



**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:** April 28, 2020

**SUBJECT:** COMAR 13A.12.01.14 Waivers and Special Certification Provisions  
**PERMISSION TO PUBLISH - EMERGENCY REGULATIONS**

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**PURPOSE:**

The purpose of this item is to request permission to publish amendments to Code of Maryland Regulation (COMAR) 13A.12.01.14 *Waivers and Special Certification Provisions* under COMAR 13A.12.01 on an emergency basis, establishing an emergency certificate designed to allow those educator candidates who have completed all required coursework the ability to enter the classroom as a teacher of record while they complete the required assessments and any remaining clinical experiences.

**EMERGENCY REGULATORY PROCESS:**

Under Maryland law, a state agency, such as the State Board, may propose a new regulation or an amendment to a regulation whenever the circumstances arise to do so. Md. Code, State Government Article §10-111 provides a process for agencies to adopt regulations on an emergency basis. After the State Board votes to propose the emergency regulation, the Administrative, Executive, and Legislative Review (AELR) Committee and the Department of Legislative Services review the proposed regulation. If a majority of the Committee members approve the emergency regulation, the regulation may take effect immediately, but no sooner than 10 business days after it has been received by the Committee. There is no public comment period. The emergency regulations may be in effect for no more than 180 days, after which the state agency must adopt the regulations through the normal regulatory process if it wishes the regulations to become permanent.

**BACKGROUND:**

On March 5, 2020, Governor Hogan declared a state of emergency due to the COVID-19 pandemic. In response to Governor Hogan's directives to practice social distancing, Maryland colleges and universities moved to an online platform and extended their scheduled spring leave. Subsequently, public schools were ordered to close until May 15, 2020 and the Educational Testing Service closed all testing centers across the nation. These factors have led to Maryland educator candidates the inability to pass required certification assessments and, in some cases, complete a clinical experience.

Similarly, those teacher candidates currently employed on a Conditional Certificate due to expire, who are working to complete a transcript analysis evaluation, have not had the opportunity to take the required certification assessments or accumulate the required satisfactory experience to earn a professional certificate.

**PROPOSED REGULATION:**

The proposed regulation outlines the conditions of an emergency certificate, established to be issued during a state of emergency at the authorization of the State Superintendent, to those who meet the outlined criteria. The purpose of this certificate is to allow those educator candidates who have completed all of the requirements of certification with the exception of assessments and/or clinical experiences, the ability to accept a position with a Maryland local school system, state institution, or nonpublic school approved under COMAR 13A.09.10, as they complete the remainder of the professional certification requirements.

**EXECUTIVE SUMMARY:**

The purpose of this item is to request permission to publish amendments to Regulation .14 *Waivers and Special Certification Provisions* under COMAR 13A.12.01 on an emergency basis, establishing an emergency certificate designed to allow those educator candidates who have completed all required coursework the ability to enter the classroom as an educator of record while they complete the required assessments and any remaining clinical experiences.

**ACTION:**

Request permission to publish amendments to Regulation .14 *Waivers and Special Certification Provisions* under COMAR 13A.12.01 on an emergency basis.

Attachments: Regulation

#### **.14 Waivers and Special Certification Provisions.**

A. Waiver of Certification Requirements. Except for teacher certification tests, the State Superintendent of Schools has the authority to waive the specific requirements for a certificate in an individual case if the State Superintendent of Schools determines, after thorough investigation, that the applicant's preparation or experience, or both, are adequate to justify a waiver.

B. Special Allowances. Renewal requirements for any professionally certificated employee may be waived without regard to Regulation .11 of this chapter if the:

- (1) Renewal is recommended by the local superintendent of schools; and
- (2) Professionally certificated employee is:
  - (a) 55 years old or older; or
  - (b) Employed for at least 25 years in public school service or approved nonpublic school service.

C. Emergency Certificate. During a state of emergency, the State Superintendent may authorize the issuance of an emergency certificate to an individual employed in a local school system, state institution, or nonpublic school approved under COMAR 13A.09.10.

(1) Conditions. The emergency certificate may only be issued during a state of emergency and is:

- (a) Valid for 6 months from the date that the state of emergency is declared over;
- (b) May not be renewed; and
- (c) May only be issued to an individual employed in a local school system, state institution, or nonpublic school approved under COMAR 13A.09.10.

(2) Applicant. The emergency certificate may be issued to those applicants who are employed with a local school system, state institution, or nonpublic school approved under COMAR 13A.09.10 in a position that requires certification under COMAR 13A.12.01.03B, if the applicant is:

- (a) Enrolled, in good standing, in a Maryland approved educator preparation program and has completed all program requirements with the exception of the clinical experience(s) and the certification assessment(s); or
- (b) Holds a conditional degree or conditional nondegree certificate and has completed all of the requirements on their Maryland State Department of Education evaluation with the exception of the required experience and certification assessment(s).