



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;jes

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 prekindergarten — 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.

.30 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, § 5-506(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.

**ANALYSIS OF WRITTEN TESTIMONY
CONCERNING NEW REGULATION, COMAR 13A.12.03.12 (NEW)
GIFTED AND TALENTED SPECIALIST
PRESENTED TO THE MARYLAND STATE BOARD OF EDUCATION
JANUARY 27-28, 2009**

TOPIC: Agree with COMAR. 13A.12.03.12 (NEW)

Writer: Rich Weinfeld, Director, Weinfeld Education Group, LLC

Comments: Maryland is recognized as a national leader in the field of gifted education. Teachers need special expertise that goes beyond their standard training so that they can identify and serve the needs of all gifted students.

Writer: Megan Bowles, Parent, Bethesda, MD

Comment: This is an important step in improving educational services for all students in our schools.

Writer: Nan Wellins, GT Liaison, Montgomery County Public Schools

Comment: For decades we have recognized and rewarded those who become specialists in "special education"; it is time that we extend the same recognition to those who teach the highly able.

Writer: Debbie Ritchie, President, Maryland PTA

Comments: The PTA has documented support of Gifted and Talented Education at the state and national level for over twenty years. Evidence shows that when gifted and talented students are unidentified or under-served, they may perform poorly academically. Some develop negative or disruptive behaviors, become truant, dropout, or worse. Gifted and talented students placed in classrooms with supportive, highly qualified educators with adequate resources to meet their needs often develop their true potential academically, socially, emotionally. All of Maryland will benefit from this endorsement inside and outside school communities.

Writer: Mary Murray, Gifted and Talented Teacher, Harford County Public Schools

Comments: Gifted and talented students are a unique group with special educational needs. There is a specialized body of knowledge that is required for educators to meet those needs. Research has shown that educators trained in gifted and talented education are better educators of all students.

Writer: Karen Reilly, Executive Director, Public Alliance for Children's Education, Washington, DC

Comments: After decades of research, there is irrefutable evidence that gifted and talented students have unique needs across a continuum (instructional, emotional, and social). Early identification is key since many gifted and talented students, bored with grade-level instruction, tune out with some eventually dropping out. This certification will allow our schools and school systems to publicly signal their commitment to gifted and talented education.

Writer: Ivy Allgeier, GT Resource Teacher, Carroll County Public Schools

Comments: I completed a certificate program through Johns Hopkins University which has impacted my work with parents, students, teachers, and administrators. The coursework expanded my knowledge and skills in working with this distinct group of learners. With this regulation, the community can be assured that the teachers of their children are trained professionals, helping to make decisions based on accepted standards for all gifted learners.

Writer: Matt McErlean, Deputy Director, PIH-REAC management Operations

Comment: The proposed regulation will benefit all of the relevant stakeholders in the gifted and talented educational community throughout Maryland: teachers and educators, administrators, parents, and, most importantly, the children with specialized educational needs.

Writer: Mrs. Regina Greenspun, Montgomery County

Comment: As one of the founding members of Gifted and Talented Committees in Montgomery County and the State, I have seen great strides taken in the willingness and capability of public education to meet the needs of gifted and talented students. The establishment of this regulation is a logical step toward maintaining the high standards we expect from our public schools.

Writer: Margrit Vanderryn, Montgomery County

Comments: It is important to have teachers trained in the special learning needs of gifted children. It is important to identify these learning needs and skills, not as "elite" traits, but as basic learning needs that should be met in a democratic school system. The requirements seem to be very well thought out and complete and should benefit both the students and their teachers.

Writer: Karen Ganjon, Director of Minority Achievement and Intervention Programs, Carroll County Public Schools

Comments: Gifted students, like other special populations that differ from the norm, have special learning needs that require a special educational program. Educators can provide sound interventions for gifted and talented students if they carefully consider their special needs and possess the knowledge and skills to differentiate instruction for these learners. This can only happen if teachers are provided an opportunity to engage in meaningful professional development or course work in gifted education.

Research supports that highly qualified teachers have a positive and significant impact on student achievement. The opposite is true as well. The lack of teacher training and professional development in gifted education will result in fewer challenges, less differentiation, and lower achievement for gifted and talented students. The adoption of this regulation encourages and recognizes the work of Maryland educators who want to have the knowledge and skills to teach this special population of learners.

Writer: Steven M. Johnson, Assistant Superintendent of Instruction, Carroll County Public Schools

Comments: Students who have been identified as gifted and talented deserve a quality, specialized education. The adoption of this regulation will ensure that those students are taught by professional educators who are highly qualified in gifted education.

The needs of gifted and talented students are best met by a teacher who understands the learning styles and uniqueness of this special population of students. Teachers gain this understanding and expertise through advanced course work in gifted education.

Writer: Melissa Snyder, GT Resource Teacher, Carroll County Public Schools

Comments: Educators can provide interventions for the gifted and talented students if they possess the knowledge and skills to differentiate instruction for these learners. This can only happen if teachers are provided meaningful professional development or course work in gifted education.

Since receiving a certificate in gifted education, I am better able to work with teachers in planning instruction for these learners their respective classrooms. The credibility that this certificate has given to my profession shows the public that this is a population of learners that is important and we are addressing their needs. Research has demonstrated that educators trained in gifted and talented education are better educators of all students. This is what we need and must

have for our gifted and talented students if they are to become the talented adults our future needs.

Writers: Laura Carriere, President, Jolynn Chadwick, Vice-President, Joan Cable, Secretary, Phil Appolonia, Treasurer, and Rick Tyler, Legislative Liaison and Past President, Maryland Coalition for Gifted and Talented Education (MCGATE)

Comments: Parents report that gifted students who are placed in classrooms and schools with teachers and principals that are knowledgeable in gifted education are supported with educational strategies that are highly appropriate for the children's learning styles. This improves the students' educational experiences, allowing them to learn and grow at a pace that is appropriate to them.

The passage of this regulation governing certification of Gifted and Talented Specialists will define specialists as trained experts in gifted education who then will be best equipped to efficiently and effectively manage the limited resources available to gifted and talented education in Maryland.

Writer: Sharon Goodall, Parent, Montgomery County

Comments: This regulation is an important step forward in providing appropriate, quality education for all of Maryland's gifted and talented students. It will encourage Montgomery county educators and educators across Maryland to take advanced course work indentifying and meeting the needs of gifted an talented students, and it will recognize them for having done so.

TOPIC: **Disagree with COMAR. 13A.12.03.12 (NEW)**

Writer: Kory Twit, ESOL Teacher, Anne Arundel County Public Schools

Comments: Special course work is not needed to understand how to serve gifted students. Most classroom educators have some experience with working with this special population. Gifted and talented students are not so different that a special certification is needed.