

CHAPTER 206

ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER 1

BASIC SCHOOL APPROVAL

§4501. Duty of school units

In accordance with the policy expressed in section 2, every school administrative unit shall raise annually sufficient funds to maintain or support elementary and secondary schools to provide free education for its resident students at all grade levels. These schools shall meet the requirements of basic school approval. To the extent the State provides adequate start-up funding, a school administrative unit may offer an opportunity for every child 4 years of age residing in the school administrative unit to attend a public preschool program, or a program affiliated with the school administrative unit, meeting the requirements of basic school approval. It is the goal of the State to establish an equitable, mixed-delivery public preschool system that provides universal access for preschool-aged children and their families in accordance with the following timeline: 60% by the 2024-2025 school year; 80% by the 2025-2026 school year; and 100% by the 2026-2027 school year. [PL 2023, c. 477, §2 (AMD).]

1. Assessment. The commissioner shall adopt rules that strongly encourage the use of a uniform common statewide assessment program for kindergarten, which may be used by school administrative units in addition to other quality assessments school administrative units determine to be necessary beginning with the 2016-2017 school year. The uniform common statewide assessment must be designed to measure student comprehension of academic content and mastery of related skills and cover such areas as physical health and motor development; social and emotional development; learning styles; language and literacy; and general cognition. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2013, c. 581, §4 (NEW).]

2. Grant funds. Beginning with the 2015-2016 school year, in accordance with this section, the department, if funds are available, shall award grants pursuant to section 4271 to each qualified school administrative unit equal to the school administrative unit's allowable costs to implement the approved plan to develop and operate a new or expanded public preschool program. Grant funds must be used to fund the allowable costs of the implementation plan not otherwise subsidized by the State.

[PL 2013, c. 581, §4 (NEW).]

SECTION HISTORY

PL 1983, c. 859, §§A20,A25 (NEW). PL 1985, c. 142, §1 (AMD). PL 1985, c. 797, §31 (AMD). PL 2007, c. 141, §6 (AMD). PL 2013, c. 581, §4 (AMD). PL 2019, c. 343, Pt. UUUU, §1 (AMD). PL 2023, c. 477, §2 (AMD).

§4502. School approval requirements

1. General requirements. Elementary and secondary schools and school administrative units, including an educational program or school located in or operated by a juvenile correctional facility, shall meet all requirements of the system of learning results as established in section 6209 as well as other requirements of this Title and other statutory requirements applicable to the public schools and basic school approval standards. 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. The comprehensive education plan

must include a plan for the graduation requirements of section 4722. This plan must also address all other plans required by the department.

[PL 2017, c. 466, §5 (AMD).]

1-A. Developmentally appropriate educational practices; kindergarten to grade 2. The commissioner shall adopt rules to address developmentally appropriate educational practices for kindergarten to grade 2. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[RR 2019, c. 2, Pt. A, §23 (COR).]

2. Curriculum requirements. Schools must meet all curriculum requirements established in chapter 207-A. Schools that offer public preschool programs shall demonstrate curriculum practice for those programs that implements the Maine early learning and development standards established by the department and is appropriate for the age and development level of the children.

[PL 2021, c. 571, §2 (AMD).]

3. School year. Schools shall comply with section 4801.

[PL 1983, c. 859, Pt. A, §§20, 25 (NEW).]

4. Staff qualifications. School boards shall employ only teachers and other educational personnel who are properly certified in accordance with certification rules adopted pursuant to chapter 502 and other professional personnel who hold appropriate professional licenses issued by the State.

[PL 1983, c. 859, Pt. A, §§20, 25 (NEW).]

4-A. Affirmative action plan. Each school administrative unit shall develop an affirmative action plan in accordance with Title 5, chapter 65 as part of the school approval process and update this plan annually as necessary. The affirmative action plan must include a description of the status of the unit's nondiscriminatory hiring practice provided in section 1001, subsection 13 and plans for in-service training programs on gender equity for teachers, administrators and school boards. The unit shall submit any update of the plan annually to the commissioner.

[PL 2013, c. 506, §8 (AMD).]

4-B. Economic discrimination. A school board may consider the economic conditions within its geographical area of jurisdiction in assigning pupils to schools within a school administrative unit or a centralized education program but may not make assignments solely on the basis of economic condition.

[PL 1993, c. 644, §1 (NEW).]

5. Other requirements. The state board and the commissioner shall jointly adopt basic school approval rules governing school administrative units and elementary and secondary schools. These rules must set minimum requirements in the following areas, incorporating such requirements as are established by statute:

A. Instructional time, including a minimum school day and week; [PL 1983, c. 859, Pt. A, §§20, 25 (NEW).]

B. Staffing, including student-teacher ratios that permit maximum student-teacher ratios of 25:1 school-wide for kindergarten to grade 8 and maximum student-teacher ratios of 30:1 school-wide for grades 9 to 12; [PL 2009, c. 313, §2 (AMD).]

C. Physical facilities, incorporating the school construction rules of the state board; [PL 1983, c. 859, Pt. A, §§20, 25 (NEW).]

D. Requirements for equipment and libraries; [PL 2009, c. 313, §2 (AMD).]

E. Minimum school size, but including recognition of geographically isolated schools; [PL 1983, c. 859, Pt. A, §§20, 25 (NEW).]

F. Grade and program organization; [PL 1983, c. 859, Pt. A, §§20, 25 (NEW).]

G. Assessment and evaluation of student performance; [PL 1983, c. 859, Pt. A, §§20, 25 (NEW).]

H. Student personnel services, including guidance and counseling and, notwithstanding any rules adopted by the department, comprehensive guidance plans to be approved by the commissioner; [PL 2009, c. 313, §2 (AMD).]

I. Records, record keeping and reporting requirements; [PL 1983, c. 859, Pt. A, §§20, 25 (NEW).]

J. Health, sanitation and safety requirements, including compliance with section 6302; [PL 1991, c. 181, §1 (AMD).]

K. School improvement; [PL 1997, c. 428, §1 (AMD).]

L. [PL 2001, c. 454, §13 (RP).]

L-1. A plan for training and development of all personnel that is aligned with the system of learning results as established in section 6209; [PL 2001, c. 454, §14 (NEW).]

M. The use of time-out areas, administered in accordance with requirements adopted by the department and with this paragraph. The use of a time-out area is subject to the following:

(1) The time-out area must be well ventilated and sufficiently lighted. The time-out area may not be locked; and

(2) The time-out area must be designed to ensure the safety of the student so that the student is supervised by a professional staff member in the room or can be observed from outside of the time-out area and can be heard by a person supervising the time-out area; [PL 2009, c. 313, §2 (AMD).]

N. Preparation of a written local policy and implementation of training for all unlicensed personnel who administer medication in accordance with the requirements under section 254, subsection 5; [PL 2007, c. 141, §8 (AMD).]

O. Preparation of a written local policy and implementation of training for all guidance counselors and school personnel who administer reintegration planning pursuant to section 254, subsection 12, who participate in a reintegration team and who have access to confidential criminal justice information regarding juveniles pursuant to section 1055, subsection 12; and [PL 2007, c. 141, §9 (AMD).]

P. Provision of family outreach and support programs designed to improve parent-school relations and parenting skills consistent with section 4252, subsection 8. [PL 2007, c. 141, §10 (NEW).] [PL 2009, c. 313, §2 (AMD).]

5-A. Application.

[PL 2009, c. 313, §3 (RP).]

5-B. Suicide awareness education and training. Each school administrative unit shall develop a plan for suicide prevention awareness education for all school personnel and suicide prevention and intervention training for certain personnel in accordance with this subsection.

A. Beginning in the 2014-2015 school year for high schools and in the 2015-2016 school year for elementary and middle schools, a one-hour to 2-hour in-service training module in suicide prevention awareness must be completed by all school personnel. School personnel shall complete the training module by the commencement of the school year or, for those employees who are newly hired, within 6 months from the beginning of employment. Suicide prevention awareness education must be repeated every 5 years. [PL 2013, c. 53, §1 (NEW).]

B. Beginning in the 2014-2015 school year, a one-day course in suicide prevention and intervention training that will result in at least 2 school personnel trained in suicide prevention and intervention must be implemented by each school administrative unit and by each island, charter and public school that is not in a school administrative unit. 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 as follows:

- (1) For 1,001 to 1,500 students, one additional school employee;
- (2) For 1,501 to 2,000 students, 2 additional school personnel;
- (3) For 2,001 to 2,500 students, 3 additional school personnel;
- (4) For 2,501 to 3,000 students, 4 additional school personnel;
- (5) For 3,001 to 3,500 students, 5 additional school personnel;
- (6) For 3,501 to 4,000 students, 6 additional school personnel;
- (7) For 4,001 to 4,500 students, 7 additional school personnel;
- (8) For 4,501 to 5,000 students, 8 additional school personnel;
- (9) For 5,001 to 5,500 students, 9 additional school personnel;
- (10) For 5,501 to 6,000 students, 10 additional school personnel;
- (11) For 6,001 to 6,500 students, 11 additional school personnel;
- (12) For 6,501 to 7,000 students, 12 additional school personnel;
- (13) For 7,001 to 7,500 students, 13 additional school personnel; and
- (14) For 7,501 or more students, 14 additional school personnel.

Suicide prevention and intervention training must be repeated every 5 years. [PL 2013, c. 53, §1 (NEW).]

C. 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. [PL 2013, c. 53, §1 (NEW).]

D. Training pursuant to this subsection must count toward satisfaction of professional development requirements for the department and certification requirements for teachers and other professional personnel under chapters 501 and 502. [PL 2013, c. 53, §1 (NEW).]

The department shall adopt rules to implement this subsection. The rules must include, but are not limited to, implementation standards for suicide prevention awareness education and for suicide prevention and intervention training. Standards adopted for suicide prevention awareness education must be made available on the department's publicly accessible website. Rules adopted pursuant to this subsection before July 1, 2014 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2014, rules adopted by the department pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2013, c. 53, §1 (NEW).]

5-C. Child sexual abuse prevention education and response. Beginning in the 2017-2018 school year, a school administrative unit that operates a public preschool program or an elementary school shall adopt a written local policy for child sexual abuse prevention education and response that is consistent with the model policy developed by the commissioner pursuant to section 254, subsection 18.

[PL 2015, c. 292, §2 (NEW).]

6. Annual report on comprehensive education plan. The superintendent shall make an annual report of progress on the comprehensive education plan, developed pursuant to subsection 1, to the citizens of the school administrative unit. The school board shall annually review and approve the plan. The superintendent shall certify progress on the plan to the commissioner on an annual basis and shall submit to the commissioner a copy of the minutes of the school board meeting at which the school board reviewed and approved the plan.

[PL 2011, c. 669, §4 (AMD).]

7. Juvenile corrections facilities. An educational program or school for juveniles located in or operated by a correctional facility must be reviewed for approval by the department on an annual basis, with special attention paid to alternative educational programming and discharge planning and related transition services provided to juveniles who are released from juvenile correctional facilities and enrolled in public schools in the State. The department shall report to the joint standing committees of the Legislature having jurisdiction over appropriations, criminal justice and education matters on the results of the review by January 15th of each year.

[PL 2001, c. 452, §11 (AMD).]

8. Waivers. The commissioner may grant a school administrative unit a waiver of one or more school approval requirements upon receipt of an application from the school administrative unit that includes the basis for the waiver request and a plan to reduce reliance on waivers in subsequent years.

A. Financial hardship is one criterion the commissioner must consider in determining whether to grant a waiver. [PL 2011, c. 669, §5 (NEW).]

B. [PL 2017, c. 466, §6 (RP).]

C. [PL 2017, c. 466, §6 (RP).]

[PL 2017, c. 466, §6 (AMD).]

9. Public preschool programs for children 4 years of age. To the extent the State provides adequate start-up funding for a public preschool program for children 4 years of age, a school administrative unit that does not have a public preschool program for children 4 years of age may develop a public preschool program implementation plan for children 4 years of age for submission to and approval by the department. Evaluation and approval of the proposal must include consideration of at least the following factors:

A. Demonstrated coordination with other early childhood programs in the community to maximize resources; [PL 2007, c. 141, §11 (NEW).]

B. Consideration of the extended child care needs of working parents; and [PL 2007, c. 141, §11 (NEW).]

C. Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been disseminated broadly to other early childhood programs in the community. [PL 2007, c. 141, §11 (NEW).]

Beginning with the 2015-2016 school year, the commissioner may provide start-up funding as set forth in section 4271 to school administrative units to implement or expand public preschool programs for children 4 years of age as required under this subsection.

[PL 2013, c. 581, §5 (AMD).]

SECTION HISTORY

PL 1983, c. 859, §§A20,A25 (NEW). PL 1985, c. 142, §1 (AMD). PL 1985, c. 774, §§4,11 (AMD). PL 1989, c. 415, §11 (AMD). PL 1989, c. 889, §7 (AMD). PL 1991, c. 9, §112 (AMD). PL 1991, c. 181, §1 (AMD). PL 1991, c. 622, §§X1-3 (AMD). PL 1991, c. 824, §A32 (AMD). PL 1993, c. 644, §1 (AMD). PL 1995, c. 527, §§1-3 (AMD). PL 1997, c. 428, §§1-3 (AMD). PL 1997, c. 696, §§1,2 (AMD). PL 1999, c. 669, §§5-7 (AMD). PL 1999, c. 770, §§1,2 (AMD). PL

1999, c. 790, §N1 (AMD). PL 2001, c. 452, §§8-11 (AMD). PL 2001, c. 454, §§12-16 (AMD). PL 2007, c. 141, §§7-11 (AMD). PL 2009, c. 313, §§1-3 (AMD). PL 2011, c. 669, §§3-5 (AMD). PL 2013, c. 53, §1 (AMD). PL 2013, c. 506, §8 (AMD). PL 2013, c. 581, §5 (AMD). PL 2015, c. 292, §2 (AMD). PL 2017, c. 466, §§5, 6 (AMD). PL 2019, c. 508, §5 (AMD). RR 2019, c. 2, Pt. A, §23 (COR). PL 2021, c. 571, §2 (AMD).

§4503. Secondary school organizations

1. Two years. A secondary school shall include not fewer than 2 consecutive grades from grades 9 to 12.

[PL 1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

2. Junior high school or middle school. A junior high school or middle school is a school that maintains a diversified program of studies of 2 or more consecutive grades from grades 6 to 9, which meets basic school approval and applicable curriculum requirements. A junior high school or middle school may be maintained in connection with or as part of an approved secondary school.

[PL 2009, c. 313, §4 (AMD).]

SECTION HISTORY

PL 1983, c. 859, §§A20,A25 (NEW). PL 1985, c. 142, §1 (AMD). PL 2009, c. 313, §4 (AMD).

§4504. Implementation and enforcement

1. Implementation. The commissioner shall determine which schools and school units are in compliance with the basic school approval standards, in accordance with the procedures of the basic school approval rules and the provisions of this Title, and the Maine Human Rights Act.

If the commissioner finds that a school or school administrative unit is not in compliance with the Maine Human Rights Act, the commissioner shall refer the finding to the Maine Human Rights Commission.

[PL 2023, c. 397, §2 (AMD).]

2. Comprehensive review. The commissioner shall conduct a comprehensive review of a school administrative unit in accordance with the school assistance process established in section 6210, based on a review of the school administrative unit's comprehensive education plan and student achievement data, or as part of an inspection in accordance with section 258-A.

[PL 2009, c. 313, §5 (AMD).]

3. Rules. Basic school approval rules shall be adopted and enforced in accordance with section 6801-A and the Maine Administrative Procedure Act, Title 5, chapter 375.

[PL 1983, c. 859, Pt. A, §§20, 25 (NEW).]

SECTION HISTORY

PL 1983, c. 859, §§A20,A25 (NEW). PL 1985, c. 142, §1 (AMD). PL 1991, c. 622, §X4 (AMD). PL 1993, c. 435, §4 (AMD). PL 1993, c. 435, §14 (AFF). PL 1995, c. 527, §4 (AMD). PL 1997, c. 696, §3 (AMD). PL 2001, c. 454, §17 (AMD). PL 2005, c. 446, §1 (AMD). PL 2009, c. 313, §5 (AMD). PL 2023, c. 397, §2 (AMD).

SUBCHAPTER 2

ACCREDITATION

§4511. Accreditation requirements

1. General authorization. The state board and the commissioner shall jointly adopt rules establishing accreditation standards for secondary and elementary schools of the State.

[PL 1983, c. 859, Pt. A, §§20, 25 (NEW).]

2. Intent. Accreditation standards are intended to encourage excellence in school programs. The rules shall include such components as the quality and variety of instructional programs, the credentials, experience and general performance of staff and adequacy of school facilities.

[PL 1983, c. 859, Pt. A, §§20, 25 (NEW).]

3. Specific requirements. In addition to standards that are adopted in subsection 1, accreditation standards shall include, but not be limited to, the following.

A. The school has a clearly written statement reflective of the needs, beliefs and values of the school community. It is supported by stated goals and objectives and is consistent with the district's philosophy. [PL 1987, c. 395, Pt. A, §66 (RPR).]

B. The school is effectively managed and provides leadership that promotes the achievement of educational excellence. [PL 1987, c. 395, Pt. A, §66 (RPR).]

C. The school demonstrates evidence of a well planned and periodically evaluated curriculum which has consistently resulted in exemplary educational programming. [PL 1987, c. 395, Pt. A, §66 (RPR).]

D. The school demonstrates a carefully coordinated effort to provide instructional processes which have consistently resulted in a learning environment which promotes excellence. A variety of instructional techniques is used by a majority of the teachers. [PL 1987, c. 395, Pt. A, §66 (RPR).]

E. The school has a carefully planned staff development program guided by sound educational theory that promotes exemplary practices. [PL 1987, c. 395, Pt. A, §66 (RPR).]

F. The school has a climate which promotes individual self-esteem, high expectations for achievement and a positive attitude toward learning. [PL 1987, c. 395, Pt. A, §66 (RPR).]

G. The school has a collaboratively planned community relations program which promotes close cooperation between the school and the community toward the achievement of the school's goals and objectives. [PL 1987, c. 395, Pt. A, §66 (RPR).]

H. The school facility offers an effective setting for the delivery of high quality programs and services. [PL 1987, c. 395, Pt. A, §66 (RPR).]

I. [PL 1987, c. 395, Pt. A, §66 (RP).]

J. [PL 2017, c. 466, §7 (RP).]

[PL 2017, c. 466, §7 (AMD).]

SECTION HISTORY

PL 1983, c. 859, §§A20,A25 (NEW). PL 1985, c. 142, §1 (AMD). PL 1987, c. 395, §A66 (AMD). PL 2015, c. 489, §1 (AMD). PL 2017, c. 466, §7 (AMD).

§4512. Implementation

1. Accreditation optional. Any approved school may, through its school board, apply for accreditation.

[PL 1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

2. Implementation. The commissioner shall determine which schools and school units meet the requirements of accreditation, in accordance with adopted rules and this Title.

[PL 1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

3. Comprehensive reviews. The commissioner shall, on a one-year to 5-year cycle, make a comprehensive review of each accredited school to determine whether the school is continuing to meet the accreditation standards.

[PL 1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

4. Rules. Accreditation rules shall be adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

[PL 1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

5. Accreditation process. All school administrative units operating a secondary school shall undergo the state accreditation process on a 5-year cycle as established by the commissioner starting in the 1989-90 school year. Upon request from a secondary school, the commissioner shall have the authority to grant a waiver from the accreditation process. The commissioner shall grant a waiver on the basis of extenuating circumstances as defined by rule.

[PL 1987, c. 395, Pt. A, §67 (AMD).]

SECTION HISTORY

PL 1983, c. 859, §§A20,A25 (NEW). PL 1985, c. 142, §1 (AMD). PL 1987, c. 395, §A67 (AMD).

§4513. Cooperative effort

The rules may also establish alternate procedures for accreditation of secondary schools jointly with the New England Association of Schools and Colleges or its successor. [PL 1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

SECTION HISTORY

PL 1983, c. 859, §§A20,A25 (NEW). PL 1985, c. 142, §1 (AMD).

§4514. Costs of accreditation process

The commissioner may require that schools applying for state accreditation pay the direct costs of the advisory committee, such as housing and meals of visiting committees, but these costs may not include the actual costs, salaries or general overhead expenses of the department. [PL 1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

SECTION HISTORY

PL 1983, c. 859, §§A20,A25 (NEW). PL 1985, c. 142, §1 (AMD).

§4515. Accreditation; evaluation and recommendation

The commissioner shall confer accreditation to those schools which meet established accreditation standards in accordance with the procedures established by rule. [PL 1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

A school may not be accredited until it has been evaluated and recommended for accreditation by an advisory committee of qualified personnel, including persons from outside the department. [PL 1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

SECTION HISTORY

PL 1983, c. 859, §§A20,A25 (NEW). PL 1985, c. 142, §1 (AMD).

§4516. Rules

1. Adoption of rules. Accreditation rules shall be adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

[PL 1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

2. Advisory committee. The commissioner, with the approval of the state board, shall appoint an advisory committee of professional and lay people to advise the commissioner in the adoption of accreditation standards.

[RR 2019, c. 2, Pt. B, §17 (COR).]

SECTION HISTORY

PL 1983, c. 859, §§A20,A25 (NEW). PL 1985, c. 142, §1 (AMD). RR 2019, c. 2, Pt. B, §17 (COR).

§4517. Waiver of requirements**(REPEALED)**

SECTION HISTORY

PL 1991, c. 622, §X5 (NEW). PL 1995, c. 527, §5 (AMD). PL 1997, c. 696, §4 (AMD). PL 1999, c. 790, §N2 (AMD). PL 2009, c. 313, §6 (RP).

SUBCHAPTER 3**GUIDANCE AND TECHNICAL ASSISTANCE****§4520. Guidance and technical assistance by the department**

The commissioner shall provide guidance and technical assistance to school personnel, consistent with available resources, to aid them in meeting basic school approval requirements and established accreditation standards and to achieve general improvement in such areas as curriculum, school management, teaching and student assessment. This assistance may be given by departmental staff and by school approval specialists employed for limited periods. [PL 1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

SECTION HISTORY

PL 1983, c. 859, §§A20,A25 (NEW).

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