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**TO:** Members of the State Board of Education  
**FROM:** Lillian M. Lowery, Ed.D. *Lillian M. Lowery*  
**DATE:** January 22, 2013  
**SUBJECT:** Professional Standards in Teacher Education Board [PSTEB] Update - Response to Changes in COMAR 13A.12.01.02, Definitions; COMAR13A.12.01.06E, and COMAR 13A.12.01.11, Renewal; Advanced Professional Certificate Options

**PURPOSE:**

The purpose of this item is to share the Professional Standards and Teacher Education Board [PSTEB] response to changes in COMAR 13A.12.01.02, Definitions; COMAR13A.12.01.06E, Advanced Professional Certificate; and COMAR 13A.12.01.11 Renewal; Advanced Professional Certificate Options recently published for public comment by the Maryland State Board of Education (Attachment I).

**BACKGROUND:**

At their meeting on January 3, 2013, the PSTEB unanimously rejected the proposed changes to the aforementioned regulation. This amendment to current regulation proposes adding a fourth option to acquiring an Advanced Professional Certificate [APC] that would be based on an evaluation rating of Highly Effective for three out of five years. This option would also be available for APC renewal. This change is proposed to go into effect beginning in school year 2015-2016.

Reasons discussed by the PSTEB membership centered on two areas: the new evaluation system that has not yet been implemented and that continuing professional development is an important component of teacher and principal performance enhancement.

PSTEB submitted a letter explaining the rationale for rejecting the proposed change (Attachment II).

**EXECUTIVE SUMMARY:**

The Professional Standards and Teacher Education Board rejected the proposed changes to regulations: COMAR 13A.12.01.02, Definitions; COMAR13A.12.01.06E, Advanced Professional Certificate; and COMAR 13A.12.01.11, Renewal; Advanced Professional Certificate Options.

**ACTION:**

No Action is required; I am presenting this item for your information.

LML:jes

Attachments

## PROPOSED ACTION ON REGULATIONS

1458

**[(4)] (3) Suspension for More than 10 Days or Expulsion.****(a) — (b) (text unchanged)**

(c) If after the investigation the local superintendent or designated representative finds that [a longer] *an extended suspension or an expulsion* is warranted, the superintendent or designated representative promptly shall arrange a conference with the student and the student's parent or guardian.

*(d) The process described in §C(3)(a)—(c) of this regulation shall be completed by the 10th school day of the initial suspension. If additional time is necessary to complete the process, the student shall be allowed to return to school, unless the local superintendent or designated representative determines that the conduct at issue was violent, dangerous, or a threat to the safety of the school.*

**[(d)] (e)** If after the conference the local superintendent or designated representative finds that an *extended suspension* [of more than 10 school days] or an *expulsion* is warranted, the student or the student's parent or guardian may[:]

**[(f)] [Appeal] appeal** to the local board within 10 days after the determination[.].

**[(ii)]** Be heard before the local board or its designated committee; and

**[(iii)]** Bring counsel and witnesses to the hearing.]

*(f) If an appeal is filed, it shall be heard before the local board or its designated committee or hearing officer and completed within 30 days of the date of appeal was received by the local board.*

**(g) The student or the student's parent or guardian:**

*(i) Shall be provided the school system's witness list and a copy of the documents that the school system will present at the hearing 5 days before hearing; and*

*(ii) May bring counsel and witnesses to the hearing.*

*(h) The local board shall issue its decision within 10 days after the close of the hearing.*

**[(e)] (i) — [(g)] (k) (text unchanged)**

**[(5)] (4)** A student expelled [under] or suspended from school shall remain away from the school premises during those hours each school day when the school the student attends is in session, and may not participate in school-sponsored activities. The expelled or suspended student may return to the school premises during the prohibited hours only for attendance at a previously scheduled appointment, and if the student is a minor then only if accompanied by the student's parent or guardian.

*(5) A student suspended or expelled from school shall be allowed to return to school on the day that the terms and conditions of the suspension or expulsion are met whether or not the student, parent, or guardian has filed an appeal of the suspension.*

**(6) — (7) (text unchanged)**

**(8)** A local superintendent may deny attendance to a student who is currently expelled or on *extended suspension* from another school system for a length of time equal to that *expulsion or extended suspension*. A school system shall forward information to another school system relating to the discipline of a student, including information of an *expulsion or extended suspension* of the student, on receipt of the request for information.

**D. — E. (text unchanged)**

**F. Minimum Education Services.** *In order to establish accountability and to keep suspended or expelled students on track with classroom work, as is reasonably possible, each local board shall institute education services that at minimum provide that:*

*(1) Each student suspended or expelled out-of-school who is not placed in an alternative education program shall receive daily classwork and assignments from each teacher which shall be reviewed and corrected by teachers on a weekly basis and returned to the student; and*

*(2) Each principal shall assign a school staff person to be the liaison between the teachers and the various students on out-of-*

*school suspension or expulsion and to communicate weekly about classwork assignments and school-related issues by phone or email with those out-of-school suspended/expelled students and their parents.*

**.12 Arrests on School Premises.**

**A. — B. (text unchanged)**

*F. Beginning in the 2013-2014 school year, data on school arrests shall be reported in a manner and format developed by the Department and approved by the State Board.*

**.15 Reporting Delinquent Acts.**

**A. — B. (text unchanged)**

*C. Beginning in the 2013-2014 school year, the local school systems shall report data to the Department on school arrests and referrals to law enforcement agencies or to the juvenile justice system in a form and manner developed by the Department and approved by the State Board.*

**.21 Reducing and Eliminating Disproportionate/Discrepant Impact.**

*A. The Department shall develop a method to analyze local school system discipline data to determine whether there is a disproportionate impact on minority students.*

*B. The Department may use the discrepancy model to assess the impact of discipline on special education students.*

*C. If the Department identifies a school's discipline process as having a disproportionate impact on minority students or a discrepant impact on special education students, the local school system shall prepare and present to the State Board a plan to reduce the impact within 1 year and eliminate it within 3 years.*

*D. The local school system will report its progress annually to the State Board.*

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

**Subtitle 12 CERTIFICATION****13A.12.01 General Provisions**

Authority: Education Article, §§2-205, 2-303(g), 6-202, and 6-701—6-705; Family Law Article, §10-119.3, Annotated Code of Maryland

**Notice of Proposed Action**

[12-299-P]

The Maryland State Board of Education proposes to amend Regulations .02, .06, and .11 under COMAR 13A.12.01 General Provisions. This action was considered at the Maryland State Board of Education meeting on August 28, 2012.

**Statement of Purpose**

The purpose of this action is to provide a fourth option for issuance of an Advanced Professional Certificate which is independent of course work.

**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](mailto:jsatterfield@msde.state.md.us), or fax to 410-333-8963. Comments will be accepted through December 3, 2012. 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 January 22, 2013, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Accredited" has the meaning stated in §B[(17)] (19) of this regulation.

(3) — (12) (text unchanged)

(13) "Equivalent credit" means Department-approved professional growth activities designed by the local school system.

[(13)] (14) — [(15)] (16) (text unchanged)

(17) "Highly effective teaching" means, beginning with the 2013-2014 school year, receiving a highly effective rating under the Local Education Agency Evaluation System or the Model State Performance Evaluation Criteria in accordance with COMAR 13A.07.09.

[(16)] (18) — [(25)] (27) (text unchanged)

[(26)] (28) "Professional development plan" means a plan [to describe the employee's continued professional growth] collaboratively designed by the certificate holder and his or her supervisor or designee, which describes the certificate holder's continued professional growth, including specified needs, strengths and interests.

[(27)] (29) — [(38)] (40) (text unchanged)

**.06 Professional Certificates.**

A. — D. (text unchanged)

E. Advanced Professional Certificate.

(1) An Advanced Professional Certificate shall be issued to an applicant who:

(a) (text unchanged)

(b) [Presents] Submits 6 semester hours of acceptable credit as set forth in Regulation .05C of this chapter; and

[(c) Presents verification of 3 years of satisfactory school-related experience; and]

[(d)] (c) Meets one of the following standards:

(i) Earned a master's or higher degree from an IHE in a certification area directly related to public school education, including 6 semester hours related to the [teacher's] applicant's specific discipline or [the specialist's specific] job assignment, and verification of 3 years of satisfactory school-related experience; or

(ii) Earned at least 36 semester hours of approved content or professional education course work directly related to public school education, earned after the conferral of the bachelor's or higher degree, including at least 21 graduate credits, of which at least six credits shall be related to the [teacher's] applicant's specific discipline or [the specialist's specific] job assignment, and verification of 3 years of satisfactory school-related experience; or

(iii) Obtained National Board Certification and earned a minimum of 12 semester hours of approved graduate course work, earned after the conferral of the bachelor's or higher degree and] related to the [teacher's] applicant's specific discipline or [the

specialist's specific] job assignment[,], and verification of 3 years of satisfactory school-related experience; or

(iv) Beginning with the 2016-2017 school year, submits evidence of highly effective teaching for a minimum of 3 of the last 5 years immediately preceding the issuance of the Advanced Professional Certificate.

(2) — (3) (text unchanged)

**.11 Renewal of Certificates.**

A. General.

(1) — (7) (text unchanged)

B. Professional Certificates.

(1) — (4) (text unchanged)

(5) The Advanced Professional Certificate shall be renewed for 5 years if an applicant [is] submitr:

[(a) Continuously employed as a professional in a Maryland school during the validity period of the certificate upon the request of the local superintendent of schools and upon presenting all of the following:]

[(i)] (a) A professional development plan for the subsequent Advanced Professional Certificate [designed by the employee and reviewed by the local superintendent of schools] that includes at least 6 semester hours of acceptable credit or equivalent credit under Regulation .05C of this chapter and §A(5) of this regulation, [or the equivalent once the required semester hours of reading course work are completed] and verification of 3 years of satisfactory school-related experience immediately preceding the issuance of the renewed Advanced Professional Certificate; or

[(ii) 6 semester hours of acceptable credit under Regulation .05C of this chapter and §A(5) of this regulation, or verification by the local superintendent of schools that the employee has earned the equivalent of 6 semester hours of credit in professional growth activities during the validity period of the current certificate once the required semester hours of reading course work are completed; and

(iii) Verification of 3 years of satisfactory school-related experience completed within the 5 years immediately preceding the issuance of the renewed Advanced Professional Certificate; or]

(b) [Not continuously employed as a professional in a Maryland school during the validity period of the certificate, upon the request of the applicant and upon the applicant presenting 6 semester hours of acceptable credit under Regulation .05C of this chapter and §A(5) of this regulation] A professional development plan for the subsequent Advanced Professional Certificate and evidence of highly effective teaching for a minimum of 3 years within the 5 years immediately preceding the issuance of the renewed Advanced Professional Certificate.

C. — D. (text unchanged)

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools



**PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD**  
*Maryland State Department of Education*

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January 22, 2013

Maryland State Board of Education  
 Attn: Dr. Charlene M. Dukes, President  
 200 West Baltimore Street  
 Baltimore, Maryland 21201  
[stateboard@msde.state.md.us](mailto:stateboard@msde.state.md.us)

RE: Proposed Amendments to COMAR 13A.12.01.02, Definitions; 13A.12.01.06E,  
 Advanced Professional Certificate, and 13A.12.01.11, Renewal

Maryland State Board of Education:

I am writing this letter on behalf of the Professional Standards and Teacher Education Board (PSTEB or "board") regarding proposed changes to COMAR 13A.12.01.02., .06 and .11, also known as "option four," for the Advanced Professional Certificate (APC). It is our board's firm belief that adoption of these regulations as currently proposed will not serve the best interest of Maryland's students.

Our objections center on several key issues; chief among them is the belief that any move to tie teacher certification to a currently unproven evaluation system is, at this time, premature. In addition, the student PARCC assessments on which teacher evaluations will, in part, be based are yet to be completed and aligned to the new Common Core Curriculum. As such, making changes to teacher certification while in the middle of such a transitional period is unwise. Finally, we have deep concerns that there are currently no data systems in place that substantiate how "highly effective" is defined and administered consistently across jurisdictions. Because of this, we have no idea how many teachers are or will be considered highly effective, thus making the proposed regulatory changes premature at this time.

While PSTEB remains committed to exploring a route to the APC that builds upon evidence of educator effectiveness, PSTEB believes that COMAR 13A.12.01.02., .06 and .11, as currently proposed, does not adequately meet this goal.

In this letter we will expand our explanation of these and other concerns, and offer you an overview of our work during the last six months. Our goal is to provide you with a deeper insight into our unanimous vote against the currently proposed COMAR changes.



In the near future, the State Board of Education (SBOE) will consider passage of regulatory amendments for "option four," which would allow a teacher to obtain or renew an APC simply by having achieved a "highly effective" evaluation rating for three of the last five years. This fourth option would not require any additional coursework during the initial or renewal period and is based solely on the teacher's effectiveness rating.

At the June 26, 2012, meeting of the SBOE, you initiated and voted to grant permission to publish the proposed regulatory changes. Two months later, at the August 2, 2012 meeting of the PSTEB, we received numerous public comments, both in writing and in person, all of which were in opposition of the fourth option. Based on careful consideration and four months of previous deliberations on this issue, we voted unanimously to oppose permission to publish.

Subsequently, at the SBOE's August 28, 2012 meeting, the SBOE revised the proposed regulation to include the dates when the new fourth option for achieving the APC will be implemented and when it is available for use. The proposed regulations were published on November 2, 2012, after which we entered into a 30-day public comment period. During the preceding month, PSTEB has continued its thoughtful and deliberative review of the proposed COMAR changes. For the members of our board, this process has been both long and measured, requiring many hours of outside consultation with our constituents.

Because the PSTEB deals only with regulations related to teacher preparation and certification, our membership is unique and carefully balanced by the Governor's appointment office. As a result, we include representation from a variety of stakeholder groups, who have daily first-hand knowledge of the issues we help regulate. Members of our board represent the Public Schools Superintendents Association of Maryland, the Maryland Association of Boards of Education, the Maryland Association of both Elementary and Secondary School Principals, the Maryland Association of Colleges for Teacher Education, the Association of Maryland Independent Schools, the Baltimore Teachers Union, and the Maryland State Education Association.

Our consideration of this issue has now spanned nearly six months. While the time involved was lengthy, it was absolutely essential, because PSTEB's opposition to "option four" was not based solely on each board member's personal opinion, but instead on the positions taken by the various organizations and stakeholder groups we represent. The time involved in consultation with these groups proved invaluable to the board, and ultimately gave us tremendous insight into this issue.

Since procedurally, the SBOE will shoulder the responsibility of crafting the final decision on this issue, we believe that a summary of the information and viewpoints gained during our deliberations may be of value to you.

There are multiple rationales for PSTEB's unanimous opposition and they are based on a wide range of inter-connected arguments.

Our board members as well as stakeholder groups expressed strong concern related to the timing of this initiative, particularly in light of our ongoing reform efforts. These apprehensions centered largely on the developing teacher evaluation systems, the introduction of the new common core curriculum, as well as the new assessments developed by the Partnership for Assessment of Readiness for College and Careers (PARCC).

It is fair to say, that in every school system in Maryland, teacher evaluation is undergoing tremendous reform. The new teacher evaluation system is currently under construction in virtually every Local Education Agency (LEA) in the State and is only now being piloted at actual schools, involving real teachers, students, and administrators. The full results of these tests will only be known at the end of the current school year, and only then, will LEAs begin to assess the effectiveness and efficacy of what each has created. At this juncture, there is no evidence on the level of success that will ultimately be achieved by each, and we have no data on the extent to which each LEA may have to institute corrections to their various models.

We must also acknowledge that the definition of "highly effective" may vary greatly among LEAs and until the pilots are completed, an inter-rater reliability study will not be possible. As such, issues of fairness and efficacy must be considered. In addition, we currently have no information about the complications that may arise when school systems move from testing their programs with only a handful of schools, to the inclusion of every classroom-based certificated employee in their system. The PSTEB, and many of the various groups we represent, believe that any move to tie teacher certification to these currently unproven evaluation systems is premature.

We have also considered many reservations involving the transitional period we are in regarding assessments. Since State-mandated testing will be a significant part of many teachers' evaluations, this issue is highly pertinent to our deliberations. As we transition from the current Maryland School Assessments (MSA) and High School Assessments (HSA) to the PARCC assessments, both teachers and students will be entering a highly adaptive period. These new assessments will be aligned to our new common-core curricula, which, in their infancy, are at widely varying levels of comprehension and implementation at the school level.

We know from our history of reform in Maryland, that as new curriculum and assessments are introduced, the initial period of implementation usually results in lower achievement levels for students. The conditions set forth by our Race to the Top application require a significant portion of each teacher's evaluation be based on student growth, and the current Maryland Teacher Effectiveness model requires a significant portion of that measurement comprise test results that may be linked to the new PARCC assessments when applicable. Since the production of these new exams has yet to be completed, let alone be administered to a single class of students, it remains completely undetermined as to how these new assessments will impact teacher evaluation. As a result, the PSTEB believes it is again premature to begin even voluntary linkage of certification to a teacher evaluation system that is,

in many cases, required to infuse data from tests that have yet to be completed, on curricula that are yet to be implemented.

In addition, our board has expressed deep concerns that, at this juncture, there are no data systems in place to track teacher performance across school systems. Frankly, we have no idea how many teachers currently are, or will be, considered highly effective. Thus, even in a preliminary sense, it is impossible to make a determination of how many teachers will be impacted by the proposed changes to COMAR. As time goes by, this information may become more readily available, but at this point, we are hesitant to agree to certification changes when we have no data available to help us understand how far-reaching the implications of such a decision will be.

Finally, it is useful to remember that the proposed regulations, if approved, must fit into a larger set of recommendations initially proposed by the Reconfiguration of Certification Structure Work Group (the “workgroup”). The so-called “option four” for an initial or renewal APC was never part of the workgroup’s recommendations, but was instead proposed as a result of the Joint Conference Committee meeting between PSTEB and the SBOE on April 6, 2012. Fidelity between this additional route to APC certification and the workgroup recommendations already endorsed by PSTEB is of great importance.

To that end, PSTEB and its various constituent groups have expressed concern that “option four” is at odds with the workgroup’s Recommendation #4—“Recommit to the importance of rigorous and relevant professional development as a continued requirement for certification and certificate renewal.” As such, the “output” focused route to certification currently proposed will potentially dilute professional standards, and devalue the importance of lifelong learning for teachers. The State of Maryland has a long history of requiring ongoing professional development (6 credits per renewal cycle) for all of its teachers holding an APC, including those who have received exemplary evaluation ratings. To now excuse such teachers from this requirement is not in the best interest of students, especially at a time when higher levels of rigor are being introduced into our state’s classrooms.

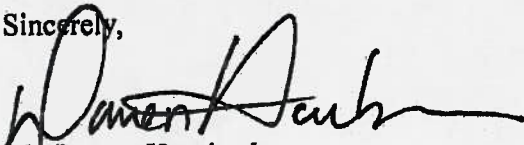
As part of our deliberations we considered the argument that highly effective teachers would still be required to participate in professional development (PD), even if their six renewal credits were waived largely through their participation in system level PD and the filing of a Professional Development Plan. This argument is unfortunately undermined when we take into account what many constituent groups told us—shrinking budgets have resulted in devastating cuts to many LEA’s professional development budget, often hindering their ability to provide true high-quality PD at the local level. As classroom teachers are faced with the demands of a more rigorous common-core curriculum, as well as the infusion of Science, Technology, Engineering, and Mathematics (STEM) Education initiatives into all content areas, the need for professional development, both at the system level and from higher-education are more important than ever. To excuse teachers, even partially, from our current professional development requirements, based on an as yet undefined rating of “highly effective” is at odds

with the best interest of our students. As a result PSTEB continues to value the APC routes, as they currently exist, and believes that much more exploration would be required before articulating a meaningful "option four."

The task of summarizing the many months of deliberations we have spent on this issue, as well as the many views brought to us by our representative groups, is daunting. It is hoped, nonetheless, that the above background and information is helpful to you in understanding why our board voted unanimously to reject the proposed amendments to COMAR 13A.12.02, .06 and .11, and it is our recommendation that you reject adopting the proposed regulations, as well.

Historically, the views and opinions of PSTEB regarding certification issues have been well respected and received by the State Board of Education, as has the work of the State Board with us. While the recent split of opinion between our two boards on this issue is unprecedented, we continue to affirm that both PSTEB and the SBOE are working together for, what we believe, is best for the needs of our children. In that spirit of cooperation, we hope that this letter is useful and informative to you as you consider adopting the proposed regulatory changes for "option four", APC certification.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren Hornbeck". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mr. Darren Hornbeck

Chair, Professional Standards and Teacher Education Board