

New Hampshire School Boards Association
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Highly Qualified Teachers

This is the first in a regular series of School Board Legal Updates presented by NHSBA. School Board Legal Updates are designed to address current legal issues facing New Hampshire school boards. School Board Legal Updates will provide NHSBA members and their administrators with pertinent information designed to assist in understanding the ramifications of various federal and state laws affecting public education.

This School Board Legal Update focuses on the No Child Left Behind mandate that all teachers meet Highly Qualified Teacher requirements by June 2006. This rapidly approaching deadline and rush to ensure full compliance with the law poses numerous questions and concerns for NHSBA members.

What NCLB Says

All elementary and secondary teachers who teach "core academic subjects" must meet Highly Qualified Teacher requirements by June 2006. "Core academic subjects" are: English, reading or language arts, mathematics, foreign languages, civics and government, economics, history, and geography.

To satisfy Highly Qualified Teacher requirements, teachers must: (1) have New Hampshire certification; (2) have a bachelor's degree; and (3) demonstrate "subject matter competency" in each of the "core academic subjects" he or she teaches.

Demonstrating Subject Matter Competency

To establish "subject matter competency" teachers must: (1) pass a rigorous proficiency test in the subject area they teach; (2) complete an academic major or graduate degree in the subject area they teach; (3) obtain advanced certification; or (4) develop a "high, objective uniform standard State evaluation" (HOUSSE.)

A HOUSSE is a portfolio of a teacher's tenure that "provides objective coherent information about the teacher's attainment of core knowledge in the academic subjects in which a teacher teaches." The New Hampshire Department of Education is working with the United States Department of Education to establish a HOUSSE that sufficiently indicates New Hampshire

teachers satisfy Highly Qualified Teacher requirements. The New Hampshire Department of Education expects feedback from the U.S. Department of Education by December or January.

Elementary teachers with bachelor's degrees and valid New Hampshire certification in Elementary Education are already considered Highly Qualified under the law. If an elementary teacher is certified in some other subject, he or she must demonstrate "subject matter competency" by any of the four methods listed above. Likewise, secondary teachers who have both a bachelor's degree and valid State certification in the "core academic subject" they teach are already considered Highly Qualified. If a secondary teacher is certified in a subject other than the "core academic subject" he or she teaches that teacher must demonstrate "subject matter competency" by completing any of the four methods listed above.

Of special concern are secondary social studies teachers. Under No Child Left Behind, traditional social studies classes are now separately considered "core academic subjects." These subjects are history, civics and government, economics, and geography. In order to become Highly Qualified under the law, secondary social studies teachers must now demonstrate "subject matter competency" in at least one of the defined social studies subjects. According to the New Hampshire Department of Education, social studies teachers who were certified in New Hampshire before 1999 may not currently meet Highly Qualified Teacher requirements. These teachers will have to demonstrate "subject matter competency" in at least one of the social studies subjects within the "core academic subjects." New Hampshire social studies teachers who have already taken and passed the applicable PRAXIS II are considered Highly Qualified.

Special education teachers must be certified by New Hampshire in special education, hold a bachelor's degree, and demonstrate "subject matter competency" in any of the above mentioned methods. These requirements apply to special education teachers who teach any of the "core academic subjects" to either special education students or mainstream students.

An exception to the June 2006 deadline has been granted to teachers in schools eligible to meet participate in the Small Rural Schools Achievement program. Teachers in small rural schools who are already Highly Qualified in at least one "core academic subject" have until June 2007 to become Highly Qualified in other "core academic subjects" which they teach. Newly hired teachers in small rural schools have three years from their date of hire to become Highly Qualified in all "core academic subjects" they teach.

Consequences for Non-Compliance

The United States Department of Education recently announced it was relaxing the mandate that all teachers be Highly Qualified by June 2006. The United States Department of Education announced that States that do not quite reach 100 percent compliance by June 2006 will not lose federal funds if they are implementing the law and making good faith efforts to come into full compliance. Essentially, teachers are being given an additional year to meet all Highly Qualified Teacher requirements.

Questions for NHSBA Members

As the deadline to reach Highly Qualified Teacher status nears, school board members should begin asking themselves the following questions:

0. Are teachers in your districts who do not currently meet Highly Qualified Teacher standards aware they are non-compliant?
0. Does your school district have plans in the event no Highly Qualified Teachers apply for vacant positions within your district?
0. Does your school district have a recruitment plan to attract Highly Qualified Teachers to your district?
0. What non-renewal decisions will be made regarding keeping on staff teachers who do not meet Highly Qualified Teacher requirements?
0. Have administrators budgeted sufficient time to review an influx of paperwork - namely teachers' college transcripts and HOUSSE portfolios?

For more information, please contact NHSBA Staff Attorney Barrett Christina at 228-2061.