



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 03.12 (NEW)
Gifted and Talented Education Specialist
APPROVAL

PURPOSE:

The purpose of this item is to request your approval of a new regulation, COMAR 13A.12.03.12, pertaining to the certification of Gifted and Talented Specialist. The proposed regulation for certification as Specialist in Gifted and Talented Education will provide educators with recognition of and the opportunity to pursue specialized preparation enabling them to provide more effective instruction for gifted and talented students, who present a unique set of educational needs.

HISTORICAL BACKGROUND:

Information about this potential certification area has been presented at several meetings of the Professional Standards and Teacher Education Board (PSTEB) over the past two years. At the May 3, 2008 meeting, Dr. Joann Ericson, Chief, Certification; Dr. Jeanne Paynter, Specialist, Gifted and Talented; and Ms. Katherine Riegler, Chair, Professional Development Subcommittee, Maryland Advisory Council on Gifted and Talented Education, presented an update that included the most recent report of the State of the States in Gifted Education, 2006-2007; an overview of Models for Gifted and Talented Education in Maryland; and recommendations from the 2006-2007 *Final Report* from the Maryland Advisory Council on Gifted and Talented Education.

Dr. Paynter also shared pertinent research, which concluded that most classroom teachers have not had the training in their respective teacher education programs necessary to meet the specialized needs of this group of students. In addition, based on an exit survey from one Maryland university, teacher candidates reported that the group of students they felt most unprepared to teach was gifted and talented students. Following the discussion, the PSTEB directed Dr. Ericson to bring a draft regulation to the June meeting for discussion.

This topic was presented and discussed at the May 15, 2008 meeting of the Directors of Human Resources. There was general consensus to move forward with the proposed regulatory change. At the June 5, 2008 PSTEB meeting, Dr. Ericson presented a draft regulation for consideration by Board members. As a result of the discussion, the PSTEB directed Dr. Ericson to bring a

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revised draft to the next meeting that would clarify the delineation between preparation pathways and ensure that candidates could apply coursework earned within master's degree programs even if the program was not specific to gifted and talented education. Further format suggestions were discussed at the August 7, 2008 meeting, and Dr. Ericson incorporated those suggestions into the draft presented on September 4, 2008.

The proposed regulation was 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 regulation 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.

A copy of the proposed regulation as published in the *Maryland Register* on December 19, 2008 is attached. The period for public comment concluded on January 19, 2009, and several comments were submitted. An analysis of these comments is attached; the large majority of comments were supportive of the proposed regulation. This new regulation does not have any economic impact, nor is there any impact on individuals with disabilities. There is no corresponding federal standard for this proposed action.

SUMMARY:

The proposed regulation represents the culmination of the work of various task forces, advisory councils, and advocacy groups, each of which has recommended that Maryland develop a certification in gifted and talented education. This proposed regulation further acknowledges the State's continuing commitment to a unique group of students requiring specialized services in order to realize their maximum potential. A copy of the proposed regulation as published in the *Maryland Register* on December 19, 2008 is attached.

ACTION:

I am requesting approval of COMAR 13A.12 03.12, Gifted and Talented Education Specialist.

NSG:jcs

Attachments (2)

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 W. Baltimore Street, Baltimore, MD 21201.

.20 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

the use of equitable approaches for identifying gifted and talented students from diverse backgrounds and those with disabilities;

(iv) Understanding evidence-based instructional strategies for differentiating instruction for gifted and talented students, including strategies that enhance acquisition of knowledge and skills in specific domains, critical and creative thinking, problem solving, and metacognition;

(v) Understanding theories and models for developing and implementing curriculum, instruction, and assessments for gifted and talented students; and

(vi) Understanding how to create learning environments that foster the social and emotional well-being of gifted and talented students, including the development of self-awareness, coping skills, positive peer relationships, and leadership; and

(b) Complete at least 3 semester hours in a clinical/laboratory internship; and

B. Present verification of 27 months of satisfactory teaching experience or clinical experience.

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Title 14 INDEPENDENT AGENCIES

Subtitle 27 MARYLAND ENVIRONMENTAL SERVICE

14.27.02 Human Resources System

Authority: Natural Resources Article, §§3-103.1 and 3-127, Annotated Code of Maryland

Notice of Proposed Action

[08-375-P]

The Maryland Environmental Service proposes to amend Regulations .13 and .15 under COMAR 14.27.02 Human Resources System. This action was considered by the Board of Directors of the Maryland Environmental Service at a public meeting held November 24, 2008, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to set the maximum amount of unused holiday leave and compensatory leave that an employee can carry over into a new fiscal year.

Currently employees have 1 year from the date earned to use or lose unused holiday and compensatory leave. This creates logistical problems for the payroll staff and the employee in tracking and reporting leave time.

The revised regulation establishes a cap of 120 hours compensatory leave and 40 hours holiday leave that can be carried past June 30th of each year. Leave balances will be reported on paycheck stubs each pay period. Employees will be encouraged to schedule and use leave time more effectively.

The revised regulation will eliminate the need to issue custom reports tracking employee compensatory and holiday leave time balances, establish a ceiling and use by date for the number of hours that can be carried over, and manage such leave in the same way as annual leave.

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 Pamela Fuller, Regulations Coordinator, Maryland Environmental Service, 259 Najoles Road, Millersville, MD 21108, or call 410-729-8243, or email to pfull@menv.com, or fax to 410-729-8220. Comments will be accepted through January 20, 2009. A public hearing has not been scheduled.

.13 Compensatory Leave.

[D.] A. (text unchanged)

B. (text unchanged)

C. [An employee shall forfeit compensatory time not used by the employee within 1 year after it has been earned.] An employee may not carry into a new fiscal year more than 120 hours of unused compensatory time. If, on June 30, an employee has more than 120 hours of unused accumulated compensatory time, then, on July 1, the Service shall reduce the employee's accumulated unused compensatory leave balance to 120 hours.

D. A part-time employee may not carry into a new fiscal year more than the number of unused compensatory leave hours which equals the funded percentage of the employee's position multiplied by 120 hours. For example, if a part-time employee works a 60 percent schedule, then the employee may not carry into the new fiscal year more than 72 unused compensatory leave hours (0.60 x 120). If, on June 30 of a year, a part-time employee has more than the permitted carryover amount of accumulated compensatory leave, then, on July 1, the Service shall reduce the employee's accumulated unused compensatory leave to the permitted carryover amount.

[A.] E. (text unchanged)

.15 Other Paid Leave.

A. Holiday Leave.

(1) — (2) (text unchanged)

(3) Use of Holiday Leave.

(a) (text unchanged)

(b) An employee who works at a facility which renders a service that is provided continuously on a 7-day-a-week basis:

[(i) Is entitled to 10 days of holiday leave in a calendar year;]

[(ii) (i) (text unchanged)

[(iii) (ii) [May take a day of paid leave within 1 year of the holiday if the employee cannot be scheduled to take the leave during the current or subsequent pay period in which the holiday falls.] May not carry into a new fiscal year more than 40 hours of unused holiday leave.

(4) If, on June 30, an employee has more than 40 hours of unused holiday leave, then, on July 1, the beginning of the new fiscal year, the Service shall reduce the employee's accumulated holiday leave balance to 40 hours.