



Lillian M. Lowery, Ed.D.  
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

**TO:** Members of the State Board of Education  
**FROM:** Lillian M. Lowery, Ed.D. *L. Lowery*  
**DATE:** February 26, 2013  
**SUBJECT:** COMAR13A.12.01.02, Definitions, COMAR 13A.12.06E, Advanced Professional Certificate, and COMAR13A.12.01.11, Renewal

---

**PURPOSE:**

The purpose of this item is to provide an update on the status of proposed changes to COMAR13A.12.01.02, Definitions, COMAR 13A.12.01.06E, Advanced Professional Certificate, and COMAR13A.12.01.11, Renewal, which the State Board approved for publication at its meeting on August 28, 2012 (Attachment I).

**BACKGROUND:**

At your June 26, 2012 meeting, you granted permission to publish proposed changes to the certification requirements related to the achievement and retention of the Advanced Professional Certification (APC). These amendments included a fourth option for achieving the APC based on a demonstrated evaluation rating of "Highly Effective" in the new evaluation system.

At the August 2, 2012 meeting of the Professional Standards and Teacher Education Board (PSTEB), the PSTEB voted unanimously to oppose permission to publish the amendments as proposed by the State Board. Opposition to the addition of this fourth option appeared to be primarily based on fact that the new teacher evaluation system had yet to be implemented.

Based on the discussion by PSTEB and other stakeholders, the previously proposed amendments to COMAR 13A.12.01, General Provisions, were revised to include the dates when the new fourth option for achieving the APC would be implemented and when it is available for use. The State Board granted permission to publish the revised regulatory proposal at its meeting in August 2012.

Last month, the Board received a report on the comments that were submitted in response to the publication of the proposed changes to COMAR13A.12.01.06E, Advanced Professional Certificate, and 13A.12.01.11, Renewal. Of the thirty-three comments, thirty-two were unanimously opposed; one comment in favor was withdrawn. No comments were received on proposed changes to COMAR13A.12.01.02, Definitions.

The Board was also informed of the receipt of a letter from Senator Pinsky, Presiding Chair of the Joint Committee on Administrative, Executive, and Legislative Review (AELR), notifying of the

Committee's intent to hold the regulations to conduct a more detailed study of the Board's regulatory proposal and requesting that the State Board delay final adoption.

**EXECUTIVE SUMMARY:**

The AELR Committee held a public hearing on the Board's regulatory proposal on February 12, 2013. Dr. Dukes, Dr. Finan, Ms. Eberhart, and I testified, on behalf of the Board's proposal to add a fourth option to those which currently exist for the award of the Advanced Professional Certification. This option would become effective with the 2016-2017 school year. Various other groups and individuals testified in opposition to the proposed changes to regulations.

The Committee voted to reject the regulatory proposal. We are now awaiting written notification from the Joint Committee of this action.

**ACTION:**

When the AELR Committee votes to oppose a regulation, the State agency has several options. The options available here are: (1) to withdraw the proposed regulation completely; (2) withdraw the proposed regulation and begin the regulation development process anew; (3) not withdraw the proposed regulation, but amend the proposed regulation and republish anew with substantive changes. Md. Educ. Code Ann. §10-111.1. Options two and three are similar in result. Both lead to republication of the regulation with new provisions. If you chose not to withdraw the proposed regulation, it will stay on the books for a year at which time, if it is not repromulgated, it would be withdrawn as a matter of law. Md. Educ. Code Ann. §10-116.

Attachments