

By: Delegate Workman

Requested: August 10, 1995

Introduced and read first time: January 10, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Professional Educators - Certification**

3 FOR the purpose of transferring full authority over the certification of certain school
4 personnel to the Professional Standards and Teacher Education Board; altering the
5 composition of the Board; authorizing the State Superintendent of Schools to waive
6 certain requirements for a teacher certificate under certain circumstances; and
7 generally relating to the certification of certain school personnel by the Professional
8 Standards and Teacher Education Board.

9 BY repealing and reenacting, without amendments,
10 Article - Education
11 Section 6-701 and 6-702
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Education
16 Section 6-703 and 6-704(a)
17 Annotated Code of Maryland
18 (1992 Replacement Volume and 1995 Supplement)

19 BY adding to
20 Article - Education
21 Section 6-709
22 Annotated Code of Maryland
23 (1992 Replacement Volume and 1995 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article - Education**

27 6-701.

28 (a) In this subtitle the following words have the meanings indicated.

2

1 (b) "Board" means the Professional Standards and Teacher Education Board.

2 (c) "Review board" means the entity composed of, and appointed by, the
3 Professional Standards and Teacher Education Board under § 6-707 of this subtitle.

4 6-702.

5 There is a Professional Standards and Teacher Education Board in the State
6 Department of Education.

7 6-703.

8 (a) (1) The Board consists of 25 members.

9 (2) Of the 25 Board members:

10 (i) [8] EIGHT shall be public school classroom teachers, as follows:

11 1. [6] SIX shall be chosen from a list of nominees provided by
12 the statewide teachers' organization representing a majority of teachers in the State for
13 collective bargaining purposes; and

14 2. [2] TWO shall be chosen from a list of nominees provided by
15 a statewide teachers' organization representing teachers in at least one jurisdiction within
16 the State for collective bargaining purposes other than the majority organization provided
17 for in item 1 of this subparagraph;

18 (ii) [1] ONE shall be a certified nonpublic school classroom teacher,
19 chosen from a list of nominees provided by the Association of Independent Schools;

20 (iii) [6] SIX shall be teacher education faculty members from colleges
21 of the State, chosen from a list of nominees provided by:

22 1. The Maryland Association of Teacher Educators; and

23 2. The Maryland Association of Colleges of Teacher Education;

24 (iv) [4] FOUR shall be administrative or supervisory staff members of
25 public schools, as follows:

26 1. [2] TWO shall be chosen from a list of nominees provided by
27 the Public School Superintendents' Association of Maryland;

28 2. [1] ONE shall be chosen from a list of nominees provided by
29 the Maryland Association of Secondary Principals; and

30 3. [1] ONE shall be chosen from a list of nominees provided by
31 the Maryland Association of Elementary School Administrators;

32 (v) [2] TWO shall be [administrative or supervisory staff of the
33 approved nonpublic schools of the State,] chosen from [a list of nominees provided by
34 the Association of Independent Schools] THE MEMBERS OF THE MARYLAND STATE
35 BOARD OF EDUCATION;

3

1 (vi) [1] ONE shall be a member of a local board of education, chosen
2 from a list of nominees provided by the Maryland Association of Boards of Education;

3 (vii) [2] TWO shall be representatives of the general public, as follows:

4 1. [1] ONE shall be chosen from a list of nominees provided by
5 the Speaker of the House of Delegates of Maryland; and

6 2. [1] ONE shall be chosen from a list of nominees provided by
7 the President of the Senate of Maryland; and

8 (viii) [1] ONE shall be the State Superintendent or a designee of the
9 State Superintendent.

10 (3) The Board shall include all the members of the ProfessionalStandards
11 and Teacher Education Advisory Board serving on July 1, 1991.

12 (b) (1) The Governor, with the advice and consent of the Senate of Maryland,
13 shall appoint the members of the Board described in subsection (a)(2)(i) through (vii) of
14 this section.

15 (2) In making the appointments required under this subsection, the
16 Governor shall ensure that the Board is representative of:

17 (i) The geographic regions of the State; and

18 (ii) Minority populations of the State as defined in § 9-301 of the State
19 Government Article.

20 (c) (1) The term of an appointed member is 3 years.

21 (2) The terms of the appointed members are staggered as required by the
22 terms provided for members of the Board on October 1, 1991.

23 (3) At the end of a term, a member continues to serve until a successor is
24 appointed.

25 (4) A member who is appointed after a term has begun serves only for the
26 remainder of the term and until a successor is appointed and qualifies.

27 (d) The Governor may remove a member for incompetence or misconduct.

28 (e) From among its members, the Board annually shall elect a chairman.

29 (f) A majority of the members of the Board then serving on the Board is a
30 quorum.

31 (g) The staff for the Board shall be provided by the State Board.

32 6-704.

33 (a) (1) In accordance with Title 10, Subtitle 1 of the State Government Article,
34 [both the State Board and] the Board shall [develop for consideration] ADOPT rules
35 and regulations CONSISTENT WITH THE GOALS OF THE STATE BOARD OF EDUCATION
36 for:

4

1 (i) The certification of teachers and other professional personnel in
2 accordance with this article; and

3 (ii) Requirements for preparation of teachers and other education
4 personnel.

5 [(2) Rules and regulations developed by the State Board shall be reviewed by
6 the Board.

7 (3) Rules and regulations developed by the Board shall be reviewed by the
8 State Board.

9 (4) Rules and regulations that are initiated by either the State Board or the
10 Board and submitted for review to each other shall be acted upon within 60 days of their
11 receipt by the other party.

12 (5) Recommendations on rules and regulations that are initiated by the
13 Board shall be implemented unless disapproved by three-fourths of the members of the
14 State Board.

15 (6) Recommendations on rules and regulations that are initiated by the
16 State Board shall be implemented unless disapproved by the Board.

17 (7) If the rules or regulations are disapproved under paragraph (6) of this
18 subsection, the rules or regulations shall be implemented if they are approved by
19 three-fourths of the members of the State Board.]

20 [(8)] (2) An individual who is otherwise qualified may not be denied the
21 right to receive credentials from the Board, to receive training to become a teacher, or to
22 practice teaching in any school because that individual is totally or partially blind.

23 [(9)] (3) A county board may not refuse to contract with or engage a
24 teacher because of blindness if the blind teacher is capable of performing the duties of
25 the position for which he has applied.

26 [(10)] (4) The right of a school psychologist, who is certified by the Board to
27 practice school psychology consistent with the provisions of that certification, may not be
28 limited by Title 18 of the Health Occupations Article with respect to the practice of
29 school psychology in an educational institution.

30 6-709.

31 EXCEPT FOR A REQUIREMENT FOR A TEACHER CERTIFICATION TEST, THE
32 STATE SUPERINTENDENT HAS THE AUTHORITY TO WAIVE SPECIFIC REQUIREMENTS
33 FOR A CERTIFICATE IN AN INDIVIDUAL CASE, IF THE STATE SUPERINTENDENT
34 DETERMINES, AFTER THOROUGH INVESTIGATION, THAT THE APPLICANT'S
35 PREPARATION OR EXPERTISE, OR BOTH, ARE ADEQUATE TO JUSTIFY A WAIVER.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1996.