

05 Department of Education

05-071 Department of Education	
2024-003: Chapter 41, Offering Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator in Maine Public Schools	
Statutory Authority:	20-A M.R.S. § 6304
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	None
Principal purpose:	<p><i>As a result of the First Special Session of the 131st Maine Legislature, Public Law 2023, Chapter 460 was signed by Governor Mills on July 27, 2023. This law, An Act to Require Public Schools to Offer Training for Secondary Students on the Administration of Naloxone Hydrochloride requires all Maine public schools to offer training to secondary students in the administration of naloxone hydrochloride in nasal spray form. The law further requires the Maine Department of Education to adopt rules on how to train secondary students to administer naloxone hydrochloride in nasal spray form. The training may be provided as extracurricular instruction, is to be delivered by a qualified individual, and that the standards for instruction are based on those of a nationally recognized program, organization, or agency.</i></p> <p><i>Other revisions to the rule account for updates to terminology and practice in CPR and AED administration.</i></p>
Basis Statement:	<p><i>As a result of the First Special Session of the 131st Maine Legislature, Public Law 2023, Chapter 460 was signed by Governor Mills on July 27, 2023. This law, An Act to Require Public Schools to Offer Training for Secondary Students on the Administration of Naloxone Hydrochloride requires all Maine public schools to offer training to secondary students in the administration of naloxone hydrochloride in nasal spray form. The law further requires the Maine Department of Education to adopt rules on how to train secondary students to administer naloxone hydrochloride in nasal spray form. The training may be provided as extracurricular instruction, is to be delivered by a qualified individual, and that the standards for instruction are based on those of a nationally recognized program, organization, or agency.</i></p> <p><i>Other revisions to the rule account for updates to terminology and practice in CPR and AED administration.</i></p>

05-071 Department of Education	
2024-048: Chapter 52, Grant Application and Award Procedure; Fund for School Meal Equipment and Program Improvement	
Statutory Authority:	20-A M.R.S. § 6664
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	None
Principal purpose:	<i>As a result of Public Law 2023, Chapter 457 (codified at 20-A MRSA §6664), the Maine Department of Education is proposing a new rule to govern the administration of the School Meal Equipment and Program Improvement Fund.</i>
Basis Statement:	<i>As a result of Public Law 2023, Chapter 457 (codified at 20-A MRSA §6664), the Maine Department of Education is proposing a new rule to govern the administration of the School Meal Equipment and Program Improvement Fund.</i>

05-071 Department of Education	
2024-102: Chapter 83, School Transportation Operations Program	
Statutory Authority:	29-A M.R.S. § 2311; 20-A M.R.S. § 5401(7)
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	None
Principal purpose:	<i>The purpose of Chapter 83 is to determine who is eligible for access to the School Transportation Operations Program and provide a process for eligible schools to access the software subsidy. This rule has been revised to clarify the role of the Department of Education in providing the subsidy, the technical start-up process, and the distribution of state payment of approved subsidies.</i>
Basis Statement:	<i>The purpose of Chapter 83 is to determine who is eligible for access to the School Transportation Operations Program and provide a process for eligible schools to access the software subsidy. This rule has been revised to clarify the role of the Department of Education in providing the subsidy, the technical start-up process, and the distribution of state payment of approved subsidies.</i>

05-071 Department of Education	
2024-103: Chapter 84, School Bus Refurbishment Program	
Statutory Authority:	29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>Since 2021, SAUs have managed school bus body refurbishment locally. Expenditures for transportation are covered by the EPS formula. As such, refurbishment costs may, in part, be subsidized by the EPS formula.</i>
Principal purpose:	<p><i>This regulation established procedures for school administrative units (SAUs) to contract for school bus refurbishment services through the Maine School Bus Refurbishment Program.</i></p> <p><i>The program provided subsidy to school administrative units (SAUs) in order to offset the partial cost of refurbishment for school buses used to transport students to and from home and school and school events. This program was operated by the Maine State Military Authority which no longer refurbishes school buses. As a result, the Department of Education is proposing a full repeal of the rule.</i></p>
Basis Statement:	<p><i>This regulation established procedures for school administrative units (SAUs) to contract for school bus refurbishment services through the Maine School Bus Refurbishment Program.</i></p> <p><i>The program provided subsidy to school administrative units (SAUs) in order to offset the partial cost of refurbishment for school buses used to transport students to and from home and school and school events. This program was operated the Maine State Military Authority which no longer refurbishes school buses. As a result, the Department of Education is proposing a full repeal of the rule.</i></p>

05-071 Department of Education, State Board of Education

2024-122: Chapter 61, Rules for Major Capital School Construction Projects

Statutory Authority: 20-A M.R.S. §§ 3, 405(3)(J), 15905(4), PL 2023, Ch. 462

Type: Major Substantive

Emergency?: No

Fiscal impact: None

Principal purpose: *As a result of the First Special Session of the 131st Maine Legislature, The State Board of Education is engaging in rulemaking in response to Public Law 2023, Chapter 462, “An Act to Expand Access to School Construction Funding” effective October 25, 2023 which directs the State Board to amend their rule regarding administering funding for integrated, consolidated 9-16 educational facilities.*

As part of this update, The State Board of Education is opening Rule Chapter 61: State Board Of Education Rules For Major Capital School Construction Projects to complete the legislative changes required by law and is proposing several other changes.

Basis Statement: *As a result of the First Special Session of the 131st Maine Legislature, The State Board of Education is engaging in rulemaking in response to Public Law 2023, Chapter 462, “An Act to Expand Access to School Construction Funding” effective October 25, 2023 which directs the State Board to amend their rule regarding administering funding for integrated, consolidated 9-16 educational facilities.*

As part of this update, The State Board of Education is opening Rule Chapter 61: State Board Of Education Rules For Major Capital School Construction Projects to complete the legislative changes required by law and is proposing several other changes to enhance clarity. The definition of “emergency project” has been updated to provide greater clarity in the determination of project approval. Major capital construction project application form guidance has been updated to include consolidated 9-12 educational facilities. The school construction eligibility section has been updated to remove specifically identified school years from the graduation rate criteria. The movable equipment cost has been updated to 4% instead of the identified 9% listed in the rule to reflect State Board practice. The State Board reserves the right to review for potential increases on a case-by-case basis. Project management authority and contracted representatives has been updated in the section relating to final approval as a result of State Board practice. The Bureau of General Services has been removed from the language of the rule due to the elimination of that office.

05-071 Department of Education/94-376 Maine Municipal Bond Bank [Joint Rule]

2024-123: Chapter 64, Maine School Facilities Program and School Revolving Renovation Fund

Statutory Authority:	20-A M.R.S. §§ 1, 4001, 5804, 5805, 15603, 15907, 15918; Resolves 2023, Ch. 44; 30-A M.R.S. §§ 5953-E, 6006-E, 6006-F; Resolve 2007, Ch. 174
Type:	Major Substantive
Emergency?:	No
Fiscal impact:	None
Principal purpose:	<p><i>Resolves 2023, Chapter 44, “Resolve, Directing the Department of Education and the Maine Municipal Bond Bank to Amend Their Rules Regarding the Maine School Facilities Finance Program and the School Revolving Renovation Fund” effective October 25, 2023 directs the Maine Department of Education and the Maine Municipal Bond Bank to amend their rules to require: (1) that the maximum total loans from the fund for repair, renovation, and improvement projects for Priority One, Priority Two, Priority Three, Priority Four and Priority Five be increased from \$4,000,000 to \$8,000,000, and (2) that the maximum loan amount from the fund to address each priority level in a school building be increased from \$1,000,000 to \$2,000,000 within any 5-year period.</i></p> <p><i>This amendment makes those two changes.</i></p>
Basis Statement:	<p><i>Resolves 2023, Chapter 44, “Resolve, Directing the Department of Education and the Maine Municipal Bond Bank to Amend Their Rules Regarding the Maine School Facilities Finance Program and the School Revolving Renovation Fund,” effective October 25, 2023, directs the Maine Department of Education and the Maine Municipal Bond Bank to amend their rules to require: (1) that the maximum total loans from the fund for repair, renovation, and improvement projects for Priority One, Priority Two, Priority Three, Priority Four and Priority Five be increased from \$4,000,000 to \$8,000,000, and (2) that the maximum loan amount from the fund to address each priority level in a school building be increased from \$1,000,000 to \$2,000,000 within any 5-year period.</i></p> <p><i>This amendment makes those two changes.</i></p>

05-071 Department of Education	
2024-150: Chapter 101, Maine Unified Special Education Rule Birth to Age Twenty	
Statutory Authority:	20-A M.R.S. § 7005(1), 8054
Type:	Major Substantive
Emergency?:	No
Fiscal Impact:	<p><i>Per Maine Unified Special Education Regulations (MUSER) prior to the emergency rule enacted [July 7, 2023], school administrative units (SAUs) were only required to pay special purpose private schools (SPPS) a daily rate for program participation on days when students actually attended their programming. This rule change would require SAUs to pay regardless of whether the student is in attendance on a given school day. The Department estimates that prior to the change, SAUs were paying for approximately 60-75% of the program days, they will now be required to pay for 100% of the program days. The Department estimates the extra cost of paying for 100% of the program days to be approximately \$90-135 per student per program day which is to be paid by the SAU.</i></p> <p><i>Regarding the fiscal note pertaining to the change in age to 22 years, extending the age of eligibility for special education and for participation in career and technical education courses by adults who are enrolled in special education from under 20 years of age to under 22 years of age will increase the total cost of public education from kindergarten to grade 12 and the state's share of that cost. The fiscal impact will depend on the number of eligible students each year. Public Law 2021, chapter 17, Part C allocates \$375,000 in fiscal year 2023-24 to special education for an additional 20 students identified by the department through its student count data. Funding for the State's share of that cost in fiscal year 2024-25 is included in the General Fund appropriation approved for the General Purpose Aid for Local Schools program in chapter 17. Based on this information, no additional General Fund appropriations are provided in this bill (LD 98). Separate from the costs mentioned above, the department was unable to estimate a cost for the additional career and technical education students due to the student count data by age group being unavailable.</i></p>
Principal purpose:	<i>To align the rule with the changes made by Public Law 2023, Chapter 450 and to make permanent the emergency rule language relating to the funding of special purpose private schools.</i>
Basis Statement:	<p><i>Public Law 2023, Chapter 450 amends 20-A MRSA §7001, 7002, 7258, and 8305 to amend the upper age limit to under 22 years of age, changes hearing impairment to deafness, including hearing loss, changes serious emotional disturbance to emotional disability, and changes deafness and blindness to deaf-blindness. Public Law 2023, Chapter 450 also amends outdated language by changing the term pupil evaluation to individualized education program. These changes are now reflected in the revised MUSER.</i></p> <p><i>The Department of Education identified a barrier to its obligation pursuant to the Individuals with Disabilities Education Act (IDEA) and the Maine Unified Special</i></p>

*Education Regulation (MUSER) to ensure the provision of a free, appropriate public education (FAPE) to all eligible students including the availability of a continuum of educational placements. The current funding structure outlined in Section XVIII.3.C(2) of MUSER for private schools that serve exclusively students with disabilities (referred to throughout as “special purpose private schools”) is causing those schools to limit or cease operations, leaving some of Maine’s most significantly impacted children without the educational placements they are entitled to by law. Further breakdown of this critical component of the continuum of educational placements will leave the State unable to maintain compliance with IDEA and MUSER. This barrier was resolved in with the emergency rule filing of July 7, 2023. The Department seeks to make this change permanent in this rulemaking process.
These are the only changes included in this revision.*