

Supplemental Memorandum

June 4, 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 proposal for meeting the NCLB Teacher Requirements. 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

Proposal for No Child Left Behind Teacher Requirements

June 4, 2003

Introduction

The staff of the State Board of Education (SBE), the Office of the Secretary of Education (OSE), 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 State test (currently CSET, and prior to that, MSAT and Praxis II) or (2) completion of coursework with embedded culminating assessments. To retain this system, the attached draft proposes that each of the existing options be reviewed and strengthened to ensure uniformity, rigor, and compliance with NCLB criteria.

More specifically, in order to meet the NCLB "rigorous state test" requirement, elementary, multiple-subject credential candidates would need to pass either (1) one of the various State approved validated credentialing subject matter tests, 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 Miller advises California not to use culminating assessments to 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 assessments 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.

To create the list of State approved validated credentialing subject matter tests, CDE is developing and will disseminate a Request for Qualifications (RFQ) that includes:

- 1) Confirmation and evidence that the test has been validated to determine a candidates "subject matter competence" to teach in a California public school.
- 2) Notice that the test will be used to meet NCLB teacher requirements.
- 3) Confirmation and evidence that the test is consistent with California's K-12 Academic Content Standards
- 4) Commitment to administer the test at least a specified number of times per year at specified locations for a specified cost per test taker for a specified number of years.

Other qualifications may be added in order to ensure that the approved tests could also be used to award credentials. CDE staff is reviewing a previous Commission on Teacher Credentialing Request for Proposal for Credentialing Test in order to develop a RFQ compatible with credentialing needs. All tests that meet the qualifications in the RFQ will be offered a contract with the following terms.

In exchange for being designated as a test for purposes of meeting NCLB's subject matter competency, the test publisher agrees to hold the test and test administration (test questions/cut scores/number and location of administrations/cost per test taker) constant for the term of the contract. Test publishers would also agree to specified indemnification, such as return of test fee, if to the detriment of test takers, they did not hold the test and test administration constant during the term of the contract. Finally, test publishers would agree to provide a specified state agency the list of passing test takers within a specified time after each administration of the test. A list of persons who had passed a designated test would be maintained at the state-level for school districts to access. Finally, SBE and CDE will also work with test publishers to provide single combined core subject tests (English language arts and history/math and science) for new middle schools teachers to minimize the number of tests that combined subject teaching assignment teachers would be required to take.

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), 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 full credential or began an approved intern program after July 1, 2002, and "not new" as those that graduated and received a full 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 that have until the end of 2005-2006 school year to meet NCLB Teacher Requirements	Teachers that must meet the NCLB Teacher Requirements when hired
<p>Elementary, Middle and High School teachers that are interns or have a credential by passing MSAT, Praxis, and maybe CSET if it meets the requirements.</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 that 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 with degrees 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 2, 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 full 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 full credential, must have passed either of the following:

- (1) any of the validated Credentialing Multiple Subject Matter Competence Tests included on the State Board of Education approved list (available summer 2003), OR
- (2) when available, a validated statewide culminating assessments of subject matter competency that meet the requirements of Standard 6:Assessment of Subject Competence of the Standards of Program Quality and Effectiveness for the Subject Matter Requirement for the Multiple Subject Teaching Credential. (Note: This assumes revision of the current culminating assessments so that they are both validated and uniform across the State.)

[Title I Schools Transition Period. If teachers that have not yet met the NCLB requirements are hired to teach in Title I programs, they should immediately be provided with a professional development program 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) should be utilized to assist teachers in this category to pass the exam as soon as possible. This limited transition period, from July 1, 2002 to June 30, 2004, is necessary to provide notice of the NCLB teacher requirements to teachers in order to provide them with an opportunity to comply with NCLB.]

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 full credential, must have completed one of the following:

- (1) any of the validated Credentialing Multiple Subject Matter Competence Tests included on the State Board of Education approved list (available summer 2003), OR
- (2) when available, a validated culminating assessments of subject matter competency that meet the requirements of Standard 6:Assessment of Subject Competence of the Standards of Program Quality and Effectiveness for the Subject Matter Requirement for the Multiple Subject Teaching Credential (Note: This assumes revision of the current culminating assessments so that they are both validated and uniform across the State.),OR
- (3) in lieu of the high objective uniform state standard evaluation (number 4 below), National Board Certification

(4) 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) oral or written examination of the teacher's knowledge of 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 full Credential in the subject taught, must have passed or completed one of the following for every core subject currently assigned:

- (1) any of the validated Credentialing Single Subject Matter Competence Tests included on the State Board of Education approved list (available summer 2003), 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 full Credential, must have passed or completed one of the following for every core subject currently assigned:

- (1) any of the validated Credentialing Single Subject Matter Competence Tests included on the State Board of Education approved list (available summer 2003), 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) oral or written examination of the teacher's knowledge of 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 Requirements NCLB Teachers Requirements for the grade or subject taught if:

- (1) They are teaching with an Emergency Permits, OR
- (2) They are teaching with supplemental or 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.

Definitions for NCLB Teacher Requirements

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

Full credential: A Preliminary or Clear credential, or any earlier credential, which allowed a person to teach in California K-12 education system. (Need a better reference for “earlier credential”.)

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 Preliminary 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 full Credential, or were enrolled in, or had completed, an approved intern program before July 1, 2002.