**Summary of Comments/Responses**

**State Board of Education and Department of Education**

**Chapter 125: Basic School Approval Standards: Public Schools and School Administrative Units**

**Factual and Policy Basis:**

The State Board and the Department of Education are proposing the repeal and replacement

of Chapter 125: Basic School Approval Standards: Public Schools and School

Administrative Units.

The last repeal and replace of State Board of Education/Maine Department of Education Rule Chapter 125 was in 2002. The resulting language was highly duplicative of statute. The attached proposed replacement eliminates duplication when possible, and includes minimum requirements where provided in law.

To this end, the proposed Rule sets out school approval standards and requirements in a linear fashion, addressing requirements in the order they appear in statute when possible, and providing detail where necessary. For clarity, a chart referenced in Section 4 of the proposed Rule resides on the Department web page and contains a comprehensive list of requirements and citations.

Specific revisions to the Rule are as follows:

* Based on a cross-walk conducted by the Department, language which is duplicative of statute or is outdated has been updated or eliminated;
* The definition of school has been revised;
* Unnecessary definitions have been eliminated;
* Certain requirement exceptions for SAUs that tuition all or whole populations of students out of the resident unit have been added;
* Certain requirement exceptions for Career and Technical Regions have been added;
* The Comprehensive Education Plan format determination remains with the SAU, but must equally include and reflect all schools within the unit;
* The minimum requirements as required by M.R.S. 20-A Section 4502(5) are listed in Section 5:
  + 5.01 – Grade K now has a minimum instructional day of 3 hours;
  + 5.03 – added “Areas used for the provision of student services and health services shall be adequate to provide for the privacy and confidentiality of such services;”
  + 5.08 – revised language regarding school counseling program;
  + 5.12 – revised language regarding time out areas to reference Restraint and Seclusion;
  + 5.15 – added family outreach requirement, per statute;
  + 5.16 – added language around Promotion, Retention, Acceleration and Graduation of Students;
  + 5.18 – added requirement for Multi-tiered System of Support, per LD 651; and
* Section 7.01 outlining the initial approval process for SAUs was revised to reflect current practice.

**Comments and Responses:**

A public hearing on the proposed State Board and Department of Education Regulation Chapter 125, entitled “**Basic School Approval Standards: Public Schools and School Administrative Units,”** was held on December 16, 2019. At the hearing, No individuals commented on the proposed regulation.

The deadline for submission of written comments was December 27, 2019. One set of written comments were submitted by that date. Written comments were received from the following:

1. Brian Cavanaugh, Ed.D, Assistant Professor of Special Education, University of Maine Farmington

**Section 1. General Objectives**

**Section 2. Definitions**

1. **Comment (#1):** Commenter “recommend that the Department consider including the following in its definitions (section 2). These definitions are taken or adapted from several national technical assistance centers that focus on PBIS, progress monitoring, and tiered interventions. Thus, they represent the state of the research evidence in these areas.

1. Positive behavioral interventions and supports- positive behavioral interventions and supports is a framework for enhancing adoption and implementation of a continuum of evidence-based interventions to improve social, emotional, behavioral outcomes for all students.

2. Progress monitoring- Progress monitoring means assessment of students’ progress over

time to quantify student responsiveness to tiered instruction or intervention. Progress

monitoring tools are based on research and accurately represent students’ academic or

social and emotional development and must be useful in planning and assessment.

1. Screening- Screening means research-based, brief assessments intended to identify students at risk for developing learning or social, emotional, behavioral problems. They are conducted with all students at least annually and during regular intervals.”

**Response:** In partnership, the Elementary and Secondary Education Act (ESEA) team and Special Services team of the Department will be providing monthly trainings on Multi-Tiered Systems of Supports to educators from across Maine from January 2020 through June. This will provide an opportunity for Department staff, including a newly hired specialist for Multi-tiered Systems of Support, to receive feedback from educators in the field about the effective practices that they are utilizing. These proposed definitions would relate to the Multi-Tiered Systems of Support, therefore, the Department and State Board are not going to make changes to the definitions, until they have reviewed all the feedback from the stakeholders by June 2020. *No change made as a result of these comments at this time.*

**Section 3. Applicability**

**Section 4. Requirements and Comprehensive Education Plan**

**Section 5. Other Minimum Requirements**

1. **Comment (#1):** Commenter has provided suggested language on 5.18 Multi-tiered Systems of Support (MTSS) on the attached table.

**Response:** In partnership, the Elementary and Secondary Education Act (ESEA) team and Special Services team of the Department will be providing monthly trainings on Multi-Tiered Systems of Supports to educators from across Maine from January 2020 through June. This will provide an opportunity for Department staff, including a newly hired specialist for Multi-tiered Systems of Support, to receive feedback from educators in the field about the effective practices that they are utilizing. Therefore, the Department and State Board are not going to make changes to the proposed language of 5.18, until they have reviewed all the feedback from the stakeholders by June 2020. *No change made as a result of these comments at this time.*

**Section 6. School Reviews and Inspections**

**Section 7. School Approval Status**

**Section 8. Waivers**