

Statement of Factual and Policy Basis and Summary of Comments/Responses

State Board of Education

State Board of Education Chapter 115 The Credentialing of Education Personnel

Factual and Policy Basis:

The State Board is proposing changes Chapter 115, Part I and Part II. The Part I revisions are to the current Chapter 115, Part I, adopted in July 2018. The Part II revisions are to the current Chapter 115, Part II, adopted in August 2017 and scheduled to take effect on July 1, 2019.

The **Part I** revisions make Part I consistent with statute and Part II and refine and clarify certain provisions.

The **Part II** revisions include clarifications and refinements as well as more substantial changes, including the elimination of some provisions currently scheduled to take effect July 1, 2019 in order to be clearer with the credentialing requirements from July 1, 2019 forward. Highlights of the proposed changes to Part II include:

1. Eliminating literacy course work for Secondary Teacher Endorsement, Pathway 2;
2. Reverting to former endorsement area grade spans: Public preschool-3, K-8, 6-12, Public preschool-12, and K-12;
3. Establishing a pathway to qualifying as a secondary teacher based on work experience and specified education course work;
4. Providing for Career and Technical Education endorsement content to be satisfied through degree programs contingent upon comparability of coursework;
5. Sunsetting in 2020 Endorsement 093: School Psychologist (Specialist or Doctoral), Pathway 4; while updating the requirements for this pathway; and
6. Repealing and replacing endorsement pathways for some certificates to account for statutory changes in types of certificates (e.g. the elimination of the targeted need certificate) and for clarity.

Comments and Responses:

A public hearing on the proposed State Board of Education Regulation, entitled “The Credentialing of Education Personnel,” was held on January 14, 2019. At the hearing, six individuals commented on the proposed regulation. These individuals also submitted written comments.

The deadline for submission of written comments was January 28, 2019. Thirty sets of written comments were submitted by that date. Written comments were received from the following:

1. Marie Palluotto, Ed Tech III ELL
2. Barbara Pineau, Special Education Director, EUT
3. Andrew Dolloff, Superintendent, Yarmouth Schools
4. Heather Perry, Superintendent, Gorham School Department
5. Maria Libby, Superintendent, MSAD 28/ Five Town CSD
6. Brian Cavanaugh, EdD, Dir. Of Graduate Programs, UM Farmington
7. Vicki Wallack, MSMA
8. Lane Clarke, EdD, Associate Professor, UNE
9. Chris Indorf, Assistant Superintendent, Biddeford Schools
10. Nancy Allen, Director, Region 9 Adult Education
11. Cheryl Mercier, MADSEC Representative
12. Grace Leavitt, President of the Maine Education Association
13. Mark Steege, Professor, Educational and School Psychology, USM
14. Vicki Wallack, MSMA
15. Alice Totman, MS Ed., Stratton School
16. Dr. Rebekah, Licensed Psychologist, GrowWell Child Psychology
17. Jayne Boulos, PsyD, NCSP
18. Priscilla Abbott
19. Joan Casey, School Psychologist Specialist
20. Margarita Marnik, School Psychologist Specialist, AOS 91
21. Gary Burgess, Ellsworth Schools
22. Deborah Drew, Ed D
23. Jennifer McVeigh. M.ED., NCSP
24. Andrea Stairs-Davenport, PhD; Cindy Dean, EdD; Lane Clarke, EdD; Sandip LeeAnne Wilson, EdD – Members of the Maine State Literacy Team and Maine Literacy Faculty Group
25. Flynn Ross, EdD; Sara Needleman; Pat Reed; Adam Schmitt, Ph D; Robert Kuech, PhD; and Jean Whitney, PhD (as individuals and do not represent the views of the University of Southern Maine or the University of Maine System)
26. Mary MacLennan, MS, NCSP, School Psychologist, RSU 21
27. Stanley Pelletier, M.Ed, LCPC, NCC School Counselor, Bucksport Middle School
28. Melvin D. Adams, III, EdD
29. Vicki Wallack, MSMA and MSBA
30. Dan Allen, MEA

General Comments

1. **Comment (#1, 29):** Commenter is concerned that in Maine a course in teaching the exceptional child is required. In addition, the commenter is an Ed Tech III in Maine and has been an interim art teacher for K-8 in Maine as well. The commenter feels consideration for these classroom experiences should be counted.

Response: The course is no longer listed in Pathway 1 of the endorsements in Part II, because it is part of program approval. The redundancy was removed. In response to the second comment requesting consideration of interim experiences in the classroom being counted, the definition of teaching experiences in Section 3, item 25, was not considered for amendment in this rulemaking. Consideration

can be given to a change to that definition in a subsequent rulemaking. *No change was made as a result of this comment.*

2. **Comment (#5):** Commenter questions if Superintendents no longer need 30 hours beyond a masters for their second recertification.

Response: They do not. The second renewal requirements have been removed for all administrators. All State renewal requirements are now the same for all administrators. *No change made as a result of this comment.*

3. **Comment (#6):** Commenter states “Part II of Chapter 115 appears to remove the requirement for taking a course on “Teaching students with exceptionalities in the regular classroom. While Chapter 114 retains some of this language, it is not clear if this requirement pertains to all endorsements. Similarly, Part I of Chapter 115 describes ways this requirement can be met.” Commenter is concerned this would create significant confusion and inconsistency.

Response: All educators must take the course. The course “Teaching students with exceptionalities in the regular classroom” was taken out of Pathway 1 because it is part of program approval. Part I Section 6.10.B(1) reflects a means of attaining the course content. When Chapter 114 is reviewed in a new rulemaking the State Board will review for consistency of language regarding the course. *No change was made as a result of this comment.*

4. **Comment (#7):** Commenter recalls a compact that had been statute and was removed and is no longer in Chapter 115.

Response: Chapter 115 had an interstate agreement last year which was inadvertently taken out. It has been put back in Section 6.1.D. *No change was made as a result of this comment.*

5. **Comment (#12):** Commenter “has been concerned with the educator shortages we have been facing in Maine for some time now, as well as nationally, and that are increasing each year. These shortages have been especially problematic in some content areas and in some areas of the state, but have been becoming generalized for some time now. We understand the need to address this issue and are also working on this; we assume that some of the proposed changes are being considered in order to try to lessen the shortages. But while we need to address the shortages, we must take care not to short change our students and not to take short cuts that may have long term negative effects.”

Response: The intent of some of the revisions was to clarify language and to be more consistent across the endorsements of the necessary coursework. *No change was made as a result of this comment.*

6. **Comment (#14):** Commenter appreciates the greater flexibility provided in the newer proposed rules.

Response: *No change was made as a result of this comment.*

7. **Comment (#24):** Commenters support the first draft of literacy changes outlined in Chapter 115, Part II set to go into effect July 1, 2019 and currently posted on the Maine DOE website: nine (9) credits of literacy coursework for elementary candidates and six (6) credits for secondary candidates. Increasing the literacy knowledge of all teacher candidates in Maine, especially around how people develop oral language and literacy and teach disciplinary literacy, will lead to improved teaching practice and student achievement. Commenters oppose the more recent proposed revisions announced December 20, 2018 that will revert back to the old requirements of zero (0) credits of literacy coursework for secondary teacher candidates.

Response: The proposed Chapter 115 announced on December 20, 2018 was based on the Part II that was set to go into effect on July 1, 2019 with the exception of the nine (9) credits of literacy coursework for elementary candidates and six (6) credits for secondary candidates. There was a reduction of the number of credits because of the increase in the total number of course credits in bachelor's degree programs, as well as the concerns raised by higher education about the ability to add additional course credits in the December 20, 2018 proposed Part II. That is the reason for not including the six (6) credits of literacy for secondary teachers. *No change was made as a result of this comment.*

Part I Standards and Procedures for Credentialing

Section 1. Purpose

Section 2. Applicability

Section 3. Definitions

Section 4. General Credential Requirement

Section 5. General Issuance and Renewal Procedures

Section 6. Credentials Available and Eligibility

1. **Comment (#9):** Commenter feels the barrier erected in Section 6.5.B that Ed Techs need a minimum of 2 or 3 years, respectively, of applied employment within a CTE field (as opposed to a related field) is an undue burden.
Response: The language with regard to CTE is to provide an equivalence for the semester hours that the candidate would have taken if they were studying for the position. *No change was made as a result of this comment.*
2. **Comment (#3, 4, 9):** Commenter has three concerns about Interstate Agreement language at Part I, 6.1.D:
 - a. The wording is odd. The first phrase would indicate that the individual must have five years of experience seven years prior to applying for Maine certification. That is not the intent, I am sure. If the intent is that the individual

has taught for five of the past seven years, I think you mean to say, “Within the seven years prior to applying for Maine certification, the applicant has five years of valid teaching experience under an appropriate comparable certificate in the same certification subject area and grade level in any state . . .”

b. Who determines the meaning of the word “comparable”? Commenter would suggest that the language indicating that, if the individual is appropriately licensed in any other state to be teaching the same subject matter and grade level as that for which certification is sought in Maine, as certified by the hiring superintendent, a certificate will be issued.

c. The final phrase, “and has completed a state approved teacher preparation program” is also problematic. Is there a repository listing all of the state approved teacher preparation programs in the country? Is there one for Maine? I believe it is enough to say that the individual has graduated from an accredited school and carries certification in another state, which is stated previously in Part 6.1.

With all this considered, I would suggest that item 6.1.D read as follows:

Interstate Agreement Within the seven years prior to applying for Maine certification, the applicant has five years of valid teaching experience under an appropriate comparable certificate in the same certification subject area and grade level in any state, as certified by the hiring superintendent.

Response: a. The wording the commenter suggested, “Within the seven years prior to applying for Maine certification, the applicant has five years of valid teaching experience under an appropriate comparable certificate in the same certification subject area and grade level in any state” has replaced the language in 6.1.D, less the phrase “as certified by the hiring superintendent”, as the individuals need to be credentialed by the Department. Efforts are underway to expedite the processing. *Change was made as a result of this comment.*

b. Comparable means the same grade and subject area. This is determined by the Certification staff in their review of applicants. *No change was made as a result of this comment.*

c. There is a repository of all state approved teacher preparation programs in the country. There is a list of the state approved programs in Maine. The phrase state approved teacher preparation programs allows for individuals to have less requirements for a professional credential. *No change was made as a result of this comment.*

- 3. Comment (#9):** Commenter indicates that the National Board Certification was designed to develop, retain and recognize accomplished teachers and to generate ongoing improvement in schools nationwide. The Department ought to reconsider reducing the award period from 10 to 5 years.

Response: The National Board has gone from 10 to 5 years, so the regulation is following the national standard. *No change was made as a result of this comment.*

4. **Comment (#9):** Commenter in Part 1 6.10.4 Certification Waiver suggests the Department allow a waiver to an applicant that receives “untimely information or action from the Department.” The process is slow and cumbersome, and the individuals should not be further inconvenienced.
Response: Efforts are underway to expedite the processing of credentials; however, the Department does not believe that a waiver is an appropriate response to the process taking longer than all would like. *No change was made as a result of this comment.*
5. **Comment (#11):** Commenter States on “Page 8. Section 6.1.D. Maine has a shortage in many areas, including special education teachers. The language in this section requires a person from another state to have completed a state approved teacher preparation program. MADSEC would ask if this is necessary, as some special education teachers may become credentialed in another state by an alternative process and we would not want to limit their ability to become credentialed here in the state of Maine. MADSEC would suggest requiring that the language that is in Section 1.C. above in place of “has completed a state approved teacher preparation program”.
Response: *See Response to Comment #2 above with changes.*
6. **Comment (#11):** Commenter has two comments on Section 6.5:
a. “Page 13. Section 6.5.B.5 (B) and (C). MADSEC does not think that it is necessary to add holds a high school diploma or GED to the requirements of an Educational Technician II or III. Educational Technicians have already documented credits of approved study beyond what is required for a high school diploma or GED. There may be personnel that have college credits who do not have a high school diploma or GED, such as someone who was homeschooled.”
b. Page 14. Section 6.5.D. (1) (A) and (B). MADSEC would suggest being consistent in the document by using the same language as has been used previously about renewals, “The semester hours or in-service training may not have been used previously to renew the same certificate.” The way it is written currently does not include the in-service hours to be used only once, it only mentions the semester hours.
Response: a. A high school diploma is required for Ed Tech I and II. Home schooling would be an exception as the certification staff look at a HISET or GED. *No change was made as a result of this comment.*
b. In-service training is being added to 6.5.D(1)(A). *Change made in response to this comment.*
7. **Comment (#12):** Commenter questions the “elimination of the language regarding “Out of Country Licensure (for Individuals Residing in the United States Educated Outside of the U.S.)” and the elimination of the language that follows, in Part I, Section 6, 1., D. on page 8, in particular, the part under D (2) that strikes the language regarding “College coursework completed outside of the United States requires a course by course analysis from an approved international

credential evaluation service”. Does this mean that if someone attends a university in another country that these courses would not be considered as part of what is required to become certified in any given area?

Response: The Out of Country Licensure was deleted because the review for out of country is the same as the procedure for out of state or instate. As with out of state or instate, the courses will be considered as part of what is required to become certified. There is no need to have separate language for out of country. *No change was made as a result of this comment.*

- 8. Comment (#12):** Commenter indicates that there is possibly a typographical error in Section 6, I, A., (4), (C) that refers to Part II Section 1.17; I believe it should say it refers to Section 1.16.

Response: The cross reference to Part II will be changed to 1.16. *Change was made in response to this comment.*

- 9. Comment (#12):** Commenter indicates “in Part I, Section 6, 5. Certificate for a Certified Educational Technician, part E. on page 15, which provided a grandfathered status for ed tech IIIs, is being eliminated. Is it the case that this grandfathered status is no longer relevant to any employees, or are there employees for whom this did apply who now might find themselves in a difficult situation?” Commenter questions the reason for eliminating this language.

Response: The language was proposed last year when the Part I had proposed that the Department only credential Ed Tech IIIs. The SAUs would have been responsible for the determinations of Ed Techs I and II. The credentialing of Ed Techs I and II was put back in the rule by the Joint Committee of the Legislature, so we no longer need the sentence on page 15. *No change was made as a result of this comment.*

- 10. Comment (#29):** Commenter questions the interstate agreement and what if a teacher applies or can be recruited to Maine within a shorter time frame. The commenter would also suggest it would be helpful for the DOE to review and identify the quality teacher preparation programs in neighboring states.

Response: A teacher who applies with less than five years of teaching experience as an out of state applicant, could receive a conditional credential. The applicant with five years of out of state experience would get a professional credential. *No change was made in response to this comment.*

- 11. Comment (#29):** Commenter at 6.9 appreciates in D. requirements for short term substitutes are included and make clear that districts can determine the standards beyond the requirements of a high school diploma and clearance.

Response: *No change was made as a result of this comment.*

- 12. Comment (#30):** Commenter is concerned that there is deleted language in proposed Chapter 115, Part I from 6.5.E:

~~E. If an individual was issued an authorization for an education technician III prior to July 1, 2018 that authorization remains valid~~

~~until the end of its expiration date and can be renewed until it lapses.~~

The commenter is making an assumption, but it appears 6.5.E was intended to replace the following language from an earlier version of Chapter 115:

10.2.B.4: Eligibility Exception for Educational Technician II and III

Individuals who were designated as an Educational Technician II or III at the time of the transition to the system of authorization of educational technicians without meeting the minimum preparation requirements, may continue to hold this authorization under the following conditions:

- (a) The individual continues to be employed in the same school administrative unit or approved private school;
- (b) The individual has no interruption in service, excluding normal school vacations and paid leave; and
- (c) The position held is not subject to additional federal requirements.

The commenter did not catch that change when it occurred and haven't heard from any ed techs who may have been impacted. However, it is my understanding is that we still have ed techs who were maintaining an authorization under 10.2.B.4 and that they will be negatively impacted without grandfathering language. If that's true, the MEA would like to be sure language is inserted into Chapter 115, Part I, that will allow those individuals to maintain their authorizations. It should also be noted that 6.5.E does not cover ed tech IIs, but they were covered under 10.2.B.4. We would like to be sure both levels of authorization are covered.

Response: The change regarding the deletion of 6.5.E was done in the Fall 2018 proposed rule because the sentence was placed there when the Department had proposed the Ed Tech I and IIs would be credentialed by the SAUs. The Joint Committee on Education changed the Part I language back to include credentialing of the Ed Tech I and IIs by the Department and the sentence at 6.5.E was not removed when the rule was finally adopted June 14, 2018. The language of the old Part I at 10.2.B.4:

“10.2.B.4: Eligibility Exception for Educational Technician II and III

Individuals who were designated as an Educational Technician II or III at the time of the transition to the system of authorization (now credentialing) of educational technicians without meeting the minimum preparation requirements, may continue to hold this authorization (credential) under the following conditions:

- (a) The individual continues to be employed in the same school administrative unit or approved private school;
- (b) The individual has no interruption in service, excluding normal school vacations and paid leave; and
- (c) The position held is not subject to additional federal requirements.”

Since the change of the ED Tech I and IIs to the SAUs was not made, the former language of the old 10.2.4.B.4 will be added in 6.5.E. *Change made as a response to this comment.*

Section 7. Revocation, Suspension, Denial, And Nonrenewal of a Credential

Section 8. Records and Reports

Part II General

- 1. Comment (#9):** Commenter finds that a “Teacher Shortage Report” is referenced in 15 different credential pathways, however the SAU is unable to access or generate a report. Commenter questions the facility.

Response: The teacher shortage report is a report sent to US Department of Education on a yearly basis and is also the subject of an annual Priority Notice to the field. The Certification staff will post it on the Department’s web page going forward. *No change made as a result of this comment.*

- 2. Comment (#29):** Commenter reflects that throughout Part II pathways have been added under conditional certificates. The commenter appreciates the flexibility these pathways offer and their acknowledgement of teacher shortages.

Response: The pathways under the conditionals were added to be consistent throughout Part II. *No change was made as a result of this comment.*

Section 1. Teachers and Education Specialists

- 1. Comment (#8):** Commenter is happy that the proposed 020 certification has an additional 3 semester hours in foundations of literacy along with the 6 semester hours in literacy methods. Commenter states “. New teachers struggle the most with providing adequate reading and writing instruction and especially feel ill prepared to meet the foundational needs of students’ phonics, phonemic awareness, and language development. Supporting new teachers with a solid foundation in literacy is essential to school and literacy success for students. I am very excited to see this message coming from the state that we need to support teacher education programs in providing a strong literacy foundation and reinforce the importance of literacy through the state’s credentialing requirements. Increasing credits at the K-8 level also aligns with national best practice for example the International Literacy Association’s *Standards for the Preparation of Literacy Professionals 2017* advocates for between 9-12 semester hours in literacy at the preparation level. This initiative by the state to raise semester hours puts Maine in alignment with the national standards. It also reflects the work of the Maine State Literacy team’s white paper that was developed by state literacy professionals in 2014 and reflects best practice in literacy preparation.

Response: The support for the semester hours is appreciated. *No change was made as a result of this comment.*

2. **Comment (#8):** Commenter is dismayed to read that all literacy requirements have been eliminated from the Secondary Teacher Endorsement. While commenter agrees that suggested language that is being eliminated requiring 6 semester hours is too steep for many of the programs to align with and perhaps an unreasonable expectation, commenter does believe that there should be a minimum of 3 semester hours for 7-12 teachers.

Response: A number of the institutions of higher education with secondary preparation programs were concerned with adding credits when their programs have caps of credits which they cannot surpass. It would mean exchanging required courses. *See also* Response to General Comment #7 at the beginning of the Summary of Comments.

3. **Comment (#9):** Commenter suggest the language in the 020 and 029 is inconsistent. 020 and others read Graduated from a ~~Maine program~~ state approved program. 029 reads Graduated from a Maine state approved program.

Response: The “Maine” will be struck in the 029, in order to be consistent with all the other endorsements. The striking of Maine allows greater flexibility with approved programs. *Change made in response to this comment.*

4. **Comment (#10):** Commenter is concerned that the endorsement 1.9 Adult Education Teacher appears to require 24 credits in a subject area and this would be too limiting.

Response: The proposed adult education revisions provide alternative pathways to the 24 credit hours in the relevant content area. Under the proposed changes, those seeking the adult education endorsement, in addition to a bachelor’s degree can complete a minimum of 24 semester hours in the relevant content area **and/or no more than 12 semester hours earned in adult education learning**. There is also the similar language to earn a conditional certificate. *No change was made as a result of this comment.*

5. **Comment (#11):** Commenter questions: a) the use of the term throughout Part II of regionally accredited. In addition, the commenter b) ask(s) why, “Teaching Exceptional Students in the Regular Classroom”, has been removed as a requirement for endorsements. Commenter believes that knowledge on teaching students with disabilities is important and absolutely necessary for all teachers; c) Page 1. Section 1. 1.1B.1. (a). Throughout the document, Maine state approved program has been changed to state approved program. Commenter believes that this was an oversight: and d) Page 2. Section 1. 1.1B.2. (m) Targeted need certificate and transitional endorsement have not been removed.

Response: a. The term ‘regionally accredited’ allows more flexibility and for more credits to transfer. There are a number of regional accreditation bodies across the country. *No change was made as a result of this comment.*

- b. The course “Teaching students with exceptionalities in the regular classroom” was taken out of Pathway 1 because it is part of program approval. All educators must take the course, *as reflected in the Response to General Comment #1 at the beginning of the Summary.*
- c. *See Response to #3 above.*
- d. Page 2. Section 1. 1.1B.2. (m) Targeted need certificate and transitional endorsement will be removed. *Change made in response to this comment.*
6. **Comment (#12):** Commenter questions “In Part II, 1.3, on page 5, concerning eliminating the endorsement for Middle Level Teacher, it is unclear what the impact may be on anyone currently holding that endorsement. What will happen if and when these proposed changes are approved and implemented? There is no language regarding grandfathering. And what will happen with anyone currently holding that endorsement when they renew? Is the assumption that they would then either get the endorsement for K-8 or 6-12? This could be clarified.
Response: There is no need to have a middle school endorsement with the grade span changes. Anyone with a current middle school endorsement will apply for the whichever endorsement, K-8 or 6-12 is appropriate for them. *No change was made as a result of this comment.*
7. **Comment (#22, 27):** Commenter has five comments about 1.11 Certificate 075: School Counselor:
- a. **Regarding Pathway 1 Approved Educator Preparation Program, 1.a.:**
Commenter indicates if this change is designed to provide for school counselors who are certified in another state under that state’s approval process to be automatically eligible for 075 certification in Maine, this will not provide a guarantee of a specific level of training. Commenter suggests that Maine accept school counseling master’s degree programs that are CACREP accredited, ensuring that a standard is met, and approved by other states. Current reviews follow a set of standards that are agreed upon by Maine’s approved school counselor programs. Who reviews and approves school counselor online programs that cross state lines?
- b. **Regarding Certificate Eligibility Pathway 2.c.:**
Who will provide the formal recommendation called for here? Will you continue to rely on Maine’s approved school counseling programs to conduct these reviews and write these letters? On what standards will the reviews be based if the change in Pathway 1, a. is allowed to proceed?
- c. **Regarding Certificate Eligibility Pathway 2. F.:**
Is an “alternative professional studies program for school counseling” the coursework and other requirements detailed in the letter of review? If so, does this mean that someone who completes such requirements need not take the Praxis I?
- d. **Regarding Conditional Certificate Pathway #1 ii:**
The requirement for 24 credits for conditional certification for school counseling was established when school counseling master’s programs were 36 credits in

length. 24 credits represented 67% of the program. School counseling programs currently range from 45 to 60 credits. Commenter recommends that the number of credits required for conditional certification be 40 (67% of a 60 credit program).

e. Regarding d. Pathway #2 ii:

Commenter feels 9 credits cannot possibly begin to prepare someone for the responsibilities of a school counselor.

I further recommend that all conditionally certified school counselors be required to work under the supervision of a certified school counselor with a minimum of five years of experience as is required for school counseling interns.

Response: a. The Department already accepts candidates from programs approved by other states for Maine credentialing. The deletion of Maine makes that practice clearer. The CACREP accredited programs are accepted. If a state approved or regionally accredited program is documented in an individual's application, that is accepted. The current process will continue. *No change was made as a result of this comment.*

b. The only word addition was "regionally" to make clear that such accreditations are accepted. *No change was made as a result of this comment.*

c. The "alternative professional studies program for school counseling" is the coursework and other requirements detailed in the letter of review. The individual does not need to take the PLT. *No change was made as a result of this comment.*

d. All conditionals across all the endorsements are 24 credits for consistency. *No change was made as a result of this comment.*

e. The language in Conditional Pathway 2(ii) is the consistent language throughout the endorsements for targeted need areas found on the teacher shortage report, as the language reflects. Chapter 180 addresses the mentoring and coaching of conditionally credentialed individuals. *No change was made as a result of this comment.*

- 8. Comment (#25):** Commenters fully support the 029 reflecting the inclusion of public preschool, appreciate that the 020 has been reverted back to K-8 and support the endorsement for secondary going from 7-12 to 6-12 to allow building administrators greater flexibility in assigning teachers to looping teams in the middle schools.

Response: The Department responded to the feedback from the field. *No change was made as a response to these comments.*

- 9. Comment (#29):** Commenter questions why the Middle Level Teacher certificate was eliminated.

Response: With the grade span changed back to K-8 and the secondary to 6-12, there were overlaps that covered the middle level span. *No change was made as a result of this comment.*

- 10. Comment (#29):** Commenter questions the 1.5 Endorsement Preschool-12 On page 11, the semester-hour requirement under a conditional certificate has been changed from the last proposed rule. It was proposed initially at 18 semester hours and now is back to 24. What is the rationale?

Response: All conditional Pathway #1 s have 24 credits to be consistent across all endorsements. *No change was made as a result of this comment.*

11. **Comment (#29):** Commenter with Endorsement 092; Literacy Specialist under the conditional certificate, it now requires the person to have a valid teaching certificate and 2 years of teaching experience in a public school setting. In the last iteration of this rule it was one **or** the other. What is the rationale for the change?

Response: The **or** was inadvertently deleted when the former sentence was made into two. An **or** will be put after the end of the sentence of (c). *Change made in response to this comment.*

12. **Comment (#29):** Commenter questions on page 28, under certificate for School Nurse, language was changed from a “maximum of five” conditional certificates may be issued to a “five-year conditional” certificate may be issued. What is the net effect of this proposed rule change in terms of how long a nurse can be employed under a conditional certificate?

Response: The net effect is the same, an individual can have a conditional for five years, rather than applying yearly for five years. *No change was made in response to this comment*

Section 2: Teachers and Education Specialists: Special Education

1. **Comment (#2):** Commenter is opposed to the proposed regulation changes from the Department of Education regarding Chapter 115, Part II, 2 (2.5) (A) Endorsement 079/Special Education Consultant. The rule clearly states the function of the 079 Endorsement as follows”

B.Function: This certificate allows the holder to serve in public preschool through grade 12 as a special education consultant in a public school, an approved private school, or an approved special education program. **A special education consultant is one who provides educational assessments, consultation, and interventions for the purpose of identification, programming, or placement of special education students. Services are limited to the holder’s areas of training and expertise.** This certificate does not authorize a person to serve as a school psychologist.

The proposed language adds: (in bold and underlined) - “...this certificate does not authorize a person to serve as a school psychologist **or to administer cognitive evaluations.**”

Response: The Department has amended to rule to clarify that the certificate does not authorize a person to administer cognitive evaluations. The certification for the 079 does not include adequate background in psychology for cognitive evaluations. Individuals who do provide the cognitive evaluations are determining a child’s disability under intellectual disability, which must be done and interpreted correctly. Cognitive tests are assessments of

the cognitive capabilities of humans and other animals. Tests administered to humans include various forms of IQ tests, for which individuals must be qualified to perform with significant psychological background. *No change was made as a result of this comment.*

2. **Comment (#3,4):** Commenter has “specific concerns regarding the certification for school psychologists. Under the current and proposed rule, individuals seeking renewal after their first three years in Maine must meet the new NCSP certification. This is harmful and arduous to individuals who earned their degrees more than ten years ago, prior to the NCSP designation. As an example in August 2016 we hired a school psychologist who has a Ph.D. in school psychology from Loyola University in Chicago – a program that is approved by both the National Association of School Psychologists (NASP) and the American Psychological Association (APA). She had been working for twenty years as a school psychologist in Illinois, Oregon, and Indiana prior to coming to Maine – she is fully certified in all three states.

Many school psychologists do not have a Ph.D., and many graduated more than 10 years ago. Unless Maine changes their pathway for certification, it is likely that we will continue to face a shortage of school psychologists, and a shortage of experienced school psychologists that may consider relocating to Maine.

School Psychologists bring a point of view that is very valuable, and often at a more affordable price than contracted service providers. With staffing shortages, we will likely be hiring more contractual clinical school psychologists – individuals who travel from school to school, completing evaluations, not belonging to any school team. School psychologists do so much more as valuable members of the staff and community.

Commenter would suggest that the school psychologist renewal certification be adjusted so as to allow for reciprocity with other states, exactly as is suggested for teachers. In that spirit, the rule would be changed as follows:

2.7 Endorsement 093: School Psychologist (Specialist or Doctoral)

C. Renewal Requirements (Chapter 115, Part II, page 48)

2. Renewal of a three-year school psychologist certificate will require the applicant to hold a graduate degree from an accredited program approved by the National Association of School Psychologists/National Council for Accreditation of Teacher Education, the National Association of School Psychologists, or the American Psychological Association in school psychology at the time the degree was awarded; and either a, b, or c, below:

- a) a valid Nationally Certified School Psychologist certificate issued by the National School Psychology Certification Board
- b) a valid license issued by the Board of Examiners of Psychologists of Maine
- c) a valid school psychologist certificate issued by any other state, so long as the individual has served as a school psychologist for at least five of the seven years immediately prior to applying for initial approval as a school psychologist in Maine.”

Response: As no changes were proposed relating to this section of the current rule, the State Board and the Department will consider this change at a later time. *No change was made at this time as a result of this comment.*

- 3. Comment (#9):** Commenter regarding Endorsement 282: Children with Disabilities has in the past had a pathway which involves taking three college courses and receiving an endorsement. The increase from 9 to 24 credits is an added barrier that will exacerbate an already difficult special education market.

Response: There are three conditional pathway options that will allow individuals to obtain a 282. The conditional with 24 credits is a pathway in all other endorsement conditionals. *No change was made as a result of this comment.*

- 4. Comment (#11):** Commenter has four clarifications:

a. Endorsement 282, Page 32. Section 2. 2.1. The grade levels do not agree in this document. 2.1. A says, “birth to school age 5, kindergarten through grade 8, or grades 6 through 12.” 2.1. B.1. says “birth to school age 5, public preschool through grade 8 or grades 6 through 12 and 2.1. B.2. (f) says “grade level kindergarten through grade 8 or grades 7 through 12”

b. Page 42. Section 2 .2.5. Is this a certificate or endorsement? Would it be an endorsement on an educational specialist certificate? It says certificate in 2.6 A and then all the rest are endorsement. (079)

c. Page 44. Section 2.2.6 Is this a certificate or endorsement? Would it be an endorsement on an educational specialist certificate? It says certificate in 2.6 A and then all the rest are endorsement. (293)

d. Page 46-48 Should this wording be certificate or endorsement. Is this an endorsement on an educational specialist certificate? (093)

Response: a. the following changes will be made to be consistent: 2.1. B.1. says “birth to school age 5, ~~public preschool~~ kindergarten through grade 8 or grades 6 through 12 and 2.1. B.2. (f) says “grade level kindergarten through grade 8 or grades 7 6 through 12” *Change made in response to this comment.*

b. The 079 is an endorsement on an educational specialist certificate. In 2.6 A the certificate will be changed to endorsement. *Change made in response to this comment.*

c. The 293 at 2.6. is an endorsement so at A the word certificate will be changed to endorsement. *Change made in response to this comment.*

d. The 093 at 2.7A will be changed from certificate to endorsement. *Change made in response to this comment.*

5. **Comment (#13, #29):** Commenter has two comments regarding the Endorsement 093:

a. Elimination of pathway 4 effective July 1, 2020 will result in a significant decrease in applicants for the 093 certificate and exacerbate the already growing shortage of School Psychologists within Maine schools.

The University of Southern Maine offers the only graduate training programs (MS and PsyD) in School Psychology in Maine. Graduates apply for the 093 certificate via pathway 4. The elimination of pathway 4 for this certificate effective July 1, 2020 poses a significant hardship for graduate students currently enrolled in or applying to School Psychology training programs and will significantly decrease the numbers of graduate students completing degree programs and applying for the 093 credential, thereby reducing the numbers of future School Psychologists.

Recommendation: eliminate the following: “Effective, July 1, 2020, applicants are not eligible for this certificate through pathway 4:” if the intent is to eliminate pathway 4, I recommend changing the effective date to July 1, 2025 to allow graduate students time to complete degree programs and to be eligible for the 093 credential.

b. The University of Southern Maine offers a state approved graduate training program in School Psychology (PsyD in School Psychology) and an MS in Educational Psychology (Concentration in School Psychology). At this point in time only the PsyD program is state approved. The MS program (designed to meet NASP standards and recently offered in 2018 to address the shortage of School Psychologists in Maine) will be reviewed for state approval in 2021-2022.

Several endorsements (e.g., School Counselor, Special Education Consultant, Superintendent, Building Administrator, among others) determine eligibility based on graduation from a state approved program together with formal recommendation of the preparing institution.

Recommendation: Modify pathway 093 Certificate Eligibility Pathway 2 by including state approval/university recommendation as follows (proposed addition offered in italics and underscore): *Earned a graduate degree from an accredited program approved by the National Association of School Psychologists/National Council for Accreditation of Teacher Education, the National Association of School Psychologists, or the American Psychological Association in school psychology at the time the degree was awarded; or a graduate degree from a state approved program for school psychologists, together with formal recommendation of the preparing institution.*

Rationale for recommendation. This change will expedite the 093 application process and increase the numbers of School Psychologists within Maine schools. This recommended change will: a) significantly reduce the number of 093 (School Psychologist) applicants who apply via Pathway 4 thereby

reducing the workload of DOE certification staff, b) streamline the approval process for individuals applying for the 093, and c) ensure Superintendents that graduates of approved programs will receive the 093 upon program completion.

If this change is approved, I recommend that the Pathway 4 option remain in effect until the MS program is state approved (July 1, 2025).

Response: a. The sunset in Pathway 4 is being removed. *Change made in response to this comment.*

b. Certificate Eligibility Pathway 2 at the end of (a) has been modified to include the phrase “or a graduate degree from a state approved program for school psychologists.” *Change made in response to this comment.*

- 6. Comment (#13):** Commenter supports the course eligibility and internship requirements for Certificate Eligibility Pathway 4 of the 093.

Response: *No change was made as a result of this comment.*

- 7. Comment (#15):** Commenter questions the change to the 079 to not allow those specialists to perform cognitive assessments.

Response: *See Response to Comment #1 above*

- 8. Comment (#16, #29):** Commenter suggests there is a typo in the proposed amendment to the 079 certificate. The sentence “This certificate does not authorize a person to serve as a school psychologist or administrator...)

Response: The sentence will be amended to reflect “or administer.” *Change made in response to this comment.*

- 9. Comment (#17, 18):** Commenters is in support of the changes to the certificate requirements for the 079 certificate holder to not be allowed to administer cognitive evaluations or act as a school psychologist. It’s been the first commenter’s (#17) experience one of the only reasons we administered cognitive evaluations in school is for special education eligibility, which is usually as part of more comprehensive psychoeducational evaluation. That is the one of the primary roles of a school psychologist. While the first commenter (#17) does believe most anyone can learn how to give a cognitive evaluation the commenter believes people who have been trained for the 079 certificate do not have this level of training or the certification needed to interpret these results or to incorporate them into part of a bigger comprehensive psychoeducational evaluation. Commenter wholeheartedly support this change as she thinks it is essential that holders of the 079 certification are not allowed to administer cognitive evaluations and/or act as a school psychologist.

Response: Commenter has stated the rationale for the proposed clarification. *No change was made as a result of this comment.*

10. Comment (#17): Commenter supports the change to the 093 certification, specifically aligning the hours required for training to be more in line with our national organization.

Response: Alignment was the intent. *No change was made as a result of this comment.*

11. Comment (#19): Commenter states “support the 079 certification/those holding that certification to only practice in their individual areas of competency in the same manner as 093 - either specialist or doctoral level. If that education, training and experience includes cognitive evaluations, they should be allowed to continue to practice in their area of competency.

Response: See the response to the first comment in this section above. *No change was made as a result of this comment.*

12. Comment (#20): Commenter is in favor of not letting 079s serve as a school psychologist, the commenter disagrees with limiting their ability to administer cognitive tests within the scope of their training.

Response: As explained in the response to the first comment in this section - the certification for the 079 does not include adequate background in psychology for cognitive evaluations. Individuals who do provide the cognitive evaluations are determining a child’s disability under intellectual disability, which must be done and interpreted correctly. *No change was made as a result of this comment.*

13. Comment (#21): Commenter reflects that “Many, if not all, of the assessments that measure cognitive and psychological processes require formal training in psychology beyond the basic eligibility requirements of the 079 certificate. The Department encourages holders of both the 079 and the 093 to adhere to the ethical requirements of their fields of practice regarding the administration and interpretation of educational and psychological assessments. The 2014 Department clarification specifies the expectations - no one who does not have the training and expertise to administer an instrument should not be administering it. The same goes for special education teachers who do not have the skills to administer educational instruments - or school psychologists. The commenter feels there should be a definition of cognitive assessment.

Response: Cognitive tests are known and understood in the field to mean assessments of the cognitive capabilities of humans and other animals. Tests administered to humans include various forms of IQ tests, for which individuals must be qualified to perform with significant psychological background. *No change was made as a result of this comment.*

14. Comment (#23): Commenter is in support of changes to the chapter 115 regulations that place further restrictions on the 079 certification to move the ability to administer cognitive assessments. While the commenter understands there is a short of school psychologist in many parts of the state, there needs to

clear and concise guidelines on who can and cannot administer cognitive assessments, and who holds the ability to interpret for special education determinations.

Response: The intent of the proposed change was to be clear and concise on who could and could not administer cognitive assessments. *No change was made as a result of this comment.*

15. Comment (#26): Commenter does not support the sunset for Pathway 4 in the 093 certification.

Response: As the response to Item #5 above explains the sunset has been deleted.

16. Comment (#26): The commenter suggests the Department consider reciprocity with other states in the certification of school psychologists after a period of supervised practice in Maine to ensure the quality of work and professionalism.

Response: This concept was not part of the proposed rulemaking and as such would necessitate a restarting the rulemaking and having a 30 day comment period for its consideration. This is already to be a late submitted provisional adoption. The Department can put this concept on the list of items for a subsequent rulemaking. *No change was made as a result of this comment.*

Section 3. Professional Teacher Certificate Endorsement Based on Work Experience

1. Comment (#12): Commenter is concerned “with the proposal to add an additional pathway to professional certification through “relevant work experience”, as explained in Section III, on page 49. Commenter further questions “if “nine (9) hours of pedagogy courses” is sufficient to ensure that someone has enough preparation to be successful in the classroom. The question also remains as to exactly what “relevant work experience” might be “relevant” enough, and who and/or how would it be determined that the work experience is indeed “relevant”? There certainly may be some work experiences that would very clearly be deemed appropriate for this pathway, but the worry exists that, especially when there is a severe need for a particular area, that the interpretation of the word “relevant” might be expanded. This concern is inadequately addressed with the proposed language.

Also, we question if this pathway should lead to a professional certificate rather than to a conditional certificate and would like to hear the rationale for this proposal.

Someone taking this pathway may very likely require support in the form of substantial mentoring; do our districts have the resources to provide this? In some districts, there are already second year teachers called upon to mentor the new hires; we have to question if adding to this need for mentors by providing this pathway is in the best interest of our students.”

Response: A minimum of eight years of work experience is meant to equate to professional status. The required mentoring and coaching will be done at the local level, and was included in Rule Chapter 180 after consideration by the Joint Committee of the Legislature. Relevant is related to the content area as a content specialty. Research in life sciences would be relevant to a life science endorsement.

2. **Comment #25):** Commenters have concerns with the Professional Teacher Certification Endorsement Based on Work Experience. As proposed the pathway does not require literacy courses or demonstration of basic knowledge or pedagogical knowledge.

Response: The statute was revised to include a workforce pathway during the Spring of 2017. The Part II, Section 3 is the implementation methodology and has included the following:

“Eligibility for a teacher endorsement for secondary education, adult education, world language as identified in Section 1, and electives as identified in Section 1: Applicants shall meet eligibility requirements specified in Part I for a professional teacher certificate, but is not otherwise eligible for a teacher endorsement for secondary (6-12) or adult education as established in Sections 1 and 2 of this rule may be eligible for the endorsement as established by the following pathway:

- (A) Earned a bachelor’s degree from a regionally accredited college or university in accordance with Part I Section 6.1 of this rule;
- (B) Has a minimum of eight (8) years of work experience that is directly related to the endorsement being sought;
- (C) Completes nine (9) hours of pedagogy courses from an accredited institution including:
 - i. Three (3) semester hours in an approved course for “Teaching Exceptional Students in the Regular Classroom”;
 - ii. Three (3) semester hours in an approved course for classroom management; and
 - iii. Three (3) semester hours in an approved methods course relevant to the endorsement being sought.

There are specific requirements for content knowledge and pedagogical knowledge as noted above. *No change was made as a result of this comment.*

3. **Comment (#28):** Commenter supports the work force pathway and would ask for consideration of an additional pathway for educators with certifications from another state.

Response: If the workforce pathway in this section is finally adopted the commenter could apply for the workforce endorsement without a Praxiis II. *No change was made as a result of this comment.*

4.Comment (#29): Commenter reflects in Section 3, Endorsement Based on Work Experience, appreciation for this language that further clarifies flexibility in statute, 20-A, §13013, 2-B, B. This flexibility not only recognizes alternatives are needed to address the teacher shortage, but also underscores the goal to make a connection for students between coursework and future careers.

Response: The intent was as the commenter shared. *No change was made as a result of this comment.*

Section 4. Administrator Certificates

1. Comment (#11): Commenter has two areas needing clarification:

a. Page 66. Section 4.3A. The word certificate needs to be changed to endorsement. (030). The commenter is confused by Pathway 2 (d) Why would someone already have (5) of seven years prior experience as an administrator of special education when applying for this certification. Did the rule drafter mean this to be combined with someone coming from another state?

b. Page 70-72 Section 4. 4.4 The numbering in this section needs to be re-numbered. Should be consistent on whether you use numbers in parenthesis (3) or spell the number out (three). It varies throughout. (035)
The “s” on “students” needs to be capitalized in the course title “Teaching Exceptional Students in the Regular Classroom”.

Response: a. The word certificate will be changed to endorsement. The 5 of 7 years is for someone coming from another state. *Change made in response to this comment.*

b. The numbering format will be changed and the students in the course name will be capitalized. *Change made in response to this comment.*

2. Comment (#29): Commenter questions on page 59, under Pathway 2, we question letter C., which would require a superintendent who holds a certificate from another state to have evidence of a successful experience as a superintendent in the last five of seven years. What if a superintendent applies or can be recruited to Maine within a shorter time frame? We need to be able to attract and hire qualified, out-of-state candidates without such burdensome restrictions, assuming rigorous certification standards in the state where the superintendent last served.

Response: If a superintendent applies or can be recruited to Maine within a shorter time frame the individual could apply for a conditional certificate at item #7. *No change was made as a result of this comment.*

Additional Changes:

The Department has found a number of cross references that need to be corrected in Part II, and terminology changes where certificate needs to be changed to endorsement as follows:

PART II

1.3 on page 5 should be ~~4.3~~

1.4 should be 1.3

1.5 should be 1.4

1.6 should be 1.5 Strike out Certificate

1. ~~Certificate~~ to Endorsement
2. ~~Certificate~~ to Endorsement
3. ~~Certificate~~ to Endorsement
4. ~~Certificate~~ to Endorsement

1.6 on page 14 is correct

1.8. should be ~~4.9~~

1.9 should be 1.8

1.10 should be 1.9

1.11 should be 1.10

1. ~~Certificate~~ to Endorsement
2. ~~Certificate~~ to Endorsement

1.12 should be 1.11

3. Strike out ~~Certificate~~

1.13 should be 1.12

Is it supposed to be Certificate or Endorsement?

1.14 should be 1.13

Is it supposed to be Certificate or Endorsement?

1.15 is 1.14

1.16 is 1.15

SECTION 2

1. Certificate should be Endorsement
2. Certificate should be Endorsement
3. Certificate should be Endorsement
4. Certificate should be Endorsement

SECTION 4

3.1 should be 4.1

3.2 should be 4.2

3.3 should be 4.3

SECTION 5

Strike out 4

- 4.1 should be 5.1
- 4.2 should be 5.1
- 4.3 should be 5.3
- 4.4 should be 5.4
- 4.5 should be 5.5
- 4.6 should be 5.6
- 4.7 should be 5.7
- 4.8 should be 5.8
- 4.9 should be 5.9
- 4.10 should be 5.10

In both the Functions and Eligibility sections of all the administrator endorsements the word certificate needs to be replaced with endorsement.

Response: All cross references and terminology clarifications have been corrected. All certificate references have been crossed out and endorsement has been added. *Changes made in response to this comment.*