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**TO:** Members of the State Board of Education

**FROM:** Karen B. Salmon, Ph.D.

**DATE:** February 27, 2018

**SUBJECT:** COMAR 13A.07.08  
*Incentive Program for Certification by the National Board for Professional Teaching Standards*  
**ADOPTION**

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**PURPOSE:**

The purpose of this item is to request adoption of the proposed amendments to Code of Maryland Regulation (COMAR) 13A.07.08 *Incentive Program for Certification by the National Board for Professional Teaching Standards* (NBPTS) (Attachment I). Amendments are being proposed to update language to align with current NBPTS processes.

**REGULATION PROMULGATION PROCESS:**

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, the Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

In 1997, the General Assembly enacted legislation, Senate Bill (SB) 460, which established the Incentive Program for Certification by the NBPTS. Subsequently, the MSDE developed the current regulation, which specifies eligibility criteria, selection procedures, and the awarding of Continuing Professional Development credits for candidates who complete the certification process. In 2007, legislation (SB 57) amended the law to expand the maximum number of candidates eligible to participate in the program and extended financial aid to National Board

Certified Teachers (NBCTs) seeking to renew their certificates and for one retake for participants who were unsuccessful on their initial attempt at pursuing National Board Certification.

Last year, Maryland supported 764 candidates seeking initial, continuing, and renewal certification. Currently, there are 2,820 NBCTs throughout Maryland and 723 candidates seeking National Board Certification.

On December 22, 2017, the proposed regulations were published in the Maryland Register (Attachment II). Comments were to be received by January 22, 2018. The MSDE did not receive any public comments.

**SUMMARY:**

Revisions to the regulation governing the Incentive Program for Certification by the NBPTS are being proposed in response to recent program changes enacted by the National Board for Professional Standards. The proposed amendments align Maryland's regulation with the NBPTS requirements and clarify existing language. Specifically, proposed language has been added to the following sections:

.02 Definitions: Proposed language provides further clarity to existing definitions regarding the National Board Certificate, certification process, and retake.

.03 Eligibility Criteria: Proposed language provides clarity to the number of retakes that a candidate who is eligible for financial aid under this program may have.

.04 Selection Procedure: Proposed language provides clarification that local school systems send their candidate names to the Maryland State Department of Education within specified timelines, indicates that funding for this program is contingent upon appropriation from the General Assembly, and clarifies that participation is not guaranteed absent state appropriations.

.06 Costs: Proposed language aligns the regulation to the statute specifying who is required to submit reimbursement to the State Board of Education.

Copies of the proposed amendments to COMAR 13A.07.08.02-.04 and .06 are attached.

**ACTION:**

Request permission to adopt amendments to COMAR 13A.07.08, *Incentive Program for Certification by the National Board for Professional Teaching Standards*.

KBS:sds

Attachments (6)

## **13A.07.08 Incentive Program for Certification by the National Board for Professional Teaching Standards**

### **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Completion of the National Board Assessment process" means the candidate submits the requisite number of scoreable entries, as defined by National Board Professional Teaching Standards (*NBPTS*), for initial certification or renewal within one assessment cycle.

(2) "National Board certificate" means a credential *issued by the NBPTS*, which attests that a candidate has been judged by peers as one who is accomplished, makes sound professional judgments about student learning, and acts effectively on those judgments.

(3) "National Board certification fee" means the assessment fee charged by the [National Board for Professional Teaching Standards] *NBPTS*.

(4) "National Board certification process for initial certification" means the [two-part] process which involves compiling a portfolio and completing assessment center activities.

(5) "National Board certification process for renewal" means the process that requires the candidate for renewal to complete one portfolio entry that contains evidence of connections between the candidate's continued professional growth and student learning.

(6) "National Board for Professional Teaching Standards (NBPTS)" means a private, nonprofit organization whose primary purpose is to advance the teaching profession and to improve student learning.

(7) "Retake" means the [banking] process [by which] *offered by the NBPTS, which allows candidates, during their initial attempt, to resubmit* [places the individual portfolio entry and assessment center exercise scores for candidates who did not achieve National Board certification during their initial attempt in reserve, which allows candidates to retake] any combination of portfolio entries, assessment center exercises, or both, for which they did not [meet the individual entry or exercise performance standard] *achieve a passing score*.

**13A.07.08 Incentive Program for Certification by the National Board for Professional Teaching Standards**

**.03 Eligibility Criteria.**

A. In order to be eligible to receive financial aid to pursue initial NBPTS certification, a candidate shall:

- (1) Have completed 3 years of successful teaching on a Maryland professional certificate at one or more early childhood, elementary, middle, or secondary public schools;
- (2) Hold a valid Maryland professional certificate;
- (3) Affirm voluntary participation in the NBPTS certification process;
- (4) Comply with the deadlines as specified by the Department and NBPTS; and
- (5) Demonstrate teaching practice in designated fields as identified by the NBPTS.

B. In order to be eligible to receive financial aid to pursue renewal of the NBPTS certificate, a candidate shall:

- (1) Hold a valid Maryland professional certificate; and
- (2) Comply with the deadlines as specified by the Department and NBPTS.

C. In order to be eligible to receive financial aid to pursue *one* retake, a candidate shall:

- (1) Hold a valid Maryland professional certificate; and
- (2) Pursue the NBPTS certificate within the next assessment cycle immediately following the cycle in which the candidate does not achieve National Board certification.

D. A local school system may establish additional criteria for eligibility.

### **13A.07.08 Incentive Program for Certification by the National Board for Professional Teaching Standards**

#### **.04 Selection Procedures.**

A. Each participating local school system shall:

(1) Establish a diverse selection committee representative of the educational community to include, but not be limited to, classroom teachers, National Board certified teachers, school administrators, and local teacher association members who are classroom teachers;

(2) Establish and publicize written criteria, including the criteria identified in Regulation .03 of this chapter for the selection of candidates;

(3) Forward names of initial candidates for the financial incentive program to the [State Board of Education] *Department* [by January 1] *in accordance with the timelines established by the Department*, with the following information:

(a) Name;

(b) Candidate code;

(c) Signed, notarized memorandum of understanding that specifies the candidate's financial responsibility if the candidate does not complete the assessment process;

[(d) The NBPTS certificate area;]

[(e)] (d) Confirmation of verification of eligibility as identified in Regulation .03 of this chapter; and

[(f)] (e) Verification that the selection procedures specified in this regulation were followed; and

(4) Forward names of renewal *and retake* candidates for the financial incentive program to the *Department* [State Board of Education by January 1] *in accordance with the timelines established by the Department*, with the information required under Regulation .04A(3)(a)—(c) of this chapter.

B. The State Board of Education shall select initial, renewal, and retake candidates for National Board certification [by February 1] and promptly notify the respective school system and candidates in writing.

*C. Funding for the National Board Incentive Program is contingent upon appropriations by the General Assembly and individual participation is not guaranteed.*

**13A.07.08 Incentive Program for Certification by the National Board for Professional Teaching Standards**

**.06 Costs.**

Costs for the fee charged by NBPTS shall be shared in the following manner:

A. The State Board of Education shall pay 2/3 of the National Board certification fee, and the local school system shall pay 1/3 of the National Board certification fee for an initial or renewal candidate;

B. Subject to the annual appropriation by the Maryland General Assembly, the State Board of Education may pay 2/3 of the National Board certification fee, and the local school system may pay 1/3 of the National Board certification fee, for a candidate to pursue one retake for National Board certification; and

*C. Reimbursement*

(1) A candidate who does not complete the National Board certification process shall reimburse the State Board of Education the full amount of the aid, and the State Board of Education shall reimburse the local school system its share[.] ; *and*

(2) *A candidate who completes the certification process but does not achieve National Board Certification, is not required to reimburse the amount of the aid.*

**Subtitle 55 STATE BOARD OF SPINAL  
CORD INJURY RESEARCH**

**10.55.01 Administration of Spinal Cord Injury  
Trust Fund**

Authority: Health-General Article, §§13-1401—13-1407, Annotated Code of Maryland

**Notice of Proposed Action**

[17-304-P]

The Secretary of Health proposes to repeal in its entirety **Subtitle 55 State Board of Spinal Cord Injury Research**.

**Statement of Purpose**

The purpose of this action is to repeal the entire subtitle regarding the State Board of Spinal Cord Injury Research because the statutory authority for the subtitle has been removed per Chapter 667, Acts of 2017 (HB 188) - Public Health - Advance Directives - Witness Requirements, Advance Directives Services, and Fund.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 22, 2018. A public hearing has not been scheduled.

DENNIS SCHRADER  
Secretary of Health

**Title 13A  
STATE BOARD OF  
EDUCATION**

**Subtitle 07 SCHOOL PERSONNEL**

**13A.07.08 Incentive Program for Certification  
by the National Board for Professional  
Teaching Standards**

Authority: Education Article, §6-112, Annotated Code of Maryland

**Notice of Proposed Action**

[17-307-P]

The Maryland State Board of Education proposes to amend Regulations .02 — .04 and .06 under **COMAR 13A.07.08 Incentive Program for Certification by the National Board for Professional Teaching Standards**. This action was considered by State Board of Education at their meeting held on October 24, 2017.

**Statement of Purpose**

The purpose of this action is to update language in regulations to align with current National Board for Professional Teaching Standards processes.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Sarah Spross, M.Ed., Assistant State Superintendent, Division of Educator Effectiveness, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0385 (TTY 410-333-6442), or email to sarah.spross@maryland.gov, or fax to 410-333-8963. Comments will be accepted through January 22, 2018. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on February 27, 2018, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**.02 Definitions.**

- A. (text unchanged)
- B. Terms Defined.

(1) "Completion of the National Board Assessment process" means the candidate submits the requisite number of scoreable entries, as defined by National Board *for* Professional Teaching Standards (*NBPTS*), for initial certification or renewal within one assessment cycle.

(2) "National Board certificate" means a credential *issued by the NBPTS* which attests that a candidate has been judged by peers as one who is accomplished, makes sound professional judgments about student learning, and acts effectively on those judgments.

(3) "National Board certification fee" means the assessment fee charged by the [National Board for Professional Teaching Standards] *NBPTS*.

(4) "National Board certification process for initial certification" means the [two-part] process which involves compiling a portfolio and completing assessment center activities.

(5)—(6) (text unchanged)

(7) "Retake" means the [banking] process [by which] *offered by the NBPTS* [places the individual portfolio entry and assessment center exercise scores for candidates who did not achieve National Board certification during their initial attempt in reserve, which allows candidates to retake], *which allows candidates, during their initial attempt, to resubmit* any combination of portfolio entries, assessment center exercises, or both, for which they did not [meet the individual entry or exercise performance standard] *achieve a passing score*.

**.03 Eligibility Criteria.**

- A.—B. (text unchanged)

- C. In order to be eligible to receive financial aid to pursue *one* retake, a candidate shall:
  - (1)—(2) (text unchanged)
  - D. (text unchanged)

**.04 Selection Procedures.**

- A. Each participating local school system shall:
  - (1)—(2) (text unchanged)
  - (3) Forward names of initial candidates for the financial incentive program to the [State Board of Education by January 1] *Department in accordance with the timelines established by the Department*, with the following information:
    - (a)—(c) (text unchanged)
    - [(d) The NBPTS certificate area;
    - [(e)] (d)—[(f)] (e)(text unchanged)
  - (4) Forward names of renewal *and retake* candidates for the financial incentive program to the [State Board of Education by January 1] *Department in accordance with the timelines established by the Department*, with the information required under Regulation .04A(3)(a)—(c) of this chapter.
- B. The State Board of Education shall select initial, renewal, and retake candidates for National Board certification [by February 1] and promptly notify the respective school system and candidates in writing.
- C. *Funding for the National Board Incentive Program is contingent upon appropriations by the General Assembly, and individual participation is not guaranteed.*

**.06 Costs.**

- A. Costs for the fee charged by NBPTS shall be shared in the following manner:
  - [A.] (1) The State Board of Education shall pay 2/3 of the National Board certification fee, and the local school system shall pay 1/3 of the National Board certification fee for an initial or renewal candidate; *and*
  - [B.] (2) Subject to the annual appropriation by the Maryland General Assembly, the State Board of Education may pay 2/3 of the National Board certification fee, and the local school system may pay 1/3 of the National Board certification fee, for a candidate to pursue one retake for National Board certification[; and].
  - [C.] *B. Reimbursement.*
    - (1) A candidate who does not complete the National Board certification process shall reimburse the State Board of Education the full amount of the aid, and the State Board of Education shall reimburse the local school system its share.
    - (2) *A candidate who completes the certification process but does not achieve National Board Certification, is not required to reimburse the amount of the aid.*

KAREN B. SALMON, Ph.D.  
State Superintendent of Schools

# Title 13B

## MARYLAND HIGHER EDUCATION COMMISSION

### Subtitle 02 ACADEMIC REGULATIONS

**Notice of Proposed Action**  
[17-309-P]

The Maryland Higher Education Commission proposes to:

- (1) Amend Regulations .03 and .21 under **COMAR 13B.02.01 Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland;**
- (2) Amend Regulations .03 and .16 under **COMAR 13B.02.02 Minimum Requirements for In-State Degree-Granting Institutions;** and
- (3) Amend Regulations .02, .02-1, .03, .06, .07, .10, .11, .13, .15, and .22 and adopt new Regulation .29 under **COMAR 13B.02.03 Academic Programs — Degree-Granting Institutions.**

This action was considered at a public meeting of the Commission on November 25, 2017.

**Statement of Purpose**

The purpose of this action is to amend academic regulations of the Commission in order that certain institutions of higher education may offer distance education in certain circumstances, and that certain institutions may alter a program modality (i.e., distance education or on-campus education) upon prior notice to the Commission.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposal will reduce fees paid by an institution of higher education when it alters a program modality from an on-campus to online format, or visa-versa.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:			
Fees to institutions	(R-)		Minimal
B. On other State agencies:	NONE		
C. On local governments:	NONE		
	Benefit (+)	Cost (-)	Magnitude
D. On regulated industries or trade groups:			
Reduction in fees	(+)		Minimal
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:	NONE		

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

- A. An institution that previously would have been required to