

**Maine Administrative Procedure Act
2022-2023 Regulatory Agenda
August 17, 2022**

AGENCY UMBRELLA-UNIT NUMBER: 05-071

AGENCY NAME: Department of Education, Office of the Commissioner

RULE-MAKING LIAISON: Jaci Holmes, Rules Contact, Maine Department of Education, 23 State House Station, Augusta, ME 04333-0023, Telephone: (207) 215-3003, Cell;207-831-3168

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: One was done during 2020 for Chapter 115: Credentialing of Education Personnel

EXPECTED 2022-2023 RULE-MAKING ACTIVITY:

CHAPTER 13: Qualifying Examinations for Teachers, Educational Specialists and Administrators - REPEAL
STATUTORY AUTHORITY: 20-A, M.R.S.A. §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. Revise to discontinue the use of hearing impaired pursuant to PL 2021, Chapter 348

ANTICIPATED SCHEDULE: By July 1, 2023

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

CHAPTER 14: Education of Homeless Students

STATUTORY AUTHORITY: 20-A, M.R.S.A. §§261 and 5205(7)

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

ANTICIPATED SCHEDULE: By July 1, 2023

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

CHAPTER 18: Rules for the Licensure of Residential Child Care Facilities

STATUTORY AUTHORITY: Title 22, §8104 Joint Rule with DHHS

PURPOSE: Review/Revise rules to ensure consistency with state law pursuant to PL 2021, Chapter 348 regarding the term handicap and hearing impaired.

ANTICIPATED SCHEDULE: By July 1, 2023

AFFECTED PARTIES: Residential child care facilities

CHAPTER 26: Rules Relating to Reorganization of School Administrative Districts

STATUTORY AUTHORITY: 20-A, M.R.S.A. §1511-1512

PURPOSE: Review/Revise rules regarding school closing issues since referenced statutory provisions have been repealed.

ANTICIPATED SCHEDULE: By July 1, 2023

AFFECTED PARTIES: Local school administrative units.

CHAPTER 33: Rule Governing Physical Restraint and Seclusion – Major Substantive Rule

STATUTORY AUTHORITY: 20-A MRSA §4502(5)(M); Resolves 2013 ch. 8

PURPOSE: Review/Revise rules regarding physical restraints and seclusion.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 6, 2023

AFFECTED PARTIES: Local school administrative units.

CHAPTER 45: Rule for Vision and Hearing Screening in Maine Public Schools

STATUTORY AUTHORITY: 20-A, M.R.S.A. §6401-A and 6451(2)(A)

PURPOSE: Review/Revise rules regarding the term hearing impaired pursuant to PL 2021, Chapter 348.

ANTICIPATED SCHEDULE: By July 1, 2023
AFFECTED PARTIES: Local school administrative units.

CHAPTER 84: School Bus Refurbishment Program - REPEAL
STATUTORY AUTHORITY: 20-A MRS § 5401(17)
PURPOSE: Repeal as the State Maine Military Authority no longer refurbishes school buses.
ANTICIPATED SCHEDULE: By July 1, 2023
AFFECTED PARTIES: Local school administrative units

CHAPTER 85: School Bus Purchase Program
STATUTORY AUTHORITY: 20-A MRS §5401(17)
PURPOSE: Need to strike Section 1 of this chapter where the School Bus Refurbishment Program is mentioned.
ANTICIPATED SCHEDULE: By July 1, 2023
AFFECTED PARTIES: Local school administrative units

CHAPTER 101: Maine Unified Special Education Regulation – Major Substantive Rule
STATUTORY AUTHORITY: 20-A, M.R.S.A., §7005 (1); Resolve 2013, chapter 70
PURPOSE: Revise rule and revise the term hearing impaired pursuant to PL 2021, Chapter 348.
ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 6, 2023.
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, M.R.S.A. Sections 8, 402(4), 405(3)(F) and 406
PURPOSE: Review/Revise rules regarding teacher education program approval and revise the term hearing impaired pursuant to PL 2021, Chapter 348.
ANTICIPATED SCHEDULE: By July 1, 2023
AFFECTED PARTIES: Educational personnel preparation programs, educational personnel in training.

CHAPTER 119: Adjudicatory Proceedings on Certification Issues
STATUTORY AUTHORITY: 20-A MRS §13011(4); 5 MRS §8051
PURPOSE: Review and revise rules regarding the procedures for the conduct of formal adjudicatory hearings pertaining to applications for the issuance or renewal of any certificate or endorsement which has been tentatively denied by the Commissioner.
ANTICIPATED SCHEDULE: by July 1, 2023
AFFECTED PARTIES: School personnel seeking certification

CHAPTER 124: Basic School Approval: Public Preschool Programs
STATUTORY AUTHORITY: 20-A M.R.S.A. §4271(4)
PURPOSE: Review/Revise rules
ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 6, 2023.
AFFECTED PARTIES: All local school administrative units and students.

CHAPTER 125: Basic Approval Standards: Public Schools and School Administrative Units - Major Substantive Rule
STATUTORY AUTHORITY: 20-A M.R.S.A. §4271(4) **Joint Rule with Maine State Board of Education**
PURPOSE: Review/Revise rules
ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 6, 2023.
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 M.R.S.A §6202
PURPOSE: Review/Revise rules to remove “Science” from the described content areas for accountability
ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 6, 2023.

AFFECTED PARTIES: Local school administrative units

CHAPTER 221: Adult Education Administrative Cost Reimbursement

STATUTORY AUTHORITY: Title 20-A MRS §8602

PURPOSE: Review and revise to change the recruiter to navigator

ANTICIPATED SCHEDULE: By July 1, 2023

AFFECTED PARTIES: Adult education administrative costs for which school administrative units, regions and centers may claim reimbursement.

CHAPTER 225: Adult Education High School Completion Programs

STATUTORY AUTHORITY: 20-A, M.R.S.A. §§257, 8602

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

ANTICIPATED SCHEDULE: By July 1, 2023

AFFECTED PARTIES: Local adult education programs and students.

CHAPTER 229: ADULT EDUCATION FEES

STATUTORY AUTHORITY: Section 2388; 20-A MRS §§ 8602

PURPOSE: Review and revise to address how the compensation works with out of school youth and the SAU of the adult education program who serves the youth.

ANTICIPATED SCHEDULE: By July 1, 2023

AFFECTED PARTIES: This rule provides clarification about the collection and utilization of fees in adult education programs.

CHAPTER 231: Vocational Program and Funding Procedure

STATUTORY AUTHORITY: 20-A, M.R.S.A., Chapter 313, §8306-B; PL 2011, Chapter 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. Revise the term handicap pursuant to PL 2021, Chapter 348.

ANTICIPATED SCHEDULE: By July 1, 2023

AFFECTED PARTIES: All school administrative units and students.

CHAPTER 232: Standard Criteria for Maine Secondary Vocational Programs

STATUTORY AUTHORITY: 20-A, M.R.S.A. §8306-B; PL 2011, Chapter 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. Revise the term handicap pursuant to PL 2021, Chapter 348.

ANTICIPATED SCHEDULE: By July 1, 2023

AFFECTED PARTIES: All school administrative units and students.

CHAPTER 236: Program (Vocational Education) Evaluation Requirements

STATUTORY AUTHORITY: 32, M.R.S.A. §8306-B; PL 2011, Chapter 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, 2023

AFFECTED PARTIES: All school administrative units and students.

CHAPTER 237: "Live or Outside Work"

STATUTORY AUTHORITY: 20-A, M.R.S.A. §8306-B; PL 2011, Chapter 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, 2023

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, Chapter 232; 20-A, M.R.S.A., §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: Rules for Guidelines for School Counselors and School Social Workers - **MAJOR SUBSTANTIVE RULE**

STATUTORY AUTHORITY: PL 2019, Chapter 45

PURPOSE: Establish a new rule to create guidelines regarding the duties at least 80% of time of school counselors and school social workers providing direct services to and indirect services on behalf of students including for delivery of a comprehensive school counseling program.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 6, 2023.

AFFECTED PARTIES: All school administrative units, school counselors and school social workers, and students

NEW RULE: Rules for Purple Star Schools

STATUTORY AUTHORITY: PL 2021, Chapter 248, 20-A, M.R.S.A., §6995

PURPOSE: The Department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

ANTICIPATED SCHEDULE: As necessary

AFFECTED PARTIES: All school administrative units and military-connected students.

NEW RULE: Rules for Zero Emission Public School Bus Fleet Goal

STATUTORY AUTHORITY: PL 2021, Chapter 693; 20-A, M.R.S.A., §540I, sub §15-A

PURPOSE: The Department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

ANTICIPATED SCHEDULE: As necessary

AFFECTED PARTIES: Department of Education and school administrative units