

PROPOSED AMENDMENTS TO 603 CMR 44.00
RECERTIFICATION REGULATIONS

- Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: **February 28, 2012**
- Period of public comment: **through April 20, 2012**
- Final action by the Board of Elementary and Secondary Education anticipated: **June 26, 2012**

603 CMR 44.00: Educator License Renewal

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44.01: Purpose and Authority

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

(2) Authority. 603 CMR 44.00 is promulgated by the Board of Elementary and Secondary Education pursuant to M.G.L. c. 71, § 38G.

44.02 Definitions

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

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Board: the Massachusetts Board of Elementary and Secondary Education.

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

Content Area: the academic discipline or subject matter knowledge of a certificate.

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Department: the Massachusetts Department of Elementary and Secondary Education.

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

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

Inactive License: a license that is not renewed within five years of its issuance or most recent renewal, whichever is later. A license that is not renewed is deemed inactive for up to five consecutive years.

Individual Professional Development Plan: a five year plan developed by an educator that outlines the professional development activities for the renewal of the educator's license(s).

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

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

Low-Performing Mathematics Program: Any mathematics program in a Massachusetts public middle or high school which has been identified as low-performing according to the criteria and process found in the Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.05.

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

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

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

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

44.03 General Provisions

- (1) Except as provided in 603 CMR 44.07, each license shall be valid for five years, and may be renewed for successive five - year terms upon the successful completion of the requisite number of PDPs as set forth in 603 CMR 44.05 (1) and 44.06(1) within a particular five year active period, based on a professional development plan that is designed to improve teaching and student learning and that is approved, if required, by the educator's supervisor.
- (2) Professional development points may be earned in the following ways:
 - (a) PDPs may be awarded by registered providers to license holders who complete a professional development activity and demonstrate proficiency in the relevant subject area or skill through an appropriate end-of-course assessment that satisfies Department guidelines.
 - (b) PDPs may be awarded by, or under the auspices of, the Department, school districts, or educational collaboratives upon an educator's completion of a professional development activity in compliance with Department guidelines.

- (c) Educators may accrue PDPs through an educator-designed professional development activity that satisfies Department guidelines.
- (3) An educator also may choose to accrue professional development points in the following ways, as part of an individual professional development plan which receives any approvals necessary under the provisions of 603 CMR 44.04:
- (a) Achieving a passing score on a content-specific test approved by the Board will earn an educator 90 PDPs in the content area of the license.
 - (b) Achieving a passing score on a performance assessment approved by the Board will earn an educator 120 PDPs, 90 in the content area of the license and 30 in pedagogy.
 - (c) Taking the Mathematics Content Assessment will earn an educator 20 PDPs in the mathematics content area.
- (4) The Department shall develop and maintain a registry of professional development providers in order to facilitate access to information about professional development programs.
- (5) Notwithstanding 603 CMR 44.05 and 603 CMR 44.06, any core academic teacher, principal, assistant principal, or supervisor/director supervising or evaluating a core academic teacher, who fails to earn an SEI endorsement by the time designated for his or her cohort established pursuant to 603 CMR 14.07(2), will not be eligible to renew his or her license until such educator earns an SEI endorsement. Provided however, in accordance with 603 CMR 14.07(2), upon a showing of hardship, the Department may grant an educator an extension of time beyond the date designated for his or her cohort to earn an SEI endorsement.

44.04 Approval of Professional Development Plans

- (1) In accordance with G.L. c. 71, § 38G, educators working in a Massachusetts public school must obtain approval of their proposed professional development plans from their supervisors by the timelines set out in 603 CMR 44.05(2), and 44.06(2). Licensed educators working in schools other than Massachusetts public schools are encouraged to seek such approval.
- (a) Approval for proposed individual professional development plans shall be from the educator's direct supervisor or an appropriate designee. In most instances, this will mean that the plans of teachers and other educators who report to the principal will be approved by the principal, a principal's plan will be approved by the superintendent of schools, and a superintendent's plan will be approved by the chairperson of the school committee.

- (b) Approval of a plan shall be based on whether the 80% of the PDPs in the plan that are subject to supervisor approval are consistent with the educational needs of the school and/or district and whether the plan is designed to enhance the ability of the educator to improve student learning, and is based on evidence that it contributes to increased student achievement and growth. A supervisor may consider whether the plan requires an educator to earn PDPs regularly throughout the five year period when evaluating a plan.
 - (c) The supervisor and educator may determine that the same individual professional development plan will be used to satisfy both 603 CMR 44.00 (educator license renewal) and 603 CMR 35.00 (educator evaluation).
 - (d) Approval of individual professional development plans shall not be unreasonably withheld. In the event that a plan is rejected by a supervisor, teachers and other educators who report to the principal may seek review of the denial from the superintendent of schools, principals may seek review from the school committee chairperson, and superintendents may seek review from the Department. An educator may then seek additional review from the Department, according to the provisions of 603 CMR 44.10~~1~~.
- (2) A supervisor shall review each individual professional development plan at least every two years. A supervisor shall review the professional development plan of any educator new to the district or school within three months of the educator's beginning employment in the new position. A supervisor may require an educator to amend the plan or may withdraw approval for a plan that had been previously approved, provided, however, that any PDPs that were earned consistently with an approved plan shall be deemed approved in applying for license renewal. Any PDPs that are earned prior to the approval of a plan may be subject to disapproval, if in the opinion of the educator's supervisor, the PDPs are not consistent with the educational improvement goals of the school and/or district.
- (3) A supervisor's signature will indicate that the supervisor has reviewed the log of professional development activities maintained by the educator to ensure that the reported activities are consistent with the approved professional development plan. An educator whose supervisor refuses to sign a professional development plan may follow the review procedures set out in 603 CMR 44.04(1)(d) and 44.10.
- (4) Approval of professional development plans of mathematics teachers in low-performing mathematics programs shall be subject to the following additional requirements:

- (a) A supervisor shall not approve or sign the professional development plan of any mathematics teacher in a low-performing mathematics program until that educator takes the Mathematics Content Assessment. However, if no Mathematics Content Assessment is offered between the first date the educator is required to take the Mathematics Content Assessment, pursuant to the Under-Performing Schools and Districts Regulations, 603 CMR 2.05, and the last date on which the approval or signature may be granted, the supervisor may approve or sign the professional development plan of an educator who has not yet taken the Mathematics Content Assessment.
- (b) In considering whether a professional development plan is consistent with the educational needs of the school and/or district and whether the plan is designed to enhance the ability of the educator to improve student learning, pursuant to 603 CMR 44.04 (1)(b), a supervisor must determine that the professional development plan addresses weaknesses identified by the Mathematics Content Assessment.
- (c) In the event that a school's mathematics program is classified as a low-performing mathematics program after approval of the educator's professional development plan, the educator shall take the next Mathematics Content Assessment offered by the Board.
- (d) In the event that a mathematics teacher who was not previously teaching in a school with a low-performing mathematics program goes to work in school with a low-performing mathematics program, that teacher will not have to take the Mathematics Content Assessment until the school's mathematics program is classified as low-performing based on the results of an MCAS mathematics test administered while the teacher is employed at the school.
- (e) In biannual reviews conducted pursuant to 603 CMR 44.04 (2), a supervisor must withdraw approval of the professional development plan of any educator who has not taken the Mathematics Content Assessment offered by the Board, unless no Mathematics Content Assessment is offered between the time such Assessment was required of the educator, pursuant to 603 CMR 2.05 (2), and the time of the biannual review. A supervisor must also withdraw approval of any professional development plan that fails to address weaknesses identified by the Mathematics Content Assessment.

44.05 Provisions applicable to licenses renewed before July 1, 2016:

- (1) Individual professional development plans must include at least 150 PDPs. At least 120 of the PDPs must be in the content area of the license or in

pedagogy directly related to the educator's primary license, with at least 90 of these PDPs in the content area of the educator's primary license.

- (2) Educators working in Massachusetts public schools must get initial approval of their professional development plans pursuant to 603 CMR 44.04 (1) within three months of issuance of the license to be renewed. A supervisor shall approve a professional development plan in which the 120 PDPs required to be in content area or pedagogy are consistent with school and district educational improvement goals.
- (3) Educators shall obtain final approval of their plans from their supervisors, pursuant to the provisions of 603 CMR 44.04 (3).
- (4) A minimum of 10 PDPs must be earned in a topic to count the PDPs toward license renewal.
- (5) Professional development plans must include an additional 30 PDPs in the content area of any additional license to be renewed.

44.06: Provisions applicable to licenses renewed on or after July 1, 2016:

- (1) Professional development activities shall be identified by the educator and supervisor during the development of, and review of, the Individual Professional Development Plan in order to better support student achievement. Individual professional development plans must include at least 150 PDPs including:
 - (a) At least 15 PDPs related to SEI or English as a Second Language.
 - (b) At least 15 PDPs related to training in strategies for effective schooling for students with disabilities and instruction of students with diverse learning styles.
 - (c) At least 90 PDPs in the content area of the license or in pedagogy, with no less than 60 PDPs in, or related to, the content area of the educator's primary license.
- (2) Educators working in Massachusetts public schools must obtain initial approval of their professional development plans pursuant to 603 CMR 44.04 (1) within three months of issuance of the license to be renewed.
- (3) Educators shall obtain final approval of their plans from their supervisors, pursuant to the provisions of 603 CMR 44.04(3).
- (4) A minimum of 10 PDPs must be earned in a topic to count the PDPs toward license renewal.
- (5) Professional development plans must include an additional 30 PDPs in the content area of any additional license to be renewed.

44.07: Inactive and Invalid Licenses

- (1) A license that is not renewed within the five year validity period is deemed inactive for a period of five years. At the end of that time, the license is invalid, except as provided in 603 CMR 44.07(2) or (3).
- (2) An educator who is not currently employed in a position requiring licensure and who is to be employed in a position for which he or she holds an inactive license, shall have two years from the start of such employment to complete the professional development requirements for the license.
- (3) An educator who is currently employed in a position requiring licensure for which he or she holds an active license, and who is to be employed in a position for which he or she holds an inactive additional license, shall have two years from the start of such employment to complete the professional development requirements for the inactive license. The educator may renew such additional license upon the completion of 30 PDPs, provided that the educator has renewed his or her primary license.
- (4) An educator may not be employed under an inactive license, except as provided in 603 CMR 44.07(2) or (3), until he or she renews the license, unless the school district receives a waiver from the Department pursuant to 603 CMR 7.00. An educator may not be employed under an invalid license, until he or she renews the license, unless the school district receives a waiver from Department pursuant to 603 CMR 7.00.
- (5) If a license has become inactive or invalid under 603 CMR 44.07~~8~~ (1), the educator may renew a license in that area after completing the professional development requirements contained in 603 CMR 44.05(1) or 44.06, as applicable.

44.08: Application Process

- (1) All applicants for license renewal shall submit the following to the Department:
 - (a) a completed application, in the manner and form prescribed by the Department,
 - (b) the required fee,
 - (d) proof of sound moral character,
 - (e) a statement, signed under penalties of perjury, that the candidate has successfully completed the requisite number of PDPs under a professional development plan.

- (2) Applicants who are employed by Massachusetts public schools shall submit a statement, signed under the penalties of perjury, that they have obtained their supervisor's final approval of their completed professional development plan.

44.09: Documentation and Recordkeeping

- (1) Each educator shall maintain the following materials to verify completion of license renewal requirements:
 - (a) an individual professional development plan, which has been approved by the educator's supervisor if required by 603 CMR 44.04(3), to be achieved over the five year period, that includes the educator's goals for strengthening content area knowledge and professional skills and for remaining current in other professional issues, and resulting in improvements in teaching; and
 - (b) reasonable documentation which validates the completion of an activity and the number of points accrued; and
 - (c) a record of completed license renewal activities, which at a minimum shall include the topic and type of professional activities completed, the dates of such activities, and the number of points completed.
- (2) The educator shall maintain the documentation, record log, professional development plan, and application for five years from the date of the renewal of the license. For those educators who are applying professional development points earned by completing a Department- approved SEI endorsement course of study in more than one renewal cycle, as outlined in Department guidelines, all renewal documentation must be maintained for ten years from the date of the renewal of the license.
- (3) All documentation is subject to audit by the Department and review by an educator's supervisor, and must be provided to the Department upon request.

44.10 Reconsideration

An applicant for license renewal may request that the Commissioner reconsider the Department's decision not to renew such applicant's license. An applicant may also appeal a supervisor's decision not to approve or sign a professional development plan to the Commissioner, after seeking any review available at the local school district pursuant to 603 CMR 44.04 (1) (d). The applicant shall submit a written request for reconsideration to the Commissioner within 30 days of the date that the applicant received notice that his or her application for license renewal has been denied or that the individual professional development plan was rejected at the

highest available level of local review. The decision of the Commissioner shall be final.

44.11 Failure to Satisfy Renewal Requirements

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

44.12 Hardship Waiver or Modification

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

number of PDPs but that extreme hardship has prevented the educator from doing so.

- (2) The Commissioner, in his discretion, may impose reasonable conditions upon any modification or waiver granted.
- (3) The decision of the Commissioner shall be final.

REGULATORY AUTHORITY

603 CMR 44.00: M.G.L. c. 71, §38G