

MAINE STATE LEGISLATURE

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DATE: June 7, 1995 (Filing No. S- 225)

EDUCATION AND CULTURAL AFFAIRS

Reported by: Senator ESTY of Cumberland for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 353, L.D. 981, Bill, "An Act to Amend the Teacher Certification Laws Relating to Certification Waivers"

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, as enacted by PL 1993, c. 200, §1, is amended 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 ~~ex-its-agents~~, the local support system or a regional support system. The waiver must be for a reasonable period of time to permit the applicant to complete certification requirements; or

B. Demonstrates compliance with certification requirements by ~~some-means-not-anticipated-in-the-certification-rules~~ professional alternative methods, including the following:

(1) Scores on Graduate Record Examinations demonstrating content area proficiency equal to approved course work, with passing scores established under rules adopted by the state board;

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COMMITTEE AMENDMENT "A" to S.P. 353, L.D. 981

2 (2) Examinations accepted by state-approved programs
3 in lieu of course work, with passing scores established
4 under rules adopted by the state board;

6 (3) Examinations from professional testing
7 corporations demonstrating content area proficiency
8 equal to approved course work, with professional
9 testing corporations approved by the state board and
10 passing scores established under rules adopted by the
11 state board; and

12 (4) Work experience equivalent to outcomes for
13 approved course work and a formal recommendation from
14 the state professional organization in that content
15 area. The professional organizations are established
16 under rules adopted by the state board. The waiver is
17 for the duration of the certificate or endorsement
18 sought.

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

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

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

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

48 **FISCAL NOTE**

50 This bill makes changes to the existing teacher
 certification waiver process to avoid unbudgeted costs to the

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COMMITTEE AMENDMENT "A" to S.P. 353, L.D. 981

2 Department of Education. These changes will allow the department
to administer the program within existing budgeted resources.'

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STATEMENT OF FACT

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The bill amended the specific criteria under which a
teacher, education specialist or administrator could seek a
10 certification waiver from the Commissioner of Education.

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This amendment clarifies that a waiver granted to an
individual who receives allegedly inaccurate, incomplete or
14 untimely information must be for a period of time sufficient to
allow the individual to complete certification requirements.

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This amendment also identifies alternative methods by which
an individual may demonstrate compliance with certification
18 requirements and requires the State Board of Education to adopt
rules to further develop those methods.
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