



Massachusetts Department of Elementary and Secondary Education

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Jeff Wulfson
Acting Commissioner

MEMORANDUM

To: Members of the Board of Elementary and Secondary Education
From: Jeff Wulfson, Acting Commissioner

A handwritten signature in cursive script that reads "Jeff Wulfson".

Date: March 16, 2018
Subject: English Learner Education Programs – Proposed Regulatory Amendments to 603 CMR 4.00, 7.00, 14.00, 31.00, and 44.00

This month I am presenting to the Board of Elementary and Secondary Education (Board), for initial discussion and a vote to solicit public comment, proposed regulatory amendments designed to improve educational opportunities for English learners (ELs) in Massachusetts public schools. The first section of this memorandum outlines the proposed regulations to implement the Language Opportunity for Our Kids (LOOK) Act, which was signed into law on November 22, 2017.¹ The second section outlines proposed regulations designed to improve the instruction of ELs in career vocational technical programs, and also to update certain provisions of the vocational technical regulations relating to licensure of vocational technical educators so that they align with the corresponding provisions of the educator licensure regulations that the Board adopted in June 2017.

The proposed amendments affect five sets of regulations: 603 CMR 4.00 (Vocational Technical Education), 603 CMR 7.00 (Educator Licensure and Preparation Program Approval), 603 CMR 14.00 (Education of English Learners), 603 CMR 31.00 (Massachusetts Certificate of Mastery), and 603 CMR 44.00 (Educator License Renewal). With the Board's approval, we will solicit public comment on the proposed regulatory amendments, in accordance with the Administrative Procedure Act, and bring them back to the Board for final adoption in June 2018.

I. Implementation of the LOOK Act: Proposed Amendments to 603 CMR 7.00, 14.00, 31.00, and 44.00

As we discussed at our December 2017 meeting, the LOOK Act creates new opportunities for the Board and the Department of Elementary and Secondary Education (Department) to improve the education of ELs.² It provides school districts with flexibility to choose a language acquisition program that best fits the linguistic and educational needs of their ELs, while

¹ The full text of the LOOK Act is available at: <https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter138>.

² My December 8, 2017 memo to the Board summarizing the key provisions of the LOOK Act is posted at: <http://www.doe.mass.edu/bese/docs/FY2018/2017-12/item6.html>.

ensuring accountability through Department oversight. It requires districts that intend to offer new programs for ELs to submit certain information for review by the Department and by the district's parent advisory council. If the Department finds that a proposed program fails to meet federal or state law requirements, the Department will notify the district and provide the corrective steps that the district must take. All English learner education programs must be based on research and best practices in the field. The LOOK Act also requires the Department to establish licensure endorsements for educators providing instruction in the different types of English learner programs, and it requires districts to annually verify that each educator in an English learner program is properly endorsed for that program.

Below is a brief overview of the key proposed regulatory amendments necessary to position the Department to implement its responsibilities under the LOOK Act.

Education of English Learners Regulations (603 CMR 14.00):

- The section titled “Placement of Students in English Learner Education Programs” (603 CMR 14.04) has been updated to reflect a number of changes, including a description of the process that districts and the Department would use when a district applies to offer a new Sheltered English Immersion (SEI) program or an alternative English learner education program. As described in proposed section 603 CMR 14.04(4), districts would be required to submit certain information to the Department and the district's parent advisory council, such as a description of the resources the district intends to dedicate to the effective implementation and ongoing operation of the new program. The Department will review the information submitted and notify the district if its program fails to meet the applicable federal or state law requirements. The district would then have an opportunity to take corrective steps to bring the program into compliance with the applicable requirements.
- Proposed section 603 CMR 14.04(6) has been added to reflect the process a district would follow when a parent or guardian of an EL requests to enroll or transfer the student into a specific English learner education program offered by the district. Similarly, we added a proposed section 603 CMR 14.04(7) to clarify that parents/guardians may withdraw their child from an English learner education program in accordance with federal and state law.
- The proposed section titled “English Learner Parent Advisory Councils” (603 CMR 14.09) implements the LOOK Act requirements relating to EL parent advisory councils. It describes which districts and schools are required to establish EL parent advisory councils, the requirements for notifying parents/guardians of ELs, the appointment of members, and the duties of the councils.

Educator Licensure and Preparation Program Approval Regulations (603 CMR 7.00):

- Proposed amendments were made to the section titled “Endorsements” (603 CMR 7.14) to describe the requirements educators have to meet to earn the new Bilingual Education

Endorsement and qualify for working with ELs in a variety of bilingual education settings (such as two-way immersion and transitional bilingual education). The requirements to earn the Bilingual Education Endorsement are: (1) pass a foreign language test; (2) demonstrate relevant subject matter knowledge requirements; and (3) obtain relevant field-based experience.

- Proposed amendments were made to the section titled “General Provisions” (603 CMR 7.15(9)(c)) to outline the licensure endorsements required for teachers and administrators working in bilingual education settings, such as two-way immersion and transitional bilingual education programs.
- The proposed addition of 603 CMR 7.15(13)(d) would allow the Commissioner to issue a one-year waiver of the Bilingual Endorsement requirements in cases where a district has been unable to find a qualified candidate with the Bilingual Endorsement. Starting July 1, 2019, persons employed under this waiver would be required to pass a foreign language test.

Educator License Renewal Regulations (603 CMR 44.00):

- The proposed regulatory amendments to 603 CMR 44.02 and 44.06(1) would provide educators with the flexibility to count professional development in the area of bilingual education for purposes of meeting certain professional development point (PDP) license renewal requirements.

Massachusetts Certificate of Mastery Regulations (603 CMR 31.00):

- We propose amending the Massachusetts Certificate of Mastery Regulations to include standards for the new State Seal of Biliteracy. The proposed amendments to 603 CMR 31.01 describe the purposes of the State Seal of Biliteracy, including encouraging students in the Commonwealth to study and master languages. The proposed amendments in 603 CMR 31.07 describe the process and criteria districts would use to award the State Seal of Biliteracy to students who have attained a high level of proficiency in English and not less than one other language in addition to English. Districts that award the State Seal of Biliteracy would be required to notify students and their parents/guardians about the opportunity to earn the State Seal of Biliteracy, including the eligibility requirements.

II. Improving Education of ELs in Career Vocational Technical Programs (603 CMR 4.00, 7.00, and 14.00)

In June 2012, as part of the Department’s Rethinking Equity and Teaching for English Language Learners (RETELL) initiative, the Board adopted regulations that require core academic teachers who provide sheltered English instruction to ELs, and administrators who supervise or evaluate these teachers, to obtain the Sheltered English Immersion (SEI) Endorsement. Since 2012, nearly 60,000 educators in the Commonwealth have earned the SEI Endorsement. The current SEI Endorsement requirements apply to core academic teachers, such as those who teach math and science to ELs. While the SEI endorsement is required for core academic teachers who work with ELs in career vocational technical schools and programs, it does not currently cover career

vocational technical teachers who provide instruction to ELs in subjects such as automotive technology, cosmetology, and plumbing.

The proposed regulations expand the SEI Endorsement requirements to include career vocational technical teachers who provide sheltered English instruction to ELs, and those administrators who supervise or evaluate them. In developing this recommendation, we have benefited from the work of a committee of vocational technical education leaders convened in 2017 by then-Commissioner Mitchell D. Chester, who strongly support the expansion of the SEI Endorsement requirements to career vocational technical educators. The Department also has received positive feedback from career vocational technical educators who have already taken the SEI Endorsement course or are in the process of taking it. The proposed regulatory amendments would help align the licensure requirements for career vocational technical teachers to those of core academic teachers working alongside them.

Below is a brief overview of the key proposed regulatory amendments made to improve the education of ELs in career vocational technical programs:

Education of English Learners Regulations (603 CMR 14.00):

- The proposed section titled “Career Vocational Technical Teachers and Administrators” (603 CMR 14.08) would phase in the SEI training for career vocational technical teachers who provide sheltered English instruction to ELs, and those administrators who supervise or evaluate them. As described in proposed 603 CMR 14.08(2), the first phase will require career vocational technical teachers who have ELs during the 2017-2018 school year, and those administrators who supervise or evaluate them, to obtain the SEI Endorsement no later than July 1, 2020. During the 2018-2019 school year, pending approval of the state budget, the Department plans to provide no-cost SEI Endorsement courses to this cohort of career vocational technical educators.
- As described in proposed 603 CMR 14.08(3), starting on July 1, 2020, those career vocational technical teachers that do not currently teach ELs, but are subsequently assigned to provide sheltered English instruction to ELs, will be required to obtain the SEI Endorsement within one year from the date of the assignment. As outlined in 603 CMR 14.08(4), similar proposed requirements would apply to administrators who supervise or evaluate such teachers. The proposed requirements for career vocational technical teachers and administrators in 603 CMR 14.08(3) and (4) are modeled on the existing requirements in 603 CMR 14.07(3) and (4) already applicable to core academic teachers and administrators who supervise or evaluate them. Therefore, these proposed changes would provide alignment between the training of core academic educators and career vocational technical educators who work with ELs.

Vocational Technical Education Regulations (603 CMR 4.00):

- In addition to the proposed amendments to 603 CMR 14.08, we have also proposed amendments to the regulations under which the vast majority of career vocational technical teachers and administrators are licensed (603 CMR 4.00) to reflect the proposed phasing in of the SEI Endorsement requirements. For example, the proposed amendments would require that starting July 1, 2020, educators applying for an initial vocational technical principal/assistant principal license under 603 CMR 4.08(4) have earned the SEI Endorsement. This is similar to the requirements already in place for those educators applying for an initial principal or assistant principal license under 603 CMR 7.09(2). An additional example of proposed amendments is the change to 603 CMR 4.07(4), which would require that starting July 1, 2020, educators applying for a professional vocational technical teacher license have the SEI Endorsement.
- Proposed amendments to 603 CMR 4.07(4) would allow educators to count the college degree credits earned through the completion of an SEI Endorsement course towards certain existing college degree credit requirements. Similarly, proposed amendments to the section titled “Professional Vocational Technical Educator License Renewal and Professional Development” (603 CMR 4.12(8)) would require educators applying to renew a Professional Vocational Technical Teacher license or Professional Vocational Technical Administrator license starting July 1, 2020 to earn professional development points related to SEI, English as a Second Language, or bilingual education. This is similar to the existing requirements for license renewal included in 603 CMR 44.06(1)(a).
- We have also proposed creating the Bilingual Education Endorsement (603 CMR 4.13(7)(c) and 603 CMR 4.15(3)), which would be available to educators licensed under 603 CMR 4.00 who in the future may be assigned to provide instruction to ELs in a bilingual education setting, such as two-way immersion or transitional bilingual education, and those administrators who supervise or evaluate such teachers. These proposed changes would support the LOOK Act requirement that each educator in an English learner program is “properly endorsed for that program,” and further align 603 CMR 4.00 and 603 CMR 7.00.

Educator Licensure and Preparation Program Approval Regulations (603 CMR 7.00):

- While the vast majority of career vocational technical educators are licensed under 603 CMR 4.00, some career vocational technical educators are licensed under 603 CMR 7.00. As a result, we propose updating 603 CMR 7.15(9)(b) to ensure that the SEI Endorsement requirements apply consistently to career vocational technical educators, whether they are licensed under 603 CMR 4.00 or 7.00.

Additional Changes to Align Similar Regulatory Provisions (603 CMR 4.00):

In addition to the proposed changes to 603 CMR 4.00 related to improving the education of ELs

in career vocational technical programs, we are also proposing that the section currently titled “Revocation, Suspension, Limitation, and Denial of Licenses” (603 CMR 4.13(6)) be updated to reflect the changes adopted by the Board in June 2017 to the corresponding provisions in 603 CMR 7.15(8).³

Similarly, proposed amendments to the section titled “Professional Development Points” (603 CMR 4.12(8)), include a requirement for training in strategies for effective schooling for students with disabilities and instruction of students with diverse learning styles for renewal of certain licenses issued under 603 CMR 4.00. This reflects similar changes that were previously adopted by the Board in 603 CMR 44.06(1)(b).

III. Next Steps

Assuming that the Board votes to authorize the solicitation of public comment on the proposed regulations, we expect to take the following steps between now and the June 26, 2018 meeting.

- Broad outreach to stakeholders, including but not limited to the Board’s English Learner Advisory Council, the Superintendents’ Advisory Council, union representatives, and the Massachusetts Association of Vocational Administrators.
- Continued development of guidance documents, tools, forms, and web resources for the successful implementation of the LOOK Act and proposed regulations.

At the March 27 Board meeting, Department staff will be available to answer your questions, including staff from the Center for Instructional Support; Office of English Language Acquisition and Academic Achievement; Office for College, Career and Technical Education; Office of Educator Licensure; and the Legal Office.

Enclosures: Proposed amendments to regulations (redlined to highlight changes)

- 603 CMR 4.00
- 603 CMR 7.00
- 603 CMR 14.00
- 603 CMR 31.00
- 603 CMR 44.00
- Motion to solicit public comment

³ Board memoranda discussing the changes made to 603 CMR 7.15(8) in June 2017 are available at: <http://www.doe.mass.edu/bese/docs/fy2017/2017-06/item3.html> (see section “Clarifying Process for License Sanctions”) and <http://www.doe.mass.edu/bese/docs/fy2017/2017-02/item5.html> (see section “Clarifying Process for License Sanctions”).