

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education
(DLS Control No. 14-271)**

Overview and Legal and Fiscal Impact

These regulations make changes to the certification requirements for school counselors and school psychologists. The State Department of Education reports that these changes align out-of-state requirements and national standards with Maryland-specific requirements and standards.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

Certification: Specialists: COMAR 13A.12.03.02 and .08

Legal Analysis

Summary of Regulations

For school counselors, the regulations authorize specified performance requirements to be satisfied by practicum in school guidance and counseling, and authorize 500 clock hours in a supervised practicum in school counseling or school guidance and counseling to be an alternative to 2 years of satisfactory performance as a teacher or school counselor for applicants who hold a master's degree in school counseling or school guidance and counseling from an approved program under the Interstate Contract agreement for support services.

For school psychologists, the regulations alter specified education requirements by (1) replacing references to specific graduate degrees with a reference to requiring "a master's degree or higher" degree; (2) replacing references to specific educational programs with a reference to a "State-approved" program; (3) repealing requirements for specific areas of study; and (4) authorizing a valid professional certificate in school psychology from another state and verification of at least 27 months of satisfactory performance as a school psychologist during the past 7 years, on the basis of which application is being made for a comparable Maryland certificate, to suffice as the experience component requirement of certification.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The State Board of Education (State board) cites §§ 2-205, 2-303(g), and 6-101 through 6-104 and 6-701 through 6-706 of the Education Article as statutory authority. Section 2-205 requires the State board to determine the elementary and secondary educational policies of the State and to adopt regulations for the administration of the public schools. Section 2-303(g) requires the State Superintendent of Schools (superintendent) to certificate the professional personnel in public schools, subject to the authority of the Professional Standards and Teacher Education Board (PSTEB). Sections 6-101 through 6-104 require an individual to obtain a certificate before being employed as a county superintendent, assistant superintendent, supervisor, principal, or teacher in the State. Sections 6-701 through 6-706 establishes PSTEB and require regulations relating to the certification of teachers and other educational professionals to be developed jointly between the State board and PSTEB.

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

Special Note

The State board has cited § 2-301 of the Health Occupations Article as statutory authority for these regulations; however, § 2-301 relates to the regulation of audiologists, hearing aid dispensers, and speech-language pathologists in the State. In contrast, the State board may have intended to cite statutes in Title 17 (professional counselors and therapists) or Title 18 (psychologists) of the Health Occupations Article. The department has been informed of this inconsistency.

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.

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.

Contact Information

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