



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

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TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *lmlowery*
DATE: December 16, 2014
SUBJECT: COMAR 13A.12.03.02, School Counselor
COMAR 13A.12.03.08, School Psychologist
**AMEND
APPROVAL**

PURPOSE:

The purpose of this item is to request your approval of proposed changes to COMAR 13A.12.03.02, School Counselor, and COMAR 13A.12.03.08, School Psychologist, and to present an analysis of the comments received regarding the proposed changes.

BACKGROUND INFORMATION:

At your August 26, 2014 meeting, you reviewed proposed changes to two regulations: COMAR 13A.12.03.02, School Counselor, and COMAR 13A.12.02.08, School Psychologist.

The proposed change to COMAR 13A.12.03.02, School Counselor, provides the same option for a practicum for out-of-state applicants in addition to the two years satisfactory experience as specified for Maryland approved program graduates.

Proposed changes to COMAR 13A.12.03.08, School Psychologist, align the regulation with the standards published by the National Association of School Psychologists (NASP.) Specific changes include the following:

- * Change the degree requirements to a master's or higher degree;
- * Eliminate the credit count option for obtaining certification;
- * Expand the current option to include a minimum of a 1200 hour internship in school psychology in addition to the degree requirement aligning this option with the requirements for graduates of Maryland approved programs; and
- * Expand the current options for initial certification to include for experienced School Psychologists who present a valid, professional out-of-state certificate in School Psychology and verification of three years of satisfactory experience as a school psychologist within the past seven years.

Copies of the proposed changes to the regulations as they appeared in the *Maryland Register* on October 31, 2014 are attached. The public comment period ended December 1, 2014. No comments were received for School Counselor; one comment was received for School Psychologist (analysis attached). The proposed regulations do not have any economic impact nor do they have any impact on individuals with disabilities. There are no corresponding federal standards for these proposed actions.

EXECUTIVE SUMMARY:

The proposed change to COMAR 13A.12.03.02, School Counselor, provides the same option for a practicum for out-of-state applicants in addition to the two years satisfactory experience as specified for Maryland approved program graduates. Proposed changes to COMAR 13A.12.03.08, School Psychologist, align the regulation with the standards published by the National Association of School Psychologists (NASP.) In addition, eliminating the credit count option and specifying the number of hours required for an internship enhances the quality of the applicant pool for local school systems. Including the option for the experienced School Psychologist aligns with other regulations in the chapter and provides hiring flexibility for local school systems.

ACTION:

I am requesting approval of the proposed changes to COMAR13A.12.03.02, School Counselor, and COMAR13A.12.03.08, School Psychologist.

LML: jes

Attachment

**ANALYSIS OF WRITTEN TESTIMONY PROVIDED TO THE MARYLAND STATE BOARD
OF EDUCATION CONCERNING PROPOSED CHANGES TO COMAR 13A.12.03.08,
SCHOOL PSYCHOLOGIST**

- TOPIC:** **Requiring qualifying scores on the School Psychology test for the experienced School Psychologist**
- Writers:** David W. Holdefer, President, Maryland School Psychologists' Association (MSPA) and Matt Lawser, Chair, Professional Standards Committee, MSPA
- Comments:** The Maryland School Psychologists' Association agrees with the proposed changes with one revision: require a qualifying score on the Department-approved test for school psychologist, for the Option IV, the experienced professional option.
- Staff response:** Staff does not concur with this suggestion. Including this within Option IV would be redundant since a majority of states currently require a qualifying score on the School Psychologist test for initial certification. Additionally, the purpose of Option IV is to allow an experienced School Psychologist with at least three years of satisfactory experience to become certificated in Maryland based on demonstrated performance as a School Psychologist. This option aligns with the experienced professional option provided in other regulations within this chapter and other chapters.

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[B.] C. The Secretary may suspend implementation of this chapter if the Secretary determines that the known benefits of TCRP or YDCPP are greater than the known health risks associated with TCRP or YDCPP.

JOSHUA M. SHARPSTEIN, M.D.
Secretary of Health and Mental Hygiene

Title 13A STATE BOARD OF EDUCATION

Subtitle 12 CERTIFICATION

13A.12.03 Specialists

Authority: Education Article, §§2-203, 2-303(g), 6-101—6-104, and 6-701—6-706; Health Occupations Article, §2-301; Annotated Code of Maryland

Notice of Proposed Action [14-329-F]

The Professional Standards and Teacher Education Board proposes to amend Regulations .02 and .08 under COMAR 13A.12.03 Specialists. This action was considered at the June 5, 2014, meeting of the Professional Standards and Teacher Education Board.

Statement of Purpose

The purpose of this action is to allow more flexibility for local school systems in hiring school counselors and psychologists.

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, Division of Educator Effectiveness, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0385 (TTY 410-333-6442), or email to jean.satterfield@maryland.gov, or fax to 410-333-8963. Comments will be accepted through December 1, 2014. 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 January 8, 2015, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.02 School Counselor.

The requirements for certification as a school counselor are:

- A. Option I. The applicant shall [have] submit:
- (1)—(3) (text unchanged)
- B. Option II. The applicant shall [have] submit:
- (1) (text unchanged)

(2) 2 years of satisfactory performance as a teacher or school counselor, or 500 clock hours in a supervised practicum in school counseling or school guidance and counseling.

C. Option III. The applicant shall [have] submit a master's degree in school counseling or school guidance and counseling from a program approved by the Council for Accreditation of Counseling and Related Educational Programs (CACREP).

D. Option IV. The applicant shall [have] submit:

- (1) (text unchanged)
- (2) 2 years of satisfactory performance as a teacher or school counselor or 500 clock hours in a supervised practicum in school counseling or school guidance and counseling.

R. Option V. The applicant shall submit:

- (1) [Have a] A master's degree from an IHE; and
- (2) [Present a] A valid, professional certificate from another state and verification of at least 27 months of satisfactory performance as a school counselor during the past 7 years on the basis of which application is being made for a comparable Maryland certificate.

.08 School Psychologist.

A. (text unchanged)

B. Education. The education requirements for certification as a school psychologist are that the applicant shall meet one of the following:

(1) Option I:

(a) [Have an advanced graduate specialist's, or doctoral, Submit a master's or higher degree in school psychology from a [National Association of School Psychologists, NCATE, American Psychological Association, or State Department of Education] State-approved program; and

(b) [Meet qualifying] Qualifying scores on the State-approved test for school psychologist[;].

(2) Option II:

(a) [Have a master's, advanced graduate specialist's, or doctoral degree in either psychology, education, or human development from an IHE; and] Submit a master's or higher degree and complete a State-approved program in school psychology, culminating a minimum of a 1,200-hour internship in school psychology; and

[(b) Have completed 60 semester hours of graduate courses at an IHE (30 of which must be from one institution) to include course work in each of the following areas of study:]

(table proposed for repeal)

[(c)] (b) [Meet]—Submit qualifying scores on the State-approved test for school psychologist[;] or].

(3) Option III: [Have] Submit a valid Nationally Certified School Psychologist certificate issued by the National School Psychology Certification Board.

(4) Option IV:

(a) Submit a master's or higher degree from an IHE, and

(b) Submit a valid professional certificate in school psychology from another state and verification of at least 27 months of satisfactory performance as a school psychologist during the past 7 years on the basis of which application is being made for a comparable Maryland certificate.

[C. Experience. The experience requirements for certification as a school psychologist are that the applicant shall meet one of the following:

(1) Option I:

(a) 1,200 clock hours internship experience while enrolled in a school psychology program that is approved by and under the direction of an IHE.

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(b) The internship shall cover a broad and balanced variety of experiences in the following areas:

(i) Assessment, such as classroom observation, rating scale procedures, standardized testing, and individualized testing;

(ii) Indirect intervention, such as consultation;

(iii) Direct intervention, such as counseling, modification of behavior;

(iii) Direct intervention, such as counseling, modification of behavior;

(iv) School/system support, such as establishing school needs, conducting in-service sessions and research;

(v) Services to special and nonspecial education students in public or State-approved nonpublic school settings; and

(vi) Services to students in special settings such as public or State-approved special education schools, clinics, or hospitals.

(2) Option II: Two years of successful experience providing psychological services to children in an educational setting under the direction of an individual certified as a school psychologist. The experience shall include the areas listed in §C(1)(b) of this regulation.]

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

Title 19A STATE ETHICS COMMISSION

Subtitle 01 PROCEDURES

19A.01.03 Enforcement Procedures

Authority: [State Government] *General Provisions Article*, §§15-206, 15-401 — 15-408, and 15-901 — 15-904; §§3-306, 3-401 — 3-408, and 3-901 — 3-904, Annotated Code of Maryland.

Notice of Proposed Action [14-317-F]

The State Ethics Commission proposes to amend Regulation .11 under COMAR 19A.01.03 Enforcement Procedures.

Statement of Purpose

The purpose of this action is to correct statutory references required as a result of legislation that moved the Public Ethics Law from State Government Article to General Provisions Article, Annotated Code of Maryland.

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 Jennifer Allgair, General Counsel, State Ethics Commission, 45 Svert Street, 3rd Floor, Annapolis, MD 21401, or call 410-260-7770, or email to jennifer.allgair@maryland.gov, or fax to 410-260-7746. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

.11 Commission Decision.

A. (text unchanged)

If, after a hearing, the Commission finds that a respondent has violated [State Government] *General Provisions Article*, Title [15] 5, Annotated Code of Maryland, the Commission shall issue a written report that:

(2) (text unchanged)

C. If the Commission finds that the respondent has not violated any of the provisions of [State Government] *General Provisions Article*, Title [15] 5, Annotated Code of Maryland, as alleged in the hearing notice, the Commission shall:

(1) — (1) (text unchanged)

D. Sanctions.

(1) If the Commission finds that the respondent has violated any of the provisions of [State Government] *General Provisions Article*, Title [15] 5, Annotated Code of Maryland, the Commission may take any action authorized in [State Government] *General Provisions Article*, §§15-405] §5-405 of Title [15] 5, Subtitle 9, Annotated Code of Maryland.

(2) In determining the sanctions to impose in a matter involving a finding of a violation of [State Government] *General Provisions Article*, Title [15] 5, Subtitle 7, Annotated Code of Maryland, the Commission may consider all relevant factors, including:

(a) — (g) (text unchanged)

H. If the Commission finds that the respondent has violated the financial disclosure or lobbying reporting provisions of [State Government] *General Provisions Article*, Title [15] 5, Subtitles 6 and 7, Annotated Code of Maryland, the Commission shall impose late fees as set forth in [State Government] *General Provisions Article*, §§15-405] §3-405, Annotated Code of Maryland.

F. — G. (text unchanged)

H. The Commission may seek judicial enforcement of any order issued pursuant to this regulation, or any other relief as provided in [State Government] *General Provisions Article*, Title [15] 5, Subtitles 2, 3, 4, and 9, Annotated Code of Maryland.

MICHAEL LORD
Executive Director
State Ethics Commission

Subtitle 03 FINANCIAL DISCLOSURE

Notice of Proposed Action

[14-318-F]

The State Ethics Commission proposes to:

(1) Amend Regulations .03 and .04 under COMAR 19A.03.01 Disclosure Required by Members of Boards and Commissions;

(2) Amend the Authority Line under COMAR 19A.03.02 Disclosure by Faculty Members at State Institutions of Higher Education;

(3) Amend Regulation .01 under COMAR 19A.03.03 Disclosure by Public Officials, State Officials, and Candidates to Be State Officials; and

(4) Adopt new Regulations .01 — .04 under a new chapter, COMAR 19A.03.04 Electronic Filing.

Statement of Purpose

The purpose of this action is to require individuals who are required to file the financial disclosure statement to file those statements using the Ethics Commission's electronic filing system. The proposed regulations provide exemptions under certain circumstances and authorize the Executive Director of the Commission to grant an exemption under certain circumstances. In addition, the proposed regulations correct statutory cross-references.