

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Education
Umbrella-Unit: **05-071**
Statutory authority: 20-A MRSA §13011(1)
Chapter number/title: **Ch. 115**, Certification, Authorization and Approval of Education Personnel
Filing number: **2014-067**
Effective date: 5/14/2014
Type of rule: Major substantive
Emergency rule: No

Principal reason or purpose for rule:

1. On September 15, 2012, Ch. 114 ("Purpose, Standards and Procedures for the Review and Approval of Educational Personnel Preparation Programs") underwent changes. Among the approved amendments included the addition of a course in special education law to administrative certificates already requiring federal and Maine civil rights and education law. Accordingly, Ch. 115, Part II, must now be opened to revise the corresponding certification rules.

2. The summer and early fall of 2012 saw the State Board of Education react to a directive from Public Law 635: LD 1858 "An Act to Ensure Effective Teaching and School Leadership" and established an alternative pathways stakeholders group to review possible changes to Maine's certification regulations. The group made recommendations to the certification examination process for Career and Technical Education (CTE) teachers. The content knowledge exam would be replaced by industry credentials or industry-related exams. The pedagogical skills and knowledge assessment would be replaced by a series of four pedagogical courses. Also recommended is the requirement of a CTE orientation program for new teachers within the first year of employment. Transition language is included to allow those continuously certified under conditional certificates to continue under current rules, but all new CTE teachers would fall under the new rules from September 1, 2015, forward.

Basis statement:

(same)

Fiscal impact of rule:

N/A

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Agency name: Department of Education
Umbrella-Unit: **05-071**
Statutory authority: 20-A MRSA §13706
Chapter number/title: **Ch. 180**, Performance Evaluation and Professional Growth Systems
Filing number: **2014-099**
Effective date: 6/20/2014
Type of rule: Major substantive
Emergency rule: No

Principal reason or purpose for rule:

This rule is being adopted to fulfill the requirements of Title 20-A §13706, which requires the department to adopt rules to implement the new law relating to teacher and principal effectiveness.

Basis statement:

Rule Ch. 180 establishes standards and procedures for implementation of performance evaluation and professional growth systems (PE/PG systems) for teachers and principals. Legislation enacted in 2012 requires each school administrative unit to develop, pilot and implement PE/PG systems over a period of 3 years, with full implementation of the systems not later than the 2015-16 school year. The new law is codified in Title 20-A ch. 508.

The purpose of a PE/PG system is to improve educator effectiveness by clearly setting forth expectations for professional practice and student learning and growth, and providing actionable feedback and support to help educators meet those expectations.

The new law requires the Department to adopt rules to implement the law and to address specific aspects of the new PE/PG systems. The rule establishes InTASC standards as the standard of effectiveness for teachers and ISLLC standards as the standard of effectiveness for principals. Any set of standards aligned with those standards may be used in implementing a PE/PG system.

The rule sets forth criteria that must be met by any student learning and growth measures used to determine an educator's effectiveness rating, including a requirement that the measure relates to growth, not achievement and a prohibition against using large-scale, norm-referenced tests as the sole measure of student learning and growth. The rule also requires development of the PE/PG system through a consensus-based decision-making process, and provides for default decisions if consensus is not reached by June 1, 2015. The rule also requires that student learning and growth measures be a "significant factor" in determining an educator's effectiveness rating, a standard that is required by statute.

The rule sets forth the process for obtaining Department approval of PE/PG systems, implementation requirements including requirements for involvement of educators, required connections between evaluations and professional development opportunities, and other matters.

Fiscal impact of rule:

The statutory requirements will have fiscal impact on school administrative units (SAU) as they dedicate resources to developing and implementing performance evaluation and professional growth systems. The impact will vary by SAU, depending on many factors, including the size of SAU and the extent of change needed to bring current evaluation systems into compliance with the rule.

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Agency name: Department of Education
Umbrella-Unit: **05-071**
Statutory authority: 20-A MRSA §45-2 sub-§5-B
Chapter number/title: **Ch. 38**, Suicide Awareness and Prevention in Maine Schools
Filing number: **2014-127**
Effective date: 6/29/2014
Type of rule: Routine technical
Emergency rule: No

Principal reason or purpose for rule:

The rules provide the guidelines needed to ensure schools provide staff with appropriate, quality training to meet the law. To provide clarity to when the law is in effect, who is included in the training and what qualifies as appropriate training.

Basis statement:

Public Law 2013 ch. 53 (LD 609), *An Act To Increase Suicide Awareness and Prevention in Maine Public Schools*, is a new law that requires all school personnel in Maine to be trained in suicide awareness and prevention and for all school administrative units (SAU) to put supports in place to help prevent suicide. The law was created to save lives. This law must be implemented by each school administrative unit and by each island, charter and public school that is not in a school administrative unit.

The rule provides the guidelines needed to ensure schools provide staff with appropriate training to meet the law. All school personnel paid by a school administrative unit must receive the 1 to 2 hour awareness and prevention level training at least once every 5 years. In addition, at least 2 school personnel per school district must complete a one-day course in suicide prevention and intervention training, commonly referred to as Gatekeeper Training. Additional trained school personnel above the minimum of 2 must receive the training if the number of students in the school administrative unit is above 1,000. A minimum one additional trained person for every additional 500 students.

Suicide prevention awareness education and suicide prevention and intervention training under this subsection must conform to national guidelines adopted by organizations that offer best practices, research-based training. Training must count toward satisfaction of professional development requirements for the department and certification requirements for teachers and other professional personnel under Ch. 501 and 502.

The one-hour to 2-hour in-service training module in suicide prevention awareness must be completed by all high school staff by the start of the 2014-2015 school year for high schools and elementary and middle schools by the start of the 2015-2016 school year. For those employees who are newly hired, they must complete a training module within 6 months from the beginning of employment.

Fiscal impact of rule:

None to the State of Maine. Cost of providing the training to all staff and keeping appropriate records.

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Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Education (*jointly with 94-376, Maine Municipal Bond Bank*)
Umbrella-Unit: **05-071**
Statutory authority: 20-A MRSA §§ 1, 4001, 5804, 5805, 15603, 15907, 15918; Title 30-A §§ 5953-E, 6006-E, 6006-F, 6014; Resolve 2007 ch. 174; Public Law 2013 ch. 506
Chapter number/title: **Ch. 64**, Maine School Facilities Program and School Revolving Renovation Fund
Filing number: **2014-270** (*jointly with 2014-271, Maine Municipal Bond Bank*)
Effective date: 11/24/2014
Type of rule: Routine technical
Emergency rule: No

Principal reason or purpose for rule:

Ch. 64 governs the requirements for school administrative unit maintenance and capital improvement plans. The revisions amend the rules to conform with recent amendments to Title 20-A MRSA §4001, sub-§7; §15905, sub-§6; and §15918.

Basis statement:

Ch. 64 governs the requirements for school administrative unit facility maintenance and capital improvement plans. The revisions amend the rules to conform with recent amendments to Title 20-A MRSA §4001, sub-§7; §15905, sub-§6; and §15918.

Section 2.D is deleted. This removes the requirement that the Department of Education and the Bureau of General Services set minimum standards for committing resources for maintenance and capital improvement.

Section 2.E is deleted. This removes the requirement that school administrative units report amounts budgeted for maintenance and capital improvement to the Department of Education and report whether those amounts comply with their maintenance and capital improvement plans.

Fiscal impact of rule:

None

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Agency name: Department of Education
Umbrella-Unit: **05-071**
Statutory authority: 20-A MRSA §§ 405(3)(E), 4502(5); Public Law 581
Chapter number/title: **Ch. 124** (*New*), Basic Approval Standards: Public Preschool Programs
Filing number: **2014-293**
Effective date: 12/28/2014
Type of rule: Routine technical
Emergency rule: No

Principal reason or purpose for rule:

This rule establishes school approval standards governing the school administrative units which operate public preschool programs and adopts procedures for ascertaining compliance with all applicable legal requirements, as authorized by Title 20-A, *Maine Revised Statutes*, Ch. 206.

Basis statement:

This rule establishes the substantive school approval standards pertaining to school administrative units which operate a public preschool program. Its intent is to provide a framework for planning and growth with local flexibility as influenced by local conditions. This rule establishes procedures for monitoring of school administrative units which operate a public preschool program by which the Commissioner or his designee will determine compliance with applicable standards and methods of enforcement for ensuring compliance.

Fiscal impact of rule:

None.