

**PROPOSED AMENDMENTS TO REGULATIONS FOR VOCATIONAL
TECHNICAL EDUCATION
603 CMR 4.00**

- Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: **November 25, 2014**
- Period of public comment: **through January 16, 2015**
- Final action by the Board of Elementary and Secondary Education anticipated: **February 24, 2015**

For the complete text of the current Vocational Technical Education Regulations, 603, CMR 4.00, see <http://www.doe.mass.edu/lawsregs/603cmr4.html>

603 CMR 4.00: Vocational Technical Education

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4.02: Definitions

District of residence: The school district of the city or town where a student resides.

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Non-resident student: A student who has been, or seeks to be, admitted to a Chapter 74-approved program outside of her/his district of residence.

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Receiving school: The school in which a nonresident seeks to enroll or enrolls.

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4.03: Program Approval Criteria

Each school district requesting full approval of a vocational technical education program shall demonstrate that the program meets the following approval criteria:

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(6) Admission of Students

(a) Each vocational technical school and comprehensive school which is selective in terms of admission to its secondary vocational technical programs shall develop and implement an admission policy that is consistent with the Department's "*Guidelines for Admission Policies of Vocational Technical Secondary Schools and Comprehensive Secondary Schools*" that are incorporated into 603 CMR 4.00 by reference. The policy must be approved by the Department prior to implementation. The policy shall be published in the Program of Studies and a copy shall be provided to each student applicant and their parent/guardian. The policy must include the following:

1. The criteria to be used in selecting students and the process for application and admission to the school. Each selective vocational technical secondary school in Massachusetts shall use a combination of selection criteria to determine which applicants have an ability to benefit, and therefore be admitted to the school unless the school opts to use first come-first served or a lottery for admissions. The criteria used shall include academic grades, attendance record, discipline/conduct record, recommendations from the sending-school guidance counselor and may include a student interview, provided however, that no one criterion exceeds 50% of the total. Resident students who meet the minimum requirements for admission shall be admitted prior to acceptance of any non-resident students seeking the same course of study. Schools shall condition admission on a student having been promoted to the grade that they have been admitted to enter. Schools may condition admission on a student having passed courses in English Language Arts or its equivalent and mathematics for the school year immediately preceding their enrollment in a selective vocational technical school or program;
2. A description of the Exploratory Program;
3. The criteria and process to be used in selecting students for admission to particular vocational technical education programs commonly referred to as vocational technical majors within the selective vocational technical secondary school or comprehensive secondary school; and
4. A Review Process and an Appeal Process. A process at the school district level for students and parents/guardians to review and appeal the decision to deny the student admission to the school or program shall be included. The district shall maintain documentation as to the specific admission requirements that were not

met, and must provide such documentation to the Department or to the student's parent/guardian upon request.

(b) Non-resident students. Students who reside in cities and towns not maintaining approved vocational technical education programs in the vocational technical program area sought by the student may apply for admission to a school of another city, town or district offering the desired instruction as set forth in M.G.L. c. 74, § 7.

1. Students who reside in cities and towns that do not maintain an exploratory program may apply for admission to a school of another city, town or district offering an exploratory program. Ninth grade students who reside in cities and towns that offer an approved exploratory program shall attend the exploratory program provided by the district of residence.
2. Non-resident students shall submit an application of admission to the receiving school no later than March 15 of the preceding school year and shall be subject to the admissions criteria of the receiving school. A non-resident student must submit a copy of the application to the district of residence no later than April 1 of the preceding school year. Upon receipt of the application, the superintendent in the district of residence must either approve or disapprove the application and submit it to the receiving school and the non-resident student's parent/guardian within 10 school days of receipt. If the application is disapproved, the reason for disapproval must be clearly stated. The non-resident student's parent or guardian may request that the Department review the disapproval. The request for a review and any supporting documentation shall be submitted in writing to the Department no later than May 1. The decision of the Commissioner shall be final. In making his decision, the Commissioner shall take into consideration the following:
 - a. The availability of a comparable program that is closer in proximity to the non-resident student's residence.
 - b. Whether the cost of providing transportation to the non-resident student would exceed the resident district's prior-year average non-resident transportation cost.
3. Once a non-resident student has been accepted to a receiving school for an approved vocational technical program and has been approved by the district of residence or the Department, the city or town of residence shall pay tuition to the receiving school at the rate established by the Department. The receiving school shall notify a non-resident student in writing that admission is program specific and that a change in program by a non-resident student will require the submission of a new application of admission. The non-resident student is entitled to the same rights and privileges of students who reside in the receiving school district. The non-resident student has the right to remain in the receiving school until completion of his/her secondary program. If the non-resident student requires additional time to complete the program and a resident student would have been offered the right to continue until completion at the expense of member districts, the city or town of residence must continue to pay tuition for the additional time. If a non-resident student leaves the program but returns within one year, the student shall be entitled to be

reinstated if that privilege would have been extended to a resident student. Schools must pro-rate the tuition if the student attends for less than a full year.

4. In instances where there is no tuition agreement in place between sending and receiving districts, the commissioner shall establish tuitions rates for the purposes of M.G.L. c.74, S.7C. In calculating and establishing said tuition rates the commissioner:
 - a. Shall base the calculation on actual expenditures made by the receiving district during the most recent fiscal year for which such expenditures are available to the Department, adjusted for inflation in any subsequent year prior to the year of enrollment for which the tuition is to be paid. Said inflation adjustment shall be made in a manner consistent with calculations of inflation for foundation budgets pursuant to M.G.L. c.70.
 - b. Shall establish a maximum tuition cap based on a percentage of the per pupil foundation budget rate for vocational technical students. Beginning in fiscal year 2017 the established cap shall not exceed 125% of the per pupil foundation rate.
 - c. May, in instances where the receiving district has been authorized to operate a facility that serves a high percentage of non-resident students, establish a capital construction and renovation increment to be added to the tuitions paid on behalf of non-resident students attending the school. In calculating any such increments, the Commissioner shall use the actual expenditures for this purpose, as reported by the district for the year for which the non-resident tuition was calculated, divided by the total school enrollment. Students who reside in a city or town that is a member of a district which offers at least five approved vocational technical programs shall not be required to pay more than 75% of the calculated per pupil amount. The capital construction and renovation increment shall not be subject to the cap established in pursuant to 603 CMR 4.03 (6) 4 b.
 - d. May approve the addition of increments to tuitions for non-resident students enrolled in special education programming. Such increments must be consistent with those approved for use as part of school choice special education calculations pursuant to 603 CMR 10.00. Any special education increment to non-resident tuitions shall not be subject to the cap established pursuant to 603 CMR 4.03 (6) 4 b.

(c) Each school shall have a code of conduct which shall include standards and procedures for suspension and expulsion of students in accordance with M.G.L c. 71, § 37H. The code shall be published in the Student Handbook and a copy shall be provided to each student, parent/guardian. Expulsion for reasons not included in the code shall not be allowed.

(d) Each school with postsecondary vocational technical education programs shall develop and implement an admission policy for the postsecondary programs. The policy must be approved by the Department prior to implementation.

(e) Each school that admits postgraduate students shall develop and implement an admission policy for the postgraduate openings. The policy must be approved by the Department prior to implementation.

(f) In order to provide students and their parents with information on the availability of vocational technical education, a school shall release the names and addresses of grade 8 students to authorized school personnel of a regional vocational school district if the city or town in which the school is located is a member of the regional vocational school district; provided that the school shall give public notice that it releases this information and allows parents and eligible students, as defined by 603 CMR 23.02, a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent.

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(9) Provisional Approval

A school district may request provisional approval of a vocational technical education program.

(a) A school district requesting approval of a vocational technical education program due to new building projects such as new facilities or expansion of existing facilities shall demonstrate that the program meets the following criteria:

1. Provide a need statement to the Department that provides clear evidence of secondary student and labor market demand for the program(s).

a. For a new building or expansion project the Department will review the information and provide the school district and the Massachusetts School Building Authority an opinion on the feasibility of the proposed new building project or expansion.

b. A town that belongs to a regional vocational district may not offer an approved vocational technical program in its municipal high school if that program is offered in the regional district, unless the Commissioner approves an exception. Thus, an exception must be requested for projects which include programs that are duplicative of programs offered in a school district's member regional vocational technical school. In making the determination, the Commissioner will consider the district's statement of need and in addition,

will seek comment on the district's request for an exception from the regional vocational school district school committee.

2. Building or expansion projects that have been completed and are awaiting full program approval from the Department may be granted provisional approval for purposes of the student data submission, if the Department is unable to complete its review prior to October 1st of the school year in which the programs will operate. Full approval will be granted upon the school districts compliance with all programs requirements under 603 CMR 4.03 (1) – (8).

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4.07: Types of Vocational Technical Teacher Licenses, Requirements for Licensure, and Licenses Issued

(1) Types

- (a) Preliminary
- (b) Professional

(2) Requirements for the Preliminary Vocational Technical Teacher License

- (a) Evidence of sound moral character.

(b) Education:

1. Candidates for the following licenses must document an associate's degree or higher degree related to the subject matter and skills they will teach:
 - a. Dental Assisting
 - b. Design & Visual Communications
 - c. Drafting
 - d. Electronics
 - e. Hospitality Management
 - f. Programming and Web Development
 - g. Information Support Services & Networking
 - h. Medical Assisting
 - i. Medical Laboratory Technology
 - j. Business Technology
 - k. Radio and Television Broadcasting
 - l. Telecommunications - Fiber Optics
 - m. Criminal Justice
 - n. Robotics & Automation Technology
2. Candidates for the following licenses must document a bachelor's degree or higher degree related to the subject matter and skills they will teach:
 - a. Animal Science
 - b. Biotechnology

- c. Early Education and Care
 - d. Engineering Technology
 - e. Environmental Science & Technology
 - f. Health Assisting
 - g. Horticulture
 - h. Marketing
 - i. Operating Room Technology
 - j. Practical Nursing (LPN)
3. All other vocational technical teacher license candidates must document a high school diploma or the equivalent.

(c) Massachusetts and/or federal government or industry issued licenses or certifications required by industry or government to work in the technical 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) Passing scores on the written and performance tests in the vocational technical subject matter and skills the candidate will teach.

(e) Passing score on the Technical Communication and Literacy Skills Test.

(f) Employment Experience: All vocational technical teacher license candidates must document recent employment experience directly related to the subject matter and skills they will teach. Recent employment experience is defined as employment experience within seven years of the date of an application for a vocational technical teacher license.

1. Candidates for a vocational technical teacher license for which a bachelor's degree is required must document a minimum of three years recent, full-time employment experience, provided however, that a master's degree related to the subject matter and skills to be taught may substitute for one of the three years of required employment experience.
2. Candidates for a vocational technical teacher license for which an associate's degree is required must document a minimum of four years recent, full-time employment experience, provided however, that a bachelor's degree related to the subject matter and skills to be taught may substitute for one of the four years of required employment experience and a master's degree related to the subject matter and skills to be taught may substitute for one of the four years of required employment experience.
3. Vocational technical teacher candidates who are required to possess a minimum of a high school diploma must document a minimum of five years of recent, full-time employment experience, provided however, that an associate's degree related to the subject matter and skills to be taught may substitute for one of the five years of employment experience and a bachelor's degree related to the subject matter and skills to be taught may substitute for two of the five years of required employment experience.
4. Actual time spent on cooperative education employment by a graduate of a vocational technical education program may be counted toward meeting a portion of the employment experience requirement.

(g) Candidates who have at least three full years of employment as a Department approved Criminal Justice vocational technical teacher will be exempt from the requirements set forth in 603 CMR 4.07(2) (d) and (f) if they apply and complete all the requirements for licensure no later than December 31, 2015.

(3) 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) 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) Vocational Technical Teacher Licenses Issued. Licenses listed under the following occupational clusters will be issued.

(a) Agriculture and Natural Resources Cluster.

1. Agricultural Mechanics
2. Animal Science
3. Environmental Science & Technology
4. Horticulture

(b) Arts and Communication Services Cluster.

1. Design & Visual Communications
2. Graphic Communications
3. Radio and Television Broadcasting

(c) Business and Consumer Services Cluster.

1. Cosmetology
2. Fashion Technology
3. Marketing
4. Business Technology

(d) Construction Cluster.

1. Building and Property Maintenance
2. Cabinetmaking
3. Carpentry
4. Electricity
5. Heating - Air Conditioning - Ventilation - Refrigeration
6. Mason and Tile Setting
7. Painting and Design Technologies
8. Plumbing
9. Sheet Metalworking
10. Construction Craft Laborer

(e) Manufacturing, Engineering & Technological Cluster

1. Biotechnology
2. Drafting
3. Electronics
4. Engineering Technology
5. Machine Tool Technology
6. Major Appliance Installation/Repairing
7. Metal Fabrication & Joining Technologies
8. Stationary Engineering
9. Telecommunications - Fiber Optics
10. Welding
11. Robotics & Automation Technology

(f) Health Services Cluster.

1. Dental Assisting
2. Health Assisting
3. Medical Assisting
4. Medical Laboratory Technology
5. Operating Room Technology
6. Practical Nursing (LPN)

(g) Hospitality and Tourism Cluster.

1. Baking

2. Culinary Arts
3. Hospitality Management

(h) Education Cluster.

1. Early Education and Care

(i) Information Technology Services Cluster.

1. Programming & Web Development
2. Information Support Services & Networking

(j) Transportation Cluster.

1. Automotive Collision Repair and Refinishing
2. Automotive Technology
3. Diesel Technology
4. Marine Service Technology
5. Power Equipment Technology

(k) Legal and Protective Services

Criminal Justice

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4.12: Professional Vocational Technical Educator License Renewal and Professional Development

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(10) Failure to Satisfy Renewal Requirements

- (a) 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.
- (b) 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 educators 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.
- (c) 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.
- (d) Hearing.

1. 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.
2. 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.
3. 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.

4.13: General Provisions Regarding Educator Licensure

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(11) Commissioner's Determination. The Commissioner, for good cause, may determine which specific requirements for licensure set forth in 603 CMR 4.07, 4.08, 4.09, 4.11, 4.12 and 4.13 (3) shall apply and/or be modified for applicants who have submitted evidence that they have either substantially met the requirements for licensure prior to a change in the regulations or that they would have met the requirements but were unable to do so because of extreme hardship. No modification of the requirements will be granted without satisfactory evidence that the applicant has made a good faith effort to complete the requirements for licensure. The Commissioner, at his discretion, may impose reasonable conditions upon any modification granted. The decision of the Commissioner shall be final.

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