

Title 20-A: EDUCATION

Chapter 502: CERTIFICATION OF EDUCATIONAL PERSONNEL (ON 7/1/18 BECOMES "CREDENTIALING OF EDUCATIONAL PERSONNEL")

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Maine Revised Statutes
Title 20-A: EDUCATION

**Chapter 502: CERTIFICATION OF EDUCATIONAL PERSONNEL (ON
7/1/18 BECOMES "CREDENTIALING OF EDUCATIONAL PERSONNEL")**

§13011. GENERAL AUTHORIZATION OF STATE BOARD

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

1. Certification and revocation rules. All certificates issued or revoked after June 30, 1988, are in accordance with this chapter. The state board shall adopt rules to carry out the purposes of this chapter under which the commissioner shall:

A. Certify teachers 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 approval pursuant to section 13024 to provide speech-language pathology services in a public school or approved private school; [2011, c. 49, §1 (AMD).]

B. Certify adult education teachers and other teaching and professional personnel in publicly supported educational programs other than postsecondary school institutions, colleges and universities; [1995, c. 207, §1 (AMD).]

C. Authorize educational technicians for service in schools and approve the employment of other semiprofessional personnel; [1997, c. 553, §1 (RPR).]

D. Seek a revocation of a certificate or authorization in the District Court; [1997, c. 683, Pt. A, §11 (RPR); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

E. Certify or authorize 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 [2005, c. 152, §1 (AMD).]

F. Approve all individuals for whom certification or authorization 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. [1999, c. 791, §5 (RPR).]

[2011, c. 49, §1 (AMD).]

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 shall recognize at least 3 categories of teacher certificates as identified in sections 13012 to 13014.

[1983, c. 845, §4 (NEW).]

4. Appeal. An applicant who has been denied the issuance or renewal of a certificate or authorization 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.

[1997, c. 553, §3 (AMD) .]

5. Administrator certificates. The state board rules shall establish qualifications for certifying superintendents of schools, principals and directors of career and technical education and shall also establish qualifications for such other certificates for administrators as may be determined to be necessary and beneficial for the efficient operation of the schools.

[1985, c. 287, §1 (NEW); 2005, c. 397, Pt. D, §3 (REV) .]

6. Alternative pathways to certification. The state board shall develop and adopt rules providing a method for a person who has not completed an approved educator preparation program as defined under section 13008 to obtain provisional educator certification through an alternative pathway that:

A. Is designed for candidates who can demonstrate subject matter competency that is directly related to the certificate endorsement being sought and obtained through prior academic achievement or work experience; [2011, c. 635, Pt. B, §2 (NEW).]

B. May feature an accelerated program of preparation; [2011, c. 635, Pt. B, §2 (NEW).]

C. Uses mentorship programs that partner teacher candidates with mentor teachers; and [2011, c. 635, Pt. B, §2 (NEW).]

D. Includes accountability provisions to ensure that teacher candidates demonstrate the knowledge and skills established pursuant to section 13012, subsection 2-B prior to issuance of a provisional teacher certificate. [2011, c. 635, Pt. B, §2 (NEW).]

[2011, c. 635, Pt. B, §2 (RPR) .]

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, 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 [1995, c. 321, §1 (AMD).]

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).]

[1995, c. 321, §1 (AMD) .]

8. Criminal history record checks. Criminal history record checks of an applicant for certification, authorization, approval or renewal must be conducted in accordance with this section, section 6103 and pursuant to rules adopted by the state board. Rules adopted pursuant to this subsection are minor technical rules in accordance with Title 5, chapter 375, subchapter II-A.

[1997, c. 452, §7 (NEW) .]

9. Targeted need area certificate; exception. The state board shall adopt rules that establish criteria under which a targeted need area certificate may be issued. This certificate may be issued only to a person holding a bachelor's degree and teaching in a teacher shortage area. The teacher shortage area is determined by the commissioner. Rules adopted pursuant to this subsection are major substantive rules in accordance with Title 5, chapter 375, subchapter 2-A. Any amendment to the rules adopted pursuant to this subsection that revises the qualifications for a targeted need area certificate does not apply to a person who was issued a targeted need area certificate prior to or during the school year preceding the adoption of revisions to the original rules as long as the holder of the targeted need area certificate completes within 3 years the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.

[2015, c. 395, §6 (AMD) .]

10. Conditional certificate; transitional endorsement; exception. A conditional certificate is a certificate for teachers and educational specialists who have not met all of the requirements for a provisional or professional certificate. A school administrative unit may employ a conditionally certified teacher or educational specialist who is in the process of becoming professionally certified notwithstanding the availability of provisionally or professionally certified teachers or educational specialists. Any amendment to the rules adopted pursuant to this chapter that revises the qualifications for a conditional certificate or transitional endorsement does not apply to a person who was issued a conditional certificate or transitional endorsement prior to or during the school year preceding the adoption of revisions to the rules as long as the holder of the conditional certificate or transitional endorsement completes within 3 years the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.

[2015, c. 395, §7 (AMD) .]

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).

§13011. GENERAL AUTHORIZATION OF STATE BOARD

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 7/1/18)

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. Certify teachers 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 approval pursuant to section 13024 to provide speech-language pathology services in a public school or approved private school; [2011 , c. 49, §1 (AMD).]

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. The state board shall develop and adopt rules providing a method for a person who has not completed an approved educator preparation program as defined under section 13008 to obtain provisional educator certification through an alternative pathway that:

A. Is designed for candidates who can demonstrate subject matter competency that is directly related to the certificate endorsement being sought and obtained through prior academic achievement or work experience; [2011, c. 635, Pt. B, §2 (NEW).]

B. May feature an accelerated program of preparation; [2011, c. 635, Pt. B, §2 (NEW).]

C. Uses mentorship programs that partner teacher candidates with mentor teachers; and [2011, c. 635, Pt. B, §2 (NEW).]

D. Includes accountability provisions to ensure that teacher candidates demonstrate the knowledge and skills established pursuant to section 13012, subsection 2-B prior to issuance of a provisional teacher certificate. [2011, c. 635, Pt. B, §2 (NEW).]

[2011, c. 635, Pt. B, §2 (RPR).]

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. The state board shall adopt rules that establish criteria under which a targeted need area certificate may be issued. This certificate may be issued only to a person holding a bachelor's degree and teaching in a teacher shortage area. The teacher shortage area is determined by the commissioner. Rules adopted pursuant to this subsection are major substantive rules in accordance with Title 5, chapter 375, subchapter 2-A. Any amendment to the rules adopted pursuant to this subsection that revises the qualifications for a targeted need area certificate does not apply to a person who was issued a targeted need area certificate prior to or during the school year preceding the adoption of revisions to the original rules as long as the holder of the targeted need area certificate completes within 3 years the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.

[2015, c. 395, §6 (AMD) .]

9. Targeted need area certificate; exception.

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

10. Conditional certificate; transitional endorsement; exception. A conditional certificate is a certificate for teachers and educational specialists who have not met all of the requirements for a provisional or professional certificate. A school administrative unit may employ a conditionally certified teacher or educational specialist who is in the process of becoming professionally certified notwithstanding the availability of provisionally or professionally certified teachers or educational specialists. Any amendment to the rules adopted pursuant to this chapter that revises the qualifications for a conditional certificate or transitional endorsement does not apply to a person who was issued a conditional certificate or transitional endorsement prior to or during the school year preceding the adoption of revisions to the rules as long as the holder of the conditional certificate or transitional endorsement completes within 3 years the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.

[2015, c. 395, §7 (AMD) .]

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

1. Definition. A provisional teacher certificate is the entry level certificate issued to an individual who has not taught previously in the State, except as provided in section 13013, subsection 2-A, paragraphs B and D.

[1997, c. 266, §15 (AMD) .]

2. Qualifications.

[2001, c. 534, §1 (RP) .]

2-A. Qualifications. State board rules governing the qualifications for a provisional teacher certificate must require that a certificate may only be issued to an applicant who meets the requirements of subsection 2-B, has successfully completed a student teaching experience of at least 15 weeks and:

A. For elementary school, has met academic and preprofessional requirements established by the state board for teaching at the elementary school level and has graduated from an accredited, degree-granting educational institution upon completion of:

- (1) A bachelor's degree from a 4-year accredited college or university;
- (2) A 4-year program in liberal arts and sciences; or
- (3) An approved 4-year teacher preparation program and has majored in the subject area to be taught or an interdisciplinary program in liberal arts; [2001, c. 534, §2 (NEW).]

B. For secondary school, has met academic and preprofessional requirements established by the state board for teaching at the secondary school level and has graduated from an accredited, degree-granting educational institution upon completion of:

- (1) A bachelor's degree from a 4-year accredited college or university;
- (2) A 4-year program in liberal arts and sciences; or
- (3) An approved 4-year teacher preparation program and has majored in the subject area to be taught; [2001, c. 534, §2 (NEW).]

C. Is otherwise qualified by having met separate educational criteria for specialized teaching areas, including, but not limited to, special education, home economics, agriculture, career and technical education, art, music, business education, physical education and industrial arts, as established by the state board for teaching in these specialized areas; or [2001, c. 534, §2 (NEW); 2005, c. 397, Pt. D, §3 (REV).]

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 more than 5 years prior to the application date. [2001, c. 534, §2 (NEW).]

[2011, c. 635, Pt. B, §4 (AMD) .]

2-B. Learning results. In order to help students achieve learning results as established in section 6209, a provisional teacher certificate may be issued only if the applicant:

A. Demonstrates knowledge of the central concepts, tools of inquiry and structures of the discipline that the applicant teaches and can create learning experiences that make these aspects of the subject matter meaningful to students; [2001, c. 534, §2 (NEW).]

B. Demonstrates the ability to integrate the concepts, tools of inquiry and structures among the disciplines that the applicant teaches; [2001, c. 534, §2 (NEW).]

C. Demonstrates a knowledge of the diverse ways in which students learn and develop by providing learning opportunities that support their intellectual, physical, emotional and social development; [2001, c. 534, §2 (NEW).]

D. Plans instruction based upon knowledge of subject matter, students and curriculum goals; [2001, c. 534, §2 (NEW).]

E. Understands and uses a variety of instructional strategies and appropriate technologies; [2001, c. 534, §2 (NEW).]

F. Creates and maintains a classroom environment that supports and encourages learning; [2001, c. 534, §2 (NEW).]

G. Demonstrates the ability to support students' learning and well-being by engaging students and their homes, school, colleagues and community; [2001, c. 534, §2 (NEW).]

H. Understands and uses a variety of formal and informal assessment strategies to evaluate and support the development of the student; [2001, c. 534, §2 (NEW).]

I. Demonstrates an awareness of and commitment to the ethical and legal responsibilities of a teacher; and [2001, c. 534, §2 (NEW).]

J. Demonstrates a strong professional ethic and a desire to contribute to the education profession. [2001, c. 534, §2 (NEW).]

[2001, c. 534, §2 (NEW).]

3. Endorsements. The provisional teacher certificate shall be issued with an endorsement which specifies the grades and subject area which the teacher is deemed qualified to teach. The state board shall by rule establish the criteria for assessing teacher proficiency and subject matter competency for the provisional certificate. A holder of a provisional teacher certificate may not teach outside his or her area of endorsement unless he or she has received a waiver from the commissioner in accordance with state board rules. These endorsements shall not apply to teachers in private schools approved for attendance purposes only.

[1983, c. 845, §4 (NEW).]

4. Two-year limit. The provisional teacher certificate may be issued for a 2-year period and may only be renewed in accordance with section 13016.

[1985, c. 287, §§2,8 (AMD).]

5. Qualifying examinations. The provisional teacher certificate shall only be issued to those applicants who have taken the teacher qualifying examinations set forth in chapter 502-A.

[1983, c. 859, Pt. I, §1 (NEW).]

SECTION HISTORY

1983, c. 845, §4 (NEW). 1983, c. 859, §11 (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. PROVISIONAL TEACHER CERTIFICATE

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §10; §41)

SECTION HISTORY

1983, c. 845, §4 (NEW). 1983, c. 859, §11 (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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 7/1/18)

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 or educational specialist, 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 or educational specialist 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. 235, §11 (NEW); 2017, c. 235, §41 (AFF).]

B. Provide a program of intensive supervision for the conditionally certified teacher or educational specialist 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. 235, §11 (NEW); 2017, c. 235, §41 (AFF).]

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

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).

§13013. PROFESSIONAL TEACHER CERTIFICATE

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

1. Definition. A professional teacher certificate is a renewable certificate issued to an individual who has held a provisional certificate and has met the qualifications of this section, except as provided in subsection 2-A, paragraphs B and D.

[1997, c. 266, §16 (AMD) .]

2. Qualifications.

[1991, c. 682, §3 (RP) .]

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

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; [1997, c. 266, §17 (AMD).]

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 a national board certificate issued by the National Board for Professional Teaching Standards, or its successor organization, or, with the exception of the national teachers exam, meets entry-level standards for the endorsement; [1999, c. 75, §6 (AMD).]

C. Holds a provisional teacher certificate issued pursuant to section 13012, subsection 2-A, paragraph D and has taught for at least one year under a provisional teacher certificate; or [2001, c. 534, §4 (AMD).]

D. Is seeking to hold only adult education or from birth to under age 6 endorsements. [1997, c. 266, §17 (NEW).]

[2001, c. 534, §4 (AMD) .]

3. Endorsements. The professional teacher certificate shall be issued with an endorsement which specifies the grades and subject area which the teacher is deemed qualified to teach. A holder of a professional teacher certificate may not teach outside his or her area of endorsement unless he or she has received a waiver from the commissioner in accordance with state board rules.

[1983, c. 845, §4 (NEW) .]

4. Five-year certificate. A professional teacher certificate shall be issued for a 5-year period and may be renewed in accordance with section 13016.

[1983, c. 845, §4 (NEW) .]

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).

§13013. PROFESSIONAL TEACHER CERTIFICATE

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 7/1/18)

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; or

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

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

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).

§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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

1. Definition. A master teacher certificate is a renewable certificate issued to an individual who has achieved additional professional standards in accordance with this section.

[1983, c. 845, §4 (NEW) .]

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

A. Possesses a professional teacher certificate; [1983, c. 845, §4 (NEW).]

B. Has demonstrated exemplary professional skills in classroom instruction and who may have additionally contributed to the profession in such areas as:

(1) Curriculum development;

(2) Teacher in-service training and effective staff development; or

(3) Student-teacher supervision; and [1983, c. 845, §4 (NEW).]

C. Has obtained the support system's positive recommendation based on the contents of a teacher action plan pursuant to section 13015. [1983, c. 845, §4 (NEW).]

[1983, c. 845, §4 (NEW) .]

3. Endorsements. The holder of a master teacher certificate shall possess, at a minimum, the endorsements held under the professional certificate.

[1983, c. 845, §4 (NEW) .]

4. Five-year certificate. A master teacher certificate may be issued for a 5-year period and may be renewed in accordance with section 13016.

[1983, c. 845, §4 (NEW) .]

5. Effective date. Notwithstanding the July 1, 1988, reference in section 13011, the state board shall establish as a target date, September 1, 1987, to adopt rules governing the issuance of master teacher certificates. Following the effective date of these rules, eligible teachers may apply to qualify for a master teacher certificate. Master teacher certificates may be issued starting in July 1988.

[1985, c. 797, §49 (RPR) .]

SECTION HISTORY

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

§13014. MASTER TEACHER CERTIFICATE

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §13; §41)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

1. Employment. No public school or private school approved for tuition purposes under section 2901, subsection 2, paragraph B may employ a provisional teacher unless it has an approved, locally designed, support system or has received specific authorization from the commissioner in accordance with state board rules.

[1983, c. 845, §4 (NEW) .]

2. Purpose. The purpose of an approved support system is to:

A. Provide strong support services for developing good teaching and classroom management skills to teachers with provisional certificates; [1983, c. 845, §4 (NEW) .]

B. Provide assistance and review to all individuals who are candidates for a higher level certificate or who are teaching under a waiver of the requirement to be certified under this chapter; and [1999, c. 238, §1 (AMD) .]

C. Assist all teachers in becoming better teachers. [1983, c. 845, §4 (NEW) .]

This support system is separate from local practices and procedures regarding the supervision and evaluation of a teacher for retention by an administrative unit.

[1999, c. 238, §1 (AMD) .]

3. Approval. Each administrative unit's support system is subject to approval by the commissioner in accordance with state board rules which shall require, at a minimum, that an approved support system contains the following:

A. A majority of classroom teachers, including a master teacher, if available, and other personnel such as administrators, personnel from the Department of Education or institutions of higher education and other outside consultants as the commissioner may approve. The approved support system may consist of as few as 2 teachers and one administrator. For the purposes of this paragraph, the state board shall establish by rule the definition of classroom teacher; [1991, c. 622, Pt. X, §7 (AMD).]

B. A description of the duties and responsibilities of the support system in the preparation of a teacher action plan for both provisional teachers and applicants for master teacher certification; [1983, c. 845, §4 (NEW).]

C. A description of the duties of the master teacher responsible for the design and coordination of a teacher action plan; and [1983, c. 845, §4 (NEW).]

D. A description of any current or planned linkages the support system has or will have with institutions of higher education, department personnel and members of the public in the operation of its support system. [1983, c. 845, §4 (NEW).]

[1991, c. 622, Pt. X, §7 (AMD) .]

4. Teacher action plan. A teacher action plan is developed by the support system in consultation with the teacher who is the subject of the plan. The teacher action plan shall describe the specific skills which must be developed and improved by the teacher, as well as any other requirements, which may include additional professional graduate and advanced study, in order to achieve a positive recommendation to receive a higher level of certificate. A teacher action plan shall contain the basis for the positive or negative recommendation of a support system as to whether a teacher should be granted a professional teacher certificate or a master teacher certificate, as applicable.

[1983, c. 845, §4 (NEW) .]

5. Records confidential. A teacher action plan shall be considered an employee record and shall be kept confidential in accordance with sections 6101 and 6102.

[1983, c. 845, §4 (NEW) .]

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).

§13015. SUPPORT SYSTEM

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §14; §41)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

Teacher certificates issued in accordance with this chapter may be renewed pursuant to state board rules which shall include, but not be limited to, the following. [1983, c. 845, §4 (NEW).]

1. Provisional teacher certificates. A provisional teacher certificate is not renewable except for the following:

A. Teachers employed in private schools approved for attendance purposes only; [1983, c. 845, §4 (NEW).]

B. Unemployed teachers who apply to renew their certificates during periods of unemployment so long as they have been employed for less than 2 consecutive school years while holding a preliminary certificate; [1983, c. 845, §4 (NEW).]

C. Notwithstanding paragraphs A and B, the commissioner may grant an extension for not more than 2 years based on:

(1) The recommendation of the superintendent;

(2) The recommendation of the support system that includes a Teacher Action Plan describing the goals to be met by the teacher to achieve a professional certificate, specific steps needed to achieve those goals, and criteria for measuring whether those steps have been successfully completed;

(3) If there is an inconsistency between the recommendations in subparagraphs (1) and (2), the commissioner may hold a fact-finding hearing in the school administrative unit where the teacher is employed. At the hearing, the Teacher Action Plan, superintendent's recommendations and support system recommendations must be presented. With the consent of the teacher the hearing may be open to the public; and [1991, c. 824, Pt. C, §3 (AMD).]

D. Notwithstanding paragraphs A, B and C on a case-by-case basis to be determined by the commissioner on the basis of documented hardship or other extraordinary circumstances as set forth in state board rules. [1983, c. 845, §4 (NEW).]

[1991, c. 824, Pt. C, §3 (AMD).]

2. Professional teacher certificates. 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 complete at least 6 hours of professional or academic study, or in-service training designed to improve the performance of the teacher in the field for which the teacher holds an endorsement, or in a related subject area, or to improve the teacher's knowledge of, and skill in, standards-based education. Teachers who desire to qualify for a master teacher certificate must coordinate their continuing professional education with the requirements of an applicable teacher action plan.

[2011, c. 669, §8 (AMD).]

3. Master teacher certificate. A master teacher certificate may be renewed for 5-year periods in accordance with state board rules which shall require, at a minimum, that the master teacher has obtained a recommendation of the support system that the master teacher has maintained a high level of professional teacher skills. If the holder of a master teacher certificate fails to maintain master teacher skills or chooses not to seek a renewal of the master teacher certificate, the teacher will be deemed to hold a professional teacher certificate and shall meet the requirements for its renewal.

[1983, c. 845, §4 (NEW).]

4. Renewal of nonteacher, professional certificates.

[1985, c. 287, §3 (RP).]

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).

§13016. RENEWAL OF TEACHER CERTIFICATES

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §15; §41)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

Notwithstanding any other requirements of this chapter, a teacher or educational specialist who holds a provisional certificate, has taught for fewer than 2 years in this State under a provisional certificate and who has taught for a minimum of 2 years in the same content area may be awarded a professional certificate if recommended by the administrative unit's support system and if otherwise determined eligible by the commissioner. [1993, c. 200, §3 (NEW).]

SECTION HISTORY

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

§13017-A. PROFESSIONAL CERTIFICATE WITH EXPERIENCE

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §16; §41)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

Teachers, who hold certificates issued in accordance with chapter 501, shall continue to hold those certificates until their termination dates. All certificates issued after June 30, 1988, shall be issued in accordance with this chapter. Teachers who held 5-year or 10-year certificates prior to June 30, 1988, shall be considered to have held professional teacher certificates for the purpose of recertification under this chapter. [1985, c. 287, §4 (AMD).]

SECTION HISTORY

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

§13018. RECERTIFICATION OF 5-YEAR AND 10-YEAR TEACHER CERTIFICATES

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §17; §41)

SECTION HISTORY

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

§13019. VISITING TEACHER PERMIT

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

1. Definition. A visiting teacher permit is designed to allow those who do not intend to enter the teaching profession full time to offer their special expertise to schools. The visiting teacher shall act as an adjunct to existing staff and shall not be used to avoid the hiring of professional, certified teachers.

[1983, c. 845, §4 (NEW) .]

2. Qualifications. A visiting teacher permit shall be issued for a limited period in accordance with state board rules.

[1983, c. 845, §4 (NEW) .]

SECTION HISTORY

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

§13019. VISITING INTERNATIONAL TEACHER

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 7/1/18)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

1. Initial certification. A superintendent's certificate is the certificate required for employment as a superintendent of a school administrative unit in the State. State board rules shall require that qualifications for such a certificate include the following:

- A. Evidence of at least 3 years of satisfactory teaching experience or an equivalent experience; [1985, c. 287, §5 (NEW).]
- B. Evidence of previous administrative experience in schools or equivalent experience; [1985, c. 287, §5 (NEW).]
- C. 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; [1985, c. 287, §5 (NEW).]
- D. A basic level of knowledge in competency areas determined by the state board; and [2001, c. 534, §5 (AMD).]
- E. Satisfactory completion of an approved internship or practicum relating to the duties of a superintendent. [1985, c. 287, §5 (NEW).]

[2001, c. 534, §5 (AMD) .]

2. Certificate renewal. A superintendent's certificate is limited to 5 years in duration and may be renewed based on further approved study or demonstrated professional growth and improvement through an approved administrator action plan in accordance with state board rules.

[1985, c. 287, §5 (NEW) .]

3. Rulemaking. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

[2001, c. 534, §6 (NEW) .]

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-A. SUPERINTENDENT CERTIFICATE

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §19; §41)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

1. Initial certificate. A principal's certificate is the certificate required for employment as principal of a public school and as chief administrator of a private school approved for attendance purposes pursuant to section 2901, subsection 2, paragraph B. State board rules shall require that qualifications for such a certificate include the following:

- A. Three years of satisfactory teaching experience or an equivalent relevant experience; [1985, c. 287, §5 (NEW).]

B. Academic and professional knowledge as demonstrated through the completion of graduate or undergraduate courses or programs, performance in examinations or completion of specialized programs approved for this purpose; [1985, c. 287, §5 (NEW).]

C. A basic level of knowledge in competency areas determined by the state board; and [2001, c. 534, §7 (AMD).]

D. Satisfactory completion of an approved internship or practicum in the duties of a principal. [1985, c. 287, §5 (NEW).]

[2001, c. 534, §7 (AMD).]

2. Certificate renewal. A principal's certificate is limited to 5 years in duration and may be renewed based on further approved study or demonstrated professional growth and improvement through an approved administrator action plan in accordance with state board rules.

[1985, c. 287, §5 (NEW).]

3. Rulemaking. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

[2001, c. 534, §8 (NEW).]

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-B. PRINCIPAL CERTIFICATE

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §20; §41)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

1. Initial certificate. A director of career and technical education certificate is required of each director of a career and technical education region or center established pursuant to this Title and of a career and technical education program in an approved school. State board rules must require that qualifications for such a certificate include the following:

A. Three years of satisfactory experience in teaching or career and technical education training or equivalent experience; [2011, c. 679, §26 (AMD).]

B. Academic and professional knowledge as demonstrated through completion of graduate or undergraduate courses or programs, performance in examinations or completion of specialized programs approved for this purpose; [1989, c. 878, Pt. B, §18 (RPR).]

C. A basic level of knowledge in competency areas determined by the state board; and [2001, c. 534, §9 (AMD).]

D. Satisfactory completion of an approved internship or practicum relating to the duties of a director of career and technical education. [1989, c. 878, Pt. B, §18 (RPR); 2005, c. 397, Pt. D, §3 (REV).]

[2011, c. 679, §26 (AMD) .]

2. Certificate renewal. A certificate issued under this section is limited to 5 years in duration and may be renewed based on further graduate study or demonstrated professional growth and improvement through an approved administrator action plan in accordance with state board rules.

[1989, c. 878, Pt. B, §18 (RPR) .]

3. Rulemaking. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

[2001, c. 534, §10 (NEW) .]

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-C. DIRECTOR OF CAREER AND TECHNICAL EDUCATION CERTIFICATE

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §21; §41)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

Administrators who hold certificates issued in accordance with chapter 501 continue to hold those certificates until their termination dates. Renewal of administrator certificates issued in accordance with chapter 501 that are granted after September 19, 1985 and before July 1, 1988 are valid for 5 years. All certificates issued after June 30, 1988 must be issued in accordance with this chapter. [1991, c. 2, §67 (COR).]

SECTION HISTORY

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

§13019-D. RECERTIFICATION OF ADMINISTRATORS

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §22; §41)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

Professional personnel other than teachers and administrators who hold certificates issued pursuant to chapter 501 of this Title shall continue to hold those certificates until their termination dates. All certificates issued after June 30, 1988, shall be issued and renewed in accordance with rules of the state board adopted pursuant to this chapter. [1985, c. 287, §5 (NEW).]

SECTION HISTORY

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

§13019-E. RECERTIFICATION OF OTHER PROFESSIONAL PERSONNEL

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §23; §41)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

An individual may be granted a maximum of 2 one-year conditional administrator certificates in a specific capacity if the individual: [2005, c. 152, §3 (AMD).]

1. Conditional administrator certificate. Will be employed in this State under that one-year conditional administrator certificate;

[2005, c. 152, §4 (AMD) .]

2. Basic level knowledge areas. Meets a majority of the basic level knowledge areas described in sections 13019-A, 13019-B and 13019-C; and

[1995, c. 282, §1 (NEW) .]

3. Other requirements. Meets other requirements in accordance with state board rules that are adopted pursuant to this section.

[1995, c. 282, §1 (NEW) .]

SECTION HISTORY

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

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

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §24; §41)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 7/1/18)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 7/1/18)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 7/1/18)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

The state board shall review teacher and administrator certificate standards every 6 years and report the results of its review to the Legislature, along with any proposed legislation. The first report to the Legislature shall be due starting with the legislative session beginning in December 1990. [1985, c. 287, §6 (AMD).]

SECTION HISTORY

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

§13021. PERIODIC REVIEW

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §26; §41)

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

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

1. Authorization. The educational technician authorization is a renewable authorization issued to paraprofessional personnel who have achieved minimum educational standards and to those personnel who have been grandfathered into their current positions for work in schools.

[1997, c. 553, §4 (NEW) .]

2. Qualifications. The commissioner shall adopt rules to define the function, preparation and supervision for the different levels of educational technician authorization. The rules must recognize applicable work experience credits earned by educational technicians through completion of work apprenticeship programs offered by the Department of Labor. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

[2001, c. 98, §1 (AMD) .]

3. Five-year authorization. An educational technician authorization is issued for a 5-year period and may be renewed upon presentation of documentation that the educational technician has completed at least 3 credit hours of professional or academic study or in-service training that is new learning and related to the occupation of educational technicians. Nothing in this section requires a school administrative unit to pay for the cost of the professional or academic study or in-service training of an educational technician.

[1997, c. 553, §4 (NEW) .]

4. Upgrade of authorization. An educational technician may at any time apply for and receive an upgraded authorization so long as the educational technician presents evidence of meeting the educational preparation requirements for that authorization.

[1997, c. 553, §4 (NEW) .]

5. Optional local authorization. A school administrative unit may develop and operate an optional local educational technician authorization system under rules adopted by the commissioner. These rules are routine technical rules under Title 5, chapter 375, subchapter II-A.

[1997, c. 553, §4 (NEW) .]

6. Fees. The commissioner shall assess fees for authorization under this section. The fee for each initial educational technician authorization and for renewal of an educational technician authorization must be set annually by the commissioner.

[2015, c. 395, §8 (AMD) .]

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).

§13023. EDUCATIONAL TECHNICIAN AUTHORIZATION

(WHOLE SECTION TEXT REPEALED 7/1/18 by PL 2017, c. 235, §27; §41)

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. APPROVAL FOR PERSON PAID TO WORK IN SCHOOL

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/18)

1. Approval. A person paid to work in a school in a position that does not require certification or authorization must be issued an approval 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 or authorization is not required prior to being hired or being placed under contract by a public school or an intermediate educational unit. [2005, c. 662, Pt. A, §39 (RPR).]
- E. [2005, c. 662, Pt. A, §40 (RP).]

[2005, c. 662, Pt. A, §§38-40 (AMD) .]

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

[2005, c. 457, Pt. FF, §3 (NEW) .]

3. Fees. The commissioner shall assess fees for approvals under subsection 1. The fee is \$15 for the initial approval and for renewal.

[2005, c. 457, Pt. FF, §3 (NEW) .]

SECTION HISTORY

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

§13024. CLEARANCE FOR PERSON PAID TO WORK IN SCHOOL

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 7/1/18)

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 7/1/18)

When conducting an investigation relating to the certification of teachers and other professional personnel under this chapter and rules of the state board, the commissioner may issue subpoenas for education records relevant to that investigation. [2013, c. 167, Pt. D, §1 (NEW).]

SECTION HISTORY

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

§13025. INVESTIGATIONS

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 7/1/18)

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).

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