



**NCLB NYS Field Memo  
#04-2006**

August 21, 2006

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

**From:** Johanna Duncan-Poitier  
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Office of Higher Education

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**Subject:** Fall 2006 NCLB Supplement to the Administration Manual for the BEDS Personnel Data Form for Teachers

New York State uses the Basic Educational Data System (BEDS) Personnel Data Form for Teachers to monitor compliance with the teacher quality requirements in the No Child Left Behind Act of 2001 (NCLB) and the Individuals with Disabilities Education Act (IDEA) as reauthorized in December 2004. Attached you will find a copy of the Fall 2006 NCLB Supplement to the Administration Manual for that BEDS form.

The Fall 2006 NCLB Supplement is different from the prior year supplements because, instead of providing definitions itself, it refers you to the most recent Fact Sheet on the NCLB's and IDEA's requirements for teachers for definitions of all terms. The most recent Fact Sheet is always available online at <http://www.highered.nysed.gov/nclbhome.htm>.

As of the date of this memo, the most recent Fact Sheet was dated August 4, 2006. That August Fact Sheet may be superseded by another Fact Sheet in response to updated information from the U.S. Department of Education by the time BEDS day arrives in October 2006. Please check the website noted above to be sure you use the most recent Fact Sheet to guide your BEDS reporting.

This supplement and the most recent Fact Sheet should help teachers and administrators prepare for BEDS reporting in fall 2006. It is important to understand the instructions in this supplement and the definitions in the Fact Sheet, to review each teacher's qualifications for classes in "core academic subjects" in light of the instructions and definitions and to develop procedures for responding accurately and completely to:

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

General instructions for the BEDS Personnel Data Form for Teachers will be posted at <http://www.emsc.nysed.gov/irts/home.html> before BEDS day in October 2006 and the forms themselves will be mailed as in past years.

You can find all field memos on the NCLB's and IDEA's requirements for teachers at <http://www.highered.nysed.gov/nclbhome.htm>. Please send your questions about this memo to [nclbnys@mail.nysed.gov](mailto:nclbnys@mail.nysed.gov). Questions about certification should be sent to [tcert@mail.nysed.gov](mailto:tcert@mail.nysed.gov).

## FALL 2006 NCLB SUPPLEMENT

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

New York State uses the BEDS Personnel Data Form for Teachers to comply with the teacher quality requirements in the No Child Left Behind Act of 2001 (NCLB) and the Individuals with Disabilities Education Act (IDEA) as reauthorized in December 2004.

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

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

**If you have questions  
about these NCLB items,  
please contact  
[nclbnys@mail.nysed.gov](mailto:nclbnys@mail.nysed.gov) .**

## Instructions for NCLB Items

### 1. General Instructions

Teachers complete BEDS Personnel Data forms but their responses should reflect their employer's review of whether they are "highly qualified" for the "core academic subjects" they teach as required by the NCLB and IDEA and as defined in the most recent Fact Sheet issued by the New York State Education Department and posted at <http://www.highered.nysed.gov/nclbhome.htm>. The NCLB requires principals of schools receiving Title I, Part A funds to attest in writing annually as to the qualifications of their teachers of "core academic subjects." BEDS forms should be completed in a way that is consistent with those attestations. Under the NCLB, employers are ultimately responsible for deciding whether teachers are "highly qualified" for their assignments to teach "core academic subjects," receive "high quality professional development," and submit accurate and complete BEDS forms.

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

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

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

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

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

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

Asterisks appearing next to BEDS assignment code for teachers	"Core" status of the teaching assignment
None	NOT CORE
*	CORE
**	MAY BE CORE (local decision needed)

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

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

4. **All responses should be checked for accuracy and completeness by employers.**

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

5. **Definitions**

All definitions are in the most recent Fact Sheet issued by the New York State Education Department and posted at <http://www.highered.nysed.gov/nclbhome.htm>.

- **HIGHLY QUALIFIED.** Definitions of “highly qualified” for specific teaching assignments are in Part A and the checklists.
- **HIGH QUALITY PROFESSIONAL DEVELOPMENT.** The statutory definition of “high quality professional development” is in Part J.

**\*\* IMPORTANT REMINDER \*\***

As of the date of this publication, the most recent Fact Sheet was dated August 4, 2006. That August Fact Sheet may be superseded by another Fact Sheet in response to updated information from the U.S. Department of Education by the time BEDS day arrives in October 2006. Please check the website noted above to be sure you use the most recent Fact Sheet to guide your BEDS reporting.