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Date: (Filing No. H- )

**EDUCATION AND CULTURAL AFFAIRS**

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

COMMITTEE AMENDMENT “ ” to H.P. 1080, L.D. 1569, Bill, “An Act To Revise Certification Statutes for Educational Personnel”

Amend the bill in section 2 in §13001-A by striking out all of subsections 1 and 2 (page 4, lines 1 to 9 in L.D.) and inserting the following:

**1. Administrator.** "Administrator" means an individual who provides leadership services to assist in the operation of schools, including, but not limited to, in the following capacities: superintendent, assistant superintendent, building administrator and principal.

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

Amend the bill in section 2 in §13001-A in subsection 5 in the last line (page 4, line 19 in L.D.) by striking out the following: "and" and inserting the following: 'or'

Amend the bill in section 2 in §13001-A in subsection 7 in the 2nd line (page 4, line 24 in L.D.) by striking out the following: "in any of the following capacities:" and inserting the following: 'to a school, including, but not limited to, an'

Amend the bill in section 2 in §13001-A by inserting after subsection 7 the following:

**8. Educational technician.** "Educational technician" means an individual who provides supportive educational services in accordance with section 13019-H.'

Amend the bill in section 2 in §13001-A in subsection 8 in the 3rd line (page 4, line 30 in L.D.) by inserting after the following: "502 as" the following: 'prekindergarten to grade 12'

Amend the bill in section 2 in §13001-A in subsection 9 in the first line (page 4, line 32 in L.D.) by striking out the following: "issued to a teacher"

Amend the bill in section 2 in §13001-A in subsection 9 in the 2nd line (page 4, line 33 in L.D.) by inserting after the following: "area" the following: 'or work area'

**COMMITTEE AMENDMENT**

1 Amend the bill in section 2 in §13001-A in subsection 10 in the last line (page 4, line  
2 37 in L.D.) by inserting after the following: "specialist" the following: 'or an  
3 administrator'

4 Amend the bill in section 2 in §13001-A by striking out all of subsection 11 (page 4,  
5 lines 38 and 39 and page 5, lines 1 and 2 in L.D.) and inserting the following:

6 **'11. Semester hours.** "Semester hours" means units of academic credit that each  
7 reasonably approximate one hour of classroom or direct faculty instruction and a  
8 minimum of 2 hours of out-of-class student work each week for approximately 15 weeks  
9 or an equivalent amount of academic work at an institution of higher education, including  
10 laboratory work, internships, practice studio work or other academic work leading toward  
11 the awarding of a credit hour of approved study.'

12 Amend the bill in section 2 in §13001-A by renumbering the subsections to read  
13 consecutively.

14 Amend the bill in section 5 in §13006-A in subsection 1 in paragraph A (page 7, line  
15 7 in L.D.) by striking out the following: "chapter 502-A" and inserting the following:  
16 'section 13032'

17 Amend the bill in section 6 in §13007 in subsection 1 by striking out all of the  
18 blocked paragraph (page 8, lines 1 to 9 in L.D.) and inserting the following:

19 'The department shall annually post at the beginning of the fiscal year the fees established  
20 by the commissioner for the initial issuance of and the renewal of ~~teacher, education~~  
21 ~~specialist and administrator certificates~~ a credential on its publicly accessible website.  
22 The commissioner shall adopt rules to carry out this subsection. Rules adopted under this  
23 subsection to establish and assess fees for the initial issuance of and the renewal of  
24 teacher, education specialist and administrator certificates are major substantive rules  
25 pursuant to Title 5, chapter 375, subchapter 2-A. A fee established pursuant to this  
26 subsection may not increase by more than 10% of the previous fiscal year's fee, unless the  
27 increase is approved by the state board.'

28 Amend the bill in section 9 in §13011 in subsection 1 in paragraph A in the first line  
29 (page 9, line 5 in L.D.) by inserting after the following: "administrators" the following: ',  
30 educational specialists, educational technicians'

31 Amend the bill in section 9 in §13011 by striking out all of subsection 5 (page 9, lines  
32 34 to 39 in L.D.) and inserting the following:

33 **'5. Administrator certificates.** The state board rules ~~shall~~ must establish  
34 qualifications for certifying administrators in accordance with sections 13012-A and  
35 13019-I to be superintendents of schools, building administrators or principals and  
36 directors of career and technical education and shall also establish qualifications for such  
37 other ~~certificates for~~ administrators as may be determined to be necessary and beneficial  
38 for the efficient operation of the schools.'

39 Amend the bill in section 9 in §13011 in subsection 6-A in the 2nd line (page 10, line  
40 15 in L.D.) by striking out the following: "as identified in" and inserting the following: 'in  
41 accordance with'

42 Amend the bill in section 9 in §13011 by inserting after subsection 6-A the following:

1           **6-B. Educational technician certificates.** The state board shall establish  
2 qualifications for certifying educational technicians in accordance with section 13019-H  
3 and for other educational technicians as may be determined to be necessary and beneficial  
4 for the efficient operation of the schools.'

5           Amend the bill in section 9 in §13011 in subsection 7 in the first line (page 10, line  
6 18 in L.D.) by striking out the following: "**Credential**" and inserting the following:  
7 '**Certification**'

8           Amend the bill in section 9 in §13011 in subsection 7 in the 3rd line (page 10, line 20  
9 in L.D.) by striking out the following: "certificate credential" and inserting the following:  
10 'certificate'

11           Amend the bill in section 9 in §13011 in subsection 7 by striking out all of paragraph  
12 A (page 10, lines 22 to 25 in L.D.) and inserting the following:

13           'A. Receives allegedly inaccurate, incomplete or untimely information or action from  
14 the department, ~~the~~ or from a local or regional support system or a regional support  
15 system. The waiver must be for a reasonable period of time to permit the applicant to  
16 complete certification requirements; or'

17           Amend the bill in section 9 in §13011 in subsection 7 in paragraph B in the first line  
18 (page 10, line 26 in L.D.) by striking out the following: "certification credentialing" and  
19 inserting the following: 'certification'

20           Amend the bill in section 9 in §13011 in subsection 7 by inserting at the end the  
21 following blocked paragraph:

22 'The commissioner may not grant a waiver to an individual who is seeking an  
23 endorsement for special education.'

24           Amend the bill in section 11 in §13012-A in subsection 1 in paragraph A in the 2nd  
25 line (page 11, line 37 in L.D.) by striking out the following: "13019-A" and inserting the  
26 following: '13019-I'

27           Amend the bill in section 11 in §13012-A in subsection 4 in the first paragraph in the  
28 last line (page 12, line 7 in L.D.) by inserting after the following: "unit shall" the  
29 following: 'for at least the first year of employment or longer if determined to be  
30 necessary'

31           Amend the bill in section 12 in §13013 by striking out all of subsection 2-B (page 13,  
32 lines 5 to 33 in L.D.) and inserting the following:

33           **2-B. Qualifications.** State board rules governing the qualifications for a  
34 professional teacher certificate must require that the certificate may be issued only to an  
35 applicant who, at a minimum, meets one of the following:

36           A. Has graduated from an educator preparation program and has passed a qualifying  
37 exam;

38           B. Can demonstrate subject matter competency obtained through work experience  
39 that is directly related to any endorsements being sought and has held a conditional  
40 certificate under section 13012-A for 3 years, unless the applicant is seeking only an

1 endorsement for middle school and secondary school, in which case the applicant is  
2 not required to have held a conditional certificate;

3 C. Has successfully completed a preparation program in a state with which the State  
4 is participating in an interstate compact, subject to the following:

5 (1) Completion of an approved preparation program for the endorsement or  
6 certificate being sought with a formal recommendation for certification from the  
7 institution; or

8 (2) In the 5 years prior to applying for certification in this State, the applicant has  
9 3 years of successful teaching experience under a valid comparable certificate in  
10 a state with which the State is participating in the interstate compact.

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

14 D. Is otherwise qualified by having met the criteria established by the state board for  
15 teaching in a specified area.'

16 Amend the bill in section 12 in §13013 in subsection 3 in the 3rd line (page 13, line  
17 36 in L.D.) by striking out the following: "~~deemed~~" and inserting the following: 'deemed'

18 Amend the bill in section 12 in §13013 in subsection 5 in the 2nd line (page 14, line 2  
19 in L.D.) by inserting after the following: "teacher" the following: ', whether employed or  
20 unemployed.'

21 Amend the bill in section 12 in §13013 in subsection 5 in the last line (page 14, line 4  
22 in L.D.) by inserting after the following: "field." the following: 'If the teacher has attained  
23 certification from the National Board for Professional Teaching Standards, the renewal  
24 period is for 10 years.'

25 Amend the bill in section 18 in §13019 by striking out all of subsection 1 (page 14,  
26 lines 13 to 19 in L.D.) and inserting the following:

27 '**1. Clearance.** ~~A visiting teacher permit is designed to allow those who do not~~  
28 ~~intend to enter the teaching profession full time to offer their special expertise to schools~~  
29 from a country other than the United States who is participating in a visiting teacher  
30 program established and administered by the department or a locally established  
31 sister-school exchange may teach in a school as long as the teacher is issued a clearance  
32 by the department. The ~~visiting~~ teacher ~~shall~~ is authorized to act as an adjunct to existing  
33 staff and ~~shall~~ may not be used to avoid the hiring of professional, certified teachers.'

34 Amend the bill by striking out all of section 19 and inserting the following:

35 '**Sec. 19. 20-A MRS §13019-A**, as amended by PL 2001, c. 534, §§5 and 6, is  
36 repealed.'

37 Amend the bill by striking out all of section 25 and inserting the following:

38 '**Sec. 25. 20-A MRS §§13019-G to 13019-I** are enacted to read:

1 **§13019-G. Educational specialist certificate**

2 **1. Requirement.** An educational specialist certificate is required for employment as  
3 an educational specialist at a public school or a private school approved for attendance  
4 purposes pursuant to section 2901, subsection 2, paragraph B.

5 **2. Qualifications.** The state board shall adopt rules establishing the qualifications  
6 for an educational specialist certificate.

7 **3. Endorsements.** The educational specialist certificate must be issued with an  
8 endorsement that specifies the work area for which the individual is determined to be  
9 qualified. A holder of an educational specialist certificate may not work outside the  
10 holder's area of endorsement.

11 **4. Certificate renewal.** An educational specialist's certificate is issued for a 5-year  
12 period and may be renewed in accordance with state board rules, which must require, at a  
13 minimum, that the educational specialist, whether employed or unemployed, complete at  
14 least 6 semester hours of professional or academic study or the equivalent or in-service  
15 training designed to improve the performance of the educational specialist in the field.

16 **§13019-H. Educational technician certificate**

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

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

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

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

26 **3. Certificate renewal.** An educational technician certificate is issued for a 5-year  
27 period and may be renewed in accordance with state board rules, which must require, at a  
28 minimum, that the educational technician, whether employed or unemployed, complete at  
29 least 3 semester hours of professional or academic study or the equivalent or in-service  
30 training designed to improve the performance of the educational technician in the field.

31 **§13019-I. Administrator certificate**

32 **1. Requirement.** An administrator's certificate is required for employment as an  
33 administrator at a school administrative unit in the State, at a public school or at a private  
34 school approved for attendance purposes pursuant to section 2901, subsection 2,  
35 paragraph B.

36 **2. Qualifications.** State board rules governing the qualifications for an administrator  
37 certificate must require that the certificate may be issued only to an applicant who at a  
38 minimum:

39 A. Has at least 3 years of satisfactory teaching experience or the equivalent;

