

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SIXTEEN

H.P. 1005 - L.D. 1464

**An Act To Revise the Educational Personnel Certification Statutes and To Direct the Department of Education To Review Department Rules Regarding Educational Personnel Certification**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §6103, first ¶**, as amended by PL 1999, c. 791, §1, is further amended to read:

Beginning July 1, 2000, approval, certification, authorization and renewal under chapters 501 and 502 are subject to the provisions of this section. A person who has complied with the requirements of this section is not required to submit to a subsequent national criminal history record check unless that person has not been continuously employed in a position requiring approval, certification or authorization under chapters 501 and 502. A person who has not been continuously employed in such a position is subject to a subsequent national criminal history record check upon renewal. School vacations are not a break in employment. Fingerprinting of immediately affected applicants for certification, authorization or renewal, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results by the bureau to the department must begin on September 1, 1999.

**Sec. 2. 20-A MRSA §6103, 2nd ¶**, as amended by PL 1999, c. 791, §2, is repealed.

**Sec. 3. 20-A MRSA §6103, sub-§3-A**, as amended by PL 2015, c. 267, Pt. SSS, §1, is further amended to read:

**3-A. Fees.** The Commissioner of Public Safety shall assess a fee ~~of \$55~~ set annually by the Commissioner of Education for each initial criminal history record check and ~~\$24~~ a fee set annually by the Commissioner of Education for each renewal criminal history record check required by this section.

**Sec. 4. 20-A MRSA §13007, sub-§1**, as amended by PL 2005, c. 457, Pt. FF, §1, is repealed and the following enacted in its place:

**1. Fees.** The commissioner shall establish and assess fees for the initial issuance of and the renewal of teacher, education specialist and administrator certificates. The commissioner shall, by rule, establish the following fees and the procedures required to assess them:

A. Fees for the initial certification process for those teachers, education specialists and administrators found eligible and those found ineligible;

B. Renewal fees for each active and inactive teacher, education specialist and administrator;

C. A fee for each additional evaluation of teacher endorsements beyond the initial endorsement;

D. A fee for duplicate certificates; and

E. A fee for administrative portfolios.

The department shall annually post the fees established by the commissioner for the initial issuance of and the renewal of teacher, education specialist and administrator certificates on its publicly accessible website. The commissioner shall adopt rules to carry out this subsection. Rules adopted under this subsection to establish and assess fees for the initial issuance of and the renewal of teacher, education specialist and administrator certificates are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 5. 20-A MRSA §13007, sub-§2, ¶D**, as enacted by PL 2011, c. 702, §1, is amended to read:

D. Report and pay no more than \$150,000 in fiscal year 2012-13, no more than \$240,000 in fiscal year 2013-14 and no more than \$335,000 in fiscal year 2014-15 and each fiscal year thereafter 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.

**Sec. 6. 20-A MRSA §13011, sub-§9**, as amended by PL 2003, c. 445, §1, is further amended to read:

**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 within 3 years the required course

work and testing as determined by the department for the school year preceding the adoption of revised rules.

**Sec. 7. 20-A MRSA §13011, sub-§10**, as amended by PL 2011, c. 635, Pt. B, §3, is further amended to read:

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

**Sec. 8. 20-A MRSA §13023, sub-§6**, as enacted by PL 2005, c. 457, Pt. FF, §2, is amended to read:

**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~~ must be set annually by the commissioner.

**Sec. 9. Department of Education and State Board of Education review of educational certification rules.** The Department of Education in conjunction with the State Board of Education shall review all department rules regarding certification of educational personnel and shall submit by January 7, 2017 a report regarding the review to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The joint standing committee may report out legislation related to the report to the First Regular Session of the 128th Legislature.