



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

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: May 21, 2019

SUBJECT: Code of Maryland Regulation 13A.12.02.23
Blind/Visually Impaired
ADOPTION

PURPOSE:

The purpose of this item is to request permission to adopt amendments to Code of Maryland Regulations (COMAR) 13A.12.02.23 *Blind/Visually Impaired*. Amended regulatory language removes the requirement that a teacher certified in Blind/Visually Impaired must present a qualifying score on an approved test of braille competency at the time of the first renewal. With the removal of this renewal requirement, those individuals seeking certification in the area of Blind/Visually Impaired will be required to present a test in braille proficiency at the time of application.

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:

On December 4, 2018, the Maryland State Board of Education (SBOE) approved the adoption of the National Certification in Unified English Braille (NCUEB) as a requirement for initial certification in the area of Blind/Visually Impaired. At that meeting, the SBOE charged the MSDE with amending COMAR 13A.12.02.23 *Blind/Visually Impaired* to remove the current language requiring that a teacher certified in Blind/Visually Impaired present a qualifying score on an approved test of braille competency, at the time of the first certificate renewal, to align the test submission with all other teaching areas by requiring it at the time of application.

Additionally, the SBOE charged the MSDE with procuring a plan from the Maryland State Steering Committee (Steering Committee) for the Blind and Visually Impaired that ensures Maryland teacher candidates seeking certification in the area of Blind/Visually Impaired will have access to the NCUEB, as there are currently no test sites in Maryland. On December 12, 2018, by way of memorandum, the MSDE requested that the Maryland State Steering Committee for the Blind and Visually Impaired provide a plan for the administration of the NCUEB to include the number and location of test sites, the number of annual administrations, and availability of proctors. On January 31, 2019, the Steering Committee presented a plan for test administration (Attachment I).

On January 22, 2019, the SBOE granted permission to publish the proposed amendments to COMAR 13A.12.02.23 *Blind/Visually Impaired*. On February 7, 2019, the PSTEB granted permission to publish the regulation. On March 29, 2019, the proposed regulation was published in the Maryland Register (Attachment II) through April 29, 2019. The MSDE received one public comment from Montgomery County Public Schools, which is summarized in the attached chart (Attachment III).

Based on the comment received, the MSDE is not recommending changes to the proposed regulation. The regulation will address the concern that a teacher continue to maintain their knowledge of braille by requiring course work in the knowledge of braille code at each renewal. As is required for other areas of certification, individuals who wish to become certified in the area of Blind/Visually Impaired, will be required to present a qualifying score on an approved certification test at the time of application.

PROPOSED AMENDMENTS:

The proposed amendment removes the language requiring a test of braille proficiency at the time of renewal thereby aligning the certification assessment requirement with that of all other teaching areas in Maryland, by requiring the test at the time of application.

ACTION:

Request adoption of the proposed amendments to COMAR 13A.12.02.23 *Blind/Visually Impaired*.

Attachments:

Maryland Statewide Steering Committee for the Blind and Visually Impaired: Plan for NCUEB Implementation
COMAR 13A.12.02.23 *Blind/Visually Impaired*
COMAR 13A.12.02.23 *Blind/Visually Impaired* – Public Comment Submitted

Maryland Statewide Steering Committee for the Blind and Visually Impaired: Plan for NCUEB Implementation

The National Certification in Unified English Braille will be available across the state of Maryland in most regions on a variety of dates. The following is a preliminary plan of action as to how the NCUEB will be administered across the state.

Maryland Statewide Steering Committee for the Blind and Visually Impaired

Submitted on: January 31, 2019

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Description of NCUEB

The National Blindness Professional Certification Board (NBPCB) administers the National Certification in Unified English Braille (NCUEB). The NCUEB is a three part exam consisting of Braille writing, Braille proofreading and a multiple choice section on correct Braille usage and rules.

Registration: Registration for the exam will be done through the National Blindness Professional Certification Board (NBPCB) website (www.nbpcb.org). The Low Incidence Specialist for Blind and Visually Impaired Students for the State of Maryland will be in charge of communicating with the NBPCB to make sure that our dates and corresponding information are listed on their registration site. The low incidence specialist will also be the test coordinator for all testing sites in Maryland.

Fees: Like all certification tests, fees are paid by test takers. Fees are \$275 per test.

Materials

Materials will be ordered by the Maryland School for the Blind and will be distributed by the Maryland School for the Blind to proctoring locations. Materials will be mailed directly to National Blindness Professional Certification Board (NBPCB) in sealed envelopes from testing locations.

Materials come boxed up and must be kept secure at all times.

Testing Coordinator will make sure all testing sites have Braille Writers needed for the test.

[More specific information in manual attached]

Staffing

There are three main staffing positions needed for the administration of this test. Their roles and responsibilities are listed below and in the manual attached to this document. The Test Administrator and Proctor can be the same person.

Test Coordinator:

The Test Coordinator is responsible for: coordinating the test site and date, identifying a Test Administrator and proctors, providing all test materials, and being available to answer questions and problem solve before and during the test.

The Test Coordinator is responsible for the information in the Test Administration Manual [attached].

The Test Coordinator is responsible for making sure staff associated with the test understand their roles and responsibilities.

This role will be fulfilled for all testing dates and locations by the Low incidence Specialist for the State of Maryland for the Blind and Visually Impaired. There is no additional pay for this task, but rather falls into job description as duties as assigned.

Low incidence Specialist for the State of Maryland for the Blind and Visually Impaired:

Conchita Hernandez Legorreta

Conchita.hernandez@maryland.gov

Test Administrator (Can be same person as proctor)

The Test Administrator is responsible for assisting the Test Coordinator in procuring an appropriate test site and date, maintaining security of test materials at all times, preparing for and professionally administering the test as required, supervising proctors (if applicable), and shipping materials back to the NBPCB. This position is a volunteer position with no pay associated with duties and roles.

The Test Administrator is responsible for the information in the Test Administration Manual [attached].

Proctor

At least one proctor must be available to assist with the administration of the test, including monitoring the test and the test materials if there are a large number of test takers. This position is a volunteer position with no pay associated with duties and roles.

Proctors must meet the following criteria in addition to what is listed in the manual

1. A proctor will not take the test at any time in the future
2. A proctor will be present for the duration of the test, 4 hours in duration with breaks in between
3. A proctor will be able to read verbatim the directions of the test to test takers
4. A proctor will be able to check valid identification of test takers to match registration information
5. A proctor will have some basic knowledge of how to troubleshoot a malfunctioning braille writer
6. A Proctor is responsible for the information in the Test Administration Manual [attached]

Braille knowledge is not needed

Proctors will administer the test in the following manner

1. Show up at testing site in a timely manner
2. Maintain test reliability by keeping testing materials in sealed packages until the time of the test
3. Set up testing room to include no graphs, images or otherwise information relevant to the test
4. Check test taker identification and answer any questions
5. Take any electronic materials from test takers and keep them in a secure area. Once turned in, test takers cannot get them back until the test is over
6. Hand out materials to participants
7. Read directions verbatim to test takers
8. Make sure test takers are spaced far enough apart to not share answers
9. Wait for the duration of the test. During this time proctor may not be on any electronic device
10. Pick up testing materials as needed and put into sealed envelopes with corresponding test takers information

Testing Locations

Testing locations will be available in most regions of the state. Anyone wanting to take the test can take it in any county. Dates, locations and staffing have been confirmed. They will be finalized each year in September of the prior year. Our 2020 plan will be finalized in September of 2019.

Region 1: This region includes Allegany, Carroll, Frederick, Garrett, Washington and MD School/Deaf

- Blind Industries and Services of Maryland
322 Paca St
Cumberland, MD 21502
- Frederick County Public Schools

Region 2: This region includes Howard, Montgomery, and Prince George's

- John Carroll Special Education Building
1400 Nalley Terrace
Hyattsville, Maryland 20785
- English Manor
4511 Bestor Drive
Rockville, Maryland 20853

Region 3: This region includes Baltimore County, Baltimore City, Cecil, Harford, JSES, SEED School, MD School Blind, and DLLR

- Maryland School for the Blind
3501 Taylor Ave
Nottingham, MD 21236
- Harford County Public School

Region 4: This region includes Anne Arundel, Calvert, Charles, and St. Mary's

- Location and proctor same as Region 2

Region 5: This region includes Caroline, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester

- Wicomico Public Schools

Testing Dates:

Tests will be offered year round and at various locations across the state. Below is the list of locations and dates for the 2019 school year. In September of 2019 the steering committee will determine the 2020 locations, staffing, and dates.

March

March 16, Frederick County Public Schools

April

April 9, English Manor

April 26, Harford County Public Schools

May

May 11, Blind Industries and Services of Maryland

June

June 8, Wicomico Public Schools

July

July 13, Harford County Public School

August

August 10, Maryland School for the Blind

September

September 14, Blind Industries and Services of Maryland

October

October 8, English Manor

October 12, Maryland School for the Blind

November

November 9, Wicomico Public Schools

December

December 9, John Carroll Special Education Building

Submitted by Steering Committee on December 31st, 2018

.05 Accessibility of Print Materials.

A. When acquiring print materials, each local board of education and public agency may coordinate with the National Instructional Materials Access Center (NIMAC) when acquiring print or textbook-related supplemental resources for students who meet the NIMAC eligibility criteria.

B. Each local board of education and public agency shall provide equitable access to print instructional materials in a timely manner to students with disabilities who do not meet the NIMAC eligibility criteria.

C. If a local board of education or public agency chooses not to coordinate with the NIMAC, the local board of education or public agency shall provide an assurance to the Department that purchases meet standards set in 34 CFR §300.172.

.06 Accessibility of Digital Learning Resources.

Each local board of education and public agency shall comply with WCAG 2.0 Level AA when purchasing or selecting digital learning resources to provide equitable learning opportunities for all students.

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

Subtitle 12 CERTIFICATION

13A.12.02 Teachers

Authority: Education Article, §§2-205, 2-303(g), 6-701—6-705, [and] 8-3A-03, and 8-303, Annotated Code of Maryland

Notice of Proposed Action

[19-062-P]

The Maryland State Board of Education proposes to amend Regulation .23 under **COMAR 13A.12.02 Teachers**. This action was considered at the January 22, 2019, meeting of the State Board of Education.

Statement of Purpose

The purpose of this action is to remove the current language requiring a teacher certified in Blind/Visually Impaired to present a qualifying score on an approved test of braille competency at the time of the first certificate renewal to align the test submission with all other teaching areas by requiring it at the time of application.

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 an impact on individuals with disabilities as follows:

Given that those teachers of the visually impaired will have to pass an assessment showing Braille competency prior to being issued a certificate, schools may have a more difficult time recruiting for these positions. However, those students with visual impairments will have an increased chance of having a teacher who is better able to provide Braille instruction.

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 April 29, 2019. 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 May 21, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

.23 Blind/Visually Impaired.

A.—C. (text unchanged)

D. Renewal.

(1) A teacher certified for teaching blind/visually impaired students shall present a qualifying score on a Department approved test of Braille competency before the expiration of the initial professional certificate and 6 semester hours of course work from an IHE or in Department-approved Continuing Professional Development credits or Continuing Education Units (CEUs).

(2) For continued renewal, a] A teacher certified or teaching blind/visually impaired students shall submit 6 semester hours of course work from an IHE or Department-approved Continuing Professional Development credits or Continuing Education Units (CEUs) which must include maintenance of knowledge of Braille code.

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

Title 14

INDEPENDENT AGENCIES

**Subtitle 22 COMMISSION ON
CRIMINAL SENTENCING POLICY**

14.22.01 General Regulations

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

Notice of Proposed Action

[19-064-P]

The Maryland State Commission on Criminal Sentencing Policy proposes to amend Regulations .02 and .07 under **COMAR 14.22.01 General Regulations**. This action was considered at public meetings held on September 17, 2018, and December 11, 2018, notice of which were provided in the Maryland Register.

Statement of Purpose

The purpose of this action is to indicate modifications to the definition of corrections options in Regulation .02, the definition of a guidelines offense in Regulation .02, and the case information collected on the sentencing guidelines worksheet in Regulation .07 under COMAR 14.22.01 General Regulations. These modifications expand the definition of corrections options to include all problem-solving courts, work release, weekend or other discontinuous incarceration, and programs established by the Department of Public Safety and Correctional Services (DPSCS) and/or local correctional agencies, if the program meets the Commission's criteria. The modifications also clarify that cases adjudicated in a juvenile court are excluded from guidelines coverage. Finally, the modifications

COMAR 13A.12.02 Teachers
Regulation .23, Blind/Visually Impaired
Montgomery County Public Schools Comments

Maryland State Board of Education Statement of Purpose

The purpose of this action is to remove the current language requiring a teacher certified in Blind/Visually Impaired to present a qualifying score on an approved test of Braille competency at the time of the first certificate renewal to align the test submission with all other teaching areas by requiring it at the time of application

Montgomery County Public Schools (MCPS) Comments

Below are bulleted comments regarding this proposed amendment on the requirement for passing the National Certification in Unified English Braille on initial certification. Please note that both the Maryland State Steering Committee for Programs Serving Students with Visual Impairments, as well as the National Federation for the Blind have submitted their feedback earlier this winter to Dr. Justin M. Hartings, president, the Maryland State Board of Education (MSDE), in opposition to this amendment.

- Initial certification requires two courses in Braille to demonstrate proficiency. There is nothing in our experience to indicate that the current practice is inadequate for hiring qualified candidates.
- Since 2010 (and as recently as 2017), through three stakeholder groups in coordination with MSDE have consistently advocated for this assessment to be updated at the initial certification renewal and each recertification after that, to maintain the skill and quality of Braille instruction. Teachers of the Visually Impaired do not always have a Braille student on their caseload and this helps to ensure ongoing skill and proficiency
- This field is experiencing a severe shortage of Teachers of the Visually Impaired candidates. There is no preparation program nor any partnership in the state of Maryland to help recruit candidates. To add this examination to the existing examinations that teachers need to pass will incur additional costs and time, thus deterring any recruitment efforts
- The number of vacancies in Montgomery County Public Schools, as well as statewide, is expected to continue to increase. We want to ensure that we do not create more hurdles to the effort of attracting Teachers of the Visually Impaired candidates given this additional requirement, which is not favored by those in the field.

COMAR 13A.12.02.23 Blind/Visually Impaired- Public Comment Submitted

Commenter(s)	Comment	MSDE Comment
Montgomery County Public Schools	<p>“Below are bulleted comments regarding this proposed amendment on the requirement for passing the National Certification in Unified English Braille on initial certification. Please note that both the Maryland State Steering Committee for Programs Serving Students with Visual Impairments, as well as the National Federation for the Blind have submitted their feedback earlier this winter to Dr. Justin M. Hartings, president, the Maryland State Board of Education (MSDE), in opposition to this amendment.</p> <ul style="list-style-type: none"> ☒ Initial certification requires two courses in Braille to demonstrate proficiency. There is nothing in our experience to indicate that the current practice is inadequate for hiring qualified candidates. ☒ Since 2010 (and as recently as 2017), through three stakeholder groups in coordination with MSDE have consistently advocated for this assessment to be updated at the initial certification renewal and each recertification after that, to maintain the skill and quality of Braille instruction. Teachers of the Visually Impaired do not always have a Braille student on their caseload and this helps to ensure ongoing skill and proficiency ☒ This field is experiencing a severe shortage of Teachers of the Visually Impaired candidates. There is no preparation program nor any partnership in the state of Maryland to help recruit candidates. To add this examination to the existing examinations that teachers need to pass will incur additional costs and time, thus deterring any recruitment efforts ☒ The number of vacancies in Montgomery County Public Schools, as well as statewide, is expected to continue to increase. We want to ensure that we do not create more hurdles to the effort of attracting Teachers of the Visually Impaired candidates given this additional requirement, which is not favored by those in the field.” 	<p>The purpose of this action is to remove the current language requiring a teacher certified in Blind/Visually Impaired to present a qualifying score on an approved test of braille competency at renewal. The MSDE feels that requiring a test five years from the date of initial certification is not in the best interest of Maryland students. The blind/visually impaired community has been clear that braille proficiency is important. Given the importance of braille proficiency, we recommend aligning the test with all other teaching areas and requiring it at the issuance of a certificate. The renewal requirements will continue to include braille coursework to maintain proficiency.</p>