

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Board of Education**  
(DLS Control No. 21-185)

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

These regulations repeal the current requirements for educator certification in the State and replace them with new licensing requirements.

The regulations present no legal issues of concern.

There is no material fiscal impact on State or local agencies.

## **Regulations of COMAR Affected**

### **State Board of Education:**

Certification: General Provisions: COMAR 13A.12.01.01 through .06

Teachers: COMAR 13A.12.02.01 through .07

Specialists: COMAR 13A.12.03.01 through .05

Administrators and Supervisors: COMAR 13A.12.04.01 through .15

Suspensions and Revocations: COMAR 13A.12.05.01 through .15

Disciplinary Actions and Denials: COMAR 13A.12.06.01 through .09

Professional Standards and Teacher Education Board: COMAR 13A.12.07.01 through .08

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## **Legal Analysis**

### **Background**

The State Board of Education (State board) and the Professional Standards and Teacher Education Board (PSTEB) state that the purpose of the regulations is to conform the licensing of educators with recommendations from the Blueprint for Maryland's Future and the Teacher Induction, Retention, and Advancement Final Report, published in 2017. Since the publication of that report, however, the General Assembly has enacted its own statutory version of "the Blueprint" in Chapters 36 and 55, Acts of 2021.

### **Summary of Regulations**

The regulations repeal and reenact in their entirety Subtitle 12 of the State board's regulations concerning educator licensure. The regulations enact new chapters on: (1) licensure in general; (2) licensure for teachers; (3) licensure for professional and technical education and

specialized areas for fine arts; (4) licensure for specialists, including school counselors, media specialists, pupil personnel workers, reading specialists, reading teachers, psychometrists, school psychologists, therapists, school social workers, and gifted and talented specialists; (5) licensure for administrators and supervisors; (6) the process for disciplinary actions and denials; and (7) the process for appeals to the PSTEB Review Board.

For each category of licensure, the regulations set forth the types of licenses, the requirements and terms of the licenses, procedures for license application, pathways to obtaining each license, renewal requirements and procedures, requirements for individual professional development plans, methods of obtaining professional development points that are required by the professional development plans, and, for teaching licenses, information on how to obtain teaching endorsements.

The chapter on disciplinary actions and denials sets forth the reasons for suspending or revoking an educator license and the administrative procedures for suspending or revoking a license as well as procedures for reinstatement of a license.

The chapter on PSTEB states that the State board and PSTEB shall develop regulations for licensure of teachers and other education personnel as well as regulations for the preparation of teachers and other education personnel. The chapter also sets forth the scope of the PSTEB Review Board along with appeal procedures.

Although these regulations are not necessarily in direct conflict with Chapters 36 and 55, Acts of 2021, more work needs to be done to bring the regulations in line with statute. The multiple pathways to teacher licensure outlined in these regulations are not in alignment with the new career ladder requirements of the Blueprint. The State board has been given until July 1, 2024, in Chapter 55 to develop a “new system of professional development” that is tied to the career ladder concept set forth in statute.

## **Legal Issues**

The regulations present no legal issue of concern.

## **Statutory Authority and Legislative Intent**

The State board and PSTEB cite §§ 2-205, 2-303(g), 6-701 through 6-708, 8-3A-03, and 8-701 through 8-708 of the Education Article and § 10-119.3 of the Family Law Article as statutory authority for these regulations. Section 2–205, among other things, requires that the State board adopt regulations for the administration of public schools. Section 2-303(g) authorizes the State Superintendent of Schools to certificate all professional personnel in schools, subject to the regulations adopted by PSTEB. Sections §§ 6–701 through 6–708 establish PSTEB and authorize the board under §§ 6-704 and 6-706 to adopt regulations to carry out the professional credentialing of school personnel. Section 8-3A-03 authorizes the State Department of Education to meet the educational needs of deaf children. Sections 8-701 through 8-708 concern the establishment and operation of residential boarding programs for at risk youth. Not cited by the State board, but presumably intended are the other two sections from Title 8, Subtitle 7, §§ 8-709 and 8-710.

Section 10-119.3 of the Family Law Article concerns the suspension or denial of certain licenses for failure to pay child support.

Not cited as authority are §§ 6-1001 through 6-1013 of the Education Article, enacted as part of Chapters 36 and 55, Acts of 2021, which set forth the new requirements related to a career ladder for teachers in the State. However, the provisions of that subtitle are not required to be implemented until 2024.

With the addition of §§ 8-709 and 8-710, this authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Fiscal Analysis**

There is no material fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The regulations replace the current teacher, specialist, administrator, and supervisor certification requirements with new licensure requirements for those roles. The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs as the administrative processes under the regulations are similar to current requirements. Any changes to the process are assumed to be minor and absorbable.

As under the current process, there are several types of licensures with different requirements. However, a typical license must be renewed every five years. To renew a license, a teacher must present evidence of professional development. Professional development is expanded to include activities such as mentorship and publishing an article in a professional journal. In addition, an educator who earns a National Board Certificate from the National Board of Professional Teaching Standards may present that certificate at the time of renewal as evidence of professional development. The fee for issuing or renewing a licensure is set in statute (Education Article Sec. 6-704 (b)) and, thus, is not changed by the regulations.

### **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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