**05**

**DEPARTMENT OF EDUCATION**

Maine Administrative Procedure Act

**2017-2018 Regulatory Agenda**

November 2017*(amended February 23, 2018)*

AGENCY UMBRELLA-UNIT NUMBER: **05-071**

AGENCY NAME: **Department of Education, Office of the Commissioner**

**RULEMAKING LIAISON**: Jaci Holmes, Rules Contact, Maine Department of Education, 23 State House Station, Augusta, ME 04333-0023, Telephone: (207) 624-6669. Email: [Jaci.Holmes@Maine.gov](mailto:Jaci.Holmes@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**: None

**CONSENSUS-BASED RULE DEVELOPMENT:** None

**EXPECTED 2017-2018 RULEMAKING ACTIVITY:**

**CHAPTER 13**: Qualifying Examinations for Teachers, Educational Specialists and Administrators - **REPEAL**

STATUTORY AUTHORITY: 20-A MRS §13038

PURPOSE: Repeal rules regarding the qualifying examination test codes and/or required scores for educators since the cut scores change every year, there needs to be a more efficient way to post the scores.

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: School personnel seeking certification under the qualifying exam.

**CHAPTER 14**: Regulations Regarding School Board Policies on Exceptions to the General Residency Rules, and Education of Homeless Students; Education Access for Homeless Students

STATUTORY AUTHORITY: 20-A MRS §§ 261 and 5205(7)

PURPOSE: Review/Revise rules to ensure consistency with federal law and regulations.

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: Local school administrative units, homeless students and their families.

**CHAPTER** **26**: Rules Relating to Reorganization of School Administrative Districts

STATUTORY AUTHORITY: 20-A MRS §§ 1511-1512

PURPOSE: Review/Revise rules regarding school closing issues since referenced statutory provisions have been repealed.

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: Local school administrative units.

**CHAPTER 45:** Rule for Vision and Hearing Screening In Maine Schools

STATUTORY AUTHORITY: 20-A MRS §6451

PURPOSE: Review Revise rules to ensure consistency with federal law and regulations.

Anticipated Schedule: By July 1, 2018

AFFECTED PARTIES: Local school administrative units.

**CHAPTER 51:** Child Nutrition Programs in Public Schools and Institutions - **REPEAL**

STATUTORY AUTHORITY: 20-A MRS §6602

PURPOSE: Repeal rules regarding the National School Lunch Program, the School Breakfast Program, the Afterschool Snack Program and the School Milk Program since all the requirements are contained in federal nutrition regulations.

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: Local school administrative units, families and children participating in the school lunch program, school breakfast program, afterschool snack program or school milk program.

**CHAPTER 58**: Child Nutrition Programs in Child Care Centers and Recreational Centers and Camps

STATUTORY AUTHORITY: 20-A MRS §6602(5)

PURPOSE: Review/revise rules governing child nutrition programs in child care centers, recreation centers, and camps since the program is now operated by the Maine Department of Education. ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: Children in child care centers, recreation centers, and camps

**CHAPTER 101:** Maine Unified Special Education Regulation – **Major Substantive Rule**

STATUTORY AUTHORITY: 20-A MRS §7005 (1); Resolve 2013 ch. 70

PURPOSE: Revise rule to reflect changes in responsibilities for children ages 3-5.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 12, 2018.

AFFECTED PARTIES: Special education programs and services for eligible infants, toddlers, and children from birth through age 20, school administrative units, and private schools.

**CHAPTER 114**: Purpose, Standards and Procedures for the Review and Approval of Preparation Programs for Education Personnel

STATUTORY AUTHORITY: 20-A MRS Sections 8, 402(4), 405(3)(F) and 406

PURPOSE: Review/Revise rules regarding teacher education program approval.

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: Educational personnel preparation programs, educational personnel in training.

**CHAPTER 115**: Certification, Authorization and Approval of Education Personnel - **Major Substantive Rule**

STATUTORY AUTHORITY: 20-A MRS ch. 502

PURPOSE: Review/Revise rules regarding the certification of educational personnel Part I: Standards and Procedures for Certification, Authorization, and Approval and Part II: Requirements for Specific Certificates and Endorsements as needed, to reflect statutory changes.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 12, 2018.

AFFECTED PARTIES: Educational Personnel seeking certification, authorization and approval or re-certification, re-authorization, and re-approval.

**CHAPTER 118**: Purposes, Standards and Procedures for Educational Personnel Support Systems

STATUTORY AUTHORITY: 20-A MRS §§ 13011(l), 13015(3)

PURPOSE: Repeal rules governing the procedural prerequisites to an approved support system and standards for operation of the system and support of teachers and educational personnel.

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: Certified, authorized, and approved educational personnel.

**CHAPTER 122:** Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services – **Major Substantive Rule**

STATUTORY AUTHORITY: 20-A MRS §2651(5)

PURPOSE: Review/Revise rules

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 12, 2018.

AFFECTED PARTIES: All local school administrative units and students.

**CHAPTER 125**: Basic Approval Standards: Public Schools and School Administrative Units - **Major Substantive Rule**

**A JOINT RULE WITH THE MAINE STATE BOARD OF EDUCATION**

STATUTORY AUTHORITY: 20-A MRS ch. 206

PURPOSE: Review/Revise rule that establishes school approval standards governing school administrative units and public schools of the State to reflect changes in State law.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 12, 2018.

AFFECTED PARTIES: All local school administrative units and students.

**CHAPTER 126:** Immunization Requirements for School Children **– Major Substantive Rule**

**A JOINT RULE** **WITH THE MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES 10-144**

STATUTORY AUTHORITY: 20-A MRSA §§ 6352-6358

PURPOSE: Review/Revise rules to implement the provisions of immunization law to update references, to include meningococcal to the list of diseases, immunizations, and exemptions.

ANTICIPATED SCHEDULE: Finally adopt and file with the Legislature by June 1, 2018.

AFFECTED PARTIES: Local school administrative units, public health officials, parents and students.

**CHAPTER 127**: Instructional Program, Assessment and Diploma Requirements – **Major Substantive Rule**

STATUTORY AUTHORITY: 20-A MRS, ch. 207-A and ch. 222; PL 2011 ch. 669; 20-A MRS §253(9); Resolve 2013 ch. 38

PURPOSE: Review/Revise the rule that prescribes the basic instructional and assessment requirements to reflect changes in State law, including but not limited to the awarding of a proficiency-based high school diploma and to include guidelines and protocols to strengthen the capacity of school administrative units to ensure sufficient opportunity through multiple pathways for all students to achieve proficiency in meeting the content standards and guiding principles under Maine’s Learning Results.

ANTICIPATED SCHEULE: Provisionally adopted and filed with the Legislature by January 12, 2018.

AFFECTED PARTIES: All local school administrative units and students.

**CHAPTER 131:** The Maine Federal, State and Local Accountability Standards – **Major Substantive Rule**

STATUTORY AUTHORITY: 20-A MRS §6211

PURPOSE: Review/Revise the rule to update any necessary changes.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January, 2019.

AFFECTED PARTIES: Local school administrative units and students.

**CHAPTER 132:** Learning Results: Parameters for Essential Instruction – **Major Substantive Rule**

STATUTORY AUTHORITY: 20-A MRS §6211

PURPOSE: Review/Revise the rule to incorporate revised English Language Arts, Mathematics and Science Standards into the state standards.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January, 2019.

AFFECTED PARTIES: Local school administrative units and students.

**CHAPTER 180:** Performance Evaluation and Professional Growth Systems

STATUTORY AUTHORITY: 20-A MRS §13706

PURPOSE: Review/Revise rules regarding the requirements for creating standards and procedures for implementing performance evaluation and professional growth systems for teachers and principals addressing federal US Department concerns in order to be in compliance with the federal *Elementary and Secondary Education Act of 1965*.

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: Local school administrative units, educational personnel and students.

**CHAPTER 225:** Adult Education High School Completion Programs

STATUTORY AUTHORITY: 20-A MRS §§ 257, 8602

PURPOSE: Review/Revise rule to reflect changes in state statute and federal guidelines.

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: Local adult education programs and students.

**CHAPTER 231**: Vocational Program and Funding Procedure - **REPEAL**

STATUTORY AUTHORITY: 20-A MRS ch. 313 §8306-B; PL 2011 ch. 679

PURPOSE: Repeal and replace the rule to change the title to reflect Career and Technical Education Programs and to update the rule with regard to career and technical education program approval and funding based on national industry standards and assessments.

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: All school administrative units and students.

**CHAPTER 232:** Standard Criteria for Maine Secondary Vocational Programs

STATUTORY AUTHORITY: 20-A MRS §8306-B; PL 2011 ch. 679

PURPOSE: Repeal and replace the rule to change the title to reflect Career and Technical Education Programs and to update the rule with regard to career and technical education program(s) and courses based on national industry standards and assessments

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: All school administrative units and students.

**CHAPTER 236**: Program (Vocational Education) Evaluation Requirements - **REPEAL**

STATUTORY AUTHORITY: 32 MRS §8306-B; PL 2011 ch. 679

PURPOSE: Repeal and replace the rule to change the title to reflect Career and Technical Education Programs and to update the rule with regard to program evaluation requirements for Career and Technical Education programs based on national industry standards and assessments.

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: All school administrative units and students.

**CHAPTER 237**: "Live or Outside Work"

STATUTORY AUTHORITY: 20-A MRS §8306-B; PL 2011 ch. 679

PURPOSE: Review/Revise the rule to change the title to reflect Career and Technical Education Programs and to update the rule with regard to requirements for Career and Technical Education Live or Outside Work Programs based on national industry standards and assessments.

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: All school administrative units and students.

**NEW RULES**

**NEW RULE:** Retention and Graduation Rates for Maine’s Colleges and Universities

STATUTORY AUTHORITY: PL 2011 ch. 232; 20-A MRS §10011

PURPOSE: May develop any necessary rules to carry out the provisions of statute.

ANTICIPATED SCHEDULE: As necessary

AFFECTED PARTIES: Department of Education and Maine’s colleges and universities.

**NEW RULE:** Rule Governing the Child Development Services State Intermediate Educational Unit’s Contracting for Evaluations, Early Intervention Services, and Special Education and Related Services

STATUTORY AUTHORITY: PL 2011 ch. 616: *An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-independent State Entities*

PURPOSE: Develop rules to implement the process whereby the Child Development Services State Intermediate Educational Unit establishes a roster of independent contractors for the provision of evaluation and services for children ages 0-5 and ensures the provision of services in accordance

with the contracts developed with independent contractors selected from the roster. (Rules required to implement PL 2011)

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: Providers in private practice. For example: speech language pathologists, physical therapists, occupational therapists, psychologists, private special purpose pre-school programs, etc.

**NEW RULE:** Rules for School Accountability System

STATUTORY AUTHORITY: PL 2015 ch. 500

PURPOSE: Develop rules to measure school performance and student proficiency as set forth in *Every Student Succeeds Act (ESSA) of 2015*.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January, 2019.

AFFECTED PARTIES: Local school administrative units and students

**NEW RULE:** Proficiency-based Diploma Requirements Pathways for Career and Technical Education Students

STATUTORY AUTHORITY: PL 2015 ch. 489

PURPOSE: Develop rules to establish criteria in aligning multiple pathways for consistent graduation standards for career and technical education students to earn proficiency-based diplomas.

ANTICIPATED SCHEDULE: By July 1, 2018

AFFECTED PARTIES: Local school administrative units and career and technical education students

**AMENDMENTS ADDED FEBRUARY 23, 2018**

**CHAPTER 82:** School Bus Driver Fitness Determination

STATUTORY AUTHORITY: 29-A MRS §2311 and 20-A MRS §5401(17)

PURPOSE: Repeal rules authorizing the Department of Education to certify the fitness of school bus drivers in response to feedback from the field.

ANTICIPATED SCHEDULE: July 1, 2018

AFFECTED PARTIES: Local school administrative units and students

**CHAPTER 128:** Truants and Dropouts Guidelines

STATUTORY AUTHORITY: 20 MRS §911

PURPOSE: Repeal and replace rules regarding truancy and dropout guidelines.

ANTICIPATED SCHEDULE: July 1, 2018

AFFECTED PARTIES: Local school administrative units and students

**CHAPTER 129:** Rights and Responsibilities of Educators and Pupils

STATUTORY AUTHORITY: 20 MRS §§ 206, 805, 859

PURPOSE: Repeal rules regarding rights and responsibilities of educators and pupils. Statutory authority of this existing rule no longer in effect.

ANTICIPATED SCHEDULE: July 1, 2018

AFFECTED PARTIES: Local school administrative units and students

**CHAPTER 250:** School Approval for Nontraditional Limited Purpose Schools

STATUTORY AUTHORITY: 20-A MRS §2907

PURPOSE: Repeal rules regarding school approval for nontraditional limited purpose schools. Existing statute language matches the language of the rule exactly.

ANTICIPATED SCHEDULE: July 1, 2018

AFFECTED PARTIES: Nontraditional limited purpose schools and students