

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1464

H.P. 1005

House of Representatives, December 21, 2015

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**An Act To Revise the Educational Personnel Certification Statutes  
and To Direct the Department of Education To Review Department  
Rules Regarding Educational Personnel Certification**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2015. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Robert B. Hunt*

ROBERT B. HUNT  
Clerk

Presented by Representative MAKER of Calais.  
Cosponsored by Senator BAKER of Sagadahoc and  
Representatives: CAMPBELL of Orrington, ESPLING of New Gloucester, FOWLE of  
Vassalboro, LAJOIE of Lewiston, McCLELLAN of Raymond, ORDWAY of Standish,  
PICCHIOTTI of Fairfield, PIERCE of Falmouth.

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

2       **Sec. 1. 20-A MRSA §6103, first ¶**, as amended by PL 1999, c. 791, §1, is further  
3 amended to read:

4       Beginning July 1, 2000, approval certification, authorization and renewal under  
5 chapters 501 and 502 are subject to the provisions of this section. A person who has  
6 complied with the requirements of this section is not required to submit to a subsequent  
7 national criminal history record check unless that person has not been continuously  
8 employed in a position requiring approval certification or authorization under chapters  
9 501 and 502. A person who has not been continuously employed in such a position is  
10 subject to a subsequent national criminal history record check upon renewal. School  
11 vacations are not a break in employment. Fingerprinting of immediately affected  
12 applicants for certification, authorization or renewal, conducting of the needed state and  
13 national criminal history record checks by the State Bureau of Identification and  
14 forwarding of the results by the bureau to the department must begin on September 1,  
15 1999.

16       **Sec. 2. 20-A MRSA §6103, 2nd ¶**, as amended by PL 1999, c. 791, §2, is  
17 repealed.

18       **Sec. 3. 20-A MRSA §6103, sub-§3-A**, as amended by PL 2015, c. 267, Pt. SSS,  
19 §1, is further amended to read:

20       **3-A. Fees.** The Commissioner of Public Safety shall assess a fee ~~of \$55~~ set annually  
21 by the Commissioner of Education for each initial criminal history record check and ~~\$24~~  
22 a fee set annually by the Commissioner of Education for each renewal criminal history  
23 record check required by this section.

24       **Sec. 4. 20-A MRSA §13007, sub-§1**, as amended by PL 2005, c. 457, Pt. FF, §1,  
25 is further amended to read:

26       **1. Fees.** The commissioner shall assess fees for initial and renewal of teacher,  
27 education specialist and administrator certificates. The fee ~~is \$100~~ must be set annually  
28 by the commissioner for the initial certification process for those teachers and education  
29 specialists found eligible and those found ineligible. A renewal fee ~~of \$100~~ set annually  
30 by the commissioner must be assessed for each active and inactive teacher and education  
31 specialist. The fee ~~is \$200~~ must be set annually by the commissioner for the initial  
32 certification process for those administrators found eligible and those found ineligible. A  
33 renewal fee ~~of \$200~~ set annually by the commissioner must be assessed for each active  
34 and inactive administrator. The commissioner shall assess a ~~\$35~~ fee set annually by the  
35 commissioner for each additional evaluation of teacher endorsements beyond the initial  
36 endorsement. A fee ~~of \$15~~ set annually by the commissioner must be assessed for  
37 duplicate certificates. A fee ~~of \$300~~ set annually by the commissioner must be assessed  
38 for administrative portfolios.

39       **Sec. 5. 20-A MRSA §13007, sub-§2, ¶D**, as enacted by PL 2011, c. 702, §1, is  
40 amended to read:

1 D. Report and pay no more than \$150,000 in fiscal year 2012-13, no more than  
2 \$240,000 in fiscal year 2013-14 and no more than \$335,000 in fiscal year 2014-15  
3 and each fiscal year thereafter from fees collected pursuant to subsection 1 to the  
4 Treasurer of State to be credited to the National Board Certification Salary  
5 Supplement Fund, Other Special Revenue Funds account within the Department of  
6 Education.

7 **Sec. 6. 20-A MRSA §13011, sub-§9**, as amended by PL 2003, c. 445, §1, is  
8 further amended to read:

9 **9. Targeted need area certificate; exception.** The state board shall adopt rules that  
10 establish criteria under which a targeted need area certificate may be issued. This  
11 certificate may be issued only to a person holding a bachelor's degree and teaching in a  
12 teacher shortage area. The teacher shortage area is determined by the commissioner.  
13 Rules adopted pursuant to this subsection are major substantive rules in accordance with  
14 Title 5, chapter 375, subchapter 2-A. Any amendment to the rules adopted pursuant to  
15 this subsection that revises the qualifications for a targeted need area certificate does not  
16 apply to a person who was issued a targeted need area certificate prior to or during the  
17 school year preceding the adoption of revisions to the original rules as long as the holder  
18 of the targeted need area certificate ~~annually~~ completes within 3 years the required course  
19 work and testing as determined by the department for the school year preceding the  
20 adoption of revised rules.

21 **Sec. 7. 20-A MRSA §13011, sub-§10**, as amended by PL 2011, c. 635, Pt. B, §3,  
22 is further amended to read:

23 **10. Conditional certificate; transitional endorsement; exception.** A conditional  
24 certificate is a certificate for teachers and educational specialists who have not met all of  
25 the requirements for a provisional or professional certificate. A school administrative  
26 unit may employ a conditionally certified teacher or educational specialist who is in the  
27 process of becoming professionally certified notwithstanding the availability of  
28 provisionally or professionally certified teachers or educational specialists. Any  
29 amendment to the rules adopted pursuant to this chapter that revises the qualifications for  
30 a conditional certificate or transitional endorsement does not apply to a person who was  
31 issued a conditional certificate or transitional endorsement prior to or during the school  
32 year preceding the adoption of revisions to the rules as long as the holder of the  
33 conditional certificate or transitional endorsement ~~annually~~ completes within 3 years the  
34 required course work and testing as determined by the department for the school year  
35 preceding the adoption of revised rules.

36 **Sec. 8. 20-A MRSA §13023, sub-§6**, as enacted by PL 2005, c. 457, Pt. FF, §2,  
37 is amended to read:

38 **6. Fees.** The commissioner shall assess fees for authorization under this section.  
39 The fee for each initial educational technician authorization and for renewal of an  
40 educational technician authorization ~~is \$25~~ must be set annually by the commissioner.

41 **Sec. 9. Department of Education and State Board of Education review of**  
42 **educational certification rules.** The Department of Education in conjunction with

1 the State Board of Education shall review all department rules regarding certification of  
2 educational personnel and shall submit by January 7, 2017 a report regarding the review  
3 to the joint standing committee of the Legislature having jurisdiction over education and  
4 cultural affairs. The joint standing committee may report out legislation related to the  
5 report to the First Regular Session of the 128th Legislature.

## 6 SUMMARY

7 This bill amends the laws regarding the criminal history record information of  
8 educational personnel to consolidate and update language. It requires the Commissioner  
9 of Education to set annually fees for criminal history record checks for and certification  
10 of educational personnel that currently are set in statute. It extends from fiscal year 2014-  
11 15 to all subsequent fiscal years the crediting of up to \$335,000 of fees from the initial  
12 and renewal certification of educational personnel to the National Board Certification  
13 Salary Supplement Fund, Other Special Revenue Funds account within the Department of  
14 Education. It allows course work and testing for targeted need area and conditional  
15 certificates and transitional endorsements issued preceding the amendment of rules  
16 regarding qualifications to be completed within 3 years instead of annually. It also  
17 requires the department in conjunction with the State Board of Education to review all  
18 educational personnel certification rules and report by January 7, 2017 to the joint  
19 standing committee of the Legislature having jurisdiction over education and cultural  
20 affairs. The joint standing committee is authorized to report out legislation to the First  
21 Regular Session of the 128th Legislature.