

MAINE STATE LEGISLATURE

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8/14/19
A. G. S.

Date: 6/14/19 Majority

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1080, L.D. 1478, "Resolve, Regarding Legislative Review of Portions of Chapter 115: The Credentialing of Education 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 Department of Education rule Chapter 115: The Credentialing of Education Personnel, a provisionally adopted major substantive rule of the Department of Education, referred to in this section as "the department," 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, Section 6(1)(A)(4) to require as a general qualification for certification by the department that the applicant hold a bachelor's degree from a regionally accredited college or university;

2. The rule must be amended in Part I, Section 6 to provide eligibility for certification by the department for an applicant who, within 7 years prior to applying for certification, has 5 years of valid teaching experience under an appropriate comparable certificate in the same certification subject area and has completed a bachelor's degree or graduate degree from a regionally accredited college or university;

3. The rule must be amended in Part I, Section 6 to clarify that the in-service training eligibility criteria for an applicant for renewal of a certified educational technician certificate requires completion of 45 hours of such in-service training;

4. The rule must be amended in Part I, Section 6 to clarify that the condition under that subparagraph requires that the individual has no interruption in service, excluding normal school vacations, paid leave and unpaid leave;

5. The rule must be amended in Part II, Section 1.2(A) regarding Endorsement 020: Elementary Teacher as follows:

A. The endorsement must allow the holder to teach students in the grade span of kindergarten to grade 8 until July 1, 2022; and

COMMITTEE AMENDMENT

1 B. Beginning July 1, 2022, the endorsement must allow the holder to teach students
2 in the grade span of kindergarten to grade 6;

3 6. The rule must be amended in Part II, Section 1.2(B)(2) regarding Endorsement
4 020: Elementary Teacher to require as an eligibility criterion for Endorsement Eligibility
5 Pathway 2 that the applicant has passed pedagogical knowledge and skills assessment at
6 the appropriate grade span, in accordance with Department of Education Reg. 13, or
7 demonstrated successful completion of an approved alternative professional studies
8 program;

9 7. The rule must be amended in Part II, Section 1.3(B)(2)(i) regarding Endorsement:
10 Secondary Teacher to retain as an eligibility criterion for Endorsement Eligibility
11 Pathway 2 that the applicant has completed a minimum of 6 semester hours in
12 foundations of literacy and literacy methods relative to the subject area;

13 8. The rule must be amended in Part II, Section 1.4, regarding Secondary Teacher
14 endorsement, as necessary, to include an Endorsement 710: Junior Reserve Officers'
15 Training Corps teacher, which would allow the holder of that endorsement to serve as a
16 Junior Reserve Officers' Training Corps teacher for students from grade 9 to grade 12.
17 The internal 710 endorsement checklist must include that an applicant for such
18 endorsement must be required to meet applicable general credentialing requirements in
19 Part I of the rule and must be required to satisfy additional specific eligibility
20 requirements as determined by the department and as specified in Part II of the rule,
21 except that the rule must provide that an applicant who does not meet such additional
22 eligibility requirements under Part II of the rule is eligible for a conditional certificate for
23 this endorsement upon a determination that the applicant has received a Junior Reserve
24 Officers' Training Corps instructor certification from the United States Department of
25 Defense in accordance with the applicable standards of the United States Department of
26 Defense for senior military instructors and has completed a course approved by the
27 department regarding the teaching of exceptional students in the regular classroom;

28 9. The rule must be amended in Part II, Section 1.3 regarding Endorsements: Middle
29 Level Teacher, to retain the Middle Level Teacher endorsement with the following
30 amendments:

31 A. In subsection (A) and subsection (B)(2)(a)(ii), remove the provisions regarding
32 world language endorsements;

33 B. In subsection (B), specify that individuals who are not eligible through any
34 pathway may be eligible for a conditional certificate;

35 C. In Endorsement Eligibility Pathway 1, remove the requirement of the completion
36 of an approved course for teaching exceptional students in the regular classroom,
37 which is already required elsewhere in the rule, and clarify that the applicant must
38 have:

39 (1) Graduated from a state-approved program for the education of middle level
40 teachers, together with a formal recommendation from the preparing institution
41 for the endorsement being sought; and

42 (2) Earned a bachelor's degree from a regionally accredited college or university,
43 in accordance with Part I, Section 6 of the rule;

1 D. In Endorsement Eligibility Pathway 2, amend the rule as follows:

2 (1) The applicant must have earned a bachelor's degree from a regionally
3 accredited college or university, in accordance with Part I, Section 6 of the rule;

4 (2) The applicant does not have to hold a valid provisional or professional
5 teaching certificate with a public preschool to grade 3, kindergarten to grade 6,
6 grade 4 to grade 8, grade 6 to grade 12 or public preschool to grade 12
7 endorsement and instead must have completed a minimum of 24 semester hours
8 in the area relevant to the middle school level endorsement being sought and that,
9 for the purposes of this requirement, life and physical sciences must be
10 aggregated and must include a minimum of 9 semester hours in life sciences and
11 a minimum of 9 semester hours in physical sciences; and

12 (3) The applicant must have passed a content area methods course, in accordance
13 with Department of Education Reg. 13; and

14 E. The rule must be amended in the conditional certificate for endorsement to clarify
15 that the applicant must have earned a bachelor's degree from a regionally accredited
16 college or university in accordance with Part I, Section 6 of the rule and that the
17 applicant must have completed a minimum of 24 semester hours in the areas relevant
18 to the middle level teacher endorsement being sought and that the applicant is not
19 required to hold a valid Maine provisional or professional teaching certificate with a
20 public preschool to grade 3, kindergarten to grade 6, grade 4 to grade 8, grade 6 to
21 grade 12 or public preschool to grade 12 endorsement;

22 10. The rule must be amended in Part II, Section 1.4(A) regarding Endorsement:
23 510, 517, 520, 614, 620, 625, 640, 670, 680 and 700, public preschool to grade 12, to
24 describe endorsement area 700 as industrial arts/engineering and technology;

25 11. The rule must be amended in Part II, Section 1.11(B)(2)(e) and Part II, Section
26 1.11(B)(3)(c) regarding Endorsement 092: Literacy Specialist to retain that, in addition to
27 having earned a master's degree in literacy and reading from a regionally accredited
28 college or university in accordance with Part I, Section 6 of the rule, the applicant has
29 earned graduate semester hours for a literacy and reading clinic encompassing course
30 content in educational and instructional leadership, instructional supervision, adult
31 learning theory and instructional coaching practices;

32 12. The rule must be amended in Part II, Section 1.12 regarding Certificate 215:
33 Athletic Director to clarify that there are 2 steps and add the requirement that the
34 applicant have completed an approved course for teaching exceptional students in the
35 regular classroom;

36 13. The rule must be amended in Part II, Section 2.1(B)(3)(a)(iii), Part II, Section
37 2.1(B)(3)(b)(iii) and Part II, Section 2.1(B)(3)(c)(iii) regarding Endorsement 282:
38 Teacher of Children with Disabilities to provide that, as an eligibility criterion under
39 Endorsement Eligibility Pathways 1 to 3 for a conditional certificate for that
40 endorsement, an applicant must have participated in an alternative certification and
41 mentoring program designated by the department;

42 14. The rule must be amended in Part II, Section 2.2(B)(2)(a)(iii), Part II, Section
43 2.2(B)(2)(b)(iii) and Part II, Section 2.2(B)(2)(c)(iii) regarding Endorsement 286:

1 Teacher of Children with Severe Disabilities to provide that, as an eligibility criterion
2 under Endorsement Eligibility Pathways 1 to 3 for a conditional certificate for that
3 endorsement, an applicant must have participated in an alternative certification and
4 mentoring program designated by the department;

5 15. The rule must be amended in Part II, Section 3 regarding Professional Teacher
6 Certificate Based on Work Experience, by changing the title of Section 3 from
7 "Professional Teacher Certificate Based on Work Experience" to "Professional Teacher
8 Certificate Based on Authentic Field Experience";

9 16. The rule must be amended in Part II, Section 3 to require that the applicant have
10 passed a content area assessment, in accordance with Department of Education Reg. 13,
11 and passed a pedagogical knowledge and skills assessment in accordance with
12 Department of Education Reg. 13 or demonstrated successful completion of an approved
13 alternative professional studies program;

14 17. The rule must be amended in Part II, Section 4.2(B)(1)(c) regarding Endorsement
15 860: Cooperative Education Coordinator to provide that as a general endorsement
16 eligibility criterion, for each endorsement, the applicant must have completed a minimum
17 of one year of paid applied employment or teaching in the endorsement area during the 4
18 years preceding the initial application;

19 18. All necessary grammatical, formatting, punctuation and other technical
20 nonsubstantive editing changes must be made to the rule, including, but not limited to, the
21 removal of strikethrough or underlined letters or words remaining from prior drafts and
22 edits and the amendment of inconsistent section, subsection, paragraph and subparagraph
23 numbering or lettering in the rule, or any other inconsistent numbering and lettering in the
24 rule, to ensure consistency in the sequential numbering and lettering of the rule; and

25 19. All other necessary changes must be made to the rule to ensure conformity
26 throughout the rule and consistency with the provisions of this section.

27 The Department of Education is not required to hold hearings or undertake further
28 proceedings prior to final adoption of the rule in accordance with this section.

29 **Sec. 2. Report. Resolved:** That the Department of Education, in consultation
30 with the teacher preparation programs in the State, shall report to the Joint Standing
31 Committee on Education and Cultural Affairs on the progress, steps taken and
32 implementation of the transition of the Endorsement 020: Elementary from a grade span
33 of kindergarten to grade 8 to a grade span of kindergarten to grade 6 pursuant to section
34 1, subsection 5 of this resolve. The department shall submit the report to the joint
35 standing committee of the Legislature having jurisdiction over education and cultural
36 affairs no later than March 1st of each year of the 3 years between the grade span
37 changing from kindergarten to grade 8 to kindergarten to grade 6.

38 **Sec. 3. Funding in fiscal year 2019-20. Resolved:** Notwithstanding any
39 provision of law to the contrary, in fiscal year 2019-20 only, the Department of Education
40 shall use funds within the Departmental Services, Other Special Revenue Funds account
41 within the department to pay for the one-time programming charges and contracting staff
42 necessary to implement the rule changes to Chapter 115: The Credentialing of Education
43 Personnel authorized pursuant to this resolve.

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Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF
Leadership Team Z077**

Initiative: Allocates one-time funds for the programming costs and contracted support staff necessary to implement the changes in Chapter 115: The Credentialing of Education Personnel.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$93,125	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$93,125	\$0

Amend the resolve by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment authorizes final adoption by the Department of Education of portions of Department of Education rule Chapter 115: The Credentialing of Education Personnel, a late-filed provisionally adopted major substantive rule of the department, only if a number of specified changes to the rule are made prior to final adoption.

This amendment also requires the Department of Education to submit annual reports to the Joint Standing Committee on Education and Cultural Affairs by March 1st of the next 3 years on the progress toward implementation of transitioning the grade span for the elementary endorsement from kindergarten to grade 8 to kindergarten to grade 6.

This amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)



129th MAINE LEGISLATURE

LD 1478

LR 2461(02)

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

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

A(H-597)

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Appropriations/Allocations				
Other Special Revenue Funds	\$93,125	\$0	\$0	\$0

Fiscal Detail and Notes

This bill directs the Department of Education to utilize funds within its Departmental Services, Other Special Revenue Funds account for the programming costs and contracted staff necessary to implement the required changes to Chapter 115, The Credentialing of Education Personnel. The bill includes a one-time Other Special Revenue Funds allocation of \$93,125 in fiscal year 2019-20 for that purpose.