

5 MRSA, SECTION 17001, SUBSECTION 42

42. **Teacher.** "Teacher" means:

- A. Any employee of a public school who fills any position that the Department of Education requires be filled by a person who holds the appropriate certification or license required for that position and:
 - (1) holds appropriate certification from the Department of Education, including [effective July 25, 2002] an employee whose duties include, in addition to those for which certification is required, either the setup, maintenance or upgrading of a school computer system the use of which is to assist in the introduction of new learning to students or providing school faculty orientation and training related to use of the computer system for educational purposes; or
 - (2) holds an appropriate license issued to a professional employee by a licensing agency of the State;
- B. Any employee of a public school who fills any position not included in paragraph A, the principal function of which is to introduce new learning to students, except that a coach who is employed by a public school and who is not otherwise covered by the definition of teacher as defined in this subsection [effective July 1, 1997] or an employee who is employed in adult education as defined in Title 20-A, section 8601-A, subsection 1 and who is not otherwise covered by the definition of teacher defined in this subsection [effective July 1, 1995] may not be considered a teacher for purposes of this Part;
- C. Any employee of a public school on June 30, 1989, in a position not included in paragraph A or B which was included in the definition of teacher in effect on June 30, 1989, as long as:
 - (1) the employee does not terminate employment; or
 - (2) the employee terminates employment and returns to employment in a position in the same classification within 2 years of the date of termination.

Regardless of any subsequent employment history, any employee of a public school in a position which was included in the definition of teacher in effect on June 30, 1989, is entitled to creditable service as a teacher for all service in that position on or before that date;
- D. Any employee of a public school in a position not included in paragraph A, B or C who was a member of the retirement system as a teacher on August 1, 1988, as long as:
 - (1) the employee does not terminate employment; or
 - (2) the employee terminates employment and returns to employment in a position in the same classification within 2 years of the date of termination;
- E. Any former employee of a public school in a position not included in paragraph A, B or C who was a member of the retirement system as a teacher before August 1, 1988, provided that the former employee returns to employment in a position in the same classification before July 1, 1991; or
- F. For service before July 1, 1989, any employee of a public school in a position which was included in the definition of teacher before July 1, 1989.

SEE CHAPTER 550, PL OF 1989 FOR INFORMATION RELATING TO TRANSITION FROM PREVIOUS DEFINITION TO THIS DEFINITION.