



Nancy S. Grasmick

State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: March 24, 2009
SUBJECT: COMAR 13A.12.03.11 (REVIEW)
School Social Worker
APPROVAL

PURPOSE:

The purpose of this item is to request your approval for initiation of a required review of COMAR 13A.12 03.11, School Social Worker, as stated in the regulation, §B (see attached). This review would provide for consideration of regulatory effectiveness since amendment in 2005 and the potential need for adding additional criteria, primarily school-focused, to obtain certification as a school social worker.

HISTORICAL BACKGROUND:

House Bill 1040 (Education – Social Workers – Certified Professional Personnel), passed during the 2004 Maryland Legislative Session, required the Maryland State Board of Education (MSBE) and the Professional Standards and Teacher Education Board (PSTEB) to “develop for consideration rules and regulations for the certification of social workers employed by a local school employer as professional personnel.” In response to this legislation, I directed Dr. John E. Smeallie, Assistant State Superintendent for Certification and Accreditation, to convene a group to review the legislation and make recommendations concerning regulatory language. The group was composed of Department staff, legal counsel, human resources professionals, school social workers, and members of the Maryland Association of School Social Workers (MASSW). At its May 5, 2005 meeting, the PSTEB acted to publish the proposed regulation for the certification of social workers employed by a local school employer as professional personnel. You subsequently agreed to postpone your option to convene a conference committee until after the public comment period ended in August, 2005.

The language developed for this regulation ties certification of school social workers explicitly to licensure by the Maryland State Board of Social Work Examiners and provides for certification for license levels requiring a graduate degree. Linking certification to existing licensure established under Maryland statute is consistent with current and historic certification regulations for other licensed professionals (e.g., speech language pathologists, audiologists, occupational therapists, physical therapists) and was proposed to avoid duplication of regulatory development and oversight. Additionally, matching certification to licensure facilitates professional mobility, recruitment, and hiring.

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At its August 30-31, 2005 meeting the MSBE, in response to a concern expressed by Board President Root, requested adding a time-sensitive component to the regulation. The editorial change required initiating a review of the regulation on or after December 1, 2008 but not later than March 31, 2009 to consider amending the regulation by adding additional criteria specific to the school setting to obtain certification as a school social worker, if such criteria were considered appropriate. The intent of placing such a review within the regulation and stipulating its initiation within the specified time range was to provide a period of experience with the regulatory language adopted in 2005 that might inform an analysis with regard to any need for more specific school-oriented criteria. Legal Counsel determined that this was not a substantive change to the proposed regulation and therefore would not cause undue delay to the adoption process. At its September 8, 2005 meeting, the PSTEB adopted the proposed regulation with the editorial changes recommended by the MSBE. A copy of COMAR 13A.12.03.11, School Social Worker, is attached.

SUMMARY:

The regulation providing for certification of school social workers adopted in September, 2005 included a time-sensitive provision for a review to determine if additional criteria were warranted. The review is to be initiated on or after December 1, 2008 but not later than March 31, 2009. Department staff will begin planning immediately for the regulatory review should you approve its initiation. Such a review will include stakeholders represented during the initial development in 2005. It will also include a survey of affected communities (e.g., local school systems, nonpublic special education facilities, school social workers, etc.) and consultation with the Maryland State Board of Social Work Examiners. The review will culminate in recommendation(s) to you and to the PSTEB prior to the end of 2009.

ACTION:

I am requesting approval of the initiation of a review of COMAR 13A.12 03.11, School Social Worker, as stated in the regulation, §B.

NSG:jes

Attachment

13A.12.03.11

.11 School Social Worker.

A. To obtain certification as a school social worker, the applicant shall be licensed by the Maryland State Board of Social Work Examiners as a:

- (1) Graduate social worker;
- (2) Certified social worker; or
- (3) Certified social worker—clinical.

B. On or after December 1, 2008, but not later than March 31, 2009, the Maryland State Board of Education shall initiate a review to consider amending this regulation to include additional criteria to obtain certification as a school social worker, if such criteria are considered appropriate.