

**Guidance for the Implementation of NCLB  
Highly Qualified Teacher Requirements  
For  
Special Education Teachers**

**TEA | Division of IDEA Coordination**

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All content in this resource document for special educators is taken directly from NCLB documents. *Guidance for the Implementation of NCLB Highly Qualified Teacher Requirements* ([http://www.tea.state.tx.us/index4.aspx?id=4650&menu\\_id=798](http://www.tea.state.tx.us/index4.aspx?id=4650&menu_id=798)) is based on the December 2006 USDE-Approved Revised State Plan to Address the Highly Qualified Teacher Goal. It was updated by NCLB most recently on September 1, 2010.

*Guidance for the Implementation of Paraprofessional Requirements Under Title I, Part A* ([http://www.tea.state.tx.us/index4.aspx?id=4670&menu\\_id=798](http://www.tea.state.tx.us/index4.aspx?id=4670&menu_id=798)) is based on statute, regulations, and USDE guidance documents. It was posted July 1, 2008.

Please see “Background” on page 1 for a complete explanation of how to use the resource.

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**Guidance for the Implementation of NCLB  
Highly Qualified Teacher Requirements  
For  
Special Education Teachers**

**Background**

*Guidance for the Implementation of NCLB Highly Qualified Teacher Requirements* was prepared by the Division of No Child Left Behind (NCLB) Program Coordination of the Texas Education Agency (TEA) based on the December 2006 USDE-Approved Revised State Plan to Address the Highly Qualified Teacher Goal and updated by NCLB most recently on September 1, 2010. The document provides comprehensive guidance to Local Education Agencies (LEAs) to ensure that all their teachers meet highly qualified requirements. However, the various teaching situations required to meet the needs of special education students do not always fit well with general education teaching requirements.

This document, *Guidance for the Implementation of NCLB Highly Qualified Teacher Requirements for Special Education Teachers*, was developed to provide assistance in the determination of special education teachers meeting highly qualified standards. All references related to requirements for special education teachers have been excerpted from the original NCLB guidance document and compiled here, along with some general references needed for clarity. Questions retain the numbering of the original NCLB document to facilitate cross referencing between the two documents; however, some section titles have been changed for easier location in this special education resource.

In 2008, NCLB posted an additional document addressing requirements for paraprofessionals, [\*Guidance for the Implementation of Paraprofessional Requirements Under Title I, Part A\*](#). Questions pertaining to special education are included here as an addendum following the Appendices.

## **Guidance for the Implementation of NCLB Highly Qualified Teacher Requirements**

### **Summary of Changes since October 24, 2005, Guidance Document**

Changes since the March 25, 2008, guidance document are in **blue text** in this document. A brief summary of substantial changes related to special education teachers follows.

**Question 2** Expands the state definition of “arts” core academic subject area to include other courses accepted by SBOE for graduation credit in Fine Arts.

**Question 29** Clarifies the certification exams that meet elementary HQT.

**Appendix B: Definitions** Expands the state definition of “arts” core academic subject area to include other courses accepted by SBOE for graduation credit in Fine Arts. Further defines the “general elementary curriculum” as English, language arts, math, science, and social studies taught in grades EC-6.

**Chart 6** Clarifies the certification exams for elementary teachers.

### **Part I: Introduction**

Title II, Part A and Title I, Part A place particular emphasis on the need for Local Education Agency (LEAs) to ensure that teachers of a core academic subject meet certain minimum requirements they need to become effective educators. See Appendix A for the statutory requirements for highly qualified teachers. The requirements to be considered “highly qualified” are that teachers hold at least a bachelor’s degree, be fully certified in Texas, and demonstrate competency in the core academic subject area they are teaching. Special education teachers must be appropriately certified as a special education teacher, as required by the December 3, 2004, reauthorization of IDEA.

**LEA Responsibility:** It is the responsibility of the LEA to determine which teachers are required to meet the highly qualified teacher requirements based on individual job responsibilities. TEA staff will not make these determinations. Highly qualified teacher determinations must be documented and maintained locally and submitted to TEA for validation purposes upon request.

The following questions and answers will assist the LEA in making highly qualified determinations regarding special education teachers. Question numbers correlate to the original NCLB document *Guidance for the Implementation of NCLB Highly Qualified Teacher Requirements*.

## Part II: General Information

### 1. What is the definition of a highly qualified teacher?

The requirement that teachers be highly qualified applies to all public elementary or secondary school teachers employed by a local educational agency who teach a core academic subject (see question 2). “Highly qualified” means that the teacher:

- a. Has obtained full Texas teacher certification, including appropriate special education certification for special education teachers, and has not had certification requirements waived on an emergency, temporary, or provisional basis (See question 31); and
- b. Holds a minimum of a bachelor’s degree; and
- c. Has demonstrated subject matter competency in each of the academic subjects in which the teacher teaches, in a manner determined by TEA and in compliance with Section 9101(23) of the Elementary and Secondary Education Act (ESEA).

The statutory definition includes additional elements that apply somewhat differently to new and experienced teachers, and to elementary and secondary school teachers. The complete definition of a “highly qualified” teacher is in Section 9101(23) of the ESEA and in Appendix B. (See question 12 for how highly qualified applies to Charter Schools.)

### 2. What is meant by “core academic subjects”?

The term “core academic subjects” means English, reading or language arts, mathematics, science, foreign languages (languages other than English), civics and government, economics, arts, history, and geography [Section 9101(11)]. While the statute includes the arts in the core academic subjects, it does not specify which of the “arts” are core academic subjects; therefore, States must make this determination. TEA has defined “arts” as music (including band and choir directors), art, theatre, dance, and [other courses accepted by SBOE for graduation credit in Fine Arts](#).

### **Part III. Which Teachers Must Be Highly Qualified**

#### **5. Which teachers must meet the NCLB highly qualified teacher requirements?**

Any teacher who 1) is the teacher of record, and 2) provides direct instruction to students in any of the core academic subject areas defined by NCLB must meet the requirement.

Special education teachers who deliver direct instruction to students with disabilities in core academic subject areas must meet the appropriate state special education certification requirements for the grade level that they are teaching in addition to meeting the same standard for subject matter competency to meet highly qualified. These requirements apply whether a special education teacher provides direct core academic instruction in a regular classroom, in a resource room, or in another non-traditional setting.

#### **6. Which teachers are not required to meet the NCLB highly qualified teacher requirements?**

In general, when the teacher is either (a) not providing direct instruction and another general education teacher has responsibility for the design and delivery of instruction, as well as the evaluation of student performance, or (b) the course is not in a core academic subject area as defined by NCLB. Some specific examples are described below.

#### **Examples of Special Education Teachers Not Required to Meet Highly Qualified**

These examples describe specific methods of program implementation.

These examples describe specific methods of program implementation. The example is not applicable if the special education program scenario described does not match how your LEA implements special education programs. For example, if the special education teacher is responsible or shares responsibility for providing direct instruction in a core academic subject area, the design and delivery of instruction, and evaluation of student performance, then the example is not applicable and the special education teacher is required to meet highly qualified.

- **Co-Teacher Role:** The special education teacher who works in the regular education class alongside a NCLB highly qualified teacher of core academic subject area. The general education teacher has responsibility for the design and delivery of instruction, as well as the evaluation of student performance.
- **Consultant Role:** The special education teacher provides consultation (e.g. adapting curricula, using behavioral support and interventions, and selecting appropriate accommodations) to NCLB highly qualified general education teachers of core academic subject areas.

- Support Role: The special education teacher provides direct assistance to students with disabilities (e.g., tutoring, reinforcement of content provided in the general education setting) in segregated settings (e.g., resource class setting, self-contained classroom, homebound setting, hospital setting), but the students receive their instruction in the core academic subject area from a NCLB highly qualified general education teacher.
- Support Role: The special education teacher works within the general education setting wherein NCLB highly qualified general education teachers provide instruction to the class in the core academic subject areas. The special education teacher provides direct assistance to students with disabilities (e.g., via individualized and/or small group instruction) as a support to the NCLB highly qualified teacher's instruction.
- Support Role: The special education teacher provides reinforcement of the core academic instruction (e.g., via management of a Content Mastery Center) to students with disabilities whose core academic subject areas are taught by a NCLB highly qualified general education teacher.
- Non-Core Academic Instruction Role: The special education provides direct instruction to students in non-core academic subject area courses (e.g., study skills, community-based instruction, life skills). Note that if the LEA defines a course, such as life skills, as a core academic subject area then the teacher must meet highly qualified.

**9. Are early childhood (EC) or pre-kindergarten (PK) teachers subject to the highly qualified teacher requirements?**

Yes, because Texas defines its public education system as EC-12 and is allowed by USDE to serve EC and PK students with Title I, Part A funds, the highly qualified teacher requirements do apply to EC and PK teachers. EC and PK teachers follow the elementary Highly Qualified requirements.

**12. Are charter school teachers required to be highly qualified under NCLB?**

Yes. All open-enrollment charter school teachers must hold at least a bachelor's degree and must demonstrate competency in the core academic areas in which they teach in order to meet highly qualified. Special education charter school teachers must also have appropriate special education teacher certification to meet highly qualified.

NCLB does not require that other charter school teachers be fully certified. Rather, charter school teachers must only meet the requirements of the State's public charter school law, which differ from the requirements for Texas teacher certification. In Texas, state law does not require a teacher employed by an open-enrollment charter school to be certified unless the teacher is assigned to teach in special education or

bilingual education programs, in which case the appropriate state certification is required. The minimum qualification under state law for a teacher at an open-enrollment charter school, other than a special education or bilingual education teacher, is a high school diploma. However, the governing body of a charter holder may set the qualifications for teachers at a standard above what state law requires. For instance, many charter holders already require teachers to have a college degree or to be certified.

In order for a charter school teacher in Texas to be considered "highly qualified" under NCLB, the teacher must meet the state certification requirements as they apply to charter schools, as well as the NCLB requirements related to the bachelor's degree and the demonstration of competency. Charter school teachers have the same options for demonstrating competency as teachers in regular public schools.

<b>Texas Education Code Charter School Certification Requirements</b>	<b>No Child Left Behind Charter School Highly Qualified Requirements</b>
<p>High School Diploma required for all charter school teachers</p> <p>Certification only required for—</p> <p>Special Education</p> <p>Bilingual Education</p>	<p>Bachelor's degree required for all teachers in core academic subject areas</p> <p>Follow state certification requirements for charter schools</p> <p>Demonstrate competency according to requirements for elementary or secondary teachers, as appropriate.</p>

**15. Must special education teachers who teach core academic subjects be highly qualified?**

Any core academic subject area teacher who is the teacher of record and provides direct instruction to students in any of the core academic subject areas defined by NCLB must meet highly qualified. Special education teachers who deliver direct instruction to students with disabilities in core academic subject areas must meet the appropriate state special education certification requirements for the grade level that they are teaching in addition to meeting the same standard for subject matter competency to meet highly qualified. These requirements apply whether a special education teacher provides direct core academic instruction in a regular classroom, in a resource room, or in another non-traditional setting. If the special education teacher is the teacher of record providing instruction in a core academic subject area, the teacher must meet the applicable highly qualified requirements for the grade level and core subject area taught. Under this guidance, special education teachers who teach core academic subjects in self-contained classrooms must meet

highly qualified. (See questions 61-65 and Appendix E for additional special education information.)

**16. What other activities may special education teachers carry out if they are not highly qualified in the core academic content area being taught?**

There are many activities that special education teachers may carry out that would not, by themselves, require those teachers to be highly qualified in a particular subject matter. Special educators who do not directly instruct students in any core academic subjects or who provide only consultation to highly qualified teachers of core academic subjects in adapting curricula, using behavioral supports and interventions, or selecting appropriate accommodations do not need to demonstrate subject-matter competency in those subjects. These special educators could also assist students with study skills or organizational skills and reinforce instruction that the child has already received from a highly qualified teacher in that core academic subject. (See question 6 for examples of special education settings where the special education teacher is not required to meet highly qualified.)

**Part IV: New and Experienced Teachers**

**29. How does Texas determine if new elementary school teachers have the subject matter knowledge and teaching skills that are needed of highly qualified teachers?**

To meet the requirements of the law, new teachers at the elementary level must (a) hold at least a bachelor's degree, (b) have Texas teacher certification (or appropriate special education certification for elementary special education teachers), and (c) demonstrate, by passing the appropriate ExCET or TExES exam, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the required elementary curriculum [Section 9101(23)(B)(i)]. New Pre-Kindergarten through Grade 6 teachers may demonstrate subject matter competency by passing one of the following certification exams.

TExES EC-4 Generalist

TExES EC-4 Bilingual Generalist

TExES EC-4 ESL Generalist

[TExES EC-6 Generalist](#)

[TExES EC-6 ESL Generalist](#)

[TExES EC-6 Bilingual Generalist](#)

TExES 4-8 Generalist

TExES 4-8 ESL Generalist

TEExES 4-8 Bilingual Generalist

Or, if departmentalized [outside of the General Elementary Curriculum \(i.e. music, art, or theatre arts\)](#) —

TEExES EC-4 Generalist

TEExES EC-4 Bilingual Generalist

TEExES EC-4 ESL Generalist

[TEExES EC-6 Generalist](#)

[TEExES EC-6 ESL Generalist](#)

[TEExES EC-6 Bilingual Generalist](#)

TEExES 4-8 Generalist

TEExES 4-8 ESL Generalist

TEExES 4-8 Bilingual Generalist

Applicable TEExES EC-12 content exam

An elementary teacher who passes one of the generalist exams has demonstrated competency in the basic elementary curriculum, and would be considered highly qualified if he/she also has Bachelor's degree and appropriate Texas teacher certification.

**Note:** A teacher who has passed the ExCET Elementary Comprehensive exam or the TEExES 4-8 Generalist exam has demonstrated competency under “highly qualified” for teaching the 6th grade, whether on an elementary or a middle school campus.

### **30. How does Texas determine if new middle and high school teachers have a high level of competence in each of the subjects they will teach?**

To meet the requirements of the statute, new teachers at the middle and high school levels must (a) hold at least a bachelor's degree, (b) have Texas teacher certification, and (c) demonstrate their competence, in each of the core academic subjects the teacher teaches, by:

- completing an academic major, a graduate degree, coursework equivalent to an academic major, or advanced certification or credentialing, or
- passing a rigorous State academic subject test [Section 9101(23)(B)(ii)].

New Grade 7 through Grade 8 teachers (depending on subject taught) may demonstrate subject matter competency by passing the applicable certification exam listed below.

- TEExES 4-8 Generalist \*
- TEExES 4-8 ESL Generalist \*
- TEExES 4-8 Bilingual Generalist \*
- TEExES 4-8 subject specific
- Applicable TEExES subject content exam
- Applicable ExCET subject content exam (note that there are currently only ExCET tests remaining for Spanish, French, German, Latin, and Art)
- TEExES EC-12 Special Education exam (grades 7-8 for Mathematics and English/Language Arts/Reading only)

\* The generalist exam would suffice for English, Reading/Language Arts, Math, Science, and Social Studies. It would not demonstrate competency in foreign languages or arts taught at the 7th or 8th grade levels.

New Grade 9 through Grade 12 teachers (depending on subject taught) may demonstrate subject matter competency by passing the applicable certification exam listed below.

- Applicable TEExES subject content exam
- Applicable ExCET subject content exam (note that there are currently only ExCET tests remaining for Spanish, French, German, Latin, and Art)

## **Part V: Full State Certification**

### **31. What is meant by “full State certification” in the statute?**

For NCLB purposes in Texas, a person who holds a valid Texas standard teacher’s certificate, lifetime teacher’s certificate, or Texas temporary teaching certificate is considered to have full state certification. In addition, “full State certification” means that the teacher must not have had certification or licensure requirements waived on an emergency, temporary, or provisional basis. The Texas temporary teaching certificate is allowed for purposes of highly qualified determinations because the teacher has met the certification requirements and has not had certification requirements waived on any basis. However, a degreed individual who holds a probationary certificate, and is participating in an acceptable alternate route to certification program, including Special Education programs, may be considered “fully certified” under the “highly qualified” requirements. This individual may or may not be considered “highly qualified.” (See question 32 below.)

**32. When can a teacher (intern) in an Alternative Certification Program (ACP) program be considered “highly qualified”?**

Teachers in ACP programs may be considered to be highly qualified during the internship year if the teacher meets the following three requirements.

- a. Teachers, including special education teachers in ACP programs, who are not yet fully certified may be considered to meet the certification requirements in the NCLB definition of a highly qualified teacher if they are participating in an SBEC-approved alternative route to certification program under which they:
  - (1) receive, before and while teaching, high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction before and while teaching;
  - (2) participate in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers, or a teacher mentoring program;
  - (3) assume functions as a teacher only for a specified period of time not to exceed three years; and
  - (4) demonstrate satisfactory progress toward full certification as prescribed by state statute.
- b. Holds a minimum of a bachelor’s degree; and
- c. Has demonstrated subject matter competency in each of the academic subjects in which the teacher is assigned to teach, in a manner determined by TEA and in compliance with Section 9101(23) of ESEA.
  - (1) For new elementary ACP interns, this would be demonstrated by passing a rigorous State test of subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which consists of passing a TExES certification exam or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum.)
  - (2) For new secondary ACP interns, this would be either passing the appropriate TExES exam or having an academic major or graduate degree or the coursework equivalent to an undergraduate academic major [i.e., 24 semester hours, with 12 of the hours being upper-division (junior- or senior-level) courses] in the core academic subject areas in which they teach.

LEAs must ensure, through the state’s certification process, that these provisions are met [Section 200.56 of the Title I regulations, December 2, 2002] within three years. If the teacher does not complete the alternative certification program within the three

year period and become fully certified, the teacher is no longer considered to be highly qualified.

## **PART VI: HIGH OBJECTIVE UNIFORM STATE STANDARD OF EVALUATION (HOUSE OR HOUSE)**

**NOTE:** All references to the uses of HOUSE options in this document are governed by the USDE approved State Plan which describes the following allowable uses of HOUSE options. The USDE approved plan is available at <http://www.tea.state.tx.us/nclb/HQTPlan.html>.

Uses of HOUSE through the 2006-2007 School Year are no longer viable and have been deleted.

### **Uses of HOUSE for the 2007-2008 School Year and Beyond:**

Beginning with school year 2007-2008, HOUSE procedures will be approved only for the following reasons when implemented as described in this guidance document.

2 Multi-subject special education teachers who are new to teaching special education, if highly qualified in language arts, mathematics, or science at the time of hire, may use HOUSE to demonstrate competence in additional subjects within two years of the date of hire.

- The HOUSE option may only be implemented after completing one year of teaching experience.
- This option applies to special education teachers who are new to the teaching profession or teaching special education for the first time.

5 (Option Amended) Any experienced secondary teacher may continue to use HOUSE to demonstrate subject matter competency for any course accepted by the Texas State Board of Education for required graduation credit for documenting highly qualified teacher status. This includes CTE and other teachers who are teaching CTE or other courses for graduation credit.

### **33. What is meant by High, Objective, Uniform State Standard of Evaluation (HOUSE) procedures?**

NCLB statute allows TEA the option of developing a method by which eligible experienced teachers may demonstrate competency in each core academic subject area they teach on the basis of a “high, objective, uniform State standard of evaluation” (HOUSE). This standard must be one that, among other requirements, “provides objective coherent information about the teacher’s attainment of core content knowledge in the academic subjects in which a teacher teaches” [Section 9101(23)(C)(ii)(III)]. TEA has established a process of evaluating teacher knowledge

and ability based on a high, objective uniform State standard of evaluation that meets each of the following statutory criteria [Section 9101(23)(C)(ii)]:

- Be set by the State for both grade-appropriate academic subject matter knowledge and teaching skills;
- Be aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;
- Provide objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;
- Be applied uniformly to all teachers in the same academic subject and teaching in the same grade level throughout the State;
- Take into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject; and
- Be made available to the public upon request.

The statute also permits TEA, when developing its HOUSE procedures, to involve multiple, objective measures of teacher competency. Each evaluation must have a high, objective, uniform standard that the teacher is expected to meet or exceed and must be applied to each teacher in the same way.

TEA, in collaboration with State Board of Educator Certification (SBEC) and the Texas Higher Education Coordinating Board (THECB), has developed a HOUSE standard based on a system of 24 points. The state has defined multiple HOUSE procedures for groups of teachers; all of which align to the 24 point standard.

### **34. What HOUSE options are available to experienced Elementary teachers?**

[One](#) HOUSE procedure currently exists for eligible experienced elementary school teachers:

#### Elementary HOUSE Option A—

Only teachers who meet the approved uses of house options listed under part vi are eligible to implement a house option for determining subject matter competency and highly qualified status.

Competency is demonstrated by meeting all of the following criteria:

1. The teacher has at least one creditable year of teaching experience. AND
2. The teacher has a minimum of 24 points derived from—

- Experience teaching at the elementary level [1 year = 1 point (maximum of 12 points)]; and/or
  - College coursework in English/Language Arts, Math, Science, and/or Social Studies\* [1 college hour = 1 point]; and/or
  - Professional development that meets the standards for Continuing Professional Education (CPE) credit established by SBEC rules, as codified in the Texas Administrative Code, Title 19, Part 7, Chapter 232, Subchapter R [15 CPE clock hours = 1 point]. AND
3. Each of the subjects (English/Language Arts, Mathematics, Science, and Social Studies\*) is represented in the 24 points, whether through experience, college coursework, or professional development.

#### **42. What HOUSE options are available for experienced secondary teachers?**

Two procedures exist for eligible experienced secondary teachers, one for any experienced secondary teachers and one specifically for secondary special education teachers. Secondary teachers, both general education and special education, must demonstrate highly qualified status for each core academic subject area the teacher is assigned to teach.

Only teachers who meet the approved uses of HOUSE options listed under Part VI are eligible to implement a HOUSE option for determining subject matter competency and highly qualified status.

HOUSE for Secondary Teachers--

Competency is demonstrated by meeting both of the following criteria:

1. The teacher has at least one creditable year of teaching experience in the subject to be taught or in a closely related field; and
2. The teacher has a minimum of 24 points (at least 6 of which represent the core academic subject to be taught [or the core academic subject receiving graduation credit]) derived from—
  - Experience teaching at the secondary level in the subject to be taught or in a closely related field [ 1 year = 1 point (maximum of 12 points) ]; and/or
  - College coursework in the subject to be taught or in a closely related field [ 1 college hour = 1 point ]; and/or
  - Professional development in the subject to be taught or in a closely related field that meets the standards for Continuing Professional Education (CPE) credit established by SBEC rules as codified in the Texas Administrative Code, Title 19,

Part 7, Chapter 232, Subchapter R.  
[15 CPE clock hours = 1 point].

HOUSE for Secondary Special Education teachers—  
The special education teacher has at least one creditable year of teaching experience in the subject to be taught or in a closely related field and must document 24 points derived from—

- Meeting the standard for Elementary Highly Qualified<sup>1</sup>  
[ 9 points for competency in Reading/Language Arts, Math, Science, or Social Studies ];

OR

- Passing an appropriate TExES Certification Exams:  
EC-12 Special Ed [ for competency in Reading/Language Arts or Math ]; or  
4-8 Generalist [ for competency in Reading/Language Arts, Math, Science, or Social Studies ]; or  
4-8 Content Specific Exam [ for specific content area only ]  
[ 12 points for competency in the appropriate content area ]

AND

- Experience teaching in the core academic subject area or related field at the secondary level  
[ 1 year = 1 point (maximum of 12 points)<sup>2</sup> ];
- AND/OR
- College coursework in the core academic subject area or closely related field<sup>3</sup>  
[ 1 college hour = 1 point ];
- AND/OR
- Professional development in the core academic subject area or related field<sup>3</sup> that meets the standards for Continuing Professional Education (CPE) credit {as defined in TAC Title 19, Part 7, Chapter 232, Subchapter R}  
[ 15 CPE clock hours = 1 point ].

NOTES:

1 If using the Elementary HOUSE option for documenting the 9 points for meeting the standard for Elementary Highly Qualified, the teacher may not count the same college coursework or professional development for meeting Elementary HOUSE and Secondary Special Education HOUSE.

2 If using the Elementary teaching experience under the Elementary HOUSE option for documenting the 9 points for meeting the standard for Elementary Highly Qualified, the teacher may only count a maximum of 12 years teaching experience in any combination (between elementary HOUSE points and secondary HOUSE).

3 Districts may allow 6 points of college coursework or professional development for Special Education strategies and modifications.

**46. In the secondary special education HOUSE option, may the teacher count the same years teaching experience for meeting elementary HOUSE and the special education HOUSE?**

No, teachers may not duplicate count teaching experience. In most cases the same years teaching experience would not be considered in the points count since the elementary HOUSE requires years teaching experience at the elementary level and secondary special education HOUSE requires teaching experience at the secondary level. A maximum of 12 points of the 24 points (in any combination) may be derived from teaching experience.

**48. May any points in the special education HOUSE calculation be counted for demonstrating competency in more than one subject area?**

Yes. Teachers must demonstrate competency in each core academic subject area in which they are teaching. In the secondary special education HOUSE option, the following points may be duplicate counted for each subject area in which the teacher is demonstrating competency.

- Years teaching experience when the teacher taught multiple subject areas.
- Up to six points for Special Education strategies and modifications, if the LEA allows.

**49. Is the district required to offer the flexibility in the special education HOUSE for six points to be in special education strategies and modifications?**

No, it is the district's decision. However, whether the district allows this flexibility or not, it should be district policy and implemented uniformly across the district.

**50. What factors did TEA consider when developing its HOUSE procedures?**

In developing the HOUSE procedures, TEA considered the statutory criteria specified in question 33 above. Tea also met the requirements of USDE in the revised state plan in order to receive approval of the plan and receive the one year extension to the highly qualified teacher deadline.

**51. Can TEA adopt an additional set of HOUSE procedures for a group of teachers who cannot readily be evaluated using the procedures the State would use for all other teachers?**

Yes. The statute allows for this provision.

## Part VII: Middle School Teachers

### 52. What are the requirements governing highly qualified middle school teachers?

7th and 8th grade teachers are defined as secondary teachers regardless of the configuration of grade levels at the campus. (A sixth grade teacher is defined as elementary regardless of the configuration of grade levels at the campus.)

To meet the requirements of the law, teachers at the middle and high school levels must (a) hold at least a bachelor's degree, b) have Texas teacher certification, including appropriate special education certification for special education teachers, and (c) demonstrate competency in each of the core academic subjects the teacher is assigned to teach.

**Demonstration of Competency for New Middle School Teachers.** A middle school teacher new to the profession must have (a) passed the appropriate ExCET (note that there are currently only ExCET tests remaining for Spanish, French, German, Latin, and Art) or TExES exam in each of the "academic subjects in which the teacher teaches" [Section 9101(23)(B)(ii)(I)], or (b) have successfully completed, in each of the academic subjects the teacher teaches "an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing" [Section 9101(23)(B)(ii)(II)]. (See question 30. Also see question 32 related to ACP intern highly qualified.)

**Demonstration of Competency for Experienced Middle School Teachers.** Experienced middle school teachers may meet the subject matter competency requirement by completing one of the two options listed above for new middle school teachers [Section 9101(23)(C)(i)] or through the secondary HOUSE procedures established by TEA, if the experienced teacher is eligible for HOUSE options. [See question 28 and Part VI.]

### 55. May middle school teachers take tests that are specifically developed for middle school academic content areas, or do they have to pass the same tests as high school teachers?

Texas has approved rigorous content-area assessments that are developed specifically for middle school teachers and aligned with middle school TEKS. Grade 7 and Grade 8 teachers (depending on subject taught) may demonstrate subject matter competency by passing the applicable certification exam listed below.

TExES 4-8 Generalist \*

TExES 4-8 ESL Generalist \*

TExES 4-8 Bilingual Generalist \*

TExES 4-8 subject specific

Applicable TExES subject content exam

Applicable ExCET subject content exam (note that there are currently only ExCET tests remaining for Spanish, French, German, Latin, and Art)

TExES EC-12 Special Education exam (grades 7-8 for Mathematics and English/Language Arts/Reading only)

\* The generalist exams demonstrate competency for English/Reading/Language Arts, Math, Science, and Social Studies.

## **Part IX: Special Education Teachers**

(See questions 5, 6, 15, 16 for additional information.)

### **61. Does a secondary special education teacher that has passed the TExES EC-12 Special Education exam meet highly qualified for any secondary subject?**

No. The TExES EC-12 Special Education exam only demonstrates subject matter competency for Reading/Language Arts and Mathematics for grades 7-8. Therefore, only a 7th or 8th grade special education teacher teaching Reading/Language Arts or Mathematics could be highly qualified using this exam. The teacher must also be appropriately certified in special education and have a bachelor's degree or higher.

### **62. Does a secondary special education teacher that has passed the TExES 4-8 Generalist exam meet highly qualified for any secondary subject?**

No. The TExES 4-8 Generalist exam only demonstrates subject matter competency for the following subject areas at grades 4-8.

- Reading/English/Language Arts,
- Mathematics,
- Science, and
- Social Studies.

Therefore, only a 7th or 8th grade special education teacher teaching one or more of the subjects listed above could be highly qualified using this exam. The teacher must also be appropriately certified in special education and have a bachelor's degree or higher. An eligible experienced secondary teacher using the secondary special education HOUSE option may count the TExES 4-8 Generalist exam as 12 points toward the 24 point requirement for each of the four subject areas listed above.

### **63. The new IDEIA statutes states that new special education teachers who teach multiple subjects and are highly qualified in mathematics, Language Arts, or Science may demonstrate highly qualified in other subject areas within 2 years after the date of employment; which may include using HOUSE. Does this**

**mean a new special education teacher may use the HOUSE or Special Education HOUSE options?**

No. Only an experienced teacher may utilize a HOUSE option. This simply means that after the new teacher has completed one year of teaching, then the teacher may use a HOUSE option to demonstrate highly qualified in the additional subject areas. This flexibility is one of the approved uses of house options listed under part VI for determining subject matter competency and highly qualified status. Although covered under this flexibility for compliance reasons, the teacher and the classes must be reported correctly on the highly qualified compliance report as not highly qualified.

**64. The new IDEIA statute states that special education teachers teaching core academic subjects exclusively to children assessed on alternate achievement standards have additional flexibility. How is this group of “children assessed exclusively on alternate achievement standards” defined so that districts know who is eligible for the flexibility?**

TAKS–Alt is an assessment designed for students with significant cognitive disabilities to meet the federal requirements mandated under the No Child Left Behind Act. According to federal regulations, all students will be assessed on grade-level curriculum which includes those students receiving special education services. Students with significant cognitive disabilities may be assessed with alternate standards using an assessment that is linked to the grade-level curriculum through prerequisite skills. One percent of the tested population can count as proficient for Adequate Yearly Progress calculations beginning in 2007-2008. The state of Texas can no longer administer Locally Determined Alternate Assessments for these students. TAKS–Alt should be considered the state assessment given to this population of students. Standards for TAKS–Alt are set by the state based on the Spring 2007 field test data.

With the implementation of the TAKS-Alt exams during the 2007-2008 school year, special education teachers who teach exclusively students who will be assessed with the alternate achievement standards may now implement the flexibility provided under the highly qualified teacher provisions in the reauthorized IDEA statute that has been unavailable until the state developed the alternative assessments.

Therefore, special education teachers who teach only students who will be assessed on the TAKS-Alt exams now have additional flexibility in determining highly qualified teacher status. The teacher may demonstrate highly qualified teacher status by any of the methods previously available or the following flexibility.

- If the instruction provided is at the elementary (PK-6) level, the teacher may meet the highly qualified teacher requirements for an elementary school teacher. OR
- If the instruction provided is above the elementary level, at grades 7-12, the teacher may meet highly qualified teacher requirements by demonstrating the subject matter

knowledge appropriate to the level of instruction being provided, as determined by the Agency, needed to effectively teach to those standards.

For this purpose, the Agency has defined “appropriate level of instruction” as the Secondary Special Education HOUSE option. Since this use of Special Education HOUSE for secondary teachers is the state’s definition, any eligible special education teacher that meets the HOUSE option may be documented as highly qualified.

**65. How is “to demonstrate appropriate level of knowledge, as defined by TEA” in the new flexibility defined?**

The secondary special education HOUSE definition is the same as the definition for appropriate level of knowledge.

## **APPENDIX A—STATUTE**

### **INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT, 2004**

Highly Qualified: As defined in section 602 (10) of reauthorized IDEIA statute for special education teachers—

- (A) **IN GENERAL.**--For any special education teacher, the term `highly qualified' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965, except that such term also--
  - (i) includes the requirements described in subparagraph (B); and
  - (ii) includes the option for teachers to meet the requirements of section 9101 of such Act by meeting the requirements of subparagraph (C) or (D).
  
- (B) **REQUIREMENTS FOR SPECIAL EDUCATION TEACHERS.**--When used with respect to any public elementary school or secondary school special education teacher teaching in a State, such term means that--
  - (i) the teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law;
  - (ii) the teacher has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
  - (iii) the teacher holds at least a bachelor's degree.
  
- (C) **SPECIAL EDUCATION TEACHERS TEACHING TO ALTERNATE ACHIEVEMENT STANDARDS.**--When used with respect to a special education teacher who teaches core academic subjects exclusively to children who are assessed against alternate achievement standards established under the regulations promulgated under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, such term means the teacher, whether new or not new to the profession, may either--
  - (i) meet the applicable requirements of section 9101 of such Act for any elementary, middle, or secondary school teacher who is new or not new to the profession; or
  - (ii) meet the requirements of subparagraph (B) or (C) of section 9101(23) of such Act as applied to an elementary school teacher, or, in the case of instruction above the elementary level, has subject matter knowledge appropriate to the

level of instruction being provided, as determined by the State, needed to effectively teach to those standards.

- (D) SPECIAL EDUCATION TEACHERS TEACHING MULTIPLE SUBJECTS.--When used with respect to a special education teacher who teaches 2 or more core academic subjects exclusively to children with disabilities, such term means that the teacher may either--
- (i) meet the applicable requirements of section 9101 of the Elementary and Secondary Education Act of 1965 for any elementary, middle, or secondary school teacher who is new or not new to the profession;
  - (ii) in the case of a teacher who is not new to the profession, demonstrate competence in all the core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher who is not new to the profession under section 9101(23)(C)(ii) of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects; or
  - (iii) in the case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or science, demonstrate competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher under section 9101(23)(C)(ii) of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects, not later than 2 years after the date of employment.
- (E) RULE OF CONSTRUCTION.--Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this section or part shall be construed to create a right of action on behalf of an individual student or class of students for the failure of a particular State educational agency or local educational agency employee to be highly qualified.
- (F) DEFINITION FOR PURPOSES OF THE ESEA.--A teacher who is highly qualified under this paragraph shall be considered highly qualified for purposes of the Elementary and Secondary Education Act of 1965.

## APPENDIX B—DEFINITIONS

For NCLB highly qualified purposes in Texas, the following definitions are applicable:

**Core Academic Subject Areas:** English, reading or language arts, mathematics, science, foreign languages (languages other than English), civics and government, economics, arts (includes theater arts, dance, music, art, [and other courses approved by SBOE for graduation credit in Fine Arts](#)), history, and geography.

**Coursework equivalent to an academic major:** 24 semester hours in the subject area, with 12 of those hours being upper-division (junior- and senior-level) coursework.

**Elementary:** EC-6th grades. This definition is based on the degree of rigor and technicality of the subject matter that the teacher will need to know in relation to the Texas' content standards and academic achievement standards for the subjects that will be taught.

**Existing Teacher:** A teacher who has previously taught elementary, middle, or high school.

**Experienced Teacher:** For all highly qualified purposes other than the equity plan requirement--A teacher who has one or more creditable years of teaching experience. For practical purposes, the term “experienced” teacher does not have a different meaning than the term “veteran teacher” or “teacher who is not new to the profession.” The term experienced teacher is used rather than veteran teacher in this context only because we do not want to imply that such a teacher must have extensive teaching experience.

Experience is defined as employment as a teacher; therefore, documented employment as a teacher—in an accredited public school, charter school, or private school—is required. Experience does not include student teaching or its equivalent or employment as a substitute; however, teachers may count their alternative certification program internship if they were the teacher of record. The time requirement associated with experience is at least one creditable year of employment as defined in the Texas Administrative Code, Chapter 153, Subchapter CC. One year of creditable employment is a minimum of 90 full-time instructional days as a teacher in a school year.

**Full State Certification:** A person who holds a valid Texas standard teacher's certificate, lifetime teacher's certificate, or Texas temporary teaching certificate is considered to have full state certification. In addition, “full State certification” means that the teacher must not have had certification or licensure requirements waived on an emergency, temporary, or provisional basis. The Texas temporary teaching certificate is allowed for purposes of highly qualified determinations because the teacher has met the certification requirements and has not had certification requirements waived on any basis.

However, a degreed individual who holds a probationary certificate, and is participating in an acceptable alternate route to certification program may be considered “fully certified” under the “highly qualified” requirements. (Also see question 32 related to ACP intern highly qualified.)

**General Elementary Curriculum:** English, language arts, math, science, and social studies courses taught in grades EC-6.

**Highly Qualified:** As defined by reauthorized IDEIA statute for special education teachers—See Appendix A, pages 18- 20.

**Inexperienced Teacher:** For purposes of the equity plan requirement, the state defines as a teacher who has five or less creditable years of teaching experience as reported in the AEIS report categories of first year (beginning) and 1-5 years (inexperienced).

**New Teacher:** There has been a great deal of confusion concerning the term “new.” The term is used in two very different instances: **1) a new teacher to the district** when the “highly qualified” requirements must be met to be hired on Title I campus; and **2) a new teacher to the profession** to determine what options are available for demonstration of competency.

**1) New teacher to the district:** Regardless of the level of teaching experience, a teacher hired for the first time by the district to teach a core academic subject in a Title I, Part A program must meet the “highly qualified” requirements when hired. This is a teacher who is “new to the district,” but not necessarily “new to the profession.” This determination is not based on years of experience, simply on when the teacher was hired by the district and whether the teacher teaches in a Title I, Part A program.

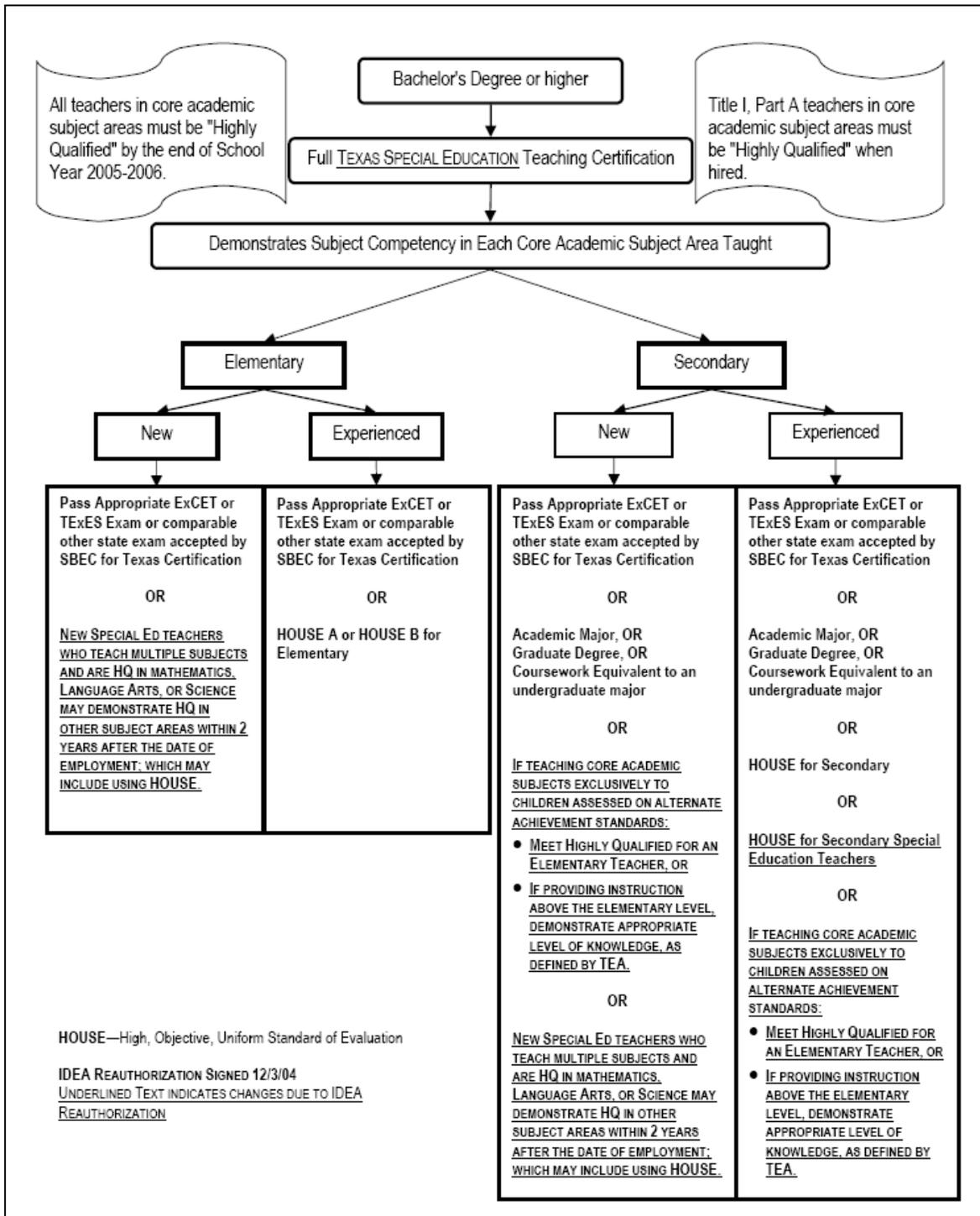
**2) New teacher to the profession:** A teacher that does not have a creditable year of teaching experience at the elementary, middle school, or high school level. A teacher would only be considered “new to the profession” until they have one year of creditable teaching experience.

See Appendix E, Question A-2 for additional flexibility on defining “New Special Education Teacher.”

**Out-of-Field Teacher:** For purposes of the equity plan requirement, the state defines as a teacher who is not appropriately certified, and therefore highly qualified, in the core academic subject area of assignment.

**Secondary:** Grades 7-12. This definition is based on the degree of rigor and technicality of the subject matter that the teacher will need to know in relation to the Texas’ content standards and academic achievement standards for the subjects that will be taught.

CHART 2: DEFINING HIGHLY QUALIFIED FOR SPECIAL EDUCATION TEACHERS



\*\*\*Only teachers who meet the approved uses of HOUSE options listed under Part VI are eligible to implement a HOUSE option for determining subject matter competency and highly qualified status.

HOUSE B is no longer available.

## CHART 5: HOUSE FOR EXPERIENCED SECONDARY SPECIAL EDUCATION TEACHERS

The special education teacher has at least one creditable year of teaching experience in the subject to be taught or in a closely related field and must document 24 points derived from—

- Meeting the standard for Elementary Highly Qualified<sup>1</sup>  
[ 9 points for competency in Reading/Language Arts, Math, Science, or Social Studies ];

OR

- Passing an appropriate TExES Certification Exams:  
EC-12 Special Ed [ for competency in Reading/Language Arts or Math ]; or  
4-8 Generalist [ for competency in Reading/Language Arts, Math, Science, or Social Studies ];  
or  
4-8 Content Specific Exam [ for specific content area only ]  
[ 12 points ]

AND

- Experience teaching in the core academic subject area or related field at the secondary level  
[ 1 year = 1 point (maximum of 12 points)<sup>2</sup> ];

AND/OR

- College coursework in the core academic subject area or closely related field<sup>3</sup>  
[ 1 college hour = 1 point ];

AND/OR

- Professional development in the core academic subject area or related field<sup>3</sup> that meets the standards for Continuing Professional Education (CPE) credit {as defined in TAC, Title 19, Part 7, Chapter 232, Subchapter R}  
[ 15 CPE clock hours = 1 point ].

### NOTES:

<sup>1</sup> If using the Elementary HOUSE option for documenting the 9 points for meeting the standard for Elementary Highly Qualified, the teacher may not count the same college coursework or professional development for meeting Elementary HOUSE and Secondary Special Ed HOUSE.

<sup>2</sup> If using the Elementary teaching experience under the Elementary HOUSE option for documenting the 9 points for meeting the standard for Elementary Highly Qualified, the teacher may only count a maximum of 12 years teaching experience in any combination under this HOUSE option.

<sup>3</sup> Districts may allow 6 points of college coursework or professional development for Special Education strategies and modifications.

Only teachers who meet the approved uses of HOUSE options listed under Part VI are eligible to implement a HOUSE option for determining subject matter competency and highly qualified status.

## CHART 6: CERTIFICATION EXAMS FOR DEMONSTRATING COMPETENCY

In addition to passing the ExCET or TExES exams, other state certification exams deemed comparable and accepted by SBEC for certification are acceptable for demonstrating competency. Other comparable state exams are listed at: <http://www.sbec.state.tx.us/SBECOnline/standtest/comstate.pdf>

### Pre-Kindergarten through Grade 6:

Self-contained or departmentalized within the General Elementary Curriculum ---

ExCET Elementary Comprehensive  
ExCET Elementary Bilingual Comprehensive  
TExES EC-4, 4-6, or 4-8 Generalist  
TExES EC-4, 4-6, or 4-8 Bilingual Generalist  
TExES EC-4, 4-6, or 4-8 ESL Generalist

Or, if departmentalized outside of the general elementary curriculum--(i.e. music, art, or theatre arts)

ExCET Elementary Comprehensive  
ExCET Elementary Bilingual Comprehensive  
TExES EC-4, 4-6, or 4-8 Generalist  
TExES EC-4, 4-6, or 4-8 Bilingual Generalist  
TExES EC-4, 4-6, or 4-8 ESL Generalist

TExES 4-8 subject specific (no longer available for teachers after 2009-2010)  
Applicable ExCET 6-12 content exam  
Applicable ExCET PK-12 content exam  
Applicable TExES EC-12 content exam

### Grade 7 through Grade 8 (depending on subject taught):

TExES 4-8 Generalist  
(for demonstrating competency in 7-8 Reading/English/Language Arts, Mathematics, Science, and Social Studies)  
TExES 4-8 subject specific  
Applicable TExES subject content exam  
Applicable ExCET subject content exam  
TExES EC-12 Special Education exam  
(for demonstrating competency in 7-8 Reading/English/Language Arts or Mathematics ONLY)

### Grade 9 through Grade 12 (depending on subject taught):

Applicable TExES subject content exam  
Applicable ExCET subject content exam

## **APPENDIX E—Excerpt from “Q and A: Questions and Answers On Highly Qualified Teachers Serving Children with Disabilities”**

From the USDE web site at:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C2%2C>

Questions and Answers On Highly Qualified Teachers Serving Children With Disabilities

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**January 2007**

The final regulations for the reauthorized Individuals with Disabilities Education Act (IDEA) were published in the Federal Register on August 14, 2006, and became effective on October 13, 2006. Since publication of the final regulations, the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education has received requests for clarification of some of these regulations. This is one in a series of question and answer documents prepared by OSERS to address some of the most important issues raised by requests for clarification on a variety of high-interest topics. Generally, the questions, and corresponding answers, presented in this Q&A document required interpretation of IDEA and the regulations and the answers are not simply a restatement of the statutory or regulatory requirements. The responses presented in this document generally are informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented and are not legally binding. The Q&As are not intended to be a replacement for careful study of IDEA and the regulations. The statute, regulations, and other important documents related to IDEA and the regulations are found at <http://idea.ed.gov>.

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) requires that all public elementary and secondary special education teachers be “highly qualified” as special education teachers. The definition of “highly qualified special education teachers” in the IDEA [20 U.S.C. 1401(10)] is aligned with No Child Left Behind’s highly qualified requirements under that statute at section 9101 of the Elementary and Secondary Education Act (ESEA) [20 U.S.C. 7801(23)] and the implementing regulations at 34 CFR §200.56. Section 300.18(g)(1) of the IDEA regulations states that a teacher who is highly qualified under section 602(10) [20 U.S.C. 1401(10)] of IDEA shall be considered highly qualified for purposes of the ESEA. Section 300.18 of the IDEA regulations establishes requirements for special education teachers in general, as well as those teaching core academic and multiple subjects and those not teaching core academic subjects. In addition, it establishes requirements for special education teachers teaching to alternate achievement standards and describes alternative routes to certification. The regulations also clarify what it means to be a “new” special education teacher and that the highly qualified teacher requirements do not apply to teachers hired by private elementary schools and secondary schools. Section 300.156

of the IDEA regulations requires that each SEA establish and maintain personnel qualifications.

## A. “New Teacher” Designation

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**Authority:** The requirements for “new” special education teachers are found in the regulations at 34 CFR §300.18(a) through (d) and (g)(2).

**Question A-1:** What are the qualifications for a teacher to become highly qualified if the teacher is a “new teacher” of special education teaching children who will be learning to alternate achievement standards and taking alternate assessments?

**Answer:** When used with respect to a special education teacher who teaches core academic subjects exclusively to children who are assessed against alternate achievement standards established under 34 CFR §200.1(d), highly qualified means the teacher, **whether new or not new to the profession**, may either:

- Meet the applicable requirements of section 9101 of the Elementary and Secondary Education Act (ESEA) and 34 CFR §200.56 for any elementary, middle, or secondary school teacher who is new or not new to the profession; or
- Meet the requirements of paragraph (B) or (C) of section 9101(23) of the ESEA as applied to an elementary school teacher, or, in the case of instruction above the elementary level, meet the requirements of subparagraph (B) or (C) of section 9101(23) of the ESEA as applied to an elementary school teacher and have subject matter knowledge appropriate to the level of instruction being provided and needed to effectively teach to those standards, as determined by the State.

The regulations promulgated under section 1111(b)(1) of the ESEA permit States to use alternate achievement standards to evaluate the performance of a small group of children with the most significant cognitive disabilities who are not expected to meet grade-level standards even with the best instruction. An alternate achievement standard sets an expectation of performance that differs in complexity from a grade-level achievement standard. Section 602(10)(C)(ii) of the Individuals with Disabilities Education Act (the Act or IDEA), therefore, allows special education teachers teaching exclusively children who are assessed against alternate achievement standards to meet the

highly qualified teacher standards that apply to elementary school teachers.

Section 300.18(c)(2) of the regulations requires that if a teacher (who is teaching exclusively to alternate achievement standards) is teaching students who need instruction above the elementary school level, the teacher must have subject matter knowledge appropriate to the level of instruction needed to effectively teach to those standards. The purpose of this requirement is to ensure that teachers exclusively teaching children who are assessed based on alternate academic achievement standards above the elementary level have sufficient subject matter knowledge to effectively instruct in each of the core academic subjects being taught, at the level of difficulty being taught. For example, if a high school student (determined by the IEP Team to be assessed against alternate achievement standards) has knowledge and skills in math at the 7th grade level, but in all other areas functions at the elementary level, the teacher would need to have knowledge in 7th grade math in order to effectively teach the student to meet the 7th grade math standards.

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**Question A-2:** Is a veteran regular education teacher who continues to be employed by a district and is re-assigned as a special education teacher after obtaining special education certification considered to be “hired” as a special education teacher upon reassignment, and therefore eligible to demonstrate competence in the core academic subjects he or she is teaching as a “new” special education teacher?

**Answer:** Yes. A fully certified regular education teacher, who subsequently becomes fully certified or licensed as a special education teacher, would be considered a **new special education teacher** when first hired as a special education teacher. If the teacher is teaching multiple subjects as a special education teacher and is highly qualified to teach mathematics, language arts or science, he or she will have two years from the date of hiring as a special education teacher to demonstrate competence in the other core academic subjects he or she is teaching.

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**Question A-3:** If a teacher has taught special education in one State and begins teaching in a different State, would the teacher be considered a “new” special education teacher under IDEA?

**Answer:** A special education teacher who has been teaching in one State and begins teaching in a different State is not considered “new to the profession.” States may choose to honor another State’s licensure or certification and determination of competence in core academic subjects based on the other State’s High Objective Uniform State Standards of Evaluation (HOUSE) procedures. On the other hand, a State may choose to require teachers from other States to satisfy its own certification or licensure requirements, and to demonstrate competency in the core academic subjects that they teach under the new State’s standards and procedures.

**TEA NOTE:** SEE QUESTION 68 IN THE TEA GUIDANCE DOCUMENT.

## **B. Enforcement and Sanctions**

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**Authority:** The requirements for ensuring that special education teachers are highly qualified are found in the regulations at 34 CFR §300.156.

**Question B-1:** What are the consequences for a State Educational Agency (SEA) or a Local Educational Agency (LEA) for not meeting HQT under IDEA and how will the HQT requirements be enforced under IDEA?

**Answer:** The SEA must make sure that all special education teachers are highly qualified and that the LEA is taking measurable steps to recruit, train, hire and retain highly qualified special education teachers. If an LEA is failing to pursue these actions, the SEA must take measures, appropriate to the situation, to bring the LEA into compliance with the Act.

The Office of Elementary and Secondary Education (OESE) currently monitors the implementation of the highly qualified teacher standards for teachers of core academic subjects under the ESEA. This includes special education teachers who teach core academic subjects.

The Office of Special Education Programs (OSEP) collects data about special education personnel qualifications and requires that SEAs establish and maintain qualifications to ensure that personnel who are essential to carry out Part B of the Act are appropriately and adequately prepared and trained. Those personnel must also have the content knowledge and skills to serve children with disabilities, consistent with 34 CFR §300.156.

## C. Due Process

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**Authority:** The provisions regarding limiting access to due process for failure to comply with the HQT requirements are found in the regulations at 34 CFR §§300.18(f) and 300.156(e).

**Question C-1:** May a parent file a due process request with violations other than the school's failure to provide a HQT and then include the violation of failure to provide a HQT as a part of the due process? **Or** is the failure to provide a HQT never allowed to be included in a due process hearing?

**Answer:** Questions about whether a teacher is highly qualified, are not ones on which parents or students can get any relief through a due process hearing. See 34 CFR §§300.18(f) and 300.156(e). The language in the regulation that 'nothing in this part shall be construed to create a right of action' means that a claim that a teacher is not highly qualified may not serve as a basis for relief for an individual student or class of students under IDEA.

If concerns arise about whether a special education teacher is highly qualified, the Department encourages parents to try to resolve issues at the school level. It would make sense for them to talk to their child's principal first, before doing anything else, to find out what the school is doing to ensure that the teacher gets the training that he or she needs to meet the highly qualified standards. If they are not satisfied with the steps the LEA is taking, they could file a complaint with the State educational agency (SEA). An organization or an individual other than a parent of a child served under IDEA may also file a complaint about staff qualifications with the SEA, consistent with the State complaint procedures in 34 CFR §§300.151 through 300.153.

## D. Charter Schools

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**Authority:** *The requirements regarding highly qualified special education teachers in charter schools are found in the regulations at 34 CFR §300.18(a) through (h).*

**Question D-1:** What are the highly qualified teacher requirements for a teacher in a charter school?

**Answer:** To be highly qualified, a teacher in a charter school must meet the certification and licensing requirements, if any, set forth in the State's public charter school law, hold at least a bachelor's degree and, if the teacher is teaching core academic subjects, demonstrate competency in the core academic areas he or she teaches. The certification requirements for charter school teachers

are established in a State's public charter school law, and may differ from the requirements for full State certification for teachers in other public schools.

**TEA NOTE:** SEE QUESTION 12 IN THE TEA GUIDANCE DOCUMENT.

## **E. Preschool**

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**Authority:** The definition of "highly qualified special education teachers" is at 34 CFR §300.18.

**Question E-1:** What are the HQT requirements for preschool teachers?

**Answer:** The highly qualified special education teacher requirements apply to all public elementary and secondary school special education teachers, including early childhood or preschool teachers if a State includes the early childhood or preschool programs as part of its elementary and secondary school system. If the early childhood or preschool program is not a part of a State's public elementary and secondary school system, the highly qualified special education teacher requirements do not apply.

**TEA NOTE:** Because Texas defines its public education system as EC-12, the highly qualified teacher requirements do apply to EC and PK teachers. EC and PK teachers follow the elementary Highly Qualified requirements. See Question 9 in the TEA guidance document.

## **F. High Objective Uniform State Standards of Evaluation (HOUSE)**

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**Authority:** HOUSE is specifically discussed in the regulations at 34 CFR §§300.18(d)(2) and (3) and 300.18(e).

**Question F-1:** Recently, the Department released guidance asking States to phase out the HOUSSE procedures. What is the Department's current guidance on HOUSE, especially as it relates to special education teachers?

**Answer:** On September 5, 2006, the Secretary sent a letter to Chief State School Officers noting that a number of States had proposed actions to limit the use of HOUSE, and further expressing the Department's intent to pursue a phase-out of HOUSE procedures through the reauthorization of the No Child Left Behind Act (NCLB). The Secretary also strongly encouraged States to eliminate the use of HOUSE procedures, to the extent practicable. In particular, she expressed concern about the practice of allowing

teachers assigned to new subjects to use non-rigorous HOUSE procedures to quickly demonstrate subject-matter competency. However, the September 5 letter recognized continued use of HOUSE procedures in certain circumstances, including for special education teachers teaching multiple subjects who were highly qualified in language arts, mathematics, or science at the time of hire.

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**Question F-2:** How does HOUSE work for multi-subject teachers of special education students?

**Answer:** Currently, special education teachers who are not new to the profession and teach two or more core academic subjects exclusively to children with disabilities are permitted to demonstrate competence in all the core academic subjects that the teacher teaches in the same manner as other elementary, middle, and secondary school teachers who are not new to the profession, including through HOUSE covering multiple subjects. A new special education teacher who is highly qualified to teach math, language arts, or science has up to two years from the date of employment to demonstrate competence in the other core academic subjects he or she teaches, including through the use of a HOUSE. The State may develop a separate HOUSE for special education teachers, which may include a single HOUSE evaluation for multiple subjects, provided that it would not establish a lower standard for content knowledge requirements for special education teachers.

**TEA NOTES:** See Part VI of the TEA guidance document for information on the implementation of HOUSE options. TEA currently does implement a Secondary Special Ed HOUSE option, see Questions 46 and 49 of the TEA guidance document.

## **G. State Examinations/Qualifications/Certifications**

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**Authority:** The provisions concerning State examinations, qualifications, and certifications are found in the regulations at 34 CFR §300.18.

**Question G-1:** Does a resource special education teacher need to pass core academic subject tests to consult with regular education teachers?

**Answer:** A special education resource teacher who only consults with regular education teachers does not need to demonstrate competence in core academic subjects. He or she must, however,

hold special education certification. If the special education resource teacher is also teaching core academic subjects, he or she will need to demonstrate competence in those subjects.

**TEA NOTE:** See Questions 15 and 16 of the TEA guidance document.

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**Question G-2:** **TEA NOTE:** This question was deleted since it was not applicable to Texas Special Ed teachers.

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**Question G-3:** If a qualified special education teacher provides direct student “supplemental” instruction in one or more core academic subjects in support of the general education teacher’s instruction in the core academic subject(s), does the special education teacher need to be highly qualified in the core subjects?

**Answer:** All special educators need to be highly qualified as defined in IDEA, but special educators are not required to demonstrate subject matter competence in any core academic subject, if they are only (1) providing consultation services to other teachers, such as adapting curricula, using behavioral supports and interventions, or selecting appropriate accommodations for children with study skills or organizational skills or (2) reinforcing instruction that the child has already received from a highly qualified teacher in that core academic subject.

**TEA NOTE:** SEE QUESTIONS 5, 6, 15 AND 16 OF THE TEA GUIDANCE DOCUMENT.

## **H. Highly Qualified Special Education Teachers and Private Schools**

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**Authority:** The provisions regarding highly qualified special education teachers and private schools are found in the regulations at 34 CFR §§300.18(h), 300.138, and 300.146(b).

**Question H-1:** Do private school special education teachers who are providing special education to children with disabilities have to have a bachelor’s degree and be fully certified?

**Answer:** The HQT requirements do not apply to special education 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.

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**Question H-2:** If a local educational agency sends a special education teacher (employed by the LEA) to a private school to fulfill a student's IEP, does that teacher have to be highly qualified?

**Answer:** Yes, any public elementary or secondary school teacher must meet the highly qualified requirements under both NCLB and IDEA.

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**Question H-3:** If an SEA or an LEA places a child with a disability in a private school, does the private school teacher have to be highly qualified? Are there any certification or licensure requirements for private school teachers when the SEA or LEA is placing students with disabilities in private schools?

**Answer:** Each SEA must ensure that a child with a disability who is placed in, or referred to, a private school or facility by a public agency is provided an education that meets the standards that apply to education provided by the SEA and LEA. However, the HQT requirements do not apply to teachers hired by private elementary and secondary schools. This includes teachers hired by private elementary schools and secondary schools who teach children with disabilities placed in those schools by public agencies.

**GUIDANCE FOR THE IMPLEMENTATION  
OF  
PARAPROFESSIONAL REQUIREMENTS UNDER TITLE I, PART A  
DIVISION OF NCLB PROGRAM COORDINATION  
TEXAS EDUCATION AGENCY**

**JULY 1, 2008**

**BASED ON STATUTE, REGULATIONS, AND USDE GUIDANCE DOCUMENTS  
GUIDANCE FOR THE IMPLEMENTATION OF PARAPROFESSIONAL  
REQUIREMENTS UNDER TITLE I, PART A**

**Title I, Part A Paraprofessional Requirements**

**Question 1. What qualifications must paraprofessionals meet under NCLB?**

NCLB requires that paraprofessionals hired by an LEA after January 8, 2002, meet one of the following qualifications if the paraprofessional will perform instructional duties in a Title I, Part A program:

have completed at least two years of study at an institution of higher education [defined as completion of 48 semester hours (or equivalent trimester hours) of college coursework or an applicable number of semester hours as defined by the institution of higher education attended, whichever is less]; or

have obtained an associate's (or higher) degree; or

have met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment—

knowledge of, and the ability to assist in instructing, reading, writing, and mathematics;  
or

knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

NCLB requires existing paraprofessionals to meet one of these qualifications by January 8, 2006; however, Assistant Secretary of Education Ray Simon has extended this deadline to the end of the 2005-06 school year to be consistent with the highly qualified teacher requirements.

Paraprofessionals whose duties consist solely of parental involvement activities or translation services are exempt from the qualification requirement.

**Question 2. How is “paraprofessional” defined for these requirements?**

For the purposes of Title I, Part A USDE guidance defines a paraprofessional as an employee of an LEA who provides instructional support in a program supported with Title I, Part A funds.

“Paraprofessionals who provide instructional support,” includes those who (1) provide one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher, (2) assist with classroom management, such as by organizing instructional materials, (3) provide instructional assistance in a computer laboratory, (4) conduct parental involvement activities, (5) provide instructional support in a library or media center, (6) act as a translator, or (7) provide instructional support services under the direct supervision of a highly qualified teacher. [Title I, Section 1119(g)(2)]

Because paraprofessionals provide instructional support, they should not be providing planned direct instruction, or introducing to students new skills, concepts, or academic content.

Individuals who work in food services, cafeteria or playground supervision, personal care services, non-instructional computer assistance, and similar positions are not considered paraprofessionals under Title I, Part A.

**Question 4. How do the new requirements apply to paraprofessionals in a schoolwide program?**

The requirements in Question 1 apply to all paraprofessionals in a Title I schoolwide program who provide instructional assistance in a core academic subject area, without regard to whether the position is funded with Federal, State, or local funds. In a schoolwide program, Title I funds support all teachers and paraprofessionals.

**Question 5. How do the new requirements apply to paraprofessionals in a targeted assistance program?**

In a Title I targeted assistance program, the requirements in Question 1 apply to all paraprofessionals who are paid with Title I, Part A funds who provide instructional assistance in a core academic subject area (but not to paraprofessionals paid with State or local funds in targeted assistance programs).

**Question 6. How do the requirements apply to paraprofessionals, such as home-school liaisons, whose duties consist solely of parental involvement activities?**

A paraprofessional with duties that consist solely of conducting parental involvement activities must have a secondary school diploma or its equivalent but does not have to meet the other educational requirements in Question 1.

**Question 8. How do the requirements apply to paraprofessionals who work with special education students?**

The requirements for persons who work with special education students differ depending upon their duties.

If a person working with special education students does NOT provide any instructional support (such as a person who solely provides personal care services), that person is not considered a paraprofessional under Title I, Part A, and the requirements in Question 1 do not apply.

If a person works in a Title I targeted assistance program, has instructional support duties in a core academic subject area, and is paid, in whole or in part, with Title I, Part A funds, the requirements in Division of NCLB Program Coordination Texas Education Agency 4

Question 1 apply. If the person is not paid with Title I, Part A funds, however, the requirements in Question 1 do not apply.

If a person works in a Title I schoolwide program and has instructional support duties in a core academic subject area, the Question 1 requirements apply without regard to the source of funding that supports the position.

**Question 10. Must a paraprofessional who provides services to eligible private school students and is employed by an LEA with Title I, Part A funds meet the new requirements?**

Yes, such a paraprofessional must meet the requirements outlined in Question 1 because the individual is employed by the LEA.

**Question 12. What if a person has both instructional support and non-instructional duties?**

In this case, the person must meet the requirements in Question 1, because he or she carries out some instructional support duties.

**Question 21. Is a paraprofessional required to take a specific course of study?**

No. However, paraprofessionals must be able to demonstrate knowledge of, and the ability to assist in instructing, reading, writing, and mathematics, or reading readiness, writing readiness, and mathematics readiness [Section 1119(c)(1)(C)]. For this reason, a paraprofessional who chooses to meet the qualification requirements by completing two years of study in an institution of higher education and has coursework to complete in order to do so, is encouraged to take courses that will enable the paraprofessional to demonstrate knowledge of these subject areas.

**Question 22. One option for meeting the new educational requirements is for paraprofessionals to demonstrate their knowledge and ability through a formal State or local academic assessment. What is the purpose of this assessment?**

To help improve student achievement, Title I paraprofessionals must have the appropriate knowledge and ability to assist in instructing students and be competent in

required instructional techniques and academic content areas. Additionally, because students need good language role models and because communication is essential to effective instructional support, Title I paraprofessionals should also demonstrate that they are competent in basic literacy skills, including the ability to speak and write standard English.

The assessment is one way for Title I paraprofessionals to demonstrate knowledge of, and the ability to assist in instructing, reading arts, writing, and mathematics; or reading readiness, writing readiness, and mathematics readiness.

**Question 26. What are the requirements for the supervision of paraprofessionals?**

Paraprofessionals who provide instructional support must work under the direct supervision of a highly qualified teacher. [Sections 1119(g)(3)(A)]

A paraprofessional works under the direct supervision of a teacher if (1) the teacher prepares the lessons and plans the instructional support activities the paraprofessional carries out, and evaluates the achievement of the students with whom the paraprofessional is working, and (2) the paraprofessional works in close and frequent proximity with the teacher. [§200.59(c)(2) of the Title I regulations] As a result, a program staffed entirely by paraprofessionals is not allowable.

A program where a paraprofessional provides instructional support and a teacher visits a site once or twice a week but otherwise is not in the classroom, or a program where a paraprofessional works with a group of students in another location while the teacher provides instruction to the rest of the class would also be inconsistent with the requirement that paraprofessionals work in close and frequent proximity to a teacher.

**Question 28. Must a paraprofessional who provides services to eligible private school students and is employed by an LEA with Title I funds be under the direct supervision of a highly qualified public school teacher?**

Yes, a paraprofessional who provides services to eligible private school students and is employed by an LEA must be under the direct supervision of a highly qualified public school teacher throughout the duration of the services/program being offered. [§200.59 (c)(1)]

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