

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 14-073)

Overview and Legal and Fiscal Impact

These regulations revise the current system of credentialing professional education personnel by the State Board of Education by distinguishing between a “certificate” and a “license.”

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

Certification: General Provisions: COMAR 13A.12.01.01-.13

Legal Analysis

Background

The Professional Standards and Teacher Education Board (PSTEB) is a 25-member board consisting of classroom teachers from public and nonpublic schools, administrative and supervisory staff members of public and nonpublic schools, a representative from a local board of education, the State Superintendent of Schools or the State Superintendent’s designee, and members of the general public. In cooperation and collaboration with the State board, PSTEB must develop regulations for the certification and preparation of teachers and other education personnel.

Summary of Regulations

The regulations revise the current system of credentialing professional education personnel. In order to establish a distinction between individuals who must have certification (*i.e.*, public school teachers, individuals employed by a local school system, etc.) and individuals who may, but are not required, to have certification (*i.e.*, nonpublic school teachers, out-of-state teachers, etc.), the credential is altered to continue to be a “certificate” or to become a “license,” respectively. Individuals who hold a certificate must have a professional development plan and

maintain satisfactory performance on annual evaluations, among other requirements; individuals who hold a license do not have these same requirements.

Additionally, the regulations (1) alter the requirements relating to an Initial Professional Certificate, granted before an individual becomes employed or tenured by a local school system; (2) alter the requirements relating to continuing professional development and the requisite continuing education units for renewal; and (3) clarify and add definitions, eliminate inconsistencies in citations, and align the issuance dates of credentials with current practice (and the school year).

Statutory Authority and Legislative Intent

The State board cites §§ 2-205, 2-303(g), and 6-701 through 6-705 of the Education Article and § 10-119.3 of the Family Law Article as statutory authority for the regulations. Specifically, § 2-205 requires the State board to determine the elementary and secondary educational policies of the State and to adopt regulations for the administration of the public schools, and § 2-303(g) requires the State board to certificate the professional personnel in each public school, subject to the authority of PSTEB.

This authority is correct and complete. The regulations comply 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 regulations have no impact on State or local governments. The regulations clarify the differences between certificates and licenses, and they modify the qualifications for some certificates and licenses. The validity periods and processing fees are not changed; thus, there is no fiscal impact.

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 regulations have minimal or no economic impact on small businesses in the State.

Contact Information

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