

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 (New Draft of H.P. 1669, L.D. 2209)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 2434

8 H.P. 1839

House of Representatives, April 6, 1984

9 Reported by Representative Soucy from the Committee on Education and
10 printed under Joint Rule 2.

11 Original bill presented by Representative Mitchell of Vassalboro and
12 cosponsored by Representative Rolde of York and Representative Crouse of
13 Washburn.

EDWIN H. PERT, Clerk

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FOUR
17

18 AN ACT to Revise the Laws Governing
19 Certification of Educational Personnel.
20

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

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24 c. 470, §§6 to 10, is repealed.

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26 c. 693, §§5 and 8, is repealed.

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

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

32 A. Teach in any public elementary or secondary
33 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 prior to April 1, 1988 to
11 carry out the purposes of this chapter under which
12 the commissioner shall:

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

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

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

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

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

29 A. Good moral character; and

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

33 3. Teacher certificates. The state board rules
34 shall recognize at least 3 categories of teacher cer-

1 tificates as identified in sections 13012 to 13014.

2 4. Appeal. An applicant who has been denied the
3 issuance or renewal of a certificate by the commis-
4 sioner under this chapter may appeal that denial in
5 accordance with rules established by the state board
6 and consistent with the provisions of the Maine Ad-
7 ministrative Procedure Act, Title 5, chapter 375.

8 §13012. Provisional certificate

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

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

16 A. For elementary school, has graduated from an
17 accredited, degree-granting institution upon com-
18 pletion of:

19 (1) A 4-year program in liberal arts and
20 sciences; or

21 (2) An approved 4-year teacher preparation
22 program and has majored in the subject area
23 to be taught or an interdisciplinary program
24 in liberal arts; and

25 Has met other academic and preprofessional re-
26 quirements established by the state board for
27 teaching at the elementary school level;

28 B. For secondary school, has graduated from an
29 accredited, degree-granting, educational institu-
30 tion upon completion of:

31 (1) A 4-year program in liberal arts and
32 sciences; or

33 (2) An approved 4-year teacher preparation
34 program and has majored in the subject area
35 to be taught; and

1 Has met other academic and preprofessional re-
2 quirements established by the state board for
3 teaching at the secondary school level; or

4 C. Is otherwise qualified by having met separate
5 educational criteria for specialized teaching ar-
6 reas including, but not limited to, special educa-
7 tion, home economics, agriculture, vocational ed-
8 ucation, art, music, business education, physical
9 education and industrial arts, as established by
10 the state board for teaching in these specialized
11 areas.

12 3. Endorsements. The provisional teacher certif-
13 icate shall be issued with an endorsement which spec-
14 ifies the grades and subject area which the teacher
15 is deemed qualified to teach. The state board shall
16 by rule establish the criteria for assessing teacher
17 proficiency and subject matter competency for the
18 provisional certificate. A holder of a provisional
19 teacher certificate may not teach outside his or her
20 area of endorsement unless he or she has received a
21 waiver from the commissioner in accordance with state
22 board rules. These endorsements shall not apply to
23 teachers in private schools approved for attendance
24 purposes only.

25 4. Two-year limit. The provisional certificate
26 may be issued for a 2-year period and may only be re-
27 newed in accordance with section 13016.

28 §13013. Professional teacher certificate

29 1. Definition. A professional teacher certifi-
30 cate is a renewable certificate issued to an individ-
31 ual who has held a provisional certificate and has
32 met the qualifications of this section.

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

37 A. Holds a provisional teacher certificate or
38 has held a professional teacher certificate which
39 has expired within the last 5 years;

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

3 C. Received a recommendation to the superintend-
4 ent and commissioner by an approved support sys-
5 tem, pursuant to section 13015.

6 3. Endorsements. The professional teacher cer-
7 tificate shall be issued with an endorsement which
8 specifies the grades and subject area which the
9 teacher is deemed qualified to teach. A holder of a
10 professional teacher certificate may not teach out-
11 side his or her area of endorsement unless he or she
12 has received a waiver from the commissioner in ac-
13 cordance with state board rules.

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

17 §13014. Master teacher certificate

18 1. Definition. A master teacher certificate is a
19 renewable certificate issued to an individual who has
20 achieved additional professional standards in accord-
21 ance with this section.

22 2. Qualifications. State board rules governing
23 the qualifications for a master teacher certificate
24 shall require that the certificate may only be issued
25 to an applicant who, at a minimum:

26 A. Possesses a professional teacher certificate;

27 B. Has demonstrated exemplary professional
28 skills in classroom instruction and who may have
29 additionally contributed to the profession in
30 such areas as:

31 (1) Curriculum development;

32 (2) Teacher in-service training and effec-
33 tive staff development; or

34 (3) Student-teacher supervision; and

1 C. Has obtained the support system's positive
2 recommendation based on the contents of a teacher
3 action plan pursuant to section 13015.

4 3. Endorsements. The holder of a master teacher
5 certificate shall possess, at a minimum, the endorse-
6 ments held under the professional certificate.

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

10 5. Effective date. Notwithstanding the July 1,
11 1988, reference in section 13011, the state board
12 shall, prior to September 1986, adopt rules governing
13 the issuance of master teacher certificates. Starting
14 in September 1986, any teacher, who holds a 5-year or
15 10-year certificate under section 13001, may apply to
16 qualify for a master teacher certificate. Master
17 teacher certificates may be issued starting in July
18 1987.

19 §13015. Support system

20 1. Employment. No public school or private
21 school approved for tuition purposes under section
22 2901, subsection 2, paragraph B may employ a provi-
23 sional teacher unless it has an approved, locally de-
24 signed, support system or has received specific au-
25 thorization from the commissioner in accordance with
26 state board rules.

27 2. Purpose. The purpose of an approved support
28 system is to:

29 A. Provide strong support services for develop-
30 ing good teaching and classroom management skills
31 to teachers with provisional certificates;

32 B. Provide assistance and review to all individ-
33 uals who are candidates for a higher level cer-
34 tificate; and

35 C. Assist all teachers in becoming better teach-
36 ers.

1 This support system is separate from local practices
2 and procedures regarding the supervision and evaluation
3 of a teacher for retention by an administrative
4 unit.

5 3. Approval. Each administrative unit's support
6 system is subject to approval by the commissioner in
7 accordance with state board rules which shall re-
8 quire, at a minimum, that an approved support system
9 contains the following:

10 A. A majority of classroom teachers, including a
11 master teacher, if available, and other personnel
12 such as administrators, personnel from the De-
13 partment of Educational and Cultural Services or
14 institutions of higher education and other out-
15 side consultants as the commissioner may approve.
16 For the purposes of this paragraph, the state
17 board shall establish by rule the definition of
18 classroom teacher;

19 B. A description of the duties and responsibili-
20 ties of the support system in the preparation of
21 a teacher action plan for both provisional teach-
22 ers and applicants for master teacher certifica-
23 tion;

24 C. A description of the duties of the master
25 teacher responsible for the design and coordina-
26 tion of a teacher action plan; and

27 D. A description of any current or planned
28 linkages the support system has or will have with
29 institutions of higher education, department per-
30 sonnel and members of the public in the operation
31 of its support system.

32 4. Teacher action plan. A teacher action plan is
33 developed by the support system in consultation with
34 the teacher who is the subject of the plan. The
35 teacher action plan shall describe the specific
36 skills which must be developed and improved by the
37 teacher, as well as any other requirements, which may
38 include additional professional graduate and advanced
39 study, in order to achieve a positive recommendation
40 to receive a higher level of certificate. A teacher
41 action plan shall contain the basis for the positive

1 or negative recommendation of a support system as to
2 whether a teacher should be granted a professional
3 teacher certificate or a master teacher certificate,
4 as applicable.

5 5. Records confidential. A teacher action plan
6 shall be considered an employee record and shall be
7 kept confidential in accordance with sections 6101
8 and 6102.

9 §13016. Renewal of teacher certificates

10 Teacher certificates issued in accordance with
11 this chapter may be renewed pursuant to state board
12 rules which shall include, but not be limited to, the
13 following.

14 1. Provisional teacher certificates. A provi-
15 sional teacher certificate is not renewable except
16 for the following:

17 A. Teachers employed in private schools approved
18 for attendance purposes only;

19 B. Unemployed teachers who apply to renew their
20 certificates during periods of unemployment so
21 long as they have been employed for less than 2
22 consecutive school years while holding a prelimi-
23 nary certificate;

24 C. Notwithstanding paragraphs A and B, the com-
25 missioner may grant an extension for not more
26 than 2 years based on:

27 (1) The recommendation of the superintend-
28 ent;

29 (2) The recommendation of the support sys-
30 tem which includes a Teacher Action Plan de-
31 scribing the goals to be met by the teacher
32 to achieve a professional certificate, spe-
33 cific steps needed to achieve those goals,
34 and criteria for measuring whether those
35 steps have been successfully completed;

36 (3) If there is an inconsistency between
37 the recommendations in subparagraphs (1) and

1 (2), the commissioner may hold a fact-
2 finding hearing in the school administrative
3 unit where the teacher is employed. At the
4 hearing the Teacher Action Plan,
5 superintendent's recommendations and support
6 system recommendations shall be presented.
7 With the consent of the teacher the hearing
8 may be open to the public; and

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

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

27 3. Master teacher certificate. A master teacher
28 certificate may be renewed for 5-year periods in ac-
29 cordance with state board rules which shall require,
30 at a minimum, that the master teacher has obtained a
31 recommendation of the support system that the master
32 teacher has maintained a high level of professional
33 teacher skills. If the holder of a master teacher
34 certificate fails to maintain master teacher skills
35 or chooses not to seek a renewal of the master teach-
36 er certificate, the teacher will be deemed to hold a
37 professional teacher certificate and shall meet the
38 requirements for its renewal.

39 4. Renewal of nonteacher, professional certifi-
40 cates. Certificates for professional personnel, other
41 than teachers, shall be renewed in accordance with
42 state board rules.

1 §13017. Interstate agreements

2 Notwithstanding any other requirements of this
3 chapter, a teacher, who is eligible to hold a provi-
4 sional teacher certificate pursuant to an interstate
5 agreement authorized by chapter 511, has at least 2
6 academic years of prior teacher experience outside
7 the State and has taught for fewer than 2 years in
8 Maine with a provisional teacher certificate, may be
9 awarded a professional teacher certificate if recom-
10 ended by the administrative unit's support system
11 and is otherwise deemed to be eligible by the commis-
12 sioner.

13 §13018. Recertification of 5-year and 10-year cer-
14 tificates

15 Teachers, who hold certificates issued in accord-
16 ance with chapter 501, shall continue to hold those
17 certificates until their termination dates. All cer-
18 tificates issued after June 30, 1988, shall be issued
19 in accordance with this chapter. Teachers who held
20 5-year or 10-year certificates prior to June 30,
21 1988, shall be considered to have held professional
22 teacher certificates for the purpose of
23 recertification under this chapter.

24 §13019. Visiting teacher permit

25 1. Definition. A visiting teacher permit is de-
26 signed to allow those who do not intend to enter the
27 teaching profession full time to offer their special
28 expertise to schools. The visiting teacher shall act
29 as an adjunct to existing staff and shall not be used
30 to avoid the hiring of professional, certified teach-
31 ers.

32 2. Qualifications. A visiting teacher permit
33 shall be issued for a limited period in accordance
34 with state board rules.

35 §13020. Revocation or suspension of a certificate

36 1. General. The state board's rules adopted un-
37 der this chapter shall specify the procedure to be
38 followed by the commissioner in seeking the revoca-
39 tion or suspension of a certificate in the Adminis-

1 trative Court and shall authorize the commissioner to
2 enter into a consent agreement with any certificated
3 person in lieu of initiating or completing a proceed-
4 ing in the Administrative Court.

5 2. Grounds for revocation or suspension of a
6 certificate. The following are grounds for revocation
7 or suspension of a certificate issued under this Ti-
8 tle:

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

21 B. Other grounds as may be established by the
22 state board in its rules relating to criminal of-
23 fenses not inconsistent with Title 5, chapter
24 341, fraud or gross incompetence.

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

1 4. Reinstatement of certificate. Revoked certifi-
2 icates may only be reinstated in accordance with
3 state board rules. The following provisions govern
4 the reinstatement of any certificate revoked for rea-
5 sons of child abuse or exploitation.

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

13 B. In determining whether a certificate may be
14 reinstated, the commissioner shall determine
15 whether the applicant has been sufficiently reha-
16 bilitated to warrant the public trust. The appli-
17 cant shall be required to demonstrate sufficient
18 evidence of rehabilitation, notwithstanding Title
19 5, chapter 341, and the commissioner shall state
20 in writing the basis for any decision which de-
21 nies reinstatement of a certificate.

22 C. Denial of reinstatement pursuant to paragraph
23 B may be appealed to the Superior Court.

24 §13021. Periodic review

25 The state board shall review teacher certificate
26 standards every 6 years and report the results of its
27 review to the Legislature, along with any proposed
28 legislation. The first report to the Legislature
29 shall be due starting with the legislative session
30 beginning in December 1990.

31 Sec. 5. Pilot project and report to the Second
32 Regular Session of the 112th Legislature. Notwith-
33 standing the effective date set forth in the Revised
34 Statutes, Title 20-A, section 13014, subsection 4,
35 temporary master teacher certificates may be issued
36 as of July 1, 1985, in accordance with temporary
37 state board rules, to qualified individuals who have
38 participated in pilot projects designed to train in-
39 dividuals to become master teachers. These certifi-
40 icates may be renewed in accordance with the final
41 rules established by the state board. These projects

1 will be developed by the commissioner and the state
2 board, in consultation with local administrative
3 units and representatives from other appropriate sup-
4 port constituencies, beginning on the effective date
5 of this Act. The number of projects to be developed
6 and the selection of units to be involved in the
7 projects will be determined by the state board. The
8 pilot projects shall terminate as of July 1, 1987.

9 The state board and the commissioner shall con-
10 duct a study of all aspects of the Act, including the
11 qualifications for a master teacher certificate; the
12 support system assessment of provisional teachers;
13 the attainment of a specified grade point average in
14 undergraduate college programs; the passage of a
15 standardized qualifying test before receiving a pro-
16 visional certificate or additional endorsements; and
17 the effect of the 3 certification levels in estab-
18 lishing a career ladder. The state board shall pre-
19 pare a report on the results of the study and the re-
20 sults of the pilot projects. The state board shall
21 hold at least one public hearing on an initial draft
22 of the report and submit an interim report, with a
23 summary of comments received, to the joint standing
24 committee of the Legislature having jurisdiction over
25 education, at the Second Regular Session of the 112th
26 Legislature.

27 The joint standing committee of the Legislature
28 having jurisdiction over education, shall conduct its
29 own review of the effect of this Act, and the pilot
30 projects and the rule making accomplished to date by
31 the state board and shall make what recommendations
32 it deems appropriate, including statutory changes, if
33 any, prior to April 1, 1987.

34 **Sec. 6. Funds.** The funds to carry out the pilot
35 projects set forth in section 4 of this Act are in-
36 cluded in the Governor's budget.

37 **Fiscal Note**

38 To fund this bill \$500,000 is included in the
39 Governors budget request.

1 STATEMENT OF FACT

2 In 1981, the Legislature gave the State Board of
3 Education sole authority to establish the policies,
4 rules and regulations for teacher certification in
5 Maine. This bill is the result of a 3-year effort by
6 the state board to respond to that mandate. It pro-
7 poses a clear-cut policy which upgrades and
8 strengthens the requirements for teaching in Maine.

9 The state board has met frequently with profes-
10 sions from all segments of education - teachers,
11 principals, superintendents, university faculty, col-
12 lege faculty and students. Public hearings were held
13 throughout the State on a report prepared for the
14 state board by a special consultant on teacher certi-
15 fication.

16 In this bill, the State Board of Education af-
17 firms the teaching profession as of the highest value
18 in our society, highlights the importance of the
19 classroom as the setting for professional development
20 and emphasizes the importance of continuous profes-
21 sional development.

22 The state board has developed the following con-
23 cepts which stress a balance between statewide policy
24 and direction for certifying teachers and local con-
25 trol and flexibility in carrying out those policies
26 and in supporting teachers.

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

30 2. A provisional certificate is the initial cer-
31 tificate issued to beginning teachers for a 2-year
32 period. The teacher, working with a locally-designed
33 support system, will attain a high level of effec-
34 tiveness, resulting in a professional certificate.
35 The provisional certificate is renewable under spe-
36 cial conditions..

37 3. A professional certificate will be issued to
38 the beginning teacher demonstrating high level
39 competencies to a local support team during the ini-
40 tial 2-year teaching period. The professional certif-
41 icate will be issued for 5 years and is renewable.

1 4. A master teacher certificate will be
2 attainable for a teacher who holds professional cer-
3 tification and has demonstrated exemplary profession-
4 al skills in classroom teaching or in such other ar-
5 eas as supervising student teachers, curriculum and
6 staff development or in-service training, as deter-
7 mined by the local school unit.

8 5. Pilot projects designed to identify proce-
9 dures for training and certifying master teachers
10 will be developed in consultation with local adminis-
11 trative units and will be in effect from 1984 to
12 1987. A report on the results of the projects, with
13 recommendations for funding, will be ready for the
14 112th Legislature. Although this bill does not re-
15 quire all districts to have master teachers, such a
16 career opportunity for teachers is strongly encour-
17 aged.

18 6. Support systems are to be planned and devel-
19 oped by local school units. The support system plan
20 provides for local support teams to improve the
21 teaching effectiveness of all teachers with special
22 emphasis on the beginning teacher. These support
23 teams will be composed of a majority of teachers and
24 other professional personnel to assist and develop
25 teaching techniques and competencies. Local units are
26 encouraged to make every effort to develop partner-
27 ships with institutions of higher education, the De-
28 partment of Educational and Cultural Services and
29 other community resources.

30

6600033084