

California  
Commission on Teacher Credentialing

Meeting of  
August 13-14, 2003

AGENDA ITEM NUMBER: GS-10

COMMITTEE: General Session

TITLE: Alignment of Credential Requirements to Conform to State Board  
of Education's NCLB Plan

\_\_\_\_\_ Action

X  Information

Strategic Plan Goal 1 :

Promote educational excellence through the preparation and certification of  
professional educators.

Prepared By:

  
Mary C. Armstrong  
General Counsel

Date: July 11, 2003

Authorized By:

  
Sam W. Swofford, Ed.D.  
Executive Director

Date: July 11, 2003



## ***ALIGNMENT OF CREDENTIAL REQUIREMENTS TO CONFORM TO STATE BOARD OF EDUCATION'S NCLB PLAN***

### ***IMPLEMENTATION OF NO CHILD LEFT BEHIND--AN OVERVIEW***

Following the June Commission meeting, Chair Fortune was asked by Secretary for Education, Kerri Mazzone and other educational policy leaders to discuss how the Commission could take action to meld the requirements of the No Child Left Behind Act (NCLB) with California's existing credentialing requirements. This request was made in light of consistent advice by both the United States Department of Education and Congressman George Miller, that for purposes of determining which multiple subject teachers would be considered NCLB compliant, a rigorous state test would be required.

During these discussions, Chair Fortune indicated that the Commission could look at its applicable laws, regulations and standards to consider a requirement that each prospective multiple subject candidate demonstrate compliance with NCLB through passage of a subject matter examination as certified by the Commission. Following a meeting with representatives of the Secretary's office, the State Board of Education, the Department of Finance and the Governor's office, the decision was made to include the examination requirement as a possibility in the State Board's NCLB concept paper to be considered at the State Board's June meeting. This concept was subsequently approved by the State Board on June 11, 2003. The State Board also directed its staff to develop regulations based on the approved concept as well as begin the process of seeking technical advice on the plan from the federal government (USDE).

Under the State Board's plan, all teachers "new" to the teaching profession at the elementary school level will need to pass a subject matter test, while those new to the profession at the middle school and high school level will need to either complete a major or pass a test in each subject they teach. In accordance with the provisions of NCLB, July 1, 2002, was deemed the cut-off date for determining which teachers were "new" to the profession or "not new". Included in this determination was the provision that "not new" teachers must have been issued a credential prior to July 1, 2002; however, a transition period was also proposed. The following categories of teachers would **not** be deemed highly qualified under the State Board's plan: individuals teaching on emergency permits; teachers with a local or a supplemental authorization, based on a minor in the subject taught; individuals teaching with state or local waivers for the grade or subject taught; and pre-interns. A copy of the State Board's plan is attached (Attachment I).

Following the June action of the State Board, a notice was sent to Commission stakeholders and interested parties requesting participation in a discussion of a proposed revision of the Multiple Subject Approved Program Standards to include the requirement of a subject matter examination for all candidates. Chair Fortune also requested the participation of the Executive Director of the State Board in these discussions. This meeting was held on July 2, 2003 and is summarized in Agenda Item GS-10-A.

At its July 9-10 meeting the State Board approved the attached proposed regulations implementing the NCLB for a 45-day public comment period. The regulations differ from the concept plan in that they do not include a transition period for teachers credentialed after July 1, 2002 and they include a definition of "elementary, middle and high school teachers" based on new advice from the USDE. A copy of the State Board's summary along with the proposed regulations is provided in Attachment II.

As a result of the action by the State Board in adopting its conceptual plan, staff has prepared four agenda items for the Commission's information and approval (GS-10 A-D). Each of these agenda items deals with a different aspect of current Commission activities, programs and policies that conflict with the requirements of NCLB and the newly adopted State Plan. A chart outlining each of the items to be considered is attached (Attachment III). Each of the items under discussion offers several options to the Commission particularly with respect to timing and implementation. Any decision regarding implementation must necessarily balance the requirements of NCLB and the State Board's plan with the needs of the Commission's stakeholders, particularly the needs of school districts who must make hiring decisions during the implementation phase. Finally, each item is presented with the caveat that any action taken by the Commission may need to be revisited as further direction is forthcoming from the USDE and action on the proposed SBE regulations is not final.

Attachments:

Attachment I: State Board Last Minute Memorandum dated June 10, 2003

Attachment II: State Board Last Minute Memorandum dated July 8, 2003

Attachment III: Chart listing Items to Be Considered by the Commission

## **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 to 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(1) 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.

State of California

Department of Education

# Last Minute Memorandum

**To: STATE BOARD MEMBERS** **Date: July 8, 2003**

**From: Karen Steentofte, Chief Counsel, State Board of Education**

**Re: ITEM 9**

**Subject NO CHILD LEFT BEHIND (NCLB) ACT: TEACHER REQUIREMENTS ("HIGHLY QUALIFIED TEACHER"), INCLUDING, BUT NO LIMITED TO, PROPOSED TITLE 5 REGULATIONS**

Attached are proposed regulations for implementing the NCLB Teacher Requirements. The proposed regulations are based on the proposal adopted by the Board in concept at the June 2003 meeting with modifications based on CDE and Board staff 's consultation with staff at the United States Department of Education (USDE) as directed by the Board.

Consultation with USDE suggested that two changes to the "adopted-in-concept proposal" were appropriate. First, while they understood California's need for a limited transition period, they did not see anything in the law that would allow for such a transition period and advised us not to include it. Therefore the transition period in the "adopted-in-concept proposal" has not been included in the proposed regulations.

Secondly, USDE informed us that further Guidance on "Highly Qualified Teacher" would be released in late July or early August and that there would be a question and answer on how one determines if a teacher is teaching at the elementary, middle or high school level. USDE informed us that each State, or even each LEA, could make their own determination based on the curriculum taught. For example, based on the curriculum taught, teachers instructing multiple subjects taught together in one class of sixth or seventh graders could be considered elementary in nature, while eighth grade--where Algebra, foreign languages and other subjects are taught separately-- could be considered middle school. Differentiating teachers by the nature of curriculum taught should help school districts struggling with the NCLB Teacher Requirements in grades 6-8, and perhaps some alternative school programs. The proposed regulations include a definition for "elementary, middle and high school" as a result of this information.

Once approved by the Board, the proposed regulations will be sent out for the 45-day public comment period and will come back to the Board in September. Given that further written Guidance on Title II is expected from USDE before September further revisions to the proposed regulations that will require another 15-day or 45-day public review may be necessary or advisable.

## **INITIAL STATEMENT OF REASONS**

### **SPECIFIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATIONS ARE INTENDED TO ADDRESS**

Federal law under No Child Left Behind Act (NCLB) requires that all teachers of core academic subjects meet the federal definition of "highly qualified teacher" no later than the end of the 2005-2006 school year. Schools that receive Title I funds are currently required to hire only teachers that meet the federal definition of "highly qualified teacher." Core academic subjects include English, reading, language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography (NCLB Section 9101).

While federal law defines the requirements for "highly qualified teacher," some details regarding how the definition is applied in each State must also be determined. Existing State law and these proposed regulations are intended to provide the detail necessary to meet the NCLB Teacher Requirements in California.

### **SPECIFIC PURPOSE OF THE REGULATIONS**

The proposed regulations identify the "rigorous state test" that federal law requires each new to the profession elementary teacher pass, and outlines the "high objective uniform state standard evaluation" that can be used to qualify not new to the profession teachers as "highly qualified." The proposed regulations also define several key phrases to assist school district in complying with the federal law.

### **AUTHORITY AND REFERENCE**

Authority for these proposed regulations is found in Education Code sections 12001. Education Code section 12001 is the general authority for the State Board of Education to adopt rules and regulations for implementing federal law in the State. Reference for these proposed regulations is the federal No Child Left Behind Act (20 USC 6301 et seq.) and associated federal regulations.

### **NECESSITY**

The proposed regulations are necessary to implement the requirements of the federal No Child Left Behind Act. Specifically, the proposed regulations are necessary to identify the "rigorous state test" that federal law requires each new to the profession elementary teacher pass, and outline the "high objective uniform state standard evaluation" that federal law provides to qualify not new to the profession teachers as "highly qualified." The proposed regulations also define several key phrases to assist school districts in complying with the federal law. These details are necessary to assist school districts meet the federal law and allow California to receive and retain federal funding under the federal Title I, Part A.

## **SUMMARY OF PROPOSED REGULATIONS**

### **Article 1. General**

Article 1 provides California specific definitions of key words and phrases in the federal law.

### **Article 2. Elementary Level Teachers**

Article 2 provides California specific details for meeting the federal requirements for "new" and "not new" to the profession elementary teachers.

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

Article 3 provides California specific details for meeting the federal requirements for "new" and "not new" to the profession middle and high school teachers.

### **Article 4. Teachers Not Meeting NCLB Teacher Requirements**

Article 4 identifies the California permits and authorizations that would not meet the federal requirements.

### **Article 5. One Time Compliance Article**

Article 5 clarifies that compliance with the federal requirements must only be accomplished once per subject or grade span taught.

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

Article 6 clarifies that California will accept another State's determination that a teacher has met the NCLB Teacher Requirements for a particular subject or grade span taught.

## **DISCLOSURES**

The fiscal analysis of these proposed regulations is pending.

The State Board of Education has determined that no alternative considered by the State Board or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to the affected private persons than the proposed action.

The State Board of Education has made an assessment and determined that the adoption of the proposed regulations will neither create nor eliminate jobs in the State of California.

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**Title 5. EDUCATION**  
**Division 1. State Department of Education**  
**Chapter 6. Certificated Personnel**  
**Subchapter 7. No Child Left Behind Teacher Requirements**

**Article 1. General**

*Add Section 6100 to read:*

**§6100. Definitions.**

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

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

**(b) 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

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

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

**(e) 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.

**(f) 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.

**(g) 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.

1 Article 2. Elementary Level Teachers

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3 *Add Sections 6101 through 6104 to read:*

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

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

16 **§ 6103. Elementary Teachers Not New to the Profession.**

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

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

23 (2) In lieu of the high objective uniform state standard evaluation in subsection 3, National  
24 Board Certification

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

29 **§ 6104. High Objective Uniform State Standard Evaluation.**

30 (a) The high objective uniform state standard evaluation shall be conducted at the time and by  
31 the means utilized to satisfy Education Code section 44662, except that (1) subject matter shall  
32 be defined as the State Academic Content Standards for the grades and subjects taught, and (2)  
33 competency shall be demonstrated by satisfactorily meeting standards 3 and 5.1 of the California  
34 Standards for the Teaching Profession. The demonstration of subject matter competence shall  
35 include some combination of the following:

(1) Classroom observation,

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

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

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

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

13  
14 **Article 3. Middle and High School Level Teachers**

15  
16 *Add Sections 6110 through 6112 to read:*

17 **§ 6110. Middle and High School Teachers.**

18 A teacher who meets NCLB requirements at the middle and high school levels is one who:

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

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

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

23 **§ 6111. Middle and High School Teachers New to the Profession.**

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

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

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

32 (3) undergraduate major in the subject taught,

33 (4) graduate degree in the subject taught,

34 (5) coursework equivalent to undergrad major,

35 (6) advanced certification or credentialing (National Board Certification).

1 **§ 6112. Middle and High School Teachers Not New to the Profession.**

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

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

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

10 (3) Undergraduate major in the subject taught,

11 (4) Graduate degree in the subject taught,

12 (5) Coursework equivalent to undergrad major,

13 (6) Advanced certification or credentialing (National Board Certification),

14 (7) The high objective uniform state standard evaluation pursuant to Article 2, section 6104.

15  
16 **Article 4. Teachers Not Meeting NCLB Teacher Requirements**

17  
18 *Add Section 6115 to read:*

19 **§ 6115. Teachers Not Meeting NCLB Teacher Requirements.**

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

22 (1) Teaching with an Emergency Permits, or

23 (2) Teaching with a supplemental authorization (except where the supplemental authorization  
24 is based on a major or its equivalent in the subject taught) or a local authorizations for the subject  
25 taught, or

26 (3) Teaching with state or local waivers for the grade or subject taught, or

27 (4) Teaching as a pre-intern.

28 **Article 5. One Time Compliance**

29  
30 *Add Section 6120 to read:*

31 **§ 6120. One Time Compliance.**

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

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

2  
3 *Add Section 6125 to read:*

4 **§ 6125. Teachers from Out-of-State.**

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

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**Attachment III**

**Options to Implement No Child Left Behind**

NCLB Core Areas – English, reading, language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

<b>Options</b>	<b>Description</b>	<b>Consistent with SBE State Plan</b>
<b>Multiple Subject Teaching Credential</b>		
1M	Revise Standard 6	Yes
2M	Find current approved programs ineligible for examination waivers	Yes
3M	A combination of option 1M and 2M	Yes
4M	No change	No
<b>Implementation Options</b>		
A	Effective Immediately, subject to regulatory timelines	Yes, after approval
B	Effective January, 2004	Yes
C	Candidates required to take exam “for information purposes”. Full implementation by July 1, 2006	Yes
D	Effective July 1, 2005	Yes, after July 1, 2005
E	Effective January 1, 2005 to allow time to seek legislative changes	Yes, after January 1, 2005
<b>Supplementary Authorizations</b>		
1S	Develop a degree based authorization with 32 semester units equivalent to a major	Yes
2S	Develop a degree based authorization with 45 semester units equivalent to a major	Yes
3S	No change	No
<b>Pre-Interns</b>		
1P	Reduce number of pre-interns as need declines	Moving toward goal
2P	Reduce the number of pre-interns by a set percentage until phased out by July 1, 2006	Moving toward goal
3P	No change	Moving toward goal

<b>Emergency Permits</b>		
1E	No longer issue emergency permits after September 1, 2003	Yes
2E	No longer issue emergency permits in NCLB core area Title 1 classrooms after September 1, 2003 and all emergency permits after July 1, 2005	Yes
3E	Continue to issue emergency permits with emphasis on subject matter	No
4E	No change	No
<b>Credential Waivers</b>		
1W	No longer issue credential waivers in NCLB core area in Title 1 classrooms after September 1, 2003 and all credential waivers after September 1, 2005	Yes
2W	No longer issue credential waivers after July 1, 2006	Yes after July 1, 2006
3W	Continue to issue credential waivers with new criteria	No
4W	No change	No

