

05 DEPARTMENT OF EDUCATION

071 STATE BOARD OF EDUCATION/COMMISSIONER OF EDUCATION

Chapter 125: BASIC APPROVAL STANDARDS: PUBLIC SCHOOLS AND SCHOOL ADMINISTRATIVE UNITS

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SUMMARY: This rule establishes school approval standards governing the school administrative units and public schools of the state and adopts procedures for ascertaining compliance with all applicable legal requirements, as authorized by Title 20-A, Maine Revised Statutes, chapter 206.

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Section 1. GENERAL OBJECTIVES

- 1.01 This rule establishes the substantive school approval standards pertaining to school administrative units and schools. Its intent is to provide a framework for planning and growth with local flexibility as influenced by local conditions. This rule establishes procedures for comprehensive reviews of school administrative units and schools by which the Commissioner will determine compliance with applicable standards and methods of enforcement for ensuring compliance.
- 1.02 Each school administrative unit shall provide free education for its resident students and shall meet all school approval requirements of Title 20-A, Maine Revised Statutes (20-A MRSA), other statutes and rules applicable to the operation of public schools, and the requirements of this rule.
- 1.03 Parents shall be responsible for the education of a child not educated at public expense, including a child whose education is provided through an equivalent instruction plan as set forth in Me. Dept. of Ed. Reg. 130. Students are not required to meet the content standards of the system of Learning Results established in Me. Dept. of Ed. Reg. 131 unless enrolled in a public school or in a private school approved for tuition that enrolls at least 60% publicly funded students.

Section 2. DEFINITIONS

- 2.01 Administrator: "Administrator" means any person certified by the Commissioner as an administrator and employed by a school administrative unit in an administrative capacity.
- 2.02 Assessment: "Assessment" means an educational instrument or activity designed to determine what a student knows and is able to do.
- 2.03 Commissioner: "Commissioner" means the Commissioner of the Maine Department of Education or a designee.
- 2.04 Comprehensive Education Plan: "Comprehensive Education Plan" means a plan that is aligned with the system of Learning Results, focused on the learning of all students, and oriented to continuous improvement, as required of all school administrative units. This Plan must address all plans required by the Commissioner.

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- 2.05 Content standard: "Content standard" means a broad description of knowledge and skills in the eight content areas of the system of Learning Results. The content standards are set forth in Me. Dept. of Ed. Reg. 131.
- 2.06 Course of Study: "Course of study" means a planned program of learning designed to prepare students to meet the content standards of the system of Learning Results for each of the grade spans, as specified in local school board policy.
- 2.07 Curriculum: "Curriculum" means the school administrative unit's written document that includes the learning expectations for all students for all content areas of the system of Learning Results, as well as for other content areas specified by the local school board. The curriculum shall reflect continuous, sequential and specific instruction aligned with the content areas of the system of Learning Results.
- 2.08 Department: "Department" means the Maine Department of Education.
- 2.09 Elementary school: "Elementary school" means that portion of a school that provides instruction in any combination of grades pre-kindergarten through grade 8.
- 2.10 Essential Programs and Services: "Essential Programs and Services" means those programs and services, as defined by the State Board of Education or adopted by the Legislature, that a school administrative unit offers for each student to have the opportunity to meet the content standards of the system of Learning Results.
- 2.11 Grade span: "Grade span" means the four groupings of grades in the system of Learning Results, as set forth in Me. Dept. of Ed. Reg. 131: pre K-2, 3-4, 5-8, and 9-12.
- 2.12 Instructional day: "Instructional day" means a school day during which both students and teachers are present, either in a school or in another setting.
- 2.13 Instructional time: "Instructional time" means that portion of a school day devoted to the teaching-learning process, but not including extra-curricular activities, lunchtime, or recess. Time spent on organized field trips related to school studies may be considered instructional time, but the instructional time counted for extended field trips shall not exceed a normal school day for each day of the field trip.
- 2.14 Junior High School: "Junior High School" means a school that maintains at least one course of study in two or more consecutive grades 6 through 9. In this rule, "middle school" is used instead of "junior high school."
- 2.15 Kindergarten: "Kindergarten" means a one or two-year instructional program aligned with the system of Learning Results, immediately prior to grade one.
- 2.16 Local Assessment System: "Local Assessment System" means a coordinated collection of assessments administered to students that, as a whole, provides information on individual students, the school, and the school administrative unit with respect to achievement of the content standards of the system of Learning Results.
- 2.17 Middle School: "Middle School" means a school or portion of a school that provides at least one course of study in two or more consecutive grades 5 through 8. A middle school may be maintained in connection with or as part of an approved elementary or secondary school. In this rule, "middle school" is used instead of "junior high school."

- 2.18 Parent: "Parent" means the parent or legal guardian of a student, or the student if of majority age.
- 2.19 Personal Learning Plan: "Personal learning plan" means a plan for an individual student to meet the content standards of the system of Learning Results, developed collaboratively by teacher, parent, student, and other professional staff as specified by the superintendent. While a plan is required for alternative education students, it is also permitted for any student pre-kindergarten through grade 12.
- 2.20 Pre-kindergarten: "Pre-kindergarten" means a one-year instructional program aligned with the system of Learning Results, immediately prior to Kindergarten.
- 2.21 Provisional Approval: "Provisional Approval" means an approval for a specified period of time during which a school administrative unit must take corrective action to comply with this rule.
- 2.22 School: "School" means an individual attendance center within a school administrative unit including any combination of grades pre-kindergarten through 12. In this rule, an educational program located in or operated by a juvenile correctional facility, an educational program located in the unorganized territories and operated by the Department of Education, the Maine School of Science and Mathematics, and the Governor Baxter School for the Deaf shall be considered schools.
- 2.23 School administrative unit: "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district, or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools, except that it does not include an applied technology region.
- 2.24 School calendar: "School calendar" means the schedule of school days adopted in advance of the school year by the school board.
- 2.25 School day: "School day" means a day in which school is in operation as an instructional day and/or a teacher in-service day.
- 2.26 School personnel: "School personnel" means individuals employed by a school administrative unit or under contract with the unit to provide services to the children enrolled in the schools of the unit.
- 2.27 School year: "School year" means the total number of school days in a year as established by the school administrative unit.
- 2.28 Secondary school: "Secondary school" means that portion of a school that provides at least one course of study in any combination of grades 9 through 12.
- 2.29 Student records: "Student records" means those records that are directly related to a student and are maintained by a school or a party acting for the school.
- 2.30 System of Learning Results: "System of Learning Results" means the guiding principles, content areas, content standards, and performance indicators that specify what students should know and be able to do in four grade spans covering pre-k through grade 12, as specified in Me. Dept. of Ed. Reg. 131

- 2.31 Teacher: "Teacher" means any person who is regularly employed for the instruction of students in a school and who is certified by the Commissioner for this position.
- 2.32 Teacher in-service day: "Teacher in-service day" means a school day during which a majority of teachers and professional staff report for work, but students are not present for instruction. These days may include days devoted to in-service educational programs, administrative meetings, parent-teacher conferences, record-keeping duties, curriculum preparation, and other similar activities related to the operation of school programs, and may take place in a school in the school administrative unit.

### Section 3. APPLICABILITY TO SCHOOLS NOT IN A SCHOOL ADMINISTRATIVE UNIT

#### 3.01 Applicability

For purposes of this rule, all requirements and duties pertaining to a school administrative unit shall also apply to those schools that are not part of a school administrative unit, except as indicated in this Section. In this rule where reference is made to the superintendent, such requirements and duties shall apply to and be carried out by the chief administrator of the school. In this rule where reference is made to the school board of a school administrative unit, such requirements and duties shall apply to and be carried out by the policymaking entity with responsibility for the school. The Commissioner shall be deemed to exercise the authority of the school board for the schools in the Unorganized Territories. The Commissioner of Corrections shall be deemed to exercise the powers of the school board for schools located in or operated by a juvenile correctional facility.

#### 3.02 Exceptions

- A. There are no exceptions for schools in the Unorganized Territories.
- B. For other schools that are not part of school administrative units, the following are the only exceptions to the requirements in this rule:
- (1) Schools are not required to provide transportation in accordance with Sections 10.08 A and B;
  - (2) Schools are not required to maintain a roster of resident, tuition, or transfer students in accordance with Section 12.02; and
  - (3) Schools shall not be subject to an inspection by the Commissioner based on a petition by registered voters in accordance with Section 13.03.B.

NOTE: Schools that are not part of a school administrative unit do not receive subsidy. Therefore, withholding of subsidy in accordance with Section 14.03.B.1 is not an option as a penalty.

### Section 4. COMPREHENSIVE EDUCATION PLAN

#### 4.01 Purpose

The purpose of a Comprehensive Education Plan is to ensure that each student enrolled in a school, as defined in Section 2.22 of this rule, meets the content standards of the system

of Learning Results. The system of Learning Results does not identify resources, methods of instruction, curriculum, or assessments. It is the responsibility of each school administrative unit to determine the specifics of implementation of the system of Learning Results through long-range planning.

Each school administrative unit shall prepare and implement a Comprehensive Education Plan that is aligned with the system of Learning Results, focused on the learning of all students, and oriented to continuous improvement. A unit will not submit its plan to the Commissioner unless requested or in accordance with Sections 13. and 14.

#### 4.02 Development of the Comprehensive Education Plan.

Each school administrative unit shall have one Comprehensive Education Plan to guide the schools and the school administrative unit. The superintendent shall be responsible for the continuous improvement process in each school administrative unit. The superintendent shall convene a team including at least one teacher, one administrator, one citizen, one school board member, and, as appropriate, one student, to develop the Comprehensive Education Plan.

- A) The Comprehensive Education Plan shall be based on an assessment of needs conducted at least every five years, as well as ongoing collection and analysis of data related to indicators of student performance and development.
- B) The Comprehensive Education Plan shall reflect current educational research and practices that relate to student achievement of the content standards of the system of Learning Results.
- C) The school administrative unit shall determine the format of the Comprehensive Education Plan. The unit's Comprehensive Education Plan shall address all plans required by the Department to meet state and federal requirements. This may be done by integrating the multiple requirements or by including each required plan as a distinct component of the Comprehensive Education Plan.
- D) The Comprehensive Education Plan shall include attention to the needs of each school within the school administrative unit.
- E) The Comprehensive Education Plan shall address the following:
  - (1) The shared vision of the school administrative unit.
  - (2) The established goals and strategies for improvement in meeting pupil needs, including but not limited to the following:
    - (a) Student services, including, but not limited to, guidance, special education and remedial programs.
    - (b) A plan for identifying students at-risk of school failure in kindergarten through grade 12 including, but not limited to, truants and dropouts, and the development of appropriate alternative programs to meet their needs.
    - (c) The organization of each school relative to size, grade levels, program offerings, and use of time with a plan to maximize the days in the calendar that students can participate in courses of

study, such as applied technology an program, and how the organization of the school contributes to student achievement of the content standards of the system of Learning Results.

- (d) The school administrative unit's plan for development and review of curriculum aligned with content area standards of the system of Learning Results.
  - (e) The school administrative unit's Local Assessment System, which shall be in compliance with the requirements in Me. Dept. of Ed. Reg. 127 by the end of the 2003-2004 school year.
- (3) The school administrative unit's personnel plan including the following:
- (a) Analysis of student population trends and personnel resources compared to the guidelines of Essential Programs and Services.
  - (b) Strategies for recruiting, induction, training and retention of personnel.
  - (c) The process for staff evaluation and supervision that includes professional support for teachers and administrators.
  - (d) The Training and Development System in alignment with standards established in Section 8.08 of this rule.
- (4) Analysis of the allocation, adequacy, and replacement plan for library-media resources and instructional materials and equipment, as described in Sections 9.01 and 9.03 of this rule.
- (5) The school administrative unit's plan for use of technology for student learning and efficient school administrative unit operations.
- (6) The plan for maintenance and capital improvements of school facilities.
- (7) All policies and plans required by law and rule. The Commissioner will post on the Department's website a list of all required plans and policies and will update such a list annually prior to the start of school.
- (8) A plan, for implementation by the end of the 2006-2007 school year contingent upon funding of Essential Programs and Services or its equivalent, of student learning of the content areas Career Preparation, Foreign Languages, and Visual and Performing Arts.
- (9) Applied technology education and adult and community education programs, where such programs exist.

#### 4.03 Adoption of the Comprehensive Education Plan

A proposed Comprehensive Education Plan shall be on the agenda of at least one meeting of the school board. The school board shall invite participation and discussion of the Plan by parents, citizens, staff, and students. After receiving comments on the proposed Plan, the school board shall review the proposal, make any modifications deemed appropriate, and adopt a final Plan by the end of the 2002-2003 school year.

#### 4.04 Annual Update of the Comprehensive Education Plan

Each school administrative unit shall annually update its Comprehensive Education Plan. Beginning in the 2003-2004 school year, it shall be the responsibility of the superintendent to report annually to the citizenry on the ongoing school improvement process and the updated Plan. Citizen recommendations shall be considered prior to annual school board action on the Plan. The superintendent shall certify progress on the Plan to the Commissioner on an annual basis beginning in the 2003-2004 school year.

#### 4.05 Approval of the Comprehensive Education Plan

When a school administrative unit is on provisional approval status in accordance with Section 14.02, the Comprehensive Education Plan shall be subject to approval by the Commissioner.

### Section 5. CURRICULUM AND COMPREHENSIVE ASSESSMENT SYSTEM

#### 5.01 Each school administrative unit shall have a written curriculum aligned with the system of Learning Results specified in Me. Dept. of Ed. Reg. 131. Each elementary, middle, and secondary school shall provide courses of study that comply with the requirements of Me. Dept. of Ed. Reg. 127.

The school administrative unit shall inform parents and students of the curriculum, instructional expectations, and assessment system.

#### 5.02 State-wide Assessment Program

Each school administrative unit shall participate in the Maine Education Assessment in grades 4, 8, and 11 in accordance with Me. Dept. of Ed. Reg. 127.

#### 5.03 Local Assessment System

Each school board shall, by the end of the 2003-2004 school year, adopt and implement a local assessment system as the measure of student progress on achievement of the content standards of the system of Learning Results, in accordance with Me. Dept. of Ed. Reg. 127.

#### 5.04 Student Performance Reporting

Teachers shall report the academic performance of all students on the content areas of the system of Learning Results on a regular basis, in accordance with Me. Dept. of Ed. Reg. 127. A summary of individual student performance shall be provided to parents at least three times each school year.

Parents shall have the opportunity to meet individually with their student's teacher about their student's performance at least once during each school year.

#### 5.05 Program Evaluation

School administrative units shall demonstrate how school and student assessment data are used to evaluate, develop, and improve curriculum, instruction, and assessment, as specified in the Comprehensive Education Plan.

## Section 6. INSTRUCTIONAL TIME

### 6.01 School Year

#### A) Length of Year

Each school shall be scheduled for a minimum of 180 school days. At least 175 school days shall be instructional days for students in grades K-11, and at least 170 school days shall be instructional days for students in grade 12.

Up to five days of the 180 school days may be used for teacher in-service days. A specific school day may consist of one-half an instructional day and one-half a teacher in-service day.

The following exceptions to the length of school year shall be granted subject to approval of the Commissioner:

- (1) Kindergarten Screening: The school year for students in kindergarten may be reduced by up to five days in order to provide time for the screening of students prior to the start of kindergarten in accordance with Section 6.03.B.
- (2) Extended School Year: The school year may be extended for students who need more than the minimum school year to meet the content standards of the system of Learning Results, or additional local standards.

#### B) Calendar Adoption

- (1) Each school administrative unit shall adopt a school calendar that must be filed with the Commissioner on or before July 1 each year for the coming school year, with a copy of the unit's policy for scheduling make-up days. The unit will also attach a copy of the calendar of all applied technology centers or regions attended by students in the unit, noting the number of days that the calendars are different. As nearly as practicable, units shall provide one calendar for the secondary school students in the unit. The calendar shall include all instructional days, scheduled teacher in-service days, the date for high school graduation, and other planned activities.
- (2) The following days may not be scheduled as instructional or teacher in-service days: Martin Luther King Day (third Monday in January); Patriots Day (third Monday in April); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veteran's Day (November 11); Thanksgiving Day; Christmas Day (December 25); or any other day as designated by the Governor.



C) Waiver of Length of School Year

Requests for adjustments to school calendars require approval from the Commissioner.

(1) Commissioner's Authority

The Commissioner may waive the minimum school year requirements upon submission of a written request as detailed in 2) below. Waivers may be granted only after school officials have exhausted all reasonable avenues for making up lost school days and only in extraordinary circumstances.

NOTE: School officials should not expect waivers for time lost due to threats of violence against a school.

(2) Request for Waiver

Any request for a waiver of the minimum school year must be made in writing by the school board. The application for waiver shall include a copy of the school administrative unit's school calendar and a statement explaining the request for a waiver. The application shall also include documentation of all efforts to reschedule classes to meet legal requirements and reasons why such rescheduling is not possible or practicable. When making a decision on a waiver request, the Commissioner will consider the educational reason for the request for a waiver linked to the unit's Comprehensive Education Plan for student achievement of the content standards of the system of Learning Results.

Where an individual school is forced to close while all others in the school administrative unit remain open, the school may be granted a waiver by the Commissioner when:

- (a) The period is for a short term;
- (b) The majority of schools which serve the majority of the student population in the school administrative unit will meet the minimum number of days required by statute; and
- (c) It is not practicable for economic or educational reasons to reschedule the canceled instructional days.

Such waivers will be considered in light of the statutory requirement that school administrative units must give "as nearly as practicable" the same length term in all its schools.

The school board should notify the Commissioner as soon as possible of the potential need for a waiver, and shall file a formal request once documentation is complete.

6.02 School Week and Instructional Days

A) School Week

A school week is the five days Monday through Friday. Exceptions occur when schools are closed because of holidays, inclement weather, or other extenuating circumstances.

B) Instructional Day

An average instructional day is five hours in length, and each instructional day is a minimum of three hours in length. A school need not be in session the same number of hours each day provided that the total amount of instructional time in any two consecutive school weeks is an average of five hours per day. Plans to use school days of varying numbers of hours shall be reflected in the Comprehensive Education Plan. The instructional day may be extended for students who need more than the minimum day to meet the content standards of the system of Learning Results, or additional standards established by the school board.

C) Cancellations and Shortened School Days

School days canceled due to unforeseen circumstances beyond the control of school officials shall be rescheduled to meet the minimum school year requirements.

Acceptable methods of rescheduling cancelled days are as follows:

- (1) Rescheduling or shortening of scheduled vacation periods.
- (2) Postponing of the scheduled closing date of school.
- (3) Conducting classes on the weekend.

School administrative units may not schedule make-up instructional time on days identified in part 5.01.B.2) of this rule, or as an extension of another instructional day.

If it becomes necessary to shorten an instructional day because of circumstances that involve student health or safety, the day shall be considered a full day provided that school has been in session for more than one-half of the scheduled school day, and no less than two and one-half hours of instructional time; and the day shall be considered a half day provided that students have assembled at school but remained for less than one-half day.

6.03 Kindergarten Instructional Time

Instructional time for kindergarten shall be a minimum of 2.5 hours per session for 175 days. A school administrative unit wishing to reduce this, except as provided in this Section, shall request approval by the Commissioner.

- A) Extended Kindergarten Day: A school administrative unit may schedule kindergarten for more than 2.5 hours per day to improve student performance and to reduce the risk of later school failure.
- B) Kindergarten Screening: The purpose of kindergarten screening shall be to identify students who may be exceptional or at risk of school failure. The plan for

the use of screening days shall be part of the Comprehensive Education Plan and shall contain at least the following information: the objectives of screening, the qualifications of personnel, the instruments to be used, the data to be collected and analyzed, and how decisions will be made based on screening.

#### 6.04 Alternative Programs

Alternative programs within elementary, middle, and secondary schools may operate for fewer hours than required in this rule, as specified in Me. Dept. of Ed. Reg. 127.

### Section 7. SCHOOL ADMINISTRATIVE UNIT ORGANIZATION AND SCHOOL SIZE

#### 7.01 School Administrative Unit Organization

The grade and program organization of schools in a school administrative unit that operates one or more schools shall provide a developmental continuum that gives students the opportunity to meet the content standards of the system of Learning Results. The school organization shall facilitate achievement of the goals in the unit's Comprehensive Education Plan. If there is more than one school in the unit serving a grade level, the school board shall determine which students attend each school.

#### 7.02 Personnel Ratios

The school board of the school administrative unit shall determine the number and allocation of personnel for the unit.

##### A) Classroom student-teacher ratios

##### (1) Kindergarten and Pre-Kindergarten

No kindergarten class shall exceed a 20 to 1 student-teacher ratio, except as specified in Section 7.02.B. If a school administrative unit offers a pre-kindergarten program, no class shall exceed a 15 to 1 student-teacher ratio.

##### (2) Grades 1-8

The average class size in each school having grades 1-8, or any combination thereof, shall not exceed 25-1, and in no instance shall a class exceed 30-1 except as specified in Section 7.02.B. Notwithstanding this 30-1 ratio, the Commissioner may require that the size of an individual class be reduced in instances where the physical facilities, equipment, or the nature of the class or students poses a threat to the health or safety of students.

School administrative units unable to comply with this Section shall detail annually in their Comprehensive Education Plan a proposed method for achieving this ratio with an emphasis on compliance first in the early elementary grades.

##### (3) Secondary Schools

No class in grades 9-12 may exceed a 30 to 1 student-teacher ratio, except as specified in part B of this Section. Notwithstanding the 30 to 1 ratio, the Commissioner may require that the size of an individual class be reduced in instances where the physical facilities, equipment, or the nature of the class or students poses a threat to the health or safety of students.

(4) Special Education

For purposes of this Section, special education students and teachers in self-contained placements shall not be included in the student or teacher count. The ratios for self-contained placements shall be in accordance with Me. Dept. of Ed. Reg. 101. Special education students educated in general classes for any portion of the school day shall be included, on a full-time equivalent basis, in the general count of the school's student-teacher ratio.

B) Exceptions

- (1) Band and chorus instruction may exceed the student-teacher ratio identified above.
- (2) The number of students enrolled in a laboratory course shall not exceed the number for which the laboratory was designed and is equipped to serve.
- (3) A higher ratio may be allowed for non-traditional scheduling or large group instruction in grades 1-12 with approval of the Commissioner, and for occasional instruction at the option of the school board.
- (4) In cases of enrollments that are unexpectedly large, the maximum ratio for schools and classes may be exceeded for up to 45 calendar days at the discretion of the school board. If the enrollment problem remains unresolved, the superintendent shall submit a written request to the Commissioner for a student-teacher ratio waiver prior to the end of the 45-day period. The Commissioner may grant a waiver of ratios when undue hardship exists due to limited financial, physical, or human resources. Such a waiver shall include stipulated conditions deemed necessary to the health, safety or education of affected students.

C) Essential Programs and Services

Effective with the 2006-2007 school year, the Commissioner, when conducting a review or inspection of a school administrative unit as described in Section 13 of this rule, will compare personnel ratios in the unit to the ratios of Essential Programs and Services as established by the State Board of Education or adopted by the Legislature.

The ratios of Essential Programs and Services include prototype personnel ratios for elementary, middle and secondary schools. For each school, the teacher ratio will be determined by the number of certified teachers employed in a school (on a full-time equivalent basis) to provide instruction in all of the content areas of the system of Learning Results. Essential Programs and Services will also include ratios for guidance and counseling personnel, library-media personnel,

health personnel, educational technicians, administrative personnel, and clerical personnel. These ratios will provide a template and not a staffing mandate for the school administrative unit, unless otherwise provided by statute.

### 7.03 School Size

Where a school administrative unit operates a secondary school of fewer than 100 students or an elementary school of fewer than 10 students, it shall annually evaluate, as part of the Comprehensive Education Plan adopted by the school board, whether it is necessary or profitable to maintain the school building, and whether the enrollment of the school is sufficient for students to meet the content standards of the system of Learning Results. The procedures set forth in Maine statute shall be followed when closing any school.

## Section 8. QUALITY OF EDUCATION PERSONNEL

### 8.01 General Requirements

Each school administrative unit shall employ a sufficient number of professional personnel to deliver the approved instructional program. All individuals employed as regular or substitute employees, and individuals under contract to work in a school administrative unit, shall meet the requirements of Me. Dept. of Ed. Reg. 115.

### 8.02 Superintendent

- A) The school board of each school administrative unit shall employ a superintendent of schools certified in the State of Maine, whether or not the unit operates a school. The entire time of a superintendent shall be devoted to the duties of the position except with the consent of the school board and approval by the Commissioner.
- B) In the following situations the school board, with advice and consent of the Commissioner, shall appoint an agent who is certified as a superintendent in the State of Maine:
  - (1) During the period of time between when a superintendent vacancy occurs and when the school administrative unit elects an interim or permanent superintendent; or
  - (2) When a school administrative unit fails to elect a superintendent or fails to appoint an acting superintendent for periods when the employed superintendent is unable to fulfill the responsibilities of a superintendent.
- C) The Commissioner shall appoint an agent who is certified as a superintendent in the State of Maine when it is determined that the school administrative unit is remote and cannot practicably be combined with another school administrative unit in a union or district.

### 8.03 Principal

A principal certified in the State of Maine shall supervise the operation and management of each school and school property, unless it is determined to be unnecessary by the superintendent under policies established by the school board. A superintendent may, on

an annual basis, request an exception to the employment of a principal to lead a school and the Commissioner may approve the request, which shall be limited to demonstrations of hardship due to the small size of a school, a school's geographic location, and the qualifications of the school's staff, as specified in Me. Dept. of Ed. Reg. 115.

#### 8.04 Professional Personnel

Professional personnel, including but not limited to teachers, counselors, library-media specialists, other education specialists, assistant superintendents, curriculum directors, special education directors, assistant principals, and other administrators, shall hold certification appropriate to their assignments and any state licenses required by statute and Me. Dept. of Ed. Reg. 115.

#### 8.05 Support Personnel

Support personnel, including but not limited to educational technicians, secretaries, cooks, custodians, and bus drivers, shall meet all applicable state requirements for authorization or approval, as specified in Me. Dept. of Ed. Reg. 115.

#### 8.06 Attendance Coordinator

Each school board shall appoint an attendance coordinator who is certified or registered in the mental health, social welfare, or education systems and approved by the Commissioner to carry out the following duties:

- A) Interview a student with irregular attendance and that student's parent, to determine the cause and file a written report with the Principal;
- B) Report annually to the Superintendent regarding truancy; and
- C) Serve on the school administrative unit's Dropout Prevention Committee.

#### 8.07 School Medical Personnel

Each school board shall appoint, annually, a school physician to advise the school board on school health issues, policies and practices. The school physician may examine and diagnose but not treat students or employees unless it is necessary to protect the health of the students in the school administrative unit. Each school board shall appoint a certified school nurse to supervise and coordinate health services for the unit. The school board may contract for the services of qualified school medical personnel.

#### 8.08 Personnel Training and Development

Each school board shall establish a System for Training and Development of all personnel that meets the following standards.

- A) The System is based on continuous improvement of each individual, of the school, and of the school administrative unit;
- B) The System focuses on practices that raise the academic performance of students on the content standards of the system of Learning Results and enhance student development;

- C) The System is aligned with other goals in the Comprehensive Education Plan and integrates individual development, building goals, and school administrative unit goals;
- D) The System is driven by information from local, state, and national resources for planning, implementation, and evaluation; and
- E) The System defines relevant roles for all stakeholders.

## Section 9. INSTRUCTIONAL SUPPORT RESOURCES

### 9.01 Library-Media Resources

- A) Each school shall maintain a library-media program that includes books, written materials, online Internet resource materials, multimedia materials, and information technology that support the curriculum. Resources will be appropriate to the ages of the children served by the school. A certified library-media specialist shall oversee the library-media program in a school administrative unit. However, this shall not be interpreted to mean that each school must have a certified library-media specialist.
- B) The library-media resources, including access to the Internet, shall be accessible to all enrolled students and personnel during school hours. The school administrative unit shall have a policy governing access to library resources by students in approved equivalent instruction programs in accordance with state law and Me. Dept. of Ed. Reg. 130.
- C) The Comprehensive Education Plan shall address updating and maintaining library-media resources.

### 9.02 Comprehensive Guidance Resources

- A) Each school administrative unit shall have a Comprehensive Guidance Program, including guidance and counseling services, available to all students in grades K-12. The development of the program and the delivery of the services it describes shall be a coordinated effort of the members of the unit's professional staff.

The Comprehensive Guidance Program shall include services to be provided to students at each developmental stage and shall specify how the following services will be provided to all students:

- (1) A program of structured developmental experiences presented systematically through classroom and group activities to enhance the ability of students to meet the content standards of the system of Learning Results;
- (2) A program of activities and planned strategies to help individual students manage their career development, including present and future education consistent with the Career Preparation content standards and performance indicators identified in Me. Dept. of Ed. Reg. 131; and
- (3) Counseling and consultation services designed to respond to the immediate needs and concerns of students, parents and staff.

B) Comprehensive Guidance Program Goals

The Comprehensive Guidance Program shall address the following goals:

- (1) Encourage parental involvement;
- (2) Raise student aspirations;
- (3) Provide information and appropriate referral sources to students, parents, staff; and
- (4) Provide management activities that establish, maintain and enhance the program including research, evaluation, programming, supervision, staff training and development, and communications.

C) Implementation Timeline

Each school administrative unit shall include the Comprehensive Guidance Program in the unit's Comprehensive Education Plan, with this component of the plan to be implemented by the end of the 2006-2007 school year contingent upon funding of Essential Programs and Services or its equivalent.

9.03 Instructional Materials and Equipment

Each school administrative unit shall maintain specialized materials and equipment to support instruction in each subject area. Instructional materials include textbooks and other print materials, software and other electronic materials, supplies, and other materials to support implementation of the system of Learning Results.

A) Materials Provided

Each school administrative unit shall provide all instructional materials and equipment necessary for the instructional program free of charge to enrolled students. The school administrative unit is not required to provide equipment of a personal nature or for a student's exclusive use, except that assistive technology devices for exceptional students shall be provided in accordance with Me. Dept. of Ed. Reg. 101 and with Section 504 of the Rehabilitation Act of 1973.

B) Selection of Instructional Materials

The Superintendent shall establish the system for selection of instructional materials, including access to Internet resources, with the assistance of professional personnel and approval of the school board. Social studies and science textbooks should not be older than five years unless up-to-date supplemental instructional materials are also available.

C) Technology

Each school administrative unit shall make available and shall maintain technology hardware and software as described in the unit's Technology Plan, which shall become part of the unit's Comprehensive Education Plan.



## 10.01 School Health Services

- A) Each school administrative unit shall provide school health services that meet all applicable statutory requirements and rules of the Department and the Department of Human Services.
  - (1) Each child, in order to enroll in school or to be allowed to remain in school, shall be in compliance with provisions of Me. Dept. of Ed. Reg. 126 and Me. Dept. of Hum. Svc. Reg. 261. The Superintendent of the school administrative unit shall keep immunization records as part of each student's confidential education records.
  - (2) Each child shall be screened periodically for vision and hearing deficiencies by designated school personnel. Exceptions on religious grounds shall be in accordance with Maine law.
  - (3) Each child in grades 5-8 shall be screened for scoliosis in accordance with Me. Dept. of Hum. Svc. Reg. 281 by designated school personnel. Exceptions on religious, moral, philosophical, or personal grounds shall be in accordance with Maine law.
- B) The school administrative unit shall inform the parent of a student suffering from a health problem.
- C) Each school administrative unit shall adopt a policy regarding the administration of medications to students and shall train all unlicensed personnel who administer medications, in compliance with rules of the Commissioner.

## 10.02 Emergency Procedures

To protect the safety of students and personnel, each school administrative unit shall develop a Crisis Response Plan to deal with crises and potential crisis situations including violent acts by or against students or other persons in each school. The Plan shall include the designation of an adult responsible on site during an emergency. The unit will work with local public safety, mental health and law enforcement officials in developing this plan, which will be included in the unit's Comprehensive Education Plan.

### A) Emergency Evacuation Drills

Written procedures for emergency evacuation drills shall be posted in all buildings. Schools at all levels K-12 are required to hold two drills during the first two weeks of school. Schools enrolling grades K-4 shall hold an additional eight drills during the year; schools enrolling grades 5-8, an additional six drills; schools enrolling grades 9-12, an additional four drills. Schools enrolling any combinations of these grade levels shall hold the additional number of drills required of the lowest grade level within the span, except that the local fire chief may increase the number of drills required. Results shall be recorded and deficiencies noted and corrected using forms provided by the Department. School personnel shall receive an annual orientation in this procedure.

### B) Medical Procedures

Each school shall have first-aid medical supplies available for the treatment of minor injuries.

Each school shall distribute to all school personnel a written procedure governing the handling of serious health emergencies, including accidents. School personnel shall receive an orientation in this procedure.

#### 10.03 Safety Procedures

##### A) Communications

School personnel shall have ready access to a telephone or other means of electronic communication. The numbers of local fire, police and emergency services shall be conspicuously posted on or near all telephones.

##### B) Hazardous Materials

All school personnel shall use appropriate protective devices when handling bodily fluids or other hazardous materials in accordance with OSHA requirements. School personnel shall receive an orientation in this procedure.

##### C) Equipment

Systematic procedures shall be established for the safe operation of all school equipment. Appropriate instruction in the use of equipment shall be provided for school personnel. All equipment shall be periodically inspected according to a written safety procedure; results shall be recorded and deficiencies corrected.

Instruction in safety pertaining to all potentially dangerous activities conducted in school programs such as industrial arts, physical education, fine arts, and science laboratories shall be the duty of the teachers assigned to the programs.

##### D) Eye Protective Devices

All persons shall wear industrial quality eye protective devices that have been sanitized prior to use, when exposed to dangerous activities in:

- (1) Programs involving the use of hot molten metals; the milling, sawing, turning, grinding, cutting or stamping of any solid materials; the heat treatment, tempering or kiln firing of any metal or other materials, including gas or electric arc welding; the repairing or servicing of any vehicle; the use of caustic or explosive materials; or chemical or combined chemical-physical laboratory work, including the use of acid, caustic or explosive chemicals or hot liquids or solids.
- (2) Industrial quality eye protective devices shall meet the standards of the U.S.A. Standards Institute Safety Code for Head, Eye, and Respiratory Protection, Z87.1-1968, adopted by the U.S.A. Standards Institute.

#### 10.04 Use of Timeout Rooms, Therapeutic Restraints and Aversives

- A) The use of separate, isolated timeout rooms and the use of therapeutic restraint shall be in compliance with Me. Dept. of Ed. Reg. 33 and shall be limited to occurrences when the behavior of a student presents a risk of injury or harm to

the student or others, or of significant property damage, or seriously disrupts the educational process and other less intrusive interventions have failed. Each school administrative unit shall develop local policies and procedures relating to the use of timeout rooms and therapeutic restraint prior to initiating such interventions in their schools.

- B) A school administrative unit may not use aversive therapy or treatment in order to modify or change a student's behavior. Aversive therapy or treatment includes the application of unusual, noxious or potential hazardous substances, stimuli or procedures to a student. Such substances, stimuli and procedures include but are not limited to: water spray, hitting, pinching, slapping, noxious fumes, extreme physical exercise, costumes or signs.

#### 10.05 Student Code of Conduct

Each school administrative unit shall adopt a system-wide student code of conduct that is consistent with standards of ethical and responsible behavior established by the Commissioner. The unit shall inform parents and students about the student code of conduct. Each school unit shall submit to the Commissioner an annual report of incidents of violent and harmful behavior by or against students in a format established by the Commissioner.

The student code of conduct shall include the following:

- A) Define unacceptable student behavior;
- B) Establish standards of student responsibility for behavior;
- C) Prescribe consequences for violation of the student code of conduct, including first-time violations, when appropriate;
- D) Describe appropriate procedures for referring students in need of special services to those services;
- E) Establish criteria to determine when further assessment of a current individual education plan is necessary, based on removal of the student from class;
- F) Establish policies and procedures concerning the removal of disruptive or violent students from a classroom or a school bus, as well as student disciplinary and placement decisions; and
- G) Establish guidelines and criteria concerning the appropriate circumstances when the superintendent may provide information to law enforcement agencies regarding an offense that involves violence committed by any person on school grounds or other school property.

#### 10.06 School Bomb Threat Policy and Reporting Requirements

Each school board shall adopt a school bomb threat policy that is consistent with the prototypical policies developed by the Commissioner. The student handbook shall contain an explanation of the educational and legal consequences of making a threat of violence against a school.

Each school *administrative* unit shall have a procedure for reporting each bomb threat to the Commissioner within two school days of the occurrence of the threat.

#### 10.07 Reintegration of Juveniles

Each school board shall adopt a policy regarding reintegration of juveniles into the school administrative unit from juvenile correctional facilities. The policy shall address access to confidential criminal justice information.

Training shall be provided for school counselors and other personnel who administer the policy.

#### 10.08 Student Transportation

The school board of a school administrative unit shall provide a safe and efficient transportation system for resident students in accordance with Me. Dept. of Ed. Reg. 81. Transportation shall conserve the comfort, safety, and welfare of the students conveyed. The school board may establish the distance that students may be required to walk to a school or bus stop.

##### A) Elementary and Middle School Students

The school board of a school administrative unit shall provide for the transportation of resident elementary and middle school students.

##### B) Secondary School Students

The school board of a school administrative unit shall provide for the transportation of secondary school students as follows:

- (1) The school board shall provide transportation of secondary school students in a school administrative district or a community school district that includes a secondary school;
- (2) The school board may provide transportation of secondary school students in all other types of school administrative units; and
- (3) The school board shall provide transportation of students between sending schools and applied technology programs.

##### C) Special Education Students

The school board shall provide transportation for special education students in accordance with Me. Dept. of Ed. Reg. 81 and 101.

#### 10.09 School Nutrition Programs

- A) Each school administrative unit shall provide a non-profit school nutrition program for students in elementary and middle schools in accordance with Me. Dept. of Ed. Reg. 51, Me. Dept. of Hum. Svcs. Reg. 200, and Me. Dept. of Agr. Reg. 331.

The Commissioner may grant a postponement for a school based on the following conditions:

- (1) The school administrative unit lacks space and there is no appropriate alternative source of meals for the students;
  - (2) It is impossible for the school administrative unit to contract for meals; or
  - (3) The school board can document the lack of need for the program.
- B) Each school administrative unit may provide a non-profit school nutrition program for secondary school students in accordance with Me. Dept. of Ed. Reg. 51, Me. Dept. of Hum. Svcs. Reg. 200, and Me. Dept. of Agr. Reg. 331.

## Section 11. SCHOOL FACILITIES

### 11.01 Adequacy of Facilities

School facilities shall have adequate space with respect to student enrollment, the instructional program, and necessary administrative and supporting services.

- A) Each classroom or laboratory shall be adequate to serve the specific purpose for which it is intended and shall have sufficient area to accommodate each student.
- B) Each school shall maintain a designated area that affords access to library-media resources as appropriate to the age of students in the school.
- C) Storage space shall be provided so that materials and equipment may be securely stored in a space other than in student instructional areas. Storage of hazardous materials shall be in accordance with OSHA requirements.

### 11.02 Facilities Planning

Each school administrative unit shall have a plan for maintenance and a plan for capital renewal of school facilities using the template and software provided by the Commissioner, as specified in Me. Dept. of Ed. Reg. 64. These plans shall be part of the Comprehensive Education Plan, and shall:

- A) Provide for adequate facilities for school programs as specified in Section 11.01.
- B) Monitor compliance with all applicable health and safety laws and regulations including but not limited to:
  - (1) Section 504 of the Rehabilitation Act of 1973,
  - (2) The Life Safety Code of the Department of Public Safety,
  - (3) The State Plumbing Code adopted by the Department of Human Services,
  - (4) Applicable regulations of the Department of Labor, and
  - (5) Conformity with asbestos requirements.

### 11.03 Water, Sanitation, Air Quality, and Boiler Requirements

All school facilities, which shall include buildings, grounds, and equipment necessary for the provision of instructional programs, shall be operated and maintained in safe, healthful, and sanitary condition.

A) Water

Drinking water from sanitary fountains shall be available in each school. If the building gets its water from a private source, the water must be tested annually in accordance with Me. Dept. of Hum. Svcs. Reg. 231. If there is a school lunch program at the school, hot water shall be available for washing hands as well as all other requirements of Me. Dept. of Hum. Svc. Reg. 200 and Me. Dept. of Agr. Reg. 331.

B) Sanitary Facilities

Each school building shall be provided with an adequate number of toilets that are clean, private, well supervised, of the flush water type and connected to a sewage disposal system approved by the Department of Human Services. Toilet rooms with a single toilet need not be designated as "female" or "male." Toilet rooms shall include wash sinks that are connected to an adequate, pressurized water supply. The sanitary conditions of each school shall be inspected annually.

C) Air Quality

Each room used for instructional purposes shall have sufficient air changes to produce healthful conditions and to avoid odors or concentrations of toxic substances or dust particles, subject to applicable rules. Temperatures shall be kept at a level that provides a comfortable environment for employees and students. If the heating, ventilating, and air-conditioning system is mechanically driven, it shall be in compliance with statute and related rules.

D) Boiler Inspection

E) Schools shall provide for inspection of boilers in accordance with Me. Dept. of Prof. and Fin. Reg. 174. Inspections.

Schools shall be inspected by the State Fire Marshal, or other authorized personnel, and the Department of Labor at least once every five years. The school board shall cause any deficiencies to be corrected in the timeframes specified.

## Section 12. RECORDS AND REPORTS

### 12.01 Student Records

Each school board shall adopt a policy in accordance with the Family Education Rights and Privacy Act (FERPA) that establishes the procedure for changing a student record by adding or removing items, and for controlling access to records.

A) Each school administrative unit shall maintain accurate and up-to-date education records on each enrolled student. Education records shall be defined as in

FERPA and shall include academic records, disciplinary records, and other information including directory information.

- (1) Academic records include information relating to the student's educational performance including student performance on the local assessment system and on other assessments as may be required for an individual student. The high school transcript shall include a summary of the student's academic records for grades 9-12.
- (2) Disciplinary records include, but are not limited to, a record of suspensions and expulsions, and other violations of the Student Code of Conduct adopted by the school board.
- (3) Other information that may be required by federal law and regulations and personally identifiable information which includes, but is not limited to, name, address, telephone number, date and place of birth, immunization and health screening information, previous school administrative unit(s) attended, and directory information. Directory information includes name, school, participation in school-sponsored athletic or extra-curricular activities, dates of attendance, degree, and awards received. The school board may adopt a policy that restricts public release of directory information without express permission of the student's parent or guardian.

- B) Records shall be entrusted to designated personnel who shall be knowledgeable about the confidentiality provisions applicable to the records. All records shall be safeguarded from unauthorized access. Either student records will be kept in fireproof storage at the school or a duplicate set will be kept off site.
- C) Upon request of the parent or school officials, a student's education records, including special education records, shall be forwarded to any school in which the student is enrolled or is intending to enroll. The school administrative unit shall notify parents that all records, including disciplinary records, must be sent to a school administrative unit to which a student applies for transfer.
- D) The high school transcripts of all former students shall be kept in perpetuity by each school administrative unit.
- E) Parental Access Rights: Confidentiality

Each school administrative unit shall adopt a policy describing the access rights of parents, students and educational personnel to student records and the applicable confidentiality rights of parents and students. Student records shall be made available to the parents, or to the student of majority age, for inspection and copying.

A copy of the policy shall be posted in each school and parents shall be notified annually of the policy. The school administrative unit shall maintain records in accordance with the Family Education Rights and Privacy Act (FERPA).

## 12.02 Roster of Resident, Tuition, and Transfer Students

- A) The superintendent of each school administrative unit shall maintain a roster of all resident and tuition students attending schools operated by the unit.

- B) The superintendent of each school administrative unit shall maintain a roster of all students eligible to attend school within the unit who are receiving equivalent instruction in an approved or non-approved private school, or in an approved equivalent instruction program.
- C) The superintendent of each school administrative unit shall maintain a roster of all students who have been expelled by school board action, who have dropped out of the unit, who have withdrawn from the unit, or who are truant.
- D) The superintendent of each school administrative unit shall maintain a roster of all students who have been approved for transfer into the unit or to another unit.

#### 12.03 Personnel Records

A school administrative unit shall maintain the following directory information on each employee: name; dates of employment; regular and extra-curricular duties, including all courses taught in that unit; post-secondary institutions attended; major and minor fields of study at the post-secondary level; and degrees and dates awarded. Directory information shall be available for inspection and copying by any person. Any other information, in any form, relating to an employee or applicant for employment, or to the employee's immediate family, must be kept confidential in accordance with Maine statute.

#### 12.04 Financial Records

The school board shall ensure that proper budgetary controls are in place. The superintendent shall keep an accurate account of school finances and shall provide a written report to the school board on school finances at least quarterly. The school board shall provide for an annual independent audit of the school administrative unit. Financial records and accounts shall be kept in accordance with current generally accepted accounting practices and with such requirements as may be prescribed by statute and by the Commissioner.

#### 12.05 Reports

To maintain continued approval status for the school administrative unit and all schools within it, the superintendent shall submit timely completed annual school reports to the Commissioner, including the annual approval report for the unit and for each school in the unit certifying progress on the Comprehensive Education Plan. Failure to submit financial reports in a timely manner shall result in a withholding of state subsidy. Failure to submit all other required reports in a timely manner shall be grounds for provisional approval status in accordance with Section 14.02 of this rule, and may result in a finding of noncompliance by the Commissioner and the assessing of appropriate penalties authorized by law in accordance with Section 14.03 of this rule.

Except for ad hoc reports that may be required during a school year, the required reports shall be summarized in an annual Administrative Calendar posted on the Department's website.

### Section 13. SCHOOL REVIEWS AND INSPECTIONS

- 13.01 The Commissioner shall review or inspect a school administrative unit as provided in this Section. When conducting a review or inspection, the Commissioner shall be guided by



the benchmarks for resources and personnel outlined in Essential Programs and Services and the hallmarks of an ethical and responsible school culture. Any report written for the Commissioner as part of a review or inspection shall be presented to the school board in a public meeting, unless the privacy rights of personnel or students require that portions of the report be presented in executive session.

### 13.02 School Reviews

The Commissioner will initiate a comprehensive review of a school administrative unit when student performance in a school indicates that a review is warranted, in accordance with Me. Dept. of Ed. Reg. 127. The purpose of the review shall be to determine how to improve student performance on the content standards of the system of Learning Results.

### 13.03 School Inspections

The Commissioner, on receipt of a petition or request as specified below, shall inspect a school administrative unit. The petition or request shall identify specific items for inspection. The Commissioner may inspect any of the areas governed by school approval provisions of this rule in addition to the items in the petition or request. The Commissioner shall conduct an inspection when:

- A) Petitioned by 60% of the parents of the children in one school in the school administrative unit;
- B) Petitioned by 20% of the registered voters of the school administrative unit; or
- C) Requested in writing by the school board or by the superintendent.

## Section 14. SCHOOL APPROVAL STATUS

### 14.01 Initial Approval Procedures

- A) A school administrative unit shall obtain initial approval from the Commissioner prior to opening a new school.
- B) A school administrative unit seeking initial approval status for any school shall make this intention known to the Commissioner in writing at least nine months prior to the school year. School units that have received school construction approval from the State Board of Education shall be deemed to have met this notice requirement.
- C) Application for initial approval status shall be made on forms provided by the Commissioner. The superintendent of the school administrative unit is responsible for supplying all information necessary for a determination that the school is entitled to initial approval. The application form must be signed by the superintendent of the school administrative unit in which the school is located, certifying that the form contains information that is accurate at the time of reporting. Prior to receiving initial approval from the Commissioner, the facility shall be approved for safety by the State Fire Marshal or local municipal fire department official, and certified as sanitary by the Department of Human Services.

- D) Two months prior to the initial opening the applicant school must arrange for an on-site inspection by a representative of the Commissioner.
- E) Initial approval status shall be awarded when the Commissioner determines that the school is likely to comply with all approval standards.
- F) Upon obtaining initial approval by the Commissioner, the school administrative unit shall be entitled to operate the school and to receive state subsidy aid to which it is otherwise entitled.
- G) Six weeks after student occupancy, representatives of the Commissioner shall visit the school while it is in session to determine if all applicable school approval standards are being met. If school approval standards are not being met, initial approval status shall continue until compliance is demonstrated or until the end of the school year, whichever is the earlier date.

#### 14.02 Provisional Approval

- A) Any school that is determined by the Commissioner not to comply with applicable school approval standards shall be placed on provisional approval. Failure to submit School Approval Reports, other than financial reports, in a timely manner, in accordance with Section 12.05 of this rule, shall result in provisional approval status. Failure to submit financial reports in a timely manner shall result in a withholding of state subsidy in accordance with Section 14.03.B.
- B) When placing a school on provisional approval status the Commissioner shall take the following action:
  - (1) The Commissioner shall notify, in writing, the superintendent responsible for any schools placed on provisional approval status and shall include a statement of the reasons for provisional approval status.
  - (2) Representatives of the Commissioner shall meet with the superintendent and shall determine a reasonable deadline for achieving compliance with school approval standards.
  - (3) A school or school administrative unit on provisional approval status shall be required to file with the Commissioner an acceptable written plan of corrective action as part of the Comprehensive Education Plan. The Commissioner may assign a school assistance team in accordance with Me. Dept. of Ed. Reg. 127.
  - (4) Failure to file a required plan of corrective action shall result in enforcement action by the Commissioner, pursuant to Section 14.03 of this rule.
- C) The Commissioner shall restore full approval status upon the Commissioner's determination of compliance with school approval standards.

#### 14.03 Enforcement Measures

- A) Notice of Failure to Comply

The Commissioner shall give written notice of pending enforcement action to the superintendent of any school or school administrative unit that fails to comply with school approval standards by the established deadlines in statute or in the plan of corrective action established in Section 14.02.B.3). Such notice shall include a statement of the laws and regulations with which the school or school administrative unit fails to comply. School administrative units failing to comply with school approval standards shall be given notice and the opportunity for a hearing.

B) Penalties

The Commissioner may impose the following penalties on school administrative units until compliance is achieved:

- (1) Withhold state subsidy and other state funds from school administrative unit;
- (2) Refer the matter to the Attorney General, who may seek injunctive relief to enjoin activities not in compliance with the governing statute or seek any other remedy authorized by law; or
- (3) Employ other penalties authorized in statute or authorized or required by federal law.

Section 15. WAIVERS

The Commissioner may grant a waiver from compliance with any provision of this rule.

15.01 The Commissioner may grant a waiver upon finding that, due to unforeseeable circumstances or undue hardship, the school administrative unit is unable to comply with this chapter and that the compliance plan that the school administrative unit has submitted is reasonable. In such cases the application for a waiver shall contain:

- A) Documentation of actions taken to meet the requirements prior to applying for the waiver;
- B) A description of the unforeseeable circumstances or undue hardships, including financial hardship, that led to the application;
- C) A statement explaining how the waiver requested will not create learning inequities for the students enrolled in the schools in the school administrative unit; and
- D) The plan that the school administrative unit will implement to reduce reliance on waivers in subsequent years.

15.02 The Commissioner may grant a waiver for a planned educational program, approved in advance by the Commissioner, which may be in conflict with the provisions of this rule.

15.03 The Commissioner may grant a waiver from compliance with any provision of this rule for school administrative units that have high levels of student performance on the content standards of the system of Learning Results, and that have a Personal Learning Plan for each student to meet the standards.



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