

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

H.P. 295 - L.D. 404

**Resolve, Regarding Legislative Review of Portions of Chapter 115:
Certification, Authorization and Approval of Education Personnel, a Late-
filed Major Substantive Rule of the State Board of Education**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a provisionally adopted major substantive rule of the State Board of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if the following changes are made to the provisionally adopted major substantive rule:

1. The rule must be amended in Part I, Section 4, 4.2, C, which concerns the determination of eligibility for alternative pathways for certification by the Department of Education, by restoring the current language of this section regarding the waiver of the requirement for student teaching upon documentation of substantial teaching experience;

2. The rule must be amended in current Part I, Section 12, which concerns the functions and eligibility of substitute personnel, by revising the section header and the section provisions to address the functions and eligibility of long-term substitute personnel by:

- A. Restoring the current language of 12.1, A and amending the provision to specify that substitute personnel may serve on a long-term basis;
- B. Restoring the current language of 12.1, B;
- C. Restoring the current language of 12.2, A and amending the provision to specify the eligibility that the Department of Education can specify for substitute personnel on a long-term basis;
- D. Restoring the current language of 12.2, B, 1 and amending the provision to specify that substitute teachers and education specialists may serve on a long-term basis and to establish that a school administrative unit may consider a waiver if finding candidates that meet the eligibility criteria is difficult; and
- E. Restoring the current language of 12.2, B, 4;

3. The rule must be amended in current Part I, Section 13, which was renumbered as Section 12 and which concerns the reinstatement of a lapsed certificate, authorization or approval of educational personnel, by restoring the section as Section 13 since Section 12 will be restored and amended;

4. The rule must be amended in Part I, Section 13, which was renumbered as Section 12, by striking all of new Section 12, 12.5, which concerns the reinstatement of revoked certification;

5. Since Part I, Section 12 will be restored and amended, all the cross-references to the current provisions of Part I that follow Section 12 that are restored must be restored;

6. The rule must be amended in Part II, Section 1, 1.2, B, 2, (d), which concerns the development of Endorsement Eligibility Pathway 2 for elementary school teachers, by clarifying that the endorsement eligibility is subject to the completion of courses that include 3 semester hours in reading methods and 3 semester hours in writing instruction methods;

7. The rule must be amended in Part II, Section 1, 1.5, B, 1, (d), which concerns the development of Endorsement Eligibility Pathway 1 for public preschool through grade 12 teachers, by clarifying that the endorsement eligibility is subject to passing the content area assessment for Art, Music, Theater and Dance for the Entry Level Teacher's Assessment;

8. The rule must be amended in Part II, Section 1, 1.5, B, 2, (d), which concerns the development of Endorsement Eligibility Pathway 2 for public preschool through grade 12 teachers, by clarifying that the endorsement eligibility is subject to passing the content area assessment for Art, Music, Theater and Dance for the Entry Level Teacher's Assessment; and

9. The rule must be amended in Part II, Section 3, 3.1, B, 1, (e), which concerns the development of endorsement for secondary career and technical education teachers in grades 9 through 12, by clarifying that the endorsement eligibility is subject to meeting the cut score on the Basic Skills Test in reading, writing and mathematics or earning a passing grade in 2 college-level courses in English language arts and mathematics.

The State Board of Education is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.