

**NCLB NYS Field Memo
#05-2007**

October 3, 2007

To: Charter Schools
District Superintendents of Schools
Superintendents of Public Schools
NYS School for the Blind at Batavia
NYS School for the Deaf at Rome

From: Johanna Duncan-Poitier
Senior Deputy Commissioner
Office of P-16 Education /s/

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Deputy Commissioner
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(VESID) /s/

Subject: Fall 2007 NCLB Supplement to the Administration Manual for the BEDS
Personnel Data Form for Teachers

Federal requirement. The No Child Left Behind Act of 2001 (NCLB) and the Individuals with Disabilities Education Act (IDEA) as reauthorized in 2004 require virtually all public school teachers of core academic subjects to meet the federal definition of highly qualified. As explained in Item A5 of NCLB NYS Field Memo #03-2007, at <http://www.highered.nysed.gov/nclb032007.htm>, the only exceptions are teachers eligible for extended deadlines. Teachers who are not highly qualified in fall 2007 must be making progress to become highly qualified as soon as possible pursuant to their local educational agency's (LEA's) plan to ensure that 100 percent of core classes are taught by highly qualified teachers.

BEDS Personnel Data Form for Teachers. The Basic Educational Data System (BEDS) Personnel Data Form for Teachers is used to obtain data for monitoring local compliance with NCLB and IDEA teacher quality requirements and federal reporting requirements. General instructions for the BEDS Personnel Data Form for Teachers are posted at <http://www.emsc.nysed.gov/irts/home.html> before BEDS day in October 2007 and the forms are mailed. The fall 2007 NCLB Supplement to the general instructions is attached. It refers to NCLB NYS Field Memo #03-2007 for definitions of all terms.

It is important to prepare for BEDS reporting in fall 2007 by reviewing each teacher's qualifications for classes in core academic subjects in light of the attached supplement and NCLB NYS Field Memo #03-2007 and to develop procedures for responding accurately and completely to:

- the NCLB item on HIGH QUALITY PROFESSIONAL DEVELOPMENT on Side 1 of the BEDS form; and
- the NCLB items on HIGHLY QUALIFIED on Side 2 of the BEDS form.

You can find all field memos on NCLB's and IDEA's requirements for teachers at <http://www.highered.nysed.gov/nclbhome.htm>. Please send your questions about this memo to nclbnys@mail.nysed.gov. Questions about certification should be sent to tcert@mail.nysed.gov.

FALL 2007 NCLB SUPPLEMENT

ADMINISTRATION MANUAL FOR THE BASIC EDUCATIONAL DATA SYSTEM (BEDS) PERSONNEL DATA FORM FOR TEACHERS

New York State uses the BEDS Personnel Data Form for Teachers to comply with the teacher quality requirements in the No Child Left Behind Act of 2001 (NCLB) and the Individuals with Disabilities Education Act (IDEA) as reauthorized in December 2004.

It is important to use instructions in this supplement and the definitions in the most recent Fact Sheet to review each teacher's qualifications to teach classes in "core academic subjects" and to develop procedures for responding accurately and completely to:

- the NCLB item on **HIGH QUALITY PROFESSIONAL DEVELOPMENT** on Side 1 of the BEDS form; and
- the NCLB items on **HIGHLY QUALIFIED** on Side 2 of the BEDS form.

**If you have questions
about these NCLB items,
please contact
nclbnys@mail.nysed.gov .**

***** IMPORTANT REMINDER *****

As of the date of this publication, the most recent Fact Sheet was NCLB NYS Field Memo #03-2007 of May 14, 2007. Please check <http://www.highered.nysed.gov/nclbhome.htm> to be sure that no other Fact Sheet was issued after that date.

Instructions for NCLB Items

1. General Instructions

Teachers complete BEDS Personnel Data forms but their responses should reflect their employer's review of whether they are "highly qualified" for the "core academic subjects" they teach as required by NCLB and IDEA and as defined in the most recent Fact Sheet issued by the New York State Education Department (NYSED) and posted at <http://www.highered.nysed.gov/nclbhome.htm>. NCLB requires principals of schools receiving Title I, Part A funds to attest in writing annually as to the qualifications of their teachers of "core academic subjects." BEDS forms should be completed in a way that is consistent with those attestations. Under NCLB, employers are ultimately responsible for deciding whether teachers are "highly qualified" for their assignments to teach "core academic subjects," receive "high quality professional development," and submit accurate and complete BEDS forms.

2. NCLB item on "high quality professional development" on Side 1

This item asks teachers whether they received "high quality professional development," as defined in section 9101(34) of NCLB, in the prior school year so that NYSED can measure progress as required in section 1119 of NCLB. The response options are YES, NO or NOT APPLICABLE.

- Teachers who had at least one teaching assignment in the prior school year should select either YES or NO.
- Teachers who did not have any teaching assignments in the prior school year should select NOT APPLICABLE. This includes, but is not limited to, new teachers, teachers who had a leave of absence in the prior year, and teachers who had only non-teaching assignments in the prior year.

3. NCLB item on "highly qualified" for each teaching assignment on Side 2

NCLB and IDEA require teachers to be "highly qualified" for their teaching assignments in "core academic subjects."

- **"Core" status of each teaching assignment.** For each reported teaching assignment, teachers must determine whether the assignment is CORE, NOT CORE or MAY BE CORE by using the asterisks next to teaching assignment codes on the list of BEDS Assignment Codes for Teachers.

Asterisks appearing next to BEDS assignment code for teachers	"Core" status of the teaching assignment
None	NOT CORE
*	CORE
**	MAY BE CORE (local decision needed)

- **Local decision on “core” status of MAY BE CORE teaching assignments.** When a teaching assignment has two asterisks (denoting that it MAY BE CORE), teachers must apply the following criteria to information that is only available locally to decide whether the assignment is CORE or NOT CORE.
 - **Career and Technical Education (CTE).** A CTE class is CORE only when used for credit in a “core academic subject” for a high school diploma. When a certified CTE teacher does not use the Collaborative Teaching Model to teach such a class, the class is CORE for the CTE teacher. When a certified CTE teacher does use the Collaborative Teaching Model to teach such a class, the class is NOT CORE for the CTE teacher, but the class is CORE for the collaborating teacher.
 - **English as a Second Language (ESL) and bilingual classes.** ESL classes are CORE only when (1) teachers use ESL methodology to teach “core academic subjects” and are required to have dual certification in ESL and the other subject they are teaching or (2) students use an ESL class for English credit towards a high school diploma and teachers are required to be “highly qualified” in English. Bilingual classes are CORE whenever the teacher covers “core academic subjects” at the instructional level of grades K through 12 as the teacher of record.
 - **Special education and other classes.** Special education and other classes are CORE only when teachers provide direct instruction in a “core academic subject” in grades Kindergarten (K) through 12 as the teacher of record for that subject. Instruction that supplements or reinforces instruction provided by other teachers who are the teachers of record is not considered CORE. For example, instruction provided by a consultant teacher, a resource room teacher, or as part of Academic Intervention Services (AIS) is NOT CORE.
- **Response options.** Teachers must select a response option for the “NCLB Highly Qualified” item for each reported teaching assignment. When a teaching assignment is CORE, teachers must select YES or NO based on the definition of ‘highly qualified’ in the latest Fact Sheet. When a teaching assignment is NOT CORE, teachers must select NOT CORE.

Response options on the BEDS form for each teaching assignment	What the response options mean
YES	The class is CORE and the teacher is “highly qualified” to teach it.
NO	The class is CORE and the teacher is not “highly qualified” to teach it.
NOT CORE	The class is NOT CORE and, therefore, the teacher is not subject to the NCLB and/or IDEA definition of “highly qualified.”

4. **All responses should be checked for accuracy and completeness by employers.**

- All reported teaching assignments must have a response for the “NCLB Highly Qualified” item (YES, NO or NOT CORE).
- When the “NCLB Highly Qualified” response box for a CORE teaching assignment is incorrectly left blank or reported as NOT CORE, NYSED will change the response option to NO, denoting that the teacher is not “highly qualified” for a CORE class. In these cases, NYSED will give employers an opportunity to correct the teacher’s status before data on “highly qualified” teachers are publicly reported.
- When a YES is reported for a CORE teaching assignment and NYSED’s certification records indicate that the teacher does not meet State certification standards for that assignment (which take into account incidental teaching, approved experiments in organizational change in middle schools, and State charter school law), NYSED will replace the YES response with a NO response and give employers an opportunity to correct the teacher’s status before data on “highly qualified” teachers are publicly reported.

5. **Definitions**

All definitions are in the most recent Fact Sheet issued by NYSED and posted at <http://www.highered.nysed.gov/nclbhome.htm>.

- **HIGHLY QUALIFIED.** Definitions of “highly qualified” for specific teaching assignments are in Part A and the checklists of the Fact Sheet.
- **HIGH QUALITY PROFESSIONAL DEVELOPMENT.** The statutory definition of “high quality professional development” is in Part J of the Fact Sheet.