
By: **Chairman, Ways and Means Committee (By Request - Departmental - Education)**

Introduced and read first time: January 21, 2004

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Professional Educator Certification Fund**

3 FOR the purpose of establishing the Professional Educator Certification Fund;
4 authorizing the State Department of Education to set certain fees; requiring the
5 Department to pay certain fees to the Comptroller; requiring the Comptroller to
6 distribute certain fees to the Fund; describing certain purposes of the Fund;
7 making the Fund continuing and nonlapsing; providing that unspent portions of
8 the Fund may not be transferred or reverted to the General Fund of the State;
9 providing that the Fund is subject to audit by the legislative auditor; and
10 generally relating to public education and the Professional Educator
11 Certification Fund.

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 6-704
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2003 Supplement)

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

19 **Article - Education**

20 6-704.

21 (a) (1) In accordance with Title 10, Subtitle 1 of the State Government
22 Article, both the State Board and the Board shall develop for consideration rules and
23 regulations for:

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

26 (ii) Requirements for preparation of teachers and other education
27 personnel.

1 (2) Rules and regulations developed by the State Board shall be reviewed
2 by the Board.

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

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

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

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

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

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

19 (9) A county board may not refuse to contract with or engage a teacher
20 because of blindness if the blind teacher is capable of performing the duties of the
21 position for which he has applied.

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

26 (b) (1) THERE IS A PROFESSIONAL EDUCATOR CERTIFICATION FUND.

27 [(1)] (2) The [Board] DEPARTMENT may establish a fee, not to exceed
28 [\$10] \$75, for issuance or renewal of [a teacher certificate] CERTIFICATES FOR
29 TEACHERS AND OTHER PROFESSIONAL PERSONNEL.

30 [(2)] (3) The [Board] DEPARTMENT may not require a fee:

31 (i) For the addition of any new area of certification to a currently
32 valid certificate; or

33 (ii) Except for the fee authorized under this subsection, for the
34 evaluation of credentials for the certification of teachers OR OTHER PROFESSIONAL
35 PERSONNEL.

1 (4) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO
2 APPROXIMATE THE COST OF MAINTAINING THE FUNCTIONS NECESSARY TO ISSUE
3 AND RENEW CERTIFICATES FOR TEACHERS AND OTHER PROFESSIONAL EDUCATOR
4 PERSONNEL.

5 (5) THE DEPARTMENT SHALL PAY ALL FEES COLLECTED UNDER THIS
6 SECTION TO THE COMPTROLLER OF THE STATE.

7 (6) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE
8 PROFESSIONAL EDUCATOR CERTIFICATION FUND.

9 (C) (1) THE PROFESSIONAL EDUCATOR CERTIFICATION FUND SHALL BE
10 USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF
11 FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE DEPARTMENT WITH
12 RESPECT TO THE ISSUANCE AND RENEWAL OF CERTIFICATES FOR TEACHERS AND
13 OTHER PROFESSIONAL EDUCATORS.

14 (2) THE FUND IS A CONTINUING, NONLAPSING FUND, NOT SUBJECT TO §
15 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

16 (3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED
17 OR REVERTED TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE
18 FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS SECTION.

19 (D) THE PROFESSIONAL EDUCATOR CERTIFICATION FUND IS SUBJECT TO
20 AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED UNDER § 2-1220 OF THE STATE
21 GOVERNMENT ARTICLE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect July 1, 2004.