



**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:** July 24, 2018  
**RE:** COMAR 13A.12.01.05  
*General Requirements for Professional Certificates*  
**AMEND - PERMISSION TO PUBLISH**

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**PURPOSE:**

The purpose of this item is to request permission to publish the amendments to Code of Maryland Regulations (COMAR) 13A.12.01.05 *General Requirements for Professional Certificates* (Attachment I). Amendments are being proposed to eliminate the basic skills test requirement for those individuals seeking certification who do not hold a bachelor's degree (i.e., specialized professional areas and professional technical education candidates).

**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, 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 2015 Maryland legislative session, Washington County Public Schools sponsored Senate Bill 635, State Board of Education and the Professional Standards and Teacher Education Board – Alternative Certification Programs. The Bill required the SBOE and the PSTEB to consider and, if appropriate, develop an alternative teacher certification program for areas of the State experiencing a critical teacher shortage by December 1, 2015. In response to this legislation, a work group was established and recommendations were ultimately made. The work group examined the renewal requirements of the conditional certificate due to concerns pertaining to potential barriers for those individuals seeking certification in the area of Professional and Technical Education (PTE).

Given the alignment and timing of this charge, with the creation of the Teacher Induction, Retention, and Advancement Act (TIRA), the decision was made to incorporate the examination of the conditional certificate renewal requirements into the work of the TIRA work group. A subcommittee was established and charged with reviewing the conditional certificate renewal requirements, which includes testing requirements.

The committee found that Local School Systems (LSSs) are not only having difficulty recruiting, but losing specialized professional area teachers and PTE teachers due to their inability to achieve professional certification. Workgroup and committee members heard public testimony from three individuals, and received letters from Montgomery, Carroll, and Charles County Public Schools, as well as the Maryland House of Delegates Legislative District 35B, which includes Cecil and Harford Counties. Testimony and written correspondence addressed the challenges of staffing PTE teachers in Maryland public schools. It was reported that PTE teacher candidates often have difficulty passing basic skills assessments.

As a result of public and written testimony and critical teacher shortages in many of these areas, the committee recommended that it is in the best interest of Maryland students to examine alternative measures of basic skills for those who do not test well, but have demonstrated success in the classroom as conditionally certified teachers. On January 30, 2018, the SBOE granted permission to publish promulgation of new regulatory language to 13A.12.01.05 *General Requirements for Professional Certificates*. The PSTEB also granted permission to publish the proposed regulatory language on February 1, 2018. On April 27, 2018, the proposed regulations were published in the Maryland Register.

The MSDE received ten public comments, which were discussed during the June 20, 2018 SBOE meeting. Specifically, SBOE members expressed concern that the previously proposed requirement, allowing those individuals that do not hold a bachelor's degree to have the ability to present credit bearing coursework to fulfill the basic skills requirement in lieu of an assessment, was a barrier to employing qualified individuals in career and technology programs. Based on the comments received and discussion that ensued during the June 20, 2018 SBOE meeting, the MSDE is proposing amended regulatory language to eliminate the basic skills test requirement for those individuals seeking certification in specialized and professional technical education who do not hold a bachelor's degree.

### **SUMMARY:**

Proposed amendments to COMAR 13A.12.01.05 eliminate the basic skills test requirement for those individuals seeking certification in specialized and professional technical education who do not hold a bachelor's degree.

### **ACTION:**

Request permission to publish amendments to COMAR 13A.12.01.05 *General Requirements for Professional Certificates*.

## **Title 13A**

### **Subtitle 12 CERTIFICATION**

#### **Chapter 01 General Provisions**

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

A. General Standards. An applicant for a professional certificate shall meet the following requirements unless otherwise provided in §D of this regulation:

- (1) Receive a bachelor's or higher degree from an IHE;
- (2) Complete one of the certification options under Regulation .04 of this chapter; and
- (3) Submit:

(a) Evidence of qualifying scores as established by the State Superintendent of Schools on the teacher certification tests approved by the State Board of Education;

(b) A current, professional, out-of-State teaching certificate and verification that a qualifying score on a valid State certificate test was submitted to receive the certificate;

(c) A professional teaching certificate and 2 years of satisfactory full-time teaching experience in the certification area at the appropriate level; or

(d) Evidence of distinction of knowledge, skill, and practice of teaching provided to the applicant by a national or regional organization that is approved by the State Superintendent of Schools.

##### **B. Special Provisions.**

(1) Credits from institutions in other countries shall be evaluated for comparability of degree and course work by an independent agency authorized to analyze foreign credentials and designated by the Department. The evaluation is conclusive for the Department.

(2) An applicant who presents a bachelor's or higher degree from an IHE whose official transcript notes the earning of credit using the College Level Examination Program may receive credit for those specific content course requirements.

C. Acceptable Credit. Acceptable credit shall be approved by the local superintendent of schools if the applicant is employed by the local school system, or if the applicant is not so employed by the State Superintendent of Schools if the credit is:

- (1) Earned or taught at an IHE or through CPDs;
- (2) Related to a school assignment;
- (3) Earned within 5 years immediately preceding the date on which the certificate is issued; and

(4) Unless exempt under Regulation .11A(7) of this chapter, earned in reading course work under Regulation .11A(5) of this chapter if the teacher has not completed them.

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 **exempt from** [required to submit] **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. An applicant shall present teacher certification test scores under §A of this regulation directly to the Department in one of the following ways:

- (1) Directly from the testing company;
- (2) By notation on an official college transcript;
- (3) With the applicant's original score report or a copy of the applicant's score report verified to the satisfaction of the Department; or
- (4) By verification from a state department of education.