



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: August 26, 2008

SUBJECT: COMAR 13A.07.08 (AMEND)
Incentive Program for Certification by the National Board for Professional Teaching Standards
ADOPTION

PURPOSE:

The purpose of this item is to request adoption of amendments to COMAR 13A.07.08, Incentive Program for Certification by the National Board for Professional Teaching Standards. The proposed amendments: (1) extend eligibility for participation in the Incentive Program to include those seeking renewal of the National Board Certificate; and (2) provide financial support for one retake entry to candidates who were not successful on their initial attempt.

BACKGROUND/HISTORICAL PERSPECTIVE:

In 1997, the General Assembly enacted legislation, SB 460, that established the Incentive Program for Certification by the National Board for Professional Teaching Standards. Subsequently, the Department developed the current regulation, which specifies eligibility criteria, selection procedures, and the awarding of Continuing Professional Development credits for candidates who achieve National Board Certification and those who complete the process but who do not achieve. Since 1997, Maryland has supported more than 2,800 candidates seeking initial certification; currently there are 1,061 National Board Certified Teachers (NBCTs) throughout all local school systems in Maryland.

Recent legislation, specifically SB 57 (enacted in 2007), expanded the maximum number of candidates eligible to participate in the Incentive Program from 750 to 1,000 and specified that financial aid be available to candidates seeking initial certification as well as National Board Certified Teachers seeking to renew their certificates. Under this legislation, financial support for one retake may also be granted to a participant who was unsuccessful on his/her initial attempt in pursuing National Board Certification.

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On April 29, 2008, the Maryland State Board of Education voted to publish amendments to COMAR 13A.07.08. A copy of the proposed COMAR amendment, as published in the *Maryland Register* on June 20, 2008 is attached. The period for public comment concluded on July 21, 2008, and no comments were submitted. Since participation in the Incentive Program is voluntary on the part of local school systems, proposed changes to COMAR13A.07.08 will have minimal economic impact on local school systems who select candidates for the program. There is no economic impact on individuals with disabilities, nor is there a corresponding federal standard.

SUMMARY:

Revisions to COMAR13A.07.08, the regulation governing the Incentive Program for Certification by the National Board for Professional Teaching Standards, are being proposed in response to recent statutory changes. The proposed amendments expand the eligibility of candidates for participation in the Incentive Program to include those seeking initial certification by the National Board for Professional Teaching Standards (currently eligible), National Board Certified Teachers seeking renewal of their respective NBPTS certificates, and -- depending on the availability of funding -- candidates who did not achieve National Board Certification on their initial attempt. A copy of the proposed COMAR amendment, as published in the *Maryland Register* on June 20, 2008 is attached.

ACTION:

I am requesting adoption of proposed regulatory changes to COMAR13A.07.08, Incentive Program for Certification by the National Board for Professional Teaching Standards.

NSG:jes/ jhe

Attachment: Proposed Amendments to COMAR13A.07.08, Incentive Program for Certification by the National Board for Professional Teaching Standards
(*Maryland Register*, June 20, 2008)

60 days after the expiration of the 30-day period for submitting information.]

(1) *Within 30 days of the Board's receipt of the request for review, the Board may request, in writing, that the Secretary, or a designee, provide the Board with information concerning the action taken on the applicant's handgun permit.*

(2) *Within 90 days of the Board's receipt of a request for review, the Board shall act upon the request by:*

(a) *Reviewing at a Board meeting, information obtained under §C of this regulation and other information the Board acquires from the applicant or other sources; or*

(b) *Conducting a hearing.*

(3) *If the Board elects to conduct a hearing, [the applicant shall be notified] the Board shall notify the applicant, in writing, at least 10 days [in advance of] before the date[, time, and place] of the hearing.*

(4) *If the applicant fails to appear for a scheduled hearing, the Board may [decide to]:*

(a) *[proceed with] Reschedule the hearing once; and*

(b) *[elect to review the record] If the applicant fails to appear for the rescheduled hearing, decide on the request for review without the applicant present.*

(5) *[In conducting a hearing or reviewing the record, the Board shall make a determination as to whether the decision of the Superintendent was justified on the basis of] The Board's decision on an applicant's request for review shall be based on requirements under:*

(a) *Public Safety Article, §5-312, Annotated Code of Maryland[,] and*

(b) *COMAR Title 29.*

(6) *After processing a request for review, the Board may:*

(a) *Sustain the decision of the Secretary;*

(b) *Reverse the decision of the Secretary; or*

(c) *Modify the decision of the Secretary.*

(7) *A decision of the Board is based on a majority vote of Board members present at a meeting or hearing.*

(8) *If the Board is unable to reach a decision by majority vote, the decision of the Secretary stands.*

.05 Request for Review Hearings

A. *The Board shall conduct a request for review hearing according to State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.*

[A.] B. *The Board shall permit the applicant, or the applicant's attorney [may be present at the hearing and], if present[, shall be allowed]:*

(1) *[to] To present testimony or cross-examine [a witness in person or have the applicant's attorney do so.] witnesses;*

[B.] (2) *[The applicant shall be allowed a] A reasonable time [for] to:*

[(1)] (a) *[Presentation of] Present evidence;*

[(2)] (b) *[Oral argument] Offer rebuttal evidence; or*

[(3)] (c) *[Filing] File briefs or other statements or depositions containing relevant information.*

C. *(text unchanged)*

D. *Representation by Counsel.*

(1) *An applicant [has the right to] may be represented before the Board by an attorney licensed [to practice] in the State.*

(2) *[The] An applicant's attorney shall file with the Board, before the attorney's first appearance, a notice of:*

(a) *[appearance] Appearance; and[, when]*

(b) *When appropriate, a notice of substitution [before or at the attorney's first appearance].*

[(2)] (3) *If [a party] an applicant designates an attorney [to represent the party,] and the attorney has [executed*

and] filed with the Board a notice of appearance [in the matter], that notice remains in effect until:

(a) *The [represented party] applicant files with the Board a written revocation of the attorney's authority;*

(b) *The attorney files with the Board a written statement of withdrawal [from the case];*

(c) *— (d) (text unchanged)*

[(3)] (4) *As long as a notice of appearance filed under this regulation is in effect, the Board shall send a copy of a written communication or notice to the [party's] applicant's attorney [or to the party and the party's attorney. Service upon the attorney is considered service on the party the attorney represents].*

E. Hearing Record.

(1) *The [evidence offered at the] Board shall record a request for review hearing, [shall be recorded] but is not [transcribed] required to transcribe the recording unless requested [by the applicant or ordered by the Board].*

(2) *[The cost of a transcription requested by the applicant shall be paid in advance by the applicant] An individual requesting a transcript shall pay, in advance, for the cost to transcribe a hearing record.*

[.07] .06 [Decisions] Written Decision of the Board.

A. *After the Board decides on a [hearing or a review of the record] request for review, the Board shall [render] issue a written decision [accompanied by] that includes:*

(1) *[findings] Findings of fact; and*

(2) *[conclusions] Conclusions of law.*

B. *The Board shall provide a copy of the written decision to:*

(1) *[each party or] The Secretary, or a designee; and*

(2) *[to the party's attorney of record] The applicant or, if represented by an attorney, the applicant's attorney.*

GARY D. MANNARD
Secretary of Public Safety and
Correctional Services

Title 13A STATE BOARD OF EDUCATION

Subtitle 07 SCHOOL PERSONNEL

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

Authority: Education Article, §6-112,
Annotated Code of Maryland

Notice of Proposed Action

[08-170-P]

The Maryland State Board of Education proposes to amend Regulations .01 — .08 under COMAR 13A.07.08 **Incentive Program for Certification by the National Board for Professional Teaching Standards**. This action was considered at the Maryland State Board of Education meeting on April 29 and 30, 2008.

Statement of Purpose

The purpose of this action is to extend eligibility for participation in the Incentive Program to include those seeking renewal of the National Board certificate and to provide for

financial support for one retake entry for those who were not successful on their initial attempt.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The local school system selects candidates to participate in the National Board Assessment process each year. Financial impact is directly related to the number of candidates the local school system identifies. It costs \$2,500 to participate in the National Board Assessment process. The Maryland State Department of Education is responsible for 2/3 of that amount and the local board of education is responsible for 1/3.

II. Types of Economic Impact.

	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)		Unknown
B. On other State agencies:	NONE		
C. On local governments:	(E+)		Unknown
	Benefit (+)	Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE		
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:	NONE		

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. and C. The costs to MSDE and to the local boards of education are unknown at this time because they are dependent on the number of participants.

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 John Smeallie, Assistant State Superintendent, Certification and Accreditation, Maryland State Department of Education, 200 W. Baltimore Street, Baltimore, MD 21201, or call 410-767-0385, or email to jsmeallie@msde.state.md.us, or fax to 410-333-8963. Comments will be accepted through July 21, 2008. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on August 26 and 27, 2008, at 200 W. Baltimore Street, Baltimore, MD 21201.

.01 Scope.

This chapter establishes [standards for the selection of teachers who will receive financial aid, subject to annual appropriation by the Maryland General Assembly, to pursue certification by the National Board for Professional Teaching Standards] *the criteria for the selection of public school candidates who are eligible to receive financial aid, subject to annual appropriation by the Maryland General Assembly,*

to pursue initial certification or renewal by the National Board for Professional Teaching Standards.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.

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

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

[(2)] (3) (text unchanged)

[(3)] (4) "National Board certification process for initial certification" means the two-part process which involves compiling a portfolio and completing assessment center activities.

(5) "National Board certification process for renewal" means the process that requires the candidate for renewal to complete one portfolio entry that contains evidence of connections between the candidate's continued professional growth and student learning.

[(4)] (6) (text unchanged)

(7) "Retake" means the banking process by which the NBPTS places the individual portfolio entry and assessment center exercise scores for candidates who did not achieve National Board certification during their initial attempt in reserve, which allows candidates to retake any combination of portfolio entries, assessment center exercises, or both, for which they did not meet the individual entry or exercise performance standard.

.03 Eligibility Criteria.

A. In order to be eligible to receive financial aid to pursue initial NBPTS certification, a candidate shall [provide evidence of the following]:

(1) *Have completed 3 years of successful teaching on a Maryland professional certificate at one or more early childhood, elementary, middle, or secondary public schools;*

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

(3) [Voluntary] *Affirm voluntary participation in the NBPTS certification process;*

(4) [Compliance] *Comply with the deadlines as specified by the Department and NBPTS; and*

(5) [Demonstration of] *Demonstrate teaching practice in designated [teaching] fields as identified by the NBPTS.*

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

(1) *Hold a valid Maryland professional certificate; and*

(2) *Comply with the deadlines as specified by the Department and NBPTS.*

C. *In order to be eligible to receive financial aid to pursue retake, a candidate shall:*

(1) *Hold a valid Maryland professional certificate; and*

(2) *Pursue the NBPTS certificate within the next assessment cycle immediately following the cycle in which the candidate does not achieve National Board certification.*

[B.] D. (text unchanged)

.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 teach-

ers, school administrators, and local teacher association members who are classroom teachers;

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

(3) Forward names of *initial* candidates for the financial incentive program to the State Board of Education by [June 1] *January 1* with the following information:

(a) Name[.];

(b) [Address.] *Candidate code*;

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

(d) The NBPTS certificate area[.];

(e) [Verification] *Confirmation of verification of eligibility as identified in Regulation .03 of this chapter[.];* and
(f) Verification that the selection procedures specified in this regulation were followed[.]; and

(4) Forward names of *renewal* candidates for the financial incentive program to the State Board of Education by *January 1* with the information required under Regulation .04A(3)(a) — (c) of this chapter.

B. The State Board of Education shall select [finalists] *initial, renewal, and retake candidates for National Board certification by [July 1] February 1* and promptly notify the respective school system and candidates in writing.

.05 Credits.

A. A [teacher] *candidate* who receives a National Board certificate shall earn six credits toward the renewal of the *Maryland* professional certificate.

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

.06 Costs.

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

A. The State Board of Education shall pay $\frac{2}{3}$ of the National Board certification fee, and the local school system shall pay $\frac{1}{3}$ of the National Board certification fee for an *initial or renewal candidate*;

B. *Subject to the annual appropriation by the Maryland General Assembly, the State Board of Education may pay $\frac{2}{3}$ of the National Board certification fee, and the local school system may pay $\frac{1}{3}$ of the National Board certification fee, for a candidate to pursue one retake for National Board certification; and*

[B.] C. A [teacher] *candidate* who does not complete the National Board certification process 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.

.07 Staff Development Plan.

The [State Board of Education] *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 [teacher] *candidate* who receives a National Board [Certificate] *certificate* shall be eligible to receive the Advanced Professional [Certificate] *certificate* if the course

work and experience requirements are satisfied in accordance with COMAR 13A.12.01.06E.

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 09 NONPUBLIC SCHOOLS

13A.09.09 Educational Programs in Nonpublic Schools

Authority: Education Article, §§2-206, 2-206.1, 2-304, 7-301, 7-302, and 7-405; Family Law Article, §§5-561 and 5-704;
Annotated Code of Maryland

Notice of Proposed Action

[08-172-P]

The Maryland State Board of Education proposes to amend Regulations .02, .03, .06, .07, .10, and .12 under COMAR 13A.09.09 Educational Programs in Nonpublic Schools. This action was considered at the Maryland State Board of Education meeting on April 29 and 30, 2008.

Statement of Purpose

The purpose of this action is to:

(1) Establish appeal procedures that are congruent with the mandate of Education Article, §2-206.1, Annotated Code of Maryland;

(2) Incorporate existing policy and due process procedures for serious noncompliance with regulatory requirements;

(3) Eliminate specific Montessori program elements and designation to align these regulations with more recently adopted COMAR 13A.14.13;

(4) Provide clarification of the meaning of existing regulations; and

(5) Establish, in some cases, more meaningful minimum standards.

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 Sarah Spross, Chief, Nonpublic School Approval Branch, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0407, or email to sspross@msde.state.md.us, or fax to 410-333-8963. Comments will be accepted through July 21, 2008. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting