

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

D. Has completed 6 credit hours of approved study within 5 years prior to application, has met entry level standards and has held either a professional teacher certificate that expired more than 5 years prior to the application date or a provisional teacher certificate issued prior to July 1, 1988 that expired 5 years prior to the application date.

**Sec. 3. 20-A MRSA §13013, sub-§2-A, ¶¶A and B**, as amended by PL 1993, c. 435, §5, are further amended to read:

A. Holds a provisional teacher certificate and has taught in a classroom for 2 academic years or has held a professional teacher certificate that has lapsed within the last 5 years. In this case an applicant must receive a recommendation to the commissioner by an approved support system pursuant to section 13015; ~~or~~

B. Is a teacher with 5 or more years of experience teaching within the 7 years prior to application in the State under a valid certificate in another state and who has graduated from a state-approved preparation program that utilizes the standards of a national association of state directors of teacher education and certification or a national council for accreditation of teacher education or, with the exception of the national teachers exam, meets entry-level standards for the endorsement; ~~or~~

**Sec. 4. 20-A MRSA §13013, sub-§2-A, ¶C** is enacted to read:

C. Holds a provisional teacher certificate issued under section 13012, subsection 2, paragraph D and has taught for at least one year under a provisional teacher certificate.

See title page for effective date.

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**CHAPTER 321**

**S.P. 353 - L.D. 981**

**An Act to Amend the Teacher Certification Laws Relating to Certification Waivers**

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

**Sec. 1. 20-A MRSA §13011, sub-§7**, as enacted by PL 1993, c. 200, §1, is amended to read:

**7. Certification waiver.** Under rules adopted by the state board, the commissioner may grant a waiver for an appropriate period of time to an

individual seeking the issuance or renewal of a certificate. The commissioner may grant a waiver to an individual who:

A. Receives allegedly inaccurate, incomplete or untimely information or action from the department ~~or its agents~~, the local 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

B. Demonstrates compliance with certification requirements by ~~some means not anticipated in the certification rules~~ professional alternative methods, including the following:

(1) Scores on Graduate Record Examinations demonstrating content area proficiency equal to approved course work, with passing scores established under rules adopted by the state board;

(2) Examinations accepted by state-approved programs in lieu of course work, with passing scores established under rules adopted by the state board;

(3) Examinations from professional testing corporations demonstrating content area proficiency equal to approved course work, with professional testing corporations approved by the state board and passing scores established under rules adopted by the state board; and

(4) Work experience equivalent to outcomes for approved course work and a formal recommendation from the state professional organization in that content area. The professional organizations are established under rules adopted by the state board. The waiver is for the duration of the certificate or endorsement sought.

~~An individual who is denied the issuance or renewal of a certificate for reasons outlined in paragraphs A and B may apply for a waiver to an appeals committee selected by the state board. The appeals committee must consist of 4 permanent members who serve for terms of 3 years, including one school administrator, one teacher or educational specialist, one faculty member from a teacher education program approved by the state board and one public member who is not, and never has been, a professional educator. For each case considered by the appeals committee, the state board shall select a 5th appeals committee member representing the professional specialty organization in the discipline or level under review.~~

~~The appeals committee shall review the application for a waiver and make a recommendation to the commis-~~

~~sioner. Following a review of the application and recommendation, the commissioner shall make a final decision and provide a written justification for the decision.~~

~~The state board and the commissioner shall test and evaluate this certification waiver process and report their findings to the joint standing committee of the Legislature having jurisdiction over educational matters on or before January 1, 1995.~~

See title page for effective date.

**CHAPTER 322**

**S.P. 542 - L.D. 1479**

**An Act to Amend the Laws Relating to Education**

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

**Sec. 1. 5 MRSA §12004-G, sub-§10-A** is enacted to read:

<u>10-A.</u> <u>Education</u>	<u>Adaptive</u> <u>Equipment</u> <u>Loan</u> <u>Program</u> <u>Fund Board</u>	<u>Expenses</u> <u>Only</u>	<u>10</u> <u>MRSA</u> <u>§373</u>
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**Sec. 2. 5 MRSA §12004-G, sub-§14-A**, as enacted by PL 1989, c. 503, Pt. A, §14, is repealed.

**Sec. 3. 10 MRSA §373, sub-§1**, as amended by PL 1989, c. 276, §1, is further amended to read:

**1. Establishment; membership.** There is established the Adaptive Equipment Loan Program Fund Board ~~which shall consist~~ that consists of 9 members as follows: The Commissioner of ~~Human Services~~ Education or the commissioner's designee; the Treasurer of State or the Treasurer of State's designee; an experienced consumer lender; a certified public accountant; and 5 persons with a range of disabilities, all to be appointed by the Governor, subject to review of the ~~Joint Standing Committee~~ joint standing committee of the Legislature having jurisdiction over ~~Housing and Economic Development~~ housing and economic development matters, and confirmed by the Legislature. The board shall annually elect a chair from among its members.

**Sec. 4. 20-A MRSA §901**, as amended by PL 1985, c. 470, §1, is repealed.

**Sec. 5. 20-A MRSA §1001, sub-§9-A** is enacted to read:

**9-A. Students expelled or suspended under the requirements of the federal Gun-Free School Zones Act of 1994.** The school boards shall adopt a policy for expelling a student who is determined to have brought a firearm, as defined in 18 United States Code, Section 921, to school and for referring the matter to the appropriate local law enforcement agency.

A. A student who is determined to have brought a firearm to school under this subsection must be expelled from school for a period of not less than one year, except that the school board may authorize the superintendent to modify the requirement for expulsion of a student on a case-by-case basis. A decision to change the placement of a student with a disability must be made in accordance with the federal Individuals With Disabilities Education Act, 20 United States Code, Section 1400 et seq.

B. Nothing in this subsection prevents a school board from:

- (1) Offering instructional activities related to firearms or from allowing a firearm to be brought to school for instructional activities sanctioned by the district; or
- (2) Providing educational services in an alternative setting to a student who has been expelled.

C. In accordance with the proper investigation and due process provisions required in subsection 9, a principal may suspend immediately for good cause a student who is determined to have brought a firearm to school under this subsection.

**Sec. 6. 20-A MRSA §6401**, as amended by P&SL 1993, c. 67, §1, is repealed.

**Sec. 7. 20-A MRSA §18022, sub-§1**, as enacted by PL 1993, c. 708, Pt. B, §1, is amended to read:

**1. Advisory council.** "Advisory ~~committee~~ council" means the advisory ~~committee~~ council for the Division of Deafness.

**Sec. 8. 20-A MRSA §18022, sub-§2**, as enacted by PL 1993, c. 708, Pt. B, §1, is repealed and the following enacted in its place:

**2. Deaf.** "Deaf" means that the sense of hearing of an individual is nonfunctional for the purpose of communication and that individual must depend primarily upon visual communication.

**Sec. 9. 20-A MRSA §18022, sub-§3**, as enacted by PL 1993, c. 708, Pt. B, §1, is repealed.