CHAPTER 207-A

INSTRUCTION

SUBCHAPTER 1

GENERAL REQUIREMENTS

§4701. English as language of instruction

The language of instruction in elementary and secondary schools shall meet these requirements. [PL 1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

1. Basic language. The basic language of instruction in all schools shall be the English language. [PL 1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

2. Exceptions. A school may provide instruction in a language other than English in the following circumstances, subject to approval of the commissioner:

   A. Transitional instruction using bilingual techniques may be provided to students of limited proficiency in English; and [PL 1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

   B. Schools may also establish bilingual programs for the purpose of providing proficiency in both English and a 2nd language. [PL 1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1983, c. 859, §§C5,C7 (NEW).

§4702. Special education

Elementary and secondary schools shall provide special education and related services in accordance with chapters 301 and 303. [PL 1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1983, c. 859, §§C5,C7 (NEW).

§4703. Instruction for individual students

Elementary and secondary schools shall provide students with opportunities for learning in multiple pathways that may include the following: [PL 2009, c. 313, §7 (AMD).]

1. Career and technical education. Career and technical education; [PL 2009, c. 313, §7 (NEW).]

2. Alternative education programs. Alternative education programs; [PL 2009, c. 313, §7 (NEW).]

3. Apprenticeships. Apprenticeships; [PL 2009, c. 313, §7 (NEW).]


5. Advanced placements. Advanced placements; [PL 2009, c. 313, §7 (NEW).]

6. Online courses. Online courses;
7. **Adult education.** Adult education;  
[PL 2009, c. 313, §7 (NEW).]

8. **Dual enrollment.** Dual enrollment; or  
[PL 2009, c. 313, §7 (NEW).]

9. **Gifted and talented programs.** Gifted and talented programs.  
[PL 2009, c. 313, §7 (NEW).]

**SECTION HISTORY**


§4704. **Courses prescribed by the commissioner**

The commissioner shall prescribe by rule the basic courses of study that are in alignment with the system of learning results as established in section 6209 for the elementary and secondary schools, consistent with the requirements of this chapter, and may include minimum time requirements and performance standards. [PL 2001, c. 454, §18 (AMD).]

**SECTION HISTORY**


§4705. **Courses prescribed by local boards**

The school board of each school administrative unit may prescribe instructional requirements in addition to minimum state requirements, subject to approval by the commissioner. [PL 1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

**SECTION HISTORY**

PL 1983, c. 859, §§C5,C7 (NEW).

§4706. **Instruction in American history, Maine studies and Maine Native American history**

Instruction in American history, government, citizenship and Maine studies must be aligned with the parameters for essential instruction and graduation requirements established under section 6209. [PL 2009, c. 313, §8 (AMD).]

1. **American history.** American history, government and citizenship, including the Constitution of the United States, the Declaration of Independence, the importance of voting and the privileges and responsibilities of citizenship, must be taught in and required for graduation from all elementary and secondary schools, both public and private. [PL 2009, c. 313, §9 (AMD).]

2. **Maine studies.** Maine history, including the Constitution of Maine, Maine geography and environment and the natural, industrial and economic resources of Maine and Maine's cultural and ethnic heritage, must be taught. A required component of Maine studies is Maine Native American studies, which must be included in the review of content standards and performance indicators of the learning results conducted in accordance with section 6209, subsection 4. The Maine Native American studies must address the following topics:

   A. Maine tribal governments and political systems and their relationship with local, state, national and international governments; [PL 2003, c. 510, Pt. B, §5 (RPR).]

   B. Maine Native American cultural systems and the experience of Maine tribal people throughout history; [PL 2003, c. 510, Pt. B, §5 (RPR).]

   C. Maine Native American territories; and [PL 2003, c. 510, Pt. B, §5 (RPR).]

SECTION HISTORY

§4707. Instruction in Braille and Nemeth Code

Schools may offer instruction in Braille and Nemeth Code as part of the school curriculum. When Braille or Nemeth Code courses are offered, schools shall determine appropriate credit for completion of those courses. [PL 1989, c. 80 (NEW)].

SECTION HISTORY
PL 1989, c. 80 (NEW).

§4708. Grades final

When grades are given for any course of instruction offered by a school, the grade awarded to a student is the grade determined by the teacher of the course and the determination of a student's grade by that teacher, in the absence of clerical or mechanical mistake, fraud, bad faith or incompetence, is final. [PL 1991, c. 248 (NEW)].

SECTION HISTORY

§4709. Blind students; instruction in Braille

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Braille" means the system of reading and writing through touch, commonly known as standard English Braille. [PL 1991, c. 292, §1 (NEW)].

B. "Student" means any student who is blind or any student eligible for special education services for the visually impaired. [PL 1991, c. 292, §1 (NEW)].
[PL 1991, c. 292, §1 (NEW)].

2. Level of instruction; individualized education plan. Instruction in Braille reading and writing for a student who has been evaluated as needing Braille through the individualized education plan should be sufficient to enable each student to communicate effectively and efficiently at that student's intellectual level. The individualized education plan for each student who has been evaluated as needing Braille must specify:

A. The method of implementation utilizing Braille as a primary mode of learning through integration with normal classroom activities; and [PL 1991, c. 292, §1 (NEW)].

B. The level of competency in Braille reading and writing to be achieved by the end of the period covered by the individualized education plan. [PL 1991, c. 292, §1 (NEW)].
[PL 1991, c. 292, §1 (NEW)].

3. Certification. [PL 2013, c. 506, §9 (RP).]

SECTION HISTORY

§4710. Kindergarten to grade 12 interventions
By the school year that begins in the fall of 2012 all school administrative units shall develop and implement a system of interventions for kindergarten to grade 12 that provide each student who is not progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements with different learning experiences or assistance to achieve the standard. The interventions must be specific, timely and based upon ongoing formative assessments that continuously monitor student progress. [PL 2009, c. 313, §10 (NEW).]

**SECTION HISTORY**

PL 2009, c. 313, §10 (NEW).

§4710-A. Agricultural studies

1. Agricultural studies. Agricultural studies may be taught in and infused or integrated into the curriculum of public and private elementary and secondary schools. Agricultural studies may address, but need not be limited to:

   A. The importance of agriculture in the State's history and development; [PL 2013, c. 106, §1 (NEW).]
   B. The connections between the farm and daily life; [PL 2013, c. 106, §1 (NEW).]
   C. The economics of agriculture and its importance to the State's economy; [PL 2013, c. 106, §1 (NEW).]
   D. The importance of knowing where food comes from and the ecology of growing food; and [PL 2013, c. 106, §1 (NEW).]
   E. The importance of eating healthy food and its role in combating childhood obesity. [PL 2013, c. 106, §1 (NEW).]

A school offering agricultural studies may make use of resources and materials developed and provided by the Commissioner of Agriculture, Conservation and Forestry and the Maine Agriculture in the Classroom Council in accordance with Title 7, chapter 8-D. [PL 2013, c. 106, §1 (NEW).]

**SECTION HISTORY**

PL 2013, c. 106, §1 (NEW).

§4710-B. Dyslexia screening

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

   A. "Alphabet knowledge" means the ability to name, distinguish shapes of, write and identify the sounds of the letters of the alphabet. [PL 2015, c. 338, §1 (NEW).]
   B. "Decoding" means the ability to apply knowledge of letter-sound relationships. [PL 2015, c. 338, §1 (NEW).]
   C. "Dyslexia" means a condition that is neurological in origin and characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and in relation to the provision of effective classroom instruction; the secondary consequences of dyslexia may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. [PL 2015, c. 338, §1 (NEW).]
   D. "Encoding" means the ability to put ideas into messages to be delivered to and understood by other people. [PL 2015, c. 338, §1 (NEW).]
E. "Phonological and phonemic awareness" means awareness of the phonological structure of words. [PL 2015, c. 338, §1 (NEW).]

F. "Rapid naming" means the ability to connect visual and verbal information by giving appropriate names to common objects, colors, letters and digits. [PL 2015, c. 338, §1 (NEW).]

G. "Sound-symbol recognition" means the ability to understand the relationship between symbols or combinations of symbols and the sounds they make. [PL 2015, c. 338, §1 (NEW).]

2. Dyslexia screening. Beginning in the 2016-2017 school year, a school administrative unit shall screen for dyslexia students from kindergarten to grade 2 who have difficulty, as identified by a classroom teacher, in an area described in paragraphs A to F. The screening of a student must include an examination of the student's:

A. Phonological and phonemic awareness; [PL 2015, c. 338, §1 (NEW).]

B. Sound-symbol recognition; [PL 2015, c. 338, §1 (NEW).]

C. Alphabet knowledge; [PL 2015, c. 338, §1 (NEW).]

D. Decoding skills; [PL 2015, c. 338, §1 (NEW).]

E. Rapid naming skills; and [PL 2015, c. 338, §1 (NEW).]

F. Encoding skills. [PL 2015, c. 338, §1 (NEW).]

3. Dyslexia coordinator. There is created within the department the position of dyslexia coordinator to assist the department in complying with the provisions of this section and the general education interventions required in the department's special education rules as they pertain to students struggling with reading or showing early indicators of reading difficulty. The dyslexia coordinator must have a background in reading and language difficulties, including dyslexia, and in language and literacy. The dyslexia coordinator shall develop before March 1, 2016 and update annually thereafter a plan that:

A. Implements dyslexia awareness training for teachers; [PL 2015, c. 338, §1 (NEW).]

B. Implements professional development in evidence-based screening practices; and [PL 2015, c. 338, §1 (NEW).]

C. Identifies needs of school administrative units for implementing evidence-based practices and response to scientific, research-based intervention strategies for reading and language-based learning difficulties. [PL 2015, c. 338, §1 (NEW).]

SECTION HISTORY
PL 2015, c. 338, §1 (NEW).

SUBCHAPTER 2

ELEMENTARY AND JUNIOR HIGH SCHOOLS OR MIDDLE SCHOOLS

§4711. Elementary course of study

The basic course of study for the elementary schools must provide for the instruction of all students in career and education development, English language arts, world languages, health education and physical education, mathematics, science and technology, social studies and visual and performing arts, as described in the parameters for essential instruction and graduation requirements subject to the
schedule specified in section 6209. Health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness. [PL 2019, c. 106, §1 (AMD).]

SECTION HISTORY
PL 2019, c. 106, §1 (AMD).

§4712. Junior high school or middle school course of study

The basic course of study for the junior high schools or middle schools must provide for the instruction of all students in career and education development, English language arts, health education and physical education, mathematics, science and technology, social studies, visual and performing arts and world languages, as described in the parameters for essential instruction and graduation requirements subject to the schedule specified in section 6209. Health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness. [PL 2019, c. 106, §2 (AMD).]

SECTION HISTORY

SUBCHAPTER 3
SECONDARY SCHOOLS

§4721. General requirement

1. Comprehensive program of instruction. A secondary school shall provide a comprehensive program of instruction of at least 2 years in length, which must meet the requirements of this chapter and the parameters for essential instruction and graduation requirements established under section 6209. The program must include instruction for all students in career and education development, English language arts, health education and physical education, mathematics, science and technology, social studies, visual and performing arts and world languages. [PL 2009, c. 313, §13 (NEW).]

2. Secondary school organization and delivery of instruction. A secondary school shall provide a structure that allows for student achievement of the parameters for essential instruction and graduation requirements established under section 6209 in multiple pathways as set out under section 4703. [PL 2009, c. 313, §13 (NEW).]

SECTION HISTORY

§4722. High school diploma standards

1. Minimum instructional requirements. The instructional requirements leading to a high school diploma must include a minimum 4-year program that meets the requirements established by this section and any other instructional requirements established by the commissioner and the school board. [PL 2019, c. 202, §1 (AMD).]

2. Required subjects. Instruction in the following subjects must be provided in separate or integrated study programs, and students must complete the following minimum requirements for a high school diploma:
A. English--4 years or the equivalent in standards achievement; [PL 2019, c. 202, §1 (AMD).]

B. Social studies and history, including American history, government, civics and personal finance--2 years or the equivalent in standards achievement; [PL 2019, c. 202, §1 (AMD).]

C. Mathematics--2 years or the equivalent in standards achievement; [PL 2019, c. 202, §1 (AMD).]

D. Science, including at least one year of laboratory study--2 years or the equivalent in standards achievement; and [PL 2019, c. 202, §1 (AMD).]

E. Fine arts, which may include art, music, forensics or drama--one year or the equivalent in standards achievement. [PL 2019, c. 202, §1 (AMD).]

2-A. Implementation of multiple pathways and opportunities. Students may demonstrate achievement of the standards through multiple pathways including those identified in section 4703 and multiple opportunities. Achievement may be demonstrated by evidence documented by course and learning experiences using multiple measures, such as, but not limited to, examinations, quizzes, portfolios, performances, exhibitions, projects and community service. [PL 2019, c. 202, §1 (AMD).]

2-B. Policy. The following are the fundamental policies in the State's high school diploma standards:

A. To ensure that a diploma indicating graduation from a secondary school signifies that the graduate has completed the requirements described in this section and is ready to enter a postsecondary educational program or a career as a clear and effective communicator, a self-directed and lifelong learner, a creative and practical problem solver, a responsible and involved citizen and an informed and integrative thinker; [PL 2019, c. 202, §1 (NEW).]

B. To recognize that in order to help students to reach the goal described in paragraph A, school administrative units must align their instruction with the system of learning results established under section 6209; and [PL 2019, c. 202, §1 (NEW).]

C. To encourage school administrative units to develop innovative multiple pathways that allow all students to learn and demonstrate their achievement through multiple means and measures pursuant to subsection 2-A. [PL 2019, c. 202, §1 (NEW).]

3. Satisfactory completion. A diploma may be awarded to a secondary school student who has satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit and this section. All secondary school students must achieve the content standards of the parameters for essential instruction and graduation requirements established pursuant to section 6209. A child with a disability, as defined in section 7001, subsection 1-B, who satisfies the local diploma requirements in the manner specified by the child's individualized education plan must be awarded a high school diploma. Career and technical students may, consistent with the approval of the commissioner and the local school board, satisfy the requirements of subsection 2 through separate or integrated study within the career and technical school curriculum, including through courses provided pursuant to section 8402 or 8451-A. [PL 2019, c. 202, §1 (AMD).]

4. Exception. A secondary school student who has satisfactorily completed the freshman year in an accredited degree-granting institution of higher education or a secondary school student who has satisfactorily completed the junior and senior years in a dual enrollment career and technical education program formed pursuant to chapter 229 may be eligible to receive a high school diploma from the
secondary school the student last attended, although the student may not meet the graduation requirements of this Title.
[PL 2013, c. 318, §1 (AMD).]

5. **Advanced study.** Nothing in this chapter may prevent the award of a diploma to a student who has completed all diploma requirements in fewer than 4 years of study.
[PL 1983, c. 859, Pt. C, §§5, 7 (NEW).]

6. **Exception for certain veterans.** A secondary school may award a high school diploma to a person who meets all of the following requirements. A diploma may be awarded posthumously.

   A. The person or the person's family must apply to the secondary school for the diploma. [PL 2001, c. 85, §1 (NEW).]

   B. The person must either:
      (1) Have attended the secondary school or attended a secondary school in the geographic area now served by the secondary school; or
      (2) Currently reside in the geographic area served by the secondary school. [PL 2001, c. 85, §1 (NEW).]

   C. The person must have left secondary school:
      (1) Before or during World War II to serve in the Armed Forces during World War II;
      (2) Before or during the Korean Conflict to serve in the Armed Forces in the Korean Conflict;
      (3) Before or during the Vietnam War to serve in the Armed Forces during the Vietnam War era. For purposes of this subparagraph, "Vietnam War era" means the period beginning February 28, 1961 and ending May 7, 1975; or
      (4) To serve in the Armed Forces during the period of wartime or peacetime after a period of wartime described in subparagraph (1), (2) or (3). [PL 2013, c. 281, §1 (AMD).]

   D. The person did not graduate or receive a high school diploma because of service in the Armed Forces. [PL 2001, c. 85, §1 (NEW).]

   E. The person received an honorable discharge or a certificate of honorable service from the Armed Forces. [PL 2001, c. 85, §1 (NEW).]

For purposes of this subsection, "Armed Forces" means the Army, Navy, Air Force, Marine Corps or Coast Guard; and the Merchant Marines only for the period of December 7, 1941 to August 16, 1945. [PL 2013, c. 281, §1 (AMD).]

7. **Applicability of requirements.** This section applies to the granting of diplomas to secondary school students beginning January 1, 2019.
[PL 2017, c. 466, §8 (AMD).]

8. **Repeal.**
[PL 2017, c. 466, §9 (RP).]

SECTION HISTORY
§4722-A. Proficiency-based diploma standards and transcripts

(REPEALED)

SECTION HISTORY


§4723. Health and physical education

The secondary course of study must include instruction in health, safety and physical education, as prescribed by the commissioner, and physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system. Health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness. The secondary course of study must also include instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions. For purposes of this section, "affirmative consent" means consent to sexual activity that can be revoked at any time and does not include silence, lack of resistance or consent given while intoxicated. [PL 2019, c. 106, §3 (AMD); PL 2019, c. 196, §1 (AMD).]

SECTION HISTORY


§4724. Computer instruction

Instruction in the use and application of computer skills shall be available to secondary school students. Each school administrative unit shall develop, with the approval of the commissioner, standards for computer literacy, proficiency and performance levels which shall be required for graduation. [PL 1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1983, c. 859, §§C5,C7 (NEW).

§4725. Career and technical instruction

Each school administrative unit operating a secondary school shall provide career and technical instruction through a career and technical education center or region in accordance with chapter 313. [RR 1991, c. 2, §59 (COR); PL 2003, c. 545, §§5,6 (REV).]

SECTION HISTORY


§4726. World languages

Each school administrative unit: [PL 1985, c. 178 (AMD).]

1. Required to offer. Shall offer one 2-year sequence in a world language; and [PL 2007, c. 259, §1 (AMD).]

2. Encouraged to offer. Is encouraged to offer one or more additional world languages as part of its secondary school program. [PL 2007, c. 259, §1 (AMD).]

3. American sign language.
American sign language is a world language and may be offered to fulfill the requirements of this section. [PL 2007, c. 259, §1 (AMD).]

For purposes of this section, "world language" means a language, either ancient or modern, that is used or has been used for written, oral or signed communication in the multilingual and multicultural worldwide community. [PL 2007, c. 259, §1 (NEW).]

SECTION HISTORY

§4727. Additional instruction

Secondary schools may provide additional instruction in career and technical education and other subjects not included within the career and technical education courses of study operating pursuant to chapter 313. [RR 2003, c. 2, §34 (COR).]

SECTION HISTORY

§4728. Driver education

(REPEALED)

SECTION HISTORY

§4729. Alternative education programs

A school administrative unit may establish one or more alternative education programs that are in alignment with the system of learning results established in section 6209 as alternatives to the regular course of study, including options allowed in sections 5104-A and 8605, to meet the needs of at-risk students. [PL 2007, c. 667, §6 (AMD).]

1. Coordination. These programs shall operate as part of the elementary or secondary school program. [PL 1983, c. 859, Pt. C, §§5, 7 (NEW).]

2. Alternative schedules. Alternative education programs may allow students to attend school part-time. Alternative education programs may be scheduled apart from the regular school day. [PL 2007, c. 667, §6 (AMD).]

SECTION HISTORY
PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.