**Summary of major themes in response to the public comment draft of**

**the *Regulations for Educator Licensure and Preparation Program Approval (603 CMR 7.00)***

**March 10, 2017 – May 1, 2017**

Sources:

* Online public comment survey (77 full responses and 114 partial responses)
* Additional correspondences received through email and/or a letter (34)

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| **Summary of major themes from all public comment sources** |
| **ESE Proposed Change** | **Summary of Themes in Public Comment Received** | **ESE Response** |
| **603 CMR 7.02 Definitions**  |  |  |
| The Department proposes to create a new definition for guidelines, rename the preliminary license to provisional; alters the definition for a few terms such as the temporary license while eliminating terms that are not operational any longer.  | * Support of the proposed changes to the definitions.
* Most comments (including MTA and MACTE) regarding guidelines proposed a specific 60-day public comment period.
* There was support for the name change to the Provisional license and validity period with some concern about implementation.
 | Change: The Department is proposing a minimum of a 30-day public comment period. The regulations as now proposed include a comment period greater than the 21 days required by Massachusetts law for changes to regulations. Requiring a minimum of 30 days for public comment will give ESE the flexibility to allow for a greater comment period for more substantial changes to guidelines, while issuing minor changes on a more expedited basis, but still with a comment period greater than that required by law for regulatory changes.  |
| **603 CMR 7.03: Educator Preparation Program Approval**  |  |  |
| Align program approval standards language to be consistent with language in Guidelines for Program Approval, 7.03 (2)  | * Concerns about:
* Low “n” sizes and accuracy in state data (MTA & MACTE)
* Reliance on “state-available data” (MTA)
* Use of student performance and educator effectiveness data (MTA)
* Disproportionate impact on public institutions of higher education (MTA)
 | * No Change: the proposed changes do not reflect anything different than what has been outlined in the [Guidelines for Program Approval](http://www.doe.mass.edu/edprep/guidelines.html) and implemented in program reviews since the approval of the program approval standards in June 2012.
* ESE aggregates, where possible, data across multiple years and programs to increase “n sizes”
* ESE uses multiple-measures in the review of preparation program and does not employ a formula in the review process, please see the following link for additional information about the review process: <http://www.doe.mass.edu/edprep/toolkit/>
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| Clarify and streamline preparation requirements in 7.03 (3), including the shift of program specific requirements and link directly to Guidelines  | * One proposal from MTA to include approved program-specific requirements in Guidelines
 | * Change: language has been modified to move the current program-specific requirements to Guidelines.
* ESE will engage stakeholders in the future to look at the current program-specific requirements.
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| **603 CMR 7.04: Types of Licenses; Requirement for Licensure, Licenses Issued, and Requirement for Field-Based Experience**  |  |  |
| Streamline provisional licensure requirements in 7.04 (2) (a) removing the seminar and course requirements | * Support from MACTE and other respondents on the removal of seminars and courses specified for the provisional license.
* MTA opposes this streamlining because of the potential impact on the children served by educators with these licenses (Early childhood, elementary, and the special education licenses)
 | * No Change: ESE believes that by completing all the other outcome requirements for earning the provisional license for these license areas, the children will be well served by these educators
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| Condense multiple and repeated references to completing approved programs into one option and move descriptions of the differences among various types of programs to guidelines, 7.04(2)(c) | * Support of these changes
* Some concern/confusion was raised by MTA and AFT and other respondents re: a perceived lowering of standards for professional license
* MTA suggested language to further streamline the language by combining 7.04 (2) (c) 2. and 4.
 | * Change: ESE has further streamlined the language in 7.04 (2) (c) by combining 2. and 4.
* The standards and expectations for the professional license are not being lowered, just organized differently to reduce redundancy
* Change: ESE combined these two requirements
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| Combine and eliminate license grade levels to align to the structure for other licenses, provide more flexibility in hiring, and align to structure of new Curriculum Frameworks, 7.04(3)(a) | * MTA commented with concerns with the condensing of grade levels for the science, English, History/Social Science licenses. They noted that the needs of the students across grade levels are very different and that ESE should require coursework in child growth and development and pedagogical practices at both the middle- and secondary- levels.
 | * No Change: ESE believes that the new grade levels support the implementation of the newly adopted English and Science frameworks and that the requirements outlined in the [Guidelines for the Professional Standards for Teachers](http://www.doe.mass.edu/edprep/guidelines.html) ensure that teacher candidates receive coursework and field-based experiences that will support them in meeting the needs of all students
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|  | * MTA proposed streamlined language re: the practicum hours, 7.04 (4)
 | * No change: the language in the regulations outlined in 7.04 (4) will remain as the hours differ according to the license type.
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| Creation of a new Digital Learning and Computer Science (DLCS) license and shift for the Instructional Technology (IT) teacher license to specialist teacher license 7.04 (3)(a) and (b) | * Revise the IT subject matter knowledge requirements
* Change name of the 5-12 Digital Literacy and Computer Science teacher License to Computer Science
* Respondent commented to not advance the new DLCS license
* Instructional Technology should remain an Initial Teacher license. If the proposed change to Specialist Teacher is approved, only require 1 year of teaching (like the Reading Specialist).
* Continue Instructional Technology License (PK-12) aligned to the Digital Learning and Computer Science Framework (June 2016)
* Adopt a Computer Science Specialization within the Instructional Technology License (ITS)
* AFT commented with support for the change to a specialist teacher license if there is confirmation that individuals who possess the current IT teacher license will continue to be able to be employed in IT coaching and instructional support roles
 | * The subject matter knowledge requirements for the ITS Specialist License, based on the DLCS Framework, will be revised and include a greater emphasis on coaching than the existing ITS Teacher License.
* As required subject matter knowledge for this license is based on the DLCS framework, the title “DLCS Teacher License” is appropriate.
* ESE is going to keep the license
* Change: Update the prerequisite experience for the ITS specialist license to align with the Reading Specialist license
* Subject matter knowledge requirements for the ITS Specialist License will be aligned to the digital literacy standards for K-12 and computer science standards for K-5 as articulated in the DLCS Framework. Subject matter knowledge requirements for digital literacy and computer science in grades 5-12 will be required for the DLCS Teacher License.
* Draft subject matter knowledge requirements for the 5-12 DLCS Teacher License are posted here, <http://www.doe.mass.edu/stem/dlcs/> for review and will be out for public comment in June. A panel has been formed to develop pathway(s) to the license. The license will be aligned to the digital literacy and computer science standards for grades 5-12 as articulated in the DLCS Framework.
* ESE supports allowing individuals with the IT teacher license to continue to be employed in IT coaching and instructional support roles.
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| **603 CMR 7.05: Routes to an Initial Teacher License and Specialist Teacher License**  |  |  |
| Consolidates existing Massachusetts state approved program routes into one route and indicates that guidelines will outline the various types of approved programs.  | * There was general support for the collapse of the five routes down to three including MACTE, BSU, MTA and AFT. Several comments indicated that all routes to the Initial license, including the Performance Review Program for Initial Licensure(PRPIL), should be held to the same standards. In addition, several suggestions were received to update language and/or correct a reference to regulatory citation.
 | * Change: ESE corrected the references to regulatory citations and updated some of the language to clarify for a license via “route two: PRPIL.”
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| **603 CMR 7.06: Subject Matter Knowledge Requirements**  |  |  |
| Move the detailed subject matter knowledge (SMK) requirements out of the regulations and into guidelines so that when Curriculum Frameworks are updated, then the licensure requirements, requirements for preparation programs, and MTEL exams can be updated seamlessly.  | * Majority of public (one disagreement comment) comment supports the shift of SMK requirements to Guidelines
* The SMKs for the Teacher of the Deaf and Hard of Hearing (DHoH) license are confusing given the designations for this license (ASL and Oral/Aural).
* MAC commented: that in some instances, there are statutory requirements to include SMK requirements (specifically, Chapter 29 of the Acts of 2010), that language should be added around the expectations that Guidelines will be released for public comment, and shared concerns about the possible elimination of the use of adaptive/assistive technology devices included in the SMK requirements for the IT license.
 | * No Change: keep language re: shift to Guidelines
* ESE has convened working groups for several license areas that have updated MA Curriculum Frameworks and expects to release draft Guidelines for public comment in July 2017.
* ESE will include draft SMKs in the Guidelines in July that will include distinct SMKs for each of the license designations for the DHoH license.
* ESE has updated section 7.03 (3) to include expectations for programs to include instruction on the appropriate use of augmentative and alternative communication and other assistive technologies for moderate and severe disabilities license areas.
* ESE is committed to a period of public comment for the SMK Guidelines and the updated definition for “Guidelines” includes a minimum 30-day public comment period.
* ESE will consider the recommendation for including the use of adaptive/assistive technology devices as the updated SMK’s for the IT specialist license are developed, further there will be an opportunity to provide public comment.
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| **603 CMR 7.07: Specialist Teacher Licenses**  |  |  |
| Move the instructional technology license from a teacher license to a specialist teacher license. This shift supports the role of an instructional technology specialist which is to improve student and educator access to high-quality new learning models that are supported by technology  | * See comments in 7.04
 | * See above in 7.04
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| **603 CMR 7.09: Licenses and Routes for Administrators** |  |  |
| Changes the name of Preliminary Superintendent/Assistant Superintendent to Provisional; changes the requirements for Supervisor/Director [Core] licenses by requiring experience under an initial or professional license rather than graduate credits in the core area; requires the Performance Assessment for Leaders (PAL) for out-of-state Principal/Assistant Principals with less than a year of experience and creates a dedicated path for out-of-state administrators rather than referring them to the teacher “reciprocity” path.  | * There was overall agreement regarding the change to Supervisor/Director and some opposition to permitting out-of-state administrators the ability to get licensed without completing PAL. In addition, ESE received additional proposals from the MTA such as removing “assistant” in the names of the licenses, requiring out-of-state programs to be at the master’s or higher level and requiring a minimum of 10 years of experience teaching or school-based employment in order to be licensed as an administrator.
 | * Change: ESE updated the language for a Supervisor/Director license to permit someone that has an Initial license and all or some experience under a Preliminary license to satisfy the experience requirement. In addition, ESE staff recognized the need to update the language for aspiring out of state administrators to be aligned to the language for teachers by eliminating the experience component.
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|  | * Several proposals for an educational technology administrator license. Most were in favor of the Department developing such a license, some were opposed.
 | * No Change: ESE had not proposed to develop a new administrator license in the area of educational technology. The Department can explore this topic for potential future recommendations and in the meantime, anyone with an Instructional Technology license could pursue the Supervisor/Director [Non-Core] license.
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| **603 CMR 7.11: Professional Support Personnel Licenses**  |  |  |
| Change the name of Guidance Counselor license to School Counselor in support of the role that a school counselor plays in a district and aligns to the national model  | * Support of the name change
 | * No change: keep the proposed name change to: School Counselor
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| **603 CMR 7.14: Endorsements**  |  |  |
| Clarifies that an endorsement is not a license; expands the prerequisite eligibility for the Autism Endorsement to any licensed teacher with at least three credits of special education coursework; moves Academically Advanced from a specialist teacher license to an endorsement.  | * The Department received some comments that questions why the subject matter knowledge requirements are being moved to guidelines in all sections but for endorsements. There was both support and opposition to permitting all educators with at least three credits in special education the ability to pursue an Autism Endorsement. The MTA questioned the legal authority to expand the eligibility to earn the Autism Endorsement to all licensed teachers. There was support for moving Academically Advanced into the endorsement category and suggestions to update the requirements from the current requirements as a specialist license.
 | * Change: ESE clarified that in addition to needing three credits in special education, you must be a licensed teacher in order to be eligible to earn the Autism Endorsement.
* The Department also accepted some of the proposed revisions to Academically Advanced to align the requirement for an endorsement as opposed to a license.
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|  | * MATSOL and other respondents commented on adding a new Dual Language Educator license/endorsement
 | * ESE will consider this addition in future regulatory changes, following additional engagement with stakeholder.
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| **603 CMR 7.15: General Provisions**  |  |  |
| Updates language to reflect changes in previous sections of the regulations, changes the name of an Initial Renewal to an Initial Extension, outlines the requirements to be employed as a Supervisor of Attendance due to rescinding 603 CMR 13.00 and updates the requirements to add a Supervisor/Director license.  | * There was support for the change in terminology to an Initial Extension and of the two written comments received related to the Supervisor of Attendance, the opinions were mixed. The Department also received comments from the MTA to move the “add license” portions of 7.15 to the appropriate teacher and administrator sections.
 | * Change: ESE modified the regulatory citation for additional Supervisor/Director to address the prerequisite license; clarified the procedure for obtaining an Initial Extension and updated the reference to that license in the implementation section; updated the term of school counselor in the requirements for Supervisor of Attendance endorsement and developed an implementation clause to streamline the process for those that are in process of satisfying the current requirements.
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| Comments on License Actions (603 CMR 7.15(8) |  |  |
| 7.15(8)(a)(1)(b)Adding “or engaged in misconduct that, in the opinion of the Commissioner, discredits the profession, brings the license into disrepute, compromises student safety or the integrity of the student-educator relationship” | * MTA, AFT, and individual respondents commented that the proposed changes should be removed for various reasons, including that they are vague and overbroad.
* ACLU commented that a portion of the proposed language is vague and raises “first amendment” concerns.
 | * Change: the proposed changes were not intended to broaden the Commissioner’s powers, but were simply intended to provide clarification to licensees. The proposed changes were removed because they raised unnecessary concerns and did not provide the intended clarification.
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| 7.15(8)(a)(1)(c)Adding the definition of the term “convicted of a crime,” which would include amongst other terms “any admission to or finding of sufficient facts” and a “continuance without a finding.”  | * AFT and MTA commented that the Board should exclude the phrase “continuance without a finding” from the definition of “convicted of a crime.”MTA also commented that the Board should exclude the phrases “finding of sufficient facts” from the definition of “convicted of a crime.”
 | * Change: the referenced proposed changes were removed and the relevant original language was restored, because the referenced proposed changes did not provide the intended clarification. The term “deferred adjudication” in the original has been consistently interpreted by the Department to include an “admission to or finding of sufficient facts” and a “continuance without a finding.”

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| 7.15(8)(a)(1)(e)Adding “failure to cooperate with or provide documents or information requested in an investigation into allegations of misconduct.”  | * MTA commented that the Board should not adopt “the changes relating to the provision of documents and information for the reasons set forth in Section II” of its May 1, 2017 letter, including that “[u]nder the proposed regulations, an educator who receives an inquiry from DESE could face the temporary or permanent loss of licensure” by not complying with the Department’s request for documents.
 | * Change: the referenced proposed changes were removed and the relevant original language was restored because the referenced proposed changes did not provide the intended clarification. Even if the proposed language had been adopted, educators would not have experienced “temporary or permanent loss of licensure” without being afforded full due process rights, including the right to a hearing.
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| 7.15(8)(b)(prior)Removing the investigatory subpoena provision. | * MTA commented that the investigatory subpoena provision should remain in the regulations for the reasons set forth in Section II of its May 1, 2017 letter, including that the “elimination of the use of investigatory subpoenas violates constitutional Due Process.”
 | * No change: in all cases, educators are always afforded full due process rights to which they are entitled under the law. 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.
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| 7.15(8)(b)(proposed)Making the language more consistent with the remainder of the regulations by referencing discipline instead of specifically listing revoked, suspended, or limited. | * MTA commented that the Board should add the following language: “[b]efore initiating any disciplinary proceedings under 603 CMR 7.15(8), the Department shall inform the license holder that the license holder has the right to be represented by counsel during such disciplinary proceedings.”
 | * Change: language was updated to require the notice of probable cause to state that a license holder may retain an attorney.
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| 7.15(8)(d)(1)(proposed)Using the phrase “reasonable period of time” instead of 60 days for scheduling a hearing. | * MTA commented that the 60 days should not be changed.
 | * Change: the referenced proposed change was removed and the relevant original language was restored.
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| 7.15(8)(d)(2)(proposed)Removing the reference to 30 days for rendering a decision. | * MTA commented that the reference to 30 days should not be changed.
* MTA commented proposing use of the following language: “Within 30 days of the date the hearing concludes, the presiding officer shall issue a tentative or recommended decision that includes the type of discipline to be imposed, if any. If the Commissioner fails to issue a final written decision within 180 days of the issuance of the tentative or recommended decision, as required by 801 CMR 1.01(11)(c)(3), the presiding officer’s tentative or recommended decision shall become final. The decision shall comply in all other respects with the requirements of M.G.L. c. 30A, §11 and 801 CMR 1.00: *Adjudicatory Rules of Practice and Procedure.*”
 | * Change: the proposed change was removed and the original language was restored.

No change: the original language already references M.G.L. c. 30A, §11 and 801 CMR 1.00: *Adjudicatory Rules of Practice and Procedure*, and is consistent with the practice of other licensing agencies. |
| 7.15(8)(f)(2)(proposed)Explaining that a person requesting reinstatement of his license “shall direct the request in writing to the Commissioner. The Commissioner, in his discretion, may choose to forward the request to the Board.” | * MTA commented that the Board should not adopt the proposed change because it “instills the Commissioner as gatekeeper to the Board.”
 | * Change: proposed language was removed.
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| 7.15(8)(g)(proposed)Making clear that “[u]pon request, administrators shall provide the Department with all relevant information and documents requested in connection with an investigation” and that failure to do so may result in license action. | * MTA commented that the Board should not adopt the changes relating to the provision of documents and information in the proposed regulation for the reasons set forth in Section II of its May 1, 2017 letter, including that the “elimination of the use of investigatory subpoenas violates constitutional Due Process.”
 | * No change: the proposed language is not in violation of due process rights. Educators are always afforded full due process rights to which they are entitled under the law. Under the Commissioner’s legal authority as the chief school officer and licensing authority, school districts are required to provide to the Department documents and information relevant to investigations of educator misconduct, without the Commissioner issuing an investigatory subpoena. The proposed language aligns the regulations with the Department’s decades-long practice of obtaining relevant information and documents from school districts in educator misconduct investigations, without the issuance of a subpoena.
* The proposed amendments make clear that any personnel information provided to ESE by an administrator will be protected from public disclosure (603 CMR 7.15(8)(i)(proposed)).
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| 7.15(8)(h)(proposed)Specifying that “convicted of a crime” includes a “continuance without a finding.”Specifying that applicants and license holders should “update the sworn affidavit submitted in support of licensure or relicensure within ten days of any changes.”  | * MTA commented that the phrase “continuance without a finding” should not be referenced. AFT commented that “a continuance without a finding is arguably relevant information,” but “should not be included in the definition of a criminal conviction.”
* MTA commented that the phrases “admission to, or finding of, sufficient facts” should be removed.
* MTA commented that the Board should remove the proposed language requiring updating of the affidavit. In the alternative, MTA proposed including language that discipline for failure to update the affidavit shall not occur “unless the Commissioner determines that the license holder’s failure to update the sworn affidavit was intentional.”
 | * Change: reference to a “continuance without a finding” was removed because it did not provide the intended clarification. This does not change licensees’ notification obligations.
* No change: to the original language because it is important for the Department to know if an educator made an “admission to,” or if there has been a “finding of, sufficient facts” to warrant a finding of guilty so that the Department can investigate the underlying facts, if needed.
* Change: proposed changes specifying that applicants and license holders should update the sworn affidavit within ten days were removed because they did not provide the intended clarification. This does not change licensees’ notification obligations.
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| 7.15(8)(i)(proposed) Adding that any personnel information provided by an administrator pursuant to 603 CMR 7.15(8)(g) shall be considered personnel information within the meaning of M.G.L. c. 4, § 7(26)(c). | * MTA commented requesting that the citation to M.G.L. c. 4, § 7(26)(c) is changed to M.G.L. c. 4, § 7, clause Twenty-Sixth (c).
 | * Change: was made.
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ACLU = American Civil Liberties Union of Massachusetts

AFT = American Federation of Teachers, MA

MTA = Massachusetts Teachers Association

MACTE = Massachusetts Association of Colleges for Teacher Education

MAC = Massachusetts Advocates for Children

MATSOL = Massachusetts Educators of English Language Learners

Respondent = comment by an individual