

# **Last Minute Memorandum**

**June 10, 2003**

**To: STATE BOARD MEMBERS**

**From: Karen M. Steentofte  
Chief Counsel**

**Re: Item # 6**

**Subject: No Child Left Behind (NCLB) Teacher Requirements**

[Attached](#) is a revised proposal for meeting the NCLB Teacher Requirements. The revisions are the result of a collaborative effort with the California Commission on the Teacher Credentialing and the AB 312 Liaison Team. It is recommended that the Board adopt this proposal in concept and direct staff to seek technical assistance from the United States Department of Education to ensure that the proposal meets all the federal requirements. After receiving advice from the USDE, staff will bring the proposal, with any revisions, and regulations, if necessary, back to the Board in July for further action.

## **Item #6 June 2003**

### **Introduction for No Child Left Behind Teacher Requirements**

June 10, 2003

The staff of the State Board of Education (SBE), the Office of the Secretary of Education (OSE), the Commission on Teacher Credentialing (CTC), and the California Department of Education (CDE) has been working for over a year to develop a definition by which California could meet the Teacher Requirements of the No Child Left Behind Act (also known as the Highly Qualified Teacher requirement). All along, the effort has been to meld the requirement of this new federal law with California's existing teacher preparation and credentialing process and produce a new system that is as transparent to teachers and administrators as possible while still adhering to the new standards required by NCLB. This is an opportunity to improve upon an already good system with the backing and support of the federal government.

California's teacher preparation and credentialing system provides those seeking to enter the teaching profession two means by which to demonstrate their subject matter competency: (1) passing a subject matter examination (CSET, MSAT<sup>1</sup>) or (2) completion of a Commission-approved subject matter program with embedded culminating assessments. In order meet the NCLB "rigorous state test" requirement, elementary multiple-subject credential candidates would need to pass either (1) a State approved validated multiple subject matter test, or (2) a validated statewide culminating exam. (NCLB provides several options by which new middle and high school teachers can demonstrate their subject matter competency and therefore options for teachers at those levels need not be discussed with regard to the State test or coursework alternatives. Details for new middle and high school teachers are included in the attached draft.)

A recent letter from Congressman George Miller advises California not to rely on the current culminating assessment requirement as a means by which candidates can demonstrate subject matter competency because currently, they are not rigorous or uniform across the state. Steps would need to be taken to revamp the current culminating assessment requirements before they could be utilized to meet the NCLB Teacher Requirements. It would be necessary to ensure that the culminating assessments were validated and uniform measures of the subject matter that elementary teachers need to know to teach in California before they could be used. At its June 2003 meeting, the CTC discussed a proposal to strengthen and make uniform Subject Matter Program Standard 6 dealing with the culminating assessment. CTC staff was directed to seek input from CTC's stakeholders and draft a revised standard for consideration at CTC's August meeting. According to Commission leadership, Standard 6 could be redrafted to require that candidates demonstrate compliance with NCLB through passage of a State Certified Subject Matter examination.

While the above methods of demonstrating subject matter competency are necessary for teachers "new" to the profession, NCLB provides for an alternative method for teachers "not new" to the profession. That method, a high objective uniform State standard of evaluation (HOUSE for short),

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<sup>1</sup> Candidates who took and passed a portion of MSAT prior to January 23, 2003 may take the MSAT.

will allow “not new” to the profession teachers in California to demonstrate their subject matter competency through a process in conjunction with, and similar to, the Stull Act evaluations and assessments that teachers currently experience every two years. An outline of that process is included in the attached draft. While not part of this proposal, a student achievement growth analysis is also being developed that school districts could use in the HOUSE method to exempt teachers from the evaluation. At least one other State and several large school districts are testing this method and have received an initially positive response from USDE.

Given that NCLB allows for differing methods of demonstrating subject matter competency for “new” and “not new” to the profession teachers, it becomes important to define which teachers are “new” and “not new” to the profession. The attached draft proposes defining “new” to the profession as those that graduated and received a credential or began an approved intern program after July 1, 2002, and “not new” as those that graduated and received a credential or were enrolled in, or had completed, an approved intern program before July 1, 2002.

In addition to determining what must be done to demonstrate subject matter competency, it must also be determined when the demonstration must be completed. NCLB is fairly specific in this regard; stating that teachers hired into a Title I program after the first day of the 2002-2003 school year must meet the NCLB Teacher Requirements when hired. All other teachers (non-Title I and those Title I teachers hired before the first day of the 2002-2003 school year) have until the end of the 2005-2006 school year to meet the requirements. The attached draft proposes that the first day of school be defined as the first day of the school year that students report to the school per the district school calendar. As administering compliance dates could be difficult, particularly in districts with a year-round calendar, CDE will provide suggested method for districts to track when each teacher must meet the NCLB requirements and whether or not they have successfully met them.

Below is a chart that identifies the effect of this draft proposal on different categories of teachers.

Teachers already meeting NCLB Teacher Requirements	Teachers who have until the end of 2005-2006 school year to meet NCLB Teacher Requirements	Teachers who must meet the NCLB Teacher Requirements when hired
<p>Elementary, Middle and High School teachers who are interns or have a credential by passing State Multiple Subject/Subject Matter examination. (CTC estimates 60% of elementary teachers in this category.)</p>	<p>All teachers hired <u>before</u> the first day students report to school per the district school calendar in 2002-2003, regardless of grade span taught or whether the teacher is “new” or “not new” to the profession.</p> <p>Most of these teachers will demonstrate subject matter competency through HOUSE.</p>	<p>Teachers hired to teach in Title I, Part A, programs* after the first day students report to school per the district school calendar in 2002-2003, regardless of grade span taught or whether the teacher is “new” or “not new” to the profession.</p> <p>Some of these teachers will be “not new” to the profession and can use the HOUSE method to demonstrate subject matter competency.</p> <p>Teachers “new” to the profession who have not passed one of the approved State tests will have to do so. See transition period in attached draft proposal (page 6).</p>
<p>Middle and High School Teachers who have met subject matter requirements through a Commission- approved subject matter program or who have earned a supplementary authorization based on a degree or major in the subjects taught</p>	<p>Teachers not teaching in a Title I program hired <u>after</u> the first day students report to school per the district school calendar in 2002-2003, regardless of grade span taught or whether the teacher is “new” or “not new” to the profession.</p>	
<p>All “not new” teachers that are nationally board certified in the subjects taught</p>		

\* If working in a school-wide Title I, Part A, school, the requirement applies to all teachers of core academic subjects. In a Title I, Part A, targeted assistance program, the requirement applies only to teachers paid from Title I, Part A, funds, and teaching core academic subjects.

Attached is the draft proposal described above for implementing the No Child Left Behind (NCLB) Teacher Requirements in California. This draft includes:

- 1) Timeline for Compliance
- 2) Elementary Teacher Requirements- Both “New” and “Not New” to the Profession
- 3) Middle and High School Teacher Requirements- Both “New” and “Not New” to the Profession
- 4) Categories of licenses and/or programs that do not meet NCLB Teacher Requirements
- 5) Definitions, including what is a “New” and “Not New” to the Profession Teacher

The requirements are organized by grade span in order to assist administrators and teachers who typically work in grade span programs. Therefore the discussion of requirements for teachers “new” and “not new” to the profession can be found both under Elementary Level and Middle and High School Level as the requirements for each level differ. The Timeline for Compliance, which is not contingent upon grade span or whether a teacher is “new” or “not new” to the profession can be found at the beginning, before the grade span discussion.

Finally, the Definitions, including what is a “New” and “Not New” to the Profession Teacher, are found at the end as these terms are used throughout the draft. Familiarity with the definition would be useful prior to reading this draft.

## **No Child Left Behind Teacher Requirements**

June 10, 2003

The No Child Left Behind Act includes requirements that all teachers of core academic subjects must meet. Core academic subjects include English, reading, language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography (NCLB Section 9101).

### **Timeline for Compliance**

The timeline for meeting the NCLB Teacher Requirements is contingent upon two elements: (1) the date of employment and (2) whether the teacher is working in a program supported by Title I funds (targeted assistance or school-wide).

#### ***Compliance required immediately:***

If hired after the first day of school\* in the 2002-03 school year and working in a program supported with Title I, Part A, funds (school-wide or targeted assistance), the teacher must meet the NCLB requirements on the date of employment.\*\*

#### ***Compliance required by end of the 2005-2006 school year:***

If hired after the first day of school\* in the 2002-03 school year and NOT working in a program supported with Title I, Part A, funds (school-wide or targeted assistance), the teacher must meet the NCLB requirements by the end of the 2005-06 school year.

If hired before the first day of school\* in the 2002-03 school year, the teacher must meet the NCLB requirements by the end of the 2005-06 school year, regardless of whether working in a program supported by Title I, Part A, funds or not.

#### ***Notes:***

\*The first day of school is defined as the first day of school that students report to the school per the district school calendar.

\*\*If working in a school-wide Title I, Part A, school, the requirement applies to all teachers of core academic subjects hired after the first day of school in the 2002-03 school year. In a Title I, Part A, targeted assistance program, the requirement applies only to teachers paid from Title I, Part A, funds, teaching core academic subjects who were hired after the first day of school in the 2002-03 school year.

## **Elementary Level Teachers-- Meeting NCLB Requirements**

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 intern program or has a credential, and
- (3) meets the applicable requirements below.

**A teacher who meets the NCLB requirements and is NEW to the profession at the elementary level**, in addition to holding at least a bachelor's degree and either being currently enrolled in an intern program or having a credential, must have passed a validated statewide subject matter examination certified by the Commission on Teacher Credentialing, such as CSET or MSAT.

**[Title I Schools Transition Period.** A relatively small group of elementary teachers, who earned their credential through a CCTC approved program and were hired into a Title I program, will not have met the NCLB Teacher Requirements because they have not take a "rigorous State exam." A limited transition period, from July 1, 2002 to June 30, 2004, is necessary to provide notice of the NCLB teacher requirements to these teachers in order to provide them with an opportunity to comply with NCLB. Teachers in this transition period would be allowed to meet the NCLB requirements through the high objective uniform state standard evaluation (HOUSE), or alternatively, the school district would be encouraged to immediately provide the teacher with a professional development program, if necessary, and a schedule that assists them in passing an approved exam as quickly as possible, but no later than June 30, 2004. The Title I set aside for professional development under section 1119(l) could be utilized to assist teachers in this category to pass the exam as soon as possible.]

**A teacher who meets NCLB requirements and is NOT NEW to the profession at the elementary level**, in addition to holding at least a bachelor's degree and either being currently enrolled in an intern program or having a credential, must have completed one of the following:

- (1) a validated statewide subject matter examination certified by the Commission on Teacher Credentialing, such as CSET or MSAT
- (2) in lieu of the high objective uniform state standard evaluation (number 4 below), National Board Certification
- (3) the following high objective uniform state standard evaluation: In conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662 (commonly referred to as a Stull Act review), determine the teacher's subject matter competence in each of the academic subjects taught by the teacher by the means utilized to satisfy section 44662, except that (1) subject matter shall be defined as the State Academic Content Standards 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. The demonstration of subject matter competence shall include some combination 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.

This one time demonstration of subject matter competence shall be evaluated by a person or persons knowledgeable in the State Academic Content Standards for the grade and subject for which the teacher is demonstrating competency.

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.

## **Middle & Secondary Level Teachers--Meeting NCLB Requirements**

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 intern program or has a full Credential, and
- (3) meets the one of the applicable requirements below.

### **A teacher who meets NCLB requirements and is NEW to the profession at the**

**middle and secondary levels,** in addition to holding at least a bachelor's degree and either being currently enrolled in an intern program or having a Credential in the subject taught, must have passed or completed one of the following for every core subject currently assigned:

- (1) validated statewide subject matter examination certified by the Commission on Teacher Credentialing OR
- (2) undergraduate major in the subject taught, OR
- (3) graduate degree in the subject taught, OR
- (4) coursework equivalent to undergrad major, OR
- (5) advanced certification or credentialing

### **A teacher who meets NCLB requirements and is NOT NEW to the profession at the**

**middle and secondary levels,** in addition to holding at least a bachelor's degree and either being currently enrolled in an intern program or having a Credential, 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 OR.

- (2) undergraduate major in the subject taught, OR
- (3) graduate degree in the subject taught, OR
- (4) coursework equivalent to undergrad major, OR
- (5) advanced certification or credentialing, such as National Board Certification, OR

(6) the following high objective uniform state standard evaluation: In conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662 (commonly referred to as a Stull Act review), determine the teacher's subject matter competence in each of the academic subjects taught by the teacher by the means utilized to satisfy section 44662, except that (1) subject matter shall be defined as the State Academic Content Standards 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. The demonstration of subject matter competence for every core subject currently assigned shall include some combination 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.

This one time demonstration of subject matter competence shall be evaluated by a person or persons knowledgeable in the State Academic Content Standards for the grade and subject for which the teacher is demonstrating competency.

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.

### **Teachers Do Not Meet NCLB Teachers Requirements for the grade or subject taught if:**

- (1) They are teaching with an Emergency Permits, OR
- (2) They are teaching with a supplemental authorization (except where the supplemental authorization is based on a major in the subject taught) or a local authorizations for the subject taught, OR
- (3) They are teaching with state or local waivers for the grade or subject taught, OR
- (4) They are teaching as pre-interns

The reason the above do not constitute compliance with the NCLB teacher requirements is because teachers with such licenses or authorization have not yet demonstrated subject matter competency. Remember also that a teacher may meet the NCLB teacher requirements for one or more of the core academic subjects taught, and yet not meet the requirements for all core academic subjects taught.

### **Compliance with NCLB Teacher Requirements-One Time**

Compliance with NCLB Teacher Requirements is a one-time requirement. Therefore, once a school district has determined that a teacher meets the NCLB Teacher Requirements for the grade level and/or subject taught that teacher will not be required to demonstrate that they meet the requirements again for the same grade level and/or subject taught, even if they are later hired by another school district in California. The school district making the determination need not be a California school district.

### **Definitions for NCLB Teacher Requirements**

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

**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

**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.

**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.

**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.