*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Jeffrey C. Riley*Commissioner* |  |

# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:**  | Jeffrey C. Riley, Commissioner |
| **Date:**  | April 19, 2022 |
| **Subject:** | Proposed Amendments to Regulations on Educator Licensure, 603 CMR 7.00, on Staffing Flexibility for 2022-2023  |

In November 2020, the Board of Elementary and Secondary Education (Board) first adopted amendments to the Educator Licensure regulations (603 CMR 7.00) that provided certain staffing flexibilities for the 2020-2021 school year. In June 2021 the Board extended those flexibilities for the 2021-2022 school year. I am proposing that the Board further amend the regulations to extend those flexibilities through the 2022-2023 school year. I recommend that the Board vote on April 26, 2022 to solicit public comment on the proposed amendments.

**Background and Summary of Amendments**

During the 2020-2021 and 2021-2022 school years, the Department has supported educators and districts as they worked to best match student needs with the knowledge, skills, and abilities of educators to staff a variety of learning environments. In addition to granting emergency licenses and allowing greater latitude in granting hardship licensure waivers, the amendments to the Educator Licensure regulations that the Board originally adopted in November 2020 allowed greater staffing flexibilities in light of the COVID-19 pandemic. These additional flexibilities do not apply to certain positions requiring a Special Education, English as a Second Language, or school nurse license.

The amendments to the regulations made two changes for the 2020-2021 and 2021-2022 school years:

1. Increased the time a teacher is allowed to teach “out of field.” Previously, the regulations (603 CMR 7.15(9)(a)) allowed individuals to teach up to 20% of their time outside of their license area. The amendment to this regulation adopted in November 2020 increased this allowable time to 50%. This meant licensed educators could spend half of their time teaching out of field without needing to secure a waiver.
2. Increased the length of time an individual can be considered a temporary substitute teacher. Previously, the regulations (603 CMR 7.02) required that the district secure a waiver for individuals in teaching assignments as a substitute teacher for more than 90 school days. The amendment to the regulation adopted in November 2020 increased the permissible time to serve as a substitute teacher to the full school year for an individual who holds a bachelor’s degree.

We anticipate that districts will continue to face staffing challenges as they focus on providing needed academic and social/emotional supports to students during the 2022-2023 school year. Because superintendents have found these flexibilities helpful and we anticipate continued staffing challenges across the Commonwealth, I am recommending that these two staffing flexibilities be extended for an additional school year.

With the Board’s approval, the Department will solicit public comment on the proposed amendments. After reviewing all the comments and determining whether further changes are needed, I plan to bring the amendments back to the Board in June 2022 for final adoption.

A redlined version of the regulations is attached, along with a motion to solicit public comment on the proposed amendments.

Enclosure: 603 CMR 7.00 Strikethrough version of relevant portion of regulations showing amendments

 Motion

**Educator Licensure and Preparation Program Approval** **Regulations**

 **603 CMR 7.00**

This document shows the proposed amendments to 603 CMR 7.00 by ~~strikethrough~~ (language deleted) and underline (new language). The proposed amendments would extend certain staffing flexibilities through the 2022-2023 school year.

The full regulations can be found at: <https://www.doe.mass.edu/lawsregs/603cmr7.html>

**Presented to the Board of Elementary and Secondary Education for initial action: 4/26/22**

**Period of public comment: June 3, 2022**

**Final action by the Board of Elementary and Secondary Education anticipated: 6/28/22**

**603 CMR 7.02: Definitions**

As used in 603 CMR 7.00, the following terms shall have the following meanings:

…

**Temporary Substitute Teacher:** An educator who is employed, on a temporary basis, for less than 90 consecutive school days in the same role, to take the place of a regularly employed educator who is absent. Any educator who is employed on a temporary basis for more than 90 consecutive school days in the same role must either be licensed for the role or working under a hardship waiver. In addition, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, ~~and the Governor’s March 10, 2020 declaration of a state of emergency~~, during the 2020-2021, ~~and~~ 2021-2022, and 2022-2023 school years, an educator who holds a bachelor’s degree may be employed as a temporary substitute teacher for up to a full school year in the same role, except in a role requiring any of the following licenses: Teacher of Moderate Disabilities, Teacher of Severe Disabilities, Teacher of Deaf and Hard of Hearing (ASL/TC), Teacher of Deaf and Hard of Hearing (Oral/Aural), Teacher of Visually Impaired, Teacher of Speech, Language and Hearing Disorders, or English as a Second Language, to take the place of a regularly employed educator who is absent. Service of an employee as a temporary substitute teacher shall not be counted as service in acquiring professional teacher status or other rights under section 41 of chapter 71 of the General Laws; provided, however, that if the employee holds a license in another field or level during the time employed as a temporary substitute and obtains an emergency, temporary, initial, provisional or professional license in the appropriate field and level by June 30, 2021 and continues to serve as a teacher with the same employer under a license for two additional consecutive years, the full year of service as a temporary substitute shall be counted as service toward professional teacher status.

**603 CMR 7.15: General Provisions**

**…**

**603 CMR 7.15(9) General Provisions for Employment**.

1. **Legal Employment**. To be eligible for employment by a school district in any position covered by a license issued under 603 CMR 7.00, a person must have been granted a license by the Commissioner that is appropriate for the role. A person holding a license may be employed for a maximum of 20% of his or her time in a role or at a level for which he or she does not hold a license. In addition, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19~~, and the Governor’s March 10, 2020 declaration of a state of emergency~~, during the 2020-2021, ~~and~~ 2021-2022, and 2022-2023 school years, a person holding a license may be employed for a maximum of 50% of his or her time in a role or at a level for which the individual does not hold a license, except in a role requiring any of the following licenses: Teacher of Moderate Disabilities, Teacher of Severe Disabilities, Teacher of Deaf and Hard of Hearing (ASL/TC), Teacher of Deaf and Hard of Hearing (Oral/Aural), Teacher of Visually Impaired, Teacher of Speech, Language and Hearing Disorders, school nurse, or English as a Second Language. Assignment outside the educator’s license up to 50% of the time during the 2020-2021, ~~and~~ 2021- 2022, and 2022-2023 school years shall not prevent the 2020-2021, ~~and~~ 2021-2022, and 2022-2023 school years from being counted as service toward Professional Teacher Status.