

TESTIMONY IN OPPOSITION TO

L.D. 803

AN ACT TO ADDRESS CERTIFICATION VIOLATIONS FOR SCHOOL STAFF

April 16, 2025

Senator Rafferty, Representative Noonan Murphy and members of the Education and Cultural Affairs Committee, I am Eileen King, Deputy Executive Director of Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and Maine School Superintendents Association in opposition to L.D. 803, An Act to Address Certification Violations for School Staff.

The proposed bill mandates that superintendents must develop and report an action plan within 30 days of receiving notice of a certification violation. This process would then require superintendents to provide updates every 30 days until the issue is resolved. Should a superintendent fail to comply with these requirements, the bill allows for penalties, including a deduction of up to \$1,000 per day from the school district's state subsidy.

The scope of L.D. 803 could potentially penalize many individuals within schools who may be working without a certification, including roles such as coaches, food service staff, custodians, bus drivers, and contractors (like contracted psychologists) who are licensed but not certified. For those with certifications, their Criminal History Record Check (CHRC) is automatically renewed in sync with their certification renewal, ensuring continuity. However, for those with only CHRC clearances, there is a risk of lapses, as their clearance is based on the most recent approval date. This means a food service worker, for example, could have their CHRC clearance one day, and the next, find that it has lapsed without warning.

Additionally, for contractors who hold certifications, their CHRC clearance continues to renew alongside their certification. This highlights a key distinction between certification and CHRC status, which the bill does not fully address. These discrepancies reflect the complexity of the certification process and the variety of roles within schools, which makes it problematic to hold superintendents accountable for certification violations that may be beyond their control or awareness.

School district staff with certifications, including educators, may also face lapses in their certification throughout the school year. These individuals, along with those on the violation list for failing to maintain their CHRC clearance, are included in the scope of this bill. **The responsibility for certification maintenance ultimately lies with the staff member.** It is their duty to ensure that they are properly certified and maintain that certification throughout their careers. **If an individual fails to meet the certification requirements and their certification lapses, the penalty for that failure should be directed at the individual staff member, rather than penalizing the district.**

Holding superintendents responsible for certification lapses among staff members when they have no control over a staff member's certification process, places an unfair burden on district leaders, who already have numerous responsibilities to manage.

School superintendents are tasked with a wide range of critical roles under Maine law – from developing budgets to overseeing educational programs and ensuring the safety of students and staff. Superintendents are not certification managers for each individual staff member, and expecting them to oversee the certification status of every educator in a district will only add another layer of administrative reporting, detracting from their ability to focus on broader educational leadership and strategic planning.

Most likely, L.D. 803 would become another unfunded mandate, as with limited existing capacity, schools would probably need to hire a new staff member to oversee and manage the process outlined in this bill. The penalties included in this bill would only further divert funds from students and other educational tasks.

While changes are needed to the state's certification process, we believe L.D. 803 would only be detrimental and damaging to school operations. Instead of a supportive approach to help educators meet certification requirements, this approach will only cost money, or, in some cases, could lead to staff members leaving the field, further exacerbating staff shortages. It is for these reasons we urge the committee to vote ought not to pass on L.D. 803.