

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY

H.P. 1472 - L.D. 2071

Resolve, Regarding Legislative Review of Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units, a Major Substantive Rule of the Department of Education and the State Board of Education

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units, a provisionally adopted major substantive joint rule of the Department of Education and the State Board of Education, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. The rule must be amended in Section 2 to add definitions for "evidence-based," "progress monitoring" and "screening."

2. The rule must be amended in Section 2.09 to change the word "authorizing" to "approving" before the word "entity."

3. The rule must be amended in Section 4.02(C) to add that the goals and strategies must consider and coordinate with prekindergarten, applied technology education and adult and community education programs, where such programs exist.

4. The rule must be amended in Section 5.18 to reflect the following:

A. In Tier I, the phrase "core, curriculum-based instruction" must be replaced with "core curriculum";

B. The terms "high-quality" and "quality, research-based" must be replaced with the term "evidence-based";

C. The consistent process of screening must be amended to provide that it is a consistent process of valid, reliable and age-appropriate screening and progress monitoring to evaluate student progress at all tiers; and

D. The bullet points outlining what the development and implementation of a multi-tiered system of support include must be reorganized to make the sequence clearer.

5. The rule must be amended, throughout, to add cross-references to statutory authority or other departmental or agency rule as necessary.

6. All necessary grammatical, formatting, punctuation and other technical nonsubstantive editing changes must be made to the rule, including but not limited to relettering and renumbering any section as necessary to implement the changes pursuant to this resolve.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.