

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2209'

6  
7 H.P. 1669

House of Representatives, March 9, 1984

8 Submitted by the Department of Educational and Cultural Services  
9 pursuant to Joint Rule 24.

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

EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Vassalboro.

11 Cosponsors: Representative Rolde of York and Representative Crouse of  
Washburn.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FOUR  
16

17 AN ACT to Revise the Laws Governing  
18 Certification of Educational Personnel.  
19

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

22 Sec. 1. 20-A MRSA §13001, as amended by PL 1983,  
23 c. 470, §§6 to 10, is repealed.

24 Sec. 2. 20-A MRSA §13002, as enacted by PL 1981,  
25 c. 693, §§5 and 8, is repealed.

26 Sec. 3. 20-A MRSA §13003, sub-§1, as enacted by  
27 PL 1981, c. 693, §§5 and 8, is amended to read:

28 1. Certification. A person must be certified by  
29 the commissioner under ~~section 13002~~ this chapter or  
30 chapter 502 in order to:

31 A. Teach in any public elementary or secondary  
32 school in the State; or

1 B. Teach in any private school receiving basic  
2 approval under section 2901.

3 Sec. 4. 20-A MRSA c. 502 is enacted to read:

4 CHAPTER 502

5 CERTIFICATION OF EDUCATIONAL PERSONNEL

6 §13011. General authorization of state board

7 1. Certification and revocation rules. All cer-  
8 tificates issued or revoked after June 30, 1988,  
9 shall be in accordance with this chapter. The state  
10 board shall adopt rules to carry out the purposes of  
11 this chapter under which the commissioner shall:

12 A. Certify teachers and other professional per-  
13 sonnel for service in a public school or in an  
14 approved private school;

15 B. Certify adult education teachers and other  
16 teaching and professional personnel in  
17 publicly-supported educational programs other  
18 than post high school institutions, colleges and  
19 universities;

20 C. Approve the employment of teacher aides,  
21 teacher assistants and other semiprofessional  
22 personnel for service in schools; and

23 D. Seek a revocation of a certificate in the Ad-  
24 ministrative Court.

25 2. Health and moral character. Rules adopted by  
26 the state board under this chapter shall require that  
27 an applicant for certification furnish evidence of:

28 A. Good moral character; and

29 B. Knowledge of physiology and hygiene, with  
30 special reference to the effects of alcohol,  
31 stimulants and narcotics upon the human system.

1           3. Teacher certificates. The state board rules  
2 shall recognize at least 3 categories of teacher cer-  
3 tificates as identified in sections 13012 to 13014.

4           4. Appeal. An applicant who has been denied a  
5 certificate by the commissioner under this chapter  
6 may appeal that denial in accordance with rules es-  
7 tablished by the state board.

8           §13012. Preliminary certificate

9           1. Definition. A preliminary certificate is the  
10 entry level, nonrenewable certificate issued to an  
11 individual who has not taught previously in the  
12 State.

13           2. Qualifications. State board rules governing  
14 the qualifications for a preliminary certificate  
15 shall require that a certificate may only be issued  
16 to an applicant who, at a minimum, has:

17           A. Graduated from an accredited, degree-granting  
18 institution upon completion of a 4-year program  
19 in liberal arts and sciences or an approved  
20 4-year teaching preparation program and has  
21 majored in the subject area to be taught or an  
22 interdisciplinary program in liberal arts and has  
23 met other academic and professional requirements  
24 established by the state board for teaching at  
25 the elementary school level;

26           B. Graduated from an accredited, degree-grant-  
27 ing, educational institution upon completion of a  
28 4-year program in liberal arts and sciences or an  
29 approved 4-year teaching preparation program and  
30 has majored in the subject to be taught and has  
31 met other academic and preprofessional require-  
32 ments established by the state board for teaching  
33 at the secondary school level; or

34           C. Otherwise qualified by having met separate  
35 educational criteria for specialized teaching ar-  
36 reas including, but not limited to, special educa-  
37 tion, home economics, agriculture, vocational ed-  
38 ucation, art, music, business education, physical  
39 education and industrial arts, as established by  
40 the state board for teaching in these specialized  
41 areas.

1           3. Endorsements. The preliminary teacher certifi-  
2 cate shall be issued with an endorsement which spec-  
3 ifies the grades and subject matter which the teacher  
4 is deemed qualified to teach. A holder of a prelimi-  
5 nary teacher certificate may not teach outside his or  
6 her area of endorsement unless he or she has received  
7 a waiver from the commissioner in accordance with  
8 state board rules.

9           4. Two-year limit. The preliminary certificate  
10 may be issued for only a 2-year period and may only  
11 be renewed under the extenuating circumstances set  
12 forth in section 13016.

13 §13013. Professional teacher certificate

14           1. Definition. A professional teacher certifi-  
15 cate is a renewable certificate issued to an individ-  
16 ual who has held a preliminary certificate and has  
17 met the qualifications of this section.

18           2. Qualifications. State board rules governing  
19 the qualifications for a professional teacher certifi-  
20 cate shall require that the certificate may only be  
21 issued to an applicant who, at a minimum:

22           A. Holds a preliminary teacher certificate or  
23 has held a professional teacher certificate which  
24 has expired within the last 5 years;

25           B. Taught in a classroom for 2 academic years;  
26 and

27           C. Received a positive recommendation to the  
28 commissioner by an approved support system, pur-  
29 suant to section 13015.

30           3. Endorsements. The professional teacher cer-  
31 tificate shall be issued with an endorsement which  
32 specifies the grades and subject matter which the  
33 teacher is deemed qualified to teach. A holder of a  
34 professional teacher certificate may not teach out-  
35 side his or her area of endorsement unless he or she  
36 has received a waiver from the commissioner in ac-  
37 cordance with state board rules.

1           4. Five-year certificate. A professional teacher  
2 certificate shall be issued for a 5-year period and  
3 may be renewed in accordance with section 13016.

4           §13014. Master teacher certificate

5           1. Definition. A master teacher certificate is a  
6 renewable certificate issued to an individual who has  
7 achieved additional professional standards in accord-  
8 ance with this section.

9           2. Qualifications. State board rules governing  
10 the qualifications for a master teacher certificate  
11 shall require that the certificate may only be issued  
12 to an applicant who, at a minimum:

13           A. Possesses a professional teacher certificate;

14           B. Has demonstrated exemplary professional  
15 skills in school-based experiences in classroom  
16 instruction and who may have additionally con-  
17 tributed to his profession in such areas as:

18                   (1) Curriculum development;

19                   (2) Teacher in-service training and effec-  
20 tive staff development; or

21                   (3) Student-teacher supervision; and

22           C. Has obtained the support team's positive rec-  
23 ommendation based on the contents of a teacher  
24 action plan pursuant to section 13015.

25           3. Endorsements. The holder of a master teacher  
26 certificate shall possess, at a minimum, the endorse-  
27 ments held under the professional certificate.

28           4. Five-year certificate. A master teacher cer-  
29 tificate may be issued for a 5-year period and may be  
30 renewed in accordance with section 13016.

31           5. Effective date. Notwithstanding the July 1,  
32 1988, reference in section 13011, the state board  
33 shall, prior to September 1986, draft rules governing  
34 the issuance of master teacher certificates. Starting  
35 in September 1986, any teacher, who holds a 5-year or

1 10-year certificate under section 13001, may apply to  
2 qualify for a master teacher certificate. Master  
3 teacher certificates may be issued starting in July  
4 1987.

5 §13015. Support system

6 1. Employment. No public school may employ a  
7 preliminary teacher unless it has an approved, local-  
8 ly designed, support system or has received specific  
9 authorization from the commissioner in accordance  
10 with state board rules.

11 2. Purpose. The purpose of an approved support  
12 system is to:

13 A. Provide strong support services for develop-  
14 ing good teaching and classroom management skills  
15 to teachers with preliminary certificates;

16 B. Provide assistance and review to all individ-  
17 uals who are candidates for a higher level cer-  
18 tificate; and

19 C. Assist all teachers in becoming better teach-  
20 ers.

21 This support system is separate from local practices  
22 and procedures regarding the evaluation of a teacher  
23 for retention by an administrative unit. To the ex-  
24 tent possible, administrators responsible for employ-  
25 ment evaluation should not be part of that particular  
26 teacher's support team.

27 3. Approval. Each administrative unit's support  
28 system is subject to approval by the commissioner in  
29 accordance with state board rules which shall re-  
30 quire, at a minimum, that an approved support system  
31 contains the following:

32 A. A majority of classroom teachers, including a  
33 master teacher, if available, and other personnel  
34 such as administrators, personnel from the De-  
35 partment of Educational and Cultural Services or  
36 institutions of higher education and other out-  
37 side consultants as the commissioner may approve;

1           B. A description of the duties and responsibilities  
2           of the support team in the preparation of a  
3           teacher action plan for both preliminary teachers  
4           and applicants for master teacher certification;

5           C. A description of the duties of the master  
6           teacher responsible for the design and coordina-  
7           tion of a teacher action plan; and

8           D. A description of any current or planned  
9           linkages the support system has or will have with  
10           institutions of higher education, department per-  
11           sonnel and members of the public in the operation  
12           of its support team.

13           4. Teacher action plan. A teacher action plan is  
14           developed by the support team in consultation with  
15           the teacher who is the subject of the plan. The  
16           teacher action plan shall describe the specific  
17           skills which must be developed and improved by the  
18           teacher, as well as any other requirements, which may  
19           include additional professional graduate and advanced  
20           study, in order to achieve a positive recommendation  
21           to receive a higher level of certificate. A teacher  
22           action plan shall contain the basis for the positive  
23           or negative recommendation of a support team as to  
24           whether a teacher should be granted a professional  
25           teacher certificate or a master teacher certificate,  
26           as applicable.

27           5. Records confidential. A teacher action plan  
28           shall be considered an employee record and shall be  
29           kept confidential in accordance with sections 6101  
30           and 6102.

31           §13016. Renewal of teacher certificates

32           Teacher certificates issued in accordance with  
33           this chapter may be renewed pursuant to state board  
34           rules which shall include, but not be limited to, the  
35           following.

36           1. Preliminary teacher certificates. A prelimi-  
37           nary teacher certificate is not renewable except for  
38           the following:

39           A. Teachers employed in private schools;



1           B. Unemployed teachers who apply to renew their  
2           certificates during periods of unemployment so  
3           long as they have been employed for less than 2  
4           consecutive school years while holding a prelimi-  
5           nary certificate; or

6           C. Notwithstanding paragraphs A and B, on a  
7           case-by-case basis to be determined by the com-  
8           missioner on the basis of documented hardship or  
9           other extraordinary circumstances as set forth in  
10           state board rules.

11           2. Professional teacher certificates. A profes-  
12           sional teacher certificate may be renewed for 5-year  
13           periods in accordance with state board rules which  
14           shall require, at a minimum, that the teacher com-  
15           plete at least 6 hours of professional or academic  
16           study, or in-service training designed to improve the  
17           performance of the teacher in the field for which the  
18           teacher holds an endorsement, or in a related subject  
19           area. Teachers who desire to qualify for a master  
20           teacher certificate shall coordinate their continuing  
21           professional education with the requirements of any  
22           applicable teacher action plan.

23           3. Master teacher certificate. A master teacher  
24           certificate may be renewed for 5-year periods in ac-  
25           cordance with state board rules which shall require,  
26           at a minimum, that the master teacher has maintained  
27           a high level of professional teacher skills. If the  
28           holder of a master teacher certificate fails to main-  
29           tain master teacher skills or chooses not to seek a  
30           renewal of the master teacher certificate, the teach-  
31           er will be deemed to hold a professional teacher cer-  
32           tificate and shall meet the requirements for its re-  
33           newal.

34           4. Renewal of nonteacher, professional certifi-  
35           cates. Certificates for professional personnel, other  
36           than teachers, shall be renewed in accordance with  
37           state board rules.

38           §13017. Interstate agreements

39           Notwithstanding any other requirements of this  
40           chapter, a teacher, who is eligible to hold a prelim-  
41           inary teacher certificate pursuant to an interstate

1 agreement authorized by chapter 511, has at least 2  
2 academic years of prior teacher experience outside  
3 the State and has taught for fewer than 2 years in  
4 Maine with a preliminary teacher certificate, may be  
5 awarded a professional teacher certificate if recom-  
6 ended by the administrative unit's support team and  
7 is otherwise deemed to be eligible by the commission-  
8 er.

9 §13018. Recertification of 5-year and 10-year cer-  
10 tificates

11 Teachers, who hold certificates issued in accord-  
12 ance with chapter 501, shall continue to hold those  
13 certificates until their termination dates. All cer-  
14 tificates issued after June 30, 1988, shall be issued  
15 in accordance with this chapter. Teachers who held  
16 5-year or 10-year certificates prior to June 30,  
17 1988, shall be considered to have held professional  
18 teacher certificates for the purpose of  
19 recertification under this chapter.

20 §13019. Visiting teacher permit

21 1. Definition. A visiting teacher permit is de-  
22 signed to allow those who do not intend to enter the  
23 teaching profession full time to offer their special  
24 expertise to schools. The visiting teacher permit is  
25 not to be used to avoid the hiring of professional,  
26 certified teachers.

27 2. Qualifications. A visiting teacher permit  
28 shall be issued for a limited period in accordance  
29 with state board rules.

30 §13020. Revocation or suspension of a certificate

31 1. General. The state board's rules adopted un-  
32 der this chapter shall specify the procedure to be  
33 followed by the commissioner in seeking the revoca-  
34 tion or suspension of a certificate in the Adminis-  
35 trative Court and shall authorize the commissioner to  
36 enter into a consent agreement with any certificated  
37 person in lieu of initiating or completing a proceed-  
38 ing in the Administrative Court.

1           2. Grounds for revocation or suspension of a  
2 certificate. The following are grounds for revocation  
3 or suspension of a certificate issued under this Ti-  
4 tle:

5           A. Evidence that a person has injured the health  
6 or welfare of a child through physical or sexual  
7 abuse or exploitation shall be grounds for revo-  
8 cation or suspension of a certificate. Notwith-  
9 standing Title 5, chapter 341, a certified court  
10 record that a person certificated under this Ti-  
11 tle was convicted in any state or federal court  
12 of a criminal offense involving the physical or  
13 sexual abuse or exploitation of a child within  
14 the previous 5 years shall be sufficient grounds  
15 for revocation or suspension of that person's  
16 certificate; and

17           B. Other grounds as may be established by the  
18 state board in its rules relating to criminal of-  
19 enses not inconsistent with Title 5, chapter  
20 341, fraud or gross incompetence.

21           3. Denial of certificate for prior immoral con-  
22 duct. Evidence that an applicant for initial certi-  
23 fication or renewal has injured the health or welfare  
24 of a child through physical or sexual abuse or ex-  
25 ploitation is grounds for a denial of a certificate.  
26 Notwithstanding Title 5, chapter 341, every person,  
27 who, within 5 years of the application for initial  
28 certification or renewal, has been convicted in any  
29 state or federal court of a criminal offense involv-  
30 ing the physical or sexual abuse or exploitation of a  
31 child, may be presumed by the commissioner to lack  
32 good moral character for the purposes of this chap-  
33 ter. This presumption shall be a rebuttable presump-  
34 tion. Notwithstanding Title 5, chapter 341, the com-  
35 missioner shall be entitled to consider all records  
36 of prior criminal convictions involving child abuse  
37 or exploitation in determining an applicant's eligi-  
38 bility for a certificate.

39           4. Reinstatement of certificate. Revoked certif-  
40 icates may only be reinstated in accordance with  
41 state board rules. The following provisions govern  
42 the reinstatement of any certificate revoked for rea-  
43 sons of child abuse or exploitation.

1           A. Notwithstanding Title 5, chapter 341, no cer-  
2           tificate revoked for reasons of child abuse or  
3           exploitation may be reinstated within 5 years of  
4           the revocation and in no case less than 3 years  
5           from the expiration of probation or parole or  
6           discharge from imprisonment for a criminal con-  
7           viction involving child abuse or exploitation.

8           B. In determining whether a certificate may be  
9           reinstated, the commissioner shall determine  
10          whether the applicant has been sufficiently reha-  
11          bilitated to warrant the public trust. The appli-  
12          cant shall be required to demonstrate sufficient  
13          evidence of rehabilitation, notwithstanding Title  
14          5, chapter 341, and the commissioner shall state  
15          in writing the basis for any decision which de-  
16          nies reinstatement of a certificate.

17          C. Denial of reinstatement pursuant to paragraph  
18          B may be appealed to the Superior Court.

19          §13021. Periodic review

20           The state board shall review teacher certificate  
21           standards every 6 years and report the results of its  
22           review to the Legislature, along with any proposed  
23           legislation. The first report to the Legislature  
24           shall be due starting with the legislative session  
25           beginning in December 1990.

26           Sec. 5. Pilot project and report to the Second  
27           Regular Session of the 112th Legislature. Notwith-  
28           standing the effective date set forth in the Revised  
29           Statutes, Title 20-A, section 13014, subsection 4,  
30           master teacher certificates may be issued as of July  
31           1, 1985, to qualified individuals who have partici-  
32           ipated in pilot projects designed to train individuals  
33           to become master teachers. These projects will be de-  
34           veloped by the commissioner and the state board, in  
35           consultation with local administrative units and rep-  
36           resentatives from other appropriate support constitu-  
37           encies, beginning on the effective date of this Act.  
38           The number of projects to be developed and the selec-  
39           tion of units to be involved in the projects will be  
40           determined by the state board. The pilot projects  
41           shall terminate as of July 1, 1987.



1           1. All teachers will have a strong liberal arts  
2 and science background with a major field of study in  
3 the subject area to be taught.

4           2. A preliminary certificate is the initial cer-  
5 tificate issued to beginning teachers for a 2-year  
6 period. The teacher, working with a locally-designed  
7 support system, will attain a high level of effec-  
8 tiveness, resulting in a professional certificate.  
9 The preliminary certificate is nonrenewable.

10          3. A professional certificate will be issued to  
11 the beginning teacher demonstrating high level  
12 competencies to a local support team during the ini-  
13 tial 2-year teaching period. The professional certif-  
14 icate will be issued for 5 years and is renewable.

15          4. A master teacher certificate will be  
16 attainable for a teacher who holds professional cer-  
17 tification and has demonstrated exemplary profession-  
18 al skills in classroom teaching or in such other ar-  
19 eas as supervising student teachers, curriculum and  
20 staff development or in-service training, as deter-  
21 mined by the local school unit.

22          5. Pilot projects designed to identify proce-  
23 dures for training and certifying master teachers  
24 will be developed in consultation with local adminis-  
25 trative units and will be in effect from 1984 to  
26 1987. A report on the results of the projects, with  
27 recommendations for funding, will be ready for the  
28 112th Legislature. Although this bill does not re-  
29 quire all districts to have master teachers, such a  
30 career opportunity for teachers is strongly encour-  
31 aged.

32          6. Support systems are to be planned and devel-  
33 oped by local school units. The support system plan  
34 provides for local support teams to improve the  
35 teaching effectiveness of all teachers with special  
36 emphasis on the beginning teacher. These support  
37 teams will be composed of a majority of teachers and  
38 other professional personnel to assist and develop  
39 teaching techniques and competencies. Local units are  
40 encouraged to make every effort to develop partner-  
41 ships with institutions of higher education, the De-  
42 partment of Educational and Cultural Services and  
43 other community resources.

1           7. A teacher action plan is a joint agreement  
2 between a beginning teacher and a local support team  
3 designed to develop training experiences for increas-  
4 ing teaching effectiveness. A master teacher, if  
5 available, shall coordinate a teacher action plan.

6           8. All teaching certificates will have endorse-  
7 ments specifying grades and subjects a person is  
8 qualified to teach. Teachers may no longer teach  
9 grades or subjects for which they are not prepared.

10          9. Visiting teacher permits may be issued to  
11 people who do not intend to enter the teaching pro-  
12 fession full time in order to offer their special ex-  
13 pertise to schools on a limited basis.

14          10. Teacher certification standards will be re-  
15 viewed by the State Board of Education every 6 years  
16 and their findings will be reported to the Legisla-  
17 ture.

18          11. The 3 levels of proposed certification do  
19 not in themselves constitute a career ladder but do  
20 provide a framework in which local districts can con-  
21 struct viable career advancement opportunities for  
22 teachers.

23          This bill, with the exception of the pilot  
24 projects for master teachers, becomes effective for  
25 all teacher certificates issued after June 30, 1988.

26

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