

ESEA 101:
THE SOUTHEAST CENTER FOR TEACHING QUALITY’S
OUTLINE OF THE
2002 NO CHILD LEFT BEHIND/ELEMENTARY & SECONDARY EDUCATION ACT
 (with a focus on Teacher Quality)

- I. Pertinent information from application requirements issued by US DOE on May 22, 2002
- a. Each consolidated State application must have the following components:
 - i. Description of elements of a system of ESEA accountability
 - ii. Description of key strategies to implement the ESEA programs
 - iii. Programmatic and fiscal information to facilitate release of funds
 - iv. Assurances of the state's adherence to all requirements of the programs
 - b. As part of the elements for a system of ESEA accountability, states must:
 - i. Adopt, at a minimum, the 5 ESEA **performance goals**
 1. By 2013-2014, all students will reach high standards, at a minimum attaining proficiency or better in reading/language arts and mathematics.
 2. All limited English proficient students will become proficient in English and reach high academic standards, at a minimum attaining proficiency or better in reading/language arts and mathematics.
 3. By 2005-2006, all students will be taught by highly qualified teachers.
 4. All students will be educated in learning environments that are safe, drug free, and conducive to learning.
 5. All students will graduate from high school.
 - ii. Adopt, at a minimum, a core set of **performance indicators** for the goals.
 - For Performance Goal 3: By 2005-2006, All Students Will Be Taught by Highly Qualified Teachers, these are the required indicators:
 1. 3.1 Performance indicator: The percentage of classes being taught by “highly qualified” teachers in the aggregate and in “high-poverty” schools.
 2. 3.2 Performance indicator: The percentage of teachers receiving high-quality “professional development.”
 3. 3.3 Performance Indicator: The percentage of paraprofessionals (excluding those with sole duties as translators and parental involvement assistants) who are qualified.
 4. States may report on additional indicators they deem important.
 - iii. Adopt **state-determined performance targets**, in which the state defines the progress it expects to make at specified points with respect to each indicator
 - 3.1.1. Example of a State performance target: The percentage of classes being taught by highly qualified teachers, in the aggregate and in high-poverty schools, will increase from the baseline of “x” percent in 2001-2002 to “y” percent in 2002-2003, “z” percent in 2003-2004, etc.
 - c. Timeline
 - i. June 2002: States must adopt performance goals and indicators and agree to submit baseline data and performance targets in May 2003.

- ii. January 2003: States must submit their definition of “Adequate Yearly Progress” (AYP-see below) and describe how it determined its “starting point.”
- iii. May 2003: States must submit performance targets and corresponding baseline data based on the 2001-2002 school year. **Baseline data for highly qualified teachers is due August 31, 2003.**

II. Teacher and Principal Quality

- a. Grants will be provided to SEAs, LEAs, higher education institutions and eligible partnerships to improve teacher and principal quality.
- b. \$2.85 billion has been appropriated to teacher quality efforts.
- c. Federal-to-state funding is allocated based 35% on student enrollment and 65% on student poverty. State-to-local funding is based 20% on student enrollment and 80% on student poverty. States must allocate 95% of federal money to LEAs. 2.5% must go to eligible partnerships and the remaining 2.5% can be used for state activities.
- d. State and local uses of funds can include, among others:
 - i. Reforming certification/licensure requirements
 - ii. Implementing/improving alternative routes
 - iii. Implementing recruitment and retention initiatives
 - iv. Reforming tenure systems
 - v. Improving teacher assessment
 - vi. Exploring merit-based pay and other pay differentiation systems
 - vii. Implementing signing bonuses and other financial incentives
 - viii. Implementing/improving mentoring for teachers and principals
 - ix. Reducing class size
 - x. Improving professional development for teachers and administrators
 - xi. Implementing/improving technology instruction
- e. National activities under ESEA will include:
 - i. Creating a National Teacher Recruitment Campaign, building on the National Teacher Recruitment Clearinghouse
 - ii. Giving competitive grants to high-need LEAs to recruit and train principals
 - iii. Giving competitive grants to SEAs, LEAs and partnerships to support teachers seeking advanced certification or credentialing
 - iv. Giving competitive grants to SEAs, LEAs and partnerships to improve knowledge of early childhood educators
 - v. Creating a National Panel on Teacher Mobility
- f. “Highly Qualified Teachers”
 - i. Beginning with the first day of the 2002-2003 school year, all new teachers **hired under Title I** funds must be “highly qualified.”
 - ii. Each state and district must develop a plan to ensure that **100% of teachers are “highly qualified” by 2005-2006**. This plan must include an annual increase in percentage of highly qualified teachers in each school.
 - iii. Under ESEA, a highly qualified teacher must:
 - 1. Have obtained full certification (includes alternative certification***) or passed state licensing exam, AND
 - 2. Hold a license to teach in the state, AND

3. Not have any waiver of certification or licensure on emergency or provisional basis
4. Elementary school teachers must:
 - a. Hold at least bachelor's degree, AND
 - b. Demonstrate subject knowledge in all areas of elementary curriculum by passing a state test
5. Secondary teachers must:
 - a. Demonstrate high level of competency in subject area by passing a test or completing coursework equivalent to an academic major or advanced degree
6. For both elementary and secondary teachers, state-required licensing exams in subject areas count toward meeting the subject knowledge requirement.
7. Veteran teachers must:
 - a. Hold a bachelor's degree and be licensed by the state, AND
 - b. Demonstrate high level of competency in subject area by passing a test or completing coursework equivalent to an academic major or advanced degree OR meeting a "high objective state standard of evaluation" (HOUSSE)
8. National Board Certification: NBCTs teaching at the middle/secondary level, and within the subject field they earned their Board Certification, are considered highly qualified. Due to new flexibility and governance provisions afforded to individual states in the NCLB Act, NBCTs teaching at the elementary level meet the definition of a highly qualified teacher so long as the state has indicated within its "HOUSSE" (high, objective, and uniform state standard of evaluation) standard that National Board Certification meets subject matter competency requirements.

*** Non-regulatory guidance issued by the US DOE in December 2002 states that teachers in alternative routes to certification must "(1) receive high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction before and while teaching, (2) participate in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers, or a teacher mentoring program, (3) assume functions as a teacher only for a specified period of time not to exceed three years, and (4) demonstrate satisfactory progress toward full certification as prescribed by the State"

- iv. LEAs must use 5% of Title I money, and may use Title II money as well, to help teachers become fully qualified.
 - v. After two years of not meeting highly qualified teacher performance targets (set by the state to keep districts on pace to reaching the federally mandated 100 percent), LEAs must develop an improvement plan. If the district does not meet the targets after three years **AND** has not met AYP, the state must enter an agreement about the use of teaching quality funds and Title I funds cannot be used for new paraprofessionals.
- g. ESEA calls for the examination of out-of-field and emergency credentialing

- i. State plans must describe how the state will ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified or out-of-field teachers.
- ii. State annual report cards must include “the percentage of teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools.”
- iii. Parents Right-to-Know:
 - 1. LEAs that receive Title I funds must notify parents of students in any school that receives Title I funds that they may access information about professional qualifications of the teachers, including, at a minimum:
 - a. If the teacher has met State qualification and licensing criteria for their grade levels and subject areas
 - b. If the teacher is teaching under emergency provisional status through which State qualification or licensing criteria have been waived.
 - c. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
 - d. Whether the child is provided services by paraprofessionals and, if so, their qualifications.
 - 2. LEAs that receive Title I funds must notify parents of students in schools receiving Title I funds if at any time the student is taught for more than four consecutive weeks by a teacher who is not highly qualified.
- h. “High-Quality” Professional Development: The act requires that states report on the percent of teachers receiving “high-quality” professional development. This is defined as activities that:
 - i. Improve teachers' knowledge of the academic subjects the teachers teach
 - ii. Enable teachers to become highly qualified
 - iii. Are part of school and district improvement plans
 - iv. Give teachers, principals, and administrators knowledge and skills to help students meet content and achievement standards
 - v. Improve classroom management skills
 - vi. Are high quality, sustained, intensive, and classroom-focused
 - vii. Are not 1-day or short-term workshops or conferences
 - viii. Support the recruiting, hiring, and training of highly qualified teachers, including those coming through alternative routes to certification
 - ix. Advance teacher understanding of effective instructional strategies that
 - x. Are aligned with content and achievement standards and assessments
 - xi. Are developed with participation of teachers, parents, and administrators
 - xii. Provide instruction in methods of teaching limited English proficient students
 - xiii. Provide training for teachers and principals in the use of technology
 - xiv. Are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement
 - xv. Provide instruction in methods of teaching children with special needs;

- xvi. Include instruction in the use of data and assessments to inform and instruct classroom practice
- xvii. Include instruction in working more effectively with parents
- i. Paraprofessionals
 - i. Paraprofessionals hired after January 8, 2002 must have:
 - 1. Completed at least 2 years of higher education
 - 2. Obtain an associate's degree, OR
 - 3. Pass a state or local assessment demonstrating proficiency to assist in reading, writing or math instruction
(this does not apply to paraprofessionals working primarily in translation or parental involvement programs)
 - ii. Currently employed paraprofessionals have until January 2006 to meet new requirements.
 - iii. Paraprofessionals cannot provide instructional service unless under the direct supervision of a teacher.
 - iv. Title II funds can be used to develop programs that recruit "highly qualified" paraprofessionals (at least 2 years in the classroom) to teach in high-need fields.
- j. Math and Science Teachers
 - i. Competitive grants will go to partnerships to improve academic achievement of students in math and science.
 - ii. Grantees may use funds to:
 - 1. Provide new professional development to improve subject knowledge
 - 2. Promote teaching skills that are based on scientific research
 - 3. Provide summer workshops or institutes for teachers
 - 4. Recruit math, science and engineering majors into teaching
 - 5. Establish distance learning programs
 - 6. Prepare mentor teachers in these areas
- k. Transition to Teaching
 - i. Competitive grants will go to partnerships to establish high-quality alternative route programs to high-need schools, particularly ones that allow individuals to be eligible for certification in reduced time.
 - ii. Grantees may use funds to:
 - 1. Provide scholarships/bonuses up to \$5000 to eligible participants
 - 2. Create induction and support activities for these teachers
 - 3. Create placement processes to ensure these teachers are placed into high-need schools
 - 4. Provide schools with monies to attract these teachers
 - 5. Develop long-term recruitment and retention strategies
 - iii. Teachers in these programs must commit to a 3-year period of service in a high-need school, or else pay back whatever financial incentive was given them
- l. Troops to Teachers
 - i. Up to \$30 million of authorized funds are for the administration of this program.

III. Accountability

- a. \$387 million has been appropriated to states to develop assessments.

- b. By 2005-2006, every state must implement yearly assessments for grades 3-8 in reading and math; states can select and administer their own tests. Tests must be aligned to rigorous state academic standards.
- c. By 2007-2008, each state must administer science assessments at least once during grades 3-5, 6-9, and 10-12 (academic standards are required in science by 2005-2006).
- d. Assessments must be administered, at a minimum, at least once during grades 3-5, 6-9, and 10-12, until annual tests are administered (at the latest by 2005-2006).
- e. Beginning in 2002-2003, individual LEAs will produce annual report cards on school performance, including student achievement data, teacher qualifications, and quality of the school.
- f. Beginning in 2002-2003, states will produce statewide report cards with data disaggregated by race, gender, ethnicity, disability status, migrant status, English proficiency and status as economically disadvantaged. These report cards will include “the percentage of teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools.”
- g. State must set an initial “proficiency” level based on lowest-achieving demographic group or lowest-achieving schools, which ever is higher. This threshold must be raised at least every three years. The state must then set an “Adequate Yearly Progress” (AYP) definition so that within 2 years, all students are making AYP and will be “proficient” within 12 years.
- h. AYP definition must include graduation rates for secondary students and one other academic indicator (e.g., attendance rates, retention rates, achievement on local assessments, etc.)
- i. AYP definitions must include the progress of each subgroup (economically disadvantaged students, major racial or ethnic groups, students with disabilities and English language learners) within a school or LEA as well. In order for a school or LEA to meet AYP, every statistically significant subgroup within that school or LEA must also meet AYP.
- j. Safe harbor option: If a subgroup within a school fails to make AYP, the school can still meet AYP *IF* the school has made a 10% reduction in the proportion of students in that subgroup below proficiency.
- k. Schools not meeting AYP over time will be subject to progressively more rigorous sanctions, from school improvement, to providing school choice and supplemental services to students, to taking corrective action, and, finally, school restructuring.
- l. A school that does not make AYP for three consecutive years cannot use ESEA funds to hire paraprofessionals except to fill vacancies due to increased enrollment.
- m. Options for students in failing schools
 - i. School Choice: When schools do not meet AYP for 2 years in a row, the district must offer public school choice to all students in those schools, including providing transportation costs.
 - ii. Supplemental Services: LEAs can use Title I monies (approximately \$500-\$1000 per child) to provide supplemental services (tutoring, after school, etc.) to children in failing schools.
 - iii. Charter Schools: ESEA expands federal support for charter schools.

- iv. ESEA provides immediate relief in 2002-2003 for students in schools already identified for improvement or corrective action under the 1994 ESEA reauthorization.
- n. To confirm the validity of the results of state-administered assessments, all states are now required to participate in the National Assessment of Educational Progress. Beginning in 2002-2003, all states will have to participate in NAEP in reading and math at the 4th and 8th grade level. The federal government will cover the costs for participating.
- o. Each state must establish a program of rewards for schools and teachers that significantly close the achievement gap or make AYP for 2 or more consecutive years.

IV. Flexibility and Transferability of Funds

- a. States and local school districts will be allowed to transfer up to 50% of ESEA funds among several programs without separate approval. While funds may be transferred into Title I programs, no funds may be transferred out of Title I. This means that LEAs may use additional funds to hire new teachers, increase teacher pay, and improve teacher training and professional development, among other uses.
- b. ESEA will allow the creation of up to 150 local flexibility demonstration projects for school districts interested in obtaining the flexibility to consolidate all funds they receive from several programs in exchange for entering into an agreement holding them accountable for higher academic performance.
- c. Up to seven states will have new flexibility in the use of their non-Title I state-level federal funds in a variety of categories in the form of waivers from federal requirements relating to a variety of ESEA programs. States participating in the new demonstration projects will also be able to coordinate their efforts with local school districts through state-local "flexibility partnerships" designed to make sure federal education funds are being used effectively to meet student needs.
- d. ESEA will give local school officials serving rural schools and districts more flexibility and a greater say in how federal funds are used in their schools.

V. Reading Initiatives

- a. Increases federal investment in "scientifically based" approaches to reading instruction in the early grades
- b. Reading First State Grant program will make 6-year grants to states, who will provide competitive subgrants to LEAs to identify K-3 students at risk of failure and provide professional development to K-3 teachers in reading instruction.
- c. Early Reading First program will make competitive 6-year grants to LEAs to implement instructional strategies and professional development that are based in scientific research.
- d. In July, the DOE will send education officials in each state a guide to determine whether core reading programs are scientifically based on the findings of the recent National Reading Panel report.
- e. "Reading Academies": The DOE is sponsoring "Reading Academies" to help states increase knowledge of and create professional development in scientifically based reading instruction. Next academies are 2/13-15 and 2/22-24.