

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
State Board of Education**  
(DLS Control No. 18-294)

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**Overview and Legal and Fiscal Impact**

This regulation establishes the standards and circumstances under which the State Department of Education may issue an adjunct certificate to an individual who is employed by a local school system to teach part time in an area requiring specialized content expertise.

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.12.01.08-1

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**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. Under current regulations, however, there is not a certification option that would allow an individual with highly specialized content expertise, who is not working toward professional certification as a full-time teacher, to be employed as a classroom teacher. According to the department, several local school systems that are not currently able to offer specialty and professional technical programs in critical staffing shortage areas have expressed interest in the development of an adjunct 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 State board, at a meeting on January 30, 2018, and the PSTEB, at a meeting on February 1, 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. Among the provisions that were considered was a proposal to add COMAR 13A.12.01.08–1, which created standards and circumstances under which the department may issue an adjunct certificate to an individual who is employed by a local school system to teach part time in an area requiring specialized content expertise (see DLS Control No. 18-072). That regulation was published in the *Maryland Register* on April 27, 2018. In response to public comments, the State board and the PSTEB by this action are withdrawing that regulation and proposing a revised regulation that no longer requires the adjunct to have a bachelor’s degree or higher, but requires that they have a high school diploma or its equivalent. This regulation was considered at the July 24, 2018 meeting of the State board and at the September 13, 2018 PSTEB meeting.

### **Summary of Regulation**

This regulation authorizes the department to issue an adjunct certificate and establishes the requirements for issuing the certificate. Specifically, the regulation:

- authorizes the department to issue an adjunct certificate on the request of a local school system superintendent or an education director of a nonpublic school that is approved by the State board to provide a specified educational program;
- specifies that a request for an adjunct certificate must contain specific information about the applicant, the applicant’s credentials, the course that the applicant will teach, and the reasons why the position cannot be filled by a qualified certificate holder;
- prohibits the transfer of an adjunct certificate between local school systems;
- prohibits a local school system from employing a holder of an adjunct certificate as a full time employee;
- specifies that an individual, in order to qualify for an adjunct certificate, must hold a high school diploma or its equivalent, hold an industry license if applicable, and have 5 years of occupational experience in the field to be taught;
- specifies that a local school system must provide to an adjunct certificate holder that it employs a professionally certificated mentor, side-by-side coaching or co-teaching with a professionally certificated teacher, a minimum of 45 hours of professional development, and evaluations of the individual’s teaching effectiveness; and
- provides that an adjunct certificate is valid for 1 year and may be renewed on request of the local school system.

## **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 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. 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. The Department of Legislative Services concurs and notes that, although there is no fiscal impact, local school systems may choose to fill teaching positions using an adjunct certificate to offer different course offerings than would otherwise be available to students.

### **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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