

MAINE STATE LEGISLATURE

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Date: 6/14/17

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1080, L.D. 1569, Bill, "An Act To Revise Certification Statutes for Educational Personnel"

Amend the bill in section 2 in §13001-A by striking out all of subsections 1 and 2 (page 4, lines 1 to 9 in L.D.) and inserting the following:

1. Administrator. "Administrator" means an individual who provides leadership services to assist in the operation of schools, including, but not limited to, in the following capacities: superintendent, assistant superintendent, building administrator and principal.

2. Certificate. "Certificate" means the credential issued by the department to a qualified individual to serve as a teacher, educational specialist, educational technician or administrator.'

Amend the bill in section 2 in §13001-A in subsection 5 in the last line (page 4, line 19 in L.D.) by striking out the following: "and" and inserting the following: 'or'

Amend the bill in section 2 in §13001-A in subsection 7 in the 2nd line (page 4, line 24 in L.D.) by striking out the following: "in any of the following capacities:" and inserting the following: 'to a school, including, but not limited to, an'

Amend the bill in section 2 in §13001-A by inserting after subsection 7 the following:

8. Educational technician. "Educational technician" means an individual who provides supportive educational services in accordance with section 13019-H.'

Amend the bill in section 2 in §13001-A in subsection 8 in the 3rd line (page 4, line 30 in L.D.) by inserting after the following: "502 as" the following: 'prekindergarten to grade 12'

Amend the bill in section 2 in §13001-A in subsection 9 in the first line (page 4, line 32 in L.D.) by striking out the following: "issued to a teacher"

Amend the bill in section 2 in §13001-A in subsection 9 in the 2nd line (page 4, line 33 in L.D.) by inserting after the following: "area" the following: 'or work area'

COMMITTEE AMENDMENT

1 Amend the bill in section 2 in §13001-A in subsection 10 in the last line (page 4, line
 2 37 in L.D.) by inserting after the following: "specialist" the following: 'or an
 3 administrator'

4 Amend the bill in section 2 in §13001-A by striking out all of subsection 11 (page 4,
 5 lines 38 and 39 and page 5, lines 1 and 2 in L.D.) and inserting the following:

6 **'11. Semester hours.** "Semester hours" means units of academic credit that each
 7 reasonably approximate one hour of classroom or direct faculty instruction and a
 8 minimum of 2 hours of out-of-class student work each week for approximately 15 weeks
 9 or an equivalent amount of academic work at an institution of higher education, including
 10 laboratory work, internships, practice studio work or other academic work leading toward
 11 the awarding of a credit hour of approved study.'

12 Amend the bill in section 2 in §13001-A by renumbering the subsections to read
 13 consecutively.

14 Amend the bill in section 5 in §13006-A in subsection 1 in paragraph A (page 7, line
 15 7 in L.D.) by striking out the following: "chapter 502-A" and inserting the following:
 16 'section 13032'

17 Amend the bill in section 6 in §13007 in subsection 1 by striking out all of the
 18 blocked paragraph (page 8, lines 1 to 9 in L.D.) and inserting the following:

19 'The department shall annually post at the beginning of the fiscal year the fees established
 20 by the commissioner for the initial issuance of and the renewal of ~~teacher, education~~
 21 ~~specialist and administrator certificates~~ a credential on its publicly accessible website.
 22 ~~The commissioner shall adopt rules to carry out this subsection. Rules adopted under this~~
 23 ~~subsection to establish and assess fees for the initial issuance of and the renewal of~~
 24 ~~teacher, education specialist and administrator certificates are major substantive rules~~
 25 ~~pursuant to Title 5, chapter 375, subchapter 2 A. A fee established pursuant to this~~
 26 ~~subsection may not increase by more than 10% of the previous fiscal year's fee, unless the~~
 27 ~~increase is approved by the state board.'~~

28 Amend the bill in section 9 in §13011 in subsection 1 in paragraph A in the first line
 29 (page 9, line 5 in L.D.) by inserting after the following: "administrators" the following: ',
 30 educational specialists, educational technicians'

31 Amend the bill in section 9 in §13011 by striking out all of subsection 5 (page 9, lines
 32 34 to 39 in L.D.) and inserting the following:

33 **'5. Administrator certificates.** The state board rules ~~shall~~ must establish
 34 qualifications for certifying administrators in accordance with sections 13012-A and
 35 13019-I to be superintendents of schools, building administrators or principals and
 36 directors of career and technical education and shall also establish qualifications for such
 37 other certificates for administrators as may be determined to be necessary and beneficial
 38 for the efficient operation of the schools.'

39 Amend the bill in section 9 in §13011 in subsection 6-A in the 2nd line (page 10, line
 40 15 in L.D.) by striking out the following: "as identified in" and inserting the following: 'in
 41 accordance with'

42 Amend the bill in section 9 in §13011 by inserting after subsection 6-A the following:

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6-B. Educational technician certificates. The state board shall establish qualifications for certifying educational technicians in accordance with section 13019-H and for other educational technicians as may be determined to be necessary and beneficial for the efficient operation of the schools.'

Amend the bill in section 9 in §13011 in subsection 7 in the first line (page 10, line 18 in L.D.) by striking out the following: "Credential" and inserting the following: 'Certification'

Amend the bill in section 9 in §13011 in subsection 7 in the 3rd line (page 10, line 20 in L.D.) by striking out the following: "certificate credential" and inserting the following: 'certificate'

Amend the bill in section 9 in §13011 in subsection 7 by striking out all of paragraph A (page 10, lines 22 to 25 in L.D.) and inserting the following:

'A. Receives allegedly inaccurate, incomplete or untimely information or action from the department, ~~the or from a local or regional 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'

Amend the bill in section 9 in §13011 in subsection 7 in paragraph B in the first line (page 10, line 26 in L.D.) by striking out the following: "certification credentialing" and inserting the following: 'certification'

Amend the bill in section 9 in §13011 in subsection 7 by inserting at the end the following blocked paragraph:

'The commissioner may not grant a waiver to an individual who is seeking an endorsement for special education.'

Amend the bill in section 11 in §13012-A in subsection 1 in paragraph A in the 2nd line (page 11, line 37 in L.D.) by striking out the following: "13019-A" and inserting the following: '13019-I'

Amend the bill in section 11 in §13012-A in subsection 4 in the first paragraph in the last line (page 12, line 7 in L.D.) by inserting after the following: "unit shall" the following: 'for at least the first year of employment or longer if determined to be necessary'

Amend the bill in section 12 in §13013 by striking out all of subsection 2-B (page 13, lines 5 to 33 in L.D.) and inserting the following:

2-B. Qualifications. State board rules governing the qualifications for a professional teacher certificate must require that the certificate may be issued only to an applicant who, at a minimum, meets one of the following:

A. Has graduated from an educator preparation program and has passed a qualifying exam;

B. Can demonstrate subject matter competency obtained through work experience that is directly related to any endorsements being sought and has held a conditional certificate under section 13012-A for 3 years, unless the applicant is seeking only an

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endorsement for middle school and secondary school, in which case the applicant is not required to have held a conditional certificate;

C. Has successfully completed a preparation program in a state with which the State is participating in an interstate compact, subject to the following:

(1) Completion of an approved preparation program for the endorsement or certificate being sought with a formal recommendation for certification from the institution; or

(2) In the 5 years prior to applying for certification in this State, the applicant has 3 years of successful teaching experience under a valid comparable certificate in a state with which the State is participating in the interstate compact.

If advanced study or tests are required in the State, the commissioner has the right, as specified in the interstate compact, to issue only a conditional certificate under section 13012-A; or

D. Is otherwise qualified by having met the criteria established by the state board for teaching in a specified area.'

Amend the bill in section 12 in §13013 in subsection 3 in the 3rd line (page 13, line 36 in L.D.) by striking out the following: "~~deemed~~" and inserting the following: 'deemed'

Amend the bill in section 12 in §13013 in subsection 5 in the 2nd line (page 14, line 2 in L.D.) by inserting after the following: "teacher" the following: ', whether employed or unemployed.'

Amend the bill in section 12 in §13013 in subsection 5 in the last line (page 14, line 4 in L.D.) by inserting after the following: "field." the following: 'If the teacher has attained certification from the National Board for Professional Teaching Standards, the renewal period is for 10 years.'

Amend the bill in section 18 in §13019 by striking out all of subsection 1 (page 14, lines 13 to 19 in L.D.) and inserting the following:

'1. Clearance. ~~A visiting teacher permit is designed to allow those who do not intend to enter the teaching profession full time to offer their special expertise to schools from a country other than the United States who is participating in a visiting teacher program established and administered by the department or a locally established sister-school exchange may teach in a school as long as the teacher is issued a clearance by the department. The visiting teacher shall~~ is authorized to act as an adjunct to existing staff and shall may not be used to avoid the hiring of professional, certified teachers.'

Amend the bill by striking out all of section 19 and inserting the following:

'Sec. 19. 20-A MRSA §13019-A, as amended by PL 2001, c. 534, §§5 and 6, is repealed.'

Amend the bill by striking out all of section 25 and inserting the following:

'Sec. 25. 20-A MRSA §13019-G to 13019-I are enacted to read:

COMMITTEE AMENDMENT

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§13019-G. Educational specialist certificate

1. Requirement. An educational specialist certificate is required for employment as an educational specialist at a public school or a private school approved for attendance purposes pursuant to section 2901, subsection 2, paragraph B.

2. Qualifications. The state board shall adopt rules establishing the qualifications for an educational specialist certificate.

3. Endorsements. The educational specialist certificate must be issued with an endorsement that specifies the work area for which the individual is determined to be qualified. A holder of an educational specialist certificate may not work outside the holder's area of endorsement.

4. Certificate renewal. An educational specialist's certificate is issued for a 5-year period and may be renewed in accordance with state board rules, which must require, at a minimum, that the educational specialist, whether employed or unemployed, complete at least 6 semester hours of professional or academic study or the equivalent or in-service training designed to improve the performance of the educational specialist in the field.

§13019-H. Educational technician certificate

1. Requirement. An educational technician certificate is required for employment as an educational technician at a public school or a private school approved for attendance purposes pursuant to section 2901, subsection 2, paragraph B, if the employed individual will:

A. Introduce new learning plans developed in consultation with the classroom teacher or appropriate content specialist; and

B. Supervise small groups of students in community-based programs.

2. Qualifications. The state board shall adopt rules establishing the qualifications and supervision for an educational technician certificate.

3. Certificate renewal. An educational technician certificate is issued for a 5-year period and may be renewed in accordance with state board rules, which must require, at a minimum, that the educational technician, whether employed or unemployed, complete at least 3 semester hours of professional or academic study or the equivalent or in-service training designed to improve the performance of the educational technician in the field.

§13019-I. Administrator certificate

1. Requirement. An administrator's certificate is required for employment as an administrator at a school administrative unit in the State, at a public school or at a private school approved for attendance purposes pursuant to section 2901, subsection 2, paragraph B.

2. Qualifications. State board rules governing the qualifications for an administrator certificate must require that the certificate may be issued only to an applicant who at a minimum:

A. Has at least 3 years of satisfactory teaching experience or the equivalent;

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2 B. Has academic and professional knowledge as demonstrated through the
3 completion of required graduate or undergraduate courses or programs, performance
4 in examinations or completion of specialized programs approved for this purpose;

5 C. Has a basic level of knowledge in competency areas determined by the state
6 board; and

7 D. Has satisfactorily completed an approved internship or practicum relating to the
8 duties of an administrator.

9 **3. Certificate renewal.** An administrator's certificate is issued for a 5-year period
10 and may be renewed in accordance with state board rules, which must require, at a
11 minimum, that the administrator, whether employed or unemployed, complete at least 6
12 semester hours of professional or academic study or the equivalent or in-service training
13 designed to improve the performance of the administrator in the field.

14 **4. Endorsements.** The administrator certificate must be issued with an endorsement
15 that specifies the work area for which the individual is determined to be qualified. A
16 holder of an administrator certificate may not work outside the holder's area of
17 endorsement unless permitted under rules established by the state board. This includes the
18 following areas:

19 A. Employment as a superintendent of a school administrative unit in the State;

20 B. Employment as a building administrator or principal of a public school or as chief
21 administrator of a private school approved for attendance purposes pursuant to
22 section 2901, subsection 2, paragraph B; and

23 C. Employment as any other administrator as may be determined by the state board
24 to be necessary and beneficial for the efficient operation of the schools.'

25 Amend the bill in section 30 in §13032 by striking out all of the first paragraph (page
26 16, lines 32 to 36 and page 17, lines 1 and 2 in L.D.) and inserting the following:

27 'The provisional A professional teacher certificate may only be issued only to those
28 applicants who have taken and passed the teacher qualifying examination. The
29 examination may be administered in separate parts and may be taken by applicants for
30 provisional teacher certificates at any time after completion of the sophomore year of
31 attendance at a post-secondary higher education institution. The examination must test the
32 applicant in the following area: This limitation does not apply to applicants seeking a
33 certificate under section 13013, subsection 2-B, paragraph B, but such applicants must
34 meet any exam requirement necessary for the endorsement being sought.'

SUMMARY

35 This amendment amends the bill's proposals related to the laws governing the
36 credentialing process for teachers, educational specialists and administrators. The
37 amendment also provides a process for the certification of educational technicians.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 1569

LR 698(02)

An Act To Revise Certification Statutes for Educational Personnel

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-515)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education to implement the provisions of this legislation can be absorbed within existing budgeted resources.