

### §13006-A. Rulemaking

**1. State board authority.** Except as otherwise provided, the state board has authority to adopt rules to implement this chapter, chapter 502 and chapter 502-A. Rules adopted by the state board to implement this chapter and chapter 502 are major substantive rules, as defined in Title 5, chapter 375, subchapter 2-A, except that the following rules are routine technical rules:

A. Rules adopted by the state board to implement section 13032; and [PL 2017, c. 235, §5 (NEW); PL 2017, c. 235, §41 (AFF).]

B. Rules adopted by the state board to implement section 13011, subsection 8. [PL 2017, c. 235, §5 (NEW); PL 2017, c. 235, §41 (AFF).]

[PL 2017, c. 235, §5 (NEW); PL 2017, c. 235, §41 (AFF).]

**2. Commissioner authority.** Notwithstanding subsection 1, the commissioner has authority to adopt rules:

A. To determine the qualifications and process for issuing clearance credentials under chapter 502. These rules are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A; and [PL 2017, c. 235, §5 (NEW); PL 2017, c. 235, §41 (AFF).]

B. Governing the collection and handling of records and information regarding the experiences, qualifications and character of persons seeking credentials under this chapter and chapter 502. These rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2017, c. 235, §5 (NEW); PL 2017, c. 235, §41 (AFF).]

[PL 2017, c. 235, §5 (NEW); PL 2017, c. 235, §41 (AFF).]

**3. Application of rules revising credential qualifications or endorsements.** An amendment to the rules adopted to implement this chapter or chapter 502 that revises the qualifications for a credential or the grades or subject area endorsements for a professional teacher certificate does not apply to the following:

A. A person who held an active credential or endorsement during the school year preceding the adoption of revisions to the rules; [PL 2019, c. 584, §1 (NEW).]

B. A person who held an active conditional certificate during the school year preceding the adoption of revisions to the rules; [PL 2019, c. 584, §1 (NEW).]

C. A program completer who qualified for a recommendation for certification as a teacher during the school year preceding the adoption of revisions to the rules; [PL 2019, c. 584, §1 (NEW).]

D. A person enrolled in an educator preparation program during the school year preceding the adoption of revisions to the rules; or [PL 2019, c. 584, §1 (NEW).]

E. A person who began the application process for professional teacher certification with the department during the school year preceding the adoption of revisions to the rules. [PL 2019, c. 584, §1 (NEW).]

[PL 2019, c. 584, §1 (RPR).]

#### SECTION HISTORY

PL 2017, c. 235, §5 (NEW). PL 2017, c. 235, §41 (AFF). PL 2019, c. 584, §1 (AMD).

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