



NCLB NYS Field Memo #03- 2006

Please make sure that this memo is provided to staff completing the 2006-2007 Consolidated Local Application (or DCEP Addendum, as appropriate).

August 4, 2006

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

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Services for Individuals with Disabilities

Subject: Updated Fact Sheet with Highlights of the NCLB's and IDEA's Requirements for Teachers and Title I Paraprofessionals in New York State

This 2006 Updated Fact Sheet contains highlights of New York State's implementation of the requirements for teachers and Title I paraprofessionals in the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Act (IDEA) for use by local educational agencies (LEAs) that are preparing local consolidated applications for NCLB funds for school year 2006-2007.

This Fact Sheet has important new policies that bring New York State into compliance with the U.S. Department of Education's (USDOE) new interpretations of federal law that have been explained in a series of letters, including:

- an October 21, 2005 letter to Chief State School Officers from U.S. Secretary of Education Margaret Spellings;
- a March 21, 2006 letter to Chief State School Officers from Assistant Secretary of Education Henry L. Johnson; and
- a May 15, 2006 letter, with review results, to New York State Education Commissioner Richard P. Mills from Assistant Secretary Henry L. Johnson.

The October 21 and March 21 letters can be found at

<http://www.ed.gov/programs/teacherqual/legislation.html>.

The May 15 letter and review for New York State can be found at

<http://www.ed.gov/programs/teacherqual/hqtltr/index.html>.

This Fact Sheet is consistent with *New York State's Revised Plan to Enhance Teacher Quality* that was submitted to the USDOE in July 2006, as required, for peer review in July and August 2006. See <http://www.ed.gov/programs/teacherqual/hqtplans/>.

This Fact Sheet is accurate as of the date of its publication and supersedes all prior field memos except #04-2004 of August 2004 and its Addendum of October 2005. All guidance in NCLB NYS field memos is subject to change in response to additional guidance from the USDOE. Revisions to Items A3, A12 and A13, new Items A15 and A16 and the addition of Parts I and J align this Fact Sheet with prior NCLB NYS Field Memos so that this Fact Sheet can replace nearly all prior field memos and serve as a general reference for LEAs. Substantive changes from previous field memos, highlighted in gray, are as follows.

- Deadlines. Additions and revisions were made to items A1, A5, A6, B6, C2 and E2 to reflect the USDOE's recognition that states and their LEAs may need at least until June 2007 to ensure that all teachers of core academic subjects are "highly qualified" A new sentence at the end of Item A5 clarifies that neither the NCLB nor the USDOE require a teacher's employment to be terminated when the teacher is not "highly qualified."
- Definition of "highly qualified" for "new" teachers with "middle/secondary" assignments. Revised Item A10 clarifies the definition of "highly qualified" for "new" teachers.
- Limitations on the use of the HOUSSE. Revised Items A9, A11, A13 and Part H explain limitations on the use of the "high objective uniform State standard of evaluation" (HOUSSE) after June 30, 2006 in response to the USDOE's new interpretation of the NCLB. (The USDOE's new interpretation of the HOUSSE does not require teachers who have already demonstrated subject matter competency in a subject through the HOUSSE to use the HOUSSE again for the same subject.

- Teachers still only need to use the HOUSSE once for each subject to demonstrate their competency in that subject.)
- HOUSSE portability. A new section in Item A13 explains a change in SED policy on the portability of the HOUSSE from one employer to another.
 - Career and Technical Education (CTE). A new item A15 explains how the HOUSSE limitation and Collaborative Teaching Model apply to teachers of Career and Technical Education who teach classes that students can use for credit towards a high school diploma. Part I contains the Collaborative Teaching Model from a prior field memo.
 - ESL and Bilingual Education. A new item A16 explains how the definition of “highly qualified” must be applied to teachers of English as a Secondary Language (ESL) and bilingual education.
 - Title I paraprofessionals. Revised Item B6 clarifies that Title I paraprofessionals must have been “qualified” by the end of school year 2005-2006 in order for their positions to continue being funded with Title I funds.
 - Equitable Distribution of Teachers (EDT). A revised Item C2 clarifies that LEAs are responsible for meeting all three teacher quality requirements in the NCLB, including the requirement that low income and minority children are not taught at higher rates than other children by teachers who are unqualified, out-of-field or inexperienced.
 - Annual Measurable Objective (AMO). A revised Item C3 explains the numeric Annual Measurable Objectives that SED will use to determine whether LEAs are making progress toward reaching their teacher quality goals as required by the NCLB.
 - BEDS reporting. A revised Item C5 clarifies that, starting in 2006-2007, LEAs must report to BEDS on teachers’ “highly qualified” status using the new definitions in this Fact Sheet that limit the use of the HOUSSE after June 30, 2006. Item C5 also explains that SED will collect data on LEAs’ use of the HOUSSE starting in fall 2006.
 - Accountability system for teacher quality. A revised Item C6 explains how SED must hold LEAs accountable for meeting teacher quality goals under the NCLB’s accountability requirements. Revised Item C7 states that sanctions may apply to LEAs that fail to make AYP.
 - Charter schools. A revised Item D1 clarifies SED’s certification requirements for teachers in charter schools and the ways that charter school teachers can meet the NCLB’s “highly qualified” standards.
 - Checklists (Part G). Checklists for determining whether teachers are “highly qualified” were revised to reflect limitations on the use of the HOUSSE. The July 2006 revisions of the checklists are applicable starting on July 1, 2006.
 - HOUSSE rubrics (Part H). Part H clarifies that the exact language of the HOUSSE rubrics must be used by LEAs, with no changes except to format.

For earlier field memos, designated as either “current” or “outdated,” please refer to <http://www.highered.nysed.gov/nclbhome.htm>. Please send your questions concerning the NCLB’s or IDEA’s requirements for teachers and Title I paraprofessionals to nclbnys@mail.nysed.gov.

For information about certification, see <http://www.highered.nysed.gov/tcert/>. Please send your questions about State certification to tcert@mail.nysed.gov.

FACT SHEET

Highlights of the NCLB's and IDEA's Requirements for Teachers and Title I Paraprofessionals in New York State August 2006

This Fact Sheet contains highlights of the New York State Education Department's (SED's) implementation of requirements related to teachers and paraprofessionals in the No Child Left Behind Act of 2001 (NCLB) and the Individuals with Disabilities Education Act (IDEA) as reauthorized in December 2004. It is based on laws, regulations, guidance and technical assistance available at the time of its publication and is subject to change in response to additional information.

For more detailed information about the NCLB's requirements in New York State, please refer to the series of field memos available online at <http://www.highered.nysed.gov/nclbhome.htm>. At the same site, you can find links to federal statutes, regulations and guidance and information about New York State certification requirements.

This Fact Sheet contains the following parts:

- Part A NCLB and IDEA Requirements for "Highly Qualified" Teachers
- Part B NCLB Requirements for "Qualified" Title I Paraprofessionals
- Part C NCLB Planning and Accountability Requirements Related to Teachers and Title I Paraprofessionals
- Part D NCLB and IDEA Requirements for Charter Schools and Non-public Schools
- Part E NCLB Parents Right to Know Requirements
- Part F Links to Further Information
- Part G Model Checklists for Determining Whether A Public School Teacher of Core Academic Subjects Meets the NCLB and IDEA Definition of "Highly Qualified"
- Part H HOUSSE Rubrics
- Part I Collaborative Teaching Model for Career and Technical Education
- Part J Definition of "High Quality Professional Development" and "Scientifically Based Research"

Part A

NCLB and IDEA Requirements for "Highly Qualified" Teachers

- A1. All public school teachers of core academic subjects must:
 - meet New York State certification standards for each teaching assignment (with the exception for certain charter school teachers discussed in Item D1); and
 - if they are teaching a core academic subject in grades Kindergarten (K) through 12, be "highly qualified."

- A2. Public schools whose teachers are subject to the NCLB and IDEA include schools in school districts, Boards of Cooperative Educational Services (BOCES), County Vocational Education and Extension Boards (CVEEB), charter schools, the State Schools at Batavia and Rome and Special Act School Districts defined in section 4001 of the Education Law.

Although the NCLB's and IDEA's "highly qualified" teacher requirements do not apply to general education teachers in public school pre-K programs or special education teachers in approved preschool programs, approved private schools for students with disabilities, State-supported schools and education programs operated by State agencies other than the State Education Department, these teachers must have valid certificates for their assignments.

- A3. Core academic subjects for the NCLB and IDEA are English, reading, language arts, mathematics, science, history, geography, economics, civics and government, foreign languages and the arts. In New York State, the arts include the visual arts, dance, music, theater – including public speaking – and drama.

- A4. The NCLB and IDEA apply to teachers of record in classes that cover core academic subjects in grades K through 12. This includes, but is not limited to:

- classes in "common branch subjects" in grades K through 6;
- classes in core academic subjects in grades 7 through 12;
- classes in the arts, languages other than English and reading in grades K through 12;
- Career and Technical Education (CTE) classes that students may use for academic credit in core academic subjects;
- classes in core academic subjects taught in languages other than English;
- classes in core academic subjects taught in alternative education programs leading to a credit-based diploma;
- "special classes" with specially designed instruction for students with disabilities in grades K-12 or the age equivalent;
- any of the above classes taught in accordance with Part 80 of the Regulations of the Commissioner of Education as approved "incidental teaching" or in accordance with an approved "experiment in organizational change" in the middle grades.

Teachers who are not teachers of record for core academic subjects in grades K through 12, such as teachers of Pre-K classes or physical education classes, must meet State certification requirements.

Special education teachers of any grade who are not teachers of record for core academic subjects because they serve as resource room or consultant teachers must be certified in special education.

A5. NCLB and IDEA deadlines for teachers to be "highly qualified" are as follows.

- All public school teachers of core academic subjects, regardless of whether they are employed by an LEA that receives NCLB Title I funds, must be "highly qualified" by the end of school year 2005-2006. The USDOE has stated that it will not penalize states or LEAs and that it will consider them to be in substantial compliance with the NCLB if some teachers need at least until June 2007 to become "highly qualified" and the teachers are making progress to become "highly qualified" as quickly as possible pursuant to an LEA's plan to ensure that 100 percent of classes in core academic subjects are taught by "highly qualified teachers. In addition, there are extended deadlines for selected teachers, as explained below.
- EXTENDED DEADLINES FOR RURAL LEAS. The USDOE has extended deadlines for selected teachers of multiple core academic subjects employed by eligible rural LEAs. For further information, please refer to NCLB NYS Field Memo #04-2004 of August 2004 and its addendum of October 2005, available at <http://www.highered.nysed.gov/nclbhome.htm>.
- EXTENDED DEADLINES FOR SELECTED SPECIAL EDUCATION TEACHERS. The IDEA gives a teacher an extended deadline of two years from his/her date of employment provided that the teacher:
 1. is "new to the profession" (in his/her first year of certification); and
 2. is teaching two or more core academic subjects in a "special class" for students with disabilities in grades 7-12 or the age equivalent; and
 3. is "highly qualified" for at least one subject s/he is teaching by virtue of having a certificate with one of the following titles: Students with Disabilities (SWD) 5-9 Generalist, SWD 5-9 English, SWD 5-9 Math, SWD 5-9 Science, SWD 7-12 English, SWD 7-12 Math or SWD 7-12 Science.Item A10 has additional information about IDEA flexibility for these teachers.
- MULTIPLE EXTENDED DEADLINES. When a teacher of multiple core academic subjects is employed by a rural LEA with an approved extended deadline and the teacher is also eligible for the extended deadline for selected special education teachers, the employer may use whichever deadline gives the teacher more time to become "highly qualified" in all core academic subjects s/he teaches.
- FEDERAL ENFORCEMENT POLICY. In October 2005, U.S. Secretary of Education Margaret Spellings sent all Chief State Schools Officers a letter describing how the U.S. Department of Education (USDOE) intended to enforce the NCLB and IDEA deadline for teachers of core academic subjects to be "highly qualified" by the end of school year 2005-2006. Subsequently, the USDOE provided the following clarifying technical assistance.
 1. The USDOE will not penalize a state that it determines is making a good faith effort to comply with federal "highly qualified" teacher requirements.
 2. The USDOE expects states and LEAs to ensure that any teacher who is not "highly qualified" when hired or when given a teaching assignment is making progress to become "highly qualified" as soon as possible pursuant to an LEA's plan to ensure that 100 percent of classes in core academic subjects are taught by "highly qualified" teachers. Neither the

NCLB nor the USDOE require LEAs to terminate the employment of teachers who are not "highly qualified" for an assignment.

- A6. A teacher "supported by NCLB Title I, Part A funds" is employed by an LEA receiving NCLB Title I, Part A funds and:
- works in a "targeted assistance school" and is paid with NCLB Title I, Part A funds; or
 - works in a "schoolwide program school"; or
 - provides services to eligible private school students.

BOCES, CVEEBs, the State schools at Batavia and Rome and Special Act School Districts are not LEAs receiving NCLB Title I, Part A funds. Their teachers were not required to be "highly qualified" until the end of school year 2005-2006 or June 2007, as explained in Item A5.

- A7. Employers are responsible for determining if their teachers meet the applicable NCLB definitions of "highly qualified" because employers are subject to the NCLB, not individual teachers. The specific definition of "highly qualified" that employers must use depends on a teacher's teaching assignments and "newness" to the profession of teaching.

- Teaching assignments are either:
 1. ELEMENTARY, defined as classes in grades K-6 in common branch subjects, "special classes" for students with disabilities in grades K-6 or the age equivalent; and "special classes" for students with disabilities of any grade or age who all qualify for the New York State Alternate Assessment (NYSAA); or
 2. MIDDLE/SECONDARY, defined as classes in grades 7-12 in core academic subjects; classes in grades K-12 in the arts, languages other than English and reading; and "special classes" in core academic subjects for students with disabilities in grades 7-12 or the age equivalent unless all students in the "special class" qualify for the New York State Alternate Assessment (NYSAA).
- "Newness" to the profession of teaching is either:
 1. NEW TO THE PROFESSION, defined as the first year following the effective date of a teacher's first teaching certificate, except with respect to charter school teachers who are not certified as permitted by Education Law § 2854(3)(a-1); or
 2. NOT NEW TO THE PROFESSION, defined as after the first year following the effective date of a teacher's first teaching certificate, except with respect to charter school teachers who are not certified as permitted by Education Law § 2854(3)(a-1).

The first year of a teacher's first certification ends on the first anniversary of the effective date of a teacher's first teaching credential from any jurisdiction. Please refer to Item D2 for definitions of "new" and "not new" to the profession for teachers in charter schools who are not certified as permitted by Education Law § 2854(3)(a-1).

IDEA REQUIREMENTS FOR TEACHING ASSIGNMENTS

- A teacher of a “special class” for students with disabilities in grades 7-12 or the age equivalent must meet the NCLB definition of “highly qualified” for middle/secondary assignments, with one exception noted below. This is a change from previous New York State guidance, which was superseded when the IDEA was reauthorized in December 2004.
- The exception is that the IDEA permits a teacher to use the definition of “highly qualified” for elementary assignments when s/he teaches a “special class” whose students with disabilities of any grade or age all qualify for the New York State Alternate Assessment (NYSAA).

A8. Teachers with elementary assignments who are new to the profession (in the first year of their first certification) are "highly qualified" if they:

- have a bachelor’s or higher degree; and
- meet State certification standards* for their teaching assignments; and
- demonstrate subject knowledge and teaching skills by passing two New York State Teacher Certification Examinations: the Liberal Arts and Sciences Test (LAST) and the Assessment of Teaching Skills–Written (ATS-W). **

*See Item A12 for further information about meeting State certification standards.

**Teachers in an approved alternative teacher preparation program are not required to pass the ATS-W to be "highly qualified" while they are enrolled in the program. In addition, teachers with conditional initial certificates obtained as a result of interstate reciprocity may use subject knowledge and teaching skills certification examinations for elementary grades from their former state to demonstrate subject matter competency until they have passed the LAST and ATS-W during the two-period validity period of their conditional initial certificates.

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

- having passed examinations comparable to the LAST and ATS-W that qualified them for certification or licensure, as shown in Part G of this Fact Sheet; or
- if hired on or before June 30, 2006, or if eligible for rural, IDEA or international flexibility explained in Item A13, passing the high objective uniform State standard of evaluation (HOUSSE), as explained in Item A13 of this Fact Sheet.

A10. Teachers with middle and secondary assignments who are new to the profession (in the first year of their first certification) are "highly qualified" if they:

- have a bachelor’s or higher degree; and
- meet State certification standards* for their teaching assignments; and
- demonstrate subject matter competency for each core subject they teach with one of the following:

1. passing a New York State Teacher Certification Examination (NYSTCE) Content Specialty Test (CST) in the subject or, for grades 7-9, passing the Multi-Subject CST **; or
 2. completing an undergraduate major in the subject; or
 3. completing coursework equivalent to a major (30 credits) in the subject; or
 4. having a New York State permanent certificate in the subject; or
 5. having a graduate degree in the subject.
- * See Item A12 for further information about meeting State certification standards.
- ** Teachers with conditional initial certificates obtained as a result of interstate reciprocity may use a subject-specific middle-secondary certification examination from their former state to demonstrate subject matter competency until they have passed the CST during the two year validity period of their conditional initial certificates.

IDEA FLEXIBILITY

A special education teacher in his/her first year of certification may use the HOUSSE, defined in Item A13, to demonstrate subject matter competency in any core academic subject provided that the teacher:

- is in his/her first or second year of employment with his/her current employer; and
- is teaching two or more core academic subjects in a “special class” for students with disabilities in grades 7-12 or the age equivalent; and
- is “highly qualified” for at least one subject s/he teaches by virtue of having a certificate with one of the following certificate titles: SWD 5-9 Generalist, SWD 5-9 English, SWD 5-9 Math, SWD 5-9 Science, SWD 7-12 English, SWD 7-12 Math or SWD 7-12 Science.

- A11. Teachers with middle and secondary assignments who are not new to the profession (beyond the first year of their first certification) are “highly qualified” if they meet the qualifications in A10 but they have two additional options for demonstrating their subject matter competency:
- having passed examinations comparable to the CST that qualified them for certification or licensure, as shown in Part G; or
 - if hired on or before June 30, 2006, or if eligible for rural, IDEA or international flexibility explained in Item A13, passing the HOUSSE, as explained in Item A13.

- A12 State certification standards are met for NCLB and IDEA purposes when a teacher:
- has a valid certificate for an assignment; or
 - is doing approved “incidental teaching” or is teaching in accordance with an approved experiment in organizational change, as provided in sections 80-5.3 and 80-5.12 of the Commissioner’s Regulations, which are available online at <http://www.highered.nysed.gov/tcert/regulations.htm>.

The effective date of a certificate is the earlier of the “effective date” appearing on the certificate or the date on which the certificate was issued. A teacher who was

certified by another state and who seeks certification to teach in New York State may obtain information about becoming certified in New York State at <http://www.highered.nysed.gov/tcert/certificate/rightpathway.htm#6> and may use the effective date of his/her first certificate to determine whether s/he is “new” or “not new” to the profession to find the applicable definition of “highly qualified.” See Item D1 of this Fact Sheet for a discussion of certification standards for teachers in charter schools.

- A13. In New York State, the HOUSSE is an evaluation conducted by an LEA after August 1, 2003 as part of (1) a pre-employment review or (2) an Annual Professional Performance Review (APPR), as required by section 100.2(o) of the Commissioner's Regulations, that enables teachers beyond the first year of their first certification to demonstrate that they have subject matter competency in each core academic subject they teach based on “objective, coherent information” acceptable to the Commissioner, as listed in the New York State HOUSSE rubrics. LEAs are required to offer the HOUSSE option by section 120.6 of the Regulations of the Commissioner of Education. Teachers only need to use the HOUSSE once for each subject to demonstrate their competency in that subject indefinitely. LEAs should maintain records on each teacher's local evaluation for the HOUSSE for at least six years from the end of the last school year in which a teacher is employed. Updated HOUSSE rubrics are in Part H of this Fact Sheet.

HOUSSE LIMITATION. The USDOE's new interpretation of the NCLB requires the HOUSSE to be used only by the following teachers after June 30, 2006.

- **HIRE DATE.** Teachers who are not new to the profession (i.e., are beyond the first year of their first certification) and were hired on or before June 30, 2006 may use the HOUSSE. “Hired on or before June 30, 2006” means new employment on or before June 30, 2006 and reemployment from a Preferred Eligibility List (PEL) under sections 2510(3), 3013(13) and 2588(7) of Education Law on any date for a teacher who was originally a new employee on or before June 30, 2006. It is recommended that LEAs ask all teachers hired on or before June 30, 2006 to use the HOUSSE process as quickly as possible to demonstrate subject matter competency in all the subjects the teachers may be asked to teach during their careers as permitted under New York State certification requirements and for which they can demonstrate subject matter competency through the HOUSSE.
- **RURAL FLEXIBILITY.** Regardless of when they are hired, teachers of multiple core academic subjects who are employed by eligible rural LEAs and highly qualified in at least one subject they teach may use the HOUSSE within three years of their hire date, as explained in NCLB NYS Filed Memo #04-2004 of August 2004 and its addendum of October 2005, available at <http://www.highered.nysed.gov/nclbhome.htm>.
- **IDEA FLEXIBILITY.** Regardless of when they are hired, special education teachers may use the HOUSSE within two years of their hire date if they:
 - are “new to the profession” (in first year of certification); and

- are teaching two or more core academic subjects in a “special class” for students with disabilities in grades 7-12 or the age equivalent; and
- is “highly qualified” for at least one subject s/he is teaching by virtue of having a certificate with one of the following titles: Students with Disabilities (SWD) 5-9 Generalist, SWD 5-9 English, SWD 5-9 Math, SWD 5-9 Science, SWD 7-12 English, SWD 7-12 Math or SWD 7-12 Science.
- INTERNATIONAL FLEXIBILITY. Regardless of when they are hired, visiting teachers from other nations with an appropriate New York State credential may use the HOUSSE.
- CAVEAT. These HOUSSE limitations are subject to change in response to future USDOE guidance and the USDOE’s review of *New York’s Revised Plan to Enhance Teacher Quality*, submitted in July 2006, which included a HOUSSE limitation plan, as required. SED will continue to work with the USDOE to clarify the USDOE’s HOUSSE limitations and will issue updated guidance as new information becomes available.

NON-HOUSSE OPTIONS. Teachers hired after June 30, 2006 who are not eligible for rural, IDEA or international flexibility do not have the option of using the HOUSSE after June 30, 2006. Most of them have demonstrated subject matter competency by virtue of being certified if they are teaching a subject covered by their certificate. However, there are some assignments for which being deemed certified does not assure that a teacher has demonstrated subject matter competency. These include, but are not limited to, doing approved “incidental” teaching; teaching in accordance with an approved “experiment in organizational change;” teaching multiple core academic subjects in a “special class;” and teaching a Career and Technical Education (CTE) class used for high school credit. When teachers hired after June 30, 2006 who are not eligible for rural, IDEA or international flexibility have these assignments and have not demonstrated their subject matter competency as required in the definitions of “highly qualified” in Items A8 through A11 of this Fact Sheet, they will need to use the non-HOUSSE options in Items A8 and A10, such as passing the applicable New York State Certification Examination(s), to demonstrate their subject matter competency. Until they demonstrate subject matter competency without the HOUSSE, these teachers must be in the process of becoming “highly qualified” as quickly as possible pursuant to an LEA’s plan to have 100 percent of core classes taught by “highly qualified” teachers, and must be reported as “not highly qualified” in the annual Basic Education Data System (BEDS) annual survey.

HOUSSE PORTABILITY. As part of New York State’s plan to limit the use of the HOUSSE after June 30, 2006, as required by the USDOE, SED will be changing its policy on HOUSSE portability and plans to amend section 120.6 of the Regulations of the Commissioner of Education to implement the new policy. The old policy recommended that LEAs accept HOUSSE evaluations conducted by other employers but did not require LEAs to accept them. Under the new policy, LEAs and other public schools (defined in Item A2 of this Fact Sheet) must accept HOUSSE evaluations conducted by other employers.

- A14. The NCLB does not apply to substitute teachers. However, when students in a school receiving NCLB Title I, Part A funds are assigned, or taught for four or more consecutive weeks by, a substitute teacher who is not "highly qualified," the NCLB's parental notification requirements apply, as explained in Part E. Also, substitute teachers must meet State requirements in Part 80-5.4 of the Commissioner's Regulations, available at <http://www.highered.nysed.gov/tcert/part80.htm#5.4>
- A15. Teachers of Career and Technical Education (CTE) courses are only required to be "highly qualified" when they are teaching core classes that can be used for credit in a core academic subject for a high school diploma. Under section 100.5 of the Regulations of the Commissioner of Education, a CTE class that can be used for credit in a core academic subject for a high school diploma may be either a CTE "specialized course" [Section 100.5(b)(7)(iv)] or a CTE "integrated course" in an approved CTE program [Section 100.5(d)(6)(i)(a)]. In addition, SED policy permits students pursuing an approved sequence in CTE to use specified CTE courses to meet certain diploma requirements in general education. State policy only permits students to use CTE courses for credit in a core academic subject if the students have already passed a State assessment in the subject. When certified CTE teachers must be "highly qualified," they have several options, depending on their circumstances.
- Certified CTE teachers without bachelor's degrees cannot, by definition, be "highly qualified." They must use the Collaborative Teaching Model in Part I.
 - Certified CTE teachers with bachelor's degrees who are in their first year of certification and who have not demonstrated subject matter competency as required in Item A10 of this Fact Sheet must also use the Collaborative Teaching Model in Part I.
 - Certified CTE teachers with bachelor's degree who are beyond their first year of certification and who were hired on or before June 30, 2006 may use the options in Items A10 and A11 of this Fact Sheet, including the HOUSSE, to demonstrate their subject matter competency for any core subject they are teaching or may be asked to teach at any time in their careers. They should use it before June 2007.
 - Certified CTE teachers with bachelor's degrees who are beyond their first year of certification and who were hired after June 30, 2006 may pass a Content Specialty Test or use other methods to demonstrate subject matter competency in Item A10 and A11 of this Fact Sheet, except that they may not use the HOUSSE, or they may use the Collaborative Teaching Model in Part I.
- A16. The definition of "highly qualified" for classes of English as a Second Language (ESL) depends on the classes being taught.
- ESL itself is not a core academic subject, which means that teachers of classes that solely cover ESL are not subject to the NCLB and do not need to meet the NCLB definition of "highly qualified." However, all ESL teachers must meet the State's high standards for ESL certification for grades K through 12.

- When a teacher teaches a core academic subject with ESL methodology in grades K through 6, the teacher must meet the “elementary” definition of “highly qualified.” Note that the teacher must have dual certification, in both ESL and elementary/common branch subjects, in order to meet all State certification requirements and the certification condition in the NCLB’s “elementary” definition of “highly qualified.”
- When a teacher teaches ESL in grades 7 through 12 to limited English proficiency/English language learners (LEP/ELL) who use the class to satisfy English or language arts requirements for high school graduation, the teacher must meet the “middle/secondary” definition of “highly qualified” for English. Teachers hired after June 30, 2006 who are not eligible to use the HOUSSE (as explained in Item A13) must use one of the other options in Items A10 and A11 for demonstrating their subject matter competency in English.

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

- Teachers of bilingual classes that cover core academic subjects at the instructional level of grades K through 6, including specially designed instruction deemed equivalent to the general curriculum, must meet the NCLB definition for “elementary” teachers.
- Teachers of bilingual classes in core academic subjects at the instructional level of grades 7 through 12, including specially designed instruction deemed equivalent to the general curriculum, must meet the NCLB definition for “middle/secondary” teachers for each core academic subject they teach.

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

Part B
NCLB Requirements for “Qualified” Title I Paraprofessionals

- B1. A Title I paraprofessional is an individual who (1) has instructional support duties and (2) works in a program supported with NCLB Title I, Part A funds, as defined in B3.
- B2. Title I paraprofessionals, as defined in Item B1, must meet both State and federal requirements. They must be:

- State certified teaching assistants (or have met comparable New York City requirements by February 2, 2004); and
- "qualified," as defined by the NCLB by the deadlines in the NCLB.

An individual's job title, which is determined by an employer, is not relevant for determining whether an individual is subject to either the State's or NCLB's requirements. If an individual's job duties include providing instructional support, the individual is serving as a "teaching assistant" and must be certified (or have met comparable New York City requirements prior to February 2, 2004). If an individual's job duties include providing instructional support and the individual is "working in a program supported with Title I funds," the individual is a Title I paraprofessional and must meet both State and NCLB requirements. For detailed information, see NCLB NYS Field Memos #3-2003 and #10-2003 at <http://www.highered.nysed.gov/nclbhome.htm>.

B3. A paraprofessional "working in a program supported by Title I, Part A funds" is employed by an LEA receiving Title I, Part A funds and:

- works in a "targeted assistance school" and is paid with Title I, Part A funds; or
- works in a "schoolwide program school"; or
- provides instructional support to a public school teacher who provides equitable services to eligible private school students.

BOCES, CVEEBs, State Schools, Special Act School Districts and schools operated by other State agencies are not LEAs receiving Title I, Part A funds. Therefore, paraprofessionals employed by these entities are not subject to the NCLB, regardless of where they provide services.

B4. The NCLB permits Title I paraprofessionals to perform the following duties:

- providing instructional support services;
- one-on-one tutoring for eligible students if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
- assisting in classroom management;
- assisting in computer instruction;
- providing instructional support in a library or media center;
- conducting parent involvement activities; or
- acting as a translator.

B5. The NCLB requires all Title I paraprofessionals to perform their duties under the direct supervision of a "highly qualified" teacher. This means:

- the teacher must plan instructional activities that the paraprofessional carries out;
- the teacher must evaluate the achievement of the students with whom the paraprofessional is working; and
- the paraprofessional must work in close and frequent physical proximity to the teacher.

B6. Title I paraprofessionals must have been "qualified" by the end of school year 2005-2006 in order for their positions to continue being funded by Title I funds.

- B7. A "qualified" Title I paraprofessional has a high school diploma or a recognized equivalent when hired and meets one of the following (unless covered by an exception):
- has at least two years of college; or
 - has an associate's or higher degree; or
 - has passed a formal State or local academic assessment.
- EXCEPTIONS. Title I paraprofessionals need only have a high school diploma or a recognized equivalent to be "qualified" if their duties consist solely of:
- translating from languages other than English to enhance the participation of limited English proficient children in Title I programs; or
 - conducting parental involvement activities.
- B8. Education Options. The two educational options for being a "qualified" Title I paraprofessional are:
- two years of study (48 semester hours) at a public college or university (e.g., SUNY, CUNY) or an independent college or university; or
 - an associate's or higher degree.
- B9. Assessment Options. The assessment option for being a "qualified" Title I paraprofessional in New York State is either the State assessment (see Item B10 of this Fact Sheet) or a local assessment (see Item B11 of this Fact Sheet).
- B10. State Assessment Option. The State assessment – the New York State Assessment of Teaching Assistant Skills (NYSATAS) – serves both State and NCLB purposes. The NYSATAS is required for all candidates for State teaching assistant certificates who apply after February 1, 2004. For information about the NYSATAS, see <http://www.highered.nysed.gov/tcert/certificate/atas.htm> or write to HEATAS@mail.nysed.gov. Individuals who pass the NYSATAS are “qualified” as Title I paraprofessionals in every LEA in New York State.
- B11. Local Assessment Options. An LEA may use a locally developed or selected assessment provided that the LEA's superintendent provides assurances that the local assessment addresses knowledge of, and the ability to assist in teaching, as appropriate:
- reading/language arts, writing and math; or
 - reading readiness, writing readiness and math readiness.
- Local assessments may be in any format, including:
- written assessments;
 - tenure reviews;
 - performance reviews;
 - combinations of the above; or
 - other types of assessments.
- Commercial products* that can be used as a local assessment include:
- the Educational Testing Service's *ParaPro*, described at <http://www.parapro@ets.org> or (609) 771-7395; or

- the ACT *WorkKeys Proficiency Certificate for Teacher Assistants*, described at www.act.org/workkeys/profcert or (800) WORKKEY.

Tenure reviews may be used as local assessments. It is New York State policy that teaching assistants who are State-certified and have achieved tenure in a review conducted in accordance with Education Law sections 2509(2), 3012(2) or 2573 have met the NCLB's criteria for the local assessment.

Procedural recommendations for local assessments. SED recommends that NCLB local assessments for Title I paraprofessionals be:

- documented;
- signed and dated by the test taker and evaluator, as applicable;
- consistently used for all candidates in the same school year; and
- retained in LEA records for no less than six years from the end of the last school year in which the individual is employed.

Part C

NCLB Planning and Accountability Requirements Related to Teachers and Title I Paraprofessionals

- C1. Each LEA receiving NCLB Title I, Part A funds must provide attestations as to whether it is in compliance with the NCLB's and IDEA's requirements for teachers and Title I paraprofessionals.
- The principal of each school receiving Title I funds must attest annually, in writing, as to whether the school is in compliance.
 - Copies of the attestation must be maintained in the district office and the school and made available upon request to the public.
- C2. Each LEA receiving Title I, Part A funds must have a plan to ensure that:
- all public school teachers of core academic subjects, including teachers employed by the LEA to provide services to eligible private school students, are "highly qualified" no later than the end of school year 2005-2006 or June 2007, as explained in Item A5 of this Fact Sheet; and
 - all public school teachers of core academic subjects are receiving high quality professional development, as defined in section 9101(34) of the NCLB, to enable them to become "highly qualified" and effective classroom teachers; and
 - through incentives for voluntary transfers, professional development, recruitment programs, or other effective strategies, minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field or inexperienced teachers. This third requirement is known as the "equitable distribution of teachers" (EDT) requirement.

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

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

Item C6 describes the consequences for LEAs that do not meet these AMOs.

- C4. An LEA receiving NCLB Title I, Part A funds must use such funds for professional development activities to ensure that teachers and Title I paraprofessionals meet the NCLB's and IDEA's requirements.
- For each fiscal year after 2003, an LEA must use not less than five percent of its NCLB Title I, Part A, Subpart A funds for professional development, except as noted below.
 - An LEA is not required to spend the percentage shown above for a given fiscal year if a lesser amount is sufficient to ensure that the LEA's teachers and Title I paraprofessionals meet the NCLB's requirements.
 - An LEA may use additional NCLB Title I, Part A, Subpart A funds to support ongoing training and professional development to assist teachers and Title I paraprofessionals.

LEAs may also use other NCLB funds, or other funds, to provide "high quality professional development," as defined in Part J of this Fact Sheet, to teachers and Title I paraprofessionals.

- C5. Annual public reports must show:
- the percent of teachers of core academic subjects that are "highly qualified";
 - the percent of classes in core academic subjects being taught by teachers who are not "highly qualified" to teach the classes;
 - the percent of teachers of core academic subjects receiving high quality professional development; and
 - the percent of Title I paraprofessionals that are "qualified."

BEDS REPORTING. SED continues to enhance its Basic Educational Data System (BEDS) to comply with the NCLB's reporting requirements. Starting in school year 2006-2007, all LEAs' accurate, complete and timely BEDS data must be based on the new definitions of "highly qualified" in Items A9, A11 and A13

that limit the use of the HOUSSSE after June 30, 2006. Starting in fall 2006, SED will collect data on LEAs' use of the HOUSSSE in order to document reduced reliance on the HOUSSSE, as required by the USDOE. LEAs should maintain records on the qualifications and professional development of teachers and the qualifications of Title I paraprofessionals for no less than six years from the end of the last school year in which the individual was employed.

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

- SED must identify each NCLB Title I LEA that (1) was in Improvement Status for failing to meet Adequate Yearly Progress (AYP) for three consecutive years (2002-2003, 2003-2004 and 2004-2005); and (2) did not meet the statewide AMO of 90 percent in 2004-2005. For these LEAs, SED must enter into an agreement with the LEA on the use of NCLB Title II funds. As part of the agreement, SED must (1) develop, in conjunction with the LEA, its teachers and its principals, professional development strategies and activities, based on scientifically based research, that the LEA will use to meet the AMO and SED must require the LEA to utilize such strategies and activities; (2) prohibit the use of Title I-A funds to fund any paraprofessional hired after the date such determination is made unless (a) the LEA can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under Title I and that such new paraprofessional meets the NCLB definition of "qualified;" or (b) the LEA can demonstrate that a significant influx of population has substantially increased enrollment; or (c) the LEA can demonstrate that there is an increased need for translators or assistance with parental involvement activities. During the development of the professional development strategies and activities, SED must, in conjunction with the LEA, provide from funds allocated to the LEA directly to one or more schools served by the LEA to enable teachers at the school to chose, with continuing consultation of the principal involved, professional development activities that meet the NCLB definition of professional development and are coordinated with other reforms at the schools.
- SED must identify NCLB Title I LEAs that did not meet the statewide AMO of 90 percent in the second year of AMO monitoring (2004-2005) but that were not identified above. SED must require these LEAs to develop an improvement plan that (1) will enable them to meet the applicable statewide AMO for each school year and (2) specifically addresses issues that prevented them from meeting the 90 percent AMO.

C7. Other NCLB-required sanctions may apply to LEAs that fail to make AYP. However, those sanctions should not "be construed to alter or otherwise affect the rights, remedies and procedures afforded schools or school district employees under Federal, State or local law ... or under the terms of collective bargaining agreements, memoranda of understanding or other agreements between such employees and their employers." [NCLB section 1116(d)]

Part D

NCLB and IDEA Requirements for Charter Schools and Non-Public Schools

- D1. The NCLB and IDEA apply to individuals employed by charter schools.
- Charter school teachers must be certified to the extent required by section 2854(3)(a-1) of Education Law, which provides that all charter school teachers must be certified, except that up to thirty percent of a charter school's teaching staff, or five teachers, whichever is less, are not required to be certified if they: (1) have at least three years of elementary, middle or secondary classroom teaching experience; (2) are tenured or tenure track college faculty; (3) have two years of satisfactory experience through the Teach for America program; or (4) have exceptional business, professional, artistic, athletic, or military experience (the "thirty/five exception." It is SED's policy that New York City licenses are valid certificates for use in charter schools located in New York City.
 - All charter school teachers who teach core academic subjects, including those teachers retained in accordance with the "thirty/five exception," must also meet the remaining requirements for a "highly qualified" teacher applicable to other public schools. Thus, they must: (1) have at least a bachelor's degree; and (2) meet the applicable subject matter competency requirements described in Items A8 through A11. Charter schools must maintain records to document their teacher's qualifications. Charter schools may use the HOUSSE, as described in Items A9, A11 and A13, as part of the teacher evaluation process in their charter document that is comparable to an Annual Professional Performance Review.
 - The NCLB's requirements for Title I paraprofessionals apply to charter schools that receive Title I, Part A funds.
- D2. "Newness" to the profession for charter school teachers is defined as follows.
- New to the profession is defined as the first year following the effective date of a teacher's first teaching certificate, except with respect to charter school teachers who are not certified as permitted by Education Law § 2854(3)(a-1), for whom new to the profession is the first year following the date upon which the teacher meets the applicable qualification in Education Law § 2854(3)(a-1), as determined by the charter school.
 - Not new to the profession is defined as after the first year following the effective date of a teacher's first teaching certificate, except with respect to charter school teachers who are not certified as permitted by Education Law § 2854(3)(a-1), for whom not new to the profession is after the first year following the date upon which the teacher meets the applicable qualification in Education Law § 2854(3)(a-1) as determined by the charter school.
- D3. The NCLB's and IDEA's requirements for teachers and Title I paraprofessionals do not apply to individuals employed by non-public schools. (See Item A2 of this Fact Sheet for information about State certification requirements for approved private schools providing services to students with disabilities.)

Part E

NCLB Parents Right to Know Requirements

- E1. At the beginning of each school year, starting in fall 2002, LEAs receiving NCLB Title I funds must notify parents of students attending schools receiving Title I funds that the parents have a right to information about the professional qualifications of their child's classroom teachers. Information must be provided regardless of whether teachers are employed directly by the LEA or under contract with another entity, such as a BOCES. Information must address:
- whether the teacher has State certification for the classes being taught;
 - the teacher's bachelor's degree major and any other certifications or degrees by field or discipline; and
 - whether the child is provided services by paraprofessionals and, if so, their qualifications.

Notices may be in any format, including newsletters that go to every parent, and must be clear and in languages parents can understand. Notices must tell parents how they can obtain the information to which they are entitled.

- E2. Each school receiving NCLB Title I, Part A funds must provide to each individual parent the following information:
- child's performance on State academic assessments; and
 - as appropriate, timely notice that the child has been assigned, or has been taught for four or more consecutive weeks by, a teacher of a core academic subject who is not "highly qualified."

This information must be sent to each parent individually to protect privacy and, to the extent practicable, in a language that parents can understand. LEAs must provide notice that a child has been assigned, or taught for four or more consecutive weeks by, a teacher of a core academic subject who is not "highly qualified" even when the NCLB does not require the teacher to be "highly qualified" until the end of school year 2005-2006 or June 2007, as explained in Item A5 of this Fact Sheet.

Part F

Links to Further Information

- F1. Further information about the NCLB's and IDEA's requirements in New York State is available at the following web sites and email addresses.
Web: NCLB (PERSONNEL) <http://www.highered.nysed.gov/nclbhome.htm>
Web: NCLB (ALL) <http://www.emsc.nysed.gov/deputy/nclb/nclbhome.htm>
Email: (ALL TOPICS) nclbnys@mail.nysed.gov
- F2. Further information about New York State's requirements for teachers and school support personnel (also called paraprofessionals) is available at the following web sites and email addresses.
- STATE CERTIFICATION OF TEACHERS AND TEACHING ASSISTANTS
Web: <http://www.highered.nysed.gov/tcert/>
Email: Tcert@mail.nysed.gov
- STATE TEST FOR TEACHING ASSISTANTS
Web: <http://www.highered.nysed.gov/tcert/certificate/atas.htm>
Web: <http://www.nysatas.nesinc.com/> (registration, preparation)
Email: HEATAS@mail.nysed.gov
- ANNUAL PROFESSIONAL PERFORMANCE REVIEWS
Email: Emscgen@mail.nysed.gov
Web: <http://www.emsc.nysed.gov/part100/opener.html>

Part G

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

NOTE: July 2006 revisions take effect July 1, 2006.

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

Checklist for Determining Whether Public School Teachers of Core Academic Subjects Meet the NCLB Definition of "Highly Qualified"

ELEMENTARY TEACHING ASSIGNMENT

In this assignment, the teacher is the teacher of record in (1) a common branch class in grades K-6; (2) a special education class of students with disabilities of equivalent age to grades K-6; or (3) a special education class in which all students are eligible for the NYS Alternate Assessment (NYSAA)

1. Do you have a bachelor's or higher degree?

Yes. GO TO 2.

No. STOP. **YOU ARE NOT HQ FOR THIS ASSIGNMENT.**

2. Are you *deemed certified* for this teaching assignment?

I have a NYS certificate that is valid for the assignment. GO TO 3.

I have a NYC license that is valid for the assignment and am employed by the City School District of NYC or a NYC charter school. GO TO 3.

I have a Buffalo license that is valid for the assignment and am employed by the City School District of Buffalo. GO TO 3.

This assignment is approved incidental teaching for no more than 5 classroom hours per week. GO TO 3.

This assignment is covered by an approved experiment in organizational change in grades 5, 6, 7 and / or 8. GO TO 3.

I am employed by a charter school and covered by its certification exemption. GO TO 3.

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

3. Are you in your first year of certification?

No. GO TO 4.

Yes. CONTINUE IN 3.

YES (continued)

I passed both the Liberal Arts and Sciences Test (LAST) and Assessment of Teaching Skills-Written (ATS-W). STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I have a conditional initial certificate and passed one or more exams for this certificate from **BOX A**. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I have a transitional certificate for this assignment. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

4. Only use Item 4 if you are past your first year of certification.

I passed both the LAST and ATS-W. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I have a conditional initial certificate and passed one or more exams for this certificate from **BOX A**. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I passed exams comparable to the LAST and ATS-W (in **BOX A**) to qualify for licensure or certification. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I passed a NYC Board of Examiners Examination to qualify for licensure for this assignment and am employed by NYC. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I passed a City of Buffalo examination to qualify for licensure for this assignment and am employed by Buffalo. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I have a transitional certificate for this assignment. STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

I was hired on or before June 30, 2006 (or I teach in an "eligible rural LEA" within 3 years of being hired or I am a visiting international teacher) and I passed New York State's HOUSSÉ for "elementary" assignments.

STOP. **YOU ARE HQ FOR THIS ASSIGNMENT.**

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

BOX A COMPARABLE EXAMS	
LAST	<ul style="list-style-type: none"> NTE Communications Skills and General Knowledge Test
ATS-W	<ul style="list-style-type: none"> NTE Professional Knowledge Test; <u>or</u> Assessment of Teaching Skills-Performance (ATS-P)
BOTH	<ul style="list-style-type: none"> National Board Certification; <u>or</u> For a teacher with a <u>conditional initial certificate</u>, PRAXIS II Subject Assessment (for grades K-6) or other exams used to qualify for certification to teach Grades K-6 in a reciprocity state.

Teacher's Name _____ Signature _____ Date _____

District Representative's Name _____ Signature _____ Date _____

Revised July 2006

Model Checklist for Determining Whether Public School Teachers of Core Academic Subjects Meet the NCLB Definition of "Highly Qualified"

MIDDLE - SECONDARY TEACHING ASSIGNMENT

In this assignment, the teacher is the teacher of record in English/language arts, math, science or social studies in grades 7-12 or in the arts, languages other than English or reading/literacy in grades K-12 or in a special education class of students with disabilities in grades 7-12 or the age equivalent.

SUBJECT OF THIS ASSIGNMENT: (CIRCLE ONE) English Math Science (specify) _____ Social Studies Arts Language Other Than English (specify) _____ Reading/Literacy
All these subjects, except Languages Other Than English and secondary sciences, can be common branch subjects in grades 7 through 9.

1. Do you have a bachelor's or higher degree?
__ Yes. GO TO 2.
__ No. STOP. **YOU ARE NOT HQ.** Career and Technical Education (CTE) teachers must use the Collaborative Teaching Model at <http://www.highered.nysed.gov/nclb04-2003c.htm>.
2. Are you *deemed certified* for your teaching assignment?
__ I have a NYS certificate that is valid for this assignment. GO TO 3.
__ I have a NYC license that is valid for the assignment and am employed by the City School District of NYC or a NYC charter school. GO TO 3.
__ I have a Buffalo license that is valid for the assignment and am employed by the City School District of Buffalo. GO TO 3
__ This assignment is approved incidental teaching for no more than 5 classroom hours per week. GO TO 3.
__ This assignment is covered by an approved experiment in organizational change in grades 5, 6, 7 and/or 8. GO TO 3.
__ I am employed by a charter school and covered by its certification exemption. GO TO 3.
__ None of the above. STOP. **YOU ARE NOT HQ.**
3. Are you in your first year of certification?
__ No. GO TO 4.
__ Yes. CONTINUE IN 3.
YES (continued)
__ I passed a Content Specialty Test (CST) in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I teach this common branch subject in grades 7, 8 and/ or 9 and I passed the Multi-Subject CST. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I have a conditional initial certificate and I passed a comparable exam for the above subject (in BOX B). STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I have an undergraduate major or 30 undergraduate or graduate credits in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I have a graduate degree in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I have a Students with Disabilities (SWD) 5-9 generalist, SWD 5-9 English, SWD 5-9 math, SWD 5-9 science, SWD 7-12 English, SWD 7-12 math or SWD 7-12 science certificate **and** I teach multiple core academic subjects to SWD **and** I passed the NYS HOU SSE for "middle/secondary" teachers in the above subject **and** I was hired no more than 2 years ago. STOP. **YOU ARE HQ FOR THIS SUBJECT**
__ None of the above. STOP. **YOU ARE NOT HQ FOR THIS SUBJECT.**
4. Only use this list if you are past your first year of certification.
__ I passed a Content Specialty Test (CST) in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I teach this common branch subject in grades 7, 8 and/or 9 and I passed the Multi-Subject CST. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I passed a comparable exam (in BOX B) in the above subject to qualify for certification or licensure. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I passed a NYC Board of Examiners Examination to qualify for licensure in this subject and am employed by NYC. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I passed a City of Buffalo examination to qualify for licensure in this subject and am employed by Buffalo. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I have an undergraduate major or 30 undergraduate or graduate credits in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I have a graduate degree in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I have a permanent certificate (or its equivalent in NYC or Buffalo) in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ I have a Students with Disabilities (SWD) 5-9 generalist, SWD 5-9 English, SWD 5-9 math, SWD 5-9 science, SWD 7-12 English, SWD 7-12 math or SWD 7-12 science certificate **and** I teach multiple core academic subjects to SWD **and** I passed the NYS HOU SSE for "middle/secondary" teachers in the above subject **and** I was hired no more than 2 years ago . STOP. **YOU ARE HQ FOR THIS SUBJECT**
__ I was hired on or before June 30, 2006 (or I teach multiple core subjects in an "eligible rural LEA" within 3 years of being hired or I am a visiting international teacher) **and** I passed the NYS HOU SSE for "middle-secondary" assignments in the above subject. STOP. **YOU ARE HQ FOR THIS SUBJECT.**
__ None of the above. STOP. **YOU ARE NOT HQ FOR THIS SUBJECT.**

BOX B COMPARABLE EXAMS	
CST	<ul style="list-style-type: none">▪ NTE in the secondary subject; <u>or</u>▪ National Board Certification in the secondary subject; <u>or</u>▪ <u>For a teacher with a conditional initial certificate</u>, PRAXIS II in the secondary subject or other exams in the subject used to qualify for certification to teach the subject in Grades 7-12 in a reciprocity state.

Teacher's Name _____ Signature _____ Date _____
District Representative's Name _____ Signature _____ Date _____

Please duplicate this form if you have additional teaching assignments in other core academic subjects.

Part H

HOUSSE Rubrics

- HOUSSE LIMITATION. After June 30, 2006, teachers may only use the HOUSSE if they meet the criteria in Item A13 of this Fact Sheet. HOUSSE limitations are subject to change in response to future USDOE guidance and the USDOE's review of New York's Revised Plan to Enhance Teacher Quality, submitted on July 7, 2006, which included a HOUSSE limitation plan, as required.
- LEAs must use the exact language of New York State's HOUSSE rubrics. They may change the rubrics' format to include signature lines and dates but they may not alter the substance of the HOUSSE rubric items or point system in any way.
- As of March 2006, these updated HOUSSE rubrics superseded rubrics in NCLB NYS Field Memo #05-2003 (revised January 2004) and Addendum #01 (August 2004) to NCLB Field Memo #05-2003 in response to requirements in the Individuals with Disabilities Act (IDEA).
- The only revisions were in the top portions of the rubrics, which describe the teachers permitted to use each rubric.
- Teachers and administrators may not decide whether to use the rubric for elementary assignments or middle/secondary assignments based on the level of instruction a teacher provides. The reauthorized IDEA requires teachers of "special classes" for students with disabilities to use the HOUSSE rubric that applies to the grade level of their students or their students' age equivalent, with one exception.
- The single exception is for teachers of "special classes" whose students all qualify for the New York State Alternate Assessment (NYSAA). These teachers may use the rubric for elementary assignments, regardless of the grade or age equivalent of their students.
- Part 1 of the updated HOUSSE rubric applies to teachers with ELEMENTARY ASSIGNMENTS, defined as:
 - classes in grades K-6 in common branch subjects;
 - "special classes" for students with disabilities in grades K-6 or the age equivalent;
 - and
 - "special classes" for students with disabilities of any grade or age who all qualify for the New York State Alternate Assessment (NYSAA).
- Part 2 of the updated HOUSSE rubric applies to teachers with MIDDLE AND SECONDARY ASSIGNMENTS, defined as:
 - classes in grades 7-12 in core academic subjects;
 - classes in grades K-12 in the arts, languages other than English and reading;
 - and
 - "special classes" in core academic subjects for students with disabilities in grades 7-12 or the age equivalent.

NEW YORK STATE HOUSSE RUBRIC - Part 1

This rubric is for teachers with **ELEMENTARY ASSIGNMENTS**, defined as classes in grades K-6 in common branch subjects; “special classes” for students with disabilities in grades K-6 or the age equivalent; and “special classes” for students with disabilities of any grade or age who all qualify for the New York State Alternate Assessment (NYSAA).

- Teachers of the above classes who are beyond the first year of their first certification and who have not passed **both** the New York State Teacher Certification Examination (NYSTCE) Liberal Arts and Sciences Test (LAST) **and** the NYSTCE Assessment of Teaching Skills – Written (ATS-W) -- or comparable tests accepted by SED when they were certified -- may demonstrate their subject matter competency and teaching skills using a “high objective uniform State standard of evaluation” (HOUSSE).
- To use the HOUSSE to demonstrate subject matter competency and teaching skills, teachers described above must earn at least 100 points as part of either (1) a pre-employment review or (2) an Annual Professional Performance Review conducted after August 1, 2003. Points may be earned on every line below.

Please refer to Part 3 for definitions.

#	Coherent, objective information	POINTS EARNED
EDUCATION AND CREDENTIALS		
1	Successful completion of (a) a bachelor’s degree program with a general education component or (b) the Liberal Arts and Sciences Test (LAST). <i>(30 points)</i>	
2	Successful completion of a State-approved program leading to a common branch or special education certificate <u>or</u> successful completion of a State transcript review or individual evaluation leading to a common branch or special education certificate <u>or</u> possession of an extension to teach common branch classes on a 7–12 subject matter certificate. <i>(30 points)</i>	
3	Successful completion of a State-approved graduate program or 30 graduate credits in elementary education, special education, reading, math or other common branch subjects <i>(30 points)</i> or graduate credit in those subjects <i>(20 points for every 3 graduate credits)</i> .	
4	Certification by the National Board of Professional Teaching Standards in elementary education or special education. <i>(100 points)</i>	
PROFESSIONAL EXPERIENCE AND DEVELOPMENT		
5	Teaching experience in common branch or special education classes. <i>(Up to 50 points, 10 points per year, 15 points per year after school year 1998-1999)</i>	
6	Successful completion of professional development, pursuant to an employer’s professional development plan, that is aligned with the Regents learning standards. <i>(10 points for every 5 contact hours)</i>	
7	Supervision of a student teacher in a State-approved program leading to elementary or special education certification. <i>(30 points)</i>	
8	Professional service in elementary or special education. <i>(Up to 50 points, 10 points for each instance of professional service)</i> .	
9	A formal review of subject knowledge and teaching skills. <i>(50 points)</i>	
	TOTAL POINTS	
	Revised March 2006	

NEW YORK STATE HOUSSE RUBRIC - Part 2

This rubric is for teachers with MIDDLE/SECONDARY ASSIGNMENTS, defined as classes in grades 7-12 in core academic subjects; classes in grades K-12 in the arts, languages other than English and reading; and "special classes" in core academic subjects for students with disabilities in grades 7-12 or the age equivalent..

- Teachers of the above classes who are beyond the first year of their first certification (or permitted to use IDEA flexibility) and who have not demonstrated their subject matter competency for each core academic subject they teach in one of the ways permitted by the NCLB may demonstrate their subject matter competency using a "high objective uniform State standard of evaluation" (HOUSSE). The other ways that teachers may demonstrate their competency in a core academic subject are: (1) passing a NYSTCE Content Specialty Test (CST) in the subjects or a comparable test accepted by SED when they were certified; (2) completing an undergraduate major in the subjects; (3) completing coursework equivalent to a major (30 credits) in the subjects; (4) completing a graduate degree in the subjects; or (5) having a NYS permanent or professional certificate in the subjects.
- To use the HOUSSE to demonstrate subject matter competency in each core academic subject they teach, teachers described above must earn at least 100 points using this checklist as part of either (1) a pre-employment review or (2) an Annual Professional Performance Review conducted after August 1, 2003. Points may be earned on every line below.

Please refer to Part 3 for definitions.

CORE ACADEMIC SUBJECT:

#	Coherent, objective information for the above subject	POINTS EARNED
EDUCATION AND CREDENTIALS		
1	Successful completion of (a) a bachelor's degree program with a general education component or (b) the Liberal Arts and Sciences Test (LAST) <i>(30 points)</i>	
2	Successful completion of a State-approved program leading to a certificate in the subject <u>or</u> a State transcript review or individual evaluation leading to a certificate in the <i>subject (30 points)</i>	
3	Successful completion of college courses in the subject <i>(20 points for every 3 undergraduate credits and 30 points for every 3 graduate credits)</i>	
4	Licensure in a recognized profession that is related to the subject. <i>(100 points)</i>	
5	Passing a federal or industry-standard exam in an occupational field related to the subject. <i>(100 points)</i>	
6	Certification in the subject by the National Board of Professional Teaching Standards. <i>(100 points)</i>	
PROFESSIONAL EXPERIENCE AND DEVELOPMENT		
7	Teaching experience in the subject in grades 7-12, including specially designed instruction deemed equivalent to the general education curriculum in grades 7-12. <i>(Up to 50 points, 10 points per year, 15 points per year after school year 1998-1999)</i>	
8	Successful completion of professional development in the subject, pursuant to an employer's professional development plan, that is aligned with the Regents learning standards. <i>(Up to 50 points; 10 points for every 5 contact hours)</i>	
9	Supervision of a student teacher in a State-approved program leading to certification in the subject or to certification in special education in a setting in which specially designed instruction deemed to be equivalent to the general education curriculum in grades 7 through 12 is provided. <i>(30 points)</i>	
10	Professional service related to the subject. <i>(Up to 50 points, 10 points for each instance of professional service.)</i>	
11	Formal review of subject knowledge. <i>(50 points)</i>	
12	ONLY FOR TEACHERS OF MULTIPLE CORE ACADEMIC SUBJECTS WHO ARE "HIGHLY QUALIFIED" IN AT LEAST ONE CORE ACADEMIC SUBJECT. Mentoring or a program of intensive support that consists of structured guidance and regular, ongoing support in the subject from another teacher who is "highly qualified" in the subject. <i>(Up to 60 points, 20 points per year)</i>	
	TOTAL POINTS	
	Revised March 2006	

NEW YORK STATE HOUSSE RUBRIC - Part 3

Definitions

FORMAL REVIEW

A formal review must be based on coherent, objective information about a teacher's subject matter competency in a subject. Reviews must cover at least one of the following:

- Instructional goals, objectives and plans
- Instructional delivery
- Student achievement
- Self-assessment

Formal reviews should be conducted in accordance with local collective bargaining agreements, where applicable, but such agreements need not include such reviews.

A peer review conducted by the New York State Academy of Teaching and Learning, described at <http://www.nysatl.nysed.gov/>, is acceptable.

GENERAL EDUCATION COMPONENT

The general education component of undergraduate programs is the coursework in the liberal arts and sciences that must be part of every State-approved bachelor's degree program in New York State under section 3.47 of the Commissioner's Regulations. For example, the liberal arts and sciences must be three-quarters of the work in Bachelor of Arts programs; one-half the work in Bachelor of Science programs; and one-quarter of the work in specialized bachelor's degree programs such as architecture.

PRE-EMPLOYMENT REVIEW

Candidates for teaching positions who are beyond their first year of certification may, with the agreement of their prospective employers, use the HOUSSE to demonstrate subject matter competency for all subjects they would be assigned to teach if they were hired.

PROFESSIONAL SERVICE

Examples of instances of professional service that would demonstrate a teacher's subject matter competency, and be counted as 10 points for each example, include:

- Providing district-approved professional development about the core subjects
- Providing mentoring to another teacher of the core subjects
- Giving presentations at professional meetings about the core subjects
- Developing curriculum in the core subjects
- Publishing in professional publications (journals, chapters, books) about the core subjects
- In the case of special education teachers:
 - Providing consultation services to general education teachers about teaching the general curriculum to students with disabilities
 - Providing special education services to students with disabilities in core academic subject areas
 - Providing services to nondisabled students in general education classes under the "incidental benefits" provisions of the IDEA
 - Providing supplemental instruction to students with disabilities related to a core subject area

Other comparable services may also be used.

Service can address either (1) the core academic subject itself or (2) strategies for teaching the core academic subject.

RECOGNIZED PROFESSIONS OR FEDERAL OR INDUSTRY-STANDARD EXAMS IN AN OCCUPATIONAL FIELD RELATED TO THE SUBJECT

Career and Technical Education teachers would be most likely to use this type of information. LEAs and BOCES may use their best judgment to decide whether professional licensure and occupational exams are related to core academic subjects. See <http://www.op.nysed.gov/> for a list of professions licensed by the Board of Regents.

March 2006

Part I

Collaborative Teaching Model for Career and Technical Education

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

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

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

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

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

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

HIGH QUALITY PROFESSIONAL DEVELOPMENT. The following definition of “professional development” is from section 9101(34) of the NCLB. Professional development that reflects the principles in this definition is considered to be “high-quality” professional development. “High-quality” professional development need not meet all the criteria in this definition.

“(34) PROFESSIONAL DEVELOPMENT- The term professional development’ —

(A) includes activities that —

(i) improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;

(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

(iii) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;

(iv) improve classroom management skills;

(v)(I) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and

(II) are not 1-day or short-term workshops or conferences;

(vi) support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;

(vii) advance teacher understanding of effective instructional strategies that are —

(I) based on scientifically based research (except that this subclause shall not apply to activities carried out under part D of title II); and

(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and

(viii) are aligned with and directly related to —

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

(II) the curricula and programs tied to the standards described in subclause (I) except that this subclause shall not apply to activities described in clauses (ii) and (iii) of section 2123(3)(B);

(ix) are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;

(x) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

(xi) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;

- (xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;
- (xiii) provide instruction in methods of teaching children with special needs;
- (xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and
- (xv) include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and
- (B) may include activities that —
 - (i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;
 - (ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and
 - (iii) provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.”

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

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

(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) includes research that —

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

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