
TO: Members of the State Board of Education

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

DATE: July 23, 2024

SUBJECT: COMAR 13A.07.02.01 *Contracts*
PERMISSION TO ADOPT

Purpose

The purpose of this item is to request permission to adopt amendments to the Code of Maryland Regulations (COMAR) 13A.07.02.01 *Contracts* to reflect changes made to COMAR 13A.12 *Educator Licensure*.

Background

Under Maryland law, a state agency, such as the State Board of Education (SBOE), may propose an amendment to a regulation whenever the circumstances arise to do so. After the SBOE votes to propose an amendment, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee 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. Thereafter, MSDE staff will present a recommendation to the SBOE to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not 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.

In November and December 2023, the Professional Standards and Teacher Education Board and SBOE, respectively, repealed and replaced COMAR 13A.12 *Educator Certification*. The new regulations, which become effective on April 1, 2024, transition from the term “certification” to “licensure.” As such, MSDE is recommending that all references to “certification” and “certificate” in COMAR 13A.07.02.01 *Contracts*, be amended to “licensure” and “license.”

On March 26, 2024, the SBOE granted permission to publish these amendments. During the public comment period, MSDE received one comment (attached) sharing concerns that using the term “license” may result in confusion given it has different meanings in certain professions, such as mental health professions. MSDE is not recommending that the SBOE make substantive changes based on this information. The term license is used throughout COMAR 13A.12 *Educator Licensure*, and as such, the contract for teachers should reflect this terminology. MSDE recommends that technical assistance be provided should any confusion arise.

Executive Summary

Code of Maryland Regulation 13A.07.02.01 *Contracts* establishes the language of the Regular and Provisional Contracts. The purpose of these amendments is to remove references to “certification” and “certificate” and replace them with references to “licensure” and “license.”

Action

Request permission to adopt amendments to COMAR 13A.07.02.01 *Contracts*.

Attachments

COMAR 13A.07.02.01 *Contracts*

Public Comment

June 28, 2024

Ms. Kelly Meadows, Assistant State Superintendent
Division of Educator Effectiveness
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201

Dear Ms. Meadows:

Montgomery County Public Schools (MCPS) is responding to the opportunity to comment on proposed amendments to COMAR 13A.07.02 *Terms of Employment* (Enclosure) that remove references to “certificate” and “certificated” and replace them with references to “license” and “licensed” in accordance with the amendments to COMAR 13A.12 Educator Licensure.

MCPS provides the following recommendation and analysis:

MCPS Recommendation

While the terms “licensure” versus “certification” may be inconsequential for many job classifications in the education setting, MCPS recommends the addition of clarifying language to explain how this will apply to mental health practitioners certified by the Maryland State Department of Education (MSDE) and also licensed by the State Board of Examiners.

Analysis

MCPS is concerned that the terminology may result in confusion, as it will have different meanings in certain professions, such as mental health professions.

- Many MCPS mental health staff are professionally licensed through the State Board of Examiners.
- Using the term “license” and “licensed” for professionals practicing in schools may lead to confusion with external agencies around practices that are permitted by licensed mental health professionals.
 - For example, will a licensed school psychologist licensed through the State Board of Education be able to submit a request for an emergency petition for a student that is suicidal in the same manner as a professional licensed through the State Board of Examiners?
 - MCPS is concerned that a hospital may not be able to differentiate between a MSDE licensed school counselor and a MSBE licensed professional counselor.

If you have questions or need additional information, please contact Stephanie P. Williams, general counsel, Office of the General Counsel.

Sincerely,

A handwritten signature in blue ink that reads "Monique T. Felder". The signature is written in a cursive style with a large, looped initial "M".

Monique T. Felder, Ph.D.
Interim Superintendent of Schools

MTF:SPW:smd

Enclosure

Copy to:
Mrs. Williams