**Maine Administrative Procedure Act**

**2013 Regulatory Agenda**

**October 18, 2013**

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

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

**RULE-MAKING LIAISON**: Deborah Friedman, Rules Contact, 23 State House Station, Augusta, ME 04333-0023, Telephone: (207) 624-6620

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**:

None from September 7, 2012 through October 18, 2013

**CONSENSUS-BASED RULE DEVELOPMENT:** None contemplated.

**EXPECTED 2013-2014 RULE-MAKING ACTIVITY:**

**CHAPTER 4**: Equal Educational Opportunity

**A JOINT RULE** **WITH THE MAINE HUMAN RIGHTS COMMISSION 94-348**

STATUTORY AUTHORITY: 5 M.R.S.A. §§ 4566(7), 4603

PURPOSE: Review / revise rules which govern claims of unlawful educational discrimination filed with the Maine Human Rights Commission to conform with changes in the Maine Human Rights Act and Commission rules.

ANTICIPATED SCHEDULE: By July 1, 2014

AFFECTED PARTIES: Local school administrative units and private schools, students, teachers, administrators, and all parties appearing before the Maine Human Rights Commission.

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

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

PURPOSE: Review/Revise rules regarding the qualifying examination for educators.

ANTICIPATED SCHEDULE: By July 1, 2014

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

**CHAPTER 21**: Secular Textbooks and Services to Private School Pupils **- REPEAL**

STATUTORY AUTHORITY: 20-A M.R.S.A. §15613(4)

PURPOSE: Repeal rules governing reimbursement of school administrative units for the cost of providing secular text books and services to private school pupils, since statutory provisions have been repealed.

ANTICIPATED SCHEDULE: By May 1, 2014

AFFECTED PARTIES: Local school administrative units and private schools.

**CHAPTER** **23**: Collection of Staff Information - **REPEAL**

STATUTORY AUTHORITY: 20 M.R.S.A., §§104, 967, 1753

PURPOSE: Repeal rules regarding collection of staff information, since statutory provisions have been repealed.

ANTICIPATED SCHEDULE: By May 1, 2014

AFFECTED PARTIES: Local school administrative units and school personnel.

**CHAPTER** **25**: Administration of Special Education Adjustments; Definition of Budgetary Hardship - **REPEAL**

STATUTORY AUTHORITY: 20-A M.R.S.A. §15612

PURPOSE: Repeal rules regarding special education adjustment for budgetary hardship under prior school funding laws, since statutory provisions have been repealed.

ANTICIPATED SCHEDULE: By May 1, 2014

AFFECTED PARTIES: Local school administrative units and students.

**CHAPTER 27**: Rules for Determining Geographic Isolation Status **- REPEAL**

STATUTORY AUTHORITY: 20-A M.R.S.A. §15612, sub-section 2

PURPOSE: Repeal rules governing the determination of geographic isolation and the subsidy adjustment for certain school administrative units under prior school funding laws, since statutory provisions have been repealed.

ANTICIPATED SCHEDULE: By May 1, 2014

AFFECTED PARTIES: Local school administrative units and students.

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

STATUTORY AUTHORITY: 20-A M.R.S.A. §6451

PURPOSE: Review/Revise rules regarding vision and hearing screening in public and approved private schools

ANTICIPATED SCHEDULE: By July 31, 2014

AFFECTED PARTIES: Local school administrative units and students.

**CHAPTER 52**: School Nutrition Program Eligibility Verification Program **- REPEAL**

STATUTORY AUTHORITY: 20-A M.R.S.A. §6602(5)

PURPOSE: Repeal rules governing school nutrition program eligibility, since the authority for verification now occurs at the local school administrative unit level.

ANTICIPATED SCHEDULE: By May 1, 2014

AFFECTED PARTIES: Local school administrative units and students.

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

STATUTORY AUTHORITY: 20-A M.R.S.A. §6602(5)

PURPOSE: Repeal rules governing child nutrition programs in child care centers, recreation centers, and camps since the program is now operated by the Department of Health and Human Services under their rules.

ANTICIPATED SCHEDULE: By May 1, 2014

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

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

STATUTORY AUTHORITY: 20-A M.R.S.A., Chapter 502; PL 2011, Chapter 635

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 to incorporate recommendations of a stakeholder group relating to certification of career and technical education professionals and relating to school administrators.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 10, 2014.

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

**CHAPTER 120**: Innovative Education Grants - **REPEAL**

STATUTORY AUTHORITY: 20-A M.R.S.A.§§17101-17104

PURPOSE: Repeal rules governing Innovative Education grants since the grant has not been funded for several years and the statutory provisions have been repealed.

ANTICIPATED SCHEDULE: By May 1, 2014

AFFECTED PARTIES: None.

**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., Chapter 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 including rules and standards for suicide prevention awareness education and for suicide prevention and intervention training.

ANTICIPATED SCHEDULE: By September 30, 2014

AFFECTED PARTIES: All local school administrative units and students.

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

STATUTORY AUTHORITY: 20-A M.R.S.A., Chapter 207-A and Chapter 222; PL 2011, Chapter 669; 20-A M.R.S.A. §253(9); Resolve 2013, Chapter 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 parameters for essential instruction curriculum requirements, the awarding of a proficiency-based high school diploma to students who demonstrate proficiency in state standards in all 8 content areas of the system of Learning Results and in each of the 5 guiding principles, and a provision that the high school graduation requirements in the area of visual and performing arts may be met by completion of a credit in dance, music, theater, forensics or visual arts.

ANTICIPATED SCHEULE: Provisionally adopted and filed with the Legislature by January 10, 2014

AFFECTED PARTIES: All local school administrative units and students.

**CHAPTER 138**: State Accreditation Standards and Processes

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

STATUTORY AUTHORITY: 20-A M.R.S.A. §4511-4516

PURPOSE: Review/revise rules that establish standards for state accreditation of public schools, which is a voluntary process for schools to acquire accreditation in addition to state approval.

ANTICIPATED SCHEDULE: By July 1, 2014

AFFECTED PARTIES: Local school administrative units that seek state accreditation and students.

**CHAPTER 180: Performance Evaluation and Professional Growth Systems** - **Major Substantive Rule**

STATUTORY AUTHORITY: PL 2011, Chapter 635; 20-A M.R.S.A. §13706

PURPOSE: Develop rules to implement the requirements for creating a performance evaluation and professional growth system for teachers and principals.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 10, 2014

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

**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.

ANTICIPATED SCHEDULE: By September 30, 2014

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

ANTICIPATED SCHEDULE: By September 30, 2014

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 September 30, 2014

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: Repeal and replace 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 September 30, 2014

AFFECTED PARTIES: All school administrative units and students.

**CHAPTER 245**: Standards for Education Programming for Certified Nursing Assistants - **REPEAL**

STATUTORY AUTHORITY: 32 M.R.S.A.§2104(4)(C); PL 2009, Chapter 628

PURPOSE: Repeal the Department of Education rule that authorizes the department to establish a minimum standard for training in programs that prepare Certified Nursing Assistants, since statutory authority has been transferred to the Department of Health and Human Services.

ANTICIPATED SCHEDULE: By June 1, 2014

AFFECTED PARTIES: Certified Nursing Assistants and Certified Nursing Assistants training institutions.

**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:** Suicide Awareness Education and Prevention Training

STATUTORY AUTHORITY: PL 2013, Chapter 53

PURPOSE: Develop rules to implement standards for suicide prevention awareness education and for suicide prevention and intervention training.

ANTICIPATED SCHEDULE: March 31, 2014.

AFFECTED PARTIES: All local school administrative units and K-12 students.

**NEW RULE:** Rules Maine Unified Special Education Regulation - **Major Substantive Rule**

STATUTORY AUTHORITY: Resolve 2013, Chapter 70

PURPOSE: Review/Revise rules governing special education to establish a process for the department to review sending school units with respect to children with disabilities who reside within a school administrative unit that does not own, lease or otherwise operate any school who attend receiving schools.

ANTICIPATED SCHEDULE: Include in next revision of Chapter 101.

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