

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Board of Education**  
(DLS Control No. 23-105)

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**Overview and Legal and Fiscal Impact**

These regulations repeal existing regulations regarding the certification of personnel educating students in the State and replace them with regulations requiring the licensure of personnel educating students in the State.

These regulations present no legal issue 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  
General Provisions: COMAR 13A.12.01.02  
General Provisions: COMAR 13A.12.01.03  
General Provisions: COMAR 13A.12.01.05  
General Provisions: COMAR 13A.12.01.06  
General Provisions: COMAR 13A.12.01.07  
General Provisions: COMAR 13A.12.01.08  
General Provisions: COMAR 13A.12.01.08-1  
General Provisions: COMAR 13A.12.01.09  
General Provisions: COMAR 13A.12.01.10  
General Provisions: COMAR 13A.12.01.11  
General Provisions: COMAR 13A.12.01.12  
General Provisions: COMAR 13A.12.01.14  
Teachers: COMAR 13A.12.02.01  
Teachers: COMAR 13A.12.02.02  
Teachers: COMAR 13A.12.02.03  
Teachers: COMAR 13A.12.02.04  
Teachers: COMAR 13A.12.02.05  
Teachers: COMAR 13A.12.02.06  
Teachers: COMAR 13A.12.02.13  
Teachers: COMAR 13A.12.02.15  
Teachers: COMAR 13A.12.02.16  
Teachers: COMAR 13A.12.02.18  
Teachers: COMAR 13A.12.02.19  
Teachers: COMAR 13A.12.02.22  
Teachers: COMAR 13A.12.02.24

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## Legal Analysis

### Summary of Regulations

The regulations repeal and replace Subtitle 12 Certification with a new Subtitle 12 Educator Licensure.

COMAR 13A.12.01 establishes general requirements for the licensure of professional educational staff employed in public schools and specified nonpublic schools in the State. The regulations in this chapter provide for the purpose of the regulations; defines terms related to the licensing of educators and administrators; set forth the procedures for the application for and issuance of licenses; describes the types of licenses offered; establish procedures for the reinstatement of an expired license; and authorize the State Superintendent of Schools (State Superintendent) or their designee to waive license requirements under specified circumstances.

COMAR 13A.12.02 describes specific requirements for licenses issued to teachers. The regulations under this chapter:

- describe the purpose of the regulations;
- list the types of teacher licenses and the qualifications for each type;
- establish two main pathways to teacher licensure: (1) In-State Pathway, including a Maryland Approved Program, In-District Program, and Experienced Nonpublic School Teacher; and (2) Out-of-State Pathway, including Out-of-State Teacher Preparation Program; Out-of-State License; and National Board Certification;
- beginning July 1, 2025, require certain applicants for a license to achieve a passing score on a portfolio-based performance assessment approved by the State Board of Education (State board);
- establish the application process and requirements for the renewal of a license or advancement to a new level of licensure, including professional development requirements;
- describe the requirements for individual professional development plans for each educator, including plan approval, supervisor review, and required signatures;
- define and set forth the professional development points (PDP) system, including the four required content areas, requirements for specified certification areas, the methods for acquiring PDPs, and earning National Board Certification;
- require all teachers, beginning July 1, 2025, with a specified license to demonstrate proficiency in the knowledge and practices of scientific reading instruction by one of specified ways;
- authorizes and describes the requirements for specified teaching endorsements on a teacher's license; and
- require a teacher to hold a specified license in the teacher's area of major assignment and sets forth requirements for demonstrating proficiency in an area outside the teacher's area

of licensure if the teacher is assigned to more than two classes outside their area of licensure.

COMAR 13A.12.03 describes specific requirements for licenses issued to teachers of Professional and Technical Education and specialized areas for fine arts. The regulations under this chapter:

- describe the purpose of the regulations;
- list the types of teacher licenses and the qualifications for each type, including the pathways for qualifying for these areas of licensure;
- establish the application process and requirements for the renewal of a license or advancement to a new level of licensure, including professional development requirements;
- describe the requirements for individual professional development plans for each educator, including plan approval, supervisor review, and required signatures; and
- define and set forth the PDP system, including the four required content areas, requirements for specified certification areas, the methods for acquiring PDPs, and earning National Board Certification.

COMAR 13A.12.04 describes specific requirements for specialists employed in early childhood, elementary, preK–12, or secondary school programs. The regulations under this chapter:

- describe the purpose of these regulations;
- describe the types of specialist licenses offered;
- set forth the requirements for the following specialist licenses:
  - school counselors;
  - library media specialists;
  - pupil personnel workers;
  - reading specialists;
  - reading teacher;
  - psychometrists;
  - school psychologists;
  - therapists, including occupational therapists, physical therapists, speech–language pathologists, and audiologists;
  - school social workers; and
  - gifted and talented education specialists;
- establish the application process and requirements for the renewal of a license or advancement to a new level of licensure, including professional development requirements;
- describe the requirements for individual professional development plans for each educator, including plan approval, supervisor review, and required signatures; and
- define and set forth the PDP system, including the four required content areas, requirements for specified certification areas, the methods for acquiring PDPs; and earning National Board Certification.

COMAR 13A.12.05 describes licensing requirements for administrators and supervisors who have direct contact with students, responsibility for curriculum development, or responsibility for supervision of instruction. The regulations under this chapter:

- describe the purpose of these regulations;
- describe the types of licenses offered;
- set forth the requirements for the following licenses:
  - supportive services personnel;
  - superintendents;
  - supervisors of instruction, assistant principals, and principals;
  - library media administrators; and
  - supervisor of school counseling, school psychological services, pupil personnel, special education, speech pathologists or audiologists, or teachers of deaf and hard of hearing;
- establish the application process and requirements for the renewal of a license or advancement to a new level of licensure, including professional development requirements;
- describe the requirements for individual professional development plans for each individual, including plan approval, supervisor review, and required signatures; and
- define and set forth the PDP system, including the four required content areas, requirements for specified certification areas, the methods for acquiring PDPs; and earning National Board Certification.

COMAR 13A.12.06 establishes regulations for disciplinary actions that may be taken against licensees and applicants for licenses and denial of licenses. The regulations under this chapter:

- define terms related to the discipline of licensed educators and related personnel;
- require the State Superintendent to suspend, deny, or revoke a license and all specific license areas for the specified causes described in regulation .02;
- establish procedures for the reporting of charges against a licensee or applicant, including requiring written notice, who may provide notice, and contents of the written report;
- establish hearing and appeal procedures;
- provide for the record of hearings;
- require the State Superintendent to make a final decision in writing, the contents of the written decision, and prompt deliver to the appropriate party;
- provide for notification to the Educator Identification Clearinghouse of specified licensure decisions; and
- establish a process for the reinstatement of a suspended, revoked, voluntarily surrendered, or expired license.

COMAR 13A.12.07 establishes regulations regarding the Professional Standards and Teacher Education Board (PSTEB). The regulations under this chapter:

- require the State board and the PSTEB to develop regulations for the licensure of teachers and other professional personnel and requirements for the preparation of teachers and other

- education personnel and require each board to act within 60 days of receipt of proposed regulations developed by the non-initiating board;
- provide for the scope of review by PSTEB of appeals of rulings of the department's licensure staff taken to the Review Board of PSTEB;
- require an appellant seeking review by the Review Board to file a written request for appeal to the Review Board, including timelines, notice to the appropriate personnel, and other requirements;
- establish requirements for developing the record of the appeal, including findings and recommendations, written statements and responses, and timelines for submission;
- establish requirements for oral arguments of an appeal;
- establish the process for deliberation of the Review Board and the submission of a report of the findings and recommendations of an appeal to PSTEB;
- authorize an appellant to file written exceptions to the report of the Review Board and the licensure staff of the department to file a written response; and
- require PSTEB to make the final determination of each appeal, including a process of notice, availability, and voting.

## **Legal Issues**

These regulations present no legal issue of concern.

## **Statutory Authority and Legislative Intent**

The State board cites §§ 2–205, 2–303(g), 6–127, 6–701 – 6–708, 8–3A–03, and 8–701 – 8–708 of the Education Article and § 10–119.3 of the Family Law Article as statutory authority for these regulations. More specifically, §§ 6–704, 6–704.1 and 6–708 of the cited §§ 6–701 through 6–708 series are sufficient statutory authority.

Section 2–205(c) of the Education Article requires the State board 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 provisions of the Education Article and subject to the regulations of PSTEB. Section 6–127 sets forth the requirements for certification to teach students in a Montessori school. Section 6–704 requires the State board and PSTEB to develop for consideration rules and regulations for, in relevant part, the certification of teachers and other professional personnel in accordance with the Education Article and the certification of social workers employed by a local school employer as professional personnel. Section 6–704.1 requires PSTEB to require school counselors seeking renewal of certificate to obtain specified training in certain knowledge and skills regarding the social, emotional, and personal development of students. Section 6–708 requires the Review Board of PSTEB to make recommendations to PSTEB on appeals from rulings of the certification staff of the department and submit those findings to the full PSTEB. PSTEB makes the final determination for each appellate case. Section 8–3A–03 requires the department, each county board of education, and the Maryland School for the Deaf to work together to meet the needs of deaf children. Title 8,

Subtitle 7 of the Education Article set forth provisions related to residential boarding programs for at-risk youth.

Section 10–119.3 of the Family Law Article establishes provisions regarding the suspension or denial of an occupational license for noncompliance with child support payment orders.

Additional authority is found at § 6–126 of the Education Article. Section 6–126 sets forth qualification requirements for an initial teacher license.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

### **Technical Corrections and Special Notes**

As stated above, § 2–303(g) of the Education Article requires the State Superintendent to certificate personnel in public schools. These regulations propose changing the type of credential issued to personnel educating students in the State from certificates to licenses notwithstanding statutory text requiring certificates. These regulations define the term “certificate” to mean “the term for an educator credential issued by the Department” (COMAR 12.01.02B(4)).

The Attorney General’s Office advises that there is no legal distinction between a license or certificate as a type of authorizing credential. It is recommended, and the department has been advised, that legislation be introduced as soon as possible on adoption of these regulations to align the terminology in statute and regulations for clarity of stakeholders and other interested parties.

### **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 certification requirements with new licensure requirements. 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 teacher licensure with different requirements. 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 license is set in statute (Education Article Section 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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