Title 20-A: EDUCATION

Chapter 3: DEPARTMENT OF EDUCATION

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Maine Revised Statutes

Title 20-A: EDUCATION

Chapter 3: DEPARTMENT OF EDUCATION

Subchapter 1: DEPARTMENT ADMINISTRATION

§201. PURPOSE OF THE DEPARTMENT

The Department of Education is established to: [1989, c. 700, Pt. B, §5 (AMD).]

1. **Supervise public education.** Supervise, guide and plan for a coordinated system of public education for all citizens of the State based on the system of learning results as established in section 6209;

[2001, c. 454, §1 (AMD) .]

2. **Interrelation with other programs.** Interrelate public education with other social, economic, physical and governmental activities, programs and services; and

[1989, c. 700, Pt. B, §6 (AMD) .]

3. **Cultural services.**

[1989, c. 700, Pt. B, §7 (RP) .]

4. **Advancement of education.** Encourage and stimulate public interest in the advancement of education.

[1989, c. 700, Pt. B, §8 (AMD) .]

5. **Cultural and historical heritage.**

[1989, c. 700, Pt. B, §9 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 700, §§B5-9 (AMD). 2001, c. 454, §1 (AMD).

§202. DEPARTMENT ORGANIZATION

The department shall include the following: [1981, c. 693, §§5, 8 (NEW).]

1. **State Board of Education.** The State Board of Education;

[1981, c. 693, §§5, 8 (NEW) .]

1-A. **Commissioner of Education.** The Commissioner of Education;

[1989, c. 700, Pt. B, §10 (AMD) .]

2. **Maine Education Council.**

[1993, c. 252, Pt. C, §2 (RP) .]

3. **Maine State Commission for Higher Education Facilities.**

[2009, c. 274, §6 (RP) .]

4. **Maine Representatives to the New England Board of Higher Education.** The Maine Representatives to the New England Board of Higher Education;

[1981, c. 693, §§5, 8 (NEW) .]

5. **Maine School Building Authority.** The Maine School Building Authority;

[1981, c. 693, §§5, 8 (NEW) .]

6. **Governor Baxter School for the Deaf.**

[1995, c. 676, §13 (AFF); 1995, c. 676, §3 (RP) .]

7. **Maine Arts Commission.**

[1989, c. 700, Pt. B, §11 (RP) .]

8. **Arts Bureau.**

[1989, c. 700, Pt. B, §11 (RP) .]

9. **Maine State Museum Commission.**

[1989, c. 700, Pt. B, §12 (RP) .]

10. **Maine State Museum Bureau.**

[1989, c. 700, Pt. B, §12 (RP) .]

11. **State Historian.** The State Historian;

[1981, c. 693, §§5, 8 (NEW) .]

12. **Maine State Library.**

[1989, c. 700, Pt. B, §12 (RP) .]

13. **Maine State Library Bureau.**

[1989, c. 700, Pt. B, §12 (RP) .]

14. **Maine Historic Preservation Commission.**

[1989, c. 700, Pt. B, §12 (RP) .]

15. **Educational bureaus.**

[1993, c. 410, Pt. F, §1 (RP) .]

16. **Other entities.** Other entities authorized by the Legislature; and

[1981, c. 693, §§ 5, 8 (NEW) .]

17. **Other bureaus.** Any other bureau the commissioner establishes.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 763, §A74 (AMD). 1985, c. 797, §§7,8 (AMD). 1987, c. 395, §A43 (AMD). 1989, c. 700, §§B10-12 (AMD). 1991, c. 716, §1 (AMD). 1993, c. 252, §C2 (AMD). 1993, c. 410, §F1 (AMD). 1995, c. 676, §3 (AMD). 1995, c. 676, §13 (AFF). 2009, c. 274, §6 (AMD).

§203. APPOINTMENTS

1. **Commissioner's appointments.** The following officials are appointed by and serve at the pleasure of the commissioner:

A. Deputy Commissioner; [2011, c. 655, Pt. D, §7 (AMD).]

B. [1997, c. 266, §2 (RP).]

C. [1993, c. 410, Pt. F, §2 (RP).]

D. [1993, c. 410, Pt. F, §2 (RP).]

E. [1993, c. 410, Pt. F, §2 (RP).]

F. Director, Policy and Programs; [2011, c. 655, Pt. D, §8 (AMD).]

G. [2001, c. 344, §4 (RP); 2001, c. 439, Pt. H, §4 (RP).]

H. [1997, c. 266, §2 (RP).]

I. [1995, c. 560, Pt. F, §10 (RP).]

J. [2009, c. 571, Pt. W, §3 (RP).]

K. [2015, c. 267, Pt. NN, §2 (RP).]

L. [2015, c. 267, Pt. NN, §2 (RP).]

M. Director, Communications; and [2013, c. 368, Pt. II, §1 (AMD).]

N. [2015, c. 267, Pt. NN, §2 (RP).]

O. Science, Technology, Engineering and Mathematics Workforce Coordinator. [2015, c. 267, Pt. NN, §2 (NEW).]

[2015, c. 267, Pt. NN, §2 (AMD) .]

2. **Appointment of directors and others.**

[1989, c. 700, Pt. B, §13 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 489, §10 (RPR). 1985, c. 763, §A75 (AMD). 1987, c. 395, §A44 (AMD). 1989, c. 414, §3 (AMD). 1989, c. 700, §B13 (AMD). 1991, c. 716, §2 (AMD). 1993, c. 410, §F2 (AMD). 1993, c. 684, §2 (AMD). 1993, c. 708, §J7 (AMD). 1995, c. 560, §F10 (AMD). 1995, c. 560, §F9 (AMD). 1997, c. 266, §2 (AMD). 2001, c. 344, §§3,4 (AMD). 2001, c. 439, §§H3,4 (AMD). 2009, c. 571, Pt. W, §§1-3 (AMD). 2011, c. 380, Pt. PPP, §2 (AMD). 2011, c. 655, Pt. D, §§7-9 (AMD). 2013, c. 1, Pt. S, §2 (AMD). 2013, c. 368, Pt. II, §§1, 2 (AMD). 2015, c. 267, Pt. NN, §2 (AMD).

§204. RULES

A rule authorized or provisionally adopted pursuant to this Title after January 1, 2005 that proposes to regulate private schools is a major substantive rule and subject to legislative review in accordance with Title 5, chapter 375, subchapter 2-A. An amendment to a rule adopted pursuant to this Title prior to January 1, 2005 is considered a major substantive rule when the amendment pertains to private schools, and it is subject to legislative review in accordance with Title 5, chapter 375, subchapter 2-A. [2005, c. 194, §1 (NEW).]

SECTION HISTORY
2005, c. 194, §1 (NEW).

Subchapter 2: COMMISSIONER

§251. APPOINTMENT; TERM

The appointment and term of service of the commissioner shall be as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **Appointment.** The commissioner shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over education and to confirmation by the Legislature.

A. The Governor shall include the chairman of the State Board of Education in the selection process and shall ensure that the state board has an opportunity to meet and interview the candidate or candidates. [1983, c. 123, (NEW).]

B. Within 10 days of meeting with the candidate or candidates, the state board shall deliver to the Governor its written appraisal of the strengths and weaknesses of the candidate or candidates. [1983, c. 123, (NEW).]

C. The Governor shall consider the appraisal of the state board prior to posting the nomination of a candidate. [1983, c. 123, (NEW).]

[1983, c. 123, (RPR) .]

2. **Term.** The commissioner shall serve at the pleasure of the Governor.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 123, (AMD).

§251-A. RESPONSIBILITIES OF THE COMMISSIONER

The commissioner is the chief executive officer of the department. In that capacity, the commissioner has primary responsibility for the following: [1987, c. 395, Pt. A, §45 (NEW).]

1. **Enforcing regulatory requirements.** Enforcing applicable regulatory requirements for school administrative units;

[1987, c. 395, Pt. A, §45 (NEW) .]

2. **Providing technical assistance.** Providing technical assistance to school administrative units; and

[1987, c. 395, Pt. A, §45 (NEW) .]

3. **Providing educational leadership.** Providing educational public leadership for the State.

[1987, c. 395, Pt. A, §45 (NEW) .]

SECTION HISTORY
1987, c. 395, §A45 (NEW).

§252. OFFICE

An office shall be provided for the commissioner at the seat of government. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§253. COMMISSIONER'S DUTIES

The duties of the commissioner shall be as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **General duties.** The commissioner shall exercise the powers and perform the duties granted to the department and enforce the requirements of this Title and shall devote full time to the duties of the office.

[1989, c. 502, Pt. A, §49 (AMD) .]

2. **Hiring.** The commissioner may hire personnel deemed necessary to fulfill the duties of the department. These personnel shall be subject to the Civil Service Law, except as provided in section 203.

[1985, c. 785, Pt. B, §78 (AMD) .]

3. **Delegation.** The commissioner may authorize a designee to carry out the assigned duties.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Specific duties.** The commissioner also shall:

A. Coordinate, consolidate and prepare a budget for the department; [1981, c. 693, §§5, 8 (NEW).]

B. Transfer personnel within the department to ensure their efficient utilization; [1981, c. 693, §§5, 8 (NEW).]

C. Coordinate the purchase and use of all department equipment; [2001, c. 454, §2 (AMD).]

D. Review the function and operation of the department to ensure that overlapping functions and operations are eliminated; and [2001, c. 454, §2 (AMD).]

E. Provide leadership in the implementation of the system of learning results as established in section 6209. [2001, c. 454, §3 (NEW).]

[2001, c. 454, §§2, 3 (AMD) .]

5. **Appointment of supervisors.** The commissioner may appoint supervisors to assist and direct elementary and secondary teachers to work with school officers and school boards on request and to perform other duties in the field of education. The salary and necessary traveling expenses of these supervisors shall be paid from an appropriation for that purpose.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Agricultural education consultant.** The commissioner shall appoint, subject to the Civil Service Law, an Education Specialist III or higher or agricultural education consultant to be responsible for supervision of agricultural technical education, including agribusiness and agriculture's relation to the environment.

[2009, c. 213, Pt. D, §1 (AMD) .]

7. **School nurse coordinator.**

[2011, c. 380, Pt. DD, §1 (RP) .]

8. **Statewide support for efficiencies.** The commissioner may expend and disburse funds for the statewide support of operational efficiencies for school administrative units.

[2007, c. 240, Pt. C, §1 (NEW) .]

9. **Transition to standards-based educational system.** In order to facilitate the transformation of the public education system to one in which standards are used to guide curriculum and instruction and in which student advancement and graduation are based on student demonstration of proficiency in meeting educational standards, the commissioner may waive or alter any provision of this Title as specified in an approved plan for transitioning to proficiency-based graduation in accordance with section 4722-A as the provision pertains to requiring or prohibiting an action based on the age or grade level of a student. This authority applies to all age-based or grade-based requirements, except that the commissioner may not waive or alter:

A. Requirements imposed by federal law, or imposed by state law in order to comply with federal law, including but not limited to requirements relating to assessment and special education; [2011, c. 669, §1 (NEW).]

B. Compulsory attendance and eligibility to enroll standards; [2011, c. 669, §1 (NEW).]

C. Provisions relating to public funding, including tuition rates; [2011, c. 669, §1 (NEW).]

D. Health-related provisions, if advised by health professionals not to alter the requirements; and [2011, c. 669, §1 (NEW).]

E. Provisions of this Title that are not administered by the commissioner, including but not limited to certain provisions relating to institutions of higher education. [2011, c. 669, §1 (NEW).]

The commissioner shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection before July 1, 2013 are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2013, rules adopted by the commissioner pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

[2011, c. 669, §1 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A1,A25 (AMD). 1985, c. 142, §1 (AMD). 1985, c. 785, §B78 (AMD). 1989, c. 502, §A49 (AMD). 2001, c. 454, §§2,3 (AMD). 2007, c. 240, Pt. C, §1 (AMD). 2009, c. 213, Pt. D, §1 (AMD). 2011, c. 380, Pt. DD, §1 (AMD). 2011, c. 669, §1 (AMD).

§254. EDUCATIONAL DUTIES

The commissioner shall have the following educational duties. [1983, c. 693, §§5, 8 (NEW).]

1. **General duty.** The commissioner may inspect and have general supervision over all public schools and shall advise and direct superintendents and school boards in the discharge of their duties, by circular letters and personal conferences.

[1983, c. 693, §§5, 8 (NEW) .]

2. **Training and development.** The commissioner shall promote the importance of ongoing training and development and encourage initiatives that prepare school personnel to fully implement the system of learning results as established in section 6209.

[2001, c. 454, §4 (AMD) .]

3. **Contracts for career and technical educational programs.** The commissioner may:

A. Contract with a private school for the conduct of career and technical education courses in accordance with section 3002; and [2011, c. 679, §1 (AMD).]

B. Reimburse the private schools for part of the cost of conducting approved career and technical education courses from funds available from the Federal Government for the purpose of career and technical education. [2011, c. 679, §1 (AMD).]

[2011, c. 679, §1 (AMD) .]

4. **Superintendent conference.** Annually the commissioner shall hold a conference for the instruction of superintendents.

[1983, c. 693, §§5, 8 (NEW) .]

5. **Medication.** The commissioner shall provide for the administration of medication within schools as follows.

A. The commissioner shall adopt rules for the administration of medication in public or approved private schools, including the training of unlicensed personnel to administer medication. The rules for training must describe how the department will provide training at the local level directly to unlicensed personnel in each school administrative unit or approved private school in the State. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A. [2001, c. 451, §1 (AMD).]

B. Any public or approved private school shall have a written local policy and procedure for administering medication. The written local policy must include the requirement that all unlicensed personnel who administer medication receive training before receiving authorization to do so. Compliance with the provisions of this subsection is a requirement for basic school approval pursuant to sections 2902 and 4502. [1999, c. 669, §1 (NEW).]

C. A public school or a private school approved pursuant to section 2902 must have a written local policy authorizing students to possess and self-administer emergency medication from an asthma inhaler or an epinephrine pen. The written local policy must include the following requirements.

(1) A student who self-administers an asthma inhaler or an epinephrine pen must have the prior written approval of the student's primary health care provider and, if the student is a minor, the prior written approval of the student's parent or guardian.

(2) The student's parent or guardian must submit written verification to the school from the student's primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in school.

(3) The school nurse shall evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school. [2003, c. 531, §1 (NEW).]

[2003, c. 531, §1 (AMD) .]

6. **Other duties.** The commissioner shall carry out all other duties assigned in this Title.

[1983, c. 693, §§5, 8 (NEW) .]

7. **Clearinghouse for information on nuclear usage.**

[2013, c. 506, §2 (RP) .]

8. **Model hiring procedure.**

[2013, c. 506, §3 (RP) .]

9. **Statewide goal.**

[2013, c. 506, §3 (RP) .]

10. **Gender equity.**

[2013, c. 506, §4 (RP) .]

11. **Statewide standards for behavior.** In consultation with organizations representing school boards, school administrators, teachers, parents and other interested local officials and community members, the commissioner shall develop statewide standards for responsible and ethical student behavior. The standards must require annual reporting of incidents of violent and harmful behavior by or against students to the department by school administrative units. The department shall provide forms for reporting.

[1999, c. 351, §1 (NEW) .]

11-A. **Model policy; reporting.** By January 1, 2013, the commissioner shall develop a model policy to address bullying and cyberbullying for use by school administrative units pursuant to section 6554. A copy of the model policy must be sent to each school administrative unit in the State and posted on the publicly accessible portion of the department's website along with any training and instructional materials related to the policy that the commissioner determines necessary.

A. The commissioner shall create a procedure by which school administrative units report substantiated incidents of bullying and cyberbullying to the department on at least an annual basis. These reports may not contain personally identifying information about students or other involved persons, but must delineate the specific nature of the incidents, the consequences and the actions taken. [2011, c. 659, §1 (NEW).]

B. The commissioner may update or revise the model policy and shall post the update or revision on the publicly accessible portion of the department's website and send a copy of the update or revision to each school administrative unit. [2011, c. 659, §1 (NEW).]

[2011, c. 659, §1 (NEW) .]

12. **Technical assistance and statewide standards for reintegration planning.** In consultation with juvenile correctional officials, juvenile community corrections officers, organizations representing school boards, school administrators, teachers and parents and other interested local officials and community members, the commissioner shall develop a program of technical assistance and establish statewide standards for reintegration planning and transition services for juvenile offenders who are discharged from juvenile

correctional facilities in the State, who have been enrolled in educational programs or schools for juveniles located in or operated by correctional facilities and who are transferring to schools located within local school administrative units in the State. The technical assistance and standards must include, but may not be limited to:

A. Timely presentation of student educational records pursuant to section 6001-B and other appropriate information, including confidential criminal justice information regarding juveniles pursuant to section 1055, subsections 11 and 12; [2001, c. 452, §3 (NEW).]

B. The level and scope of technical assistance to be provided by the department to local school officials and the level and scope of training that local school administrative units must provide to school personnel who may have access to confidential criminal justice information regarding juveniles pursuant to section 1055, subsections 11 and 12; and [2001, c. 452, §3 (NEW).]

C. Annual reporting to the department by superintendents of the number of juvenile offenders who are released or discharged from juvenile correctional facilities in the State and who enroll in schools located within their local school administrative units. The department shall provide forms for reporting. [2001, c. 452, §3 (NEW).]

[2001, c. 452, §3 (NEW) .]

13. **Technical assistance; integrated model for instruction in personal finance.** The commissioner shall develop a program of technical assistance that promotes the importance of financial literacy and encourages school administrative units to implement an integrated model for instruction in personal finance that may be used in secondary schools as part of the instruction in social studies or mathematics required by section 4722, subsection 2, paragraphs B and C. The commissioner, in consultation with the Finance Authority of Maine, the Office of Securities within the Department of Professional and Financial Regulation, Jobs for Maine's Graduates, organizations representing banks, credit unions and financial professionals and other interested organizations promoting personal finance initiatives, shall prepare and distribute annually, in January, a report to school boards and superintendents that includes strategies and resources available to implement an integrated model for instruction in personal finance for use in secondary schools. The annual report must also be provided to the joint standing committee of the Legislature having jurisdiction over education matters, and the department shall post the report on its publicly accessible website. The commissioner shall identify best practices to support students' financial literacy for those school administrative units that elect to offer financial literacy education pursuant to this subsection.

(Subsection 13 as enacted by PL 2011, c. 348, §2 is REALLOCATED TO TITLE 20-A, SECTION 254, SUBSECTION 14)

(Subsection 13 as enacted by PL 2011, c. 354, §1 is REALLOCATED TO TITLE 20-A, SECTION 254, SUBSECTION 15)

[2015, c. 64, §1 (AMD) .]

14. (REALLOCATED FROM T. 20-A, §254, sub-§13) **Transitional services for students with disabilities.** To provide for an efficient and effective coordinated system of services across state agencies and local and private entities, the commissioner shall plan, coordinate and implement services for students with disabilities who are in transition from school to community in accordance with rules adopted by the department. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 1, §23 (RAL) .]

15. (REALLOCATED FROM T. 20-A, §254, sub-§13) **Technical assistance; professional development and training for instruction in digital literacy; clearinghouse for information on use of online learning resources.** The commissioner shall develop a program of technical assistance, including professional development and training for instruction in digital literacy and the establishment of a

clearinghouse for information on the use of online learning resources that may be made available to all school administrative units, including those schools that participate in the learning through technology program under section 15689-A, subsection 12-A, which provides one-to-one wireless computers for 7th grade, 8th grade and high school students and educators.

The technical assistance must include, but is not limited to:

A. A model for instruction that promotes digital literacy for students; [2011, c. 1, §24 (RAL).]

B. A clearinghouse for information on the use of online learning resources, including best practices in the use of open educational resources and open-source textbooks; and [2011, c. 1, §24 (RAL).]

C. Professional development and training for educators in the effective use of online learning resources, including open educational resources and open-source textbooks. [2011, c. 1, §24 (RAL).]

The program of technical assistance provided by the department may be used by those schools and educators who choose to provide instruction in digital literacy and who choose to use online learning resources, including best practices in the use of open educational resources and open-source textbooks. The program of technical assistance provided by the department must be available to all school administrative units in the State and posted on the department's publicly accessible website.

[2011, c. 1, §24 (RAL) .]

16. **Parental involvement initiatives.** The commissioner shall strongly encourage each school board to adopt local procedures for implementing a districtwide parental involvement initiative as school board policy in accordance with section 255, subsection 6.

[2011, c. 571, §1 (NEW) .]

17. **Model policy for management of concussive and other head injuries.** In consultation with organizations representing school principals, school boards, school superintendents, athletic directors, athletic trainers, sports medicine practitioners, the Acquired Brain Injury Advisory Council established in Title 34-B, section 19001 and other interested parties, the commissioner shall develop a model policy on the management of concussive and other head injuries in school activities and athletics.

[2011, c. 688, §1 (NEW) .]

18. **Model policy; child sexual abuse prevention.** The commissioner shall develop a model policy for child sexual abuse prevention education and response that may be used for public preschool programs operated in compliance with chapter 203, subchapter 3 and for all students enrolled in kindergarten to grade 5.

A. No later than July 1, 2016, the commissioner, in consultation with the Department of Health and Human Services, organizations that have expertise in child sexual abuse prevention education and organizations representing school boards, administrators, teachers and parents, shall develop a model policy based on nationally recognized best practices that includes:

(1) Child sexual abuse response and reporting procedures;

(2) Child sexual abuse awareness training and prevention education for school personnel;

(3) Age-appropriate child sexual abuse prevention education for students, aligned to the system of learning results established pursuant to section 6209 and delivered by qualified instructors;

(4) School response and reporting procedures; and

(5) Resources a victim of child sexual abuse or nonoffending caregivers of a victim of child sexual abuse may access for services and support. [2015, c. 292, §1 (NEW).]

B. The department shall offer technical assistance to school administrative units that operate a public preschool program or an elementary school to aid in the establishment of a local child sexual abuse prevention education and response policy that is consistent with the model policy developed under paragraph A. [2015, c. 292, §1 (NEW).]

C. The department shall send a copy of the model policy developed under paragraph A to each school administrative unit in the State and post the model policy on the publicly accessible portion of the department's website along with any related resources that the commissioner determines necessary. [2015, c. 292, §1 (NEW).]

[2015, c. 292, §1 (NEW) .]

19. **Designation of school to enroll certain students.** The commissioner may designate a school administrative unit as the receiving school administrative unit for a student who resides in a school administrative unit that neither maintains a school nor contracts for school privileges pursuant to chapter 115 and is unable to find a school administrative unit willing to enroll the student in one of its schools, upon a written request from the superintendent of the school administrative unit where the student resides setting forth the student's circumstances giving rise to the request.

A. If the commissioner makes a designation under this subsection, the school administrative unit where the student resides shall pay tuition for that student to the receiving school administrative unit as calculated in accordance with this subsection and chapter 219. [2015, c. 448, §1 (NEW).]

B. If a student subject to a designation under this subsection is receiving special education services, the receiving school administrative unit designated by the commissioner under this subsection is responsible for providing a free, appropriate public education to the student, subject to the provisions of this subsection. The receiving school administrative unit shall invite the school administrative unit where the student resides to participate in individualized education program team meetings for the student, but the authorized representative of the receiving school administrative unit shall make the decision on any issue on which consensus is not reached. The school administrative unit where the student resides shall, in addition to tuition payable pursuant to chapter 219, pay to the receiving school administrative unit:

(1) Special education tuition;

(2) Any costs not included in the computation of special education tuition directly related to the student's special education program; and

(3) Any costs associated with due process proceedings in connection with the student's special education program. [2015, c. 448, §1 (NEW).]

C. Once the commissioner makes a designation under this subsection, the student must be enrolled in the receiving school administrative unit. If dissatisfied with the commissioner's decision, the superintendent of the school administrative unit where the student resides or the superintendent of the receiving school administrative unit may, within 10 calendar days of the commissioner's decision, request that the state board review the designation. The state board shall review the commissioner's determinations and communicate with the commissioner, the superintendents and the parent of the student. The state board may approve or disapprove the designation. The state board shall make a decision within 45 calendar days of receiving the request and shall provide to the commissioner, the superintendents and the parent of the student a written decision describing the basis of the state board's determination. The state board's decision is final and binding. [2015, c. 448, §1 (NEW).]

[2015, c. 448, §1 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 739, (AMD). 1989, c. 889, §3 (AMD). 1995, c. 625, §A21 (AMD). 1999, c. 351, §1 (AMD). 1999, c. 669, §1 (AMD). 2001, c. 451, §1 (AMD). 2001, c. 452, §3 (AMD). 2001, c. 454, §4 (AMD). 2003, c. 531, §1 (AMD). 2005, c. 397, §D3 (REV). RR 2011,

c. 1, §§23, 24 (COR). 2011, c. 154, §1 (AMD). 2011, c. 348, §2 (AMD). 2011, c. 354, §1 (AMD). 2011, c. 571, §1 (AMD). 2011, c. 659, §1 (AMD). 2011, c. 679, §1 (AMD). 2011, c. 688, §1 (AMD). 2013, c. 506, §§2-4 (AMD). 2015, c. 64, §1 (AMD). 2015, c. 292, §1 (AMD). 2015, c. 448, §1 (AMD).

§255. SCHOOL ADMINISTRATIVE UNIT; REPORTS, RECORDS, INFORMATION

1. **Pamphlet of laws.** The commissioner shall:

A. Compile the amended school laws of the State in pamphlet form and distribute them to municipal and school officers; and [1981, c. 693, §§5, 8 (NEW).]

B. Prepare and issue biennially, with such content as the commissioner deems appropriate, circulars of information and advice to school officers relating to new school laws. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. **Record books.** The commissioner shall furnish to the school officers of each school administrative unit proper blank books in which they shall keep complete and itemized records of all matters relating to moneys appropriated, received and expended for schools. These books shall remain the property of the State.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Forms.** The commissioner shall:

A. Prepare and print forms for all returns required by law or deemed necessary by the commissioner; [1981, c. 693, §§5, 8 (NEW).]

B. On March 1st, forward to each superintendent forms for the annual school return as provided in section 6004; and [1981, c. 693, §§5, 8 (NEW).]

C. On May 1st, forward to each superintendent forms for the returns required by sections 6051 and 6052. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

4. **Maintaining records.** The commissioner shall preserve all school reports of this State and of other states which the commissioner may receive, the returns from the various municipalities and institutions of learning and books, apparatus, maps, charts, works on education, plans for school buildings, models and other articles of interest to school officers and teachers as may be obtained without expense to the State.

[1983, c. 862, §51 (AMD) .]

5. **Information.** The commissioner shall:

A. Obtain information on school systems in this State and other states and other countries and the condition and progress of public education throughout the world; [2009, c. 2, §41 (COR).]

B. Disseminate this information, with practical hints upon the conduct of schools, improved systems of instruction and the true theory of education by public addresses, circulars and articles prepared for the press; [1981, c. 693, §§5, 8 (NEW).]

C. Disseminate this information by outlines, suggestions and directions concerning the management, discipline and methods employed in teaching to teachers and school officers of the State; and [1981, c. 693, §§5, 8 (NEW).]

D. Do all in the commissioner's power to awaken and sustain an interest in education among the people and to stimulate school officers, teachers and other educational personnel to well directed efforts in their work. [1983, c. 859, Pt. B, §§2, 4 (AMD).]

[2009, c. 2, §41 (COR) .]

6. **Parental involvement initiatives; post.** Beginning with the 2013-2014 school year, a school administrative unit that adopts a parental involvement initiative may submit a copy of that initiative to the department, and the commissioner shall post that initiative on the department's publicly accessible website. The commissioner also shall post on the department's publicly accessible website links to the publicly accessible websites of those school administrative units that have chosen to adopt districtwide parental involvement initiatives as school board policy and that have submitted those initiatives to the department.

[2011, c. 571, §2 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §§1,2 (AMD). 1983, c. 859, §§B1-B2,B4 (AMD). 1983, c. 862, §51 (AMD). RR 2009, c. 2, §41 (COR). 2011, c. 571, §2 (AMD).

§256. MISCELLANEOUS DUTIES

1. **Report to Governor and Legislature.** The commissioner shall prepare and deliver to the Governor and Legislature an annual report on the status of public education in the State regarding the implementation of the system of learning results as established in section 6209, including any suggestions and recommendations to improve public education. This annual report must also include a description of the activities and accomplishments of the state board.

The commissioner shall include in the annual report a listing of requests by school districts for affirmative action workshops and an assessment of the department's ability to meet past and projected demand for in-service training related to affirmative action or gender equity.

The commissioner may be invited by the Speaker of the House of Representatives and the President of the Senate annually, in January, to appear before a joint session of the Legislature to address the Legislature on the status of public education in the State and such related matters as the commissioner desires to bring to the Legislature's attention.

[2009, c. 274, §7 (AMD) .]

2. **Joining educational organizations.** The commissioner may authorize the department to join educational organizations and associations, both within and outside the State, when that membership will increase the efficiency or progress of education within the State.

[1983, c. 806, §4 (AMD) .]

3. **Limit on authority.**

[1989, c. 700, Pt. B, §14 (RP) .]

4. **Control of gift-established schools.** The commissioner shall:

A. Assume the control and management of all public schools established and maintained by gifts or bequests, when the gifts or bequests are conditioned on the commissioner assuming that control and management; and [1981, c. 693, §§5, 8 (NEW).]

B. Carry out the provisions on which those gifts or bequests are conditioned, when those conditions are approved by the Governor. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

5. **Duties imposed by charters.** The commissioner shall perform all duties assigned by charter granted by the Legislature to an educational institution.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Central information system.** The department shall include in the department's annual budget funds necessary to initiate and maintain a central information system on resources for people with disabilities. The system should be community-based and developed with substantial participation by people with disabilities.

[1989, c. 518, Pt. A, §1 (NEW) .]

7. **Women in administration; data; report.**

[2013, c. 506, §5 (RP) .]

8. **Gifts and donations.**

[1995, c. 676, §13 (AFF); 1995, c. 676, §4 (RP) .]

9. **Collection of fees.**

[1995, c. 676, §13 (AFF); 1995, c. 676, §4 (RP) .]

10. **Telecommunications education access fund.** The commissioner or the State Librarian may enter into contracts or order services on behalf of schools and libraries in connection with the telecommunications education access fund pursuant to Title 35-A, section 7104-B. The commissioner or the State Librarian may take advantage of any discounts available pursuant to the federal Telecommunications Act of 1996.

[2009, c. 274, §8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §§3,4 (AMD). 1983, c. 859, §§B3,B4 (AMD). 1983, c. 860, §1 (AMD). 1985, c. 505, §1 (AMD). 1985, c. 763, §A76 (AMD). 1987, c. 395, §A46 (AMD). 1989, c. 518, §A1 (AMD). 1989, c. 700, §B14 (AMD). 1989, c. 889, §§4,5 (AMD). 1991, c. 528, §I1 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §I1 (AMD). 1995, c. 676, §4 (AMD). 1995, c. 676, §13 (AFF). 2001, c. 454, §5 (AMD). 2009, c. 274, §§7, 8 (AMD). 2013, c. 506, §5 (AMD).

§257. HIGH SCHOOL EQUIVALENCY DIPLOMAS

1. **Issuance of diploma.** The commissioner shall issue a high school equivalency diploma to a person who:

A. Is at least 18 years of age, if that person:

(1) Has completed a formal training program approved by the commissioner; and

(2) Has demonstrated, through procedures prescribed by the commissioner, attainment of a general educational development comparable to that of a secondary school graduate; or [1991, c. 662, §1 (RPR).]

B. Is 17 years of age, if that person:

(1) Has not been in attendance for one year or more at a public school or a private school approved by the department pursuant to chapter 117, or has documented an immediate need for a high school equivalency diploma to the superintendent of schools for the school administrative unit in which that person resides, and has received written approval for the issuance of a high school equivalency diploma from the superintendent;

(2) Has completed a formal training program approved by the commissioner; and

(3) Has demonstrated, through procedures prescribed by the commissioner, attainment of a general educational development comparable to that of a secondary school graduate. [1991, c. 662, §1 (RPR).]

The commissioner shall issue a diploma authorized by this subsection upon compliance with the requirements of this subsection or as soon thereafter as possible.

[1991, c. 662, §1 (RPR) .]

2. **Equivalency diploma status.** High school equivalency diplomas have the legal status of high school diplomas.

[1991, c. 662, §1 (RPR) .]

3. **Fees.** A fee may not be charged for the issuance of any high school equivalency diploma to residents of the State.

[1991, c. 662, §1 (RPR) .]

4. **Department of Education diploma.**

[2013, c. 439, §1 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 151, (AMD). 1983, c. 806, §5 (AMD). 1985, c. 774, §3 (AMD). 1989, c. 525, §1 (AMD). 1991, c. 662, §1 (RPR). 2007, c. 451, §1 (AMD). 2013, c. 439, §1 (AMD).

§257-A. DEPARTMENT OF EDUCATION DIPLOMA

The commissioner shall issue a Department of Education diploma to a student who qualifies for the diploma pursuant to this section. A Department of Education diploma has the same legal status as a diploma awarded by a school administrative unit. [2013, c. 439, §2 (NEW).]

1. **Eligibility to apply for diploma.** A student is eligible to apply for a Department of Education diploma if that student is unable to satisfy the requirements for a diploma from a school administrative unit because the student experienced one or more education disruptions, as defined in section 5161, subsection 2-A, during the student's educational history.

[2013, c. 439, §2 (NEW) .]

2. **Standard for awarding diploma.** The commissioner shall issue a diploma under this section only to a student who demonstrates achievement of the content standards of the system of learning results established pursuant to section 6209.

[2013, c. 439, §2 (NEW) .]

3. **Process.** A student who seeks a Department of Education diploma shall submit an application to the commissioner, including such evidence of student achievement and other information as is required by the commissioner. Evidence of student achievement may include, but is not limited to, transcripts, waivers, academic reports and school work recognition plans. The commissioner shall form a review team to review evidence of student achievement and to make a recommendation to the commissioner on the awarding of a diploma under this section. The commissioner shall make the final determination of eligibility for a diploma under this section.

[2013, c. 439, §2 (NEW) .]

SECTION HISTORY
2013, c. 439, §2 (NEW).

§258. INSPECTION OF SCHOOLS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §6 (AMD). 1983, c. 859, §§A2,A25 (RP). 1985, c. 142, §1 (AMD).

§258-A. INSPECTION OF SCHOOLS

1. **Petition or request.** The commissioner shall inspect a school or schools in a school administrative unit and report the findings and recommendations to the school board, addressing the concerns of the petition in light of applicable school approval standards, when:

A. Petitioned by 60% of the parents of the children of one school; [1983, c. 859, Pt. A, §§3, 25 (NEW).]

B. Requested by the school board or superintendent of schools; or [1983, c. 859, Pt. A, §§3, 25 (NEW).]

C. Petitioned by 20% of the registered voters of the unit. [1983, c. 859, Pt. A, §§3, 25 (NEW).]

[1983, c. 859, Pt. A, §§3, 25 (NEW) .]

2. **Periodic reviews.** The commissioner shall periodically review all public schools and all private schools which receive public funds, to determine their compliance with the applicable provisions of this Title.

[1983, c. 859, Pt. A, §§3, 25 (NEW) .]

3. **Special reviews.** The commissioner shall fulfill the monitoring functions required by any state or federal grants to school units or schools.

[1983, c. 859, Pt. A, §§3, 25 (NEW) .]

4. **Private schools.** The commissioner may, as a condition of approval, inspect any private school which applies for approval status.

[1983, c. 859, Pt. A, §§3, 25 (NEW) .]

SECTION HISTORY
1983, c. 859, §§A3,A25 (NEW). 1985, c. 142, §1 (AMD).

§258-B. AIR QUALITY TESTING

1. **Petition percentage.** A request for an inspection of schools to test air quality is subject to the criteria established in section 258-A, except that a petition by 50% of the parents of the children of one school is sufficient to initiate an inspection by the commissioner.

[1995, c. 338, §1 (NEW) .]

2. **Notify citizens.** The commissioner shall direct superintendents to notify any citizen who requests an inspection of school facilities of the petition process for requesting such an inspection under this section and section 258-A.

[1995, c. 338, §1 (NEW) .]

SECTION HISTORY
1995, c. 338, §1 (NEW).

§259. STUDENT PERFORMANCE EVALUATION PLAN

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§D2,D4 (RP).

§260. EARLY ELEMENTARY, KINDERGARTEN TO GRADE 3, SCHOOL ASSISTANCE PROGRAM

(REPEALED)

SECTION HISTORY
1983, c. 859, §§K2,K7 (NEW). 1985, c. 295, §28 (AMD). 1993, c. 252, §E2 (RP).

§261. SCHOOLING PRIVILEGES

The commissioner may adopt rules regarding tuition charges, accounting, audits, contracts and other aspects of schooling privileges between receiving schools approved for tuition purposes and sending school administrative units. [1985, c. 797, §9 (NEW).]

The commissioner may adopt rules to implement statutory policies regarding student residency, the right of a student to attend school in another administrative unit, homeless students and other exceptions to the general residency rules. Rules adopted by the commissioner pursuant to this section shall take precedence over any inconsistent or conflicting rules adopted by a school board pursuant to section 5201, subsection 4. [1991, c. 608, §2 (AMD).]

SECTION HISTORY
1985, c. 797, §9 (NEW). 1989, c. 415, §2 (AMD). 1991, c. 608, §2 (AMD).

§262. VIOLENCE PREVENTION AND INTERVENTION

The commissioner shall provide technical assistance to school administrative units that request assistance in the provision of violence prevention and intervention training programs for teachers, school staff and students. The assistance must emphasize conflict resolution education, peer mediation and early identification and response to signs of violence. [1999, c. 781, §1 (NEW).]

SECTION HISTORY

1999, c. 781, §1 (NEW).

§263. RESPONSE TO SCHOOL BOMB THREATS

1. **Prototype guidelines, policies and protocols.** The commissioner, in consultation with state and local emergency services officials and representatives of school personnel and school board members, shall develop prototypical guidelines, policies and protocols for school administrative units to present to their communities when those communities are considering implementing local policies that concern prevention of and response to school bomb threats. The prototypical guidelines, policies and protocols developed by the commissioner must be made available to all schools in the State no later than December 31, 2001.

[2001, c. 67, §1 (NEW) .]

2. **Reporting of school bomb threats.** Beginning with the 2001-2002 school year, all public schools and private schools enrolling more than 60% of their students at public expense in the State must report each bomb threat incident to the commissioner. The initial report must be made to the office of the superintendent within the school administrative unit or to the headmaster of the private school. The office of the superintendent or headmaster receiving a report of a bomb threat at a school must report that threat to the commissioner within 2 business days of the occurrence of the bomb threat. The commissioner shall report annually on the nature, frequency and impacts of school bomb threats in the State's schools to the joint standing committee of the Legislature having jurisdiction over education matters.

[2001, c. 67, §1 (NEW) .]

SECTION HISTORY
2001, c. 67, §1 (NEW).

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