MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Bernard J. Sadusky, Ed.D.
Interim State Superintendent of Schools

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TO: Members of the State Board of Education

FROM: Bernard J. Sadusky, Ed.D.

DATE: January 24, 2012

SUBJECT: COMAR 13A.12.01.03D – Personnel Not Eligible
COMAR 13A.12.05.02B – Suspension Only
COMAR 13A.12.05.03A – Reporting Procedures
(AMEND)
APPROVAL

PURPOSE:

The purpose of this item is to request approval of proposed changes to COMAR 13A.12.01.03D (Personnel Not Eligible), 13A.12.05.02B (Suspension Only), and 13A.12.05.03A (Reporting Procedures).

BACKGROUND INFORMATION:

The Maryland Department of Human Resources (DHR), Child Support Enforcement Administration, oversees a statewide Child Support Enforcement Program intended to ensure that noncustodial parents fulfill their obligations to provide financial and medical support to their children. Family Law Article, § 10-119.3, *Maryland Annotated Code,* requires that licensing agencies, upon notification by the DHR that an individual is in arrears on the child support obligation, shall suspend or deny the individual's license. Licensing agencies include the Maryland State Department of Education (MSDE).

The DHR and the MSDE have developed a Memorandum of Understanding which further delineates the requirements and procedures which will allow for the exchange of information regarding potential suspension or denial of a Maryland educator license/certificate. This Memorandum of Understanding will be signed by all parties involved and become effective upon signing.

Since the MSDE notifies the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse of all completed disciplinary actions, it is necessary to revise the existing regulations to incorporate failure to pay child support as one of the causes for denial of a certificate or disciplinary action (attached).

The Professional Standards and Teacher Education Board (PSTEB) voted to publish the proposed changes at its August 2011 meeting; subsequently, you reviewed the proposed changes at your September 27, 2011 meeting and determined that a Joint conference Committee was not necessary prior to publication.

A copy of the proposed changes as published in the *Maryland Register* on December 16, 2011 is attached. The period for public comment concluded on January 16, 2012. No comments were submitted. The changes have no economic impact, nor is there any impact on individuals with disabilities. There is no corresponding federal standard for the proposed action.

SUMMARY:

The proposed changes to COMAR 13A.12.01.03D (Personnel Not Eligible), 13A.12.05.02B (Suspension Only), and 13A.12.05.03A (Reporting Procedures) will provide notice to applicants and certificate holders of the conditions under which failure to pay child support will result in denial or suspension of a Maryland educator credential.

ACTION:

I am requesting approval of COMAR 13A.12.01.03D (Personnel Not Eligible), 13A.12.05.02B (Suspension Only), and 13A.12.05.03A (Reporting Procedures).

BJS: jes

Attachment

regarding the performance of gifted and talented students along with timelines for implementation and methods for measuring progress.

BERNARD J. SADUSKY, ED.D.
Interim State Superintendent of Schools

Subtitle 12 CERTIFICATION

Notice of Proposed Action

[11-368-P]

The Professional Standards and Teacher Education Board proposes to:

(1) Amend Regulation **.03** under **COMAR 13A.12.01 General Provisions**; and

(2) Amend Regulations **.02** and **.03** under **COMAR 13A.12.05 Suspensions and Revocations.**

This action was considered at the Professional Standards and Teacher Education Board on August 4, 2011.

Statement of Purpose

The purpose of this action is to revise existing regulations to incorporate failure to pay child support as one of the causes for denial of a certificate or disciplinary action.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jean Satterfield, Assistant State Superintendent, Certification and Accreditation, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0385 TTY: 410-333-6442, or email to jsatterfield@msde.state.md.us, or fax to 410-333-8963. Comments will be accepted through January 17, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Professional Standards and Teacher Education Board during a public meeting to be held on February 2, 2012 at 9:00 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

13A.12.01 General Provisions

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-705[,]; *Family Law Article, §10-119.3;* Annotated Code of Maryland

.03 Personnel.

A.—C. (text unchanged)

D. Personnel Not Eligible.

(1)—(3) (text unchanged)

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

(a) Prior to denial of a certificate, the State Superintendent shall send written notice to the individual, including the right to contest the identity of the individual whose certificate shall be denied.

(b) An individual may appeal the decision to deny a certificate 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 shall be limited to whether the Department of Human Resources, Child Support Enforcement Administration, has mistaken the identity of the individual whose certificate was denied.

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

13A.12.05 Suspensions and Revocations

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-705[,]; *Family Law Article, §10-119.3;* Annotated Code of Maryland

.02 Causes.

A. (text unchanged)

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

(1) Breach of Contract. A certificate may be suspended for not more than 365 days if the certificate holder leaves the employment of a local school system after July 15 without the consent of the local board of education, which may not be unreasonably withheld, and contrary to the provisions of the Regular State Teacher's Contract set forth in COMAR 13A.07.02.01B.

(2) Failure to Pay Child Support. A certificate shall be suspended upon notification by the Department of Human Resources, Child Support Enforcement Administration, that the certificate holder's failure to pay child support meets the criteria for suspension of a professional license pursuant to Family Law Article, §10-119.3, Annotated Code of Maryland.

(i) Prior to suspending the certificate, the State Superintendent shall send written notice to the certificate holder of the proposed suspension and the right to contest the identity of the individual whose certificate shall be suspended.

(ii) An individual may appeal the decision to suspend a certificate 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 shall be limited to whether the Department of Human Resources, Child Support Enforcement Administration, has mistaken the identity of the individual whose certificate was suspended.

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

C.—D. (text unchanged)

.03 Reporting Procedures.

A. **[**The**]** *Except as provided in Regulation .02B(2) of this chapter, the* following individuals shall notify the State Superintendent of Schools in writing of charges against a certificate holder pursuant to Regulation .02 of this chapter:

(1)—(3) (text unchanged)

B.—G. (text unchanged)

BERNARD J. SADUSKY, ED.D.
Interim State Superintendent of Schools

Subtitle 12 CERTIFICATION

13A.12.02 Teachers

Authority: §§2-205, 2-303(g), *6-121*, and 6-701—6-705, Annotated Code of Maryland

Notice of Proposed Action

[11-164-R]

The Professional Standards and Teacher Education Board proposes to adopt new Regulation **.27** under **COMAR 13A.12.02 Teachers**. This action was considered at the Professional Standards and Teacher Education Board on August 4, 2011. Because substantive changes have been made to the original proposal as published in 38:4 Md. R. 815 (July 1, 2011), this action is being reproposed at this time.

Statement of Purpose

The purpose of this action is to allow individuals who possess a unique career skill set to enter the teaching profession.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jean Satterfield, Assistant State Superintendent, Certification and Accreditation, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0385, TTY: 410-333-6442, or email to jsatterfield@msde.state.md.us, or fax to 410-333-8963. Comments will be accepted through January 17, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Professional Standards and Teacher Education Board during a public meeting to be held on February 2, 2012 at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

Ed. Note: Pursuant to State Government Article, §10-113, Annotated Code of Maryland, if a promulgating agency substantively alters the text of regulations that have been previously proposed in the Maryland Register, the altered text must be published in the Maryland Register as though it were initially proposed. The text of regulations appearing immediately below has been altered substantively from the initially proposed text.

Symbols: Roman type indicates existing text of regulations. *Italic* type indicates initially proposed new text. ***Helvetica Bold Italic*** type indicates new text that substantively alters the text as initially proposed. [Single brackets] indicate existing text proposed for repeal. [[[Triple brackets]]] indicate text proposed for deletion which substantively alters the originally proposed text.

.27 Specialized Professional Areas (Grades 7-12).

A. To receive certification in specialized professional areas (grades 7-12), the applicant shall complete one of the following options:

(1) [[*Earn a secondary school diploma/high school equivalency;*]] ***Option I:***

(a) An applicant shall have earned a bachelor's or higher degree from an IHE in the area to be taught and provide official verification of 5 years of satisfactory career professional experience in the area to be taught; and

(b) Meet the professional education course work required in §B of this regulation; or

(2) [[*Present official verification of 5 years of satisfactory career professional experience in the area to be taught; and*]]***Option II:***

(a) An applicant shall have earned an associate's degree in the area to be taught and provide official verification of 5 years of satisfactory career professional experience in the area to be taught; and

(b) Meet the professional education course work required in §B of this regulation; or

(3) [[*Meet the professional education coursework as required in §B2 of this regulation.*]] ***Option III:***

(a) An applicant shall have earned a secondary school diploma and provide official verification of 5 years of satisfactory career professional experience in the area to be taught; and

(b) Meet the professional education coursework as required in §B of this regulation.

B. Professional Education Courses.

(1) The applicant for specialized professional areas shall complete [[*the*]] ***12 semester hours of*** *professional education course work, as provided in §B(2) of this regulation, from an IHE or through Department-approved Continuing Professional Development credits.*

(2) (originally proposed text unchanged)

C. Special Provisions.

(1) Department-recognized specialized certifications from [[*appropriate*]] ***Department-approved*** *professional organizations may be used in lieu of 2 years of career professional experience.*

(2) This certification [[*is not transferable to corresponding disciplines in a comprehensive*]] ***may only be used for instruction in a specialized program or at a specialized school.***

(3) (proposed text unchanged)

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