

§13011. General authorization of state board

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

A. Issue certificates to teachers, administrators, educational specialists, educational technicians and other professional personnel for service in a public school or in an approved private school, except that certification is not required for a person holding a valid license as a speech-language pathologist under Title 32, section 17301 who has received a clearance pursuant to section 13024 to provide speech-language pathology services in a public school or approved private school; [PL 2017, c. 235, §9 (AMD); PL 2017, c. 235, §41 (AFF).]

B. Issue certificates to adult education teachers and other teaching and professional personnel in publicly supported educational programs other than postsecondary school institutions, colleges and universities; [PL 2017, c. 235, §9 (AMD); PL 2017, c. 235, §41 (AFF).]

C. [PL 2017, c. 235, §9 (RP); PL 2017, c. 235, §41 (AFF).]

D. Seek a revocation of a credential in the District Court; [PL 2017, c. 235, §9 (AMD); PL 2017, c. 235, §41 (AFF).]

E. Issue certificates to personnel who provide early childhood educational programs or developmental therapy to children from birth to 5 years of age in the home, in community-based special purpose and integrated programs and in public schools; and [PL 2017, c. 235, §9 (AMD); PL 2017, c. 235, §41 (AFF).]

F. Issue a clearance to all individuals for whom certification is not required prior to being hired or being placed under contract by a public school or a private school that enrolls 60% or more publicly funded students. [PL 2017, c. 235, §9 (AMD); PL 2017, c. 235, §41 (AFF).]
[PL 2017, c. 235, §9 (AMD); PL 2017, c. 235, §41 (AFF).]

2. Moral character. Rules adopted by the state board under this chapter must require that an applicant for certification furnish evidence of:

A. Good moral character. [PL 2005, c. 152, §2 (AMD).]

B. [PL 2005, c. 152, §2 (RP).]
[PL 2005, c. 152, §2 (AMD).]

3. Teacher certificates. The state board rules must establish qualifications for certifying teachers in accordance with sections 13012-A and 13013.
[PL 2017, c. 235, §9 (AMD); PL 2017, c. 235, §41 (AFF).]

4. Appeal. An applicant who has been denied the issuance or renewal of a credential by the commissioner under this chapter may appeal that denial in accordance with rules established by the state board and consistent with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.
[PL 2017, c. 235, §9 (AMD); PL 2017, c. 235, §41 (AFF).]

5. Administrator certificates. The state board rules must establish qualifications for certifying administrators in accordance with sections 13012-A and 13019-I to be superintendents of schools, building administrators or principals and for such other administrators as may be determined to be necessary and beneficial for the efficient operation of the schools.
[PL 2017, c. 235, §9 (AMD); PL 2017, c. 235, §41 (AFF).]

6. Alternative pathways to certification.
[PL 2017, c. 235, §9 (RP); PL 2017, c. 235, §41 (AFF).]

6-A. Educational specialist certificates. The state board shall establish qualifications for certifying educational specialists in accordance with sections 13012-A, 13019-G and 13022 and for other educational specialists as may be determined to be necessary and beneficial for the efficient operation of the schools.

[PL 2017, c. 235, §9 (NEW); PL 2017, c. 235, §41 (AFF).]

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

[PL 2017, c. 235, §9 (NEW); PL 2017, c. 235, §41 (AFF).]

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 from a local or regional support system. The waiver must be for a reasonable period of time to permit the applicant to complete certification requirements; or [PL 2017, c. 235, §9 (AMD); PL 2017, c. 235, §41 (AFF).]

B. Demonstrates compliance with certification requirements by 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. [PL 1995, c. 321, §1 (AMD).]

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

[PL 2017, c. 235, §9 (AMD); PL 2017, c. 235, §41 (AFF).]

8. Criminal history record checks. Criminal history record checks of an applicant for a credential, including renewals, must be conducted in accordance with this section, section 6103 and pursuant to rules adopted by the state board.

[PL 2017, c. 235, §9 (AMD); PL 2017, c. 235, §41 (AFF).]

9. Targeted need area certificate; exception.

[PL 2017, c. 235, §9 (RP); PL 2017, c. 235, §41 (AFF).]

10. Conditional certificate; transitional endorsement; exception.

[PL 2017, c. 235, §9 (RP); PL 2017, c. 235, §41 (AFF).]

SECTION HISTORY

PL 1983, c. 845, §4 (NEW). PL 1985, c. 287, §1 (AMD). PL 1989, c. 889, §8 (AMD). PL 1993, c. 200, §1 (AMD). PL 1995, c. 207, §1 (AMD). PL 1995, c. 321, §1 (AMD). PL 1997, c. 452, §§4-7 (AMD). PL 1997, c. 553, §§1-3 (AMD). PL 1997, c. 683, §A11 (AMD). PL 1999, c. 547,

§B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 1999, c. 673, §1 (AMD). PL 1999, c. 791, §5 (AMD). PL 2003, c. 445, §§1, 2 (AMD). PL 2005, c. 152, §§1,2 (AMD). PL 2005, c. 397, §D3 (REV). PL 2011, c. 49, §1 (AMD). PL 2011, c. 635, Pt. B, §§2, 3 (AMD). PL 2015, c. 395, §§6, 7 (AMD). PL 2017, c. 235, §9 (AMD). PL 2017, c. 235, §41 (AFF).

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