



**NCLB NYS Field Memo  
#04-2007**

August 6, 2007

**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

**From:** Johanna Duncan-Poitier  
Senior Deputy Commissioner of Education - P-16

Rebecca H. Cort  
Deputy Commissioner  
Office of Vocational and Educational  
Services for Individuals with Disabilities

**Subject:** New Guidance on the NCLB's Highly Qualified Teacher Requirement

On July 23, 2007, Commissioner Mills received an email and data from Secretary of Education Margaret Spellings regarding the U.S. Department of Education's plans for enforcing the NCLB's requirements on highly qualified teachers. The email and data are attached for your information.

The letter refers to HQT plans. New York State's plan of September 2006, which was approved by the U.S. Department of Education in December 2006, is at <http://www.ed.gov/programs/teacherqual/hqtplans/index.html#ny>.

We are pleased with the progress that New York State has made to ensure that all classes are taught by appropriately certified teachers and that classes in core academic subjects are taught by highly qualified teachers. We look forward to continuing this important work with you.

Questions about this memo should be sent to [NCLBNYS@mail.nysed.gov](mailto:NCLBNYS@mail.nysed.gov).

Attachment

## **EMAIL**

July 23, 2007

Dear Chief State School Officer:

As you know, No Child Left Behind (NCLB) recognizes that teacher quality is one of the most important factors in improving student achievement and eliminating achievement gaps between our neediest students and their more advantaged peers. I am pleased to report that States are making progress when it comes to ensuring that all students have access to highly qualified teachers. There is still more work to be done, however.

On October 21, 2005, I sent a letter to Chief State School Officers in which I noted that despite making progress in addressing the qualifications of teachers in our nation's schools, most States were unlikely to reach NCLB's goal of having all core academic subject classes taught by highly qualified teachers (HQT) by the end of the 2005-2006 school year. My letter also assured the Chiefs that States that did not reach the 100 percent goal by the end of the 2005-2006 school year would not lose Federal funds if they were implementing the law and making a good-faith effort to reach the HQT goal as quickly as possible.

The Department then asked States to submit revised plans, outlining actions the State and local educational agencies would take to reach the HQT goal in the 2006-2007 school year and beyond. States submitted their plans, which were reviewed by a panel of experts, and all but one State now has an approved plan. However, despite the advances that have been made, the Consolidated State Performance Reports (CSPR) data States submitted for the 2005-2006 school year indicate no State reached the 100 percent HQT goal. The CSPR data are attached for your information.

The Department continues to expect States to fully implement their approved HQT plans. In the fall, we will also begin a new round of monitoring in all States; this monitoring will focus intensively on State implementation of the HQT plans, including their efforts to ensure that poor and minority children are not taught at higher rates than other students by unqualified, inexperienced, or out-of-field teachers. We will examine how State educational agencies monitor school districts to ensure that districts work with teachers who are not yet highly qualified to become so as quickly as possible. In addition, we will examine the processes by which States provide technical assistance to districts and schools. The Department will continue to assist States in addressing those circumstances in which finding a highly qualified teacher for every classroom is an unusually difficult challenge (for example, small rural schools, special education classes taught by teachers who must become highly qualified in multiple subjects, and hard-to-fill advanced secondary courses).

During monitoring, the Department will pay particular attention to the processes States use to collect and verify the accuracy of HQT data. We know that data collection and verification processes differ widely from State to State and, as a result, we are concerned that the HQT data we receive from States are not always as accurate as they should be. The Department expects

States to improve their data collection processes so that accurate HQT data can be reported both to the Department and to parents, as required by law.

I recognize the hard work that has been done by States in ensuring that all students have access to teachers who are highly qualified, and I intend to maintain the policy of not penalizing States financially solely because they have not reached 100 percent HQT. In the course of monitoring, however, if the Department finds that any particular State is not making an adequate effort to reach the goal of having all core academic classes taught by highly qualified teachers, the Department may take appropriate actions. Such actions may include, but are not limited to, imposition of grant conditions or high-risk status, compliance agreements, or withholding of funds. All decisions about sanctions will be made on a case-by-case basis, taking the circumstances of and conditions in individual States into account.

As always, the Department expects States, local educational agencies, and schools to make the best possible educational decisions for students and to make their best effort to reach the 100 percent HQT goal. Schools should hire the most qualified teachers available; accurately report to the Federal government when classes are taught by teachers who are not highly qualified; inform parents, as required, if their children are taught by teachers who are not highly qualified; and have plans in place to assist teachers without proper qualifications to obtain them as quickly as possible.

We look forward to continuing to work with you to ensure that all students have access to highly qualified teachers. If you have any additional questions about the issues discussed in this letter, please contact Deputy Assistant Secretary Amanda Farris in the Office of Elementary and Secondary Education at (202) 401-0113. Thank you for your continued commitment to providing a quality education for our nation's students.

Sincerely,

Margaret Spellings

**Table 1. Percentage of Core Academic Classes Taught by Highly Qualified Teachers, by State: 2005-06**

	All Schools	Elementary			Secondary		
		High-Poverty	Low-Poverty	Total Elementary	High-Poverty	Low-Poverty	Total Secondary
Alabama	90.8	89.0	94.0	94.9	78.4	89.6	84.2
Alaska	64.2	36.3	49.0	52.7	63.9	73.4	71.9
Arizona	86.6	83.1	89.6	85.4	90.7	86.3	90.6
Arkansas	84.8	90.6	84.1	89.7	80.2	85.7	83.4
BIA	85.0	85.0	NA	85.0	85.0	NA	85.0
California	85.7	86.2	88.4	87.9	79.5	89.4	84.9
Colorado	92.6	89.6	92.8	92.1	90.7	93.3	93.2
Connecticut	96.8	95.0	98.8	97.7	92.3	97.8	96.4
Delaware	79.2	78.8	91.4	87.5	60.1	77.4	77.5
District of Columbia	52.8	71.6	68.4	70.2	53.8	52.2	49.7
Florida	89.6	88.8	93.9	92.3	83.8	91.0	87.2
Georgia	94.8	94.1	96.3	96.3	85.6	95.2	93.7
Hawaii	81.0	94.0	97.0	97.0	73.0	78.0	77.0
Idaho	58.5	63.0	63.5	61.1	51.4	60.9	57.5
Illinois	96.1	83.7	99.8	96.2	84.6	99.9	95.9
Indiana	91.8	88.7	90.0	90.7	91.1	93.9	93.6
Iowa	97.6	98.5	98.8	98.4	97.0	97.7	97.0
Kansas	90.9	93.4	95.6	94.4	82.1	94.3	89.5
Kentucky	96.9	98.1	98.9	98.7	91.7	96.9	95.5
Louisiana	79.4	85.2	91.1	86.9	63.0	82.2	72.3
Maine	94.4	95.0	97.0	95.7	92.9	94.9	93.7
Maryland	79.5	62.4	93.9	81.9	59.7	87.5	78.8
Massachusetts	93.8	90.0	96.6	94.5	84.4	95.1	92.0
Michigan	97.4	99.4	99.7	99.5	96.2	97.4	96.9
Minnesota	97.7	96.1	98.7	98.0	94.0	98.6	97.5
Mississippi	93.6	91.4	96.2	94.5	85.5	94.9	91.2
Missouri	96.3	91.2	98.6	96.4	89.1	98.3	96.3
Montana	99.0	98.6	99.6	99.2	96.7	99.4	98.8
Nebraska	--	--	--	--	--	--	--
Nevada	80.4	83.4	86.9	85.5	70.0	84.3	78.7
New Hampshire	97.9	98.4	98.9	98.6	97.1	98.3	97.7
New Jersey	95.9	90.9	97.1	95.6	93.7	98.4	96.5
New Mexico	89.6	93.2	94.4	93.8	83.8	88.9	88.0
New York	94.5	91.9	99.1	96.2	82.6	97.8	93.0
North Carolina	93.6	95.1	97.0	96.2	87.2	92.7	90.7
North Dakota	95.9	99.5	99.8	99.7	89.7	93.6	92.6
Ohio	94.4	89.7	99.2	95.9	90.1	97.0	92.9
Oklahoma	92.9	94.3	93.4	93.8	88.1	92.5	92.3
Oregon	91.4	94.3	95.4	95.1	88.0	93.4	90.8
Pennsylvania	94.8	83.4	98.1	93.9	91.5	98.9	97.2
Puerto Rico	--	--	--	--	--	--	--
Rhode Island	81.3	77.0	84.2	81.7	71.9	86.3	80.9

South Carolina	92.1	91.9	95.8	93.5	82.4	92.2	88.3
South Dakota	96.0	96.8	97.7	97.7	91.6	97.6	95.2
Tennessee	94.9	96.7	98.9	98.3	89.4	95.0	93.4
Texas	96.2	97.9	99.7	96.1	95.2	97.4	96.2
Utah	84.8	87.1	85.8	87.0	77.2	84.5	82.4
Vermont	90.6	89.8	91.4	91.3	90.3	93.2	90.2
Virginia	96.7	96.2	98.6	97.6	93.9	97.9	96.5
Washington	95.6	97.9	99.3	98.7	91.1	96.9	94.8
West Virginia	91.7	98.5	97.6	97.7	84.8	90.5	90.4
Wisconsin	98.9	97.7	99.7	99.1	96.1	98.9	98.6
Wyoming	95.3	94.9	96.1	95.0	93.8	96.0	95.4
Total	92.2	90.4	95.8	94.0	85.7	93.8	90.9

-- Data not provided.

Note: Nebraska and Puerto Rico did not submit complete data and are, thus, not included in these analyses. Data for Vermont do not include special education; these data were reported separately.

**Table 2. Percentage of Core Academic Classes Taught by HQT by Poverty Status of School and Gap Between High- and Low-Poverty Schools, by State: 2005-06**

	Elementary			Secondary		
	High-Poverty	Low-Poverty	Gap	High-Poverty	Low-Poverty	Gap
Alabama	89.0	94.0	5.0	78.4	89.6	11.2
Alaska	36.3	49.0	12.7	63.9	73.4	9.5
Arizona	83.1	89.6	6.5	90.7	86.3	-4.4
Arkansas	90.6	84.1	-6.5	80.2	85.7	5.5
BIA	85.0	NA	--	85.0	NA	--
California	86.2	88.4	2.2	79.5	89.4	9.9
Colorado	89.6	92.8	3.2	90.7	93.3	2.6
Connecticut	95.0	98.8	3.8	92.3	97.8	5.5
Delaware	78.8	91.4	12.6	60.1	77.4	17.3
District of Columbia	71.6	68.4	-3.2	53.8	52.2	-1.6
Florida	88.8	93.9	5.1	83.8	91.0	7.2
Georgia	94.1	96.3	2.2	85.6	95.2	9.6
Hawaii	94.0	97.0	3.0	73.0	78.0	5.0
Idaho	63.0	63.5	0.5	51.4	60.9	9.5
Illinois	83.7	99.8	16.1	84.6	99.9	15.3
Indiana	88.7	90.0	1.3	91.1	93.9	2.8
Iowa	98.5	98.8	0.3	97.0	97.7	0.7
Kansas	93.4	95.6	2.2	82.1	94.3	12.2
Kentucky	98.1	98.9	0.8	91.7	96.9	5.2
Louisiana	85.2	91.1	5.9	63.0	82.2	19.2
Maine	95.0	97.0	2.0	92.9	94.9	2.0
Maryland	62.4	93.9	31.5	59.7	87.5	27.8
Massachusetts	90.0	96.6	6.6	84.4	95.1	10.7
Michigan	99.4	99.7	0.3	96.2	97.4	1.2
Minnesota	96.1	98.7	2.6	94.0	98.6	4.6
Mississippi	91.4	96.2	4.8	85.5	94.9	9.4
Missouri	91.2	98.6	7.4	89.1	98.3	9.2
Montana	98.6	99.6	1.0	96.7	99.4	2.7
Nebraska	--	--	--	--	--	--
Nevada	83.4	86.9	3.5	70.0	84.3	14.3
New Hampshire	98.4	98.9	0.5	97.1	98.3	1.2
New Jersey	90.9	97.1	6.2	93.7	98.4	4.7
New Mexico	93.2	94.4	1.2	83.8	88.9	5.1
New York	91.9	99.1	7.2	82.6	97.8	15.2
North Carolina	95.1	97.0	1.9	87.2	92.7	5.5
North Dakota	99.5	99.8	0.3	89.7	93.6	3.9
Ohio	89.7	99.2	9.5	90.1	97.0	6.9
Oklahoma	94.3	93.4	-0.9	88.1	92.5	4.4
Oregon	94.3	95.4	1.1	88.0	93.4	5.4
Pennsylvania	83.4	98.1	14.7	91.5	98.9	7.4
Puerto Rico	--	--	--	--	--	--
Rhode Island	77.0	84.2	7.3	71.9	86.3	14.3
South Carolina	91.9	95.8	3.9	82.4	92.2	9.7
South Dakota	96.8	97.7	0.9	91.6	97.6	6.0

Tennessee	96.7	98.9	2.2	89.4	95.0	5.6
Texas	97.9	99.7	1.8	95.2	97.4	2.2
Utah	87.1	85.8	-1.3	77.2	84.5	7.3
Vermont	89.8	91.4	1.6	90.3	93.2	2.9
Virginia	96.2	98.6	2.4	93.9	97.9	4.1
Washington	97.9	99.3	1.4	91.1	96.9	5.8
West Virginia	98.5	97.6	-0.9	84.8	90.5	5.7
Wisconsin	97.7	99.7	2.0	96.1	98.9	2.8
Wyoming	94.9	96.1	1.3	93.8	96.0	2.2
Total	90.4	95.8	5.4	85.7	93.8	8.1

-- Data not provided.

Note: Nebraska and Puerto Rico did not submit complete data and are, thus, not included in these analyses. Data for Vermont do not include special education; these data were reported separately.

Data rounded to the nearest tenth.

**Table 3. Percentage of Core Academic Classes Taught by HQT: 2003-04, 2004-05 and 2005-06**

	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>	<b>Difference from 2003-04 to 2005-06</b>	<b>Difference from 2004-05 to 2005-06</b>
Alabama	76.7	81.8	90.8	14.1	9.0
Alaska	12.6	34.3	64.2	51.6	29.9
Arizona	96.1	94.9	86.6	-9.5	-8.3
Arkansas	--	84.8	84.8	--	0.0
BIA	81.2	82.4	85.0	3.8	2.6
California	52.0	74.0	85.7	33.7	11.7
Colorado	91.0	94.1	92.6	1.6	-1.5
Connecticut	98.8	98.9	96.8	-2.0	-2.1
Delaware	73.2	--	79.2	6.0	--
District of Columbia	--	51.6	52.8	--	1.2
Florida	89.0	92.4	89.6	0.6	-2.8
Georgia	97.2	95.7	94.8	-2.4	-0.9
Hawaii	73.0	85.0	81.0	8.0	-4.0
Idaho	97.4	98.4	58.5	-38.9	-39.9
Illinois	98.2	98.2	96.1	-2.1	-2.1
Indiana	96.1	95.3	91.8	-4.3	-3.5
Iowa	94.4	94.7	97.6	3.2	2.9
Kansas	94.5	89.3	90.9	-3.6	1.6
Kentucky	94.6	96.7	96.9	2.3	0.2
Louisiana	90.4	91.7	79.4	-11.0	-12.3
Maine	90.1	93.0	94.4	4.3	1.4
Maryland	66.8	75.4	79.5	12.7	4.1
Massachusetts	93.9	93.0	93.8	-0.1	0.8
Michigan	91.8	92.0	97.4	5.6	5.4
Minnesota	98.8	97.6	97.7	-1.1	0.1
Mississippi	93.1	93.2	93.6	0.5	0.4
Missouri	95.6	97.1	96.3	0.7	-0.8
Montana	98.8	98.9	99.0	0.2	0.1
Nebraska	91.2	95.1	--	--	--
Nevada	64.1	68.1	80.4	16.3	12.3
New Hampshire	73.0	94.7	97.9	24.9	3.2
New Jersey	94.3	93.5	95.9	1.6	2.4
New Mexico	67.2	77.5	89.6	22.4	12.1
New York	92.0	93.0	94.5	2.5	1.5
North Carolina	85.0	88.0	93.6	8.6	5.6
North Dakota	77.2	89.0	95.9	18.7	6.9
Ohio	93.0	92.6	94.4	1.4	1.8
Oklahoma	98.0	99.0	92.9	-5.1	-6.1
Oregon	87.0	90.6	91.4	4.4	0.8
Pennsylvania	96.8	97.7	94.8	-2.0	-2.9
Puerto Rico	--	--	--	--	--
Rhode Island	76.0	75.9	81.3	5.3	5.4
South Carolina	76.6	86.6	92.1	15.5	5.5
South Dakota	92.7	92.9	96.0	3.3	3.1

Tennessee	58.1	80.9	94.9	36.8	14.0
Texas	93.8	94.6	96.2	2.4	1.6
Utah	68.9	72.0	84.8	15.9	12.8
Vermont	82.2	87.9	90.6	8.4	2.7
Virginia	94.5	95.6	96.7	2.2	1.1
Washington	98.9	98.9	95.6	-3.3	-3.3
West Virginia	96.0	96.0	91.7	-4.3	-4.3
Wisconsin	98.4	99.5	98.9	0.5	-0.6
Wyoming	99.0	93.7	95.3	-3.7	1.6
Total	86.5	90.6	92.2	5.7	1.6

-- Data not provided.

NOTE: Alaska's 2003-04 percentage is the percentage of highly qualified teachers, not the percentage of core academic classes taught by highly qualified teachers. Arkansas' 2004-05 data are for 2005-06. Vermont's data do not include special education; these data were reported separately. Nebraska and Puerto Rico did not submit complete data for 2005-06 and are, thus, not included in these analyses.