



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

TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D.
DATE: July 24, 2018
RE: COMAR 13A.12.01.08-1
Adjunct Certificate
PROMULGATE-PREMISSION TO PUBLISH

PURPOSE:

The purpose of this item is to request permission to publish the promulgation of new Code of Maryland Regulations (COMAR) 13A.12.01.08-1 *Adjunct Certificate* (attachment I). New regulatory language is being introduced to provide local education agencies (LEAs) the ability to request an adjunct certificate for individuals with highly specialized content expertise (e.g., engineers, physicists, medical providers, artists) interested in teaching on a part-time basis in the classroom as a teacher of record.

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, the 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:

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 LEAs expressed interest in the idea of an adjunct certificate. Given the recently proposed legislation, the certification subcommittee of the Teacher Induction, Retention, and Advancement Act (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.

In order to assure high quality instruction, the workgroup recommended that LEAs provide mentoring, co-teaching opportunities, and professional development to individuals who receive an adjunct certification. At a minimum, it was recommended that candidates hold a bachelor's degree in a related content area, provide five years of successful occupational experience, and hold an industry credential, if applicable.

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

On January 30, 2018, the SBOE granted permission to publish the promulgation of new regulatory language, COMAR 13A.12.01.08-1 *Adjunct Certificate*. The PSTEB also granted permission to publish that language on February 1, 2018. On April 27, 2018, the proposed regulations were published in the Maryland Register and the MSDE received thirteen public comments which were discussed during the June 20, 2018 SBOE meeting. Specifically, public comment and SBOE members expressed concern that the bachelor's degree requirement would limit the number of individuals with highly specialized content expertise that an LEA could employ as an adjunct teacher.

Based on the public comments received and discussion that ensued during the June 20, 2018 SBOE meeting, the MSDE is proposing amended regulatory language that removes the bachelor's degree requirement of the adjunct certificate.

PROPOSED AMENDMENTS:

The proposed regulatory language establishes the eligibility criteria for the issuance of the certificate, requires that LEAs provide specific support and professional development to an individual who holds an adjunct certificate, and establishes the limitations of the certificate. The following criteria defines the professional development and support an LEA would be required to provide to an individual who holds an adjunct certificate:

Eligibility Criteria:

- Hold a high school diploma or its equivalent
- Hold an industry license, when applicable for that profession
- Have five years of successful experience in the field

Local education agencies would be required to provide the following to those individuals who hold an adjunct certificate:

- Mentoring
- The opportunity to participate in side-by-side coaching or co-teaching with a professionally-certified educator and professional development prior to entry into the classroom and throughout the school year
- Regular evaluations

Certificate limitations:

- Non-transferable
- Part-time
- One-year validity period
- Renewable, upon the request of an LEA
- Issued by the MSDE

SUMMARY:

New regulatory language, COMAR 13A.12.01.08-1, is being proposed to address the LEAs continuing need to hire individuals with highly specialized content expertise and interest in teaching on a part-time basis as a teacher of record. Specific regulatory language establishes the eligibility criteria for the issuance of the certificate, requires the LEAs to provide specific support and professional development to an individual who holds an adjunct certificate, and establishes the limitations of the certificate.

ACTION:

Request permission to publish the promulgation of new COMAR 13A.12.01.08-1 *Adjunct Certificate*.

Attachment (1)

Title 13A

Subtitle 12 CERTIFICATION

Chapter 01 General Provisions

.08-1 Adjunct Certificate.

- A. *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) *Name and credentials of individual;*
 - (2) *Course name and content to be taught; and*
 - (3) *Explanation as to why the position cannot be filled by a qualified certificate holder.*
- C. *The Adjunct Certificate shall not be transferred between local school systems.*
- D. *An individual who holds an Adjunct Certificate shall not be full time.*
- E. *An applicant for an Adjunct Certificate shall meet the following requirements:*
 - (1) *Hold a ~~bachelor's or higher degree from an HHE~~ **high school diploma or its equivalent**;*
 - (2) *Hold an industry license, when applicable for the profession; and*
 - (3) *Have five years of satisfactory occupational experience in the field to be taught.*
- F. *An individual who is issued an Adjunct Certificate shall be provided with the following, by the employing local school system:*
 - (1) *A professionally certificated mentor;*
 - (2) *Side-by-side coaching or co-teaching with a professionally certificated teacher;*
 - (3) *A minimum of 45 hours of professional development, with 30 hours delivered prior to entry to the classroom and the remainder to be delivered throughout the school year; and*
 - (4) *Evaluations of teacher effectiveness.*
- G. *The Adjunct Certificate issued in accordance with this regulation is valid for a 1-year period and may be renewed upon the request of the local school system.*