



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

TO: Members of the Maryland State Board of Education
FROM: Karen B. Salmon, Ph.D.
DATE: January 22, 2019
RE: COMAR 13A.12.01.05
General Requirements for Professional Certificates
AMEND - ADOPT

PURPOSE:

The purpose of this item is to request adoption of the amendments to Code of Maryland Regulations (COMAR) 13A.12.01.05 *General Requirements for Professional Certificates* (Attachment I). Amendments were proposed to eliminate the basic skills test requirement for those individuals seeking certification who do not hold a bachelor's degree (i.e., specialized professional areas and professional technical education candidates).

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:

During the 2015 Maryland legislative session, Washington County Public Schools sponsored Senate Bill 635, State Board of Education and the Professional Standards and Teacher Education Board – Alternative

Certification Programs (Bill). The Bill required the SBOE and the PSTEB to consider and if appropriate, develop an alternative teacher certification program for areas of the State experiencing a critical teacher shortage by December 1, 2015. In response to this legislation, a work group was established and recommendations were ultimately made. The work group examined the renewal requirements of the conditional certificate due to concerns pertaining to potential barriers for those individuals seeking certification in the area of Professional and Technical Education (PTE).

Given the alignment and timing of this charge, with the creation of the Teacher Induction, Retention, and Advancement Act (TIRA), the decision was made to incorporate the examination of the conditional certificate renewal requirements into the work of the TIRA work group. A subcommittee was established and charged with reviewing the conditional certificate renewal requirements, which included testing requirements.

The subcommittee found that local education agencies (LEAs) are not only having difficulty recruiting, but losing specialized professional area teachers and PTE teachers due to their inability to achieve professional certification. Work group and subcommittee members heard public testimony from three individuals, and received letters from Montgomery, Carroll, and Charles County Public Schools, as well as, the Maryland House of Delegates Legislative District 35B, which includes Cecil and Harford Counties. Testimony and written correspondence addressed the challenges of staffing PTE teachers in Maryland public schools. It was reported that PTE teacher candidates often have difficulty passing basic skills assessments.

As a result of public and written testimony, and critical teacher shortages in many of these areas, the subcommittee recommended that it is in the best interest of Maryland students to examine alternative measures of basic skills for those who do not test well, but have demonstrated success in the classroom as conditionally certified teachers. The proposed amendment allows those individuals who do not hold a bachelor's degree to have the ability to present coursework to fulfill the basic skills requirement. On January 30, 2018, the SBOE granted permission to publish new regulatory language to 13A.12.01.05 *General Requirements for Professional Certificates*. The PSTEB also granted permission to publish the proposed regulatory language on February 1, 2018. On April 27, 2018, the proposed regulation was published in the Maryland Register. The MSDE received ten public comments and did not make any recommended changes to COMAR 13A.12.01.05 *General Requirements for Professional Certificates* because all teachers in Maryland are required to demonstrate mastery of basic math, reading, and writing skills.

During the June 20, 2018 SBOE meeting, members expressed concern that the previously proposed amendment, allowing those individuals that do not hold a bachelor's degree to have the ability to present credit bearing coursework to fulfill the basic skills requirement in lieu of an assessment, was a barrier to employing qualified individuals in career and technology programs. Based on the comments received and discussion that ensued, the MSDE proposed amended regulatory language to eliminate the basic skills test requirement for those individuals seeking certification in specialized and professional technical education who do not hold a bachelor's degree.

The SBOE granted permission to publish this regulation at the July 24, 2018 meeting. On September 13, 2018, the PSTEB granted permission to publish the proposed amendments to COMAR 13A.12.01.05 *General Requirements for Professional Certificates*. On November 9, 2018, the proposed regulations were published in the Maryland Register (Attachment I) through December 10, 2018. No public comments were received.

SUMMARY:

Proposed amendments to COMAR 13A.12.01.05 *General Requirements for Professional Certificate* eliminate the basic skills test requirement for those individuals seeking certification in specialized and professional technical education who do not hold a bachelor's degree.

ACTION:

Request adoption of amendments to COMAR 13A.12.01.05 *General Requirements for Professional Certificates*.

Attachment

Subtitle 12 CERTIFICATION

13A.12.01 General Provisions

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

Notice of Proposed Action

[18-307-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 July 24, 2018, meeting of the State Board of Education and at the September 13, 2018, meeting of the Professional Standards and Teacher Education Board. Also, at this time, the Maryland State Board of Education and the Professional Standards and Teacher Education Board are withdrawing the amendments to Regulation .05 under **COMAR 13A.12.01 General Provisions** that were proposed in 45:9 Md. R. 478 (April 27, 2018).

Statement of Purpose

The purpose of this action is to allow those individuals seeking certification in professional and technical education areas who do not hold a bachelor's degree to be exempt from the basic skills assessment requirement.

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 Certification and Program Approval, Maryland State Department of Education, 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 December 10, 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 January 22, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 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 which does not require a bachelor's degree is [required to submit] *exempt from submitting* evidence of qualifying scores as established by the State Superintendent of Schools on the teacher certification tests approved by the State Board of Education.

E. (text unchanged)

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

Subtitle 12 CERTIFICATION

13A.12.01 General Provisions

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

Notice of Proposed Action

[18-308-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 July 24, 2018, meeting of the State Board of Education and at the September 13, 2018, meeting of the Professional Standards and Teacher Education Board. Also, at this time, the Maryland State Board of Education and the Professional Standards and Teacher Education Board are withdrawing the amendments to Regulation .05 under **COMAR 13A.12.01 General Provisions** that were proposed in 45:9 Md. R. 478—479 (April 27, 2018).

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 Certification and Program Approval, Maryland State Department of Education, 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 December 10, 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 January 22, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 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 nontransferable between local school systems.*

D. *A local school system may not employ an individual who holds an adjunct certificate as a full-time employee of the local school system.*

E. *An applicant for an adjunct certificate shall:*