

**Maine Revised Statute Title 20-A, Chapter 502:  
CERTIFICATION OF EDUCATIONAL PERSONNEL**

**Table of Contents**

**Part 6. TEACHERS.....**

Section 13011. GENERAL AUTHORIZATION OF STATE BOARD..... 3

Section 13012. PROVISIONAL TEACHER CERTIFICATE..... 5

Section 13013. PROFESSIONAL TEACHER CERTIFICATE..... 7

Section 13013-A. SALARY SUPPLEMENT FOR NATIONAL BOARD-CERTIFIED  
TEACHERS..... 8

Section 13014. MASTER TEACHER CERTIFICATE..... 9

Section 13015. SUPPORT SYSTEM..... 9

Section 13016. RENEWAL OF TEACHER CERTIFICATES..... 11

Section 13017. INTERSTATE AGREEMENTS (REPEALED)..... 12

Section 13017-A. PROFESSIONAL CERTIFICATE WITH EXPERIENCE..... 12

Section 13018. RECERTIFICATION OF 5-YEAR AND 10-YEAR TEACHER  
CERTIFICATES..... 12

Section 13019. VISITING TEACHER PERMIT..... 12

Section 13019-A. SUPERINTENDENT CERTIFICATE..... 12

Section 13019-B. PRINCIPAL CERTIFICATE..... 13

Section 13019-C. DIRECTOR OF CAREER AND TECHNICAL EDUCATION  
CERTIFICATE..... 14

Section 13019-D. RECERTIFICATION OF ADMINISTRATORS..... 15

Section 13019-E. RECERTIFICATION OF OTHER PROFESSIONAL PERSONNEL..... 15

Section 13019-F. ONE-YEAR CONDITIONAL CERTIFICATES FOR ADMINISTRATORS....  
15

Section 13020. REVOCATION OR SUSPENSION OF A CERTIFICATE..... 15

Section 13021. PERIODIC REVIEW..... 17

Section 13022. SCHOOL PSYCHOLOGICAL SERVICE PROVIDERS..... 17

Section 13023. EDUCATIONAL TECHNICIAN AUTHORIZATION..... 19

Section 13024. APPROVAL FOR PERSON PAID TO WORK IN SCHOOL..... 19



## 20-A §13011. GENERAL AUTHORIZATION OF STATE BOARD

**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; [1983, c. 845, §4 (NEW).]

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).]

[ 2005, c. 152, §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 certification.** The state board and the commissioner shall promote existing alternative certification requirements and procedures for administrator certifications and make changes necessary to facilitate this process. The state board and the commissioner shall test and evaluate this alternative certification process and other alternative methods of certification and report their findings to the joint standing committee of the Legislature having jurisdiction over educational matters on or before January 1, 1992.

[ 1989, c. 889, §8 (NEW) .]

**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 annually completes the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.

[ 2003, c. 445, §1 (AMD) .]

**10. Conditional certificate; transitional endorsement; exception.** 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 annually completes the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.

[ 2003, c. 445, §2 (NEW) .]

#### 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. 673, §1 (AMD). 1999, c. 791, §5 (AMD). 1999, c. 547, §B80 (AFF). 2003, c. 445, §1 (AMD). 2003, c. 445, §2 (AMD). 2005, c. 152, §§1,2 (AMD). 2005, c. 397, §D3 (REV).

## 20-A §13012. PROVISIONAL TEACHER CERTIFICATE

**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 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).]

[ 2001, c. 534, §2 (NEW); 2005, c. 397, Pt. D, §3 (REV) .]

**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) .]

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

[ 2001, c. 534, §3 (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).

## 20-A §13013. PROFESSIONAL TEACHER CERTIFICATE

**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).

## 20-A §13013-A. SALARY SUPPLEMENT FOR NATIONAL BOARD-CERTIFIED TEACHERS

**1. Salary supplement.** Notwithstanding any other provision of law, the Department of Education shall provide a public school teacher who has attained certification from the National Board for Professional Teaching Standards, or its successor organization, as of July 1, 2006 or thereafter with an annual national board certification salary supplement of \$3,000 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 becomes no longer employed as a classroom teacher in the field of that teacher's national certification, the supplement ceases.

[ 2005, c. 519, Pt. AAAA, §1 (NEW); 2007, c. 58, §3 (REV) .]

**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 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.

[ 2007, c. 240, Pt. D, §1 (AMD) .]

**3. Payment.** The department shall provide the salary supplement to eligible teachers no later than February 15th of each year.

[ 2005, c. 519, Pt. AAAA, §1 (NEW) .]

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

[ 2007, c. 240, Pt. D, §2 (AMD) .]

#### SECTION HISTORY

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

## 20-A §13014. MASTER TEACHER CERTIFICATE

**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).

## 20-A §13015. SUPPORT SYSTEM

**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).

## 20-A §13016. RENEWAL OF TEACHER CERTIFICATES

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. 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.

[ 1991, c. 622, Pt. X, §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).

## **20-A §13017. INTERSTATE AGREEMENTS**

*(REPEALED)*

### SECTION HISTORY

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

## **20-A §13017-A. PROFESSIONAL CERTIFICATE WITH EXPERIENCE**

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).

## **20-A §13018. RECERTIFICATION OF 5-YEAR AND 10-YEAR TEACHER CERTIFICATES**

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).

## **20-A §13019. VISITING TEACHER PERMIT**

**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).

## **20-A §13019-A. SUPERINTENDENT CERTIFICATE**

**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).

## 20-A §13019-B. PRINCIPAL CERTIFICATE

**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).

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

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

- A. Three years of satisfactory experience in teaching or vocational training or equivalent experience; [1989, c. 878, Pt. B, §18 (RPR).]
- 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).]

[ 2001, c. 534, §9 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

**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).

## 20-A §13019-D. RECERTIFICATION OF ADMINISTRATORS

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).

## 20-A §13019-E. RECERTIFICATION OF OTHER PROFESSIONAL PERSONNEL

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).

## 20-A §13019-F. ONE-YEAR CONDITIONAL CERTIFICATES FOR ADMINISTRATORS

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).

## 20-A §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).

## 20-A §13021. PERIODIC REVIEW

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).

## 20-A §13022. SCHOOL PSYCHOLOGICAL SERVICE PROVIDERS

**1. Definition.** For purposes of this section, a "school psychological service provider" is a professional who provides psychological assessment, consultation or direct services, other than psychotherapy, to students enrolled in a public school or approved private school.

[ 1993, c. 207, §3 (NEW) .]

**2. Certification by commissioner.** The commissioner shall certify school psychological service providers pursuant to rules adopted by the state board. The rules must include a code of ethics and practice standards for school psychological service providers, violation of which constitutes grounds for suspension or revocation of the certification.

[ 1993, c. 207, §3 (NEW) .]

**3. Qualifications.** State board rules governing the qualifications for a school psychological service provider 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).]

[ 1993, c. 207, §3 (NEW) .]

**4. Term of issuance.** The commissioner shall issue a school psychological service provider 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 psychological service provider. The school psychological service provider certificate may be renewed in accordance with academic and professional requirements established by the state board.

[ 1993, c. 207, §3 (NEW) .]

**5. Exclusive regulatory authority.** The provisions of Title 32, chapter 56 do not apply to persons certified as school psychological service providers under this section except to the extent that such 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.

[ 1993, c. 207, §3 (NEW) . ]

**6. Designation.** Persons certified under this section may hold themselves out as school psychological service providers or may use any business name incorporating variations of that title but may not hold themselves out as psychologists, psychological examiners or any business name incorporating variations of those titles unless they are appropriately licensed under Title 32, chapter 56.

[ 1993, c. 207, §3 (NEW) . ]

**7. Advisory committee.** There is established within the department, in accordance with Title 5, section 12004-I, the Advisory Committee on School Psychological Service Providers, 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 psychological service providers; and

(2) To assist the commissioner in:

(i) Certifying school psychological service providers;

(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 psychological service providers. [1993, c. 207, §3 (NEW) . ]

B. The committee consists of 9 members appointed by the commissioner. The membership consists of 2 certified psychological service providers, 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. [1993, c. 207, §3 (NEW) . ]

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) . ]

[ 1993, c. 207, §3 (NEW) . ]

**8. Transition.** Persons certified as school psychologists and school psychological examiners on the effective date of this section 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 psychologists and school psychological examiners a reasonable amount of time to meet the requirements of the certificate authorized by subsection 2.

[ 1993, c. 207, §3 (NEW) . ]

#### SECTION HISTORY

1993, c. 207, §3 (NEW) .

## 20-A §13023. EDUCATIONAL TECHNICIAN AUTHORIZATION

**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 is \$25.

[ 2005, c. 457, Pt. FF, §2 (NEW) . ]

### SECTION HISTORY

1997, c. 553, §4 (NEW). 2001, c. 98, §1 (AMD). 2005, c. 457, §FF2 (AMD).

## 20-A §13024. APPROVAL FOR PERSON PAID TO WORK IN SCHOOL

**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).

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