

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Board of Education**  
(DLS Control No. 15-086)

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## **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-.14

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## **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.

Similar regulations were proposed on May 30, 2014; however, in order to better align the proposed regulations with Maryland’s Race to the Top application and to incorporate substantive changes offered by PSTEB following publication, those regulations are being withdrawn.

### **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) clarify that an individual denied a credential may appeal that decision; (2) authorize an applicant's test to continue to be valid for three years if it is a previously accepted test that is no longer being accepted; (3) alter requirements relating to an Initial Professional Certificate; (4) clarify when certificates should be issued in light of the holding of another certificate that has not yet expired; and (5) clarify the requirements of reinstatement of a credential.

## **Legal Issue**

The regulations present no legal issues of concern.

## **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. Section 2-205 of the Education Article 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. Section 2-303(g) requires the State Superintendent to certify the professional personnel in each public school, subject to the bylaws, rules, and regulations of PSTEB. Sections 6-701 through 6-705 specify the composition, terms, powers, and duties of PSTEB. Specifically, § 6-704 requires both the State board and PSTEB to develop regulations for the certification of teachers and other professional personnel and sets forth procedures by which regulations are reviewed by both the State board and PSTEB. Section 6-705 authorizes the State Superintendent to provide for reciprocity when certifying teachers.

Section 10-119.3 of the Family Law Article specifies the responsibilities of a licensing agency, including the State Department of Education, in providing information and suspending, denying, or reinstating the license of an individual with child support arrearage.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Technical Corrections and Special Notes**

The State board has been advised that the tabulation in 13A.12.01.13 is unclear and has agreed to make changes to this regulation for clarity.

## **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 Department of Legislative Services concurs as the regulations do not alter credentialing fees or deadlines.

## **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. The Department of Legislative Services concurs.

## **Contact Information**

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