

March 1, 2004

NCLB

Teacher Requirements

Resource Guide

Prepared by the

Professional Development and Curriculum Support Division

California Department of Education

Do You Have Questions About the Federal NCLB Teacher Requirements in California?

California Department of Education (CDE) staff are available to respond to questions from district and county administrators who are assisting teachers and working on the implementation of the NCLB teacher requirements. Individual teachers should first go to their own district administrators with questions and requests for assistance.

All credentialing questions, including those regarding supplementary authorizations and subject matter examinations, should be directed to the California Commission on Teacher Credentialing at ctc.ca.gov.

NCLB Teacher Requirements questions can be directed to CDE staff at writecde@cde.ca.gov or to one of the following staff members:

NCLB Teacher Requirements (General questions):

Penni Hansen (Lead)	phansen@cde.ca.gov
Nancy Carr	ncarr@cde.ca.gov
Sandra Frank	sfrank@cde.ca.gov
Rebecca Parker	rparker@cde.ca.gov
Jean Treiman	jtreiman@cde.ca.gov

NCLB and Professional Development:

Jean Treiman (Lead)	jtreiman@cde.ca.gov
Penni Hansen	phansen@cde.ca.gov

NCLB Teacher Data Collection and Reporting:

Jeanne Ludwig (Lead)	jludwig@cde.ca.gov
Rebecca Parker	rparker@cde.ca.gov

NCLB Teacher Requirements/Interventions and Sanctions:

Patricia Webb (Lead)	pwebb@cde.ca.gov
Sandra Frank	sfrank@cde.ca.gov

NCLB Science and Mathematics Issues:

Phil LaFontaine	plafontaine@cde.ca.gov
-----------------	--

NCLB and the Arts:

Nancy Carr ncarr@cde.ca.gov
Don Doyle ddoyle@cde.ca.gov

NCLB and the Social Sciences:

Nancy Carr ncarr@cde.ca.gov

NCLB and Reading/Language Arts:

Patricia Webb pwebb@cde.ca.gov

NCLB and High School/Career Tech Issues:

Lloyd McCabe lmccabe@cde.ca.gov
Jim Greco jgreco@cde.ca.gov

Issues for Teachers of English Learners:

Terry Delgado tdelgado@cde.ca.gov
Paula Jacobs pjacobs@cde.ca.gov

Foreign Languages and International Teacher Issues:

Arleen Burns aburns@cde.ca.gov

What is the No Child Left Behind Act of 2001?

The No Child Left Behind Act of 2001 (NCLB) reauthorizes the Elementary and Secondary Education Act (ESEA) of 1965 and expands on major reforms, particularly in the areas of state academic standards, assessment, accountability, and school improvement. The new federal law requires states to develop assessments linked to these standards for all students. The largest single program in NCLB is Title I, Part A, which provides local educational agencies (LEAs), or school districts, with additional resources to help improve instruction in high-poverty schools and ensure that poor and minority children have the same opportunity as other children to meet challenging State academic standards.

NCLB sets out several key performance goals for states:

- All students will be taught by highly qualified teachers by the end of the 2005-06 school year
- All students will attain “proficiency” in reading and mathematics by 2014, including students with disabilities and English learners
- All English learners will become proficient in English
- All students will learn in schools that are safe and drug free
- All students will graduate from high school

What is the purpose of this NCLB Teacher Requirements Resource Guide?

This guide has been developed to clarify the federal requirements for the NCLB goal of providing all students with “highly qualified teachers” and to provide practical information for California school districts as they implement them. In general, the federal act requires that teachers:

- Have a bachelor’s degree,
- Have state certification and
- Demonstrate subject matter competence for each core subject they teach.

The guide is intended to provide information for principals, teachers, and district office personnel to help them determine which California teachers currently meet the federal requirements and what steps need to be taken to assist all California teachers in meeting the federal requirements. The steps for making this determination are presented in this guide, including options for demonstrating subject matter competence in the core subject areas. In addition, for teachers who do not yet meet the federal requirements, resources are identified that may assist local educational agencies to ensure that they are in compliance by the end of the 2005-06 school year.

Table of Contents

INTRODUCTION

- What is the No Child Left Behind (NCLB) Act of 2001?
- What is the purpose of this NCLB Teacher Requirements Resource Guide?

SECTION 1 NCLB Teacher Requirements and Local Education Agency (LEA) Responsibilities

- 1.1 What are the NCLB requirements for teachers?
- 1.2 What are the timelines for compliance?
- 1.3 What are the three requirements for NCLB teacher compliance?
- 1.4 What are the core academic subject areas?
- 1.5 What are the classifications and types of teachers under NCLB?
- 1.6 What are the options for demonstrating core academic subject competence for “New” teachers?
- 1.7 What is the examination process for new elementary teachers and where can that information be found?
- 1.8 What are the options for demonstrating core academic subject competence for “not new” teachers?
- 1.9 What are the acceptable current and former teaching credential exams and how can one tell if a teacher has passed an exam to qualify for a credential?
- 1.10 What funds from programs authorized in No Child Left Behind can LEAs use to help teachers meet the NCLB teacher requirements?
- 1.11 What types of activities are authorized under NCLB for improving teacher quality?

Chart 1: California’s NCLB Teacher Requirements

Diagram 1: NCLB compliance for teachers with elementary assignments

Diagram 2: NCLB compliance for teachers with middle/high school teaching assignments

SECTION 2 NCLB Considerations for Unique School Levels and Programs

- 2.1 How do middle school teachers in grades 6, 7, and 8 meet NCLB teacher requirements?
- 2.2 How do charter school teachers meet NCLB teacher requirements?
- 2.3 How are alternative schools and small schools affected by NCLB and how can their teachers comply with NCLB?
- 2.4 Must special education teachers comply with NCLB teacher requirements?
- 2.5 Must physical education teachers comply with NCLB teacher requirements?
- 2.6 Must vocational education teachers comply with NCLB teacher requirements?
- 2.7 Are adult education teachers required to meet the NCLB teacher qualification requirements?
- 2.8 How will teachers of English language learner students comply with NCLB teacher requirements?
- 2.9 How may a school district that brings in visiting international teachers comply with the requirement that all teachers be NCLB compliant?

SECTION 3 Steps for Meeting NCLB Teacher Requirements

- 3.1 Overview of the process for meeting NCLB Teacher Requirements

NCLB TEACHER REQUIREMENTS Certificate of Compliance – Form 1

California High Objective Uniform State Standard of Evaluation – California HOUSSE-PART 1 – Form 2

California High Objective Uniform State Standard of Evaluation – California HOUSSE-PART 2 – Form 3

- 3.2 Steps to fill out the NCLB TEACHER REQUIREMENTS Certificate of Compliance
 - 3.2.1 Completion of a bachelor’s degree
 - 3.2.2 Possession of a California credential appropriate for NCLB compliance
 - 3.2.3 Demonstration of subject matter competence: elementary, middle/high school teachers of core academic subjects
 - 3.2.3.1 Instructions for the completion of California HOUSSE PART 1: Assessment of Qualifications and Experience
 - 3.2.3.2 Instructions for the completion of California HOUSSE PART 2: Assessment of Current Qualifications through Classroom Observation and/or Portfolio Development

SECTION 4 LEA Reporting and Accountability Requirements

- 4.1 LEA parent notification to request professional qualifications of Title I teachers
- 4.2 Parent notification of four-week instruction by teachers not meeting NCLB requirements
- 4.3 Reporting on progress toward achieving the performance targets
- 4.4 Consequences for not meeting the Annual Measurable Objectives

SECTION 5 Frequently Asked Questions

- Category A – No Child Left Behind Teacher Requirements
- Category B – High Objective Uniform State Standard of Evaluation (HOUSSE)

APPENDICES

- A. Federal Law
 - Reporting to Parents-Section 1111
 - Deadlines-Section 1112
 - Qualifications for Teachers-Section 1119
 - Professional Development-Title II
 - Definitions-Section 9101
- B. State Regulations
- C. No Child Left Behind Resource Links

SECTION 1

No Child Left Behind Teacher Requirements and LEA Responsibilities

1.1 What are the NCLB requirements for teachers?

One key goal of the federal reauthorization of the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind (NCLB) Act of 2001, is that all students are taught by highly qualified teachers by the end of the 2005-06 school year. To this end, each local educational agency (LEA) must develop a plan to ensure that all elementary, middle and high school teachers who are assigned to teach core academic subjects meet the NCLB requirements to ensure they are highly qualified.

To implement the teacher requirements of the NCLB Act, changes are necessary in order to align current statewide credentialing and professional development practices with NCLB goals. The State Board of Education (SBE), the California Department of Education (CDE), and the California Commission on Teacher Credentialing (CCTC) will work closely with LEAs to provide support for full compliance with NCLB teacher requirements.

It should be noted that some teachers will feel caught in the middle of this change. It is important for those teachers to understand that, while not preferable, they can still be hired even if they have not yet demonstrated compliance with NCLB. LEAs will work with them to ensure NCLB compliance. LEAs are responsible for meeting their annual measurable objective regarding teacher quality. Section One is organized to share the critical information necessary to assist LEAs with compliance.

NCLB provides funding to assist LEAs in meeting their goals of providing every classroom with an NCLB compliant teacher. In particular, Title II of NCLB, Preparing, Training, and Recruiting High Quality Teachers and Principals, requires LEA assurances that professional development funds will be targeted to schools that have the lowest proportion of NCLB compliant teachers; have the largest average class size; or are identified for school improvement (Title II, Sec. 2122). LEAs must give priority to the use of Title I, Part A, funds together with other federal, state and local funds to upgrade the teaching staff and the entire educational program.

1.2 What are the timelines for compliance?

Due to the pressing need to provide NCLB compliant teachers to our Title I schools, there are two timelines related to teacher requirements. Any teacher in a Title I school, or program teaching a core academic subject, who has been hired by the district after the first day of school in 2002-2003, should have been NCLB compliant when hired. All other public school teachers who are teaching core academic subjects must be NCLB compliant by the end of the 2005-06 school year.

1.3 What are the three requirements for NCLB teacher compliance?

A teacher of core academic subjects must have: (1) a bachelor's degree; (2) a state credential or have an Intern Certificate/Credential for no more than three years, and (3) demonstrated core academic subject matter competence.

1.4 What are the core academic subject areas?

NCLB defines core academic subject areas as: English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history, and geography. Elementary school teachers must demonstrate competence in reading, writing, mathematics and other core academic subject areas of the elementary school curriculum.

1.5 What are the classifications and types of teachers under NCLB?

NCLB recognizes two classifications of teachers: “New” and “Not New”. A “New” to the profession teacher holds a California Credential or a California Intern Credential/Certificate issued on or after July 1, 2002. A “Not New” to the profession teacher holds a California Credential or a California Intern Credential/Certificate issued before July 1, 2002. NCLB recognizes two types of teachers: elementary or middle/high school. The options available for demonstrating subject matter competency differ for each classification and type of teacher (see Chart 1). Note: Under the Title 5 regulations, out-of-state teachers may transfer their NCLB compliance to California, including completion of the original state’s HOUSSSE option. Because many teachers are transferring to California before that process has been completed in their original state, it is clear that an interim process is needed to establish NCLB compliance in California for “not new” teachers from out of state. We anticipate that Title 5 regulations will be revised to provide this process.

1.6 What are the options for demonstrating core academic subject competence for “New” teachers?

"New" elementary teachers must pass a California Commission on Teacher Credentialing (CCTC) approved subject matter examination in order to demonstrate subject matter competence. "New" middle/high school teachers have several options to demonstrate subject matter competence. They may pass a CCTC approved subject matter examination or complete one of these coursework options in the core academic subject area: A) a CCTC approved subject matter program, or B) a major, or C) a major equivalent, (32 semester units or the equivalent) or D) possess a graduate degree (see Chart 1, or Diagram 1 and Diagram 2).

1.7 What is the examination process for new elementary teachers and where can that information be found?

NCLB requires all “New” to the profession elementary teachers who receive a Multiple Subject Teaching Credential or a Multiple Subject Intern Credential or Certificate to demonstrate subject matter competency by exam. To conform with NCLB and the California State Board of Education’s State Plan, the CCTC has enacted a timeline for requiring passage of the exam for candidates enrolled in liberal studies programs. Teacher candidates who enroll in a CCTC accredited teacher preparation program on or after July 1, 2004 must pass a CCTC approved exam, currently the *California Subject Examination for Teachers (CSET) Multiple Subjects*, in order to receive a multiple subjects credential. (For the complete action see CCTC Coded Correspondence 03-0025 at www.ctc.ca.gov).

For NCLB compliance, however, all “New” teachers who received a multiple subjects Preliminary or Professional Clear or an Intern Certificate or Credential on or after July 1, 2002 must pass a CCTC approved subject matter exam to become NCLB compliant (even though they were not required to do so in order to receive a credential). Currently the CSET is the only CCTC approved exam for “New” elementary teachers. The MSAT exam may be used if it was passed within five years of the issuance date for credentialing purposes.

If a currently employed teacher did not have a multiple subjects Preliminary or Professional Clear or an Intern Certificate or Credential on or before June 30, 2002, they are considered “New” to the profession and will need to pass the exam to be NCLB compliant.

Information on the CSET is available at www.cset.nesinc.com, and at www.ctc.ca.gov. A practice version of the exam may be downloaded. Additionally, information on the exam dates and registration is available at www.cset.nesinc.com.

1.8 What are the options for demonstrating core academic subject competence for “Not New” teachers?

Federal law provides “Not New” elementary teachers with two options to demonstrate subject matter competence. They may pass a CCTC approved subject matter examination (any past or current CCTC approved subject matter examination will qualify) or they may complete the California High Objective Uniform State Standard of Evaluation (HOUSSE).

Federal law provides “Not New” middle/high school teachers with several options to demonstrate subject area competence. They may pass a CCTC approved single subject matter examination (any past or current CCTC approved single subject matter examination will qualify), or they may complete one of the following in each core subject area taught:

- A) A CCTC approved subject matter program, or
- B) A major, or
- C) A major equivalent (32 semester units or the equivalent), or
- D) A graduate degree, or
- E) Hold National Board Certification, or
- F) Complete the California HOUSSE (See Section 3.2.3 and Forms 2 and 3).

1.9 What are the acceptable current and former teaching credential exams and how can one tell if a teacher has passed an exam to qualify for a credential?

On Multiple Subject Teaching Credentials, if the teacher is California trained and has satisfied the subject matter requirement by completing an approved subject matter program, their credential will have “General Subjects” printed on it.

Teachers who have satisfied their subject matter requirement by passing a CCTC approved exam will have “(General Subjects-Examination)” printed on their credential.

Any current or prior approved CCTC Multiple Subject Examination listed below will satisfy the requirements of the No Child Left Behind “demonstration of subject matter competence” for teachers who teach elementary core subject matter.

Current Exam:

California Subject Tests for Teachers: Multiple Subjects (CSET:MS)

Prior Exams:

Multiple Subject Assessment for Teacher (MSAT)

National Teaching Exams (NTE): General Knowledge Section of the Core Battery

Single Subject Credentials:

For a complete listing of the exams available for single subject credentials, please see the CCTC website at www.ctc.ca.gov.

1.10 What funds, from programs authorized in No Child Left Behind, can LEAs use to help teachers meet the NCLB teacher requirements?

Key programs authorized in NCLB provide funds that can be used to improve teacher quality. These include, but are not limited to:

- *Title I, Part A*, requires that LEAs use at least five percent (5%) of their *Title I* funds for professional development activities to ensure that teachers who are not currently highly qualified meet that standard by the end of the 2005-06 school year [Section 1119(1)]. In addition, any school identified as in need of improvement for failing to make adequate yearly progress must spend ten percent (10%) of its *Title I, Part A* funds on professional development, including teacher mentoring programs [Section 1116(c)(7)(A)(iii)].
- *Title II, Part A*, helps States and school districts ensure that all students have effective teachers by providing funds for helping teachers meet the NCLB teacher requirements. NCLB law cites that funds may be used for “providing assistance to teachers to enable them to meet certification, licensing, or other requirements needed to become highly qualified...” (Section 2113).

Permissible *Title II, Part A*, activities include, but are not limited to, various forms of high quality, scientifically-based, professional development in subject matter knowledge, improving teaching skills, assisting teachers to use State academic content standards and student achievement standards, and state assessments to improve student achievement. Schools have considerable discretion in the use of *Title II, Part A*, funds.

- *Title II, Part B*, the Mathematics and Science Partnerships program, provides funding to the State Education Agency (SEA) to competitively establish Institutions of Higher Education-LEA partnerships to enhance teacher subject-matter knowledge and the quality of teaching in mathematics and science [Section 2201(a)].
- *Title II, Part C*, the Troops-to-Teachers and Transition to Teaching programs, supports efforts to help school districts hire, train, and retain individuals from other careers and backgrounds as teachers in high-need schools [Sections 2303 and 2313].
- *Title II, Part D*, the Enhancing Education Through Technology program, under which each local recipient of funds must use at least 25 percent (25%) of those funds for ongoing, sustained, and high-quality professional development on the integration of advanced technologies into curriculum and instruction and on the use of those technologies to create new learning environments [Section 2416(a)].
- *Title III, Part A*, authorizes LEAs to use formula grant funds for professional development of teachers providing instruction to students needing English language acquisition and language enhancement [Section 3111(a)(2)(A)].

- *Title V, Part A*, authorizes LEAs to use formula grant funds to provide professional development activities carried out in accordance with *Title II, Part A*, as well as to recruit, train, and hire highly qualified teachers to reduce class size [Section 5131(a)(1)].

1.11 What types of activities are authorized under NCLB for improving teacher quality?

Title II, Part A specifically authorizes use of funds for the following activities related to improving teacher quality:

- Signing and retention bonuses and differential pay for NCLB qualified teachers
- Bonuses and reimbursement for coursework for teacher certification in areas of high need, i.e., math, science, special education, English language learners
- Bonuses and reimbursement for coursework for advanced degrees or certification (National Board Certification)
- Merit pay linked to measurable increases in student academic achievement.
- Partnerships with for-profit and non-profit entities through grants or contracts to provide professional development activities, coursework, test preparation and testing
- Paraprofessional training toward teacher certification
- High quality professional development and training in core content knowledge; effective instructional strategies, methods and skills required to meet the NCLB Teacher Requirements
- High quality professional development in use of challenging State academic content standards and student academic achievement standards in preparing students for the State assessments
- Training in use of technology for instruction and analyzing achievement data.
- Teacher mentoring, induction and support programs for new teachers
- Implementation of approved Commission on Teacher Credentialing alternative certification and internship programs
- Teacher salaries for class size reduction

The chart and diagrams on the next three pages summarize the requirements for NCLB. For a detailed definition of each requirement and further information on options to demonstrate core academic subject matter competence, please refer to Section 3 of this guide.

CHART 1

California's NCLB Teacher Requirements

	"New" to The Profession	"Not New" to The Profession
	<p> Holds a Credential or an Intern Credential or Certificate Issued <u>on or after July 1, 2002</u></p>	<p> Holds a Credential or an Intern Credential or Certificate Issued <u>before July 1, 2002</u></p>
GRADE SPAN	ELEMENTARY SCHOOL	ELEMENTARY SCHOOL
REQUIREMENTS	<p>1) Bachelor's degree (Sec. 3.2.1)</p> <p>2) California Credential or an Intern Credential or Certificate for no more than three years (Sec. 3.2.2)</p> <p>3) Core academic subject competence must be demonstrated by: (Sec. 3.2.3)</p> <p>EXAM: Pass a multiple subjects examination approved by the California Commission on Teacher Credentialing (CCTC)</p>	<p>1) Bachelor's degree (Sec. 3.2.1)</p> <p>2) California Credential or an Intern Credential or Certificate for no more than three years (Sec. 3.2.2)</p> <p>3) Core academic subject competence may be demonstrated by: (Sec. 3.2.3)</p> <p>EXAM: Pass a multiple subjects examination approved by the California Commission on Teacher Credentialing (CCTC)</p> <p>or</p> <p>HOUSSE: Complete California's High Objective Uniform State Standard of Evaluation</p>
GRADE SPAN	MIDDLE AND HIGH SCHOOL	MIDDLE AND HIGH SCHOOL
REQUIREMENTS	<p>1) Bachelor's degree (Sec. 3.2.1)</p> <p>2) California Credential or an Intern Credential or Certificate for no more than three years (Sec. 3.2.2)</p> <p>3) Core academic subject competence must be demonstrated by (Sec. 3.2.3):</p> <p>EXAM: Pass a subject matter examination approved by the CCTC in each subject taught</p> <p>or</p> <p>COURSEWORK: In each core area taught complete a:</p> <p>A) CCTC approved subject matter program, or</p> <p>B) Major, or</p> <p>C) Major equivalent, (32 semester units or the equivalent) or</p> <p>D) Graduate degree</p>	<p>1) Bachelor's degree (Sec. 3.2.1)</p> <p>2) California Credential or an Intern Credential or Certificate for no more than three years (Sec. 3.2.2)</p> <p>3) Core academic subject competence must be demonstrated by (Sec. 3.2.3):</p> <p>EXAM: Pass a subject matter examination approved by the CCTC in each subject taught</p> <p>or</p> <p>COURSEWORK: In each core area taught complete a:</p> <p>A) CCTC approved subject matter program, or</p> <p>B) Major, or</p> <p>C) Major equivalent, (32 semester units or the equivalent) or</p> <p>D) Graduate degree</p> <p>or</p> <p>ADVANCED CERTIFICATION: National Board Certification in the core area</p> <p>or</p> <p>HOUSSE: Complete California's High Objective Uniform State Standard of Evaluation</p>

DIAGRAM 1

NCLB Compliance for Teachers with Elementary Assignments

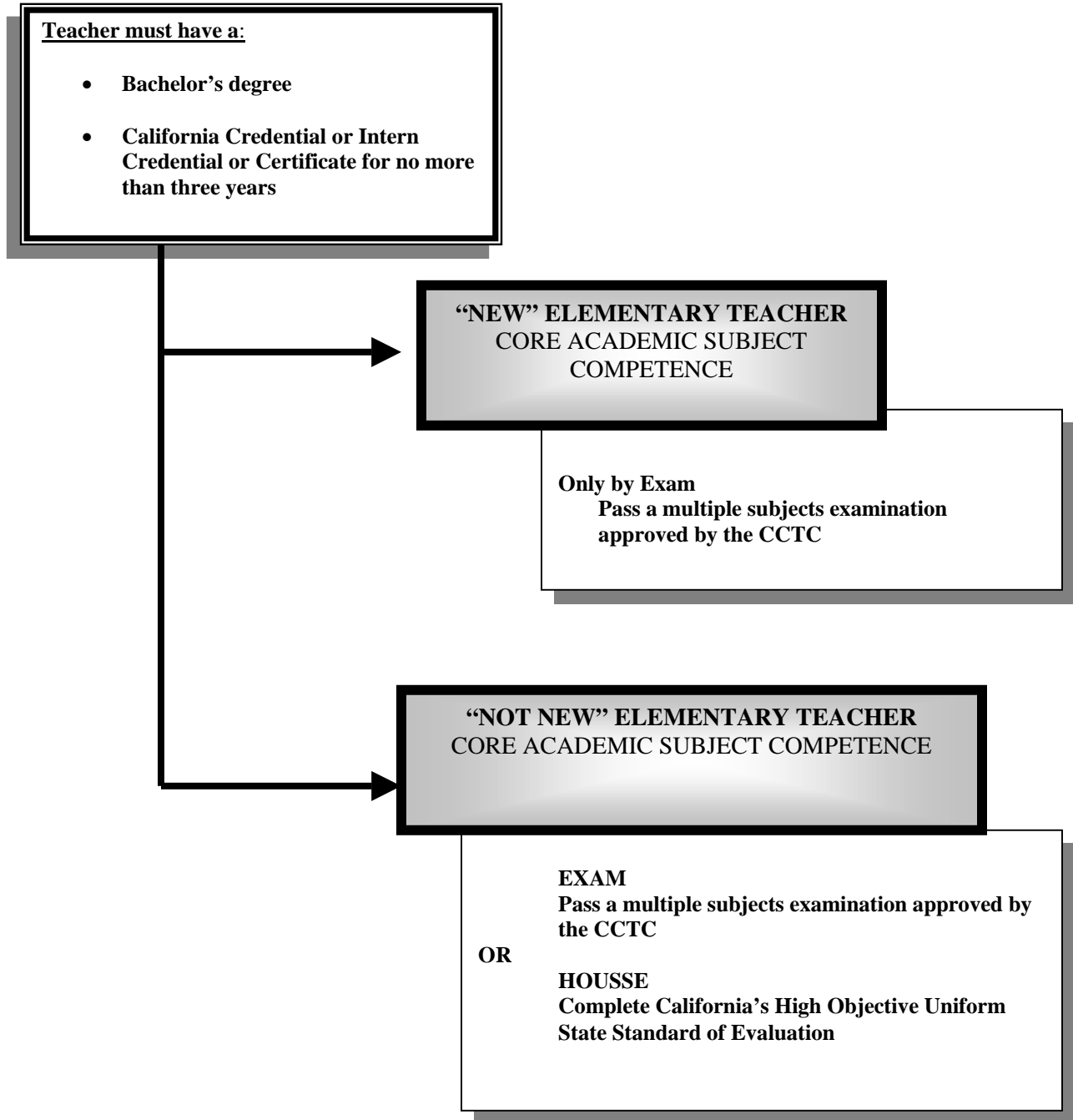
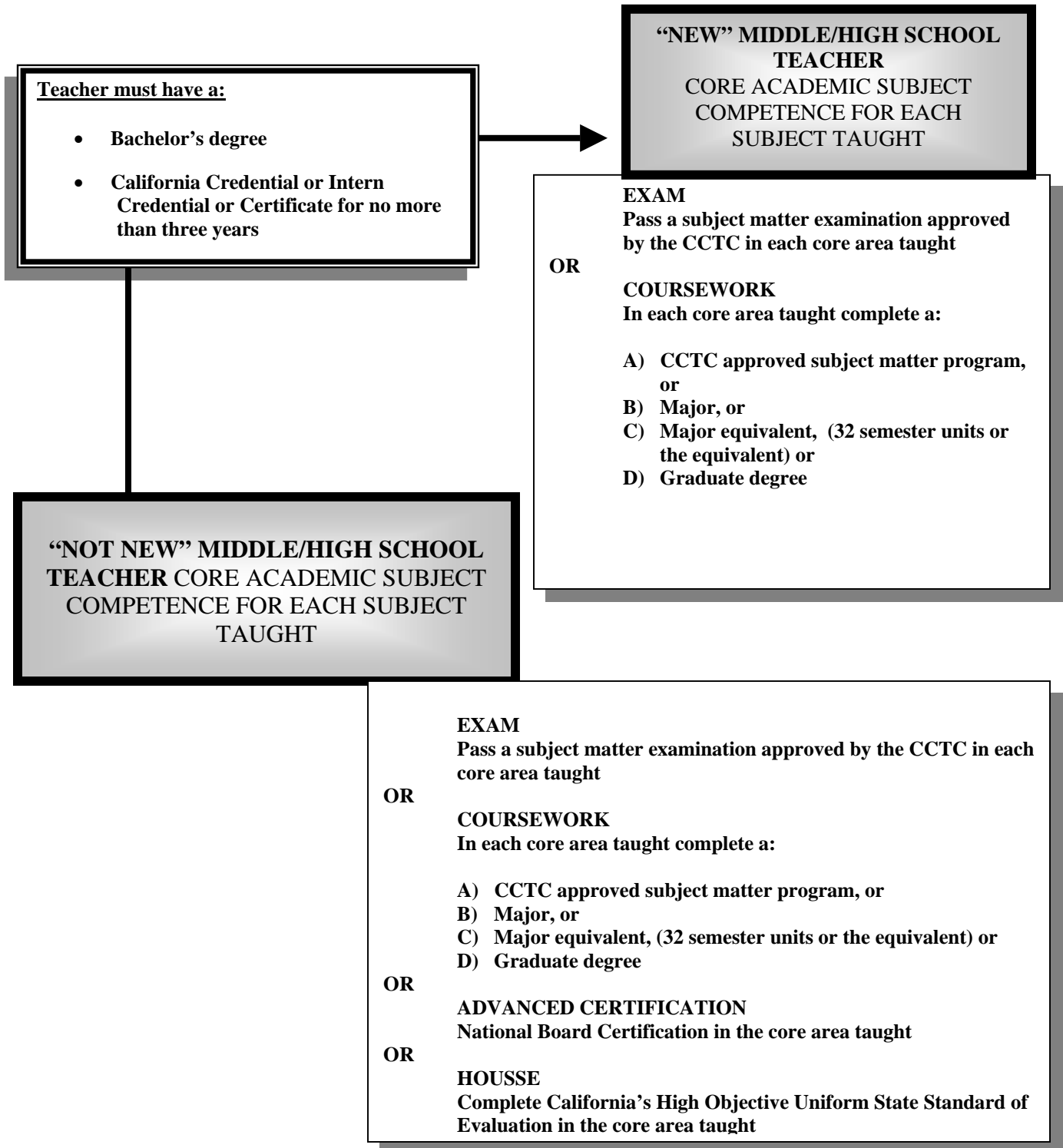


DIAGRAM 2

NCLB Compliance for Teachers with Middle/High School Teaching Assignments



SECTION 2

NCLB Considerations for Unique School Levels and Programs

Meeting the NCLB teacher compliance requirements has generated a number of school level and program specific issues. This section discusses some of the unique NCLB teacher compliance issues in middle schools, charter schools, alternative and small schools, and for special education teachers and teachers teaching English language learner students.

2.1 How do middle school teachers in grades 6, 7 and 8 meet NCLB teacher requirements?

It is the intent of NCLB to ensure that each teacher of a core academic subject has sufficient subject matter knowledge and skills to teach the assigned subject regardless of whether the school is configured as an elementary or a middle school. For example 8th grade algebra teachers must have the same requisite skills and knowledge regardless of whether the school is configured as an elementary or a middle school.

Based on the curriculum taught at a school site or at a particular grade level within the school, it is the responsibility of the Local Education Agency (LEA) to determine whether a teacher's core academic assignment is an elementary or middle/high school assignment. (See Title 5 Regulations, Appendix B) Based on this LEA designation (Elementary or Secondary), the teachers' at the school or grade level must follow the appropriate NCLB path for demonstration of subject matter competence for the core area/s they are assigned.

The California multiple subjects (Elementary) credential is focused on a demonstration of knowledge of the K- 8 student academic content standards. The single subjects (Secondary) credential is based on a demonstration of knowledge for K-12 student academic content standards for the specific core academic subject authorized on the credential.

An LEA will need to make a set of decisions about a particular middle school. Recent Federal Guidance may lead to additional flexibility in this area. The California Department of Education (CDE) and the California Commission on Teacher Credentialing (CCTC) are currently meeting to discuss middle school options. Please check back periodically for updated information.

2.2 How do charter school teachers meet NCLB teacher requirements?

Charter school teachers of core academic subjects, as defined in federal law, must meet the NCLB requirements. However, the federal law does allow that for charter schools, teacher credentialing provisions shall be governed by state law. California law states that teachers in charter schools who teach college preparatory courses are required to hold a credential, certificate, permit, or other document equivalent to that which a teacher in other California public schools would be required to hold. Further, in California, the definition of "core" for charter schools' credentialing purposes is established in the school's charter and by agreement with the agency that oversees the charter school. With regard to meeting the other (non-credential) NCLB teacher requirements, however, it is the federal definition of core academic subjects, not the charter's definition, that controls.

The CDE and the State Board of Education (SBE) recognize that meeting the NCLB teacher requirements may be a particular challenge for many charter schools that offer innovative educational options. It is

particularly critical that charter school authorizers work closely with their charter schools to find constructive solutions to implementing the requirements of NCLB within the full range of settings and options that are necessary to serve the diverse needs of all students. Therefore, CDE advises against charter authorizers initiating any disciplinary actions or revocation proceedings against a charter school making a good faith effort on these issues.

2.3 How are Alternative Schools and Small Schools affected by NCLB and how can their teachers comply with NCLB?

In many alternative schools and programs, and in many small schools, teachers at the middle and high school levels teach many, sometimes all, subjects. This is either by necessity, as in the case of very small schools, or by design, as in the case of alternative schools or programs where a student works primarily with one or a small number of teachers.

Teachers who provide instruction in alternative education placements and small schools must meet the same NCLB teacher requirements as other teachers. If the teacher of record cannot meet the NCLB requirements for all subjects taught, a possible solution is to provide students with access to teachers meeting the requirements. The access to teachers meeting the requirements could be through in-person meetings or through distance learning arrangements.

Where the teacher of record cannot meet the NCLB requirements for all subjects taught, another possible solution is to provide students with access to teachers meeting the requirements through team teaching. In this model, a teacher who has demonstrated subject matter competence in one or several subjects team-teaches with other teachers who have demonstrated subject matter competence in the other subjects.

To verify subject matter competence for teachers “Not New” to the profession, LEAs can use the California HOUSSE. Additionally, districts should review the curriculum in their alternative schools and programs to determine if they are elementary or middle/high school teaching assignments under NCLB.

The CDE and SBE recognize that meeting the NCLB teacher requirements may be a particular challenge for small schools and schools that offer educational options. It is important to recognize that these issues are not unique to California, but are being raised by other states across the country. For this reason, it is particularly critical that school districts NOT react to the new NCLB requirements by eliminating appropriate options for students. California will continue to work with the United States Department of Education and other state agencies to develop viable solutions to implementing the requirements of NCLB within the full range of settings and options that are necessary to serve the diverse needs of all students.

The CDE will update the Frequently Asked Questions (FAQs) included in this Guide if and when additional information becomes available. If an LEA is unable to fully meet the teacher requirements at this time, it should document its efforts and develop a plan for how it will reach the NCLB goal for teacher compliance.

2.4 Must special education teachers comply with NCLB teacher requirements?

If a special education teacher is providing instruction in a core academic subject, then that teacher must meet the NCLB teacher requirements. The requirements apply whether a special education teacher provides core academic instruction in a regular classroom, a resource room, or another setting. Special education teachers in K-8 grades can demonstrate subject matter competence by passing the CSET (Multiple Subjects) or a previous CCTC multiple subject exam. “Not New” special education teachers can use the HOUSSE option to demonstrate subject matter competence.

If a special education teacher provides only consultation services to the teacher of core academic subjects, or only delivers special instructional assistance within the classroom where the core academic subject is taught, they do not have to be NCLB compliant. These teachers may carry out activities such as adapting curricula, using behavioral supports and interventions, or selecting appropriate accommodations for students. Additionally, the special education instructor does not have to meet NCLB requirements if he or she assists students with study skills or organizational skills and reinforces instruction that the child has already received from a teacher who is NCLB compliant.

Additional definitions and substantial guidance are anticipated in the re-authorization of the Individuals with Disabilities Education Act (IDEA).

2.5 Must physical education teachers comply with NCLB teacher requirements?

No. Currently, NCLB does not define physical education as a core academic subject. Only physical education teachers who teach core academic subject classes, such as the arts (dance) are required to demonstrate NCLB compliance in that subject area. It should be noted that, although physical education is not considered a core academic subject under NCLB, California still requires physical education teachers to be fully credentialed.

2.6 Must vocational education teachers comply with NCLB teacher requirements?

Vocational education teachers who teach core academic courses are required to meet the NCLB teacher requirements. The term core academic subjects is defined in NCLB as: English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history, and geography.

2.7 Are adult education teachers required to meet the NCLB teacher qualification requirements?

No. The requirement that teachers be highly qualified applies to public elementary or secondary school teachers who teach a core academic subject. Therefore, because the law applies specifically to elementary or secondary teachers, teachers in adult education do not have to meet the highly qualified definition under NCLB.

2.8 How will teachers of English learners comply with NCLB teacher requirements?

Teachers of English learners assigned to teach core academic subjects must meet the same NCLB requirements as other teachers of core academic subjects.

There are additional requirements for teachers hired with funds from NCLB, Title III Language Instruction for Limited English Proficient and Immigrant Students, Part A sub-grants. LEAs receiving Title III funds must certify that all teachers are fluent in English and any other language used for instruction, including having written and oral communications skills. (Title III, Section 3116(c)).

In California, the possession of a Bilingual, Crosscultural, Language and Academic Development (BCLAD) credential or equivalent, authorizes a teacher to provide instruction to English learners in a language other than English, though this is not a requirement for a teacher to meet the definition of “highly qualified teacher” under NCLB.

2.9 How may a school district that brings in visiting international teachers comply with the requirement that all teachers be NCLB compliant?

NCLB requires each teacher of a core academic subject to meet certain requirements whether recruited and hired from within the United States or from other countries. First, to be considered compliant with NCLB requirements, foreign teachers need a degree from a foreign college or university that is at least equivalent to a bachelor's degree offered by an American institution of higher education.

Second, foreign teachers must also hold a valid teaching credential. In California, requirements for out-of-country trained teachers can be obtained from the California Commission on Teacher Credentialing at <http://www.ctc.ca.gov>.

Third, foreign teachers must demonstrate competency in subject knowledge and teaching skills. International teachers teaching at middle and high school who have successfully completed at least an academic major in the subjects that they would teach in U.S. schools have demonstrated the requisite competency in subject competency and teaching skills.

Prospective international teachers who did not major in the subject that they would be hired to teach in U.S. schools would need to take and pass the required state test in the subject(s) they would teach. Foreign teachers at the elementary level can demonstrate subject matter competency by passing the required subject test.

As with experienced teachers having taught in U.S. schools, teachers with experience in other countries can also demonstrate subject competency and teaching skills via the HOUSSE procedure.

Whatever methods have been employed to demonstrate that international teachers have required subject competency and teaching skills, institutions responsible for recruiting these teachers should be able to provide documentation that international teachers meet the NCLB requirements. Staff is working on information regarding the HOUSSE process for international teachers. This information will be updated in the guide as it becomes available.

SECTION 3

Steps for Meeting NCLB Teacher Requirements

3.1 Overview of the process for meeting NCLB Teacher Requirements

The following information is provided to assist local educational agencies (LEAs) to determine the status of their teachers in relation to compliance with the No Child Left Behind Act. Those teachers who teach core academic subjects must demonstrate NCLB compliance. **NCLB compliance is a one-time demonstration of competence in a given content area and is transferable to any LEA in California.** If teachers have become NCLB compliant in another state, they are NCLB compliant in California. In the case of a new assignment, the teacher must demonstrate competence in the newly assigned core academic subject area, once.

For the purposes of NCLB data reporting and accountability, an LEA (districts, charter schools or county offices) must keep the signed original *NCLB Teacher Requirements: Certificate of Compliance* (see page 19), and the teacher should keep a copy.

Before understanding the requirements for an individual teacher, the district must designate the characteristics of the teacher's assignment and whether or not the subject area/class the teacher is teaching is a core academic subject area. As discussed earlier, time to comply and criteria vary depending on an individual teacher's particular circumstance (Sec. 1.2, 1.5).

Elementary teachers must demonstrate compliance one time for multiple subjects. They would complete one *Certificate of Compliance* Form (see Form 1).

Middle and high school teachers must demonstrate core subject area competence, one time, for each core subject taught. Therefore, if a middle/high school teacher teaches English and Spanish, that teacher would need to demonstrate subject area competence, by completing one of the acceptable options for each subject. In this case, the teacher would complete two *Certificate of Compliance* Forms (see Form 1).

NCLB Teacher Requirements: Certificate of Compliance (Form 1)

There are three progressive steps to support all teachers to NCLB compliance. All teachers, "New" and "Not New," will need to complete Form 1, and most teachers will be done at this point.

If a "Not New" teacher demonstrates his or her subject matter competence via HOUSSE, he or she must also complete Form 2, and perhaps Form 3.

Form 3 requires that sufficient evidence be presented to indicate that a teacher has demonstrated competence in the K-12 content standards pertaining to the teacher assignment and has met California Standards for the Teaching Profession 3 and 5.1.

If the teacher does not satisfactorily demonstrate competence as a part of the NCLB HOUSSE process, then subject matter competency shall be demonstrated through completion of the Peer Assistance and Review Program for Teachers, or other individualized professional development plans.

California High Objective Uniform State Standard of Evaluation – HOUSSE-PART 1: Assessment of Qualifications and Experience. (Form 2)

If a “Not New” teacher uses the HOUSSE option to demonstrate subject matter competence he or she should complete HOUSSE-PART 1, first. The accumulation of 100 points on HOUSSE-PART 1 is sufficient to comply with NCLB teacher requirements.

California High Objective Uniform State Standard of Evaluation – HOUSSE-PART 2: Assessment of Current Qualifications through Classroom Observation and/or Portfolio Development. (Form 3)

If a “Not New” teacher has not accumulated 100 points on HOUSSE-PART 1, he or she may use HOUSSE-PART 2 to gain the rest of the points necessary to reach 100 points. If the Portfolio option is selected, the entire portfolio must be completed successfully to comply with NCLB Teacher Requirements.

NCLB TEACHER REQUIREMENTS: Certificate of Compliance

Teacher's Name: _____ School/District _____

Core Academic Subject Area Assignment _____

- All teachers: To become NCLB compliant you must complete the three requirements listed below.
- Middle/High school teachers: One certificate must be completed for each core academic subject taught.
- Elementary teachers: Complete one certificate for multiple subjects.

If you have questions, see the Instructions for completing the *NCLB Teacher Requirements: Certificate of Compliance*. (Sec. 3.1-3.3)

- 1. I have a bachelor's degree (Sec. 3.2.1)
- 2. I have an appropriate California Credential. (Sec. 3.2.2) Type _____ Date of issuance _____
- 3. I have demonstrated core academic subject area competence by completing: (Sec. 3.2.3)

✓ Check one box to determine the appropriate option/s:

- I am a "New" to the profession teacher.

"New" elementary teachers must select Exam option.

"New" middle/high school teachers may select Exam or Coursework option.

- I am a "Not new" to the profession teacher.

"Not new" elementary teachers may select Exam or HOUSSE option.

"Not new" middle/high school teachers may select the Exam, Coursework, Advanced Certification or HOUSSE options.

✓ Check one box from the option/s available.

EXAM

- I have passed a CCTC approved subject matter exam, including but not limited to CSET, MSAT, or NTE, in the core subject that I teach.

COURSEWORK

- I have completed a CCTC approved subject matter program in the core subject that I teach.
- I have an undergraduate major in the core subject I teach.
- I have an undergraduate major equivalent in the core subject I teach (32 non-remedial semester units).
- I have a graduate degree in the core subject I teach.

ADVANCED CERTIFICATION

- National Board Certification in the core subject I teach

HOUSSE

- I have completed California's High Objective Uniform State Standard of Evaluation in the core subject I teach. (See Sec. 3.3, Form 2 and/or Form 3.)

This certificate relates to the following NCLB Core Academic Subject: (Check one)

- English
- Reading/Language Arts
- Mathematics
- Science
- Civics and Government
- Economics
- Arts
- Foreign Language
- History
- Geography
- Self-Contained/Elementary Multiple subjects

Teacher's Signature: _____ Date: _____

Verified by (Superintendent/designee) _____ Date: _____

- ✓ Attach appropriate documentation and evidence.
- ✓ The teacher retains a signed copy of this form.
- ✓ LEAs/districts retain a signed original of this form for NCLB data reporting purposes.

CALIFORNIA HIGH OBJECTIVE UNIFORM STATE STANDARD of EVALUATION

CALIFORNIA HOUSSE – PART 1
Assessment of Qualifications and Experience

Teacher's Name _____

Current Core Academic Assignment _____

I have accumulated the 100 Points required for the California HOUSSE. (Attach evidence)

HOUSSE-PART 1: PRIOR EXPERIENCE IN ASSIGNED AREA	Total Points
Experience in teaching core area - 10 pts per school year (Five years maximum) Circle years teaching this core academic subject: 1 2 3 4 5	50 pts Max. ____pts
HOUSSE-PART 1: CORE ACADEMIC COURSEWORK IN ASSIGNED AREA	Points
<p>Elementary Teachers Core Academic Coursework: Select one if appropriate</p> <p>A. Completed 18 semester units in each of four core areas: 1)Reading/ Language Arts, 2) Mathematics and Science, 3) History and Social Sciences and 4) the Arts. - 50 pts, or</p> <p>B. Completed a CCTC approved Liberal Studies Waiver Program - 50 pts, or</p> <p>C. National Board Certification in grade span - 60 pts, or</p> <p>D. Completed an advanced degree in teaching, curriculum instruction, or assessment in core academic area [e.g., MAT/MEd/MA/MS] 60 pts</p> <p>Middle/High School Core Academic Coursework: Select one if applicable</p> <p>A. Completed CCTC-Supplementary Authorization – 50 pts., or</p> <p>B. Completed 15-21 Units of Core – 30 pts., or</p> <p>C. Completed 22-30 Units of Core – 50 pts., or</p> <p>D. Completed an advanced degree in teaching/curriculum/assessment in core academic area [e.g., MAT/MEd/MA/MS] – 60 pts.</p>	____pts
HOUSSE-PART 1: STANDARDS ALIGNED PROFESSIONAL DEVELOPMENT IN ASSIGNED AREA	Points
<p>Standards Aligned Professional Development (20 hrs = 5 pts, 40 hrs = 10 pts....)</p> <ul style="list-style-type: none"> • Reading and Mathematics Professional Development Program (AB466 Training) • Beginning Teacher Support and Assessment (BTSA) Programs • Participate, but not yet certified, in National Board Certification program. <p>NOTE: This list is not exhaustive. Professional development activities that are used for the HOUSSE evaluation must be activities that increase teachers' knowledge of core academic subjects, are standards-aligned, sustained, intensive and classroom-focused and are not 1-day or short-term workshops or conferences. NCLB requires that the list of professional development activities is available to the public. (See Section 3.2.3.1)</p>	(Within last six years) ____pts
HOUSSE-PART 1: LEADERSHIP AND SERVICE TO THE PROFESSION IN ASSIGNED AREA	Points
<p>Service and leadership roles within Core academic content area 1 yr = 30 pts, 2 yr = 60 pts, 3 yrs = 90 pts</p> <p>Mentor, Academic Curriculum Coach, Supervising Teacher, College / University instructor in content area/content methodology, BTSA Support Provider, Department Chair</p> <p>National / State Recognition as "Outstanding Educator" in Content Area</p> <p>NOTE: This list is not exhaustive. NCLB requires that the list of qualified service and leadership activities is available to the public. (See Section 3.2.3.1)</p>	____pts

Signed by Teacher _____ Date _____

Verified by LEA (Superintendent/designee) _____ Date _____

- ✓ Attach appropriate documentation.
- ✓ Attach a copy of HOUSSE-PART 1 to Certificate of Compliance (Form 1)
- Go to HOUSSE-PART 2 (Form 3) only if more points are necessary to reach a total of 100.

CALIFORNIA HIGH OBJECTIVE UNIFORM STATE STANDARD of EVALUATION

CALIFORNIA HOUSSE – PART 2

**Assessment of Current Qualifications through Classroom Observation and/or
Portfolio Development**

Teachers Name _____

Current Core Academic Assignment _____

HOUSSE-PART 2: DIRECT OBSERVATION OR PORTFOLIO ASSESSMENT (Attach verification)	Points
Completion of successful observations (20 points each) 1 observation = 20 pts, 2 observations = 40 pts.... Completion of successful portfolio assessment = 100 Points. (No partial credit)	_____pts

This review of evidence and observation form may be used to complete HOUSSE-PART 2. Sufficient evidence must be presented to indicate that a teacher has demonstrated competence in the K-12 content standards pertaining to the teacher assignment and has met California Standards for the Teaching Profession 3 and 5.1.*

STANDARD THREE UNDERSTANDING AND ORGANIZING SUBJECT MATTER FOR STUDENT LEARNING	EVIDENCE (WRITTEN ON FORM OR ATTACHED) (Evidence may include interview, observation, and use of student achievement data, lesson and unit plans.)
3.1 Demonstrating knowledge of subject matter content and student development	
3.2 Organizing curriculum to support student understanding of subject matter	
3.3 Interrelating ideas and information within and across subject matter areas	
3.4 Developing student understanding through instructional strategies that are appropriate to the subject matter	
3.5 Using materials, resources, and technologies to make subject matter accessible to students	
STANDARD FIVE ASSESSING STUDENTS LEARNING	
5.1 Establishing and communicating learning goals for all students	

(*Standards are from the California Standards for the Teaching Profession, CSTP, <<http://www.btsa.ca.gov/ba/pubs/pdf/cstpreport.pdf>>).

Verified by LEA Administrator/Designee _____ Date _____

- ✓ **Attach appropriate documentation.**
- ✓ **Attach a copy of HOUSSE-PART 1 and PART 2 to NCLB Teacher Requirements: Certificate of Compliance. (Form 1).**

3.2 Steps to fill out the NCLB TEACHER REQUIREMENTS: Certificate of Compliance

To determine the best pathway to NCLB teacher requirement compliance, follow the steps listed in this section of the guide to complete the *NCLB TEACHER REQUIREMENTS Certificate of Compliance*. The definitions below list the criteria to be considered at each step. There are three criteria that every teacher assigned to teach a core academic subject must meet: 1) completion of a bachelor's degree, 2) a California Credential, and 3) demonstration of subject matter competence. NCLB regulations apply to *all* teachers of core academic subjects. An elementary teacher must demonstrate compliance, only once, for the elementary grade span. A middle/high school teacher must demonstrate compliance, only once, in each core academic subject area that he or she is assigned to teach. The *NCLB Teacher Requirements: Certificate of Compliance* is transferable within California.

3.2.1 Completion of a bachelor's degree

- I have a bachelor's degree (Attach evidence.)
Institution: _____ Date: _____

NCLB federal law requires that teachers of core academic subjects must possess a bachelor's degree from a regionally accredited institution.

NOTE: If you have a California credential that required a bachelor's degree, your degree is from a regionally accredited institution. (Attach a copy of the credential.)

3.2.2 Possession of a California credential appropriate for NCLB compliance

- I am credentialed to teach in the State of California. (Attach evidence.)
Date of Issuance: _____ Type of Credential: _____

NCLB federal law requires that a teacher be credentialed or be enrolled in an alternative certification program for no longer than three years. *Teachers must be appropriately credentialed according to the grade span and subjects authorized under the credential*

3.2.3 Demonstration of subject matter competence: elementary, middle/high school teachers of core academic subjects

NCLB federal law requires a one-time demonstration of competence in each core academic subject taught (or in multiple subjects for elementary teachers). Requirements differ for "New" and "Not New" teachers. NCLB law defines core academic subjects as: English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history, and geography. You will need to meet requirements listed in **ONE of the options, A, B, C or D, that follows.**

Select "New" or "Not New" to the profession teacher before moving to the options.

- I am a "New" to the profession teacher. (Hold a California Credential or an Intern Credential or Certificate dated on or after July 1, 2002.)
- or
- I am a "Not New" to the profession teacher. (Hold a California Credential or an Intern Credential or Certificate dated before July 1, 2002.)

A. EXAM OPTION

This option is available to all "New" and "Not New" elementary and middle/high school teachers. **"New" elementary teachers must select this option to demonstrate NCLB subject matter compliance.**

One way to demonstrate subject matter competence is to have passed a rigorous subject matter examination approved by the CCTC. Information regarding examinations can be found at the CCTC Web site *www.ctc.ca.gov*. For the purpose of NCLB subject matter competence, **all prior CCTC approved exams may count.**

- I have passed a subject matter examination approved by the CCTC in the core academic subject taught. (If not already included on the credential, attach evidence.)
Exam name _____ Date Passed _____

B. COURSEWORK OPTION

This option applies to all "New" and " Not New" middle/high school teachers.

Middle/high school teachers may demonstrate core academic subject area competence by completion of a CCTC approved subject matter program, completion of a major equivalent, (32 non-remedial semester units in a particular discipline from an accredited institution of higher education) or a graduate degree in the core academic subject area. **"New" middle/high school teachers must demonstrate NCLB subject matter competence through the exam or coursework option.**

I have completed a:

(Attach evidence.)

- CCTC approved subject matter program
(Institution _____ Date _____)
- or
- Major
(Institution _____ Date _____)
- or
- Major equivalent (32 non-remedial semester units in a particular discipline from an accredited institution of higher education)
(Transcripts _____ Date _____)
- or
- Graduate degree in the subject
(Institution _____ Date _____)

C. ADVANCED CERTIFICATION OPTION

This option applies to all " Not New" middle/high school teachers.

NOTE: " Not New" elementary teachers see HOUSSE-PART 1 option: (Form 2) for National Board Certification credit.

- I am a middle/high school teacher and have achieved National Board Certification in the core academic subject area.
Subject _____ Date _____ (Attach evidence.)

D. HIGH OBJECTIVE UNIFORM STATE STANDARD of EVALUATION (HOUSSE) OPTION

This option applies to "Not New" teachers only.

Overview

NCLB subject matter compliance permits the state of California to develop a "High Objective Uniform State Standard of Evaluation" for teachers "Not New" to the profession as a way to demonstrate core academic subject area competence. "Not New" teachers may demonstrate core academic subject-matter competence in multiple ways through a combination of:

- Prior experience in the core academic content area
- Course work in the core academic content area
- Standards-aligned professional development in the core academic content area
- Leadership and service to the profession in the core academic content area
- Observation and portfolio assessment in the core academic content area

A "Not New" teacher may demonstrate subject matter competence via California HOUSSE-PART 1: *Assessment of Qualifications and Experience*. The accumulation of 100 points on HOUSSE-PART 1 is sufficient to comply with NCLB teacher requirements.

If a "Not New" teacher has not accumulated 100 points on HOUSSE-PART 1, he or she may use HOUSSE-PART 2: *Assessment of Current Qualifications through Classroom Observation and/or Portfolio Development* to gain the rest of the points necessary to reach 100 points. If the portfolio option is selected, the entire portfolio must be completed successfully to comply with NCLB teacher requirements.

HOUSSE PART 2 requires that sufficient evidence be presented to indicate that a teacher has demonstrated competence in the K-12 content standards pertaining to the teacher assignment and has met California Standards for the Teaching Profession 3 and 5.1.

If the teacher does not satisfactorily demonstrate competence as a part of the NCLB HOUSSE process, then subject matter competency shall be demonstrated through completion of the Peer Assistance and Review Program for Teachers, or other individualized professional development plans.

- I have demonstrated core academic subject area competence by completing the California HOUSSE PART 1 and/or PART 2. (See Forms 2 and 3.) (Attach appropriate forms and evidence.)

3.2.3.1 Instructions for the completion of California HOUSSE-PART 1: Assessment of Qualifications and Experience

"Not New" teachers may demonstrate core academic subject matter competence in multiple ways through a combination of:

- Prior experience in the core academic content area
A maximum of five years and 50 points may be counted (out of state experience may be counted, and non-consecutive years may be counted.)

- Coursework in the core academic content area

Note:

Multiply quarter unit totals by 2/3 for equivalence to semester units.
Coursework must be non-remedial coursework, C- or better for subject area.

- An advanced degree (in other than the core subject area) will earn points on the HOUSSE. This would include such degrees as a masters in education.
- Standards aligned professional development in the assigned area
NCLB law requires that the HOUSSE process must be available to the public upon request. LEAs will need to develop a list of acceptable NCLB professional development activities, assign points for completed activities, utilize the list uniformly throughout the LEA (district, charter school and or county), and make the list available to the public upon request. Because standards were not in place in California until 1997, only professional development offered after that date is acceptable.
- Leadership and service to the profession in the assigned area
NCLB law requires that the HOUSSE process must be available to the public upon request. LEAs will need to develop a list of acceptable leadership and service activities, utilize the list uniformly throughout the LEA (district, charter school and or county), and make the list available to the public upon request.

3.2.3.2 Instructions for the completion of California HOUSSE – PART 2: Assessment of Current Qualifications through Classroom Observation and/or Portfolio Development

If a “Not New” teacher has not accumulated 100 points on HOUSSE-PART 1 (Form 2), then the teacher may use the California HOUSSE-PART 2, observation or portfolio requirement (Form 3), to demonstrate core academic subject matter competence by using classroom based evidence. Assessment of evidence should indicate that CSTP standards 3 and 5.1 and elements have been met with sufficient documentation to ensure that the teacher has demonstrated competence in the core academic area(s) assessed.

"Not New" teachers may demonstrate core academic subject-matter competence in multiple ways through a combination of HOUSSE-PART 1 (Form 2) and PART 2 (Form 3) observations, or HOUSSE-PART 2 (Form 3) Portfolio Development in the core academic content area.

What is the nature of the California HOUSSE Part 2 evaluation of a teacher's progress toward NCLB compliance?

Assessment of progress toward compliance is formative, not summative, in nature. LEA administrators, or their designees, may assess and support teachers through the process. An LEA designee might be an individual trained in formative assessment and the use of evidence to assess teaching practices, such as a coach, mentor or support provider, who is NCLB compliant in the subject matter. Assessment of evidence should indicate that all standards and elements have been met with sufficient documentation to ensure that the teacher has demonstrated competence in the core academic area(s) assessed.

What standards and elements guide the assessment of California HOUSSE Part 2 NCLB teacher competence?

Evidence from Observation or Portfolio assessment should be sufficient to indicate that California Standards for the Teaching Profession Standard 3 and Standard 5.1 are met. The teaching standards are assessed in relation to the California K-12 academic content standards for the appropriate grade span and the core academic subject area the teacher is assigned.

What types of evidence may be used for assessment of core academic subject area competence?

Typical forms of evidence are observation of instruction, student work and achievement data, lesson and unit plans, analysis of student work, interview, written response, video/other media.

Observation(s): Documents required for completion of an observation:

- 1) A lesson plan with statement of student content standard(s) addressed
- 2) Analysis of student performance. (If possible, use two students who did not achieve expected lesson outcomes.)
- 3) Observer notes on standards
- 4) Assessment of evidence as sufficient or not sufficient to demonstrate competence.
- 5) Signature of Assessor (Administrator or designee)

Portfolio Development and Assessment: Four entries are required. Entries include:

- 1) Five sequenced lesson plans from a unit/chapter/theme. Plans include a statement of student content standard(s) addressed, instructional strategies used, and expected student outcomes.
- 2) Student assignments
- 3) Analysis of student performance with a focus, where appropriate, on two students who did not achieve proficiency on unit/chapter outcomes
- 4) Reviewer notes/including at least two observations
- 6) Assessment of evidence as sufficient or not sufficient to demonstrate competence
- 7) Signature of assessor (administrator or designee)

NOTE: Elementary teachers must develop portfolio entries in three areas: 1) reading; 2) language arts/writing; and 3) mathematics. They must select one other entry from the NCLB core areas of science and social science.

What are the next steps in process if a teacher does not meet the NCLB requirements through HOUSSE Part 1 or Part 2?

If the teacher does not satisfactorily meet standards 3 and 5.1 of California Standards for the Teaching Profession as part of the NCLB evaluation, then subject matter competency shall be demonstrated through completion of an individualized professional development plan or completion of the Peer Assistance and Review Program for Teachers, pursuant to Education Code section 44664, aimed at assisting the teacher to meet standards 3 and 5.1 of the California Standards for the Teaching Profession.

SECTION 4

LEA Reporting and Accountability Requirements

In contrast to previous reauthorizations of the Elementary and Secondary Education Act, the NCLB requires that all schools and districts achieve the goals included in the Act. Among those goals is that all students will be taught by highly qualified teachers by the end of the 2005-06 school year. Performance indicators (e.g., measurable objectives) were defined by the United States Department of Education (USDE) for each of the goals. With respect to the highly qualified teachers goal, the Performance Indicators are:

1. The percent of core academic subject courses taught by NCLB compliant teachers in the aggregate (e.g., state, LEA, and school) and for schools in the highest quartile of poverty vs. those in the lowest quartile.
2. The percent of teachers receiving high quality professional development and the percent of not-yet-NCLB compliant teachers who are receiving high quality professional development so that they may become compliant, and,
3. The percent of paraprofessionals who are qualified.

All schools and districts, irrespective of funding sources, must determine the status of every core academic subject teacher, establish annual growth targets, develop a plan to achieve the required growth toward the federal goal, annually report progress toward the goal to the CDE and to its local community.

During spring 2002, LEAs developed their plans for utilizing NCLB funds and for integrating NCLB funds with state and other federal funds.

The LEA Plans required LEAs to complete a needs assessment of its teachers and develop plans for ensuring that all teachers would be highly qualified by the end of the 2005-06 school year. The plans, furthermore, asked districts to describe plans for providing high quality professional development, particularly to teachers who have not yet met the NCLB teacher requirements.

In parallel fashion, LEAs applied for NCLB and state categorical funding via the Consolidated Application. If either of these processes had not been completed, NCLB funding was withheld.

This section describes each of the reporting and accountability requirements that must be satisfied by LEAs and/or their schools. Some requirements apply only to Title I Part, A recipients. Others are required of all LEAs.

4.1 LEA parent notification to request professional qualifications of Title I teachers

At the beginning of each school year, LEAs receiving Title I, Part A, funds are required to notify the parents of each student attending a school receiving any Title I, Part A, funds that they may request information regarding the professional qualifications of their child's teacher(s) in core academic subject areas. The notices and information provided to parents must be in an understandable and uniform format and, to the extent practicable, be provided in a language that the parents can understand.

A model notice is provided below.

Exhibit 1: Model Parent Letter: Teacher Requirements

(District Letterhead)

To Parents/Guardians:

Your child is attending a school receiving Title I federal funds through the No Child Left Behind (NCLB) Act. This Federal law requires that parents be notified of their right to know the professional qualifications of their child's teacher(s) in core academic subject areas, including the following:

1. The type of state credential or license that the teacher holds. Some teachers will have a credential in a particular subject area, such as English or mathematics, and others will have a multiple subject credential, which allows them to teach a variety of subjects, such as in elementary schools.
2. The education level and subject area of the teacher's college degree(s). All teachers have a bachelor's degree, and many teachers have graduate degrees beyond the bachelor's, such as a masters or doctoral degree.

In addition to the qualifications of the teacher, if a teacher's aide provides your child services, you may also request information about his or her qualifications. Many teachers' aides have two years of college, and others have passed a test that verifies their qualifications.

If you would like this information, please contact [name] at [phone number].

Sincerely,

(Principal)

4.2 Parent notification of four-week instruction by teachers not meeting NCLB requirements

In addition to informing parents that they may request the qualifications of their child's teacher, schools that receive any federal funds under Title I, Part A, must also provide timely notice to the parents of a child who has been assigned to, or has been taught in, a core academic subject for four or more consecutive weeks by a teacher who does not meet the NCLB teacher requirements. The CDE recommends that local educational agencies:

1. Work closely with parent organizations to ensure that parents are well informed and
2. Utilize the HOUSSE option as soon as possible to verify compliance for those teachers who have not had an opportunity to demonstrate their subject matter competence.

The notices and information provided to parents must be in an understandable and uniform format and, to the extent practicable, be provided in a language that the parents can understand. A model notice is provided below.

Exhibit 2: Model Letter: Four Week Notice

<p><i>(District Letterhead)</i></p>
<p>To Parents/Guardians:</p>
<p>Your child is attending a school receiving Title I federal funds through the No Child Left Behind (NCLB) Act. This Federal law requires that parents be notified when a teacher who has not demonstrated that he or she meets the NCLB teacher requirements has taught their child for four or more consecutive weeks.</p>
<p>Under NCLB, teachers of core academic subjects are required to hold state certification and demonstrate subject matter competency for the grade span or subject matter taught. Newly hired Title I teachers must meet the NCLB requirements when hired. All other teachers have until the end of the 2005-06 school year to meet the requirements.</p>
<p>These requirements help us to ensure that all our students receive the best education from teachers who are highly skilled and knowledgeable in their subject areas. Our school district is currently working to:</p>
<ol style="list-style-type: none">1. Determine that our teachers meet these requirements and2. If necessary, help teachers meet the requirements through additional support and training.
<p>Currently, a teacher who is authorized to teach in California, but has not yet completed the process for meeting the NCLB requirements, has taught your child for four or more consecutive weeks. Under the law, school districts have until June 2006 to determine if all their teachers meet the federal requirements. Therefore, your student's teacher may meet the requirements and has just not had the opportunity to demonstrate that he or she meets them.</p>
<p>You may contact the school to request the qualifications of your child's teacher. If you have any questions, please contact <i>[insert name]</i> at <i>[insert number]</i>.</p>
<p>Sincerely,</p>
<p><i>(Principal)</i></p>

4.3 Reporting on progress towards achieving the performance targets

Under NCLB, the State and local educational agencies must report their progress towards the goal of every student having a highly qualified (NCLB compliant) teacher in every core academic course by the end of 2005-06. The State, and its LEAs, must establish annual measurable objectives (AMOs) that will ensure that by 2005-06, 100 percent of all core academic courses will be taught by NCLB compliant teachers. Information included in this guide seeks to assist LEAs in their assessment of the qualification of their teachers in light of NCLB requirements. *Specifically, the Certificate of Compliance (Section 3, page 14) documents, in a uniform and accurate way, the NCLB compliance status of every teacher assigned to a core academic subject area. Schools and LEAs will find the information from this form to be useful when completing the reports requested by the CDE.*

The following section describes the types of information that each LEA must report for each school to demonstrate its progress toward achieving its annual measurable objectives.

Performance Indicator 3.1 - School 2003 Baseline

The Department of Education will use the State Consolidated Application (ConApp) Part 1 in Spring 2004 to gather the data necessary to establish the baseline percent of core academic subject courses taught by NCLB compliant teachers in October 2003. LEAs will report, for each school, the number of core academic courses offered in October 2003 that were taught by teachers that the LEA has determined met the NCLB criteria for “highly qualified.” In preparation for this reporting requirement, schools and districts will want to undertake the process of completing Certificates of Compliance for all teachers for each of the core subject areas in which they teach. These certificates will provide the necessary information for the responding to the ConApp questions regarding NCLB Teacher Qualifications.

LEAs may wish to complete Table 1 below in order to organize their teacher quality information for this task. The following steps are designed to facilitate completion of Table 1.

Table 1: School Baseline for Performance Indicator 3.1: Percentage of Core Academic Courses Taught by NCLB Compliant Teachers as of Fall 2003

School Code		A	B	C
	Course Type	Total Core Academic Courses* Offered in Fall 2003	Total core courses taught by teachers who have met NCLB compliance requirements	Baseline Fall 2003
	Elementary	Elementary Sum (Column A in Chart 1 below)	Elementary NCLB Sum (Column B of Chart 1 below)	
	Secondary (Middle/High)	Secondary Sum (Column A in Chart 2 below)	Secondary NCLB Sum (Column B in Chart 2 below)	
	All Core Courses	Total Core Courses	Total NCLB Compliant Core Courses	
				= (Total of A)/ Total of B) x 100%

* Core academic courses include English, reading/language arts, mathematics, science, civics/government, economics, arts, foreign language, history, geography, and self-contained/elementary multiple subject assignments.

Step 1: Review your fall 2003 master schedule to determine the number of core academic courses, defined in the footnote above, offered at each school.

Step 2: The requirements for NCLB teacher qualifications differ for elementary and middle/high school (secondary) courses. Pursuant to Section 6100 of the Title 5 Education regulations, the LEA may determine for each school which of its core academic courses by grade level are elementary or secondary courses.

Step 3: Enter the total number of elementary and secondary (middle/high) core academic courses offered in fall 2003 at each school in Column A of Table 1 above. For elementary courses, each assignment of teachers of record in self-contained/multiple subject classrooms should be counted as one (1) course. See sample Chart 1 below. For secondary courses, each assignment by core academic subject area for each teacher of record should be counted. See sample Chart 2 below.

Step 4: Completing the following charts for all teachers who taught core academic courses in Fall 2003 will assist you in developing the data needed in Table 1 above.

Chart 1: For Elementary Core Courses

		A			B
Teacher	Elementary Core Subject (Self-contained/ multiple subject)	Courses Taught*	NCLB Compliant		Number of Courses in Which Teacher is NCLB Compliant
			Yes	No	

The following teacher and courses information is for example purposes only.

Teacher A	Grade 4	1	X		1
Teacher B	Kindergarten am & pm	2		X	-
Total elementary core courses		Sum = 3			NCLB Sum = 1

*Count 1 if the individual is the teacher of record for a multiple subject classroom.

Chart 2: For Secondary (Middle/High) Core Courses

		A			B
Teacher	Secondary Core Subject	Courses Taught	NCLB Compliant		If Yes, Number of Courses in Which Teacher is NCLB Compliant
			Yes	No	

The following teacher and courses information is for example purposes only.

Teacher C	Mathematics	3	X		3
Teacher C	Biology	2		X	-
Teacher D	English	5	X		5
Total secondary core courses		Sum = 10			NCLB Sum = 8

Step 5: After completing the above charts that include all of the teachers of core academic courses offered in fall 2003, compute the sum of core academic courses offered at the school and the sum of those courses taught by teachers who have been determined to be NCLB compliant in Chart 1 and Chart 2 separately (as applicable).

Step 6: Transfer the total elementary core courses, noted as **Sum** in Column **A** of Chart 1 into the cell labeled “Elementary Sum” in Column **A** of Table 1 above. Transfer the total secondary core courses, noted as **Sum** in Column **A** of Chart 2 into the cell labeled “Secondary Sum” in Column **A** of **Table 1** above.

Step 7: Transfer the total elementary core courses, noted as NCLB Sum in Column **B** of Chart 1 into the cell labeled “Elementary NCLB Sum” in Column **B** of Table 1 above. Transfer the total secondary core

courses, noted as NCLB Sum in Column **B** of Chart 2 into the cell labeled “Secondary NCLB Sum” in Column **B** of **Table 1**

Step 8: The school’s 2003 baseline for Performance Indicator 3.1 can be calculated by dividing the sum of courses in column B of Table 1 by the sum of courses in column A of Table 1 and multiplying this result by 100 percent.

The data recorded in Table 1 above for each school is the data that will be requested on the Consolidated Application Part 1 in spring 2004 for 2003-04 NCLB Teacher Qualification.

Determining School/District Annual Measurable Objectives

Title I LEAs and schools must complete District Accountability Report Cards (DARC) and the School Accountability Report Cards (SARC). As part of these reports, the LEA must identify the number of core academic courses taught by teachers who are not highly qualified. Each LEA, using a template provided by the CDE (including some data collected by the CDE), must complete its DARC and SARC and distribute them to its local community.

In addition, the State and local educational agencies (LEAs) must report their progress towards the goal that every student has a highly qualified teacher in every course in the core academic subject areas by the end of the 2005-06 school year. The State and LEAs must establish their Annual Measurable Objectives (AMOs) that will result in meeting this NCLB goal.

The State has established the following Annual Measurable Objective (AMO):

Growth equal to one-third of the difference between the federally established goal of 100 percent of all core academic courses being taught by NCLB compliant teachers and the LEA’s and school’s baseline percentages on this indicator.

School/District AMO = [100 percent - Fall 2003 School/District Baseline] divided by 3

Reporting the school and district baseline percentages will not be required on the ConApp Part 1 in spring 2004. However, the information reported in the ConApp will provide the essential elements to compute the baseline percentage. Schools and districts must use their baseline percentages in order to develop their Annual Measurable Objectives (AMOs) that are the primary indicator referenced in the following section.

4.4 Consequences for not meeting the Annual Measurable Objectives

Improvement plan: LEA failure to make progress in meeting Annual Measurable Objectives (AMO) for two consecutive years

If an LEA has not made progress toward meeting the State’s Annual Measurable Objectives described in Title I section 1119 (a)(2) for increasing the number of highly qualified teachers for two consecutive years, then the LEA must:

1. Develop an “improvement plan” designed to meet the State’s AMO for increasing the percentage of highly qualified teacher within the LEA and its schools.
2. Address in the plan, the issues that prevented the LEA and school(s) from meeting their AMO [Title II, Section 2141 (a)].

Accountability: LEA failure to make progress in meeting Annual Measurable Objectives and Adequate Yearly Progress (AYP) for three consecutive years

If the LEA fails to make progress toward meeting the State's Annual Measurable Objectives (AMO) as described in Title I, Part A, Section 1119 (a)(2) after the third year of the plan for increasing the percentage of highly qualified teachers, and the LEA has not made adequate yearly progress (AYP) under Title I, Part A, Section 1111 (b)(2)(B) for three consecutive years, the State will:

1. Enter into an agreement with the LEA on use of Title II Improving Teacher Quality State Grants program funds.
2. Develop (in conjunction with the LEA, teachers, and principals) professional development strategies and activities based on scientifically based research that the LEA will use to meet the State's AMO for improving teacher quality.
3. Require the LEA to use these professional development strategies and activities.
4. Prohibit the LEA from using Title I, Part A funds to fund any new paraprofessionals, except under certain limited instances.
5. Provide Title II funds directly to one or more schools served by the LEA.

While the State Educational Agency (SEA) is working to create professional development strategies and activities to assist the LEA, the SEA must (in conjunction with the LEA) provide funds directly to one or more schools served by the LEA. The funds are to be taken from the LEA's Title II Improving Teacher Quality State Grants allocation [Title II, Section 2141 (C)(2)].

SECTION 5

Frequently Asked Questions

The following are Frequently Asked Questions (FAQs) pertaining to the No Child Left Behind (NCLB) Act of 2001 (PL 107-110). **This information will continue to be updated and expanded as new information becomes available.** Responses are based on the Federal No Child Left Behind Act of 2001, the Federal Title II, Non Regulatory Draft Guidance, January 16, 2004; and the California Title 5 Regulations for the No Child Left Behind Teacher Requirements. Appendices containing excerpts from the law and regulations and a list of NCLB resources follow the FAQs, which are organized into the following categories:

- A. No Child Left Behind Teacher Requirements
- B. High Objective Uniform State Standard of Evaluation (HOUSSE)

Category A

No Child Left Behind Teacher Requirements

A1. What are the federal No Child Left Behind teacher requirements?

All Teachers of core academic subjects must have the following:

- (1) A bachelor's degree
- (2) Hold State certification or be currently enrolled or have completed an approved California Commission on Teacher Credentialing intern program
- (3) Demonstrated subject matter competence for the grade span and core academic subject area taught (§9101)

A2. If my school does not receive any Title I funding, must the teachers at my school still meet the NCLB requirements?

Yes, the requirements apply to all teachers who teach core academic subjects, regardless of funding.

A2.1 If a charter school does not receive NCLB funding, must it meet NCLB teacher requirements?

Yes, all public schools in California including non-Title 1 charter schools must comply with these provisions.

A3. What are the categories and types of teachers identified under federal NCLB law?

Federal NCLB law identifies two categories of teachers: 1) Teachers who are “New” to the profession and, 2) teachers who are “Not New”. Federal NCLB law identifies two types of teachers: 1) elementary teachers and 2) middle and high school teachers.

A4. What is California’s definition of a teacher who is “New” to the profession?

A teacher is “New” to the profession if he or she has graduated from an accredited institution of higher education and received a California Credential, or was enrolled in, or began an approved intern program on or after July 1, 2002.

A5. What is California’s definition of a teacher who is “Not New” to the profession?

A teacher is “Not New” to the profession if he or she has graduated from an accredited institution of higher education and received a California Credential, or were enrolled in, or had completed an approved intern program before July 1, 2002. Future additional regulations will clarify a transition period for out-of-state teachers.). Note: Under the Title 5 regulations, out-of-state teachers may transfer their NCLB compliance to California, including completion of the original state’s HOUSSE option. Because many teachers are transferring to California before that process has been completed in their original state, it is clear that an interim process is needed to establish NCLB compliance in California for “not new” teachers from out of state. We anticipate that Title 5 regulations will be revised to provide this process.

A6. What are the options for elementary teachers to demonstrate subject matter competency required by the NCLB teacher requirements?

“New” elementary teachers have only one option. They are required to pass a California Commission on Teacher Credentialing (CCTC) approved subject matter examination to demonstrate subject matter competence required by the NCLB teacher requirements. “Not New” elementary teachers have two options to demonstrate subject matter competence. Option 1: An elementary teacher may demonstrate that they have passed a current or previous CCTC approved subject matter examination; or Option 2: An elementary teacher may complete the California High Objective Uniform State Standard of Evaluation (HOUSSE) to demonstrate subject matter competency.

A7. What are the options for middle and high school teachers to demonstrate subject matter competence required by the NCLB teacher requirements?

Middle and high school teachers who are “New” to the profession have two options to demonstrate subject matter competence required by the NCLB Teacher Requirements. Option 1: demonstrate that they have passed a CCTC approved subject matter examination, or Option 2: complete a coursework option such as (A) a CCTC approved subject matter program, (B) a major, (C) a major equivalent, (32 semester units or the equivalent) or (D) possess a graduate degree in the core academic subject area.

Middle and high school teachers who are “Not New” to the profession have four options for demonstrating subject matter competence:

- a) Option 1: Middle and high school teachers may demonstrate that they have passed a current or prior CCTC approved subject matter examination;

- b) Option 2: Middle and high school teachers may complete a coursework option such as (A) a CCTC approved subject matter program, (B) a major, (C) a major equivalent, (32 semester units) or (D) possess a graduate degree in the core academic subject area;
- c) Option 3: Middle and high school teachers may hold National Board Certification in the core academic subject taught; or
- d) Option 4: Middle and high school teachers may complete the California High Objective Uniform State Standard of Evaluation (HOUSSE) option.

A8. How do you know if the teacher should meet the elementary or middle/high school requirements?

Federal guidance (*Improving Teacher Quality State Grants, Title II, Part A, Non-Regulatory Guidance*, January 16, 2004) says that states should examine the degree of rigor and technicality of the subject matter that the teacher will need to know in relation to the state’s content standards and academic achievement standards for the subject that will be taught. In California, the CSET exam tests teachers’ subject matter knowledge through 8th grade content standards in multiple subjects. However, the mathematics standards change from grade level standards to subject area standards after 7th grade (e.g., algebra). California middle schools generally offer algebra as a single subject, rather than as part of a multiple subject curriculum, which requires a teacher who is NCLB compliant in mathematics. The State Board of Education, in the Title 5 regulations, has determined that the designation of “elementary” or “middle/secondary” is a decision to be made at the local level, based on the curriculum taught.

A9. What are the core academic subjects?

Federal NCLB law defines core academic subjects as: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography (§20 USC 6319, §7801(11)). In the near future, there will be additional FAQs to clarify the definition of the “social sciences”.

A9.1 What is the definition of the Arts in California?

California Education Code Section 8811 defines the arts “to include the four disciplines of dance, drama and theatre, music, and visual arts as set forth in the state’s adopted curriculum framework for visual and performing arts.” To meet NCLB requirements teachers must demonstrate subject matter competence in a specific arts discipline if they provide instruction in departmentalized visual and performing arts classes for students in K-8, or if they teach one or more arts courses that satisfy requirements for high school graduation. Teachers of music and visual arts may demonstrate NCLB compliance in the same manner as other core academic subject area teachers. Subject matter competency examinations for dance or theatre are not offered in California. Therefore, to fulfill NCLB requirements, a teacher could show competence by completing an undergraduate major or equivalent coursework (32 semester units) or obtaining a graduate degree in dance or theatre. For “Not New” teachers, completing the HOUSSE will verify subject matter competence for either dance or theatre. CDE is currently exploring alternatives for demonstrating subject matter competence in dance and theatre. It may be feasible to use subject matter examinations in dance and theatre, such as those administered in other states. It may also be possible to combine coursework from multiple arts disciplines to demonstrate subject matter competence through the coursework option. More information to clarify this area will be included in these FAQs as it becomes available.

A10. What is the timeline for teachers to meet the NCLB teacher requirements?

All newly hired teachers (i.e. hired after the first day of the 2002-03 school year) in Title I schoolwide and targeted assistance programs who teach core academic subjects should have met the NCLB Teacher

requirements when hired. All other teachers of core academic subjects have until the end of the 2005-06 school year.

A11. Must teachers at alternative schools and small schools meet the same NCLB teacher requirements as other teachers?

Yes. Teachers who provide instruction in alternative education placements and small schools must meet the same NCLB teacher requirements as other teachers. The local educational agency (LEA) determines, based on the curriculum taught, by school site, or by each grade at the school site, if appropriate whether a teacher is hired to teach elementary, middle or high school. A teacher must meet the NCLB teacher requirements for the designated grade span and subjects taught. For further information please see Section 2.3 of this Guide.

A12. Are special education teachers required to comply with the NCLB teacher requirements?

If a special education teacher is providing instruction in a core academic subject, then that teacher must meet the NCLB teacher requirements. The requirements apply whether a special education teacher provides core academic instruction in a regular classroom, a resource room, or another setting.

If a special education teacher only provides consultation services to the teacher of core academic subjects, or only delivers special instructional assistance within the classroom where the core academic subject is taught, he or she does not have to be NCLB compliant. Please also see Section 2.4 of this Guide.

The degree to which special education teachers have to meet the NCLB requirements is being addressed at the national level by the re-authorization of the Individuals with Disabilities Education Act (IDEA). Until IDEA requires something different, however, special education teachers providing instruction in a core academic subject must comply with the NCLB teacher requirements. The best advice to LEAs is to hire the most qualified special education teachers (i.e., teachers with special education credentials who are not on a credential waiver, emergency permit, or Pre-Intern certificate). Over the next few years, LEAs will be working toward the goal of having all teachers of core academic subjects, including secondary special education teachers, meet the NCLB requirements.

A13. Do the NCLB teacher requirements apply to Nonpublic Schools (NPS) that receive funds through a contract for education services identified on an Individualized Education Program for students with disabilities?

No. Under the statute, the NCLB requirements apply only to public school teachers (Question C-30 of the Improving Teacher Quality State Grants Non-Regulatory Guidance, January 16, 2004).

A14. What are some of the options for meeting the NCLB teacher requirements in secondary multiple subject settings where it is not feasible for a teacher to meet the requirements for up to ten separate subject areas?

While awaiting further guidance from the USDOE, LEAs should consider some combination of the instructional options described in this Guide under “Alternative Schools and Small Schools.” This could include team teaching or co-teaching, independent study, or distance learning. As in other situations, “Not New” teachers in these settings may demonstrate subject matter competency through the HOUSSE option.

A15. Must teachers of English learners comply with the NCLB teacher requirements?

Yes. Teachers of English learners who teach core academic subjects must meet the same NCLB teacher requirement as other teachers of core academic subjects. Please also see Section 2.8 of this Guide.

A16. Does NCLB affect the state’s requirements for Crosscultural Language and Academic Development (CLAD) and Bilingual Crosscultural Academic Development (BCLAD) certification?

No. Nothing in NCLB affects, or alters, the state’s requirements for CLAD and BCLAD certification, or the equivalent, if the teacher is serving English learners

A17. Are all vocational education teachers required to meet the NCLB teacher requirements?

No. Only vocational education teachers who are assigned to teach core academic subjects must meet the NCLB teacher requirement.

A18. Which credentials/permits do not meet the NCLB teacher requirements?

The following credentials/permits do not meet NCLB teacher requirements because they do not demonstrate subject matter competency:

- (1) Emergency Permits and Waivers
- (2) Supplementary Authorizations (except where the supplementary authorization is based on a major or an equivalent to a major in the subject taught)
- (3) Pre-Intern Certificates

The issue regarding supplementary authorizations where subject matter competency could be demonstrated through HOUSSE will be clarified in future revisions to Title 5 Regulations.

A19. What is an “appropriate credential” under NCLB?

NCLB requires full certification; it does not require full certification in every subject taught. A teacher must have a Bachelor’s degree, full certification, and, in each subject taught, demonstration of subject matter competence. However, a teacher must be appropriately assigned based on California law in the subjects and at the grade level taught to serve in California schools. Therefore, a teacher with a single subject credential in science and a college degree in mathematics could be NCLB compliant in both science and mathematics, even though they might be teaching the mathematics class under a supplementary authorization based on a major.

A20. May an LEA use NCLB funds to defray exam costs for currently employed teachers?

Yes, NCLB funds may be used to assist teachers in meeting the NCLB requirements including costs of test preparation and test administration fees. See Guide section 1.12 for more information about use of funds.

A21. What guidance has the US Department of Education given states regarding NCLB requirements for middle school teachers?

Federal Draft Non-Regulatory Guidance includes the following information, which can be found at <http://www.ed.gov/programs/teacherqual/guidance.doc>. Additional information will be included in this Guide as it becomes available.

Federal Guidance C-11

What are the requirements governing highly qualified middle school teachers?

New Middle School Teachers. A middle school teacher new to the profession must have (1) passed “a rigorous State subject test in each of the academic subjects in which the teacher teaches” [Section 9101(23)(B)(ii)(I)], or (2) have successfully completed, in each of the academic subjects the teacher teaches “an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing” [Section 9101(23)(B)(ii)(II)].

Current Middle School Teachers. Current middle school teachers may meet the subject matter competency requirement by completing one of the two options listed above for new middle school teachers [Section 9101(23)(C)(i)] or through the HOUSSE procedure established by the SEA.

Federal Guidance C-12.

How does a State determine whether teachers of core academic subjects in grades 6, 7, and 8 must meet the subject-area competency requirements for elementary school or for middle school teachers?

The intent of the law is to ensure that each teacher of a core academic subject has sufficient subject matter knowledge and skills to instruct effectively in his or her assigned subjects, regardless of whether the school is configured as an elementary or a middle school. For instance, 8th-grade algebra teachers must have the same requisite skills and knowledge whether they teach in elementary schools or middle schools.

To determine whether a teacher of a core academic subject in grades 6 through 8 must meet the subject-matter competency requirements for elementary school teachers or those for middle school teachers, States should examine the degree of rigor and technicality of the subject matter that the teacher will need to know in relation to the State’s content standards and academic achievement standards for the subjects that will be taught.

Note: The new Federal Guidance also allows the identification of “elementary” or “middle/secondary” at the core academic subject level. It states “The Department recognizes that the ESEA does not define “middle school” and that grades 6-8 may be located in a K-8 setting, a non-departmentalized middle school, or a departmentalized middle or junior high school. If the State or LEA chooses to treat these grades, or some of the core academic subjects taught in those grades, as part of “elementary school,” it may administer rigorous teacher assessments (that may include a broad-field assessment for elementary-level subjects) appropriate to the content standards of the subject(s) being taught.”

California’s Title 5 regulations, which were adopted before this Federal Guidance was provided, only allow LEAs to determine which schools and which grade levels are considered elementary or middle/high school. Based on this new Federal Guidance, we anticipate that California’s Title 5 regulations will be revised to reflect this change.

Federal Guidance C-25

Are middle and high school teachers in small, rural schools required to be highly qualified for every core academic subject they teach?

Yes. All teachers who teach core academic subjects must be highly qualified in each subject they teach. Of course, small rural districts face special challenges in ensuring that all of their teachers are highly qualified no later than the end of the 2005-2006 school year. These districts and the States in which they are located should examine how the resources provided through Title II, Part A, coupled with those available through local, State, or other Federal programs, can be used to improve and expand professional development opportunities to help ensure that teachers (1) receive high-quality, content-specific professional development and (2) can meet the State’s HOUSSE standard for each subject they teach or pass subject-specific tests.

In addition to the professional development that rural districts can offer, they should also consider how distance learning arrangements that enlist the services of highly qualified teachers in other localities can help them meet the goal of having all the core academic subjects they offer taught by highly qualified teachers.

Schools may also hire experts (e.g., scientists, engineers, or artists) to provide content enrichment and practical applications to the content being taught. As long as these experts are assisting the regular teachers, they do not have to meet the highly qualified requirements.

A22. What is the CSET: Multiple Subjects Exam and where can I find information about it?

All “New” to the profession elementary teachers, those receiving their first Intern, preliminary or professional clear credential on or after July 1, 2002, must pass a rigorous state exam in the core elementary subjects to become NCLB compliant.

Californians will meet this requirement by complying with Education Code Section 44282 (b). *A general subject matter examination authorizing teaching multiple subjects shall include an examination of the candidate's knowledge of the following areas: language studies, literature, mathematics, science, social studies, history, the arts, physical education, and human development.*

Content Specifications for the Subject Matter Requirement for the Multiple Subject Teaching Credential are aligned and congruent with the requirements of the Education Code Section 51210 and the Student Academic Content Standards (Grades K-8) of the State Board of Education.

The exam covers the in-depth content required to teach grades K-8 in the public schools in California. There are three parts to the exam, I. Reading, Language, and Literature, History and Social Science, II. Science, Mathematics and III. Physical Education, Human Development and Visual and Performing Arts. Each part must be passed one time. Therefore, if a test taker passes two parts and not the third, the test taker would take only the third part over again.

Registration for CSET is available on-line at www.cset.nesinc.com. Extensive information about the test is available at the National Education Systems website. The website has a CSET: Multiple Subjects Practice Test and Test Guides available to test takers. Additionally, many regional and local CSET: Multiple Subjects preparation sessions are available across our districts and counties in California. Information on local test preparation courses may be obtained from your School District or County Office of Education.

A23. How can a new teacher demonstrate subject matter competence?

NCLB Core Subject Matter Area	Current CCTC Approved Exam	Current CCTC Approved Program	Major Major Equivalent Graduate Degree
English	CSET: English	English	English
Reading/Language Arts	None	Reading Specialist/ Reading Certificate	
Mathematics	CSET: Mathematics CSET: Mathematics - Foundational level	Mathematics	Mathematics
Science	CSET: Biological Sciences, Chemistry, Geosciences, Physics Biology/Life Science-Specialized Chemistry-Specialized Earth/Planetary Science-Specialized Physics-Specialized	Biological Sciences Chemistry Geosciences Physics	Biology Chemistry Geosciences Physics
Civics and Government			Civics/Government
Economics			Economics
Arts	Art: Single Subjects/Praxis II Music: Single Subjects/Praxis II	Art Music	Art Music
Foreign Language	CSET or Single Subject/Praxis in specific language	Language Specific: Spanish, French, etceteras	Foreign Language
History			History
Geography			Geography
Self –Contained/Elementary	CSET: Multiple Subjects	None	None

Note: Please watch for forthcoming FAQs regarding the demonstration of subject matter competence for the four areas of civics and government, economics, history, and geography through a social science exam or CCTC approved program.

The “Arts” in California are defined as dance, drama and theatre, music, and visual arts. In California, there are two ways to obtain state authorization to teach drama and theatre: 1) completion of an English credential, or 2) completion of a supplementary authorization in Drama.

In California, there are two ways to obtain a state authorization to teach dance: 1) completion of a Physical Education credential, or 2) completion of a supplementary authorization in dance.

Category B

High Objective Uniform State Standard of Evaluation (HOUSSE)

B1. What is the HOUSSE option and which teachers can demonstrate subject matter competency through the HOUSSE?

The HOUSSE option is a High Objective Uniform State Standard of Evaluation that is the method set by the State for all teachers who are “Not New” to the profession to demonstrate subject matter competency. Please see Section 3 for complete information on the HOUSSE process.

B2. What are “Not New” to the profession teachers required to do to demonstrate subject matter competency through the HOUSSE?

The HOUSSE consists of two parts. Part one allows teachers to demonstrate subject matter competency through a point system that is based on the following:

- (i) Years of experience teaching in the grade span or subject (no more than one-half of the total necessary points can be based on years of experience);
- (ii) Core academic coursework in the assigned grade span or subject;
- (iii) In-depth standards aligned professional development; and
- (iv) Service to the profession in the relevant core academic subject area.

The second part of the HOUSSE consists of direct observation or portfolio assessment in the grade span or subject taught and is only conducted if part one does not identify sufficient experience, coursework, professional development, or service to demonstrate subject matter competence. Finally, if the teacher does not yet meet the requirements, then subject matter competency can be demonstrated through completion of an individualized professional development plan or completion of the Peer Assistance and Review Program for Teachers, pursuant to Education Code section 44664, aimed at assisting the teacher to meet standards 3 and 5.1 of the California Standards for the Teaching Profession.

B3. If it is determined that a teacher must complete PART 2 of the HOUSSE option to provide sufficient evidence of demonstration of subject matter competency, what is required?

PART 2 of the HOUSSE may be conducted during the time that teacher evaluations are conducted under Education Code 44662. The teacher’s supervising administrator shall oversee the HOUSSE. The demonstration of subject matter competency shall include one or more of the following:

- (1) Classroom observation,
- (2) Demonstration of knowledge of the appropriate grade-level and subject State academic content standards, (subject matter is the State academic content standards for the grades and subjects taught) (Competency is demonstrated by satisfactorily meeting standards 3 and 5.1 of the California Standards for the Teaching Profession.)
- (3) Portfolio review of lesson plans and student work for one academic year.

B4. Must teachers demonstrate subject matter competency again for each grade span and subject taught if they only change schools within a district or move to a new district?

No. Once a school district has determined that a teacher meets the NCLB Teacher Requirements for the grade span (elementary or middle and high school) and/or subject taught (elementary multiple subjects or middle and high school single subjects), that teacher will not be required to demonstrate compliance again for the same grade span and/or subject, even if they are later hired by another school district in California. However, if a teacher is assigned to teach in a grade span or subject for which he or she has not demonstrated subject matter competency, he or she must complete the NCLB Teacher Requirements for that grade span and subject.

B5. Can a district teacher observation/evaluation process (Stull) be used for the HOUSSE observation to verify subject matter competence?

Yes, if the district process includes or exceeds the components of the California HOUSSE observation process, the two can be accomplished simultaneously. In that case, the district forms could be used, and then attached to the California HOUSSE Certificate of Compliance.

B6. Can a district require all teachers to take the exam, rather than use the HOUSSE option?

There is nothing in the law or regulations that would require a teacher to use only one option for NCLB compliance, e.g., take an exam.

B7. When can a supplementary authorization on a credential serve to complete the subject matter requirement for NCLB?

If the supplementary authorization is based on a major or major equivalent in that subject, the teacher would meet the NCLB requirement without having to use the HOUSSE option to verify subject matter competency. If the supplementary authorization is based on less than a major, it would represent points towards verifying subject matter competency on the HOUSSE, but the supplementary authorization itself would not be sufficient.

B8. On HOUSSE Part 1 a masters degree generates points if it is in teaching curriculum or assessment in a core academic area, do other masters degrees such as administration or instructional leadership also generate points?

Yes, any advanced degree that supports teaching and instruction in the core academic area would earn the teacher sixty points. A master degree in the core subject area itself is enough to establish subject matter competency without the need to complete the HOUSSE process.

B9. If a teacher received a credential in another state prior to July 1, 2002, and did not have the opportunity to demonstrate NCLB compliance in that state, may he/she use the HOUSSE option in California?

Under the Title 5 regulations, out-of-state teachers may transfer their NCLB compliance to California, including completion of the original state's HOUSSE option. Because many teachers are transferring to California before that process has been completed in their original state, it is clear that an interim process

is needed to establish NCLB compliance in California for “not new” teachers from out of state. We anticipate that Title 5 regulations will be revised to provide this process.

Note: Additional FAQs to clarify issues related to the four social science areas and to middle schools will be included in this guide in the near future.

APPENDICES

Appendix A: Federal Law

No Child Left Behind

Title 1—LEA Report Cards, Parents right-to know

Section 1111(h)(2)(A)

2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS-

(A) REPORT CARDS-

(i) IN GENERAL- Not later than the beginning of the 2002-2003 school year, a local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card, except that the State educational agency may provide the local educational agency 1 additional year if the local educational agency demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency, prevented full implementation of this paragraph by that deadline and that the local educational agency will complete implementation within the additional 1-year period.

(ii) SPECIAL RULE- If a State educational agency has received an extension pursuant to subsection (c)(1), then a local educational agency within that State shall not be required to include the information required under paragraph (1)(C) in such report card during such extension.

(B) MINIMUM REQUIREMENTS- The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C) as applied to the local educational agency and each school served by the local educational agency, and—

(i) in the case of a local educational agency—

(I) the number and percentage of schools identified for school improvement under section 1116(c) and how long the schools have been so identified; and

(II) information that shows how students served by the local educational agency achieved on the statewide academic assessment compared to students in the State as a whole; and

(ii) in the case of a school—

(I) whether the school has been identified for school improvement; and
(II) information that shows how the school's students achievement on the statewide academic assessments and other indicators of adequate yearly progress compared to students in the local educational agency and the State as a whole.

(C) OTHER INFORMATION- A local educational agency may include in its annual local educational agency report card any other appropriate information, whether or not such information is included in the annual State report card.

(D) DATA- A local educational agency or school shall only include in its annual local educational agency report card data that are sufficient to yield statistically reliable information, as determined by the State, and that do not reveal personally identifiable information about an individual student.

(E) PUBLIC DISSEMINATION- The local educational agency shall, not later than the beginning of the 2002-2003 school year, unless the local educational agency has received a 1-year extension pursuant to subparagraph (A), publicly disseminate the information described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending those schools in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

(3) PREEXISTING REPORT CARDS- A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the enactment of the No Child Left Behind Act of 2001 may use those report cards for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection.

(4) ANNUAL STATE REPORT TO THE SECRETARY- Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

(A) beginning with school year 2002-2003, information on the State's progress in developing and implementing the academic assessments described in subsection (b)(3);

(B) beginning not later than school year 2002-2003, information on the achievement of students on the academic assessments required by subsection (b)(3), including the disaggregated results for the categories of students identified in subsection (b)(2)(C)(v);

- (C) in any year before the State begins to provide the information described in subparagraph (B), information on the results of student academic assessments (including disaggregated results) required under this section;
- (D) beginning not later than school year 2002-2003, unless the State has received an extension pursuant to subsection (c)(1), information on the acquisition of English proficiency by children with limited English proficiency;
- (E) the number and names of each school identified for school improvement under section 1116(c), the reason why each school was so identified, and the measures taken to address the achievement problems of such schools;
- (F) the number of students and schools that participated in public school choice and supplemental service programs and activities under this title; and
- (G) beginning not later than the 2002-2003 school year, information on the quality of teachers and the percentage of classes being taught by highly qualified teachers in the State, local educational agency, and school.

(5) REPORT TO CONGRESS- The Secretary shall transmit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that provides national and State-level data on the information collected under paragraph (4).

(6) PARENTS RIGHT-TO-KNOW-

(A) QUALIFICATIONS- At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

- (i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- (ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.
- (iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
- (iv) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

(B) ADDITIONAL INFORMATION- In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent—

- (i) information on the level of achievement of the parent's child in each of the State academic assessments as required under this part; and
- (ii) timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.

(C) FORMAT- The notice and information provided to parents under this paragraph shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

(i) PRIVACY- Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

(j) TECHNICAL ASSISTANCE- The Secretary shall provide a State educational agency, at the State educational agency's request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality academic assessments, the setting of State standards, the development of measures of adequate yearly progress that are valid and reliable, and other relevant areas.

(k) VOLUNTARY PARTNERSHIPS- A State may enter into a voluntary partnership with another State to develop and implement the academic assessments and standards required under this section.

(l) CONSTRUCTION- Nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.

(m) SPECIAL RULE WITH RESPECT TO BUREAU-FUNDED SCHOOLS- In determining the assessments to be used by each operated or funded by BIA school receiving funds under this part, the following shall apply:

- (1) Each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment as approved by the Secretary of the Interior.
- (2) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.
- (3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment meets the requirements of this section.

No Child Left Behind

SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

(a) PLANS REQUIRED-

(1) SUBGRANTS- A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate.

(2) CONSOLIDATED APPLICATION- The plan may be submitted as part of a consolidated application under section 9305.

(b) PLAN PROVISIONS-

(1) IN GENERAL- In order to help low-achieving children meet challenging achievement academic standards, each local educational agency plan shall include —

(A) a description of high-quality student academic assessments, if any, that are in addition to the academic assessments described in the State plan under section 1111(b)(3), that the local educational agency and schools served under this part will use —

(i) to determine the success of children served under this part in meeting the State student academic achievement standards, and to provide information to teachers, parents, and students on the progress being made toward meeting the State student academic achievement standards described in section 1111(b)(1)(D)(ii);

(ii) to assist in diagnosis, teaching, and learning in the classroom in ways that best enable low-achieving children served under this part to meet State student achievement academic standards and do well in the local curriculum;

(iii) to determine what revisions are needed to projects under this part so that such children meet the State student academic achievement standards; and

(iv) to identify effectively students who may be at risk for reading failure or who are having difficulty reading, through the use of screening, diagnostic, and classroom-based instructional reading assessments, as defined under section 1208;

(B) at the local educational agency's discretion, a description of any other indicators that will be used in addition to the academic indicators described in section 1111 for the uses described in such section;

(C) a description of how the local educational agency will provide additional educational assistance to individual students assessed as needing help in meeting the State's challenging student academic achievement standards;

(D) a description of the strategy the local educational agency will use to coordinate programs under this part with programs under title II to provide professional development for teachers and principals, and, if appropriate, pupil services personnel, administrators, parents and other staff, including local educational agency level staff in accordance with sections 1118 and 1119;

(E) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as —

(i) Even Start, Head Start, Reading First, Early Reading First, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs; and

(ii) services for children with limited English proficiency, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

(F) an assurance that the local educational agency will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under section 411(b)(2) of the National Education Statistics Act of 1994;

(G) a description of the poverty criteria that will be used to select school attendance areas under section 1113;

(H) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part;

(I) a general description of the nature of the programs to be conducted by such agency's schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;

(J) a description of how the local educational agency will ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

(K) if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in Early Reading First, or in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the

Head Start Act, or an agency operating an Even Start program, an Early Reading First program, or another comparable public early childhood development program;
 (L) a description of the actions the local educational agency will take to assist its low-achieving schools identified under section 1116 as in need of improvement;
 (M) a description of the actions the local educational agency will take to implement public school choice and supplemental services, consistent with the requirements of section 1116;
 (N) a description of how the local educational agency will meet the requirements of section 1119;
 (O) a description of the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(c)(3)(A);
 (P) a description of the strategy the local educational agency will use to implement effective parental involvement under section 1118; and
 (Q) where appropriate, a description of how the local educational agency will use funds under this part to support after school (including before school and summer school) and school-year extension programs.

(2) EXCEPTION- The academic assessments and indicators described in subparagraphs (A) and (B) of paragraph (1) shall not be used —

(A) in lieu of the academic assessments required under section 1111(b)(3) and other State academic indicators under section 1111(b)(2); or
 (B) to reduce the number of, or change which, schools would otherwise be subject to school improvement, corrective action, or restructuring under section 1116, if such additional assessments or indicators described in such subparagraphs were not used, but such assessments and indicators may be used to identify additional schools for school improvement or in need of corrective action or restructuring.

(c) ASSURANCES-

(1) IN GENERAL- Each local educational agency plan shall provide assurances that the local educational agency will —

(A) inform eligible schools and parents of schoolwide program authority and the ability of such schools to consolidate funds from Federal, State, and local sources;
 (B) provide technical assistance and support to schoolwide programs;
 (C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State student academic achievement standards;
 (D) fulfill such agency's school improvement responsibilities under section 1116, including taking actions under paragraphs (7) and (8) of section 1116(b);
 (E) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;
 (F) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;
 (G) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;
 (H) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;
 (I) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals and professional development;
 (J) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under title IX and, if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;
 (K) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with the State educational agency and other agencies providing services to children, youth, and families with respect to a school in school improvement, corrective action, or restructuring under section 1116 if such a school requests assistance from the local educational agency in addressing major factors that have significantly affected student achievement at the school;
 (L) ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers;
 (M) use the results of the student academic assessments required under section 1111(b)(3), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State's proficient level of achievement on the State academic assessments described in section 1111(b)(3) within 12 years from the end of the 2001-2002 school year;
 (N) ensure that the results from the academic assessments required under section 1111(b)(3) will be provided to parents and teachers as soon as is practicably possible after the test is

- taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and
- (O) assist each school served by the agency and assisted under this part in developing or identifying examples of high-quality, effective curricula consistent with section 1111(b)(8)(D).
- (2) SPECIAL RULE- In carrying out subparagraph (G) of paragraph (1), the Secretary —
- (A) shall consult with the Secretary of Health and Human Services and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and
- (B) shall disseminate to local educational agencies the Head Start performance standards as in effect under section 641A(a) of the Head Start Act, and such agencies affected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.
- (3) INAPPLICABILITY- Paragraph (1)(G) of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs that are expanded through the use of funds under this part.
- (d) PLAN DEVELOPMENT AND DURATION-
- (1) CONSULTATION- Each local educational agency plan shall be developed in consultation with teachers, principals, administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part.
- (2) DURATION- Each such plan shall be submitted for the first year for which this part is in effect following the date of enactment of the No Child Left Behind Act of 2001 and shall remain in effect for the duration of the agency's participation under this part.
- (3) REVIEW- Each local educational agency shall periodically review and, as necessary, revise its plan.
- (e) STATE APPROVAL-
- (1) IN GENERAL- Each local educational agency plan shall be filed according to a schedule established by the State educational agency.
- (2) APPROVAL- The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan —
- (A) enables schools served under this part to substantially help children served under this part meet the academic standards expected of all children described in section 1111(b)(1); and
- (B) meets the requirements of this section.
- (3) REVIEW- The State educational agency shall review the local educational agency's plan to determine if such agencies activities are in accordance with sections 1118 and 1119.
- (f) PROGRAM RESPONSIBILITY- The local educational agency plan shall reflect the shared responsibility of schools, teachers, and the local educational agency in making decisions regarding activities under sections 1114 and 1115.
- (g) PARENTAL NOTIFICATION-
- (1) IN GENERAL-
- (A) NOTICE- Each local educational agency using funds under this part to provide a language instruction educational program as determined in part C of title III shall, not later than 30 days after the beginning of the school year, inform a parent or parents of a limited English proficient child identified for participation or participating in, such a program of —
- (i) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;
- (ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
- (iii) the methods of instruction used in the program in which their child is, or will be participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
- (iv) how the program in which their child is, or will be participating, will meet the educational strengths and needs of their child;
- (v) how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation;
- (vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this part are used for children in secondary schools;
- (vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child;
- (viii) information pertaining to parental rights that includes written guidance —
- (I) detailing —
- (aa) the right that parents have to have their child immediately removed from such program upon their request; and
- (bb) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and
- (II) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

(B) SEPARATE NOTIFICATION- In addition to providing the information required to be provided under paragraph (1), each eligible entity that is using funds provided under this part to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

(2) NOTICE- The notice and information provided in paragraph (1) to a parent or parents of a child identified for participation in a language instruction educational program for limited English proficient children shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

(3) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR- For those children who have not been identified as limited English proficient prior to the beginning of the school year the local educational agency shall notify parents within the first 2 weeks of the child being placed in a language instruction educational program consistent with paragraphs (1) and (2).

(4) PARENTAL PARTICIPATION- Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging State academic achievement standards and State academic content standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part.

(5) BASIS FOR ADMISSION OR EXCLUSION- A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

No Child Left Behind

Title I

SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

- (a) **TEACHER QUALIFICATIONS AND MEASURABLE OBJECTIVES-**
- (1) **IN GENERAL-** Beginning with the first day of the first school year after the date of enactment of the No Child Left Behind Act of 2001, each local educational agency receiving assistance under this part shall ensure that all teachers hired after such day and teaching in a program supported with funds under this part are highly qualified.
- (2) **STATE PLAN-** As part of the plan described in section 1111, each State educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005-2006 school year. Such plan shall establish annual measurable objectives for each local educational agency and school that, at a minimum —
- (A) shall include an annual increase in the percentage of highly qualified teachers at each local educational agency and school, to ensure that all teachers teaching in core academic subjects in each public elementary school and secondary school are highly qualified not later than the end of the 2005-2006 school year;
- (B) shall include an annual increase in the percentage of teachers who are receiving high-quality professional development to enable such teachers to become highly qualified and successful classroom teachers; and
- (C) may include such other measures as the State educational agency determines to be appropriate to increase teacher qualifications.
- (3) **LOCAL PLAN-** As part of the plan described in section 1112, each local educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching within the school district served by the local educational agency are highly qualified not later than the end of the 2005-2006 school year.
- (b) **REPORTS-**
- (1) **ANNUAL STATE AND LOCAL REPORTS-**
- (A) **LOCAL REPORTS-** Each State educational agency described in subsection (a)(2) shall require each local educational agency receiving funds under this part to publicly report, each year, beginning with the 2002-2003 school year, the annual progress of the local educational agency as a whole and of each of the schools served by the agency, in meeting the measurable objectives described in subsection (a)(2).
- (B) **STATE REPORTS-** Each State educational agency receiving assistance under this part shall prepare and submit each year, beginning with the 2002-2003 school year, a report to the Secretary, describing the State educational agency's progress in meeting the measurable objectives described in subsection (a)(2).
- (C) **INFORMATION FROM OTHER REPORTS-** A State educational agency or local educational agency may submit information from the reports described in section 1111(h) for the purposes of this subsection, if such report is modified, as may be necessary, to contain the information required by this subsection, and may submit such information as a part of the reports required under section 1111(h).
- (2) **ANNUAL REPORTS BY THE SECRETARY-** Each year, beginning with the 2002-2003 school year, the Secretary shall publicly report the annual progress of State educational agencies, local educational agencies, and schools, in meeting the measurable objectives described in subsection (a)(2).
- (c) **NEW PARAPROFESSIONALS-**
- (1) **IN GENERAL-** Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired after the date of enactment of the No Child Left Behind Act of 2001 and working in a program supported with funds under this part shall have —
- (A) completed at least 2 years of study at an institution of higher education;
- (B) obtained an associate's (or higher) degree; or
- (C) met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment —
- (i) knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or
- (ii) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.
- (2) **CLARIFICATION-** The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy the requirements of paragraph (1)(C).
- (d) **EXISTING PARAPROFESSIONALS-** Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 2001, and working in a program supported with funds under this part shall, not later than 4 years after the date of enactment satisfy the requirements of subsection (c).
- (e) **EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES-** Subsections (c) and (d) shall not apply to a paraprofessional —
- (1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

- (2) whose duties consist solely of conducting parental involvement activities consistent with section 1118.
- (f) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS- Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part, regardless of the paraprofessionals' hiring date, have earned a secondary school diploma or its recognized equivalent.
- (g) DUTIES OF PARAPROFESSIONALS-
- (1) IN GENERAL- Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.
- (2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED- A paraprofessional described in paragraph (1) may be assigned —
- (A) to provide 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;
- (B) to assist with classroom management, such as organizing instructional and other materials;
- (C) to provide assistance in a computer laboratory;
- (D) to conduct parental involvement activities;
- (E) to provide support in a library or media center;
- (F) to act as a translator; or
- (G) to provide instructional services to students in accordance with paragraph (3).
- (3) ADDITIONAL LIMITATIONS- A paraprofessional described in paragraph (1) —
- (A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with section 1119; and
- (B) may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.
- (h) USE OF FUNDS- A local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.
- (i) VERIFICATION OF COMPLIANCE-
- (1) IN GENERAL- In verifying compliance with this section, each local educational agency, at a minimum, shall require that the principal of each school operating a program under section 1114 or 1115 attest annually in writing as to whether such school is in compliance with the requirements of this section.
- (2) AVAILABILITY OF INFORMATION- Copies of attestations under paragraph (1) —
- (A) shall be maintained at each school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and
- (B) shall be available to any member of the general public on request.
- (j) COMBINATIONS OF FUNDS- Funds provided under this part that are used for professional development purposes may be combined with funds provided under title II of this Act, other Acts, and other sources.
- (k) SPECIAL RULE- Except as provided in subsection (l), no State educational agency shall require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part, except that this paragraph shall not apply with respect to requirements under section 1116(c)(3).
- (l) MINIMUM EXPENDITURES- Each local educational agency that receives funds under this part shall use not less than 5 percent, or more than 10 percent, of such funds for each of fiscal years 2002 and 2003, and not less than 5 percent of the funds for each subsequent fiscal year, for professional development activities to ensure that teachers who are not highly qualified become highly qualified not later than the end of the 2005-2006 school year.

Title II — Preparing, Training, and Recruiting High Quality Teachers and Principals

[SEC. 2101](#) | [SEC. 2102](#) | [SEC. 2103](#)

II. PART A — TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND

SEC. 2101. PURPOSE.

The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, and eligible partnerships in order to —

- (1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and
- (2) hold local educational agencies and schools accountable for improvements in student academic achievement.

SEC. 2102. DEFINITIONS.

In this part:

(1) ARTS AND SCIENCES- The term arts and sciences' means —

(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subjects in which teachers teach; and

(B) when referring to a specific academic subject, the disciplines or content areas in which an academic major is offered by an organizational unit described in subparagraph (A).

(2) CHARTER SCHOOL- The term charter school' has the meaning given the term in section 5210.

(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY- The term high-need local educational agency' means a local educational agency —

(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

(4) HIGHLY QUALIFIED PARAPROFESSIONAL- The term highly qualified paraprofessional' means a paraprofessional who has not less than 2 years of —

(A) experience in a classroom; and

(B) postsecondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers.

(5) OUT-OF-FIELD TEACHER- The term out-of-field teacher' means a teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified.

(6) PRINCIPAL- The term principal' includes an assistant principal.

SEC. 2103. AUTHORIZATIONS OF APPROPRIATIONS.

(a) GRANTS TO STATES, LOCAL EDUCATIONAL AGENCIES, AND ELIGIBLE PARTNERSHIPS- There are authorized to be appropriated to carry out this part (other than subpart 5) \$3,175,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) NATIONAL PROGRAMS- There are authorized to be appropriated to carry out subpart 5 such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

No Child Left Behind

Title II

SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES-

(1) IN GENERAL- The Secretary may make a grant to a State under subpart 1 only if the State educational agency agrees to distribute the funds described in this subsection as subgrants to local educational agencies under this subpart.

(2) HOLD HARMLESS-

(A) IN GENERAL- From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State an amount equal to the total amount that such agency received for fiscal year 2001 under —

(i) section 2203(1)(B) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

(B) NONPARTICIPATING AGENCIES- In the case of a local educational agency that did not receive any funds for fiscal year 2001 under one or both of the provisions referred to in clauses (i) and (ii) of subparagraph (A), the amount allocated to the agency under such subparagraph shall be the total amount that the agency would have received for fiscal year 2001 if the agency had elected to participate in all of the programs for which the agency was eligible under each of the provisions referred to in those clauses.

(C) RATABLE REDUCTION- If the funds described in subparagraph (A) are insufficient to pay the full amounts that all local educational agencies in the State are eligible to receive under subparagraph (A) for any fiscal year, the State educational agency shall ratably reduce such amounts for the fiscal year.

(3) ALLOCATION OF ADDITIONAL FUNDS- For any fiscal year for which the funds reserved by a State under section 2113(a)(1) exceed the total amount required to make allocations under paragraph (2), the State educational agency shall allocate to each of the eligible local educational agencies in the State the sum of —

(A) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

(B) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

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 minority students from other students.

(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 instruction to improve teaching, learning, and technology literacy.
- (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 in the preparation of the application.
- (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.

SEC. 2123. LOCAL USE OF FUNDS.

- (a) IN GENERAL- A local educational agency that receives a subgrant under section 2121 shall use the funds made available through the subgrant to carry out one or more of the following activities, including carrying out the activities through a grant or contract with a for-profit or nonprofit entity:
 - (1) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only —
 - (A) if the local educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and
 - (B) in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.
 - (2) Developing and implementing initiatives to assist in recruiting highly qualified teachers (particularly initiatives that have proven effective in retaining highly qualified teachers), and hiring highly qualified teachers, who will be assigned teaching positions within their fields, including —
 - (A) providing scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers to teach —
 - (i) in academic subjects in which there exists a shortage of highly qualified teachers within a school or within the local educational agency; and
 - (ii) in schools in which there exists a shortage of highly qualified teachers;
 - (B) recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades; and
 - (C) establishing programs that —
 - (i) train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);
 - (ii) train and hire highly qualified teachers of special needs children, as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students;
 - (iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and
 - (iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.
 - (3) Providing professional development activities--
 - (A) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning--
 - (i) one or more of the core academic subjects that the teachers teach; and
 - (ii) effective instructional strategies, methods, and skills, and use of challenging State academic content standards and student academic achievement standards, and

- State assessments, to improve teaching practices and student academic achievement; and
- (B) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that--
- (i) involve collaborative groups of teachers and administrators;
 - (ii) provide training in how to 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;
 - (iii) provide training in methods of--
 - (I) improving student behavior in the classroom; and
 - (II) identifying early and appropriate interventions to help students described in clause (ii) learn;
 - (iv) provide training to enable teachers and principals to involve parents in their child's education, especially parents of limited English proficient and immigrant children; and
 - (v) provide training on how to understand and use data and assessments to improve classroom practice and student learning.
- (4) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly within elementary schools and secondary schools with a high percentage of low-achieving students, including programs that provide--
- (A) teacher mentoring from exemplary teachers, principals, or superintendents;
 - (B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively;
 - (C) incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic achievement; or
 - (D) incentives, including financial incentives, to principals who have a record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and students with disabilities.
- (5) Carrying out programs and activities that are designed to improve the quality of the teacher force, such as--
- (A) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 9101, and are coordinated with activities carried out under part D;
 - (B) development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning;
 - (C) tenure reform;
 - (D) merit pay programs; and
 - (E) testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.
- (6) Carrying out professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.
- (7) Hiring highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades.
- (8) Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.
- (10) Carrying out programs and activities related to exemplary teachers.
- (b) SUPPLEMENT, NOT SUPPLANT- Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

Subpart 4 — Accountability

SEC. 2141

SEC. 2141. TECHNICAL ASSISTANCE AND ACCOUNTABILITY.

(a) IMPROVEMENT PLAN- After the second year of the plan described in section 1119(a)(2), if a State educational agency determines, based on the reports described in section 1119(b)(1), that a local educational agency in the State has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), for 2 consecutive years, such local educational agency shall develop an improvement plan that will enable the agency to meet such annual measurable objectives and that specifically addresses issues that prevented the agency from meeting such annual measurable objectives.

(b) TECHNICAL ASSISTANCE- During the development of the improvement plan described in subsection (a) and throughout implementation of the plan, the State educational agency shall —

(1) provide technical assistance to the local educational agency; and

(2) provide technical assistance, if applicable, to schools served by the local educational agency that need assistance to enable the local educational agency to meet the annual measurable objectives described in section 1119(a)(2).

(c) ACCOUNTABILITY- After the third year of the plan described in section 1119(a)(2), if the State educational agency determines, based on the reports described in section 1119(b)(1), that the local educational agency has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), and has failed to make adequate yearly progress as described under section 1111(b)(2)(B), for 3 consecutive years, the State educational agency shall enter into an agreement with such local educational agency on the use of that agency's funds under this part. As part of this agreement, the State educational agency —

(1) shall develop, in conjunction with the local educational agency, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the annual measurable objectives described in section 1119(a)(2) and require such agency to utilize such strategies and activities; and

(2)(A) except as provided in subparagraphs (B) and (C), shall prohibit the use of funds received under part A of title I to fund any paraprofessional hired after the date such determination is made;

(B) shall allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under title I and such new paraprofessional satisfies the requirements of section 1119(c); and

(C) may allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate —

(i) that a significant influx of population has substantially increased student enrollment; or

(ii) that there is an increased need for translators or assistance with parental involvement activities.

(d) SPECIAL RULE- During the development of the strategies and activities described in subsection (c)(1), the State educational agency shall, in conjunction with the local educational agency, provide from funds allocated to such local educational agency under subpart 2 directly to one or more schools served by such local educational agency, to enable teachers at the schools to choose, with continuing consultation with the principal involved, professional development activities that —

(1) meet the requirements for professional development activities described in section 9101; and

(2) are coordinated with other reform efforts at the schools.

No Child Left Behind

SEC. 901. GENERAL PROVISIONS.

Title IX (20 U.S.C. 7801 et seq.) is amended to read as follows:

TITLE IX — GENERAL PROVISIONS

III. PART A — DEFINITIONS

SEC. 9101. DEFINITIONS.

Except as otherwise provided, in this Act:

(1) AVERAGE DAILY ATTENDANCE-

(A) IN GENERAL- Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means —

(i) the aggregate number of days of attendance of all students during a school year; divided by

(ii) the number of days school is in session during that year.

(B) CONVERSION- The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

(C) SPECIAL RULE- If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for the purpose of this Act —

(i) consider the child to be in attendance at a school of the agency making the payment; and

(ii) not consider the child to be in attendance at a school of the agency receiving the payment.

(D) CHILDREN WITH DISABILITIES- If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purpose of this Act, consider the child to be in attendance at a school of the agency making the payment.

(2) AVERAGE PER-PUPIL EXPENDITURE- The term 'average per-pupil expenditure' means, in the case of a State or of the United States —

(A) without regard to the source of funds —

(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

(ii) any direct current expenditures by the State for the operation of those agencies; divided by

(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year.

(3) BEGINNING TEACHER- The term 'beginning teacher' means a teacher in a public school who has been teaching less than a total of three complete school years.

(4) CHILD- The term 'child' means any person within the age limits for which the State provides free public education.

(5) CHILD WITH A DISABILITY- The term 'child with a disability' has the same meaning given that term in section 602 of the Individuals with Disabilities Education Act.

(6) COMMUNITY-BASED ORGANIZATION- The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that —

(A) is representative of a community or significant segments of a community; and

(B) provides educational or related services to individuals in the community.

(7) CONSOLIDATED LOCAL APPLICATION- The term 'consolidated local application' means an application submitted by a local educational agency pursuant to section 9305.

(8) CONSOLIDATED LOCAL PLAN- The term 'consolidated local plan' means a plan submitted by a local educational agency pursuant to section 9305.

(9) CONSOLIDATED STATE APPLICATION- The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 9302.

(10) CONSOLIDATED STATE PLAN- The term 'consolidated State plan' means a plan submitted by a State educational agency pursuant to section 9302.

(11) CORE ACADEMIC SUBJECTS- The term 'core academic subjects' means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

(12) COUNTY- The term 'county' means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

(13) COVERED PROGRAM- The term 'covered program' means each of the programs authorized by —

(A) part A of title I;

- (B) subpart 3 of part B of title I;
 - (C) part C of title I;
 - (D) part D of title I;
 - (E) part F of title I;
 - (F) part A of title II;
 - (G) part D of title II;
 - (H) part A of title III;
 - (I) part A of title IV;
 - (J) part B of title IV;
 - (K) part A of title V; and
 - (L) subpart 2 of part B of title VI.
- (14) **CURRENT EXPENDITURES-** The term current expenditures' means expenditures for free public education —
- (A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but
 - (B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and part A of title V.
- (15) **DEPARTMENT-** The term Department' means the Department of Education.
- (16) **DISTANCE LEARNING-** The term distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.
- (17) **EDUCATIONAL SERVICE AGENCY-** The term educational service agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.
- (18) **ELEMENTARY SCHOOL-** The term elementary school' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.
- (19) **EXEMPLARY TEACHER-** The term exemplary teacher' means a teacher who —
- (A) is a highly qualified teacher such as a master teacher;
 - (B) has been teaching for at least 5 years in a public or private school or institution of higher education;
 - (C) is recommended to be an exemplary teacher by administrators and other teachers who are knowledgeable about the individual's performance;
 - (D) is currently teaching and based in a public school; and
 - (E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs teacher mentoring, develops curricula, and offers other professional development.
- (20) **FAMILY LITERACY SERVICES-** The term family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:
- (A) Interactive literacy activities between parents and their children.
 - (B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.
 - (C) Parent literacy training that leads to economic self-sufficiency.
 - (D) An age-appropriate education to prepare children for success in school and life experiences.
- (21) **FREE PUBLIC EDUCATION-** The term free public education' means education that is provided —
- (A) at public expense, under public supervision and direction, and without tuition charge; and
 - (B) as elementary school or secondary school education as determined under applicable State law, except that the term does not include any education provided beyond grade 12.
- (22) **GIFTED AND TALENTED-** The term gifted and talented', when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.
- (23) **HIGHLY QUALIFIED-** The term highly qualified' —
- (A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that —
 - (i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law; and
 - (ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;
 - (B) when used with respect to —
 - (i) an elementary school teacher who is new to the profession, means that the teacher —
 - (I) holds at least a bachelor's degree; and
 - (II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-

- required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum);
or
- (ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by —
- (I) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or
 - (II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and
- (C) when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor's degree and —
- (i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or
 - (ii) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that —
 - (I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;
 - (II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;
 - (III) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;
 - (IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;
 - (V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;
 - (VI) is made available to the public upon request; and
 - (VII) may involve multiple, objective measures of teacher competency.
- (24) INSTITUTION OF HIGHER EDUCATION- The term institution of higher education' has the meaning given that term in section 101(a) of the Higher Education Act of 1965.
- (25) LIMITED ENGLISH PROFICIENT- The term limited English proficient', when used with respect to an individual, means an individual —
- (A) who is aged 3 through 21;
 - (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
 - (C)(i) who was not born in the United States or whose native language is a language other than English;
 - (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
 - (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
 - (i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.
- (26) LOCAL EDUCATIONAL AGENCY-
- (A) IN GENERAL- The term local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.
 - (B) ADMINISTRATIVE CONTROL AND DIRECTION- The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.
 - (C) BIA SCHOOLS- The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

- (D) EDUCATIONAL SERVICE AGENCIES- The term includes educational service agencies and consortia of those agencies.
- (E) STATE EDUCATIONAL AGENCY- The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.
- (27) MENTORING- The term mentoring', except when used to refer to teacher mentoring, means a process by which a responsible adult, postsecondary student, or secondary school student works with a child to provide a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.
- (28) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE- The terms Native American' and Native American language' have the same meaning given those terms in section 103 of the Native American Languages Act of 1990.
- (29) OTHER STAFF- The term other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.
- (30) OUTLYING AREA- The term outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and for the purpose of section 1121(b) and any other discretionary grant program under this Act, includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau until an agreement for the extension of United States education assistance under the Compact of Free Association for each of the freely associated states becomes effective after the date of enactment of the No Child Left Behind Act of 2001.
- (31) PARENT- The term parent' includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).
- (32) PARENTAL INVOLVEMENT- The term parental involvement' means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring —
- (A) that parents play an integral role in assisting their child's learning;
 - (B) that parents are encouraged to be actively involved in their child's education at school;
 - (C) that parents are full partners in their child's education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child;
 - (D) the carrying out of other activities, such as those described in section 1118.
- (33) POVERTY LINE- The term poverty line' means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.
- (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.
- (35) PUBLIC TELECOMMUNICATIONS ENTITY- The term public telecommunications entity' has the meaning given that term in section 397(12) of the Communications Act of 1934.
- (36) PUPIL SERVICES PERSONNEL; PUPIL SERVICES-
- (A) PUPIL SERVICES PERSONNEL- The term pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.
- (B) PUPIL SERVICES- The term pupil services' means the services provided by pupil services personnel.
- (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.
- (38) SECONDARY SCHOOL- The term secondary school' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.
- (39) SECRETARY- The term Secretary' means the Secretary of Education.
- STATE- The term State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.
- (41) STATE EDUCATIONAL AGENCY- The term State educational agency' means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.
- (42) TEACHER MENTORING- The term teacher mentoring' means activities that —
- (A) consist of structured guidance and regular and ongoing support for teachers, especially beginning teachers, that —
- (i) are designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and
- part of an ongoing developmental induction process —
- (I) involve the assistance of an exemplary teacher and other appropriate individuals from a school, local educational agency, or institution of higher education; and
 - (II) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

(B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, a teacher organization, or another organization.

(43) TECHNOLOGY- The term technology' means state-of-the-art technology products and services.

SEC. 9102. APPLICABILITY OF TITLE.

Parts B, C, D, and E of this title do not apply to title VIII of this Act.

SEC. 9103. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

For the purpose of any competitive program under this Act —

- (1) a consortium of schools operated by the Bureau of Indian Affairs;
- (2) a school operated under a contract or grant with the Bureau of Indian Affairs in consortium with another contract or grant school or a tribal or community organization; or
- (3) a Bureau of Indian Affairs school in consortium with an institution of higher education, a contract or grant school, or a tribal or community organization,

shall be given the same consideration as a local educational agency.

Appendix B: State Regulations

(California) Title 5. EDUCATION

Division 1. State Department of Education

Chapter 6. Certified Personnel

Add Subchapter 7, Article 1, Section 6100 to read:

Subchapter 7. No Child Left Behind Teacher Requirements

Article 1. General

§ 6100. Definitions.

For purposes of No Child Left Behind Teacher Requirements, the following definitions shall apply:

(a) Advanced Credentialing: A teacher who has achieved National Board Certification is considered to have Advanced Credentialing.

(b) Coursework Equivalent to Undergraduate Major: Thirty-two nonremedial semester units in a particular discipline from an accredited institution of higher education shall constitute coursework equivalent to an undergraduate major.

(c) Credential: A Preliminary, Professional Clear or Life Credential, or any teaching credential issued under prior statutes, that authorizes a person to teach in California K-12 schools.

(d) Elementary, Middle and High School: The local educational agency shall determine, based on curriculum taught, by school site, or by each grade at the school site, if appropriate, whether a teacher is hired to teach elementary, middle or high school.

(e) First Day of School: The first day of school is the first day of school that students report to the school per the district school calendar.

(f) Grade Span: The local educational agency shall determine, based on curriculum taught, which grades shall be included in the elementary, middle, or high school grade spans.

(g) Hired: A teacher is hired when they accept employment at the school district. The date a teacher is hired is not affected by a change of assignments or schools within the district. The date a teacher is hired in a district does not affect a teacher's "new" or "not new" to the profession status.

(h) Teacher New to the Profession: A teacher is new to the profession if they have graduated from an accredited institution of higher education and received a credential, or began

an approved intern program, on or after July 1, 2002.

(i) Teacher Not New to the Profession: A teacher is not new to the profession if they graduated from an accredited institution of higher education and received a credential, or were enrolled in, or had completed, an approved intern program before July 1, 2002.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 2, Sections 6101 through 6104 to read:

Article 2. Elementary Level Teachers

§ 6101. Elementary Teachers.

A teacher who meets NCLB requirements at the elementary level is one who:

(1) Holds at least a bachelor's degree, and

(2) Is currently enrolled in an approved intern program for less than three years or has a credential, and

(3) Meets the applicable requirements in Section 6102 or 6103.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6102. Elementary Teachers New to the Profession.

A teacher who meets the NCLB requirements and is new to the profession at the elementary level, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have passed a validated statewide subject matter examination certified by the Commission on Teacher Credentialing, including, but not limited to the California Subject Examination for Teachers (CSET) Multiple Subjects, Multiple Subject Assessment for Teachers (MSAT), and National Teaching Exams (NTE).

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6103. Elementary Teachers Not New to the Profession.

A teacher who meets NCLB requirements and is not new to the profession at the

elementary level, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have completed one of the following:

(1) A validated statewide subject matter examination that the Commission on Teacher Credentialing has utilized to determine subject matter competence for credentialing purposes.

(2) A high objective uniform state standard evaluation conducted pursuant to Section 6104 and in conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662, to determine the teacher's subject matter competence in each of the academic subjects taught by the teacher.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6104. High Objective Uniform State Standard Evaluation.

(a) The high objective uniform state standard evaluation shall consist of two parts. The first part shall be a summation of (i) years of experience teaching in the grade span or subject, (ii) core academic coursework in assigned grade span or subject, (iii) in-depth standards aligned professional development, and (iv) service to the profession in the relevant core academic content area. In no event shall (i) years of experience account for more than half of the total necessary to demonstrate subject matter competency. The second part shall consist of direct observation and portfolio assessment in the grade span or subject taught. The second part of the high objective uniform state standard evaluation will only be conducted if Part One does not identify sufficient experience, coursework, professional development or service to demonstrate subject matter competence.

(b) The high objective uniform state standard evaluation observation and portfolio section (Part Two) may be conducted at the time and by the means utilized to satisfy Education Code Section 44662, except that (1) subject matter shall be defined as the State Academic Content Standards adopted by the State Board of Education pursuant to Education Code Section 60605 for the grades and subjects taught, and (2) competency shall be demonstrated by satisfactorily meeting standards 3 and 5.1 of the California Standards for the Teaching Profession adopted by the Commission on Teacher Credentialing pursuant to Education Code Section 44225(a). The demonstration of subject matter competence shall include one or more of the following:

(1) Classroom observation,

(2) Demonstration of knowledge of the appropriate grade-level and subject State

Academic Content Standards, and

(3) Portfolio review of lesson plans and student work for one academic year.

(c) Local educational agencies shall conduct the high objective uniform state standard evaluation by completing Form 1 – NCLB Teacher Requirements: Certificate of Compliance (revised November 12, 2003), Form 2 – California High Objective Uniform State Standard of Evaluation, CALIFORNIA HOUSSE, Part 1 – Assessment of Qualifications and Experience (revised November 12, 2003), and Form 3 - California High Objective Uniform State Standard of Evaluation, CALIFORNIA HOUSSE, Part 2 – Assessment of Current Qualifications through Classroom Observation and/or Portfolio Development (revised November 12, 2003), as appropriate. Forms 1, 2, and 3 are hereby incorporated by reference into this section. Local education agencies may attach completed local forms containing the same information as Forms 1, 2 and/or 3 to those forms rather than transcribing that information onto the applicable Form 1, 2, and 3.

(d) A teacher’s supervising administrator shall be responsible for overseeing the high objective uniform state standard evaluation, and shall consult, if necessary, with a person or persons knowledgeable in the State Academic Content Standards for the grade span or subject for which the teacher is demonstrating subject matter competency. A teacher must demonstrate subject matter competency only once for each grade span or subject taught.

(e) If the teacher does not satisfactorily meet standards 3 and 5.1 of the California Standards for the Teaching Profession as part of the NCLB evaluation, then subject matter competency shall be demonstrated through completion of the Peer Assistance and Review Program for Teachers or other individualized professional development plan, pursuant to Education Code section 44664, aimed at assisting the teacher to meet standards 3 and 5.1 of the California Standards for the Teaching Profession.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 3, Section 6110 to read:

Article 3. Middle and High School Level Teachers
§ 6110. Middle and High School Teachers.

A teacher who meets NCLB requirements at the middle and secondary levels is one who:

(1) Holds at least a bachelor’s degree, and

(2) Is currently enrolled in an approved intern program for less than three years or has a credential, and

(3) Meets the applicable requirements in Section 6111 or 6112.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6111. Middle and High School Teachers New to the Profession.

A teacher who meets NCLB requirements and is new to the profession at the middle and high school levels, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential in the subject taught, must have passed or completed one of the following for every core subject currently assigned:

(1) A validated statewide subject matter examination certified by the Commission on Teacher Credentialing,

(2) University subject matter program approved by the Commission on Teacher Credentialing,

(3) Undergraduate major in the subject taught,

(4) Graduate degree in the subject taught, or

(5) Coursework equivalent to undergraduate major.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6112. Middle and High School Teachers Not New to the Profession.

A teacher who meets NCLB requirements and is not new to the profession at the middle and high school levels, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have passed or completed one of the following for every core subject currently assigned:

(1) A validated statewide subject matter examination that the Commission on Teacher Credentialing has utilized to determine subject matter competence for credentialing purposes,

(2) University subject matter program approved by the Commission on Teacher Credentialing,

(3) Undergraduate major in the subject taught,

- (4) Graduate degree in the subject taught,
- (5) Coursework equivalent to undergrad major,
- (6) Advanced certification or credentialing (National Board Certification), or
- (7) The high objective uniform state standard evaluation pursuant to Article 2, Section 6104.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 4, Section 6115 to read:

Article 4. Teachers Not Meeting NCLB Teacher Requirements

§ 6115. Teachers Not Meeting NCLB Teacher Requirements.

A teacher does not meet the NCLB teacher requirements for the core academic subject taught if:

- (1) Teaching with an Emergency Permits, or
- (2) Teaching with a supplemental authorization (except where the supplemental authorization is based on a major or a major equivalent in the subject taught) or a local authorizations for the subject taught, or
- (3) Teaching with state or local waivers for the grade or subject taught, or
- (4) Teaching as a pre-intern pursuant to Education Code Section 44305 et seq.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 5, Section 6120 to read:

Article 5. One-Time Compliance

§ 6120. One-Time Compliance.

Once a school district has determined that a teacher meets the NCLB Teacher Requirements for the grade span and/or subject taught, that teacher will not be required to demonstrate that they meet the requirements again for the same grade span and/or subject taught, even if they are later hired by another school district in California.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC

6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft
Guidance December 19, 2002.

Add Article 6, Section 6125 to read:

Article 6. Teachers from Out-of-State

§ 6125. Teachers from Out-of-State.

Teachers who have been found to meet subject matter competency requirements of NCLB outside of California shall also be considered to have met those requirements for that particular subject and/or grade span in California. California's credentialing reciprocity is not affected by the requirements of NCLB.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft
Guidance December 19, 2002.

02-26-04

Appendix C:

No Child Left Behind Resource Links

The following links provide further information, commentary, and clarification regarding implementation of the No Child Left Behind (NCLB) Act.

US Department of Education:

NCLB Executive Summary

<http://www.ed.gov/nclb/overview/intro/execsumm.html>

NCLB Legislation, Regulations, Guidance and Circulars

<http://www.ed.gov/about/offices/list/oese/legislation.html>

The US Department of Education's No Child Left Behind Website

<http://www.ed.gov/nclb>

Title I-Improving Academic Achievement of the Disadvantaged, Final Regulations

<http://ed.gov/legislation/FedRegister/finrule/2002-4/120202a.html>

Draft Non-Regulatory Guidance on Improving Teacher Quality January 16, 2004

<http://www.ed.gov/programs/teacherqual/guidance.doc>

Title II Teacher Quality: Research on Teacher Preparation and Professional Development, by Grover J. Whitehurst, Ph.D.

<http://www.ed.gov/admins/tchrqual/learn/preparingteachersconference/whitehurst.html?exp=0>

No Child Left Behind: A Toolkit for Teachers

Important information on the law, focusing on the teacher quality provision and how the law support teachers

<http://www.ed.gov/teachers/nclbguide/nclb-teachers-toolkit.pdf>

California Department of Education:

The California Department of Education

<http://www.cde.ca.gov/nclb/index.asp>

California State Board of Education

<http://www.cde.ca.gov/be/>

California State Board of Education No Child Left Behind Teacher Regulations

<http://www.cde.ca.gov/nclb/sr/tq/documents/yr03teachregs0910.pdf>

California Commission on Teacher Credentialing:

The California Commission on Teacher Credentialing
www.ctc.ca.gov

Organizational Links:

General Information on Staff Development.
National Staff Development Council, Oxford, Ohio
<http://www.nsd.org>