

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2019 to December 31, 2019**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5*

**Agency name:** Department of Education  
**Umbrella-Unit:** 05-071  
**Statutory authority:** 20-A MRS §2651(5)  
**Chapter number/title:** **Ch. 122**, Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services  
**Filing number:** **2019-064**  
**Effective date:** 5/12/2019  
**Type of rule:** Major Substantive  
**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

- Provided clarification by connecting language in rule back to Title 20-A MRS §2651
- Corrected statutory citations throughout
- Provided clarification on project design, objectives, and sustainability
- Revised programmatic criteria for evaluating grant applications
- Added budget criteria for evaluating grant applications
- Connected Priority Areas in rule back to Title 20-A MRS §2651
- Included clarification regarding consensus scoring
- Changed the method to score proposals
- Provided clarification regarding the eligibility for subsequent grants
- Corrected the Division of Purchases to the Division of Procurement Services

**Fiscal impact of rule:**  
N/A

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**Agency name:** Department of Education  
**Umbrella-Unit:** 05-071  
**Statutory authority:** 20-A MRS §6211  
**Chapter number/title:** Ch. 132, Learning Results: Parameters for Essential Instruction and State Accountability  
**Filing number:** 2019-086  
**Effective date:** 6/23/2019  
**Type of rule:** Major Substantive  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This amended rule is the culmination of the periodic review of two of the content areas of the Maine Learning Results: social studies, and science and technology.

**Basis statement:**

As part of this revision, both the social studies and the science and engineering standards have been reformatted into our newly designed Maine Learning Results structure. This structure divides each of the content standards into three stages of development, childhood, pre-adolescence, and adolescence. Within these stages, we have also identified the associated grade levels, elementary, middle, high school. Additionally, we have standardized the language used so that the following three descriptors mean the same for each content area. These descriptors and their corresponding definitions are:

**Strand:** A body of knowledge in a content area identified by a simple title.

**Standard:** Enduring understandings and skills that students can apply and transfer to contexts that are new to the student.

**Performance Expectation:** Building blocks to the standard and measurable articulations of what the student understands and can do.

Substantively, the social studies standards revision included emphasizing the guiding principles and their connections to the essential skills and practices of social studies. This was done both by highlighting them in the introduction and by embedding examples of what this looks like throughout the performance expectations. The revision process also led to more of a focus on personal finance in the economics strand including adding "personal finance" to the strand title and through the creation of a new subsection that better reflects the importance of personal finance. Along the same lines, work was done to make sure that the teaching of Maine Native Americans occurred more authentically instead of appearing to be an add-on to existing performance expectations. There was also work done to better demonstrate a progression of rigorous expectations for our students as they progressed through their educational career. Lastly, the revised standards have updated language that reflects changes in technology and teacher capacity.

The science and technology standards revision adopted the Next Generation Science Standards© (NGSS), adapting them to Maine's standards format. The revised standards utilize a three-dimensional approach to science incorporating the actual "doing" of science. The revised standards build coherent learning progressions and provide students multiple opportunities over various grade bands to develop a deeper understanding of each of the three dimensions of science. Students also engage with real-world problems and design solutions. This promotes critical thinking and problem-solving skills which are vital to students' post-secondary success. To help make the standards relevant and meaningful to Maine students, the writing team provided examples from our Maine economy, ecosystem, and lifestyle wherever possible. And finally, the name of the standards has been updated to science and engineering standards to reflect the new three-dimensional approach.

**Fiscal impact of rule:**

N/A

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**Agency name:** Department of Education  
**Umbrella-Unit:** 05-071  
**Statutory authority:** 20-A MRS §4502 sub-§5-B  
**Chapter number/title:** Ch. 38, Suicide Awareness and Prevention in Maine Schools  
**Filing number:** 2019-095  
**Effective date:** 7/5/2019  
**Type of rule:** Major Substantive  
**Emergency rule:** No

**Principal reason or purpose for rule:**

*(See Basis Statement)*

**Basis statement:**

The amendment to rule chapter 38 regarding *Suicide Awareness and Prevention in Maine Public Schools* is being made pursuant to LD 1694, “Resolve, Directing the Department of Education To Adopt Protocols Designed To Prevent Youth Suicide”. The resolve specifies that the language regarding protocols in the current rule chapter 38 be changed from a recommendation that all Maine schools have protocols for suicide prevention and intervention in place, to *require that school administrative units have protocols for suicide prevention and intervention and counseling services after an incident of youth suicide in place that are reviewed and approved by the Department of Education based on the best practices established by the National Alliance on Mental Illness Maine or a similar organization authorized by the Department of Health and Human Services through its suicide prevention program.*

**Fiscal impact of rule:**

N/A

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**Agency name:** Department of Education  
**Umbrella-Unit:** 05-071  
**Statutory authority:** 20-A MRS §13011(1)  
**Chapter number/title:** Ch. 115, The Credentialing of Education Personnel:  
**Part II**, Requirements for Specific Certificates and Endorsements  
**Filing number:** 2019-204  
**Effective date:** 11/19/2019  
**Type of rule:** Major Substantive  
**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The State Board is reinstating Ch. 115 Part II, “Requirements for Specific Certificates and Endorsements”, which was in effect May 14, 2014 to June 30, 2019

**Basis statement:**

The State Board is reinstating Ch. 115 Part II: Requirements for Specific Certificates and Endorsements, which was in effect from May 14, 2014 to June 30, 2019.

*Background*

The State Board proposed amendments to Part II of Ch. 115 in 2016 which were finally adopted after Legislative review in the Spring of 2017 and were to go into effect on July 1, 2019 (the "2017 Amendments"). Among the changes that were to go into effect on July 1, 2019, were changes to the grade spans of a number of endorsements from K-8 and 7-12 to K-6, 4-8 and 6-12. This was a significant change from what had been in place for many years.

In the fall of 2018, the State Board proposed amendments to both Parts I and II (the "2019 Amendments") of Ch. 115 that would, among other changes, return the grade spans to K-8 and 7-12. This proposed reversion to the prior grade spans was supported by educators in the field, the education associations and the institutions of higher education. The State Board provisionally adopted the 2019 Amendments and submitted them to the Legislature for review. The Legislature specified a number of changes to the provisionally adopted rule that the State Board would have been required to make before finally adopting the rule. Resolves 2019 ch. 101. Among the changes that the Legislature specified was to impose a grade span of K-8 until July 1, 2022 and K-6 after July 1, 2022. Resolves 2019 ch. 101.

Because the Resolve was not enacted as emergency legislation, it did not become effective until September 19, 2019, over two months after the change to the grade ranges in the 2017 Amendments was scheduled to take effect. The State Board could not act until the Resolve took effect. In order to maintain the status quo during the period between July 1, 2019 and the State Board's final consideration of adoption of the 2019 Amendments, the Commissioner advised the field that the Department would not be implementing the changes that were set to go into effect on July 1, 2019.

After careful consideration the State Board has now decided not to finally adopt the 2019 Amendments with the changes authorized in the Resolve. The State Board has determined that the grade span provisions in the version of Ch. 115 Part II that was in effect from May 14, 2014 to June 30, 2019 are more appropriate. The State Board intends to undertake a comprehensive review of Ch. 115 and propose amendments for legislative review during the first session of the 130th Legislature. Because the State Board decided not to adopt the 2019 Amendments the Commissioner's decision to retain the status quo for the short period between July 1st and the State Board's adoption of the 2019 Amendments is no longer applicable.

**Fiscal impact of rule:**

None.