

# OSEP Leadership Conference



Building the Legacy: IDEA 2004



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## Highly Qualified Teachers (HQT)



U.S. Department of Education Office  
of Special Education Programs

**Building the Legacy: IDEA 2004**



# Introduction

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- Topics for breakout sessions were selected by OSEP because each highlights critical implementation issues under the *IDEA* 2004 Statute and Regulations
- Presentation will track the Topic Brief (TB page-paragraph)

# Key Issues

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- Special education teachers (general)
- HQT—Charter schools
- Alternate route to certification
- Special education teachers teaching core academic subjects
- Special education teachers teaching:
  - To alternate achievement standards
  - Multiple subjects

# Key Issues

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- Separate high objective uniform state standard of evaluation (HOUSSE) for special education teachers
- New special education teachers
- Complaints and due process
- Private school teachers
- Personnel and paraprofessional qualifications

# Terms

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- HOUSSE
- Core academic subjects

# Highly Qualified Special Education Teacher 34 CFR 300.18(b)(1)

(TB 2-2)

To be highly qualified, the teacher:

- Must obtain full state certification as a special education teacher (including certification obtained through alternate routes)

OR

# Highly Qualified Special Education Teachers 34 CFR 300.18(b)(1)

(TB 2-2)

- Pass the state special education teacher licensing exam, and hold a license to teach in the state as a special education teacher, except that when used for respect to any teacher teaching in public charter schools, HQT means that the teacher meets the certification and licensing requirements, if any, set forth in the state's public charter school law

# Highly Qualified Special Education Teacher 34 CFR 300.18(b)(1)

(TB 2-2)

- Must not have had special education certifications and licensures waived on emergency, temporary or provisional basis

**AND**

- Must hold at least a bachelor's degree



# Alternate Route to Certification

## 34 CFR 300.18(b)(2) (TB 2-3)

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- The teacher will meet the standard in 34 CFR 300.18(b)(1)(i) (full state certification) if that teacher is participating in an alternate route to certification program under which the teacher:

# Alternate Route to Certification

## 34 CFR 300.18(b)(2)

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(TB 2-3)

- Receives high-quality professional development that is sustained, intensive and classroom-focused
- Participates in a program of intensive supervision with structured guidance and regular ongoing support or a teacher mentor program

# Alternate Route to Certification

## 34 CFR 300.18(b)(2)

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(TB 2-3)

- Assumes functions as a teacher only for a specified period of time not to exceed three years

**AND**

- Demonstrates satisfactory progress toward full certification as prescribed by the state

# Alternate Route to Certification

## 34 CFR 300.18(b)(2)

(TB 2-3)

- Additionally, in order for a teacher in an alternate certification program to be considered to be “highly qualified,” the state must ensure, through its certification and licensure process, that the foregoing provisions in 34 CFR 300.18(b)(2) are met

# Special Education Teacher not Teaching Core Subjects

34 CFR 300.18(b)(3)

(TB 2-4)

Any public elementary or secondary teacher not teaching core subjects is highly qualified if:

- The teacher meets the requirements of 34 CFR 300.18(b)(1)

**OR**

- The teacher holds a bachelors degree and is participating in an alternate route to certification

# Special Education Teachers Who Support Regular Instruction (TB 3-4)

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- Special educators who do not directly instruct students in core academic subjects or who provide only consultation to highly qualified teachers need not demonstrate subject competency
- They must have special education certification

# HQT Definition NCLB 9101(23)

(TB 1-1)

Teachers who teach core academic subjects:

- Must have full state certification
- Hold a minimum of a bachelor's degree

**AND**

- Demonstrate subject-matter competency in each subject taught

# HQT and Special Education

## 34 CFR 300.18(a)

(TB 1-1)

Special education teachers who teach core academic subjects must be highly qualified. That is, they must:

- Hold a special education certificate (including alternate route to certification) or license

- Hold a bachelor's degree

AND

- Demonstrate subject-matter competency in each subject taught



# HQT for Special Education Teachers Teaching Core Academic Subjects 34 CFR 300.18(a)

(TB 1-1)

- HQT has the meaning given the term in section 9101 of the ESEA (NCLB) and 34 CFR 200.56 except the requirements for highly qualified also include:

# Special Education Teachers Teaching Core Academic Subjects 34 CFR 300.18(a)

(TB 1-1)

- Requirements for special education in general described in 34 CFR 300.18(b)

## **AND**

- The option for teachers to meet the requirements of section 9101 of the *ESEA* by meeting the requirements of 34 CFR 300.18(c) and (d)

# Applicability to *ESEA* and New Special Education Teacher 34 CFR 300.18(g)

(TB 4-9)

- A teacher who is highly qualified under section 602(10) of *IDEA* shall be considered highly qualified for purposes of *ESEA*
- *For purposes of 34 CFR 300.18(d)(3), a fully certified regular education teacher who becomes certified or licensed as a special education teacher is a new special education teacher when first hired as a special education teacher*

# Teaching to Alternate Achievement Standards 34 CFR 300.18(c)

(TB 3-5)

Special education teachers who teach core academic subjects exclusively to students who are assessed against alternate achievement standards must meet at least one of the following requirements:

# Teaching to Alternate Achievement Standards 34 CFR 300.18(c)

(TB 3-5)

- Meet the *NCLB* standards for elementary, middle or secondary school teachers who are new or not new to the profession

**OR**

- Meet the *NCLB* requirements applied to elementary teachers **and** in addition, in case of instruction above the elementary level, have subject matter knowledge appropriate to the level of instruction being provided and needed to effectively teach to those standards

# Teaching Multiple Subjects 34 CFR 300.18(d)

(TB 3-6)

For a special education teacher who teaches two or more core academic subjects exclusively to children with disabilities, HQT means the teacher **MAY** meet the *NCLB* requirements for teaching core academic subjects

**OR**

# Teaching Multiple Subjects

## 34 CFR 300.18(d)

(TB 3-6)

For a teacher not new to the profession, HQT means he or she must demonstrate competence in all core academic subjects taught in the same manner as required for elementary, middle and secondary teachers not new to the profession, *which may include a single HOUSSE covering multiple subjects*

**OR**

# Teaching Multiple Subjects

## 34 CFR 300.18(d)

(TB 3-6)

In the case of a new special education teacher highly qualified in math, language arts, or science, he or she must demonstrate - not later than two years after the date of employment - competence in the other core academic subjects as required for an elementary, middle and secondary teacher, *which may include a single HOUSSE covering multiple subjects*



# Separate HOUSSE Standard 34 CFR 300.18(e)

(TB 3/4-7)

- *A state may develop a separate HOUSSE for special education teachers*

**AND**

- *That may include a single HOUSSE evaluation for multiple subjects...*

# Separate HOUSSE Standard 34 CFR 300.18(e)

(TB 3-7)

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...Provided that any adaptation of the state's HOUSSE would not establish a lower standard for content knowledge requirements for special education teachers and meets all of the requirements of a HOUSSE for regular education teachers

# Rules of Construction

34 CFR 300.18(f) and 300.156(e) (TB 4-8)

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Under these rules of construction, notwithstanding any other individual right of action that a parent or student maintains under Part 300, nothing in 34 CFR 300.18 and Part 300 shall be construed to create a right of action on behalf of an individual student or class of students for the state educational agency (SEA) or local educational agency (LEA) employee to be highly qualified

**OR**

# Rule of Construction:

34 CFR 300.18(f) and 300.156(e) (TB 4-8)

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*Prevent a parent from filing a complaint about staff qualifications with the SEA as provided under 34 CFR 300.151 through 300.153 (State Complaint Procedures)*

# Private School Teachers Not Covered Under HQT 34 CFR 300.18(h)

(TB 4-10)

The requirements in this section do not apply to teachers hired by private elementary and secondary schools, including private school teachers hired or contracted by LEAs to provide equitable services to parentally-placed private school children with disabilities under 34 CFR 300.138

# Responsibility of SEA for Personnel Qualifications 34 CFR 300.156(a)

(TB 5-12)

The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of Part 300 are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities

# Responsibility of the LEA for Personnel Development

34 CFR 300.207

(TB 6-17)

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The LEA must ensure that all personnel necessary to carry out Part B of the *IDEA* are appropriately and adequately prepared, subject to the requirements of 34 CFR 300.156 and section 2122 of the *ESEA*

# Personnel Qualifications for Related Services Personnel and Paraprofessionals 34 CFR 300.156(b) (TB 5-13)

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- Qualifications must be consistent with state certification, licensing, registration or other comparable requirements that apply to the professional discipline in which those personnel are providing special education and related services
- Personnel may not have had certification or licensure waived on an emergency, temporary or provisional basis

**AND**



# Personnel Qualifications for Related Services Personnel and Paraprofessionals 34 CFR 300.156(b) (TB 5-13)

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Allows paraprofessionals and assistants who are appropriately trained and supervised, in accordance with state law, regulation or written policy...to assist in the provision of special education and related services

# Policy on Recruitment, Hiring, Training and Retention 34 CFR 300.156(d)

(TB 5-15)

A state must adopt a policy including a requirement that LEAs take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services

# Summary of Key Issues

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# Summary of Key Issues

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- New special education teacher
- Complaints and due process
- Private school teachers
- Personnel and paraprofessional qualifications
- Alignment of *NCLB* and *IDEA*

# State Personnel Development Grants Section 651 of *IDEA*

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Section 651 of the *IDEA* authorizes state personnel development grants to help states reform and improve their systems for personnel preparation and professional development in early intervention, educational, and transition services in order to improve results for children with disabilities

# Personnel Development

## Section 662 of the *IDEA*

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Section 662 of the *IDEA* authorizes funding for institutions of higher education, LEAs, and other eligible local entities to improve or develop new training programs for teachers and other personnel serving children with disabilities

# Web Resources

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[www.ed.gov/programs/  
teacherqual/index.html](http://www.ed.gov/programs/teacherqual/index.html)

# Regional Implementation Planning Meetings

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What implementation issues and challenges on this topic should be addressed at the *IDEA* Regional Implementation Planning Meetings?

- January 30 and 31, 2007
  - Washington, D.C.
- February 12 and 13, 2007
  - Los Angeles, California
- February 15 and 16, 2007
  - *Kansas City, Missouri*



# For More Information

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Please go to

<http://sites.ed.gov/idea>

for resources on *IDEA*  
2004 Final Regulations



# Highly Qualified Teachers

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## Implementation Challenges?