



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D.
DATE: June 20, 2018
SUBJECT: COMAR 13A.12.01.04
Options for Obtaining Initial Maryland Certification
ADOPTION

PURPOSE:

The purpose of this item is to request adoption of the proposed amendments to Code of Maryland Regulations (COMAR) 13A.12.01.04 *Options for Obtaining Initial Maryland Certification*. Amendments were proposed to provide both a direct pathway for initial certification for those individuals who have achieved National Board Certification, as well as, those content experts seeking an adjunct teacher certificate.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board of Education (SBOE), may propose a new regulation whenever the circumstances arise to do so. The SBOE shares joint authority with the Professional Standards and Teacher Education Board (PSTEB) to develop regulations governing teacher certification and preparation. When the SBOE initiates a regulatory change concerning certification, the PSTEB must review the proposed regulation. If a majority of the PSTEB members approve of the regulation, the regulation promulgation process continues. If a majority of the PSTEB members disapprove of the proposed regulation, the regulation will not move forward unless approved by a super-majority of the SBOE (three-fourths of its members).

After the PSTEB has voted to approve the regulation (or three-fourths of the State Board has voted to approve the regulation despite the PSTEB's disapproval), the proposed regulation is sent to the Administrative, Executive, and Legislative Review Committee (AELR) 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, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments, which are presented to the PSTEB and the State Board. Thereafter, MSDE staff will present a recommendation to the State Board to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the 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. The State Board, as the originating board, would then vote to formally adopt the regulation.

HISTORICAL BACKGROUND:

National Board Certification

During the 2015 Maryland legislative session, Senate Bill 493 Teacher Induction Retention and Advancement Act (TIRA), was passed. The TIRA emphasized the importance of National Board Certification and its impact on student learning. The certification subcommittee of the TIRA workgroup was charged with exploring ways to incorporate National Board Certification into Maryland's educator certification structure.

The committee examined eligibility requirements associated with becoming Nationally Board Certified and found that in order to participate in the program, a candidate must possess a bachelor's degree from an accredited institution, have completed three years of successful teaching, and hold a valid state teaching license. In Maryland, an individual who presents a bachelor's degree, three years of successful teaching experience in the past seven years, and a valid out of state teaching certificate, qualifies for Maryland certification. The committee felt strongly that developing a direct pathway to initial certification for those who achieve National Board Certification made sense.

Adjunct Teacher

During the 2016 Maryland legislative session, Anne Arundel County sponsored House Bill 617- Adjunct Instructor Program, allowing the Anne Arundel County Board of Education (AABOE) to issue an adjunct certificate to an individual who is employed to teach part time in an area identified by AABOE as requiring a content expert. This bill did not pass; however, many Local Education Agencies (LEAs) expressed interest in the idea of an adjunct certificate. Given the recently proposed legislation, the certification subcommittee of the TIRA was charged with exploring the concept of an adjunct certificate.

The committee found that several states have developed an adjunct certification to allow content experts the opportunity to share their expertise in the classroom. For example:

- South Carolina currently offers an adjunct certificate to individuals who hold a bachelor's degree and either have a major in, or pass the Praxis subject assessment in a South Carolina certificate area, as well as, provides verification of five years of occupational experience in the content field of the certification area; and
- Georgia offers an adjunct certificate in all trades and industry fields, as well as, healthcare sciences, to individuals with an associate's degree and two years of occupational experience who hold an applicable industry license. Additionally, Georgia allows an individual with a bachelor's degree in any major, and two years of applicable occupational experience, to qualify for an adjunct certificate in one of several identified shortage areas.

The TIRA workgroup recognized that Maryland LEAs are not currently able to offer specialty and professional technical programs in critical staffing shortage areas. Current certification regulations do not allow an LEA the flexibility to place individuals with highly specialized content expertise, who are interested in teaching on a part time basis, in the classroom as a teacher of record unless they are issued a conditional certificate. Conditional certificates are designed for an individual who is working toward professional certification as a full time teacher of record. The committee agreed that an adjunct certificate should be developed, but be limited in scope and designed to meet the needs of the LEA in which the individual is employed.

Based on the recommendation of the TIRA workgroup, the MSDE proposed new regulatory language to create a new certificate called the adjunct certificate.

On January 30, 2018, the SBOE granted permission to publish the proposed regulations and on February 1, 2018 the PSTEB also granted permission to publish the amendments. On April 27, 2018, the proposed regulations were published in the Maryland Register (Attachment I). Comments were to be received by May 29, 2018.

The MSDE did not receive any public comments regarding the establishment of the pathway for the issuance of a certificate to those individuals who have achieved National Board Certification. The MSDE received five comments concerning the Adjunct Certificate pathway which are summarized on the attached chart (Attachment II).

Based on the comments received concerning the adjunct certificate pathway, the MSDE is not making any recommended changes to COMAR 13A.12.01.04 -*Options for Obtaining Initial Maryland Certification* since the purpose of this regulation is to establish the pathway for an individual with highly specialized content expertise and who is interested in teaching on a part-time basis. Furthermore, this type of certificate is designed for a specialized part-time position that cannot be filled by a qualified certificate holder.

PROPOSED AMENDMENTS:

Code of Maryland Regulation 13A.12.04E establishes the pathway for the issuance of an initial certificate to those individuals who have achieved National Board Certification.

Code of Maryland Regulation 13A.12.04I establishes the pathway for the issuance of an adjunct teacher certificate. Eligibility requirements are outlined in proposed regulation COMAR 13A.12.01.08-1, *Adjunct Certificate*.

SUMMARY:

Proposed amendments to COMAR 13A.12.01.04 provide a direct pathway for initial certification for those individuals who have achieved National Board Certification, as well as, those content experts seeking an adjunct teacher certificate.

ACTION:

Request adoption of amendments to COMAR 13A.12.01.04 *Options for Obtaining Initial Maryland Certification*.

Attachments (2)

COMAR 13A.12.01.04 - Comments Submitted

Commenter(s)	Comment	MSDE Comment
<p>Alisha Marchewka Baltimore City School Teacher and Parent</p>	<p>These regulations will make it easier for districts and schools to hire untrained, uncertified ‘artists’ to teach children, rather than certified art teachers in an effort to save money. I implore the Maryland State Board of Education to consider that Art Teachers ARE in fact ARTISTS that chose to teach children, and went to college to gain the appropriate training to do so because of their passion to work with youth.</p> <p>I am afraid that these regulations will be a pathway for schools to push out ‘more expensive’, trained art teachers and hire ‘less expensive’, uncertified, part time, adjunct artists instead. This will ultimately hurt our children’s art education the most. They will not have the quality, scaffolded arts education they deserve from certified, experienced arts teachers.</p> <p>I ask that you consider vetoing these regulations. They are not good for children. They are not good for teachers. And they are not good for the future of the arts in Maryland.</p>	<p>The purpose of this regulation is to establish the pathway for an individual with highly specialized content expertise and are interested in teaching on a part time basis. Furthermore, this type of certificate is designed for a specialized part time position that can not be filled by a qualified certificate holder.</p>
<p>Karen Howard Baltimore City School Teacher</p>	<p>I have been a visual art teacher in Baltimore City Schools for thirteen years. City art teachers are a diverse group of highly educated and dedicated professionals that are being betrayed by a water down approach to education. This back-door approach to certification offered in the COMAR changes is an offense to all Highly Qualified art teachers. If an adjunct instructor or professional artist wishes to teach in K-12 then they have the option to earn a degree and begin their career.</p> <p>Using adjuncts and professional artist to teach the Fine Arts devalues the k-12 model of education. This plan betrays the students who are most in need. The students who frequently need the most help. The poor and students of color. Rather than continue to offer the best to these students, your proposed "Changes to COMAR" instead takes power away from the practitioners of K-12 education, teachers and researchers. It creates an ugly hierarchy within education that mirrors the increasingly gross divide within American society. The only reason to do so is to hire teachers for less pay.</p> <p>Our school systems have become increasingly reliant upon temporary and disposable teachers. This approach is designed to violate the actual goals of learning, which are charged to the teacher and researcher. The work I do is important, it's what I was trained to do. I ask that you consider vetoing these regulations. They are not good for children. They are not good for teachers. And, they are not good for the future of the arts in Baltimore City or</p>	<p>The purpose of this regulation is to establish the pathway for an individual with highly specialized content expertise and are interested in teaching on a part time basis. Furthermore, this type of certificate is designed for a specialized part time position that can not be filled by a qualified certificate holder.</p>

	Maryland.	
Eileen Mross Unknown Affiliation	I am writing to express my rejection to the proposed changes to allow for hiring non-certified teachers without proper degrees to serve as adjunct employees & allowing them to teach in our schools.	The purpose of this regulation is to establish the pathway for an individual with highly specialized content expertise and are interested in teaching on a part time basis. Furthermore, this type of certificate is designed for a specialized part time position that can not be filled by a qualified certificate holder.
Caitlin Curtis Recent MICA Graduate	I am a recent graduate from MICA and I am a professional artist. I have my undergrad BFA degree in art education and my MFA in studio art. I am freelancing and working currently to find a full-time position as an educator. As soon as I saw the proposed changes to COMAR I was deeply hurt by the fact that the MD State Department of Education would even consider hiring adjunct faculty. IT IS THE WORST IDEA YOU COULD EVER PUT INTO ACTION! Hiring adjunct faculty is just another way to disadvantaged our students and our hard working educators. Why wouldn't you strive to find more full time employees who can actually get to know their students and have benefits provided for them by the state. Adjuncting is just another way to save money on your end leaving employees without the money they deserve and students without the support they need. Students need stability not a rotating educators that might not be as qualified. As a professional artist and a person who wants the children of this state to have the best educational experience possible, I DO NOT STAND BEHIND THIS CHANGE AT ALL. Adjuncting would be a huge disadvantage to the hard working people who commit their lives to educating the youth and most importantly a huge huge huge disadvantage to the children who deserve the best.	The purpose of this regulation is to establish the pathway for an individual with highly specialized content expertise and are interested in teaching on a part time basis. Furthermore, this type of certificate is designed for a specialized part time position that can not be filled by a qualified certificate holder.
Patricia Hunter, Art Teacher and Parent, Howard County Public Schools	I am absolutely against the proposed changes to COMAR. There is a surplus of art teachers in this state qualified to teach every aspect of art education. Last year Howard County had 152 qualified art teachers apply for only 9 positions! The art teachers in this state have gone through rigorous collegiate instruction to not only be amazing at art- and we are ALL professional artists- but we also took the time to learn how to teach. Allowing someone who can just paint- but has had no training in teaching- to come and teach our youth is wrong. We are teachers first and foremost. I do not want to see my fellow art teachers denied jobs because it is cheaper to hire someone who didn't bother- or worse was flagged at the collegiate level to NOT be allowed to teach due to behavior choices- to take their spot. I do not want my children in classrooms with people who do not have the necessary training to teach, no matter how beautiful they may be able to make a canvas. Schools are for trained teachers- do not open the door for random people to come damage our children.	The purpose of this regulation is to establish the pathway for an individual with highly specialized content expertise and are interested in teaching on a part time basis. Furthermore, this type of certificate is designed for a specialized part time position that can not be filled by a qualified certificate holder.

[(5)] (4) A special hearing or speech impairment designation.

CHRISTINE NIZER
 Administrator
 Motor Vehicle Administration

**Subtitle 17 MOTOR VEHICLE
 ADMINISTRATION—DRIVER
 LICENSING AND IDENTIFICATION
 DOCUMENTS**

11.17.17 Provisional Driver’s License

Authority: Transportation Article, §§12-104(b) and 16-113.1, Annotated Code of Maryland

Notice of Proposed Action

[18-106-P]

The Administrator of the Motor Vehicle Administration proposes to repeal Regulations .01—.04 under COMAR 11.17.17 Provisional Driver’s License.

Statement of Purpose

The purpose of this action is to eliminate unnecessary regulations regarding provisional driver’s licenses.

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 Tracey C. Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through May 29, 2018. A public hearing has not been scheduled.

CHRISTINE NIZER
 Administrator
 Motor Vehicle Administration

**Title 13A
 STATE BOARD OF
 EDUCATION**

Subtitle 12 CERTIFICATION

13A.12.01 General Provisions

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-705; Family Law Article, §10-119.3; Annotated Code of Maryland

Notice of Proposed Action

[18-112-P]

The Maryland State Board of Education proposes to amend Regulation .04 under COMAR 13A.12.01 General Provisions. This action was considered at the January 30, 2018, meeting of the State Board of Education and the February 1, 2018, meeting of the Professional Standards and Teacher Education Board.

Statement of Purpose

The purpose of this action is to provide both a direct pathway for initial certification for those individuals who have achieved National Board Certification as well as those content experts seeking an adjunct teacher certificate.

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 May 29, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on June 19, 2018, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.04 Options for Obtaining Initial Maryland Certification.

A.—D. (text unchanged)

E. National Board Certification. The applicant shall earn National Board Certification from the National Board for Professional Teaching Standards, for which a comparable Maryland certificate is issued.

[E.] *F.* (text unchanged)

[F.] *G.* Regulation .05 of this chapter is not applicable to applicants under [§E(2)] §F(2) of this regulation.

[G.] *H.* — [H.] *I.* (text unchanged)

J. Adjunct Teacher. A local school system may request an adjunct certificate for an applicant who does not meet the requirements for a

professional certificate, if the requirements under Regulation .08-1 of this chapter are satisfied.

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

bearing course work, with a grade of C or better, in English language arts.

E. (text unchanged)

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State Superintendent of Schools

Subtitle 12 CERTIFICATION

13A.12.01 General Provisions

Authority: Education Article, §§2-205, 2-303(g), and 6-701—[6-705] 6-706, Annotated Code of Maryland

Notice of Proposed Action

[18-109-P]

The Maryland State Board of Education proposes to amend Regulation .05 under **COMAR 13A.12.01 General Provisions**. This action was considered at the January 30, 2018, meeting of the State Board of Education and the February 1, 2018, meeting of the Professional Standards and Teacher Education Board.

Statement of Purpose

The purpose of this action is to allow those individuals seeking certification in professional and technical education who do not hold a bachelor's degree to have the ability to present credit-bearing course work to fulfill the basic skills requirement in lieu of an assessment.

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 May 29, 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 June 19, 2018, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.05 General Requirements for Professional Certificates.

A.—C. (text unchanged)

D. Exceptions. An applicant who does not possess a bachelor's or higher degree for certification in a [career] *professional* and [technology] *technical* education area or a *specialized professional area* which does not require a bachelor's degree is required to submit:

(1) [evidence] *Evidence* of qualifying scores as established by the State Superintendent of Schools on [the] *a basic skills* teacher certification [tests] *test* approved by the State Board of Education[.]; or

(2) *3 semester hours of credit-bearing course work, with a grade of C or better, in math content and 3 semester hours of credit-*

Subtitle 12 CERTIFICATION

13A.12.01 General Provisions

Authority: Education Article, §§2-205, 2-303(g), and 6-701—[6-705] 6-706, Annotated Code of Maryland

Notice of Proposed Action

[18-110-P]

The Maryland State Board of Education proposes to adopt new Regulation .08-1 under **COMAR 13A.12.01 General Provisions**. This action was considered at the February 27, 2018, meeting of the State Board of Education and at the February 1, 2018, meeting of the Professional Standards and Teacher Education Board.

Statement of Purpose

The purpose of this action is to provide local education agencies the ability to request an adjunct certificate for individuals with highly specialized content expertise who are interested in teaching on a part-time basis.

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 May 29, 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 June 19, 2018, 9:30 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.08-1 Adjunct Certificate.

A. *The Maryland State Department of Education may issue an adjunct certificate upon the request of a local school system superintendent or an education director of a nonpublic school approved under COMAR 13A.09.10.*

B. *The request for adjunct certification must include:*

(1) *The name and credentials of the individual;*

(2) *The course name and content to be taught; and*

(3) *An explanation as to why the position cannot be filled by a qualified certificate holder.*

C. *The Adjunct Certificate is nontransferrable between local school systems.*