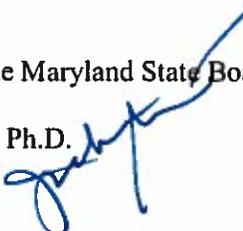




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**TO:** Members of the Maryland State Board of Education  
**FROM:** Jack R. Smith, Ph.D.   
**DATE:** May 24, 2016  
**SUBJECT:** Code of Maryland Regulations (COMAR) 13A.12.03.02 School Counselor  
PERMISSION TO PUBLISH

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**PURPOSE:**

The purpose of this item is to request permission to publish amendments to COMAR 13A.12.03.02 School Counselor (Attachment I). Amendments are being proposed to meet new certification requirements required as a result of legislation adopted by the Maryland General Assembly during the 2015 legislative session under the title “Professional Standards and Teacher Education Board – School Counselors – Certification Renewal Requirement (Lauryn’s Law).”

**REGULATION PROMULGATION PROCESS:**

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. The State Board shares joint authority with the Professional Standards and Teacher Education Board (PSTEB) to develop regulations governing teacher certification and preparation.

When PSTEB initiates a regulatory change, the State Board must review the proposed regulation. In order to reject a proposed regulation, a super-majority of the State Board (three-fourths of its members) must vote against the change. Otherwise, the regulation moves forward in the regulation promulgation process.

After the State Board has voted to approve the regulation (or has failed to garner a super-majority vote to disapprove the regulation), the proposed regulation is sent to the AELR Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, MSDE staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

If the State Board moves to adopt the regulation in the form it was proposed, the regulation will be sent back to PSTEB for final adoption.

### **HISTORICAL BACKGROUND:**

On May 12, 2015, the General Assembly passed and the Governor signed into law House Bill 947 (HB 947): “Professional Standards and Teacher Education Board – School Counselors – Certification Renewal Requirement (Lauryn’s Law).” The law requires PSTEB to adopt regulations to address a perceived need to increase school counselor awareness and skills in recognizing indicators of mental illness and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse. HB 947 has been codified as Education Article § 6-704.1.

Suicide is the third leading cause of death among 15-19 year olds. Nationally, more children and adolescents die annually from suicide than from cancer, heart disease, AIDS, birth defects, and other medical conditions combined. Seldom is suicide the outcome of a single incident, but rather of a major depression or bipolar disorder. The results of the 2014 Maryland Youth Risk Behavior Survey, published by the Maryland Department of Health and Mental Hygiene, indicates that 25% of our high school students feel sad and hopeless, 14% have seriously considered attempting suicide, and 10.6% have taken the step to create a suicide plan

With an effective date of July 1, 2016, this new statute applies to all school counselors who hold an educational certificate under COMAR 13A.12.03.02. In passing the law, the General Assembly recognized the seriousness of youth suicide in Maryland and also the critical role that school counselors can play in helping to identify students at risk and to counsel families toward appropriate community resources. The recent legislation mandates PSTEB put into regulation further safeguards over the present renewal and reinstatement certification standards to ensure each counselor is trained to identify risk factors for youth suicide and can refer students and families to community resources to treat these issues. In response to the legislation, PSTEB directed MSDE to convene a workgroup to address the requirements of the law.

The workgroup was led by Ms. Sarah Spross, Assistant Superintendent/Division of Educator Effectiveness, and included five MSDE Specialists, six Supervisors of School Counseling programs, one University Director, and one Local Human Resources Representative. The workgroup met on October 13, 2015 and November 17, 2015. MSDE also engaged local HR Directors in conversation to make them aware of the legislation and give them time to discuss the requirements of the law on their school systems. The school counseling coordinators on the workgroup also met with their HR directors to see how their school systems would accommodate the new certification requirements.

On January 7, 2016, Mr. Michael Linkins, School Counseling Specialist and Ms. Judy Klinger, Carroll County Supervisor of School Counseling, presented the recommendations of the work group to members of PSTEB. The workgroup emphasized that identifying warning signs of student depression and factors that place students at risk is the responsibility of everyone in the school house: administrators, teachers, nurses, bus drivers, para-educators, secretaries, social workers, psychologists, pupil personnel workers, cafeteria & custodial staff, and school counselors. Because of their training school counselors are often assigned the responsibility to provide professional development for the faculty and staff and are often the first person to be consulted when another professional becomes aware that a student may be at risk.

Subsequently on February 4, 2016, PSTEB granted permission to publish the amendments to COMAR 13A.12.03.02 School Counselor.

**PROPOSED AMENDMENTS:**

The proposed amendments require a school counselor, at the time of renewal/reinstatement of their certificate:

- to show evidence of one semester hour of coursework from an Institute of Higher Education; or its equivalent;
- to further refine their ability to recognize and address indicators of mental illness and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse; and
- to receive professional development in the identification of professional resources and best practices for distributing these resources to parents to help students in crisis.

**SUMMARY:**

COMAR 13A.12.03.02 requires revision due to the enactment of Education Article §6-704.1.

Proposed amendments:

1. Establish renewal/reinstatement requirements for school counselors that are congruent with the mandate of Education Article §6-704.1;
2. Requires additional professional development to further refine a school counselor's ability to recognize and address indicators of mental illness and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse; and
3. Assures that school counselors are aware of, and distribute as appropriate, the necessary resources to parents of students in crisis.

**ACTION:**

I request permission to publish amendments to COMAR 13A.12.03.02 with the following tentative timeline:

|                            |                         |
|----------------------------|-------------------------|
| Hearing                    | N/A                     |
| Maryland Register Date     | July 8, 2016            |
| 30 Day Open Comment Period | July 8 – August 8, 2016 |
| SBOE Approval              | August 23, 2016         |
| PSTEB Adoption             | September 1, 2016       |

Attachments (1)

## **.02 School Counselor.**

The requirements for certification as a school counselor are:

A. Option I. The applicant shall submit:

- (1) A master's degree in school counseling or school guidance and counseling from an IHE;
- (2) A National Board of Certified Counselors (NBCC) certificate; and
- (3) Two years of satisfactory performance as a teacher or school counselor in a school setting.

B. Option II. The applicant shall submit:

- (1) A master's degree in school counseling or school guidance and counseling in a program approved using State-approved standards under COMAR 13A.07.06.01; and
- (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 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 submit:

- (1) A master's degree in school counseling or school guidance and counseling from an approved program under the Interstate Contract agreement for support services; and
- (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.

E. Option V. The applicant shall submit:

- (1) A master's degree from an IHE; and
- (2) 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.

**F. Special Provisions. Prior to the renewal/reinstatement of the current credential, an educator certified as a school counselor shall present one (1) semester hour of coursework from an Institute of Higher Education; or one (1) Department approved continuing professional development credit; or the equivalent number of continuing education units**

**(1) Coursework to include knowledge and skills to understand and respond to the social emotional and personal development needs of students including:**

**(a) The recognition of the need for intervention or referral for mental illness and behavioral distress, including, but not limited to:**

- (i) Depression;**
- (ii) Trauma;**
- (iii) Violence;**
- (iv) Youth Suicide; and**
- (v) Substance Abuse.**

**(b) The identification of professional resources and best practices for distributing these to parents to help students in crisis.**

DRAFT