

# MAINE STATE LEGISLATURE

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Date: 6-8-21

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 867, L.D. 1189, "An Act To Amend the Teacher Certification Statutes"

Amend the bill by inserting after the title and before the enacting clause the following:

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, revisions to the educator certification and reciprocal professional certification statutes necessary for the adoption of any emergency rulemaking related to emergency teacher certification must be in place for the 2021-2022 school year; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Amend the bill by striking out everything after the enacting clause and inserting the following:

**Sec. 1. 20-A MRSA §13001-A, sub-§7**, as enacted by PL 2017, c. 235, §2 and affected by §41, is amended to read:

**7. Educational specialist.** "Educational specialist" means an individual who provides professional services to a school, including, but not limited to, an athletic director, school counselor, library-media specialist, literacy specialist, school psychologist, school nurse, ~~special education consultant, speech language clinician~~ or career and technical education evaluator.

**Sec. 2. 20-A MRSA §13012-B** is enacted to read:

**§13012-B. Emergency teacher certificate and reciprocal professional certificate**

Upon the identification of an educator staffing shortage in the State, the commissioner may issue emergency certificates to teachers, specialists and administrators in accordance with this section. The commissioner shall issue an emergency teacher certificate or

**COMMITTEE AMENDMENT**

1 reciprocal professional certificate to an applicant who meets the requirements of this  
 2 section. The commissioner shall provide to an applicant who is not qualified information  
 3 regarding any remaining requirements and other certification options available to the  
 4 applicant. The commissioner may issue an emergency teacher certificate or reciprocal  
 5 professional certificate under this section only to address the identified staffing shortage  
 6 and only in a manner that ensures that the person issued an emergency teacher certificate  
 7 or reciprocal professional certificate does not supplant an otherwise qualified and available  
 8 teacher, specialist or administrator.

9 **1. Emergency teacher certificate.** The commissioner may issue an emergency  
 10 teacher certificate under this section to an applicant who has submitted to a criminal history  
 11 background check and who:

12 A. Holds a 4-year postsecondary degree or the equivalent in work or academic  
 13 experience;

14 B. Is enrolled in an approved educator preparation program; or

15 C. Holds a certification as an education technician III issued according to rules of the  
 16 department pursuant to section 13019-H.

17 A teacher holding an emergency teacher certificate shall participate in a mentoring program  
 18 provided by the department or a school administrative unit. A certificate issued pursuant to  
 19 this subsection is issued for a one-year period and no more than 3 emergency teacher  
 20 certificates may be issued per applicant.

21 **2. Reciprocal professional certificate.** The commissioner may issue a reciprocal  
 22 professional certificate pursuant to this section to a teacher, specialist or administrator who  
 23 has submitted to a criminal history background check and holds a comparable certificate in  
 24 another state, the District of Columbia, a United States territory or another country. A  
 25 certificate issued pursuant to this subsection is issued for a 5-year period.

26 **Sec. 3. 20-A MRSA §13013, sub-§2-B,** as amended by PL 2019, c. 518, §2, is  
 27 repealed and the following enacted in its place:

28 **2-B. Qualifications.** State board rules governing the qualifications for a professional  
 29 teacher certificate must require that the certificate may be issued only to an applicant who,  
 30 at a minimum, meets one of the following criteria:

31 A. Has graduated from an educator preparation program;

32 B. Has met the criteria established by the state board by:

33 (1) Passing a qualifying examination;

34 (2) Meeting grade point average requirements in required course work; or

35 (3) Successful completion of a portfolio review demonstrating competency through  
 36 academic or work experience;

37 C. Has successfully completed a preparation program in another state, the District of  
 38 Columbia, a United States territory or another country, subject to the completion of an  
 39 approved preparation program for the endorsement or certificate being sought with a  
 40 formal recommendation for certification from the institution that provided the program;  
 41 or

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

3 **Sec. 4. 20-A MRSA §13019, sub-§1**, as amended by PL 2017, c. 235, §18 and  
4 affected by §41, is further amended to read:

5 **1. Clearance.** A teacher from a country other than the United States who is  
6 participating in a visiting teacher program established and administered by the department  
7 or, a locally established sister-school exchange or a locally established language immersion  
8 program may teach in a school as long as the teacher is issued a clearance by the  
9 department. The teacher is may be authorized to act as an adjunct to existing staff and may  
10 not be used to avoid the hiring of professional, certified teachers.

11 **Sec. 5. 20-A MRSA §13019-H, sub-§4** is enacted to read:

12 **4. Emergency educational technician certificate.** The commissioner may issue an  
13 emergency certificate pursuant to this section to an applicant who has submitted to a  
14 criminal history background check and has successfully completed a program in this State  
15 approved for targeting essential skills and knowledge for performing permitted  
16 responsibilities. A certificate issued pursuant to this subsection is issued for a 5-year  
17 period.

18 **Sec. 6. 20-A MRSA §13022, sub-§1, ¶A**, as enacted by PL 2011, c. 386, §2, is  
19 amended to read:

20 A. "School psychologist" means a professional certified by the department as a school  
21 psychologist who provides school psychological services consistent with the national  
22 standards articulated by in current federal and state education regulations and rules and  
23 under the domains of practice in the most current Model for Comprehensive and  
24 Integrated School Psychological Services as developed and published by the National  
25 Association of School Psychologists. "School psychologist" includes a school  
26 psychologist - doctoral and a school psychologist - specialist.

27 **Sec. 7. 20-A MRSA §13022, sub-§3**, as amended by PL 2011, c. 386, §2, is further  
28 amended to read:

29 **3. Qualifications.** State board rules governing the qualifications for a school  
30 psychologist certificate must require that a certificate be issued only to an applicant who  
31 has met the academic and preprofessional requirements established by the state board for  
32 the provision of school psychological services and who, at a minimum:

33 A. Holds a graduate degree from an accredited program in school psychology that was  
34 approved by the National Association of School Psychologists/~~National Council for~~  
35 ~~Aacreditation of Teacher Education~~ or, the American Psychological Association in  
36 School Psychology or the department at the time the degree was awarded;

37 B. Has completed graduate work that is determined by the commissioner to be  
38 substantially similar to the programs referred to in paragraph A; or

39 C. Holds a valid license from the State Board of Examiners of Psychologists with  
40 demonstrated competency in the area of school psychology ~~as established by the state~~  
41 ~~board~~ through training and experience.

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1           **Sec. 8. 20-A MRSA §13022, sub-§4**, as amended by PL 2011, c. 386, §2, is further  
2 amended to read:

3           **4. Term of issuance.** The commissioner shall issue a school psychologist certificate  
4 for a term of years consistent with rules adopted by the state board. ~~The length of the term~~  
5 ~~may vary among certificate holders so as to be coterminous with any other professional~~  
6 ~~license or certificate held by the school psychologist.~~ The school psychologist certificate  
7 may be renewed in accordance with academic and professional requirements established  
8 by the state board. A certificate holder must be supervised for the first year following initial  
9 certification at no additional cost to the school administrative unit or the department. ~~The~~  
10 ~~state board shall require evidence of supervision prior to renewing a first-year certificate.~~  
11 Supervision of the first-year school psychologist must be in accordance with supervision  
12 standards established by the National Association of School Psychologists or a successor  
13 organization and provided by a person who is certified as a school psychologist ~~under~~  
14 ~~subsection 2 and is:~~

15           ~~A. A member of the Maine Association of School Psychology or a successor~~  
16 ~~organization; or~~

17           ~~B. Employed by or under contract with a school administrative unit.~~

18           **Sec. 9. 20-A MRSA §13022, sub-§8**, as amended by PL 2011, c. 386, §2, is further  
19 amended to read:

20           **8. Transition.** Persons certified as school psychological service providers and school  
21 psychological examiners on or after October 13, 1993 may continue to provide the services  
22 authorized by their respective certificates until the scheduled expiration of those  
23 certificates. ~~The state board's rules must contain a schedule affording all certified school~~  
24 ~~psychological service providers a reasonable amount of time to meet the requirements of~~  
25 ~~the certificate authorized by subsection 2.~~

26           **Sec. 10. 20-A MRSA §13031**, as enacted by PL 1983, c. 859, Pt. I, §§2 and 3, is  
27 amended to read:

28           **§13031. Purpose**

29           The Legislature declares that the purpose of this chapter is to establish standardized  
30 qualifying examinations for those persons seeking provisional professional teacher  
31 certificates to teach in the State.

32           **Sec. 11. 20-A MRSA §13032, first ¶**, as amended by PL 2017, c. 235, §30 and  
33 affected by §41, is further amended to read:

34           A professional teacher certificate may be issued ~~only~~ to those applicants who have  
35 taken and passed the teacher qualifying examination. ~~This limitation does not apply to~~  
36 ~~applicants seeking a certificate under section 13013, subsection 2-B, paragraph B, but such~~  
37 ~~applicants must meet any exam requirement necessary for the endorsement being sought.~~

38           **Sec. 12. Rulemaking; applicability.** The State Board of Education shall amend  
39 Department of Education rule Chapter 115 regarding the credentialing of education  
40 personnel in accordance with this Act. Notwithstanding the Maine Revised Statutes, Title  
41 20-A, section 13006-A, subsection 3, a person who is subject to the provisions of Title  
42 20-A, section 13006-A, subsection 3 on the effective date of this Act may choose to be

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1 certified either pursuant to the rules effective prior to the effective date of this Act or under  
2 the amended rules adopted by the State Board of Education pursuant to this Act.'

3 Amend the bill by adding before the summary the following:

4 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
5 takes effect when approved.'

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

8 **SUMMARY**

9 This amendment, which is the unanimous report of the committee, strikes and replaces  
10 the bill, adds an emergency preamble and emergency clause and makes changes to the  
11 statutes governing teacher certification as follows:

- 12 1. Amends the definition of "educational specialist";
- 13 2. Creates a new emergency teacher certificate and reciprocal professional certificate;
- 14 3. Revises the minimum State Board of Education rules for qualifications for a  
15 professional teacher certificate by removing the requirement that an applicant pass a  
16 qualifying examination and instead providing that an applicant may qualify by graduating  
17 from an educator preparation program or by meeting criteria established by the state board  
18 by passing a qualifying examination, meeting minimum grade point average requirements  
19 in required course work or demonstrating qualification through a portfolio review of  
20 academic or work experience. It also removes the requirement for an interstate compact;  
21 and
- 22 4. Amends the rule requirements regarding a school psychologist certificate.

23 The amendment also directs the State Board of Education to amend its certification  
24 rules, which are major substantive rules, and provides that an applicant who is subject to a  
25 provision of law that provides that amendments to the rule do not apply to certain persons  
26 may choose to apply pursuant to the current rules or the amended rules.

**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**



Approved: 05/25/21 *MAC*

# 130th MAINE LEGISLATURE

LD 1189

LR 1315(02)

An Act To Amend the Teacher Certification Statutes

Fiscal Note for Bill as Amended by Committee Amendment *A-451*

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the State Board of Education to implement the requirements of this legislation can be absorbed within existing budgeted resources.