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ELEMENTARY & SECONDARY EDUCATION

Key Policy Letters Signed by the Education Secretary or Deputy Secretary

October 21, 2005

October 21, 2005

Dear Chief State School Officers:

On January 8, 2002, President George W. Bush and the U.S. Congress agreed to a plan to eliminate our Nation's significant academic achievement gaps, especially in mathematics and reading. This plan, embodied in the No Child Left Behind Act of 2001 (NCLB), recognizes that teacher quality is one of the most important factors in improving student achievement and eliminating these achievement gaps. As a result, the law set the important goal that all students be taught by a "highly qualified teacher" (HQT) who holds at least a bachelor's degree, has obtained full State certification, and has demonstrated knowledge in the core academic subjects he or she teaches. In addition, the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) reinforced this goal by aligning the requirements for special education teachers with the NCLB requirements.

Early in the 2005-06 school year, I am pleased to tell you that NCLB is working at the national, State, and local levels. The National Assessment of Educational Progress (NAEP) shows that achievement gaps in reading and mathematics between white and African American 9-year-olds and between white and Hispanic 9-year-olds are closing. We have made more progress closing these gaps in the last five years than in the previous 30 years combined. There is also evidence that States are improving the quality of their teaching forces. School districts are changing their policies to prohibit hiring teachers who do not meet the HQT requirements, and States are now reporting that a significant majority of their teachers are highly qualified. Districts are taking steps to ensure that highly qualified teachers are distributed equitably among classrooms with students from affluent and disadvantaged families by offering extra training or financial incentives to teach in hard-to-staff schools. States are raising standards for teacher preparation programs, and nearly every State now requires beginning teachers to demonstrate knowledge of the subjects that they will be teaching.

However, despite the progress we are making, there is still a lot of work to do to ensure that each State can meet the goal that every child is taught by a highly qualified teacher by the end of the 2005-06 school year. In our ongoing visits and communications with State and local officials, we are often asked what will happen if, despite their best efforts, districts cannot hire a highly qualified teacher for every class in a core academic subject by the end of the 2005-06 school year. Personnel decisions are made at the State and local levels, and the law relies on education leaders in the States to make the best educational decisions for improving student achievement. The purpose of my letter today is to assure you that States that do not quite reach the 100 percent goal by the end of the 2005-06 school year will not lose federal funds if they are implementing the law and making a good-faith effort to reach the HQT goal in NCLB as soon as possible.

REASONABLE APPROACH TO IMPLEMENTATION

The U.S. Department of Education (Department) will determine whether or not a State is implementing the law and making a good-faith effort to reach the HQT goal by examining four elements of implementation of the HQT requirements: (1) the State's definition of a "highly qualified teacher," (2) how the State reports to parents and the public on classes taught by highly qualified teachers, (3) the completeness and accuracy of HQT data reported to the Department, and (4) the steps the State has taken to ensure that experienced and qualified teachers are



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equitably distributed among classrooms with poor and minority children and those with their peers. In addition, the Department will look at States' efforts to recruit, retain, and improve the quality of the teaching force. If States meet the law's requirements and the Department's expectations in these areas but fall short of having highly qualified teachers in every classroom, they will have the opportunity to negotiate and implement a revised plan for meeting the HQT goal established in statute and regulation by the end of the 2006-07 school year. However, for States that either are not in compliance with the statutory HQT requirements or are not making a good-faith effort to meet the goal of having all teachers highly qualified, the Department reserves the right to take appropriate action such as the withholding of funds.

As a first requirement in a State's effort to implement the law, it must have a definition of a "highly qualified teacher" that is consistent with the law, and it must use this definition to determine the status of all of its teachers. For new elementary teachers, States must have a test in place to assess subject-area knowledge in the key subjects in the standard elementary school curriculum. Further, for new middle and high school teachers, a State must either test content knowledge or require those teachers to have a college major, a major equivalent, or an advanced degree or credential, in each subject taught, in order to be considered highly qualified. If a State has charter schools, teachers who teach in these schools must have bachelor's degrees and must demonstrate subject-area competence in the same manner as other teachers do before they can be considered highly qualified, but certification requirements can be waived, if permitted by State law. For teachers of special education, States must meet the requirements established in Section 602(10) of IDEA.

The Department has released and periodically updated non-regulatory guidance explaining the HQT provisions, visited every State to provide technical assistance in implementing the provisions, and, thus far, monitored over 30 States' implementation of these provisions. As a result, we are confident that States understand and can faithfully implement the law, set satisfactory definitions of "highly qualified," and make accurate determinations of which teachers meet or do not meet the HQT requirements.

As a second requirement, States and districts must provide parents and the public with accurate complete reports on the number and percentage of classes in core academic subjects taught by highly qualified teachers. States and districts must provide these data to parents through school, district, and State report cards. In addition, parents of students in schools receiving Title I funds must be notified that they may receive information regarding the professional qualifications of their children's teachers upon request, and they must be notified if their children have been assigned to or taught for four or more consecutive weeks by a teacher who is not highly qualified. We will monitor States' procedures for ensuring that districts implement fully the parents' "right to know" standards.

Complete and accurate reporting of HQT data to the Department is the third requirement. In January 2006, States must submit complete and accurate data to the U.S. Secretary of Education on their implementation of the HQT requirements as part of their Consolidated State Performance Report (CSPR). In addition to reporting the number and percentage of core academic classes being taught by highly qualified teachers in all schools, States must report on the number and percentage of core academic classes being taught in "high-" and "low-poverty" schools. In addition, they must have plans in place to ensure that disadvantaged and minority students are not taught by teachers who are not highly qualified at greater rates than other students. States must also provide additional information in the CSPR that describes the types of classes that still do not have a highly qualified teacher (see enclosure). Accurate data will ensure that teachers and principals know which teachers need additional support and will enable policymakers to determine whether or not resources are being used effectively to address real problems. States that do not submit the required HQT data as part of the CSPR in a timely manner will be out of compliance.

The fourth requirement is that States take action to ensure that inexperienced, unqualified, or out-of-field teachers do not teach poor or minority children at higher rates than other children. The Department,

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through its State monitoring, is reviewing the steps States are taking to ensure that highly qualified and experienced teachers are distributed equitably between disadvantaged students and their more affluent peers. Given the evidence that teachers are a critical factor in improving student achievement, it is in the best interest of each State to ensure that students who need the most academic support receive instruction from the most effective teachers. The Department will determine whether or not each State is making a good-faith effort in this area.

DATA-BASED PLANNING AND SUPPORT

Findings from our monitoring visits and discussions with State officials indicate that States have the capacity to report accurately, in the CSPR, on the status of their teachers' qualifications. The Department will offer a series of regional data workshops to support States in collecting the additional data on teachers who are not highly qualified that must be submitted in the January 2006 CSPR. States are accountable for producing complete and accurate data on the qualifications of their teaching forces and for using the data to identify areas that pose persistent challenges to having a highly qualified teacher in every classroom. The Department will monitor and verify the accuracy of the CSPR data throughout February and March of 2006.

After the States submit their CSPR data in January 2006, the Department will carefully review the accuracy of the data and determine each State's progress in meeting the HQT goal. If a State is falling short of the HQT goal, but meets all four of the requirements discussed above, the Department will request that the State submit, by May 31, 2006, a revised plan, based on its data, for reaching the HQT goal in the 2006-07 school year.

We know that there are circumstances in which having a highly qualified teacher in every classroom will be a continuing challenge to many States and districts, including, but not limited to, small rural schools, self-contained special education classes, and hard-to-fill advanced secondary courses. For some States and districts, the effects of Hurricanes Katrina and Rita will also have a significant and lingering impact on this work, and the Department will certainly take that into consideration. The revised plan should include detailed information on the activities the State and districts will undertake to ensure that teachers who are not highly qualified become so as quickly as possible, including the steps the State will take to ensure that disadvantaged and minority students are not taught by unqualified teachers at greater rates than are other students, as required by law. It is up to the States and districts to do everything possible to ensure that teachers who are not highly qualified can become highly qualified as soon as possible.

We know that States and districts have made a concerted effort to meet the NCLB goal of ensuring that all teachers of the core academic subjects are highly qualified. Much good work has been done to provide teachers with the training and professional development they need to become highly qualified, and we will continue to share the best practices we have seen in both States and districts. Despite these efforts, we have real concerns that not all States have established appropriate definitions for what a highly qualified teacher is, provided parents and the public with appropriate information on the qualifications of teachers in Title I schools and districts, and reported complete and accurate HQT data to the Department. Therefore, I am establishing the new requirements set forth above.

We look forward to working with you to ensure that all children are taught by highly qualified teachers and to tracking progress toward that goal in the current school year and beyond. As a first step we have invited all of the States to participate in regional data quality workshops, the first of which occurred on October 19 in Chicago, Illinois. We are also available to provide individual technical assistance to States, as necessary, to help them develop the capacity to collect and report complete and accurate teacher qualifications data. If you have any additional questions about the issues discussed in this letter, please contact [M. René Islas](#) in the Office of Elementary and Secondary Education at 202-205-8871. Thank you for your continued commitment to providing a quality education for each child in our Nation.

Sincerely,

Cited in *Renee v. Duncan*, No. 08-1665, archived on August 7, 2009

/s/

Margaret Spellings

[Enclosure](#)

Consolidated State Performance Report Information

The Consolidated State Performance Report will collect information on the percentage of classes taught by teachers who are not highly qualified for the following reasons:

- **Regular elementary school** classes taught by certified teachers who did not pass a subject-knowledge test and have not yet demonstrated subject-matter competency through the High, Objective, Uniform State Standard of Evaluation (HOUSSE);
- **Special education elementary school** classes taught by certified teachers who did not pass a subject-knowledge test OR have not yet demonstrated subject-matter competency through HOUSSE;
- **Elementary school classes** taught by teachers on emergency certificates or waivers;
- **Regular secondary school classes** taught by certified teachers who have not demonstrated subject-matter knowledge in those subjects (i.e., out-of-field teachers) and **are not eligible for "rural flexibility"**;
- **Regular secondary school classes** taught by certified teachers who have not demonstrated subject-matter knowledge in those subjects (i.e., out-of-field teachers) **who are eligible for rural flexibility**;
- **Secondary school classes taught by certified special education teachers** who have not demonstrated subject knowledge and **are eligible for flexibility under IDEA or rural flexibility**;
- **Secondary school classes taught by certified special education teachers** who have not demonstrated subject knowledge and **are no longer eligible for flexibility under either IDEA or rural flexibility**;
- **Secondary school classes** taught by teachers on emergency certificates or waivers; and
- **Others** (please explain).

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