

230 CMR: DIVISION OF PROFESSIONAL LICENSURE

230 CMR 14.00: FACILITIES, EQUIPMENT, CURRICULUM, INSTRUCTORS, AND STAFF

Section

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14.01: Facilities

- (1) Pursuant to M.G.L. c. 112, § 263(e), at the time of license application and renewal, all building facilities available or to be available for instruction shall be approved by the division.
- (2) A School's premises shall comply with all applicable building and fire codes.
- (3) A School shall not conduct classes in any building facility unless it has obtained the inspection reports required by 230 CMR 13.02(1)(f) and (g).
- (4) A School may not operate in any location other than at locations reflected on its license.

14.02: Equipment

- (1) Pursuant to M.G.L. c. 112, § 263(e), at the time of application and renewal, all Equipment available or to be available for instruction shall be approved by the division.
- (2) A School shall maintain a list of all books, supplies, material, Equipment and tools used for instructional purposes. The list shall be made available for inspection upon request by the division.
- (3) A School shall provide Equipment, tools, and supplies consistent with generally accepted standards, in a variety sufficient to allow instruction in all current methods and in quantities sufficient to enable each student to work effectively and continuously towards the desired skill level. The Equipment shall comply with all applicable safety standards. The School shall provide adequate space for the use of any Equipment on its premises and establish procedures sufficient to ensure the safety of students.

14.03: Curriculum

- (1) Pursuant to M.G.L. c. 112, § 263(b) and (e), all Curriculum shall be approved by the division.
- (2) Each School shall submit Curriculum for approval by describing each proposed Program to the division, including the following information:
 - (a) a brief description of each Course;
 - (b) a total number of Instructional Hours in each Program and Course;
 - (c) the tuition charged for each Program;
 - (d) the minimum entrance requirements;
 - (e) a description of the off-campus training experiences and the number of off-campus training hours required in each Program and Course;
 - (f) a list of occupations for which each Program will prepare students; and
 - (g) the estimated number of students anticipated to be enrolled in each Program.
- (3) A School shall notify the division regarding any addition, modification or elimination of any Program or Course at least 30 days prior to making the addition, modification, or elimination.
- (4) Curriculum that requires the approval of another state or federal authority must be so approved as a condition precedent to division approval.

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(5) Division approvals for Curriculum are not permanent and shall be subject to reevaluation as determined by the division and to expiration when the School's license expires or is renewed.

(6) A School shall submit course catalogues and any addendums to the division upon application for licensure and license renewal and, if amended, prior to distribution to current and prospective students.

14.04: Instructors

(1) Pursuant to M.G.L. c. 112, § 263(b) and (e), all Instructors shall be approved by the division.

(2) Pursuant to M.G.L. c. 112, § 263(b), the approval process for instructors shall include division review of criminal offender record information.

(3) A School shall employ Instructors sufficient in number to provide instruction that meets or exceeds minimum standards applicable in the field of instruction.

(4) Prior to hiring an Instructor, a School shall conduct due diligence to ensure in good faith that the Instructor is qualified in accordance with 230 CMR 14.04.

(5) Except as provided in 230 CMR 14.04(9), prior to allowing an Instructor to teach a class, a School shall, on a form supplied by the division, certify that an Instructor is qualified and meets any Program-specific qualifications as determined by the division, and receive division approval for said Instructor.

(6) An Instructor of a Course meant to prepare an individual for an occupation that requires its practitioners to be licensed shall be so licensed unless the Instructor is otherwise qualified and the School receives a waiver to that effect from the division, or the Instructor is teaching only general content Courses. An Instructor whose license is expired, suspended, or revoked shall notify the School immediately, and the School shall notify the division immediately. The Instructor may not provide further instruction until the license is reinstated.

(7) An Instructor of an occupation that requires its practitioners to be approved by another state or federal authority must be so approved. An Instructor who loses such approval shall notify the School immediately, and the School shall notify the division immediately. The Instructor may not provide further instruction until the approval is reinstated.

(8) Division approvals for Instructors are not permanent and shall be subject to reevaluation as determined by the division and to expiration when the School's license expires or is renewed.

(9) Schools may utilize unapproved Instructors as substitute Instructors for up to 15 School days without division approval subject to the following provisions:

(a) The occasion for the substitution must be a sudden, unforeseen circumstance, such as an illness or sudden vacancy.

(b) After a substitute Instructor has taught for 15 School days, he or she may not teach any further classes at that School within a three-month period without division approval.

(c) A substitute Instructor must be designated on all School records as a substitute Instructor, not a principal Instructor. Schools must maintain separate records of the use of substitute Instructors. These records must document the reason that a substitute was used, the classes taught, and the name and credentials of the substitute Instructor. These records must be maintained with other School records under 230 CMR 15.03: *School Records*.

(d) Notwithstanding the other provisions of 230 CMR 14.04(9), the division may prohibit or limit the use of substitute Instructors if such use would cause any Instructional Hours earned by attending students to be unusable toward licensure or certification in an occupational field.

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(e) Whenever a class is taught by a substitute Instructor, the School shall notify the students in the class as to the School policy on substitute Instructors, and as to how the students may submit a complaint to the School and to the division. If a written notice is provided, a copy of the written notice shall be maintained with other School records under 230 CMR 15.03: *School Records*.

(f) The use of substitute Instructors in a single Course may not exceed 20% of the overall Course meetings.

(g) A School may petition the division for relief from 230 CMR 14.04.

14.05: Staff

(1) Pursuant to M.G.L. c. 112, § 263(b), all Staff shall be approved by the division.

(2) Pursuant to M.G.L. c. 112, § 263(b), the approval process for staff shall include division review of criminal offender record information.

(3) Prior to hiring Staff, a School shall conduct due diligence to ensure in good faith that the Staff member is qualified.

(4) A School shall certify that the Staff member is qualified on a form supplied by the division and receive division approval for said Staff member.

14.06: Limitation of Approvals

(1) Any approvals granted by the division may be rescinded by the division for cause, including but not limited to, the grounds for disciplining a licensee pursuant to M.G.L. c. 112, § 263(i).

(2) No approvals granted by the division shall be deemed permanent. All approvals shall be deemed expired at the time a School's license expires or is renewed. Further, approvals may be rescinded at any time if they are determined to have been expired or superseded by any new laws, regulations, or policies.

(3) Any approvals granted by the division may be subject to such reasonable conditions as the division determines are appropriate to protect the public health, safety, or welfare. Such conditions may include, but not be limited to, restrictions on the duration in which an approval is granted, additional reporting to the division, and/or other restrictions on the time, place, or manner in which instruction is given. Adherence to any such conditions may be considered a requirement for retention, future consideration, or reinstatement of licensure.

(4) The denial of an approval and/or the placement of conditions on an approval shall be subject to reconsideration pursuant to procedures published under M.G.L. c. 112, § 263(b).

REGULATORY AUTHORITY

230 CMR 14.00: M.G.L. c. 112, § 263.