

MAINE ADMINISTRATIVE PROCEDURE ACT
2024-2025 Regulatory Agenda
July 1, 2024

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,
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RULE(S) ADOPTED SINCE THE LAST REGULATORY AGENDA:

Ch. 33 Rule Governing Physical Restraint and Seclusion – Major Substantive Rule
Effective July 7, 2023

Ch. 41 Offering Instruction Related to ... (Name Change) – Routine Technical
Effective January 4, 2024

Ch 52 Grant Application and Award Procedure: Fund for School Meal Equipment and Program
Improvement – Routine Technical
Effective February 29, 2024

Ch 61 Rules for Major Capital School Construction Projects – Major Substantive
Effective June 12, 2024

Ch 64 Maine School Facilities Program and School Revolving Renovation Fund (a joint rule
with the Maine Municipal Bond Bank) - Major Substantive
Effective June 13, 2024

Ch 83 School Transportation operations Program – Routine Technical
Effective May 5, 2024

Ch 84 School Bus Refurbishment Program – Routine Technical REPEAL
Effective May 6, 2024

Ch 101 Maine Unified Special Education Regulation Birth to Age Twenty-Two (Name
Change) - Major Substantive

Ch. 117 Rule Regarding the Duties of School Counselors and School Social Workers - Major
Substantive Rule
Effective October 25, 2023

EMERGENCY RULE(S) ADOPTED SINCE LAST REGULATORY AGENDA:

Ch 101, Section XVIII Maine Unified Special Education Regulation Birth to Age Twenty -
Major Substantive
Effective July 7, 2023

CONSENSUS-BASED RULE DEVELOPMENT:

None

EXPECTED 2024-2025 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: 2025 adoption

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, § 5205(7)

PURPOSE: Revision of rule language to update language, practice and procedure.

ANTICIPATED SCHEDULE: 2025 Adoption

AFFECTED PARTIES: Local school administrative units, unhoused populations of students

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 updated language and practice, and PL 2023, Chapter 253.

ANTICIPATED SCHEDULE: 2025 adoption

AFFECTED PARTIES: School health personnel

CHAPTER 81: School Transportation Safety

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

PURPOSE: Update accident reporting guidelines

ANTICIPATED SCHEDULE: 2025 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: 2025 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 based on conceptual conversations with the field.

ANTICIPATED SCHEDULE: Comprehensive revision expected in 2026.

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: 2025 adoption

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

CHAPTER 115: The Credentialing of Educational Personnel

State Board of Education Rule

STATUTORY AUTHORITY: 20-A, M.R.S.A. §13011(1)

PURPOSE: This revision follows the prescribed changes outlined in P.L 2023, Chapter 125

ANTICIPATED SCHEDULE: Filing is planned in January of 2026.

AFFECTED PARTIES: Local school administrative units, prospective teachers, educational organizations

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 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 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. 2024 revisions include mathematics, life and career readiness, and English language arts

ANTICIPATED SCHEDULE: 2025 adoption

AFFECTED PARTIES: Local school administrative units

CHAPTER 140: Public Charter Schools

STATUTORY AUTHORITY: 20-A MRSA §2403(6)

PURPOSE:

ANTICIPATED SCHEDULE: 2025 adoption

AFFECTED PARTIES: Local school administrative units, public charter school governance boards

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: 2025 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 - REPEAL

STATUTORY AUTHORITY: 20-A M.R.S.A. §9204

PURPOSE: Repeal of rule to incorporate language into another existing rule

ANTICIPATED SCHEDULE: 2025

AFFECTED PARTIES: Correspondence schools

CHAPTER 221: Adult Education Administrative Cost Reimbursement

STATUTORY AUTHORITY: Title 20-A MRS §8602

PURPOSE: Review and revise a single comprehensive Adult Education rule.

ANTICIPATED SCHEDULE: 2025

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: Review and revise into single Adult Education rule.

ANTICIPATED SCHEDULE: 2025

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

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: 2025 adoption

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: 2025 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: 2025 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: 2025 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: 2025 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 and application expectations under development. Adoption anticipated in 2024/2025

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