

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1189

H.P. 867

House of Representatives, March 22, 2021

An Act To Amend the Teacher Certification Statutes

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRENNAN of Portland.

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

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

4 **2. Certificate.** "Certificate" means the credential issued by the department to a
5 qualified individual to serve as a teacher, educational specialist,~~educational technician~~ or
6 administrator.

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

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

14 **Sec. 3. 20-A MRSA §13011, sub-§1**, as amended by PL 2017, c. 235, §9 and
15 affected by §41, is further amended to read:

16 **1. Credentialing, authorization and revocation rules.** The state board shall adopt
17 rules to carry out the purposes of this chapter under which the commissioner shall:

18 A. Issue certificates to teachers, administrators, educational specialists,~~educational~~
19 ~~technicians~~ and other professional personnel for service in a public school or in an
20 approved private school, except that certification is not required for a person holding a
21 valid license as a speech-language pathologist under Title 32, section 17301 who has
22 received a clearance pursuant to section 13024 to provide speech-language pathology
23 services in a public school or approved private school;

24 B. Issue certificates to adult education teachers and other teaching and professional
25 personnel in publicly supported educational programs other than postsecondary school
26 institutions, colleges and universities;

27 D. Seek a revocation of a credential in the District Court;

28 E. Issue certificates to personnel who provide early childhood educational programs
29 or developmental therapy to children from birth to 5 years of age in the home, in
30 community-based special purpose and integrated programs and in public schools; ~~and~~

31 F. Issue a clearance to all individuals for whom certification is not required prior to
32 being hired or being placed under contract by a public school or a private school that
33 enrolls 60% or more publicly funded students; and

34 G. Issue authorizations to educational technicians for service in a public school or in
35 an approved private school.

36 **Sec. 4. 20-A MRSA §13011, sub-§2**, as amended by PL 2005, c. 152, §2, is
37 repealed.

38 **Sec. 5. 20-A MRSA §13013, sub-§2-B, ¶A**, as enacted by PL 2017, c. 235, §12
39 and affected by §41, is amended to read:

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

1 **Sec. 6. 20-A MRSA §13013, sub-§2-B, ¶B**, as amended by PL 2019, c. 518, §2,
2 is repealed.

3 **Sec. 7. 20-A MRSA §13013, sub-§2-B, ¶C**, as amended by PL 2017, c. 381, §15,
4 is further amended to read:

5 C. Has successfully completed a preparation program in a state ~~with which the State~~
6 ~~is participating in an interstate compact, district, United States Territory or other~~
7 country, subject to the following: completion of an approved preparation program for
8 the endorsement or certificate being sought with a formal recommendation for
9 certification from the institution.

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

13 ~~(2) In the 5 years prior to applying for certification in this State, the applicant has~~
14 ~~3 years of successful teaching experience under a valid comparable certificate in a~~
15 ~~state with which the State is participating in the interstate compact.~~

16 If advanced study or tests are required in the State, the commissioner has the right, as
17 specified in the interstate compact, to issue only a conditional certificate under section
18 13012-A; or

19 **Sec. 8. 20-A MRSA §13019, sub-§1**, as amended by PL 2017, c. 235, §18 and
20 affected by §41, is further amended to read:

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

27 **Sec. 9. 20-A MRSA §13019-H**, as enacted by PL 2017, c. 235, §25 and affected
28 by §41, is amended to read:

29 **§13019-H. Educational technician certificate authorization**

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

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

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

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

39 **3. Certificate Authorization renewal.** An educational technician certificate
40 authorization is issued for a 5-year period and may be renewed in accordance with state
41 board rules, which must require, at a minimum, that the educational technician, whether
42 employed or unemployed, complete at least 3 semester hours of professional or academic

1 study or the equivalent or in-service training designed to improve the performance of the
2 educational technician in the field.

3 **Sec. 10. 20-A MRSA §13020, sub-§3**, as amended by PL 2019, c. 165, §2, is
4 further amended to read:

5 **3. Denial of certificate for prior immoral or prohibited conduct.** Evidence that an
6 applicant for initial certification or renewal has ~~injured the health or welfare of a child~~
7 ~~through physical or sexual abuse or exploitation~~ been convicted in any state or federal court
8 of a criminal offense involving the physical or sexual abuse or exploitation of a child within
9 5 years of the application for initial certification or renewal is grounds for a denial of a
10 certificate. Evidence that an applicant for initial certification or renewal as a school
11 psychologist or guidance counselor has advertised, offered or administered conversion
12 therapy as defined in Title 32, section 59-C, subsection 1 to a child is grounds for a denial
13 of a certificate. ~~Notwithstanding Title 5, chapter 341, every person who, within 5 years of~~
14 ~~the application for initial certification or renewal, has been convicted in any state or federal~~
15 ~~court of a criminal offense involving the physical or sexual abuse or exploitation of a child~~
16 ~~may be presumed by the commissioner to lack good moral character for the purposes of~~
17 ~~this chapter. This presumption is a rebuttable presumption.~~ Notwithstanding Title 5,
18 chapter 341, the commissioner is entitled to consider all records of prior criminal
19 convictions involving child abuse or exploitation in determining an applicant's eligibility
20 for a certificate.

21 **Sec. 11. 20-A MRSA §13022, sub-§1, ¶A**, as enacted by PL 2011, c. 386, §2, is
22 amended to read:

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

30 **Sec. 12. 20-A MRSA §13022, sub-§3**, as amended by PL 2011, c. 386, §2, is
31 further amended to read:

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

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

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

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

1 **Sec. 13. 20-A MRSA §13022, sub-§4**, as amended by PL 2011, c. 386, §2, is
2 further 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. 14. 20-A MRSA §13022, sub-§8**, as amended by PL 2011, c. 386, §2, is
19 further 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. 15. 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. 16. 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. 17. Transition period.** An educational technician holding a valid educational
39 technician certificate on the effective date of this Act is deemed to be authorized for service
40 in public schools and approved private schools for the remainder of the term of the
41 certificate.

