



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

TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D.
DATE: September 22, 2020
SUBJECT: COMAR 13A.12.01.14 Waivers and Special Certification Provisions
ADOPTION

PURPOSE:

The purpose of this item is to request permission to adopt amendments to Code of Maryland Regulation (COMAR) 13A.12.01.14 *Waivers and Special Certification Provisions*, establishing an emergency certificate, issued only during a State of Emergency, designed to allow those educator candidates who have completed all required coursework the ability to enter the classroom as a teacher of record while they complete the required assessments and any remaining clinical experiences.

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 SBOE 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 originating 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.

BACKGROUND:

On March 5, 2020, Governor Hogan declared a state of emergency due to the COVID-19 pandemic. In response to Governor Hogan's directives to practice social distancing, Maryland colleges and universities moved to an online platform and extended their scheduled spring leave. Subsequently, public schools were ordered to close for the remainder of the 2019-2020 school year, and the Educational Testing Service closed all testing centers across the nation. These factors have led to an inability for Maryland teacher candidates to pass required certification assessments and, in some cases, complete a clinical experience.

Similarly, those teacher candidates currently employed on a Conditional Certificate due to expire, who are working to complete a transcript analysis evaluation, have not had the opportunity to take the required certification assessments to earn a professional certificate.

On April 28, 2020, the State Board of Education (SBOE) voted to adopt amendments to Code of Maryland Regulation (COMAR) 13A.12.01.14, *Waivers and Special Certification Provisions*, on an emergency basis. The Administrative Executive and Legislative Review Committee approved the emergency regulation on May 26, 2020, and the regulation was published in the Maryland Register from June 19, 2020, through July 20, 2020, to give the public the opportunity to provide public comment. No public comment was received.

PROPOSED REGULATION:

The proposed regulation outlines the conditions of an emergency certificate, established to be issued during a state of emergency at the authorization of the State Superintendent, to those who meet the outlined criteria. The purpose of this certificate is to allow those educator candidates who have completed all of the requirements of certification with the exception of assessments and/or clinical experiences, the ability to accept a position with a Maryland local school system, state institution, or nonpublic school approved under COMAR 13A.09.10, as they complete the remainder of the professional certification requirements.

EXECUTIVE SUMMARY:

The purpose of this item is to request permission to adopt amendments to Regulation .14 *Waivers and Special Certification Provisions* under COMAR 13A.12.01, establishing an emergency certificate designed to allow educator candidates who have completed all required coursework the ability to enter the classroom as an educator of record while they complete the required assessments and any remaining clinical experiences.

ACTION:

Request permission to adopt amendments to Regulation .14 *Waivers and Special Certification Provisions* under COMAR 13A.12.01.

Attachment

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—6-706; Family Law Article, §10-119.3; Annotated Code of Maryland

Notice of Proposed Action

[20-107-P]

The Maryland State Board of Education proposes to amend Regulation .14 under **COMAR 13A.12.01 General Provisions**. This action was considered by the State Board at their April 28, 2020, meeting. Pursuant to COMAR 13A.12.06.01C, final action on the amendments to the regulation will be considered during the September 22, 2020 State Board of Education meeting.

Statement of Purpose

The purpose of this action is to establish an emergency certificate that will allow local school systems to hire teacher candidates who have not yet taken certification assessments. Given that testing centers are closed, if we did not propose this emergency certificate, local school systems would not be able to hire these candidates and the teacher shortage would inevitably increase.

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, Maryland State Department of Education, Division of Educator Certification and Program Approval, 200 West Baltimore Street, Baltimore, MD 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 July 20, 2020. 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 September 22, 2020, 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

.14 Waivers and Special Certification Provisions.

A.—B. (text unchanged)

C. *Emergency Certificate.*

(1) *During a state of emergency, the State Superintendent may authorize the issuance of an emergency certificate to an individual employed in a local school system, State institution, or nonpublic school approved under COMAR 13A.09.10.*

(2) *Conditions. The emergency certificate may only be issued during a state of emergency and:*

(a) *Is valid for 6 months from the date that the state of emergency is declared over;*

(b) *Is nonrenewable; and*

(c) *May only be issued to an individual employed in a local school system, State institution, or nonpublic school approved under COMAR 13A.09.10.*

(3) *Applicant. The emergency certificate may be issued to those applicants who are employed with a local school system, State institution, or nonpublic school approved under COMAR 13A.09.10 in a position that requires certification under COMAR Regulation .03B of this chapter, if the applicant:*

(a) *Is enrolled, in good standing, in a Maryland approved educator preparation program and has completed all program requirements with the exception of the clinical experience and the certification assessment or assessments; or*

(b) *Holds a conditional degree or conditional nondegree certificate and has completed all of the requirements on their Maryland State Department of Education evaluation with the exception of the required experience and certification assessment or assessments.*

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State Superintendent of Schools