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

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

**DATE:** May 23, 2017

**RE:** COMAR 13A.12.01.03  
*Personnel*  
**ADOPTION**

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**PURPOSE:**

The purpose of this item is to request adoption of the proposed amendments to COMAR 13A.12.01.03 *Personnel* (Attachment I). Amendments are being proposed to formalize the process for denying certification to individuals who have a disqualifying cause that would result in a suspension or revocation if the individual already held a Maryland certificate. These changes would provide the same notice and opportunity for a hearing that is provided to current certificate holders.

**REGULATION PROMULGATION PROCESS:**

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. The State Board shares joint authority with the Professional Standards and Teacher Education Board (PSTEB) to develop regulations governing teacher certification and preparation.

When PSTEB initiates a regulatory change, the State Board must review the proposed regulation. In order to reject a proposed regulation, a super-majority of the State Board (three-fourths of its members) must vote against the change. Otherwise, the regulation moves forward in the regulation promulgation process.

After the State Board has voted to approve the regulation (or has failed to garner a super-majority vote to disapprove the regulation), 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, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. 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.

If the State Board moves to adopt the regulation in the form it was proposed, the regulation will be sent back to the PSTEB for final adoption.

## **HISTORICAL BACKGROUND:**

Current regulations pertaining to suspension and revocation only apply to individuals who currently hold a Maryland certificate. These regulations not only identify the reasons under which a certificate can be revoked or suspended, they also provide clarification on the hearing procedures afforded to the individual. Occasionally, the MSDE receives a certification application from an individual whose record indicates an offense that would result in a suspension or revocation of a Maryland certificate. Since the individual does not hold a certificate, the MSDE has denied the issuance of certificates under these circumstances and afforded the individual the same rights that would be afforded to an individual whose certificate is being suspended or revoked.

These proposed changes incorporate those procedures into regulation, assuring that all individuals whose request for certification is denied are afforded the same due process rights as current certificate holders.

On March 3, 2016, PSTEB granted permission to publish the proposed regulations. On January 24, 2017, the State Board also granted permission to publish the proposed amendments.

On March 31, 2017, the proposed regulations were published in the Maryland Register (Attachment II). Comments were to be received by May 1, 2017. The MSDE did not receive any public comments.

## **PROPOSED AMENDMENTS:**

The proposed amendments establish requirements for the denial of a certificate and assure that individuals that are applying for a certificate are afforded the same due process rights as those that currently hold a Maryland educator certificate.

## **SUMMARY:**

COMAR 13A.12.01.03 requires revision to assure individuals who are denied a certificate are afforded the same due process rights as current certificate holders when they commit a cause leading to suspension or revocation under Maryland regulations.

The proposed amendments to COMAR 13A.12.01.03 do not have any economic impact nor is there any impact on individuals with disabilities. There is no corresponding federal standard for these proposed actions.

## **ACTION:**

Request permission to adopt amendments to COMAR 13A.12.03 *Personnel*.

Attachments (2)

(h) An applicant who has graduated from a recognized English-speaking professional school accredited by the Accreditation Council for Pharmacy Education is deemed to be proficient in the oral communication of the English language in satisfaction of requirements of the prescreening test.

(2) Test of Oral English Competency.

(a)—(b) (text unchanged)

(c) Waiver. The Board shall waive the requirement as set forth under §D(2)(a) of this regulation if the applicant graduated from a recognized English-speaking professional school accredited by the Accreditation Council for Pharmacy Education.

(3)—(7) (text unchanged)

DENNIS R. SCHRADER  
Secretary of Health and Mental Hygiene

23, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**.01 Standards for Kindergarten Programs Operated by Public Institutions of Post-Secondary Education.**

A. (text unchanged)

B. The educational program shall comply with the instructional program requirements applicable to public school kindergarten programs found in:

(1) COMAR 13A.04.06—Program [in Reading] of Instruction in Personal Financial Literacy;

(2)—(8) (text unchanged)

C.—E. (text unchanged)

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

**Title 13A  
STATE BOARD OF  
EDUCATION**

**Subtitle 03 GENERAL  
INSTRUCTIONAL PROGRAMS**

**13A.03.01 Standards for Kindergarten Programs**

Authority: Education Article, §§2-205(h), 4-110, 7-203, 7-204, and 8-403, Annotated Code of Maryland

**Notice of Proposed Action**

[17-105-P]

The Maryland State Board of Education proposes to amend Regulation .01 under **COMAR 13A.03.01 Standards for Kindergarten Programs**. This action was considered by the State Board of Education at their meeting held on January 24, 2017.

**Statement of Purpose**

The purpose of this action is to change the referenced chapter heading of COMAR 13A.04.06 from Program in Reading to Program of Instruction in Personal Financial Literacy.

**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 Judith Walker, Early Learning Branch Chief, Division of Early Childhood Development, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-6549 (TTY 410-333-6442), or email to judith.walker@maryland.gov, or fax to 410-333-6226. Comments will be accepted through May 1, 2017. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on May

**Subtitle 12 CERTIFICATION**

**13A.12.01 General Provisions**

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-705; Family Law Article, §10-119.3; Annotated Code of Maryland

**Notice of Proposed Action**

[17-103-P]

The Professional Standards and Teacher Education Board proposes to amend Regulation .03 under **COMAR 13A.12.01 General Provisions**. This action was considered by the Professional Standards and Teacher Education Board at their meeting held on March 3, 2016.

**Statement of Purpose**

The purpose of this action is to formalize the process for denying certification to individuals who have a disqualifying cause that would result in a suspension or revocation if the individual already held a Maryland certificate. The amendments also provide the same notice and opportunity for a hearing following a denial that is provided to current certificate holders.

**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 Effectiveness, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 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 May 1, 2017. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Professional Standards and Teacher Education Board during a public meeting to be held on June 1, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**.03 Personnel.**

- A.—C. (text unchanged)
- D. Personnel Not Eligible.

- (1) (text unchanged)
- (2) *Personnel Under Investigation.*

(a) Personnel under investigation for a cause under COMAR 13A.12.05 shall remain ineligible for a certificate pending the result of the investigation.

(b) *If the Department's investigation concludes that the individual has committed a cause listed under COMAR 13A.12.05, that individual shall be denied a certificate by the Department.*

(c) *An individual who has been denied a certificate may appeal that decision through the process outlined in COMAR 13A.12.05.03—.07.*

- (3)—(4) (text unchanged)

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

**Subtitle 12 CERTIFICATION**

**13A.12.02 Teachers**

Authority: Education Article, §§2-205, 2-303(g), 6-121, and 6-701—6-705, Annotated Code of Maryland

**Notice of Proposed Action**

[17-104-P]

The Professional Standards and Teacher Education Board proposes to amend Regulations **.15** and **.16** under **COMAR 13A.12.02 Teachers**. This action was considered by the Professional Standards and Teacher Education Board at their meeting held on April 2, 2015.

**Statement of Purpose**

The purpose of this action is to expand the pool of potential applicants for local school systems by adding the ability to use teaching experience for the professional and technical education certificate and to revise the number of hours of work experience an individual may present for certification as a work-based learning coordinator.

**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 Effectiveness, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 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 May 1, 2017. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Professional Standards and Teacher Education Board during a public meeting to

be held on June 1, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**.15 Professional and Technical Education (Grades 7—12).**

A. To receive certification in professional and technical education (grades 7—12), the applicant shall complete one of the following options:

- (1) — (2) (text unchanged)
- (3) Option III:

(a) (text unchanged)

(b) The occupational experience in §A(3)(a) of this regulation shall be *within 10 years prior to the issuance of the certificate and may include:*

[i] Be within 10 years of the issuance of the certificate; and]

[ii] (i) [Include 1 year full-time employment; or] *Full-time, satisfactory teaching experience in the career area to be taught; and/or*

(ii) *Full-time, satisfactory occupational experience employment.*

(iii) The applicant may substitute a Department-accepted, current industry recognized credential, *a list of which is maintained by the Department*, for [the] 1 year [employment requirement] *of the occupational experience requirement; and*

(c) (text unchanged)

(4) Option IV:

(a) (text unchanged)

(b) The occupational experience in §A(4)(a) of this regulation shall be *within 10 years prior to the issuance of the certificate and may include:*

[i] Be within 10 years of the issuance of the certificate; and

(ii) Include 2 years full-time employment; or]

(i) *Full-time, satisfactory teaching experience in the career area to be taught; and/or*

(ii) *Full-time, satisfactory occupational experience employment.*

(iii) The applicant may substitute a Department-accepted, current industry recognized credential [for 1 year of the 2 year employment requirement], *a list of which is maintained by the Department, for 1 year of the occupational experience requirement; and*

(c) (text unchanged)

B.—C. (text unchanged)

**.16 Work-Based Learning Coordinator (Grades 7—12).**

A. (text unchanged)

B. To add an endorsement in work-based learning coordinator (grades 7—12), the applicant shall:

(1) Hold a professional certificate with certification under [COMAR 13A.12.02.06—.11, .13—.15, and .17—.20(A)(3) of this chapter;] *COMAR 13A.12.02.06, .13, and .17—.20(A)(3) of this chapter;*

(2) (text unchanged)

(3) Complete a work experience requirement through any of the following:

(a) Documented evidence of employment equivalent to a minimum of 1,000 hours of [successful] *satisfactory*, wage-earning, nonteaching occupational experience;

(b) Documented evidence of employment equivalent to a minimum of [1,500] *1,000* hours *which shall include 500 hours of [successful] satisfactory*, wage-earning, nonteaching occupational experience [plus] *and 500 hours of self-employment;*

(c)—(d) (text unchanged)