

Title 20-A: EDUCATION
Chapter 502: CREDENTIALING OF EDUCATIONAL PERSONNEL

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Maine Revised Statutes
Title 20-A: EDUCATION
Chapter 502: CREDENTIALING OF EDUCATIONAL PERSONNEL

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

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

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

[2017, c. 235, §9 (AMD); 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. [2005, c. 152, §2 (AMD).]

B. [2005, c. 152, §2 (RP).]

[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.

[2017, c. 235, §9 (AMD); 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.

[2017, c. 235, §9 (AMD); 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.

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

6. Alternative pathways to certification.

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

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.

[2017, c. 235, §9 (NEW); 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.

[2017, c. 235, §9 (NEW); 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 [2017, c. 235, §9 (AMD); 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. [1995, c. 321, §1 (AMD) .]

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

[2017, c. 235, §9 (AMD); 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.

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

9. Targeted need area certificate; exception.

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

10. Conditional certificate; transitional endorsement; exception.

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

SECTION HISTORY

1983, c. 845, §4 (NEW). 1985, c. 287, §1 (AMD). 1989, c. 889, §8 (AMD). 1993, c. 200, §1 (AMD). 1995, c. 207, §1 (AMD). 1995, c. 321, §1 (AMD). 1997, c. 452, §§4-7 (AMD). 1997, c. 553, §§1-3 (AMD). 1997, c. 683, §A11 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 1999, c. 673, §1 (AMD). 1999, c. 791, §5 (AMD). 2003, c. 445, §§1, 2 (AMD). 2005, c. 152, §§1,2 (AMD). 2005, c. 397, §D3 (REV). 2011, c. 49, §1 (AMD). 2011, c. 635, Pt. B, §§2, 3 (AMD). 2015, c. 395, §§6, 7 (AMD). 2017, c. 235, §9 (AMD). 2017, c. 235, §41 (AFF).

§13012. PROVISIONAL TEACHER CERTIFICATE

(REPEALED)

SECTION HISTORY

1983, c. 845, §4 (NEW). 1983, c. 859, §I1 (AMD). 1985, c. 287, §§2,8 (AMD). 1991, c. 682, §1 (AMD). 1995, c. 320, §§1,2 (AMD). 1997, c. 266, §15 (AMD). 2001, c. 534, §§1-3 (AMD). 2005, c. 397, §D3 (REV). 2011, c. 635, Pt. B, §4 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 235, §10 (RP).

§13012-A. CONDITIONAL CERTIFICATE

1. Conditional certificate. The commissioner may issue a conditional certificate to:

A. An individual who has not met all of the requirements for a certificate as set forth in section 13013, 13019-I, 13019-G or 13022. [2017, c. 235, §11 (NEW); 2017, c. 235, §41 (AFF) .]

B. An individual who is eligible for an endorsement to teach in a teacher shortage area as determined by the commissioner; or [2017, c. 235, §11 (NEW); 2017, c. 235, §41 (AFF) .]

C. A holder of a professional teacher certificate under section 13013 who is transitioning to another endorsement; [2017, c. 235, §11 (NEW); 2017, c. 235, §41 (AFF) .]

[2017, c. 235, §11 (NEW); 2017, c. 235, §41 (AFF) .]

2. Term. A conditional certificate is issued for a 3-year period and may not be renewed.

[2017, c. 235, §11 (NEW); 2017, c. 235, §41 (AFF) .]

3. Employment. A school administrative unit may employ a conditionally certified individual who is in the process of becoming professionally certified notwithstanding the availability of professionally certified teachers or educational specialists.

[2017, c. 235, §11 (NEW); 2017, c. 235, §41 (AFF) .]

4. Requirements. If a school administrative unit employs a conditionally certified teacher, the school administrative unit shall for at least the first year of employment or longer if determined to be necessary:

A. Ensure that the conditionally certified teacher receives high-quality professional development that is sustained, intensive and classroom-focused in order to have a positive and lasting impact on classroom instruction while teaching; and [2017, c. 381, §14 (AMD) .]

B. Provide a program of intensive supervision for the conditionally certified teacher that consists of structured guidance and regular ongoing support or a mentoring program, which is separate from any student-teacher requirement that may be required under another authority. [2017, c. 381, §14 (AMD) .]

[2017, c. 381, §14 (AMD) .]

5. Program review. The commissioner may conduct a program review of any program developed or administered by a school administrative unit to meet the requirements of subsection 4.

[2017, c. 235, §11 (NEW); 2017, c. 235, §41 (AFF) .]

SECTION HISTORY

2017, c. 235, §11 (NEW). 2017, c. 235, §41 (AFF). 2017, c. 381, §14 (AMD).

§13013. PROFESSIONAL TEACHER CERTIFICATE

1. Definition. A professional teacher certificate is a renewable certificate issued to an individual who has met the qualifications of this section.

[2017, c. 235, §12 (AMD); 2017, c. 235, §41 (AFF) .]

2. Qualifications.

[1991, c. 682, §3 (RP) .]

2-A. Qualifications.

[2017, c. 235, §41 (AFF); 2017, c. 235, §12 (RP) .]

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

A. Has graduated from an educator preparation program and has passed a qualifying exam; [2017, c. 235, §12 (NEW); 2017, c. 235, §41 (AFF) .]

B. Can demonstrate subject matter competency obtained through work experience that is directly related to any endorsements being sought and has held a conditional certificate under section 13012-A for 3 years, unless the applicant is seeking only an endorsement for middle school and secondary school, in which case the applicant is not required to have held a conditional certificate; [2017, c. 235, §12 (NEW); 2017, c. 235, §41 (AFF) .]

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

- (1) Completion of an approved preparation program for the endorsement or certificate being sought with a formal recommendation for certification from the institution; and
- (2) In the 5 years prior to applying for certification in this State, the applicant has 3 years of successful teaching experience under a valid comparable certificate in a state with which the State is participating in the interstate compact.

If advanced study or tests are required in the State, the commissioner has the right, as specified in the interstate compact, to issue only a conditional certificate under section 13012-A; or [2017, c. 381, §15 (AMD).]

D. Is otherwise qualified by having met the criteria established by the state board for teaching in a specified area. [2017, c. 235, §12 (NEW); 2017, c. 235, §41 (AFF).]

[2017, c. 381, §15 (AMD) .]

3. Endorsements. A professional teacher certificate must be issued with an endorsement that specifies the grades and subject area that the teacher is deemed qualified to teach. A holder of a professional teacher certificate may not teach outside the certificate holder's area of endorsement unless the certificate holder has received a waiver from the commissioner in accordance with state board rules.

[2017, c. 235, §12 (AMD); 2017, c. 235, §41 (AFF) .]

4. Five-year certificate. A professional teacher certificate is issued for a 5-year period.

[2017, c. 235, §12 (AMD); 2017, c. 235, §41 (AFF) .]

5. Renewal. A professional teacher certificate may be renewed for 5-year periods in accordance with state board rules, which must require, at a minimum, that the teacher, whether employed or unemployed, complete at least 6 semester hours of professional or academic study or in-service training designed to improve the performance of the teacher in the field. If the teacher has attained certification from the National Board for Professional Teaching Standards, the renewal period is for 10 years.

[2017, c. 235, §12 (NEW); 2017, c. 235, §41 (AFF) .]

SECTION HISTORY

1983, c. 845, §4 (NEW). 1991, c. 682, §§2-4 (AMD). 1993, c. 435, §5 (AMD). 1995, c. 320, §§3,4 (AMD). 1997, c. 266, §§16,17 (AMD). 1999, c. 75, §6 (AMD). 2001, c. 534, §4 (AMD). 2017, c. 235, §12 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 381, §15 (AMD).

§13013-A. SALARY SUPPLEMENTS FOR NATIONAL BOARD-CERTIFIED TEACHERS

1. Department of Education salary supplement. Notwithstanding any other provision of law, the Department of Education shall provide a public school teacher or a teacher in a publicly supported secondary school who has attained certification from the National Board for Professional Teaching Standards, or its successor organization, with an annual national board certification salary supplement for the life of the certificate. The salary supplement must be added to the teacher's base salary and must be considered in the calculation for contributions to the Maine Public Employees Retirement System. If a nationally certified teacher is no longer employed as a teacher, the supplement ceases. The amount of the salary supplement is:

- A. For fiscal year 2012-13, \$2,500; [2011, c. 702, §2 (NEW).]

B. For fiscal year 2013-14, \$2,750; and [2011, c. 702, §2 (NEW) .]

C. For fiscal year 2014-15 and succeeding years, \$3,000. [2011, c. 702, §2 (NEW) .]

[2011, c. 702, §2 (AMD) .]

1-A. Funding revenue. The National Board Certification Salary Supplement Fund is established as a nonlapsing dedicated fund within the Department of Education beginning in fiscal year 2012-13. The salary supplement under subsection 1 must be funded from fees collected by the department pursuant to section 13007, subsection 1.

[2011, c. 702, §2 (NEW) .]

2. Local filing; certification. On or before October 15th annually, the superintendent of schools of a school administrative unit or the chief administrative officer of a publicly supported secondary school or a career and technical education region shall file with the commissioner a certified list of national board-certified teachers eligible to receive the salary supplement pursuant to subsection 1.

[2011, c. 702, §2 (AMD) .]

3. Payment. The department shall provide the salary supplement to school administrative units and publicly supported secondary schools for eligible teachers no later than February 15th of each year.

[2011, c. 702, §2 (AMD) .]

4. Expend funds. A school administrative unit or a publicly supported secondary school may expend funds received through the salary supplement under subsection 1 without calling for a special meeting of the local legislative body.

[2011, c. 702, §2 (AMD) .]

5. Scholarship fund. The National Board Certification Scholarship Fund is established as a nonlapsing dedicated fund, referred to in this subsection as "the scholarship fund," within the Department of Education to encourage teachers to apply to and enroll in the certification program offered by the National Board for Professional Teaching Standards or its successor organization, referred to in this subsection and subsection 6 as "the certification program." A school administrative unit or a publicly supported secondary school may request scholarship funds on behalf of its teachers who meet the requirements set forth in subsection 6. The department shall award funds according to this subsection.

A. In fiscal year 2012-13, the department shall allocate \$50,000 from fees collected by the department pursuant to section 13007, subsection 1 to the scholarship fund. The department shall award an amount equal to the cost of the certification program less any other funds received by the applicant on a first-come first-served basis for the first 20 teachers accepted into the certification program annually.

[2011, c. 702, §2 (NEW) .]

B. Beginning in fiscal year 2013-14, the department shall allocate \$75,000 from fees collected by the department pursuant to section 13007, subsection 1 each fiscal year to the scholarship fund. The department shall award an amount equal to the cost of enrollment in the certification program less any other funds received by the applicant to not more than 30 teachers accepted into the program annually.

[2011, c. 702, §2 (NEW) .]

[2011, c. 702, §2 (NEW) .]

6. Eligibility requirements. In order to receive scholarship funds according to subsection 5 on behalf of a teacher, the school administrative unit or a publicly supported secondary school must certify to the department that the teacher:

- A. Is currently employed by a school administrative unit or a publicly supported secondary school; [2011, c. 702, §2 (NEW).]
- B. Has completed at least 3 years of teaching in the State; [2011, c. 702, §2 (NEW).]
- C. Has agreed to mentor at least one other teacher employed in the State through the national board certification process to apply to and enroll in the certification program; [2011, c. 702, §2 (NEW).]
- D. Has provided documentation of acceptance into the certification program; and [2011, c. 702, §2 (NEW).]
- E. Has disclosed any other funds received to cover the cost of the certification program. [2011, c. 702, §2 (NEW).]

[2011, c. 702, §2 (NEW) .]

7. Nonlapsing funds. Any unencumbered balance of the National Board Certification Scholarship Fund under subsection 5 remaining at the end of a fiscal year may not lapse but must be carried forward to be used for the same purpose.

[2011, c. 702, §2 (NEW) .]

SECTION HISTORY

2005, c. 519, §AAAA1 (NEW). 2005, c. 683, §H1 (AMD). 2007, c. 58, §3 (REV). 2007, c. 240, Pt. D, §§1, 2 (AMD). 2011, c. 702, §2 (AMD).

§13014. MASTER TEACHER CERTIFICATE

(REPEALED)

SECTION HISTORY

1983, c. 845, §4 (NEW). 1985, c. 797, §49 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 235, §13 (RP).

§13015. SUPPORT SYSTEM

(REPEALED)

SECTION HISTORY

1983, c. 845, §4 (NEW). 1989, c. 700, §A69 (AMD). 1991, c. 622, §X7 (AMD). 1999, c. 238, §1 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 235, §14 (RP).

§13016. RENEWAL OF TEACHER CERTIFICATES

(REPEALED)

SECTION HISTORY

1983, c. 845, §4 (NEW). 1985, c. 287, §3 (AMD). 1991, c. 622, §X8 (AMD). 1991, c. 824, §C3 (AMD). 2011, c. 669, §8 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 235, §15 (RP).

§13017. INTERSTATE AGREEMENTS

(REPEALED)

SECTION HISTORY

1983, c. 845, §4 (NEW). 1993, c. 200, §2 (RP).

§13017-A. PROFESSIONAL CERTIFICATE WITH EXPERIENCE*(REPEALED)*

SECTION HISTORY

1993, c. 200, §3 (NEW). 2017, c. 235, §41 (AFF). 2017, c. 235, §16 (RP).

§13018. RECERTIFICATION OF 5-YEAR AND 10-YEAR TEACHER CERTIFICATES*(REPEALED)*

SECTION HISTORY

1983, c. 845, §4 (NEW). 1985, c. 287, §4 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 235, §17 (RP).

§13019. VISITING INTERNATIONAL TEACHER

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

[2017, c. 235, §18 (AMD); 2017, c. 235, §41 (AFF) .]

2. Qualifications.

[2017, c. 235, §41 (AFF); 2017, c. 235, §18 (RP) .]

SECTION HISTORY

1983, c. 845, §4 (NEW). 2017, c. 235, §18 (AMD). 2017, c. 235, §41 (AFF).

§13019-A. SUPERINTENDENT CERTIFICATE*(REPEALED)*

SECTION HISTORY

1985, c. 287, §5 (NEW). 1989, c. 889, §9 (AMD). 2001, c. 534, §§5,6 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 235, §19 (RP).

§13019-B. PRINCIPAL CERTIFICATE*(REPEALED)*

SECTION HISTORY

1985, c. 287, §5 (NEW). 1989, c. 889, §10 (AMD). 2001, c. 534, §§7,8 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 235, §20 (RP).

§13019-C. DIRECTOR OF CAREER AND TECHNICAL EDUCATION CERTIFICATE

(REPEALED)

SECTION HISTORY

1985, c. 287, §5 (NEW). 1989, c. 878, §B18 (RPR). 2001, c. 534, §§9,10 (AMD). 2005, c. 397, §D3 (REV). 2011, c. 679, §26 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 235, §21 (RP).

§13019-D. RECERTIFICATION OF ADMINISTRATORS

(REPEALED)

SECTION HISTORY

1985, c. 287, §5 (NEW). RR 1991, c. 2, §67 (COR). 2017, c. 235, §41 (AFF). 2017, c. 235, §22 (RP).

§13019-E. RECERTIFICATION OF OTHER PROFESSIONAL PERSONNEL

(REPEALED)

SECTION HISTORY

1985, c. 287, §5 (NEW). 2017, c. 235, §41 (AFF). 2017, c. 235, §23 (RP).

§13019-F. ONE-YEAR CONDITIONAL CERTIFICATES FOR ADMINISTRATORS

(REPEALED)

SECTION HISTORY

1995, c. 282, §1 (NEW). 2005, c. 152, §§3,4 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 235, §24 (RP).

§13019-G. EDUCATIONAL SPECIALIST CERTIFICATE

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

[2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF) .]

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

[2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF) .]

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

[2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF) .]

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

[2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF) .]

SECTION HISTORY

2017, c. 235, §25 (NEW). 2017, c. 235, §41 (AFF).

§13019-H. EDUCATIONAL TECHNICIAN CERTIFICATE

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

A. Introduce new learning plans developed in consultation with the classroom teacher or appropriate content specialist; and [2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF).]

B. Supervise small groups of students in community-based programs. [2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF).]

[2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF) .]

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

[2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF) .]

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

[2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF) .]

SECTION HISTORY

2017, c. 235, §25 (NEW). 2017, c. 235, §41 (AFF).

§13019-I. ADMINISTRATOR CERTIFICATE

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

[2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF) .]

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

A. Has at least 3 years of satisfactory teaching experience or the equivalent; [2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF).]

B. Has academic and professional knowledge as demonstrated through the completion of required graduate or undergraduate courses or programs, performance in examinations or completion of specialized programs approved for this purpose; [2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF).]

C. Has a basic level of knowledge in competency areas determined by the state board; and [2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF).]

D. Has satisfactorily completed an approved internship or practicum relating to the duties of an administrator. [2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF).]

[2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF) .]

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

[2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF) .]

4. Endorsements. The administrator certificate must be issued with an endorsement that specifies the work area for which the individual is determined to be qualified. A holder of an administrator certificate may not work outside the holder's area of endorsement unless permitted under rules established by the state board. This includes the following areas:

A. Employment as a superintendent of a school administrative unit in the State; [2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF).]

B. Employment as a building administrator or principal of a public school or as chief administrator of a private school approved for attendance purposes pursuant to section 2901, subsection 2, paragraph B; and [2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF).]

C. Employment as any other administrator as may be determined by the state board to be necessary and beneficial for the efficient operation of the schools. [2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF).]

[2017, c. 235, §25 (NEW); 2017, c. 235, §41 (AFF) .]

SECTION HISTORY

2017, c. 235, §25 (NEW). 2017, c. 235, §41 (AFF).

§13020. REVOCATION OR SUSPENSION OF A CERTIFICATE

1. General. The state board's rules adopted under this chapter shall specify the procedure to be followed by the commissioner in seeking the revocation or suspension of a certificate in the District Court and shall authorize the commissioner to enter into a consent agreement with any certificated person in lieu of initiating or completing a proceeding in the District Court.

[1983, c. 845, §4 (NEW); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

2. Grounds for revocation or suspension of a certificate. The following are grounds for revocation or suspension of a certificate issued under this Title:

A. Evidence that a person has injured the health or welfare of a child through physical or sexual abuse or exploitation shall be grounds for revocation or suspension of a certificate. Notwithstanding Title 5, chapter 341, a certified court record that a person certificated under this Title was convicted in any state

or federal court of a criminal offense involving the physical or sexual abuse or exploitation of a child within the previous 5 years shall be sufficient grounds for revocation or suspension of that person's certificate; and [1983, c. 845, §4 (NEW).]

B. Other grounds as may be established by the state board in its rules relating to criminal offenses not inconsistent with Title 5, chapter 341, fraud or gross incompetence. [1983, c. 845, §4 (NEW).]

[1983, c. 845, §4 (NEW) .]

3. Denial of certificate for prior immoral conduct. Evidence that an applicant for initial certification or renewal has injured the health or welfare of a child through physical or sexual abuse or exploitation is grounds for a denial of a certificate. Notwithstanding Title 5, chapter 341, every person, who, within 5 years of the application for initial certification or renewal, has been convicted in any state or federal court of a criminal offense involving the physical or sexual abuse or exploitation of a child, may be presumed by the commissioner to lack good moral character for the purposes of this chapter. This presumption shall be a rebuttable presumption. Notwithstanding Title 5, chapter 341, the commissioner shall be entitled to consider all records of prior criminal convictions involving child abuse or exploitation in determining an applicant's eligibility for a certificate.

[1983, c. 845, §4 (NEW) .]

4. Reinstatement of certificate. Revoked certificates may only be reinstated in accordance with state board rules. The following provisions govern the reinstatement of any certificate revoked for reasons of child abuse or exploitation.

A. Notwithstanding Title 5, chapter 341, no certificate revoked for reasons of child abuse or exploitation may be reinstated within 5 years of the revocation and in no case less than 3 years from the expiration of probation or parole or discharge from imprisonment for a criminal conviction involving child abuse or exploitation. [1983, c. 845, §4 (NEW).]

B. In determining whether a certificate may be reinstated, the commissioner shall determine whether the applicant has been sufficiently rehabilitated to warrant the public trust. The applicant shall be required to demonstrate sufficient evidence of rehabilitation, notwithstanding Title 5, chapter 341, and the commissioner shall state in writing the basis for any decision which denies reinstatement of a certificate. [1983, c. 845, §4 (NEW).]

C. Denial of reinstatement pursuant to paragraph B may be appealed to the Superior Court. [1983, c. 845, §4 (NEW).]

[1983, c. 845, §4 (NEW) .]

SECTION HISTORY

1983, c. 845, §4 (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF).

§13021. PERIODIC REVIEW

(REPEALED)

SECTION HISTORY

1983, c. 845, §4 (NEW). 1985, c. 287, §6 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 235, §26 (RP).

§13022. SCHOOL PSYCHOLOGISTS

1. Definitions. For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "School psychologist" means a professional certified by the department as a school psychologist who provides school psychological services consistent with the national standards articulated by the most current Model for Comprehensive and Integrated School Psychological Services as published by the National Association of School Psychologists. "School psychologist" includes a school psychologist - doctoral and a school psychologist - specialist. [2011, c. 386, §2 (NEW) .]

B. "School psychologist - doctoral" means a professional who meets the qualifications established in subsection 3 and holds a doctoral degree in psychology or a related field as determined by the advisory committee established in subsection 7. [2011, c. 386, §2 (NEW) .]

C. "School psychologist - specialist" means a professional who meets the qualifications established in subsection 3 and holds a master's degree or specialist-level degree. [2011, c. 386, §2 (NEW) .]

[2011, c. 386, §2 (AMD) .]

1-A. Scope of services. A school psychologist delivers services to children from birth to grade 12 who are eligible to be enrolled in educational and intermediate educational units, special education programs and approved private schools. The services delivered are the services articulated under the domains of practice in the current Model for Comprehensive and Integrated School Psychological Services developed and published by the National Association of School Psychologists.

[2011, c. 386, §2 (NEW) .]

2. Certification by commissioner. The commissioner shall certify school psychologists pursuant to rules adopted by the state board. The rules must include practice standards for certified school psychologists that follow national standards set forth by the National Association of School Psychologists or a successor organization and ethics standards set forth by the National Association of School Psychologists or a successor organization and the American Psychological Association or a successor organization, violation of which constitutes grounds for suspension or revocation of the certification.

[2011, c. 386, §2 (AMD) .]

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

A. Holds a graduate degree from an accredited program in school psychology that was approved by the National Association of School Psychologists/National Council for Accreditation of Teacher Education or the American Psychological Association in School Psychology at the time the degree was awarded; [1993, c. 207, §3 (NEW) .]

B. Has completed graduate work that is determined by the commissioner to be substantially similar to the programs referred to in paragraph A; or [1993, c. 207, §3 (NEW) .]

C. Holds a valid license from the State Board of Examiners of Psychologists with demonstrated competency in the area of school psychology as established by the state board. [1993, c. 207, §3 (NEW) .]

[2011, c. 386, §2 (AMD) .]

4. Term of issuance. The commissioner shall issue a school psychologist certificate for a term of years consistent with rules adopted by the state board. The length of the term may vary among certificate holders so as to be coterminous with any other professional license or certificate held by the school psychologist. The school psychologist certificate may be renewed in accordance with academic and professional requirements established by the state board. A certificate holder must be supervised for the first year following initial certification at no additional cost to the school administrative unit or the department. The state board shall require evidence of supervision prior to renewing a first-year certificate. Supervision of the first-year school psychologist must be in accordance with supervision standards established by the National Association of School Psychologists or a successor organization and provided by a person who is certified as a school psychologist under subsection 2 and is:

A. A member of the Maine Association of School Psychology or a successor organization; or [2011 , c. 386 , §2 (NEW) .]

B. Employed by or under contract with a school administrative unit. [2011 , c. 386 , §2 (NEW) .]

[2011 , c. 386 , §2 (AMD) .]

5. Exclusive regulatory authority. The provisions of Title 32, chapter 56 do not apply to persons certified as school psychologists under this section except to the extent that the persons are also licensed or seek licensure under that chapter, engage in the practice of psychology beyond the scope of this section or hold themselves out as psychologists or psychological examiners.

[2011 , c. 386 , §2 (AMD) .]

6. Designation. Persons certified under this section may hold themselves out as school psychologists but must include the word "school" in the designation, or as nationally certified school psychologists if they hold the credentials as designated by the National Association of School Psychologists or a successor organization. Persons certified under this section may not hold themselves out as psychologists, psychological examiners or any business name incorporating variations of those titles other than school psychologists or nationally certified school psychologists unless they are appropriately licensed under Title 32, chapter 56.

[2011 , c. 386 , §2 (AMD) .]

7. Advisory committee. There is established within the department, in accordance with Title 5, section 12004-I, the Advisory Committee on School Psychologists, referred to in this subsection as "the committee."

A. The duties of the committee are:

(1) To advise the state board in the adoption of rules and a code of ethics and practice standards for school psychologists; and

(2) To assist the commissioner in:

(i) Certifying school psychologists;

(ii) Investigating alleged violations of the code of ethics and practice standards adopted by the state board; and

(iii) Investigating alleged violations of section 13020 and certification rules governing school psychologists. [2011 , c. 386 , §2 (AMD) .]

B. The committee consists of 9 members appointed by the commissioner. The membership consists of 2 certified school psychologists, 2 licensed psychologists, one faculty member from a graduate program in school psychology, one educator from a public school or approved private school and 3 parents or guardians of students. [2011 , c. 386 , §2 (AMD) .]

C. Three members of the committee must be initially appointed for a term of one year, 3 for a term of 2 years and 3 for a term of 3 years. All appointments must be for a term of 3 years thereafter. Any member may serve beyond the expiration date of that member's term until a successor has been appointed and qualified. Any vacancy on the committee must be filled for the unexpired portion of the term. The committee shall elect its own chair. [1993, c. 207, §3 (NEW).]

D. Members of the committee are entitled to receive compensation according to the provisions of Title 5, chapter 379. [1993, c. 207, §3 (NEW).]

[2011, c. 386, §2 (AMD) .]

8. Transition. Persons certified as school psychological service providers and school psychological examiners on or after October 13, 1993 may continue to provide the services authorized by their respective certificates until the scheduled expiration of those certificates. The state board's rules must contain a schedule affording all certified school psychological service providers a reasonable amount of time to meet the requirements of the certificate authorized by subsection 2.

[2011, c. 386, §2 (AMD) .]

SECTION HISTORY

1993, c. 207, §3 (NEW). 2011, c. 386, §2 (AMD).

§13023. EDUCATIONAL TECHNICIAN AUTHORIZATION

(REPEALED)

SECTION HISTORY

1997, c. 553, §4 (NEW). 2001, c. 98, §1 (AMD). 2005, c. 457, §FF2 (AMD). 2015, c. 395, §8 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 235, §27 (RP).

§13024. CLEARANCE FOR PERSON PAID TO WORK IN SCHOOL

1. Clearance. A person paid to work in a school in a position that does not require certification must be issued a clearance by the department. This section applies to:

A. Personnel employed in a public school or an approved private school as regular or substitute employees; [2005, c. 457, Pt. FF, §3 (NEW).]

B. Personnel in a private school that enrolls more than 60% of its students at public expense; [2005, c. 457, Pt. FF, §3 (NEW).]

C. Personnel employed by or serving the school administrative unit as contracted service providers; and [2005, c. 662, Pt. A, §38 (AMD).]

D. Personnel for whom certification is not required prior to being hired or being placed under contract by a public school or an intermediate educational unit. [2017, c. 235, §28 (AMD); 2017, c. 235, §41 (AFF).]

E. [2005, c. 662, Pt. A, §40 (RP).]

[2017, c. 235, §28 (AMD); 2017, c. 235, §41 (AFF) .]

2. Qualifications. The commissioner shall adopt rules to define the function, eligibility, term and renewal of the clearance under subsection 1. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2017, c. 235, §28 (AMD); 2017, c. 235, §41 (AFF) .]

3. Fees.

[2017, c. 235, §41 (AFF); 2017, c. 235, §28 (RP) .]

SECTION HISTORY

2005, c. 457, §FF3 (NEW). 2005, c. 662, §§A38-40 (AMD). 2017, c. 235, §28 (AMD). 2017, c. 235, §41 (AFF).

§13025. INVESTIGATIONS

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 12/13/18)

When conducting an investigation relating to the credentialing of personnel under chapter 501 and this chapter and rules of the state board, the commissioner may issue subpoenas for education records relevant to that investigation. [2017, c. 235, §29 (AMD); 2017, c. 235, §41 (AFF).]

SECTION HISTORY

2013, c. 167, Pt. D, §1 (NEW). 2017, c. 235, §29 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 477, §1 (RPR).

§13025. INVESTIGATIONS

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 12/13/18)

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Boundaries" means the physical, emotional and social structures that ensure that interactions with a student have a legitimate academic purpose. [2017, c. 477, §1 (NEW).]

B. "Covered investigation" means an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the conduct involves alcohol, illegal drugs, physical abuse, emotional abuse, violating boundaries, inappropriate contact between a credential holder and a student, stalking, or similar behavior that may endanger the health, safety or welfare of a student. [2017, c. 477, §1 (NEW).]

C. "School entity" means an approved private school, school administrative unit, public charter school, school management and leadership center, school in the unorganized territory or school operated by the State. [2017, c. 477, §1 (NEW).]

[2017, c. 477, §1 (NEW) .]

2. Subpoenas. When conducting an investigation relating to the credentialing of personnel under chapter 501 and this chapter and rules of the state board, the commissioner may issue subpoenas for education records relevant to that investigation.

[2017, c. 477, §1 (NEW) .]

3. Duties of school entities. A school entity shall notify the department within 15 business days of the school entity's initiating a covered investigation. The school entity shall notify the department immediately if the credential holder is put on administrative leave, suspended or terminated as part of a covered investigation. The notification must include the matter being investigated. Within 5 business days

after completion of a covered investigation, the school entity shall notify the department in writing of the final outcome of the investigation, including, but not limited to, any actions taken, and shall provide to the department any final report produced.

[2017, c. 477, §1 (NEW) .]

4. Duties of department. The department shall notify school entities in accordance with this subsection.

A. The department shall notify the superintendent or chief administrative officer of a school entity within 15 business days of the department's initiating an investigation into a holder of a credential who works for the school entity and shall notify the school entity immediately if the department takes action on that credential. Within 5 business days after completion of an investigation, the department shall notify each school entity for which the credential holder works of the final outcome of the investigation, including, but not limited to, any actions taken, and shall provide to the school entity any final written decision.

[2017, c. 477, §1 (NEW) .]

B. Immediately upon receipt from a school entity of notification pursuant to subsection 3 of a covered investigation or administrative leave, suspension or termination, the department shall notify the superintendent or chief administrative officer of all other school entities for which the credential holder works, as reported to the department under section 13026, that the credential holder is being investigated or has been placed on administrative leave, suspended or terminated as part of a covered investigation. The department shall notify the superintendent or chief administrative officer of each school entity for which the credential holder works of the final outcome of the covered investigation, including, but not limited to, any actions taken and any final report produced, upon receipt of that information from the investigating school entity. [2017, c. 477, §1 (NEW) .]

[2017, c. 477, §1 (NEW) .]

5. Confidentiality. The department may share information that is confidential pursuant to section 6101 or 13004 with a school entity in accordance with subsection 4. A school entity that receives confidential information shall maintain the confidentiality of that information in accordance with rules adopted by the department pursuant to subsection 6.

[2017, c. 477, §1 (NEW) .]

6. Rules. The commissioner shall adopt rules as necessary to carry out this section. In adopting rules, the commissioner shall identify the types of conduct of which a school entity must notify the department under subsection 3 and shall develop procedures for school entities to ensure the confidentiality of information received pursuant to subsection 5. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[2017, c. 477, §1 (NEW) .]

SECTION HISTORY

2013, c. 167, Pt. D, §1 (NEW). 2017, c. 235, §29 (AMD). 2017, c. 235, §41 (AFF). 2017, c. 477, §1 (RPR).

§13026. COMPLIANCE WITH CRIMINAL HISTORY RECORD CHECK AND FINGERPRINTING REQUIREMENTS

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 12/13/18)

1. List of school administrative unit employees. Beginning January 1, 2019, and quarterly thereafter, a school administrative unit shall submit to the department a list of the names of all employees subject to certification, approval or authorization and indicate for each person included on the list the date on which the person most recently commenced employment with the school administrative unit.

[2017, c. 426, §1 (NEW) .]

2. Notification of noncompliance. Upon receipt of a list from a school administrative unit pursuant to subsection 1, the department shall determine for each person included on the list whether the person has complied with all applicable criminal history record check and fingerprinting requirements of section 6103 and rules adopted by the state board. If the department determines that the person has failed to comply with any such applicable requirement, the department shall immediately notify the school administrative unit of the person's failure to comply.

[2017, c. 426, §1 (NEW) .]

SECTION HISTORY

2017, c. 426, §1 (NEW) .

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