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# Teacher Quality Issues in the Elementary and Secondary Education Act

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*Congressional Research Service*

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# Teacher Quality Issues in the Elementary and Secondary Education Act

## Abstract

[Excerpt] One of the major goals of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB, P.L. 107-110), is to raise the achievement of students who currently fail to meet grade-level proficiency standards. Because student achievement is widely believed to depend largely on the quality of instruction, the law also contains provisions designed to improve teacher quality. These provisions establish professional credentials for teachers and charge states and school districts with developing plans to improve teacher quality. According to the law, these plans must ensure that all core subject-matter courses are taught by a *highly qualified teacher* and that poor and minority students have equal access to quality instruction.

To be deemed *highly qualified*, NCLB requires that teachers possess a baccalaureate degree and a state teaching certificate, and that teachers also demonstrate subject-matter knowledge for their teaching level. Elementary school teachers must show knowledge of basic elementary school curricular areas. Middle and secondary school teachers must demonstrate a high level of competency in all subject areas taught. Demonstration of subject-matter knowledge and competency may be shown by passing a state certification exam or licensing test in the relevant subject(s).

This report examines implementation of the NCLB requirement and examines the extent to which schools achieved the law's goal of placing a highly qualified teacher in every classroom. After describing the highly qualified teacher requirement in detail, the report analyzes data from a national survey of schools conducted a year before NCLB became law. These data suggest that as many as four out of five teachers met the NCLB requirement prior to its enactment. Data reported throughout implementation of the law indicate that the proportion of highly qualified teachers increased each year, but that no state has reached 100%. In addition, analysis of these data also support concerns about the equitable distribution of teaching quality between poor and nonpoor schools.

This report concludes with a discussion of teacher quality issues that may be considered as the ESEA reauthorization process unfolds. Several of these issues have been the subject of waiver authority exercised by the Secretary of Education under both the current and previous administrations. Congress has also taken up these issues along with reauthorization of the rest of the ESEA. This report will be updated as significant legislative developments occur.

## Keywords

Elementary and Secondary Education Act, No Child Left Behind, education, teachers, qualifications, requirements

## Comments

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# Teacher Quality Issues in the Elementary and Secondary Education Act

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## Summary

One of the major goals of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB, P.L. 107-110), is to raise the achievement of students who currently fail to meet grade-level proficiency standards. Because student achievement is widely believed to depend largely on the quality of instruction, the law also contains provisions designed to improve teacher quality. These provisions establish professional credentials for teachers and charge states and school districts with developing plans to improve teacher quality. According to the law, these plans must ensure that all core subject-matter courses are taught by a *highly qualified teacher* and that poor and minority students have equal access to quality instruction.

To be deemed *highly qualified*, NCLB requires that teachers possess a baccalaureate degree and a state teaching certificate, and that teachers also demonstrate subject-matter knowledge for their teaching level. Elementary school teachers must show knowledge of basic elementary school curricular areas. Middle and secondary school teachers must demonstrate a high level of competency in all subject areas taught. Demonstration of subject-matter knowledge and competency may be shown by passing a state certification exam or licensing test in the relevant subject(s).

This report examines implementation of the NCLB requirement and examines the extent to which schools achieved the law's goal of placing a highly qualified teacher in every classroom. After describing the highly qualified teacher requirement in detail, the report analyzes data from a national survey of schools conducted a year before NCLB became law. These data suggest that as many as four out of five teachers met the NCLB requirement prior to its enactment. Data reported throughout implementation of the law indicate that the proportion of highly qualified teachers increased each year, but that no state has reached 100%. In addition, analysis of these data also support concerns about the equitable distribution of teaching quality between poor and nonpoor schools.

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## Introduction

It is widely believed that good teachers are critical to student learning. A large body of academic research has produced strong evidence that teacher quality is positively related to student performance. However, the strength of this research finding depends on the measure used to indicate “quality.” Studies that use credentials such as degree attainment or teacher certification show weaker impacts on student performance than studies that use direct measures of teachers’ pedagogical and subject-matter knowledge.<sup>1</sup> Nevertheless, credentials are more readily available to local school administrators that hire teachers and more easily incorporated into state and federal policy. In recent years, education policy governing the attainment of teaching credentials has evolved to incorporate pedagogy and subject expertise. General state certification exams have been replaced or enhanced with testing for knowledge of subject matter. Some states have developed multi-tiered, knowledge-based certification systems. Teacher preparation programs in some states have begun requiring that candidates obtain a major or minor in a subject as a prerequisite for or in conjunction with an education degree.<sup>2</sup>

Federal education policies have also aimed to enhance teaching credentials by placing added emphasis on subject expertise. Most recently, the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB) (P.L. 107-110), requires that all public school teachers, in states participating in the ESEA Title I-A program, be *highly qualified* by demonstrating subject knowledge for their teaching level. Elementary school teachers must show knowledge of basic elementary school curricular areas. Middle and secondary school teachers must demonstrate a high level of competency in all subject areas taught. Subject-matter knowledge and competency may be demonstrated by passing a state certification exam or licensing test in the relevant subject(s).<sup>3</sup>

One of the major goals of NCLB is to raise the achievement of students who currently fail to meet grade-level proficiency standards. Since student achievement has been shown to be largely dependent on teacher quality, the law seeks to improve achievement by setting higher minimum teacher quality requirements. In complying with the law, schools are prevented from hiring teachers with emergency or provisional certification, those without a baccalaureate degree, or those with limited subject knowledge.

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<sup>1</sup> Michael B. Allen, *Eight Questions on Teacher Preparation: What Does the Research Say?*, Education Commission of the States, July 2003; Linda Darling-Hammond and Gary Sykes, “Wanted: A National Teacher Supply Policy for Education,” *Education Policy Analysis Archives*, vol. 11, no. 33 (September 2003); Dan Goldhaber and Emily Anthony, “Can Teacher Quality Be Effectively Assessed?,” The Urban Institute, Research Paper no. 410958, April 27, 2004; Leslie G. Vandervoort and David C. Berliner, “National Board Certified Teachers and Their Students’ Achievement,” *Education Policy Analysis Archives*, vol. 12, no. 46 (September 2004); Eric A. Hanushek et al., “The Market for Teacher Quality,” National Bureau of Economic Research, Working Paper no. 11154, February 2005.

<sup>2</sup> The College of Education at the University of Kentucky provides a compilation of teacher certification requirements for all 50 states. The compilation is available online at <http://www.uky.edu/Education/TEP/usacert.html>. The National Association of State Directors of Teacher Education and Certification annually publishes a similar compilation, *The NASDTEC Manual on the Preparation & Certification of Educational Personnel*, which is available at <http://www.nasdtc.org>.

<sup>3</sup> Teachers may also demonstrate knowledge by having majored in the relevant subject(s), and experienced teachers may do so through the “high objective uniform state standard of evaluation” (HOUSSE) method explained later in this report.

For some time, it was thought that schools hired teachers lacking full credentials because a shortage existed in the overall supply of qualified teachers. That idea has been challenged in recent years by research that revealed the shortage is in fact a distribution problem. Some so-called “hard-to-staff” schools find it difficult to maintain a staff of qualified teachers, while other schools have an adequate supply (and in some cases an oversupply) of quality teachers.<sup>4</sup>

The reasons for the uneven distribution in the teacher supply are still a matter of debate. Some argue that rules providing priority in reassignment options to teachers with seniority and the late decision deadline given to resigning teachers relegates the least-qualified teachers to less desirable schools. Others point to working conditions and other factors that make these schools less desirable to quality teachers in the first place. Whatever the reasons for the uneven distribution of quality teachers, the persistence of hard-to-staff schools may undermine the impact of NCLB teacher quality standards in reducing the student achievement gap. To address this issue, Congress included in NCLB a requirement that poor and minority students have equal access to quality instruction.

This report examines implementation of the NCLB requirement of a highly qualified teacher in every public school classroom. The first section of the report describes the *highly qualified teacher* (HQT) requirement and how it was specified through regulation, guidance, and policy statements issued by the Education Department (ED). In the second section, the report analyzes data from a national survey of schools to assess teacher quality prior to enactment of NCLB and examines state reporting data to track how teacher quality may have improved throughout the law’s implementation. Finally, the report discusses teacher quality issues that Congress may consider as the ESEA reauthorization process unfolds.

## **Teacher Quality and the No Child Left Behind Act**

With regard to teacher quality, NCLB made three major amendments to the ESEA: (1) the law required that all teachers of core academic subjects be “highly qualified,” (2) it mandated that the distribution of teacher quality be equal across poor and minority schools, and (3) it established accountability provisions to ensure that annual improvements in teacher quality are achieved.

### **A Highly Qualified Teacher in Every Classroom**

NCLB requires that each state educational agency (SEA) receiving ESEA Title I, Part A funding (compensatory education of disadvantaged students) must have a plan to ensure that, by no later than the end of the 2005-2006 school year, all public school teachers teaching in core academic subjects within the state meet the definition of an HQT.

According to ESEA, Section 9101(23), the definition of an HQT has two basic components involving minimum credentials and subject-matter knowledge. First, to be deemed highly

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<sup>4</sup> Richard M. Ingersol, *Teacher Turnover, Teacher Shortages, and the Organization of Schools*, Center for the Study of Teaching and Policy, Research Report, January 2001; Patrick J. Murphy and Michael M. DeArmond, *From the Headlines to the Frontlines: The Teacher Shortage and Its Implications for Recruitment Policy*, Center on Reinventing Public Education, research paper, July 2003; the American Association for Employment in Education, *Educator Supply and Demand in the United States 2001*, research report, 2002; Recruiting New Teachers, Inc., *The Urban Teacher Challenge*, research report, January 2000.

qualified, a teacher must possess a baccalaureate degree and full state teaching certification (i.e., must not have had any certification requirements waived on an emergency, temporary, or provisional basis). Second, a teacher must demonstrate subject-matter knowledge in the areas that she or he teaches. The manner in which teachers satisfy the second component depends on the extent of their teaching experience and the level at which they teach. These subject knowledge requirements are as follows:

- **New elementary school teachers** must pass a rigorous state test demonstrating subject knowledge and teaching skills in reading, writing, math, and other basic elementary school curricular areas.
- **New middle or secondary school teachers** must demonstrate a high level of competency in all subjects taught by (1) passing rigorous state academic tests in those subjects, or (2) completing an academic major (or equivalent course work), graduate degree, or advanced certification in each subject taught.
- **Experienced school teachers** must meet (1) the requirements described above for new teachers (depending upon his or her level of instruction), or (2) demonstrate competency in all subjects taught using a “high objective uniform state standard of evaluation” (HOUSSE).

These provisions indicate that the tests used to demonstrate subject-matter knowledge may include state certification or licensing exams. Section 9101(23) states that a demonstration of subject-matter knowledge by an elementary school teacher “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.” For a middle or secondary school teacher, Section 9101(23) states that a demonstration of subject-matter knowledge “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.”

## **Equitable Distribution of Teacher Quality**

Through passage of the NCLB amendments, lawmakers not only established minimum standards for teacher qualifications, they also sought to give all students equal access to good teachers. To this end, the law requires that each state desiring Title II, Part A funds submit a plan to the Secretary that, among other things, includes “steps that the State educational agency will take to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.”<sup>5</sup> The state’s plan must further include the measures to be used to evaluate and publicly report on progress made in this area.

## **Improvement Plans and Accountability**

NCLB requires educational agencies to issue reports annually on the progress made toward meeting the HQT deadline. Each local education agency (LEA) is required to issue these reports publicly and report progress for the LEA as a whole and for each school within the LEA. Each SEA is required to submit reports annually to the Secretary on progress toward meeting the deadline.

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<sup>5</sup> Section 1111(b)(8)(C).

Section 2141 of the law states that an LEA found to have failed to meet its annual HQT objectives for two consecutive years must submit an improvement plan to its SEA which must provide technical assistance in the development and implementation of the LEA's plan. An LEA found to have failed to meet its annual objectives for a third year that has also failed to make Adequate Yearly Progress for three consecutive years must enter into an agreement with its SEA and accept restrictions on its use of Title I and II funds. Specifically, such an LEA must agree to only use Title II funds for approved professional development activities that result in progress toward meeting the HQT deadline and may not use Title I funds to hire paraprofessionals.

## Refining the Highly Qualified Teacher Definition

Following passage of NCLB, ED further specified the HQT definition through regulation, nonregulatory guidance, and other means. In general, these policy statements addressed concerns about the scope and application of the HQT requirements. Among a wide variety of implementation issues, ED sought to clarify what constitutes “core” subject matter, how states should develop and apply a HQT, how the HQT requirements may be differentially applied to different types of teachers and in different types of educational settings, and when various aspects of the requirement must be completed.

### Subject Matter Issues

Early in the implementation of these provisions, some asked whether they apply to *all* teachers, including vocational education teachers, special education teachers, or others not teaching core academic subjects. According to ESEA Section 9101(11), “The term ‘core academic subjects’ means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.” Final regulations for the Title I program published on December 2, 2002, in the *Federal Register* clarified that these requirements apply only to core academic subject teachers. ED noted that these requirements would apply to a *vocational education* teacher or a *special education* teacher providing instruction in a core academic subject.<sup>6</sup>

ED addressed other subject matter issues in subsequent guidance and policy letters. A March 2004 policy announcement modified earlier nonregulatory guidance (issued in January 2004), which stated that *science* teachers teaching more than one field of science (e.g., biology and chemistry) would have to be highly qualified in each of the fields taught. Under the new flexibility, states determine whether science teachers need to be highly qualified in each science field they teach or highly qualified in science in general, based on how the state currently certifies teachers in these subject areas.

This new flexibility, along with other changes, was incorporated into the revised nonregulatory guidance issued on August 3, 2005.<sup>7</sup> For example, the guidance clarifies that *social studies* is not

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<sup>6</sup> The application of HQT requirements to special education teachers was subsequently modified under the Individuals with Disabilities Education Act. For more information, see CRS Report R42070, *The Education of Students with Disabilities: Alignment Between the Elementary and Secondary Education Act and the Individuals with Disabilities Education Act*, by Ann Lordeman and Rebecca R. Skinner.

<sup>7</sup> The most recently revised ESEA Title II nonregulatory guidance is available online at <http://www.ed.gov/programs/teacherqual/guidance.pdf>.

considered a core subject and that certification in social studies or possession of a “composite social studies degree” does not necessarily indicate that a teacher is highly qualified to teach related subjects (e.g., economics and history). States are to determine whether a social studies teacher is qualified to teach the specific subject he or she is assigned to teach.

## **High Objective Uniform State Standard of Evaluation**

According to NCLB, a teacher who is not new to the teaching profession may demonstrate subject matter knowledge through state-determined HOUSSE procedures. In defining its HOUSSE, the SEA must set standards for both grade appropriate academic subject knowledge and teaching skills that are aligned with challenging state academic and student achievement standards. The HOUSSE must provide objective information about teachers’ content knowledge in all subjects taught and be applied uniformly statewide to all teachers in the same subjects and grade levels. Finally, the statute states that the HOUSSE may use multiple measures of teacher competency and may consider, but not be based primarily on, time teaching the relevant subjects.

Nonregulatory guidance, published on September 12, 2003, included suggestions on the development of HOUSSE procedures. According to the guidance, states should consider several factors when developing their HOUSSE procedures, including whether the proposed HOUSSE measures provide an “objective” way of determining whether a teacher has adequate subject-matter knowledge. The latest (August 2005) guidance defines *new* teachers as those with less than one year of teaching experience and teachers who are *not new* as those with more than one year of experience. However, the guidance indicates that states have the authority to determine who is new to the profession and who is not. States may also design their HOUSSE procedures to allow a teacher to go through the process a single time to demonstrate competency in multiple subjects.

## **Different Teachers in Different Settings**

NCLB states that full certification includes “certification obtained through alternative routes to certification.” The December 2002 final regulations indicated that teachers who were participating in an alternative certification program will be considered highly qualified on a provisional basis. Such teachers have a maximum of three years in which to become fully certified without being in violation of the highly qualified requirements regarding certification.<sup>8</sup> This allowance is made only for a teacher in an alternative certification program who is receiving high-quality professional development, intensive supervision, and is making satisfactory progress toward full certification.

Concerns had been raised that the HQT requirements would limit participation in *international* teacher exchange programs. In a policy letter issued on March 24, 2003, the Secretary addressed these concerns by indicating how teachers from other countries could be considered highly qualified in the state in which they teach. The Secretary pointed out that each state has the full authority to define and enforce its own requirements for certification and licensure and make accommodations for foreign teachers. Accommodations could also be made in developing tests

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<sup>8</sup> These regulations were invalidated by a September 27, 2010, ruling of the United States Court of Appeals for the Ninth Circuit (*Renee v. Duncan*, 623 F.3d 787 (9<sup>th</sup> Cir. 2010)), but the 111<sup>th</sup> Congress subsequently overturned the court’s ruling by codifying the regulations in an amendment passed under the Continuing Appropriations Act of 2011 (P.L. 111-322).

and other ways of demonstrating subject-matter expertise. In making this point, the Secretary clarified that one such demonstration provided in the law is coursework equivalent to an academic major.

These changes were included in the September 2003 updated guidance, along with clarification on the issue of *middle school* teachers. When determining whether teachers of core academic subjects in grades 6 through 8 should meet competency requirements for elementary or middle school teachers, the guidance advises states to “examine the degree of rigor and technicality of the subject matter that a teacher will need to know in relation to the state’s content standards and academic achievement standards for the subjects in those grade levels.” In addition, states may choose to consider teachers with middle school certification to be “highly qualified,” and states may approve tests that are specifically developed for middle school teachers if the tests are “rigorous content-area assessments that are developed specifically for middle school teachers and aligned with middle school content and academic standards.”

In a March 31, 2004, policy letter, the Secretary announced that additional flexibility could be applied in the implementation of the HQT requirements with regard to teachers in small rural school districts.<sup>9</sup> In small rural districts, ED provided that teachers teaching core academic subjects who meet the highly qualified requirements in at least one of the subject areas they teach may have an additional three years to meet these requirements in the other subjects they might teach. For current teachers, this three-year grace period began with the 2004-2005 school year, meaning that rather than facing a deadline of the end of the 2005-2006 school year to be highly qualified in all core subjects taught, current rural teachers have until the end of the 2006-2007 school year. For newly hired teachers, a full three-year grace period can be provided from the date of hiring. But those newly hired teachers will have to be highly qualified in one of their core subject areas when hired. States decide whether to offer this flexibility to eligible rural districts.

Section 9101(23) states that charter school teachers must meet “the requirements set forth in the State’s public charter school law.” ED’s guidance clarifies that this only refers to the requirements for certification and indicates that such teachers must meet all other HQT requirements. The guidance also states that teachers in juvenile and correctional institutions or “other alternative settings” must meet HQT standards only if such settings are considered LEAs under state law.

## **Deadlines for Implementation**

Each SEA was to submit its plan to meet the HQT deadline along with its Consolidated State Application for State Grants on July 12, 2002. The plan was to establish annual measurable objectives for each LEA and school that, at a minimum, included annual increases in the percentage of HQTs at each LEA and school to ensure that the 2005-2006 deadline was met. In turn, each LEA was also to have a plan to meet this deadline. In addition, beginning with the first day of the 2002-2003 school year, any LEA receiving ESEA Title I funding must ensure that all teachers hired after that date who are teaching in Title I-supported programs are highly qualified. States and LEAs must also submit annual reports to ED describing progress on the state-set annual objectives.

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<sup>9</sup> Rural school teachers are defined as those teaching in schools eligible for the Small Rural School Achievement (SRSA) Program (ESEA Title VI-B). The policy letter announcing this flexibility is available at <http://www.ed.gov/policy/elsec/guid/secletter/040331.html>.

The Consolidated State Performance Reports (CSPR), for the 2003-2004 school year due in January of 2005, were to contain the first data on the status of meeting the HQT requirement. However, ED reported widespread problems in state data systems and offered a series of regional data workshops to support states in collecting data.<sup>10</sup> This includes the additional data on teachers who are not highly qualified that was required to be submitted in the January 2006 CSPR. ED announced these workshops in a policy letter to chief state school officers dated October 21, 2005.

The letter also announced additional flexibility in meeting the HQT deadline. The Secretary stated that the letter's purpose was "to assure you that States that do not quite reach the 100% goal by the end of the 2005-2006 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."<sup>11</sup> Instead, states that "meet the law's requirements and the Department's expectations in these areas but fall short of having highly qualified teachers in every classroom" would be given an *additional year* to reach the 100% goal.

In a letter dated March 21, 2006, the Secretary requested that each state submit a revised plan to meet the 2006-2007 goal. The letter also established a schedule for reviewing these plans, monitoring their implementation, and assessing the state's progress.<sup>12</sup> The Secretary's latest letter to chief state school officers on this policy (dated July 23, 2007) stated that all but one state had a plan approved.<sup>13</sup> The letter also stated that data submitted in the 2005-2006 CSPR indicated that no state had reached 100% HQT (further examination of these data will be undertaken in the next section of this report). The Secretary reiterated ED's earlier position that no penalties would be imposed on states making a good-faith effort to reach the HQT goal.

**Figure 1** provides a graphic diagram of the major HQT requirements as defined in NCLB and further specified in ED regulation and guidance.

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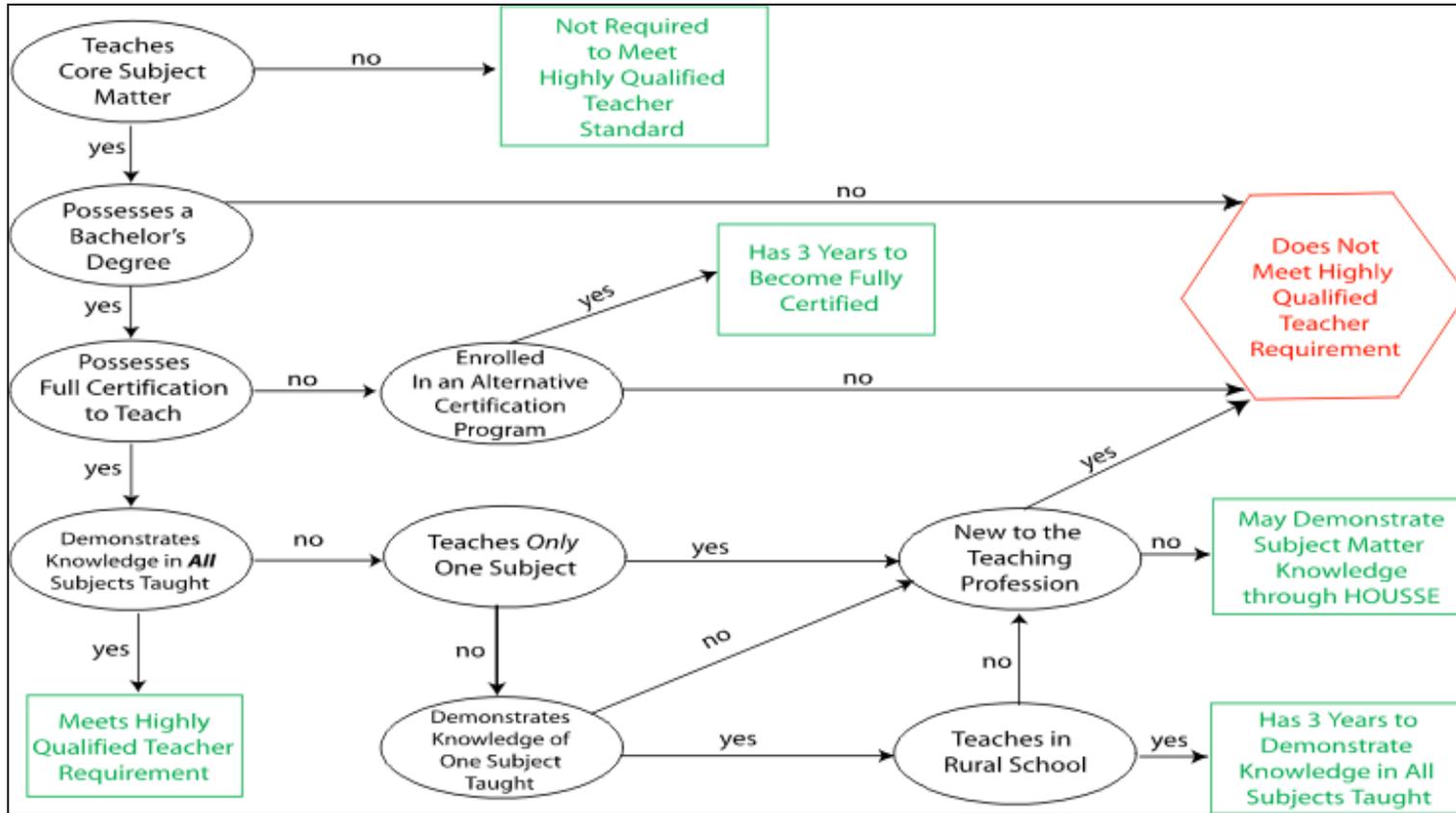
<sup>10</sup> A GAO report dated July 2003 anticipated these data systems problems: U.S. Government Accountability Office, *No Child Left Behind Act: More Information Would Help States Determine Which Teachers Are Highly Qualified*, GAO-03-631.

<sup>11</sup> The Secretary's letter is available at <http://www.ed.gov/policy/elsec/guid/secletter/051021.html>.

<sup>12</sup> The Secretary's letter is available at <http://www.ed.gov/programs/teacherqual/cssoltr.doc>.

<sup>13</sup> The Secretary's letter is available at <http://www.ed.gov/policy/elsec/guid/secletter/070723.html>.

Figure 1. Diagram of Highly Qualified Teacher Requirement



## A Highly Qualified Teacher in Every Classroom

This section examines progress made toward meeting the NCLB goal of placing a highly qualified teacher in every classroom. Data gathered prior to the law's passage will be compared to the most recent data available to see whether the nation's schools witnessed a measurable increase in the proportion of highly qualified teachers.

The only nationally representative source of pre-NCLB information on teacher quality is the Schools and Staffing Survey (SASS), which collects data on teachers' assignments, education, and certification.<sup>14</sup> The SASS survey fielded during the 1999-2000 school year provides a snapshot of the teaching force prior to passage of NCLB. The only national source of post-NCLB data on teacher quality comes from the law's reporting requirements. Each year, states must submit to ED, as part of their CSPR, "the percentage of classes being taught by highly qualified teachers in the State."<sup>15</sup>

It is important to note that the *units of analysis* for these two data sources are different. In the SASS data, the "objects" being measured in the survey are teachers; thus, these data are designed to address such questions as, "how many teachers are highly qualified?" Conversely, in the CSPR data the units of analysis are classes; thus, these data are designed to address such questions as, "how many classes are taught by highly qualified teachers?" Although the pre- and post-NCLB data come from different sources and use different units of analysis, these data do appear to show improvement in teacher quality over the years in which the law was implemented.

### Teacher Quality Prior to NCLB

According to the 1999-2000 SASS survey, just under 3 million teachers were employed in the nation's public schools and, for about 6%, that year was their first year of teaching.<sup>16</sup> Virtually all teachers (99.3%) held a baccalaureate degree at the time of the survey; the large majority (95.9%) also held some form of state teaching certification. Nearly one-third of all teachers did not teach a "core" academic subject during the 1999-2000 school year; these noncore teachers are not subject to the HQT requirement and are omitted from this analysis.<sup>17</sup>

The SASS data suggest that *prior to the passage of NCLB, more than eight out of ten teachers met the HQT requirement*. Of the 2.1 million teachers who taught at least one core subject in

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<sup>14</sup> The SASS sample is drawn from ED's Common Core of Data, which contains virtually every school in the country.

<sup>15</sup> Section 1111(h)(4)(G).

<sup>16</sup> This figure does not include those employed as teacher aides (or *paraprofessionals*). Although NCLB does contain a separate series of requirements for paraprofessional quality, individuals employed to assist teachers were not included in the SASS sample. For information on the requirements for paraprofessionals, see CRS Report RS22545, *Paraprofessional Quality and the No Child Left Behind Act of 2001*, by Jeffrey J. Kuenzi.

<sup>17</sup> Although "social studies" is not part of the statutory definition of a "core academic subject," it is used in this analysis because it encompasses subjects that are in statute but not in the survey—namely, economics, history, and geography. SASS survey respondents could also categorize themselves as "Kindergarten" and/or "Elementary" teachers; those choosing these categories were also considered core subject teachers in this analysis. Special education teachers who teach core subjects are required to be HQT; however, they were omitted from this analysis because the SASS instrument design prevented clear distinction between those who taught core subjects and those who did not.

1999-2000, 1.73 million taught a single subject and 339,000 taught two subjects.<sup>18</sup> Nine in ten single-subject teachers reported that they held full state certification in the subject they taught. Half of all two-subject teachers reported that they held full state certification in both of their subjects. Taken together, 84.5% of all single and two-subject teachers held a baccalaureate degree and reported being certified in the subject(s) they taught. Since NCLB considers state certification in all fields taught adequate demonstration of subject-matter knowledge, 84.5% of teachers met the HQT requirement. **Table 1** presents the qualifications of core subject teachers for the 1999-2000 school year.

An additional 3.1% of all teachers were participating in an alternative certification program at the time of the survey. NCLB considers such teachers to be provisionally HQT and gave them three years to complete their program and become fully certified. Also qualifying for provisional HQT status (this time through regulation instead of statute) were another 0.4% of teachers who taught two subjects, held certification in only one, and were located in LEAs eligible for participation in the Small Rural School Achievement (SRSA) program (ESEA Title VI-B). According to ED’s guidance, these teachers have additional time to demonstrate subject-matter knowledge in the field in which they are not highly qualified—one year in the case of veteran teachers and three years for new teachers. Thus, a total of 3.5% of all 1999-2000 teachers would have been temporarily deemed highly qualified teachers (combining those in alternative certification programs and those in SRSA schools who were uncertified in one of their two subjects).

**Table 1. Qualifications of Core Subject Teachers, 1999-2000**

	Number	Percent
Core subject teachers	2,068,306	100%
Certified in all subjects taught	1,747,343	84.5
<b>Highly qualified teachers</b>	<b>1,747,343</b>	<b>84.5</b>
In alternative certification program	64,009	3.1
Certified in 1 of 2 subjects and SRSA	9,246	0.4
<b>Highly qualified and provisionally highly qualified teachers</b>	<b>1,820,598</b>	<b>88.0</b>

**Source:** CRS analysis of the U.S. Department of Education, National Center for Education Statistics’ 1999-2000 Schools and Staffing Survey.

## Teacher Quality After NCLB

NCLB reporting requirements (under the CSPR) ask states to tabulate the proportion of *classes* taught by highly qualified teachers, rather than the proportion of *teachers* who were highly qualified. Consequently, the CSPR data focus on a different unit of analysis and are not completely compatible with the estimates produced by the SASS survey. However, given that the SASS data show that a large majority of core subject teachers (83.6%) are also single-subject teachers, the proportion of core subject HQTs and the proportion of core subject classes taught by HQTs should not be greatly different.

<sup>18</sup> Those who reported their teaching assignment field as “Kindergarten” or “Elementary” were counted as single-subject teachers. Additional analysis of SASS data reveal that only a small fraction (less than 2%) of these teachers taught more than two subjects in 1999-2000. Therefore, the analysis in this report only considers teachers’ first two teaching assignments.

The 1999-2000 SASS data show that prior to passage of NCLB, there was a very high proportion (84.5%) of core subject teachers who were highly qualified by the law’s definition. Although they are not comparable to the SASS data, the CSPR data appear to show improvement in teacher quality over the years in which NCLB was implemented. **Table 2** presents the percentage of core subject classes taught by highly qualified teachers.<sup>19</sup> The 2003-2004 CSPR data show a higher proportion of HQT-led classes (86.5%) than was suggested by the SASS data, and the subsequent years show a steady increase over time—from 90.6% in 2004-2005 to 96.7% in 2009-10.

The CSPR data also provide HQT information disaggregated by school level and poverty status. Although there was improvement each year and in all subgroups, the CSPR data show that classes taught by HQTs were not evenly distributed across school level or school poverty status. In each year, classes in elementary schools were more likely to be taught by HQTs than classes in secondary schools. The gap was four percentage points in 2004-2005 (93.0% versus 89.0%) and two percentage points in 2005-2006 (97.7% versus 95.8%).

**Table 2. Percentage of Core Subject Classes Taught by Highly Qualified Teachers**

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
Total	86.5%	90.6%	92.2%	94.2%	95.0%	95.9%	96.7%
Elementary	na	93.0	94.0	95.9	96.5	97.1	97.7
High-poverty	na	89.6	90.4	93.5	94.9	96.3	97.0
Low-poverty	na	95.0	95.8	96.6	97.5	97.6	97.7
Secondary	na	89.0	90.9	93.0	93.9	94.9	95.8
High-poverty	na	84.6	85.7	88.7	89.6	92.5	94.1
Low-poverty	na	91.9	93.8	95.4	96.0	96.5	97.2

**Source:** Compiled by CRS based on U.S. Department of Education, Consolidated State Performance Reports, various years.

Also in each year, classes in low-poverty schools were more likely to be taught by an HQT than classes in high-poverty schools. In 2004-2005, there was a five percentage point gap between high-poverty and low-poverty schools at the elementary level (89.6% versus 95.0%) and a six percentage point gap at the secondary level (84.6% versus 91.9%). By 2009-2010, these gaps had narrowed to less than one percentage point at the elementary level (97.0% versus 97.7%) and to three percentage points at the secondary level (94.1% versus 97.2%).

<sup>19</sup> NCLB required that states submit these data starting in the 2002-2003 school year; however, according to ED, “several states reported that they did not have the mechanisms to accurately report these data the first year, ... [so] the 2003-04 data will serve as the baseline.” U.S. Department of Education Issue Brief, *A Summary of Highly Qualified Teacher Data*, May 2008, available at <http://www.ed.gov/programs/teacherqual/resources.html>. The data for 2003-2004 were not disaggregated in a manner comparable to later years.

## **Teacher Quality Issues for Congress**

The current funding authority for the ESEA expired after FY2007.<sup>20</sup> Legislative action to reauthorize and amend the ESEA, along with the HQT requirements, has been previously undertaken by Congress. Legislative proposals have been forwarded and important action has taken place in the committees of jurisdiction in both chambers. Several reauthorization proposals would amend the HQT requirement to make accommodations for certain teachers or schools. Proposals address issues including multiple subject matter teachers, the definition of subject matter, middle school teachers, and rural, urban, and poor schools.

In addition to legislative action, Congress is concerned with issues raised by the Secretary's recent offer to waive certain NCLB requirements, including some associated with teacher quality. In exchange for these waivers, state and local educational agencies must commit to reforming their teacher evaluation systems, among other reforms. This may result in additional focus being placed on teacher performance as opposed to teacher qualifications. The remainder of this report will discuss issues raised by these waivers as well as other issues of interest to Congress as it considers reauthorizing the ESEA.

### **Multiple Subject Teachers**

Although the analysis in this report indicates that less than one in five teachers cover more than one subject, those who did teach more than one subject were much less likely to be HQT. Among multiple subject teachers in this analysis, half did not meet the HQT standard. This small group—fewer than six percent of all teachers—may present a large problem for schools and states attempting to meet the 100% HQT requirement. Solutions have been proposed for certain kinds of schools (such as rural and hard-to-staff schools, discussed below); however, some proposals seek to address the problem for teachers in all schools generally. These amendments would allow teachers teaching multiple subjects to demonstrate knowledge in one subject area using the existing methods and provide a second method for other subject(s) taught. For example, multiple subject teachers who are HQT in one of their subjects could be given a certain amount of time to accumulate coursework equivalent to an academic minor in the subject(s) for which they lack sufficient knowledge.

### **Definition of Subject Matter**

The issue of multiple subject teachers is in part created by the definition of subject matter in NCLB. Specifically, section 9101(11) of the statute states that, “The term ‘core academic subjects’ means, English, reading and language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.” As mentioned earlier, ED addressed issues related to science and social studies teachers in its nonregulatory guidance. States were given the authority to determine whether teachers qualified to teach in one field of science or social studies were qualified in other fields in those areas. Some have proposed

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<sup>20</sup> The NCLB authorized most ESEA programs through FY2007. The General Education Provisions Act (GEPA) provided an automatic one-year extension of these programs through FY2008. While most ESEA programs no longer have an explicit authorization, the programs continue to receive annual appropriations. Thus, the programs are considered to be implicitly authorized.

legislative solutions that would recognize “generalist” certificates in these and other areas as proof of subject-matter knowledge.

## **Middle School Teachers**

Many of the teachers found not to meet the HQT standard are teaching middle school students. The problem posed by this group of teachers is that some have duties similar to elementary teachers, while others are more like secondary school teachers. That is, some middle school teachers work in so-called “self-contained” classroom settings where they are responsible for teaching multiple subjects to the same group of students. Meanwhile, other middle school teachers work in “departmental” settings, in which they teach the same subject to different groups of students over the course of a single day. According to NCLB, middle school teachers are to be treated like secondary school teachers with regard to demonstration of subject-matter expertise. Thus, those teaching multiple subjects in self-contained classrooms must be certified to teach in several subjects—or prove subject knowledge in each area by the other permitted means. The proposals to recognize “generalist” certification mentioned above would remedy this problem. Other proposals include expanding the allowable types of experience and forms of evaluation permitted in state HOUSSE methods for veteran middle school teachers.

## **Rural Schools**

The multi-subject issue just discussed is compounded in small, rural schools, which appear to have an especially difficult time meeting the 100% HQT requirement.<sup>21</sup> This analysis revealed that only a small fraction (0.4%) of teachers benefit from the SRSA waiver. SRSA schools are largely defined as those located in areas classified as “rural” according to the U.S. Census Bureau locale codes. ED analysis has found the Census locale code classifications of rural areas to be at best crude and in some cases grossly inaccurate.<sup>22</sup> Some proponents suggest that rural schools get extended time to meet the HQT deadline; however, others would provide this option only to SRSA schools. Still other propose giving the Secretary the authority to waive the HQT requirement for any rural school that could demonstrate that the requirement would impose an undue hardship on the school because of population and geographic constraints.

## **Urban and Poor Schools**

Research has shown that schools in poor neighborhoods and central city locations have higher rates of underqualified teachers.<sup>23</sup> Although no legislative amendments have been proposed to address issues regarding urban or poor schools, some of the proposals presented here that concern “hard-to-staff” schools could be adopted to relieve the burden imposed by the HQT requirement. However, given the high turnover rates at these schools, short-term waivers and deadline extensions may not provide sufficient relief. At the same time, such flexibility would weaken

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<sup>21</sup> Based on anecdotal evidence from ED monitoring visits provided during a February 27, 2006, phone conversation with an ED official.

<sup>22</sup> Douglas E. Geverdt, *Review of NCES School Locale Tabulation and Analysis*, U.S. Census Bureau, Technical Memorandum, December 22, 2005.

<sup>23</sup> Wuejin Lu, *Teacher Quality: A National Survey of Secondary Public School Teachers Using SASS 1999-2000*, unpublished manuscript, and CRS analysis available from the author.

NCLB’s emphasis on securing highly qualified teachers in hopes of improving instructional quality—especially for disadvantaged students attending schools in high poverty areas.

## **HQT Waivers**

On September 23, 2011, the Administration announced that states would have the opportunity to request, on behalf of school districts, flexibility regarding specific NCLB requirements, including elements of HQT. Under this flexibility, an LEA that does not meet its HQT targets would no longer have to develop an improvement plan and would retain flexibility in how it uses its Title I and Title II funds. Additionally, a state granted this flexibility would be exempt from the requirements regarding its role in the implementation of LEA improvement plans, including the requirement that the SEA enter into agreements with LEAs on the uses of funds and the requirement that it provide technical assistance to LEAs on their plans. States would not be exempt from the requirement that they ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers. This flexibility appears to extend the “good faith effort” waiver provided by the previous administration. As with the accommodations made above, such actions would weaken minimal qualification requirements that teachers are now expected to meet. Although, waiver requirements pertaining to teacher evaluation systems are another approach toward promoting quality instruction.

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