
By: **Delegates Frank, Aumann, and Boteler**
Introduced and read first time: February 12, 2004
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Education - School Social Workers - Certification**

3 FOR the purpose of exempting certain school social workers from certain licensing
4 requirements; authorizing the State Department of Education to certify certain
5 individuals as school social workers; and generally relating to school social
6 workers.

7 BY repealing and reenacting, with amendments,
8 Article - Health Occupations
9 Section 19-301
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2003 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Education
14 Section 1-101(l) and 6-701(b)
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2003 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Education
19 Section 6-704
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2003 Supplement)

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

24 **Article - Health Occupations**

25 19-301.

26 (a) Except as otherwise provided in this title, an individual shall be:

1 (1) Licensed by the Board before the individual may practice social work
2 in this State while representing oneself as a social worker;

3 (2) Licensed as a certified social worker-clinical before the individual
4 may practice clinical social work in this State.

5 (b) This section does not apply to:

6 (1) An individual employed by any agency of the federal government
7 while performing the duties of that employment, unless the individual chooses to
8 apply for a license under this subtitle;

9 (2) AN INDIVIDUAL EMPLOYED BY THE BOARD OF EDUCATION OF A
10 COUNTY OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, IF THE
11 INDIVIDUAL IS ENGAGED IN EDUCATION-RELATED SERVICES DESCRIBED IN
12 REGULATIONS ADOPTED BY THE STATE DEPARTMENT OF EDUCATION THAT ARE
13 PERFORMED BY A CERTIFIED SCHOOL SOCIAL WORKER;

14 [(2)] (3) An individual licensed as a social worker in another state
15 while responding to an emergency in this State; or

16 [(3)] (4) An individual who:

17 (i) Is licensed to practice social work in any other state or possesses
18 social work qualifications in another jurisdiction comparable to § 19-302 of this
19 subtitle;

20 (ii) Has an application for a license pending before the Board; and

21 (iii) Meets requirements established by the Board in regulations.

22 (c) An individual may not practice social work without a license under
23 subsection (b)(3) of this section for more than 6 months.

24 **Article - Education**

25 1-101.

26 (l) "State Board" means the State Board of Education.

27 6-701.

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

29 6-704.

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

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
6 by the Board.

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

9 (4) Rules and regulations that are initiated by either the State Board or
10 the Board and submitted for review to each other shall be acted upon within 60 days
11 of their 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
14 the 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
18 this 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) An individual who is otherwise qualified may not be denied the right
21 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) A county board may not refuse to contract with or engage a teacher
24 because of blindness if the blind teacher is capable of performing the duties of the
25 position for which he has applied.

26 (10) 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
28 be limited by Title 18 of the Health Occupations Article with respect to the practice of
29 school psychology in an educational institution.

30 (11) THE STATE BOARD AND THE BOARD MAY ADOPT REGULATIONS FOR
31 THE CERTIFICATION OF SCHOOL SOCIAL WORKERS.

32 (b) (1) The Board may establish a fee, not to exceed \$10, for issuance or
33 renewal of a teacher certificate.

34 (2) The Board may not require a fee:

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect October 1, 2004.