

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1365

H.P. 1000

House of Representatives, March 18, 2003

**An Act To Assist Maine Educators in Meeting the Quality
Requirements of the Federal Elementary and Secondary Education
Act of 1965**

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McKEE of Wayne.
Cosponsored by Senator LaFOUNTAIN of York and
Representatives: CARR of Lincoln, HONEY of Boothbay, MURPHY of Kennebunk,
NORTON of Bangor, SULLIVAN of Biddeford, Senators: BRENNAN of Cumberland,
BRYANT of Oxford.

2 federal Elementary and Secondary Education Act of 1965, 20 United
3 States Code, Chapter 70, Subchapter II, Part A, as amended by the
4 federal No Child Left Behind Act of 2001.

5 3. Demonstrating content area proficiency; assistance. The
6 department shall assist educational personnel by providing the
7 following options for demonstrating content area proficiency
8 through certification and licensing of each candidate for a
9 teacher certificate or educational technician authorization under
10 chapter 502.

11 A. Candidates for initial or renewed certification of
12 additional endorsement may elect to present credentials in
13 the endorsement content area by one of the following
14 routes. Each route must be available to each candidate
15 every time the candidate makes an application:

16 (1) Completion of a major or the equivalent in the
17 subject area taught;

18 (2) Completion of a graduate degree in the subject area
19 taught;

20 (3) Attainment of certification from the National Board
21 for Professional Teaching Standards, or its successor
22 organization, in the subject area taught; or

23 (4) Attainment of a passing score on a rigorous and
24 carefully validated assessment examination in the
25 subject area taught, with the passing score to be
26 established and reviewed annually by the state board
27 for its impact on teacher supply and demand and student
28 achievement.

29 B. Candidates for initial or renewed educational technician
30 authorization may elect to present credentials by one of the
31 following routes. Each route must be available to each
32 candidate every time the candidate makes an application:

33 (1) Completion of a 2-year degree program in a related
34 subject area;

35 (2) Completion of 2 years of college or the equivalent
36 in semester hours;

37 (3) Completion of the equivalent of 2 years of college
38 in in-service professional development hours;

2 (4) Any combination of college semester hours and
4 in-service study that is equivalent to 2 years of
 postsecondary study;

6 (5) Completion of an apprenticeship program approved by
8 the commissioner plus any combination of college
 semester hours and in-service study that is equivalent
 to 2 years of postsecondary study; or

10 (6) Attainment of a passing score on an academic
12 assessment designed to test knowledge of and the
14 ability to assist in the instruction of reading,
16 writing and mathematics with the passing score to be
 established and reviewed annually by the state board
 for its impact on educational technician supply and
 demand and student achievement.

18 **4. Professional development and training.** The department
20 shall provide technical assistance and support for professional
22 development and training to each school administrative unit,
24 including at a minimum all local support system chairs pursuant
26 to section 13015, to meet the quality requirements for
28 educational personnel contained in the federal Elementary and
 Secondary Education Act of 1965, 20 United States Code, Chapter
 70, Subchapter II, Part A, as amended by the federal No Child
 Left Behind Act of 2001, and the department shall inform each
 school administrative unit of the options available to
 educational personnel under subsection 3.

30 **5. Rules.** The department and the state board shall amend
32 or adopt rules to implement the provisions of this chapter.
34 Rules adopted under this subsection must preserve the freedom of
36 educational personnel in the State to select from among the
 options provided under federal law. Rules adopted pursuant to
 this section are routine technical rules as defined in Title 5,
 chapter 375, subchapter 2-A.

38 **Sec. 2. Notification of educator quality requirements.** The
40 Department of Education shall notify by mail, on or before May 1,
42 2003, every person who is certified to teach in this State or who
44 is authorized to be employed as an educational technician in this
 State of the educator quality requirements of the federal
 Elementary and Secondary Education Act of 1965, as amended, and
 of the deadlines for complying with these new requirements.

46 **Sec. 3. Advisory committee on educator quality.** The Department
48 of Education shall convene, not later than June 1, 2003, an
50 advisory committee to identify the needs of Maine educators and
 Maine schools as a result of the educator quality requirements
 imposed

2 on educators and schools by the Elementary and Secondary
Education Act of 1965, as amended, and to recommend actions by
4 the Department of Education and the Legislature to assist
educators and schools to meet those needs. A majority of the
6 advisory committee must be practicing classroom teachers and
practicing educational technicians.

8 The Department of Education shall invite the Maine Education
Association and the Maine Federation of Teachers to appoint
10 teachers and educational technicians for service on this advisory
committee, and those organizations must be represented in
12 proportion to the number of members in each organization in the
public schools in the State. The Department of Education shall
14 invite other education stakeholder organizations to nominate
additional members for service on this advisory committee. The
16 Commissioner of Education may appoint individuals from among
those nominated by education stakeholder organizations to serve
18 on the advisory committee but may appoint only a minority of
members. The advisory committee shall present a report on its
20 findings and recommendations to the Joint Standing Committee on
Education and Cultural Affairs no later than December 15, 2003.

22
24 **Sec. 4. Database of accredited programs available to assist educators
with meeting educator quality requirements.** The Department of
Education shall assist educators and local school systems covered
26 by the educator quality requirements of the federal Elementary
and Secondary Education Act of 1965, as amended, by compiling and
28 publishing on its publicly accessible site on the Internet a
database of programs accredited or recommended to assist
30 educators in meeting the educator quality requirements. The site
must also provide information about professional development
32 funding, grants and other resources available to assist in
meeting the requirements.

34
36 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

38 SUMMARY

40
42 This bill requires the Department of Education to provide
Maine educators with a range of options for demonstrating their
44 proficiency and to assist Maine educators in meeting the
requirements of the federal Elementary and Secondary Education
Act of 1965, as amended by the federal No Child Left Behind Act
46 of 2001.

48 The bill requires the Department of Education to adopt or
amend rules for the program of technical assistance.

50

2 The bill requires the Department of Education to notify by
3 mail, by May 1, 2003, every person who is certified to teach or
4 authorized to be employed as an educational technician in this
5 State of the new requirements of and the deadlines for complying
6 with the federal Elementary and Secondary Education Act 1965.

7 The bill requires the Department of Education to convene,
8 not later than June 1, 2003, an advisory committee, the majority
9 of members of which are practicing classroom teachers and
10 practicing educational technicians, to identify the needs imposed
11 on Maine educators and Maine schools by the federal Elementary
12 and Secondary Education Act of 1965's educator quality provisions
13 and to recommend actions by the Department of Education and the
14 Legislature to assist educators in meeting those needs. The
15 advisory committee shall present a report on its findings and
16 recommendations to the Joint Standing Committee on Education and
17 Cultural Affairs no later than December 15, 2003.

18 The bill requires the Department of Education to compile and
19 publish on its website a database of programs accredited or
20 recommended to assist educators in meeting the teacher quality
21 requirements of the federal Elementary and Secondary Education
22 Act of 1965 and other information about professional development
23 funding, grants and other resources available to assist them in
24 meeting these requirements.