


TO: Members of the State Board of Education

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

DATE: May 29, 2025

SUBJECT: COMAR 13A.07.12.01 *Disqualification Criteria for Substitute Teachers*

PERMISSION TO PUBLISH

Executive Summary

The purpose of this item is to request permission to publish amendments to the Code of Maryland Regulations (COMAR) 13A.07.12.01 *Disqualification Criteria for Substitute Teachers*. COMAR 13A.07.12.01 defines the causes that require disqualification as a substitute in Maryland local education agencies. On April 1, 2024, new licensure requirements were adopted, including the causes that lead to the denial, suspension, and revocation of an educator license. The causes that lead to disqualification as a substitute, outlined in COMAR 13A.07.12.01, mirror the causes for disciplinary action against an educator license. For this reason, the Maryland State Department of Education (MSDE) recommends amendments to COMAR 13A.07.12.01 to realign to the new educator licensure regulations.

Background and Process

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 State Board 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 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 the 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.

Action Required

The MSDE is requesting permission to publish amendments to COMAR 13A.07.12.01 *Disqualification Criteria for Substitute Teachers*.

Attachment

COMAR 13A.07.12.01 *Disqualification Criteria for Substitute Teachers*

13A.07.12.01 Disqualification Criteria for Substitute Teachers.

A. Disqualification Causes.

(1) A local school system shall disqualify a substitute teacher from employment in any local school system if the individual:

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

(i) Contributing to the delinquency of a minor;

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

(iii) *Sexual offense in the third or fourth degree;*

(i)(ii)(v) A controlled dangerous substance offense if the offense occurred on school property or during a school event or if the individual has been convicted and the clerk of the court has certified and reported the controlled dangerous substance conviction to the Department;

(iv) 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;

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

(vi) Sexual solicitation of a minor; or

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

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

(c) Is dismissed [or resigns] after notice of allegation of misconduct involving a student in any school system or any minor *is substantiated*; [or]

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

(e) Is dismissed [or resigns] after notice of allegations of sexual child abuse *is substantiated*[.]; or

(f) *Resigns after notice of allegations of sexual child abuse.*

(2) This regulation does not prevent a local school system from terminating, declining to hire, or declining to use the services of a substitute teacher based on any of the disqualifying causes or for any other lawful reason not listed as a disqualifying cause.

B. Notice of Disqualification and Right to Appeal.

- (1) Prior to disqualifying a substitute teacher, a local school system shall send the individual notice of the proposed action, including the specific cause or causes for disqualification, and provide an opportunity to challenge the disqualification.
- (2) A challenge to disqualification is limited to whether a substitute should be added to the Disqualified Substitute Teacher Database.
- (3) An individual may appeal the disqualification in writing to the State Superintendent of Schools within 30 days of the final decision of the local school system. An individual shall remain on the disqualified list while an appeal to the State Superintendent of Schools is pending.

C. Disqualified Substitute Teacher Database.

- (1) The Maryland State Department of Education shall maintain an electronic database of substitute teachers who have been disqualified by a local school system under §§A and B of this regulation.
- (2) The local school system shall notify the Maryland State Department of Education of a substitute teacher's disqualification within 10 days of the final action.
- (3) The notification to the Maryland State Department of Education shall be in the format prescribed by the Department.
- (4) Within 10 days of receipt of notification, the Maryland State Department of Education shall enter the individual into an electronic database established under this regulation.
- (5) Prior to employing an individual as a teacher, a local school system shall check whether the individual is listed in the Disqualified Substitute Teacher Database.
- (6) The Maryland State Department of Education shall provide a list of those individuals in the Disqualified Substitute Teachers Database to each local school system on a monthly basis.

D. If a decision to disqualify an individual from being able to serve as a substitute is based on §A(1)(a) of this regulation 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 who has been disqualified may file a written request with the Maryland State Department of Education to be removed from the Disqualified Substitute Teacher Database.

E. If an individual who is disqualified from being able to serve as a substitute in Maryland based on §A of this regulation holds a valid Maryland Educator Certificate, the local superintendent of schools shall notify the State Superintendent of Schools in writing of charges against the certificate holder pursuant to COMAR 13A.12.05.02.