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**TO:** Members of the State Board of Education

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

**DATE:** June 25, 2024

**SUBJECT:** COMAR 13A.07.08  
*Incentive Program for Certification by the National Board for Professional Teaching Standards*  
PERMISSION TO PUBLISH

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### **Purpose**

The purpose of this item is to request permission to publish amendments to the Code of Maryland Regulations (COMAR) 13A.07.08 *Incentive Program for Certification by the National Board for Professional Teaching Standards* to reflect changes made to Md. Code, Education Article §6-112 as part of the Blueprint for Maryland's Future.

### **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 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 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 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.

Effective February 12, 2021, House Bill 1300 (2020), Blueprint for Maryland's Future, repealed Education Article §6-112 State and Local Aid Program for Certification or Renewal of Certification, and replaced it with §6-1012, effectively redefining the National Board Incentive Program. Candidates are no longer required to be confirmed by the SBOE and there is no maximum amount of participants in the amended version of the law. Additionally, the amended law allows a candidate to request funding to retake each of the four components required for certification. While the funding for the initial submission of each component is required, subject to annual appropriation by the general assembly, the funding for retaking components is based on available funding at the local education agency's discretion.

On January 6, 2022, the Professional Standards and Teacher Education Board (PSTEB) reviewed draft amendments to COMAR 13A.07.08 and provided input to MSDE. On August 22, 2023, the SBOE granted permission to publish amendments to COMAR 13A.07.08, which included additional requirements for teachers to demonstrate competency in teaching reading using scientifically based instruction. The amendments were published in the Maryland Register on November 3, 2023, for a 30-day period. During the public comment period, an AELR Analyst contacted the Maryland State Department of Education (MSDE) with concerns about the legality of requiring certain teachers to demonstrate competency in teaching reading using scientifically based instruction methods as a prerequisite for eligibility to participate in the incentive program. On December 5, 2023, the SBOE granted permission to withdraw the published amendments to allow MSDE to further review the amendments to ensure alignment with Education Article §6-1012.

The intent of the language requiring teachers to demonstrate proficiency in teaching reading aligned to scientific practices to be eligible for the incentive program was to prevent teachers from including instructional samples in their portfolios that are not grounded in science. To address these concerns, MSDE met with representatives from the National Board for Professional Teaching Standards (NBPTS) and is partnering with a Contemporary Relevance Check Committee to review the NBPTS standards and ancillary documentation to ensure alignment with the science of reading. Based on the work of this committee, NBPTS is scheduled to release updated standards and newly created ancillary materials in September 2024.

During the 2024 Legislative Session, Education Article §6-1012 was amended by House Bill 1426. The amended statute expands the Incentive Program to nonclassroom teachers, including administrators, assistant principals, instructional specialists, and principals.

### **Executive Summary**

COMAR 13A.07.08 *Incentive Program for Certification by the National Board for Professional Teaching Standards* defines the criteria for the selection of individuals who are eligible to receive financial aid to pursue National Board Certification based on the policies of the National Board for Professional Teaching Standards, as well as outlines the processes associated with the program. Amendments to COMAR 13A.07.08 are required to align with the requirements established in Education Article §6-1012.

### **Action**

Request permission to publish amendments to COMAR 13A.07.08 *Incentive Program for Certification by the National Board for Professional Teaching Standards*.

### **Attachments**

COMAR 13A.07.08 *Incentive Program for Certification by the National Board for Professional Teaching Standards*

# Title 13A STATE BOARD OF EDUCATION

## Subtitle 07 SCHOOL PERSONNEL

### Chapter 08 Incentive Program for Certification by the National Board for Professional Teaching Standards

Authority: Education Article, [§§6-112] §§6-1001, 6-1012 and 6-1013, Annotated Code of Maryland

#### .01 Scope.

This chapter establishes the criteria for the selection of public school [candidates] teachers and nonclassroom teachers who are eligible to receive financial aid, subject to annual appropriation by the Maryland General Assembly, to pursue initial certification or maintenance of certification [renewal] by the National Board for Professional Teaching Standards.

#### .02 Definitions.

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

B. Terms Defined.

(1) "Completion of the National Board [Assessment] certification process" means the candidate submits the requisite number of scoreable [entries] components, as defined by National Board for Professional Teaching Standards (NBPTS), for initial certification or [renewal] maintenance of certification within [one assessment cycle] the timeframe allowed by the NBPTS.

(2) "National Board certificate" means a credential issued by the NBPTS which attests that a candidate has been judged by peers as one who is accomplished, makes sound professional judgments about student learning, and acts effectively on those judgments.

(3) "National Board certification fee" means the [assessment] component fee charged by the NBPTS.

(4) "National Board certification process for initial certification" means the process [which involves] designed to collect standards-based evidence of accomplished practice that requires the candidate to complete four components, including and assessment and portfolio-based activities [compiling a portfolio and completing assessment center activities].

(5) "National Board [certification process for renewal] maintenance of certification" means the process that requires the National Board certified candidate [for renewal] to complete [one] two components [portfolio entry] that contain[s] evidence of connections between the candidate's continued professional growth and student learning to extend their certification.

(6) "National Board for Professional Teaching Standards (NBPTS)" means a private, nonprofit organization whose primary purpose is to advance the teaching profession and to improve student learning.

(7) "Nonclassroom Teacher" means a position in a school for which, if the individual earns National Board Certification, the individual is eligible to join the career ladder, including:

(a) Administrators;

(b) Assistant Principals;

(c) Instructional Specialists; and

(d) Principals.

(8) "Retake" means the process offered by the NBPTS, which allows candidates, during their initial attempt, to resubmit any combination of portfolio entries, assessment center exercises, or both, for which they did not achieve a passing score.

(9) "Teacher" means a licensed public school employee who is primarily responsible and accountable for teaching the students in the class, and unless otherwise provided, does not include:

(a) Curriculum specialists;

(b) Instructional aides;

(c) Attendance personnel;

(d) Psychologists;

(e) Social workers;

(f) Clerical personnel;

(g) An individual with a Resident Teacher Certificate; or

(h) An individual with a certification for career professionals.

### .03 Eligibility Criteria.

A. [In order to] To be eligible to receive financial aid to pursue initial NBPTS certification, a candidate shall:

(1) Have completed 3 years of successful teaching as defined by the NBPTS; [on a Maryland professional certificate at one or more early childhood, elementary, middle, or secondary public schools;]

(2) Hold a valid Maryland professional [certificate] license;

(3) Affirm voluntary participation in the NBPTS certification process;

(4) Have access to a class of students of the age and in the content area of the National Board certificate being pursued;

(4) (5) Comply with the deadlines as specified by the Department and NBPTS; and

(5) (6) [Demonstrate teaching practice in designated fields as identified by the NBPTS] If completing a World Language certificate, provide a qualifying score on the American Council on the Teaching of Foreign Languages (ACTFL) speaking and writing proficiency assessments as determined by the NBPTS.

B. [In order to] *To* be eligible to receive financial aid to pursue *maintenance of certification* [renewal] of the NBPTS certificate, a candidate shall:

- (1) Hold a valid Maryland professional [certificate] *license*; and
- (2) Comply with the deadlines as specified by the Department and NBPTS.

C. [In order to] *Except as provided in §D of this regulation, to* be eligible to receive financial aid to pursue [one] *a* retake *of a component*, a candidate shall:

- (1) Hold a valid Maryland professional [certificate] *license*; and
- (2) *Comply with deadlines as specified by the Department and NBPTS. [Pursue the NBPTS certificate within the next assessment cycle immediately following the cycle in which the candidate does not achieve National Board certification.]*

D. *[A local school system may establish additional criteria for eligibility.] A candidate may only receive payment for one retake of each component on the National Board for Professional Teaching Standards.*

#### **.04 Selection Procedures.**

A. Each participating local school system shall:

*[(1) Establish a diverse selection committee representative of the educational community to include, but not be limited to, classroom teachers, National Board certified teachers, school administrators, and local teacher association members who are classroom teachers;]*

*[(2) Establish and publicize] (1) Publicize the written criteria[, including the criteria] identified in Regulation .03 of this chapter for the selection of candidates; and*

*[(3)] (2) Forward names of [initial] candidates for the financial incentive program to the Department in accordance with the timelines established by the Department, with the following information:*

- (a) Name;*
- (b) NBPTS Candidate code;*
- (c) Race, ethnicity, and gender;*
- (d) Contact information;*
- (e) Subject assignment(s);*
- (f) School assignment(s);*
- (g) Local education agency identification number;*

*[c] (h) Signed[, notarized] memorandum of understanding that specifies the candidate's financial responsibility if the candidate does not complete the [assessment] process; and*

- [d] (i) Confirmation of verification of eligibility as identified in Regulation .03 of this chapter.[: and*

(e) Verification that the selection procedures specified in this regulation were followed; and

(4) Forward names of renewal and retake candidates for the financial incentive program to the Department in accordance with the timelines established by the Department, with the information required under Regulation .04A(3)(a)—(c) of this chapter.

B. The State Board of Education shall select initial, renewal, and retake candidates for National Board certification and promptly notify the respective school system and candidates in writing.

C.] B. Funding for the National Board Incentive Program is contingent upon appropriations by the General Assembly, and individual participation is not guaranteed.

## **.05 Continuing Professional Development Credits.**

A. A candidate who receives a National Board certificate shall earn six *continuing professional development* credits toward the renewal of the Maryland professional license

B. A candidate who completes the National Board certification process, but who does not receive a National Board certificate, shall earn three *continuing professional development* credits toward the renewal of the Maryland professional license

## **.06 Costs.**

A. Costs for the fee charged by NBPTS shall be shared in the following manner:

(1) The State Board of Education shall pay 2/3 of the National Board certification fee, and the local school system shall pay 1/3 of the National Board certification fee for an initial or [renewal] *maintenance of certification* candidate; and

(2) Subject to the annual appropriation by the Maryland General Assembly, the State Board of Education [may] *shall* pay 2/3 of the National Board certification fee, and the local school system [may] *shall* pay 1/3 of the National Board certification fee, for a candidate to pursue one retake *of each component of the* [for] National Board certification *process*.

B. Reimbursement.

(1) A candidate who does not complete *all four components of the* *initial* National Board certification process *within the first three years of their candidacy* shall reimburse the State Board of Education the full amount of the aid, and the State Board of Education shall reimburse the local school system its share.

(2) A candidate who completes the certification process, but does not achieve National Board Certification, is not required to reimburse the amount of the aid.

## **.07 Staff Development Plan.**

The Department shall establish a Statewide staff development plan that uses the skills and knowledge of teachers who have obtained National Board certification.

## **08 Advanced Professional Certificate.**

A candidate who receives a National Board certificate shall be eligible to receive the Advanced Professional certificate if the course work and experience requirements are satisfied in accordance with COMAR 13A.12.01.06E.]