

**NCLB NYS Field Memo
#04-2008**

July 8, 2008

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/

Rebecca H. Cort
Deputy Commissioner
Office of Vocational and Educational Services for Individuals with Disabilities
(VESID) /s/

Subject: Fall 2008 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. The only exceptions are teachers who are eligible for extended deadlines, as explained in Item A5 of NCLB NYS Field Memo #03-2008, which is available at <http://www.highered.nysed.gov/nclbhome.htm>. Teachers who are not highly qualified in fall 2008 must be making progress toward becoming 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 Department uses the Basic Educational Data System (BEDS) Personnel Data Form for Teachers to obtain data and report on progress towards meeting NCLB and IDEA teacher quality goals. Before BEDS Day in October 2008, general instructions for the BEDS Personnel Data Form will be posted online at <http://www.emsc.nysed.gov/irts/home.html> and BEDS Personnel Data Forms will be mailed to districts, BOCES and charter schools. The fall 2008 NCLB Supplement to the general instructions is attached. It refers to NCLB NYS Field Memo #03-2008 for definitions of all terms. The memo is available online at <http://www.highered.nysed.gov/nclbhome.htm>.

It is important to prepare for BEDS reporting in fall 2008 by reviewing each teacher's qualifications for classes in core academic subjects in light of the attached supplement and NCLB NYS Field Memo #03-2008 and to develop procedures for responding accurately and completely to:

- Question number 6, "NCLB HIGH QUALITY PROFESSIONAL DEVELOPMENT" on Side 1 of the October 1, 2008 BEDS form;
- Question number 11, "NCLB items on HIGHLY QUALIFIED" on Side 2 of the October 1, 2008 BEDS form; and
- All other questions on the October 1, 2008 BEDS form.

The U.S. Department of Education (USDOE) requires BEDS data for teachers to be as accurate and complete as possible. This means that BEDS forms must:

- be submitted for every individual who is required to be certified (except for teaching assistants) pursuant to section 80-1.9 of the Regulations of the Commissioner of Education, available at <http://www.highered.nysed.gov/tcert/part80-1.htm#1.9>; and
- each form submitted must include complete and accurate information.

Districts should create and implement written policies and procedures to ensure that they submit a BEDS form for every teacher who is required to complete a form, that they do not submit a BEDS form for teachers who are not required to complete a form, and that each submitted BEDS form contains complete and accurate information. Procedures might include comparisons of the number of BEDS forms completed to the number of teachers on personnel records as of October 1, 2008, and random checks to ensure that teachers only make changes to items that are blank, have asterisks or are pre-printed incorrectly. Similarly, procedures might include a random number of comparisons between teachers' responses about their assignments to other sources of the same data, such as class schedules. These steps will help to ensure that school districts data are accurately represented in the Department's reports and publications.

Please send your questions:

- about this memo to nclbnys@mail.nysed.gov
- about certification to tcert@mail.nysed.gov
- about BEDS forms to BEDSPMF@mail.nysed.gov

FALL 2009 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:

- Question number 6 "**NCLB HIGH QUALITY PROFESSIONAL DEVELOPMENT**" on Side 1 of the BEDS form; and
- Question number 11, "**NCLB 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 #03-2008 dated June 13, 2008. 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**

Question number 6 asks teachers whether they received "NCLB Highly 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. Teachers must **select one response**. Their 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 referring to the asterisks next to teaching assignment codes on the list of BEDS Assignment Codes for Teachers. NOT CORE should be checked only if the assignment is truly NOT CORE (i.e., has no asterisks) or is MAY BE CORE (i.e., has two asterisks) and you determine that it does not meet the definition of a CORE assignment.

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.

The following definitions should be used to determine whether a MAY BE CORE assignment is 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 one response** for the “NCLB Highly Qualified” item for each reported teaching assignment in question number 11. 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 (SELECT ONLY ONE)	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 the “highly qualified” requirement does not apply.

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

- Question number 6, “NCLB Professional Development” must have **one response**.
- All reported teaching assignments in question number 11 must have **one response** for the “NCLB Highly Qualified” item (YES, NO or NOT CORE).
- For a CORE class, when teachers do not select an option or when teachers report NOT CORE, NYSED will change the response 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. To reduce the likelihood that NYSED will enter NO for an incomplete (blank) response, districts should check BEDS forms for inappropriate blanks.
- For a CORE class, when teachers report YES but NYSED’s certification records indicate that the teacher does not meet State certification standards for that class (which take into account incidental teaching, approved experiments in organizational change in middle schools, and State charter school law), NYSED will replace the YES with a NO and give employers an opportunity to correct the teacher’s status before data on “highly qualified” teachers are publicly reported. **See note for charter schools.**
- For a MAY BE CORE class, when teachers report NOT CORE, that response will take precedence over any other response that teachers report for the same class.

- For a NOT CORE class, including a MAY BE CORE class where a NOT CORE local decision was made, teachers must select NOT CORE.
- It is important for teachers to report the correct assignment code because the CORE, NOT CORE AND HIGHLY QUALIFIED decisions are all based on that code.

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.

Note for charter schools. The NCLB and IDEA defer to State law with regard to the certification of charter school teachers for the purpose of determining whether charter school teachers are highly qualified. Section 2854(3)(a-1) of New York State Education Law permits charter school teachers with any classroom teaching certificate to meet State certification requirements for any teaching assignment. As a result, BEDS accepts any classroom teaching certificate for any teaching assignment in determining whether a teacher is highly qualified for a teaching assignment. In addition, section 2854(3)(a-1) of New York State Education Law permits each charter school to have thirty percent or five teachers, whichever is less, with no teaching certificate, provided that these teachers meet other requirements specified in law. This is called the “thirty/five exception.” **In order for BEDS to count as highly qualified up to five charter school teachers who have no New York State classroom teaching certificate, charter schools must identify the teachers who are using the “thirty/five exception” each year on the BEDS “Charter School Thirty/Five Exception” form available at <http://www.emsc.nysed.gov/irts/beds/home.shtml>. If a charter school does not identify the teachers who are using the “thirty/five exception,” BEDS will consider teachers without New York State classroom teaching certificates to be not highly qualified.**