

‘High Percentage’ Definition

Query – 05.05.2006

Query:

NCLB partly defines a high-need LEA as follows:

- [NCLB section 2102(3)(B)(i)] one for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or
- [NCLB section 2102(3)(B)(ii)] for which there is a high percentage of teachers with emergency, provisional or temporary certification or licensing.

I'm trying to get a feel for what "high percentage" means. Is it 10%, 5%, 1%? Would other states be willing to share their definitions? The question is relevant to both SAHEs (NCLB section 2131(1)(A)(iii)) and SEAs (NCLB section 2201(b)(1)(A)(iii)).

From: Washington

Responses:

Utah	Since the non-regulatory guidance is not specific, I tend to go with the 20% rule, that a Title I district is one in which 20% or more families of the students are living at or below the poverty level. Typically, these would be the districts that have higher percentages of not highly qualified teachers.
Maine	I checked with Julie Coplin in Washington as to my interpretation of this and she approved. In Maine we use the definition that a "high Percentage" for an LEA is anything higher than the State average (ours is 94%).
Montana	What if there is no school district in your state with more than 5% of its staff teaching outside their area of endorsement? Or, if your SEA defines every teacher as "highly qualified" based on certification? I can use the 20% poverty rule and work with a lot of schools. I have to drop down to a much lower percent on the "highly qualified" rule.
Massachusetts	Here in Massachusetts we follow a similar process as Utah. The 20% poverty rate for the district mostly defines who is eligible and who applies to be the high-need district in the partnership. These same districts do tend to be the ones with the higher percentages of teacher who do not meet the state's definition of highly-qualified. When the Massachusetts Board of Higher Education is asked by districts what the "high percentage" definition means, we ask if they think it's high enough to be problematic for their district and take it from there.
USDOE	Since this question involves interpreting the statute and Non-Regulatory Guidance, I thought I'd weight in, for your consideration. The Department has long maintained that as a statutory eligibility criterion, the poverty requirement (20 percent or more in family poverty) was absolutely required. In satisfying the AND condition regarding out-of-field or emergency credentialed teachers, however, a fair number of States do not have such districts, so poverty becomes the ONLY required criterion. Further, in some States that do not have any districts eligible under the poverty criterion, but do have some with a "high percentage" of out-of-field teachers (using whatever definition the State establishes), then those districts would be the eligible ones. Finally, the States that do not have districts eligible under either criterion can use the "legal impossibility" reason to define alternative criteria. But States cannot say that

	high-poverty districts "are those likely to have out-of-field teachers" -- the eligibility decisions must be based on empirical data.
Georgia	As I recall 11% was posed by the USDOE in response to this right after NCLB came out. In Georgia we have used 10%.
Arkansas	This is the definition that we use in Arkansas in the RFP for "high percentage" of out-of-field teachers or teachers without the proper license: The Secretary of the U.S. Department of Education has determined that the definition of a high-need LEA in section 2102 is when an LEA has at least 8 percent of its district or school building teachers teaching with emergency, provisional, or temporary certification or licensing, i.e.(without an initial or more advanced state license). This percentage meets the statutory definition (Transition to Teaching Program). We have used this since 2002 in the first RFP for NCLB. The monitoring team did not have a problem with this percentage.
Alabama	This is one of the problems of the "High Need" guidance – it creates more questions than it answers; it clearly does not address this question. My response has been to have our applicants determine what is "high percentage" in the districts they serve and not give an arbitrary % from ACHE. For some it could be 75% if a district has, say, 8 teachers in its schools teaching all science courses, including physics, but only 2 are certified in physics. On the other hand, if the other 6 teachers have taken some physics courses and completed Zettili's project but are just not certified for that subject, they could be regarded as trained, thereby having the district be in full compliance (which, I suppose, means that LEA could not be a partner for a NCLB project since that district would not be "high need"). Still, however, this does not answer Bergeson's question about teachers not teaching subjects or grades they were trained to teach, and I don't have one. The Non-Reg. Guidance is vague, confusing, and non-specific on this matter – it really does not provide "guidance," perhaps because there is none to give as the law is written. My suggestion: Let sleeping dogs lie -- allow each LEA to determine the extent of its "high need" teachers, and don't press the issue.
Maine	We have just completed a Teacher Quality Enhancement grant application through the Maine Dept of Education, and were required to find "high need" partners for our application. In our case, the definition of the "high need" school districts in Maine consisted of a) "high" #s of non- Highly Qualified teachers and b) student poverty rates of 20% or higher. Upon our investigation we have found that the "high # of non-HQ teachers means, in practical terms, having a higher percentage of non-HQ teachers than the average for the state. So -- my guess is that the definition of "high percentage" varies from state to state. (FYI, in Maine, our state average for HQ teachers seems to be about 95% as I recall.)
Ohio	We adhere 100% to the 20% poverty requirement. In our RFP we do not stipulate any specific percentage for the out-of-field, etc. requirement, however in responding to inquiries we do suggest that even 2 or 3% may be considered a "high percentage."