

Annual List of Rulemaking Activity
Rules Adopted January 1, 2018 to December 31, 2018
Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §§ 13011, 13015
Chapter number/title: **Ch. 118**, Purposes, Standards and Procedures for Educational Personnel Support Systems (*Repeal*)
Filing number: **2018-036**
Effective date: 7/1/2018
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:
The rule is being repealed as the underlying statute 20-A MRS §13015, “Local Support Systems”, is repealed effective July 1, 2018.

Fiscal impact of rule:
N/A

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §§ 2311, 5401(17)
Chapter number/title: Ch. 82, School Bus Driver Fitness Determination (*Repeal*)
Filing number: 2018-046
Effective date: 3/25/2018
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:
Repeal of the rule in response to feedback from the field.

Fiscal impact of rule:
N/A

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §6451
Chapter number/title: Ch. 45, Rule for Vision and Hearing Screening in Maine Schools
Filing number: 2018-054
Effective date: 4/10/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This rule outlines the standards and processes for periodic vision and hearing screenings. The purpose of a screening is to identify potential hearing or vision deficits among school age children and refer for further care. Updates to the rule reflect current national recommendations for hearing and vision screenings. The rule clarifies techniques and acceptable research-based tools for schools to use.

Basis statement:

This rule outlines the standards and processes for periodic vision and hearing screenings. The purpose of a screening is to identify potential hearing or vision deficits among school age children and refer for further care. Updates to the rule reflect current national recommendations for hearing and vision screenings. The rule clarifies techniques and acceptable research-based tools for schools to use.

Fiscal impact of rule:

N/A

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §§ 6602(5)
Chapter number/title: Ch. 56, Child Nutrition Programs in Public Schools and Institutions (*Repeal*)
Filing number: 2018-056
Effective date: 4/10/2018
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:

The federal regulations articulate the responsibilities for the SAUs to follow, so the Department is repealing the regulation.

Fiscal impact of rule:
None.

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: none
Chapter number/title: Ch. 129, Rights and Responsibilities of Educators and Pupils
(Repeal)
Filing number: 2018-057
Effective date: 4/10/2018
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:
Repeal of the rule as the underlying authority in statute no longer exists.

Fiscal impact of rule:
N/A

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §2907
Chapter number/title: Ch. 250, School Approval for Nontraditional Limited Purpose Schools (*Repeal*)
Filing number: 2018-058
Effective date: 4/10/2018
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:
Repeal of the rule as the statute covers the language exactly.

Fiscal impact of rule:
N/A

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §§ 6352-6359
Chapter number/title: Ch. 126, Immunization Requirements for School Children
Filing number: 2018-060
Effective date: 5/10/2018
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

The addition of a Meningococcal vaccine to the required school entry for children entering 7th grade is intended to protect Maine students from Meningococcal disease. Meningitis is more commonly spread amongst adolescents and young adults in a community setting. Adding one dose of Meningococcal vaccine will align with the U.S. Centers for Disease Control and Prevention and the Advisory Committee on Immunization Practices recommendation of receiving the vaccine between the ages of 11 to 12 years.

Basis statement:

This joint rule is established to ensure a safe and healthful school environment for all Maine students by requiring all children attending public or private schools in the State of Maine to receive the required vaccines recommended by the federal Centers for Disease Control (CDC) and the Advisory Committee on Immunization Practices (ACIP). Changes to this joint rule include the addition of meningococcal meningitis to diseases for which immunization is required for Maine's school children and prescribed dosage for quadrivalent meningococcal conjugate vaccines (MCV4). These changes are subject to major substantive rulemaking, pursuant to 20-A MRS §6358. The Legislature has reviewed the provisionally adopted joint rule and has authorized the Department of Health and Human Services and Department of Education to adopt the final joint rule pursuant to Resolves 2017 ch. 32, meaning the new immunization requirement will be in place prior to the start of the 2018 school year.

In recent years, new vaccines against meningitis have been introduced to the routine immunization schedule for adolescents and young adults, recommended for youths aged 11 to 12 years, with a booster dose for older adolescents, due to evidence of waning immunity. Meningococcal disease is spread from person to person through the exchange of respiratory and throat secretions, saliva, spit or kissing, for example. Young adults are at a greater risk of acquiring meningitis, due to close contact during sports and the large group setting of a school house environment. Meningitis is a viral or bacterial infection of the fluid surrounding the brain and spinal cord. Viral meningitis is not as severe as bacterial meningitis and is usually resolved without specific treatment. Bacterial meningitis, a serious illness caused by meningococcal disease, may be contained through antibiotics or prevented through immunization. According to the federal CDC, 1,000 to 2,600 people contract meningococcal disease each year in the United States. One in 10 of these cases results in death. Bacterial meningitis infections may also cause serious health problems in 11 to 19 percent of survivors, such as loss of limbs, deafness, nervous system problems, mental retardation, seizures and strokes. The majority of states have adopted a meningococcal vaccine requirement, based on the severity of the disease.

The DHHS Maine CDC's Immunization Program currently supplies meningococcal vaccines to all adolescents in the State of Maine free of charge through pediatricians, family practice physicians and school-based health centers. Additionally, health education currently focuses on this availability of free vaccines, to increase immunization rates for this adolescent demographic. This Program provides education through a variety of avenues, including printed

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materials, regional trainings and site visits to offices receiving State-supplied vaccines. States with a mandatory MCV4 school entry requirement experience much higher vaccine rates amongst their adolescent population.

Changes to this joint rule include updating the definition of "Disease" to include meningococcal meningitis, updating the list of medical contraindications to MCV 4 that can serve as a medical exemption, and updating the vaccine dosage requirements to include one dose of quadrivalent meningococcal conjugate vaccine for entry into 7th grade and, if the first dose is not administered on or after the 16th birthday, a second dose prior to entry into grade 12. These changes will align with the CDC and ACIP current recommendations.

Fiscal impact of rule:

None.

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §§ 261, 5205(7)
Chapter number/title: Ch. 14, Education of Homeless Students
Filing number: 2018-074
Effective date: 5/9/2018
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:

This is a revision of the existing rule which defines a homeless student, outlines procedures for identifying and enrolling homeless students and for resolving disputes over their identification and educational placement, and assures access to appropriate educational services for homeless students consistent with the *McKinney-Vento Homeless Assistance Act*.

Fiscal impact of rule:
N/A

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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: 2018-075
Effective date: 6/3/2018
Type of rule: Major Substantive
Emergency rule: No

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

Basis statement:

This amendment revises Section 11 which involves educator involvement in developing, implementing and reviewing PEPG systems. Specifically, the peer review and collaboration piece has been enhanced to reflect peer support and feedback to include formative peer mentoring and coaching component for all educators new to the SAU and for conditionally certified educators. Secondly for all educators the peer support and feedback is intended for formative purposes only.

Fiscal impact of rule:
N/A

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §13011(1)
Chapter number/title: Ch. 115, Credentialing of Education Personnel, **Part I:**
Standards and Procedures for Credentialing
Filing number: 2018-108
Effective date: 7/14/2018
Type of rule: Major Substantive
Emergency rule: No

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

Basis statement:

The Department is working to streamline and update the rules to comport them to recent statutory changes and to remove redundancy and unnecessary language. The format is being refined to be clear and concise. In brief, the following are some of the more significant changes:

- Consolidates the number of credentials available to three: a clearance, a certificate, and a conditional certificate.
- As the Department is simultaneously moving to repeal Ch. 118, *Education Personnel Support Systems*, transfers some aspects of Ch. 118 into rule Ch. 115.
- Creates a pathway to become a teacher based on work experience. A person will be able to use work experience to address knowledge areas that are required for an endorsement.
- Refines and reformats the rule to be more logical and sequential. There has been confusion about sections of the rule and this should help to make it more clear and efficient.
- Part I is repealed and replaced; Part II is revised in legislative format

Fiscal impact of rule:
N/A

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §13038
Chapter number/title: **Ch. 13**, Qualifying Examinations for Teachers, Educational Specialists, and Administrators
Filing number: **2018-148**
Effective date: 8/20/2018
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:
Update the passing scores on the Praxis exams and revise the text of the rule to align with the revisions made to Chapter 115 Part I.

Fiscal impact of rule:
N/A