

OSEP Part B Regulations Regional Implementation Meetings



Building the Legacy: IDEA 2004



Highly Qualified Teachers: Understanding & Implementing HQT Regulations



Key Questions

- Charter Schools
- Qualifications/
Certifications
 - State Examination
 - Consultation
 - Teaching Multiple
Subjects
 - Preschool
- New Teacher
Designation
- Alternate
Achievement
Standards
- HOUSSE
- Enforcement
- Due Process
- Private Schools
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Highly Qualified Special Education Teachers 34 CFR §300.18(b)(1)

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)

- 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 Teachers 34 CFR §300.18(b)(1)

- Must not have had special education certification and licensure requirements waived on emergency, temporary or provisional basis

AND

- Must hold at least a bachelor's degree



Special Education Teachers not Teaching Core Subjects

34 CFR §300.18(b)(3)

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

- 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 section 9101(23)

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)

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)



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)

- 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)

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

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)

- 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)



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)

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)

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)

- *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)

...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

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

- 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*

Rules of Construction

34 CFR §§300.18(f) and 300.156(e)

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

Rules of Construction:

34 CFR §§300.18(f) and 300.156(e)

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)

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)

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

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)

- 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)

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

For More Information

Please go to
<http://sites.ed.gov/idea>
for resources on
IDEA 2004 Final Regulations

