



NOVEMBER 2003 AGENDA

<b>SUBJECT</b> <i>No Child Left Behind Act of 2001 Teacher Requirements (“Highly Qualified Teacher”) – Adopt Proposed Title 5 Regulations as amended.</i>	<b>X</b>	<b>ACTION</b>
	<b>X</b>	<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

Approve the amendments to the proposed permanent regulations regarding No Child Left Behind Act of 2001 Teacher Requirements (“Highly Qualified Teacher”). Direct CDE staff to send the amended proposed regulations out for 15-day public comment period and if no objections to the amendments are received, complete the rulemaking package, in accordance with the Administrative Procedure Act, including, but not limited to, responding to public comments. Establish a date for a special teleconference meeting of the Board in the event that a meeting is required to consider objections to the amendments.

**Summary of Previous State Board of Education Discussion and Action**

At its September meeting, the Board amended the proposed NCLB Teacher Requirement regulations based on public comments, and directed staff to send the amended regulations out for the 15-day public review period. Nine comments were received during the 15-day review period. Two of these comments were objections to the proposed September Board amendments and therefore the regulations were not sent to the Office of Administrative Law.

**Summary of Key Issue(s)**

The objections focused on two areas. First, Part One of the HOUSSE analysis for teachers “not new to the profession” was not clear. Since the September Board meeting, a HOUSSE (Part One) form for demonstrating subject matter competence has been developed and reviewed by stakeholders as part of the Resource Guide. Stakeholder comments have been positive about this form and the assignment of points for years of service, in-depth standards aligned professional development, advanced coursework and service to the profession. The proposed amendments to the proposed regulations respond to this comment by incorporating by reference the HOUSSE (Part One) form into the regulations.

The second area of concern was that “grade span” was not defined. “Grade span” was not defined in the regulations in order to allow LEAs to determine, based on local practice, what particular grades constituted grade span. The proposed amendments to the proposed regulations respond to this comment by explicitly stating in the definitions that grade spans are elementary, middle and high school and that the particular grades in a grade span are determined at the local level based on curriculum.

If the Board approves these revisions, the regulations will go out for an additional 15-day public comment period. A special teleconference meeting of the Board in the beginning of December may also be required to finally adopt the proposed regulations if any objections are received to

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## Summary of Key Issue(s)

the amendments during the public comment period.

The Title 1 Committee of Practitioners reviewed the proposed NCLB Teacher Requirement regulations on October 22, 2003. SBE and CDE staff briefed them regarding the development of the regulations and the major issues surrounding the NCLB Teacher Requirements. The Committee of Practitioners provided input that substantiated the proposed regulations and the Committee thanked the SBE and CDE for all the hard work that went into the development of the proposed regulations and the other efforts to implement the NCLB Teacher Requirements in California.

Below is a summary and response to public comments for the revised text of the proposed Title 5 NCLB Teacher Requirements made available to the public during the 15-day public notice period, September 17, 2003 to October 1, 2003. A total of nine people provided public comment including one teaching principal/superintendent, one administrative secretary for human resources, one project director, one assistant principal, and five teachers.

The public comments are as follows:

### **6103. Elementary Teachers Not New to the Profession.**

**Comment:** Rusty Vardy, Teaching Principal/Superintendent, via e-mail, commented that people who demonstrated subject matter proficiency prior to NCLB should be considered highly qualified under NCLB requirements. He inquired whether a teacher that passed the National Teachers Exam (NTE) and received a Life Multiple Subjects Credential from the Commission on Teacher Credentialing (CTC) prior to NCLB will be qualified as meeting the NCLB requirements.

**Comment:** Karen Valdez, Administrative Secretary for Human Resources, Santa Maria-Bonita School District, via e-mail, inquired whether CDE will accept the NTE as an approved examination to verify subject matter competency or will the Multiple Subjects Assessment Test (MSAT) and the California Subject Examination(s) for Teachers (CSET) tests be the only CTC approved tests.

**Comment:** Dawn Snell, teacher, via e-mail, inquired whether the NTE will be recognized as a validated statewide subject matter examination certified by the Commission on Teacher Certification and appealed to the State Board to consider her case and that of many others who have taken prior validated State tests. She further inquired how a superintendent or principal will have a record for the teacher's file confirming the NTE as meeting NCLB teacher requirements.

**Comment:** Angela Alvarez, credential program student, via e-mail, asked if students who have completed the State approved credential waiver program that waived the MSAT test will have to take the CSET test to be hired.

### **Response:**

The proposed Title 5 Regulations comply with federal NCLB law. New elementary teachers who received a credential after July 1, 2002, are required to pass a State test approved by the Commission on Teacher Credentialing. The approved State test is CSET. Elementary teachers who have received state certification under a multiple subjects credential and have demonstrated subject matter competency by passing the National Teachers Exam (NTE) will qualify as

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## Summary of Key Issue(s)

meeting the NCLB Teacher Requirements. Both the NTE and the Multiple Subjects Assessment for Teachers (MSAT) qualify as Commission on Teacher Credentialing (CTC) approved tests. Proposed amendments to the proposed regulations would make it clearer that tests previously used for credentialing purposes would qualify. The California Subject Examination(s) for Teachers (CSET) is the current CTC approved State test to verify subject matter competency for single and multiple subject credentials.

### 6104. High Objective Uniform State Standard Evaluation.

**Comment:** Richard Rayburn, Projects Director, Lemoore Union Elementary School District, via e-mail, commented that the No Child Left Behind Teacher Requirements HOUSSE Section 6104. states that the second part [of the HOUSSE] shall consist of direct observation and portfolio assessment. However, in Section 6104. (b) it is stated that “The demonstration of subject matter competence shall include one or more of the following: (1) Classroom observation (3) Portfolio review. This wording appears to be contradictory since the first statement requires both forms of evaluation and the second statement gives the option of one or the other.

**Response:** The second part of Section 6104, HOUSSE requires teachers to demonstrate of subject matter competence for one or more of the following options listed in (b) (1), (2), and (3) of the regulations:

- (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.

**Comment:** Karen Valdez, Administrative Secretary for Human Resources, Santa Maria-Bonita School District, via e-mail, inquired whether the change from grade level to grade span means that the district would qualify elementary teachers for K-6 or individually for the grade level they are teaching.

**Comment:** Jean Richter, M.A., teacher, North Fork School, via e-mail, inquired whether grade span means K-3, 4-8 or K-8.

**Response:** The proposed regulations comply with the provisions of the federal NCLB Act that require elementary teachers to demonstrate subject matter competency in reading, writing, mathematics and other areas of the basic elementary school curriculum. The proposed regulations do not require elementary teachers to demonstrate subject matter for each elementary grade. In Section 6104, HOUSSE it states that the teacher shall demonstrate subject matter competency for the “grade span or subject taught”. Grade span and subject area authorizations are indicated on each California teaching credential. Each local educational agency, determines, based on the curriculum taught, by school site, or by each grade at the school site, whether a teacher is hired to teach elementary, middle or high school per the proposed Title 5 Regulations, Section 6100. Definitions. Proposed amendments to the proposed regulations would make it clearer that the grades included in the three grade spans (elementary, middle and high school) are determined at the local level based on curriculum.

**Comment:** Jean Richter, M.A., teacher, North Fork School, via e-mail, commented that she has a California Ryan Multiple Subjects Life credential and that teachers with Life credentials

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## Summary of Key Issue(s)

should be exempted from HOUSSE. Ms. Richter further commented that the wording in Section 6104 (a)--“a summation of years of experience”, coursework, professional development and service--does not have an objective “sum”. She asked how years of experience will be measured and what the words “more than half” mean in Section 6104 (a) where it states “In no event shall (i) years of experience account for more than half of the total necessary to demonstrate subject matter competency”.

Ms. Richter further inquired about the regulations Section 6104, HOUSSE, page 3, lines 21-25—where it states, “The supervising administrator shall be responsible for overseeing the HOUSSE”. She asked how administrators, who have not proven themselves to be highly qualified and who may not yet have the correct credentials, are able to decide if a teacher is highly qualified without an objective guideline to use in his/her determination. Ms. Richter recommended that Section 6104 be changed to read--“Any teacher with a valid credential to teach in California, who is teaching in his/her credential area, is highly qualified.

**Comment:** Paul Vaughan, teacher, via e-mail, commented that he has a life credential and believes that anyone with this credential should be exempt from changes or more requirements.

**Comment:** Nancy McPherson, teacher, North Fork School, via e-mail, commented that she has a California Multiple Subjects credential and is qualified to teach in K-8 self-contained classrooms. She asked how the experience, coursework, professional development and service, indicated in Section 6104, will be measured. She further commented that if a teacher has earned a valid credential and is teaching in an area that the credential qualifies him or her for, they should automatically be highly qualified. If a teacher is teaching out of their subject area, the HOUSSE evaluation needs to be done. Ms. McPherson recommended that Section 6104 be changed to read--“Any teacher with a valid credential to teach in California, who is teaching in his/her credential area, is highly qualified.

**Response:** The proposed regulations comply with federal NCLB law that requires all States receiving federal Title I, Part A funding to assure that all teachers in the State meet federal NCLB teacher requirements by the end of the 2005-05 school year. States are required to establish a Uniform State Standard Evaluation for teachers who are “not new” to demonstrate subject matter competency. The proposed Regulations, Section 6104 (c), state that a teacher’s supervising administrator shall consult, if necessary, with a person or persons knowledgeable in the State Academic Content Standards for the grade span or subject for which the teacher is demonstrating subject matter competency. Proposed amendments to the proposed regulations would incorporate by reference the HOUSSE (Part One and Part Two) forms into the regulations and thereby provide an objective point system by which veteran teachers could demonstrate their subject matter competence.

## GENERAL COMMENTS:

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**Summary of Key Issue(s)**

**Comment:** La Sonya McCain, Assistant Principal, Ceres Unified School District, via e-mail, asked whether administrators have to take the CSET test.

**Response:** The proposed regulations do not pertain to administrators. Federal NCLB law requires new elementary teachers to pass a State test. The approved California Commission on Teacher Credentialing State test is CSET.

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**Fiscal Analysis (as appropriate)**

A fiscal impact statement based on the proposed regulations with amendments will be completed before the November Board meeting.

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**Attachment(s)**

[The Proposed Regulation with amendments](#)

A fiscal impact statement based on the proposed regulations with amendments will be provided in a Last Minute Memorandum.

1 Title 5. EDUCATION

2 Division 1. State Department of Education

3 Chapter 6. Certificated Personnel

4  
5 Add Subchapter 7, Article 1, Section 6100 to read:

6 **Subchapter 7. No Child Left Behind Teacher Requirements**

7 **Article 1. General**

8 **§ 6100. Definitions.**

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

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

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

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

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

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

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

25 (g) Major Equivalent: Thirty-two non-remedial units in a particular discipline from an accredited  
26 institution of higher education shall constitute the equivalent to a major.

27 ~~(f)~~(h) Teacher New to the Profession: A teacher is new to the profession if they have graduated  
28 from an accredited institution of higher education and received a credential, or began an approved intern  
29 program, on or after July 1, 2002.

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

33 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
34 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
35 19, 2002.

1 *Add Article 2, Sections 6101 through 6104 to read:*

2 **Article 2. Elementary Level Teachers**

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4 **§ 6101. Elementary Teachers.**

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

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

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

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

10 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
11 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
12 19, 2002.

13 **§ 6102. Elementary Teachers New to the Profession.**

14 A teacher who meets the NCLB requirements and is new to the profession at the  
15 elementary level, in addition to having at least a bachelor's degree and either being currently enrolled in  
16 an approved intern program for less than three years or holding a credential, must have passed a validated  
17 statewide subject matter examination certified by the Commission on Teacher Credentialing.

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

21 **§ 6103. Elementary Teachers Not New to the Profession.**

22 A teacher who meets NCLB requirements and is not new to the profession at the elementary  
23 level, in addition to having at least a bachelor's degree and either being currently enrolled in an approved  
24 intern program for less than three years or holding a credential, must have completed one of the  
25 following:

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

28 ~~(2) In lieu of the high objective uniform state standard evaluation in subsection 3, National Board~~  
29 ~~Certification.~~

30 ~~(2)(3)~~ A high objective uniform state standard evaluation conducted pursuant to Section 6104 and  
31 in conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662, to  
32 determine the teacher's subject matter competence in each of the academic subjects taught by the teacher.

33 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
34 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
35 19, 2002.

1 **§ 6104. High Objective Uniform State Standard Evaluation.**

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

12 **(b)(a) The high objective uniform state standard evaluation observation and portfolio section**  
13 **(Part Two) may shall be conducted at the time and by the means utilized to satisfy Education Code**  
14 **section 44662, except that (1) subject matter shall be defined as the State Academic Content Standards for**  
15 **the grades and subjects taught, and (2) competency shall be demonstrated by satisfactorily meeting**  
16 **standards 3 and 5.1 of the California Standards for the Teaching Profession. The demonstration of subject**  
17 **matter competence shall include some combination one or more of the following:**

18 **(1) Classroom observation,**

19 **(2) Demonstration of knowledge of the appropriate grade-level and subject State Academic**  
20 **Content Standards, and**

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

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

25 **(c) Local educational agencies shall conduct the high objective uniform state standard evaluation**  
26 **by completing Forms 1, 2, and 3, as appropriate. Forms 1, 2, and 3, dated November 12, 2003, are hereby**  
27 **incorporated by reference into this section.**

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

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

1 assisting the teacher to meet standards 3 and 5.1 of the California Standards for the Teaching Profession.  
2 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
3 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
4 19, 2002.

5  
6 *Add Article 3, Section 6110 to read:*

7 **Article 3. Middle and High School Level Teachers**

8 **§ 6110. Middle and High School Teachers.**

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

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

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

14 (3) Meets at least one of the applicable requirements in Section 6111 or 6112.

15 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
16 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
17 19, 2002.

18 **§ 6111. Middle and High School Teachers New to the Profession.**

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

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

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

26 (3) Undergraduate major in the subject taught,

27 (4) Graduate degree in the subject taught, or

28 (5) Coursework equivalent to undergrad major.

29 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
30 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
31 19, 2002.

32 **§ 6112. Middle and High School Teachers Not New to the Profession.**

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



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*Add Article 6, Section 6125 to read:*

**Article 6. Teachers from Out-of-State**

**§ 6125. Teachers from Out-of-State.**

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

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

10-27-03