



**NCLB NYS Field Memo  
#01-2006**

January 18, 2006

**To:** Charter Schools  
Deans, Directors and Chairs of Teacher Education  
District Superintendents of Schools  
State Professional Standards and Practices Board for Teaching  
Regional Certification Officers  
Superintendents of Public Schools  
State Schools at Batavia and Rome

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**Subject:** Clarification of Deadlines for Meeting NCLB Requirements for Teachers and Title I Paraprofessionals

**Purpose**

This memo clarifies the deadlines for meeting the requirements of the No Child Left Behind Act of 2001 (NCLB) for Title I paraprofessionals and public school teachers of core academic subjects.

**Title I paraprofessionals**

The NCLB requires all Title I paraprofessionals to meet the NCLB definition of "qualified" by January 8, 2006. However, on June 17, 2005, the U.S. Department of Education (USDOE) issued a press release indicating that, for monitoring and enforcement purposes, it would align the deadline for Title I paraprofessionals with the deadline for teachers, which is the end of school year 2005-2006. The press release is available online at <http://www.ed.gov/news/pressreleases/2005/06/06172005a.html>.

In light of the June press release, it is important for local educational agencies (LEAs) with Title I paraprofessionals to ensure that they all meet the NCLB definition of "qualified" by the end of school year 2005-2006.

For more information on Title I paraprofessionals and the NCLB definition of “qualified” in New York State, please refer to NCLB NYS Field Memo #03-2003 and NCLB NYS Field Memo #10-2003 at <http://www.highered.nysed.gov/nclbhome.htm>. Reporting on Title I paraprofessionals will continue to be part of the Basic Education Data System (BEDS) District Summary Form. See Item 8 of the 2005-2006 version of this form at <http://www.emsc.nysed.gov/irts/beds/home.shtml>.

### **Public school teachers of core academic subjects**

The NCLB requires virtually all public school teachers of core academic subjects to meet the NCLB definition of “highly qualified” by the end of school year 2005-2006. The only exceptions are for teachers of multiple core academic subjects employed by “eligible rural LEAs” who meet the requirements in the USDOE letter of March 31, 2004 and for special education teachers of multiple core academic subjects who meet the requirements in the December 2004 amendments to the Individuals with Disabilities Education Act (IDEA).

On October 21, 2005, U.S. Secretary of Education Margaret Spellings sent a letter to all Chief State School Officers to explain how the USDOE plans to enforce this deadline. See <http://www.ed.gov/policy/elsec/guid/secletter/051021.html>. The USDOE has provided technical assistance to the states to clarify the Secretary’s letter. Our current understanding of the USDOE’s enforcement policy is as follows.

- The deadline for teachers of core academic subjects to be “highly qualified” remains the end of school year 2005-2006, with the exceptions noted above.
- USDOE does not intend to impose penalties on a state that fails to reach 100 percent by the end of school 2005-2006 provided that the USDOE determines that the state is making a good faith effort to reach 100 percent. The USDOE will determine that a state is making a good faith effort if the state (1) has definitions of “highly qualified” that are consistent with the NCLB; (2) issues report cards with NCLB-required data elements on teacher quality and ensures that local educational agencies provide parental notification about teacher quality as required by the NCLB; (3) submits accurate and complete data on teacher quality to the USDOE and has systems in place to ensure data quality; and (4) is taking steps to ensure that low-income and minority children are not taught at higher rates than other children by unqualified, inexperienced or out-of-field teachers.
- The USDOE plans to analyze each state’s efforts, contact every state before the deadline and, if it determines that a state is acting in good faith but needs to take additional action, to negotiate a revised teacher quality plan with the state.

In light of the USDOE’s approach to enforcing the NCLB’s teacher quality standards, it is important for schools, districts and BOCES, as applicable, to continue to:

- ensure that all teachers of core academic subjects meet the applicable NCLB or IDEA definition of “highly qualified” by the end of school year 2005-2006, using the “high objective uniform State standard of evaluation” (HOUSSE) or other NCLB options when a teacher is not “highly qualified” by virtue of being certified (e.g., certified elementary teachers who have not passed certification exams);
- report accurate, complete and timely data to the Basic Education Data System (BEDS) on the “highly qualified” status of teachers;
- disseminate public report cards with required data elements on teachers’ qualifications;
- inform parents of their right-to-know about the qualifications of their children’s teachers;
- notify parents when their children are taught for four consecutive weeks or more by a teacher who is not “highly qualified;” and
- ensure that minority and low-income children are not taught at higher rates than other children by teachers who are unqualified, inexperienced or out-of-field.

#### **Further information**

For further information about any of the issues raised in this memo, please refer to NCLB NYS Field Memos available at <http://www.highered.nysed.gov/nclbhome.htm> or write to [NCLBNYS@mail.nysed.gov](mailto:NCLBNYS@mail.nysed.gov).