

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
State Board of Education
(DLS Control No. 18-071)**

Overview and Legal and Fiscal Impact

This regulation alters an exception that allows an individual who does not possess a bachelor's or higher degree to apply for certification to teach in certain specialized areas by (1) updating and adding to the specialized areas; and (2) authorizing the individual to submit certain coursework as an alternative to qualifying scores on a specified basic skills test.

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.12.01.05

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. Currently, there are several options for school personnel to obtain certification, including by obtaining a professional certificate.

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 PSTEB, at a meeting on February 1, 2018, and the State board, at a meeting on January 30, 2018, considered a suite of regulations relating to expanding options for individuals with certain skills to be able to be qualified to hold adjunct or professional certificates. In addition to this regulation, the provisions that were considered included regulations that (1) alter the options for fulfilling the certification standards for education personnel by adding National Board Certification for certain professional certificate applicants and completion of certain requirements for adjunct certificate applicants; and (2) establish the standards and circumstances under which the State Department of Education may issue an adjunct certificate. These concurrent proposals are discussed further in the analyses for DLS Control Nos. 18-053 and 18-072.

Summary of Regulation

This regulation alters an exception that allows an individual who does not possess a bachelor's or higher degree to apply for certification in a specialized area that does not require a bachelor's degree by submitting evidence of qualifying scores on a certain basic skills test. The regulation alters the specialized areas in which the option is available by substituting "professional and technical education area" for "career and technology education area" and adding "specialized professional area." The regulation also adds a provision allowing the applicant to submit, as an alternative to the test scores, three semester hours of credit bearing course work with a grade of C or better in both math and English language arts.

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 6-706 of the Education Article as statutory authority for the regulation. Section 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 public schools. Section 2-303(g) requires the State Superintendent to certify 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. Section 6-706 authorizes the PSTEB to adopt regulations to carry out the provisions of the PSTEB subtitle.

This authority is correct and complete. The regulation complies 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 regulation has no fiscal impact on State or local governments; however, local school systems may have greater flexibility in hiring teachers to teach in the area of Professional and Technical Education. The Department of Legislative Services concurs.

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.

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