



**NCLB NYS Field Memo
#03-2004**

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To: Charter Schools
District Superintendents of Schools
Superintendents of Public Schools
State Schools at Batavia and Rome

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Subject: Fall 2004 NCLB Supplement to the Administration Manual for the BEDS Personnel Data Form for Teachers

New York State uses the Basic Educational Data System (BEDS) Personnel Data Form for Teachers to comply with the teacher quality requirements in the No Child Left Behind Act of 2001 (NCLB). Attached you will find a copy of the Fall 2004 NCLB Supplement to the Administration Manual for that form.

This supplement should help teachers and administrators prepare for BEDS reporting in Fall 2004. It is important to use the definitions and instructions in this supplement, to review each teacher's qualifications for classes in "core academic subjects" and to develop procedures for responding accurately and completely to:

- the NCLB item on HIGH QUALITY PROFESSIONAL DEVELOPMENT on Side 1 of the BEDS form; and
- the NCLB items on HIGHLY QUALIFIED on Side 2 of the BEDS form.

General instructions for the BEDS Personnel Data Form for Teachers will be posted at <http://www.emsc.nysed.gov/irts/home.html> before BEDS day in October 2004 and the forms themselves will be mailed as in past years.

You can find all field memos on the NCLB's requirements for teachers at <http://www.highered.nysed.gov/nclbhome.htm>. Please send your questions about this memo to nclbnys@mail.nysed.gov.

FALL 2004 NCLB SUPPLEMENT

ADMINISTRATION MANUAL FOR THE BASIC EDUCATIONAL DATA SYSTEM (BEDS) PERSONNEL DATA FORM FOR TEACHERS

New York State uses the BEDS Personnel Data Form for Teachers to comply with the teacher quality requirements in the No Child Left Behind Act of 2001 (NCLB).

It is important to use the definitions and instructions in this supplement to review each teacher's qualifications for classes in "core academic subjects" and to develop procedures for responding accurately and completely to:

- the NCLB item on **HIGH QUALITY PROFESSIONAL DEVELOPMENT** on Side 1 of the BEDS form; and
- the NCLB items on **HIGHLY QUALIFIED** on Side 2 of the BEDS form.

If you have questions

about these NCLB items,

please contact

nclbnys@mail.nysed.gov .

Instructions for NCLB Items

1. General Instructions

Teachers complete BEDS Personnel Data forms but their responses should reflect their employer's review of whether they are "highly qualified" for the "core academic subjects" they teach as required by the NCLB. The NCLB requires principals of schools receiving Title I, Part A funds to attest in writing annually as to the qualifications of their teachers of "core academic subjects." BEDS forms should be completed in a way that is consistent with those attestations. Under the NCLB, employers are ultimately responsible for deciding whether teachers are "highly qualified" for their assignments to teach "core academic subjects," receive "high quality professional development," and submit accurate and complete BEDS forms.

2. NCLB item on "high quality professional development" on Side 1

This item asks teachers whether they received "high quality professional development," as defined in section 9101(34) of the NCLB, in the prior school year so that SED can measure progress as required in section 1119 of the NCLB. The response options are YES, NO or NOT APPLICABLE.

- Teachers who had at least one teaching assignment in the prior school year should select either YES or NO.
- Teachers who did not have any teaching assignments in the prior school year should select NOT APPLICABLE. This includes, but is not limited to, new teachers, teachers who had a leave of absence in the prior year, and teachers who had only non-teaching assignments in the prior year.

3. NCLB item on "highly qualified" for each teaching assignment on Side 2

The NCLB requires teachers to be "highly qualified" for their teaching assignments in "core academic subjects."

- **"Core" status of each teaching assignment.** For each reported teaching assignment, teachers must determine whether the assignment is CORE, NOT CORE or MAY BE CORE by using the asterisks next to teaching assignment codes on the list of BEDS Assignment Codes for Teachers.

Asterisks appearing next to BEDS Assignment Code for Teachers	"Core" status of the teaching assignment
None	NOT CORE
*	CORE
**	MAY BE CORE

- **Local decision on “core” status of MAY BE CORE teaching assignments.** When a teaching assignment has two asterisks (denoting that it MAY BE CORE), teachers must apply the following criteria to information that is only available locally to decide whether the assignment is CORE or NOT CORE.
 - **Career and Technical Education (CTE).** A CTE class is CORE only when used for credit in a “core academic subject” for a high school diploma. When a certified CTE teacher does not use the Collaborative Teaching Model to teach such a class, the class is CORE for the CTE teacher. When a certified CTE teacher does use the Collaborative Teaching Model to teach such a class, the class is NOT CORE for the CTE teacher, but the class is CORE for the collaborating teacher.
 - **ESL and bilingual classes.** ESL classes are CORE only when (1) teachers use ESL methodology to teach core academic subjects and have dual certification in ESL and the other subject they are teaching and (2) students use an ESL class for English credit towards a high school diploma. Bilingual classes are CORE whenever the teacher covers core academic subjects at the instructional level of grades K through 12 as the teacher of record.
 - **Special education and other classes.** Special education and other classes are CORE only when teachers provide direct instruction in a “core academic subject” at the instructional level of grades K through 12 as the teacher of record for that subject. Instruction that supplements or reinforces instruction provided by other teachers who are the teachers of record is not subject to the NCLB. For example, instruction provided by a consultant teacher, a resource room teacher or as part of Academic Intervention Services (AIS) is NOT CORE and is not subject to the NCLB.
- **Response options.** Teachers must select a response option for the “NCLB Highly Qualified” item for each reported teaching assignment. When a teaching assignment is CORE, teachers must select YES or NO based on the definition of ‘highly qualified’ in this supplement. (See Definitions and Appendix A.) When a teaching assignment is NOT CORE, teachers must select NOT CORE.

Response options on the BEDS form for each teaching assignment	What the response options mean
YES	The class is CORE and the teacher is “highly qualified” to teach it.
NO	The class is CORE and the teacher is not “highly qualified” to teach it.
NOT CORE	The class is NOT CORE and the teacher is not subject to the NCLB definition of “highly qualified.”

4. All responses should be checked for accuracy and completeness. All reported teaching assignments must have a response for the “NCLB Highly Qualified” item (YES, NO or NOT CORE).
5. When the “NCLB Highly Qualified” response box for a CORE teaching assignment is incorrectly left blank or reported as NOT CORE, SED will change the response option to NO, denoting that the teacher is not “highly qualified” for a CORE class. In these cases, SED will give employers an opportunity to correct the teacher’s status before data on “highly qualified” teachers are publicly reported.
6. When a YES is reported for a CORE teaching assignment and SED’s certification records indicate that the teacher does not meet State certification standards for that assignment (which take into account incidental teaching and approved experiments in organizational change in middle schools), SED will replace the YES response with a NO response and give employers an opportunity to correct the teacher’s status before data on “highly qualified” teachers are publicly reported.

DEFINITIONS FOR NCLB ITEMS

CORE ACADEMIC SUBJECTS

NCLB “core academic subjects” are: English, reading, language arts, mathematics, science, history, geography, economics, civics and government, foreign languages and the arts. SED defines “the arts” as: art, dance, music, theater (including public speaking) and drama.

HIGH QUALITY PROFESSIONAL DEVELOPMENT

The following definition of “professional development” is from section 9101(34) of the NCLB. Professional development that reflects the principles in this definition is considered to be “high quality professional development.”

High quality professional development need not meet all the criteria in this statutory definition because section 9101(34) is not meant to be a “check-off list.” Rather, the NCLB’s definition of professional development expresses a statutory set of principles that apply to professional development as a whole.

Professional development is more than just coursework designed to fill a State or district requirement. It is a set of activities designed to produce a demonstrable and measurable effect on student academic achievement that is grounded in scientifically based research.

“(34) PROFESSIONAL DEVELOPMENT- The term ‘professional development’ —

(A) includes activities that —

(i) improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;

(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

(iii) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;

(iv) improve classroom management skills;

(v)(I) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and

(II) are not 1-day or short-term workshops or conferences;

(vi) support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;

(vii) advance teacher understanding of effective instructional strategies that are —

(I) based on scientifically based research (except that this subclause shall not apply to activities carried out under part D of title II); and

(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and

(viii) are aligned with and directly related to —

(I) State academic content standards, student academic achievement standards, and assessments; and

(II) the curricula and programs tied to the standards described in subclause (I) except that this subclause shall not apply to activities described in clauses (ii) and (iii) of section 2123(3)(B);

(ix) are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;

(x) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

(xi) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;

(xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

(xiii) provide instruction in methods of teaching children with special needs;

(xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and

(xv) include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and

(B) may include activities that —

(i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

(ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and

(iii) provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.”

HIGHLY QUALIFIED TEACHER

Four possible definitions. There are four possible definitions of a “highly qualified” teacher in the NCLB. Teachers should use the definition that fits the level for each of their teaching assignments and their “newness” to the profession of teaching.

TWO LEVELS. Each teaching assignment in a “core academic subject” is either **ELEMENTARY** or **MIDDLE/SECONDARY**.

1. **ELEMENTARY TEACHING ASSIGNMENTS** are in grades K through 6 in common branch subjects and in special education classes that cover common branch

subjects at the instructional level of grades K through 6, regardless of the nominal grade of the students.

2. MIDDLE/SECONDARY TEACHING ASSIGNMENTS are in grades 7 through 12; in specially designed instruction deemed equivalent to the general curriculum in grades 7 through 12; or in the arts, foreign languages or reading at all grade levels.

NEWNESS TO THE PROFESSION. Teachers are either **NEW TO THE PROFESSION** or **NOT NEW TO THE PROFESSION** of teaching.

1. A teacher is **NEW TO THE PROFESSION** during the first year following the effective date of the teacher's first teaching certificate, except with respect to charter school teachers who are not certified as permitted by section 2854(3)(a-1) of the Education Law, for whom **NEW TO THE PROFESSION** is defined as the first year following the date upon which the teacher meets the applicable qualifications in section 2854(3)(a-1) of the Education Law as determined by the charter school. First teaching certificates may be from any state or other jurisdiction.
2. A teacher is **NOT NEW TO THE PROFESSION** 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 section 2854(3)(a-1) of the Education Law, for whom **NOT NEW TO THE PROFESSION** is defined as after the first year following the date upon which the teacher meets the applicable qualifications in section 2854(3)(a-1) of the Education Law as determined by the charter school.

Four definitions. There are four definitions of "highly qualified." They are provided below and summarized in Appendix A.

1. Teachers with **ELEMENTARY** teaching assignments who are **NEW TO THE PROFESSION** are "highly qualified" if they:
 - have a bachelor's or higher degree; and
 - have a NYS certificate* for their teaching assignments, with limited exceptions for certain charter school teachers; 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) -- except that teachers in approved Alternative Teacher Certification Programs are not required to pass the ATS-W to be "highly qualified" while they are enrolled in their programs.

*All credentials are acceptable except modified temporary licenses and internship certificates held by individuals who have not passed the LAST and ATS-W.
2. Teachers with **ELEMENTARY** teaching assignments who are **NOT NEW TO THE PROFESSION** are "highly qualified" if they meet the qualifications in Definition 1 but they have two additional options for demonstrating their subject knowledge and teaching skills:
 - passing comparable examinations identified in Item C4 of NCLB NYS Field Memo #09-2003; or

- passing the high objective uniform State standard of evaluation (HOUSSE), explained in NCLB NYS Field Memo #05-2003.

See NCLB NYS Field Memos at <http://www.highered.nysed.gov/nclbhome.htm>.

3. Teachers with **MIDDLE/SECONDARY** teaching assignments who are **NEW TO THE PROFESSION** are “highly qualified” if they:

- have a bachelor’s or higher degree; and
- have a New York State certificate* for their teaching assignments, with limited exceptions for certain charter school teachers; and
- demonstrate subject matter competency for the “core academic subjects” they teach with one of the following:
 - passing a New York State Teacher Certification Examination (NYSTCE) Content Specialty Test (CST) in the subjects; or
 - successfully completing an undergraduate major in the subjects;
 - successfully completing coursework equivalent to a major (30 credits) in the subjects; or
 - having a New York State permanent or professional certificate in the subjects; or
 - having a graduate degree in the subjects.

*All credentials are acceptable except modified temporary licenses and internship certificates held by individuals who have not passed applicable Content Specialty Tests.

4. Teachers with **MIDDLE/SECONDARY** teaching assignments who are **NOT NEW TO THE PROFESSION** are “highly qualified” if they meet the qualifications in Definition 3 but they have two additional options for demonstrating their subject matter competency:

- passing comparable examinations identified in Item C6 of NCLB NYS Field Memo #09-2003; or
- passing the high objective uniform State standard of evaluation (HOUSSE), explained in NCLB NYS Field Memo #05-2003.

See NCLB NYS Field Memos at <http://www.highered.nysed.gov/nclbhome.htm>.

Teachers in charter schools. To meet the NCLB definition of “highly qualified,” all charter school teachers of “core academic subjects,” including those teachers retained in accordance with the “thirty/five exception” under section 2854(3)(a-1) of the Education Law, must (1) have at least a bachelor’s degree; and (2) meet the applicable subject matter competency requirements. Charter school teachers who are not retained in accordance with the “thirty/five exception” must also be certified for their teaching assignments in “core academic subjects.”

Incidental teaching and middle schools with approved experiments in organizational change. Teachers with a current credential other than a modified temporary license whose teaching assignments are either approved as “incidental teaching” under section 80-5.3 of the Commissioner’s Regulations or covered by an approved experiment in organizational change under section 80-5.12 of the Commissioner’s Regulations are deemed to be certified for those assignments.

Appendix A
New York State Definition of a “Highly Qualified” Teacher
and Options for Demonstrating Subject Matter Competency in Core Academic Subjects

In New York State, a “highly qualified” teacher: (1) has a bachelor’s or higher degree; and (2) is certified (except for certain charter school teachers) for the subjects the teacher is teaching (or doing permissible “incidental teaching” or teaching in an approved experiment in organizational change); and (3) has demonstrated subject matter competency in all core academic subjects the teacher is teaching. The options for demonstrating subject matter competency are shown below.

COHORTS	Options for Demonstrating Subject Matter Competency in Core Academic Subjects Teachers listed on the left must meet only ONE of the checked options for their cohort.					
	Successful completion of the appropriate exam(s) in the appropriate subjects	Successful completion of an academic major in the appropriate subjects	Successful completion of coursework equivalent to an academic major (30 credits) in the appropriate subjects	Successful completion of a graduate degree in the appropriate subjects	Possession of a New York State permanent or professional certificate in the appropriate subjects	The New York State high objective uniform State standard of evaluation (HOUSSE)
Teachers of common branch and special education classes with instructional content in Grades K through 6						
First year of first certification	✓					
After first year of first certification	✓					✓
Teachers of core academic subjects with instructional content in Grades 7 through 12 All teachers of foreign languages, the arts and reading						
First year of first certification	✓	✓	✓	✓	✓	
After first year of first certification	✓	✓	✓	✓	✓	✓

Core academic subjects

English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography.

Appropriate exams

For teachers of common branch and special education with instructional content in Grades K through 6: the Liberal Arts and Sciences Test (LAST) for subject knowledge and the Assessment of Teaching Skills-Written (ATS-W) for teaching skills (except for teachers enrolled in alternative teacher certification programs)

For teachers of core academic subjects with instructional content in Grades 7 through 12 and all teachers of foreign languages, the arts and reading: Content Specialty Tests (CSTs) in the subjects taught

For teachers beyond the first year of certification: the exams listed above, or other exams in the subjects taught that were accepted by SED at the time they were certified

HOUSSE

An evaluation conducted locally on or after August 1, 2003, as part of either (1) a pre-employment review or (2) an Annual Professional Performance Review, that enables teachers beyond the first year of their first teaching certificate to demonstrate subject matter competency in all core academic subjects they teach based on objective, coherent information acceptable to the Commissioner.