

05-071 DEPARTMENT OF EDUCATION

Chapter 127: INSTRUCTIONAL REQUIREMENTS AND GRADUATION STANDARDS

SUMMARY: Maine law requires the Commissioner to prescribe the basic instructional requirements for the public and publicly supported elementary and secondary schools. The school board of each school administrative unit may prescribe, subject to approval of the Commissioner, instructional requirements in addition to the minimum requirements of this rule.

PART 1. GENERAL PROVISIONS

127.01 General Objectives

This rule establishes the instructional requirements and high school diploma standards for the public elementary and secondary schools of the state. It adopts by reference the state review, compliance and enforcement procedures of the Basic School Approval rule, Chapter 125.

127.02 Definitions

The following terms used in this chapter shall have the meanings stated here.

Commissioner: "Commissioner" shall mean the Commissioner of Education.

Course: "Course" shall mean a planned unit of instruction in separate or integrated subjects under the direction of a certified teacher.

Course of study: "Course of study" shall mean a planned program of instruction of required and elective courses that may lead to a high school diploma or completion of elementary school when satisfactorily completed.

Credit: "Credit" shall mean an award for completion of a course of instruction plus assigned homework for an entire school year.

Curriculum: "Curriculum" shall mean a written document which includes the totality of the school's syllabi. The curriculum shall reflect a comprehensive plan for continuous, sequential, and specific instruction.

Fine arts: "Fine arts" shall mean instruction which includes an aesthetic dimension, a process of creation, and a history of the art form as objectives.

High school diploma: "High school diploma" shall mean a certificate awarded to a student who has completed a secondary course of study which meets applicable requirements and is approved by the Commissioner.

Instructional day: "Instructional day" shall mean a school day during which both students and teachers are present.

Integrated study: "Integrated study" shall mean a course which combines two or more subjects. Diploma standards cannot be duplicated through integrated study unless each subject satisfies the minimum credit requirement.

Instructional time: "Instructional time" shall mean that portion of a school day devoted to the teaching-learning process, but not including extra-curricular activities, lunch time, or recess. Time spent on organized field trips related to school studies may be considered instructional time, but the instructional time counted for extended field trips shall not exceed a normal school day for each day of the field trip.

Laboratory study: Any science course in which students are actively involved in the hands-on application of the principles of science for at least 40% of the instructional time. This requirement may be satisfied through a laboratory experience or a field-based experience.

School calendar: "School calendar" shall mean the schedule of school days adopted in advance of the school year by the school board.

School day: "School day" shall mean a day on which school was in operation as an instructional day and/or teacher in-service day.

School year: "School year" shall mean the total number of instructional days and teacher in-service days in schools operating to meet the requirements of Title 20-A, Maine Revised Statutes.

Secondary school: "Secondary school" shall mean a school of at least two consecutive grades, 9 through 12.

Sequence of courses: "Sequence of courses" shall mean courses in a subject that develop concepts and skills from the simple to the complex.

Syllabus: "Syllabus" shall mean a description of a course or sequence of courses including a statement of educational objectives.

Teacher in-service day: "Teacher in-service day" shall mean a school day during which teachers report for scheduled work, but students are not present for instruction. This may include in-service educational programs, administrative

meetings, parent-teacher conferences, records days, curriculum development, and other similar activities related to school.

Transitional instruction: "Transitional instruction" shall mean a program of instruction for students of limited proficiency in English to enable them to attain a level of English language proficiency so that they may benefit from the total educational program.

127.03 General Requirements K-12:

A. English as the Language of Instruction

English shall be the language of instruction in all elementary and secondary schools except in foreign language courses and as provided in this rule.

B. Transitional Instruction

Students of limited English proficiency may be provided with transitional instruction for a period of time sufficient to enable them to attain a proficiency in English language skills which allows their participation in the regular course of study. Transitional instruction may include instruction using bilingual teachers or para-professionals in all or some of the courses. Alternatively, it may take the form of a specialized English as a Second Language course or sequence of courses in which students are given concentrated basic instruction in English language skills.

C. Bilingual Instruction

The school board of each school administrative unit may establish, subject to approval of the Commissioner, bilingual programs for the purpose of providing proficiency in both English and a second language. Bilingual programs not intended to aid students of limited proficiency in English shall not be limited to enrollment by national origin.

D. Safety Instruction

instruction in safety shall be integrated into all relevant areas of the school program.

E. Particular Statutory Requirements

A minimum of one-half hour of instruction per week shall be given to students, in correlation with appropriate components of the school curriculum, as intended by 20 M.R.S.A. §1221, in the great principles of humanity.

All teachers shall use their best endeavors to lead students in their charge to an understanding of the principles of morality, justice, truth and patriotism as intended by 20 M.R.S.A §1221.

127.04 Special Education

Special education for exceptional students shall be provided as part of each public elementary and secondary program in accordance with the requirements of Title 20-A, Chapter 303. The students' Individual Education Plans (I.E.P.) shall address how diploma requirements will be met.

127.05 Gifted and Talented Programs

Each school administrative unit shall plan for and implement a comprehensive gifted and talented program, K through 12, by the start of 1991-1992 school year. The plan to phase in the gifted and talented educational program shall be submitted to the department by October 31, 1987, with annual updates due on September 30th of subsequent years. Specialized instruction shall be provided to elementary and secondary students who have been identified as gifted and talented in accordance with the requirements of Title 20-A, Chapter 104, and Chapter 311 of the department rules.

127.06 Alternative Programs

A. Role of Alternative Programs

A school administrative unit may establish one or more programs as alternatives to the regular course of study, including options allowed under Title 20-A, Sections 5104-A and 8605, to meet the needs of at risk students in accordance with Title 20-A, Section 4502, Subsection 5, Paragraph L.

Alternative programs shall operate as part of the elementary or secondary school program. Alternative programs shall have stated goals, objectives and procedures for implementing and assessing their effectiveness. Alternative programs may allow students to attend school part-time. They may be scheduled apart from the regular school day.

B. Procedural Requirements

School administrative units shall develop an Alternative Educational Plan for every student enrolled in an alternative program. The primary goal of an Alternative Educational Plan will be the completion by the student of high school diploma requirements.

Each Alternative Educational Plan shall include the following components:

- (1) A description of the student's academic strengths and the observed or measurable deficiencies.
- (2) A description of the annual educational goals that the student may reasonably be expected to achieve during the school year.
- (3) A description of short-term instructional objectives leading to each annual educational goal.

127.065 Alternative Instruction

Role of Alternative Instruction

Up to one-fourth of the credits required for a high school diploma may be earned outside the regular school program, if approved in a policy of the school board. Credits earned in this manner may include, but not be limited to, the following: tutoring, adult education, and correspondence courses.

Correspondence schools used for this purpose must be approved by the Commissioner.

Tutoring for credit purposes must be by a certified teacher, or under the supervision of a certified teacher.

All such alternative instruction must be approved in advance by the school principal, in accordance with school board policies, and carried on under the principal's general supervision.

127.07 Prohibitions

Instruction in religious principles or doctrine shall not be allowed in any course. This prohibition, however, shall not be construed to prevent or exclude references to religion or references to or the use of religious literature, art, or music or other matters having a religious significance when such references or uses do not constitute instruction in specific religious principles or doctrines or preferences for any religious sect, church, creed or sectarian purposes and when such references or uses are incidental to or illustrative of matters properly

included in the course of study. Instruction concerning religion is an appropriate part of courses in history, literature, music, art, philosophy, anthropology, sociology and psychology, among others. Courses in comparative religions or the history of religion may be taught.

Where religion is included within a course of study, the instruction may not be limited to the doctrines or principles of any one religion, sect or denomination.

PART 2. ELEMENTARY COURSE OF STUDY

127.08 Kindergarten Programs

Kindergarten is a one or two-year program prior to grade one designed to serve as an introduction to the academic environment. The kindergarten program shall provide activities that promote the development of feelings of self-worth as a learner and the development of skills in the following areas: social interaction, academic readiness, language expression, and fine and gross motor coordination.

127.09 General Requirement

The instructional program in each elementary grade, 1-8, shall include the subjects required in this rule for a school year of at least 175 instructional days. The time spent and the subject content may vary from grade to grade. Each school board shall adopt a curriculum for its elementary grades.

127.10 Required Subjects

English Language Instruction - Sequential instruction in the English language shall be required. English language instruction at the elementary level is defined as language arts which shall include reading, writing, spelling, grammar, handwriting, listening and speaking skills.

Fine Arts - Sequential instruction in fine arts shall be required. Fine arts may be provided through separate or integrated study and may include an awareness, appreciation, or performance of the art form.

Health Education - Sequential instruction in health education shall be required. Health education shall include instruction in community health, consumer health, environmental health, family life, growth and development, nutritional health, personal health including mental and emotional health, prevention and control of disease and disorders, safety and accident prevention, and substance use and abuse, including the effects of alcohol, tobacco, and narcotics.

Library Instruction - Library instruction in the elementary grades shall include the following: location, identification and use of print and non-print materials, critical selection skills, and research and reporting skills.

Maine Studies - Maine studies shall be required of all students in at least one grade between grades 6 and 12. If Maine Studies is taught in grades 6-8, it must be at least one semester in duration. Instruction shall include Maine history and geography; Maine's natural, economic and industrial resources; and Maine's cultural and ethnic heritage.

Mathematics - Sequential instruction in mathematics shall be required. Such instruction shall include mathematical concepts, the metric system, computation, measurement, and problem-solving skills.

Physical Education - Physical education instruction shall be designed to promote physical well-being, self-esteem, self-awareness, sportsmanship and interpersonal skills.

Sequential instruction in physical education shall be required. Such instruction shall include movement education, recreation and leisure activities, gross/fine motor skills, and perceptual-motor development.

Science Sequential instruction in science shall be required. Instruction shall include the biological and physical sciences with an emphasis upon experimental inquiry.

Social Studies - Sequential instruction in social studies may be based upon on the disciplines of anthropology, economics, geography, history, political science, government, sociology, and culture as appropriate to the developmental level of the student.

Instruction in American history and government shall be required and shall include the Constitution of the United States, the Declaration of Independence, the importance of voting and the privileges and responsibilities of citizenship.

PART 3. SECONDARY SCHOOL PROGRAM AND DIPLOMA REQUIREMENTS

127.11 Conditions for Awarding High School Diplomas

A. Credit Total

A total of at least 16 credits shall be required for the awarding of a high school diploma. High school credit may be awarded only to students enrolled in grades 9-12, except that schools may award credits to adults

under policies adopted by the school board which measure whether the students have acquired the equivalent learning experiences.

Credit for equivalent instruction in non-approved schools or through home instruction may be awarded based on the receiving school's assessment of the value of that educational experience.

B. Awarding of Diplomas

Diplomas may be awarded only to students who have successfully completed the subjects and demonstrated the skills required in this chapter.

C. School Board Responsibilities

Each school board shall adopt at least one course of study to be provided in the secondary school(s) under its direction and supervision.

Requirements for the high school diploma in addition to those identified or established in this rule shall be adopted by the school board. Credit may be awarded for instruction outside the regular school program (e.g., adult education, college courses, correspondence courses, etc.).

All academic and related requirements shall be specified in the policy of the school board. These may include minimum attendance requirements.

Diploma requirements shall be published and distributed to students entering the ninth grade.

D. Advanced Study

Nothing in these rules shall prevent the awarding of a diploma to a student who has completed all state and local diploma requirements in fewer than four years of study.

E. College Enrollment

A secondary school student who has satisfactorily completed the freshman year in an accredited degree-granting institution of higher education may receive a high school diploma from the school the student last attended, although the student may not meet all statutory or regulatory diploma requirements. Such decisions shall be discretionary with the superintendent of the school unit, in accordance with the policies of the school board.

A. Student Diploma Requirements

Each secondary school shall offer at least one course of study which leads to a high school diploma and which includes the following:

American history - One credit in American history and government shall be required in a comprehensive course which includes instruction in the importance of voting, the privileges and responsibilities of citizenship, the Constitution of the United States and the Declaration of Independence.

English - Four credits in English shall be required in a comprehensive program which includes reading comprehension, literature, written, listening and oral communication skills, the structure and uses of the English language, and research and reporting skills.

Fine arts - A credit in fine arts shall be required which may include arts, music, forensics, or drama. Fine arts may be provided through separate or integrated study and may include an awareness, appreciation, or performance of the art form.

Health education - One-half credit in health education shall be required. Health education shall include instruction in community health, consumer health, environmental health, family life, growth and development, nutritional health, personal health including mental and emotional health, prevention and control of disease and disorders, safety and accident prevention which may include cardiopulmonary resuscitation (CPR), and substance use and abuse, including the affects of alcohol, drinks, stimulants, and narcotics upon the human system.

Due to the life-threatening nature of Acquired Immune Deficiency Syndrome (AIDS), it is recommended that AIDS prevention education be included in the comprehensive health education program.

Mathematics - Two credits in mathematics shall be required. It is highly recommended that all students have exposure to basic algebraic concepts and skills. Algebra is viewed as a gateway subject that helps students to a better understanding of the technological world in which they live. Algebraic skills are and will continue to be a prerequisite to a diverse and broad range of courses and occupations.

Physical education - One credit in physical education shall be required. Physical education instruction shall be designed to promote physical well-being, self-esteem, self-awareness, sportsmanship and interpersonal skills. This requirement may include, but not be limited to: physical fitness, fundamental motor skills and patterns, adaptive physical education,

individual and group sports. Physical education may include special physical education, movement education and motor development.

Science - Two credits in science instruction shall be required including one credit of laboratory study.

Social studies - One credit in social studies shall be required, which may include instruction in economics, geography, political science, history, government, sociology, anthropology, and psychology.

B. Required Skills

Computer skills - Each student shall be required to demonstrate proficiency in the use of computers, in accordance with computer proficiency and performance standards established by the school unit and approved by the Commissioner. Proficiency shall mean experiences with computers that include loading, operating, and applying fundamental skills. This may include word processing, keyboarding, developing a data base, accessing data, and using software. This requirement may be satisfied in grade 7 or 8.

C. Maine studies

One-half credit in Maine studies shall be required if not taken in grades 6, 7 or 8. Instruction shall include Maine history and geography, the natural, economic and industrial resources of the state and the cultural and ethnic heritage of the state.

127.13 Program Instructional Requirements

A. Foreign Languages

Each secondary school shall provide at least a two-year sequence in one foreign language as part of the secondary program. Schools are encouraged to offer two or more foreign languages as part of the secondary program.

Where a secondary school does not offer courses in two foreign languages, students may attend another secondary school approved for tuition purposes to take the missing course in accordance with Title 20-A, sec. 4729, sub-§6.

B. Computer Skills Instruction

Instruction in the use and application of computers shall be available to all secondary students. Instruction should include one or more of the

following: word processing, programming, entering, accessing and the manipulating of data.

C. Library Instruction

Library instruction shall continue the instructional objectives of the K-8 course of study but shall emphasize independent research skills.

D. Vocational Education

1. Each school unit shall provide vocational instruction in accordance with Title 20-A, Chapter 313 and related rules.
2. Vocational students may satisfy the fine arts, the second year mathematics, science, and social studies requirements through separate or integrated study offered as part of the vocational curriculum, if the program is approved by the Commissioner and the sending school.
3. Courses taught as part of the vocational school curriculum to satisfy the fine arts requirement or the second year mathematics, science or social studies requirement through an integrated study approach must be approved by the Commissioner in accordance with the following procedures:
 - a. Application: The following information shall be included in the application for approval of a course taught using an integrated studies approach:
 - (1) Identification of the requirements) to be satisfied by the vocational school course;
 - (2) Identification of the vocational school course through which the requirements) will be met;
 - (3) Description of the course, to include:
 - (a) Identification of the objectives of each of the subject areas taught in the course;
 - (b) Explanation of the comparable content between the vocational school course content and the content of the sending schools, curriculum; and,

- (c) Identification of the models/processes to be used in the delivery of the content through an integrated studies approach (example: team teaching);
 - (4) Identification of the criteria used to ensure sufficient content to satisfy the fine arts, mathematics, science or social studies course requirement;
 - (5) Identification of the certificate(s) and endorsement(s) held by the teacher(s) of the course;
 - (6) For each instructor whose program is being considered for credit approval using the integrated studies approach, a written statement from the teacher support team indicating how professional development in support of the integrated studies approach will be addressed in the teacher's action plan;
 - (7) Description of the evaluation process to be used to verify student learning of each of the subject areas included in the course; and,
 - (8) Certification by participating sending schools that they will accept the described course for the applicable fine arts, mathematics, science or social studies credit.
- b. Application Process: Applications for approval of a course taught using the integrated studies approach shall be submitted to the Commissioner in accordance with the following procedure:
 - (1) Applications shall be submitted by the director of the vocation center/region and approved by the Commissioner prior to the implementation of the course being taught using the integrated studies approach;
 - (2) Applications shall be submitted on forms provided by the Department.
 - (3) Applications shall be accompanied by letters of support from the superintendent of the school administrative unit (where applicable) and the superintendents of the sending school units; and,

- (4) Schools which implement major changes in curriculum content and/or staffing shall reapply to the Commissioner in order to determine continued eligibility for approval of courses taught through the integrated studies approach.

127.14 Driver Education

Secondary schools may offer driver education for credit and to meet the purposes of Title 29, if such courses are approved as meeting the special instructional requirements of the Commissioner.

PART 4. PROCEDURAL REQUIREMENTS FOR APPROVAL OF INSTRUCTIONAL PROGRAMS

127.15 General Purpose

This section establishes procedures for the Commissioner's approval of instructional programs in elementary and secondary schools and for the enforcement of the requirements of this chapter and applicable statutory provisions.

127.16 Review and Approval

A. Comprehensive Reviews

The approval of instructional programs established by statute and this rule shall take place as part of the school approval process defined in Chapter 125, of the Department's rules (Basic School Approval Standards: Public Schools and School Units). The comprehensive review conducted by the Department shall include a review of instructional programs, high school diploma standards, and relevant academic policies. The Commissioner's supervision of instructional programs, however, shall not be limited to comprehensive reviews.

B. Enforcement Actions

Enforcement of instructional requirements established by statute and in this rule shall be in accordance with Chapter 125 of the Department's rules.

PART 5. EFFECTIVE DATE OF RULE

127.17 Deadlines for Compliance

All schools and school units shall meet the instructional requirements established in this rule by August 1, 1985, except as provided in section 127.18.

127.18 Waiver

The Commissioner may grant a waiver from compliance with any provision of this chapter. Application for a waiver must contain:

- (1) documentation of actions taken to meet the requirements prior to applying for the waiver; (2) a description of the unforeseeable circumstances or undue hardships which led to the application; and (3) the plan which the school administrative unit will implement to come into compliance with the regulations. The Commissioner may grant the waiver upon finding that, due to unforeseeable circumstances or undue hardship, the school administrative unit is unable to comply with this chapter and that the compliance plan which the school administrative unit has submitted is reasonable.

The Commissioner may also grant waivers for planned educational programs, approved in advance by the Commissioner, which may be in conflict with the provisions of this chapter.

STATUTORY AUTHORITY: 20-A MRSA, c. 207-A as enacted by P.L. 1983, c. 859.

EFFECTIVE DATE:

December, 1977 (Filed 10-23-78)

AMENDED:

March 19, 1980

October 5, 1981 - Section 1, 2 & 3

October 5, 1981 - Sec. 4 (replaces 4, 5 & 6)(EMERGENCY)

March 4, 1983

July 30, 1985

June 25, 1986

July 1, 1989

February 11, 1991 Sections 6, 11 & 13

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 19, 1996

CORRECTIONS:

December 4, 1998 - corrected against historical paper files.