

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
State Board of Education**  
(DLS Control No. 18-073)

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## **Overview and Legal and Fiscal Impact**

This regulation alters the requirements for certification of pupil personnel workers to allow the substitution of related experience for any of the required years of teaching experience, if recommended by a local superintendent of schools.

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: Specialists: COMAR 13A.12.03.04

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## **Legal Analysis**

### **Background**

The State Department of Education describes “pupil personnel workers” as specialists trained to assess student needs, serve as student advocates, and act as a motivating force in removing barriers to student achievement. Pupil personnel workers serve primarily as advocates for all students and as consultants to school staff, parents, and guardians on a variety of issues such as attendance, discipline, counseling, residency, homelessness, and crisis support for schools. Pupil personnel workers also serve as liaisons between departments within local school systems, as well as a referral source to outside agencies and community resources.

Under current regulations, in addition to meeting the general requirements for professional certification, an applicant for certification as a pupil personnel worker must have a master’s degree in pupil personnel or a related field, 21 semester hours of graduate credit or State-approved continuing professional development credits (CPDs) in specified areas, 3 semester hours or State-approved CPDs in inclusion of special needs student populations, and 3 years of teaching experience. If recommended by a local superintendent of schools, 2 years of related experience may be substituted for 2 years of the required teaching experience.

According to the department, applicants for certification as pupil personnel workers often are certified in other specialist areas (such as school counseling or social work), but do not have teaching experience. As a result, the department receives, and routinely approves, many requests for waivers allowing experience in a specialist area to be substituted for all 3 years of required teaching experience.

The Professional Standards and Teacher Education Board (PSTEB) granted permission to publish this regulation after consideration at its meeting on December 7, 2017. The State board granted permission to publish the regulation after consideration at its meeting on January 30, 2018.

### **Summary of Regulation**

This regulation alters the requirements that must be met for certification of pupil personnel workers to allow, if recommended by a local superintendent of schools, the substitution of related experience for any of the required years of teaching experience.

### **Legal Issues**

The regulation presents no legal issues of concern.

### **Statutory Authority and Legislative Intent**

The department cites §§ 2–205, 2–303(g), 6–103, and 6–701 through 6–706 of the Education Article as statutory authority for the regulation. More 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. 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 regulations of the PSTEB. Section 6–704 requires the State board and PSTEB to develop regulations for the certification of teachers and other professional personnel and requirements for the preparation of teachers and other education personnel. This section also requires the State board to review regulations developed by PSTEB and vice versa. 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.

### **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 pupil personnel workers.

## **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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