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TO: Members of the State Board of Education
FROM: Bernard J. Sadusky, Ed.D. *BJS/CLa*
DATE: September 27, 2011
SUBJECT: COMAR 13A.12.01.03D – Personnel Not Eligible
COMAR 13A.12.05.02B – Suspension Only
COMAR 13A.12.05.03A – Reporting Procedures
(AMEND)

PERMISSION TO PUBLISH

PURPOSE:

The purpose of this item is to provide information and the opportunity to request a Joint Conference Committee should you so desire for proposed changes to COMAR 13A.12.01.03D (Personnel Not Eligible), 13A.12.05.02B (Suspension Only), and 13A.12.05.03A (Reporting Procedures).

BACKGROUND INFORMATION:

The Maryland Department of Human Resources (DHR), Child Support Enforcement Administration, oversees a statewide Child Support Enforcement Program intended to ensure that noncustodial parents fulfill their obligations to provide financial and medical support to their children. Family Law Article, § 10-119.3, *Maryland Annotated Code*, provides that upon notification by the DHR that an individual is in arrears on the child support obligation that licensing agencies, including the Maryland State Department of Education (MSDE), shall suspend or deny the individual's license.

The DHR and the MSDE have developed a Memorandum of Understanding which further delineates the requirements and procedures which will allow for the exchange of information regarding potential suspension or denial of a Maryland educator license/certificate. This Memorandum of Understanding will be signed by all parties involved and become effective upon signing.

Since the MSDE notifies the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse of all completed disciplinary actions, it is necessary to revise the existing regulations to incorporate failure to pay child support as one of the causes for denial of a certificate or disciplinary action (attached).

Staff presented this proposed regulation to the Professional Standards and Teacher Education Board (PSTEB) at its August meeting. At that time, the PSTEB voted to publish the proposed changes.

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SUMMARY:

Staff has drafted proposed changes to COMAR 13A.12.01.03D (Personnel Not Eligible), 13A.12.05.02B (Suspension Only), and 13A.12.05.03A (Reporting Procedures). These proposed changes will provide notice to applicants and certificate holders of the conditions under which failure to pay child support will result in denial or suspension of a Maryland educator license/certificate.

ACTION:

I am presenting these items for information and the opportunity to request a Joint Conference Committee should you so desire: COMAR 13A.12.01.03D (Personnel Not Eligible), 13A.12.05.02B (Suspension Only), and 13A.12.05.03A (Reporting Procedures).

BJS: jes

Attachments

Title 13A STATE BOARD OF EDUCATION

Subtitle 12 CERTIFICATION

Chapter 01 General Provisions

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

13A.12.01.03

.03 Personnel.

A. [Text unchanged]

B. [Text unchanged]

C. [Text unchanged]

D. Personnel Not Eligible.

(1) An individual who has been convicted of, pleads guilty or nolo contendere with respect to, or receives probation before judgment with respect to, a crime against children or a crime of violence, or an individual whose certificate is suspended, revoked, or voluntarily surrendered under COMAR 13A.12.05 or in another state for a cause comparable to one for which suspension or revocation is required in Maryland, may not hold certification during the period of ineligibility.

(2) Personnel under investigation for a cause under COMAR 13A.12.05 shall remain ineligible for a certificate pending the result of the investigation.

(3) An individual who signs the State regular contract or provisional contract for conditional or resident teacher certificate holders and leaves the employment of the local school system on or before the first day of the school year may be ineligible to receive a certificate for not more than 365 days.

(4) An individual whose failure to pay child support meets the criteria for denial of a professional license pursuant to Family Law Article §10-119.3, Annotated Code of Maryland, following notification by the Department of Human Resources, Child Support Enforcement Administration, is ineligible for a certificate.

(a) Prior to denial of a certificate, the State Superintendent shall send written notice to the individual, including the right to contest the identity of the individual whose certificate shall be denied.

(b) An individual may appeal the decision to deny a certificate based on failure to pay child support in accordance with Title 10, Subtitle 2 of the State Government Article. At the appeal hearing, the issue shall be limited to whether the Department of Human Resources, Child Support Enforcement Administration, has mistaken the identity of the individual whose certificate was denied.

(c) The State Superintendent shall immediately process an application for a certificate if notified by the Department of Human Resources, Child Support Enforcement Administration, that the individual is eligible for a professional license and the individual otherwise qualifies for a certificate.

Title 13A STATE BOARD OF EDUCATION

Subtitle 12 CERTIFICATION

Chapter 05 Suspensions and Revocations

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

13A.12.05.02

.02 Causes.

A. [text unchanged]

B. Suspension Only. A certificate may be suspended by the State Superintendent of Schools under the following conditions.

(1) Breach of Contract. A certificate may be suspended for not more than 365 days if the certificate holder leaves the employment of a local school system after July 15 without the consent of the local board of education, which may not be unreasonably withheld, and contrary to the provisions of the Regular State Teacher's Contract set forth in COMAR 13A.07.02.01B.

(2) Failure to Pay Child Support. A certificate shall be suspended upon notification by the Department of Human Resources, Child Support Enforcement Administration, that the certificate holder's failure to pay child support meets the criteria for suspension of a professional license pursuant to Family Law Article §10-119.3, Annotated Code of Maryland.

(i) Prior to suspending the certificate, the State Superintendent shall send written notice to the certificate holder of the proposed suspension and the right to contest the identity of the individual whose certificate shall be suspended.

(ii) An individual may appeal the decision to suspend a certificate based on failure to pay child support in accordance with Title 10, Subtitle 2 of the State Government Article. At the appeal hearing, the issue shall be limited to whether the Department of Human Resources, Child Support Enforcement Administration, has mistaken the identity of the individual whose certificate was suspended.

(iii) The State Superintendent shall immediately reinstate any certificate suspended for failure to pay child support if notified by the Department of Human Resources, Child Support Enforcement Administration, that the certificate should be reinstated and the individual otherwise qualifies for the certificate.

C. [text unchanged]

D. [text unchanged]

13A.12.05.03

.03 Reporting Procedures.

A. **Except as provided in Regulation .02B(2) of this chapter, [T]**the following individuals shall notify the State Superintendent of Schools in writing of charges against a certificate holder pursuant to Regulation .02 of this chapter:

(1) [text unchanged]

(2) [text unchanged]

(3) [text unchanged]

B. [text unchanged]

C. [text unchanged]

D. [text unchanged]

E. [text unchanged]

F. [text unchanged]

G. [text unchanged]