

## An Act To Amend the Teacher Certification Statutes

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

~~Sec. 1. 20-A MRSA §13001-A, sub-§2,~~ as enacted by PL 2017, c. 235, §2 and affected by §41, is amended to read:

~~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.

~~Sec. 21. 20-A MRSA §13001-A, sub-§7,~~ as enacted by PL 2017, c. 235, §2 and affected by §41, is amended to read:

~~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, special education consultant, speech language clinician or career and technical education evaluator.

~~Sec. 32. 20-A MRSA §13011, sub-§1,~~ as amended by PL 2017, c. 235, §9 and affected by §41, is further amended to read:

~~1. Credentialing, authorization and revocation rules.~~ The state board shall adopt rules to carry out the purposes of this chapter under which the commissioner shall:

~~A. Issue certificates to teachers, administrators, educational specialists, educational technicians and other professional personnel for service in a public school or in an approved private school, except that certification is not required for a person holding a valid license as a speech language pathologist under Title 32, section 17301 who has received a clearance pursuant to section 13024 to provide speech language pathology services in a public school or approved private school;~~

~~B. Issue certificates to adult education teachers and other teaching and professional personnel in publicly supported educational programs other than postsecondary school institutions, colleges and universities;~~

~~D. Seek a revocation of a credential in the District Court;~~

~~E. Issue certificates to 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~~

~~F. Issue a clearance to all individuals for whom certification 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.; and~~

~~G. Issue authorizations to educational technicians for service in a public school or in an approved private school.~~

~~Sec. 24. 20-A MRSA §13011, sub-§2,~~ as amended by PL 2005, c. 152, §2, is repealed.

~~Sec. 35. 20-A MRSA §13013, sub-§2-B, ¶A,~~ as enacted by PL 2017, c. 235, §12 and affected by §41, is amended to read:

~~A. Has graduated from an educator preparation program and has passed a qualifying exam;~~

~~Sec. 46. 20-A MRSA §13013, sub-§2-B, ¶B,~~ as amended by PL 2019, c. 518, §2, is repealed.

~~Sec. 57. 20-A MRSA §13013, sub-§2-B, ¶C,~~ as amended by PL 2017, c. 381, §15, is further amended to read:

~~C. Has successfully completed a preparation program in a state with which the State is participating in an interstate compact, district, United States Territory or other country, subject to the following: completion of an approved~~

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preparation program for the endorsement or certificate being sought with a formal recommendation for certification from the institution.

~~(1) Completion of an approved preparation program for the endorsement or certificate being sought with a formal recommendation for certification from the institution; and~~

~~(2) In the 5 years prior to applying for certification in this State, the applicant has 3 years of successful teaching experience under a valid comparable certificate in a state with which the State is participating in the interstate compact.~~

If advanced study or tests are required in the State, the commissioner has the right, as specified in the interstate compact, to issue only a conditional certificate under section 13012-A; or

**Sec. 68. 20-A MRSA §13019, sub-§1**, as amended by PL 2017, c. 235, §18 and affected by §41, is further amended to read:

**1. Clearance.** A teacher from a country other than the United States who is participating in a visiting teacher program established and administered by the department ~~or~~, a locally established sister-school exchange or a locally established language immersion program may teach in a school ~~as long as the teacher is issued a clearance by the department in the State.~~ The teacher is may be authorized to act as an adjunct to existing staff and may not be used to avoid the hiring of professional, certified teachers.

**Sec. 79. 20-A MRSA §13019-H**, as enacted by PL 2017, c. 235, §25 and affected by §41, is amended to read:

**§13019-H. Educational technician certificate authorization**

**1. Requirement.** An educational technician certificate authorization is required for employment as an educational technician at a public school or a private school approved for attendance purposes pursuant to section 2901, subsection 2, paragraph B, if the employed individual will:

A. Introduce new learning plans developed in consultation with the classroom teacher or appropriate content specialist; and

B. Supervise small groups of students in community-based programs.

**2. Qualifications.** The state board shall adopt rules establishing the qualifications and supervision for an educational technician certificate authorization.

**3. Certificate Authorization renewal.** An educational technician certificate authorization is issued for a 5-year period and may be renewed in accordance with state board rules, which must require, at a minimum, that the educational technician, whether employed or unemployed, complete at least 3 semester hours of professional or academic study or the equivalent or in-service training designed to improve the performance of the educational technician in the field.

**4. Emergency Education Technician.** The commissioner may issue an emergency certificate pursuant to this section to an applicant who has submitted to a criminal history background check and has successfully completed a Maine program approved for targeting essential skills and knowledge for performing permitted responsibilities. A certificate issued pursuant to this subsection is issued for a 5-year period with no limitations on renewals.

**Sec. 810. 20-A MRSA §13020, sub-§3**, as amended by PL 2019, c. 165, §2, is further amended to read:

**3. Denial of certificate for prior immoral or prohibited 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 been convicted in any state or federal court of a criminal offense involving the physical or sexual abuse or exploitation of a child, or that any such charges have been substantiated through a DHHS investigation, is grounds for denial of

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~~certification. within 5 years of the application for initial certification or renewal is grounds for a denial of a certificate. Evidence that an applicant for initial certification or renewal as a school psychologist or guidance counselor has advertised, offered or administered conversion therapy as defined in Title 32, section 59-C, subsection 1 to a child 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 is a rebuttable presumption. Notwithstanding Title 5, chapter 341, the commissioner is entitled to consider all records of prior criminal convictions involving child abuse or exploitation in determining an applicant's eligibility for a certificate.~~

**Sec. 911. 20-A MRS §13022, sub-§1, ¶A**, as enacted by PL 2011, c. 386, §2, is amended to read:

A. "School psychologist" means a professional certified by the department as a school psychologist who provides school psychological services consistent with the national standards articulated by in current federal and state education regulations and rules and under the domains of practice in the most current Model for Comprehensive and Integrated School Psychological Services as developed and published by the National Association of School Psychologists. "School psychologist" includes a school psychologist - doctoral and a school psychologist - specialist.

**Sec. 1012. 20-A MRS §13022, sub-§3**, as amended by PL 2011, c. 386, §2, is further amended to read:

**3. Qualifications.** State board rules governing the qualifications for a school psychologist 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~~ or the department at the time the degree was awarded; or

~~B. Has completed graduate work that is determined by the commissioner to be substantially similar to the programs referred to in paragraph A; or~~

~~B. 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~~ through training and experience.

**Sec. 1113. 20-A MRS §13022, sub-§4**, as amended by PL 2011, c. 386, §2, is further amended to read:

**4. Term of issuance.** The commissioner shall issue a school psychologist 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 psychologist.~~ The school psychologist certificate may be renewed in accordance with academic and professional requirements established by the state board. A certificate holder must be supervised for the first year following initial certification at no additional cost to the school administrative unit or the department. ~~The state board shall require evidence of supervision prior to renewing a first-year certificate.~~ Supervision of the first-year school psychologist must be in accordance with supervision standards established by the National Association of School Psychologists or a successor organization and provided by a person who is certified as a school psychologist ~~under subsection 2 and is:~~

~~A. A member of the Maine Association of School Psychology or a successor organization; or~~

~~B. Employed by or under contract with a school administrative unit.~~

**Sec. 1214. 20-A MRS §13022, sub-§8**, as amended by PL 2011, c. 386, §2, is further amended to read:

**8. Transition.** Persons certified as school psychological service providers and school psychological examiners on or after October 13, 1993 may continue to provide the services authorized by their respective certificates until the

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scheduled expiration of those certificates. ~~The state board's rules must contain a schedule affording all certified school psychological service providers a reasonable amount of time to meet the requirements of the certificate authorized by subsection 2.~~

**Sec. 1315. 20-A MRSA §13031**, as enacted by PL 1983, c. 859, Pt. I, §§2 and 3, is amended to read:

**§13031. Purpose**

The Legislature declares that the purpose of this chapter is to establish standardized qualifying examinations for those persons seeking ~~provisional~~ professional teacher certificates to teach in the State.

**Sec. 1416. 20-A MRSA §13032, first ¶**, as amended by PL 2017, c. 235, §30 and affected by §41, is further amended to read:

A professional teacher certificate may be issued ~~only~~ to those applicants who have taken and passed the teacher qualifying examination. ~~This limitation does not apply to applicants seeking a certificate under section 13013, subsection 2-B, paragraph B, but such applicants must meet any exam requirement necessary for the endorsement being sought.~~

**Sec. 17. Transition period.** ~~An educational technician holding a valid educational technician certificate on the effective date of this Act is deemed to be authorized for service in public schools and approved private schools for the remainder of the term of the certificate.~~

**Sec. 1518. Rulemaking.** The State Board of Education shall amend Department of Education rule Chapter 115 regarding the credentialing of education personnel in accordance with this Act as well as the revisions recommended by the Consensus-based Rulemaking Committee. Rules adopted pursuant to this Act are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**SUMMARY**

This bill does the following regarding the certification of education personnel.

~~1. It requires an educational technician to get an authorization rather than a certificate for serving in public schools or approved private schools.~~

~~1.2.~~ It amends the definition of "educational specialist."

~~2.3.~~ It repeals the requirement for rules adopted by the State Board of Education to include that applicants furnish evidence of good moral character.

~~3.4.~~ It revises the qualifications for a professional teacher certificate.

~~4.5.~~ It provides that a criminal conviction for a criminal offense involving physical or sexual abuse or exploitation of a child ~~within 5 years of an application for initial certification or renewal~~ is grounds for a denial of a certificate.

~~5.6.~~ It amends the definition, qualifications and terms of issuance of a certification for a school psychologist.

~~6.7.~~ It directs the State Board of Education to amend its certification rules. Rules amended for the purpose of implementing this legislation are designated as routine technical rules rather than major substantive rules.