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MEMO

TO: Directors and Owners of Private Occupational Schools Licensed by the Division of Private Occupational Schools under M.G.L. c. 112, § 263
FROM: Clinton Dick, Executive Director
DATE: January 19, 2016
RE: **Update:** Instructor and Staff Certification and Approval; School Owner Requirements; Sales Representative Requirements

Update

This memo has been updated to reflect the following changes to the instructor and staff approval process:

1. Schools are permitted to hire instructors prior to receiving DPL approval, but such instructors may not teach, have any interactions with students, or otherwise perform duties related to their job (other than being trained by the school) prior to receiving DPL approval.
2. Schools are permitted to hire staff members prior to receiving DPL approval, but such staff members may not interact with students or perform any duty related to their job (other than being trained by the school) prior to receiving DPL approval.

Original Memo

Pursuant to G.L. c. 112, s. 263(b), the Division of Professional Licensure (DPL) is required to approve school instructors and staff. DPL is also responsible for evaluating the good moral character of school instructors, staff, and owners under G.L. c. 112, s. 263(e), and sales representatives under G.L. c. 112, s. 263(f). DPL is implementing new policies for:

- Instructor Certification and Approval;
- Staff Certification and Approval;
- School Owner Requirements; and,
- Sales Representative Requirements.

These approvals and evaluations will occur at the time a school applies for an occupational school license, at the time a school renews its license, and upon an original application for owner, instructor, staff, and sales representative approval. While the new policies include changes to the license application and approval processes, DPL anticipates that these changes will continue to allow for a streamlined process. DPL will continue to work with schools to ensure that these policies will not significantly delay a school's ability to hire instructors or staff.

I. Instructor Certification and Approval

New Instructors

- 1) Effective **February 1, 2016**, DPL will resume responsibility for conducting the Criminal Offender Record Information (CORI) checks for new instructors at schools. Schools are permitted to hire instructors prior to receiving DPL approval, but such instructors may not teach, have any interactions with students, or otherwise perform duties related to their job (other than being trained by the school) prior to receiving DPL approval. As before, schools will continue to be required to certify to DPL that it has performed its due diligence regarding instructors' abilities and experiences to teach and provide DPL with any additional evidence required, such as a professional license. As part of the approval process, for any new instructor, schools will be required to submit to DPL a completed updated Instructor Certification Form and a completed (by the instructor) CORI Acknowledgement Form. DPL will then conduct the CORI check on the instructor. This change will save schools time and money as schools will no longer be required to register with iCORI and conduct CORI checks for this purpose.
- 2) In addition to conducting CORI checks, DPL will also be requesting Sex Offender Registry Information (SORI) for all instructors prior to DPL approval and on an ongoing basis. Individuals who have been classified by the Sex Offender Registry Board (SORB) as a Level 2 or Level 3 Offender are not eligible for approval. Regardless of the conviction date, DPL finds that sexual offenders represent a unique danger to the public. As a result, DPL gives great deference to the findings of SORB, which classifies sexual offenders based upon the degree of dangerousness they pose to the public.
- 3) Following the CORI and SORI check, DPL will notify the school whether the instructor has been approved or denied.

Existing Instructors

- 1) No later than **April 29, 2016**, schools must send to DPL completed Instructor Certification Forms with CORI Acknowledgement Forms for **all** instructors who have received approval from DPL, or DESE prior to August 1, 2012, and are still teaching at the school. DPL will then conduct both a CORI and a SORI check on these instructors and notify the school of any changes to their approval. Failure to submit completed Instructor Certification Forms with CORI Acknowledgement Forms for an existing instructor by April 29, 2016, will result in the revocation of that instructor's approval.
- 2) **IMPORTANT:** An existing instructor who has received prior approval from DPL or DESE remains approved to teach at the school unless the school is otherwise notified by DPL.
- 3) For existing instructors, please check the box "Existing Instructor Approval" on the first page of the Instructor Certification Form and attach a copy of the most recent approval from DPL. Please fill out the remaining sections of the form.

Occupational School License Renewal – Instructors

- 1) Schools will be required to submit updated Instructor Certification Forms along with CORI Acknowledgement Forms for **all** instructors each time the school renews its license.

II. Staff Certification and Approval

New Staff

- 1) Effective **February 1, 2016**, DPL will approve all new school staff. Schools are permitted to hire staff members prior to receiving DPL approval, but such staff members may not interact with students or perform any duty related to their job (other than being

trained by the school) prior to receiving DPL approval. As part of the approval process, schools must submit to DPL a completed Staff Certification Form along with a CORI Acknowledgement Form for each new staff member. Similar to the Instructor Certification Form, the Staff Certification Form requires schools to attest that the staff member is qualified to work in the position at the school based on his/her education and/or work experience. Upon receipt of these forms, DPL will conduct a CORI check. In addition, DPL will also be conducting a SORI check on all staff members prior to DPL approval and on an ongoing basis. Individuals who have been classified by SORB as a Level 2 or Level 3 Offender are not eligible for approval.

- 2) Following the CORI and SORI check, DPL will notify the school whether the staff person has been approved or denied.

Existing Staff

- 1) No later than **April 29, 2016**, schools must submit to DPL completed Staff Certification Forms with CORI Acknowledgement Forms for all staff members who are currently working at the school. DPL will then run both a CORI and a SORI check on these staff members and notify the school of any changes to their approval.
- 2) **IMPORTANT:** Existing staff who have received prior approval from DPL or DESE remain approved to work at the school unless the school is otherwise notified by DPL.

Occupational School License Renewal – Staff

- 1) Schools will be required to submit updated Staff Certification Forms with CORI Acknowledgement Forms for all staff members each time the school renews its license.

III. School Owners

- 1) Effective **February 1, 2016**, all owners of schools will be required to submit CORI Acknowledgement Forms each time the school renews its license. In addition, DPL will also be running a SORI check on all owners prior to DPL approval and on an ongoing basis. Individuals who have been classified by SORB as a Level 2 or a Level 3 Offender are not eligible for approval or renewal.

IV. Sales Representatives

- 1) Effective **immediately**, DPL will be running a SORI check on all sales representatives prior to DPL approval and on an ongoing basis. Individuals who have been classified by SORB as a Level 2 or a Level 3 Offender are not eligible for approval or renewal. Sales representatives will continue to have their CORI checked each time they submit a license renewal.