

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 326, L.D. 882, Bill, "An Act to Amend the Laws Concerning Certification of Educational Personnel"

Amend the bill by inserting after the title and before the enacting clause the following:

**'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and**

**Whereas, the State is suffering from a shortage of certified teachers in several academic areas; and**

**Whereas, enactment of this bill will enhance recruitment of experienced out-of-state teachers, will permit professionally certified teachers, in limited circumstances, to teach out of the area in which they are currently certified and will facilitate the entry of qualified beginning teachers at the provisional certification level; and**

**Whereas, enactment of this bill is necessary to address pressing concerns in the area of teacher certification; and**

**Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '**

Further amend the bill by striking out all of section 1 (page 1, lines 3 and 4 in L.D.).

Further amend bill in section 2 in subsection 1 in the last line (page 1, line 12 in L.D.) by striking out the underlined figure "1" and inserting in its place the following: '2-A, paragraph B'

2 Further amend the bill in section 5 in subsection 2-A by  
striking out all of paragraph B (page 1, lines 39 to 44 in L.D.)  
4 and inserting in its place the following:

6 'B. Is a teacher with 2 or more years experience teaching  
under a valid certificate in another state and who has  
8 graduated from a preparation program approved by the  
National Association of State Directors of Teacher Education  
10 and Certification or the National Council for Accreditation  
of Teacher Education.'

12 Further amend the bill by striking out all of section 6  
14 (page 1, lines 46 to 52 and page 2, lines 1 to 4 in L.D.)

16 Further amend the bill by striking out all of section 8  
18 (page 2, lines 9 to 35 in L.D.) and inserting in its place the  
following:

20 'Sec. 8. 20-A MRSA §13031, as enacted by PL 1983, c. 859, Pt.,  
I, §§2 and 3, is amended to read:

22 **§13031. Purpose**

24 The Legislature declares that the purpose of this chapter is  
26 to establish require persons seeking provisional teacher  
certification to teach in the State to take standardized  
28 qualifying examinations for--these--persons--seeking--provisional  
teacher-certificates-to-teach-in-the-State. It is not the intent  
30 of this chapter to require the attainment of minimum qualifying  
scores by persons seeking provisional certification.

32 **Sec. 9. 20-A MRSA §13032, first ¶,** as enacted by PL 1983, c.  
34 859, Pt. I, §§2 and 3, is amended to read:

36 The provisional teacher certificate shall ~~may~~ only be issued  
to those applicants who have taken the teacher qualifying  
38 examinations. The score attained on the qualifying examination  
may not be used to deny certification. The examinations may be  
40 administered in separate parts and may be taken by applicants for  
provisional teacher certificates at any time after completion of  
42 the sophomore year of attendance at a post-secondary higher  
education institution. The examination shall must test the  
44 applicant in the following areas:

46 **Sec. 10. 20-A MRSA §13033,** as amended by PL 1989 c. 700, Pt.  
A, §70, is repealed.

48 **Sec. 11. 20-A MRSA §13035,** as enacted by PL 1983, c. 859, Pt.  
50 I, §§2 and 3, is repealed.

52 **Sec. 12. Study of appeals process.** The Commissioner of  
Education, in consultation with the State Board of Education and

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2 statewide labor organizations representing teachers, shall  
 4 conduct a study of the appeals process available to persons whose  
 6 application for certification or endorsement is denied or whose  
 8 certification or endorsement is revoked or voided. The study  
 10 must examine the delays encountered in scheduling an appeals  
 12 hearing and the rendering of a final decision, the causes of  
 14 those delays, the staffing patterns in the department and the  
 16 work load caused by appeals. The commissioner shall report to  
 the Joint Standing Committee on Education by January 1, 1992  
 findings and recommendations on the need to expedite the hearing  
 and decision-making process and the advisability of reinstating  
 the practice of employing an educator review committee to advise  
 the commissioner on appeals. The committee may introduce related  
 legislation to the Second Regular Session of the 115th  
 Legislature.

**Sec. 13. Review of out-of-field teaching.** The State Board of  
 Education shall review the status of out-of-field teaching  
 restrictions and present a report to the Joint Standing Committee  
 on Education by January 1, 1992. The report may include:  
 statistics on and trends in the number of waivers and  
 transitional endorsements requested and granted for out-of-field  
 teaching; the subjects, grades, length and reasons for which  
 waivers were sought; an assessment of an expedited waiver process  
 for out-of-field teaching to be tested by the Department of  
 Education during 1991; an evaluation of the impact of the waiver  
 and transitional endorsement processes on school administrative  
 units; a summary of the progress made in providing credit for  
 alternative, local in-service professional development programs  
 or other alternatives to on-campus university level courses to  
 achieve a full endorsement in a new field. The report may be  
 combined with any other report on waivers made by the department  
 to the Legislature.

**Sec. 14. Appropriation.** The following funds are appropriated  
 from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
<b>40 EDUCATION, DEPARTMENT OF</b>		
<b>42 Planning and Management</b>		
<b>44 Information - Block Grants</b>		
<b>for Local Certification Costs</b>		
46 All Other	\$1,770,000	\$1,770,000
48 Provides funds to school		
50 administrative units,		
vocational regions and		
private schools serving in		

lieu of public high schools  
with more than 60% publicly  
funded students for local  
educator certification costs.

**Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.'

Further amend the bill by renumbering the sections to read  
consecutively.

Further amend the bill by inserting at the end before the  
statement of fact the following:

**FISCAL NOTE**

1991-92                      1992-93

**APPROPRIATIONS/ALLOCATIONS**

General Fund                      \$1,770,000                      \$1,770,000

This bill requires the Department of Education to conduct a  
study regarding the teacher certification appeals process and the  
State Board of Education to review the status of out-of-field  
teaching restrictions. The costs associated with these studies  
and reports to the Legislature will be absorbed within existing  
resources of the Department of Education and the State Board of  
Education.

This bill also provides General Fund appropriations of  
\$1,770,000 in each year of the biennium to the Department of  
Education to provide block grants to school administrative units  
to support educator certification costs. The Governor's proposed  
current services budget, as adjusted, includes General Fund  
appropriations to municipalities for teacher certification in  
those amounts.'

**STATEMENT OF FACT**

The original bill provided for professional certification of  
experienced out-of-state teachers, permitted professionally  
certified teachers to teach one period per day out of their  
certified subject area or grade level and established a specific  
timetable during which appeals from certification denials or  
revocations must be heard and decided.

COMMITTEE AMENDMENT "A" to S.P. 326, L.D. 882

2 The amendment clarifies the circumstances in which an  
3 out-of-state teacher will be granted professional certification.  
4 The amendment deletes the provisions of the bill governing  
5 out-of-field teaching and the appeals process and directs the  
6 Department of Education and the State Board of Education to study  
7 those issues and to report back to the Joint Standing Committee  
8 on Education with recommendations.

9  
10 The amendment adds new provisions to the bill abolishing the  
11 use of minimum qualifying test scores to prevent applicants from  
12 attaining provisional certification.

13  
14 The amendment makes technical changes in the bill, adds an  
15 emergency preamble and emergency clause and adds an appropriation  
16 section and a fiscal note.

Reported by Senator McCormick for the Committee on Education.  
Reproduced and Distributed Pursuant to Senate Rule 12.  
(5/30/91) (Filing No. S-253)