

071 STATE BOARD OF EDUCATION

Chapter 115: THE CREDENTIALING OF EDUCATION PERSONNEL

~~**Summary:** This rule contains the requirements for the credentialing of Maine educational personnel. Standards and procedures for credentials are included to provide the highest quality personnel to help students meet the standards of the system of Learning Results.~~

Summary: This rule contains the standards and procedures for the credentialing of Maine education personnel (Part I) and requirements for specific certificates and endorsements (Part II). The goal of this rule is to ensure that Maine students are supported by educators with rigorous and appropriate backgrounds and to facilitate innovative educator preparation pathways.

PART I: STANDARDS AND PROCEDURES FOR CREDENTIALING

SECTION 1. Purpose

1. The purpose of this rule is to implement 20-A Maine Revised Statutes (M.R.S.) Chapters 501 and 502, which authorize the credentialing system for educational personnel. This rule applies to Maine public schools and approved private schools as indicated below. This rule supersedes all previous rules on the same subject.

SECTION 2. Applicability

1. This rule applies to school administrative units, private schools approved pursuant to 20-A M.R.S. §2901(2)(B), career and technical education regions as defined by 20-A M.R.S. §8301-A(6), regional sites operated by the Child Development Services State IEU and education services centers as defined by 20-A M.R.S. §3801(1)(B).
2. Notwithstanding Section 2.1 above, Sections 4.2, 4.3(A, B) , and 8.1 of this rule apply to all approved private schools under 20-A M.R.S. §2901 and §2907.

SECTION 3. Definitions

1. Accredited. A degree or program of study that has been approved by an accrediting agency recognized by the U.S. Department of Education (USCODE, 2008, Title 20, Chapter 28, Subchapter IV, Part H, Subpart 2, section 1099b)
- ~~1.2.~~ Administrator is defined by 20-A M.R.S. §13001-A(1).
- ~~2.3.~~ Applicant. An individual seeking a credential.

- ~~3-4.~~ **Appropriate Credential:** The credential, such as a certificate and endorsement, that corresponds to the individual's title or job description. This definition also includes any waiver issued by the Commissioner in accordance with Section 6.14 2 of this rule.
- ~~4-5.~~ **Approved Study.** Semester hours, contact hours, or continuing education units.
- ~~5-6.~~ **Certificate** is defined by 20-A M.R.S. §13001-A(2)
7. **Clearance** is defined by 20-A M.R.S. §13001-A(3).
8. **Complete Application.** An application that includes all the requirements and supporting documentation as specified for the credential sought, as described in Section 5.1 of this rule.
9. **Conditional Certificate** is defined by 20-A M.R.S. §13001-A(4).
10. **Contact Hour.** One hour of time spent in a training and development program or individual study program approved by the SAU or by the Department; 15 contact hours is equivalent to 1 ~~credit~~ semester hour of approved study.
11. **Content Area Methods.** A pedagogy course for specified grade levels and subject area that is offered as a component of an approved teacher preparation program.
12. **Continuing Education Units (C.E.U.).** Units of academic study from an accredited institution of higher education or from a training and development program approved by the Accrediting Council for Continuing Education and Training; 1.5 C.E.U. is equivalent to 1 ~~credit~~ semester hour of approved study.
13. **Contracted Service Provider.** An organization or individual that provides services to a school or Child Development Services (CDS) regional site through a paid contractual arrangement involving educational services and services that bring the provider or its employees into direct contact with students.
14. **Course.** An identifiable unit of instruction that is part of a program of study offered at an accredited college or university.
15. **Credential** is defined by 20-A M.R.S. §13001-A(5).
16. **Criminal History Records Check (CHRC)** is defined by 20-A M.R.S. §13001-A(6).
17. **Department.** The Maine Department of Education.
18. **Educational Specialist** is defined by 20-A M.R.S. §13001-A(7).
19. **Employed.** Paid to work, including through a paid contractual arrangement.
20. **Educational Technician** is defined by 20-A M.R.S. §13001-A(8).
- ~~20-21.~~ **Endorsement** is defined by 20-A M.R.S. §13001-A(10).
- ~~21-22.~~ **Holder.** An individual who holds a credential.

- ~~22~~**23.** **Lapsed.** A credential that has expired without submission of a complete and timely renewal application by the holder within ~~six~~ **twelve** months of the expiration date of the credential.
- ~~23~~**24.** **License.** For purposes of any reference to 5 M.R.S. in this rule, the credential issued to an applicant by the Department of Education pursuant to the Department's exercise of its regulatory powers.
- ~~24~~**25.** **Paid Applied Employment** for the career and technical endorsement. Employment that is primarily focused on a specific career and technical education occupation, and that covers the scope of the occupation as identified and for which all federal and state tax, labor, and other reporting requirements were met.
- 26.** Pre-K (pre-Kindergarten) shall mean the year before attendance in kindergarten. This is generally age 4.
- ~~25~~**27.** **Semester Hours** is defined by 20-A M.R.S. §13001-A(12).
- ~~26~~**28.** **Teaching Experience.** Experience in which a teacher is employed to be responsible for, and conducts instruction of, students, which may include adult students.
- ~~27~~**29.** **Verification.** The determination by the School Administrative Unit (SAU) as to the eligibility of an applicant for a renewal of a credential, submitted in the format required by the Commissioner.

SECTION 4. General Credential Requirements

- 1. Individuals required to obtain a credential**
 - A. An individual who serves in a position that is required to hold an appropriate credential for the assignment must hold that credential on or before the first day of service, throughout the period of service, seek timely renewal of the credential, and meet the standards for that credential.
 - B. Individuals employed without the appropriate credential will be subject to the penalties Section 4.3.
- 2. SAU or Approved Private School**
 - A. It is the responsibility of the superintendent of a SAU, the headmaster of an approved private school, or the Child Development Services regional site director to:
 - (1) Ensure that every individual serving in a position that requires a credential has an appropriate credential on the first day of service and that an appropriate credential is maintained throughout the period of service. Any employment contract offered to or made shall be contingent upon that individual's timely receipt of the appropriate credential and the maintenance of an appropriate credential throughout the contract term.

- (2) Determine the credentialing status of each person employed in a SAU, approved private school or a Child Development Services regional site or who serves the school or a Child Development Services site as a contracted service provider.
- (3) Verify annually, through the Maine Educational Information System (MEIS), the credentials of every individual serving in a position that requires a credential.
- (4) Provide support for **all** teachers ~~with conditional certificates~~ in accordance with Maine Department of Education Regulation Rules Chapter 180 Section 11.
- (5) Ensure verification of renewal requirements is sent to the Commissioner in regard to the eligibility for renewal of a professional teacher certificate, educational specialist certificate, or a certified educational technician certificate of an applicant who is employed by the SAU. This requirement only applies to a SAU. The verification shall be one of the following:
 - (A) Verification that the applicant has satisfied the requirements for renewal of the certificate.
 - (B) Recommendation that the professional certificate is not renewed means the SAU has determined that the candidate has not satisfied the requirements for renewal of the certificate.
- (6) Establish and maintain a local credentialing committee pursuant to Section 9 of this rule.

B. Prohibition against Employment and Contracting

- (1) A superintendent, headmaster, or Child Development Services regional site director who employs an individual without a credential in violation of this Section shall be subject to penalties in Section 4.3.

3. Penalties

- ~~A. Loss of State Funding: Pursuant to 20 A.M.R.S. §6801-A, the Commissioner may, after due notice and opportunity for hearing, reduce the State subsidy to any public school or the direct payment to a private school approved for tuition purposes that violates Section 4.2.B of this rule in the amount that represents that State's share of salaries and benefits paid to any individual employed or under contract in violation of Section 4.3 of this rule.~~
- ~~B. Loss of Basic Private School Approval: Violation of Section 4.2.B above of this rule by a private school may lead to loss of approval status pursuant to 20 A.M.R.S. §§ 2904 and 2905.~~
- ~~C. Loss of Salary and Benefits: Individuals employed in violation of Section 4.1 of this rule are barred from receiving any salary and fringe benefits for performing any~~

~~professional function in a public school and shall forfeit to the employing school administrative unit any salary and fringe benefits received in violation of this Section.~~

- ~~D. Loss of Contract Payment: Contracted service providers who employ individuals in violation of Section 4.1 of this rule are barred from receiving contractual payments.~~
- ~~E. Certification Action: Employment of, or entering into a contractual relationship with, individuals in violation of Section 4.1 of this rule, or assignment of such personnel to duties for which they do not possess the appropriate credential, shall be grounds for suspension, revocation, or non-renewal of the superintendent's certificate.~~
- A. Certification Action: Employment of, or entering into a contractual relationship with, individuals in violation of Section 4.1 of this rule, or assignment of such personnel to duties for which they do not possess the appropriate credential, shall be grounds for suspension, revocation, or non-renewal of the superintendent's certificate.
- B. Loss of Contract Payment: Contracted service providers who employ individuals in violation of Section 4.1 of this rule are barred from receiving contractual payments.
- C. Loss of Salary and Benefits: Individuals including superintendents employed in violation of Section 4.1 of this rule are barred from receiving any salary and fringe benefits for performing any professional function in a public school and shall forfeit to the employing school administrative unit any salary and fringe benefits received in violation of this Section.
- D. Loss of Basic Private School Approval: Violation of Section 4.2.B above of this rule by a private school shall lead to loss of approval status pursuant to 20-A M.R.S. §§ 2904 and 2905.
- E. Loss of State Funding: Pursuant to 20-A M.R.S. §6801-A, the Commissioner may, after due notice and opportunity for hearing, reduce the State subsidy to any public school or the direct payment to a private school approved for tuition purposes that violates Section 4.2.B of this rule in the amount that represents that State's share of salaries and benefits paid to any individual employed or under contract in violation of Section 4.3 of this rule.

SECTION 5. General Issuance and Renewal Procedures

1. General

- ~~A. An individual may apply at any time for a credential.~~
- B. A. An applicant for a credential, including a renewal, shall submit a complete, accurate, and signed application on the form provided by the Department, including all supporting documentation required for an evaluation of eligibility for the credential sought, and, when required, verification from the SAU or local administrative consortium. Incomplete materials ~~shall~~ will not be processed and the applicant will be notified.
 - (1) All credential holders must provide the Department with a current email or United States Postal Service address at which the Department may

contact them with respect to their credential and specify which is the preferred contact address.

(2) If the Department attempts to contact a credential holder at the address provided in subsection (1) above in order to obtain information with respect to the credential and receives no response within sixty days, the Department will place the credential on administrative hold until the holder contacts the Department. In cases where an administrative hold is in place, the individual will be treated as if they do not hold the credential.

(3) Current and past Permanent Protection from Abuse or Protection from Harassment orders must be declared on initial and renewal applications.

~~C. B.~~ Each university/college transcript filed for credentialing purposes shall:

- (1) Bear the seal of the institution and the signature of the registrar or other official designated by the president or board of the institution;
- (2) Include ~~descriptive~~ titles (descriptive of course content if possible), semester hours and grades for all listed courses. If the course title is not descriptive include a copy of the course description.; and
- (3) If a degree were granted, indicate the type and the date it was conferred.

~~D. C.~~ The applicant shall provide, and the Department will utilize, an evaluation of transcripts from institutions outside the United States by an agency who is a member of the National Association of Credential Evaluation Services (NACES).

~~E. D.~~ Each application must include payment for fees when required, in accordance with 20-A M.R.S. §13007(1).

2. **Criminal History Records Check (CHRC)**

A. Before issuance of any credential, the Department shall conduct a Criminal History Records Check on all applicants including all conviction data from the Maine State Bureau of Identification, and the Federal Bureau of Investigation. Criminal history record information may also be obtained from other sources including self-disclosure. An applicant with a conviction shall provide court documents if requested by the Department.

- (1) Unless excepted due to a specific medical condition, fingerprinting is required for the initial Criminal History Records Check. The Department must receive the application for a credential prior to any fingerprinting. Fingerprinting may be repeated if there is interrupted service, as determined by Section 5.2.A.(1).(D) of this rule, or a lapsed credential even if there is continuous employment. The Department-approved company shall take the required fingerprint impressions of an applicant who works or lives in Maine. An applicant for a credential who does not work or live in Maine may have fingerprints taken in another State using a method accepted by the Maine State Bureau of Identification.

- (A) The law enforcement agency or its designee that has taken the fingerprint impressions shall forward the fingerprint impressions directly to the Maine State Bureau of Identification, which shall compare the fingerprints to all fingerprints in Maine's conviction database. Applicant fingerprints shall be compared to new Maine convictions as they occur. Applicant fingerprints shall not be available to law enforcement agencies as part of any criminal investigation.
- (B) The Maine State Bureau of Identification shall forward the applicant's fingerprint impressions to the Federal Bureau of Investigation to conduct a national conviction records check. A national check shall be repeated every five (5) years if there is interrupted service or a lapsed credential even if there is continuous employment.
- (C) The Maine State Bureau of Identification shall forward State and national conviction records to the Department for its consideration of applicants and holders of a credential. If, based on information received through the fingerprint-based criminal history records check, a credential is suspended, revoked, or denied, this shall be done in accordance with Section 7 of this rule.
- (D) For determining whether an applicant for renewal of credential has interrupted service, school vacations, paid leave, and a change in employment between school units without loss of work days shall not be considered interrupted service. If an applicant submits verification from all employing superintendents or headmasters (employers) for the previous five years, a national records check shall not be repeated for renewal applications.

3. Credential Issuance

- (A) After it has been determined that all requirements have been met as specified in this rule, the credential shall be issued and shall be valid as of the date that the application was determined by the Department to be complete.
- (B) ~~Issuance in Error. A holder~~ The holder shall not be entitled to a credential mistakenly issued by the Department. The removal of any credential in accordance with this paragraph shall not result in the penalties set forth in Section 4.3 of this rule for any portion of the academic year during which action was taken. The Commissioner shall give the holder 30 days written notice of the tentative determination of error, the pendency of the reversal of the issuance, and the holder's opportunity to be heard. The notice shall inform the holder that the proposed reversal is final after the expiration of 30 days unless the holder files an appeal as provided in State Board of Education Rule Chapter 119.

An issuance may be reversed for lack of any requirement for a complete application as defined in Section 4.1 of this rule, including dishonor of a check or

credit card, or any other reason causing non-receipt by the Department of the required fee.

4. General Renewal Procedures

- A. To maintain a continuous credential, a holder seeking renewal shall apply for renewal no later than the date the current credential expires. Certificate holders will be notified by email of the renewal date.
- B. In the case of a complete application for the renewal of a credential that has not lapsed, the existing credential shall remain in effect until the application is approved or denied, and a renewal subsequently issued shall be deemed effective as of ~~the expiration date of the previous certificate~~ the date the application is determined by the Department to be complete.
- C. In the case of a renewal of a lapsed credential, the credential, if awarded, will be dated when the Department receives the complete application. Professional credentials lapsed no more than 5 years may be renewed for the same content area and grade spans if the educator has completed the renewal requirements in place at the time the credential was issued.
- D. It is the responsibility of the holder of a credential to be aware of and meet the requirements for the specific credential to be renewed.

SECTION 6. Credentials Available and Eligibility Requirements

1. General Eligibility for a Certificate

- A. To be certified by the Department of Education, except for certified educational technicians who are covered in Section 6.5 6 and Emergency Teacher Certificate and Endorsement which is covered in Section 6.8, applicants shall meet the following general qualifications:
 - (1) Furnish evidence of good moral character ~~if~~ when requested;
 - (2) Be at least 18 years of age;
 - ~~(3) Be knowledgeable of physiology and hygiene, with special reference to the effects of alcohol, stimulants and narcotics upon the human system;~~
 - ~~(4)~~ (3) Hold at least a bachelor's degree from an accredited college or university, with the following exceptions:
 - (A) Career and technical education teachers;
 - (B) School nurses under a conditional certificate;
 - (C) ~~Native~~ Wabanaki language teachers receiving certification by means of Chapter 115 Part II Section 1.17;

(D) Education Technician.

~~(5)~~(4) Satisfactorily complete a state and national CHRC based on fingerprints in accordance with Section 5.2 of this rule.

B. Issuance of any professional teacher or educational specialist certificate requires compliance with ~~Maine Department of Education Regulation~~ State Board of Education Rules-Chapter 13, except as otherwise indicated.

C. Any bachelor's degree, graduate degree, or required semester hours of academic study shall have been earned at an accredited institution. For purposes of this rule, an accredited institution is a college, university, or other post-secondary institution accredited by any national institutional accrediting agency recognized by the U.S. Secretary of Education as an accrediting authority.

~~D. Out of Country Licensure (for Individuals Residing in the United States Educated Outside the US and where documentation is available).~~

~~(1) The following documents shall be completed during the online application process:~~

~~(A) Verification of completed out of state licensure exams, if applicable and available;~~

~~(B) Verification of experience; and~~

~~(C) Official transcripts in PDF format only, which includes confer date of degree, all pages of the transcript, and the Registrar's signature.~~

~~(2) College coursework completed outside the United States requires a course by course analysis from an approved international credential evaluation service.~~

~~E. Out of State Licensure~~

~~(1) Individuals holding a full certificate as an administrator, a teacher, or a specialist issued by another state, the District of Columbia, a United States territory or other country deemed comparable by the Department may qualify for a professional certificate in the State of Maine.~~

~~(2) A CHRC, as described in Section 5.2, is required.~~

~~(3) Renewal of these certificates will require:~~

~~(A) Any renewal requirements for the Maine issued certificate as defined in Part II of this rule; and~~

~~(B) For teachers and education specialist certificates, completion of an approved course for teaching students with exceptionalities in the regular classroom; or~~

- (C) ~~For administrator certificates, completion of an approved course for federal and Maine civil rights law and education laws, and an approved course for special education law.~~

2. Professional Teacher Certificate and Endorsements

- A. **Function:** The professional teacher certificates ~~is~~ are the standard certificates for a teacher in Maine and shall be issued with one or more endorsements that specify the subject area and/or the grade level for which the teacher is deemed qualified.
- B. **Eligibility:** An applicant with the qualifications specified in Section 6.1, who follows the process in Section 5.1 and ~~who~~ meets the requirements for an endorsement in Part II may obtain a professional teacher certificate by one of the following methods:
- (1) Successful completion of a preparation program for educational personnel approved by the State Board with the formal recommendation for certification from the institution, in accordance with ~~Maine Department of Education Regulation~~ State Board of Education Rules Chapter 114 and is in compliance with ~~Maine Department of Education Regulation~~ State Board of Education Rule Chapter 13, if applicable.
 - (2) Successful completion of a Council for the Accreditation of Educator Preparation (CAEP) or an equivalent ~~an~~ approved preparation program for the endorsement or certificate being sought, in any state, district, United States territory or other country, along with a formal recommendation for certification from the institution.
 - (3) Successful completion of a Maine approved apprenticeship program
 - (4) Successful review of a portfolio demonstrating competency in standards for pre-service candidates or in-service teacher, administrator or educational specialist as described in State Board of Education Rule Chapter 114.
 - (5) Successful completion of a portfolio, developed on a case-by-case basis by the hiring superintendent and verified by the Department, that includes high quality professional development, professional courses, on-the-job experience, and extensive mentoring. Portfolios may include professional testing specific to a certificate or endorsement.
 - The district's, region's or consortium's process for developing such portfolios must be approved in advance by the State Board of Education, resulting in preparation at least equivalent to a novice teacher's preparation through a traditional program.
 - Upon affirmation by the superintendent and verification by the Department that an individual's portfolio plan follows the approved process, a conditional certificate and endorsement(s) will be issued, not to exceed three years.

- Upon affirmation by the superintendent and verification by the Department that an individual's portfolio plan has been completed, the Department will issue professional certification and endorsement(s).
- Approved district, region, or consortium processes under this section will automatically expire on September 1, 2036 at which time the State Board of Education shall determine if this pathway is needed any longer. Certificates and endorsements issued under this pathway remain valid and fully renewable as with any other professional certification and endorsements.

~~(3)~~ (6) As indicated in this rule, the initial teaching standards refer to 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.

C. **Term**

- (1) A professional teacher certificate issued to an applicant shall be valid as of the date the application is determined by the Department to be complete and shall expire five (5) years from the date the complete application is received by the Department.

D. **Renewal:** A professional teacher certificate is renewable for a five (5) year term. If a teacher has attained certification from the National Board for Professional Teaching Standards, the renewal period is for 10 years.

- (1) To renew a professional certificate, an applicant shall follow the process of Sections 5.1 and 5.4, and meet the requirements of Section 6.1 of this rule, and either:
- (A) Complete six (6) semester hours of approved study or 90 hours of in-service training designed to improve the performance of the teacher in the field during the term of the certificate and obtain verification from the SAU that the professional teacher certificate be renewed.; or
 - (B) If not employed by a SAU, provide documentation of the successful completion of six (6) semester hours of approved study or 90 hours in-service training designed to improve the performance of the teacher in the field during the term of the certificate.
- (2) The required six (6) semester hours or 90 hours of in-service training may not have been used previously to renew the same certificate and must be earned within the five years prior to the renewal. Up to half of this requirement may be met by the applicant having developed and delivered such in-service training.

- (3) If a holder is employed by a SAU, the renewal must be processed through the SAU.
- (4) An applicant for professional certification who does not receive positive verification from the SAU may appeal to the Commissioner, pursuant to ~~Maine Department of Education Regulation~~ State Board of Education Rule Chapter 119.

3. Certificates for an Administrator

- A. **Function:** The professional administrator certificates are ~~is~~ the required certificates to serve in an administrative capacity and shall be issued with one or more endorsements that specify the area which the administrator is deemed qualified.
- B. **Eligibility:** An applicant with the qualifications specified in Section 5.1 and 6.1 will be eligible for a professional administrator certificate by meeting the requirements of an administrator endorsement in Part II of this rule including having at least 3 years of satisfactory teaching experience or the equivalent and having satisfactorily completed an approved internship or practicum relating to the duties of an administrator.
- C. **Term:** An administrator certificate issued to an applicant shall be valid as of the date the application is determined by the Department to be complete and shall expire five (5) years from the date the complete application is received by the Department.
- D. **Renewal:** A professional administrator certificate is renewable for a five (5) year term.
 - (1) To renew the certificate, an applicant shall meet the requirements specified in Sections 5.1 and 6.1 of this rule; and either:
 - (A) Complete six (6) semester hours of approved study or 90 hours of in-service training designed to improve the performance of the administrator in the field during the term of the certificate and obtain verification from the SAU or a local administrative consortium that the certificate be renewed.; or
 - (B) If not employed by a SAU, provide documentation of the successful completion of six (6) semester hours of approved study or 90 hours of in-service training designed to improve the performance of the administrator in the field during the term of the certificate.
 - (2) These six (6) semester hours or 90 hours of in-service training may not have been used previously to renew the same certificate and must be earned within the five years prior to the renewal. Up to half of this

requirement may be met by the applicant having developed and delivered such in-service training.

- (3) If a holder is employed by a SAU, the renewal must be processed through a local/regional consortium.
- (4) An applicant for certification who does not receive positive verification from a local/regional consortium may appeal to the Commissioner, pursuant to ~~Maine Department of Education Regulation~~ State Board of Education Rule Chapter 119.

4. **Certificates and Endorsements for an Educational Specialist**

- A. **Function:** The educational specialist certificate is the standard certificate for an educational specialist in Maine and shall be issued with one or more endorsements that specify the work area for which the educational specialist is deemed qualified.
- B. **Eligibility:** An applicant with the qualifications specified in Section ~~5.1 and 6.1~~ and follows the procedures specified in Section 5.1 will be eligible for a professional educational specialist certificate by meeting the requirements of an educational specialist endorsement in Part II of this rule.
- C. **Term:** The educational specialist certificate issued to an applicant shall be valid as of the date the application is determined by the Department to be complete and shall expire five (5) years from the date the complete application is received by the Department, unless otherwise indicated in this rule.
- D. **Renewal:** A professional educational specialist certificate is renewable for a five-year term, unless otherwise indicated in this rule.
 - (1) To renew the certificate, an applicant shall meet the requirements of Sections 5.1 and 6.1 of this rule, and:
 - (A) Complete six (6) semester hours of approved study or 90 hours of in-service training designed to improve the performance of the educational specialist in the field during the term of the certificate and obtain verification from the SAU that the certificate be renewed;
 - (B) If not employed by a SAU, provide documentation of the successful completion of six (6) semester hours of approved study or 90 hours of in-service training designed to improve the performance of the educational specialist during the term of the certificate; or
 - (C) Meet the requirements for renewal of a School Psychologist certificate, as defined in Part II, Section 2.5.
 - (2) The required six (6) semester hours or 90 hours of in-service training may not have been used previously to renew the same certificate and

must be earned within the five years prior to the renewal. Up to half of this requirement may be met by the applicant having developed and delivered such in-service training.

- (3) For the renewal of a school nurse certificate, the holder must also submit a copy of an appropriate license to practice as a Registered Professional Nurse in Maine, reflecting successful completion of appropriate professional development.
- (4) If a holder is employed by a SAU, the renewal must be processed through the SAU.
- (5) An applicant for certification who does not receive positive verification from the SAU may appeal to the Commissioner, pursuant to ~~Maine Department of Education Regulation~~ State Board of Education Rule Chapter 119.

5. Reciprocal Professional Certificates

- A. **Function:** Out of State or Out of Country Licensure (for an individual residing in the United States and educated outside of the US and where documentation is available) may qualify for a professional certificate in the State of Maine. By statute Title 20-A Chapter 502 §13012-B(2) reciprocal professional certificates can be issued only to address identified staffing shortages.

- B. **Eligibility** An applicant with the qualifications specified in Section 6.1, follows the process in Section 5.1 and who meets the requirements for an endorsement in Part II may obtain a certificate with any equivalent endorsements of their out of state or country certificate by one of the following methods:

(1) Individuals holding a full certificate as an administrator, a teacher, or a specialist issued by another country deemed comparable by the Department shall submit the following documents:

- a. Copies of licensure documents and/or certificates with certified translations if necessary,
- b. Verification of completed out of country licensure exams, if applicable and available,
- c. Verification of experience, and
- d. Official transcripts in PDF format only, which includes conferred date of degree, all pages of the transcript, and the Registrar's signature. College coursework completed outside of the United States requires a course by course analysis from an approved international credential evaluation service.

(2) Individuals holding a full certificate as an administrator, a teacher, or a specialist issued by another state, the District of Columbia, or a United State territory may qualify for a professional certificate in the State of Maine.

a. Copies of current licensure documents and/or certificates shall be submitted.

C. Term A certificate issued under this section is valid for 5 years

D. Renewal of these certificates requires:

- (1) Any renewal requirements for the Maine-issued certificate and endorsements defined in part II of this rule, and
- (2) For teachers and education specialist certificates, completion of an approved course for teaching students with exceptionalities in the regular classroom, or
- (3) For administrator certificates, completion of an approved course for federal and Maine civil rights law and education laws, and an approved course for special education law.

6. Certificate for a Certified Educational Technician

A. **Function:** A certified educational technician provides supportive educational services. There are three levels of certification for the increasing levels of responsibility for planning and supervision of students. A superintendent, headmaster or a Child Development Services director who employs an individual as an educational technician in violation of this Section shall be subject to penalties in Section 4.3 of this rule. A certificate specifies ~~the applicable levels: 6-12 for career and technical education, preK-12, or birth to school age 5.~~ either CTE or birth to grade 12. Tutors shall meet the requirements of educational technicians, with the level determined by the amount of responsibility and level of supervision that is provided for the position, as specified in this section.

(1) Educational Technician I

(A) Permitted Responsibilities

- i. Review and reinforce learning previously introduced by the classroom teacher or appropriate content specialist, or assist in drill or practice activities;
- ii. Perform non-instructional, non-evaluative functions;
- iii. Assist in the preparation of instructional materials; and
- iv. Provide classroom management functions.

(B) Required Supervision

- i. Be assigned instructional duties that are directly supervised by the classroom teacher or appropriate content specialist in the classroom; or

- ii. Serve under general administrative supervision when performing non-instructional student-related duties.

(2) Educational Technician II

(A) Permitted Responsibilities

- i. Perform all of the duties of an Educational Technician I; and
- ii. Introduce new learning preplanned in collaboration with the classroom teacher or appropriate content specialist.

(B) Required Supervision

- i. Meet with the classroom/program teacher or appropriate content specialist and receive direction on a regular basis, whenever possible on a daily basis;
- ii. Conduct one-on-one or small group instruction with indirect supervision.

(3) Educational Technician III and Emergency Educational Technician

(A) Permitted Responsibilities

- i. Perform all of the duties of an Educational Technician I or II;
- ii. Introduce new learning preplanned in consultation with the classroom teacher or appropriate content specialist; and
- iii. Supervise small groups of students in community-based programs.

(B) Required Supervision

- i. Meet with the classroom/program teacher or appropriate content area specialist and receive direction, regularly; or
- ii. Perform short-term instruction in small classes or in community-based programs with indirect supervision regularly.

B. **Eligibility:** ~~To be eligible an applicant must meet the following qualifications:~~ An applicant with the qualifications specified in Section 6.1 and follows the procedures specified in Section 5.1 will be eligible for a Educational Technician certificate by meeting the following specific eligibility requirements below.

~~(1) Be of good moral character;~~

- ~~(2) Be at least 18 years of age;~~
- ~~(3) Submit an application in accordance with Section 5.1 of this rule; and~~
- ~~(4) Satisfactorily complete a CHRC in accordance with Section 5.2 of this rule;~~
- (5) Specific Eligibility Requirements

(A) ~~(1)~~ Educational Technician I: hold a high school diploma or GED.

(B) ~~(2)~~ Educational Technician II: document a minimum of ~~60 credits~~ 48 semester hours of approved study in an educationally related field, or, for career and technical education certification, document a minimum of two years of paid applied employment within the field of assignment.

~~(3) Educational Technician III: document a minimum of 90 credits of approved study in an educationally related field, or, for career and technical education certification, document a minimum of three years of paid applied employment within the field of assignment.~~

(3) Educational Technician III: document a minimum of 90 semester hours of approved study in an educationally related field, or successfully complete an approved Maine training program for Educational Technician III certification.

Programs approved under this subsection may include, but are not limited to, learning facilitator programs offered through the Maine Community College System. An applicant who successfully completes a training program approved under this subsection may receive an Educational Technician III certificate if the applicant meets all other certification requirements established by rule, except that the applicant is not required to meet the minimum 90 credits of approved study in an educationally related field.

For career and technical education technician certification, document a minimum of three years of paid applied employment within the field of assignment.

(4) Emergency Educational Technician: successfully complete a Maine program approved for targeting essential skills and knowledge for performing permitted responsibilities.

C. **Term:** The educational technician certificate issued to an applicant shall be valid as of the date the application is determined by the Department to be complete and shall expire five (5) years from the date the complete application is received by the Department.

D. **Renewal:** A certified educational technician certificate is renewable for a five-year term.

- (1) To renew the certificate, an applicant shall ~~meet the requirements of Section 5.1~~ follow the process of Sections 5.1 and 5.4 of this rule, and either:
 - (A) Complete three (3) semester hours of approved study or in-service training designed to improve the performance of the certified educational technician in the field during the term of the certificate and obtain verification from the SAU that the certificate be renewed; or
 - (B) If not employed by a SAU, provide documentation of the successful completion of three (3) semester hours of approved study or in-service training designed to improve the performance of the certified educational technician during the term of the certificate.
- (2) The required three (3) semester hours may not have been used previously to renew the same certificate and must be earned within the five years prior to the renewal.
- (3) If a holder is employed by a SAU, the renewal must be processed through the SAU.
- (4) An applicant for certification who does not receive positive verification from the SAU may appeal to the Commissioner, pursuant to ~~Maine Department of Education Regulation~~ State Board of Education Rule Chapter 119.

6.7. Conditional Certificates and Endorsements

- A. **Function:** A conditional certificate is a certificate for a teacher, educational specialist, or administrator who has not met all the requirements for a professional certificate or endorsement, but can reasonably be expected to meet all requirements of a certificate within three years.
- B. **Eligibility:** An applicant with the qualifications specified in Section 6.1, follows the process in Section 5.1 and who meets the conditional requirements for an endorsement or certificate in Chapter 115, Part II may obtain a conditional certificate with the requested endorsement. ~~Section 5.1 and 6.1 who meets the conditional requirements for an endorsement in Part II may obtain a conditional certificate with one or more endorsements that specify the area for which the certificate is issued by one of the following methods:~~
 - (1) ~~A teacher who holds a professional certificate with one or more endorsements and is transitioning to another endorsement, is eligible for a conditional certificate subject to the following:~~
 - (A) ~~A holder of a professional certificate with career and technical and/or adult education endorsements shall not be eligible unless they hold another birth to age 5, PreK-3, K-6, 5-8, 6-12, or preK-12 endorsement:~~

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- (B) ~~Holders must have completed a minimum of nine (9) semester hours of the liberal arts or content areas relevant to the certificate or endorsement or must be able to provide evidence of comparable knowledge and expertise gained through work, or experience; and~~
- (C) ~~Upon receipt of an application including all supporting documentation, the commissioner shall notify the applicant of the coursework and other requirements necessary for the applicant to meet the standards of the endorsement listed in Part II of this rule.~~
- (2) ~~The Commissioner shall annually designate shortage areas for the State. An applicant seeking to serve as teacher or educational specialist with an endorsement to work in a designated shortage area is eligible subject to the following. The applicant must:~~
- (A) ~~Hold at least a bachelor's degree from an accredited college or university;~~
- (B) ~~Meet the general eligibility requirements of Sections 5.1 and 6.1 of this rule; and~~
- (C) ~~Have completed a minimum of nine (9) semester hours that meet the requirements of the certificate or endorsement.~~
- (3) ~~Additional conditional certificates based on a shortage may be issued if the applicant meets the following:~~
- (A) ~~Remains ineligible for a conditional or a professional certificate;~~
- (B) ~~Documents to the Department that English is not their first language; and~~
- (C) ~~Annually documents they are being tutored in reading, writing, or math, whichever is appropriate.~~
- (1) Upon receipt of an application including all documentation, the commissioner shall notify the applicant of the coursework and other requirements necessary for the applicant to meet the standards of the endorsement list in Part II of this rule.
- (2) For a conditional certificate under this section, the school administrative unit employing the teacher or educational specialist for at least the first two years of employment, or longer if determined to be necessary (if the applicant already has a certificate with a different endorsement then this may be reduced to one year) is responsible for and shall:
- (A) Ensure that the conditionally certified teacher or educational specialist receives high-quality professional development

that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction while teaching; and

(B) Provide a program of intensive supervision for the conditionally certified teacher that consists of structured guidance and regular ongoing support or a mentoring program which is separate from any student-teacher requirement that may be required under another authority.

C. **Term:** A conditional certificate is issued for three years, and cannot be renewed.

7. 8. **Emergency Teacher Certificate and Endorsement**

- A. **Function:** An emergency teacher certificate is a certificate with an endorsement for a teacher that is used to fill a staffing shortage identified by the Commissioner. This certificate can only be issued in a manner that ensures that the holder does not supplant an otherwise qualified and available teacher.
- B. **Eligibility:** An applicant for an emergency certificate shall satisfactorily complete a CHRC in accordance with Section 5.2 of this rule, follow the procedures specified in Section 5.1 and meet one of the following requirements:
 - (1) Hold a 4-year post-secondary degree or the equivalent in work or academic experience
 - (2) Is enrolled in an approved educator preparation program; ~~or~~
 - (3) Holds a certification as an Educational Technician III except that an Emergency Education Technician III is not eligible for an Emergency Teacher certificate under this paragraph.
- C. A teacher holding an emergency certificate shall participate in a mentoring program provided by the Department or a school administrative unit.
- D. **Term:** An emergency teacher certificate is issued for one year, and no more than three emergency teacher certificates may be issued per applicant.

8. 9. **Clearance**

- A. **Function:** All individuals paid to work in a school in positions that do not require certification must be issued a clearance by the Department. All individuals paid to work in a Child Development Services site in positions that do not require certification must be issued a clearance by the Department. One clearance enables the holder to work in any appropriate position. An individual who is currently certified in Maine and is employed in a position that requires only a clearance need not apply for an additional clearance.
- B. **Eligibility:** Individuals issued a clearance by the Department shall meet the following general eligibility requirements:

- (1) ~~Be of good moral character~~ Furnish evidence of good moral character when requested.;
 - (2) Be at least 18 years of age; and
 - (3) Satisfactorily complete a CHRC in accordance with Section 5.2 of this rule.
- C. **Term:** The clearance issued to an applicant shall be valid as of the date the fingerprints were taken and shall expire five (5) years from the date the complete application is received by the Department.
- D. **Renewal:** A clearance is renewable for a five-year term. To renew a clearance, the holder must submit a renewal application in accordance with Section 5.1 of this rule and meet the requirements of Section 5.2 of this rule, including documentation of continuity of service.
- (1) Fingerprinting may be repeated if there is an interruption in service or if the clearance lapses before a complete renewal application is received by the Department even if there is continuous employment.

9- 10. Other Teaching Assignments

A. International Teacher

- (1) **Function:** A teacher from a country other than the United States who is participating in a visiting teacher program established and administered by the Department, a locally established sister-school exchange, or a locally established language immersion program may teach in a school in Maine. The teacher may be authorized to act as an adjunct to existing staff and may not be used to avoid the hiring of professional, certified teachers.
- (2) **Eligibility:** All International Teachers must hold a clearance in accordance with Section ~~6-8~~ 5.2 of this rule.

B. Alternative Education Teacher

- (1) **Function:** A certified teacher who is teaching in a locally established alternative education program.
- (2) **Eligibility:** A teacher in an alternative education program must hold at least one teacher certificate or endorsement.

~~10.~~ **11. Long Term Substitute Personnel**

- A. **Function:** Substitute personnel holding a certification or endorsement may serve on a long-term basis (greater than six consecutive weeks) in schools to fill vacancies caused by the absence, resignation, inability to employ, or termination of a certified or cleared employee.
- B. A superintendent or headmaster who employs a substitute in violation of this Section shall be subject to the penalties of Section 4.3 of this rule.
- C. **Substitute Teachers and Educational Specialists:** A certified teacher or educational specialist may serve as a substitute with no time limit, provided that the teaching certificate bears an endorsement for the grade and subject being taught, or the educational specialist certificate is appropriate to the employment. A SAU may request a waiver from the Commissioner if finding candidates that meet the eligibility criteria is difficult.
- D. Substitute standards for less than 6 weeks are determined by the SAU and require that the substitute have minimally a high school diploma.

~~11.~~ **12. Certification Waivers**

- A. **Waiver for Teachers, Educational Specialists, and Administrators**
 - (1) The Commissioner may grant a waiver of certification to a teacher, educational specialist, or an administrator when:
 - (A) The position is essential to implementation of Maine's system of Learning Results; or
 - (B) The inability of the school unit to obtain a properly certified individual for the position was unforeseeable; or
 - (C) In order to be in compliance with state or federal laws.
 - (2) A waiver shall be issued only for the minimum length of time the Commissioner deems necessary for the school to hire a properly certified individual and on such other terms as the Commissioner deems necessary to assure quality instruction for students. Individuals serving under a waiver of certification must be in compliance with Section ~~4.1~~ 5.2 of this rule.
 - (3) Employment of an individual without the appropriate certification, except in strict accordance with the terms of this Section, shall be a violation of Section 4.2.B of this rule.
 - (4) A waiver shall be granted to an applicant who receives inaccurate, incomplete or untimely information or action from the Department, a SAU or a local/regional consortium. The waiver must be for a reasonable period to permit the applicant time to complete certification requirements.

- (5) A waiver cannot be granted to an individual who is seeking an endorsement in special education.

B. Course Waivers, ~~and~~ Exceptions and Equivalences

- (1) The course requirement for teaching students with an exceptionality in the regular classroom may be documented through completion of an approved course, in-service, or C.E.U.s.
- (2) For initial certification, a maximum of ~~six (6)~~ twenty four (24) semester hours of course requirements may be met through documenting, to the satisfaction of the Commissioner, that the applicant has taught the course at a post-secondary college or university for at least two semesters within the last 10 years.
- (3) Course requirements may be met through demonstration of content knowledge using summative exams such as the College Level Examination Program (CLEP) Exam(s) with a minimum score of 50 on subject examinations for courses not already taken, or using portfolio evidence documenting equivalent knowledge/competencies.
- (4) Student teaching may be waived upon documentation of one school year of successful teaching in Maine in the endorsement area, as long as the Commissioner has granted a waiver or the teacher has a conditional certificate to teach prior to the end of the school year. Student teaching may also be waived upon documentation of one school year as an apprentice or resident teacher in a Maine approved teacher apprenticeship or residency program.

SECTION 7. Revocation, Suspension, Denial, and Nonrenewal of a Credential

- 1. **Grounds for Revocation and Suspension:** The following shall be grounds for revocation or suspension:
 - A. Evidence, for example a Permanent Protection from Abuse or Protection from Harassment order, that a holder has injured the health or welfare of a child through physical, or sexual abuse or exploitation shall be grounds for revocation or suspension of a credential. Notwithstanding Title 5, Chapter 341, a certified court record that a person certificated under this Title was convicted in any state or federal court of a criminal offense involving the physical or sexual abuse or exploitation of a child within the previous five (5) years shall be sufficient grounds for revocation or suspension of that person's certificate.
 - B. Evidence of a criminal conviction pursuant to 5 M.R.S.A. §§ 5301-5303: This applies to conviction information received by the Department through the CHRC or any other means. It is the applicant's burden to prove to the Commissioner's satisfaction that he or she is sufficiently rehabilitated to warrant the public trust.

- C. The practice of fraud, deceit, or misrepresentation in obtaining a credential from the Commissioner, or in connection with any services rendered within the scope of the certificate, authorization, or approval, shall be grounds for revocation or suspension of the credential. This includes answering “no” to any question on whether the applicant has been convicted of a crime when subsequent evidence indicates that there is a conviction. The Commissioner may refer cases of fraud to the Attorney General's Office for possible criminal prosecution.
- D. Gross Incompetence: Gross incompetence shall be grounds for revocation or suspension of a credential. Gross incompetence includes, but is not limited to, the following:
- (1) Conduct evidencing a clear and substantial lack of knowledge, ability, or fitness to perform the services rendered within the scope of the credential.
 - (2) Conduct evidencing a negligent disregard for the mental or physical health, safety, or welfare of children or that creates a substantial risk of injury as a result of physical or sexual abuse or exploitation, or hazing.
 - (3) Negligent or fraudulent completion or filing of any school reports required pursuant to the provisions of state or federal law or regulation.
 - (4) A mental or physical condition, as diagnosed by a physician or other professional competent to make such a diagnosis, that has resulted in the holder performing required duties in a manner endangering the health, safety, or welfare of children, or in the holder's inability to satisfactorily perform the services rendered within the scope of the credential.
 - (5) Refusal to perform, or repeated negligent disregard of, duties required to be performed by the provisions of state or federal law or regulation.
 - (6) Habitual intemperance in the use of alcohol or habitual use of narcotic or hypnotic or other substances, the use of which has resulted in, the holder performing required duties in a manner endangering the health, safety, or welfare of students or in the holder's inability to satisfactorily perform the services rendered within the scope of the credential.
 - (7) Harassment on the basis of sex, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:
 - (A) Submission to such conduct is made either explicitly or implicitly a term, condition, or basis for decisions on educational benefits for a student;
 - (B) Such conduct has the purpose or effect of substantially interfering with a student's academic performance or creating an intimidating, hostile, or offensive educational environment, or
 - (C) Any other such conduct..

- E. Suspension or revocation of a certificate in another jurisdiction: Where a Maine certificate has been issued upon the basis of a reciprocal certification agreement, the Maine certificate shall be revoked or suspended upon evidence, ~~in the form of a certified copy~~, that the authority issuing the original certificate has revoked or suspended the certificate.
- F. Breach of superintendent's duty: The certificate of a superintendent of schools may be suspended or revoked for the knowing employment of personnel who do not hold the appropriate certification, authorization, or approval, or for the knowing assignment of educational personnel to duties for which they do not possess appropriate certification, authorization, or approval, as stated in Section 4.3 of this rule.
- G. Violation of Code of Ethics and Practice Standards by a school psychologist shall be grounds for the revocation or suspension of the provider's certificate.

2. Administrative Hold

- A. All credential holders must provide the Department with an email or address at which the Department may contact them with respect to their credential.
- B. If the Department attempts to contact a credential holder at the address provided in subsection A above in order to obtain information with respect to the credential and receives no response, the Department will place the credential on administrative hold until the holder contacts the Department. In cases where an administrative hold is in place, the individual will be treated as if they do not hold the credential.

3. **Procedures for Revocation or Suspension Action:** Except as set forth in subsection (G) and (H), the procedures set forth in this section shall govern the Commissioner's investigation and disposition of matters which may result in the revocation or suspension of any certificate, authorization or approval issued under this Chapter and State Board of Education Rule Chapter 119:

- A. **Preliminary Inquiry:** Upon receipt of a written complaint or upon his or her own motion, the Commissioner may initiate a preliminary inquiry concerning allegations that could lead to revocation or suspension of a certificate, authorization or approval.

If the preliminary inquiry indicates that the allegations are unfounded or that the actual basis of the allegations may be true but is not of sufficient gravity to warrant action, the Commissioner shall notify the certificate holder of the substance of the complaint and any findings. The certificate holder shall be afforded an opportunity to respond in writing to the Commissioner's findings.

- B. **Notice of Revocation or Suspension:** If the preliminary inquiry indicates that allegations may be true and are of sufficient gravity to warrant certification action, the Commissioner shall notify the certificate holder that the Department will conduct an investigation that could lead to revocation or suspension. The notice shall contain a general summary of the allegations.

- C. **Delay of Commissioner's Action:** The Commissioner may elect to delay action pending completion of any related criminal proceeding and may rely on a criminal conviction to support certification action prior to resolution of any appeals. For the purposes of this chapter, conviction based on a plea of *nolo contendere* will have the same effect as a guilty plea.
- D. **Determination of Grounds for Action:** If the Commissioner determines that there is reason to believe that the factual basis of a complaint or allegation is true and that grounds exist for certification action, the certificate holder shall be notified of the substance of the complaint or allegations and the specific grounds for action. The holder shall have 30 days to respond in writing.
- E. **Informal Conference:** The Commissioner may request an informal conference with the holder. The certificate holder shall be given adequate notice of the conference and of the issues to be discussed. The holder may be represented by counsel at the informal conference.
- F. **Disposition:** If after reviewing all available information, including any information provided by the certificate holder, the Commissioner finds that the factual basis of the complaint is true and that grounds exist for revocation or suspension, the Commissioner may:
- (1) Enter into a consent agreement with the certificate holder which provides for the surrender, revocation or suspension of the certificate, authorization or approval. The agreement may contain reasonable conditions for the health, safety and welfare of children including, but not limited to, restrictions of grade levels or subjects taught, restriction of school-related extra-curricular activities, provisions for the education, professional improvement or rehabilitation of the certificate holder and terms designating conditions for reinstatement or identifying evidence of professional improvement or rehabilitation to be considered by the Commissioner on an application for reinstatement.

A consent agreement may be used to terminate a complaint investigation. A consent agreement or consent decree may also be used to terminate a proceeding in the Administrative Court if entered into by the certificate holder and the Attorney General with the approval of the Court.
 - (2) Refer the matter to the Attorney General with a request that a complaint seeking suspension or revocation be filed in Administrative Court.
- G. **Revocation or Suspension by the Commissioner:** The Commissioner may suspend or revoke a certificate in the circumstances permitted by 5 M.R.S.A. Chapter §10004 without first following the provisions of subsections (A)-(F).
- H. The procedures set forth in this section shall govern the Commissioner's investigation of alleged violations of the Code of Ethics or practice standards for school psychologists which may result in the revocation or suspension of the school psychologist certificate:

- (1) Written complaints alleging violations of the code of ethics or practice standards will be referred by the Commissioner (or his/her designee) to the ethics/complaints consultant of the Advisory Committee of School Psychologists. The ethics/ complaints consultant must be a member of the Advisory Committee of School Psychologists and must be a school psychologist.
- (2) The ethics/complaints consultant of the Advisory Committee of the School Psychologists shall review the written complaint. If it is determined that the alleged misconduct, even if true, would not constitute an actual violation of the Code of Ethics, the ethics/complaints consultant shall notify the complainant and the Commissioner's designee of this point.

Then the Commissioner's designee shall notify the individual of the alleged violation of the Code of Ethics and the Commissioner's finding that the alleged violation of the Code of Ethics was not warranted.

- (3) If the ethics/complaints consultant determines the information provided by the complainant is insufficient to make a determination regarding the alleged misconduct, then the ethics/complaints consultant may send a written request to the designee, requesting clarification or additional information.
- (4) If it is determined that the alleged misconduct, if substantiated, would constitute an actual violation of the Code of Ethics and could warrant certification action, then the ethics/complaints consultant will send a letter to the complainant notifying the complainant (and the Commissioner's designee) that the allegation tentatively will be investigated by the ethics/complaints consultant. The complainant shall be asked to sign a release authorizing that his/her name be revealed to the respondent, the individual against whom the complaint was made.
- (5) If the complainant does not execute the release form, the ethics/complaints consultant will consult with the Commissioner's designee, and a decision will be made by the Commissioner regarding whether or not to further proceed.
- (6) The ethics/complaints consultant will, in writing, within 15 days of the receipt of the signed release form, notify the respondent of the complaint as well as copy the Commissioner's designee. The letter shall describe the nature of the complaint as well as indicate the principle(s) that appear to have been violated, and request the respondent's cooperation in obtaining a complete picture of the circumstances which led to the allegations. In the letter, the respondent shall be notified of the investigation which could lead to certification action, and the respondent shall be asked to provide, within 30 days of the date of the letter, a written statement outlining his/her view of the situation. If written permission has been obtained from the complainant, his/her name may be disclosed to the respondent depending on the complaint. A copy of the Code of Ethics may be enclosed.

- (7) The ethics/complaints consultant shall review all available information, including any written information provided by the respondent, in the case and shall prepare a written report, attaching all available documents, for the Commissioner's designee. A copy of this confidential report shall be given to the chair of the Advisory Committee of School Psychologists. The report shall explain whether or not there appears to be a factual basis to the complaint and shall elaborate on whether or not grounds which relate to the violation of the Code of Ethics or practice standards seem to exist which would warrant certification action.
 - (A) The Commissioner's designee will review all documents that are received from the ethics/complaint consultant. As necessary, consultation will occur between the ethics/complaint consultant and the Commissioner's designee. A recommendation will be made by the Commissioner's designee to the Commissioner regarding whether or not certification action is warranted against the respondent.
 - (8) If the Commissioner determines that certification action is warranted, the certificate holder will be notified and the Commissioner will proceed as provided for in these rules.
4. **Reinstatement of a Surrendered, Suspended or Revoked Credential:** An individual may apply for reinstatement of a surrendered, suspended or revoked credential subject to the requirements of 20-A M.R.S.A. §13020(4), and to the provisions of any consent agreement, court order or administrative order pursuant to which the individual's earlier certificate, authorization or approval was surrendered, suspended or revoked. A reinstated credential shall be effective upon its date of issuance or upon such other designated date that is consistent with 20-A M.R.S.A. §13020(4) and with the provisions of any consent agreement, court order or administrative order pursuant to which the individual's earlier credential was surrendered, suspended or revoked.

Reinstatement of an individual whose credential was surrendered, suspended, or revoked for reasons of child abuse or exploitation, who seeks reinstatement under 20-A M.R.S.A. §13020(4).A, must demonstrate compelling evidence of rehabilitation sufficient to warrant the public trust for the Commissioner to grant reinstatement under 20-A M.R.S.A. §13020(4).B.
5. **Denial or Nonrenewal of Credential**
 - A. The Commissioner may deny an application for the initial issuance or renewal of any credential on the following grounds:
 - (1) Failure to meet standards set forth in Part I Sections 6, or Part II of this rule.
 - (2) Any ground set forth in Section 7.1 of this rule that could constitute grounds for revocation or suspension. With regard to 7.1.A, of this rule: Evidence that an applicant for initial credential or renewal has injured the health or welfare of a child through physical or sexual abuse or

exploitation is grounds for a denial of a certificate, authorization or approval. Notwithstanding Title 5, Chapter 341, every person, who within five (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 rule. This presumption shall be a rebuttable presumption. Notwithstanding Title 5, Chapter 341, the Commissioner shall be entitled to consider all records of prior criminal convictions involving child abuse or exploitation in determining an applicant's eligibility for a certificate, authorization or approval.

- B. The procedures that govern the Commissioner's investigation and disposition of matters that may result in the denial or non-renewal of an application for certification, authorization, or approval issued under this rule are set forth in ~~Maine Department of Education Regulation~~ State Board of Education Rule Chapter 119.

SECTION 8. Records and Reports

1. **Annual Reports by School Officials:** The superintendent of a SAU, the headmaster of an approved private school, or the Child Development Services director shall annually file such information regarding the employment of school personnel as the Commissioner may require consistent with Maine Department of Education ~~and State~~ Board of Education Rule Chapter Regulation 125. Failure to timely file required reports shall be grounds, following notice and an opportunity for a hearing, for the withholding of State subsidy from the SAU and for other certification action against the superintendent.
2. **Reports of Dismissals:** Superintendents shall file with the Department, within ten (10) days of issuance, the certificate of dismissal issued by the school board for any credentialed personnel.
3. **Access to Credentialing Records**
 - A. **Public Access to Records:** Any individual, upon written or oral request, shall be informed of the certification status of any individual subject to credentialing requirements. The credentialing status of an individual is deemed to be a public record.
 - B. **Confidential Records**
 - (1) Transcripts, recommendations, and other documents submitted in support of an application for a credential and maintained in the Department are confidential and shall not be released without the consent of the individual, subject to the following:
 - (A) The Department may release to school boards and superintendents who employ or are considering employment of the individual any documents except those received by the

Department in accordance with the individual's CHRC, as specified in Section 5.2 of this rule.

- (B) Authorized personnel of the Department, including any hearing officer and legal counsel acting for the Department, may have access to all documents in fulfilling their assigned duties.
 - (C) Individuals may examine their own records.
 - (D) Representatives of the individual may examine records upon presentation of written authorization by the individual.
- (2) Home addresses of holders shall be made available only in response to the following:
- (A) Formal request from a commissioner or chief executive officer of other State agencies, including the judicial branch, when access to that information is necessary in carrying out an official function; or
 - (B) Formal request by majority vote of any joint standing committee of the Legislature when access to that information is necessary in carrying out an official function.

C. Access to Records Relating to Misconduct

- (1) Complaints, charges, or accusations made against holders, investigative reports pertaining to those complaints, charges, or accusations, replies to those complaints, charges, or accusations, and any other information that may result in action to deny, to not renew, to revoke, or to suspend a credential shall be confidential except such documents in the possession of the Department that are already public records as a matter of law.
- (2) Certificates of dismissal, records of other disciplinary actions taken by school boards, transcripts of public hearings held by school boards, and court records and transcripts not under seal are public records when in the possession of the Department.
- (3) Any charges or information filed by the Commissioner with the District Court in support of a petition to not renew, to revoke, or to suspend a credential and any decision of the Court shall be public records.
- (4) Any action taken by the Commissioner to deny, revoke or suspend a credential pursuant to 5 M.R.S.A. §10004 shall be a public record.
- (5) Although records of criminal convictions may be public records, any information obtained by the Department through fingerprint-based CHRC is confidential. The procedures that must be followed by an applicant to gain access to his/her criminal history record information are specified in Maine statute.

- (6) Non-identifiable aggregate data relating to the CHRC Program shall be released only after consultation with the Attorney General of the State of Maine.

SECTION 9. Local Credentialing Committee (LCC)

1. Roles and Responsibilities

- A. The purpose of the LCC is to determine whether the requirements for the renewal of a credential required by the state are met.
- B. The LCC will inform all educators employed by a SAU of their credentialing responsibilities and provide each with a copy of the LCC procedures and forms.
- C. The LCC will preapprove course work of professional development that will result in the accrual of ~~credit~~ semester hours or contact hours for the purposes of certification renewal to ensure that the planned study or professional development is in accordance with this rule.
- D. The LCC shall provide for maintenance of a cumulative confidential file containing documentation of the accrual of approved hours for certification or renewal and official documentation of progress toward meeting the requirements for a renewal.
- E. The LCC shall recommend renewal of all certificates and endorsements of an educator including those not currently being used provided all requirements are met at the same time.

2. Composition

- A. Each LCC shall include a majority of professionally certified educators with none holding conditional endorsements.
- B. Each LCC shall include one administrator employed by the school unit. Administrators may not participate in discussions concerning candidates under their supervision.
- C. Educator members of an LCC must have at least three years of experience as educators, and if they participate in a local performance evaluation system, their most recent overall performance rating must reflect effective or higher performance. A majority of them must have completed at least one five-year renewal cycle. Non-educator members must have professional expertise appropriate to the LCC's responsibilities as determined by the SAU.
- D. An LCC may not include school board members of that SAU.

3. Components of A LCC Plan

- A. The LCC plan shall be a comprehensive plan for the support of certified teachers and educational specialists who seek higher level certificates or renewal of certificates.
- B. Each LCC plan must meet the following criteria:
 - (1) Describe the scope of the LCC (school unit, collaboration of school units, and affiliation with institutions of higher learning);
 - (2) Contain adequate provisions for efficient management of the LCC, including a management oversight structure, decision-making and conflict resolution procedures, and a process for adopting final certification recommendations pertaining to individual educators; and
 - (3) Provide for a formal orientation for all new teachers, educational specialists, and educational technicians that describes responsibilities, roles, procedures, available services, and the process for achieving necessary certificates.

4. **LCC Recommendation**

Once the LCC has verified completion of renewal requirements, the LCC shall make a recommendation to the Commissioner within the Maine Educational Information System indicating whether or not a renewal applicant's certificate should be renewed.

STATUTORY AUTHORITY:

Title 20-A M.R.S. §13011(1)

EFFECTIVE DATE:

July 1, 1988

AMENDED:

February 6, 1990

July 1, 1991

March 23, 1992 - Section 10-A

March 23, 1992 - Sections 1.4, 2.2, 8.2, 9.2A, 9.4, 11.2

September 21, 1992 - Sections 10.1 & 10.8

September 21, 1992 - Section 2.2

December 20, 1993 - Sections 1.4, 4.5, 8.2, 9, 11.2, 14, 18.3 & 21

February 21, 1996

April 27, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 19, 1996

CORRECTED:

January 2, 1997

AMENDED:

September 4, 1997 - 1.4(SS), 1.4(KKK), 8.2(C), 9(2-A)(B,C,D), 10.1, 10.4(F), 10.8 (repealed), 11.8, 14.2(B)(1), 14.3(B)(1), 14.9(B)(2, 3), 16.2(A), 21.2(A), 24.4(D)(2)
 March 15, 1998 - Section 10.1; 10.8 added
 December 21, 1998 - Sections 1.4 (LLL), 14.9(D)(5 and 6), 14.13, 23.1(A)(6 and 7), 25.2

CORRECTED:

January 20, 1999 - changed effective date of last amendment from Dec. 26 to Dec. 21
 January 25, 1999 - minor spelling - Part I pages 82, 117

AMENDED:

February 14, 1999 - Sections 2.1(E), 7.4, 14.9(C,D), 14.10, 14.11, 14.12 amended; Sections 26 and 27 added
 December 6, 2000 - Sections 2.4, 10.2, 10.4(E)

NON-SUBSTANTIVE CORRECTIONS:

January 1, 2001 - punctuation in last paragraph of Section 2, and Sub-sections 10.2, first paragraph of 10.4, and 10.4(E)

AMENDED:

August 12, 2001 - Section 8.5 added
 April 16, 2002 - Section 14.1 through 14.4 amended

NON-SUBSTANTIVE CORRECTIONS:

March 16, 2004 - Section 8.5, punctuation only

REPEALED AND REPLACED BY FILING 2004-177:

EFFECTIVE DATE FOR SECTIONS:

September 1, 2004 for amendments to Part I Section 2.1, Section 8, Section 17.

EFFECTIVE DATE FOR SECTIONS:

August 1, 2005 for amendments to Part I Sections 1, 2.2 through 2.40, 3 through 7, 9 through 16.

NON-SUBSTANTIVE CORRECTION:

August 10, 2004 - spacing only

AMENDED:

July 24, 2005 - Part I Sections 4.1.D, 5.5.D.6, 7.2, 11.1, filing 2005-262 (major substantive)
 July 18, 2007 - Part I, filing 2007-246 (major substantive)
 June 13, 2008 - filing 2008-199 (major substantive)
 June 26, 2009 - filing 2009-208 (major substantive)

May 23, 2012 - filing 2012-107 (major substantive)
May 14, 2014 - filing 2014-067 (major substantive)
August 12, 2017 - filing 2017-109 (major substantive)
November 20, 2017 - Subsection 14.2 with following subsections renumbered, filing
2017-175 (emergency major substantive)

REPEALED AND REPLACED:

July 14, 2018 - Part I, filing 2018-108 (major substantive)

AMENDED:

June 10, 2022 – filing 2022-088 (major substantive)