

TO: Joint Standing Committee on Education and Cultural Affairs
FROM: Maine State Board of Education
DATE: January 21, 2024
RE: Report as per LD 485, Resolve, 2023, Chapter 54

We are pleased to present this report responding to both LD 485 and a subsequent letter from the Chairs of the Education and Cultural Affairs Committee.

A primary goal of the State Board is having highly qualified education personnel employed in pre-kindergarten through grade 12 schools across the state. We work to accomplish this through two avenues: rules which are under our purview via Chapter 115 and under Chapter 114 regarding educator preparation programs. While we are an autonomous body, we are dependent upon the Maine Department of Education to interpret and implement our rules with fidelity.

The vision of the Maine State Board of Education is that all students will receive a high-quality education leading to graduation with the skills, knowledge, and principles to be prepared for future learning, careers, and life. We are very concerned about student achievement as well as rigorous and relevant learning for all students, which happens through teachers with strong content and pedagogical backgrounds.

LD 485 requires that we provide this report to the Education and Cultural Affairs Committee on issues identified in the legislation and “any other potential revisions the State Board of Education identifies”. Furthermore, “the committee directed the State Board to engage in this study, in part, to ensure that the State Board of Education could examine Chapter 115 as a whole, rather than attempting to make changes in a piecemeal fashion”. With this report, we address issues which we have identified and look forward to discussion regarding our recommendations. Three special meetings of the Certification and Higher Education Committee were held to gather public comment in addition to the monthly meetings of the Certification and Higher Education Committee on which Chapter 115 issues were a regular agenda item. The State Board of Education also conducted three special meetings. We gathered this input starting in July.

It should be recognized that the rules we are considering must be applied in a variety of situations and circumstances. We also note that the input we received, while from a significant number of people, was not from everyone with an interest in these rules. The rules are meant to be applied for rigorous and relevant learning by all Maine students.

We look forward to discussions with the Education and Cultural Affairs Committee as to whether specific rules need to be revised based on these suggestions and the formal rulemaking process begun.

“1. Athletic director qualifications, including potential revisions to the requirements regarding a Maine administrator certificate other than a Teaching Principal’s certificate, diversity-centered content, and the National Interscholastic Athletic Administrators Association’s accredited certification program.”

Chapter 115, Part Two, Section 1 (Page 22 of Chapter 115, Part II)

1.14 Certification 215: Athletic Director

Athletic Directors are frequently the public face of the school and an important member of the school community. These leaders and educators must have a strong background in learning, administration, and sports management. While it is acknowledged that Athletic Directors serve in a variety of positions (e.g., an elementary teacher with a stipend, a teacher coach with a stipend, a teacher who also is the AD for a middle and a high school, and even a full-time AD), all AD’s share the same educational, legal, fiscal and daily responsibilities to students and their communities. The State Board supports students, student athletes, families, and the public by confirming that ADs are educators who are well prepared in administration, learning and athletics.

We suggest the following:

“1.14 Certificate 215: Athletic Director

- A. Function: This certificate allows the holder to serve as an athletic director.
- B. Eligibility: Applicants shall meet eligibility requirements specified in Part 1 Section 6.1 of this rule.

1. Certificate Eligibility Pathway 1

- (a) Holds a valid Maine administrator, teacher, or educational specialist Certificate; and
- (b) Holds a current National Interscholastic Athletic Administrators Association (NIAAA) or an equivalent or successor organization certificate.

2. Certificate Eligibility Pathway 2

- (a) Earned at least a bachelor’s degree from an accredited college or university, in accordance with Part 1 Section 6.1 of this rule;
- (b) Completed an approved course for teaching students with exceptionalities in the regular classroom;
- (c) Completed a minimum of three semester hours in diversity centered content related to today’s classroom (e.g., culturally responsive teaching; multicultural education, intercultural education, second language acquisition, or world language teaching methods); and
- (d) Completed coursework in Hazing, Constitutional Law, Disabilities Law, Employment Law, and Labor Law; Social Media, Transgender Participation, Event Management and Security, Pregnant and Parenting Student Athletes, and Intellectual Property; Student Athletes-Effects of Alcohol, Chemicals, and Nutrition on Body and Performance; Mental Health and Wellness for Student Athletes; The Administration of Interscholastic Athletic

Programs for Students with Disabilities; and Creating an Awareness of Diverse Groups with Athletic Programs.*

3. Conditional Certificate

(a) Earned at least a bachelor's degree from an accredited college or university, in accordance with Part 1 Section 6.1 of this rule."

* (NOTE – these topics are addressed in professional development provided by the National Interscholastic Athletic Administrators Association and other groups.)

2. "The industrial arts endorsement, also referred to as "700 certification," including potential revisions from an industrial arts endorsement to an industrial arts, technology and engineering endorsement, and establishing alternative pathways for experiential laboratories and apprenticeships."

Chapter 115, Part Two, Section 1 (Page 9 of Chapter 115, Part II

1.5 Endorsement: Pre-Kindergarten through Grade 12 Teachers (All Subjects Other than Art and Music)

1.5.A – We suggest renaming the "700 industrial arts/technology education" endorsement to be "700 technology and engineering education".

The current title of "700 industrial arts/technology education" uses the obsolete term of 'industrial arts' and the confounding term of 'technology'. To separate it from Career and Technical Education, we propose "technology and engineering education" which subsumes the content of the engineering process, computation, automation, artificial intelligence and robotics, material conversion and processing, energy and power, and the built environment.

The current eligibility Pathway 2 encompasses experiential laboratories and apprenticeships.

3. "Potential additional waivers for educators holding certification from the National Board for Professional Teaching Standards or for conditional certification extensions due to extenuating circumstances."

The rule is stated in **Chapter 115, Part I, Section 6 Credentials Available and Eligibility Requirements, 6. Conditional Certificate, A. Function:** A conditional certificate is a certificate for a teacher, educational specialist, or administrator who has not met all the requirements for a professional certificate but can reasonably be expected to meet all requirements of a certificate within three years.

We believe that meeting all requirements of a certificate within three years, considering the virtual, hybrid and face to face credit-bearing educational options, is reasonable. Further, we believe that additional waivers are unnecessary.

National Board-Certified Teachers (NBCT) must have three years of employment as a teacher before they can apply to be Board-certified. NBCT certification is independent of MDOE certification, and it would be highly unusual for a NBCT in Maine to not be certified as a teacher.

4. “Reciprocity of educators holding out-of-state educator credentials or certification.”

The rule is stated in **Chapter 115, Part I, Section 6 Credentials Available and Eligibility Requirements, 1. General Eligibility for a Certificate**, E. Out of State Licensure, (1) Individuals holding a full certificate as an administrator, a teacher, or a specialist issued by another state, the District of Columbia, a United States territory or other country deemed comparable by the Department may qualify for a professional certificate in the State of Maine. The “may qualify” is the key phrase. However, statute (Title 20-A, Chapter 502, Section 13012-B) states “The commissioner may issue an emergency teacher certificate or reciprocal professional certificate under this section only to address the identified staffing shortage and only in a manner that ensures that the person issued an emergency teacher certificate or reciprocal professional certificate does not supplant an otherwise qualified and available teacher, specialist or administrator.” This statute supersedes the rule.

Since it is a statutory issue, we suggest that you remove the section 13012-B language that restricts reciprocity to only educator staffing shortage (“...only to address the identified staffing shortage”). This would provide greater flexibility in reciprocity.

Currently, a reciprocal professional certificate is an option if the applicant:

1. Passes a CHRC/background check.
2. “Holds a comparable certificate in another state, the District of Columbia, a United State territory or another country.”
3. Is applying for “an educator staffing shortage in the State”, as stipulated by the opening paragraph of §13012-B. When this bill was under consideration by the legislature, the Department committed to the guideline that an “educator staffing shortage” aligns to the federal US ED shortage area list for Maine. For reciprocity, an educator must be applying for an area on the [Maine shortage report](#).

Many variables affect how §13012-B may or may not be applicable. For example, currently, an educator may be applying for an area which is not on the shortage list, so the reciprocity pathway would not be an option.

However, we suggest that this issue be approached with great caution since lowering the bar will have serious consequences. Our intent is to accommodate high quality educators without compromising on the quality of qualifications.

The Office of Higher Education and Educator Support Services has personnel in place to provide concierge services to out-of-state educator applicants.

5. “Any other potential revisions the State Board of Education identifies.”

These are enumerated and described below (See **OTHER SPECIFIC RECOMMENDATIONS FOR POTENTIAL REVISIONS**) and were identified by representatives from Maine’s educator preparation programs, Maine educators, members of the Maine Department of Education, and State Board of Education members.

In a letter dated August 4, 2023, from the chairs of the EDU Committee to Dr. Fern Desjardins, chair of the State Board, concerns were raised regarding the grade level spans for the elementary and middle school levels. “Specifically, there are concerns that, due to the subject-specific nature of the new middle-level 5-8 certificate and the exclusion of grades 7 and 8 in the general elementary certificate, some schools may not be able to offer students an integrated curriculum and the revised grade spans may hamper teacher recruitment and retention.”

Chapter 115, Part Two, Section 1 (Page 5 of Chapter 115, Part II)

1.3 Endorsement: Middle Level Teacher

Currently teachers with 020 teacher certificate endorsement (K-8 under the old rules and K-6 under the new rules) are required to take (at least) six semester hours in English, mathematics, science and social studies or social science. At least 18 semester hours in elementary teaching methods are also required. This is in contrast to the secondary teacher endorsement (grades 6 - 12) for 5 specific subject areas (English/language arts, social studies, mathematics, physical science and life science) which requires 24 semester hours in the specific subject area. There is only a requirement to pass a content area methods course (no semester hours specified).

The Middle Level Teacher endorsement recognizes that students in the middle grades continue to advance in intellectual capacity, require increased content rigor, and benefit from developmentally responsive practices. Examining the Maine Learning Results in Mathematics and in Science and Engineering, for example, reveals deepening exploration of rigorous content material. In Mathematics, this frequently means algebra and in Science and Engineering, it includes life science, physical science, earth and space sciences, and engineering. The Middle Level teacher endorsement (grades 5-8) Pathway 2 requires a valid Maine teaching certificate (e.g., with K-6 or the older K-8 endorsements) plus 24 semester hours in subjects relevant to the specific endorsement. For a holder of a 020 endorsement this would mean an additional 18 semester hours above the six semester hours already required. Increasing the subject requirements is important but these rules are not very different from the High School requirements and only adds one grade (grade 5). Various options have begun to be explored including reducing to a minimum of 18 semester hours in the areas relevant to the middle level endorsement area being sought, or a combined 36 semester hours consisting of a minimum of 18 semester hours in each of two areas, recognizing that some schools have organized into a team teaching approach, and members of a team (meaning a team member or members are holding a 100 English/language arts endorsement, a 200 Social Studies endorsement, a 300 Mathematics endorsement and a 340 Science endorsement) are allowed to teach that subject if they do not personally hold that endorsement, creating a new Middle School generalist endorsement and allowing for experience or testing.

The State Board recognizes the teacher hiring crisis in the State and that the 020 certificate now being a K-6 rather than a K-8 may have consequences in the hiring of new teachers for grades 7 and 8. We have received many comments from superintendents, educational administration association representations and individuals citing the flexibility of staffing the K-8 certificate offers and concerns about the K-6 certificate further reducing the number of teacher candidates for open positions. But we also acknowledge that our middle school students who are unique and require learning options different from elementary students deserve highly qualified and well-prepared teachers and educator preparation programs are finding innovative ways to prepare elementary and middle school teachers with dual certifications. However, it may be that the requirements of the rules for Middle Level teachers may be too much like the rules for High School teachers and not provide an appropriate pathway for elementary school teachers with K-6 endorsement to add a Middle Level endorsement. Note that a teacher with a current K-8 endorsement can renew that endorsement and continue teaching in Middle School.

Other than there should be a change in the Middle Level endorsement, the State Board does not have a consensus at this time and will require more time to study and obtain input from the educator community to suggest specific changes. This can take place during the formal rule making process.

1.3.A. FUNCTION

We suggest removing references to world languages since educators are obtaining K-12 world language endorsements.

“A. FUNCTION: This endorsement on a teacher certificate allows the holder to teach students in grades 5 through grade 8 in one of the following endorsement areas: 100 English/language arts, 200 social studies, 300 mathematics, or 340 science.”

1.3.B.2.(b) – We suggest removing “with a pre-K-3, K-6, 5-8, 6-12, or pre-K-12 endorsement;” so the requirement is simply “Holds a valid Maine professional teaching certificate.”

As written, the law does not allow “old 115” grade level endorsements (e.g. K-8) to bridge to “new 115” Middle Level endorsement.

1.3.B.3. (b) - We suggest eliminating the current paragraph (b).

The implication of this is the opening up of a conditional middle school certificate pathway for a teacher who has a bachelor’s degree and holds a valid Maine professional teaching certificate.

This provides flexibility in the hiring of new middle school teachers and a three-year timespan to satisfy endorsement eligibility pathway requirements.

1.3.B.3.(c) – We suggest removing “with a pre-K-3, K-6, 5-8, 6-12, or pre-K-12 endorsement;” so the requirement is simply “Holds a valid Maine professional teaching certificate.”

As written, the law does not allow “old 115” grade level endorsements (e.g. K-8) to bridge to “new 115” Middle Level endorsement.

OTHER SPECIFIC RECOMMENDATIONS FOR POTENTIAL REVISIONS

I. Chapter 115, PART ONE

1. SECTION 5. General Issuance and Renewal Procedures (Page 2 of Chapter 115, Part I)

We suggest revising the definition of “22. Lapsed” to be “A credential that has expired without submission of a complete and timely renewal application by the holder within twelve months of the expiration date of the credential.”

This is a change from six months to twelve months and is to have the term “lapsed” be more consistent across credentials.

4.C. – We suggest adding: “Lapsed credentials may be renewed for the same content area and grade spans if the educator has completed the renewal requirements in place at the time the credential was issued.”

This addresses one frustration we have heard from the field about past educators who allowed their certification to lapse but would like to return to the classroom under the old 115 requirements. It would essentially broaden the possibilities put into place by LD 735’s passage.

2. SECTION 6. Credentials Available and Eligibility Requirements (Page 16 of Chapter 115, Part I)

7. We suggest removing number 7, when feasible.

II. Chapter 115, Part Two

1. Chapter 115, Part Two, Section 1 (Page 13 of Chapter 115, Part II)

1.7 Endorsement: World Language Teacher

1.7.A – We suggest switching ASL and Hebrew to read “454 Hebrew, 455 American Sign Language”.

Before the new rule went into place, Hebrew had already been designated as 454 in the certification software.

2. Chapter 115, Part Two, Section 1 (Page 15 of Chapter 115, Part II)

1.8 Endorsement 660: English for Speakers of Other Languages (ESOL) Teacher

1.8.B.2.(b) – We suggest removing “with a pre-K-3, K-6, 5-8, 6-12, or pre-K-12 endorsement;” so the requirement is simply “Holds a valid Maine professional teaching certificate.”

As written, the law does not allow “old 115” grade level endorsements (e.g. K-8) to bridge to “new 115” ESOL endorsement.

1.8.B.3(b) – We suggest the wording “Completed a minimum of 15 semester hours in English for Speakers of Other Languages coursework to include three semester hours in linguistics, three semester hours in curriculum and assessment for ESOL, three semester hours in teaching methods in ESOL; and the remaining credits may be earned through a combination of credit-bearing coursework, Continuing Education Units, in-service clock hours, or clock hours for summer institutes/workshops;”

By explicitly adding this flexibility to 660 ESOL, we could see transformative positive change for students while maintaining effective preparation of their teachers. For example, we envision beginning with regional in-service and on-the-job trainings, co-developed with post-secondary partners and current ESOL teachers. These embedded trainings would result in many teachers learning about serving ESOL needs, regardless of whether they intend to ultimately seek the 660 endorsement. Many of these teachers would not seek formal ESOL coursework, intending to stay in their current roles. Those who do seek 660 endorsement would continue on to take the formal classes, but their previous in-service training would be honored and their journey to earning endorsement in this shortage area shortened without degrading standards. With partners, we could develop something robust and impactful.

1.8.5.(b) – We suggest reducing the number of semester hours from 24 to 15 for this conditional certificate.

This addresses a need for ESOL teachers by expanding the pool of conditionally certified teachers.

3. Chapter 115, Part Two, Section 1 (Page 20 of Chapter 115, Part II)

1.12 Certificate 075: School Counselor

We suggest structuring 1.12.B.2 to set a required number of total semester hours in school counseling content, along with a minimum number of semester hours in each of three key instructional categories as follows:

“2. Certificate Eligibility Pathway 2

- (a) Earned a master’s or a doctorate degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule;
- (b) Coursework in bachelor’s, master’s, or doctorate degree program must align with the Council for Accreditation of Counseling and Related Educational Programs (CACREP) standards and address content areas for School Counselors; and
- (c) Completed a minimum of 48 semester hours in school counseling with at least two courses (at least three semester hours each) in each of the following areas:

Foundations: models of school counseling including career development, assessment in pre-K-12, and school-based collaboration; and

Contextual Dimensions: including the role of school counselor, consultation with families, responding to school emergencies, risk factors for behavioral disorders, effects of substance use disorders, community resources, and legal and ethical considerations; and

Practice of School Counseling: purpose and mission, design and evaluation of school counseling programs, academic interventions, and transition planning.

The remaining semester hours must come from the above list or other school counseling courses.

- (d) Completed a minimum of three semester hours in diversity-centered content related to today's classroom (e.g., culturally responsive teaching, multicultural education, intercultural education, second language acquisition or world language teaching methods); and
- (e) Completed an approved course for teaching students with exceptionalities in the regular classroom."

4. Chapter 115, Part Two, Section 1 (Page 26 of Chapter 115, Part II)

1.17 Endorsement: Native Language

We suggest that the title of this endorsement be changed from "Native Language" to "Wabanaki Languages."

5. Chapter 115, Part Two, Section 2 (Page 30 of Chapter 115, Part II)

2.1 Endorsement 282 Teacher of Children with Disabilities

We suggest that 2.1.B.4.(c) be changed to "Employed as a special education classroom teacher with a letter from the hiring school."

Other specific suggestions have been made by constituents that will require further study and refinement. Specifically, the grade spans for the endorsements need to be refined.

6. Chapter 115, Part Two, Section 2 (Page 31 of Chapter 115, Part II)

2.2 Endorsement: Pre-Kindergarten through Grade 12 Teacher

We suggest that the endorsement requirements for 291 teachers of students with visual impairments, 292 teachers of students who are deaf or hard of hearing, and 286 teachers of students with severe disabilities be reviewed by the Maine Department of Education.

7. Chapter 115, Part Two, Section 2 (Page 33 of Chapter 115, Part II)

2.3 Endorsement 515: Adapted Physical Education Teacher

We suggest adding “510” to 2.3, B., 2., (a) to become “(a) Holds a valid Maine professional teaching certificate with a pre-kindergarten through grade 12 510 physical education endorsement.”

We suggest changing 2.3.,B.,2.(b) to “Completed a supervised practicum of at least 3 semester hours in adapted physical education”.

We suggest adding a new (c) to 2.3., B., 2. as “Completed at least 3 semester hours in assessment in adapted physical education.”

We suggest revising the current (c) to become (d) as “(d) completed at least 3 semester hours in an exceptionality in adapted physical education course.”

We suggest that 2.3., B., 3., be rewritten as follows:

3. Endorsement Eligibility Pathway 3

- (a) Earned at least a bachelor’s degree from an accredited college or university, in accordance with Part I Section 6.1 of this rule;
- (b) Completed a minimum of 12 semester hours from the following: anatomy and physiology, kinesiology, physiology of exercise, motor development, or motor learning;
- (c) Completed a minimum of 3 semester hours in an exceptionality course in adapted physical education;
- (d) Completed a minimum of 3 semester hours in an assessment of adapted physical education course;
- (e) Completed a supervised practicum of at least 3 semester hours in adapted physical education;
- (f) Completed at least 3 semester hours in methods of teaching physical education; and
- (g) Passed basic skills test in reading, writing, and mathematics in accordance with Maine Department of Education Regulation 13, or achieved at least a 3.0 cumulative GPA in all courses required for the certification, or completed a successful portfolio review demonstrating competency in Maine’s Initial Teacher Standards.

We suggest that 2.3, B., 4. be rewritten as follows:

4. Conditional Certificate for this Endorsement

- (a) Earned at least a bachelor’s degree from an accredited college or university, in accordance with Part 1, Section 6.1 of this rule;
- (b) Completed a minimum of 12 semester hours from the following: anatomy and physiology, kinesiology, physiology of exercise, motor development, or motor learning;
- (c) Completed at least 3 semester hours of an approved exceptionality in adapted physical education course; and

- (d) Completed at least 3 semester hours in assessment in adapted physical education or practicum in adapted physical education.

8. Chapter 115, Part Two (Page 34 of Chapter 115, Part II)

2.4 Endorsement 690: Gifted/Talented Teacher

We suggest changing 2.4.B.2.(b) to “Holds a valid Maine professional teaching certificate.”

9. Chapter 115, Part Two (Page 40 of Chapter 115, Part II)

3.1 Endorsement: Secondary Career and Technical Education Teacher

Overall, there have been significant strides and improvements as a result of the new adoption of Chapter 115 for Career and Technical Education. Career and Technical Education (CTE) teachers play a vital role in preparing students for success in specific industries and professions that require specific skills and knowledge. However, the certification process for CTE teachers comes with its own set of challenges and nuances.

Areas in which we suggest actions be taken include:

1. Professionally certified teachers holding a professional certification Pre-K-12 should be able to gain CTE certification without taking all 7 classes that are currently required. Those classes offered at EMCC are designed for individuals that have not had any teaching experience but have the professional work experience or licensing required in their field. Completed college coursework should be accepted from other colleges and universities outside of Maine. Currently, only courses taken through EMCC or courses defined as taken in “a CTE course or school” are considered. An example is a professionally certified K-8 teacher who has worked as a teacher in an elementary school and desires to move into a CTE Early Education Teacher. Previous coursework is not accepted. We suggest a process be established for accepting those credits and for courses taken from other institutions and in other settings that meet standards for certification.
2. We suggest streamlining the seven courses (3.1 B. 1. (c) student exceptionalities, (d) four courses related to CTE instruction, (e) an orientation course, and (f) a diversity course) without sacrificing rigor. There are teacher shortages in CTE even though it may not be identified through the federal process. High volume of applications is not the case in CTE as many of our industries are high pay and schools cannot compete with the salary ranges. These schools don’t close a class for the day; they close programs for the year. Many CTE instructors interested in working in our schools have obtained master level status or licensing in their industry. We want teachers of high quality.
3. We suggest increased flexibility for reciprocity. For example, if an individual moving from another state is certified at the professional level and has teaching experience in the content standards required, that they be granted professional certification. If the individual is missing a Maine certification requirement such as teaching the exceptional

child or diversity content course requirement, then they be granted a conditional certificate to complete the requirements.

Currently, individuals with professional certification in their state, teaching experience, and content knowledge, have to take the 7 CTE courses. The process lacks flexibility. If there is a deficit area, it should be made a condition of employment to complete the necessary coursework.

4. We suggest that two positions currently funded by the EPS formula -Student Service Coordinator and Career Counselor positions be established through Maine certification.

5. We suggest that a small group of individuals who understand career and technology education and its unique nuances make recommendations regarding CTE teacher certification. It is imperative that the MDOE Office of Higher Education and Educator Support Services, MDOE Office of Career and Technical Education and those in the field work closely on these matters. By addressing the unique nuances of CTE teacher certification, we can better equip teachers to provide high-quality instruction that meets the evolving needs of both students and industries. As we develop new programs to stay current with our economic and labor needs, certification will need to keep pace with those trends.

Consideration of how that happens and will happen warrants discussion and attention. Career and technical education teacher certification require a few practical changes to language. Navigating these challenges requires collaboration.

We suggest changing 3.1.B.2. to “Satisfied the requirement set forth in Section 3.1.,B.,1.,g.”.

At present, there is almost no use for a conditional CTE endorsement because the requirement includes all of the required coursework for achieving a full professional certificate. The vast majority of CTE educators who could use a conditional certificate have all of the industry experience required and lack the coursework. As currently written, these educators have to all teach in wavier status until they have completed the required coursework. By making the above change, CTE educators moving into schools from industry will be able to earn a three-year conditional certificate and will have that time to complete their required coursework.

10. Chapter 115, Part Two (Page 50 of Chapter 115, Part II)

4.7 Certificate 057: Teaching Principal

We suggest changing 4.7.A from “pre-kindergarten through grade 8 school” to “elementary school”.

Lastly, we also suggest that a Table of Contents and an index in which the section is identified where a word/phrase appears be created, to aid in searching through the 29-pages of Part I and 56-pages of Part II of Chapter 115.