

State of Maine
STATE BOARD OF EDUCATION

Testimony of Wilson G. Hess, Chairman of the State Board of Education

In Support of: L.D. 1189: An Act To Amend the Teacher Certification Statutes
Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Representative Brennan

Date: April 7, 2021

Senator Rafferty, Representative Brennan, and Honorable Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Wilson Hess. I am the Chair of the State Board of Education and I am here today on behalf of the State Board to speak in support of L.D. 1189 An Act To Amend the Teacher Certification Statutes.

As the distinguished members of the Committee are aware, the State Board and the Department of Education (DOE) has been working in concert since last spring on Chapter 115, a major, substantive rule of the State Board of Education regarding the credentialing of Maine educational personnel. Chapter 115 provides standards and procedures for credentials intended to provide the highest quality personnel to help students meet the standards of Maine's system of Learning Results.

Following broad-based input from a consensus-based committee of practitioners & Professional Standards Board (PSB) members, input from MDOE specialists, endorsement of recommendations by the PSB, the State Board's Certification and Higher Education (CHE) Committee is nearing its exhaustive review of the proposed rule revisions. During the CHE Committee's review for compliance with existing statutes it was discovered that a number of proposed changes were inconsistent with existing statute. The DOE took the lead in seeking corrective legislation through several drafts of this proposed legislation. We are of the opinion that the amended version of LD 1189 before you today accomplishes the major objectives of that compliance review.

We take note, however, that the State Board, received the amended document less than 24 hours in advance of this meeting. We would ask the Committee's indulgence as we offer four observations about items that are new to us in the amended bill:

- **Subject Matter Content Obtained through Work** -- The repeal of 20-A MRSA §13013, sub-§2-B, ¶B, appears to remove a pathway option for conditional certificate holders pursuing a pathway option based on demonstrated subject matter competency obtained through work. If so, we beg the opportunity to submit information based upon our regular reviews of DOE certification data that demonstrate the significant role

competency-based certification plays in the proposed pathways for teacher endorsement and the critical role it plays in providing qualified educators for certain fields of study.

- **Emergency Education Technicians** -- The inclusion of §13019-H sub-§4, Emergency Education Technicians, with special attention to the provision that provides for no limit on renewals – a provision that appears to contrast with current rules which provide requirements for professional study, academic study, or equivalent or in-service training designed to improve performance as grounds for renewal.
- **Denial for Immoral Conduct** -- The amendment to 20-A MRSA §13020, sub-§3, Denial of Certificate for Prior Immoral or Prohibited Conduct, which we believe should be matched by equivalent language in sub §2.A., Grounds for Revocation or Suspension of a Certificate.
- **Rulemaking** -- We seek clarification on certain language in LD 1189 §15, Rulemaking, which states “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 [emphasis added].*” It is unclear to us how this language, which seems to bring recommendations from the Consensus-based Rulemaking Committee into a routine and technical rulemaking process, either simplifies or expedites the task of bringing a provisionally approved version of Chapter 115 to the Educational and Cultural Affairs Committee in a timely fashion.

Further, “*Rules adopted pursuant to this Act are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A [emphasis added],*” suggests that the provisions of LD 1189 may be incorporated into Chapter 115 under routine and technical rule provisions, while all others will be treated under the major, substantive rule provisions. In proceeding with the holding of public hearings and bringing forth of provisional legislation for Chapt. 115, we beg the guidance and interpretation of the Committee as to whether we will be proceeding with a disaggregated process.

The State Board reiterates its support for LD 1189, An Act To Amend the Teacher Certification Statutes, which provides statutory pathways to achieve certain recommendations of the consensus-based rulemaking process for Chapter 115 -- a process that we believe has set new standards for inclusion, collaboration, and thoroughness in the review of our rules for credentialing educational personnel. We hope thoughtful consideration of the issues raised in this testimony will even further strengthen this process.

I would be happy to answer any questions the Committee may have or to provide additional information regarding the relevant national standards for the work session on this bill.