

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1442 - L.D. 1933

**Resolve, Regarding Legislative Review of Portions of Chapter 115: The
Credentialing of Education Personnel, a 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, a major substantive rule has been submitted to the Legislature for review; 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: The Credentialing 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, is authorized only if the following changes are made.

1. The rule must be amended in Part I, section 6, subsection 2, Professional Teacher Certificate, to cross-reference the pre-service candidate standards found in the State Board of Education rule Chapter 114: Purpose, Standards and Procedures for the Review and Approval of Preparation Programs for Education Personnel, section 2, subsection 2.1.

2. The rule must be amended in Part I, section 6, subsection 5, Certification for a Certified Educational Technician, in the portion regarding eligibility to remove the provision that an applicant is eligible to be an educational technician II or III if the applicant

has successfully completed a program in the State approved for targeting essential skills and knowledge for performing permitted responsibilities.

3. The rule must be amended in Part II, section 1, subsection 1.18, Endorsement: Pre-kindergarten through Grade 12 Teacher of School Health and Physical Education, to change the endorsement to pre-kindergarten through grade 12 teacher of health and physical education.

4. The rule must be amended in Part II, section 2, subsection 2.1, Endorsement 282: Teacher of Children with Disabilities, to:

A. Reinstate the grade levels for the endorsement as: birth to school age 5, kindergarten through grade 8 and grades 7 through 12; and

B. For the birth to school age 5 grade level, differentiate and specify the semester hours in early childhood and early intervention course work necessary for the endorsement and clarify the permissible student teacher settings.

5. All necessary grammatical, formatting, punctuation and other technical, nonsubstantive editing changes must be made to the rule, including, but not limited to, the removal of strikethrough or underlined letters or words remaining from prior drafts and edits and the amendment of any inconsistent numbering or lettering in the rule.

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