



**Karen B. Salmon, Ph.D.**  
State Superintendent of Schools

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**TO:** Members of the State Board of Education

**FROM:** Karen B. Salmon, Ph.D.

**DATE:** January 22, 2019

**RE:** COMAR 13A.12.01.08-1  
*Adjunct Certificate*  
**PROMULGATE-ADOPT**

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**PURPOSE:**

The purpose of this item is to request adoption of new Code of Maryland Regulations (COMAR) 13A.12.01.08-1 *Adjunct Certificate* (Attachment I). New regulatory language was introduced to provide local education agencies (LEAs) the ability to request an adjunct certificate for individuals with highly specialized content expertise (e.g., engineers, physicists, medical providers, artists) interested in teaching on a part-time basis in the classroom as a teacher of record.

**REGULATION PROMULGATION PROCESS:**

Under Maryland law, a state agency, such as the State Board of Education (SBOE), may propose a new regulation whenever the circumstances arise to do so. The SBOE shares joint authority with the Professional Standards and Teacher Education Board (PSTEB) to develop regulations governing teacher certification and preparation. When the SBOE initiates a regulatory change concerning certification, the PSTEB must review the proposed regulation. If a majority of the PSTEB members approve of the regulation, the regulation promulgation process continues. If a majority of the PSTEB members disapprove of the proposed regulation, the regulation will not move forward unless approved by a super-majority of the SBOE (three-fourths of its members).

After the PSTEB has voted to approve the regulation (or three-fourths of the State Board has voted to approve the regulation despite the PSTEB's disapproval), the proposed regulation is sent to the Administrative, Executive, and Legislative Review Committee (AELR) for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, the Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments, which are presented to the PSTEB and the State Board. Thereafter, MSDE staff will present a recommendation to the State Board to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption. The State Board, as the originating board, would then vote to formally adopt the regulation.

## **HISTORICAL BACKGROUND:**

During the 2016 Maryland legislative session, Anne Arundel County sponsored House Bill 617, Adjunct Instructor Program, allowing the Anne Arundel County Board of Education (AABOE) to issue an adjunct certificate to an individual who is employed to teach part time in an area identified by the AABOE as requiring a content expert. This bill did not pass; however, many LEAs expressed interest in the idea of an adjunct certificate. Given the recently proposed legislation, the certification subcommittee of the Teacher Induction, Retention, and Advancement Act (TIRA) was charged with exploring the concept of an adjunct certificate.

The Committee found that several states have developed an adjunct certification to allow content experts the opportunity to share their expertise in the classroom. For example:

- South Carolina currently offers an adjunct certificate to individuals who hold a bachelor's degree and either have a major in, or pass the Praxis subject assessment in, a South Carolina certificate area, as well as, provides verification of five years of occupational experience in the content field of the certification area; and
- Georgia offers an adjunct certificate in all trades and industry fields, as well as, healthcare sciences, to individuals with an associate's degree and two years of occupational experience who hold an applicable industry license. Additionally, Georgia allows an individual with a bachelor's degree in any major, and two years of applicable occupational experience, to qualify for an adjunct certificate in one of several identified shortage areas.

The TIRA workgroup recognized that Maryland LEAs are not currently able to offer specialty and professional technical programs in critical staffing shortage areas. Current certification regulations do not allow an LEA the flexibility to place individuals with highly specialized content expertise, who are interested in teaching on a part time basis in the classroom, as a teacher of record unless they are issued a conditional certificate. Conditional certificates are designed for individuals who are working toward professional certification as a full time teacher of record. The committee agreed that an adjunct certificate should be developed, but be limited in scope and designed to meet the needs of the LEA in which the individual is employed.

In order to assure high quality instruction, the workgroup recommended that LEAs provide mentoring, co-teaching opportunities, and professional development to individuals who receive an adjunct certification. At a minimum, it was recommended that candidates hold a bachelor's degree in a related content area, provide verification of five years of successful occupational experience, and hold an industry credential, if applicable.

Based on the recommendation of the TIRA workgroup, the MSDE proposed regulatory language creating a new certificate called the Adjunct Certificate.

On January 30, 2018, the SBOE granted permission to publish new regulatory language, COMAR 13A.12.01.08-1 *Adjunct Certificate*. The PSTEB also granted permission to publish that language on February 1, 2018. On April 27, 2018, the proposed regulation was published in the Maryland Register and the MSDE received 13 public comments which were discussed during the June 20, 2018 SBOE meeting. Specifically, public comment and SBOE members expressed concern that the bachelor's degree requirement would limit the number of individuals with highly specialized content expertise that an LEA could employ as an adjunct teacher. Based on the public comments received and discussion that ensued during the June 20, 2018 SBOE meeting, the MSDE proposed amended regulatory language that removes the bachelor's degree requirement of the adjunct certificate.

The SBOE granted permission to publish this regulation at the July 24, 2018 meeting. On September 13, 2018, the PSTEB granted permission to publish the proposed regulation, COMAR 13A.12.01.08-1 *Adjunct Certificate*. On November 9, 2018, the proposed regulation was published in the Maryland Register (Attachment I) through December 10, 2018. No public comments were received.

**PROPOSED AMENDMENTS:**

The proposed regulatory language establishes the eligibility criteria for the issuance of the certificate, requires that LEAs provide specific support and professional development to an individual who holds an adjunct certificate, and establishes the limitations of the certificate. The following criteria defines the professional development and support an LEA would be required to provide to an individual who holds an adjunct certificate:

Eligibility criteria:

- Hold a high school diploma or its equivalent
- Hold an industry license, when applicable for that profession
- Have five years of successful experience in the field

Local education agencies would be required to provide the following to those individuals who hold an adjunct certificate:

- Mentoring
- The opportunity to participate in side-by-side coaching or co-teaching with a professionally-certified educator and professional development, prior to entry into the classroom, and throughout the school year
- Regular evaluations

Certificate limitations:

- Non-transferable
- Part-time
- One-year validity period
- Renewable, upon the request of an LEA
- Issued by the MSDE

**SUMMARY:**

New regulatory language, COMAR 13A.12.01.08-1 *Adjunct Certificate*, addresses the LEA's continuing need to hire individuals with highly specialized content expertise and interest in teaching on a part-time basis as a teacher of record. Specific regulatory language establishes the eligibility criteria for the issuance of the certificate, requires the LEAs to provide specific support and professional development to an individual who holds an adjunct certificate, and establishes the limitations of the certificate.

**ACTION:**

Request adoption of COMAR 13A.12.01.08-1 *Adjunct Certificate*.

Attachment (1)

## Subtitle 12 CERTIFICATION

### 13A.12.01 General Provisions

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-706, Annotated Code of Maryland

#### Notice of Proposed Action

[18-307-P]

The Maryland State Board of Education proposes to amend Regulation .05 under **COMAR 13A.12.01 General Provisions**. This action was considered at the July 24, 2018, meeting of the State Board of Education and at the September 13, 2018, meeting of the Professional Standards and Teacher Education Board. Also, at this time, the Maryland State Board of Education and the Professional Standards and Teacher Education Board are withdrawing the amendments to Regulation .05 under **COMAR 13A.12.01 General Provisions** that were proposed in 45:9 Md. R. 478 (April 27, 2018).

#### Statement of Purpose

The purpose of this action is to allow those individuals seeking certification in professional and technical education areas who do not hold a bachelor's degree to be exempt from the basic skills assessment requirement.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Sarah Spross, M.Ed., Assistant State Superintendent, Division of Educator Certification and Program Approval, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0385 (TTY 410-333-6442), or email to sarah.spross@maryland.gov, or fax to 410-333-8963. Comments will be accepted through December 10, 2018. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on January 22, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

#### .05 General Requirements for Professional Certificates.

A.—C. (text unchanged)

D. Exceptions. An applicant who does not possess a bachelor's or higher degree for certification in a [career] *professional* and [technology] *technical* education area which does not require a bachelor's degree is [required to submit] *exempt from submitting* evidence of qualifying scores as established by the State Superintendent of Schools on the teacher certification tests approved by the State Board of Education.

E. (text unchanged)

KAREN B. SALMON, Ph.D.  
State Superintendent of Schools

## Subtitle 12 CERTIFICATION

### 13A.12.01 General Provisions

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-706, Annotated Code of Maryland

#### Notice of Proposed Action

[18-308-P]

The Maryland State Board of Education proposes to adopt new Regulation .08-1 under **COMAR 13A.12.01 General Provisions**. This action was considered at the July 24, 2018, meeting of the State Board of Education and at the September 13, 2018, meeting of the Professional Standards and Teacher Education Board. Also, at this time, the Maryland State Board of Education and the Professional Standards and Teacher Education Board are withdrawing the amendments to Regulation .05 under **COMAR 13A.12.01 General Provisions** that were proposed in 45:9 Md. R. 478—479 (April 27, 2018).

#### Statement of Purpose

The purpose of this action is to provide local education agencies the ability to request an adjunct certificate for individuals with highly specialized content expertise who are interested in teaching on a part-time basis.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Sarah Spross, M.Ed., Assistant State Superintendent, Division of Educator Certification and Program Approval, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0385 (TTY 410-333-6442), or email to sarah.spross@maryland.gov, or fax to 410-333-8963. Comments will be accepted through December 10, 2018. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on January 22, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

#### .08-1 Adjunct Certificate.

A. *The Maryland State Department of Education may issue an adjunct certificate upon the request of a local school system superintendent or an education director of a nonpublic school approved under COMAR 13A.09.10.*

B. *The request for adjunct certification must include:*

(1) *The name and credentials of the individual;*

(2) *The course name and content to be taught; and*

(3) *An explanation as to why the position cannot be filled by a qualified certificate holder.*

C. *The adjunct certificate is nontransferable between local school systems.*

D. *A local school system may not employ an individual who holds an adjunct certificate as a full-time employee of the local school system.*

E. *An applicant for an adjunct certificate shall:*

- (1) Hold a high school diploma or its equivalent;
- (2) Hold an industry license, when applicable for the profession; and
- (3) Have 5 years of satisfactory occupational experience in the field to be taught.

F. An individual who is issued an adjunct certificate shall be provided with the following, by the employing local school system:

- (1) A professionally certificated mentor;
- (2) Side-by-side coaching or co-teaching with a professionally certificated teacher;
- (3) A minimum of 45 hours of professional development, with 30 hours delivered prior to entry to the classroom and the remainder to be delivered throughout the school year; and
- (4) Evaluations of the individual's teaching effectiveness.

G. The adjunct certificate issued in accordance with this regulation is valid for a 1-year period and may be renewed upon the request of the local school system.

KAREN B. SALMON, Ph.D.  
State Superintendent of Schools

## Title 14

# INDEPENDENT AGENCIES

## Subtitle 35 MARYLAND HEALTH BENEFIT EXCHANGE

### 14.35.01 General Provisions

Authority: Insurance Article, §31-106(c)(1)(iv), Annotated Code of Maryland

#### Notice of Proposed Action

[18-301-P]

The Maryland Health Benefit Exchange proposes to amend Regulation .02 under **COMAR 14.35.01 General Provisions**.

#### Statement of Purpose

The purpose of this action is to define vocabulary used in COMAR 14.35.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Jessica Grau, Health Policy Analyst, Maryland Health Benefit Exchange, 750 East Pratt Street Baltimore MD 21202, or call 410-547-6888, or email to mhbe.publiccomments@maryland.gov, or fax to 410-547-7373. Comments will be accepted through December 10, 2018. A public hearing has not been scheduled.

#### .02 Definitions.

A. In this subtitle, the following terms have the meanings indicated.

#### B. Terms Defined.

[(1) "Administration" means the Maryland Insurance Administration.]

(1) "Advance payments of the premium tax credit" means payment of the federal tax credits authorized by 26 U.S.C. §36B and its implementing regulations, which are provided on an advance basis to an eligible individual enrolled in a qualified health plan through the Exchange under §1412 of the Affordable Care Act.

(2) "Advanced Premium Tax Credit (APTC)" has the meaning stated in 45 CFR §155.20.

[(3) "MCHP" means the Maryland Children's Health Program.]

(3) "Affordable Care Act (ACA)" means the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111-148), as amended, including by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111-152), and the regulations issued under it.

(4) "Authorized carrier" means a carrier that the Exchange certifies is authorized to offer a qualified plan in the Exchange under COMAR 14.35.15.

(5) "Board" has the meaning stated in Insurance Article, §31-101, Annotated Code of Maryland.

(6) "Bronze coverage level" means the level of coverage described under §1302(d)(1)(A) of the ACA.

[(4)] (7) — [(5)] (8) (text unchanged)

(9) "Catastrophic plan" means a qualified health plan described in §1302(e) of the ACA.

(10) "Certification standard" means a process, procedure, requirement, or condition of participation in the Exchange under COMAR 14.35.15 or COMAR 14.35.16.

[(6)] (11) (text unchanged)

(12) Cost Sharing.

(a) "Cost sharing" means any expenditure required by or on behalf of an enrollee with respect to covered benefits.

(b) "Cost sharing" includes deductibles, coinsurance, copayments, or similar charges.

(c) "Cost sharing" does not include premiums, balance billing amounts for non-network providers, and spending for non-covered services.

[(7)] (13) "[Cost sharing] Cost-sharing reductions (CSR)" [has the meaning stated in 45 CFR §155.20] means reductions in cost sharing for an eligible individual enrolled in a silver level plan through the Exchange or for an individual who is an Indian enrolled in a QHP through the Exchange.

(14) "Coverage" means insurance through which benefits are provided.

[(8)] (15) (text unchanged)

(16) "Dependent" has the meaning stated in 26 CFR §54.9801-2 with respect to eligibility for coverage under an individual or SHOP QHP because of a relationship to a qualified individual or enrollee.

(17) "Eligibility determination" means a decision by the Exchange about an applicant's eligibility to enroll in a QHP or insurance affordability program or terminate a qualified individual's enrollment in a QHP or insurance affordability program.

(18) "Enrollee" means a qualified individual, or qualified employee, who is enrolled in a qualified plan through the Individual or SHOP Exchange.

(19) "Enrollment" means the qualified individual's coverage in a qualified plan, catastrophic plan, or insurance affordability program through the Exchange.

[(9)] (20) (text unchanged)

[(10)] (21) "Exchange annual training" means the yearly training administered to certified navigators, licensed navigators, application counselors, and authorized producers by the Exchange as part of its training program.