



Maryland State Department of  
**EDUCATION**

*Schools for Success*

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**TO:** Administrative Heads of Nonpublic Schools Approved Under COMAR  
13A.09.10

**FROM:** *Virginia*  
Virginia Cieslicki, Chief, Nonpublic School Approval Branch

**DATE:** July 17, 2002

**RE:** **Substitute Teacher Documentation Requirements**

Attached are the "Policies and Procedures for Substitute Teachers in Nonpublic Schools Approved to Provide Special Education Services Under COMAR 13A.09.10". The Maryland State Board of Education approved these policies and procedures on May 21, 2002. These policies and procedures are currently effective.

Section III B. of these policies and procedures requires a school to maintain documentation of its use of short-term substitutes. That documentation must reflect compliance with the short-term substitute teacher requirements of the enclosed policies and procedures and will be reviewed by Nonpublic School Approval Branch (NSAB) staff during each onsite monitoring visit. The school may use the enclosed "Short Term Substitute Documentation Log" to document its use of short-term substitutes.

Section III C. of these policies and procedures requires a school that receives nonpublic tuition assistance pursuant to Annotated Code of Maryland, Education Article, §8-406 to report its use and the qualifications of long-term substitutes to the NSAB by July 15 of each year. Please document the school's use of long-term substitutes on the "Qualifications of Long-Term Substitutes" form enclosed. The form should be completed on an ongoing basis throughout the 2002-2003 school year and must be returned to the NSAB by **July 15, 2003**.

Thank you for your cooperation.

Enclosure:

"Policies and Procedures for Substitute Teachers in Nonpublic Schools  
Approved to Provide Special Education Services under COMAR  
13A.09.10"

"Short Term Substitute Documentation Log" Form

"Qualifications of Long-Term Substitutes" Form

c:	Education Director	Head of Legal Authority	Carol Ann Baglin
	Linda Bluth	Dorie Flynn	Eleanor Kopchick
	Cathleen Lerner	Lawrence Leak	



**Policies and Procedures for Substitute Teachers  
in Nonpublic Schools Approved to Provide Special Education Services  
Under COMAR 13A.09.10**

Approved by the Maryland State Board of Education on May 21, 2002

**I. Background and Rationale for Policy for Substitute Teachers in Nonpublic Special Education Schools**

Nonpublic schools that are approved to provide special education services under COMAR 13A.09.10 Educational Programs in Nonpublic Schools and Child Care and Treatment Facilities must employ teachers who hold teacher certification in special education. When a teacher who is certified in special education at the appropriate age and grade level for the assignment is not available to provide instruction to students, relevant teacher certification regulations require that a teacher who holds a Provisional Teacher Certificate and is taking the required coursework and/or tests must be employed by the school.

The students in these nonpublic schools are placed pursuant to Annotated Code of Maryland, Education Article, §8-406(a) because an appropriate special education program is not available to them in the public school system. It is clear that such students need to have their IEPs implemented by properly certified special educators with the training and experience to educate these students with the most extensive special education needs.

The State of Maryland has been experiencing a shortage of certified special educators. In fact, the "Maryland Teacher Staffing" report of the Maryland State Department of Education (Department) has cited various certification areas within special education as critical shortage areas each year since 1987 when the report was first published.

In light of the critical shortage of certified special education teachers, the employment of teachers on a temporary basis who hold the appropriate certification credentials is also difficult. Furthermore, COMAR 13A.09.10 does not establish separate standards for teachers who are employed on a temporary basis.

The practical necessity of recognizing the need for appropriate qualifications for temporary teachers must be considered in light of the requirement to employ qualified staff to provide special education services as required by the IEPs (Individualized Education Programs) of students in nonpublic schools that hold a Certificate of Approval from the Maryland State Board (State Board) or a Letter of Tentative Approval to provide special education.

This statement of policy and procedures provides a standard for a temporary teacher that is different from the requirements for a teacher in a nonpublic school as set forth in COMAR

13A.09.10. COMAR 13A.09.10 does not establish a distinction between a teacher and a temporary teacher.

Because this policy represents a deviation from the certification standards for special education teachers in nonpublic schools providing special education services as adopted by the State Board, this policy requires approval by the State Board.

The following policy and procedures are effective for one year from the date of State Board adoption of them. Thereafter, they are renewable on an annual basis contingent on certificated special education teacher supply conditions and data regarding the efficacy of the policy and procedures.

## II. Policy

It is the policy of the Department to permit a nonpublic school that provides special education and is approved under COMAR 13A.09.10 Educational Programs in Nonpublic Schools and Child Care and Treatment Facilities to employ a substitute teacher who does not meet COMAR 13A.09.10.13 teacher certification requirements under the circumstances and consistent with the credential requirements described in the procedures below. Note that this policy and these procedures also apply to secondary school teachers in nonpublic schools providing special education who are required to hold certification in the secondary school subject matter (e.g. biology, social studies) in the area appropriate for their assignment and as permitted by COMAR 13A.09.10.13.C. (4)(b).

## III. Procedures

### A. Circumstances Under Which a School May Hire a Substitute Teacher.

When a teacher who is employed by a nonpublic school to provide special education is on a short-term, temporary leave of absence, the school is required to hire a teacher who meets the teacher certification requirements established in COMAR 13A.09.10 or to hire a substitute teacher who meets the requirements established below.

#### 1. Substitute Teacher Requirements—Short-Term

- (a) A teacher for whom a short-term substitute is required must meet the following conditions:
  - i. The teacher must be on leave documented as approved by the school for thirty (30) consecutive school days or fewer;
  - ii. The teacher must remain an employee of the school during the approved period of leave; and

- iii. The teacher must submit to the school a written statement of his/her intention to return to the school on or before the end date of written approval of leave provided to the teacher by the school.
- (b) A short-term substitute teacher assigned by the school to teach the class(es) of the teacher noted in 1. (a) i.-iii above must hold a bachelor's degree from an accredited institution of higher education. Such a short-term substitute is not required to apply for a provisional or a professional certificate issued by the Department or to take any prescribed coursework or tests leading to completion of teacher certification requirements.
  - (c) A school must provide direct supervision for the short-term substitute. That direct supervision must be provided by a special education teacher or Education Director who holds a professional certificate pursuant to the applicable requirements of COMAR 13A.09.10.13.
2. Substitute Teacher Requirements—Long-Term
- (a) A teacher for whom a long-term substitute is required must meet the following conditions:
    - i. The teacher must be on leave documented as approved by the school for more than 30 consecutive school days;
    - ii. The teacher must remain an employee of the school during the period of approved leave; and
    - iii. The teacher must submit to the school a written statement of his/her intention to return to his/her teaching assignment when the leave approved by the school ends.
  - (b) A long-term substitute teacher assigned by the school to teach the class(es) of the teacher noted in 2.(a) i-iii above is required:
    - i. To hold a bachelor's degree from an accredited institution of higher education; and
    - ii. To apply for a Maryland Provisional Teacher Certificate or other applicable certificate, within the thirty-first to fortieth consecutive school day of service, and to complete all of the requirements pertaining thereto.
    - iii. If the assignment of the long-term substitute ends before the Department issues a Provisional Teacher Certificate, the school may send to the Certification Branch of the Department a written request for a Provisional Teacher Certificate to be voided. Under such circumstances, the 4-year cap on Provision Teacher Certificates for such an applicant will not have begun.

- (c) A school must provide direct supervision for the long-term substitute. That direct supervision must be the same as the supervision of a non-substitute teacher who holds a Provisional Teacher Certificate.

B. Documentation Requirements.

A school must maintain documentation of its use of short-term and/or long-term substitutes that represents compliance with the preceding requirements for short-term and/or long-term substitutes for the purpose of being able to demonstrate compliance with this policy.

C. Reporting Requirements.

A school that receives nonpublic tuition assistance pursuant to Annotated Code of Maryland, Education Article, §8-406 must report its use and the qualifications of long-term substitutes to the Nonpublic School Approval Branch of the Department by July 15 of each year.

D. Effective Period.

This policy and these procedures are effective for one year from the date of approval by the State Board. Renewal of the policy is subject to State Board approval.

April 1, 2002

April 18, 2002 (revised)

May 21, 2002 (Approved by Maryland State Board of Education)

**Maryland State Department of Education**  
 Division of Certification and Accreditation  
 Division of Special Education/Early Intervention Services  
 200 West Baltimore Street  
 Baltimore, Maryland 21201

**SHORT TERM SUBSTITUTE DOCUMENTATION LOG**

Nonpublic School: \_\_\_\_\_  
 Location Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Form Completed by: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Fax Number: \_\_\_\_\_  
 Reviewed by (MSDE): \_\_\_\_\_  
 Date: \_\_\_\_\_

Name of Absent Teacher	Total # of Consecutive Days Absent	Certification Status (See Code)	Absent Teacher's Written Statement of Intention to Return on file at school (Y or N)
Name of Short-Term Substitute	Total # of Consecutive Substitute Days	Certification Status (Code)	
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**Certification Code:** Advance Professional Certificate (APC), Professional Certificate (PC), and Provisional Certificate (P) or Bachelor's Degree (B)  
 This report is to be maintained on-site for review by the Nonpublic School Approval Branch (NSAB). The report will be reviewed during monitoring visits by the NSAB.  
*Note: Noncompliance is subject to reduction in the approved State rate payment.*

Maryland State Department of Education  
 Division of Certification and Accreditation  
 Division of Special Education/Early Intervention Services  
 200 West Baltimore Street  
 Baltimore, Maryland 21201

Qualifications of Long-Term Substitutes  
 Attendance Report: July 1st-June 30th

Nonpublic School: \_\_\_\_\_ Form Submitted by: \_\_\_\_\_  
 Location Address: \_\_\_\_\_ Title: \_\_\_\_\_  
 \_\_\_\_\_ Date Submitted: \_\_\_\_\_  
 \_\_\_\_\_ E-Mail Address \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Name of Absent Teacher	Total # of Consecutive Days Absent	Certification Status (See Code)/Absent Teacher's Written Statement of Intention to Return on file at school (Y or N)
Name of Long-Term Substitute	Total # of Consecutive Substitute Days	If applicable, certification applied for after 30 consecutive school days and before day 40 (Y or N). If yes, list date (m/d/y)
Name of Long-Term Substitute	Total # of Consecutive Substitute Days	If applicable, certification applied for after 30 consecutive school days and before day 40 (Y or N). If yes, list date (m/d/y)
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Name of Long-Term Substitute	Total # of Consecutive Substitute Days	If applicable, certification applied for after 30 consecutive school days and before day 40 (Y or N). If yes, list date (m/d/y)

Certification Code: Advance Professional Certificate (APC), Professional Certificate (PC), and Provisional Certificate (P)  
 This report is to be submitted to the Nonpublic School Approval Branch (NSAB) no later than July 15 of each year. The information is reviewed by the NSAB for completeness and forwarded to the Division of Special Education/Early Intervention Services for tabulation.  
 Note: *Noncompliance is subject to reduction in the approved State rate payment.*