


TO: Members of the State Board of Education

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

DATE: March 25, 2025

SUBJECT: Constituent Recommendation for Regulatory Amendment

Purpose

Under MD Code, State Government § 10-123, a member of the public has petitioned the State Board to amend COMAR 13A.05.02.13N, which governs the reimbursement of initial and renewal licensure fees for audiologists and speech-language pathologists. Specifically, the constituent seeks to have the regulation expanded to include reimbursement of fees related to the Criminal History Records Check (CHRC) required for licensure by the Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists & Music Therapists at the Maryland Department of Health. This memo outlines the relevant law and background, which support MSDE's recommendation to deny the petition as it would result in an unfunded mandate for local education agencies (LEAs).

Background

Consistent with State Government Article § 10-123, Annotated Code of Maryland, an interested person may submit a petition for adoption of a regulation to the State Board. Within 60 days of the submission, the State Board must either deny the petition in writing, including its reasons, or initiate the procedures to adopt the regulation.

Summary

In 2006, the General Assembly passed Senate Bill 600, which created Education Article, § 6-112.1, Annotated Code of Maryland. This statute states, in relevant part:

Each audiologist and speech-language pathologist who meets the requirements of [licensure and practice in schools] shall receive from the county board an amount equal to the initial licensing fee or renewal of license fee charged by the [State Board of Audiologists, Hearing-Aid Dispensers, and Speech-Language Pathologists].

The State Board codified this in COMAR 13A.05.02.13N(1):

A local school system shall provide an amount equal to the initial licensing fee or renewal of license fee to an audiologist or speech-language pathologist, in accordance with Education Article, §6-112.1, Annotated Code of Maryland.

On February 24, 2025, a speech-language pathologist in Maryland petitioned the State Board to expand the language of COMAR 13A.05.02.13N(1) to include Criminal History Records Check (CHRC) required for

licensure. (This is not the same as the background check required by LEAs for employment.) A full CHRC is a requirement to obtain a license issued by the Maryland Board of Examiners for Audiologist, Hearing Aid Dispensers, Speech-Language Pathologist, and Music Therapists. This includes all initial licenses, transfers from limited to full licensure, all renewal licenses, and reinstatement or reactivation of licenses. A licensee shall undergo a new criminal records history check as set forth in Health Occupations Article, §2-303.1, Annotated Code of Maryland, every three renewal cycles or every 6 years.

MSDE, in consultation with legal counsel, has determined that while the CHRC is a requirement for licensure, it is a separate fee from a licensure fee, as contemplated by the statute. Therefore, expanding the regulation to include reimbursement for the CHRC would place an unfunded mandate on the LEAs.

To highlight the scope of this mandate, MSDE collected some data from the LEAs. The current cost of the CHRC is approximately \$60. Each of the 24 LEAs in Maryland has SLPs and Audiologists on staff or contracted to provide services to students, totaling approximately 1,600 licensed SLPs and Audiologists. The cost of reimbursing the CHRC fee just once for these practitioners is approximately \$96,000, not factoring in the updated CHRC required every six years. While the law does not require the LEAs to reimburse for CHRCs, it does not preclude the LEA from choosing to do that. Of the 20 LEAs that responded to MSDE's query, only 4 currently reimburse for CHRCs required by licensing boards.

Recommendation

The State Board must either deny the petition for regulation or initiate procedures to adopt the regulation. MSDE is recommending that the State Board deny the petition to expand COMAR 13A.05.02.13N to include reimbursement of CHRC as this would place an unfunded mandate upon the LEAs. Furthermore, this is not in alignment with the practice of most of the LEAs at this time.