



COMMONWEALTH of VIRGINIA
Department of Education

April 1, 2016 **Revised July 22, 2016**

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: Highly Qualified Teachers and Paraprofessionals: Transition from the *No Child Left Behind Act of 2001* (NCLB) to the *Every Student Succeeds Act of 2015* (ESSA) (REVISED).

This Superintendent's Memo is being updated to reflect information provided by the United States Department of Education (USED) in a revised [Frequently Asked Questions](#) document, which was released on June 29, 2016. New information about additional requirements for instructional paraprofessionals working in schools receiving Title I funding is underlined and marked in bold text in the table below. This information is also provided in Superintendent's Memo 181-16.

On December 10, 2015, President Obama signed the *Every Student Succeeds Act of 2015* (ESSA), which reauthorizes the *Elementary and Secondary Education Act of 1965* (ESEA) and replaces the *No Child Left Behind Act of 2001* (NCLB). ESSA contains several provisions which impact "highly qualified teacher" (HQT) requirements beginning with the 2016-2017 school year.

The terms "highly qualified teacher" and "highly qualified paraprofessional" will be eliminated as of August 1, 2016. As such, starting with the 2016-2017 school year, "highly qualified" data will no longer be collected or reported, nor will calculations be made related to percentages of classes being taught by highly qualified teachers. However, under ESSA and [§22.1-298.1 of the Code of Virginia](#), students must still be taught by teachers who are properly licensed and endorsed for the classes they are assigned to teach. These data will continue to be collected through the Master Schedule Collection (MSC) and Instructional Personnel and Licensure Report (IPAL). Additional information regarding licensure for teachers in Virginia may be found at <http://www.doe.virginia.gov/teaching/licensure/index.shtml>.

The table below outlines some key differences that are known at this time between teacher qualifications under NCLB and ESSA.

<i>No Child Left Behind Act of 2001</i> (NCLB)	<i>Every Student Succeeds Act of 2015</i> (ESSA)
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<i>No Child Left Behind Act of 2001 (NCLB)</i>	<i>Every Student Succeeds Act of 2015 (ESSA)</i>
<p>All teachers in federal core content areas* were required to be deemed “highly qualified” by the end of the 2005-2006 school year.</p> <p>*Federal core content areas included: English/reading/language arts; mathematics; science; history; geography; economics; civics; government; foreign language; and the arts (art and music). (Section 1119)</p>	<p>The term “highly qualified teacher” is eliminated as of August 1, 2016.</p> <p>All teachers must be properly licensed and endorsed according to state requirements. Virginia’s licensure regulations for school personnel are provided in §22.1-298.1 of the Code of Virginia.</p>
<p>Paraprofessionals working in an instructional capacity within a school receiving Title I funds had to be deemed “highly qualified.” (Section 1119)</p>	<p>As of August 1, 2016, the term “highly qualified paraprofessional” is eliminated. Paraprofessionals must meet state requirements. Virginia requires paraprofessionals to have earned a secondary school diploma or a recognized equivalent. <u>However, according to updated guidance provided by USED, posted June 29, 2016, paraprofessionals working in an instructional capacity in Title I schools must have earned a secondary school diploma or its recognized equivalent. Additionally, paraprofessionals must:</u></p> <ol style="list-style-type: none"> <u>1. Complete two years of study at an institution of higher education; or</u> <u>2. Obtain an associate (or higher) degree; or</u> <u>3. Meet a rigorous standard of quality and be able to demonstrate, through a formal state or local academic assessment, knowledge of and the ability to assist in instructing reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness).</u> <p><u>Revised July 22, 2016</u></p>
<p>States and school divisions were required to collect and report on the numbers of classes taught by “highly qualified teachers” on an annual basis. (Section 1119)</p>	<p>Beginning in 2016-2017, states and school divisions will no longer be required to collect and report on the numbers of classes taught by “highly qualified teachers.”</p> <p>Data reports will still be required for 2014-2015 and 2015-2016 school years.</p> <p>In 2016-2017 and beyond, data regarding teachers’ licensure and endorsements for classes they are assigned to teach will continue to be collected through the Master Schedule Collection (MSC) and Instructional Personnel and Licensure Report (IPAL).</p>

<i>No Child Left Behind Act of 2001 (NCLB)</i>	<i>Every Student Succeeds Act of 2015 (ESSA)</i>
School divisions were required to send letters of notification to parents in Title I schools if students were taught four or more weeks by a non-highly qualified teacher. (Section 1111(h)(6)(B)(ii))	<p>In 2016-2017, school divisions will not be required to send notifications to parents in Title I schools if their children are taught four or more weeks by a non-highly qualified teacher.</p> <p>In 2017-2018, school divisions will be required to send notifications to parents in Title I schools if their children are taught four or more weeks by a teacher who is not properly licensed and endorsed in Virginia to teach the class to which the students are assigned.</p>
Parents in Title I schools were to receive annual notifications informing them of their right to inquire about the qualifications of their child's teacher(s). (Section 1111(h)(6)(A))	School divisions will still be required to provide annual notifications to parents in Title I schools informing them of their right to inquire about the qualifications of their child's teacher(s).
States and school divisions had to ensure that poor or minority students were not assigned to classes taught by unqualified, inexperienced, or out-of-field teachers at a greater rate than other students.	States and school divisions must ensure that low-income or minority students are not assigned to classes taught by ineffective, inexperienced, or out-of-field teachers at a disproportionate rate than other students. (Section 1111(g)(1)(B))
Special education teachers were required to be designated as "highly qualified." (Section 9101)	<p>In 2016-2017 and beyond, special education teachers will no longer need to be designated as "highly qualified."</p> <p>Persons employed as special education teachers in elementary, middle, or high schools must:</p> <ol style="list-style-type: none"> 1. have obtained full certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the state special education teacher licensing examination and hold a license to teach in the state as a special education teacher; 2. not have had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and 3. hold at least a bachelor's degree. <p>(Section 612(a)(14)(C) of the IDEA, as amended by ESSA)</p> <p>Each state must continue to comply with these certification requirements during the 2016-2017 school year.</p>

<i>No Child Left Behind Act of 2001 (NCLB)</i>	<i>Every Student Succeeds Act of 2015 (ESSA)</i>
State, division, and school report cards were required to include information on teacher quality.	States, school divisions, and schools must continue to include teacher quality data on report cards for data collected from the 2014-2015 and 2015-2016 school years. Beginning with report cards reflecting 2016-2017 data, HQT data will not be reported. Percentages of provisionally licensed teachers and educator attainment levels will continue to be reported.

The United States Department of Education has released a “Frequently Asked Questions” document regarding the transition to ESSA. This resource is available at <http://www2.ed.gov/policy/elsec/leg/essa/faq/essa-faqs.pdf>.

Technical assistance will be provided to school division data managers regarding changes to the MSC and IPAL data collection systems. Technical questions should be directed to Brian Mason, project specialist for teacher education and licensure, at Brian.Mason@doe.virginia.gov or (804) 225-2823.

Questions regarding licensure should be directed to Dr. Kendra Crump, director of licensure and school leadership, at Kendra.Crump@doe.virginia.gov or (804) 371-2471.

Questions about ESSA implementation should be directed to the Office of Program Administration and Accountability at ESSA@doe.virginia.gov.

SRS/VT/ccs

Links:

- [§22.1-298.1 of the Code of Virginia](#)
- <http://www.doe.virginia.gov/teaching/licensure/index.shtml>
- <http://www2.ed.gov/policy/elsec/leg/essa/essafaqstransition62916.pdf>