§254. Educational duties

The commissioner shall have the following educational duties. [PL 1983, c. 693, §§5, 8 (NEW).]

1. General duty. The commissioner may inspect and have general supervision over all public schools and shall advise and direct superintendents and school boards in the discharge of their duties, by circular letters and personal conferences.
[PL 1983, c. 693, §§5, 8 (NEW).]

2. Training and development. The commissioner shall promote the importance of ongoing training and development and encourage initiatives that prepare school personnel to fully implement the system of learning results as established in section 6209.
[PL 2001, c. 454, §4 (AMD).]

3. Contracts for career and technical educational programs. The commissioner may:

A. Contract with a private school for the conduct of career and technical education courses in accordance with section 3002; and [PL 2011, c. 679, §1 (AMD).]

B. Reimburse the private schools for part of the cost of conducting approved career and technical education courses from funds available from the Federal Government for the purpose of career and technical education. [PL 2011, c. 679, §1 (AMD).]
[PL 2011, c. 679, §1 (AMD).]

4. Superintendent conference. Annually the commissioner shall hold a conference for the instruction of superintendents.
[PL 1983, c. 693, §§5, 8 (NEW).]

5. Medication. The commissioner shall provide for the administration of medication within schools as follows.

A. The commissioner shall adopt rules for the administration of medication in public or approved private schools, including the training of unlicensed personnel to administer medication. The rules for training must describe how the department will provide training at the local level directly to unlicensed personnel in each school administrative unit or approved private school in the State. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A. [PL 2001, c. 451, §1 (AMD).]

B. Any public or approved private school shall have a written local policy and procedure for administering medication. The written local policy must include the requirement that all unlicensed personnel who administer medication receive training before receiving authorization to do so. Compliance with the provisions of this subsection is a requirement for basic school approval pursuant to sections 2902 and 4502. [PL 1999, c. 669, §1 (NEW).]

C. A public school or a private school approved pursuant to section 2902 must have a written local policy authorizing students to possess and self-administer emergency medication from an asthma inhaler or an epinephrine autoinjector as defined in section 6305, subsection 1, paragraph C. The written local policy must include the following requirements.

(1) A student who self-administers an asthma inhaler or an epinephrine autoinjector must have the prior written approval of the student's primary health care provider and, if the student is a minor, the prior written approval of the student's parent or guardian.

(2) The student's parent or guardian must submit written verification to the school from the student's primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine autoinjector in school.

(3) The school nurse shall evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine autoinjector in school. [PL 2019, c. 560, §1 (AMD).]

D. Rules adopted by the commissioner under this subsection must authorize students who attend public school to possess and use a topical sunscreen product while on school property or at a school-sponsored event without a note or prescription from a licensed health care professional if the product is regulated by the federal Food and Drug Administration for over-the-counter use for the purpose of limiting skin damage from ultraviolet radiation. [PL 2019, c. 32, §1 (NEW).]

[PL 2019, c. 560, §1 (AMD).]

6. Other duties. The commissioner shall carry out all other duties assigned in this Title.

[PL 1983, c. 693, §§5, 8 (NEW).]

7. Clearinghouse for information on nuclear usage.

[PL 2013, c. 506, §2 (RP).]

8. Model hiring procedure.

[PL 2013, c. 506, §3 (RP).]

9. Statewide goal.

[PL 2013, c. 506, §3 (RP).]

10. Gender equity.

[PL 2013, c. 506, §4 (RP).]

11. Statewide standards for behavior. In consultation with organizations representing school boards, school administrators, teachers, parents and other interested local officials and community members, the commissioner shall develop statewide standards for responsible and ethical student behavior. The standards must require annual reporting of incidents of violent and harmful behavior by or against students to the department by school administrative units. The department shall provide forms for reporting.

[PL 1999, c. 351, §1 (NEW).]

11-A. Model policy; reporting. By January 1, 2013, the commissioner shall develop a model policy to address bullying and cyberbullying for use by school administrative units pursuant to section 6554. A copy of the model policy must be sent to each school administrative unit in the State and posted on the publicly accessible portion of the department's website along with any training and instructional materials related to the policy that the commissioner determines necessary.

A. The commissioner shall create a procedure by which school administrative units report substantiated incidents of bullying and cyberbullying to the department on at least an annual basis. These reports may not contain personally identifying information about students or other involved persons, but must delineate the specific nature of the incidents, the consequences and the actions taken. [PL 2011, c. 659, §1 (NEW).]

B. The commissioner may update or revise the model policy and shall post the update or revision on the publicly accessible portion of the department's website and send a copy of the update or revision to each school administrative unit. [PL 2011, c. 659, §1 (NEW).]

[PL 2011, c. 659, §1 (NEW).]

12. Technical assistance and statewide standards for reintegration planning. In consultation with juvenile correctional officials, juvenile community corrections officers, organizations representing school boards, school administrators, teachers and parents and other interested local officials and community members, the commissioner shall develop a program of technical assistance and establish statewide standards for reintegration planning and transition services for juvenile offenders who are discharged from juvenile correctional facilities in the State, who have been enrolled in educational programs or schools for juveniles located in or operated by correctional facilities and who are transferring to schools located within local school administrative units in the State. The technical assistance and standards must include, but may not be limited to:

A. Timely presentation of student educational records pursuant to section 6001-B and other appropriate information, including confidential criminal justice information regarding juveniles pursuant to section 1055, subsections 11 and 12; [PL 2001, c. 452, §3 (NEW).]

B. The level and scope of technical assistance to be provided by the department to local school officials and the level and scope of training that local school administrative units must provide to school personnel who may have access to confidential criminal justice information regarding juveniles pursuant to section 1055, subsections 11 and 12; and [PL 2001, c. 452, §3 (NEW).]

C. Annual reporting to the department by superintendents of the number of juvenile offenders who are released or discharged from juvenile correctional facilities in the State and who enroll in schools located within their local school administrative units. The department shall provide forms for reporting. [PL 2001, c. 452, §3 (NEW).]

[PL 2001, c. 452, §3 (NEW).]

13. Technical assistance; integrated model for instruction in personal finance. The commissioner shall develop a program of technical assistance that promotes the importance of financial literacy and encourages school administrative units to implement an integrated model for instruction in personal finance that may be used in secondary schools as part of the instruction in social studies or mathematics required by section 4722, subsection 2, paragraphs B and C. The commissioner, in consultation with the Finance Authority of Maine, the Office of Securities within the Department of Professional and Financial Regulation, Jobs for Maine's Graduates, organizations representing banks, credit unions and financial professionals and other interested organizations promoting personal finance initiatives, shall prepare and distribute annually, in January, a report to school boards and superintendents that includes strategies and resources available to implement an integrated model for instruction in personal finance for use in secondary schools. The annual report must also be provided to the joint standing committee of the Legislature having jurisdiction over education matters, and the department shall post the report on its publicly accessible website. The commissioner shall identify best practices to support students' financial literacy for those school administrative units that elect to offer financial literacy education pursuant to this subsection.

[PL 2015, c. 64, §1 (AMD).]

REVISOR'S NOTE: (Subsection 13 as enacted by PL 2011, c. 348, §2 is REALLOCATED TO TITLE 20-A, SECTION 254, SUBSECTION 14)

REVISOR'S NOTE: (Subsection 13 as enacted by PL 2011, c. 354, §1 is REALLOCATED TO TITLE 20-A, SECTION 254, SUBSECTION 15)

14. (REALLOCATED FROM T. 20-A, §254, sub-§13) Transitional services for students with disabilities. To provide for an efficient and effective coordinated system of services across state agencies and local and private entities, the commissioner shall plan, coordinate and implement services for students with disabilities who are in transition from school to community in accordance with rules adopted by the department. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 348, §2 (NEW); RR 2011, c. 1, §23 (RAL).]

15. (REALLOCATED FROM T. 20-A, §254, sub-§13) Technical assistance; professional development and training for instruction in digital literacy; clearinghouse for information on use of online learning resources. The commissioner shall develop a program of technical assistance, including professional development and training for instruction in digital literacy and the establishment of a clearinghouse for information on the use of online learning resources that may be made available to all school administrative units, including those schools that participate in the learning through technology program under section 15689-A, subsection 12-A, which provides one-to-one wireless computers for 7th grade, 8th grade and high school students and educators.

The technical assistance must include, but is not limited to:

A. A model for instruction that promotes digital literacy for students; [PL 2011, c. 354, §1 (NEW); RR 2011, c. 1, §24 (RAL).]

B. A clearinghouse for information on the use of online learning resources, including best practices in the use of open educational resources and open-source textbooks; and [PL 2011, c. 354, §1 (NEW); RR 2011, c. 1, §24 (RAL).]

C. Professional development and training for educators in the effective use of online learning resources, including open educational resources and open-source textbooks. [PL 2011, c. 354, §1 (NEW); RR 2011, c. 1, §24 (RAL).]

The program of technical assistance provided by the department may be used by those schools and educators who choose to provide instruction in digital literacy and who choose to use online learning resources, including best practices in the use of open educational resources and open-source textbooks. The program of technical assistance provided by the department must be available to all school administrative units in the State and posted on the department's publicly accessible website.
[PL 2011, c. 354, §1 (NEW); RR 2011, c. 1, §24 (RAL).]

16. Parental involvement initiatives. The commissioner shall strongly encourage each school board to adopt local procedures for implementing a districtwide parental involvement initiative as school board policy in accordance with section 255, subsection 6.
[PL 2011, c. 571, §1 (NEW).]

17. Model policy for management of concussive and other head injuries. In consultation with organizations representing school principals, school boards, school superintendents, athletic directors, athletic trainers, sports medicine practitioners, the Acquired Brain Injury Advisory Council established in Title 34-B, section 19001 and other interested parties, the commissioner shall develop a model policy on the management of concussive and other head injuries in school activities and athletics.

The commissioner, in consultation with an organization representing school principals, shall report no later than January 31, 2022 and annually thereafter to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on any available data on the incidence of concussions sustained by student athletes in the State using existing or new data collection systems. The report must include recommendations on best practices for the collection of such data.
[PL 2021, c. 12, §1 (AMD).]

18. Model policy; child sexual abuse prevention. The commissioner shall develop a model policy for child sexual abuse prevention education and response that may be used for public preschool programs operated in compliance with chapter 203, subchapter 3 and for all students enrolled in kindergarten to grade 5.

A. No later than July 1, 2016, the commissioner, in consultation with the Department of Health and Human Services, organizations that have expertise in child sexual abuse prevention education and organizations representing school boards, administrators, teachers and parents, shall develop a model policy based on nationally recognized best practices that includes:

(1) Child sexual abuse response and reporting procedures;

(2) Child sexual abuse awareness training and prevention education for school personnel;

(3) Age-appropriate child sexual abuse prevention education for students, aligned to the system of learning results established pursuant to section 6209 and delivered by qualified instructors;

(4) School response and reporting procedures; and

(5) Resources a victim of child sexual abuse or nonoffending caregivers of a victim of child sexual abuse may access for services and support. [PL 2015, c. 292, §1 (NEW).]

B. The department shall offer technical assistance to school administrative units that operate a public preschool program or an elementary school to aid in the establishment of a local child sexual abuse prevention education and response policy that is consistent with the model policy developed under paragraph A. [PL 2015, c. 292, §1 (NEW).]

C. The department shall send a copy of the model policy developed under paragraph A to each school administrative unit in the State and post the model policy on the publicly accessible portion of the department's website along with any related resources that the commissioner determines necessary. [PL 2015, c. 292, §1 (NEW).]

[PL 2015, c. 292, §1 (NEW).]

19. Designation of school to enroll certain students. The commissioner may designate a school administrative unit as the receiving school administrative unit for a student who resides in a school administrative unit that neither maintains a school nor contracts for school privileges pursuant to chapter 115 and is unable to find a school administrative unit willing to enroll the student in one of its schools, upon a written request from the superintendent of the school administrative unit where the student resides setting forth the student's circumstances giving rise to the request.

A. If the commissioner makes a designation under this subsection, the school administrative unit where the student resides shall pay tuition for that student to the receiving school administrative unit as calculated in accordance with this subsection and chapter 219. [PL 2015, c. 448, §1 (NEW).]

B. If a student subject to a designation under this subsection is receiving special education services, the receiving school administrative unit designated by the commissioner under this subsection is responsible for providing a free, appropriate public education to the student, subject to the provisions of this subsection. The receiving school administrative unit shall invite the school administrative unit where the student resides to participate in individualized education program team meetings for the student, but the authorized representative of the receiving school administrative unit shall make the decision on any issue on which consensus is not reached. The school administrative unit where the student resides shall, in addition to tuition payable pursuant to chapter 219, pay to the receiving school administrative unit:

(1) Special education tuition;

(2) Any costs not included in the computation of special education tuition directly related to the student's special education program; and

(3) Any costs associated with due process proceedings in connection with the student's special education program. [PL 2015, c. 448, §1 (NEW).]

C. Once the commissioner makes a designation under this subsection, the student must be enrolled in the receiving school administrative unit. If dissatisfied with the commissioner's decision, the superintendent of the school administrative unit where the student resides or the superintendent of the receiving school administrative unit may, within 10 calendar days of the commissioner's decision, request that the state board review the designation. The state board shall review the commissioner's determinations and communicate with the commissioner, the superintendents and the parent of the student. The state board may approve or disapprove the designation. The state board shall make a decision within 45 calendar days of receiving the request and shall provide to the commissioner, the superintendents and the parent of the student a written decision describing the basis of the state board's determination. The state board's decision is final and binding. [PL 2015, c. 448, §1 (NEW).]

[PL 2015, c. 448, §1 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 739 (AMD). PL 1989, c. 889, §3 (AMD). PL 1995, c. 625, §A21 (AMD). PL 1999, c. 351, §1 (AMD). PL 1999, c. 669, §1 (AMD). PL 2001, c. 451, §1 (AMD). PL 2001, c. 452, §3 (AMD). PL 2001, c. 454, §4 (AMD). PL 2003, c. 531, §1 (AMD). PL 2005, c. 397, §D3 (REV). RR 2011, c. 1, §§23, 24 (COR). PL 2011, c. 154, §1 (AMD). PL 2011, c. 348, §2 (AMD). PL 2011, c. 354, §1 (AMD). PL 2011, c. 571, §1 (AMD). PL 2011, c. 659, §1 (AMD). PL 2011, c. 679, §1 (AMD). PL 2011, c. 688, §1 (AMD). PL 2013, c. 506, §§2-4 (AMD). PL 2015, c. 64, §1 (AMD). PL 2015, c. 292, §1 (AMD). PL 2015, c. 448, §1 (AMD). PL 2019, c. 32, §1 (AMD). PL 2019, c. 560, §1 (AMD). PL 2021, c. 12, §1 (AMD).

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