

TO: Members of the State Board of Education

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

DATE: April 29, 2025

SUBJECT: 13A.12.06 *Disciplinary Action and Denial*
Permission to Publish Amendments

Purpose

The purpose of this item is to request permission to publish amendments to the Code of Maryland Regulations (COMAR) 13A.12.06.01-.04 and .08-.09. The Maryland State Department of Education (MSDE) is recommending removing the term “charge” and replacing it with the term “grounds” to describe a cause that may lead to disciplinary action or denial of a Maryland educator license, as well as establish a definition for “petition,” which refers to the recommendation to take disciplinary action made to the State Superintendent of Schools by a local educational agency, nonpublic school, or Division of Educator Effectiveness.

Background

Under Maryland law, the Professional Standards and Teacher Education Board (PSTEB) shares joint authority with the State Board of Education (SBOE) to develop regulations governing teacher certification and preparation. When the PSTEB initiates a regulatory change, the SBOE must also review the proposed regulation. If a majority of the SBOE members approve of the regulation, the regulation promulgation process continues.

After the PSTEB and SBOE vote to approve a regulation, 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 will be published in the Maryland Register for a 30-day public comment period. At the end of the comment period, MSDE staff reviews and summarizes the public comments, which are presented to both boards. Thereafter, MSDE staff will present a recommendation to both the PSTEB and SBOE 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) withdraw 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 PSTEB and SBOE would then vote to formally adopt the regulation.

Executive Summary

MSDE is recommending amending all references to the term “charge” in COMAR 13A.12.06 *Disciplinary Action and Denial*, to prevent confusion between a cause that warrants disciplinary action of a license and the formal accusation of criminal activity. It has been reported to MSDE that using the term “charge” to describe a cause for disciplinary action or denial may be misinterpreted to mean an individual must be “charged” with a crime to take action against a license. For this reason, MSDE is recommending transitioning to the term “grounds” to describe a cause that warrants action against a license. Additionally, MSDE is recommending the establishment of a formal term to describe the recommendation to take disciplinary action made to the State Superintendent of Schools by a local educational agency, nonpublic school, or Division of Educator Effectiveness.

The PSTEB approved permission to publish COMAR 13A.12.06 *Disciplinary Action and Denial* during their April 3, 2025, meeting.

Action

MSDE is requesting that the SBOE grant permission to publish amendments to COMAR 13A.12.06.01-.04 and .08-.09.

Attachment

COMAR 13A.12.06.01-.04

COMAR 13A.12.06.08-.09

13A.12.06.00

Title 13A STATE BOARD OF EDUCATION

Subtitle 12 EDUCATOR LICENSURE

Chapter 06 Disciplinary Actions and Denials

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-708; Family Law Article, §10-119.3; Annotated Code of Maryland

13A.12.06.01

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) **“Charge”** means the written cause on which a proposed suspension or revocation is based.

(2) **“Denial”** means that an individual may not be issued a license because the individual has committed one or more **[causes]** **grounds** that could lead to the suspension or revocation of a license.

(2) **“Grounds”** means the basis or cause for denial, suspension, or revocation.

(3) **“Petition”** means the written request for denial, suspension, or revocation.

(3) (4) **“Revocation”** means that an educator’s license is withdrawn permanently.

(4) (5) **“Substantiated”** means the allegation is supported by proof or evidence, including: witness statements, photographs, videos, and investigation reports.

(5) (6) **“Suspension”** means that an educator’s license is withdrawn for a specified period of time.

(6) (7) **“Voluntarily surrendered”** means a license holder relinquishes the license while under investigation for **[a cause]** **grounds** that could lead to the suspension or revocation of the license, or while a suspension or revocation action is pending against the license holder, and is equivalent to a revocation.

13A.12.06.02

.02 **[Causes]** **Grounds** for Disciplinary Action or Denial.

A. The State Superintendent of Schools shall suspend, deny, or revoke a license and all specific license areas issued under this subtitle for the **[causes]** **grounds** set forth in this regulation.

B. Suspension Only. A license may be suspended by the State Superintendent of Schools under the following conditions:

(1) Breach of Contract. A license may be suspended for not more than 365 days if the license holder leaves the employment of a local school system after July 15 in the absence of an emergency and without the consent of the local board of education in violation of the provisions of the Regular State Teacher’s Contract set forth in COMAR 13A.07.02.01B. If an emergency arises, the local board may not unreasonably withhold its consent.

(2) Failure to Pay Child Support.

(a) The State Superintendent of Schools shall suspend a license on notification by the Department of Human Services, Child Support Enforcement Administration, that the license holder's failure to pay child support meets the criteria for suspension of a license under Family Law Article, §10-119.3, Annotated Code of Maryland.

(b) Before suspending the license, the State Superintendent shall send written notice to the license holder of the proposed suspension and the right to contest the identity of the individual whose license will be suspended.

(c) An individual may appeal the decision to suspend a license based on failure to pay child support in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland. At the appeal hearing, the administrative law judge shall limit the issue to whether the Department of Human Services, Child Support Enforcement Administration, has mistaken the identity of the individual whose license was suspended.

(d) The State Superintendent shall immediately reinstate any license suspended for failure to pay child support if notified by the Department of Human Services, Child Support Enforcement Administration, that the license should be reinstated and the individual otherwise qualifies for the license.

C. Suspension, Revocation, or Denial. The State Superintendent of Schools shall suspend, deny, or revoke a license if the license holder or applicant:

(1) Pleads guilty or nolo contendere with respect to, receives probation before judgment with respect to, or is convicted of, a crime involving:

(a) Contributing to the delinquency of a minor;

(b) Moral turpitude if the offense bears directly on the individual's fitness for employment in education;

(c) Sexual offense in the third or fourth degree; or

(d) A controlled dangerous substance offense if:

(i) The offense occurred on school property or during a school event; or

(ii) The individual has been convicted and the clerk of the court has certified and reported the controlled dangerous substance conviction to the Department consistent with Criminal Law Article, §5-810, Annotated Code of Maryland, based on a finding by the court that a relationship exists between the conviction and the license;

(2) Willfully and knowingly:

(a) Makes a material misrepresentation or concealment as part of any licensure request;

(b) Files a false report or record, or makes any false document, as part of any licensure request;

(c) Presents a false license or misrepresents one's licensure status to the Department or an employer; or

(d) Commits a violation of the test security and data reporting policy and procedures set forth in COMAR 13A.03.04;

(3) Fraudulently or deceptively obtains a license;

(4) Knowingly fails to report suspected child abuse in violation of Family Law Article, §5-701, Annotated Code of Maryland;

(5) Is dismissed after an allegation of misconduct involving a student in any school system or any minor is substantiated;

(6) Resigns after notice of allegation of misconduct involving a student in any school system or any minor;

(7) Is dismissed after notice of allegation of misconduct involving any [cause] grounds for denial, suspension or revocation of a license provided in this regulation is substantiated;

(8) Resigns after notice of allegation of misconduct involving any [cause] grounds for denial, suspension or revocation of a license provided in this regulation; or

(9) Has had a license suspended, revoked, denied, or voluntarily surrendered in another state for a cause which would be grounds for suspension or revocation under this regulation.

D. Revocation or Denial. The State Superintendent of School shall revoke or deny a license if the license holder or applicant:

(1) Pleads guilty or nolo contendere with respect to, receives probation before judgment with respect to, or is convicted of, a crime involving:

(a) Child abuse or neglect as defined in Criminal Law Article, §§3-601—3-603, Annotated Code of Maryland, or a comparable crime in another state;

(b) Possession, distribution, receipt, or production of child pornography;

(c) Sexual solicitation of a minor; or

(d) A crime of violence as defined in Criminal Law Article, §14-101, Annotated Code of Maryland, or a comparable crime in another state;

(2) Is dismissed after an allegation of sexual child abuse is substantiated; or

(3) Resigns after notice of allegations of sexual child abuse.

13A.12.06.03

.03 [Reporting Procedures.] *Petition for Disciplinary Action or Denial.*

A. Except as provided in Regulation .02B(2) of this chapter, the following individuals shall *file a petition* notify~~ing~~ the State Superintendent of Schools in writing of *[charges]* *grounds* against a license holder or applicant under Regulation .02 of this chapter:

(1) The local superintendent of schools or a state agency employer if the:

(a) Individual is currently employed or was employed by the local school system or state agency employer when the conduct occurred; or

(b) Conduct is reported to the local school system in a criminal background investigation required under Family Law Article, §§5-5[60]50—5-5[68]59, Annotated Code of Maryland;

(2) The administrator of a nonpublic school if the:

(a) Individual is currently employed or was employed by the nonpublic school when the conduct occurred; or

(b) Conduct is reported to the nonpublic school in a criminal background investigation required under Family Law Article, §§5-5[60]50—5-5[68]59, Annotated Code of Maryland; or

(3) The Assistant State Superintendent of Educator *[Licensure and Program Approval]* *Effectiveness*, or the superintendent's designee.

B. The *[written report]* *petition* shall include all of the following:

(1) Name and current or last known address, e-mail, and phone number of the individual against whom the *[charges]* *petition is* *[are]* being filed;

(2) Type of license or licenses held by the individual against whom the *[charges]* *petition is* *[are]* being filed;

(3) Specific grounds as set forth in Regulation .02 of this chapter and [the specifications that] *any evidence, documentation, or other information* support~~ing~~ the grounds for *[either]* *denial*, suspension, or revocation;

(4) Confirmation that the employee has foregone an appeal or exhausted appeal rights if any employment-related discipline was issued; and

(5) A recommendation on the type of disciplinary action that should be issued, including the following considerations:

(a) The parties may agree to a joint recommendation to the State Superintendent of Schools on the resolution of the case;

(b) The joint recommendation is not binding; and

(c) The State Superintendent of Schools may accept or reject the recommendation, as follows:

(i) Where the State Superintendent of Schools rejects the recommendation of the [reporter] *petitioner* under §A of this regulation, the State Superintendent shall recommend the appropriate disciplinary action; and

(ii) The [reporter] *petitioner* under §A of this regulation shall adopt the State Superintendent's recommendation in all proceedings related to the licensing action.

C. The State Superintendent of Schools shall deny, suspend, or revoke a license [after written notification] *upon receipt of a proper petition* by a local superintendent of schools, an administrator of a nonpublic school, or the Assistant Superintendent of Educator Licensure and Program Approval[, of] *identifying* the [charges] *grounds* against the license holder.

D. Before denying, suspending or revoking a license, the State Superintendent of Schools shall:

(1) Send the applicant or license holder written notice of the [charges] *petition*; and

(2) Advise the applicant or license holder of the right to request a hearing within 30 calendar days of the date of the written notice.

E. The State Superintendent of Schools shall e-mail and mail one copy of the written notice and the procedures applicable to the *denial*, suspension, or revocation of a license by certified mail to the current or last known address of the license holder.

F. The license holder against whom [charges] *the petition* has[ve] been filed may request a hearing in writing within 30 calendar days of the date of the written notice specified in §D of this regulation.

G. If the license holder does not request a hearing in writing on the [charges] *petition* within the 30-day period set forth in §D(2) of this regulation, the State Superintendent of Schools shall *deny*, suspend or revoke the license.

H. Voluntary Surrender.

(1) An educator who is under investigation *for*, or facing [charges] *a petition identifying grounds* for [a cause] *disciplinary action or denial as* listed in Regulations .02C and D of this chapter may voluntarily surrender his or her license.

(2) The State Superintendent of Schools shall treat a license that is voluntarily surrendered as a revocation, and it may not be reinstated except as described in Regulation .09 of this chapter.

I. Placing an Alert on an Educator's Record.

(1) The Department may place an alert on a licensure record on the request of a local school system, nonpublic school, state agency, or on its own accord, if an educator:

(a) Has had action taken on a license by another state; or

(b) Is facing the suspension or revocation of a license after being informed of charges by the State Superintendent of Schools.

(2) An alert does not affect the validity of an educator's license.

(3) The local school system, nonpublic school, or state agency shall immediately inform the Department if grounds no longer exist to suspend, deny, or revoke an educator's license.

(4) The Department shall immediately remove the alert from an educator's record if it becomes aware that grounds no longer exist to deny, suspend or revoke an educator's license.

J. Action on an Expired License. The Department may take action against an educator's license even if the license has expired as long as the basis for the action occurred while the license was active.

K. Denial.

(1) The Department shall deny a license, permanently or for a fixed period of time, to an individual who does not currently hold a license and has committed [a cause] grounds listed under Regulations .02C of this chapter.

(2) The Department shall deny a license permanently to an individual who does not currently hold a license and has committed [a cause] grounds listed under Regulations .02D of this chapter.

(3) An individual who has been denied a license may appeal the decision through the process outlined in Regulations .03—.07 of this chapter.

(4) An individual under investigation for [a cause] grounds under .02 of this chapter shall remain ineligible for a license pending the result of the investigation.

(5) Denial Because of a Failure to Pay Child Support.

(a) An individual whose failure to pay child support meets the criteria for denial of a professional license under Family Law Article, §10-119.3, Annotated Code of Maryland, following written notification to the State Superintendent of Schools by the Department of Human Services, Child Support Enforcement Administration, is ineligible for a license.

(b) Before denial of a license, the State Superintendent shall send written notice to the individual, including the right to contest the identity of the individual whose license the Superintendent seeks to deny.

(c) An individual may appeal the decision to deny a license based on failure to pay child support in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland. At the appeal hearing, the issue is limited to whether the Department of Human Services, Child Support Enforcement Administration, has mistaken the identity of the individual whose license was denied.

(d) The State Superintendent shall immediately withdraw the denial of an application for a license if notified by the Department of Human Services, Child Support Enforcement Administration, that the individual is eligible for a professional license and the individual otherwise qualifies for a license.

13A.12.06.04

.04 Hearing Procedures.

A. If the license holder requests a hearing in writing within the 30-day period, the State Superintendent of Schools shall promptly refer the case to the Office of Administrative Hearings.

B. If the written [charges] petition was[ere] filed against the license holder by the local superintendent of schools or an administrator of a nonpublic school under Regulation .03 of this chapter, a representative from the local school system or nonpublic school shall present the case before the Office of Administrative Hearings.

C. Hearing procedures are in accordance with the Administrative Procedure Act, State Government Article, §10-201 et seq., Annotated Code of Maryland, and with COMAR 28.02.

D. The administrative law judge shall determine if the [charges] grounds against the license holder are supported by a preponderance of the evidence.

E. The administrative law judge shall submit in writing to the State Superintendent of Schools proposed findings of fact, proposed conclusions of law, and recommendations. The administrative law judge shall distribute this written proposed decision to the parties.

F. A party objecting to the administrative law judge's proposed decision may file exceptions with the State Superintendent of Schools within 15 calendar days of the date of the decision, and:

- (1) The party filing exceptions shall ensure that a copy of the exceptions are provided to the opposing party;
- (2) An opposing party may respond to the exceptions within 15 calendar days of the date of the exceptions;
- (3) All parties shall have an opportunity for oral argument before the State Superintendent of Schools before a final decision is made; and
- (4) The State Superintendent of Schools shall limit oral argument to 15 minutes per side.

13A.12.06.08

.08 Educator Identification Clearinghouse.

- A. The Educator Identification Clearinghouse is maintained by the National Association of State Directors of Teacher Education and Certification to provide a mechanism for licensing agencies to exchange names of educators whose licenses have been denied, revoked, suspended, or surrendered.
- B. The State Superintendent of Schools shall notify the Educator Identification Clearinghouse of all surrender, suspension, revocation, and denial decisions as part of the interstate certification data exchange.
- C. The State Superintendent shall only provide final actions that are matters of public record to the Clearinghouse.
- D. The existence of a record in the Educator Identification Clearinghouse alone is not [grounds] *a basis* for reciprocal action.

13A.12.06.09

.09 Reinstatement.

- A. A professional license that has been suspended under this chapter is automatically reinstated at the end of the suspension period if the license did not expire during the period of suspension.
- B. If the license expires during the period of suspension, the holder of the former license may reapply but shall meet the licensure requirements that are in effect when the holder applied for the new license.
- C. If a decision of suspension, revocation, or voluntary surrender is based on Regulation .02C(1) or D(1) of this chapter and if the plea, probation before judgment, or conviction is overturned, or expunged, and there is no subsequent proceeding leading to a plea, probation before judgment, or conviction, the individual whose license is suspended, revoked, or voluntarily surrendered may file a written request for reinstatement, including documentation of the final status of the judicial proceeding.
- D. Reinstatement Review Panel.
 - (1) An individual whose license was revoked under Regulation .02C of this chapter or voluntarily surrendered may [petition] *request that* the Reinstatement Review Panel [for] reinstate[ment of] the license not sooner than 10 years from the date of revocation.
 - (2) The Reinstatement Review Panel shall consist of one member of the Maryland State Board of Education appointed by its president, one member of the Professional Standards and Teacher Education Board appointed by its chairperson, and the State Superintendent of Schools or designee.
 - (3) The individual seeking reinstatement shall submit to the Reinstatement Review Panel a written *request* [petition] showing credible evidence, by affidavit or otherwise, of the factors set out in §C(4) of this regulation, and may request an opportunity to appear in person before the Panel.
 - (4) The Reinstatement Review Panel shall consider the following facts in evaluating a [petition] *request* for reinstatement:

- (a) The nature and circumstances of the individual's original misconduct;
- (b) The individual's subsequent conduct and reformation;
- (c) The individual's present character; and
- (d) The individual's present qualifications and competence.

(5) The Reinstatement Review Panel may place conditions upon a reinstatement, including requiring an individual to complete ethics training.

(6) On unanimous vote of the Reinstatement Review Panel and if the individual has met all current licensure requirements, and subject to any conditions placed on the reinstatement by the Reinstatement Review Panel, the State Superintendent of Schools shall reinstate the license.

(7) On the Reinstatement Review Panel's request, MSDE staff may advise the panel regarding the licensure regulations.

E. A license revoked or voluntarily surrendered while an educator is under investigation **for,** or facing **[charges]** **a** ***petition identifying, grounds*** under Regulation .02D of this chapter may not be reinstated.