

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 882

S.P. 326

In Senate, February 28, 1991

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator ESTES of York

Cosponsored by Representative CROWLEY of Stockton Springs, Representative NORTON of Winthrop and Representative CAHILL of Mattawamkeag.

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STATE OF MAINE

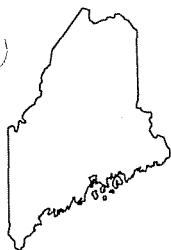
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Amend the Laws Concerning Certification of Educational  
Personnel.**

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

2  
3       **Sec. 1. 20-A MRSA §13011, sub-§4**, as enacted by PL 1983, c.  
4       845, §4, is repealed.

6       **Sec. 2. 20-A MRSA §13012, sub-§1**, as amended by PL 1985, c.  
7       287, §§2 and 8, is further amended to read:

8       **1. Definition.** A provisional teacher certificate is the  
9       entry level certificate issued to an individual who has not  
10       taught previously in the State, except as provided in section  
11       13013, subsection 1.

12  
13       **Sec. 3. 20-A MRSA §13013, sub-§1**, as enacted by PL 1983, c.  
14       845, §4, is amended to read:

15       **1. Definition.** A professional teacher certificate is a  
16       renewable certificate issued to an individual who has held a  
17       provisional certificate and has met the qualifications of this  
18       section, except as provided in subsection 2-A, paragraph B.

19  
20       **Sec. 4. 20-A MRSA §13013, sub-§2**, as enacted by PL 1983, c.  
21       845, §4, is repealed.

22  
23       **Sec. 5. 20-A MRSA §13013, sub-§2-A** is enacted to read:

24       **2-A. Qualifications.** State board rules governing the  
25       qualifications for a professional teacher certificate must  
26       require that the certificate may only be issued to an applicant  
27       who, at a minimum, either:

28       **A. Holds a provisional teacher certificate or has held a**  
29       **professional teacher certificate that has lapsed within the**  
30       **last 5 years, and has taught in a classroom for 2 academic**  
31       **years. In this case an applicant must receive a**  
32       **recommendation to the commissioner by an approved support**  
33       **system pursuant to section 13015; or**

34       **B. Is a teacher with 2 or more years' experience teaching**  
35       **in another state who is eligible for certification in this**  
36       **State pursuant to an interstate agreement authorized by**  
37       **chapter 511. In this case an applicant is eligible for a**  
38       **professional certificate as the entry level certificate in**  
39       **this State.**

40  
41       **Sec. 6. 20-A MRSA §13013, sub-§3**, as enacted by PL 1983, c.  
42       845, §4, is amended to read:

43       **3. Endorsements.** The professional teacher certificate  
44       shall must be issued with an endorsement which that specifies the  
45       grades and subject area which that the teacher is deemed  
46       qualified to teach. A holder of a professional teacher  
47  
48

2 certificate may not teach more than one class period per day  
3 outside his--or--her the certificate holder's area of endorsement  
4 unless he--or--she the certificate holder has received a waiver  
5 from the commissioner in accordance with state board rules.

6 **Sec. 7. 20-A MRSA §13017**, as enacted by PL 1983, c. 845, §4,  
7 is repealed.

8 **Sec. 8. 20-A MRSA §13022** is enacted to read:

9  
10 **§13022. Appeal from commissioner's denial of application for**  
11 **initial or renewed certificate or endorsement**

12  
13 **1. Right to appeal.** An applicant who has been denied the  
14 issuance or renewal of a certificate or endorsement, or who has  
15 had a certificate voided by the commissioner under this chapter,  
16 may appeal that denial in accordance with rules established by  
17 the state board and consistent with the provisions of the Maine  
18 Administrative Procedure Act.

19  
20 **2. Right to timely due process.** State board rules must  
21 provide for an adjudicatory proceeding within 90 days of the  
22 applicant's request for such a proceeding and written decision  
23 within 60 days of the conclusion of such proceedings.

24  
25 **3. Educator review committee.** When an adjudicatory  
26 proceeding is requested by the applicant, the commissioner shall  
27 convene an advisory review committee of at least 5 educators  
28 practicing in the field for which certification is sought. The  
29 educator review committee shall review applicant credentials and  
30 provide the commissioner with a recommendation regarding the  
31 applicant's eligibility for the certificate or endorsement sought.

32  
33 **4. Application of section.** No application may be denied,  
34 refused or voided except in accordance with this section.

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36  
37  
38 **STATEMENT OF FACT**

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40  
41 Local school systems must provide a substantial amount of  
42 financial and human resources for the administration of the  
43 educational personnel certification law. This bill will ease the  
44 demand on human resources at the local level by reducing the need  
45 for support system services for experienced teachers and will  
46 reduce professional uncertainty for both teachers and  
47 administrators, as well as facilitating local personnel  
48 assignments, by hastening resolution of the currently lengthy  
49 certification appeals process.