

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 14-095)

Overview and Legal and Fiscal Impact

These regulations alter certification requirements for administrators and local superintendents and establish reciprocity provisions for individuals who are certified as a superintendent in another state and are seeking certification as a local superintendent in Maryland.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

Certification: Administrators and Supervisors: COMAR 13A.12.04.02 and .03

Legal Analysis

Summary of Regulations

Regulation .02 renames the certification for employees of a local school system who are assigned to administrative or supervisory responsibilities not otherwise covered by board regulations as “Supportive Services Personnel” from the former “Assistants in Administration and Supervision.” This regulation alters existing qualifications for certification to require a bachelor’s degree of education in the area of responsibility from an institution of higher education. Certification is to be issued at the request of a local school superintendent. Certificate holders are required to meet the appropriate professional certificate requirements set forth in COMAR 13A.12.01.06B-E and earn six hours of specified continuing education units (CEUs), repealing the former exemption from CEUs for renewal.

Regulation .03 alters existing requirements for certification as a superintendent, deputy superintendent, association superintendent, assistant superintendent, or equivalent position by (1) repealing the existing requirement for meeting certification requirements as a teacher; (2) clarifying the requirement to have three years of satisfactory (rather than “successful”) teaching experience and two years of satisfactory administrative or supervisory experience in a pre-K through 12 school setting; and (3) replacing existing graduate education requirements with a new requirement to submit at least 24 credits of post-master’s graduate coursework in educational administration and supervision, including course work in specified areas. Finally,

Regulation .03 establishes reciprocity provisions for individuals seeking to obtain certification as a superintendent who is certified as a superintendent in another state.

Statutory Authority and Legislative Intent

The State Board of Education cites §§ 2-205, 2-303(g), and 6-701 through 6-705 of the Education Article as authority for these regulations. More specifically, §§ 2-303(g) and 6-704 of the Education Article are authority for these regulations. Subsection 2-303(g) requires the State Superintendent to certificate the professional personnel in each public school and § 6-704 requires the board and the Professional Standards and Teacher Education Advisory Board to develop regulations for the certification of teachers and other professional personnel and the requirements for preparation of teachers and other education personnel in accordance with the provisions of the Education Article.

This authority is correct and complete. These regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

Regulation .02B contained a typographical error as submitted to the committee. The relevant provision should read “[a]n application for certification as Supportive Services Personnel shall have a bachelor’s degree of education . . .” The board has been notified of this error.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs and advises any administrative impact on local school systems is anticipated to be minimal and absorbable.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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