

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1311

H. P. 1106

House of Representatives, March 16, 1981

Referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Nelson of Portland.

Cosponsor: Representative Murphy of Kennebunk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Concerning Teacher Certification.

Be it enacted by the People of the State of Maine, as follows:

**Sec. 1.** 5 MRSA § 711, sub-§ 2, ¶ A, sub-¶ (4), divs. (d) and (e), as repealed and replaced by PL 1977, c. 674, § 6, are amended to read:

(d) Associate Commissioner, Bureau of Instruction; and

(e) Associate Commissioner, Bureau of Vocational Education; and

**Sec. 2.** 5 MRSA § 711, sub-§ 2, ¶ A, sub-¶ (4), div. (f) is enacted to read:

(f) Executive Director, Teacher Certification Board.

**Sec. 3.** 20 MRSA § 59, as last amended by PL 1977, c. 694, §§ 306 and 307, is repealed.

**Sec. 4.** 20 MRSA § 1751, first paragraph, as last amended by PL 1973, c. 571, § 38 is repealed and the following enacted in its place:

**Certificates may be issued by the Teacher Certification Board to teachers and other professional personnel for service in any public elementary or secondary school in the State or in any such nonpublic school as accepts public funds for tuition. The Teacher Certification Board may seek to revoke those certificates in the Administrative Court. A fee of \$10 shall be charged for certification. All fees**

shall be put into a special nonlapsing fund to implement this chapter. Authorization may be granted by the board for the employment of teacher aides, teacher assistants or other semiprofessional personnel for service in the kinds of schools described in this section.

Sec. 5. 20 MRSA § 1753, 2nd sentence, as amended by PL 1977, c. 24, § 10, is further amended to read:

~~The State Board of Education is authorized to~~ **Teacher Certification Board** may formulate all rules and regulations necessary for the carrying out of this section and sections 1751 and 1752.

Sec. 6. 20 MRSA § 1755 is enacted:

#### § 1755. Teacher Certification Board

1. **Created.** There is created a Teacher Certification Board, composed of 7 members appointed by the Governor. One member shall be a school administrator, 2 members shall be teachers and 4 members shall be parents of students.

2. **Appointment.** Of the first members appointed, 2 shall serve for one year, 2 for 2 years, 1 for 3 years, 1 for 4 years and 1 for 5 years. Thereafter, appointees shall serve for full 5-year terms. No member may serve more than 2 consecutive terms. Any vacancy shall be filled for the unexpired term.

3. **Duties; meetings.** The board is responsible for implementing this chapter, subject to the jurisdiction of the State Board of Education. The board shall hold meetings at the call of the chairman and when necessary to conduct the business of the board. Four of the members constitute a quorum. The members shall serve without compensation, but are entitled to their actual and necessary expenses incurred in the performance of their duties.

4. **Executive director; staff.** The board may employ an executive director and a clerical assistant, whose salaries shall be paid from fees generated under section 1751. The executive director shall implement the policy established by the board.

Sec. 7. **Transition.** All existing rules currently in effect and operation on the effective date of this Act, and the system of certifying and recertifying teachers and professional personnel in effect on the effective date of this Act, shall continue in effect until such time as the Teacher Certification Board has established policy under this Act and has indicated to the State Board of Education its readiness to assume responsibilities under this Act.

#### STATEMENT OF FACT

This bill creates a Teacher Certification Board, within the Department of Educational and Cultural Services, to implement the law requiring the certification of teachers. This function is presently performed by the State Board

of Education and the Commissioner of Educational and Cultural Services. The board would be comprised of one school administrator, 2 teachers and 4 parents, all appointed by the Governor. They would be authorized to hire an executive director. The expenses of the board and executive director would be paid from a \$10 fee that would be imposed for certification and recertification.