

CHAPTER 501**CREDENTIALING OF TEACHERS****§13001. Duties of the state board****(REPEALED)**

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 470, §§6-10 (AMD). PL 1983, c. 845, §1 (RP).

§13001-A. Definitions

As used in this chapter and chapters 502 and 502-A, unless the context otherwise indicates, the following terms have the following meanings. [PL 2017, c. 235, §2 (NEW); PL 2017, c. 235, §41 (AFF).]

1. Administrator. "Administrator" means an individual who provides leadership services to assist in the operation of schools, including, but not limited to, in the following capacities: superintendent, assistant superintendent, building administrator and principal.

[PL 2017, c. 235, §2 (NEW); PL 2017, c. 235, §41 (AFF).]

2. Certificate. "Certificate" means the credential issued by the department to a qualified individual to serve as a teacher, educational specialist, educational technician or administrator.

[PL 2017, c. 235, §2 (NEW); PL 2017, c. 235, §41 (AFF).]

3. Clearance. "Clearance" means the credential issued by the department to a qualified individual who has cleared a criminal history record check under section 6103 to serve as an employee in a position for which certification is not required or as an employee of a contracted service provider.

[PL 2017, c. 235, §2 (NEW); PL 2017, c. 235, §41 (AFF).]

4. Conditional certificate. "Conditional certificate" means the credential issued to a teacher, educational specialist or administrator who has not met all of the requirements for a certificate or endorsement.

[PL 2017, c. 235, §2 (NEW); PL 2017, c. 235, §41 (AFF).]

5. Credential. "Credential" means a document issued by the department indicating that a person has met the criteria to be certified, conditionally certified or cleared under this chapter or chapter 502.

[PL 2017, c. 235, §2 (NEW); PL 2017, c. 235, §41 (AFF).]

6. Criminal history record check. "Criminal history record check" means the fingerprint-based criminal history record check conducted by an entity designated by the department under section 6103.

[PL 2017, c. 235, §2 (NEW); PL 2017, c. 235, §41 (AFF).]

7. Educational specialist. "Educational specialist" means an individual who provides professional services to a school, including, but not limited to, an athletic director, school counselor, library-media specialist, literacy specialist, school psychologist, school nurse or career and technical education evaluator.

[PL 2021, c. 228, §1 (AMD).]

8. Educational technician. "Educational technician" means an individual who provides supportive educational services in accordance with section 13019-H.

[PL 2017, c. 235, §2 (NEW); PL 2017, c. 235, §41 (AFF).]

9. Educator preparation program. "Educator preparation program" means a public or private baccalaureate-level or postbaccalaureate-level program approved by the state board to recommend

graduates for certification pursuant to chapter 502 as prekindergarten to grade 12 teachers, educational specialists or school administrators.

[PL 2017, c. 235, §2 (NEW); PL 2017, c. 235, §41 (AFF).]

10. Endorsement. "Endorsement" means a notation on a certificate that specifies the grades and subject area or work area for which the certificate is valid. A certificate may bear one or more endorsements.

[PL 2017, c. 235, §2 (NEW); PL 2017, c. 235, §41 (AFF).]

11. Program completer. "Program completer" means a person who, by successfully completing all of the requirements of an educator preparation program, has qualified for a recommendation for certification as a teacher or an educational specialist or an administrator.

[PL 2017, c. 235, §2 (NEW); PL 2017, c. 235, §41 (AFF).]

12. Semester hours. "Semester hours" means units of academic credit that each reasonably approximate one hour of classroom or direct faculty instruction and a minimum of 2 hours of out-of-class student work each week for approximately 15 weeks or an equivalent amount of academic work at an institution of higher education, including laboratory work, internships, practice studio work or other academic work leading toward the awarding of a credit hour of approved study.

[PL 2017, c. 235, §2 (NEW); PL 2017, c. 235, §41 (AFF).]

SECTION HISTORY

PL 2017, c. 235, §2 (NEW). PL 2017, c. 235, §41 (AFF). PL 2021, c. 228, §1 (AMD).

§13002. Duties of the commissioner

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 845, §2 (RP).

§13003. Mandatory certification; penalty

1. Certification. A person must be certified by the commissioner under this chapter or chapter 502 in order to:

A. Teach in any public elementary or secondary school in the State; or [PL 1981, c. 693, §§ 5, 8 (NEW).]

B. Teach in any private school receiving basic approval under section 2901. [PL 1981, c. 693, §§ 5, 8 (NEW).]

[PL 1983, c. 845, §3 (AMD).]

2. Penalty. A person not certified under section 13001 is barred from receiving any salary or fringe benefits if that person teaches or performs any other professional function in a public school and that person:

A. Has never held the required certificate; or [RR 2019, c. 2, Pt. B, §23 (COR).]

B. Knew or should have known that the person's certificate had expired. Prima facie evidence of that knowledge would be records on file in either the department or the employing school administrative unit that the person was notified that the person's certificate had lapsed or that it would be lapsing on a given date. [RR 2019, c. 2, Pt. B, §23 (COR).]

The person shall forfeit to the employing school administrative unit any salary or fringe benefits received in violation of this subsection.

[RR 2019, c. 2, Pt. B, §23 (COR).]

3. Exception. This section does not apply to teachers in secondary schools approved under section 2901, subsection 2, paragraph A.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

4. Rules. The state board may adopt rules to carry out this section.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 39, §2 (AMD). PL 1983, c. 806, §91 (AMD). PL 1983, c. 845, §3 (AMD). RR 2019, c. 2, Pt. B, §23 (COR).

§13004. List of persons credentialed; records confidential

1. Lists. The commissioner shall keep a list of credentialed individuals. This list is a public record. [PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

2. Records confidential. Transcripts, recommendations and other documents submitted in support of an application for a credential or collected by the department for verification of credential records are confidential. They may be made available only to the following:

A. School boards and superintendents; [PL 1981, c. 693, §§5, 8 (NEW).]

B. Authorized personnel of the department in fulfilling assigned duties; and [PL 1981, c. 693, §§5, 8 (NEW).]

C. Individuals and their representatives who request to examine their own records. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

2-A. Confidentiality. The provisions of this subsection govern confidentiality.

A. Complaints and responses pursuant to section 13020 and any other information or materials that may result in an action to deny, revoke or suspend a credential are confidential, except when submitted in court proceedings to revoke or suspend a credential. [PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

B. Except for information designated confidential under section 6101 or section 6103, information designated confidential under paragraph A may be released or used by the department as necessary to:

(1) Complete its own investigations;

(2) Provide information to a national association of state directors of teacher education and certification to which the State belongs;

(3) Assist other public authorities to investigate an individual's credential in another jurisdiction;

(4) Report or prevent criminal misconduct or assist law enforcement agencies in their investigations; or

(5) Report child abuse or neglect under Title 22, section 4011-A. [PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

C. The department may publish and release as public information statistical summaries of complaints and dispositions as long as the release of such information does not jeopardize the confidentiality of individually identifiable information. [PL 2009, c. 331, §1 (NEW).]

D. Notwithstanding paragraph A, the following information concerning final written decisions relating to disciplinary action taken by the commissioner against a person holding a credential is a public record:

(1) The name of the person;

- (2) The type of action taken, consisting of denial, revocation, suspension, surrender or reinstatement;
- (3) The grounds for the action taken;
- (4) The relevant dates of the action;
- (5) The type of credential and endorsements held, including relevant dates;
- (6) The schools where the person was or is employed; and
- (7) The dates of employment. [PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]
[PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

2-B. Addresses of credential holders and applicants. Home addresses held by the department of individuals with credentials or applicants for credentials in the State may be made available in response to the following:

- A. Formal request from a commissioner or chief executive officer of other state agencies, including the judicial branch when access to that information may be necessary in carrying out an official function; and [PL 1987, c. 395, Pt. A, §86 (NEW).]
- B. Formal request by majority vote of any joint standing committee of the Legislature when access to that information may be necessary in carrying out an official function. [PL 1987, c. 395, Pt. A, §86 (NEW).]

The use of these addresses by any other agency or department of government to which they may be furnished is limited to the purposes for which they are furnished and by the law under which they may be furnished. It is unlawful for any person to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving assistance, directly or indirectly, derived from the records, papers, files or communications of the State or subdivisions or agencies, or acquired in the course of the performance of official duties. Any person violating this subsection must be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both. [PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

3. Duplication costs. Individuals requesting copies of their records bear the costs of copying them. [PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

4. Rules.

[PL 2017, c. 235, §3 (RP); PL 2017, c. 235, §41 (AFF).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 470, §11 (AMD). PL 1983, c. 806, §92 (AMD). PL 1987, c. 395, §A86 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 666, §1 (AMD). PL 2009, c. 331, §1 (AMD). PL 2009, c. 567, §10 (AMD). PL 2017, c. 235, §3 (AMD). PL 2017, c. 235, §41 (AFF).

§13005. Registration; list furnished; fee

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1997, c. 266, §14 (RP).

§13006. Clerical assistance; disposition of fees

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1985, c. 785, §B81 (AMD). PL 2017, c. 235, §4 (RP). PL 2017, c. 235, §41 (AFF).

§13006-A. Rulemaking

1. State board authority. Except as otherwise provided, the state board has authority to adopt rules to implement this chapter, chapter 502 and chapter 502-A. Rules adopted by the state board to implement this chapter and chapter 502 are major substantive rules, as defined in Title 5, chapter 375, subchapter 2-A, except that the following rules are routine technical rules:

A. Rules adopted by the state board to implement section 13032; and [PL 2017, c. 235, §5 (NEW); PL 2017, c. 235, §41 (AFF).]

B. Rules adopted by the state board to implement section 13011, subsection 8. [PL 2017, c. 235, §5 (NEW); PL 2017, c. 235, §41 (AFF).]
[PL 2017, c. 235, §5 (NEW); PL 2017, c. 235, §41 (AFF).]

2. Commissioner authority. Notwithstanding subsection 1, the commissioner has authority to adopt rules:

A. To determine the qualifications and process for issuing clearance credentials under chapter 502. These rules are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A; and [PL 2017, c. 235, §5 (NEW); PL 2017, c. 235, §41 (AFF).]

B. Governing the collection and handling of records and information regarding the experiences, qualifications and character of persons seeking credentials under this chapter and chapter 502. These rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2017, c. 235, §5 (NEW); PL 2017, c. 235, §41 (AFF).]
[PL 2017, c. 235, §5 (NEW); PL 2017, c. 235, §41 (AFF).]

3. Application of rules revising credential qualifications or endorsements. An amendment to the rules adopted to implement this chapter or chapter 502 that revises the qualifications for a credential or the grades or subject area endorsements for a professional teacher certificate does not apply to the following:

A. A person who held an active credential or endorsement during the school year preceding the adoption of revisions to the rules; [PL 2019, c. 584, §1 (NEW).]

B. A person who held an active conditional certificate during the school year preceding the adoption of revisions to the rules; [PL 2019, c. 584, §1 (NEW).]

C. A program completer who qualified for a recommendation for certification as a teacher during the school year preceding the adoption of revisions to the rules; [PL 2019, c. 584, §1 (NEW).]

D. A person enrolled in an educator preparation program during the school year preceding the adoption of revisions to the rules; or [PL 2019, c. 584, §1 (NEW).]

E. A person who began the application process for professional teacher certification with the department during the school year preceding the adoption of revisions to the rules. [PL 2019, c. 584, §1 (NEW).]

[PL 2019, c. 584, §1 (RPR).]

SECTION HISTORY

PL 2017, c. 235, §5 (NEW). PL 2017, c. 235, §41 (AFF). PL 2019, c. 584, §1 (AMD).

§13007. Credential fee; disposition of fees

1. Fees. The commissioner shall establish and assess fees for the processing of an application for a credential. The commissioner shall establish fees for the credentialing process and the procedures required to assess applications for credentials.

- A. [PL 2017, c. 235, §6 (RP); PL 2017, c. 235, §41 (AFF).]
- B. [PL 2017, c. 235, §6 (RP); PL 2017, c. 235, §41 (AFF).]
- C. [PL 2017, c. 235, §6 (RP); PL 2017, c. 235, §41 (AFF).]
- D. [PL 2017, c. 235, §6 (RP); PL 2017, c. 235, §41 (AFF).]
- E. [PL 2017, c. 235, §6 (RP); PL 2017, c. 235, §41 (AFF).]

The department shall annually post at the beginning of the fiscal year the fees established by the commissioner for the initial issuance of and the renewal of a credential on its publicly accessible website. A fee established pursuant to this subsection may not increase by more than 10% of the previous fiscal year's fee, unless the increase is approved by the state board.

[PL 2017, c. 235, §6 (AMD); PL 2017, c. 235, §41 (AFF).]

2. Accounting. The commissioner shall:

A. Collect and account for all fees collected pursuant to subsection 1; [PL 2017, c. 235, §6 (AMD); PL 2017, c. 235, §41 (AFF).]

B. Report and pay fees collected pursuant to subsection 1, except those fees collected and credited to the National Board Certification Scholarship Fund pursuant to paragraph C and the National Board Certification Salary Supplement Fund pursuant to paragraph D, to the Treasurer of State to be credited to the General Fund; [PL 2011, c. 702, §1 (AMD).]

C. Report and pay \$75,000 in each fiscal year from fees collected pursuant to subsection 1 to the Treasurer of State to be credited to the National Board Certification Scholarship Fund, Other Special Revenue Funds account within the Department of Education; and [PL 2017, c. 235, §6 (AMD); PL 2017, c. 235, §41 (AFF).]

D. Report and pay in each fiscal year from fees collected pursuant to subsection 1 to the Treasurer of State to be credited to the National Board Certification Salary Supplement Fund, Other Special Revenue Funds account within the Department of Education an amount sufficient to fund all salary supplements for national board-certified teachers as described in section 13013-A, subsections 1 and 2. If the fees are insufficient to fully fund the annual national board certification salary supplements, general purpose aid must be appropriated to fund the balance. [PL 2021, c. 694, §1 (AMD); PL 2021, c. 694, §4 (AFF).]

[PL 2021, c. 694, §1 (AMD); PL 2021, c. 694, §4 (AFF).]

SECTION HISTORY

PL 1991, c. 528, §15 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §15 (NEW). PL 2005, c. 457, §FF1 (AMD). PL 2011, c. 702, §1 (AMD). PL 2015, c. 389, Pt. C, §1 (AMD). PL 2015, c. 395, §§4, 5 (AMD). PL 2017, c. 235, §6 (AMD). PL 2017, c. 235, §41 (AFF). PL 2021, c. 694, §1 (AMD). PL 2021, c. 694, §4 (AFF).

§13008. Educator preparation program data

1. Definitions.

[PL 2017, c. 235, §7 (RP); PL 2017, c. 235, §41 (AFF).]

2. Data collection. The department shall collect data relating to educator preparation programs, including but not limited to the following information with respect to each educator preparation program:

A. The number of program completers; [PL 2011, c. 635, Pt. B, §1 (NEW).]

B. The number of program completers who pass the teacher qualifying examinations under section 13032 and the number of those who attain a professional teacher certificate in the State; [PL 2017, c. 235, §8 (AMD); PL 2017, c. 235, §41 (AFF).]

C. The number of program completers who proceed from a conditional certificate to a professional certificate; and [PL 2017, c. 235, §8 (AMD); PL 2017, c. 235, §41 (AFF).]

D. The number of program completers who are teaching in schools in this State 3 and 5 years after they complete that educator preparation program. [PL 2011, c. 635, Pt. B, §1 (NEW).]
[PL 2017, c. 235, §8 (AMD); PL 2017, c. 235, §41 (AFF).]

3. Report. The department shall annually report the data collected under this section to the Governor, the state board and the joint standing committee of the Legislature having jurisdiction over education matters.

[PL 2011, c. 635, Pt. B, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 635, Pt. B, §1 (NEW). PL 2017, c. 235, §§7, 8 (AMD). PL 2017, c. 235, §41 (AFF).

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