




Carey M. Wright, Ed.D.
Interim State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Carey M. Wright, Ed.D., Interim State Superintendent of Schools 

DATE: December 5, 2023

SUBJECT: *Incentive Program for Certification by the National Board for Professional Teaching Standards*
PERMISSION TO WITHDRAW

Purpose

The purpose of this item is to request permission to withdraw published amendments to the Code of Maryland Regulations (COMAR) 13A.07.08 *Incentive Program for Certification by the National Board for Professional Teaching Standards*.

Background/Historical Perspective

Effective February 12, 2021, House Bill 1300 (2020), Blueprint for Maryland’s Future, repealed Education Article §6-112 State and Local Aid Program for Certification or Renewal of Certification, and replaced it with §6-1012, effectively redefining the National Board Incentive Program. On August 22, 2023, the State Board of Education (SBOE) granted permission to publish amendments to COMAR 13A.07.08 to realign the regulations with the current law, as well as correct outdated terminology and incorporate updated processes established by the National Board for Professional Teaching Standards. In addition, the SBOE included an amendment requiring participants who are seeking National Board Certification in an area that is responsible for teaching reading to demonstrate competency in teaching reading using scientifically based instructional methods to be eligible for funding in the program.

After the SBOE voted to publish the amendments to COMAR 13A.07.08, the proposed regulations were sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. Typically, this review occurs prior to publication in the Maryland Register for public comment. The amendments to COMAR 13A.07.08 were published in the Maryland Register on November 3, 2023, for a 30-day period. During the public comment period, an AELR Analyst contacted the Maryland State Department of Education (MSDE) with concerns about the legality of requiring certain teachers to demonstrate competency in teaching reading using scientifically based instruction methods as a prerequisite for eligibility to participate in the incentive program. Legal counsel reviewed the proposed regulations and found them legally sufficient. However, upon my review of the proposed regulation, I recommend withdrawing the regulation and reviewing it for resubmission with amendments.

Executive Summary

COMAR 13A.07.08 *Incentive Program for Certification by the National Board for Professional Teaching Standards* defines the criteria for the selection of public school teachers who are eligible to receive financial aid to pursue

National Board Certification based on the policies of the National Board for Professional Teaching Standards, as well as outlines the processes associated with the program. The SBOE voted to publish proposed amendments to COMAR 13A.07.08 during which time, questions arose regarding the regulation that require further review and analysis to ensure the regulation is aligned with Education Article §6-1012.

Action

Request permission to withdraw published amendments to COMAR 13A.07.08 *Incentive Program for Certification by the National Board for Professional Teaching Standards*.

Attachments

COMAR 13A.07.08 *Incentive Program for Certification by the National Board for Professional Teaching Standards*

Title 13A STATE BOARD OF EDUCATION

Subtitle 07 SCHOOL PERSONNEL

Chapter 08 Incentive Program for Certification by the National Board for Professional Teaching Standards

Authority: Education Article, §§[6-112] 6-1001, 6-1012 and 6-1013, Annotated Code of Maryland

.01 Scope.

This chapter establishes the criteria for the selection of public school [candidates] *teachers* who are eligible to receive financial aid, subject to annual appropriation by the Maryland General Assembly, to pursue initial certification or *maintenance of certification* [renewal] by the National Board for Professional Teaching Standards.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Completion of the National Board [Assessment] *certification* process" means the candidate submits the requisite number of scoreable [entries] *components*, as defined by National Board for Professional Teaching Standards (NBPTS), for initial certification or [renewal] *maintenance of certification* within [one assessment cycle] *the timeframe allowed by the NBPTS*.

(2) (text unchanged)

(3) "National Board certification fee" means the [assessment] *component* fee charged by the NBPTS.

(4) "National Board certification process for initial certification" means the process [which involves compiling a portfolio and completing assessment center activities] *designed to collect standards-based evidence of accomplished practice that requires the candidate to complete four components, including assessment and portfolio-based activities*.

(5) "National Board [certification process for renewal] *maintenance of certification*" means the process *for a current National Board Certified Teacher to extend their certification* that requires the candidate [for renewal] to complete [one] *two components* [portfolio entry] that [contains] *contain* evidence of connections between the candidate's continued professional growth and student learning.

(6)—(7) (text unchanged)

(8) "*Teacher*" means a certified public school employee who is primarily responsible and accountable for teaching the students in the class, and unless otherwise provided, does not include:

(a) Curriculum specialists;

(b) Instructional aides;

(c) Attendance personnel;

(d) Psychologists;

(e) Social workers;

(f) Clerical personnel;

(g) An individual with a Resident Teacher Certificate; or

(h) An individual with a certification for career professionals.

.03 Eligibility Criteria.

A. [In order t] To be eligible to receive financial aid to pursue initial NBPTS certification, a candidate shall:

(1) Have completed 3 years of successful teaching [on a Maryland professional certificate at one or more early childhood, elementary, middle, or secondary public schools] *in an area and grade band related to the category for Board Certification the applicant is seeking*;

(2)—(3) (text unchanged)

(4) Have access to a class of students of the age and in the content area of the National Board Certificate being pursued;

[(4)](5) (text unchanged)

(6) If completing a certificate in Literacy, Reading Language Arts, Exception Needs, Early Childhood Generalist, Middle Childhood Generalist, and English as a New Language, a candidate shall:

(a) Demonstrate proficiency in the knowledge and practices of the science of reading including phonemic awareness, phonics, fluency, vocabulary, and comprehension by submitting one of the following:

(i) A passing score on a reading instruction test approved by the State Board of Education;

(ii) Completion of coursework or professional learning approved by the Department; or

(iii) An attestation of proficiency through observation completed by a Department-recognized assessor; or

(b) If completing a World Language certificate, provide a qualifying score on the American Council on the Teaching of Foreign Languages (ACTFL) speaking and writing proficiency certificates as determined by the NBPTS.

[(5) Demonstrate teaching practice in designated fields as identified by the NBPTS.]

B. [In order t] To be eligible to receive financial aid to pursue [renewal] *maintenance of certification* of the NBPTS certificate, a candidate shall:

(1)—(2) (text unchanged)

C. [In order t] To be eligible to receive financial aid to pursue [one] *a retake of a component*, a candidate shall:

(1) (text unchanged)

(2) [Pursue the NBPTS certificate within the next assessment cycle immediately following the cycle in which the candidate does not achieve National Board certification.] *Comply with deadlines as specified by the Department and NBPTS; and*

(3) *A candidate may only receive payment for one retake of each assessment on the National Board for Professional Teaching Standards.*

[D. A local school system may establish additional criteria for eligibility.]

.04 Selection Procedures.

A. Each participating local school system shall:

[(1) Establish a diverse selection committee representative of the educational community to include, but not be limited to, classroom teachers, National Board certified teachers, school administrators, and local teacher association members who are classroom teachers;]

[(2)](1) [Establish and publicize] *Publicize* written criteria[, including the criteria] identified in Regulation .03 of this chapter for the selection of candidates; *and*

[(3)](2) Forward names of [initial] candidates for the financial incentive program to the Department in accordance with the timelines established by the Department, with the following information:

(a) (text unchanged)

(b) *NBPTS* Candidate code;

(c) *Race, ethnicity, and gender;*

(d) *Contact information;*

(e) *Subject assignment(s);*

(f) *School assignment(s);*

[(c)](g) Signed, notarized memorandum of understanding that specifies the candidate's financial responsibility if the candidate does not complete the [assessment] process; *and*

[(d)](h) Confirmation of verification of eligibility as identified in Regulation .03 of this chapter; *and*].

[(e) Verification that the selection procedures specified in this regulation were followed; *and*

(4) Forward names of renewal and retake candidates for the financial incentive program to the Department in accordance with the timelines established by the Department, with the information required under Regulation .04A(3)(a)—(c) of this chapter.]

[B. The State Board of Education shall select initial, renewal, and retake candidates for National Board certification and promptly notify the respective school system and candidates in writing.]

[C.] *B.* (text unchanged)

.05 [Credits] Continuing Professional Development Credits.

A. A candidate who receives a National Board certificate shall earn six *continuing professional development* credits toward the renewal of the Maryland professional certificate.

B. A candidate who completes the National Board certification process, but who does not receive a National Board certificate, shall earn three *continuing professional development* credits toward the renewal of the Maryland professional certificate.

.06 Costs.

A. Costs for the fee charged by NBPTS shall be shared in the following manner:

(1) The State Board of Education shall pay 2/3 of the National Board certification fee, and the local school system shall pay 1/3 of the National Board certification fee for an initial or [renewal] *maintenance of certificate* candidate; *and*

(2) Subject to the annual appropriation by the Maryland General Assembly, the State Board of Education [may] *shall* pay 2/3 of the National Board certification fee, and the local school system [may] *shall* pay 1/3 of the National Board certification fee, for a candidate to pursue one retake [for] *of each component of the* National Board certification process.

B. Reimbursement.

(1) A candidate who does not complete [the] *all four components of the initial* National Board certification process *within the first three years of their candidacy* shall reimburse the State Board of Education the full amount of the aid, and the State Board of Education shall reimburse the local school system its share.

(2) A candidate who completes the certification process but does not achieve National Board Certification[,] is not required to reimburse the amount of the aid.

[.07 Staff Development Plan.

The Department shall establish a Statewide staff development plan that uses the skills and knowledge of teachers who have obtained National Board certification.

.08 Advanced Professional Certificate.

A candidate who receives a National Board certificate shall be eligible to receive the Advanced Professional certificate if the course work and experience requirements are satisfied in accordance with COMAR 13A.12.01.06E.]

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