

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 1080 - L.D. 1478

Resolve, Regarding Legislative Review of Portions of Chapter 115: The Credentialing of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education

Sec. 1. Adoption. Resolved: That final adoption of portions of Department of Education rule Chapter 115: The Credentialing of Education Personnel, a provisionally adopted major substantive rule of the Department of Education, referred to in this section as "the department," that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if the following changes are made:

1. The rule must be amended in Part I, Section 6(1)(A)(4) to require as a general qualification for certification by the department that the applicant hold a bachelor's degree from a regionally accredited college or university;

2. The rule must be amended in Part I, Section 6 to provide eligibility for certification by the department for an applicant who, within 7 years prior to applying for certification, has 5 years of valid teaching experience under an appropriate comparable certificate in the same certification subject area and has completed a bachelor's degree or graduate degree from a regionally accredited college or university;

3. The rule must be amended in Part I, Section 6 to clarify that the in-service training eligibility criteria for an applicant for renewal of a certified educational technician certificate requires completion of 45 hours of such in-service training;

4. The rule must be amended in Part I, Section 6 to clarify that the condition under that subparagraph requires that the individual has no interruption in service, excluding normal school vacations, paid leave and unpaid leave;

5. The rule must be amended in Part II, Section 1.2(A) regarding Endorsement 020: Elementary Teacher as follows:

A. The endorsement must allow the holder to teach students in the grade span of kindergarten to grade 8 until July 1, 2022; and

B. Beginning July 1, 2022, the endorsement must allow the holder to teach students in the grade span of kindergarten to grade 6;

6. The rule must be amended in Part II, Section 1.2(B)(2) regarding Endorsement 020: Elementary Teacher to require as an eligibility criterion for Endorsement Eligibility Pathway 2 that the applicant has passed pedagogical knowledge and skills assessment at the appropriate grade span, in accordance with Department of Education Reg. 13, or demonstrated successful completion of an approved alternative professional studies program;

7. The rule must be amended in Part II, Section 1.3(B)(2)(i) regarding Endorsement: Secondary Teacher to retain as an eligibility criterion for Endorsement Eligibility Pathway 2 that the applicant has completed a minimum of 6 semester hours in foundations of literacy and literacy methods relative to the subject area;

8. The rule must be amended in Part II, Section 1.4, regarding Secondary Teacher endorsement, as necessary, to include an Endorsement 710: Junior Reserve Officers' Training Corps teacher, which would allow the holder of that endorsement to serve as a Junior Reserve Officers' Training Corps teacher for students from grade 9 to grade 12. The internal 710 endorsement checklist must include that an applicant for such endorsement must be required to meet applicable general credentialing requirements in Part I of the rule and must be required to satisfy additional specific eligibility requirements as determined by the department and as specified in Part II of the rule, except that the rule must provide that an applicant who does not meet such additional eligibility requirements under Part II of the rule is eligible for a conditional certificate for this endorsement upon a determination that the applicant has received a Junior Reserve Officers' Training Corps instructor certification from the United States Department of Defense in accordance with the applicable standards of the United States Department of Defense for senior military instructors and has completed a course approved by the department regarding the teaching of exceptional students in the regular classroom;

9. The rule must be amended in Part II, Section 1.3 regarding Endorsements: Middle Level Teacher, to retain the Middle Level Teacher endorsement with the following amendments:

A. In subsection (A) and subsection (B)(2)(a)(ii), remove the provisions regarding world language endorsements;

B. In subsection (B), specify that individuals who are not eligible through any pathway may be eligible for a conditional certificate;

C. In Endorsement Eligibility Pathway 1, remove the requirement of the completion of an approved course for teaching exceptional students in the regular classroom, which is already required elsewhere in the rule, and clarify that the applicant must have:

(1) Graduated from a state-approved program for the education of middle level teachers, together with a formal recommendation from the preparing institution for the endorsement being sought; and

(2) Earned a bachelor's degree from a regionally accredited college or university, in accordance with Part I, Section 6 of the rule;

D. In Endorsement Eligibility Pathway 2, amend the rule as follows:

(1) The applicant must have earned a bachelor's degree from a regionally accredited college or university, in accordance with Part I, Section 6 of the rule;

(2) The applicant does not have to hold a valid provisional or professional teaching certificate with a public preschool to grade 3, kindergarten to grade 6, grade 4 to grade 8, grade 6 to grade 12 or public preschool to grade 12 endorsement and instead must have completed a minimum of 24 semester hours in the area relevant to the middle school level endorsement being sought and that, for the purposes of this requirement, life and physical sciences must be aggregated and must include a minimum of 9 semester hours in life sciences and a minimum of 9 semester hours in physical sciences; and

(3) The applicant must have passed a content area methods course, in accordance with Department of Education Reg. 13; and

E. The rule must be amended in the conditional certificate for endorsement to clarify that the applicant must have earned a bachelor's degree from a regionally accredited college or university in accordance with Part I, Section 6 of the rule and that the applicant must have completed a minimum of 24 semester hours in the areas relevant to the middle level teacher endorsement being sought and that the applicant is not required to hold a valid Maine provisional or professional teaching certificate with a public preschool to grade 3, kindergarten to grade 6, grade 4 to grade 8, grade 6 to grade 12 or public preschool to grade 12 endorsement;

10. The rule must be amended in Part II, Section 1.4(A) regarding Endorsement: 510, 517, 520, 614, 620, 625, 640, 670, 680 and 700, public preschool to grade 12, to describe endorsement area 700 as industrial arts/engineering and technology;

11. The rule must be amended in Part II, Section 1.11(B)(2)(e) and Part II, Section 1.11(B)(3)(c) regarding Endorsement 092: Literacy Specialist to retain that, in addition to having earned a master's degree in literacy and reading from a regionally accredited college or university in accordance with Part I, Section 6 of the rule, the applicant has earned graduate semester hours for a literacy and reading clinic encompassing course content in educational and instructional leadership, instructional supervision, adult learning theory and instructional coaching practices;

12. The rule must be amended in Part II, Section 1.12 regarding Certificate 215: Athletic Director to clarify that there are 2 steps and add the requirement that the applicant have completed an approved course for teaching exceptional students in the regular classroom;

13. The rule must be amended in Part II, Section 2.1(B)(3)(a)(iii), Part II, Section 2.1(B)(3)(b)(iii) and Part II, Section 2.1(B)(3)(c)(iii) regarding Endorsement 282: Teacher of Children with Disabilities to provide that, as an eligibility criterion under Endorsement Eligibility Pathways 1 to 3 for a conditional certificate for that

endorsement, an applicant must have participated in an alternative certification and mentoring program designated by the department;

14. The rule must be amended in Part II, Section 2.2(B)(2)(a)(iii), Part II, Section 2.2(B)(2)(b)(iii) and Part II, Section 2.2(B)(2)(c)(iii) regarding Endorsement 286: Teacher of Children with Severe Disabilities to provide that, as an eligibility criterion under Endorsement Eligibility Pathways 1 to 3 for a conditional certificate for that endorsement, an applicant must have participated in an alternative certification and mentoring program designated by the department;

15. The rule must be amended in Part II, Section 3 regarding Professional Teacher Certificate Based on Work Experience, by changing the title of Section 3 from "Professional Teacher Certificate Based on Work Experience" to "Professional Teacher Certificate Based on Authentic Field Experience";

16. The rule must be amended in Part II, Section 3 to require that the applicant have passed a content area assessment, in accordance with Department of Education Reg. 13, and passed a pedagogical knowledge and skills assessment in accordance with Department of Education Reg. 13 or demonstrated successful completion of an approved alternative professional studies program;

17. The rule must be amended in Part II, Section 4.2(B)(1)(c) regarding Endorsement 860: Cooperative Education Coordinator to provide that as a general endorsement eligibility criterion, for each endorsement, the applicant must have completed a minimum of one year of paid applied employment or teaching in the endorsement area during the 4 years preceding the initial application;

18. All necessary grammatical, formatting, punctuation and other technical nonsubstantive editing changes must be made to the rule, including, but not limited to, the removal of strikethrough or underlined letters or words remaining from prior drafts and edits and the amendment of inconsistent section, subsection, paragraph and subparagraph numbering or lettering in the rule, or any other inconsistent numbering and lettering in the rule, to ensure consistency in the sequential numbering and lettering of the rule; and

19. All other necessary changes must be made to the rule to ensure conformity throughout the rule and consistency with the provisions of this section.

The Department of Education is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

Sec. 2. Report. Resolved: That the Department of Education, in consultation with the teacher preparation programs in the State, shall report to the Joint Standing Committee on Education and Cultural Affairs on the progress, steps taken and implementation of the transition of the Endorsement 020: Elementary from a grade span of kindergarten to grade 8 to a grade span of kindergarten to grade 6 pursuant to section 1, subsection 5 of this resolve. The department shall submit the report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs no later than March 1st of each year of the 3 years between the grade span changing from kindergarten to grade 8 to kindergarten to grade 6.

Sec. 3. Funding in fiscal year 2019-20. Resolved: Notwithstanding any provision of law to the contrary, in fiscal year 2019-20 only, the Department of Education shall use funds within the Departmental Services, Other Special Revenue Funds account within the department to pay for the one-time programming charges and contracting staff necessary to implement the rule changes to Chapter 115: The Credentialing of Education Personnel authorized pursuant to this resolve.

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Leadership Team Z077

Initiative: Allocates one-time funds for the programming costs and contracted support staff necessary to implement the changes in Chapter 115: The Credentialing of Education Personnel.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$93,125	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$93,125	\$0