.

28. **Comment:** Commenter 17 requests “Will Providers receive an annual budget from OCFS? If so, can the budget be reconsidered if the number of employee educators change and/or the tiers of the employee educators change? Will the tier payments be determined on an annual basis or more frequently? Budgets are annual but the number of employee educators will fluctuate, should employee educators expect varying payments based upon their tier changes? Will OCFS consider communicating eligibility, tier changes, etc. with employee educators directly as well as Providers? (Page 9, in response to Section 5-D)

Response: Programs will not receive an annual budget from the Department. Instead, Programs will be paid based upon the monthly totals. The number of staff may vary from month to month as staffing needs/changes occur. Section 5(D) refers to the Early Childhood Educator Workforce Salary Supplement System annual budget as funded by the Legislature and the total number of Early Childhood Educators registered in the Salary Supplement System. The tier amounts will be annually determined based upon the number of Educators registered with the Program and the annual budget as determined by the State of Maine. The tier amounts will be posted on the Salary Supplement webpage.

<https://www.maine.gov/dhhs/ocfs/provider-resources/early-childhood-educator-workforce-salary-supplement-program>

29. **Comment:** Commenter 17 asks “The current system and the anticipated changes outlined in this proposed rule will only increase the significant administrative burden of ensuring the successful implementation of this program which requires a number of processes and administrative staff to be involved. Does the department foresee the opportunity to integrate and/or update the current PDN, DOR and DORA capabilities and/or the Provider registration portal to ease this burden on Providers and streamline the process? Does the Department foresee the opportunity to compensate Providers for the administrative time and processing?”

Response: The administrative duties of this system should not significantly increase with the adoption of this rule. Programs currently have to update MRTQ Registry and enter the Salary Supplement Registration Portal to update any Educator changes as they occur. The Department is currently compensating programs monthly through the distribution of the administrative costs portion of the salary supplement system. The Department has amended the proposed rule in response to these comments to clarify that an administrative fee is still available for providers.

30. **Comment:** Commenter 17 states “Can OCFS elaborate on an employee’s long term eligibility, particularly in instances when compliance with “active” status and/or 90 day on-boarding/training into PDN are not met? For example – once a staff misses the initial 90 day on-boarding window, are they forever ineligible for payments when working for that Provider? If an employee becomes inactive in the PDN and remains that way for 1, 2, 3, etc. months are they just ineligible those months or moving forward as well?”

Response: Individual Educator’s eligibility/ineligibility are ongoing requirements that are not locked in place for the duration of their employment. If an Educator becomes compliant with requirements after the initial month, they would be eligible for the Supplemental Salary Program System.

31. **Comment:** Commenter 17 requests “This proposed rule is understandably very employer focused, but the system created relies both on employee and employer compliance? Can the state more specifically articulate the expectations of the employee educator to qualify for the stipend?”

Response: Employee eligibility is listed in section 2(A)(1)-(5).

32. **Comment:** Commenter 17 requests “The PDN is relevant, free, and accessible to non-childcare licensed Providers and their staff members. As a result, staff in other departments/programs (depending on the Provider’s continuum of services) and those no longer affiliated with licensed Providers have the ability to link or remain linked to Providers as their employers via their address whether or not they realize they are linked to a licensed childcare location. On the DOR/DORA side this creates significant issues with tracking as there is no way to filter out those who aren’t eligible or to indicate that they are not affiliated with this ECE program but do want to maintain access. Additionally, if a staff transfers to another department/program within a larger agency – the only way to disconnect the employee is to ‘end their employment’ with the agency in the PDN system. This isn’t entirely accurate and should they return to the childcare workforce seems misleading and places an extra burden on the employee to explain. Is there a solution to this need?”

Response: The Department will monitor position titles upon initial registration, as well as a monthly review prior to payment processing. Enrolled child care providers will receive email notification if an Educator becomes ineligible due to ineligible position title, inactive MRTQ Registry status, or does not have a direct care responsibility.

The rule requires both the program and Educators to ensure that all Educators are active members of MRTQ Registry.

With the MRTQ Registry Director of Record Access (DoRA) directors/owners have the ability to view Active staff names, status, start date, career path, career lattice level, position, education and responsibility. On the salary supplement registration directors/owner only need to update an Educator’s name, MRTQ Registry status as active, and Career Lattice Level.

33. **Comment:** Commenter 2 identified a few grammatical errors. ‘SECTION 1: PURPOSE and DEFINITIONS 14. Early Childhood Educator Workforce Salary Supplement Payment (Salary Supplement) means the individual salary supplement paid monthly to each Early Childhood Educator by a Program Owner from the Salary Supplement Funding provided by the Department. under this rule. Remove the period after Department.

SECTION 2: EARLY CHILDHOOD EDUCATOR ELIGIBILITY REQUIREMENTS 6. Early Childhood Educators employed at more than one Program, is eligible for only one Salary Supplement. Should read: Early Childhood Educators employed at more than one Program are eligible for only one Salary Supplement.

SECTION 3: PROGRAM REGISTRATION Registration Process. 3. The Department will approve a Program’s registration within the Registration Portal. Within five days of registering through the Registration Portal, the Program will receive email confirmation of the approval and the amount approved within 5 days of submitting initial registration. Consider rewording to: The Department will approve a Program’s registration within the Registration Portal. The Program will receive email confirmation of the approval and the amount approved within five days of submitting initial registration.

SECTION 7: IMPROPER SALARY SUPPLEMENT FUNDING PAYMENTS We respectfully recommend that Section B. Overpayments and Section D. Overpayments be combined. Thank you again for your work on this critical program. We are happy to discuss our questions and recommendations in more detail at your convenience.

Response: The Department thanks the commenter for their feedback. The Department removed the period from Section 1(A)(14), changed “is” to “are” at Section 2(A)(6), changed “Within five days” to “When” at Section 3(B)(3), and changed “Overpayments” to “Determination of Overpayment” at Section 7(D).

34. **Comment:** Commenter 4 respectfully asks the Department to consider the value of including Business degrees. Child care owners are small business owners with the service they provide being early childhood education and care. Both nationally and in Maine there has been a strong effort to strengthen business practices of providers, understanding that without a sustainable business there is no opportunity for children to receive care.

Response: The Department thanks the commenter. Under 22 M.R.S. § 3737-A, the purpose of the salary supplement system is to provide salary supplements to child care providers and early childhood educators who provide direct services to children, and the Department must establish 3 tiers based on the education and experience levels of child care providers and early childhood educators. The tiers are thus deliberately set up to provide employees with the highest education and experience level in providing direct services to children the maximum salary supplement amount.

35. **Comment:** Commenters 4 and 5 observed that high speed internet is not available statewide, which can make it harder to access MRTQ PDN trainings or other educational resources, and therefore harder to move up the career lattice.

C4 There is also the ongoing issue of equivalent access to training. Maine as a state continues to have issues around high speed broadband internet access. There is limited access to face to face training that is a reasonable length drive and offered outside normal working hours.

C5 The sort of default it, well do it online. I will underscore, while we have made tremendous progress in getting folks online, I only got online access in the last year, having lived in Greenville for awhile. For many people, to go online and take a course, means sitting outside the library to get access at 7 or 8 at night. That’s not realistic.

Response: The Department thanks the commenters. The MRTQ PDN Career Lattice takes into account education and training as well as experience. Statute requires the Department to establish 3 tiers based on the education and experience levels of child care providers and early childhood educators. Expanding access to education through remote learning and other means is beyond the scope of this rulemaking, which must take education level into account in establishing the three tiers pursuant to 22 M.R.S. §3737-A.

36. **Comment:** Commenter 13 proposed the wage supplement tiers be divided differently, so teachers are able to move to the 2nd tier sooner, as it is unlikely that they will put in the effort or number of years it takes to get there and will just be in the field for a year and move on, which does not help improve the ECE field. The Commenter recommended smaller wage bumps for each level of the Direct Care Lattice to keep momentum going.

Response: The Department thanks the commenter. Under 22 M.R.S. § 3737-A, the Department must establish a minimum of three tiers. For this rulemaking, the Department is maintaining three tiers for ease of administration in rolling out the new salary supplement initiative. The Department encourages the commenter to comment on the rule again with pertinent information about how the three-tier system is working, and whether the Department should add additional tiers, the next time the Department proposes amendments to the rule.

List of Changes from Proposed Rule in Adopted Rule:

The Department makes the following changes to the Rule in response to comments:

1. Page 4, Section 1(14): removed (.).
2. Page 6 Section 2(A)(1): added “Be employed by a Child Care Facility or Family Child Care Provider for compensation (including as an employee, owner, independent contractor, or self-employed) at any time in the month prior to the Early Childhood Educator Workforce Salary Supplement Payment (Volunteers are not eligible for Salary Supplements).”
3. Page 6, Section 2(A)(3)(c): added “Substitute/Teacher Aide;”
4. Page 6, Section 2(A)(6): changed “is” to “are”.
5. Page 7, Section 3(B)(3): “Within five days” changed to “When.”
6. Page 7, Section 3(B)(3): added “This email will include a list of each approved Educator that is registered, and the amount of Salary Supplement Funding based upon the tier of that Educator. The Program must retain a copy of this email for a minimum of three (3) years.” § 3(B)(3).
7. Page 7, Section 3(C): added “Any licensed Early Care and Education Program eligible to register with the Early Childhood Educator Workforce Salary Supplement System must do so. Individual Educators may opt out of participating in the Early Childhood Educator Workforce Salary Supplement System.”
8. Page 8, Section 4(A)(2)(a): added “Enrolled Early Care and Education Programs will receive email notification from the Department if an Educator becomes ineligible due to ineligible position title, inactive MRTQ PDN Registry status, or ineligible MRTQ PDN Registry Career Lattice, or does not have a direct care responsibility.”
9. Page 8, Section 4(A)(3) added “If an eligible Educator changes employment mid-month to another enrolled Early Care and Education Program, the Department will contact the Early Care and Education Programs to request updates to their MRTQ PDN Registry and the Registration Portal based on the Educator’s employment status for current month’s Salary Supplement Funding.”
10. Page 8, Section 4(B)(1)(a): Deleted “every cent of” in § 4(B)(1)(a)
11. Page 8, Section 4(B)(1)(a)(i): added “The Department may allow Programs an administrative fee, as feasible based upon the total number of staff registered with the Salary Supplement System and the annual program budget as determined by the State of Maine. The administrative fee amount will be clearly identified in the Registration Portal with the monthly Salary Supplement Funding allowance. Any additional money retained by the Program and not paid out to Educators will result in a determination of Overpayment of Salary Supplement Funding.” § 4(B)(1)(a)(i).

12. Page 12, Section 7(D): Changed “D. Overpayments” to “D. Determination of Overpayment”

The Department makes the following changes based on specific findings:

1. Section 1(B)(2): Legal review: Changed “Maine’s” to “Maine Roads to Quality.”
2. Section 1(B)(15): Legal review: Changed “governed” to “implemented”.
3. Section 1(B)(18): Legal review: Changed “Maine” to “Maine Roads to Quality (MRTQ)” and added “MRTQ PDN Registry consists of a partnership between the Cutler Institute at the University of Southern Maine, the University of Maine Center for Community Inclusion and Disability Studies, and the Maine Afterschool Network.”
4. Section 1(B)(20): Mechanical correction: Deleted comma from definition of Payroll Records.
5. Section 1(B)(2): Legal Review: Removed “Payroll Records must be sufficient to demonstrate that each Early Childhood Educator received the correct Early Childhood Educator Workforce Salary Supplement Payment every month they were eligible for such Salary Supplement.” (Language moved to Section 4(B)(3)).
6. Section 2(A)(3): Legal review: Added “MRTQ”.
7. Section 2(A)(6): Mechanical correction: Removed comma after “Program”.
8. Section 4(A)(1): Legal review: Added “MRTQ”.
9. Section 4(A)(3): Grammar correction: Changed “Program” to “Programs”.
10. Section 4: Formatting correction: Changed Sub-section “C. Early Care and Education Program Responsibilities” to “B. Early Care and Education Program Responsibilities”
11. Section 4(B)(3): Grammar correction: Changed “details” to “detail”
12. Section 4: Formatting correction: Changed Sub-section “D. Monthly Updates” to “C. Monthly Updates.”
13. Section 4(B)(3): Legal review: Added “Payroll Records must be sufficient to demonstrate that each Early Childhood Educator received the correct Early Childhood Educator Workforce Salary Supplement Payment every month they were eligible for such Salary Supplement.” (Language moved from Section 1(B)(2)).
14. Section 5(E): Grammar correction: Added “be”
15. Section 7(C)(1): Legal review: Added “The Department will provide written notice of its decision on an alleged Underpayment.”
16. Section 7(D)(2): Legal review: Removed “attempt to” and added “as provided in sections 7(E)-(F) of this Rule, below”.
17. Section 7(F)(1): Legal review: Changed “The Department shall attempt to recover Overpayments by a lump sum repayment” to “Overpayments must be repaid to the Department in full within thirty (30) calendar days of: a. When the Program voluntarily reports the Overpayment, or b. The date of the written notice of Overpayment.
18. Section 7(F)(2): Legal review: Added “Programs may request an alternative repayment plan from the Department, which the Department may approve at its sole discretion.”
19. Section 7(F)(3): Legal review: Added “If the Program fails to repay the full amount of the Overpayment to the Department or does not comply with a Department-approved repayment plan, the Department will withhold Salary Supplement Funding until the amount of the Overpayment is recouped.”

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20. Section 7(F)(3): Legal review: Removed “attempt to”
21. Section 7(F)(3): Legal review: Added “legally permissible” and removed “possible and through those mechanisms available by law as with other program Overpayments”
22. Section 7(F)(3): Legal review: Removed “If the Early Care and Education Program does not comply with any repayment plan, the Department may, to the extent allowed by law, take any action deemed appropriate to recover such Overpayment.”
23. Section 8(A)(1): Legal review: Changed “final decision” to “written notice”