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By: **Delegate Workman**

Introduced and read first time: February 13, 1998

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Professional Educators - Certification**

3 FOR the purpose of abolishing the Professional Standards and Teacher Education  
4 Board; creating a new Professional Standards and Teacher Education Board;  
5 specifying the composition of the Board and certain qualifications of a certain  
6 member; specifying the terms of the members; providing that the Board shall  
7 have no authority over nonpublic schools; transferring full authority to the  
8 Board to propose rules and regulations concerning the certification of certain  
9 school personnel; requiring the State Board of Education to review the proposed  
10 rules and regulations; requiring the State Board to adopt the proposed rules and  
11 regulations unless certain circumstances exist; and generally relating to the  
12 certification of certain school personnel by the Professional Standards and  
13 Teacher Education Board.

14 BY repealing and reenacting, without amendments,  
15 Article - Education  
16 Section 6-701 and 6-702  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 1997 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Education  
21 Section 6-703 and 6-704  
22 Annotated Code of Maryland  
23 (1997 Replacement Volume and 1997 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.

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] 12 REGULAR members AND ONE TEACHER  
9 EDUCATION STUDENT MEMBER.

10 (2) Of the [25] 12 Board members:

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

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

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

19 3. ONE SHALL BE SELECTED FROM ANY PUBLIC SCHOOL  
20 SYSTEM IN THE STATE.

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

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

25 1. The Maryland Association of Teacher Educators; and

26 2. The Maryland Association of Colleges of Teacher  
27 Education;

28 (iv) [4] ONE shall be A SCHOOL-BASED administrative or  
29 supervisory staff [members] MEMBER of A public [schools, as follows:

30 1. 2 shall be] SCHOOL chosen from a list of nominees  
31 provided by the Public School Superintendents' Association of Maryland;

32 2. 1 shall be chosen from a list of nominees provided by the  
33 Maryland Association of Secondary Principals; and



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

3 (5) A MEMBER IS ELIGIBLE FOR REAPPOINTMENT BUT MAY NOT SERVE  
4 FOR MORE THAN TWO FULL 3-YEAR TERMS.

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

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

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

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

10 6-704.

11 (a) (1) In accordance with Title 10, Subtitle 1 of the State Government  
12 Article, [both the State Board and] the Board shall [develop for consideration]  
13 PROPOSE rules and regulations, CONSISTENT WITH FORMALLY ADOPTED GOALS OF  
14 THE STATE BOARD OF EDUCATION FOR STUDENT ACHIEVEMENT, for:

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

17 (ii) Requirements for preparation of teachers and other education  
18 personnel.

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

21 (3) Rules and regulations developed by the Board shall be reviewed by  
22 the State Board.]

23 (2) PROPOSED RULES AND REGULATIONS DEVELOPED BY THE BOARD  
24 SHALL BE REVIEWED, WITHIN 60 DAYS OF THEIR RECEIPT, BY THE STATE BOARD AND  
25 TWO OR MORE REPRESENTATIVES OF THE BOARD.

26 (3) FOLLOWING THE REQUIRED REVIEW AND DISCUSSION, PROPOSED  
27 RULES AND REGULATIONS DEVELOPED BY THE BOARD SHALL BE IMPLEMENTED  
28 UNLESS RETURNED TO THE BOARD BY REASON OF INCOMPATIBILITY WITH ADOPTED  
29 GOALS OF THE STATE BOARD. A JOINT MEETING OF THE BOARD AND THE STATE  
30 BOARD SHALL BE CONVENED WITHIN 30 DAYS OF ANY SUCH RETURN FOR THE  
31 PURPOSE OF RESOLVING SUCH INCOMPATIBILITY.

32 (4) [Rules and regulations that are initiated by either the State Board or  
33 the Board and submitted for review to each other shall be acted upon within 60 days  
34 of their receipt by the other party.] RULES AND REGULATIONS PROPOSED BY THE  
35 BOARD AND CONFIRMED BY A MAJORITY VOTE OF THE BOARD FOLLOWING THE  
36 PRESCRIBED JOINT MEETING

1            [(5)     Recommendations on rules and regulations that are initiated by the  
2 Board] shall be implemented unless disapproved by [three-fourths of the] EIGHT  
3 members of the State Board, NOT INCLUDING THE STUDENT MEMBER. THE STATE  
4 BOARD'S AUTHORITY TO DISAPPROVE SHALL BE BASED SOLELY ON THE STATE  
5 BOARD'S ABILITY TO SUBSTANTIATE THAT THE RECOMMENDED RULES OR  
6 REGULATIONS CONSTITUTE A LOWERING AND REDUCTION OF EXISTING  
7 STANDARDS.

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

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

13           [(8)]     (5)     An individual who is otherwise qualified may not be denied the  
14 right to receive credentials from the Board, to receive training to become a teacher, or  
15 to practice teaching in any school because that individual is totally or partially blind.

16           [(9)]     (6)     A county board may not refuse to contract with or engage a  
17 teacher because of blindness if the blind teacher is capable of performing the duties of  
18 the position for which [he] THE TEACHER has applied.

19           [(10)]   (7)     The right of a school psychologist, who is certified by the Board  
20 to practice school psychology consistent with the provisions of that certification, may  
21 not be limited by Title 18 of the Health Occupations Article with respect to the  
22 practice of school psychology in an educational institution.

23           (b)     The Board may establish a fee, not to exceed \$10, for issuance or renewal of  
24 a teacher certificate. The Board may not require a fee:

25           (1)     For the addition of any new area of certification to a currently valid  
26 certificate; or

27           (2)     Except for the fee authorized under this subsection, for the  
28 evaluation of credentials for the certification of teachers.

29           (C)     THE BOARD SHALL HAVE NO AUTHORITY OVER NONPUBLIC ELEMENTARY  
30 AND SECONDARY SCHOOLS.

31           (D)     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. THE  
36 SUPERINTENDENT SHALL MAKE QUARTERLY REPORTS TO THE BOARD ON THE  
37 NUMBER OF WAIVERS GRANTED BY SUBDIVISION AND THE REASONS FOR GRANTING  
38 THEM.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Professional  
2 Standards and Teacher Education Board, as it existed immediately prior to the  
3 effective date of this Act, is hereby abolished. Members of the abolished Board are  
4 eligible for appointment to the new Board created under this Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 1998.