

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
State Board of Education
(DLS Control No. 16-108)**

Overview and Legal and Fiscal Impact

This regulation requires the holder of a school counselor certification to complete specified coursework, continuing professional development credit, or continuing education units relating to intervention and referrals for mental illness and behavioral distress before the current certificate may be renewed or reinstated.

This regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

State Board of Education:

Certification: Specialists: COMAR 13A.12.03.02

Legal Analysis

Background

This regulation implements new certification provisions for school counselors enacted by Chapter 467 of 2015. Chapter 467 requires the Professional Standards and Teacher Education Board to adopt regulations to implement the provisions beginning July 1, 2016.

Summary of Regulation

This regulation adds a new provision to regulations regarding the renewal or reinstatement of a certificate as a school counselor. This regulation requires the certificate holder, prior to renewal or reinstatement of the certificate, to complete the required coursework, continuing professional development credit, or continuing education units relating to the need for intervention or referral in response to specified indicators of mental illness and behavioral distress and the identification of professional resources and best practices for distributing resources to parents or guardians to help students in crisis.

Legal Issues

This regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The board cites §§ 2-205, 2-303(g), 6-101 through 6-104, and 6-704 through 6-706 of the Education Article and § 2-301 of the Health Occupations Article as statutory authority for this regulation. More specifically, § 6-704 requires the board and the State Board of Education to develop rules and regulations, in relevant part, regarding the certification of teachers and other professional personnel in accordance with the Education Article. Section 6-704.1 requires the board, by regulation, to require certificate holders applying for renewal of a certificate as a school counselor to have obtained, by a method determined by the board, the knowledge and skills required to understand and respond to the social, emotional, and personal development of students, including knowledge and skills relating to the recognition of indicators of mental illness and behavioral distress and the identification of professional resources to help students in crisis. The remaining cited authority is not relevant to this regulation.

The relevant cited authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs. The bill implements Lauryn's Law (House Bill 947 of 2015, enacted as Chapter 467), which requires that the Professional Standards and Teacher Education Board (PSTEB) – by July 1, 2016 – require a school counselor applying for renewal of a certificate to have obtained, by a method determined by PSTEB, the skills necessary to understand and respond to the social, emotional, and personal development of students. Specifically, a school counselor must have knowledge and skills relating to (1) the recognition of indicators of mental illness and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse and (2) the identification of professional resources to help students in crisis. The fiscal and policy note for that legislation noted that PSTEB could adopt the required standards for school counselors using existing resources.

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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Stacy M. Goodman – (410) 946/(301) 970-5350

Fiscal Analysis: Caroline L. Boice – (410) 946/(301) 970-5510