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| **SUMMARY OF PUBLIC COMMENTS AND RESPONSES REPORT** |
| **Proposed Amendments to 603 CMR 4.00, 603 CMR 7.00, 603 CMR 14.00, 603 CMR 31.00 and 603 CMR 44.00** |
| **Executive Summary** |
| The Department received public comments from 130 commenters. Most of the comments were from teachers (63%), school and district administrators (20.5%), and parents and community members (8.3%). Faculty and staff of higher education institutions, college students, elected officials, and statewide associations, including the Massachusetts Language Opportunity Coalition (LOC), Massachusetts Teachers Association (MTA), and American Federation of Teachers – Massachusetts (AFT-MA), also provided comments regarding the proposed regulations. This report addresses the comments and, where applicable, describes the Department’s proposed changes to the draft regulations in light of the comments.  **Note:** Superscript numbers indicate the corresponding commenter, a list of whom is attached to this report. |
| **General Comments and DESE Responses** |
| Our analysis of public comments indicated that there is broad support for proposed regulations that allow districts to provide English Learner Education (ELE) programs other than Sheltered English Immersion (SEI) and that describe the application process for new ELE programs. Most of the concerns and recommendations submitted through the public comment process were related to the proposed implementation timelines for career vocational technical educators to earn the SEI Endorsement and the proposed criteria for earning the State Seal of Biliteracy. Respondents submitted fewer comments regarding the proposed Bilingual Education Endorsement, the process for approving new ELE programs, and the English Learner Parent Advisory Councils.  **SEI Endorsement for Career Vocational Technical Educators**  Commenters expressed concerns about the implementation timelines included in the proposed regulations related to requirements for certain career vocational technical educators to earn the SEI Endorsement. For example, the American Federation of Teachers – Massachusetts (AFT-MA) and Massachusetts Teachers Association (MTA), requested that the proposed regulations be adjusted to postpone employment requirements and licensure renewal professional development point (PDP) requirements related to career vocational technical educators earning the SEI Endorsement from 2020 to 2021. Commenters also urged the Department to propose regulations that would incorporate the SEI Endorsement course into the 21-credit pathway to a career vocational technical teacher’s professional license. In addition, there was a request for the Department to begin no-cost SEI Endorsement courses for career vocational technical educators no earlier than the start of 2019 to provide adequate time to notify educators about the courses.  In response to comments, the Department is proposing changes to the timelines included in the draft regulations related to the SEI Endorsement for career vocational technical educators. Timelines have been updated to postpone the effective date for the proposed SEI Endorsement requirements for career vocational technical educators from July 1, 2020 to July 1, 2021. These proposed changes will provide career vocational technical educators who need to earn the SEI Endorsement more time to complete a no-cost SEI Endorsement course or earn the SEI Endorsement through another pathway. The Department will establish a working group to assess the feasibility of incorporating the SEI Endorsement course into the 21-credit pathway to professional licensure for career vocational technical educators. Finally, the Department plans to commence no-cost SEI Endorsement courses in early 2019, rather than fall 2018, to provide more advance notice to career vocational technical educators.  **State Seal of Biliteracy Criteria**  Commenters expressed concerns with the proposed criteria for demonstrating a high level of proficiency in both English and a foreign language to earn the State Seal of Biliteracy. For example, the Massachusetts Language Opportunity Coalition (LOC) and MTA expressed opposition to the proposed use of the grade 10 English Language Arts (ELA) MCAS as the sole criterion for demonstrating English proficiency. In a letter to the Board, Senator Karen E. Spilka echoed these concerns, stating, “I am writing to express my concern for the proposed Seal of Biliteracy award based criteria solely on 10th grade ELA MCAS scores (603 CMR 31.07) as it will inequitably exclude many English learners and former English learners from the opportunity to earn the award.” The LOC, along with other commenters, also recommended revisiting the proposed criteria for demonstrating a high level of proficiency in a foreign language. LOC and other commenters encouraged the use of the American Council on the Teaching of Foreign Languages (ACTFL) proficiency levels as “the starting point for determining award criteria for *all* language proficiency assessments,” specifically recommending the *Intermediate-Mid* ACTFL proficiency level as the minimum bar for earning the State Seal of Biliteracy. For more information on the ACTFL proficiency levels, see here: https://www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012  Commenters also recommended changes to the regulations that would help students have equal opportunities to demonstrate proficiency in English and a foreign language, noting that reliance on grade 10 ELA MCAS as the sole criteria for measuring English proficiency could disadvantage English learners as the test is administered in grade 10 with limited opportunities for retakes. Senator Spilka, the LOC, and other commenters also recommended the Department establish a multi-tiered award to promote and reward sustained language study and to be consistent with the award structure developed by the Massachusetts Seal of Biliteracy Pilot Project, run by the LOC.  In response to these comments, the Department is proposing several changes to the draft State Seal of Biliteracy regulations that were released for public comment by the Board in March 2018. The final proposed regulations retain the grade 10 ELA MCAS as a criterion for demonstrating a high level of proficiency in English, but also add options for students who fail to meet the ELA MCAS requirements for the state’s Competency Determination described in 603 CMR 30.03(2)(a) and (3)(a), and who are required to complete an Educational Proficiency Plan to earn the Competency Determination. Those students will be able to demonstrate English proficiency for the purposes of earning the State Seal of Biliteracy by attaining a minimum score or level determined by the Commissioner on a nationally recognized and readily available English proficiency assessment approved by the Department, performance on which shall be comparable to the minimum scaled score on the grade 10 ELA MCAS that is otherwise required to satisfy the requirements of the Competency Determination. As recommended by several commenters, including the LOC, the Department intends to include ACCESS for ELLs as an approved English proficiency assessment for these purposes.  With respect to the criteria for demonstrating proficiency in a foreign language, the Department is proposing that the minimum scores or levels on foreign language proficiency assessments should be aligned to the ACTFL Proficiency Guidelines and higher education standards for awarding advanced credit by examination.  These revised proposed criteria create additional options for students to earn the State Seal of Biliteracy, and afford former and current English learners more opportunities to demonstrate English proficiency. The Department plans to review the criteria as needed to ensure that the award remains consistent with a high level of proficiency as stated in M.G.L. c. 69, § 1Q. The Department will, in guidance, establish levels of distinction for the State Seal of Biliteracy.  **Bilingual Education Endorsement**  Stakeholders generally supported the proposed Bilingual Education Endorsement, though there were a few exceptions. The LOC is in favor of the proposed regulations because the proposed endorsement “embraces both Dual Language Education (DLE) and Transitional Bilingual Education (TBE) program needs for qualified teachers” and is an improvement over the current Transitional Bilingual Learning Endorsement. The MTA supports the proposed subject matter knowledge requirements for the Bilingual Education Endorsement, which were designed to ensure educators who earn the endorsement are prepared to teach English learners in a variety of bilingual program settings. Conversely, in a letter to the Board, Representative Alice Hanlon Peisch expressed concern about “having one umbrella endorsement for transitional bilingual and 2-way immersion programs.” Representative Peisch noted that “the skills and knowledge needed to effectively execute these programs varies greatly, and one endorsement will not be in depth enough to ensure teachers are trained to properly implement the program with fidelity.”  Some commenters expressed concerns with the proposed field-based experience requirements to earn the Bilingual Education Endorsement given the limited number of existing bilingual education programs operating in the Commonwealth, requesting that the field-based experience requirements be reduced from the proposed 150 hours to 75 hours. The MTA recommended delaying “the implementation of… Bilingual Education endorsement requirements until July 1, 2021, to allow sufficient time for educators to obtain such an endorsement.”  In response to these comments, the final proposed regulations retain a single Bilingual Education Endorsement. The rationale is two-part. First, the Department’s research and consultation with stakeholders, including institutions of higher education, suggest that the knowledge and skills an educator must develop through a preparation program to meet the needs of English learners do not vary widely across the prevalent bilingual education program models. Second, creating multiple endorsements may have a deleterious effect on districts’ ability to capitalize on the flexibility the LOOK Act provides in determining the most effective approaches for educating English learners. The Commissioner and Department staff have met with Representative Peisch to discuss the final proposed regulations, as well as strategies for addressing Representative Peisch’s concerns. These strategies include assessing knowledge and skills associated with various bilingual ELE program types in a future MTEL that leads to the Bilingual Education Endorsement, including expectations within the subject matter knowledge requirements of understanding varied types of programs, and issuing Bilingual Education Endorsement program approval guidelines to guide educator preparation providers interested in applying to the Department for approval to open a preparation program that results in the Bilingual Education Endorsement.  Lastly, the final proposed regulations reflect a reduction from 150 hours of field-based experience to 75 hours to earn the Bilingual Education Endorsement, but do not include a delay in the implementation of the Bilingual Education Endorsement employment requirements. The Department believes reducing the field-based experience requirements is appropriate given the limited number of programs within which prospective candidates for the Bilingual Education Endorsement can complete the field-based experience requirements, while delaying implementation is unnecessary given the inclusion of a waiver process and an expedited pathway for educators to earn the Bilingual Education Endorsement if they have relevant prior experience in a bilingual education setting.  The sections that follow present a summary description of comments submitted to the Department, as well as the Department’s corresponding responses. |

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| **Proposed Amendments to 603 CMR 4.00** | |
| **Proposed 603 CMR 4.02** | **Summary of Comments and Responses** |
| **Definitions**  **. . .**  **Career Vocational Technical Teacher:** For purposes of Sheltered English Immersion, a teacher of a career vocational technical subject in a career vocational technical education program at the secondary level.  **Career Vocational Technical Education Program:** For purposes of Sheltered English Immersion, a career vocational technical education program shall include programs approved under M.G.L. c. 74; programs that meet the definition of career and technical education listed in the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. § 2302(5); and any other programs that may be designated by the Commissioner.  **Career Vocational Technical Subjects**: For purposes of Sheltered English Immersion, such subjects shall include automotive technology, carpentry, culinary arts, engineering, exploratory, masonry, information technology, and any other subjects listed by the Department in guidance.  **. . .** | **Comment:** Several commenters are opposed to extending SEI Endorsement requirements to career vocational technical teachers. 5, 8, 14, 25, 34, 35  **Response:** No change to the proposed regulations.SEI training benefits career vocational technical teachers and their students.  **Note:** Similar comments were submitted in response to proposed changes to 603 CMR 4.03, 603 CMR 4.07, 603 CMR 4.08, 603 CMR 4.10, 603 CMR 4.12, 603 CMR 4.13, 603 CMR 4.15, 603 CMR 7.15 (13)(d), 603 CMR 14.03, 603 CMR 14.04, 603 CMR 14.07, and CMR 14.08. 5, 8, 14, 25, 34, 35 These comments were not duplicated throughout the report.  **Comment:**One commenter recommended removing the phrase “of a career vocational technical subject” from the definition of Career Vocational Technical Teacher as well as from the proposed amendments, as this language is repetitive given the definition of Career Vocational Technical Education Program. Additionally, the term is not used in any of the existing or proposed amendments to 603 CMR 4.00. 122  **Response:** No change to the proposed regulations. The reference to career vocational technical subjects is used to ensure that the proposed regulations do not unintentionally include other types of teachers (such as art or music teachers).  **Note:** A similar comment, which is not duplicated in this report, was submitted in response to proposed changes to 603 CMR 7.02.  **Comment:** One commenter said that the term "career vocational technical education" is not aligned with the term that is currently used: "Career and Technical Education" (CTE). Vocational education tends to have a particular image and stigma, and it would be detrimental to those students and families who want to pursue that path to use that term.112  **Response:** No change to the proposed regulations. The phrase “career vocational technical education” is being used as an umbrella term to describe programs approved under M.G.L. c. 74; programs that meet the definition of career and technical education listed in the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. § 2302(5); and any other programs that may be designated by the Commissioner.  **Comment:** One commenter recommended the inclusion of the term “Bilingual Education” in the Definitions of 603 CMR 4.02. The commenter further proposed revising the definition of “Bilingual Education” included in the proposed changes to 603 CMR 7.02 because the commenter believes that the proposed definition can be interpreted as applying to foreign language programs or one-way immersion programs that do not include English learners. 122  **Response:** Recommendation partially accepted. The Department has included a definition of “Bilingual Education” in the proposed final version of 603 CMR 4.02. The Department has clarified the definition of bilingual education by referring to the statutory definitions included in M.G.L. c. 71A, § 2, which reference English learners.  **Note:** Commenter 122 submitted a similar comment, which is not duplicated in this report, in response to proposed changes to 603 CMR 44.02.  **Comment:** Recommendation to include a definition of “Guidelines” to support the Department in stakeholder engagement when revising policies and program requirements that will have an impact on educators’ licensure. 122  **Response:** No change to the proposed regulations. This comment is beyond the scope of the proposed regulatory changes.  **Comment:** Recommendation to include the Bilingual Education Endorsement, the SEI Teacher Endorsement and the SEI Administrator Endorsement in the Definitions section with references to the regulations under which the endorsements were originally assigned. 122  **Response:** No change to the proposed regulations. It is unnecessary to add definitions of various endorsements in this section because they are well defined elsewhere in the regulations. |
| **Proposed 603 CMR 4.03** | **Summary of Comments and Responses** |
| **. . .**  (5) **Qualifications of Personnel**  (a) All personnel in the vocational technical education program including academic teachers shall have an appropriate educator license and endorsement, if needed, in accordance with the requirements set forth in 603 CMR 4.00, 7.00, and 14.00.  **. . .** | *No comments submitted for this section.* |
| **Proposed 603 CMR 4.07** | **Summary of Comments and Responses** |
| **. . .**  (3) **Sheltered English Immersion Endorsement for Preliminary Vocational Technical Teacher License.**  Starting on July 1, 2020, a career vocational technical teacher who is assigned to provide sheltered English instruction to an English learner shall either hold a Sheltered English Immersion (SEI) Teacher Endorsement or earn such endorsement within one year from the date of the assignment pursuant to 603 CMR 14.08(3). This provision shall not apply to career vocational technical teachers who are required to obtain the SEI Endorsement in accordance with 603 CMR 14.08(2).  (4) **Requirements for the Professional Vocational Technical Teacher License**  (a) Evidence of sound moral character.  (b) Possession of a Preliminary Vocational Technical Teacher License pursuant to 603 CMR 4.00.  (c) Massachusetts and/or federal government or industry issued licenses or certifications required by industry or government to work in the technical program area and by the Department to teach the vocational technical subject matter and skills as set forth in "*Guidelines for Vocational Technical Education Programs and Educator Licensure*."  (d) Completion of a one-year induction program with a trained mentor.  (e) The completion of at least three full years of employment in the role of licensed vocational technical teacher in the program area of the license or three years of experience as a Department approved Criminal Justice vocational technical teacher.  (f) Starting July 1, 2020, possession of an SEI Teacher Endorsement.  (g) The completion of 39 college degree credits or the equivalent as follows:   1. Six college degree credits in English to include three college degree credits in English Composition 101 or a higher level and three additional college degree credits in higher level English. 2. 12 college degree credits in mathematics and science to include a minimum of three college degree credits of college mathematics and a minimum of three college degree credits of college science. The remaining six college degree credits may be earned in college mathematics and/or science. 3. 21 college degree credits in professional education courses approved by the Department including a three college degree credit seminar specifically designed for new teachers to be taken during their first year of teaching. These courses shall address the Professional Standards for Vocational Technical Teachers set forth in 603 CMR 4.10. 4. College degree credits earned through the completion of a Sheltered English Immersion course may be counted towards the college degree credits required by 603 CMR 4.07(4)(g)1 and 603 CMR 4.07(4)(g)2.   **. . .** | **Comment:** One commenter recommended the deletion of the proposed amendment603 CMR 4.07(3), claiming the proposed language could create confusion for educators who are seeking to obtain a first or additional Preliminary license. Furthermore, certain other proposed amendments will have the same effect as the language proposed for 603 CMR 4.07(3). 122  **Response:** No change. The proposed language in 603 CMR 4.07(3) is intended to inform career vocational technical teachers applying for a preliminary license of the applicable SEI Endorsement requirements.  **Comment:** Multiple commenters recommended the postponement of the proposed SEI Endorsement requirements from July 2020 to July 2021 or July 2022, to expand the training window and availability of no-cost courses to at least two years and to incorporate the SEI Endorsement course into the 21 college credit requirement. 64, 122 One commenter described that waiving one of the undergraduate credit requirements may not provide any relief to educators who already hold a degree. 122  **Response:** Recommendation partially accepted. The final proposed regulations reflect a July 1, 2021 implementation date for requirements related to the SEI Endorsement for career vocational technical educators. The Department plans to offer no-cost SEI Endorsement courses in spring and fall of 2019.  The Department will assemble a working group of stakeholders to review comprehensively the existing 21 college credit requirement and recommend whether or not completion of the SEI Endorsement course should be counted toward the requirement.  **Note:** Commenters 64 and 122 submittedsimilar comments in response to proposed changes to 603 CMR 4.08 and 603 CMR 4.13. |
| **Proposed 603 CMR 4.08** | **Summary of Comments and Responses** |
| **. . .**  (4) **Requirements for the Initial Vocational Technical Principal/Assistant Principal License**.  **. . .**  (d) Starting July 1, 2020, possession of an SEI Administrator or SEI Teacher Endorsement.  **. . .**  (6) **Requirements for the Initial Vocational Technical Supervisor/Director License**  **. . .**  (g) Starting July 1, 2020, possession of an SEI Administrator or SEI Teacher Endorsement.  **. . .** | *Dates changed to July 1, 2021 for consistency with the requirements applicable to career vocational technical teachers.* |
| **Proposed 603 CMR 4.10** | **Summary of Comments and Responses** |
| (1) **Professional Standards for Vocational Technical Teachers**  **. . .**  (b) **Standards**   1. 1. **Plans Curriculum and Instruction**   **. . .**   1. Uses effective strategies and techniques for making content accessible to English learners.   **. . .**  (2) **Professional Standards for Vocational Technical Administrators**  **. . .**  (b) **Standards**  **. . .**   1. **Promotes Equity**   **. . .**   1. Promotes use of effective strategies and techniques for making content accessible to English learners.   **. . .** | *In order to increase consistency between the requirements applicable to core academic teachers and career vocational technical teachers, the Department has repeated the indicators listed in 603 CMR 7.08(3)(a)-(e) in the proposed final regulations at 603 CMR 4.10(1)(b).* |
| **Proposed 603 CMR 4.12** | **Summary of Comments and Responses** |
| **. . .**  (8) **Professional Development Points (PDPs)**:  (a) For the renewal of a Professional Vocational Technical Teacher license, professional development points (150 points) must be earned in the following areas: subject matter knowledge and skills, pedagogy, academic and vocational technical curriculum integration, and safety and health for the educator's primary license. Starting July 1, 2020, of the 150 points, 15 must be related to SEI, English as a Second Language, or bilingual education, and 15 must be related to training in strategies for effective schooling for students with disabilities and instruction of students with diverse learning styles. The primary license is the license so designated by an educator who has more than one 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 must include an additional 30 PDPs in the subject matter and skills of any additional educator license to be renewed.  (b) For the renewal of a Professional Vocational Technical Administrator or Professional Vocational Technical Cooperative Education Coordinator license, professional development points (150 points) must be earned for the primary license. Starting July 1, 2020, of the 150 points, 15 must be related to training in strategies for effective schooling for students with disabilities and instruction of students with diverse learning styles. Starting July 1, 2020, of the 150 points for the renewal of a Professional Vocational Technical Administrator license, 15 must be related to SEI, English as a Second Language, or bilingual education. Professional development must include an additional 30 PDPs in the area of any additional educator license to be renewed.  **. . .** | **Comment:** One commenter recommended theincorporation of the new standards during professional development time and made a related comment on 603 CMR 7.15(9) that the SEI Endorsement courses should be offered during the year as professional development classes on in-service days. Then all teachers can take the class. 12  **Response:** No change. Nothing in the proposed regulations prohibits school districts from offering the SEI Endorsement course during professional development time. However, the structure of the course requires twelve consecutive sessions with sufficient time in between sessions to practice strategies learned in the course.  **Comment:** Recommendation topostpone the licensure renewal PDP requirements to July 2021 or July 2022 and for the Department to work with vocational technical schools to create and offer the relevant professional development activities. 64, 122  **Response:** Recommendation partially accepted. The final proposed regulations reflect a July 1, 2021 start date for the updated PDP requirements. The Department plans to offer the same PDP opportunities for career vocational technical educators that were provided to core academic teachers by soliciting vendors to create courses that the Department will approve and post on its website.  **Comment:** Recommendation to use the language proposed by commenter to align the language of PDP requirements for Vocational Technical educator licenses to the language of PDP requirements for Academic educator licenses. Specifically, the following:   1. *Educators applying to renew a primary license are required to complete at least 150 PDPs including:*    1. *At least 15 PDPs related to SEI, English as a second language or Bilingual Education.*    2. *At least 15 PDPs related to training in strategies for effective schools for students with disabilities and instruction of students with diverse learning styles.*    3. *At least 10 PDPs in the subject matter knowledge and skills of the license.*    4. *At least 10 PDPs in pedagogy.*    5. *At least 10 PDPs in academic and vocational technical curriculum integration.*    6. *At least 10 PDPs in safety and health.* 2. *For an educator who holds more than one license, the primary license is the license so designated by the educator. Educators must complete an additional 30 PDPs with at least 15 PDPs in subject matter knowledge and skills for each additional educator license to be renewed.* 122   **Response:** Recommendation partially accepted. The Department has adopted the language suggested by the commenter with minor changes in sections that relate to PDPs for the Professional Vocational Technical Teacher licenses. |
| **Proposed 603 CMR 4.13** | **Summary of Comments and Responses** |
| **. . .**  (6) **License Actions.**  (a) **Grounds for License Action.**   1. The Commissioner may impose discipline including, but not limited to, issuing a reprimand, suspending or limiting, either indefinitely or for a fixed period of time, or revoking a license if, after investigation, any of the following is determined:    1. The license was obtained through fraud or misrepresentation of a material fact;    2. The holder of the license is unfit to perform the duties for which the license was granted;    3. The holder of the license has pleaded guilty, received deferred adjudication, or been convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that in the opinion of the Commissioner the license holder discredits the profession, brings the license into disrepute, or lacks good moral character;    4. The holder has had one or more licenses or certificates denied, revoked, suspended, surrendered, reprimanded, or otherwise limited in another jurisdiction or by another licensing body for reasons that are sufficient for limitation of a Massachusetts license, regardless of whether or not the holder obtained a Massachusetts license through the NASDTEC Interstate Agreement;    5. There exists other good cause to impose discipline including, but not limited to, gross misconduct or negligence in the conduct of the license holder's professional duties and obligations, willful action in violation of Board regulations or Department orders, commitment of an offense against any law of the Commonwealth related to the license holder's professional duties and responsibilities, or dismissal for just cause from a position in a school or child care facility. 2. If any of the grounds in 603 CMR 4.13(6)(a)1 are determined, the Commissioner may deny an applicant for a license or put limitations on a license that may include, but are not limited to:    1. Restrictions on the ages of students with whom the license holder may work;    2. Additional supervision requirements;    3. Education, counseling, or psychiatric evaluation requirements; and    4. Notification to the employer of the circumstances surrounding the Commissioner's decision to put limitations on the license holder.   (b) **Procedure.** No discipline may be imposed, other than by agreement, under 603 CMR 4.13(6)(a)1 until:   1. The Department has determined that there is probable cause to impose discipline for one or more of the grounds set forth in 603 CMR 4.13(6)(a); and 2. The Department sends written notice to the license holder of its determination of probable cause and of the holder'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. Notice shall inform the license holder that he or she may retain an attorney to represent him or her, and be sent by certified mail and regular mail to the holder's last known address. The holder shall have 21 days from receipt of the notice to make a written request for a hearing. If no written request for a hearing is received by the Commissioner in accordance with the above, the discipline requested in the notice of probable cause shall be deemed to be imposed, and the holder shall be so notified by certified mail.   (c) **Surrender.** A license holder may surrender a license by submitting documentation to the Commissioner in an approved manner. If a license holder surrenders a license after the Department has found probable cause to impose a sanction, the surrender will be treated as a revocation unless the Commissioner determines another disposition is warranted.  (d) **Hearing.**   1. If the Commissioner receives a request for a hearing from the license holder in accordance with 603 CMR 4.13 (6) (b), the Commissioner or his designee shall schedule a hearing no later than 60 days after receipt of the request. The hearing shall be conducted in accordance with M.G.L. c. 30A and 801 CMR 1.00: Adjudicatory Rules of Practice and Procedure. The hearing shall not be open to the public unless the license holder requests a public hearing. 2. Within 30 days of the date the hearing concludes, the Commissioner or his designee shall render a written decision determining whether or not the holder's license shall be revoked, suspended, or limited. The decision shall comply with the requirements of M.G.L. c. 30A, § 11 and 801 CMR 1.00: Adjudicatory Rules of Practice and Procedure. 3. The Commissioner shall send a copy of the decision to the license holder along with a notice informing him or her of the right of appeal in accordance with the provisions of M.G.L. c. 30A, § 14.   (e) **Notice of License Action.** The Department sends notice of educator license sanctions to appropriate entities including, but not limited to, superintendents of Massachusetts schools, heads of charter and virtual schools, and the National Association of State Directors of Teacher Education and Certification.  (f) **Reinstatement.**   1. A person whose license has been revoked in accordance with 603 CMR 4.13(6) may again be licensed in Massachusetts only upon a 2/3 vote by the Board. 2. The Department may reinstate a suspended license upon determination by the Commissioner that the condition causing the suspension has been corrected. 3. License limitations or conditions shall remain in effect as determined by the Commissioner.   (g) **Administrators' Obligation to Report and Produce Documents.** Any administrator who has dismissed, declined to renew the employment of, or obtained the resignation of any educator for any of the reasons cited in 603 CMR 4.13 (6) (a) shall report in writing such resignation or dismissal and the reason therefore to the Commissioner within 30 days. This obligation to report also applies when an administrator acquires relevant information after an educator's dismissal, resignation, or non-renewal. Upon request, administrators shall provide the Department with all relevant information and documents requested in connection with an investigation. Failure to make the required reports or to provide requested information or documents shall be grounds on which the Commissioner may impose discipline on the administrator's license.  (h) **License Holder's or Applicant's Obligation to Report.** Any license holder or applicant for a license who has been convicted of a crime in a court of law shall notify the Commissioner of such conviction in writing within ten days of the conviction. The term "convicted of a crime" shall include any guilty verdict, admission to or finding of sufficient facts, and any plea of guilty or nolo contendere, whether or not a sentence has been imposed. Any license holder or applicant for a license who is the subject of an enforcement action by the Massachusetts Ethics Commission shall notify the Commissioner of such action in writing within ten days of such action. Any license holder or applicant for a license who has surrendered an educator license or any other license or certificate to practice any profession or who has had any license or certificate revoked, suspended, or limited in any jurisdiction or by any agency shall notify the Commissioner of such action in writing within ten days of such action. Failure to do so shall be grounds on which the Commissioner may revoke the holder's license or deny an application for licensure.  (i) **Records.** Nothing herein shall be construed to require the Department to disclose, under the Massachusetts public records law M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7 clause Twenty-sixth, any information, documents, or evidence sought by or provided to the Commissioner pursuant to his responsibilities under 603 CMR 4.13(6) until final disposition of the matter. Any personnel information provided by an administrator pursuant to 603 CMR 4.13(6)(g) shall be considered personnel information within the meaning of M.G.L. c. 4, § 7 clause Twenty-sixth(c).  (j) **License Denial.** The Commissioner may deny an applicant's application for a license for the reasons set forth above and for reasons enumerated in 603 CMR 4.00. If the Commissioner denies an application for a license, an applicant may request reconsideration by the Commissioner under 603 CMR 4.13 (5) in the manner determined by the Commissioner.  (7) General Provisions for Employment  (a) Legal Employment: To be eligible for employment by a school district in any position covered by 603 CMR 4.00, a person must have been granted a vocational technical educator license by the Commissioner that is appropriate for the role or be serving under an exemption according to the provisions of 603 CMR 4.00 for that role. Other professional staff in the school or school district required to be licensed under 603 CMR 7.00 shall be so licensed.  (b) Sheltered English Immersion:  1. Starting on July 1, 2020, no career vocational technical teacher shall be assigned to provide sheltered English instruction to an English learner unless such teacher either holds an SEI Teacher Endorsement or will earn an SEI Teacher Endorsement within one year from the date of the assignment.  2. Starting on July 1, 2020, no principal, assistant principal, or supervisor/director shall supervise or evaluate a career vocational technical teacher who provides sheltered English instruction to an English learner unless such principal, assistant principal, or supervisor/director either holds an SEI Teacher or SEI Administrator Endorsement or will earn such endorsement within one year of the commencement of such supervision or evaluation.  3. Any career vocational technical teacher, principal, assistant principal, or supervisor/director who supervises or evaluates a career vocational technical teacher who provides sheltered English instruction to an English learner and who fails to obtain an SEI endorsement within the time period designated for his or her cohort established by 603 CMR 14.08(2), will not be eligible to advance or renew his or her license until such individual obtains the SEI endorsement. Provided however, in accordance with 603 CMR 14.08(2), upon a showing of hardship, the Department may grant an educator an extension of time beyond the date specified in 603 CMR 14.08(2).  (c) Bilingual Education:   1. A career vocational technical teacher assigned to provide instruction to an English learner in a bilingual education setting, such as two-way immersion and transitional bilingual education, must be properly qualified in the field and grade level of the assignment, and hold the appropriate endorsement, as follows:    1. A teacher responsible for the instructional component provided in a language other than English must hold the Bilingual Education Endorsement.    2. A teacher responsible for the instructional component provided in English must hold the Bilingual Education Endorsement or the SEI endorsement. 2. A principal, assistant principal, or supervisor/director who supervises or evaluates a career vocational technical teacher assigned to a bilingual education setting, such as two-way immersion and transitional bilingual education, must hold the Bilingual Education Endorsement or the SEI endorsement. 3. For purposes of 603 CMR 4.13(7)(c)1-2, a valid Transitional Bilingual Education license or Transitional Bilingual Learning endorsement issued by the Department, shall be deemed the equivalent of the Bilingual Endorsement. 4. The Commissioner may issue a waiver to a school district, including a charter school and an educational collaborative, from the educator qualification requirements in 603 CMR 4.13(7)(c)1.a, upon request of the superintendent or charter school leader and demonstration that the school district, charter school or educational collaborative has made a good faith effort to hire personnel with the Bilingual Endorsement, and has been unable to find a candidate with the Bilingual Endorsement who is qualified for the position. Provided that the submission requirements in 603 CMR 14.04(4) shall continue to apply to any school district or charter school that intends to offer a new Sheltered English Immersion or alternative English learner education program and that applies for a waiver under this subsection. Starting July 1, 2019, persons employed under a waiver must demonstrate that they meet the requirement in 603 CMR 4.15(3)(a)1 and any other requirements established by the Department. The waiver shall be valid for a period of one school year, and may be renewed at the Commissioner’s discretion.   **. . .** | **Comment:** One commenter opposed the proposed elimination of the investigatory subpoena language from 603 CMR 4.13(6). 122  **Response:** No change to the proposed regulations. The proposed changes to 603 CMR 4.13(6) align with the changes to 603 CMR 7.15(8) previously adopted by the Board in June 2017, which also removed the investigatory subpoena provision.  **Comment:** Two commenters recommended postponing the implementation of the SEI Endorsement requirements until July 1, 2021. 64, 122 One commenter also recommended postponing the implementation of the Bilingual Education Endorsement requirements until July 1, 2021. 122  **Response:** Recommendation partially accepted. As noted in the Department’s response to related comments on 603 CMR 4.07(3) and (4)(f) by commenters 64 and 122, the final proposed regulations reflect a July 1, 2021 implementation date for requirements related to the SEI Endorsement for career vocational technical educators. The Department does not agree that the implementation of the Bilingual Education Endorsement should be postponed. The proposed regulations establishing the Bilingual Education Endorsement provide an expedited pathway to the endorsement for educators with relevant experience and include a waiver process to address temporary bilingual educator shortages while educators work towards obtaining the new endorsement. As a result, postponement is unnecessary.    **Comment:** One commenter expressed concern regarding the inclusion of regulatory language referring to "cohorts" and licensure restrictions, because a plan for assignment, notification and opportunities to qualify for the SEI Endorsement have not been communicated to educators who would be affected by such deadlines. Furthermore, the commenter expressed concern that funding for no-cost SEI Endorsement courses will not be finalized by the time the Board votes on these regulations.122  **Response**: No change to the proposed language relating to cohorts and licensure restrictions. The proposed language is aligned with existing language applicable to core academic teachers. The Department has updated the date by which career vocational technical educators are required to obtain the SEI Endorsement to provide educators with more time to earn the SEI Endorsement. The Department has made a request for funds for the no-cost SEI Endorsement training for cohort members.  **Note:** Similar comments, which were not duplicated in this report, were also submitted by commenter 122 in response to proposed changes to 603 CMR 14.08.  **Comment:** Recommendation to adopt the language proposed by the commenter for 603 CMR 4.13(7)(c) to provide additional clarity and to eliminate repetitive language. 122  **Response:** Recommendation partially accepted. While the Department did not adopt the language proposed by the commenter, it did make some changes to 603 CMR 4.13(7)(c) to make clear that it does not intend for the Bilingual Education Endorsement requirements to apply to educators who do not serve English learners.  **Comment:** Recommendation to eliminate regulatory requirements for employment under a Preliminary license listed in existing 603 CMR 4.13(7)(c) (“Preliminary Licenses: Persons holding Preliminary licenses are permitted to seek employment in teaching positions requiring licensure in school districts that have an approved induction program for the Preliminary license.”). According to the commenter, the Department has no provisions, guidance or enforcement procedures related to this requirement. 122  **Response:** No change. This comment is beyond the scope of the proposed regulatory amendments. |
| **Proposed 603 CMR 4.15** | **Summary of Comments and Responses** |
| **4.15 Endorsements**  Endorsements issued by the Department under 603 CMR 4.15 do not constitute a license.   * + 1. SEI Teacher Endorsement:   (a) SEI Teacher Endorsement is to be awarded upon a demonstration of the subject matter knowledge and skill requirements set forth in 603 CMR 4.10(1)(b)1.g and 603 CMR 4.15(1)(b) through one of the following:   * + 1. Successful completion of a Department-approved course of study specific to providing sheltered English instruction. The Department will issue guidelines to govern approval of this course of study.     2. Passing a Department-approved assessment.     3. Attainment of a bachelor's degree in a major approved by the Department, or other graduate level training approved by the Department.     4. Possession of an English as a Second Language license or an English Language Learners license.   1. Subject Matter Knowledge:   2. The basic structure and functions of language.   3. Second language acquisition factors as they affect access to the Massachusetts standards.   4. Social-cultural, affective, political, and other salient factors in second language acquisition.   5. SEI principles and typologies: General academic and domain-specific discourse practices relevant to the grade level (k-5 or secondary), English proficiency level, and content area (English language arts and history; science and mathematics; other content areas).   6. Implementation of strategies for coordinating SEI and English language development instruction for English learners.   7. Federal and Massachusetts laws and regulations pertaining to English learners.   8. Understanding of diversity and background of English learner populations, including family systems, and communities, and their impact on teaching and learning.   9. Theory, research, and practice of reading and writing for English learners. Practices and approaches for developing reading and writing skills and comprehension in English for English learners who are at different levels of English language proficiency.   10. The role of oral language development in literacy development for English learners.   11. Formative and summative assessments for English learners.   12. Literacy and academic language development. The role of vocabulary development in accessing academic language.   (2) SEI Administrator Endorsement:   * 1. SEI Administrator Endorsement is to be awarded upon demonstration of the subject matter and skill requirements set forth in 603 CMR 4.10(2)(b)3.g. and 603 CMR 4.15(2)(b) through one of the following:      1. Successful completion of a Department-approved course of study for administrators specific to sheltered English instruction. The Department will issue guidelines to govern approval of this course of study.      2. Possession of an SEI Teacher Endorsement.   2. Subject Matter Knowledge:      1. Understanding of diversity and background of English learner populations, including family systems, neighborhoods, and communities, and their impact on teaching and learning.      2. Knowledge of how to build a culture of equity and inclusiveness for linguistically and culturally diverse populations.      3. Implementation of strategies for coordinating SEI and English language development instruction for English learners.      4. Demonstrates an understanding of the use of best practices for sheltering content for, and teaching academic language to, English learners in the classroom.      5. Understanding of the challenges that English learners face in the mastery of academic language and of the skills to shelter content and scaffold instruction to promote the academic achievement of English learners.   (3) Bilingual Education Endorsement:   1. Bilingual Education Endorsement is to be awarded to educators who meet all of the following requirements:    1. A passing score on a foreign language test acceptable to the Department in the relevant foreign language.    2. Demonstration of the subject matter knowledge and skill requirements set forth in 603 CMR 4.15(3)(b), through one of the following: 2. Successful completion of a Department-approved course of study for providing bilingual education. The Department shall issue guidelines for approval of this course of study. 3. A passing score on a test acceptable to the Department.    1. Completion of 150 hours of field-based experience in a Pre-K through grade 12 transitional bilingual, two-way immersion, or other bilingual education setting. 4. Subject Matter Knowledge:    1. Knowledge of the foundations of bilingual education and the concepts of bilingualism and biculturalism.    2. Bilingual language acquisition factors as they affect access to the Massachusetts content and language standards.    3. Social-cultural, social-emotional, political, and other salient factors in bilingual language acquisition.    4. Implementation of strategies for coordinating non-English partner language instruction and English language development instruction for English learners.    5. Practices and approaches of teaching reading and writing in two languages, including the importance of oral language development as a foundation for literacy.    6. Practices and approaches for assessing content knowledge, reading and writing skills and comprehension in English and the non-English partner language for English learners who are at different levels of proficiency in English and the non-English partner language.    7. Understanding and implementation of culturally relevant teaching materials and practices. 5. A candidate who fulfills the requirement in 603 CMR 4.15(3)(a)1 and has at least three years of prior employment experience in a two-way immersion, transitional bilingual education, or other bilingual education setting, and who can demonstrate that he or she meets the subject matter knowledge and skills requirements set forth in 603 CMR 4.15(3)(b), will be exempt from the requirements set forth in 603 CMR 4.15(3)(a)2-3 if he or she applies to the Department for the Bilingual Education Endorsement by June 30, 2019 and completes all of the requirements by December 31, 2019. 6. A candidate who was prepared outside of Massachusetts shall not be required to complete the requirements set forth in 603 CMR 4.15(3)(a)1-3 if such candidate can provide documentation of one of the following: 7. Completion of an educator preparation program that includes the equivalent of the Department-approved course of study specific to providing services to English learners and is either state-approved under the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement or has been accredited by a national organization accepted by the Commissioner. 8. Possession of an out-of-state license/certificate/endorsement that is comparable to the Bilingual Education Endorsement issued by a state with which Massachusetts has signed the NASDTEC Interstate Agreement or other agreement accepted by the Commissioner.   (e) Renewal. The Bilingual Education Endorsement shall be valid for five years and may be renewed for successive five-year terms upon successful completion of 15 professional development points (PDPs) in the content area related to 603 CMR 4.15(3)(b). The 15 PDPs may be included in the total number of PDPs necessary for license renewal pursuant to 603 CMR 4.12(8). | **Comment:** Recommendation to offer SEI Endorsement course as an academic elective to maximize the highest level of participation. 2  **Response:** No change to the proposed regulations. Nothing in the proposed regulations prohibits school districts from becoming approved by the Department to offer the SEI Endorsement course to educators.  **Comment:** One commenter recommended that more higher education programs offer the opportunity to earn the Bilingual Education Endorsement and for the Department to facilitate more conversations with universities to create bilingual education programs. 51  **Response:** No change to the proposed regulations. However, the Department is committed to supporting educator preparation programs interested in developing a bilingual education course of study.  **Comment:** One commenter recommended expanding the training window for no-cost SEI Endorsement courses to two years, so that these courses are offered during both the 2018-19 and 2019-20 school years; offering courses during the two-year window to non-cohort teachers on a first-come, first-served, voluntary basis; offering the SEI Endorsement courses at the vocational technical school sites, so that teachers do not have to travel long distances to access courses; and offering the SEI Endorsement courses at convenient and varied times to accommodate diverse schedules. 64  **Response:** Recommendation partially accepted. As noted in response to comments to 603 CMR 4.07, the Department plans to offer no-cost SEI Endorsement courses in spring and fall of 2019. The Department plans to offer these courses across the state and is working to secure locations at vocational technical school sites. While the no-cost courses must prioritize training of the identified cohort, the Department plans to offer vacant seats to career vocational technical teachers outside of the cohort on a first-come, first-served basis. The Department anticipates that courses will be offered at vocational technical school sites, where possible, at times designed to accommodate both instructors and participants.  **Comment:** Recommendation to remove the duplicate language related to educator endorsements, as the proposed amendments to the Definitions section will suffice. 122  **Response:** No change. Descriptions of the SEI Teacher Endorsement, SEI Administrator Endorsement, and Bilingual Education Endorsement are included in 603 CMR 4.15 for educators’ easy reference.  **Note:** Please see discussion at 603 CMR 7.14 regarding the Bilingual Education Endorsement. |

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| **Proposed Amendments to 603 CMR 7.00** | |
| **Proposed 603 CMR 7.02** | **Summary of Comments and Responses** |
| **. . .**  **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.  **. . .**  **Career Vocational Technical Teacher:** For purposes of Sheltered English Immersion, a teacher of a career vocational technical subject in a career vocational technical education program at the secondary level.  **Career Vocational Technical Education Program:** For purposes of Sheltered English Immersion, a career vocational technical education program shall include programs approved under M.G.L. c. 74; programs that meet the definition of career and technical education listed in the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. § 2302(5); and any other programs that may be designated by the Commissioner.  **Career Vocational Technical Subjects**: For purposes of Sheltered English Immersion, such subjects shall include automotive technology, carpentry, culinary arts, engineering, exploratory, masonry, information technology, and any other subjects listed by the Department in guidance.  **. . .**  **Core Academic Teachers:** For purposes of Sheltered English Immersion instruction and Bilingual Education, early childhood and elementary teachers, teachers of students with moderate disabilities, teachers of students with severe disabilities, and teachers of the following academic subjects: English, reading or language arts, mathematics, science, civics and government, economics, history, and geography.  **. . .** | **Comment:** One commenter noted that the definition of “Bilingual Education” includes dual language programs, which is consistent with the LOOK Act but not consistent with 603 CMR 7.15(9)(c)1. 6, 113  **Response:** The Department has proposed updating the proposed language in 603 CMR 7.15(9)(c)1. to specifically reference dual language education programs, which are defined in M.G.L. c. 71A, § 2.  **Comment:** One commenter recommended establishing an educator license for individuals employed as Board Certified Behavioral Analysts in Massachusetts public schools in consultation with the appropriate professional organizations under 603 CMR 7.04(3)(d) Professional Support Personnel licenses.93  **Response:** No change to the proposed regulations. This recommendation is beyond the scope of the proposed regulatory amendments, but will be considered by the Department for possible future changes.  **Comment:** One commenter recommended the revision of the existing definition of the term “Guidelines” under 603 CMR 7.02, suggesting a proposed definition to support the Department with stakeholder engagement when it is revising policies and program requirements that will have an impact on educators’ licensure requirements. The proposed 60-day public comment period and subsequent approval by the Board of Elementary and Secondary Education would ensure that all stakeholders are informed of any program changes in a consistent matter. 122  **Response:** No change to the proposed regulations. The current definition includes a requirement that guidelines be released for public comment.  **Comment:** Recommendation to include the Bilingual Education Endorsement, the SEI Teacher Endorsement and the SEI Administrator Endorsement with a reference to the regulations under which such endorsements were originally assigned. The proposed duplication of the regulatory language under 603 CMR 4.15 in the identical endorsements issued by the Department gives the appearance of a separate set of endorsements (and requirements) for vocational technical educators. 122  **Response:** No change. The description of the relevant endorsements is included in both 603 CMR 7.14 and 4.15 for easy reference. |
| **Proposed 603 CMR 7.11** | **Summary of Comments and Responses** |
| *No changes were proposed to this section.* | **Comment:** One commenter recommended the addition of a new license field for Applied Behavioral Analyst. 122  **Response:** No change.This recommendation is beyond the scope of the proposed regulatory amendments but will be considered by the Department for potential future changes. |
| **Proposed 603 CMR 7.14** | **Summary of Comments and Responses** |
| **7.14: Endorsements**  Unless otherwise provided in 603 CMR 7.00 or 603 CMR 14.00, 603 CMR 7.00 does not require a person to seek or obtain an endorsement. Endorsements issued by the Department under 603 CMR 7.14 do not constitute educator licenses pursuant to 603 CMR 7.04(1).  (1) **SEI Teacher Endorsement**  (a) SEI Teacher Endorsement is to be awarded upon a demonstration of the subject matter knowledge and skill requirements set forth in 603 CMR 7.08 (3) (a) through (e), and 603 CMR 7.14(1)(b), through one of the following:   1. Successful completion of a Department-approved course of study specific to providing sheltered English instruction. The Department will issue guidelines to govern approval of this course of study. 2. Passing a Department-approved assessment. 3. Attainment of a bachelor's degree in a major approved by the Department, or other graduate level training approved by the Department. 4. Possession of an English as a Second Language license or an English Language Learners license.   (b) Subject Matter Knowledge:   1. The basic structure and functions of language. 2. Second language acquisition factors as they affect access to the Massachusetts standards. 3. Social-cultural, affective, political, and other salient factors in second language acquisition. 4. Sheltered English Immersion (SEI) principles and typologies: General academic and domain-specific discourse practices relevant to the grade level (k-5 or secondary), English proficiency level, and content area (English language arts and history; science and mathematics; other content areas). 5. Implementation of strategies for coordinating SEI and English language development instruction for English learners. 6. Federal and Massachusetts' laws and regulations pertaining to English learners. 7. Understanding of diversity and background of English learner populations, including family systems, and communities, and their impact on teaching and learning. 8. Theory, research, and practice of reading and writing for English learners. Practices and approaches for developing reading and writing skills and comprehension in English for English learners who are at different levels of English language proficiency. 9. The role of oral language development in literacy development for English learners. 10. Formative and summative assessments for English learners. 11. Literacy and academic language development. The role of vocabulary development in accessing academic language.   (2) **SEI Administrator Endorsement**  (a) SEI Administrator Endorsement is to be awarded upon demonstration of the subject matter and skill requirements set forth in 603 CMR 7.14(2)(b) through one of the following:   1. Successful completion of a Department-approved course of study for administrators specific to sheltered English instruction. The Department will issue guidelines to govern approval of this course of study. 2. Possession of an SEI Teacher Endorsement.   (b) Subject Matter Knowledge:   1. Understanding of diversity and background of English learner populations, including family systems, neighborhoods, and communities, and their impact on teaching and learning. 2. Knowledge of how to build a culture of equity and inclusiveness for linguistically and culturally diverse populations. 3. Implementation of strategies for coordinating SEI and English language development instruction for English learners. 4. Demonstrates an understanding of the use of best practices for sheltering content for, and teaching academic language to, English learners in the classroom. 5. Understanding of the challenges that English learners face in the mastery of academic language and of the skills to shelter content and scaffold instruction to promote the academic achievement of English learners.   **(3) Bilingual Education Endorsement**    (a) Bilingual Education Endorsement is to be awarded to educators who meet all of the following requirements:   * 1. A passing score on a foreign language test acceptable to the Department in the relevant foreign language.   2. Demonstration of the subject matter knowledge and skill requirements set forth in 603 CMR 7.14(3)(b), through one of the following:   a. Successful completion of a Department-approved course of study for providing bilingual education. The Department shall issue guidelines for approval of this course of study.  b. A passing score on a test acceptable to the Department.   * 1. Completion of 150 hours of field-based experience in a Pre-K through grade 12 transitional bilingual, two-way immersion, or other bilingual education setting.   (b) Subject Matter Knowledge:   1. Knowledge of the foundations of bilingual education and the concepts of bilingualism and biculturalism. 2. Bilingual language acquisition factors as they affect access to the Massachusetts content and language standards. 3. Social-cultural, social-emotional, political, and other salient factors in bilingual language acquisition. 4. Implementation of strategies for coordinating non-English partner language instruction and English language development instruction for English learners. 5. Practices and approaches of teaching reading and writing in two languages, including the importance of oral language development as a foundation for literacy. 6. Practices and approaches for assessing content knowledge, reading and writing skills and comprehension in English and the non-English partner language for English learners who are at different levels of proficiency in English and the non-English partner language. 7. Understanding and implementation of culturally relevant teaching materials and practices.   (c) A candidate who fulfills the requirement in 603 CMR 7.14(3)(a)1 and has at least three years of prior employment experience in a two-way immersion, transitional bilingual education, or other bilingual education setting, and who can demonstrate that he or she meets the subject matter knowledge and skills requirements set forth in 603 CMR 7.14(3)(b), will be exempt from the requirements set forth in 603 CMR 7.14(3)(a)2-3 if he or she applies to the Department for the Bilingual Education Endorsement by June 30, 2019 and completes all of the requirements by December 31, 2019.  (d) A candidate who was prepared outside of Massachusetts shall not be required to complete the requirements set forth in 603 CMR 7.14(3) (a)1-3 if such candidate can provide documentation of one of the following:   1. Completion of an educator preparation program that includes the equivalent of the Department-approved course of study specific to providing services to English learners and is either state-approved under the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement or has been accredited by a national organization accepted by the Commissioner. 2. Possession of an out-of-state license/certificate/endorsement that is comparable to the Bilingual Education Endorsement issued by a state with which Massachusetts has signed the NASDTEC Interstate Agreement or other agreement accepted by the Commissioner. 3. Renewal. The Bilingual Education Endorsement shall be valid for five years and may be renewed for successive five-year terms upon successful completion of 15 professional development points (PDPs) in the content area related to 603 CMR 7.14(3)(b). The 15 PDPs may be included in the total number of PDPs necessary for license renewal pursuant to 603 CMR 44.06: *Educator License Renewal*.   **. . .** | **Comment:** One commenter suggested the following amendments to this section: 6   * 7.14(3)(a): Insert Field Experience requirement of 75 hour in the same manner as in the Autism Endorsement through two types of field experience a) for teachers who possess a license and have one year of field experience and b) for all other teachers. * Insert the term dual language education to replace two-way immersion to be consistent with definition in 603 CMR 7.02. * 7.14 (3)(c): Insert the term dual language education to replace two-way immersion to be consistent with definition in 603 CMR 7.02. * 7.14 (3)(c): Insert a pathway for candidates with a valid ESL License and experience in a dual language, transitional bilingual education program. This is particularly important for teachers who previously held the TBL license as they were counseled and required to obtain an ESL license with changes in state policy for educating English learners after Question 2. * Develop the pipeline for new bilingual teachers (e.g., funding to support bilingual teacher training, IHE grants, and other measures).   **Response:** Recommendation partially accepted.  The final proposed regulations include a requirement of 75 hours of field-based experience to earn the Bilingual Education Endorsement, reduced from 150 hours.  The phrase “dual language education,” which is defined in M.G.L. c. 71A, § 2, has been added to the final proposed regulations in instances where bilingual education program types are described.  The proposed regulations already include a pathway for educators who have experience working in bilingual education programs, including ESL teachers where applicable, to earn the Bilingual Education Endorsement. Furthermore, a valid Transitional Bilingual Education license or Transitional Bilingual Learning Endorsement is deemed the equivalent of the Bilingual Education Endorsement as described in 603 CMR 7.15(9)(c)3.  Additionally, the Department will, in conjunction with IHEs, consider ways of developing a pipeline for new bilingual teachers, e.g., possible funding to support bilingual teacher training, IHE grants, and other measures.  **Note:** Similar comments, which were not duplicated in this report, related to the provision to reduce hours of field-based experience from 150 to 75 hours were also submitted in response to proposed changes to 603 CMR 7.15(9)(c).102, 103, 106, 107, 108, 109, 110,121, 126, 128  **Comment:** Two commenters recommended linking exemption requirements in 603 CMR 7.14(3)(c) to the holding of an ESL license and classroom teaching experience. 6, 102  **Response:** No change to the proposed regulations. ESL teachers with the requisite experience working in bilingual education settings are eligible to earn the Bilingual Education Endorsement under the proposed regulations.  **Comment:** One commenter supported the proposed subject matter knowledge requirements for the Bilingual Education Endorsement**.**122  **Response:** No change except to make clear that the foundations of bilingual education includes foundations of dual language education, two way immersion, and transitional bilingual education, as defined in M.G.L. c. 71A, § 2. |
| **Proposed 603 CMR 7.15(9)(b)** | **Summary of Comments and Responses** |
| (9) **General Provisions for Employment**.  **. . .**  (b) **Sheltered English Immersion**.  1. Notwithstanding 603 CMR 7.15(9)(a), starting on July 1, 2016, no core academic teacher shall be assigned to provide sheltered English instruction to an English learner unless such teacher either holds an SEI Teacher Endorsement, or will earn an SEI Teacher Endorsement within one year from the date of the assignment.  2. Notwithstanding 603 CMR 7.15(9)(a), starting on July 1, 2020, no career vocational technical teacher shall be assigned to provide sheltered English instruction to an English learner unless such teacher either holds an SEI Teacher Endorsement, or will earn an SEI Teacher Endorsement within one year from the date of the assignment.  3. Notwithstanding 603 CMR 7.15(9)(a), starting on July 1, 2016, no principal, assistant principal, or supervisor/director shall supervise or evaluate a core academic teacher who provides sheltered English instruction to an English learner unless such principal, assistant principal, or supervisor/director either holds an SEI Teacher or SEI Administrator Endorsement, or will earn such endorsement within one year of the commencement of such supervision or evaluation.  4. Notwithstanding 603 CMR 7.15(9)(a), starting on July 1, 2020, no principal, assistant principal, or supervisor/director shall supervise or evaluate a career vocational technical teacher who provides sheltered English instruction to an English learner unless such principal, assistant principal, or supervisor/director either holds an SEI Teacher or SEI Administrator Endorsement, or will earn such endorsement within one year of the commencement of such supervision or evaluation.  5. Notwithstanding 603 CMR 7.04, 603 CMR 7.05, 603 CMR 7.09 and 603 CMR 7.15 (5), any core academic teacher, principal, assistant principal, or supervisor/director supervising or evaluating a core academic teacher, who fails to obtain an SEI endorsement within the time period designated for his or her cohort established pursuant to 603 CMR 14.07(2), will not be eligible to advance or renew his or her license until such educator obtains the 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.  6. Notwithstanding 603 CMR 7.04, 603 CMR 7.05, 603 CMR 7.09 and 603 CMR 7.15(5), any career vocational technical teacher, principal, assistant principal, or supervisor/director who supervises or evaluates a career vocational technical teacher who provides sheltered English instruction to an English learner and who fails to obtain an SEI endorsement by the date specified in 603 CMR 14.08(2), will not be eligible to advance or renew his or her license until such individual obtains the SEI endorsement. Provided however, in accordance with 603 CMR 14.08(2), upon a showing of hardship, the Department may grant an educator an extension of time beyond the date specified in 603 CMR 14.08(2). | **Comment:** Recommendation to offer the SEI Endorsement course as an elective or professional development class to maximize the level of participation.2, 12  **Response:** No change to the proposed regulations. Nothing in the proposed regulations prohibits school districts from offering the SEI Endorsement course during professional development time or teachers from taking it even if they are not required to do so.  **Comment:** Multiple commenters expressed concerns that the SEI endorsement requirement is an unfair burden on teachers and not needed in a vocational setting. 5, 34, 96  **Response:** No change to the proposed regulations. SEI training benefits both students and career vocational technical educators.  **Comment:** One commenter recommended including a test of foreign language skills in the SEI Endorsement requirements. 31  **Response:** No change to the proposed regulations. Teaching SEI classes does not require knowledge of a foreign language.  **Comment:** One commenter recommended that no-cost SEI Endorsement courses be offered to all interested teaching professionals. 50  **Response:** No changes to the proposed regulations. The Department plans to prioritize training of the identified cohort of career vocational technical educators but also plans to offer available space to educators outside of the cohort.  **Comment:** Multiple commenters offered suggestions related to the implementation timeline for the SEI Endorsement requirements for career vocational technical educators and the Bilingual Education Endorsement. 64, 122  **Response:** Recommendation partially accepted. See responses above to similar comments about implementation timelines for these endorsements.  **Comment:** One commenter recommended eliminating regulatory requirements for employment under a Provisional license. The Department has no provisions, guidance or enforcement procedures related to this requirement. 122  **Response**: No change. The recommendation is beyond the scope of the proposed regulatory amendments.  **Comment:** One commenter opposes the 2017 elimination of the investigatory subpoena language from these regulations and recommends that the Department reinstate the prior language. 122  **Response:** No change. Under the Commissioner’s legal authority as the chief school officer and licensing authority, school districts are required to provide documents and information relevant to investigations of educator misconduct without the Commissioner issuing an investigatory subpoena. School districts have been complying with this obligation for decades. |
| **Proposed 603 CMR 7.15 (9)(c)** | **Summary of Comments and Responses** |
| (9) **General Provisions for Employment**.  **. . .**  (c) **Bilingual Education.**   1. Notwithstanding 603 CMR 7.15(9)(a), a core academic teacher assigned to provide instruction to an English learner in a bilingual education setting, such as two-way immersion and transitional bilingual education, must be properly qualified in the field and grade level of the assignment, and hold the appropriate endorsement, as follows:    1. A teacher responsible for the instructional component provided in a language other than English must hold the Bilingual Education Endorsement.    2. A teacher responsible for the instructional component provided in English must hold the Bilingual Education Endorsement or the SEI endorsement. 2. Notwithstanding 603 CMR 7.15(9)(a), a principal, assistant principal, or supervisor/director who supervises or evaluates a core academic teacher assigned to a bilingual education setting, such as two-way immersion and transitional bilingual education, must hold the Bilingual Education Endorsement or the SEI endorsement. 3. For purposes of 603 CMR 7.15(9)(c)1-2, a valid Transitional Bilingual Education license or Transitional Bilingual Learning endorsement issued by the Department, shall be deemed the equivalent of the Bilingual Endorsement. | **Comment:** One commenter recommended the following changes to this section: 6   * 7.15(9)(c): Insert the term dual language education to replace two-way immersion to be consistent with the definition in 603 CMR 7.02. * 7.15 (9) (c) 1.a: Insert the term “content” to clearly identify a core academic teacher assigned to provide instruction in a language other than English in a dual language (DLE) and transitional bilingual education (TBE) program from a teacher responsible for teaching English language in a SEI, DLE or TBE program. * 7.15(9)(c)1.b: Insert the term “content” to clearly identify a core academic teacher assigned to provide instruction in English in a dual language and transitional bilingual education program from a teacher responsible for teaching English language in a SEI, DLE or TBE program. * 7.15(9)(c)1.b: Add the ESL license (dually certified in ESL and the academic content area) as another appropriate license for the teacher responsible for the instructional content provided in English.   **Response:** Recommendation partially accepted.  As noted in response to comments in 603 CMR 7.02 and 7.14, the Department has proposed updating the language in 603 CMR 7.15(9)(c) to specifically reference dual language education programs, which are defined in M.G.L. c. 71A, § 2.  The suggestion to add the term “content” in two places in this section was not adopted, but the Department has proposed using the phrase “core academic” teacher to clarify who must earn the Bilingual Education or SEI Endorsements.  Educators with an ESL license are eligible for the SEI Endorsement. Therefore, it is unnecessary to add the ESL license to 603 CMR 7.15(9)(c)1.b, when the regulatory provision already references the SEI Endorsement.  **Comment:** One commenter offered support for the Department’s comprehensive endorsement framework that embraces both dual language education and transitional bilingual education. 6  **Response:** No change.  **Comment:** One commenter recommended that there be an endorsement for each program model (transitional bilingual education and two-way immersion), in the same way SEI has its own endorsement. 4  **Response:** No change to the proposed regulations. The rationale is two-fold. First, the Department’s research and consultation with stakeholders suggest that the knowledge and skills an educator must develop through a preparation program to meet the needs of English learners do not vary widely across the prevalent bilingual education program models. Second, creating multiple endorsements may have a deleterious effect on districts’ ability to capitalize on the flexibility the LOOK Act provides in determining the most effective approaches for educating English learners.  **Comment:** Multiple commenters recommended that the ESL license be added to the list of credentials a teacher responsible for the instructional component provided in English in a bilingual education setting may use to satisfy the regulatory requirements. 94, 99, 102, 103, 106, 107, 108, 109, 110, 113, 114, 115, 116, 119, 121, 124, 126, 128  **Response:** No change to the proposed regulations. As described above, teachers who hold an ESL license are deemed to have met the subject matter knowledge and skill requirements for the SEI Endorsement and there are a number of pathways available to them to earn the Bilingual Education Endorsement.  **Comment:** One commenter recommended that the Department provide funding to recruit and train bilingual staff members who can assess possible learning disabilities in students’ native languages and provide districts with a list of bilingual staff who are willing and able to do this type of assessment. 104  **Response:** No change to the proposed regulations. The Department will take this suggestion under advisement.  **Comment:** Multiple commenters recommended that the Department consider additional ways to address the shortage of bilingual teachers. 6, 99, 102, 103, 106, 107, 108, 109, 110, 112, 116, 121  **Response:** No change to the proposed regulations. The Department will carefully study the supply and demand for educators with the knowledge and skills to work in bilingual education settings and support districts and educator preparation programs to meet the needs of English learners.  **Note:** Similar comments, which were not duplicated in this report, were submitted in response to proposed changes made to 603 CMR 7.15(13)(d). 6, 99, 102, 112  **Comment:** Recommendation to revise the proposed language in 603 CMR 7.15(9)(c) with the language proposed by one commenter to provide more clarity. 122  **Response:** Recommendation partially accepted. While the Department did not adopt the language proposed by the commenter, it did make some changes to 603 CMR 7.15(9)(c) to make clear that it does not intend for the Bilingual Education Endorsement requirements to apply to educators who do not serve English learners. |
| **Proposed 603 CMR 7.15(13)(d)** | **Summary of Comments and Responses** |
| (13) **Hardship Waivers and Critical Shortage.**  **. . .**  (d) The Commissioner may issue a waiver to a school district, including a charter school and an educational collaborative, from the educator qualification requirements in 603 CMR 7.15(9)(c)1.a, upon request of the superintendent or charter school leader and demonstration that the district, charter school or educational collaborative has made a good faith effort to hire personnel with the Bilingual Endorsement, and has been unable to find a candidate with the Bilingual Endorsement who is qualified for the position. Provided that the submission requirements in 603 CMR 14.04(4) shall continue to apply to any district or charter school that intends to offer a new Sheltered English Immersion or alternative English learner education program and that applies for a waiver under this subsection. Starting July 1, 2019, persons employed under a waiver must demonstrate that they meet the requirement in 603 CMR 7.14(3)(a)1 and any other requirements established by the Department. The waiver shall be valid for a period of one school year, and may be renewed at the Commissioner’s discretion. | **Comment:** One commenter offered support for the proposed changes to this section. 13  **Response:** No change to the proposed regulations.  **Comment:** Recommendation to use the language proposed by the commenter to allow districts to build internal capacity andcontinuity in bilingual education programs while ensuring that educators are making appropriate progress toward earning the required credentials.122  **Response:** No change to the proposed regulations. The Department prefers the drafted language for a description of the waiver process because it is more consistent with the remainder of the regulation. |

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| **Proposed Amendments to 603 CMR 14.00** | |
| **Proposed 603 CMR 14.02** | **Summary of Comments and Responses** |
| **14.02: Identification and Assessment of Students**  (1) Each school district shall establish procedures, in accordance with Department guidelines, to identify those students who may be English learners and assess their level of English proficiency upon their enrollment in the school district.  (2) The parent or guardian of any student enrolled in the school district may request that the school district assess the child's level of English proficiency.  (3) The school district shall notify the parent or guardian and place in the student's school record the following information:  (a) the school district's determination as to whether the student is an English learner; and  (b) the student's program placement.  (4) Each school district shall establish criteria, in accordance with Department guidelines, to identify students who may no longer be English learners. | **Comment:** One commenter recommended adding procedures to the proposed regulations to identify promptly students who may need both special education and English language services and to determine alternative forms of assessment that may be necessary where the assessment tool generally used to establish English proficiency level is not useful or valid in light of the student’s disability. 129  **Response:** No change to the proposed regulations.Existing laws and regulations already require districts to promptly identify such students. The Department will consider the remaining aspects of the recommendation when issuing guidance. |
| **Proposed 603 CMR 14.03** | **Summary of Comments and Responses** |
| **14.03: Census**  (1) Each school district shall report annually to the Department, the following information as of the last day of the school year for each student who is an English learner:  (a) the school in which the student is enrolled;  (b) the student's grade level;  (c) the student’s English proficiency level;  (d) the language in which the student possesses a primary speaking ability; and  (e) the type of English learner program in which the school district has enrolled the student.  (2) When reporting information under 603 CMR 14.03(1)(e), the school district shall specify whether the English learner is enrolled in a sheltered English immersion program or in an alternative instructional program as defined in M.G.L. c. 71A, § 4. | **Comment:** One commenter submitted comments opposing the collection of any extra documentation when data is already collected with SIMS data submission.13  **Response:** No change to the proposed regulations. The Department will use existing data collections wherever possible to fulfill the requirements in this section.  **Comment:** One commenter submitted a question about how to identify the language in which a student possesses a primary speaking ability. 21  **Response:** No change to the proposed regulations. The requirement to identify the language in which a student possesses a “primary speaking ability” is included in M.G.L. c. 71A, § 3. The Department will provide clarifying information regarding this requirement in guidance.  **Comment:** One commenter recommended an additional annual reporting category of students who are English learners and who are students with disabilities. 129  **Response:** No change to the proposed regulations. The Department already collects data relating to students who are identified for special education services and English Learner Education services. |
| **Proposed 603 CMR 14.04** | **Summary of Comments and Responses** |
| **14.04: Placement of Students in English Learner Education Programs**  (1) Each school district shall provide a student who is an English learner with an appropriate English learner education through a sheltered English immersion program or an alternative instructional program that meets the requirements of federal and state law.   1. All English learner education programs must be research-based and include subject matter content and an English language acquisition component. Both sheltered English immersion and alternative instructional programs shall be based on best practices in the field and the linguistic and educational needs and demographic characteristics of English learners in the school district.   (3) Each school district shall commence language assistance services upon a student’s identification as an English learner.   1. By January 1, each school district that intends to offer a new sheltered English immersion program or alternative instructional program in the next academic year shall submit to the Department and the school district’s English learner parent advisory council a description of:    1. the new instructional program selected, its objectives, and research basis as it relates to the student population to be served;    2. how the new program will meet the needs of the student population to be served as compared to any existing program;    3. the resources the district intends to dedicate to effective implementation and ongoing operation of the new program, including the number and expected qualifications of the program’s educators;    4. the student population to be served, including the number of students, their grade level, native language, and English proficiency levels;    5. any current English learner program(s), including data concerning its impact on student learning and English language acquisition;    6. how the school district intends to measure and evaluate program success over time; and    7. any other information requested by the Department. 2. The Department shall review the information submitted by the school district pursuant to 603 CMR 14.04(4). If the Department finds that a current or proposed English learner education program fails to meet the requirements of federal or state law, it shall notify the school district in writing within 90 days of receiving the information submitted pursuant to 603 CMR 14.04(4). The notice shall cite the requirements with which the program would not comply and include corrective steps that the school district shall take to bring the program into compliance. The school district shall have 30 days to submit a revised proposal that incorporates such corrective steps. The Department shall review the revised proposal to determine if the school district has incorporated the corrective steps identified by the Department, and shall notify the school district in writing if it may commence a proposed English learner education program with or without conditions. A school district that was required to take corrective steps shall not commence a proposed English learner education program unless it has received written notification from the Department that it may do so. 3. A request by a student’s parent or guardian to enroll the student in or transfer the student into a specific English learner education program offered by the school district shall be reviewed by the superintendent or the superintendent’s designee. The school district shall respond to such requests in no more than 20 school days after receipt of the request.   (7) A parent or guardian of an English learner may withdraw the student from an English learner education program in accordance with state and federal law. | **Comment:** One commenter submitted a question regarding provisions for re-designating students with specific learning disabilities from English learners to Former English Learners (FELs) if the disability affects the student's literacy and prevents the student from attaining a high score on the ACCESS for ELLs Reading and Writing domains. 21  **Response:** No change to the proposed regulations. The Department provides guidance on the criteria for reclassifying English learners.  **Comment:** One commenter expressed concerns about the short timeline to identify students eligible for ELE programs.37  **Response:** No change to the proposed regulations. The Department will issue guidance to support school districts with identifying English learners in a timely manner.  **Comment:** Multiple commenters recommended that the Department not create barriers to establishing new bilingual and dual language programs and that the Department have an application process that will support the work of planning a new program. Commenters also recommended that the program approval process validate the professional judgement of local education officials and input from parents and the community about the needs of students in the district, including any parent requests for new programs made under M.G.L. c. 71A, § 5(b). Some commenters were particularly concerned about the barriers to establishing new bilingual or dual language programs in light of districts experiencing an influx of students from Puerto Rico as a result of Hurricane Maria in 2017. 6, 92, 99, 102, 103, 104, 106, 107, 108, 109, 110, 116, 123, 124, 128  **Response:** No change to the proposed regulations. The Department is developing a program application process and guidance that will both meet the requirements of the LOOK Act and strive to address the recommendations made in this comment.  **Comment:** Two commenters recommended additional language be added to the proposed regulations to clarify parents’ rights to formally request that a district open a new language acquisition program. These commenters also recommended that the Department issue guidance to both parents and school districts on the process for requesting and responding to a request for a new language acquisition program. 6, 92  **Response:** No change to the proposed regulations. However, the Department will consider these recommendations when issuing guidance.  **Comment:** Two commenters expressed concerns about the process of filling out forms both for alternative programs and current programs might deter districts from initiating this process.Current programs are covered during CPR audits and evaluated on a regular basis. 94, 103  **Response:** No change to the proposed regulations. The Department is developing a program application process and guidance that will both meet the requirements of the LOOK Act and strive to address the recommendations made in this comment.  **Comment:** Multiple commenters recommended the creation of a transparentprocess for 20 or more parents of ELs and English proficient students asking for a new language acquisition program. 94, 99,100, 102, 103, 105, 106, 107, 108, 109, 110, 112, 113, 114, 116, 123, 124, 128  **Response:** No change to the proposed regulations. However, the Department will consider this recommendation when issuing guidance.  **Comment:** One commenter recommended moving specific requirements related to the proposal of a new English learner programs to guidance that is developed in collaboration with the English Learner Advisory Council. The commenter expressed concerns that the regulatory timeline requirements do not align with the planning budgeting cycles of school districts. 122  **Response:** No change to the proposed regulations. The proposed regulations are consistent with the law. The timelines for the application process for new English learner programs are established in the LOOK Act. For example, the statute specifically includes January 1 as the deadline for submission of information by districts that intend to offer new English learner programs in the next year. The Department will work with school districts and other stakeholders to establish an application process that meets the requirements of the law but does not impose undue barriers to the establishment of new English learner programs.  **Comment:** One commenter recommended the proposed regulations address placement of students with disabilities in English learner education programs to ensure programs meet the needs of individual students and comply with Title VI of the Civil Rights Act of 1964, the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and state law. 129  **Response:** No change to the proposed regulations. Current laws and regulations already require districts to provide English learners with disabilities with both language assistance and disability-related services.  **Comment:** One commenter recommended adding a requirement for school districts intending to offer new sheltered English immersion programs or alternative instructional programs in the next academic year to include in their description how they intend to meet the needs of students with disabilities that may participate in that program. 129  **Response:** No change to the proposed regulations. The Department will consider this recommendation in the development of the program application process and guidance. |
| **Proposed 603 CMR 14.05** | **Summary of Comments and Responses** |
| **14.05: English Literacy and Fluency Requirements for Teachers of English Language Classrooms**  (1) School district superintendents shall provide annually to the Department a written assurance that teachers of English language classrooms, as that term is defined in M.G.L. c. 71A, are literate and fluent in English.  (2) For purposes of the assurance required by 603 CMR 14.05(1), a teacher is literate in English if the teacher:  (a) possesses a teaching license issued pursuant to M.G.L. c. 71, § 38G; or  (b) possesses a vocational teacher approval or a vocational technical educator license; or  (c) earns a passing score on the Communication and Literacy Skills portion of the Massachusetts Tests for Educator Licensure; or  (d) possesses a bachelor's degree from a college or university where the language of instruction was English.  (3) For purposes of the assurance required by 603 CMR 14.05(1), a teacher's fluency in English shall be determined through one or more of the following methods:  (a) classroom observation and assessment by the teacher's supervisor, principal, or superintendent; or  (b) an interview and assessment by the teacher's supervisor, principal or superintendent; or  (c) the teacher's demonstration of fluency in English through a test accepted by the Commissioner; or  (d) another method determined by the superintendent and accepted by the Commissioner. | **Comment:** Commenter recommends that the Department eliminate the existing regulatory language requiring districts to provide a written assurance that teachers in English language classrooms are literate and fluent in English.122  **Response:** No change to the existing requirements because the updated version of M.G.L. c. 71A, § 2 still requires educators in English language classrooms to be “fluent and literate in English.” |
| **Proposed 603 CMR 14.07** | **Summary of Comments and Responses** |
| **14.07: Assignment of English Learners to Teachers in School Districts.**  (1) Core academic teachers who provide sheltered English instruction to English learners in school districts, including charter schools and education collaboratives, must earn an SEI Teacher Endorsement as set forth in 603 CMR 7.00 and this section. Principals, assistant principals, and supervisors/directors who supervise or evaluate such teachers, must earn an SEI Teacher Endorsement or SEI Administrator Endorsement as set forth in 603 CMR 7.00 and this section.  (2) Individuals who were assigned to a cohort by the Department in each of the years from July 1, 2012 through June 30, 2016 and who failed to earn an SEI endorsement by the time designated for their cohort, shall not be eligible to advance or renew their educator license under 603 CMR 7.00 and 603 CMR 44.00 until such educators earn an SEI endorsement. Provided however, upon a showing of hardship, the Department may grant an educator an extension of time beyond the time designated for his or her cohort to earn an SEI endorsement. Hardship shall consist of serious illness or injury, or other circumstances that are beyond the control of the educator and impede the educator's ability to complete the requirements for an SEI endorsement.  (3) As of July 1, 2016, any core academic teacher who is assigned to provide sheltered English instruction to an English learner shall either hold an SEI Teacher Endorsement, or is required to earn such endorsement within one year from the date of the assignment. Any school district that assigns an English learner to a core academic teacher who has a year to obtain an SEI endorsement, shall take all reasonable steps to ensure that such English learner is assigned to core academic teachers with an SEI endorsement in subsequent school years.  (4) As of July 1, 2016, no principal, assistant principal, or supervisor/director shall supervise or evaluate a core academic teacher who provides sheltered English instruction to an English learner unless such principal, assistant principal, or supervisor/director holds an SEI Teacher Endorsement or SEI Administrator Endorsement, or will earn either endorsement within one year of the commencement of such supervision or evaluation.  (5) For purposes of this section, "core academic teacher" shall mean early childhood and elementary teachers, teachers of students with moderate disabilities, teachers of students with severe disabilities, and teachers of the following academic subjects: English, reading or language arts, mathematics, science, civics and government, economics, history, and geography. | **Comment:** Multiple commenters recommended the Department expand the pool of approved SEI course instructors and to do so by seeking out and training current vocational technical teachers and/or academic teachers who have taught or are teaching in a vocational technical high school. 82, 83, 84, 85, 86, 87, 88  **Response:** No change to the proposed regulations. The Department will consider these recommendations when planning for the no-cost SEI Endorsement courses for career vocational technical teachers.  **Comment:** Multiple commenters proposed a partnership between the Department and colleges, such as Fitchburg State University and Westfield State University, todiscuss the proposed regulations and how they can collaboratively work together to best serve students and educators in Massachusetts. 82, 83, 84, 85, 86, 87, 88  **Response:** No change to the proposed regulations. The Department will work with various stakeholders, including institutions of higher education, to support career vocational technical educators and the students they serve. |
| **Proposed 603 CMR 14.08** | **Summary of Comments and Responses** |
| **14.08: Career Vocational Technical Teachers and Administrators**  (1) Career vocational technical teachers who provide sheltered English instruction to English learners in school districts, including charter schools, education collaboratives, agricultural high schools, and regional vocational technical school districts, must earn an SEI Teacher Endorsement as set forth in 603 CMR 4.00, 603 CMR 7.00, and this section. Principals, assistant principals, and supervisors/directors who supervise or evaluate such teachers, must earn an SEI Teacher Endorsement or SEI Administrator Endorsement as set forth in 603 CMR 4.00, 603 CMR 7.00, and this section.  (2) The cohort of all career vocational technical teachers who instructed English learners during the 2017-2018 school year, and principals, assistant principals, and supervisors/directors who supervised or evaluated such teachers, must earn the appropriate SEI Endorsement by July 1, 2020. Members of the cohort who fail to earn an SEI endorsement by July 1, 2020, shall not be eligible to advance or renew their license under 603 CMR 4.00, 603 CMR 7.00, and 603 CMR 44.00 until such members earn an SEI endorsement; provided however, upon a showing of hardship, the Department may grant a member of the cohort an extension of time beyond July 1, 2020. Hardship shall consist of serious illness or injury, or other circumstances that are beyond the control of the individual and impede the individual's ability to complete the requirements for an SEI endorsement.  (3) Starting on July 1, 2020, any career vocational technical teacher who is assigned to provide sheltered English instruction to an English learner shall either hold the SEI Teacher Endorsement, or is required to earn such endorsement within one year from the date of the assignment. Any school district that assigns an English learner to a career vocational technical education teacher who has a year to obtain the SEI Teacher Endorsement, shall take all reasonable steps to ensure that such English learner is assigned to career vocational technical teachers with the SEI Teacher Endorsement in subsequent school years.  (4) Starting on July 1, 2020, no principal, assistant principal, or supervisor/director shall supervise or evaluate a career vocational technical teacher who provides sheltered English instruction to an English learner unless such principal, assistant principal, or supervisor/director holds the SEI Teacher Endorsement or the SEI Administrator Endorsement, or will earn either endorsement within one year of the commencement of such supervision or evaluation.  (5) For purposes of this section, “career vocational technical teacher” shall mean a teacher of a career vocational technical subject in a career vocational technical education program at the secondary level; “career vocational technical education program” shall include programs approved under M.G.L. c. 74; programs that meet the definition of career and technical education listed in the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. § 2302(5); and any other programs that may be designated by the Commissioner; “career vocational technical subjects” shall include automotive technology, carpentry, culinary arts, engineering, exploratory, masonry, information technology, and any other subjects listed by the Department in guidance. | **Comment**: One commenter recommended a postponement of the SEI Endorsement requirements to July 2021 or July 2022; incorporating the SEI course into the existing 21 college degree credit requirements; expanding the training window to two years, so that no-cost courses are offered during both the 2018-19 and 2019-20 school years; offering courses during the two-year window to non-cohort teachers on a first-come first-served voluntary basis; offering the SEI courses at the vocational technical school sites, so teachers don’t have to travel long distances to access a course; and offering the SEI courses at convenient and varied times to accommodate diverse schedules. 64  **Response:** As noted in response to similar comments made to address proposed changes to 603 CMR 4.07 and 4.13, the final proposed regulations postpone the SEI Endorsement requirements for career vocational technical educators by one year. The Department plans to offer SEI Endorsement courses in spring and fall of 2019. The Department will assemble a working group of stakeholders to review comprehensively the existing 21 college credit requirement and recommend whether or not completion of the SEI Endorsement course should be counted toward the requirement.  **Comment:** One commenter recommended that the existing SEI Endorsement course curriculum be adapted or supplemented to make it more relevant to career vocational technical teachers, including the readings, videos and strategy implementation. 6  **Response:** No change to the proposed regulations. However, the Department is committed to developing supplemental course materials to make the course more relevant to career vocational technical educators. |
| **Proposed 603 CMR 14.09** | **Summary of Comments and Responses** |
| **14.09: English Learner Parent Advisory Councils**   1. Each school district serving 100 or more English learners or in which English learners comprise at least five percent of the student population, whichever is less, shall establish an English learner parent advisory council in accordance with M.G.L. c. 71A, § 6A. Nothing in 603 CMR 14.09 shall prevent any other school district or charter school from creating an English learner parent advisory council if it chooses to do so. 2. Each school designated as underperforming or chronically underperforming and operating a program for English learners shall establish an English learner parent advisory council in accordance with M.G.L. c. 69, § 1J(x). 3. A school district or school required to establish an English learner parent advisory council shall annually notify parents and guardians of English learners of the opportunity to participate in the council and shall provide the notification in a language that the parent or guardian can understand. 4. All parents and guardians of English learners who volunteer to participate in the English learner parent advisory council shall be appointed to the council by the superintendent or the superintendent’s designee. Nothing in 603 CMR 14.09 shall prevent a school district from recruiting volunteer parents and guardians of English learners to participate in the English learner parent advisory council. 5. The duties of the English learner parent advisory council shall include those listed in G.L. c. 71A, § 6A and any other duties as may be identified by the school district consistent with guidance from the Department. English learner parent advisory councils shall carry out their duties in accordance with state law and guidelines established by the Department. An English learner parent advisory council shall establish by-laws regarding officers and operational procedures. The school district shall, without charge, and upon reasonable notice and consistent with the availability of staff and resources, assist the English learner parent advisory council in carrying out its duties. | **Comment:** Multiple commenters expressed opposition to the proposed regulatory requirements related to English learner parent advisory councils.5, 14, 34, 68, 117  **Response:** No change to the proposed regulations. The LOOK Act contains detailed requirements relating to the establishment of English learner parent advisory councils and the Department’s regulations are consistent with those requirements.  **Comment:** Multiple commenters expressed support for the proposed regulations related to the establishment of English learner parent advisory councils. 6, 9, 13, 43, 99, 104  **Response:** No change to the proposed regulations.  **Comment:** Multiple commenters recommended that the Department provide support and guidance to school districts in establishing English learner parent advisory councils.37, 94, 102, 104  **Response:** No change to the proposed regulations. The Department will provide guidance to districts relating to English learner parent advisory councils.  **Comment:** One commenter recommended providing additional clarity about how English learner parent advisory councils will figure into the decision-making process of the district and how pride can be built around being bilingual and multicultural. 51  **Response:** No change to the proposed regulations. The statute describes some of the duties of English learner parent advisory councils, which include advising the school district, school committee and board of trustees on matters related to English learners, participating in the planning and development of programs for improving educational opportunities for English learners, and reviewing school and district improvement plans as they relate to English learners. Additionally, the Department will consider issuing guidance to support districts in capitalizing on the multilingual and multicultural assets of parents and families.  **Comment:** Multiple commenters recommendedemphasizing the need to build trusting partnerships between parents and guardians and the school district. These commenters also recommended that the Department explore additional ways that the Commonwealth can support English learner family engagement in ways that go beyond the English learner parent advisory council requirements in the statute, such as measures that provide additional support for family engagement, increased family outreach staffing, cultural competency training for school personnel, access to translation and interpretation services, and workshops for parents and guardians to inform and empower them to effectively engage with the school district. 6, 102, 103, 106, 107, 108, 109, 110, 123, 124, 126, 128  **Response:** No change to the proposed regulations. To support English learner family engagement, the recently appointed English Learner/Bilingual Education Advisory Council will focus on advising the Department on improving and supporting English learner family engagement in school districts across the Commonwealth.  **Comment:** Multiple commenters emphasized that English learner parent advisory councils be open to and inclusive of all English learner and former English learner parents and guardians and encouraged the Department to consider additional ways to support school districts in intentional and sustained family engagement practices.6, 92, 99, 102, 103, 104, 106, 107, 108, 109, 110, 112, 113, 114, 116, 123, 124, 126, 128  **Response:** No change to the proposed regulations. However, the Department will consider these comments when issuing guidance.  **Comment:** One commenter recommended the addition of a requirement for English learner parent advisory councils to make all efforts to collaborate and coordinate with the district special education parent advisory councils and/or to include parents of English learners who have disabilities.129  **Response:** No change to the proposed regulations. However, the Department will consider these recommendations when issuing guidance. |

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| **Proposed Amendments to 603 CMR 31.00** | |
| **Proposed 603 CMR 31.01** | **Summary of Comments and Responses** |
| **31.01: Authority, Scope and Purposes**  (1) 603 CMR 31.00 is promulgated pursuant to the authority of the Board of Elementary and Secondary Education under M.G.L. c. 69, §§ 1B, 1D, and 1Q.  (2) 603 CMR 31.00 establishes the criteria for the Certificate of Mastery, the Certificate of Mastery with Distinction, and the State Seal of Biliteracy.  (3) The purposes of the Certificate of Mastery and the Certificate of Mastery with Distinction are to:  (a) Recognize high academic achievement;  (b) Motivate students to perform to their best abilities on MCAS and other measures throughout high school;  (c) Recognize high academic achievement in areas not included in MCAS; and  (d) Recognize high academic achievement as identified by outside forums including competitions, student publications, and awards.  (4) The purposes of the State Seal of Biliteracy are to:  (a) Encourage students to study and master languages;  (b) Certify attainment of biliteracy skills;  (c) Recognize the value of language diversity;  (d) Provide employers with a method of identifying people with language and biliteracy skills;  (e) Provide universities with a method to recognize and give credit to applicants for attainment of high level skills in languages;  (f) Prepare students with skills that will benefit them in the labor market and the global society; and  (g) Strengthen intergroup communication and honor the multiple cultures and languages in a community. | **Comment:** One commenter recommended that 31.01(4) be revised since universities may want to recognize different levels of language proficiency, not just “high level skills.”6  **Response:** No change to the proposed regulation. The proposed regulation does not seek to provide universities with a method to recognize and give credit to applicants for their different levels of proficiency. Rather, the proposed regulation provides universities with a method to recognize and give credit to applicants for attainment of high level skills in languages.  **Comment:** Multiple commenters offered support for the establishment of the State Seal of Biliteracy as a credential for Massachusetts public school students to demonstrate proficiency in two languages. 6,77,117, 122  **Response:** No change. |
| **Proposed 603 CMR 31.02** | **Summary of Comments and Responses** |
| **31.02: Definitions**  **. . .**  **Commissioner:** The Commissioner of Elementary and Secondary Education or his or her designee.  **. . .**  **School district** shall mean a municipal school department or regional school district, acting through its school committee or superintendent of schools; a county agricultural school, acting through its board of trustees or superintendent/director; or a charter school or a Commonwealth of Massachusetts virtual school, acting through its board of trustees.  **State Seal of Biliteracy** shall mean an award given by school districts to students who have attained a high level of proficiency in English and not less than one other language in addition to English.  **. . .** | *No comments submitted related to this section. Note that the definition of ACTFL Proficiency Guidelines has been included in the final proposed regulations to respond to comments listed below under 603 CMR 31.07.* |
| **Proposed 603 CMR 31.07** | **Summary of Comments and Responses** |
| **31.07: State Seal of Biliteracy**  (1) District Participation in the State Seal of Biliteracy Program.  (a) School districts may award the State Seal of Biliteracy to students who meet the academic criteria listed in 603 CMR 31.07(2).  (b) A school district participating in the State Seal of Biliteracy program shall provide written notification to parents or legal guardians of all students enrolled in the district about the State Seal of Biliteracy program, its purposes, and eligibility requirements, in a language that the parent or legal guardian can understand.  (c) A school district that awards the State Seal of Biliteracy shall affix the unaltered state insignia developed by the Department on the diploma or the transcript, or both, of students who meet the requirements listed in 603 CMR 31.07(2).  (2) Criteria. To qualify for the State Seal of Biliteracy, a student must meet all graduation requirements and the criteria listed in 603 CMR 31.07(2)(a) and (b).  (a) Demonstrate a high level of proficiency in English through one of the following:  (i) Students in the graduating classes of 2019 and 2020 must attain a scaled score of at least 250 on the grade 10 English Language Arts MCAS administered in 2018 or earlier.  (ii) Students in the graduating classes of 2021 and beyond must score at  the meeting or exceeding expectations performance levels on the grade  10 English Language Arts MCAS.  (b) Demonstrate a high level of proficiency in a foreign language through one of the following:  (i) Attaining a minimum score or level on a nationally recognized and readily available assessment approved by the Department that measures literacy in a language other than English. The Commissioner shall determine the minimum score or level, which shall be comparable to the meeting expectations performance level on the grade 10 English Language Arts MCAS. For students in the graduating classes of 2019 and 2020, the minimum score or level shall be comparable to a scaled score of 250 on the grade 10 English Language Arts MCAS administered in 2018 or earlier.  (ii) An alternative evidence method established by the Department in guidance.  (3) The Department shall annually publish a list of approved assessments and acceptable minimum scores or levels for purposes of 603 CMR 31.07(2)(b)(i).  (4) School districts must ensure that low-income students as described in M.G.L. c. 70, § 2 have access to any assessment required to qualify for the State Seal of Biliteracy at no cost.  (5) Implementation and Reporting.  (a) A school district that awards the State Seal of Biliteracy shall maintain a record of all students who have earned the seal and the assessment results used to substantiate the student’s biliteracy.  (b) Each school district shall report annually to the Department the names of all students who earned the State Seal of Biliteracy. | **Comment:** Multiple commenters recommended allowing the assessment, ACCESS for ELLs to demonstrate English language proficiency. For all students, allow grade 10 ELA MCAS, MCAS Retest, or another alternative assessment. 3, 6, 7, 8, 11,13,18, 19,21, 24, 27, 28,29, 30, 32,36, 37, 55, 43, 56, 57, 58, 59, 60, 61, 62, 63, 51, 52, 54, 33, 46, 48, 65, 66, 67, 71, 72, 73, 75, 76, 77, 78, 79, 68, 80, 81, 89, 90, 92, 95,98, 99, 102, 103, 104, 105, 10-6, 107, 108, 109, 110, 111, 112, 113, 116, 117, 122, 123, 125, 126, 127, 128, 130  **Response:** Recommendation partially accepted. The final proposed regulations retain the grade 10 ELA MCAS as a criterion for demonstrating a high level of proficiency in English, but align the minimum score used for the State Seal of Biliteracy to the score required on the grade 10 ELA MCAS for the state’s Certificate of Mastery and the Competency Determination at 603 CMR 30.03(2)(a) and (3)(a). The final proposed regulations also provide additional options for students who fail to meet the requirements for the state’s Competency Determination described in 603 CMR 30.03(2)(a) and (3)(a), and who are required to complete an Educational Proficiency Plan. Such students can demonstrate English proficiency for the purposes of earning the State Seal of Biliteracy by attaining a minimum score or level on a nationally recognized and readily available English proficiency assessment approved by the Department, which shall be comparable to the minimum scaled score on the grade 10 ELA MCAS required to satisfy the requirements of the Competency Determination under 603 CMR 30.03(2)(a) and 603 CMR 30.03(3)(a).The Department intends to include ACCESS for ELLs as one of the approved English proficiency assessments for these purposes.  **Comment:** Multiple commenters recommended the establishment of a multi-tiered award structure for the State Seal of Biliteracy. 6, 7, 8, 11,13,18, 19,21, 24, 27, 28, 29, 30, 32,33, 36, 37, 43, 46, 48, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 89, 90, 92, 94, 95, 99, 102, 104, 105, 106, 107, 108, 109, 110, 113, 116, 117, 123, 126, 127 , 128, 130  **Response:** The final proposed regulations include a requirement that the Department establish levels of distinction for the State Seal of Biliteracy in guidance.  **Comment:** Multiple commenters recommended the establishment of a Biliteracy Attainment award to be awarded at the lower grades, and a Biliteracy Participation award for students with disabilities, which would not be included on a student’s transcript. 6, 7, 8, 11,13,18, 19,21, 24, 27, 28,29, 30, 32,36, 37, 55, 43, 56, 57, 58, 59, 60, 61, 62, 63, 51, 52, 54, 33, 46, 48, 65, 66, 67, 71, 72, 73, 75, 76, 77, 78, 79, 68, 80, 81, 89, 90, 92, 94, 95, 102, 103, 105, 126, 127, 128  **Response:** No change to the proposed regulations.The proposed regulations do not prohibit school districts from issuing local citations to recognize language study and achievement.  **Comment:** Multiple commenters recommended that the regulations separate the award criteria from the award assessments, since multiple assessments can be used to demonstrate proficiency that meets criteria. 6, 7, 8, 11,13,18, 19,21, 24, 27, 28,29, 30, 32,36, 37, 55, 43, 56, 57, 58, 59, 60, 61, 62, 63, 51, 52, 54, 33, 46, 48, 65, 66, 67, 71, 72, 73, 75, 76, 77, 78, 79, 68, 80, 81, 89, 90, 92, 105, 106, 107, 108, 109, 110, 113, 117, 126, 127, 128  **Response:** Recommendation partially accepted. The final proposed regulations reference the competency determination regulations in establishing the English criteria for earning the State Seal of Biliteracy, higher education standards for awarding advanced credit and the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines in establishing the foreign language criteria. For both cases, the Department will maintain a list of assessments that students may use to demonstrate proficiency.  **Comment:** Multiple commenters recommended that the foreign language criteria for earning the State Seal of Biliteracy be based on the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines 2015. 6, 7, 8, 11,13,18, 19,21, 24, 27, 28,29, 30, 32,36, 37, 55, 43, 56, 57, 58, 59, 60, 61, 62, 63, 51, 52, 54, 33, 46, 48, 65, 66, 67, 70, 71, 72, 73, 75, 76, 77, 78, 79, 68, 80, 81, 89, 90, 92, 95, 105, 106, 107, 108, 109, 110, 113, 117, 123, 126, 127, 128  **Response:** Recommendation accepted. See response to comment above.  **Comment:** Multiple commenters recommended that the proposed regulations provide all students with the same amount of time to achieve proficiency in the new (second) language in order to ensure equal time for and equity in the opportunity to qualify for the award by allowing more than one assessment to demonstrate proficiency in both languages. 6, 7, 8, 11,13,18, 19,21, 24, 27, 28,29, 30, 32, 33, 36, 37, 43, 46, 48, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, , , 65, 66, 67, 68, 71, 72, 73, 75, 76, 77, 78, 79,, 80, 81, 89, 90, 92, 94, 95, 99, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 123, 126, 127, 128, 130  **Response:** Recommendation partially accepted. While every student’s circumstances are different, the final proposed regulations provide opportunities for all students to earn the State Seal of Biliteracy. For example, under the final proposed regulations, students who do not achieve a score of 240 on the grade 10 ELA MCAS can qualify for the State Seal of Biliteracy by taking the MCAS retest or showing English proficiency through an additional assessment, such as ACCESS for ELLs.  **Comment:** One commenter recommended allowing students graduating in 2019 and 2020 from Massachusetts school districts currently participating in the Seal of Biliteracy Pilot Project to receive the award based on the criteria established in the Pilot Project.6  **Response:** Students graduating in 2019 and 2020 that meet the criteria for the State Seal of Biliteracy will be eligible to receive it.  **Comment:** Multiple commenters recommended the addition of portfolio assessments for languages for which there is no standardized test as an allowable means for demonstrating proficiency in a foreign language for the purposes of earning the State Seal of Biliteracy. 6, 7, 8, 11,13,18, 19,21, 24, 27, 28,29, 30, 32,36, 37, 55, 43, 56, 57, 58, 59, 60, 61, 62, 63, 51, 52, 54, 33, 46, 48, 65, 66, 67, 71, 72, 73, 75, 76, 77, 78, 79, 68, 80, 81, 89, 90, 92, 104, 105.,117,123, 126 , 127, 128  **Response:** No change to the proposed regulations. The proposed regulations include a provision that will allow the Department to identify an alternative evidence-based method for demonstrating foreign language proficiency in languages for which there are no standardized assessments.  **Comment:** Multiple commenters recommended adding a requirement that the Department include input from the field in the development of the scores for each assessment, as well as a period of public comment and to include a period of public comment for later updates and revisions to the scores and levels. 6, 7, 8, 11,13,18, 19,21, 24, 27, 28,29, 30, 32,36, 37, 55, 43, 56, 57, 58, 59, 60, 61, 62, 63, 51, 52, 54, 33, 46, 48, 65, 66, 67, 71, 72, 73, 75, 76, 77, 78, 79, 68, 80, 81, 89, 90, 92, 105, 126, 127, 128  **Response:** No change to the proposed regulations. The proposed regulations already require the Department to publish lists of assessments and minimum scores or levels annually. The Department will consult with stakeholders in publishing and maintaining such lists.  **Comment:** Multiple commenters expressed concerns about the proposed award criteria not following national guidelines for proficiency levels for the Seal of Biliteracy.6, 7, 8, 11,13,18, 19,21, 24, 27, 28,29, 30, 32,36, 37, 55, 43, 56, 57, 58, 59, 60, 61, 62, 63, 51, 52, 54, 33, 46, 48, 65, 66, 67, 71, 72, 73, 75, 76, 77, 78, 79, 68, 80, 81, 89, 90, 92, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 113, 116, 117, 126, 127, 128, 130  **Response:** Recommendation partially accepted. The final proposed regulations are more aligned to national guidelines while also adhering to the requirements of the LOOK Act.  **Comment:** One commenter opposed the use of the grade 10 ELA MCAS score in determining eligibility for the Seal of Biliteracy and recommended that the regulations defer any such criteria to guidance that will be developed in collaboration with the appropriate organizations who participated in the Seal of Biliteracy pilot programs in Massachusetts. The commenter also suggested that any such guidance should be subject to a public comment period of at least 60 days and approved by the Board prior to publication.122  **Response:** No change to the proposed regulations. The LOOK Act specifies that “[t]he criteria shall include, but shall not be limited to attainment of a specified level of performance on: (i) the tenth grade English language arts exams of the Massachusetts Comprehensive Assessment System…” |

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| **Proposed Amendments to 603 CMR 44.00** | |
| **Proposed 603 CMR 44.02** | **Summary of Comments and Responses** |
| **44.02: Definitions**  **. . .**  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.  **. . .** | **Comment:** One commenter recommended the use of the phrase "world language" rather than "foreign language" in reference to language programs and "language development" instead of "language acquisition. 109  **Response:** No change to the proposed regulations. The term “foreign language” is defined in LOOK Act. Furthermore, the phrase “language acquisition” is also used in the LOOK Act.  **Note:** The Department has clarified the definition of bilingual education by referring to the statutory definitions included in M.G.L. c. 71A, § 2, which reference English learners. |
| **Proposed 603 CMR 44.06** | **Summary of Comments and Responses** |
| **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, English as a Second Language, or Bilingual Education.  **. . .** | **Comment:** Two commenters opposed having additional PD requirements. 8, 17,  **Response:** No change to the proposed regulations.The completion of PDPs for the renewal of educators’ licenses is an existing requirement in the current regulations.  **Comment:** One commenter recommended the elimination of the regulatory requirement for preapproval of Individual Professional Development Plans (IPDP), because there is no mechanism in place to monitor or enforce the provisions of this regulation and no statutory requirement for the preapproval or development of individual goals for professional learning.122  **Response:** No change to the proposed regulations. This comment is beyond the scope of the proposed regulatory changes.    **Comment:** One commenter recommended that the Department work with vocational technical schools to create and offer the relevant professional development activities.64  **Response:** No change to the proposed regulations. The Department will consider this recommendation to expand the available professional development opportunities. |
| **Other** |  |
|  | **Comment:** Two commenters expressed concerns about the use of the term “English learner,” suggesting it would be better to adopt the term “emergent bilingual.” These commenters also suggested naming the specific programs (e.g., bilingual education, dual language education, transitional bilingual education) instead of using the term “alternative language programs.” 113, 114  **Response:** No change to the proposed regulations. “English learner” is the term used in federal and state laws. The Department refers to various program types throughout the regulations as appropriate. |

**Individuals and Organizations that Submitted Public Comments on the Proposed Amendments to 603 CMR 4.00; 603 CMR 7.00; 603 CMR 14.00; 603 CMR 31.00 and 603 CMR 44.00**

| **Comment Number** | **Name** | **Affiliation** | **Role** |
| --- | --- | --- | --- |
| **1** | **Fernanda Vera-Cruz** | **Fall River Public Schools** | **District Administrator** |
| **2** | **Brenda Waslick** | **Greater Lawrence Technical School** | **Teacher/ Instructional Coach** |
| **3** | **Carlos Torres** | **Lawrence Public Schools** | **Parent/Community Member** |
| **4** | **Alice Peisch** | **State House** | **State Representative and House Chair of the Joint Committee on Education** |
| **5** | **Richard Repucci** | **NVTHS** | **Teacher/ Instructional Coach** |
| **6** | **Language Opportunity Coalition** | **Language Opportunity Coalition** | **Organization** |
| **7** | **Sue Pettengill** | **Littleton Public Schools** | **Teacher / Instructional Coach** |
| **8** | **Crystal-Mae Waugh Barrios** | **Framingham Public Schools** | **Teacher/ Instructional Coach** |
| **f9** | **Cornelia Johnson** | **Wheelock College** | **Student** |
| **10** | **Annabella Schilling** | **Wheelock College** | **Student** |
| **11** | **Beckie Bray Rankin** | **\_** | **\_** |
| **12** | **Kerri** | **\_** | **Teacher/ Instructional Coach** |
| **13** | **Sara Hamerla** | **Newton Public Schools** | **District Administrator** |
| **14** | **Theresa Romkey** | **Shawsheen Valley THS** | **School Nurse** |
| **15** | **Stephanie DiCecca** | **Shawsheen Valley THS** | **Teacher/ Instructional Coach** |
| **16** | **Shannon Becker** | **Shawsheen Valley THS** | **Teacher/ Instructional Coach** |
| **17** | **Frances** | **\_** | **Teacher/ Instructional Coach** |
| **18** | **Catherine Ritz** | **Boston University** | **Higher Education Faculty Member/Administrator** |
| **19** | **Kim Talbot** | **Melrose Public Schools** | **District Administrator** |
| **20** | **Jenn** | **MTA** | **Teacher/Instructional Coach** |
| **21** | **Elly Czajkowski** | **\_** | **Teacher/Instructional Coach** |
| **22** | **Maxwell Reich** | **\_** | **Teacher/Instructional Coach; Parent/ Community Member** |
| **23** | **Gwen Cardoos** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **24** | **Sarah Davila** | **Somervile Public Schools** | **District Administrator; Higher Education Faculty Member/ Administrator; Parent/Community Member** |
| **25** | **Tom Lothian** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **26** | **Raymond Morneau** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **27** | **Jennifer Hunter** | **Brockton Public Schools** | **Teacher/Instructional Coach** |
| **28** | **Jaimie A Dobson** | **Framingham Public Schools** | **Teacher/Instructional Coach** |
| **29** | **Kellie Jones** | **Brockton Public Schools** | **District administrator** |
| **30** | **Eunji Cho** | **Brockton Public Schools** | **Teacher/Instructional Coach** |
| **31** | **Agnes** | **Boston Public Schools** | **Teacher/Instructional Coach/Parent/Community Member** |
| **32** | **Elizabeth Albritton** | **-** | **Teacher/Instructional Coach** |
| **33** | **Vula K Roumis** | **Brockton Public Schools** | **District Administrator** |
| **34** | **John Bagni** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **35** | **Michael Azevedo** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **36** | **Kathleen Gravlin** | **Shawsheen Valley THS** | **Other - Write In**  **(Nurse)** |
| **37** | **Kelly Ann Cooney** | **Nantucket Public Schools** | **District Administrator** |
| **38** | **Donna Young** | **Shawsheen Valley THS** | **Other - Write In**  **IEP TEAM Chairperson** |
| **39** | **Amanda LaValley** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **40** | **Wendy Siegal-Botti** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **41** | **Karen Massahos** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **42** | **Thomas Struthers** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **43** | **Ivelisse Mckinstry** | **WSS** | **Teacher/Instructional Coach** |
| **44** | **Maria Banco** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **45** | **Kevin Buckley** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **46** | **Samantha** |  | **Teacher/Instructional Coach** |
| **47** | **Jessica Trewhella** | **Nantucket Public Schools** | **Teacher/Instructional Coach** |
| **48** | **Johanna Spring** | **Nantucket High School** | **Teacher/Instructional Coach** |
| **49** | **Ernestina M Fournier** | **Nantucket Public Schools** | **Teacher/Instructional Coach** |
| **50** | **Kathryn Norton** | **Nantucket Public Schools** | **Teacher/Instructional Coach** |
| **51** | **Anna Lugo on behalf of Holyoke Parents and Community (during LOOK Parent Meeting** | **Holyoke Public Schools** | **District Administrator** |
| **52** | **Marisol Sinclair** | **Brockton Public Schools** | **Teacher/Instructional Coach** |
| **53** | **Melissa Vergne** | **Brockton Public Schools** | **Teacher/Instructional Coach** |
| **54** | **Susan Guidaboni** | **\_** | **Teacher/Instructional Coach** |
| **55** | **Erica Pollard** | **\_** | **District Administrator** |
| **56** | **Jennifer Gerlach** | **Brockton Public Schools** | **Teacher/Instructional Coach** |
| **57** | **Leticia Roseman** | **Brockton Public Schools** | **Teacher/Instructional Coach** |
| **58** | **Kathryn Redden** | **Brockton Public Schools** | **Teacher/Instructional Coach** |
| **59** | **Ruth Sanchez** | **George School** | **Teacher/Instructional Coach** |
| **60** | **Miriam Almeida** | **Brockton Public Schools** | **Bilingual Community Facilitator** |
| **61** | **Kelli McLoughlin** | **Easton Public Schools** | **Teacher/Instructional Coach** |
| **62** | **Thomas Shea** | **Brockton Public Schools** | **Teacher/Instructional Coach** |
| **63** | **Miren Mendiguren** | **Brockton Public Schools** | **Teacher/Instructional Coach** |
| **64** | **Daniel Murphy on behalf of AFT** | **AFT** | **AFT** |
| **65** | **Joseph Santiago-Silvestri** | **Framingham Public Schools** | **Teacher/Instructional Coach** |
| **66** | **Abigail Williamson** | **Salem Public Schools** | **Teacher/Instructional Coach** |
| **67** | **Sarah Silva** | **\_** | **\_** |
| **68** | **Ronie R Webster** | **Monson High School** | **Teacher/Instructional Coach** |
| **69** | **Jp borriello** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **70** | **Katherine Lopez Natale** | **\_** | **Educational Consultant with DESE** |
| **71** | **Rebecca Blouwolff** | **\_** | **Teacher/Instructional Coach/Parent/Community Member** |
| **72** | **Lisa Whittington** | **Brockton Public Schools** | **Teacher/Instructional Coach** |
| **73** | **Agnes Perez** | **Brockton Public Schools** | **Teacher/Instructional Coach** |
| **74** | **Michael Hurley** | **\_** | **Teacher/Instructional Coach** |
| **75** | **Dr. Nicole Sherf** | **Massachusetts Foreign Language Association (MaFLA), Language Opportunity Coalition (LOC) and Salem State University** | **Board member of various language association boards, representing teachers of all languages in P-20 across the state** |
| **76** | **Kim Dadah** | **Northbridge Public Schools** | **Teacher/Instructional Coach** |
| **77** | **Meg Burns** | **Multistate Association for Bilingual Education, Northeast (MABE)** | **President, MABE** |
| **78** | **Timothy Eagan** | **MaFLA** | **Teacher/Instructional Coach/District Administrator** |
| **79** | **Larry Webster** | **\_** | **Parent / Community Member** |
| **80** | **Jill Davan** | **Framingham Public Schools** | **Teacher/Instructional Coach** |
| **81** | **Dan Bouvier** | **Spanish Language Teacher** | **Teacher/Instructional Coach** |
| **82** | **Dr. Bruno Hicks** | **Fitchburg State University** | **Dean of Education** |
| **83** | **Dr. Alberto Cardelle** | **Fitchburg State University** | **Provost** |
| **84** | **Dr. James Alicata** | **Fitchburg State University** | **Chair of Vocational Education Programs** |
| **85** | **Dr. Becky Copper-Glenz** | **Fitchburg State University** | **Dean of Graduate and Continuing Education** |
| **86** | **Dr. Cheryl Stanley** | **Westfield State University** | **Dean of Education** |
| **87** | **Mr. Don Jarvis** | **Westfield State University** | **Director of Occupational Education** |
| **88** | **Mr. Robert Packard** | **Massachusetts Association of Vocational Administrators** | **Extended Campus Coordinator** |
| **89** | **Christine Martin** | **SBRSD** | **Teacher/Instructional Coach** |
| **90** | **Rebecca Westlake** | **Salem Public Schools** | **District Administrator** |
| **91** | **Melissa Moran** | **\_** | **\_** |
| **92** | **Kristen Leathers** | **Boston Public Schools** | **SEI Academy Leader** |
| **93** | **Melissa Moran** | **-** | **-** |
| **94** | **Ann Feldman** | **MATSOL** | **Director of Professional Learning** |
| **95** | **Robert A. Tremblay** | **Framingham Public Schools** | **Superintendent** |
| **96** | **Rene Gagnon** | **Fall River Public Schools** | **Teacher/Instructional Coach** |
| **97** | **Michelle Gaudencio** | **Diman Regional High School** | **Teacher/Instructional Coach** |
| **98** | **Carlos Cameron** | **Lawrence Public Schools** | **Teacher/Instructional Coach** |
| **99** | **Jean Witt** | **Nantucket Public Schools** | **District Administrator** |
| **100** | **Tina Collins** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **101** | **Tanya Baron** | **Shawsheen Valley THS** | **Teacher/Instructional Coach** |
| **102** | **Hilda Ramirez** | **Worcester State University Latino Education Institute** | **Higher Education Faculty Member / Administrator** |
| **103** | **Leah Palmer** | **Martha's Vineyard Public Schools** | **District Administrator** |
| **104** | **Jamie** | **\_** | **Teacher / Instructional Coach/District Administrator** |
| **105** | **Dr. Edward Zarrow** | **MaFLA / NCSSFL** | **Teacher/Instructional Coach** |
| **106** | **Susan MacDonald** | **Wilmington Public Schools** | **Teacher/Instructional Coach** |
| **107** | **Molly Ross** | **\_** | **Teacher/Instructional Coach** |
| **108** | **Elizabeth Gordon** | **\_** | **Teacher/Instructional Coach** |
| **109** | **Michael Gary** | **\_** | **District Administrator** |
| **110** | **Natalya Betzig** | **Boston Public Schools** | **Teacher/Instructional Coach** |
| **111** | **Theresa Garcia de Quevedo** | **Boston Public Schools** | **Teacher/Instructional Coach** |
| **112** | **Yasuko Kanno** | **Boston University** | **Higher Education Faculty Member / Administrator** |
| **113** | **Beth S** | **Westborough Public Schools** | **Teacher/Instructional Coach** |
| **114** | **Christine Leider** | **Boston University** | **Higher Education Faculty Member / Administrator** |
| **115** | **Olivia McKellar** | **Boston University** | **Student** |
| **116** | **Katie Richardson** |  | **Teacher / instructional Coach/District Administrator** |
| **117** | **Clare Murphy** | **Belmont Public Schools** | **Teacher/Instructional Coach** |
| **118** | **Carissa Schutz** | **Framingham High School** | **Teacher/Instructional Coach** |
| **119** | **Deborah Smith** | **\_** | **Teacher / Instructional Coach/ Parent / Community Member** |
| **120** | **Gayle P. Malloy** | **Boston Public Schools** | **Teacher/Instructional Coach** |
| **121** | **Meg Burns** | **Multistate Association for Bilingual Education, Northeast (MABE)** | **President MABE** |
| **122** | **Massachusetts Teacher Association** | **Massachusetts Teacher Association** | **Massachusetts Teacher Association** |
| **123** | **Christine Luczkow** | **Dover-Sherborn** | **Teacher/Instructional Coach** |
| **124** | **Jennifer Fitzgerald** | **SEEM Collaborative** | **District Administrator** |
| **125** | **Victoria Beatriz Ekk** | **North Attleborough Public Schools** | **District Administrator** |
| **126** | **Marion Mako** | **North Andover Public Schools** | **District Administrator** |
| **127** | **Tanya Bogaty** | **Framingham Public Schools** | **Teacher/Instructional Coach** |
| **128** | **Charissa Ahlstrom** | **\_** | **Teacher/Instructional Coach** |
| **129** | **Massachusetts Advocates for Children** | **Massachusetts Advocates for Children** | **\_** |
| **130** | **Karen E. Spilka** | **Second Middlesex and Norfolk District** | **State Senator** |