

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
State Board of Education**
(DLS Control No. 18-053)

Overview and Legal and Fiscal Impact

This regulation expands the approved options for fulfilling the certification standards for education personnel by adding (1) National Board Certification for certain professional certificate applicants; and (2) completion of a specified process and requirements for adjunct teacher certificate applicants.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

State Board of Education:

Certification: General Provisions: COMAR 13A.12.01.04

Legal Analysis

Background

Teachers, specialists, administrators, and supervisors in Maryland public schools, certain school programs operated by State agencies, and certain special education programs in nonpublic schools must hold certificates indicating that they have the qualifications and appropriate training to execute their professional responsibilities.

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 of Education, PSTEB must develop regulations for the certification and preparation of teachers and other education personnel. More specifically, if PSTEB initiates a regulatory change, the State board must review the change before the change may be adopted and vice versa. The State Department of Education advises that this regulation was considered at the PSTEB meeting on February 1, 2018 and at the State board meeting on January 30, 2018.

In a concurrent action, the PSTEB and the State board are proposing to add a regulation, COMAR 13A.12.01.08-1, which would provide for the circumstances under which the department may issue an adjunct certificate. The concurrent action was also considered at the PSTEB meeting on February 1, 2018 and at the State board meeting on January 30, 2018.

Summary of Regulation

This regulation adds to the options for fulfilling the standards for obtaining initial Maryland certification for teachers and other personnel educating students. Specifically, the regulation adds an option that an applicant may qualify for professional certification by earning a National Board Certification from the National Board for Professional Teaching Standards if the certification is comparable to a Maryland certificate. It also adds an option providing that a local school system may request an adjunct certificate for an applicant who meets the requirements of COMAR 13A.12.01.08-1, but does not meet the requirements for a professional certificate.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department 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 regulation. 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 public schools. Section 2-303(g) requires the State Superintendent to certificate the professional personnel in each public school in accordance with the Education Article and subject to the authority of PSTEB. Sections 6-701 through 6-704 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. The remaining cited authority is not relevant to this regulation.

The relevant cited authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

The department advises that it will make a correction to the Notice of Proposed Action to reflect that the State board is the agency proposing the amendments to the regulation.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs; however, local school systems may have greater flexibility in hiring teachers that meet the conditions of the regulation.

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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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