

Annual List of Rulemaking Activity
Rules Adopted January 1, 2020 to December 31, 2020
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: Department of Education / State Hoard of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §13104
Chapter number/title: Ch. 112, Professional Standards Board
Filing number: 2020-166
Effective date: 7/26/2020
Type of rule: Routine Tehnical
Emergency rule: No

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

Basis statement:

This rule contains procedures guiding the operations of the Professional Standards Board in its role under Title 20-A ch. 502-B to make recommendations to the State Boar and advise the Department of Education.

Fiscal impact of rule:
None.

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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: **2020-101**
Effective date: 5/23/2020
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

(See Basis Statement)

Basis statement:

The State Board is reinstating ch. 115 part II, "Requirements for Specific Certificates and Endorsements", which was in effect May 14, 2014. These rules following the emergency adoption of these same versions of ch. 115, will be in effect until such time as the State Board has developed new ch. 115 rules.

Fiscal impact of rule:

None.

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §4502(5)
Chapter number/title: Ch. 125, Basic Approval Standards: Public Schools and School Administrative Units
Filing number: 2020-102
Effective date: 5/23/2020
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

(See Basis Statement)

Basis statement:

The State Board and the Department of Education are proposing the repeal and replacement of ch. 125: *Basic Approval Standards: Public Schools and School Administrative Units*.

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

To this end, the 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 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 Know 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.

Fiscal impact of rule:

(no response)

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §4504(3)
Chapter number/title: Ch. 125, Basic Approval Standards: Public Schools and School Administrative Units
Filing number: 2020-190
Effective date: 8/24/2020
Type of rule: Major Substantive
Emergency rule: Yes

Principal reason or purpose for rule:

(See Basis Statement)

Basis statement:

Based on the uncertainties and the multiple modes of instruction that will be used across the State for the 2020-2021 school year as a result of the COVID-19 pandemic, and in response to feedback from educators, superintendents, families, student advocates and community members an amendment to the joint rule of the State Board of Education and the Maine Department of Education is being submitted as an emergency rule to address attendance expectations. In the emergency rule the Department and the State Board will redefine what constitutes an instructional day to remove the requirements of a 5 hour average over a two week minimum, while maintaining the 3 hour daily minimum in Section 5.01(E). A recent survey of Educators, School District Leadership, School Service providers and parents reflected a strong need for modification of attendance requirements to provide the flexibility needed to conduct classes in-person and remotely, synchronously and asynchronously.

This is an emergency because the schools are preparing to reopen, some in mid-August, and need to know what the requirements will be in order to address attendance in a consistent fashion. Due to the planned reopening in mid-August for many school administrative units, there is not sufficient time to follow the APA requirements of a hearing and a public comment period.

The emergency rule will be enforceable for up to one year from the date of filing.

Fiscal impact of rule:

None.

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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
Filing number: 2020-139
Effective date: 7/18/2020
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

As part of this revision, the English Language Arts, Math and Career and Education Development standards have been reformatted into our newly designed Maine Learning Results structure. This structure divides each 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.

Basis statement:

As part of this revision, the English Language Arts, Mathematics, and Career and Education Development standards have been reformatted into our newly designed Maine Learning Results structure. This structure divides each 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:

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The Career and Education Development standards have been renamed, Life and Career Ready standards, and have been built from the implicit intent of the 2007 Career and Education Development Standards and explicitly articulate the interdependent relationships among the knowledge, skills, and attitudes of career development, academic learning, and the Maine Learning Results Guiding Principles. The standards articulate the symbiotic relationship among self-knowledge, self-management, aspirations, career awareness, planning and adaptability in ever-evolving life and career environments. The performance expectations of the Life and Career Ready standards are articulated in developmental progressions that reveal changes in the complexity of what a student can do in contexts that shift from classroom, to school, to local community, to global community all designed to lead to fluid expression of conceptual understandings and skill sets needed for post high school opportunities.

Minor adjustments to the Mathematics standards language has been made to fit in the provided template. The 8 mathematical practice standards were not changed during the reformatting but were connected to the guiding principles that are part of the Maine Learning Results. The initial structure of the Mathematics standards had grade level/grade spans, domains, cluster titles, content standards, and mathematical practice standards. The

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reformatting of the standards resulting in relabeling the structure to now be grade level/grade span, strand, standard, performance expectations, and guiding principles/mathematical practice standards. Through this reformatting the number of standards were reduced and the vertical progression of learning within and across grade levels/spans were articulated. The original structure of the standards contained an overall total of 507 standards (K-12), with 46 identified at the high school level as advanced standards. The new structure of the standards contains an overall total of 109 standards (K-12), with 12 identified at the high school level as advanced standards.

The English Language Arts standards have been revised to be streamlined and direct, reflecting the essential learning for ELA/literacy development. The standards are revised in teacher-friendly language and maintain the four strands currently found in the CCSS: reading, writing, speaking & listening, and language. The proposed speaking and listening standards have been condensed from six standards to four. Two standards for comprehension and collaboration combine expectations for listening to gain knowledge and evaluate speakers with digital literacy development to honor current learning opportunities and resources. The proposed reading standards are significantly reorganized. Three foundational skills standards currently separated from the reading standards are moved to the front of the reading strand with expectations for continued support of foundational skills throughout the literacy progressions. Three standards each for key ideas and details and for craft and structure remain but are expressed as essential concepts for literacy development and are no longer articulated in separate standards for literature, informational, history/social studies, or science/technical texts. The text-specific details will move to guidance and support instead of remaining as separate grade-specific performance expectations. Three standards for integration of knowledge and ideas are combined to reflect to primary areas of study for this category of literacy development. One standard for range of reading and level of text complexity has been moved to the reading preamble, a statement of overall intention for the development of reading skills. The final reading standard is the fourth foundational standard and addresses fluency as an expectation for K-12 development. The proposed writing standards represent the greatest change to the document and reflect the most critical aspects of developing strong writing skills. Ten standards are reduced to three: inquiry to build and present knowledge, process and production, and composing for audience and purpose. Range of writing, like reading, becomes a component of the strand preamble and articulates the expectations for writing development. The standards for text types and purposes move to guidance and support to provide teachers more flexibility in developing a variety of writing forms. The process and production standard incorporates the development of digital literacies and evolving use of technology. Composing for audience and purpose also reflects the development of digital literacy and wide variety of writing, composing, collaborating, and publishing opportunities presented to students today. The proposed writing standards do not articulate separate expectations for content writing development.

Fiscal impact of rule:

None.

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §13706
Chapter number/title: Ch. 180, Performance Evaluation and Professional Growth Systems
Filing number: 2020-140
Effective date: 7/18/2020
Type of rule: Major Substantive
Emergency rule: No

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

Basis statement:

Last session, 20-A MRS §13704 was amended by PL 2019 ch. 27 to remove the requirement that student learning and growth measures be used as a measure of educator effectiveness. In addition, the composition of the steering committee required by statute was changed to require that a majority of the committee members be teachers who must be chosen by the local representative of the applicable collective bargaining unit.

Ch. 27 further required that this rule be amended in accordance with the changes to the statute. As a result these amendments provide that Section 7, "Student Learning and Growth Measures", will no longer be required as of September 1, 2021. School administrative units will have flexibility in developing multiple measures of educator effectiveness on the local level. Section 13 sub-section 3 has been revised to reflect "A majority of the steering committee members must be teachers and must be chosen by the local representative of the applicable collective bargaining unit if the teachers in the school administrative unit are covered by a collective bargaining agreement." The Department will be developing guidance on types of measures to be available on the PEPG General Resources web page.

The Department has made three additional changes to the rule to clarify wording.

Fiscal impact of rule:
None.