

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 316, L.D. 404, Bill, "An Act Concerning Teacher Certification"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 20-A MRSA §13011, sub-§7 is enacted to read:

7. Certification waiver. Under rules adopted by the state board, the commissioner may grant a waiver for an appropriate period of time to an individual seeking the issuance or renewal of a certificate. The commissioner may grant a waiver to an individual who:

A. Receives allegedly inaccurate, incomplete or untimely information or action from the department or its agents, the local support system or a regional support system; or

B. Demonstrates compliance with certification requirements by some means not anticipated in the certification rules.

An individual who is denied the issuance or renewal of a certificate for reasons outlined in paragraphs A and B of this subsection may apply for a waiver to an appeals committee selected by the state board. The appeals committee must consist of 4 permanent members who serve for terms of 3 years, including one school administrator, one teacher or educational specialist, one faculty member from a teacher education program approved by the state board and one public member who is not, and never has been, a professional educator. For each case considered by the appeals committee, the state board shall select a 5th appeals committee member representing the professional specialty organization in the discipline or level under review.

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The appeals committee shall review the application for a waiver and make a recommendation to the commissioner. Following a review of the application and recommendation, the commissioner shall make a final decision and provide a written justification for the decision.

The state board and the commissioner shall test and evaluate this certification waiver process and report their findings to the joint standing committee of the Legislature having jurisdiction over educational matters on or before January 1, 1995.

Sec. 2. 20-A MRSA §13017, as enacted by PL 1983, c. 845, §4, is repealed.

Sec. 3. 20-A MRSA §13017-A is enacted to read:

§13017-A. Professional certificate with experience

Notwithstanding any other requirements of this chapter, a teacher or educational specialist who holds a provisional certificate, has taught for fewer than 2 years in this State under a provisional certificate and who has taught for a minimum of 2 years in the same content area may be awarded a professional certificate if recommended by the administrative unit's support system and if otherwise determined eligible by the commissioner.

FISCAL NOTE

The Department of Education will incur some additional costs related to the establishment of a certification waiver process and an appeals committee and to evaluate and report on the waiver process. These costs can be absorbed within the department's existing budgeted resources.'

STATEMENT OF FACT

This amendment strikes the content of the original bill and replaces it with a teacher certification waiver process. That process permits an individual to appeal the denial of a certificate to an appeals committee appointed by the State Board of Education. The appeals committee must review the application for a waiver and recommend action to the Commissioner of Education. The commissioner must make a final decision and provide a written explanation.

The amendment also repeals a provision concerning certification requirements for teachers who have taught in a state with whom this State has an interstate agreement and replaces it with a provision that permits greater flexibility in awarding professional certificates to those teachers.