



**NCLB NYS Field Memo
#04-2004**

August 24, 2004

To: Charter Schools
Deans, Directors and Chairs of Teacher Education
District Superintendents of Schools
State Professional Standards and Practices Board for Teaching
Nonpublic School Administrators
Regional Certification Officers
Superintendents of Public Schools

From: Johanna Duncan-Poitier James A. Kadamus
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Office of Higher Education Office of Elementary, Middle,
Secondary and Continuing Education

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Subject: Extended Deadlines for Teachers of Multiple Core Academic Subjects in Eligible Rural LEAs

In a March 31, 2004 letter to Chief State School Officers, the U.S. Secretary of Education gave the states flexibility for meeting the teacher quality requirements in the No Child Left Behind Act of 2001 (NCLB). Among other things, the Secretary extended the deadlines for being "highly qualified" for teachers of multiple core academic subjects who are employed by "eligible rural LEAs." The Secretary's letter is available online at <http://www.ed.gov/policy/elsec/guid/secletter/040331.html>.

"Eligible rural LEAs" that intend to use the extended deadlines must file a Notice of Intent with the State Education Department (SED) by October 1, 2004. This field memo contains the Notice of Intent form and related information. Notices should be submitted to:

NCLB Rural LEA Extensions
New York State Education Department
89 Washington Avenue - Room 876 EBA
Albany, NY 12234

All NCLB NYS field memos on the NCLB's requirements for teachers are at <http://www.highered.nysed.gov/nclbhome.htm>. Questions about this memo may be sent to nclbnys@mail.nysed.gov.

**UPDATED GUIDANCE:
Extended Deadlines
for Teachers
of Multiple Core Academic Subjects
in Eligible Rural LEAs**

**The University of the State of New York
The New York State Education Department
August 2004**

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Introduction

This non-regulatory guidance on the requirements for teachers in the No Child Left Behind Act of 2001 (NCLB) reflects the New York State Education Department's (SED's) interpretation of the statute based on final regulations, draft non-regulatory guidance and technical assistance provided by the U.S. Department of Education (USDOE) through the date of its publication. Federal information can be found online at <http://www.ed.gov/about/offices/list/oese/legislation.html>.

This guidance supersedes previous SED guidance, unless otherwise noted, and is subject to change in response to additional federal regulations and guidance. Questions about this guidance should be sent to nclbnys@mail.nysed.gov.

For further information about the NCLB's requirements, please refer to federal links available at <http://www.highered.nysed.gov/nclbfederal.htm>. For other information about the NCLB's requirements in New York State, please refer to other NCLB NYS Field Memos at <http://www.highered.nysed.gov/nclbhome.htm>. For additional information about New York State's certification requirements for teachers and teaching assistants, please refer to <http://www.highered.nysed.gov/tcert/>.

Part A

Requirements for "Eligible Rural LEAs"

A1. What is the definition of an "eligible rural LEA?"

In a March 31, 2004 letter to Chief State School Officers, the U.S. Secretary of Education extended the deadlines for being "highly qualified" teachers of multiple core academic subjects who are employed by "eligible rural LEAs," provided that the "eligible rural LEAs" provide assurances that they will meet several requirements. The Secretary's letter is available at <http://www.ed.gov/policy/elsec/quid/secletter/040331.html>.

The Secretary's letter indicates that the definition of an "eligible rural LEA" for the purpose of the extended deadlines is borrowed from the definition for the Small Rural Schools Achievement (SRSA) Program in the Rural Education Achievement Program (REAP) in Title VI of the NCLB. The REAP definition of an "eligible rural LEA" is:

1. The total number of students in average daily attendance at all schools served by the LEA is fewer than 600, **or** all schools in the district are located in counties with a population density of fewer than 10 persons per square mile; **and**
2. All schools served by the LEA have a school locale code of 7 or 8, as determined by the Secretary, **or** all schools served by the LEA are located in an area of the State defined as rural by the State Education Agency (SEA) or another governmental agency of the State.

USDOE staff provided technical assistance to SED to clarify that school districts, Boards of Cooperative Educational Services (BOCES), charter schools, the State schools at Batavia and Rome and Special Act School Districts defined in section 4001 of the Education Law may all qualify as “eligible rural LEAs” for the extended deadlines if they meet the federal definition, despite the fact that they are not all eligible to receive NCLB Title VI REAP funds. All these entities are subject to the NCLB’s requirements for public school teachers of core academic subjects, as explained in Item A2 of NCLB NYS Field Memo #09-2003.

As part of the Rural Affairs Act, Section 481(7) of Article 19-F of the Laws of New York State defines rural areas for the State as either rural counties or rural towns in urban counties that meet specified population limits. According to the New York State Legislative Commission on Rural Resources, at the present time the following 44 counties meet the State definition of a rural area: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Ontario, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming and Yates. In addition, at the present time the towns in urban counties that meet the State definition of a rural area include all the towns listed in Appendix B.

Appendix A contains a list of all the entities that meet the complete definition of an “eligible rural LEA” according to federal and SED databases as of June 2004. In addition, a public school district that is not listed in Appendix A may identify itself as an “eligible rural LEA” if it has an average daily attendance of fewer than 600 students and has all its locations in one or more rural towns listed in Appendix B. (NOTE: It is possible for a public school district to be covered by both Appendix A and Appendix B.)

A2. What requirements must “eligible rural LEAs” meet before using the extended deadlines?

An “eligible rural LEA” must submit to SED a Notice of Intent to use the extended deadlines. The Notice of Intent form is in Appendix C. Completed Notices of Intent should be sent by October 1, 2004 to:

NCLB Rural LEA Extensions
New York State Education Department
89 Washington Avenue - Room 876 EBA
Albany, NY 12234

To be acceptable, a Notice of Intent must:

- be from an LEA listed in Appendix A or from an LEA that correctly identifies itself using Appendix B; and

- provide assurances that the LEA will meet the three requirements established by the U.S. Secretary of Education; and
- have a signature from the superintendent or chief executive officer.

By signing the Notice of Intent, a superintendent is providing assurances that an “eligible rural LEA” will meet the following requirements established by the U.S. Secretary of Education.

- Its teachers of multiple core academic subjects who use the extended deadlines will be “highly qualified” in at least one core academic subject they teach.
- It will provide “high quality professional development,” as defined in Appendix B of NCLB NYS Field Memo #09-2003, that increases the content knowledge of teachers using the extended deadlines in the additional core academic subject(s) they teach.
- It will provide mentoring or a program of intensive support that consists of structured guidance and regular, ongoing support so that teachers using the extended deadlines become “highly qualified” in the additional core academic subject(s) they teach.

SED will keep a record of the entities that submit acceptable Notices of Intent so that SED can extend the deadlines for these entities’ NCLB Annual Measurable Objectives for teacher quality. SED will provide technical assistance to entities that submit Notices of Intent that are unacceptable.

A3. Must an “eligible rural LEA” submit a Notice of Intent to use the extended deadlines each year?

No. An acceptable Notice of Intent to use the extended deadlines is continuously valid unless an “eligible rural LEA” ceases to meet the definition of an “eligible rural LEA.”

A4. What procedure should be used if an “eligible rural LEA” ceases to meet the federal definition?

If an LEA ceases to meet the definition of an “eligible rural LEA” it should send a written notice in a timely manner to the same address that it sent its Notice of Intent. For example, if an “eligible rural LEA” with an acceptable Notice that is located outside of Hamilton County (the only county with fewer than 10 persons per square mile) increased its average daily attendance to 600 or more, it should send a written notice to inform SED that it ceased to meet the definition because its ADA was 600 or more. The Secretary of Education permits SED to continue to authorize such districts to use extended deadlines provided that the districts continue to have all their schools with a school locale code of 7 or 8 or in a rural

area defined by New York State. SED will authorize LEAs to use extended deadlines to the extent permitted by the Secretary of Education.

A5. Can an LEA submit a Notice of Intent after October 1, 2004?

Yes. However, an entity that currently meets the definition of an “eligible rural LEA” should submit an acceptable Notice of Intent by the October 1 due date to ensure that its intent is recorded in SED’s databases.

If a school district whose schools are all located in one or more rural towns listed in Appendix B is not an “eligible rural LEA” based on its Average Daily Attendance (ADA) in 2003-2004 but has an ADA of fewer than 600 in a future school year, making it an “eligible rural LEA” in that future school year, it may submit a Notice of Intent at that time.

**Part B
Extended Deadlines**

B1. What are the extended deadlines for teachers of multiple core academic subjects who are employed by an “eligible rural LEA?”

The following extended deadlines apply to teachers of multiple core academic subjects employed by an “eligible rural LEA” that has submitted an acceptable Notice of Intent.

- **Teachers of multiple core academic subjects hired on or before March 31, 2004** who are “highly qualified” for at least one core academic subject they teach have until the end of school year 2006-2007 to become “highly qualified” in every core academic subject they teach. This is one year later than the regular deadline, which occurs at the end of school year 2005-2006. Definitions of “highly qualified” are in Part C of NCLB NYS Field Memo #09-2003.
- **Teachers of multiple core academic subjects hired after March 31, 2004** who are “highly qualified” for at least one core academic subject they teach have three years from their date of hire to become “highly qualified” in every core academic subject they teach. This extended deadline enables newly hired teachers who are new to the profession to use the high objective uniform State standard of evaluation (HOUSSE) to demonstrate their subject matter competency, as needed, after their first year of certification. The HOUSSE is explained in NCLB NYS Field Memo #05-2003 (revised).

B2. Do the extended deadlines change other NCLB requirements for teachers?

Only one change occurs. “Eligible rural LEAs” using the extended deadlines will no longer be expected to have 100 percent of their classes in core academic subjects taught by “highly qualified” teachers by the regular deadline at the end

of school year 2005-2006 in order to meet their NCLB Annual Measurable Objectives (AMOs) for teacher quality.

All other NCLB requirements remain the same.

- COMMON BRANCH SUBJECTS AT THE INSTRUCTIONAL LEVEL OF GRADES K THROUGH 6. Teachers with assignments to teach common branch subjects at the instructional level of grades K through 6 should continue to meet the definition of “highly qualified” for “elementary” teachers. They are not considered teachers of multiple core academic subjects when they teach multiple common branch subjects at these grade levels.
- ACADEMIC SUBJECTS AT THE INSTRUCTIONAL LEVEL OF GRADES 7 THROUGH 12 AND SPECIAL SUBJECTS AT THE INSTRUCTIONAL LEVEL OF GRADES K THROUGH 12. Teachers with assignments to teach academic subjects at the instructional level of grades 7 through 12 or special subjects at the instructional level of grades K through 12 must continue to meet the “middle/secondary” definition of “highly qualified.”
- HOUSSE. For teachers of multiple core academic subjects at the instructional level of grades 7 through 12 who use the HOUSSE rubric in Appendix D, Part 2 of NCLB NYS Field Memo #05-2003 (as revised in January 2004) to demonstrate subject matter competency in each core academic subject they teach, a single HOUSSE evaluation process that uses a separate form for each core academic subject is still permitted.
- PARENTAL NOTIFICATION. “Eligible rural LEAs” using the extended deadlines must continue to provide parental notification when teachers of multiple core academic subjects are not yet “highly qualified” in one or more of the core academic subjects they teach.
- ATTESTATIONS. In their annual “attestations” concerning their teachers’ qualifications, these LEAs must indicate that fewer than 100 percent of their teachers are “highly qualified” for each core academic subject they teach until all of their teachers of multiple core academic subjects are actually “highly qualified” for all such subjects they teach.
- REPORTS. In submitting their BEDS Personnel Data Forms for Teachers, these LEAs must continue to submit reports showing that their teachers using the extended deadlines are not yet “highly qualified” for one or more of the core academic subjects they teach until such teachers are actually “highly qualified” in each core academic subject they teach.

For more information about the requirements described in this item, please refer to NCLB NYS Field Memos #05-2003 (as revised) and #09-2003.

Appendix A

List of “Eligible Rural LEAs”

This list was created by applying the federal definition a “eligible rural LEA,” including the State definition of a rural area, to existing SED databases. However, it may not be an exhaustive list of all “eligible rural LEAs.” A school district that does not appear in this list in Appendix A may use Appendix B to determine if it qualifies as an “eligible rural LEA.” A school district that is not listed in Appendix A or qualified through Appendix B that can demonstrate that it meets the federal eligibility criteria in Item A1 of this field memo may write to NCLBNYS@mail.nysed.gov for further information.

Part A-1 Schools Districts, Special Act School Districts and State Schools	
BEDS Code	District Name
180300877197	New York State School For The Blind
020601040000	Andover Central School District
020801040000	Belfast Central School District
021102040000	Canaseraga Central School District
021601040000	Friendship Central School District
022101040000	Whitesville Central School District
022401040000	Scio Central School District
040204040000	West Valley Central School District
041401040000	Hinsdale Central School District
043011020000	Randolph Academy Union Free School District
060701040000	Clymer Central School District
061503040000	Forestville Central School District
062401040000	Ripley Central School District
062601040000	Sherman Central School District
081401040000	Georgetown-South Otselic Central School District
090601020000	Chazy Union Free School District
100308020000	Berkshire Union Free School District
120102040000	Andes Central School District
120301040000	Downsville Central School District
120401040000	Charlotte Valley Central School District
120701040000	Franklin Central School District
120906040000	Hancock Central School District
121401040000	Margaretville Central School District
121502040000	Roxbury Central School District
121701040000	Stamford Central School District

121702040000	South Kortright Central School District
150203040000	Crown Point Central School District
150301040000	Elizabethtown-Lewis Central School District
150601040000	Keene Central School District
150801040000	Minerva Central School District
151001040000	Newcomb Central School District
151401040000	Schroon Lake Central School District
151601040000	Westport Central School District
151701040000	Willsboro Central School District
161801040000	Saint Regis Falls Central School District
170301020000	Wheelerville Union Free School District
170901040000	Northville Central School District
171001040000	Oppenheim-Ephratah Central School District
180901040000	Elba Central School District
190901040000	Hunter-Tannersville Central School District
191401040000	Windham-Ashland-Jewett Central School District
200101080000	Piseco Common School District
200401040000	Indian Lake Central School District
200501080000	Inlet Common School District
200601040000	Lake Pleasant Central School District
200701040000	Long Lake Central School District
200702020000	Raquette Lake Union Free School District
200901040000	Wells Central School District
211701040000	Van Hornesville-Owen D. Young Central School District
211901020000	Town Of Webb Union Free School District
220909040000	Belleville Henderson Central School District
221001040000	Sackets Harbor Central School District
221301040000	Lyme Central School District
221401040000	La Fargeville Central School District
230201040000	Copenhagen Central School District
230301040000	Harrisville Central School District
250109040000	Brookfield Central School District
250301040000	De Ruyter Central School District
251101040000	Madison Central School District
251501040000	Stockbridge Valley Central School District
271102040000	Saint Johnsville Central School District
441903020000	Tuxedo Union Free School District
470202040000	Gilbertsville-Mount Upton Central School District
470501040000	Edmeston Central School District

470801040000	Laurens Central School District
470901040000	Schenevus Central School District
471101040000	Milford Central School District
471201040000	Morris Central School District
472506040000	Worcester Central School District
480404020000	Garrison Union Free School District
490801080000	North Greenbush Common School District (Williams)
490804020000	Wynantskill Union Free School District
510401040000	Clifton-Fine Central School District
510501040000	Colton-Pierrepont Central School District
511201040000	Hammond Central School District
511301040000	Hermon-Dekalb Central School District
511602040000	Lisbon Central School District
512101040000	Morristown Central School District
512501040000	Parishville-Hopkinton Central School District
520601080000	Edinburg Common School District
540801040000	Gilboa-Conesville Central School District
540901040000	Jefferson Central School District
541401040000	Sharon Springs Central School District
560603040000	Romulus Central School District
570401040000	Bradford Central School District
571501040000	Greenwood Central School District
572301040000	Prattsburgh Central School District
572702040000	Jasper-Troupsburg Central School District
580514020000	Fire Island Union Free School District
580701020000	Shelter Island Union Free School District
580901020000	Remsenburg-Speonk Union Free School District
580903020000	Quogue Union Free School District
580909020000	Bridgehampton Union Free School District
580913080000	Tuckahoe Common School District
591301040000	Roscoe Central School District
610327020000	George Junior Republic Union Free School District
620202020000	West Park Union Free School District
630101040000	Bolton Central School District
630601040000	Johnsburg Central School District
630918080000	Glens Falls Common School District
640601020000	Fort Edward Union Free School District
641401040000	Putnam Central School District
671002040000	Wyoming Central School District

Part A-2 BOCES	
BEDS Code	BOCES Name
599000000000	Sullivan BOCES
619000000000	Tompkins-Seneca-Tioga BOCES
629000000000	Ulster BOCES
649000000000	Washington-Saratoga-Warren-Hamilton-Essex BOCES
129000000000	Delaware-Chenango-Madison-Otsego BOCES
149200000000	Erie 2-Chautauqua-Cattaraugus BOCES
169000000000	Franklin-Essex-Hamilton BOCES
199000000000	Otsego-Delaware-Schoharie-Greene BOCES
219000000000	Herkimer-Fulton-Hamilton-Otsego BOCES
229000000000	Jefferson-Lewis-Hamilton-Herkimer-Oneida BOCES
249000000000	Genesee Valley BOCES
259000000000	Madison-Oneida BOCES
439000000000	Ontario-Seneca-Yates-Cayuga-Wayne BOCES
459000000000	Orleans-Niagara BOCES
469000000000	Oswego BOCES
489000000000	Putnam-Northern Westchester BOCES
499000000000	Questar III BOCES (R-C-G)
519000000000	Saint Lawrence-Lewis BOCES
559000000000	Schuylar-Chemung-Tioga BOCES
579000000000	Steuben-Allegany BOCES
099000000000	Clinton-Essex-Warren-Washington BOCES
049000000000	Cattaraugus-Allegany-Erie-Wyoming BOCES
059000000000	Cayuga-Onondaga BOCES
209000000000	Hamilton-Fulton-Montgomery BOCES

Part A-3 Charter Schools	
BEDS Code	School Name
491700860034	Ark Community Charter School (The)
530600860813	International Charter School Of Schenectady

Appendix B

List of Rural Towns in Urban Counties

A school district or charter school that does not appear in Appendix A is an “eligible rural LEA” if it:

- has an average daily attendance of fewer than 600 students; **and**
- has all its schools located in one or more rural towns listed in this appendix.

Rural Towns	Urban Counties
Berne	Albany
Knox	
Rensselaerville	
Westerlo	
Berker	Broome
Colesville	
Lisle	
Maine	
Nanticoke	
Sanford	
Triangle	
Windsor	
Amenia	Dutchess
Clinton	
Dover	
Milan	
North East	
Pawling	
Pine Plains	
Stanford	
Union Vale	
Washington	
Brant	Erie
Colden	
Collins	
Concord	
Holland	
Newstead	
North Collins	
Sardinia	
Wales	
Clarkson	Monroe
Riga	
Rush	

Cambria	Niagara
Hartland	
Royalton	
Somerset	
Wilson	
Annisville	Oneida
Augusta	
Ava	
Boonville	
Bridgewater	
Camden	
Deerfield	
Florence	
Floyd	
Forestport	
Marshall	
Paris	
Remsen	
Sangerfield	
Steuben	
Trenton	
Vernon	
Verona	
Vienna	
Western	
Fabius	Onondaga
Lafayette	
Otisco	
Pompey	
Spafford	
Tully	
Deerpark	Orange
Greenville	
Hamptonburgh	
Minisink	
Tuxedo	

SOURCE:

New York State Department of State
New York State Legislative Commission on Rural Resources

Appendix C

Notice of Intent to Use Extended Deadlines for Teachers of Multiple Core Academic Subjects

I assure that the following public school district, charter school or BOCES (1) meets the definition of an "eligible rural LEA" and (2) will meet the three federal requirements listed below. (Items A-E must be completed.)

A. Name _____

B. BEDS Code

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C. This public school district, charter school or BOCES meets the definition of an eligible rural LEA because:

- It is listed in Appendix A; or
- It identified itself based on Appendix B. All schools are located in the rural town(s) of _____ in the county(ies) of _____ and Average Daily Attendance in school year 2003-2004 was _____ (must be less than 600).

D. FEDERAL REQUIREMENTS

1. This eligible rural LEA's teachers of multiple core academic subjects who use the extended deadlines will be "highly qualified" in at least one core academic subject they teach.
2. This eligible rural LEA will provide "high quality professional development," as defined in Appendix B of NCLB NYS Field Memo #09-2003, that increases the content knowledge of teachers using the extended deadlines in the additional core academic subject(s) they teach.
See <http://www.highered.nysed.gov/nclb09-2003apdb.htm>.
3. This eligible rural LEA will provide mentoring or a program of intensive support that consists of structured guidance and regular, ongoing support so that teachers using the extended deadlines become "highly qualified" in the additional core academic subject(s) they teach.

E. ASSURANCES BY SUPERINTENDENT OR CHIEF EXECUTIVE OFFICER

Signature _____

Name _____

Title _____ Date _____

Email _____

Phone (____) _____ FAX (____) _____

Send completed Notice by October 1, 2004 to:

NCLB Rural LEA Extensions
New York State Education Department
89 Washington Avenue - Room 876 EBA
Albany, NY 12234

QUESTIONS: NCLBNYS@mail.nysed.gov

FOR SED USE ONLY

_____ Acceptable/Recorded ___ / ___ / 2004

_____ Unacceptable/Contacted ___ / ___ / 2004