

## PROPOSED AMENDMENTS TO EDUCATOR LICENSE RENEWAL REGULATIONS, 603 CMR 44.00

- Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: **March 27, 2018**
- Period of public comment: **through May 18, 2018**
- Final action by the Board of Elementary and Secondary Education anticipated: **June 26, 2018**

The proposed amendments are designed to provide more flexibility to educators for earning professional development points.

Proposed amendments are indicated by underline (new language) or ~~striketrough~~ (deleted language). For the complete text of the current Educator License Renewal Regulations, 603 CMR 44.00, please see <http://www.doe.mass.edu/lawsregs/603cmr44.html>.

### **603 CMR 44.00: Educator License Renewal**

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Most recently amended by Board of Elementary and Secondary Education: June 27, 2017

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### **44.01: Purpose**

**Purpose.** The Massachusetts license renewal system will enhance education through ongoing professional development for educators that meets high standards for quality. The license renewal system is carried out in the context of professional development for school improvement leading to increased student learning. The goal is for educators within a school and district to work together so that license renewal achieves educational goals for the individual, the school, and the district, in order to assist students in meeting state learning standards.

## **44.02: Definitions**

As used in 603 CMR 44.00, the following terms shall have the following meanings:

**Additional License:** All other Professional level licenses, other than the Primary area license.

**Advanced Academic Study:** a course of study in the content area that is equivalent to an upper-level undergraduate course or a graduate-level course. Department guidelines will provide that upper-level undergraduate courses may qualify for advanced academic study where the content is substantially new to the educator (e.g., elementary teachers addressing content of the Curriculum Frameworks in subject area new to the educator).

**Board:** The Massachusetts Board of Elementary and Secondary Education.

**Bilingual Education:** An educational program that involves teaching academic content in two languages, English and another language. Program types determine the varying amounts of each language used in instruction. Bilingual education programs include dual language programs, transitional bilingual programs, and any other bilingual program types that may be approved by the Department.

**Commissioner:** The Commissioner of the Department of Elementary and Secondary Education.

**Content Area:** The academic discipline or subject matter knowledge of a license.

**Continuing Education Unit (CEU):** A unit of measurement of professional development activities that meet the requirements of the International Association for Continuing Education and Training.

**Department:** The Massachusetts Department of Elementary and Secondary Education.

**Educator:** A person who has been issued a Professional license as defined by 603 CMR 7.02.

**Educator Plan:** ApPlans developed as part of each educator's evaluation pursuant to 603 CMR 35.00.

**Endorsement:** A supplementary credential issued to an educator licensed under 603 CMR 7.00, or a credential issued to an individual otherwise required by law or regulation to obtain such credential, indicating satisfactory knowledge and skill to perform services in the area(s) specified.

Inactive License: A license that is not renewed within five years of its issuance or most recent renewal, whichever is later.

Individual Professional Development Plan: ~~a~~A five year plan developed by an educator that outlines the professional development activities for the renewal of the educator's license(s) or a series of Educator Plans reflecting such activities.

Invalid License: A license that is not renewed within the five year active period and that is not renewed within the five year inactive period, as provided in 603 CMR 44.07.

License: A Professional educator license issued to a person who has met the preparation and eligibility requirements established by the Board for a Professional license. This license is equivalent to a standard educator certificate as defined in M.G.L. c. 71, § 38G. Professional licenses are valid for five calendar years and are renewable for additional five year terms.

Primary License: The license so designated by an educator who has more than one Professional license. The primary license is usually the license under which the educator is employed. If the educator is employed in a position that requires more than one license, the educator may designate which of the licenses is the primary license.

Professional Development Point (PDP): A unit of measurement of professional development activities. One clock hour is equivalent to one professional development point. One semester hour is equivalent to 15 PDPs. One continuing education unit is equivalent to ten PDPs. However, professional development activities sponsored or approved by the Department and advanced academic studies will receive 1.5 PDPs per clock hour. Department guidelines will detail the PDPs earned by professional development activities not readily measured in clock hours.

Sheltered English Immersion (SEI): Shall have the meaning set forth in M.G.L. c. 71A, § 2.

Sheltered English Immersion (SEI) Endorsement: An SEI Teacher Endorsement and SEI Administrator Endorsement issued to an educator in accordance with 603 CMR 7.14.

Topic: ~~A~~a single or tightly integrated area of study within an academic discipline or related to a particular method of teaching or administration.

### **44.03: General Provisions**

- (1) Except as provided in 603 CMR 44.07, each license shall be valid for five years, and may be renewed for successive five year terms upon the successful completion of the requisite number of PDPs as set forth in 603 CMR 44.05 (1) and 44.06(1) within a particular five year active period, based on an individual professional development plan that is designed to improve teaching and student learning and that is approved, if required, by the educator's supervisor.
- (2) Professional development points may be earned in the following ways:

- (a) PDPs may be awarded by registered providers to license holders who complete a professional development activity and demonstrate proficiency in the relevant subject area or skill through an appropriate end-of-course assessment that satisfies Department guidelines.
  - (b) PDPs may be awarded by, or under the auspices of, the Department, school districts, or educational collaboratives upon an educator's completion of a professional development activity in compliance with Department guidelines.
  - (c) Educators may accrue PDPs through an educator-designed professional development activity that satisfies Department guidelines.
- (3) An educator also may choose to accrue professional development points by achieving a passing score on a performance assessment approved by the Board. This activity will earn an educator 120 PDPs, 90 in the content area of the license and 30 in pedagogy.
  - (4) The Department shall develop and maintain a registry of professional development providers in order to facilitate access to information about professional development programs.
  - (5) Notwithstanding 603 CMR 44.05, any core academic teacher, principal, assistant principal, or supervisor/director supervising or evaluating a core academic teacher as defined in 603 CMR 7.02, who fails to earn an SEI endorsement by the time designated for his or her cohort established pursuant to 603 CMR 14.07(2), will not be eligible to renew his or her license until such educator earns an SEI endorsement. Provided however, in accordance with 603 CMR 14.07(2), upon a showing of hardship, the Department may grant an educator an extension of time beyond the date designated for his or her cohort to earn an SEI endorsement.

#### **44.04: Individual Professional Development Plans**

For each Professional license issued to an educator, an Individual Professional Development Plan (IPDP) shall be developed by the educator and be subject to approval pursuant to 603 CMR 44.05.

- (1) An IPDP must be in place for each of the five years of validity for each Professional license issued to an educator.
- (2) Educators who are employed in the role of a Professional license may use the Educator Plan(s) and associated professional development points (PDPs) earned as related activities to the Educator Plan(s) in lieu of a separate IPDP. Any PDPs accrued under an Educator Plan are not subject to additional approvals pursuant to 603 CMR 44.05.
- (3) An educator relying on an Educator Plan must develop a second IPDP to supplement the Educator Plan(s) if the activities under the Educator Plan will not satisfy the requirement for licensure renewal.
- (4) Educators who hold multiple Professional licenses are required to develop an IPDP for each additional license, unless the educator's Educator Plan(s) satisfy the requirement for renewal of the additional license(s).
- (5) Educators who are employed in the role of one or more additional Professional licenses are required to obtain administrator approval for the IPDP under 603 CMR 44.05. Administrator approval is not necessary for any license under which the educator is not employed.

#### **44.05: Approval of Individual Professional Development Plans**

(1) In accordance with G.L. c. 71, § 38G, educators working in a Massachusetts public school must obtain approval of their proposed ~~individual~~ Individual professional ~~Professional development~~ Development plans ~~Plans~~ from their supervisors. Licensed educators working in schools other than Massachusetts public schools are encouraged to seek such approval.

- (a) Approval for proposed ~~individual~~ Individual professional ~~Professional development~~ Development plans ~~Plans~~ shall be from the educator's direct supervisor or an appropriate designee. In most instances, this will mean that the plans of teachers and other educators who report to the principal will be approved by the principal, a principal's plan will be approved by the superintendent of schools, and a superintendent's plan will be approved by the chairperson of the school committee.
- (b) Professional development activities shall be identified by the educator and supervisor during the development of, and review of, the Individual Professional Development Plan in order to better support student achievement. Approval of a plan shall be based on whether the 80% of the PDPs in the plan that are subject to supervisor approval are consistent with the educational needs of the school and/or district and whether the plan is designed to enhance the ability of the educator to improve student learning.
- (c) Supervisor approval is not required to renew any additional licenses under which the educator is not employed.
- (d) Educators working in Massachusetts public schools must obtain initial approval of their professional development plans pursuant to 603 CMR 44.05 (1) within six months of issuance of the license to be renewed.
- (e) Approval of ~~Individual~~ professional ~~Professional development~~ Development plans ~~Plans~~ shall not be unreasonably withheld. In the event that a plan is rejected by a supervisor, teachers and other educators who report to the principal may seek review of the denial from the superintendent of schools, principals may seek review from the school committee chairperson, and superintendents may seek review from the Department. An educator may then seek additional review from the Department, according to the provisions of 603 CMR 44.10.

(2) A supervisor shall review the professional development plan of any educator new to the district or school within three months of the educator's beginning employment in the new position. A supervisor may require an educator to amend the plan or may withdraw approval for a plan that had been previously approved, provided, however, that any PDPs that were earned consistently with an approved plan shall be deemed approved in applying for license renewal. Any PDPs that are earned prior to the approval of a plan may be subject to disapproval, if in the opinion of the educator's supervisor, the PDPs are not consistent with the educational improvement goals of the school and/or district.

(3) Prior to applying to renew a Professional license, educators shall obtain a signature from a supervisor. A supervisor's signature will indicate that the supervisor has reviewed the log of professional development activities maintained by the educator to ensure that the reported activities are consistent with the approved ~~individual~~ Individual professional ~~Professional development~~ Development plan ~~Plan~~. The educator remains responsible for the final accounting of ~~professional development points~~ PDPs applied towards license renewal. An educator whose supervisor refuses to sign an ~~Individual~~ professional ~~Professional development~~ Development plan ~~Plan~~ may follow the review procedures set out in 603 CMR 44.04(1)(d) and 44.10.

## 44.06: Professional Development Requirements

- (1) Educators applying to renew a Primary license are required to complete at least 150 PDPs including:
  - (a) At least 15 PDPs related to SEI, ~~or~~ English as a Second Language, or Bilingual Education.
  - (b) At least 15 PDPs related to training in strategies for effective schooling for students with disabilities and instruction of students with diverse learning styles.
  - (c) At least 15 PDPs in the content area of the license.
  - (d) At least 15 PDPs in pedagogy.
- (2) A minimum of 10 PDPs must be earned in a topic to count the PDPs toward license renewal.
- (3) Professional development plans must include an additional 30 PDPs for each license that an educator renews in addition to the Primary License, with at least 15 PDPs in the content area(s) of any additional license(s) to be renewed.
- (4) Additional requirements for the teacher of the deaf and hard of hearing (American Sign Language/Total Communication) license: a passing score on a test of sign language proficiency approved by the Department.
- (5) Additional requirements for the school nursing and speech, language, and hearing disorders teacher licenses: possession of the relevant registered nurse or speech language pathologist license in good standing.

## 44.07: Inactive and Invalid Licenses

- (1) A license that is not renewed within the five year validity period is deemed inactive for a period of five years. At the end of that time, the license is invalid, except as provided in 603 CMR 44.07 (2) or (3).
- (2) An educator who is not currently employed in a position requiring licensure may be employed in a position for which he or she holds an inactive license, and shall have two years from the start of such employment to complete the professional development requirements for the license.
- (3) An educator who is currently employed in a position requiring licensure for which he or she holds an active license, and who is to be employed in a position for which he or she holds an inactive additional license, shall have two years from the start of such employment to complete the professional development requirements for the inactive license. The educator may renew such additional license upon the completion of 30 PDPs, provided that the educator has renewed his or her primary license.
- (4) An educator may not be employed under an inactive license, except as provided in 603 CMR 44.07 (2) or (3), until he or she renews the license, unless the school district receives a waiver from the Department pursuant to 603 CMR 7.00. An educator may not be employed under an invalid license, until he or she renews the license, unless the school district receives a waiver from Department pursuant to 603 CMR 7.00.
- (5) If a license has become inactive or invalid under 603 CMR 44.07 (1), the educator may renew a license in that area after completing the professional development requirements contained in 603 CMR 44.06.

#### **44.08: Application Process**

- (1) All applicants for license renewal shall submit the following to the Department:
  - (a) a completed application, in the manner and form prescribed by the Department,
  - (b) the required fee,
  - (c) proof of sound moral character,
  - (d) a statement, signed under penalties of perjury, that the candidate has completed all requirements for the license renewal, including earning the requisite number of PDPs under an ~~individual professional development~~ Development plan
- (2) Applicants who are employed by Massachusetts public schools shall submit a statement, signed under the penalties of perjury, indicating that they have either obtained their supervisor's final approval of their completed ~~individual~~ Individual professional development Development plan, are relying on Educator Plans that complied with the requirements of 603 CMR 35.00, or both.

#### **44.09: Documentation and Recordkeeping**

- (1) Each educator shall maintain the following materials to verify completion of license renewal requirements:
  - (a) an ~~individual~~ Individual professional development Development plan, which has been approved by the educator's supervisor if required by 603 CMR 44.05(3), to be achieved over the five year period, that includes the educator's goals for strengthening content area knowledge and professional skills and for remaining current in other professional issues, and resulting in improvements in teaching; or
  - (b) educator plans in effect during the five year period; and
  - (c) reasonable documentation which validates the completion of an activity and the number of points accrued; and
  - (d) a record of completed license renewal activities, which at a minimum shall include the topic and type of professional activities completed, the dates of such activities, and the number of points completed; and
  - (e) evidence of any license issued by another licensing agency which the educator must maintain in order to hold the educator license.
- (2) The educator shall maintain the materials identified in 603 CMR 44.09 (1) for five years from the date of the renewal of the license. For those educators who are applying professional development points earned by completing a Department- approved SEI endorsement course of study in more than one renewal cycle, as outlined in Department guidelines, all renewal documentation must be maintained for ten years from the date of the renewal of the license.
- (3) All documentation is subject to audit by the Department and review by an educator's supervisor, and must be provided to the Department upon request.

#### **44.10: Reconsideration**

An applicant for license renewal may request that the Commissioner reconsider the Department's decision not to renew such applicant's license. An applicant may also appeal a supervisor's decision not to approve or sign an ~~individual professional development~~ Development plan to the Commissioner, after seeking any review available at the local

school district pursuant to 603 CMR 44.04 (1) (d). The applicant shall submit a written request for reconsideration to the Commissioner within 30 days of the date that the applicant received notice that his or her application for license renewal has been denied or that the ~~individual~~ ~~Individual professional~~ ~~Professional development~~ ~~Development plan~~ ~~Plan~~ was rejected at the highest available level of local review. The decision of the Commissioner shall be final.

#### **44.11: Failure to Satisfy Renewal Requirements**

- (1) If the Department determines that the educator has failed to demonstrate that the educator has met the requirements to renew the license, the Department may deem the Educator's license inactive. Alternatively, if the Department determines that the Educator has intentionally submitted a false application or documentation, the ~~ed~~Department may seek to take action up to and including license revocation pursuant to 603 CMR 7.15(8).
- (2) Before the Department deems the license inactive, it shall notify the educator in writing that the Department intends to deem the license inactive and of the educator's right to request a hearing before the Commissioner in accordance with M.G.L. c. 30A and 801 CMR 1.00: Adjudicatory Rules of Practice and Procedure. This notice shall operate as a notice of the action and does not operate as an order to show cause.
- (3) The educator shall have 21 days from receipt of the notice to make a written request for a hearing. If the Commissioner does not receive a written request for a hearing in accordance with the above, the educator's license shall be deemed to be inactive and the educator shall be so notified by return mail.
- (4) Hearing.
  - (a) If the Commissioner receives a request for a hearing from the educator in accordance with 603 CMR 44.11(3), the Commissioner or his designee shall schedule a hearing. The hearing shall be conducted in accordance with the requirements of M.G.L. c. 30A and 801 CMR 1.00. At such hearing, the educator shall bear the burden of proof. The hearing shall not be open to the public unless the educator requests a public hearing.
  - (b) The Commissioner or his designee shall issue a written decision determining whether or not the educator's license shall be deemed inactive. The decision shall comply with the requirements of M.G.L. c. 30A, §11 and 801 CMR 1.00.
  - (c) The Commissioner shall send a copy of the decision to the educator along with a notice informing the educator of the right to appeal in accordance with the provisions of M.G.L. c. 30A, § 14.

#### **44.12: Hardship Waiver or Modification**

- (1) Upon a showing of extreme hardship, the Commissioner may waive or modify the requirement of completion of the requisite number of PDPs as set forth in 603 CMR 44.05, 44.06, and 44.07. A showing of extreme hardship may include serious illness or other catastrophic circumstances that are beyond the control of the educator. No modification or waiver will be granted without satisfactory evidence that the educator has made a good faith effort to obtain the required number of PDPs but that extreme hardship has prevented the educator from doing so.
- (2) The Commissioner, in his discretion, may impose reasonable conditions upon any modification or waiver granted.



(3) The decision of the Commissioner shall be final.

Regulatory Authority:

603 CMR 44.00: M.G.L. c. 71, §38G.