



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: January 27-28, 2009
SUBJECT: COMAR 13A.12.02.18 (AMEND)
Certification in Specialty Areas (Prekindergarten – Grade 12)
COMAR 13A.12 02.12 (REPEAL)
Outdoor Education
APPROVAL

PURPOSE:

The purpose of this item is to request your approval of proposed amendments to COMAR 13A.12.02.18, Certification in Specialty Areas, Prekindergarten – Grade 12; and to request your approval for repeal of existing regulation, COMAR 13A.12 02.12, Outdoor Education. The proposed amendments would: (1) add two new content areas, Environmental Education and Dance; and (2) bring the number of credit hours into alignment with another regulation. The proposed repeal would eliminate the area of Outdoor Education.

HISTORICAL BACKGROUND:

At the October 4, 2007 meeting of the Professional Standards and Teacher Education Board (PSTEB), staff in the Division of Instruction raised the potential need for certification in Environmental Education, a relatively new field of interdisciplinary study that has emerged from the cross-disciplinary areas of natural history, ecology, and outdoor education and focuses on human interactions with the natural world. This field of study integrates the sciences, health, and social studies areas such as public policy, economics, and geography. Subsequent presentations provided additional information.

At the May 1, 2008 PSTEB meeting, Dr. Joann Ericson, Chief, Certification Branch, and Ms. Rebecca Bell, Specialist, Environmental Education, Division of Instruction, updated PSTEB members with regard to a proposed certification in Environmental Education and the potential repeal of Outdoor Education. The discussion included creating Environmental Education as an endorsement to be added to existing teachers' certificates as well the potential for this certification area to be an initial route to certification. Ms. Bell also briefly reviewed the differences between Outdoor Education and Environmental Education. The PSTEB directed Dr. Ericson and Ms. Bell to obtain information regarding whether the Outdoor Education regulation should be amended or repealed. In addition, the PSTEB directed Dr. Ericson to bring a draft regulation to the June meeting for discussion.

As the discussion continued, an alternative to creating a new certification regulation became apparent; that is, amending the existing regulation covering specialty areas prekindergarten through grade 12 (COMAR 13A.12.02.18) to include Environmental Education. As staff explored this option in preparation for the June PSTEB meeting, the opportunity for updating this regulation by adding the area of Dance, inadvertently omitted during a previous regulatory change, emerged.

Another update, namely reducing the number of content credits hours required for certification under the requirements of COMAR 13A.12.02.18 from thirty-six (36) to thirty (30), will align the requirements with the number of credit hours in a major determined by the Maryland Higher Education Commission (MHEC). This change will create parallel content requirements with COMAR 13A.12.01.13, which governs adding new certification areas. It also brings alignment with Maryland's "highly qualified" content requirements to meet federal statute, *No Child Left Behind*.

Outdoor Education has become focused on recreation and outdoor activities that are currently included as part of the Draft Voluntary State Curriculum in Physical Education under the concept of lifetime activity and fitness. At the present time, there are only thirty-two (32) individuals who hold certification in Outdoor Education. Repeal is appropriate, based on diminishing curricular need. It is important to note that, as with all historic endorsements, individuals holding current certification in Outdoor Education will be entitled to continuing certification provided that renewal requirements are met.

This topic was presented and discussed at the May 15, 2008 meeting of Directors of Human Resources. There was general consensus to move forward with the proposed regulatory changes. The proposed amendments to COMAR 13A.12.02.18 and the repeal of COMAR 13A.12.02.12 were also shared with local school system Assistant Superintendents of Instruction and Superintendents at their respective meetings in September, 2008. The PSTEB voted to publish the proposed amendment and repeal at its meeting on October 2, 2008. Subsequently, you reviewed the proposal at your meeting on October 28, 2008 and determined that a Joint Conference Committee was not necessary prior to publication.

Copies of the proposed COMAR amendment and repeal as published in the *Maryland Register* on December 19, 2008 are attached. The period for public comment concluded on January 19, 2009, and several comments were submitted. An analysis of these comments is attached; comments were consistently supportive of the proposed amendment. The proposed amendment and repeal do not have any economic impact, nor do they have any impact on individuals with disabilities. There is no corresponding federal standard for this proposed action.

SUMMARY:

Proposed amendments to regulation will provide for certification in the emerging area of Environmental Education, recognize Dance as a certification area, and achieve alignment in required content credit hours for this certification regulation with similar requirements in another regulation and *No Child Left Behind*. Proposed repeal of Outdoor Education as a certificate area represents recognition that this is no longer a content area with sufficient viability. Copies of the proposed COMAR amendment and repeal as published in the *Maryland Register* on December 19, 2008 are attached.

ACTION:

I am requesting approval of COMAR 13A.12.02.18, Certification in Specialty Areas, Prekindergarten – Grade 12, and repeal of COMAR 13A.12 02.12, Outdoor Education.

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Attachments (2)

**Title 11
DEPARTMENT OF
TRANSPORTATION**

**Subtitle 02 TRANSPORTATION SERVICE
HUMAN RESOURCES SYSTEM**

11.02.03 Leave Benefits

Authority: Transportation Article, §§2-102 and 2-103.4; State Personnel and Pensions Article, §§2-106] §9-1106; Annotated Code of Maryland

Notice of Proposed Action
[08-378-P]

The Secretary of Transportation proposes to adopt new Regulation .18 under COMAR 11.02.03 Leave Benefits.

Statement of Purpose

The purpose of this action is to provide that certain Transportation employees may be entitled to organ donation leave with pay. This action outlines the application process and criteria for qualifying for organ donation leave when an employee donates an organ or bone marrow. This action resulted from a change to State Personnel and Pensions Article, §9-1106, Annotated Code of Maryland, that includes Transportation's independent personal system.

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 Tonya J. Morant, Policy, Training and Employee Development, Office of Human Resources, Maryland Department of Transportation, P.O. Box 548, Hanover, Maryland 21076, or call 410-865-1202, or email to tmorant@mdot.state.md.us, or fax to 410-865-1393. Comments will be accepted through January 20, 2009. A public hearing has not been scheduled.

.18 Organ Donation Leave.

A. This regulation applies to all employees, including contractual, emergency, and temporary employees.

B. Amount of Leave. In any 12-month period, an employee may use up to:

(1) 7 days of organ donation leave to serve as a bone marrow donor; and

(2) 30 days of organ donation leave to serve as an organ donor.

C. Application for Leave.

(1) An employee or the employee's authorized representative may request organ donation leave by submitting a form, provided by the Secretary, to the employee's appointing authority.

(2) A request shall be accompanied by the medical documentation required by the form.

(3) The employee's appointing authority shall render a decision on requests for organ donation leave within 5 working days of receiving the request.

(4) If an employee must make the donation before receiving approval, the leave shall be provided retroactively upon approval.

D. Criteria for Reviewing Requests for Leave.

(1) An employee shall be denied the use of organ donation leave only if the employee fails to provide medical documentation establishing the employee as an organ or bone marrow donor.

(2) If there is a question about medical documentation, the documentation shall be immediately forwarded to the State Medical Director for review.

E. Use of Leave.

(1) Organ donation leave may only be used for the actual donation procedure, the preparation for the donation procedure, and recovery from the donation procedure.

(2) Leave may be used in increments of 1 hour or more.

F. Treatment of Medical Documentation.

(1) Medical documentation submitted with the request for organ donation leave shall be treated as confidential medical information and shall be disclosed only to those individuals who need to know its contents as part of the review, evaluation, and approval process.

(2) An employee who fails to maintain the confidentiality of medical information is subject to disciplinary action, up to and including termination.

JOHN D. PORCARI
Secretary of Transportation

**Title 13A
STATE BOARD OF
EDUCATION**

Subtitle 12 CERTIFICATION

13A.12.02 Teachers

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

Notice of Proposed Action
[08-371-P]

The Professional Standards and Teacher Education Board proposes to repeal Regulation .12 and amend Regulation .18 under COMAR 13A.12.02 Teachers. This action was considered at the October 2, 2008, meeting of the Professional Standards and Teacher Education Board.

Statement of Purpose

The purpose of this action is to amend Regulation .18 to add two new content areas, Environmental Education and Dance, and to bring the number of credit hours into alignment with another regulation. The proposed repeal of Regulation .12 is based on diminishing curricular need.

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 John Smeallie, Assistant State Superintendent, Certification and Accreditation, Maryland State Department of Education, 200 West 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 January 20, 2009. 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 5, 2009, at 200 West Baltimore Street, Baltimore, MD 21201.

.18 Certification in Specialty Areas (Prekindergarten — Grade 12).

A. To receive certification in art, dance, environmental education, health, music, and physical education at the pre-kindergarten — grade 12 level, the applicant shall:

(1) Complete the following content course work:

(a) (text unchanged)

(b) Complete [36] 30 semester hours or more of content course work taken at an IHE in the certification area;

(2) — (3) (text unchanged)

B. (text unchanged)

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 12 CERTIFICATION**13A.12.03 Specialists**

Authority: Education Article, §§2-205, 2-303(g), 6-101 — 6-104, and 6-701 — 6-706; Health Occupations Article, §§2-301 and 19-301; Annotated Code of Maryland

Notice of Proposed Action

(08-372-P)

The Professional Standards and Teacher Education Board proposes to repeal Regulation .09, amend Regulation .10, and adopt new Regulation .12 under COMAR 13A.12.03 Specialists. This action was considered at the Professional Standards and Teacher Education Board meeting on October 2, 2008.

Statement of Purpose

The purpose of this action is to:

(1) Clarify and streamline certification for certain professionals who practice in schools and are required to hold licensure in accordance with Health Occupations Article, Annotated Code of Maryland;

(2) Preserve the certificated status of affected professionals; and

(3) Provide educators the opportunity to pursue specialized preparation that will enable them to provide more

effective instruction for gifted and talented students, who present a unique set of educational needs.

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 John Smeallie, Assistant State Superintendent, Certification and Accreditation, Maryland State Department of Education, 200 West 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 January 20, 2009. 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 5, 2009, at 200 West Baltimore Street, Baltimore, MD 21201.

.10 Therapists (Occupational Therapists, [or] Physical Therapists, [or Both] Speech-Language Pathologists, or Audiologists).

An occupational therapist, [or] physical therapist, speech-language pathologist, or audiologist holding a current and valid license issued by the State Board of Occupational Therapy Practice, [or by] the State Board of Physical Therapy Examiners, or the State Board of Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists in accordance with the relevant provisions of Health Occupations Article, Annotated Code of Maryland, shall be considered professionally certificated.

.12 Gifted and Talented Education Specialist.

To be certified as a Gifted and Talented Education Specialist, an applicant shall:

A. Earn a master's degree from one of the following:

(1) A Department-approved master's program that leads to certification in Gifted and Talented Education;

(2) An out-of-State approved master's program that leads to Gifted and Talented Certification; or

(3) An IHE and:

(a) Complete 15 semester hours of graduate course work in Gifted and Talented Education from an IHE, which includes a balance of content in the following competencies:

(i) Understanding the foundations of gifted education, including historical perspectives, key philosophies and theories, social, cultural, and economic influences, key issues, and trends;

(ii) Understanding the unique cognitive and affective characteristics of gifted and talented students, including the learning differences of gifted and talented students with disabilities and those from diverse backgrounds;

(iii) Understanding processes and procedures for the identification of gifted and talented students, including