



NCLB NYS Field Memo #02- 2006

March 24, 2006

To: Charter Schools
Deans, Directors and Chairs of Teacher Education
District Superintendents of Schools
New York State Standards and Practices Board for Teaching
Nonpublic School Administrators
Regional Certification Officers
SETRC Project Directors and Professional Development Specialists
Superintendents of Public Schools
Superintendents of State-Operated Schools

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Subject: Updated Fact Sheet with Highlights of the NCLB's and IDEA's Requirements for Teachers and Title I Paraprofessionals in New York State

This 2006 Updated Fact Sheet contains highlights of New York State's implementation of the requirements for teachers and Title I paraprofessionals in the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Act (IDEA) for use by local educational agencies (LEAs) that are preparing local consolidated applications for NCLB funds for school year 2006-2007. It is accurate as of the date of its publication and supersedes prior field memos. Substantive changes from previous field memos are as follows.

- Items A1 and A2 clarify when the NCLB's and IDEA's "highly qualified" requirements apply to a teacher and when State certification requirements apply to a teacher.

- Item A5 has been revised to reflect current information about the deadlines for teachers of core academic subjects to be “highly qualified.”
- Item A7 has been revised to reflect IDEA requirements concerning the definition of “highly qualified” that should be used for teachers of “special classes” for students with disabilities.
- Items A8 and A10 and the checklists in Part G have been changed to enable teachers with conditional initial certificates obtained as a result of interstate reciprocity to use certification examinations from their former state to demonstrate subject matter competency until they have passed New York State certification examinations. This change enables LEAs to comply with the NCLB and IDEA when they hire teachers who have been certified in reciprocity states.
- Item A10 describes IDEA flexibility that permits special education teachers in their first year of certification who meet specific criteria to use the HOUSSE to demonstrate subject matter competency.
- Item B6 has been changed in response to federal guidance to require all Title I paraprofessionals to be “qualified” by the end of school year 2005-2006.
- Item C5 has been changed in response to federal guidance to require public report cards to show the percent of classes in core academics subjects being taught by teachers who are not “highly qualified” and to emphasize the importance of reporting accurate, complete and timely BEDS data for teachers and Title I paraprofessionals.
- Part G has been added. It contains two model checklists for determining whether a teacher is “highly qualified” as required by the NCLB and IDEA, one checklist for elementary assignments and one checklist for middle-secondary assignments. Since the checklists were last published in NCLB NYS Field Memo #02-2005, their headings and Item 3 of the middle/secondary checklist have been changed to reflect IDEA requirements and Boxes A and B have been changed for teachers with conditional initial certificates.
- Part H has been added. It contains updated HOUSSE rubrics and definitions. Since last published in an August 2004 Addendum to NCLB NYS Field Memo #5-2003, the headings of the HOUSSE rubrics have been changed to reflect IDEA requirements for teachers of “special classes” for students with disabilities and conform to Item A7.

For earlier field memos, see <http://www.highered.nysed.gov/nclbhome.htm>. Please send your questions concerning the NCLB's or IDEA's requirements for teachers and Title I paraprofessionals to nclbnys@mail.nysed.gov.

For information about certification, see <http://www.highered.nysed.gov/tcert/>. Please send your questions about State certification to tcert@mail.nysed.gov.

FACT SHEET

Highlights of the NCLB's and IDEA's Requirements for Teachers and Title I Paraprofessionals in New York State March 2006

This Fact Sheet contains highlights of the New York State Education Department's (SED's) implementation of requirements related to teachers and paraprofessionals in the No Child Left Behind Act of 2001 (NCLB) and the Individuals with Disabilities Education Act (IDEA) as reauthorized in December 2004. It is based on laws, regulations, guidance and technical assistance available at the time of its publication and is subject to change in response to additional information.

For more detailed information about the NCLB's requirements in New York State, please refer to the series of field memos available online at <http://www.highered.nysed.gov/nclbhome.htm>. At the same site, you can find links to federal statutes, regulations and guidance and information about New York State certification requirements.

This Fact Sheet contains the following parts:

- Part A NCLB and IDEA Requirements for "Highly Qualified" Teachers
- Part B NCLB Requirements for "Qualified" Title I Paraprofessionals
- Part C NCLB Planning and Accountability Requirements Related to Teachers and Title I Paraprofessionals
- Part D NCLB and IDEA Requirements for Charter Schools and Non-public Schools
- Part E NCLB Parents Right to Know Requirements
- Part F Links to Further Information
- Part G Model Checklists for Determining Whether A Public School Teacher of Core Academic Subjects Meets the NCLB and IDEA Definition of "Highly Qualified"
- Part H Updated HOUSSE Rubrics

Part A

NCLB and IDEA Requirements for "Highly Qualified" Teachers

- A1. All public school teachers of core academic subjects must:
 - meet New York State certification standards for each teaching assignment (with the exception for certain charter school teachers discussed in Item D1); and
 - if they are teaching a core academic subject in grades Kindergarten (K) through 12, be "highly qualified" as defined by the NCLB and the IDEA by the end of school year 2005-2006 unless extended deadlines apply, as explained in Item A5 of this Fact Sheet.

- A2. Public schools whose teachers are subject to the NCLB and IDEA include schools in school districts, Boards of Cooperative Educational Services (BOCES), County Vocational Education and Extension Boards (CVEEB), charter schools, the State Schools at Batavia and Rome and Special Act School Districts defined in section 4001 of the Education Law.

Although the NCLB's and IDEA's "highly qualified" teacher requirements do not apply to general education teachers in public school pre-K programs or special education teachers in approved preschool programs, approved private schools for students with disabilities and education programs operated by State agencies other than the State Education Department, these teachers must have valid certificates for their assignments.

- A3. Core academic subjects for the NCLB and IDEA are English, reading, language arts, mathematics, science, history, geography, economics, civics and government, foreign languages and the arts. In New York State, the arts include the visual arts, dance, music, theater – including public speaking – and drama.

- A4. The NCLB and IDEA apply to teachers of record in classes that cover core academic subjects in grades K through 12. This includes, but is not limited to:
- classes in "common branch subjects" in grades K through 6;
 - classes in core academic subjects in grades 7 through 12;
 - classes in the arts, languages other than English and reading in grades K through 12;
 - Career and Technical Education (CTE) classes that students may use for academic credit in core academic subjects;
 - classes in core academic subjects taught in languages other than English;
 - classes in core academic subjects taught in alternative education programs leading to a credit-based diploma;
 - "special classes" with specially designed instruction for students with disabilities in grades K-12 or the age equivalent;
 - any of the above classes taught in accordance with Part 80 of the Regulations of the Commissioner of Education as approved "incidental teaching" or in accordance with an approved "experiment in organizational change" in the middle grades.

Teachers who are not teachers of record for core academic subjects in grades K through 12, such as teachers of Pre-K classes or physical education classes, must meet State certification requirements.

Special education teachers of any grade who are not teachers of record for core academic subjects because they serve as resource room or consultant teachers must be certified in special education.

- A5. NCLB and IDEA deadlines for teachers to be "highly qualified" are as follows.
- All public school teachers of core academic subjects, regardless of whether they are employed by an LEA that receives NCLB Title I funds, must be "highly qualified" by the end of school year 2005-2006.
 - EXTENDED DEADLINES FOR RURAL LEAS. There are extended deadlines for selected teachers of multiple core academic subjects employed by eligible rural LEAs. For further information, please refer to NCLB NYS Field Memo #04-2004 of August 2004 and its addendum of October 2005, available at <http://www.highered.nysed.gov/nclbhome.htm>.
 - EXTENDED DEADLINES FOR SELECTED SPECIAL EDUCATION TEACHERS. The IDEA gives a teacher an extended deadline of two years from his/her date of employment provided that the teacher:
 1. is "new to the profession" (in his/her first year of certification); and
 2. is teaching two or more core academic subjects in a "special class" for students with disabilities in grades 7-12 or the age equivalent; and
 3. has a certificate with one of the following titles: Students with Disabilities (SWD) 5-9 Generalist, SWD 5-9 English, SWD 5-9 Math, SWD 5-9 Science, SWD 7-12 English, SWD 7-12 Math or SWD 7-12 Science.
 Item A10 has additional information about IDEA flexibility for these teachers.
 - MULTIPLE EXTENDED DEADLINES. When a teacher of multiple core academic subjects is employed by a rural LEA with an approved extended deadline and the teacher is also eligible for the extended deadline for selected special education teachers, the employer may use whichever deadline gives the teacher more time to become highly qualified in all core academic subjects s/he teaches.
 - FEDERAL ENFORCEMENT POLICY. In October 2005, U.S. Secretary of Education Margaret Spellings sent all Chief State Schools Officers a letter describing how the U.S. Department of Education (USDOE) intended to enforce the NCLB and IDEA deadline for teachers of core academic subjects to be "highly qualified" by the end of school year 2005-2006. Subsequently, the USDOE provided the following clarifying technical assistance.
 1. The USDOE will not penalize a state that it determines is making a good faith effort to comply with federal "highly qualified" teacher requirements.
 2. The USDOE expects states and LEAs to ensure that any teacher who is not "highly qualified" when hired or when given a teaching assignment is on a path toward becoming "highly qualified" as soon as possible.
- A6. A teacher "supported by NCLB Title I, Part A funds" is employed by an LEA receiving NCLB Title I, Part A funds and:
- works in a "targeted assistance school" and is paid with NCLB Title I, Part A funds; or
 - works in a "schoolwide program school"; or
 - provides services to eligible private school students.
- BOCES, CVEEBs, the State schools at Batavia and Rome and Special Act School Districts are not LEAs receiving NCLB Title I, Part A funds. Therefore,

their teachers have until the end of school year 2005-2006 to become "highly qualified."

- A7. The definition of "highly qualified" depends on a teacher's teaching assignments and "newness" to the profession of teaching.
- Teaching assignments are either:
 1. ELEMENTARY, defined as classes in grades K-6 in common branch subjects, "special classes" for students with disabilities in grades K-6 or the age equivalent; and "special classes" for students with disabilities of any grade or age who all qualify for the New York State Alternate Assessment (NYSAA); or
 2. MIDDLE/SECONDARY, defined as classes in grades 7-12 in core academic subjects; classes in grades K-12 in the arts, languages other than English and reading; and "special classes" in core academic subjects for students with disabilities in grades 7-12 or the age equivalent.
 - "Newness" to the profession of teaching is either:
 1. NEW TO THE PROFESSION, defined as the first year following the effective date of a teacher's first teaching certificate, except with respect to charter school teachers who are not certified as permitted by Education Law § 2854(3)(a-1); or
 2. NOT NEW TO THE PROFESSION, defined as after the first year following the effective date of a teacher's first teaching certificate, except with respect to charter school teachers who are not certified as permitted by Education Law § 2854(3)(a-1).

The first year of a teacher's first certification ends on the first anniversary of the effective date of a teacher's first teaching credential from any jurisdiction. Please refer to Item D2 for definitions of "new" and "not new" to the profession for teachers in charter schools who are not certified as permitted by Education Law § 2854(3)(a-1).

IDEA REQUIREMENTS FOR TEACHING ASSIGNMENTS

- A teacher of a "special class" for students with disabilities in grades 7-12 or the age equivalent must meet the NCLB definition of "highly qualified" for middle/secondary assignments, with one exception noted below. This is a change from previous New York State guidance, which was superseded when the IDEA was reauthorized in December 2004.
 - The exception is that the IDEA permits a teacher to use the definition of "highly qualified" for elementary assignments when s/he teaches a "special class" whose students with disabilities of any grade or age all qualify for the New York State Alternate Assessment (NYSAA).
- A8. Teachers with elementary assignments who are new to the profession (in the first year of their first certification) are "highly qualified" if they:
- have a bachelor's or higher degree; and
 - meet State certification standards* for their teaching assignments; and

- demonstrate subject knowledge and teaching skills by passing two New York State Teacher Certification Examinations: the Liberal Arts and Sciences Test (LAST) and the Assessment of Teaching Skills–Written (ATS-W). **

*See Item A12 for further information about meeting State certification standards.

**Teachers in an approved alternative teacher preparation program are not required to pass the ATS-W to be "highly qualified" while they are enrolled in the program. In addition, teachers with conditional initial certificates obtained as a result of interstate reciprocity may use subject knowledge and teaching skills certification examinations for elementary grades from their former state to demonstrate subject matter competency until they have passed the LAST and ATS-W.

A9. Teachers with elementary assignments who are not new to the profession (beyond the first year of their first certification) are "highly qualified" if they meet the qualifications in A8 but they have two additional options for demonstrating their subject knowledge and teaching skills:

- passing examinations comparable to the LAST and ATS-W that qualified them for certification or licensure, as shown in Part G of this Fact Sheet; or
- passing the high objective uniform State standard of evaluation (HOUSSE), defined in Item A13 of this Fact Sheet.

A10. Teachers with middle and secondary assignments who are new to the profession (in the first year of their first certification) are "highly qualified" if they:

- have a bachelor's or higher degree; and
- meet State certification standards* for their teaching assignments; and
- demonstrate subject matter competency for each core subject they teach with one of the following:
 1. passing a New York State Teacher Certification Examination (NYSTCE) Content Specialty Test (CST) in the subject or passing a multi-subject CST that includes the subject**; or
 2. completing an undergraduate major in the subject; or
 3. completing coursework equivalent to a major (30 credits) in the subject; or
 4. having a New York State permanent certificate in the subject; or
 5. having a graduate degree in the subject.

*See Item A12 for further information about meeting State certification standards.

** Teachers with conditional initial certificates obtained as a result of interstate reciprocity may use a subject-specific middle-secondary certification examination from their former state to demonstrate subject matter competency until they have passed the CST.

IDEA FLEXIBILITY

A teacher in his/her first year of certification may use the HOUSSE, defined in Item A13, to demonstrate subject matter competency in any core academic subject provided that the teacher:

- is in his/her first or second year of employment with his/her current employer; and

- is teaching two or more core academic subjects in a “special class” for students with disabilities in grades 7-12 or the age equivalent; and
- holds one of the following certificate titles: SWD 5-9 Generalist, SWD 5-9 English, SWD 5-9 Math, SWD 5-9 Science, SWD 7-12 English, SWD 7-12 Math or SWD 7-12 Science.

A11. Teachers with middle and secondary assignments who are not new to the profession (beyond the first year of their first certification) are "highly qualified" if they meet the qualifications in A10 but they have two additional options for demonstrating their subject matter competency:

- passing examinations comparable to the CST that qualified them for certification or licensure, as shown in Part G; or
- passing the HOUSSE, defined in Item A13.

A12 State certification standards are met for NCLB and IDEA purposes when a teacher:

- has a valid certificate for an assignment; or
- is doing approved "incidental teaching" or is teaching in accordance with an approved experiment in organizational change, as provided in sections 80-5.3 and 80-5.12 of the Commissioner's Regulations, which are available online at <http://www.highered.nysed.gov/tcert/regulations.htm>.

See Item D1 of this Fact Sheet for a discussion of certification standards for teachers in charter schools.

A13. In New York State, the HOUSSE is an evaluation conducted by an LEA after August 1, 2003 as part of (1) a pre-employment review or (2) an Annual Professional Performance Review (APPR), as required by section 100.2(o) of the Commissioner's Regulations, that enables teachers beyond the first year of their first certification to demonstrate that they have subject matter competency in each core academic subject they teach based on “objective, coherent information” acceptable to the Commissioner, as listed in the New York State HOUSSE rubrics. LEAs should maintain records on each teacher’s local evaluation for the HOUSSE for at least six years from the end of the last school year in which a teacher is employed. Updated HOUSSE rubrics are in Part H of this Fact Sheet.

A14. The NCLB does not apply to substitute teachers. However, when students in a school receiving NCLB Title I, Part A funds are assigned, or taught for four or more consecutive weeks by, a substitute teacher who is not "highly qualified," the NCLB's parental notification requirements apply, as explained in Part E. Also, substitute teachers must meet State requirements in Part 80-5.4 of the Commissioner's Regulations, available at <http://www.highered.nysed.gov/tcert/part80.htm#5.4>

Part B
NCLB Requirements for “Qualified” Title I Paraprofessionals

- B1. A Title I paraprofessional is an individual who (1) has instructional support duties and (2) works in a program supported with NCLB Title I, Part A funds, as defined in B3.
- B2. Title I paraprofessionals, as defined in Item B1, must meet both State and federal requirements. They must be:
- State certified teaching assistants (or meet applicable New York City requirements for comparable positions); and
 - "qualified," as defined by the NCLB by the deadlines in the NCLB.
- An individual's job title, which is determined by an employer, is not relevant for determining whether an individual is subject to either the State's or NCLB's requirements. If an individual's job duties include providing instructional support, the individual is serving as a "teaching assistant" (or in a comparable position in New York City) and must be certified (or meet applicable New York City requirements), unless the charter school exception applies. If an individual's job duties include providing instructional support and the individual is "working in a program supported with Title I funds," the individual is a Title I paraprofessional and must meet State (or New York City) and NCLB requirements. For detailed information, see NCLB NYS Field Memos #3-2003 and #10-2003 at <http://www.highered.nysed.gov/nclbhome.htm>.
- B3. A paraprofessional "working in a program supported by Title I, Part A funds" is employed by an LEA receiving Title I, Part A funds and:
- works in a "targeted assistance school" and is paid with Title I, Part A funds; or
 - works in a "schoolwide program school"; or
 - provides instructional support to a public school teacher who provides equitable services to eligible private school students.
- BOCES, CVEEBs, State Schools, Special Act School Districts and schools operated by other State agencies are not LEAs receiving Title I, Part A funds. Therefore, paraprofessionals employed by these entities are not subject to the NCLB, regardless of where they provide services.
- B4. The NCLB permits Title I paraprofessionals to perform the following duties:
- providing instructional support services;
 - one-on-one tutoring for eligible students if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
 - assisting in classroom management;
 - assisting in computer instruction;
 - providing instructional support in a library or media center;
 - conducting parent involvement activities; or
 - acting as a translator.

- B5. The NCLB requires all Title I paraprofessionals to perform their duties under the direct supervision of a "highly qualified" teacher. This means:
- the teacher must plan instructional activities that the paraprofessional carries out;
 - the teacher must evaluate the achievement of the students with whom the paraprofessional is working; and
 - the paraprofessional must work in close and frequent physical proximity to the teacher.
- B6. There are two deadlines for Title I paraprofessionals to be "qualified."
- Individuals hired after January 8, 2002 must be "qualified" when hired.
 - Individuals hired on or before January 8, 2002 must be "qualified" by the end of school year 2005-2006.
- B7. A "qualified" Title I paraprofessional has a high school diploma or a recognized equivalent when hired and meets one of the following (unless covered by an exception):
- has at least two years of college; or
 - has an associate's or higher degree; or
 - has passed a formal State or local academic assessment.
- EXCEPTIONS. Title I paraprofessionals need only have a high school diploma or a recognized equivalent to be "qualified" if their duties consist solely of:
- translating from languages other than English to enhance the participation of limited English proficient children in Title I programs; or
 - conducting parental involvement activities.
- B8. Education Options. The two educational options for being a "qualified" Title I paraprofessional are:
- two years of study (48 semester hours) at a public college or university (e.g., SUNY, CUNY) or an independent college or university; or
 - an associate's or higher degree.
- B9. Assessment Options. The assessment option for being a "qualified" Title I paraprofessional in New York State is either the State assessment (see Item B10 of this Fact Sheet) or a local assessment (see Item B11 of this Fact Sheet).
- B10. State Assessment Option. The State assessment – the New York State Assessment of Teaching Assistant Skills (NYSATAS) – serves both State and NCLB purposes. The NYSATAS is required for all candidates for State teaching assistant certificates who apply after February 1, 2004. For information about the NYSATAS, see <http://www.highered.nysed.gov/tcert/certificate/atas.htm> or write to HEATAS@mail.nysed.gov. Individuals who pass the NYSATAS are "qualified" as Title I paraprofessionals in every LEA in New York State.

B11. Local Assessment Options. An LEA may use a locally developed or selected assessment provided that the LEA's superintendent provides assurances that the local assessment addresses knowledge of, and the ability to assist in teaching, as appropriate:

- reading/language arts, writing and math; or
- reading readiness, writing readiness and math readiness.

Local assessments may be in any format, including:

- written assessments;
- tenure reviews;
- performance reviews;
- combinations of the above; or
- other types of assessments.

Commercial products that can be used as a local assessment include:

- the Educational Testing Service's *ParaPro*, described at <http://www.parapro@ets.org> or (609) 771-7395; or
- the ACT *WorkKeys Proficiency Certificate for Teacher Assistants*, described at www.act.org/workkeys/profcert or (800) WORKKEY.

Tenure reviews may be used as local assessments. It is New York State policy that teaching assistants who are State-certified and have achieved tenure in a review conducted in accordance with Education Law sections 2509(2), 3012(2) or 2573 have met the NCLB's criteria for the local assessment.

Procedural recommendations for local assessments. SED recommends that NCLB local assessments for Title I paraprofessionals be:

- documented;
- signed and dated by the test taker and evaluator, as applicable;
- consistently used for all candidates in the same school year; and
- retained in LEA records for no less than six years from the end of the last school year in which the individual is employed.

Part C

NCLB Planning and Accountability Requirements Related to Teachers and Title I Paraprofessionals

C1. Each LEA receiving NCLB Title I, Part A funds must provide attestations as to whether it is in compliance with the NCLB's and IDEA's requirements for teachers and Title I paraprofessionals.

- The principal of each school receiving Title I funds must attest annually, in writing, as to whether the school is in compliance.
- Copies of the attestation must be maintained in the district office and the school and made available upon request to the public.

C2. Each LEA receiving Title I, Part A funds must have a plan to ensure that:

- all public school teachers of core academic subjects, including teachers employed by the LEA to provide services to eligible private school students, are "highly qualified" no later than the end of school year 2005-2006; and

- all public school teachers of core academic subjects are receiving high quality professional development, as defined in section 9101(34) of the NCLB, to enable them to become "highly qualified" and effective classroom teachers; and
- through incentives for voluntary transfers, professional development, recruitment programs, or other effective strategies, minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field or inexperienced teachers.

C3. Each LEA and each school receiving NCLB Title I, Part A funds must annually increase, at a pace that will reach 100 percent by the end of school year 2005-2006, the percentage of teachers of core academic subjects that are (1) "highly qualified" to teach those subjects and (2) receiving high quality professional development. These annual increases are each LEA's and each school's Annual Measurable Objectives (AMOs).

C4. An LEA receiving NCLB Title I, Part A funds must use such funds for professional development activities to ensure that teachers and Title I paraprofessionals meet the NCLB's and IDEA's requirements.

- For each fiscal year after 2003, an LEA must use not less than five percent of its NCLB Title I, Part A, Subpart A funds for professional development, except as noted below.
- An LEA is not required to spend the percentage shown above for a given fiscal year if a lesser amount is sufficient to ensure that the LEA's teachers and Title I paraprofessionals meet the NCLB's requirements.
- An LEA may use additional NCLB Title I, Part A, Subpart A funds to support ongoing training and professional development to assist teachers and Title I paraprofessionals.

LEAs may also use other NCLB funds, or other funds, to provide professional development to teachers and Title I paraprofessionals.

C5. Annual public reports must show:

- the percent of teachers of core academic subjects that are "highly qualified";
- the percent of classes in core academic subjects being taught by teachers who are not "highly qualified" to teach the classes;
- the percent of teachers of core academic subjects receiving high quality professional development; and
- the percent of Title I paraprofessionals that are "qualified."

SED has enhanced its Basic Educational Data System (BEDS) to comply with the NCLB's reporting requirements. All LEAs must report accurate, complete and timely BEDS data for their teachers and should maintain records on the qualifications and professional development of teachers and the qualifications of Title I paraprofessionals for no less than six years from the end of the last school year in which the individual was employed.

- C6. SED must determine whether each NCLB Title I LEA and Title I school is meeting its Annual Measurable Objective (AMO) toward having 100% of its teachers of core academic subjects be “highly qualified” by the end of school year 2005-2006. SED must:
- identify Title I LEAs and schools that are not meeting their AMOs; and
 - take required actions (e.g., improvement plans, professional development strategies, constraints on hiring of new Title I paraprofessionals).
- C7. LEAs failing to meet both AMOs for teachers and Annual Yearly Progress (AYP) for student achievement for three consecutive years must:
- develop a plan for meeting their AMOs; and
 - no longer use NCLB Title I funds to hire new paraprofessionals for Title I programs unless certain conditions are met.
- C8. Other sanctions for LEAs that fail to make AYP may apply to teachers and Title I paraprofessionals. However, those sanctions should not "be construed to alter or otherwise affect the rights, remedies and procedures afforded schools or school district employees under Federal, State or local law... or under the terms of collective bargaining agreements, memoranda of understanding or other agreements between such employees and their employers." [NCLB section 1116(d)]

Part D

NCLB and IDEA Requirements for Charter Schools and Non-Public Schools

- D1. The NCLB and IDEA apply to individuals employed by charter schools.
- Charter school teachers must be certified to the extent required by section 2854(3)(a-1) of Education Law, which provides that all charter school teachers must be certified, except that up to thirty percent of a charter school's teaching staff, or five teachers, whichever is less, are not required to be certified if they: (1) have at least three years of elementary, middle or secondary classroom teaching experience; (2) are tenured or tenure track college faculty; (3) have two years of satisfactory experience through the Teach for America program; or (4) have exceptional business, professional, artistic, athletic, or military experience (the "thirty/five exception").
 - All charter school teachers who teach core academic subjects, including those teachers retained in accordance with the "thirty/five exception," must also meet the remaining requirements for a "highly qualified" teacher applicable to other public schools. Thus, they must: (1) have at least a bachelor's degree; and (2) meet the applicable subject matter competency requirements described in Items A8 through A11.
 - The NCLB's requirements for Title I paraprofessionals apply to charter schools that receive Title I, Part A funds.

- D2. "Newness" to the profession for charter school teachers is defined as follows.
- New to the profession is defined as the first year following the effective date of a teacher's first teaching certificate, except with respect to charter school teachers who are not certified as permitted by Education Law § 2854(3)(a-1), for whom new to the profession is the first year following the date upon which the teacher meets the applicable qualification in Education Law § 2854(3)(a-1), as determined by the charter school.
 - Not new to the profession is defined as after the first year following the effective date of a teacher's first teaching certificate, except with respect to charter school teachers who are not certified as permitted by Education Law § 2854(3)(a-1), for whom not new to the profession is after the first year following the date upon which the teacher meets the applicable qualification in Education Law § 2854(3)(a-1) as determined by the charter school.
- D3. The NCLB's and IDEA's requirements for teachers and Title I paraprofessionals do not apply to individuals employed by non-public schools. (See Item A2 of this Fact Sheet for information about State certification requirements for approved private schools providing services to students with disabilities.)

Part E

NCLB Parents Right to Know Requirements

- E1. At the beginning of each school year, starting in fall 2002, LEAs receiving NCLB Title I funds must notify parents of students attending schools receiving Title I funds that the parents have a right to information about the professional qualifications of their child's classroom teachers. Information must be provided regardless of whether teachers are employed directly by the LEA or under contract with another entity, such as a BOCES. Information must address:
- whether the teacher has State certification for the classes being taught;
 - the teacher's bachelor's degree major and any other certifications or degrees by field or discipline; and
 - whether the child is provided services by paraprofessionals and, if so, their qualifications.
- Notices may be in any format, including newsletters that go to every parent, and must be clear and in languages parents can understand. Notices must tell parents how they can obtain the information to which they are entitled.
- E2. Each school receiving NCLB Title I, Part A funds must provide to each individual parent the following information:
- child's performance on State academic assessments; and
 - as appropriate, timely notice that the child has been assigned, or has been taught for four or more consecutive weeks by, a teacher of a core academic subject who is not "highly qualified."
- This information must be sent to each parent individually to protect privacy and, to the extent practicable, in a language that parents can understand. LEAs must provide notice that a child has been assigned, or taught for four or more

consecutive weeks by, a teacher of a core academic subject who is not "highly qualified" even when the NCLB does not require the teacher to be "highly qualified" until the end of school year 2005-2006.

Part F

Links to Further Information

- F1. Further information about the NCLB's and IDEA's requirements in New York State is available at the following web sites and email addresses.

Web: NCLB (PERSONNEL) <http://www.highered.nysed.gov/nclbhome.htm>

Web: NCLB (ALL) <http://www.emsc.nysed.gov/deputy/nclb/nclbhome.htm>

Email: (ALL TOPICS) nclbnys@mail.nysed.gov

- F2. Further information about New York State's requirements for teachers and school support personnel (also called paraprofessionals) is available at the following web sites and email addresses.

STATE CERTIFICATION OF TEACHERS AND TEACHING ASSISTANTS

Web: <http://www.highered.nysed.gov/tcert/>

Email: Tcert@mail.nysed.gov

STATE TEST FOR TEACHING ASSISTANTS

Web: <http://www.highered.nysed.gov/tcert/certificate/atas.htm>

Web: <http://www.nysatas.nesinc.com/> (registration, preparation)

Email: HEATAS@mail.nysed.gov

ANNUAL PROFESSIONAL PERFORMANCE REVIEWS

Email: Emscgen@mail.nysed.gov

Web: <http://www.emsc.nysed.gov/part100/opener.html>

Part G

Model Checklist for Determining Whether a Public School Teacher of Core Academic Subjects Meets the NCLB and IDEA Definition of “Highly Qualified”

- **This is a model checklist that may be used by employers and teachers.**
- **There is no State requirement to use this checklist.**
- **This checklist is a technical assistance tool.**

Checklist for Determining Whether Public School Teachers of Core Academic Subjects Meet the NCLB Definition of "Highly Qualified"

ELEMENTARY TEACHING ASSIGNMENT

In this assignment, the teacher is the teacher of record in (1) a common branch class in grades K-6; (2) a special education class of students with disabilities of equivalent age to grades K-6; or (3) a special education class in which all students are eligible for the NYS Alternate Assessment (NYSAA)

1. Do you have a bachelor's or higher degree?

Yes. GO TO 2.

No. STOP. **YOU ARE NOT HQ FOR THIS ASSIGNMENT.**

2. Are you *deemed certified* for this teaching assignment?

I have a NYS certificate other than a Modified Temporary License that is valid for the assignment. GO TO 3.

I have a NYC license that is valid for the assignment and am employed by the City School District of NYC. GO TO 3.

I have a Buffalo license that is valid for the assignment and am employed by the City School District of Buffalo. GO TO 3.

This assignment is approved incidental teaching for no more than 5 classroom hours per week. GO TO 3.

This assignment is covered by an approved experiment in organizational change in grades 5, 6, 7 and / or 8. GO TO 3.

I am employed by a charter school and covered by its certification exemption. GO TO 3.

None of the above. STOP. **YOU ARE NOT HQ FOR THIS ASSIGNMENT.**

3. Are you in your first year of certification?

No. GO TO 4.

Yes. CONTINUE IN 3.

YES (continued)

I passed both the Liberal Arts and Sciences Test (LAST) and Assessment of Teaching Skills-Written (ATS-W). STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I have a conditional initial certificate and passed one or more exams for this certificate from **BOX A**. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I have a transitional certificate for this assignment. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

4. Only use Item 4 if you are past your first year of certification.

I passed both the LAST and ATS-W. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I have a conditional initial certificate and passed one or more exams for this certificate from **BOX A**. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I passed exams comparable to the LAST and ATS-W (in **BOX A**) to qualify for licensure or certification. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I passed a NYC Board of Examiners Examination to qualify for licensure for this assignment and am employed by NYC. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I passed a City of Buffalo examination to qualify for licensure for this assignment and am employed by Buffalo. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I have a transitional certificate for this assignment. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I passed New York State's HOUSSE for "elementary" teachers. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

None of the above. STOP. **YOU ARE NOT HQ FOR THIS ASSIGNMENT.**

BOX A COMPARABLE EXAMS
LAST
<ul style="list-style-type: none">▪ NTE Communications Skills and General Knowledge Test
ATS-W
<ul style="list-style-type: none">▪ NTE Professional Knowledge Test; <u>or</u>▪ Assessment of Teaching Skills-Performance (ATS-P)
BOTH
<ul style="list-style-type: none">▪ National Board Certification; <u>or</u>▪ <u>For a teacher with a conditional initial certificate</u>, PRAXIS II Subject Assessment (for grades K-6) or other exams used to qualify for certification to teach Grades K-6 in a reciprocity state.

Teacher's Name _____ Signature _____ Date _____

District Representative's Name _____ Signature _____ Date _____

Revised March 2006

Model Checklist for Determining Whether Public School Teachers of Core Academic Subjects Meet the NCLB Definition of "Highly Qualified"

MIDDLE - SECONDARY TEACHING ASSIGNMENT

In this assignment, the teacher is the teacher of record in English/language arts, math, science or social studies in grades 7-12 or in the arts, languages other than English or reading/literacy in grades K-12 or in a special education class of students with disabilities in grades 7-12 or the age equivalent.

SUBJECT OF THIS ASSIGNMENT: (CIRCLE ONE) English Math Science (specify) _____ Social Studies Arts Language Other Than English (specify) _____ Reading/Literacy
All these subjects, except Languages Other Than English and secondary sciences, can be common branch subjects in grades 7 through 9.

1. Do you have a bachelor's or higher degree?

Yes. GO TO 2.

No. STOP. **YOU ARE NOT HQ.** Career and Technical Education (CTE) teachers must use the Collaborative Teaching Model at <http://www.highered.nysed.gov/nclb04-2003c.htm>.

2. Are you *deemed certified* for your teaching assignment?

I have a NYS certificate that is valid for this assignment. GO TO 3.

I have a NYC license that is valid for the assignment and am employed by the City School District of NYC. GO TO 3.

I have a Buffalo license that is valid for the assignment and am employed by the City School District of Buffalo. GO TO 3

This assignment is approved incidental teaching for no more than 5 classroom hours per week. GO TO 3.

This assignment is covered by an approved experiment in organizational change in grades 5, 6, 7 and/or 8. GO TO 3.

I am employed by a charter school and covered by its certification exemption. GO TO 3.

None of the above. STOP. **YOU ARE NOT HQ.**

3. Are you in your first year of certification?

No. GO TO 4.

Yes. CONTINUE IN 3.

YES (continued)

I passed a Content Specialty Test (CST) in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I teach this common branch subject in a self-contained classroom or a special education class in grades 7, 8 and/or 9 and I passed the Multi-Subject CST. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I have a conditional initial certificate and I passed an allowable exam for the above subject (in BOX B) . STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I have an undergraduate major or 30 undergraduate or graduate credits in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I have a graduate degree in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I have a Students with Disabilities (SWD) 5-9 generalist, SWD 5-9 English, SWD 5-9 math, SWD 5-9 science, SWD 7-12 English, SWD 7-12 math or SWD 7-12 science certificate AND I teach multiple core academic subjects to SWD and I passed the NYS HOUSSSE for "middle/secondary" teachers in the above subject and I am in my first or second year of employment. STOP. **YOU ARE HQ FOR THIS SUBJECT**

None of the above. STOP. **YOU ARE NOT HQ FOR THIS SUBJECT.**

4. Only use this list if you are past your first year of certification.

I passed a Content Specialty Test (CST) in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I teach this common branch subject in a self-contained classroom or special education class in grades 7, 8 and/or 9 and I passed the Multi-Subject CST. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I passed a comparable exam (in BOX B) in the above subject to qualify for certification or licensure. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I passed a NYC Board of Examiners Examination to qualify for licensure in this subject and am employed by NYC. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I passed a City of Buffalo examination to qualify for licensure in this subject and am employed by Buffalo. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I have an undergraduate major or 30 undergraduate or graduate credits in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I have a graduate degree in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I have a permanent certificate (or its equivalent in NYC or Buffalo) in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

I passed the NYS HOUSSSE for "middle-secondary" teachers in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**

None of the above. STOP. **YOU ARE NOT HQ FOR THIS SUBJECT.**

**BOX B
COMPARABLE EXAMS**

CST

- NTE in the secondary subject; or
- National Board Certification in the secondary subject; or
- For a teacher with a conditional initial certificate, PRAXIS II in the secondary subject or other exams in the subject used to qualify for certification to teach the subject in Grades 7-12 in a reciprocity state.

Teacher's Name _____ Signature _____ Date _____

District Representative's Name _____ Signature _____ Date _____

Please duplicate this form if you have additional teaching assignments in other core academic subjects.

Part H

Updated HOUSSE Rubrics

- These updated HOUSSE rubrics supersede rubrics in NCLB NYS Field Memo #05-2003 (revised January 2004) and Addendum #01 (August 2004) to NCLB Field Memo #05-2003 in response to requirements in the Individuals with Disabilities Act (IDEA).
- The only revisions are in the top portions of the rubrics, which describe the teachers permitted to use each rubric.
- Teachers and administrators may no longer decide whether to use the rubric for elementary assignments or middle/secondary assignments based on the level of instruction a teacher provides. The reauthorized IDEA requires teachers of “special classes” for students with disabilities to use the HOUSSE rubric that applies to the grade level of their students or their students’ age equivalent, with one exception.
- The single exception is for teachers of “special classes” whose students all qualify for the New York State Alternate Assessment (NYSAA). These teachers may use the rubric for elementary assignments, regardless of the grade or age equivalent of their students.
- Part 1 of the updated HOUSSE rubric applies to teachers with **ELEMENTARY ASSIGNMENTS**, defined as:
 - classes in grades K-6 in common branch subjects;
 - “special classes” for students with disabilities in grades K-6 or the age equivalent;
 - and
 - “special classes” for students with disabilities of any grade or age who all qualify for the New York State Alternate Assessment (NYSAA).
- Part 2 of the updated HOUSSE rubric applies to teachers with **MIDDLE AND SECONDARY ASSIGNMENTS**, defined as:
 - classes in grades 7-12 in core academic subjects;
 - classes in grades K-12 in the arts, languages other than English and reading;
 - and
 - “special classes” in core academic subjects for students with disabilities in grades 7-12 or the age equivalent.

NEW YORK STATE HOUSSE RUBRIC - Part 1

This rubric is for teachers with **ELEMENTARY ASSIGNMENTS**, defined as classes in grades K-6 in common branch subjects; “special classes” for students with disabilities in grades K-6 or the age equivalent; and “special classes” for students with disabilities of any grade or age who all qualify for the New York State Alternate Assessment (NYSAA).

- Teachers of the above classes who are beyond the first year of their first certification and who have not passed **both** the New York State Teacher Certification Examination (NYSTCE) Liberal Arts and Sciences Test (LAST) **and** the NYSTCE Assessment of Teaching Skills – Written (ATS-W) -- or comparable tests accepted by SED when they were certified -- may demonstrate their subject matter competency and teaching skills using a “high objective uniform State standard of evaluation” (HOUSSE).
- To use the HOUSSE to demonstrate subject matter competency and teaching skills, teachers described above must earn at least 100 points as part of either (1) a pre-employment review or (2) an Annual Professional Performance Review conducted after August 1, 2003. Points may be earned on every line below.

Please refer to Part 3 for definitions.

#	Coherent, objective information	POINTS EARNED
EDUCATION AND CREDENTIALS		
1	Successful completion of (a) a bachelor’s degree program with a general education component or (b) the Liberal Arts and Sciences Test (LAST). <i>(30 points)</i>	
2	Successful completion of a State-approved program leading to a common branch or special education certificate <u>or</u> successful completion of a State transcript review or individual evaluation leading to a common branch or special education certificate <u>or</u> possession of an extension to teach common branch classes on a 7–12 subject matter certificate. <i>(30 points)</i>	
3	Successful completion of a State-approved graduate program or 30 graduate credits in elementary education, special education, reading, math or other common branch subjects <i>(30 points)</i> or graduate credit in those subjects <i>(20 points for every 3 graduate credits)</i> .	
4	Certification by the National Board of Professional Teaching Standards in elementary education or special education. <i>(100 points)</i>	
PROFESSIONAL EXPERIENCE AND DEVELOPMENT		
5	Teaching experience in common branch or special education classes. <i>(Up to 50 points, 10 points per year, 15 points per year after school year 1998-1999)</i>	
6	Successful completion of professional development, pursuant to an employer’s professional development plan, that is aligned with the Regents learning standards. <i>(10 points for every 5 contact hours)</i>	
7	Supervision of a student teacher in a State-approved program leading to elementary or special education certification. <i>(30 points)</i>	
8	Professional service in elementary or special education. <i>(Up to 50 points, 10 points for each instance of professional service)</i> .	
9	A formal review of subject knowledge and teaching skills. <i>(50 points)</i>	
	TOTAL POINTS	
	Revised March 2006	

NEW YORK STATE HOUSSE RUBRIC - Part 2

This rubric is for teachers with MIDDLE/SECONDARY ASSIGNMENTS, defined as classes in grades 7-12 in core academic subjects; classes in grades K-12 in the arts, languages other than English and reading; and “special classes” in core academic subjects for students with disabilities in grades 7-12 or the age equivalent..

- Teachers of the above classes who are beyond the first year of their first certification (or permitted to use IDEA flexibility) and who have not demonstrated their subject matter competency for each core academic subject they teach in one of the ways permitted by the NCLB may demonstrate their subject matter competency using a “high objective uniform State standard of evaluation” (HOUSSE). The other ways that teachers may demonstrate their competency in a core academic subject are: (1) passing a NYSTCE Content Specialty Test (CST) in the subjects or a comparable test accepted by SED when they were certified; (2) completing an undergraduate major in the subjects; (3) completing coursework equivalent to a major (30 credits) in the subjects; (4) completing a graduate degree in the subjects; or (5) having a NYS permanent or professional certificate in the subjects.
- To use the HOUSSE to demonstrate subject matter competency in each core academic subject they teach, teachers described above must earn at least 100 points using this checklist as part of either (1) a pre-employment review or (2) an Annual Professional Performance Review conducted after August 1, 2003. Points may be earned on every line below.

Please refer to Part 3 for definitions.

CORE ACADEMIC SUBJECT:

#	Coherent, objective information for the above subject	POINTS EARNED
EDUCATION AND CREDENTIALS		
1	Successful completion of (a) a bachelor’s degree program with a general education component or (b) the Liberal Arts and Sciences Test (LAST) <i>(30 points)</i>	
2	Successful completion of a State-approved program leading to a certificate in the subject <u>or</u> a State transcript review or individual evaluation leading to a certificate in the <i>subject (30 points)</i>	
3	Successful completion of college courses in the subject <i>(20 points for every 3 undergraduate credits and 30 points for every 3 graduate credits)</i>	
4	Licensure in a recognized profession that is related to the subject. <i>(100 points)</i>	
5	Passing a federal or industry-standard exam in an occupational field related to the subject. <i>(100 points)</i>	
6	Certification in the subject by the National Board of Professional Teaching Standards. <i>(100 points)</i>	
PROFESSIONAL EXPERIENCE AND DEVELOPMENT		
7	Teaching experience in the subject in grades 7-12, including specially designed instruction deemed equivalent to the general education curriculum in grades 7-12. <i>(Up to 50 points, 10 points per year, 15 points per year after school year 1998-1999)</i>	
8	Successful completion of professional development in the subject, pursuant to an employer’s professional development plan, that is aligned with the Regents learning standards. <i>(Up to 50 points; 10 points for every 5 contact hours)</i>	
9	Supervision of a student teacher in a State-approved program leading to certification in the subject or to certification in special education in a setting in which specially designed instruction deemed to be equivalent to the general education curriculum in grades 7 through 12 is provided. <i>(30 points)</i>	
10	Professional service related to the subject. <i>(Up to 50 points, 10 points for each instance of professional service.)</i>	
11	Formal review of subject knowledge. <i>(50 points)</i>	
12	ONLY FOR TEACHERS OF MULTIPLE CORE ACADEMIC SUBJECTS WHO ARE “HIGHLY QUALIFIED” IN AT LEAST ONE CORE ACADEMIC SUBJECT. Mentoring or a program of intensive support that consists of structured guidance and regular, ongoing support in the subject from another teacher who is “highly qualified” in the subject. <i>(Up to 60 points, 20 points per year)</i>	
	TOTAL POINTS	
	Revised March 2006	

NEW YORK STATE HOUSSE RUBRIC - Part 3

Definitions

FORMAL REVIEW

A formal review must be based on coherent, objective information about a teacher's subject matter competency in a subject. Reviews must cover at least one of the following:

- Instructional goals, objectives and plans
- Instructional delivery
- Student achievement
- Self-assessment

Formal reviews should be conducted in accordance with local collective bargaining agreements, where applicable, but such agreements need not include such reviews.

A peer review conducted by the New York State Academy of Teaching and Learning, described at <http://www.nysatl.nysed.gov/>, is acceptable.

GENERAL EDUCATION COMPONENT

The general education component of undergraduate programs is the coursework in the liberal arts and sciences that must be part of every State-approved bachelor's degree program in New York State under section 3.47 of the Commissioner's Regulations. For example, the liberal arts and sciences must be three-quarters of the work in Bachelor of Arts programs; one-half the work in Bachelor of Science programs; and one-quarter of the work in specialized bachelor's degree programs such as architecture.

PRE-EMPLOYMENT REVIEW

Candidates for teaching positions who are beyond their first year of certification may, with the agreement of their prospective employers, use the HOUSSE to demonstrate subject matter competency for all subjects they would be assigned to teach if they were hired.

PROFESSIONAL SERVICE

Examples of instances of professional service that would demonstrate a teacher's subject matter competency, and be counted as 10 points for each example, include:

- Providing district-approved professional development about the core subjects
- Providing mentoring to another teacher of the core subjects
- Giving presentations at professional meetings about the core subjects
- Developing curriculum in the core subjects
- Publishing in professional publications (journals, chapters, books) about the core subjects
- In the case of special education teachers:
 - Providing consultation services to general education teachers about teaching the general curriculum to students with disabilities
 - Providing special education services to students with disabilities in core academic subject areas
 - Providing services to nondisabled students in general education classes under the "incidental benefits" provisions of the IDEA
 - Providing supplemental instruction to students with disabilities related to a core subject area

Other comparable services may also be used.

Service can address either (1) the core academic subject itself or (2) strategies for teaching the core academic subject.

RECOGNIZED PROFESSIONS OR FEDERAL OR INDUSTRY-STANDARD EXAMS IN AN OCCUPATIONAL FIELD RELATED TO THE SUBJECT

Career and Technical Education teachers would be most likely to use this type of information. LEAs and BOCES may use their best judgment to decide whether professional licensure and occupational exams are related to core academic subjects. See <http://www.op.nysed.gov/> for a list of professions licensed by the Board of Regents.

March 2006