



NCLB NYS Field Memo #03-2008

June 13, 2008

To: Charter Schools
Deans, Directors and Chairs of Teacher Education
District Superintendents of Schools
New York State Professional Standards and Practices Board for Teaching
Nonpublic School Administrators
Regional Certification Officers
SETRC 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 Updated Fact Sheet for school year 2008-2009 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).

This Fact Sheet has changes that clarify information in response to questions from the field and information from the U.S. Department of Education (USDOE) that became available after the previous Fact Sheet was issued on May 14, 2007. Substantive changes made to this Fact Sheet since the May 2007 version are shaded in gray throughout the text and summarized here.

- Items A1, A5 and C2 clarify what LEAs should do when they cannot hire a “highly qualified” teacher for a teaching assignment in a core academic subject.
- An example was added to Item A16 to clarify how the subject matter competency requirement applies to teachers of ESL classes that are used for academic credit in English.
- Item B2 clarifies that the NCLB requirements for Title I paraprofessionals apply regardless of whether individuals are permanent employees.
- Item C3 clarifies that 100 percent of classes in core academic subjects must be taught by “highly qualified” teachers in school year 2006-2007 and after, although adjustments can be made for teachers with extended deadlines.
- Item C5 advises districts’ on internal controls to ensure accuracy and completeness of BEDS data for teachers.
- Item D1 clarifies how the NCLB and IDEA define “highly qualified” teachers in public charter schools.
- Part H is clarified and a new definition is added to Part 3 of the HOUSSE to clarify that teaching experience used in the HOUSSE must be teaching experience as a teacher, not a teaching assistant.
- A new Part K is a list of all New York State classroom teaching certificate titles in core academic subjects as of February 2, 2004 that make teachers “highly qualified” in the subject(s) of the certificate.
- A new Part L contains section 120.6 of the Regulations of the Commissioner of Education pertaining to NCLB requirements for “highly qualified” teachers, which took effect in January 2005, and the federal regulations to which it refers.

This Fact Sheet is accurate as of the date of its publication. It supersedes all prior field memos except those shown as “current” at <http://www.highered.nysed.gov/nclbhome.htm>. All guidance in NCLB NYS field memos is subject to change in response to guidance from the USDOE.

Earlier field memos, listed as “current” or “outdated,” can be found at <http://www.highered.nysed.gov/nclbhome.htm>. Please send your questions about any current or outdated field memo to nclbnys@mail.nysed.gov.

For information about certification, see <http://www.highered.nysed.gov/tcert/>. Please send your questions about 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 June 2008

This Fact Sheet contains highlights of the New York State Education Department's (SED's) implementation of requirements related to teachers and Title I 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.

At <http://www.highered.nysed.gov/nclbhome.htm> you can find all NCLB NYS field memos and links to federal statutes, regulations and guidance as well as information about New York State certification.

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, Accountability and Professional Development Requirements Related to Teachers and Title I Paraprofessionals
- Part D NCLB and IDEA Requirements for Teachers in 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 HOUSSE Rubrics
- Part I Collaborative Teaching Model for Career and Technical Education
- Part J NCLB Definitions of "High Quality Professional Development," "Scientifically Based Research" and "Needs Assessment for Professional Development"
- Part K New York State Classroom Teaching Certificate Titles as of February 2, 2004 that Make Teachers "Highly Qualified" in the Subject(s) of the Certificate
- Part L Section 120.6 of the Regulations of the Commissioner of Education Pertaining to the Qualifications of Teachers and Paraprofessionals

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
 - be “highly qualified” as defined by the NCLB or IDEA if they are teaching a core academic subject in grades Kindergarten (K) through 12.

Neither the NCLB nor the IDEA require LEAs to terminate the employment of teachers who are not “highly qualified” for an assignment. However, when teachers are not “highly qualified” for an assignment, they must be reported as such to BEDS (see Item C5 of this Fact Sheet) and, in schools receiving NCLB Title I, Part A funds, their students’ parents must be notified (see Part E of this Fact Sheet). In addition, LEAs must have a credible plan for helping non-“highly qualified” teachers become “highly qualified” or getting a “highly qualified” teacher for the position.

- 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.

The NCLB’s and IDEA’s “highly qualified” teacher requirements do not apply to private school teachers, even when private school teachers are hired or contracted by LEAs to provide equitable services to parentally-placed private school children with disabilities.

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, State-supported schools 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 in core academic subjects 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.

The IDEA requires 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 to be certified in special education.

Federal guidance explains that teachers who only enrich or supplement instruction provided by another teacher with primary responsibility for instruction in a core academic subject are not subject to the NCLB. Item C21 of federal guidance issued on September 12, 2003 states:

An extended learning time program that offers core academic instruction because an LEA has determined that particular students need additional time to learn to State standards can be distinguished from an after-school program offering academic enrichment, tutoring and homework assistance, including supplemental educational services under Section 1116 of No Child Left Behind. In the latter case, the "highly qualified" teacher (and paraprofessional requirements) do not apply. It is up to the LEA to draw the distinction between extended time and enrichment programs.

In the guidance above, the USDOE defines supplementary instruction and enrichment to include academic enrichment, tutoring, homework assistance and supplemental education services (SES). In New York State, this federal definition applies to academic intervention services (AIS), instruction in gifted and talented programs and resource rooms and comparable supplemental instruction identified by LEAs.

- 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, were required to be "highly qualified" by the end of school year 2005-2006. The USDOE has stated that it is unlikely to penalize states or LEAs and that it is likely to consider them to be in substantial compliance with the NCLB if some

- teachers need at least until June 2007 to become “highly qualified” and the teachers are making progress toward becoming “highly qualified” as quickly as possible pursuant to an LEA’s plan to ensure that 100 percent of classes in core academic subjects are taught by “highly qualified teachers. In addition, there are extended deadlines for selected teachers, as explained below.
- **EXTENDED DEADLINES FOR RURAL LEAS.** The USDOE has established extended deadlines for selected teachers of multiple core academic subjects employed by eligible rural LEAs. Teachers of multiple core academic subjects who are employed by eligible rural LEAs and “highly qualified” in at least one subject they teach may have three years from their date of hire to become “highly qualified” in all subjects they teach, and may use the HOUSSE. The deadline for LEAs to submit a Notice of Intent to use these extended deadlines has been extended to August 31, 2007. 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” or a “new special education teacher of multiple core academic subjects” (as defined in Item A10); 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. is “highly qualified” for at least one subject s/he is teaching by virtue of having 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 is unlikely to 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 making progress to become “highly qualified” as soon as possible pursuant to an LEA’s plan to ensure that 100 percent of classes in core

3. The USDOE has not issued guidance on whether LEAs that use Title I funds to hire teachers who are not “highly qualified” must face a financial disallowance and return Title I funds. However, its staff advised SED that LEAs that hire non-“highly qualified” teachers for Title I schools, and that are otherwise making progress on meeting “highly qualified” teacher goals, should carefully document that they were not able to find a “highly qualified” teacher despite extensive efforts and that they have a credible plan for either helping the non-“highly qualified” teacher become “highly qualified” or getting a “highly qualified” teacher for the position.
- 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.
- A7. Employers are responsible for determining if their teachers meet the applicable NCLB definitions of “highly qualified” because employers are subject to the NCLB, not individual teachers. The specific definition of "highly qualified" that employers must use 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 unless all students in the “special class” qualify for the New York State Alternate Assessment (NYSAA).
 - “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 as explained in Part D) or during the first year

of full-time equivalent employment in a public school, consistent with Item A-6 of the USDOE's guidance of August 3, 2005, whichever is later; 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 as explained in Part D) or after the first year of full-time equivalent employment in a public school, consistent with Item A-6 of the USDOE's guidance of August 3, 2005, whichever is later. NOTE: The USDOE's August 3, 2005 guidance is currently under revision and not available online.

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 (as defined in Item A7) 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 during the two-period validity period of their conditional initial certificates.

A9. Teachers with elementary assignments who are not new to the profession (as defined in Item A7) are "highly qualified" if they meet the qualifications in A8 but they have two additional options for demonstrating their subject knowledge and teaching skills:

- having passed 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), as explained in Item A13 of this Fact Sheet.

A10. Teachers with middle and secondary assignments who are new to the profession (as defined in Item A7) 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, for grades 7-9, passing the Multi-Subject CST **; 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 during the two year validity period of their conditional initial certificates.

IDEA FLEXIBILITY FOR USE OF THE HOUSSE

IDEA regulations permit special education teachers who are "new to the profession" or who are "new special education teachers of multiple core academic subjects" to 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 as a certified special education teacher (which includes a fully certified general education teacher who has become a fully certified special education teacher and who has been hired or reassigned to teach special education); 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
- is "highly qualified" for at least one subject s/he teaches by virtue of having a certificate with 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.

Section 300.18(g) of final IDEA regulations define a "new special education teacher of multiple core academic subjects" to include a fully certified regular education teacher who subsequently becomes fully certified...as a special

education teacher and is first hired (or first assigned) as a special education teacher.

A11. Teachers with **middle and secondary assignments** who are not **new to the profession** (as defined in Item A7) are "highly qualified" if they meet the qualifications in A10 but they have two additional options for demonstrating their subject matter competency:

- having passed examinations comparable to the CST that qualified them for certification or licensure, as shown in Part G; or
- passing the HOUSSE, as explained 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 805.12 of the Commissioner's Regulations, which are available online at <http://www.highered.nysed.gov/tcert/regulations.htm>.

The effective date of a certificate is the earlier of the "effective date" appearing on the certificate or the date on which the certificate was issued. A teacher who was certified by another state and who seeks certification to teach in New York State may obtain information about becoming certified in New York State at <http://www.highered.nysed.gov/tcert/certificate/rightpathway.htm#6> and may use the effective date of his/her first certificate to determine whether s/he is "new" or "not new" to the profession to find the applicable definition of "highly qualified."

Every type of certificate issued in New York State is acceptable for the certification part of the NCLB definition of "highly qualified." It is SED's policy that exchange permits for visiting international teachers and visiting lecturer licenses are full certificates for NCLB and IDEA purposes.

"Special classes" for students with disabilities can only be approved as incidental teaching for teachers who are certified to teach students with disabilities because of IDEA requirements.

See Part D 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 who are "not new to the profession" (as defined in Item A7) 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 are required to offer the HOUSSE option by

section 120.6 of the Regulations of the Commissioner of Education. Teachers only need to use the HOUSSE once for each subject to demonstrate their competency in that subject indefinitely. 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.

The following guidance on the HOUSSE reflects *New York State's Revised Plan to Enhance Teacher Quality* that was submitted to the USDOE on September 29, 2006 and approved by the USDOE on December 14, 2006.

The HOUSSE remains an option for teachers to use to demonstrate their subject matter competency during school year 2007-2008 and as long as the HOUSSE remains in the NCLB. As in past years, the HOUSSE can only be used when teachers meet New York State certification standards for an assignment to teach a core academic subject but have not demonstrated subject matter competency in that subject as required by the NCLB or IDEA.

The USDOE strongly encourages the states to limit the use of the HOUSSE because it will seek the elimination of the HOUSSE in the NCLB Reauthorization. In response, the New York State Education Department:

- strongly encourages LEAs to complete their use of the HOUSSE, or, for a small number of teachers, ensure that the teachers are in the process of completing the HOUSSE as quickly as possible in accordance with the LEA's plan for ensuring that 100 percent of classes in core academic subjects are taught by highly qualified teachers;
- suggests that LEAs use the HOUSSE, as needed, to help teachers demonstrate subject matter competency for core subjects that the teachers may be assigned to teach in future years;
- has begun collecting annual data, starting in fall 2006, on each LEA's use of the HOUSSE in the prior school year, which will be used, in combination with data on the use of incidental teaching and out-of-field teaching for monitoring and technical assistance;
- will begin working with the Regents and the education community to severely restrict the use of incidental teaching, which will significantly reduce the need for the HOUSSE;
- will begin using BEDS data, starting in 2007, to report publicly (in report cards or Comprehensive Information Reports) on the percentage of full-time equivalent (FTE) teaching assignments in each school and LEA that are taught by teachers without appropriate certification, which includes both incidental and out-of-field assignments.

USE OF THE HOUSSE

The HOUSSE continues to be available for all teachers who are "not new to the profession" and for some other teachers, as explained below in the section on federal flexibility.

Use of the HOUSSE under federal flexibility. The IDEA and USDOE guidance provide the following flexibility on the use of the HOUSSE.

- IDEA FLEXIBILITY. Item A10 explains when the HOUSSE can be used by special education teachers of multiple core academic subjects regardless of whether they are “new” or “not new” to the profession.
- RURAL FLEXIBILITY. Teachers of multiple core academic subjects who are employed by eligible rural LEAs and “highly qualified” in at least one subject they teach may use the HOUSSE within three years of their hire date, regardless of whether they are “new” or “not new” to the profession, as explained in NCLB NYS Filed Memo #04-2004 of August 2004 and its addendum of October 2005, available at <http://www.highered.nysed.gov/nclbhome.htm>.
- INTERNATIONAL FLEXIBILITY. Visiting teachers from other nations with an appropriate New York State credential may use the HOUSSE when they are “not new to the profession.”

Use of the HOUSSE for certified teachers who are “not new to the profession” and are doing approved incidental teaching. State regulations adopted by the Board of Regents permit certified teachers to teach up to five classroom hours per week of incidental teaching when the assignment is approved because of a demonstrated shortage. See

<http://www.highered.nysed.gov/tcert/part80-5.htm#5.3>. The regulation states:

A superintendent of schools may assign a teacher to teach a subject not covered by such a teacher's certificate or license for a period not to exceed five classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment, and provided that approval...is obtained... To be approved, such application shall demonstrate to the satisfaction of the commissioner that an incidental teaching assignment is necessary, that the teacher so assigned is the best qualified to teach the subject on an incidental basis... To obtain renewal of such approval in any subsequent year, the superintendent of schools...shall submit an application which...contains an assurance by the superintendent of schools that... the teacher who is assigned to teach the course has completed, or has agreed to complete no later than September 1st of the school year next following the first renewal of such approval, at least three semester hours of credit or a satisfactory equivalent leading to certification in the subject which the teacher is being assigned to teach; and...the teacher who is assigned to teach the course will be reimbursed by the school district for the tuition cost of any portion of the three semester hours of credit or the equivalent...

In order to be highly qualified” to do incidental teaching in a core academic subject, teachers must demonstrate subject matter competency in that subject. The HOUSSE provides an assurance that teachers who are “not new to the profession” and are doing incidental teaching have some subject matter competency. New York State is making progress in reducing teacher shortages and the need for incidental teaching. SED will work with the Regents and the education community to severely restrict the use of

incidental teaching in measurable, verifiable ways. As incidental teaching is reduced, LEAs' need for the HOUSSE will drop significantly.

Use of the HOUSSE by certified teachers who are “not new to the profession” and are working in approved “experiments in organizational change” (known as experimental middle schools). State regulations adopted by the Board of Regents permit LEAs to obtain approval for five-year experiments in organizational change in middle grades. See <http://www.highered.nysed.gov/tcert/part80-5.htm#5.12>. The regulation states:

Any school district which proposes an experiment concerned with organizational changes that alters the definition of the elementary, junior or senior high school may be granted approval of a five-year period to employ a certified teacher (or appropriately licensed teacher in the cities of New York and Buffalo) for any teaching assignment, within the scope of the experiment, for which the teacher is deemed, by the superintendent, or other legally authorized body, qualified by education and experience provided:

- (1) the proposed experiment is approved by the Board of Education upon the recommendation of the professional staff of the school district;*
- (2) the proposed experiment is approved by the Commissioner of Education;*
- (3) the proposed experiment includes appropriate procedures for evaluation; and*
- (4) the teacher meets the qualification requirements of section 120.6 of this Title, relating to the No Child Left Behind Act of 2001; and*
- (5) a school district may not continue the assignment of a teacher in any teaching assignment covered by an experiment in organizational change for more than five school years unless the teacher has obtained the teaching certificate or certificate extension appropriate to such assignment...*

Under the approved experiments, teachers must demonstrate subject matter competency in the core subjects they teach in accordance with the NCLB and IDEA. As teachers currently teaching under approved experiments become certified for their “experimental” assignments, they will have passed State certification exams in the subjects they are teaching and their need for the HOUSSE will end. If LEAs apply to SED for renewal of experiments, SED will require reports on teachers' progress in passing certification exams for teachers' experimental assignments.

Use of the HOUSSE by certified CTE teachers who are “not new to the profession” and are working in integrated academic/CTE programs. State regulations permit certified Career and Technical Education (CTE) teachers with a bachelor's degree to teach in State-approved integrated academic/CTE programs that may have classes that students can use for high school credit in core academic subjects. Students in these classes have already earned all but the final required credit in the core subject area and must already have passed the high school exit exam in that subject. In these cases, NCLB requires that the

CTE teacher be “highly qualified.” Frequently, these teachers who are experts in their subject areas demonstrate their competency through means other than examinations or coursework as set forth by NCLB. New York State has designed the HOUSSE to offer a set of qualifying criteria that are more suitable for CTE teachers who are “not new to the profession.” For example, a CTE health occupations teacher who “not new to the profession” and is a registered professional nurse with a bachelor’s degree would have passed a State licensure exam in nursing, so the HOUSSE permits the teacher to use that licensure exam to demonstrate subject matter competency in core academic subjects related to nursing. Similarly, the HOUSSE enables CTE aviation teachers who are “not new to the profession” and who pass federal occupational examinations, such as exams required by the Federal Aviation Administration, to use those exams to demonstrate subject matter competency in academic subjects related to the exams. Additionally, combinations of professional experience and development may be used to demonstrate that CTE teachers who are “not new to the profession” have subject matter competency to deliver CTE content for which academic credit is given. For example, when a CTE business teacher collaborates with a mathematics teacher to develop curriculum and crosswalks for mathematics content within a CTE accounting program, this collaboration, in combination with other professional development activities, contributes to meeting HOUSSE requirements. Another example occurs when a CTE technology teacher works with a mathematics and science teacher to develop curriculum and crosswalks for mathematics and science content within a CTE pre-engineering program. HOUSSE is an important option for certified CTE teachers who are “not new to the profession” and who are teaching in integrated academic/CTE programs because of the important role that CTE plays in increasing student engagement and high school graduation rates.

Consistent with the IDEA, use of the HOUSSE for certified special education teachers of multiple core academic subjects in middle/secondary special classes for students with disabilities. Prior to 2004, New York State issued grade K-12 special education certificates that permitted teachers to teach all subjects in “special classes” of students with disabilities in Kindergarten through grade 12. When these teachers taught “special classes” to students with disabilities for high school credit in core academic subjects, they were required to work with general education teachers certified in those subjects. Now, the IDEA requires all special education teachers to demonstrate that they themselves have subject matter competency in each core subject they teach as the teacher of record in middle/secondary special classes in grades 7-12. Similarly, teachers certified in special education at the middle/secondary level since 2004, when New York State’s certification standards changed, all have subject matter competency in at least one core academic subject, but not in all the subjects they may be assigned to teach in a special class with multiple core academic subjects, even though federal law requires them to demonstrate subject matter competency in every core academic subject they teach. Most certified special education teachers teaching special classes in multiple core academic subjects have already used the HOUSSE or other means to demonstrate subject matter competency for the core subjects they have been teaching. However, if these

teachers are assigned to teach a new subject in the future, the HOUSSE enables them to use professional development, college coursework and other means to demonstrate their subject matter competency and enables LEAs to continue offering “special classes” for students with disabilities that are required for high school graduation when such classes are required in a student’s Individualized Education Program (IEP). New York State is making progress in reducing the number of students with disabilities who are taught in “special classes” with multiple core academic subjects, but there will always be a small number of students in such classes whose teachers may need the HOUSSE to demonstrate their subject matter competency in multiple subjects. Special classes are part of the continuum of services that New York State provides in order to comply with the IDEA requirement that each state provide a continuum of services for students with disabilities. In light of the severe shortage of special education teachers at the middle/secondary level, the IDEA recognizes the need to continue to permit LEAs to use the HOUSSE for teachers of special classes with multiple core academic subjects. The IDEA permits the use of the HOUSSE for (1) a certified special education teacher who is “not new to the profession;” (2) a certified special education teacher who is “new to the profession” and eligible for IDEA flexibility described in Item A10; and (3) a certified special education teacher who is a “new special education teacher of multiple core academic subjects” as defined in Item A10 and who is eligible for IDEA flexibility described in Item A10.

HOUSSE PORTABILITY

LEAs may continue to accept HOUSSE evaluations conducted by other employers as part of their plans to recruit and retain “highly qualified” teachers and to ensure that 100 percent of teachers of core academic subjects are “highly qualified.”

- 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. 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>
- A15. Career and Technical Education (CTE) includes all the classes listed in the Career and Technical Education section of the BEDS list of Assignment Codes for Teachers, available at <http://www.emsc.nysed.gov/irts/beds/assignment-codes/home-8-23-06.shtml>. Teachers of CTE classes are only required to be “highly qualified” when they are teaching core classes that can be used for credit in a core academic subject for a high school diploma. Under section 100.5 of the Regulations of the Commissioner of Education, a CTE class that can be used for credit in a core academic subject for a high school diploma may be either a CTE “specialized course” [Section 100.5(b)(7)(iv)] or a CTE “integrated course” in an

approved CTE program [Section 100.5(d)(6)(i)(a)]. In addition, SED policy permits students pursuing an approved sequence in CTE to use specified CTE courses to meet certain diploma requirements in general education. State policy only permits students to use CTE courses for credit in a core academic subject if the students have already passed a State assessment in the subject. When certified CTE teachers must be “highly qualified,” they have several options, depending on their circumstances.

- Certified CTE teachers without bachelor’s degrees cannot, by definition, be “highly qualified.” They must use the Collaborative Teaching Model in Part I of this memo.
- Certified CTE teachers with bachelor’s degrees who are “new to the profession” (as defined in Item A7) and have not demonstrated subject matter competency as required in Item A10 of this Fact Sheet must use the Collaborative Teaching Model in Part I.
- Certified CTE teachers with bachelor’s degrees who are “not new to the profession” (as defined in Item A7) may use the options in Items A10 and A11 of this Fact Sheet, including the HOUSSE, to demonstrate their subject matter competency for any core subject they are teaching or may be asked to teach at any time in their careers. They should be strongly encouraged to complete their use of the HOUSSE as soon as possible.

A16. The definition of “highly qualified” for classes of English as a Second Language (ESL) depends on the classes being taught.

- ESL itself is not a core academic subject, which means that teachers of classes that solely cover ESL are not subject to the NCLB and do not need to meet the NCLB definition of “highly qualified.” However, all ESL teachers must meet the State’s high standards for ESL certification for grades K through 12.
- When a teacher teaches a core academic subject with ESL methodology in grades K through 6, the teacher must meet the “elementary” definition of “highly qualified.” Note that the teacher must have dual certification, in both ESL and elementary/common branch subjects, in order to meet all State certification requirements and the certification condition in the NCLB’s “elementary” definition of “highly qualified.”
- When a teacher teaches ESL in grades 7 through 12 to limited English proficiency/English language learners (LEP/ELL) who use the class to satisfy English or language arts requirements for high school graduation, the teacher must meet the “middle/secondary” definition of “highly qualified” for English, as explained in Items A10 and A11 of this Fact Sheet. For example, the Content Specialty Test in English could be used to demonstrate subject matter competency in English (while the Content Specialty Test in ESL could not).

BILINGUAL EDUCATION. State regulations require classes taught in a bilingual format to be taught by teachers with certificates in the subjects they teach who also have applicable bilingual extensions.

- Teachers of bilingual classes in core academic subjects at the “elementary” level (as defined in Item A7) must meet the NCLB definition for “elementary” teachers. To do so, teachers must have a certificate that is valid for teaching common branch subjects in Kindergarten through Grade 6 and a bilingual extension for the non-English language of instruction.
- Teachers of bilingual classes in core academic subjects at the “middle/secondary level” (as defined in Item A7) must meet the NCLB definition for “middle/secondary” teachers for each core academic subject they teach. To do so, teachers must have a certificate that is valid for teaching the subject in Grades 7 through 12 and a bilingual extension for the non-English language of instruction.

TEACHERS IN POSITIONS FUNDED BY TITLE III OF THE NCLB. Title III of the NCLB requires all teachers in language instruction educational programs funded under Title III to be fluent in English and any other language in which they provide instruction, including having written and oral communication skills. Even teachers who are not responsible for instruction in English need to be fluent in English in order to communicate and interact effectively with English-speaking parents, other teachers and administrators.

- A17. In accordance with Item A-18 of guidance issued by the USDOE in August 2005, certified science teachers who teach middle/secondary science classes for which they are certified and “highly qualified” are, by definition, “highly qualified” in all science subjects for which they are certified. This means that teachers with certificates in biology, chemistry, earth science or physics are “highly qualified” to teach general science, life science or physical science without an additional demonstration of their subject matter competency. It also means that science teachers with certification in one science subject are “highly qualified” to do approved incidental teaching in another science subject without an additional demonstration of their subject matter competency for the additional science subject.

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 Item 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 have met comparable New York City requirements by February 2, 2004); 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" and must be certified (or have met comparable New York City requirements prior to February 2, 2004). 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 both State and NCLB requirements, regardless of whether the individual is a permanent employee.

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. Title I paraprofessionals must have been "qualified" by the end of school year 2005-2006 in order for their positions to continue being funded by Title I funds.

- 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. (Teaching assistants who achieve tenure through estoppel, or default, have not passed a 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, Accountability and Professional Development 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 or June 2007, as explained in Item A5 of this Fact Sheet; 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. This third requirement is known as the "equitable distribution of teachers" (EDT) requirement.

The USDOE requires LEAs to address each of these three requirements. SED must address each of the three requirements as part of its monitoring, technical assistance and funding procedures.

The USDOE has not issued guidance on whether LEAs that use Title I funds to hire teachers who are not “highly qualified” must face a financial disallowance and return Title I funds. However, its staff advised SED that LEAs that hire non-“highly qualified” teachers for Title I schools, and that are otherwise making progress on meeting “highly qualified” teacher goals, should carefully document that they were not able to find a “highly qualified” teacher despite extensive efforts and that they have a credible plan for either helping the non-“highly qualified” teacher become “highly qualified” or getting a “highly qualified” teacher for the position.

- C3. Prior to June 2006, each LEA and each school receiving NCLB Title I, Part A funds was required to increase annually, at a pace that would reach 100 percent by the end of school year 2005-2006, the percentage of teachers of core academic subjects that were (1) "highly qualified" to teach those subjects and (2) receiving high quality professional development. Those annual increases were each LEA's and each school's Annual Measurable Objectives (AMOs). After June 2006, the following Annual Measurable Objectives apply, based on numeric standards that the USDOE is using to assess New York State's progress.
- Using 2004-2005 Basic Education Data System (BEDS) data, LEAs and schools must have at least 90 percent of core classes taught by “highly qualified” teachers in order to meet the statewide AMO.
 - Using 2005-2006 BEDS data, LEAs and schools must have at least 95 percent of core classes taught by “highly qualified” teachers in order to meet the statewide AMO.
 - Using data for school year 2006-2007 and after, LEAs and schools must have 100 percent of core classes taught by “highly qualified” teachers in order to meet the statewide AMO. However, adjustments will be made for LEAs whose teachers have extended deadlines described in Item A5.

Item C6 describes the consequences for LEAs that do not meet these 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 “high quality professional development,” as defined in Part J of this Fact Sheet, 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.”

BEDS REPORTING. SED continues to enhance its Basic Educational Data System (BEDS) to comply with the NCLB’s reporting requirements. In addition, starting in fall 2006, SED has collected data on LEAs’ use of the HOUSSE in order to document reduced reliance on the HOUSSE, as required by the USDOE. LEAs 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. LEAs should also have internal controls for ensuring the accuracy and completeness of their BEDS data each year. SED advises LEAs to have and implement written policies to verify, at minimum, a small sample of BEDS forms each year to ensure that teachers are accurately reporting their actual assignments and that all teachers who are required to report to BEDS (including long-term substitutes employed under section 80-5.4 of the Regulations of the Commissioner of Education) actually do so. State monitoring of LEAs’ use of Title II-A funds includes data quality reviews, just as federal monitoring of the State’s use of Title II-A funds addresses data quality issues.

C6. Section 2141 of the NCLB requires SED to use the following accountability system for teacher quality.

- Each year, SED must identify each NCLB Title I LEA that (1) was in Improvement Status for failing to meet Adequate Yearly Progress (AYP) for three consecutive years; and (2) did not meet the statewide AMO for teacher quality in the most recent year. For these LEAs, SED must enter into an agreement with the LEA on the use of NCLB Title II funds. As part of the agreement, SED must (1) develop, in conjunction with the LEA, its teachers and its principals, professional development strategies and activities, based on scientifically based research, that the LEA will use to meet the AMO and SED must require the LEA to utilize such strategies and activities; (2) prohibit the use of Title I-A funds to fund any paraprofessional hired after the date such determination is made unless (a) the LEA can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under Title I and that such new paraprofessional meets the NCLB definition of “qualified;” or (b) the LEA can demonstrate that a significant influx of population has substantially increased enrollment; or (c) the LEA can

demonstrate that there is an increased need for translators or assistance with parental involvement activities. During the development of the professional development strategies and activities, SED must, in conjunction with the LEA, provide from funds allocated to the LEA directly to one or more schools served by the LEA to enable teachers at the school to chose, with continuing consultation of the principal involved, professional development activities that meet the NCLB definition of professional development and are coordinated with other reforms at the schools.

- Each year, SED must identify NCLB Title I LEAs that did not meet the statewide AMO for the most recent year but that were not identified above. SED must require these LEAs to develop an improvement plan that (1) will enable them to meet the applicable statewide AMO for each school year and (2) specifically addresses issues that prevented them from meeting the most recent AMO.
- C7. Other NCLB-required sanctions may apply to LEAs that fail to make AYP. 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)]
- C8. The NCLB requires all public school teachers of core academic subjects to receive "high-quality" professional development. According to technical assistance SED received from the USDOE, this requirement is not limited to public school teachers of core academic subjects who are not yet "highly qualified." The USDOE indicates that this requirement applies broadly to all public school teachers of core academic subjects, even those who are already "highly qualified," because the NCLB requires teachers of core academic subjects to be both "highly qualified" and "effective."

Planning and scheduling for the NCLB's professional development requirement is a local responsibility which must be achieved through the development and implementation of the LEA's Professional Development Plan (PDP) required under section 100.2(dd) of the Commissioner's Regulations.

SED provides technical assistance for LEAs and schools, and supports professional development in many ways. Examples include: the Mathematics Institute; the Reading Institute; the New York State Reading Academy; the New York State Reading Resource Center; the Early Literacy Guidance publication; the New York State Virtual Learning Space; seven Regional Support Centers; the New York State Mentor Teacher Internship Program; the New York State Teacher Resource and Computer Training Centers; the Teacher/Leadership Quality Partnership Program; and the Special Education Teacher Quality Initiative, which includes a State Improvement Grant for low-performing schools and the Higher Education Support Center at Syracuse University.

- C9. LEAs receiving Title I, Part A funds must spend no less than five percent of their Title I, Part A funds on professional development for teachers and Title I paraprofessionals – unless a lesser amount is sufficient to ensure that teachers and Title I paraprofessionals meet the NCLB’s requirements. LEAs may spend more than five percent to support ongoing training and professional development to assist teachers and paraprofessionals in carrying out activities under Title I, Part A, Subpart A. *[34 CFR 200.60]*
- C10. “High-quality” professional development is professional development that reflects the principles expressed in the definition in section 9101(34), which appears in Part J of this Fact Sheet. In addition, the USDOE indicates that “effective teacher professional development is more than just coursework designed to fill a State or district requirement. It is a set of activities that produces a demonstrable and measurable effect on student academic achievement.” The NCLB “emphasizes that effective professional development must be grounded in scientifically based research,” as defined in section 9101(37) of the NCLB and shown in Part J of this Fact Sheet. “Professional development works best when it is part of a systemwide effort to improve and integrate teacher quality at all stages: preparation, induction, support, and ongoing development.” The USDOE indicates that 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 NCLB-funded professional development as a whole, and that must guide how SEAs, LEAs, and others supported by the NCLB think about, design and implement the forms of professional development that teachers need. *[USDOE, December 2002]*

Title II of the NCLB provides funds for preparing, training and recruiting high quality teachers and principals. The NCLB’s definition of professional development states that professional development activities “are not one-day or short-term workshops or conferences” *[section 9101(34)((A)(v)(II)]*. Therefore, under the NCLB, participation at these short-term workshops and conferences is not, by itself, professional development, and so Title II, Part A funds may not pay the costs of registration and attendance at these short-term workshops or conferences as allowable “professional development” unless certain conditions are met. Title II, Part A funds may be used to pay the costs associated with having teachers and other LEA staff attend one-day or short-term workshops or conferences only if they are part of, and integral to, professional development activities that meet the other elements of section 9101(34). For example, consistent with the results of its Title II, Part A needs assessment, an LEA might design a comprehensive set of intensive training opportunities that:

1. conform to the principles in the statutory definition; and
2. carefully use participation at a short-term workshop or conference to reinforce or lay the groundwork as part of a larger, systemic, professional development plan. *[USDOE, December 2002]*

In New York State, all professional development activities, including those funded by federal NCLB initiatives, must be developed as part of an LEA's required Professional Development Plan (PDP). A PDP may be part of a comprehensive district education plan (CDEP) of a school district or a BOCES, provided that the PDP meets all the requirements in section 100.2(dd) of the Commissioner's Regulations, available at <http://www.emsc.nysed.gov/part100/part10012j.pdf> or http://www.emsc.nysed.gov/development/regulations_pdp.htm.

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.

- **Certification.** The NCLB requires charter school teachers to be certified to the extent required by State law. The IDEA has the same provision for charter school teachers of students with disabilities. Section 2854(3)(a-1) of State Education Law requires that all charter school "teachers shall be certified in accordance with the requirements applicable to other public schools" 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"). Section 2854(3)(a-1) of State Education Law also says that "A teacher certified or otherwise approved by the commissioner shall not be included in the numerical limits established by the preceding sentence." This means that a certified charter school teacher who is teaching out of the scope of his/her certificate does not count as an uncertified teacher for charter school purposes, regardless of the match between the teacher's certificate and his/her assignments in general education or special education.
- **Licensure.** It is SED's policy that New York City licenses are valid certificates for use in charter schools located in New York City.
- **Highly Qualified.** 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. Charter schools must maintain records to document their teacher's qualifications. So long as the HOUSSSE remains a statutory option for teachers to demonstrate their subject matter competency, charter schools may use the HOUSSSE, as described in Items A9, A11 and A13, as part of the teacher evaluation process in their

charter document that is comparable to an Annual Professional Performance Review.

- **Qualified Title I paraprofessionals.** 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 **or** during the first year of employment in a public 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 **or** after the first year of full-time equivalent employment in a public 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 or June 2007, as explained in Item A5 of this Fact Sheet.

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

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

- **These checklists are for use by LEAs and their teachers.**
- **They are a technical assistance tool to help LEAs comply with the NCLB and IDEA.**

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 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 or a NYC charter school. 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 or definition. GO TO 3.

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

3. Are you in your first year of certification or first year of employment in a public school?

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.**

I teach multiple core academic subjects in an "eligible rural LEA" within 3 years of being hired and am HQ in at least one of the subjects I teach and I passed New York State's HOUSSE for "elementary" assignments. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

4. Only use Item 4 if you are past your first year of certification or past your first year of full-time equivalent employment in a public school, whichever is later.

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 the HOUSSE for this assignment. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

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

<p>BOX A COMPARABLE EXAMS</p> <p>LAST</p> <ul style="list-style-type: none"> ▪ NTE Communications Skills and General Knowledge Test <p>ATS-W</p> <ul style="list-style-type: none"> ▪ NTE Professional Knowledge Test; <u>or</u> ▪ Assessment of Teaching Skills-Performance (ATS-P) <p>BOTH</p> <ul style="list-style-type: none"> ▪ National Board Certification; <u>or</u> ▪ For a teacher with a <u>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 May 2007

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 or a NYC charter school. 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 or definition. GO TO 3.
 None of the above. STOP. **YOU ARE NOT HQ.**
3. Are you in your first year of certification or first year of employment in a public school?
 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 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 a comparable 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 HOUSSE for "middle/secondary" teachers in the above subject **and** I was hired (or first assigned to teach SWD) no more than 2 years ago. STOP. **YOU ARE HQ FOR THIS SUBJECT**
 I teach multiple core subjects in an "eligible rural LEA" within 3 years of being hired **and** am HQ in at least one of the subjects I teach **and** I passed the NYS HOUSSE for "middle-secondary" assignments in the above subject. 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 or past your first year of full-time equivalent employment in a public school, whichever is later.
 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 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 HOUSSE for "middle/secondary" assignments in this 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	
	<ul style="list-style-type: none"> ▪ NTE in the secondary subject; <u>or</u> ▪ National Board Certification in the secondary subject; <u>or</u> ▪ 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

HOUSSE Rubrics

- LEAs are strongly encouraged to complete the HOUSSE as soon as possible for the small number of teachers who meet Regents certification requirements but have not yet demonstrated subject matter competency as required by the NCLB for the core academic subjects they teach, or can be expected to teach in the future, because the HOUSSE could be eliminated in the reauthorization of the NCLB.
- LEAs must use the exact language of New York State's HOUSSE rubrics. They may change the rubrics' format to include signature lines and dates but they may not alter the substance of the HOUSSE rubric items or point system in any way.
- Teachers and administrators may not decide whether to use the HOUSSE rubric for elementary assignments or middle/secondary assignments based on the level of instruction a teacher provides when that level does not match a student's nominal grade level. 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

TEACHING EXPERIENCE must be as a teacher, not a teaching assistant.

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.

Revised May 2007

Part I

Collaborative Teaching Model for Career and Technical Education

The collaborative teaching model has become an essential part of instructional delivery in New York State and is most generally applied in classroom settings for students who have already demonstrated achievement of the State Learning Standards by passing five required State examinations in core academic subjects. The collaborative teaching model involves the ongoing, active and substantive participation of teaching professionals, working in proximity and representing different educational content areas, directed toward the creation and delivery of integrated instruction.

The collaborative teaching of CTE courses is based upon a set of criteria that are consistent, demonstrable and operate to the exclusion of school factors such as size, geographic location and type of career and technical education program offerings. In New York State, the following criteria for collaboratively teaching a specific CTE course must be met:

- involvement of at least one "highly qualified" teacher of the core academic subject and at least one certified CTE teacher;
- the course is based upon New York State-approved Learning Standards and is co-developed, as indicated through the preparation/completion of a curriculum "crosswalk" to those standards, by the core academic teacher(s) and the career and technical education teacher(s);
- the completion of a year plan (scope and sequence) for instructional delivery involving both the core academic teacher(s) and the CTE teacher(s);
- scheduled meetings throughout the school year of all teachers involved in collaborative teaching to discuss student progress toward achievement of the learning standards involved and for evaluation of individual student progress;
- completion of professional development activities involving a combination of the core academic subject and the CTE subject area to the satisfaction of the school building administrator;
- completion of an annual review by collaborating teachers of the CTE course/program and student achievements, and the development of suggestions for future program modification/improvement; and
- submission of an annual report by collaborating teachers to school district administration on factors of program success, planned program modification/improvement and student achievements.

To support the CTE collaborative teaching model in New York State, SED will actively encourage (1) institutions of higher education with teacher education programs to incorporate academic Content Specialty Test (CST) goals within the curriculum for pre-service CTE teachers and (2) public schools and school districts to provide summer study opportunities for teaching staff, through professional development plan initiatives, to assist teachers in preparing for the CST in the core academic subjects to be integrated into the high school CTE program.

Part I duplicates Item C3 of NCLB NYS Field Memo #04-2003 (July 7, 2003)

Part J
NCLB Definitions of “High Quality” Professional Development, “Scientifically Based Research” and “Needs Assessment”

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 definition.

“(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.”

SCIENTIFICALLY BASED RESEARCH. The following definition of “scientifically based research” is from section 9101(37) of the NCLB.

“(37) SCIENTIFICALLY BASED RESEARCH- The term scientifically based research’ —

- (A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and
- (B) includes research that —
 - (i) employs systematic, empirical methods that draw on observation or experiment;
 - (ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
 - (iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
 - (iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
 - (v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
 - (vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.”

NEEDS ASSESSMENT FOR PROFESSIONAL DEVELOPMENT. The following definition of “needs” assessment for professional development, in the context of LEA applications for NCLB Title II, Part A funds, appears in Title II, section 2122 of the NCLB.

SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESSMENT.

(a) IN GENERAL- To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(b) CONTENTS- Each application submitted under this section shall be based on the needs assessment required in subsection (c) and shall include the following:

(1) (A) A description of the activities to be carried out by the local educational agency under this subpart and how these activities will be aligned with--

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

(ii) the curricula and programs tied to the standards described in clause (i).

(B) A description of how the activities will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

(2) A description of how the activities will have a substantial, measurable, and positive impact on student academic achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and instruction to improve teaching, learning, and technology literacy.

(3) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that--

(A) have the lowest proportion of highly qualified teachers;

(B) have the largest average class size; or

(C) are identified for school improvement under section 1116(b).

(4) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs.

(5) A description of the professional development activities that will be made available to teachers and principals under this subpart and how the local educational agency will ensure that the professional development (which may include teacher mentoring) needs of teachers and principals will be met using funds under this subpart.

(6) A description of how the local educational agency will integrate funds under this subpart with funds received under part D that are used for professional development to train teachers to integrate technology into curricula and in the preparation of the application.

(7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and minority students from other students.

(8) A description of the results of the needs assessment described in subsection (c).

(9) A description of how the local educational agency will provide training to enable teachers to--

- (A) teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;
 - (B) improve student behavior in the classroom and identify early and appropriate interventions to help students described in subparagraph (A) learn;
 - (C) involve parents in their child's education; and
 - (D) understand and use data and assessments to improve classroom practice and student learning.
- (10) A description of how the local educational agency will use funds under this subpart to meet the requirements of section 1119.
- (11) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

(c) NEEDS ASSESSMENT-

- (1) IN GENERAL- To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, as identified by the local educational agency and school staff.
- (2) REQUIREMENTS- Such needs assessment shall be conducted with the involvement of teachers, including teachers participating in programs under part A of title I, and shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet challenging State and local student academic achievement standards.

Part J duplicates Appendices B, C and F of NCLB NYS Field Memo #09-2003 (November 5, 2003)

Part K

New York State Classroom Teaching Certificate Titles as of February 2, 2004 that Make Teachers “Highly Qualified” in the Subject(s) of the Certificate

A teacher with any of the following credentials in NCLB core academic subjects issued on or after February 2, 2004 is “highly qualified” to teach the subject(s) of the credential by virtue of meeting eligibility requirements for the credential, which include college-level study in the core academic subject area and a subject-specific certification examination. Teachers who hold credentials issued before February 2, 2004 in similar titles are also likely to be “highly qualified” in the subject(s) of their certificates but they should refer to Parts A and G of this memo to verify that they meet the definition of “highly qualified.”

LOWER AND UPPER ELEMENTARY GRADES

Codes and Titles:

- 3013 - Early Childhood Education Birth - Grade 2
- 3014 - Childhood Education Grades 1 - 6

EARLY SECONDARY GRADES 7-9 EXTENSIONS

Codes and Titles:

- 4069 - English Language Arts Grades 7 - 9 Extension
- 4084 - Mathematics Grades 7 - 9 Extension
- 4086 - Social Studies Grades 7 - 9 Extension
- 4046 - Biology Grades 7 - 9 Extension
- 4047 - Chemistry Grades 7 - 9 Extension
- 4048 - Earth Science Grades 7 - 9 Extension
- 4049 - Physics Grades 7 - 9 Extension
- 4064 - Spanish Grades 7 - 9 Extension
- 4066 - Latin Grades 7 - 9 Extension
- 4068 - German Grades 7 - 9 Extension
- 4070 - Russian Grades 7 - 9 Extension
- 4072 - Hebrew Grades 7 - 9 Extension
- 4074 - Italian Grades 7 - 9 Extension
- 4076 - Greek Grades 7 - 9 Extension
- 4077 - Urdu Grades 7 - 9 Extension
- 4079 - Japanese Grades 7 - 9 Extension
- 4080 - French Grades 7 - 9 Extension
- 4081 - Chinese Grades 7 - 9 Extension
- 4092 - American Sign Language Grades 7 - 9 Extension
- 5234 - Cantonese Grades 7 - 9 Extension
- 5241 - Mandarin Grades 7 - 9 Extension

MIDDLE CHILDHOOD EDUCATION GRADES 5-9

Codes and Titles:

- 4011 - Generalist in Middle Childhood Education Grades 5 - 9
- 4012 - English Language Arts Grades 5 - 9
- 4013 - Mathematics Grades 5 - 9
- 4018 - Social Studies Grades 5 - 9
- 4014 - Biology Grades 5 - 9
- 4015 - Chemistry Grades 5 - 9
- 4016 - Earth Science Grades 5 - 9
- 4017 - Physics Grades 5 - 9
- 4019 - General Science Grades 5 - 9 Extension
- 4031 - American Sign Language Grades 5 - 9
- 4032 - Cantonese Grades 5 - 9

- 4033 - Chinese Grades 5 - 9
- 4034 - French Grades 5 - 9
- 4035 - German Grades 5 - 9
- 4036 - Greek Grades 5 - 9
- 4037 - Hebrew Grades 5 - 9
- 4038 - Italian Grades 5 - 9
- 4039 - Japanese Grades 5 - 9
- 4041 - Latin Grades 5 - 9
- 4042 - Mandarin Grades 5 - 9
- 4043 - Russian Grades 5 - 9
- 4044 - Spanish Grades 5 - 9
- 4045 - Urdu Grades 5 - 9

SECONDARY ACADEMIC SUBJECTS GRADES 7-12

Codes and Titles:

- 5013 - English Language Arts 7 - 12
- 5130 - Mathematics Grades 7 - 12
- 5110 - Social Studies Grades 7 - 12
- 5010 - Biology Grades 7 - 12
- 5030 - Chemistry Grades 7 - 12
- 5050 - Physics Grades 7 - 12
- 5070 - Earth Science Grades 7 - 12
- 5091 - General Science Grades 7 - 12 Extension
- 5140 - French Grades 7 - 12
- 5150 - Spanish Grades 7 - 12
- 5160 - Latin Grades 7 - 12
- 5170 - German Grades 7 - 12
- 5180 - Russian Grades 7 - 12
- 5190 - Hebrew Grades 7 - 12
- 5200 - Italian Grades 7 - 12
- 5210 - Greek 7-12
- 5225 - Urdu Grades 7 - 12
- 5226 - American Sign Language Grades 7 - 12
- 5230 - Chinese Grades 7 - 12
- 5232 - Cantonese Grades 7 - 12
- 5238 - Mandarin Grades 7 - 12
- 4054 - Japanese Grades 7 - 12

SECONDARY ACADEMIC SUBJECTS GRADES 5-6 EXTENSION

Codes and Titles:

5014 - English Language Arts Grades 5 - 6 Extension
5131 - Mathematics Grades 5 - 6 Extension
5111 - Social Studies Grades 5 - 6 Extension
5011 - Biology Grades 5 - 6 Extension
5031 - Chemistry Grades 5 - 6 Extension
5051 - Physics Grades 5 - 6 Extension
5071 - Earth Science Grades 5 - 6 Extension
5093 - General Science Grades 5 - 6 Extension
5171 - German Grades 5 - 6 Extension
5181 - Russian Grades 5 - 6 Extension
5191 - Hebrew Grades 5 - 6 Extension
5201 - Italian Grades 5 - 6 Extension
5231 - Chinese Grades 5 - 6 Extension
5233 - Cantonese Grades 5 - 6 Extension
5239 - Mandarin Grades 5 - 6 Extension
5348 - Japanese Grades 5 - 6 Extension
5349 - French Grades 5 - 6 Extension
5350 - Spanish Grades 5 - 6 Extension
5351 - Latin Grades 5 - 6 Extension
5352 - Greek Grades 5 - 6 Extension
5357 - Urdu Grades 5 - 6 Extension
5358 - American Sign Language Grades 5 - 6 Extension

EXTENSIONS

[To teach a language other than English in grades 1-6 (holding a valid certificate to teach a language other than English in grade 7-12 is a prerequisite)]

Codes and Titles:

4099 - Japanese Grades 1 - 6 Extension
5166 - French Grades 1 - 6 Extension
5167 - Spanish Grades 1 - 6 Extension
5168 - Latin Grades 1 - 6 Extension
5169 - German Grades 1 - 6 Extension
5172 - Russian Grades 1 - 6 Extension
5173 - Hebrew Grades 1 - 6 Extension
5202 - Italian Grades 1 - 6 Extension
5212 - Greek Grades 1 - 6 Extension
5245 - Chinese Grades 1 - 6 Extension
5246 - Cantonese Grades 1 - 6 Extension
5247 - Mandarin Grades 1 - 6 Extension
5248 - Urdu Grades 1 - 6 Extension
5249 - American Sign Language Grades 1 - 6 Extension

SPECIAL SUBJECTS (ALL GRADES)

Codes and Titles:

6013 - Visual Arts
6150 - Music
6193 - Theatre
6200 - Dance

LITERACY

Codes and Titles:

7061 - Literacy Birth - Grade 6
7062 - Literacy Grades 5 - 12

TEACHING STUDENTS WITH DISABILITIES

Codes and Titles:

9013 - Students with Disabilities Birth - Grade 2
9014 - Students with Disabilities Grades 1 - 6
9015 - Students with Disabilities - Generalist Grades 5 - 9
9026 - Students with Disabilities - English Grades 5 - 9
9037 - Students with Disabilities - Mathematics Grades 5 - 9

9042 - Students with Disabilities - Social Studies Grades 5 - 9
9022 - Students with Disabilities - Biology Grades 5 - 9
9024 - Students with Disabilities - Chemistry Grades 5 - 9
9027 - Students with Disabilities - Earth Science Grades 5 - 9
9038 - Students with Disabilities - Physics Grades 5 - 9
9019 - Students with Disabilities - American Sign Language Grades 5 - 9
9023 - Students with Disabilities - Cantonese Grades 5 - 9
9025 - Students with Disabilities - Chinese Grades 5 - 9
9028 - Students with Disabilities - French Grades 5 - 9
9029 - Students with Disabilities - German Grades 5 - 9
9031 - Students with Disabilities - Greek Grades 5 - 9
9032 - Students with Disabilities - Hebrew Grades 5 - 9
9033 - Students with Disabilities - Italian Grades 5 - 9
9034 - Students with Disabilities - Japanese Grades 5 - 9
9035 - Students with Disabilities - Latin Grades 5 - 9
9036 - Students with Disabilities - Mandarin Grades 5 - 9
9039 - Students with Disabilities - Russian Grades 5 - 9
9043 - Students with Disabilities - Spanish Grades 5 - 9
9044 - Students with Disabilities - Urdu Grades 5 - 9
9051 - Students with Disabilities - English Language Arts Grades 7 - 12
9063 - Students with Disabilities - Mathematics Grades 7 - 12
9066 - Students with Disabilities - Social Studies Grades 7 - 12
9046 - Students with Disabilities - Biology Grades 7 - 12
9048 - Students with Disabilities - Chemistry Grades 7 - 12
9053 - Students with Disabilities - Earth Science Grades 7 - 12
9064 - Students with Disabilities - Physics Grades 7 - 12
9045 - Students with Disabilities - American Sign Language Grades 7 - 12
9047 - Students with Disabilities - Cantonese Grades 7 - 12
9049 - Students with Disabilities - Chinese Grades 7 - 12
9054 - Students with Disabilities - French Grades 7 - 12
9055 - Students with Disabilities - German Grades 7 - 12
9056 - Students with Disabilities - Greek Grades 7 - 12
9057 - Students with Disabilities - Hebrew Grades 7 - 12
9058 - Students with Disabilities - Italian Grades 7 - 12
9059 - Students with Disabilities - Japanese Grades 7 - 12
9061 - Students with Disabilities - Latin Grades 7 - 12
9062 - Students with Disabilities - Mandarin Grades 7 - 12
9065 - Students with Disabilities - Russian Grades 7 - 12
9067 - Students with Disabilities - Spanish Grades 7 - 12
9068 - Students with Disabilities - Urdu Grades 7 - 12

Part L

Section 120.6 of the Regulations of the Commissioner of Education Pertaining to the Qualifications of Teachers and Paraprofessionals

Section 120.6 of the Regulations of the Commissioner, which took effect in January 2005, is presented here, along with the federal regulations to which it refers.

120.6 Qualifications of teachers and paraprofessionals.

(a) For the purpose of compliance with the NCLB, a local educational agency shall ensure that its teachers of core academic subjects are highly qualified in accordance with the requirements and definitions prescribed in 34 CFR 200.55 and 200.56 (Code of Federal Regulations, Revised as of July 1, 2003, Title 34, Volume 1, Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-0001, 2003; available at the NYS Education Department, Office of Higher Education, 2M West Wing, Education Building, 89 Washington Avenue, Albany, NY 12234). A local educational agency shall provide a teacher of core academic subjects who is not new to the profession the opportunity to meet the NCLB requirement to be highly qualified, in part, through passing the high objective uniform State standard of evaluation (HOUSSE). The HOUSSE shall be an evaluation, prescribed by the department and conducted locally either during a pre-employment review or at the time of an annual professional performance review prescribed in section 100.2(o) of this Title, that enables a teacher who is beyond the first year of the effective date of the teacher's first teaching certificate to demonstrate subject matter competency in all core academic subjects that the teacher teaches. The evaluation shall be based upon objective, coherent information as prescribed by the department, and shall include, but not be limited to, information on the teacher's education, credentials, professional experience, and professional development.

(b) For the purpose of compliance with the NCLB, a local educational agency shall ensure that a paraprofessional who is hired by the LEA and works in a program supported with funds under Title I meets qualifications in accordance with the requirements of 34 CFR 200.58 (Code of Federal Regulations, Revised as of July 1, 2003, Title 34, Volume 1, Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-0001, 2003; available at the New York State Education Department, Office of Higher Education, 2M West Wing, Education Building, 89 Washington Avenue, Albany, NY 12234).

Title 34 Code of Federal Regulations Part 200

Sec. 200.55 Qualifications of teachers.

(a) Newly hired teachers in Title I programs. (1) An LEA must ensure that all teachers hired after the first day of the 2002-2003 school year who teach core academic subjects in a program supported with funds under subpart A of this part are highly qualified as defined in Sec. 200.56.

(2) For the purpose of paragraph (a)(1) of this section, a teacher teaching in a program supported with funds under subpart A of this part is--

(i) A teacher in a targeted assisted school who is paid with funds under subpart A of this part;

(ii) A teacher in a schoolwide program school; or

(iii) A teacher employed by an LEA with funds under subpart A of this part to provide services to eligible private school students under Sec. 200.62.

(b) All teachers of core academic subjects. (1) Not later than the end of the 2005-2006 school year, each State that receives funds under subpart A of this part, and each LEA in that State, must ensure that all public elementary and secondary school teachers in the State who teach core academic subjects, including teachers employed by an LEA to provide services to eligible private school students under Sec. 200.62, are highly qualified as defined in Sec. 200.56.

(2) A teacher who does not teach a core academic subject--such as some vocational education teachers--is not required to meet the requirements in Sec. 200.56.

(c) Definition. The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

(d) Private school teachers. The requirements in this section do not apply to teachers hired by private elementary and secondary schools.

(Authority: 20 U.S.C. 6319; 7801(11))

Sec. 200.56 Definition of "highly qualified teacher."

To be a "highly qualified teacher," a teacher covered under Sec. 200.55 must meet the requirements in paragraph (a) and either paragraph (b) or (c) of this section.

(a) In general. (1) Except as provided in paragraph (a)(3) of this section, a teacher covered under Sec. 200.55 must--

(i) Have obtained full State certification as a teacher, which may include certification obtained through alternative routes to certification; or

(ii)(A) Have passed the State teacher licensing examination; and

(B) Hold a license to teach in the State.

(2) A teacher meets the requirement in paragraph (a)(1) of this section if the teacher--

(i) Has fulfilled the State's certification and licensure requirements applicable to the years of experience the teacher possesses; or

(ii) Is participating in an alternative route to certification program under which--

(A) The teacher--

(1) Receives high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;

(2) Participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;

(3) Assumes functions as a teacher only for a specified period of time not to exceed three years; and

(4) Demonstrates satisfactory progress toward full certification as prescribed by the State; and

(B) The State ensures, through its certification and licensure process, that the provisions in paragraph (a)(2)(ii) of this section are met.

(3) A teacher teaching in a public charter school in a State must meet the certification and licensure requirements, if any, contained in the State's charter school law.

(4) If a teacher has had certification or licensure requirements waived on an emergency, temporary, or provisional basis, the teacher is not highly qualified.

(b) Teachers new to the profession. A teacher covered under Sec. 200.55 who is new to the profession also must--

- (1) Hold at least a bachelor's degree; and
 - (2) At the public elementary school level, demonstrate, by passing a rigorous State test (which may consist of passing a State certification or licensing test), subject knowledge and teaching skills in reading/language arts, writing, mathematics, and other areas of the basic elementary school curriculum; or
 - (3) At the public middle and high school levels, demonstrate a high level of competency by--
 - (i) Passing a rigorous State test in each academic subject in which the teacher teaches (which may consist of passing a State certification or licensing test in each of these subjects); or
 - (ii) Successfully completing in each academic subject in which the teacher teaches--
 - (A) An undergraduate major;
 - (B) A graduate degree;
 - (C) Coursework equivalent to an undergraduate major; or
 - (D) Advanced certification or credentialing.
 - (c) Teachers not new to the profession. A teacher covered under Sec. 200.55 who is not new to the profession also must--
 - (1) Hold at least a bachelor's degree; and
 - (2)(i) Meet the applicable requirements in paragraph (b)(2) or (3) of this section; or
 - (ii) Based on a high, objective, uniform State standard of evaluation in accordance with section 9101(23)(C)(ii) of the ESEA, demonstrate competency in each academic subject in which the teacher teaches.
- (Authority: 20 U.S.C. 7801(23))

...

Sec. 200.58 Qualifications of paraprofessionals.

- (a) Applicability. (1) An LEA must ensure that each paraprofessional who is hired by the LEA and who works in a program supported with funds under subpart A of this part meets the requirements in paragraph (b) of this section and, except as provided in paragraph (e) of this section, the requirements in either paragraph (c) or (d) of this section.
 - (2) For the purpose of this section, the term "paraprofessional"--
 - (i) Means an individual who provides instructional support consistent with Sec. 200.59; and
 - (ii) Does not include individuals who have only non-instructional duties (such as providing technical support for computers, providing personal care services, or performing clerical duties).
 - (3) For the purpose of paragraph (a) of this section, a paraprofessional working in "a program supported with funds under subpart A of this part" is--
 - (i) A paraprofessional in a targeted assisted school who is paid with funds under subpart A of this part;
 - (ii) A paraprofessional in a schoolwide program school; or
 - (iii) A paraprofessional employed by an LEA with funds under subpart A of this part to provide instructional support to a public school teacher covered under Sec. 200.55 who provides equitable services to eligible private school students under Sec. 200.62.

(b) All paraprofessionals. A paraprofessional covered under paragraph (a) of this section, regardless of the paraprofessional's hiring date, must have earned a secondary school diploma or its recognized equivalent.

(c) New paraprofessionals. A paraprofessional covered under paragraph (a) of this section who is hired after January 8, 2002 must have--

(1) Completed at least two years of study at an institution of higher education;

(2) Obtained an associate's or higher degree; or

(3)(i) Met a rigorous standard of quality, and can demonstrate--through a formal State or local academic assessment--knowledge of, and the ability to assist in instructing, as appropriate--

(A) Reading/language arts, writing, and mathematics; or

(B) Reading readiness, writing readiness, and mathematics readiness.

(ii) A secondary school diploma or its recognized equivalent is necessary, but not sufficient, to meet the requirement in paragraph (c)(3)(i) of this section.

(d) Existing paraprofessionals. Each paraprofessional who was hired on or before January 8, 2002 must meet the requirements in paragraph (c) of this section no later than January 8, 2006.

(e) Exceptions. A paraprofessional does not need to meet the requirements in paragraph (c) or (d) of this section if the paraprofessional--

(1)(i) Is proficient in English and a language other than English; and

(ii) Acts as a translator to enhance the participation of limited English proficient children under subpart A of this part; or

(2) Has instructional-support duties that consist solely of conducting parental involvement activities.

(Authority: 20 U.S.C. 6319(c)-(f))