

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 393

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H.P. 289

House of Representatives, February 6, 1995

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### **An Act to Provide for an Appeals Process for Teacher Certification.**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GOULD of Greenville.  
Cosponsored by Representatives: CROSS of Dover-Foxcroft, MARTIN of Eagle Lake, REED of Dexter, Senators: CIANCHETTE of Somerset, HALL of Piscataquis.

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

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4       **Sec. 1. 20-A MRS §13011, sub-§7,** as enacted by PL 1993, c. 200, §1, is amended to read:

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

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

16           B. Demonstrates compliance with certification requirements  
18 by some means not anticipated in the certification rules, ;  
or

20           C. Has failed to attain the minimum score on the teacher  
22 qualifying exams under section 13035 and demonstrates that  
the failure is due to the existence of a learning disability.

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

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

42 The state board and the commissioner shall test and evaluate this  
44 certification waiver process and report their findings to the  
joint standing committee of the Legislature having jurisdiction  
46 over educational matters on or before January 1, 1995 1996.

## STATEMENT OF FACT

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4           This bill adds an additional category to the existing  
6 grounds upon which the Commissioner of Education, following  
8 review by an appeals committee, may waive teacher certification  
standards. The bill permits a waiver from the requirement that a  
teacher must pass the teacher qualifying examination in order to  
be certified if the teacher demonstrates that the failure to pass  
is caused by the existence of a learning disability.