



New Jersey School Boards Association

Headquarters: 413 West State Street, Post Office Box 909, Trenton, New Jersey 08605-0909
Telephone: 609-695-7600 Toll Free: 1-888-886-5722 Fax: 609-695-0413 Web site: www.njsba.org

ROWAN UNIVERSITY 9TH ANNUAL SCHOOL LAW FOR PRINCIPALS CONFERENCE SPONSORED BY: THE EDUCATIONAL INSTITUTE OF ROWAN UNIVERSITY

Holiday Inn
Runnemede, New Jersey
July 14, 2004

Michael F. Kaelber, Esq.
Senior Counsel
NJSBA Legal Department



"No Child Left Behind makes history in American education
and builds futures for America's students."

Rod Paige, U.S. Secretary of Education

No Child Left Behind: Highly Qualified Personnel

Introduction - On January 8, 2002, President Bush signed into law the "No Child Left Behind Act (NCLB)." This Act reauthorizes the nation's preeminent federal education law, the Elementary and Secondary Education Act of 1965 (ESEA) and is the broadest modification of the ESEA since its enactment. NCLB extends the federal government's role in education delivery and impacts upon all public school districts in the nation. The Act identifies several areas for monitoring and evaluation to ensure that every public school district receiving federal funds improves school quality and student achievement. NCLB contains four basic education reform principles: stronger accountability for results, increased flexibility and local control, expanded options for parents and an emphasis on teaching methods that have been proven to work. The full version of NCLB can be found at <http://www.nochildleftbehind.gov>

- New Jersey's NCLB Q&A—<http://www.nj.gov/njded/grants.nclb/faq.shtml>

Nothing contained in this document should be construed as legal advice. This document is for informational purposes only. Please consult your board attorney for legal advice.

I. Highly Qualified Teachers

- A. By 2005-06 every classroom must have a “highly qualified” classroom teacher. Fully certified for the subject they are teaching; alternate route OK. No emergency, temporary or provisional certification.
- USDOE Improving Teacher Quality Draft Non-Regulatory Guidance 9/12/2003
<http://www.ed.gov/programs/teacherqual/guidance.pdf>
- B. NCLB Federal Definition – “Highly Qualified”
1. Have at least a Bachelor’s Degree.
 2. Have valid state certification – no waivers, no emergency certificates.
 3. Demonstrate content expertise in the core academic subjects they teach.
 - a. Academic major or equivalent credits.
 - b. Pass a rigorous state test.
 - c. HOUSSE standard- high objective uniform state standard of evaluation.
 - d. Advanced credential in subject area.
- C. The New Jersey Model for Identifying Highly Qualified Teachers
<http://www.nj.gov/njded/profdev/hqt/house.pdf>
1. 9/16 Memo Summarizing Model Revisions
http://www.nj.gov/njded/profdev/house_memo.htm
 2. 10/30 Memo Implementation Updates Regarding the Highly Qualified Teacher Initiative <http://www.nj.gov/njded/profdev/hqt/memo103003.htm>.
 3. 1/15/04 Memo Regarding ESL Certification
<http://www.nj.gov/njded/grants/nclb/guidance/esl.htm>
 4. Highly Qualified Teacher FAQs
<http://www.nj.gov/njded/profdev/hqt/faq.htm>
- D. New Jersey Criteria for “Highly Qualified” Teachers
1. Teachers who must be “highly qualified”
 - a. Elementary generalists, special education teachers who provide direct instruction in one or more content areas and middle and secondary content area instructors including bilingual and ESL.
 - b. Content areas – Language Arts Literacy, Science, Mathematics, Social Studies, World Languages, Visual and Performing Arts.

2. Elementary Teacher Requirements
 - a. Holds a bachelors degree, B.S. or B.A.
 - b. Holds a valid NJ teaching certificate – no emergency
 - c. Has demonstrated mastery by passing a rigorous test in reading, writing, math and other areas of the curriculum (NTE, Praxis II Elementary Education: Content Knowledge); or
 - d. Meeting the requirements of a high objective uniform state standard of evaluation (N.J. HOUSE).

3. Middle or High School Teacher Requirements
 - a. Holds a bachelors degree, B.S. or B.A.
 - b. Holds a valid NJ teaching certificate – no emergency
 - c. Has demonstrated competency in subject area taught by passing a rigorous State test (NTE, Praxis II Content Knowledge), or through completion of an academic major, graduate degree, or comparable coursework (30 credits) or advanced credentialing (National Board Certification); or
 - d. Meeting the requirements of a high objective uniform state standard of evaluation (N.J. HOUSE).

- E. New Jersey’s HOUSE Standard
 1. Alternative means of demonstrating content knowledge in core academic subjects
 2. N.J.’s Content Knowledge Matrix
 - a. Content Area College Coursework
 - b. Content Area Professional Activities
 - c. Content Area Teaching Activities
 - d. Successful content area teaching performance
 - e. NBPTS Elementary Generalist Certification
 3. Statement of Assurance – Supervisor or Principal sign-off

- F. Compliance Timelines
 1. Title I Schools/Programs
 - a. New teachers – novice, first year - 2002-2003 – may **NOT** use N.J. HOUSE standards.
 - b. Newly hired teachers –experienced, first year in new district - 2002-2003 - may use N.J. HOUSE standards.
 - c. Veteran teachers – 2005-2006 – may use N.J. HOUSE standards.
 2. Non-Title I Schools/Programs – All teachers - 2005-2006.

- G. New Jersey Highly Qualified Teacher Problem Areas
 - 1. Veteran Teachers
 - 2. Departmentalized Middle School Teachers
 - 3. Special Education Teachers
 - 4. ESL Teachers

- H. USDOE New Flexibility – Secretary of Education Rod Paige 3/15/04
 - 1. RURAL DISTRICTS – Teachers in eligible rural districts - highly qualified in one subject, will have three years to become highly qualified in all the additional subjects they teach.
 - 2. SCIENCE TEACHERS – States may determine, based on current certification requirements, to allow science teachers to be highly qualified in “broad field” science or individual science fields (physics, chemistry, biology)
 - 3. MULTI-SUBJECT TEACHERS – States may streamline evaluation system by developing method for multi subject teachers to demonstrate through one process that they are highly qualified in each of their subjects.

- I. N.J. Highly Qualified Teacher Survey <http://www.nj.gov/njded/data/hqt>
 - 1. Teacher Survey Summary <http://www.nj.gov/njded/data/hqt/summary.htm>
 - 2. 2004n Statewide Survey Results <http://www.nj.gov/njded/data/hqt/state2.htm>
 - 3. Search for district and school level results
<http://www.nj.gov/njded/data/hqt/search.htm>

- J. Parent Notification Procedures – Title I Schools and Programs Only
 - 1. September 2003 – Initial parent letter to **all** parents in the school – Right to inquire about teacher credentials
 - 2. November 2003 – Highly Qualified Status Letter – only to parents of teachers who are not highly qualified – Child has received instruction for four or more consecutive weeks from a teacher who is not highly qualified.

- K. Certification Code – N.J.A.C. 6A:9, Adopted January 20, 2004
 - 1. Elementary certification
 - 2. Elementary school with subject matter specialization
 - 3. Special Education
 - 4. Proposed Amendments

II. Paraprofessionals

- A. Paraprofessionals, such as classroom aides hired with Title I funds, are expected to complete at least two years of college (48 credits), obtain an associate's or higher degree, or be able to demonstrate a standard of quality through a formal state or local assessment of knowledge of and ability to assist in reading, writing and mathematics instruction or reading, writing and mathematics readiness.
 1. All new hires in Title I programs after January 8, 2002 must meet these requirements.
 2. Currently employed paraprofessionals have until January 8, 2006 to meet these requirements.
 3. Local or State Assessments
 - a. ETS ParaPro Test <http://www.ets.org/parapro/>
 - b. ACT Workkeys Proficiency Certificate
 - c. Online Test Preparation Programs
 - d. NJDOE Performance/Portfolio Assessment for Paraprofessionals
 1. Paraprofessional Performance/Portfolio Assessment Letter 9/5/03 <http://www.state.nj.us/njded/title1/leg/portfolio.shtml>
 2. Paraprofessional Performance/Portfolio Assessment FAQ <http://www.state.nj.us/njded/title1/hqs/pp/ppfaq.shtml>
 3. Paraprofessional Performance/Portfolio Assessment: A Framework <http://www.state.nj.us/njded/title1/hqs/pp/framework.pdf>
 - e. Locally created assessments
- B. Other SDOE Website Resources
 1. NCLB requirements –Preliminary Guidance www.nj.gov/njded/grants/nclb/paraprofessional_guidance.shtml
 2. Paraprofessional Resources www.nj.gov/njded/grants/nclb/paraprofessional_resources.pdf
 3. Paraprofessional Regulations - Q&A www.nj.gov/njded/grants/nclb/paraprofessional_regs.shtml
- C. USDOE Paraprofessionals Draft Non-Regulatory Guidance - 11/07/2002 <http://www.ed.gov/policy/elsec/guid/paraguidance.pdf>
- D. Miscellaneous Issues
 1. County College collaboration
 2. On line courses
 3. Labor relations issues

III. Professional Development

IV. Staffing challenges to personnel administrators

