

MAINE STATE LEGISLATURE

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Date: 4/10/18

L.D. 1852
(Filing No. H-739)

EDUCATION AND CULTURAL AFFAIRS

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

COMMITTEE AMENDMENT "A" to H.P. 1289, L.D. 1852, "Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major Substantive Rule of the Department of Education"

Amend the resolve by striking out all of section 1 and inserting the following:

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 115: The Credentialing of Educational Personnel, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if the following changes are made:

1. The rule must be amended in Part I to require that school administrative units establish and maintain local credentialing committees substantially as proposed in the Department of Education's proposals submitted to the Joint Standing Committee on Education and Cultural Affairs on March 19, 2018 attached to the documents entitled "Quick View: Rule Chapter 115, Part I" and "Work Session for LD 1852: Committee Requests and DOE Responses";

2. The rule must be amended in Part I, Section 6 to restore the provisions in the current rule Chapter 115, Section 10.1 governing the qualifications and supervision of educational technicians I and II and to restore the requirement that educational technicians be credentialed with certificates by the Department of Education;

3. The rule must be amended in Part I, Section 6(9)(D) to clarify that the standards determined by the school administrative unit for substitute personnel to serve for less than 6 weeks would require that substitute personnel have the minimum of a high school diploma;

4. The rule must be amended in Part I, Section 3 to revise the definition of "certificate" to make the correct reference to the Maine Revised Statutes, Title 20-A, section 13001-A, subsection 2;

5. The rule must be amended in Part I, Section 6(2)(B)(2)(B) to clarify that in the 5 years prior to applying for a Maine certification, the applicant must have 3 years of

COMMITTEE AMENDMENT

1 successful teaching experience under an appropriate comparable certificate in the same
2 certification subject area and grade level in any state;

3 6. The rule must be amended in Part I, Section 4(2)(A)(3) to maintain the general
4 credential requirements for the 6-month certification review in the electronic data system
5 and to remove the reference to the Exhibit 1 NEO position codes that correspond with the
6 certifications or endorsements in Part II of the rule;

7 7. The rule must be amended in Part I to ensure that all equivalencies between 6
8 semester hours and 90 hours of in-service training for renewal are consistent throughout
9 Part I;

10 8. The rule must be amended in Part I to correct all cross-references to conform with
11 other changes required pursuant to this resolve; and

12 9. The rule must be amended in Part II to remove all provisionally adopted changes
13 to Part II. Final adoption of the provisionally adopted changes to Part II of the rule is not
14 authorized.

15 The Department of Education is not required to hold hearings or undertake further
16 proceedings prior to final adoption of the rule in accordance with this section; and be it
17 further

18 **Sec. 2. Department of Education; major substantive rulemaking.**
19 **Resolved:** That, by January 11, 2019, the Department of Education shall provisionally
20 adopt and submit to the Legislature for review any amendments to its Chapter 115 rules
21 relating to the requirements for specific certificates and endorsements in the credentialing
22 of education personnel that the department finds are necessary to align its Chapter 115
23 rules with applicable laws, other rules and any applicable department practices and
24 policies.'

25 **SUMMARY**

26 This amendment provides that final adoption of portions of Chapter 115: The
27 Credentialing of Educational Personnel, a provisionally adopted major substantive rule of
28 the Department of Education, is authorized contingent upon the department's making
29 specified changes to the proposed rule.

30 **FISCAL NOTE REQUIRED**

31 (See attached)



128th MAINE LEGISLATURE

LD 1852

LR 2948(02)

Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major Substantive Rule of the Department of Education

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-739)

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 associated with the rulemaking process can be absorbed within existing budgeted resources.