EXHIBIT #VI.E.

TO: Members of the State Board of Education

FROM: Bob Hasson, Director of Certification

DATE: December 14, 2016

SUBJECT: Provisional Adoption of Chapter 115, “Certification, Authorization and Approval of Education Personnel”

BACKGROUND:

1. On April 6, 2016 the Maine Department of Education received a letter from the US Department of Education, Office of Special Education which reflected the impact of the Every Student Succeeds Act (ESSA) on the Individuals with Disabilities Education Act (IDEA) Part B application. ESSA reactivated an IDEA statutory provision that requires that special education teachers be fully certified. The Office of Special Education Programs (OSEP) is requiring that Maine change the Chapter 115 regulation by June 30, 2017 to change the certification types that are not full certifications.

The Department received 14 sets of comments and has responded to all comments. A few subtle changes were made as a result of the comments. Several commenters wrote in support of the proposed changes to the regulation.

RECOMMENDATION: The State Board of Education’s Certification and Higher Education Committee recommends that the State Board of Education support the Provisional Adoption of Chapter 115.

NOTE: Once the regulation is provisionally adopted, the Legislative Council will develop a Legislative Document to move the major substantive regulation through next steps in the Administrative Procedures Act process, the Legislature will assign the LD to the Joint Committee on Education and Cultural Affairs for a public hearing and a work session.

Prepared by: Jaci Holmes, Federal State Legislative Liaison