

Comments and Responses to Proposed Amendments Chapter 115; Parts I and II
Public Hearing
November 13, 2007

A public hearing on the proposed amendments to the State Board of Education Regulation 115 entitled Certification, Authorization and Approval of Educational Personnel, was held on November 13, 2007. The deadline for submission of written comments was November 26, 2007. Comments made at the public hearing, as well as written submissions were received from the following:

Commenter's:

1. Ron Lavender, President of MeASBO
2. Scott Vaitones, MSAD #40
3. Jude Cyr, Auburn School Department
4. Dale Douglass, Maine School Management Association
5. Martha Witham, Superintendent, Richmond Public Schools
6. Karen Warren, Business Manager, MSAD #8
7. Sheryl Moody, Business Manager, Richmond Public School
8. Dan O'Shea, Director of Finance and Operations
9. Jennifer Soper, MSAD #4
10. Don Reutershan, Department of Education
11. Ray Hardy, School Management Specialist, Gray, Maine
12. Omar Norton, Interim Superintendent, School Union 104

CHAPTER 115; Parts I and II
Certification, Authorization and Approval of Education Personnel
Public Hearing
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A public hearing on proposed amendments to Chapter 115 was held on Monday, November 13, 2007 from 9:00-10:00 AM, in the Burton M. Cross State Office Building ATM studio, and at three remote locations: Presque Isle High School, Presque Isle; Bangor High School, Bangor; Gorham High School, Gorham.

Part II, Section 5.

1. Comment (#1): Commenter recommended That the title of the proposed certificate (038) in Part II, section 5 be changed to “School Business Official”. The proposed title of “Financial Services Manager” is limited in scope and not indicative of the breadth of business operations that are embraced by those serving in these roles in current school units and anticipated to be shouldered by those serving in business and financial management roles in the new regional school units. In conjunction with this title change, we suggest adjustment of the Part II, section 5 title to read “SECTION 5: BUSINESS AND FINANCIAL CERTIFICATE” and section 5.1A to read “... business and financial officer with responsibilities for the business and financial management and fiscal oversight of the following functions...”

Response: The name of the certificate was recommended by stakeholders and preliminarily approved by the State Board previously. The certificate name is appropriate.

Comment Did Not Result In A Change

2. Comment (#1, 2, 3, 4, 9, 11, 12): Commenters recommend That the requirements under Part II, section 5.1 C.1(b)i are too restrictive and may preclude experienced business managers from gaining this certificate. Additionally, by barring experienced business managers from a certificate, local school units will be faced with a dire shortage of applicants for this important role who have the experience and specific skill sets necessary to perform successfully. Our recommended approach is to allow experienced business managers to satisfy the course requirements in this sub-section through the alternative route of documented experience. The courses specified in C.1(b)i should still be required for those individuals who aspire to this role but have not previous worked in school business in Maine. Thus, we specifically recommend the addition of language at the end of C.1(b)i such as “Five (5) years of documented experience as a school business official that includes formal supervisory responsibilities and primary oversight responsibility for the fiscal affairs of a Maine school administrative unit may be substituted for these four listed courses.” Among the recommendations we are making, this is the most critical to our membership. This is also the most significant in terms of

the impact on Maine school units and their ability to continue applying the most experienced and professionally qualified individuals to the business affairs of those units. Although not as important to our membership as the recognition of Maine school business experience, we also suggest consideration be given for business officials to have the opportunity under this certificate to test out for these courses.

Response: Because of the size of current school units, five years of experience as a business manager differs widely because the responsibilities differ widely. With many school systems increasing in size under the new Regional School Units, the responsibilities of many individuals in this position will have increased responsibilities. Therefore, Section 5.1 C.1 need to be met by all holders of this certificate; however, the requirements of Section 5.1.C.1.(b)i and (b)ii do not need to be graduate coursework. Section 5.1.C.1.(b) has been revised: ‘approved courses’ has been changed to ‘approved study’. There is no test currently available for these competency areas.

Comment Did Result In A Change

3. Comment (#1): Commenter recommends That the renewal requirements for the certificate should be similar to those for an administrator certificate and should recognize, in the case of business officials, that a considerable portion of the most beneficial continuing education is offered in the form of short courses and professional seminars, such as, but certainly not limited to, those offered by ASBO International and the Harvard Business School. The following is suggested for a renewal provision to be included in the appropriate section of Part I:

“Renewal Requirements for a School Business Official Certificate

1. For those employed in Maine under this certificate, completion of an approved school business official action plan; or
2. For those not in an approved action plan under this certificate, completion of a minimum of six (6) credits, nine (9) continuing education units or ninety (90) contact hours (or a combination of these that is the equivalent of six credits) of approved study related to this certificate.”

Response:

1. There is no certification support system recognized for the purpose of approving action plan for this certificate holder. There would need to be revisions to Chapter 118, before action plans would need to be completed.
2. Credits of approved study is defined in Chapter 115 Part I Section 2.7 and includes semester hours, clock hours and CEUs. There is not need to repeat the definition in this section. The current wording is also consistent throughout Chapter 115 Part II.

Comment Did Not Result In A Change

4. Comment (#1): Commenter recommends That individuals currently employed as business officials have a one time (irrevocable) opportunity to stay in their current retirement program or opt for the Maine State Retirement System (now MainePERS). This election should remain in effect if current business officials move to new Regional School Units. We acknowledge that newly hired business officials should be required to be in the State Retirement System. This is a critical matter for our members who have considerable credit toward a retirement benefit in their current retirement program. They should not be forced into a situation where their future retirement benefits under that plan may be diluted or, potentially, even eliminated through a forced movement to the State Retirement System if they chose to remain as school business officials. What we are seeking here is similar to what was provided to Educational Technicians in the early 1990s.

Response: The issue of having a one time opportunity to choose a retirement system cannot be addressed in Chapter 115 or through any rules governed by the State Board of Education.

Comment Did Not Result In A Change

5. Comment (#1) Commenter recommends That the term of the certificate be clearly articulated as “ five (5) years” in Part II, section 5, or with language in another area of this Chapter, such as Part 1, section 9.2.

Response: Chapter 115 Part I Section 1.2.A.7 has been added to show a five-year term.

Comment Did Result In A Change

6. Comment (#1): Commenter recommends That the requirements under Part II, section 5.1.C.1(b)ii be reduced to twelve (12) graduate hours of study (twice the credit hours of study for a renewal) and that the courses under C.1(b)i, if completed at the graduate level, be counted toward satisfying the graduate course requirements of C.1(b)ii.

Response: The list of allowable courses has been reduced, because of repetitive knowledge areas, but the number of fifteen (15) graduate semester hours remains. Under conditional certificates, a person would have five years to complete the coursework.

Comment Did Result In A Change

7. Comment (#1): Commenter recommends That the requirements for a conditional certification in Part II, Sub-section 5.1.D allow for conditional certification of an applicant who has an associate’s degree in business, finance or accounting in lieu of a bachelor’s degree. This would allow most of the approximately 10% of the current business managers in the state who have only an associate’s degree to pursue the certificate while remaining in their current positions after July 1, 2011.

Response: 5.1.C.1.(b)I has been divided into 5.1.C.1.(b)I and ii; which means that an individual will only need two of the four areas as a prerequisite to receiving the first conditional certificate. The other two areas, supervision and evaluation of personnel and leadership and organizational management may be met while working under a conditional certificate.

Comment Did Result In A Change

8. Comment (#1, 11): Commenter recommends that the certificate should allow for a mentor component. Either as a procedural matter to be addressed through the Department of Education or as part of the statutory language, a mentor component should be included that formally establishes the role of veteran business officials in the professional development of and support for novice business officials who are pursuing the certificate.

Response: Requiring a mentor would require a certification support system recognized for this certificate holder. There would need to be revisions to Chapter 118, before mentors could be required.

Comment Did Not Result In A Change

9. Comment (#4,5,7): Commenters recommend that the certification be voluntary.

Response: Once a certification is in Chapter 115 individuals are required to apply for the certification.

Comment Did Not Result In A Change

10. Comment (#3, 6, 7, 8): Commenters agree that there is a need for the certification for finance managers.

Response:

Comment Did Not Result In A Change

11. Comment (#10): Commenter recommends that the State Board of Education consider amending Chapter 115, part II to include a new certificate for International Visiting Teachers within the World Language Teacher endorsement area.

The rationale for this recommended change is based on the following:

- MDOE Informational Letter No. 36 (10/24/2007) identifies the proposed Maine Teacher Shortage Areas for the 2006-2007 and 2007-2008 school years. These areas include Chinese, French, German, Latin, Japanese, Russian and Spanish.
- Title 20-A, Chapter 222, §6209, 3. requires every local school administrative unit in Maine to implement the Maine *Learning Results* (PK-diploma) in the content area of World Languages by the end of the 2007-2008 school year.
- Commissioner Gendron's PowerPoint presentation, *Refining Our Vision for Maine's Secondary Education: Forum on 21st Century Skills*, which was delivered initially on 9/27/2007 at a statewide high school education summit, includes a World Languages assessment as part of the proposed "collection" of state assessments required for high school graduation.
- Commissioner Gendron recently signed Memoranda of Understanding (MOUs) with the Ministry of Education and Science of Spain and the Office of Chinese Language Council International (Hanban) of the People's Republic of China. Additionally, she intends to sign MOUs with the Academy of Nantes in France and the Ministry of Education of the Republic of China (Taiwan). These MOUs outline areas of educational cooperation and collaboration, including visiting teacher programs.
- At the request of Commissioner Gendron, I am in the process of completing an extensive federal application to the US Department of State that will allow MDOE to obtain designation as a federal Exchange Visitor Program (J1 Visa) sponsor. This designation will permit our Department to sponsor international visiting teachers and will expedite the issuance of required J1 visas for teaching assignments of 1-3 years.

Commenter recommends that the proposed International Visiting Teacher Certificate include the following components:

- non-renewable three-year certificate
- issued at the request of a Maine School Administrative Unit to a qualified individual who meets all the criteria listed below
 - is deemed to be of good moral character
 - is a citizen of another country who will be entering the United States specifically for the purpose of teaching in a Maine school or school district that has agreed to employ the person as a teacher via an exchange program or other collaboration or recruitment effort
 - holds the U.S. equivalent of at least a bachelor's degree and provides evidence of completion of a teacher preparation program
 - provides evidence of completion of an academic major in the area to be taught, or, in the case of world languages, evidence of proficiency in the target language as determined by the Maine Department of Education
 - has a minimum of three years teaching experience
 - demonstrates a level of English language proficiency acceptable to the Maine Department of Education
- orientation and mentoring program provided by the Maine School Administrative Unit employing the visiting teacher

This proposed rule change will allow teachers who are native speakers of languages other than English and who are citizens of countries outside the United States to teach in Maine elementary and/or secondary schools for a limited time. Such a change will help to decrease the shortage of world language teachers in Maine. Additionally, in light of both current and proposed state requirements regarding world languages in elementary and secondary schools, this change will help to provide for the continuation/expansion of current language programs and for the implementation of new programs.

Response: Chapter 115 Part I Section 18 International Visiting Teacher Permit has been added to address the needs for teachers working under an approved visiting teacher program.

Comment Did Result In A Change

12. Comment (#10): Commenter recommends, in addition to supporting the proposed change in language from “modern languages” to “world languages” in the endorsement areas of Middle Level Teacher (Part II, 1.3) and World Language Teacher (Part II, 1.7), that the State Board of Education make the following amendment to these two endorsement areas.

Commenter recommends that the American Council on the Teaching of Foreign Languages (ACTFL) Writing Proficiency Test be added as a requirement in Endorsement Eligibility Pathway 2 under sections 1.3 B. 2. (c), 1.7 B. 2. (b) ii, and 1.7 B. 3. (b). Following the sentence or phrase in the current rule that requires a score of advanced level or higher on the ACTFL Oral Proficiency Interview, commenter recommends adding the underlined language below.

Earned a score of advanced level or higher on the American Council on the Teaching of Foreign Languages (ACTFL) Writing Proficiency Test in the world language endorsement area being sought.

The ACTFL Writing Proficiency Test (WPT) is a standardized test for global assessment of functional writing ability in a language. The ACTFL WPT is a vehicle that measures how well a person spontaneously writes in a language (without access to dictionaries or grammar references) by comparing his/her performance of specific writing tasks with the criteria stated in the ACTFL Proficiency Guidelines - Writing (Revised 2001) descriptions. The ACTFL WPT is a carefully constructed assessment with four requests for written responses dealing with practical, social, and professional topics that are encountered in informal and formal school contexts. The writer is presented with tasks and contexts that represent the range of proficiency levels from Novice to Superior on the ACTFL Proficiency Guidelines - Writing (Revised 2001). The tasks and prompts are written in English with the expectations that the responses be written in the target language.

In order to be an effective world language teacher in today’s elementary and secondary schools, the teacher candidate must not only be able to demonstrate an acceptable level of

oral proficiency but also demonstrate his/her ability to write in the target language at an acceptable proficiency level. In this specific Endorsement Eligibility Pathway, one cannot simply assume that because the candidate possesses the required speaking skills in the target language, s/he also has the necessary level of writing skills required to teach students to write in a language other than English. The following states are among those that currently require the ACTFL WPT within either their regular or alternate certification eligibility pathways: Connecticut, Delaware, Pennsylvania, Texas, Virginia.

This proposed change will help to ensure that all Maine teacher candidates in world languages possess an acceptable level of both oral and written proficiency in a language other than English.

Response: Chapter 115 Part II Sections 1.3.B.2.(c) and 17.B.2.(b)iii has been added to include the ACTFL proficiency in writing.

Comment Did Result In A Change

13. Comment (#10): Commenter recommends two other areas of Chapter 115 where the term “foreign” be changed to “world”:

1.3 B. 2. (c) and 1.7 B. 2. (b) ii: ...(ACTFL) Oral Proficiency Interview administered by a certified ACTFL oral proficiency tester in the ~~modern~~ **world** language endorsement area being sought.

Because we’re looking for consistency, you might also want to consider changing the second half of the sentence in 1.7 B. 3. (b) so that it parallels the language used in the other sections regarding the ACTFL Oral Proficiency Interview.

...or earned a score of advanced level or higher on the ~~ACTFL examination~~ **American Council on the Teaching of Foreign Languages (ACTFL) Oral Proficiency Interview** in the world language endorsement **area** being sought.

Response: Chapter 115 Part I Section 1.7.B.2.(b)ii has been revised for consistency.

Comment Did Result In A Change