*****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:** | June 22, 2022 |
| **Subject:** | Amendments to Regulations on Educator Licensure, 603 CMR 7.00 (Extending Staffing Flexibilities for 2022-2023) |

In April 2022, the Board of Elementary and Secondary Education (Board) voted to solicit public comment on proposed amendments to the Educator Licensure regulations (603 CMR 7.00) that would extend certain staffing flexibilities through the 2022-2023 school year. The Department received a limited number of public comments regarding the proposed changes (summarized below.) In response to public comment, I am recommending one further, minor amendment to the regulations. I recommend that the Board vote at the June 28th meeting to adopt these proposed amendments.

**Background and Summary of Amendments**

Since the 2020-2021 school year, the Department 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 flexibility in granting hardship licensure waivers, the amendments to the Educator Licensure regulations that the Board adopted in November 2020 and extended in June 2021 allowed greater staffing flexibilities for the 2020-2021 and 2021-2022 school years 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, which would be extended to the 2022-2023 school year under the proposal:

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 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 increased the permissible time to serve as a substitute teacher to the full school year for an individual who holds a bachelor’s degree.

In addition, and in response to public comment, I am proposing an additional amendment that would allow licensed teachers who serve as substitute teachers for a full year in areas outside their licenses, who obtain appropriate licenses by June 30, 2023, and who go on to serve an additional two years for the same employer, to count the time spent as a substitute teacher toward professional teacher status.

**Summary of Public Comment**

The Department received a total of 10 public comments which included feedback from educators, Boston Public Schools, and the Massachusetts Teachers Association (MTA). Of the comments received, most supported the proposal, one opposed, and several commented on aspects of licensure unrelated to the proposed amendments. The enclosed spreadsheet includes the details of the public comment.

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. Extending this regulation will provide districts with some flexibilities to handle those challenges.

At the June 28, 2022 Board meeting, Brian Devine, Director of Educator Licensure, and Assistant General Counsel Lucy Wall will be available to answer any questions you may have.

A redlined version of the regulations is attached, along with a motion to approve the proposed amendments.

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

Summary of public comment

Motion