

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 21-186)

Overview and Legal and Fiscal Impact

The regulations repeal a regulation on approval of programs for professionally certified teachers and replace it with requirements for programs for professionally licensed teachers.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

School Personnel: Programs for Professionally Certified Personnel:
COMAR 13A.07.06.01 through.15

Legal Analysis

Background

The Blueprint for Maryland's Future, Chapter 36 of 2021, established requirements for and approval of Maryland teacher preparation programs. According to the State Board of Education, the regulations establish a new teacher preparation program approval system in response to Chapter 36. The Professional Standards and Teacher Education Board (PSTEB) considered the regulations on July 1, 2021 and the State board considered the regulations on July 27, 2021.

Summary of Regulations

The regulations repeal the regulation on approval of programs for professionally certified teachers and replace them with requirements for programs for professionally licensed teachers. Specifically, the regulations:

- establish the purpose of the chapter;
- define certain terms;

- incorporate by reference national standards for education relating to administration or supervision areas, early childhood and elementary areas, English, mathematics, middle school areas, science, special education, secondary areas, specialist areas, specialty areas in prekindergarten through 12th grade education, and general teaching;
- require that all educator preparation programs receive permission of the Maryland Higher Education Commission and the State Department of Education before operating;
- excuse an educator preparation provider from meeting State standards if it holds accreditation from a national accrediting agency and establish the process of approval for those providers;
- establish the process for applying for State approval, including the contents of applications and approval letters and the process for approving changes to a program;
- establish the approval process for traditional and alternative teacher preparation programs;
- establish the requirements for approval of teacher preparation programs, including:
 - credentials of teachers entering traditional and alternative programs and circumstances for waiving those requirements;
 - standards and competencies for programs, including what instruction must be provided through which types of programs, the types of clinical experiences that must be provided;
 - the requirements for program participants to successfully complete a program; and
 - credit requirements for programs;
- establish the requirements for clinical experiences, including requirements for a program to select a partner school, accomplishments for mentor teachers, a partner school's responsibilities, and action research;
- require providers to annually report to the department and the department to annually distribute the Maryland Curriculum Frameworks to providers;
- require provider programs to be reviewed every 5 years;
- provide a process for:
 - approval with conditions for 2 years if a program fails to meet all approval requirements;
 - probation of a program;
 - revocation of a program's approval; and

- appeal of a program’s approval revocation, including hearing procedures;
- describes the competencies all teachers must meet;
- describe the literacy competencies that teacher candidates completing programs for licensure in secondary and prekindergarten through grade 12 content areas, including competencies in the learner and learning, content knowledge, assessment and instruction, and professional responsibility;
- describe the literacy competencies for teacher candidates completing programs for licensure in early childhood, elementary, English to speakers of other languages, and special education content areas, including competencies in the literacy process, literacy instruction in the diverse classroom, effective literacy assessment, and research–based literacy instruction;
- describe the math competencies for teacher candidates completing programs for licensure to provide math instruction, including competencies in content knowledge, pedagogical skills, assessment tools, instructional strategies, cognitive processes, learning theories, and developmental strategies; and
- describe the cultural responsiveness competencies that all teacher candidates must meet, including competencies for culturally responsive teaching and other cultural competencies.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 2-205, 6-120, 6-121, 6-704, and 11-208 of the Education Article as statutory authority for the regulations. Section 2-205 requires the State board, among other things, to carry out the provisions of law within its jurisdiction. Section 6-120 establishes requirements for teacher preparation programs, including the duration of programs, program content, and partnering with schools. Section 6-121 requires teacher preparation programs to include specific components of instruction, classroom observations, and communication with local school systems, and establishes requirements for courses in administration at institutions of higher education. The State board and PSTEB are required to adopt regulations to carry out the requirements of §§ 6-120 and 6-121. Section 6-704 requires the State board and PSTEB to develop regulations on the preparation of teachers and provides the process for reviewing and implementing the regulations. Finally, § 11-208 provides that a program certifying an individual to teach in the State must be approved to operate by the Maryland Higher Education Commission or by operation of law and be either nationally accredited or approved by the department. Section 11-208 also provides for the method of determining which national accreditations will be recognized and requires the department to provide technical support and adopt regulations.

Although not cited by the department, § 6-125 requires the department, in addition to implementing a literacy examination for teachers, to establish and develop standards for subject-specific examinations for teachers. Section 6-126 requires teachers to pass certain examinations and complete additional requirements, as mandated by the State board, to qualify for an initial certificate for teaching.

With the addition of §§ 6-125 and 6-126 of the Education Article, this authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

In response to suggestions from the Department of Legislative Services, staff for the State board has agreed to make clarifying changes to Regulations .06A(1)(a), .07A(3), .08C(1)(a) and C(3), .09C(2), and .10A(4)(a) through (e) and has also agreed to add §§ 6-125 and 6-126 of the Education Article to the cited statutory authority for the regulations.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations establish the process for approval of teacher preparations programs, including requirements for teacher practicums. An institution may seek national accreditation through an approved national accreditor or approval by the department. The department advises that expenditures for it and institutions of higher education may increase, due to fees associated with national accreditation of teacher preparation programs and costs associated with operating teacher practicums. However, as explained in more detail below, the Department of Legislative Services advises that any costs are due to requirements of statute enacted by Chapter 708 of 1998 and Chapter 36 of 2021 (Blueprint for Maryland's Future – Implementation). These costs have already been accounted for or are anticipated to ultimately be cost neutral once the programs are fully implemented.

According to statute (Education Article Sec. 11-208), an institution of higher education in the State may not offer a program of undergraduate or graduate studies that would certify a recipient to teach unless the institution has received (1) approval to operate by the Maryland Higher Education Commission or under the operation of law and (2) national accreditation by a teacher education accreditation agency recognized by the department and the commission *or* approval by the department. It is the responsibility of an institution of higher education to determine whether to seek national accreditation or approval of the department.

Further, in addition to technical support provided to an institution of higher education in connection with the accreditation process, the department must pay: (1) any fee that a national

accrediting agency charges an institution of higher education in connection with the accreditation process; (2) any training fee that a national accrediting agency charges a State representative who serves with a review team of an accrediting agency in conjunction with an accreditation visit to an institution of higher education in the State; and (3) one-half of the expenses incurred by an institution of higher education in connection with the accreditation visit of a review team of a national accrediting agency. The Governor must provide sufficient funds in the department's annual budget for the additional costs incurred by the department for those fees.

These requirements, including the requirement that the department pay specified fees, have generally been in place since Chapter 708 of 1998. Chapter 328 of 2017 amended the statute to allow for the approval of the department and modified the definition of national accreditation. Under Chapter 328, the department and the commission must recognize an accrediting agency for national accreditation, instead of the U.S. Department of Education. This was done because, at that time, as of September 2016, the U.S. Department of Education no longer recognized an accrediting agency for teacher preparation. Thus, institutions of higher education in the State were not allowed to offer undergraduate or graduate programs that certify teachers since there were no accrediting agencies that met the requirements.

The Blueprint for Maryland's Future-Implementation (Chapter 36) set requirements for teacher practicum programs, including the number of days for each type of program. Since the regulations are only implementing these requirements, there are no further costs to institutions of higher education. The fiscal and policy note states that there is grant money available provided through the legislation to implement the practicums. Further, it is assumed that once fully implemented, operating the practicums will be cost neutral to the State.

Impact on Budget

There is no impact on the State operating or capital budget. Any operating impact is due to implementation of Chapter 708 of 1998 (regarding department and higher education institutions' payment of fees) and not the regulations.

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.

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