

MAINE ADMINISTRATIVE PROCEDURE ACT
2023-2024 Regulatory Agenda
July 8, 2023

AGENCY UMBRELLA-UNIT NUMBER: 05-071

AGENCY NAME: Department of Education, Office of the Commissioner

RULE-MAKING LIAISON: Laura Cyr, Rulemaking Liaison Maine Department of Education, 23 State House Station, Augusta, ME 04333-0023, Cell;207-446-8791, email: laura.cyr@maine.gov

RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

None

EMERGENCY RULE ADOPTED SINCE LAST REGULATORY AGENDA:

None

CONSENSUS-BASED RULE DEVELOPMENT:

None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTER 13: Qualifying Examinations for Teachers, Educational Specialists and Administrators
REPEAL LANGUAGE RELATING TO MANDATED PRAXIS

State Board of Education Rule

STATUTORY AUTHORITY: 20-A, M.R.S.A. §§ 13031-13038

PURPOSE: Repeal rule language regarding the required qualifying examinations. Revise to discontinue the use of hearing impaired pursuant to PL 2021, Chapter 348

ANTICIPATED SCHEDULE: 2024 adoption

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

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.

Approved and signed for emergency final adoption, Resolves 2023 Ch. 49.

AFFECTED PARTIES: Local school administrative units.

CHAPTER 40: Rule for Medication Administration in Maine Schools – Major Substantive

STATUTORY AUTHORITY: 20-A M.R.S.A. §254(5)(A-D)

PURPOSE: Update rule to reflect statute changes related to LD 867

ANTICIPATED SCHEDULE: 2025 adoption

AFFECTED PARTIES: School health personnel

CHAPTER 41: Offering Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated Defibrillator in Maine Public Schools

STATUTORY AUTHORITY: 20-A MRS §6304

PURPOSE: Update rule to include the minimum standard number of staff per school who are required to be trained in CPR/AED - may require preliminary statute change to 20-A 6304

ANTICIPATED SCHEDULE: 2025 adoption

AFFECTED PARTIES: School personnel and administration

CHAPTER 61: Rules for Major Capital School Construction Projects – Major Substantive State Board of Education Rule

STATUTORY AUTHORITY: 20-A M.R.S.A. §3; §405(3)(J); §15905 sub-§4

PURPOSE: Update movable cost structure in Section 10. Pre-construction costs

ANTICIPATED SCHEDULE: 2025 adoption

AFFECTED PARTIES: Local school administrative units

CHAPTER 64: Maine School Facilities Program and School Revolving Renovation Fund – Major Substantive

Joint Rule with Maine Municipal Bond Bank

STATUTORY AUTHORITY: 20-A M.R.S.A. §4001, 5804, 5805, 15603, 15907, 15917, 15918, AND 30-A M.R.S.A. §5953-E, 6006-E, 6006-F, 6014

PURPOSE: Update joint rule in alignment with LD 1472

ANTICIPATED SCHEDULE: 2025

AFFECTED PARTIES: Local school administrative districts, bond bank

CHAPTER 81: School Transportation Safety

STATUTORY AUTHORITY: 29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)

PURPOSE:

ANTICIPATED SCHEDULE: 2025 adoption

AFFECTED PARTIES: Local school administrative units

CHAPTER 83: School Transportation Operations Program

STATUTORY AUTHORITY: 29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)

PURPOSE:

ANTICIPATED SCHEDULE: 2024 adoption

AFFECTED PARTIES: Local school administrative units

CHAPTER 84: School Bus Refurbishment Program - REPEAL

STATUTORY AUTHORITY: 29-A M.R.S. §2311; 20-A MRS § 5401(17)

PURPOSE: Repeal as the State Maine Military Authority no longer refurbishes school buses.

ANTICIPATED SCHEDULE: 2024 adoption

AFFECTED PARTIES: Local school administrative units

CHAPTER 85: School Bus Purchase Program

STATUTORY AUTHORITY: 29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)

PURPOSE: Need to strike Section 1 of this chapter where the School Bus Refurbishment Program is mentioned.

ANTICIPATED SCHEDULE: 2024 adoption

AFFECTED PARTIES: Local school administrative units

CHAPTER 86: Maine Uniform School Bus Specifications

STATUTORY AUTHORITY: 29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)

PURPOSE: Update requirements for electric buses - The Department shall adopt rules for Zero Emission Public School Bus Fleet Goal. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

ANTICIPATED SCHEDULE: 2024 adoption

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)

PURPOSE: Revise rule and revise the term hearing impaired pursuant to PL 2021, Chapter 348.

ANTICIPATED SCHEDULE: 2025 adoption

AFFECTED PARTIES: Special education programs and services for eligible infants, toddlers, and children from birth through age 22, school administrative units, and private schools.

CHAPTER 104: Educational Programs for Gifted and Talented Children

STATUTORY AUTHORITY: 20-A, M.R.S.A., §8101, 15603(22)

PURPOSE: Revise and update to reflect actual practice

ANTICIPATED SCHEDULE: 2025 adoption

AFFECTED PARTIES: Local school administrative units

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

State Board of Education Rule

STATUTORY AUTHORITY: 20-A, M.R.S.A. Sections 8, 402(4), 405(3)(F) and 406

PURPOSE: Update statutory authority. Review/Revise rules regarding teacher education program approval and revise the term hearing impaired pursuant to PL 2021, Chapter 348.

ANTICIPATED SCHEDULE: 2024 adoption

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

NEW RULE: Rule Regarding the Duties of 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. Approved and signed for emergency final adoption, Resolves 2023 Ch. 31.

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

CHAPTER 119: Adjudicatory Proceedings on Certification Issues

State Board of Education Rule

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: 2025

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: 2025

AFFECTED PARTIES: All local school administrative units

**CHAPTER 125: Basic Approval Standards: Public Schools and School Administrative Units
A JOINT RULE WITH THE MAINE STATE BOARD OF EDUCATION**

STATUTORY AUTHORITY: 20-A M.R.S.A. 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 and rules.

ANTICIPATED SCHEDULE: 2024 adoption

AFFECTED PARTIES: All local school administrative units

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

STATUTORY AUTHORITY:

PURPOSE: Update to reflect statutory authority and field practice

ANTICIPATED SCHEDULE: 2025 adoption

AFFECTED PARTIES: All local school administrative units

CHAPTER 128: Truants and Drop-outs Guidelines Repeal

STATUTORY AUTHORITY: Was 20 MRS §911. The new relevant statute, 20-A Chapter 211 has sufficient detail.

PURPOSE: Repeal the existing Chapter 128 as the current statute has sufficient detail and the former rule is not consistent with the new statute. Team would like to repeal and replace to focus on chronic absenteeism.

ANTICIPATED SCHEDULE: 2025

AFFECTED PARTIES: Local school administrative units

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 update aligning with changes in the field since 2013 update

ANTICIPATED SCHEDULE: 2025

AFFECTED PARTIES: Local school administrative units

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

STATUTORY AUTHORITY: 20-A M.R.S.A. §6211

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

ANTICIPATED SCHEDULE: 2024 adoption

AFFECTED PARTIES: Local school administrative units

CHAPTER 147: Rules for the Licensing of Privately Owned Business, Trade and Technical Schools – Proprietary Schools

STATUTORY AUTHORITY: 20-A M.R.S.A. §9503 (5), §9506, §9507

PURPOSE: Review and revise the rule which details the criteria to be met by any privately owned business, trade, and technical school to obtain a license to do business in the State of Maine.

ANTICIPATED SCHEDULE: 2024 adoption

AFFECTED PARTIES: Privately owned business, trade, and technical school

CHAPTER 149: Procedures for Obtaining Authorization for Institutions of Higher Education to Confer Academic Degrees or to Offer Degree Courses/Programs in the State of Maine

State Board of Education Rule

STATUTORY AUTHORITY: 20-A M.R.S.A. §

PURPOSE: Review and revise the rule which details the criteria to be met by any educational institution that confers degrees or offers degree programs

ANTICIPATED SCHEDULE: 2025

AFFECTED PARTIES: Public and private higher education institutions

CHAPTER 150: Licensing Privately Owned Correspondence Schools

STATUTORY AUTHORITY: 20-A M.R.S.A. §

PURPOSE: Potential repeal of rule to incorporate language into another existing rule

ANTICIPATED SCHEDULE: 2024 5

AFFECTED PARTIES: Correspondence schools

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:

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

CHAPTER 222: Adult Career and Technical Education, and Workforce Training and Re-training, Cost Reimbursement

STATUTORY AUTHORITY: Title 20-A MRS §8602

PURPOSE:

ANTICIPATED SCHEDULE: 2025

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: 2024 adoption

AFFECTED PARTIES: Local adult education programs

CHAPTER 229: ADULT EDUCATION FEES

STATUTORY AUTHORITY: 20-A MRS §§ 2388, 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: 2024Adoption

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

CHAPTER 230: Adult Education Program Requirements

STATUTORY AUTHORITY: Title 20-A MRS §8602

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

ANTICIPATED SCHEDULE: 2025

AFFECTED PARTIES: Local adult education programs

CHAPTER 231: Vocational Program and Funding Procedure REPEAL

STATUTORY AUTHORITY: 20-A, M.R.S.A. §8306-B

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: 2024 adoption

AFFECTED PARTIES: All school administrative units

CHAPTER 232: Standard Criteria for Maine Secondary Vocational Programs

STATUTORY AUTHORITY: 20-A, M.R.S.A. §8306-B

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: 2024 adoption

AFFECTED PARTIES: All school administrative units

CHAPTER 236: Program (Vocational Education) Evaluation Requirements REPEAL

STATUTORY AUTHORITY: 32, M.R.S.A. §8306-B

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: 2024 adoption

AFFECTED PARTIES: All school administrative units

CHAPTER 237: "Live or Outside Work" REPEAL

STATUTORY AUTHORITY: 20-A, M.R.S.A. §8306-B

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: 2024 adoption

AFFECTED PARTIES: All school administrative units

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 RT 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 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: Outreach with other states underway

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

NEW RULE: Rules for Private School Approval - **MAJOR SUBSTANTIVE RULE**

STATUTORY AUTHORITY: 20-A M.R.S. § 261; 20-A M.R.S. §2954

PURPOSE: The Department shall adopt rules to implement this subsection.

ANTICIPATED SCHEDULE: As necessary.

AFFECTED PARTIES: Department of Education and school administrative units, and private schools approved for the receipt of public funds

NEW RULE: Food Service Programs

STATUTORY AUTHORITY: PL 2023, Chapter 181, 20-A MRSA §6602

PURPOSE: The Department shall adopt or amend rules about the qualifications of food service programs' personnel and rules to implement the federal summer food service program for children. To the extent allowed under federal law, rules adopted under this subchapter must allow for the greatest amount of flexibility in mealtimes and packaging of meals to send home with students.

ANTICIPATED SCHEDULE: 2025

AFFECTED PARTIES: All school administrative units