



SUPERINTENDENT OF PUBLIC INSTRUCTION

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() Action Required
(X) Informational

MEMORANDUM NO. 20-02M

TO: Educational Service District Superintendents
Educational Service District Grants Managers
School District Superintendents
School District Grants Managers
Chief School District Administrators
School Principals
School Public Relations Professionals

FROM: Dr. Terry Bergeson, State Superintendent of Public Instruction

RE: No Child Left Behind Act of 2001 – Reauthorization of the
Elementary and Secondary Education Act of 1965

On January 8, President George Bush signed the No Child Left Behind Act of 2001. This act reauthorizes and amends federal education programs established under the Elementary and Secondary Education Act (ESEA) of 1965. The intent of this memorandum is to provide you with general information concerning the impact of this law on federal programs in light of your current budget planning efforts. An initial summary of substantial program changes under ESEA is also included in this memorandum.

The major focus of No Child Left Behind 2001 (a.k.a. ESEA) is to provide all children with a fair, equal and significant opportunity to obtain a high-quality education. The U.S. Department of Education is emphasizing four pillars within the bill: accountability, flexibility, research-based education and parent options. In essence, it is a national extension of the standards-based education reform efforts we have undertaken in our state since 1993.

Under the new law, all students will be expected to achieve proficiency in reading and mathematics within 12 years. To help get students to this important goal, ESEA requires high quality assessments that will help educators and parents alike in identifying areas of potential student improvement and provide data to

make informed decisions about student achievement. The new law also calls for high quality teacher preparation and training to help teachers and paraprofessionals develop the skills and knowledge to help all children reach their academic goals. A substantial portion of this new legislation will focus on closing the academic achievement gap across racial/ethnic and economically disadvantaged groups.

Although OSPI has exercised caution in reading and interpreting the new law, school districts should be aware that many ambiguities remain. This law, as always, is subject to interpretation by the U.S. Department of Education (USDE) through regulations and guidance.

Application for Federal Funding

As a result of changes to the law governing these federal programs, the content of the WebApps system for federal funding applications must undergo some revision. However, the procedures used for processing a WebApps application and budget will remain the same. It is anticipated that necessary changes will be made by the middle of May 2002, and that districts will have access to most federal funds by July 1, 2002, contingent upon OSPI receiving USDE approval to distribute funds. Details on the exact dates and times will be posted to the ESEA section of the OSPI Web page at: <http://www.k12.wa.us/Legis/default.asp#ESEA>. The WebApps grant system can be accessed at <http://webapps.ospi.wednet.edu>.

Key Dates to Remember

- Wednesday, June 5 – Briefing on contents of state application via K-20 (Billings Conference Room, OSPI)
- Monday, July 1 – Release of federal funds to school districts

Questions and Answers about ESEA

If you have questions about the new law, please e-mail your inquiries to: esea@ospi.wednet.edu. The agency will continue to post the most current information concerning ESEA online at:

<http://www.k12.wa.us/Legis/default.asp#ESEA>. On this site, you will find:

- Links to current research about the ESEA
- A list of OSPI staff contact, by federal program.

Please check this site frequently for new materials and updated information.

LEARNING AND TEACHING

MARY ALICE HEUSCHEL

Deputy Superintendent for Learning and Teaching

Summary of Program Changes

Title I, Part A

Qualifications of Teachers: A local education agency (LEA) receiving Title I, Part A funds must ensure that all teachers teaching in a Title I, Part A Program hired after the first day of the school year **2002-03**, are "highly qualified." Teachers hired prior to the first day of school year 2002-2003 must meet the definition of highly qualified by the end of 2005-2006. The definition for highly qualified teacher has been attached below.

All teachers currently teaching in core academic subjects must be fully certified in all of the subject areas they teach (e.g. no out of field teaching) by the end of the 2005-06 school year. As defined by the No Child Left Behind Act, core academic subjects include: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. A teacher quality workgroup made up of OSPi staff, teachers and professional development experts is currently evaluating the new requirements as they relate to certification in Washington. More information will be provided once final details have been decided.

Qualifications of **Paraprofessionals**: Effective January 8, 2002, any paraprofessional hired by the LEA and working in a Title I, Part A program must have a secondary school diploma or its recognized equivalent (GED) **and** meet one of the following qualifications:

- have completed at least two years of study at an institution of higher education;
- have obtained an associate's (or higher) degree; **OR**
- have met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment -
 - knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or
 - knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Exception: These paraprofessional qualifications do not apply to a paraprofessional whose primary responsibility is to serve as a translator or whose duties consist solely of conducting parental involvement activities under Title I, Part A.

All paraprofessionals hired by the LEA before January 8, 2002, and working in a Title I, Part A Program must have a secondary school diploma or its recognized equivalent (GED) and, **not later than four years** after the date of enactment (January 8, 2002), meet the qualifications listed above.

The U.S. Department of Education (USDE) will be providing guidance in the near future on the impact of the new teacher and paraprofessional qualifications as it relates to Title I, Part A schoolwide campuses. We will provide you immediate guidance as soon as we receive additional information from USDE.

Schoolwide Eligibility: To be eligible to operate a schoolwide program, the percentage of low-income children on a Title I campus must be at least 40 percent. This is a reduction from 50 percent.

Title I, Part D, Subpart 2

The focus of the Title I, Part D, Subpart 2 program has narrowed to deal primarily with the educational and other needs of students being released from facilities for the delinquent that are located within the LEA's boundaries. Dropout prevention is still an allowable activity under this program, but services to students at-risk of dropping out *shall not have a negative impact* on meeting the transitional and academic needs of the students returning from correctional facilities.

Title II, Part A—Teacher and Principal Training and Recruitment Fund

The Class-Size Reduction Program and the Eisenhower Professional Development Program have been combined to form a new program under Title II, Part A of P.L. 107-110. This new program is the Teacher and Principal Training and Recruitment Fund.

The new program offers flexibility with no restriction to focus on Mathematics and/or Science. Instead, an LEA may choose to conduct one or more of the following activities:

- Recruiting, hiring, and retaining highly qualified teachers, including scholarships, signing bonuses, or other financial incentives, such as differential pay;
- Professional development; (including math and/or science as well as other subject areas)
- Improving the quality of the teacher workforce;
- Reducing class-size. (NOTE: The expenditure of class size funds is no longer restricted to grades K-3)

Funds under the program are **supplemental**. Therefore, state and local mandated professional development and class-size requirements may **not** be paid with Title II, Part A funds. Title II, Part A must supplement, not supplant, non-federal funds that would otherwise be used for Title II, Part A activities.

Title IV, Part A—Safe and Drug-Free Schools and Communities

Major changes to the Safe and Drug-Free Schools and Communities Program include the following:

- LEAs will be restricted to using not more than 2 percent of their entitlement for administrative costs.

- An LEA may use up to 40 percent of its Title IV entitlement for the hiring and training of new security personnel. The LEA is further restricted to spending not more than half of this 40 percent for security devices.
- Title IV, Part A funds must supplement, not supplant, funds available from non-federal funds that would otherwise be used for Title IV, Part A activities.
- All Title IV, Part A funds will be distributed based on a formula prescribed in law. No funds will be distributed to LEAs based on greatest need.

Title IV, Part B – 21st Century Learning Centers

- The new legislation delegates responsibility for managing the program to the state education agency.
- In addition to local educational agencies, community-based organizations, including faith-based organizations and other public or private organizations may directly receive funds from the state.
- Grantees must provide academic enrichment activities.
- Applications will be available sometime in mid-summer.

Title V, Part A (formerly Title VI)—Innovative Programs

Funds available to LEAs under the Title V, Part A program will continue to be used for one or more innovative assistance programs as defined by P.L. 107 110. The number of innovative programs has been expanded, providing LEA's with additional flexibility.

Title VI, Part A, Subpart 2—State and Local Transferability Act

This program provides LEAs with additional flexibility by allowing the transfer of funds that have been allocated by formula under Section 2121 [TPTR], Section 2412(a)(2)(A) [Enhancing Education Through Technology], Section 4112(b)(1) [Safe and Drug-Free Schools and Communities], and Section 5112(a) [Innovative Programs].

- LEAs that **have NOT been identified** for improvement under Section 1116(c) may transfer up to 50 percent of the funds allocated under each of these programs to its allocation under any other of these programs or to Title I, Part A.
- LEAs that have been identified for improvement under Section 1116(c) may transfer up to 30 percent of these funds if the transferred funds are used only for school improvement activities consistent with Section 1116(c).
- LEAs that have been identified for corrective action are prohibited from transferring funds under this authority.

The process for accomplishing the transfer of funds under this Act will be detailed in the Instructions for the Application for Federal Funding.

Attachment

Section. 9101 DEFINITIONS

(23) HIGHLY QUALIFIED—The term “highly qualified”—

(A) when used with respect to any public elementary school or secondary school teacher **teaching in a state means that:**

(i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that a teacher meets the requirements set forth in the State’s public charter school law; and

(ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;

(B) when used with respect to—

(i) an elementary school teacher who is **new** to the profession, means that the teacher—

(I) holds at least a bachelor’s degree; and

(II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

(ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor’s degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by—

(I) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

(II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major or advanced certification or credentialing; and

(C) when used with respect to an elementary, middle, or secondary school teacher who is **not new** to the profession, means that the teacher holds at least a bachelor’s degree and—

(i) has met the applicable standard in clause (i) or (ii) of subparagraph(B), which includes an option for a test; or

(ii) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that—

(I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;

(II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;

(III) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

(IV) is applied uniformly to all teachers in the same academic subject and the same grade level through the State;

(V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;

(VI) is made available to the public upon request; and

(VII) may involve multiple, objective measures of teacher competency.