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Bureau of Special Education FY'05 Memo #3

Date: August 23, 2004

To: Superintendents of Schools  
Special Education Directors

From: Bureau of Special Education  
Bureau of Credentialing  
Bureau of Integrated Programs

Re: Special Education and the NCLB Highly Qualified Teacher (HQT) Requirement

This memo supercedes the Bureau of Special Education January 14th, 2004 Memo #9 concerning Highly Qualified Teachers as defined by No Child Left Behind.

The NCLB Title IIA Improving Teacher Quality State Grants Non-Regulatory Revised Draft Guidance issued September 12, 2003 and the Non-Regulatory Guidance issued January 14, 2004 includes the following guidance on special education teachers:

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

Yes. Special education teachers who provide instruction in core academic subjects must meet the highly qualified teacher requirements for those core academic subjects that they teach. These requirements apply whether a special education teacher provides core academic instruction in a regular classroom, a resource room, or another setting.

What 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. States and districts should consider the needs of special education teachers as they implement Title II, Part A, particularly for activities that relate to professional development and reform of teacher certification or licensing procedures. By coordinating the use of resources from other Federal programs, such as the Individuals with Disabilities Education Act (IDEA), States can ensure that Title II, Part A funds are used effectively to help establish a coherent and comprehensive system that supports teacher quality.

New Hampshire is following the above guidelines to assess whether a teacher of core academic subjects meets the status of highly qualified teacher for core academic subjects. Core academic subjects include English, Reading and Language Arts, Mathematics, Science, Foreign Language, Civics and Government, Economics and Art.

The statement that teachers of substantially self-contained classes that are designed for students with developmental disabilities meet HQT requirements by holding categorical certification in mental retardation was not accurate. Teachers who hold certification in mental retardation in order to meet the requirements of high quality teacher would need to demonstrate their knowledge of the teaching of reading and mathematics in the elementary grades and knowledge in the core academic subjects they teach in middle, junior and high schools.

Core academic teachers that were paid with Title I funds and teachers, including special education teachers, working in Title I school wide schools before the second day of the school year 2002-2003, have until the 2005-2006 school year to meet the highly qualified teacher requirements. Teachers hired after the second day of school of the 2002-2003 school year, were upon hire required to meet the requirement of highly qualified teacher if they were paid by Title I funds or working in a Title I school wide school. The list of Title I school wide schools is attached.

These HQT requirements are part of the Parent's Right to Know of NCLB for those schools that receive Title I funding. Parents Right to Know Provisions include the following: At the beginning of each school year, a LEA that receives Title I funds must notify parents of each student attending any Title I school that the parents may request, and that agency will provide the parents on request (and in a timely manner) information regarding the professional qualification of the student's classroom teachers, including at minimum the following:

- \* Whether the teachers has met State qualifications for the grade levels and subject areas in which the teacher provides instruction;
- \* Whether the teacher is teaching under emergency or other professional status that the State has waived;
- \* The degree major of the teacher and any other graduate certification or degree held by the teacher and the field of discipline of the certification or degree; and
- \* Whether the child is provided services by paraprofessionals and if so their qualifications.

In addition, the LEA must provide parents with:

- \* Timely notice that the parent's child has been assigned or taught for 4 or more consecutive weeks by a teacher who is not highly qualified.

FY'05 Memo #3  
August 23, 2004  
Page - 3 -

The notice and information provided to parents under the parents Right to Know provision shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

Criteria for Highly Qualified Teachers may be found on the NH Department website at: <http://www.ed.state.nh.us/HQT/index.htm>. Questions about NCLB Highly Qualified Teacher requirements may be sent to Dorothy Oliver, [doliver@ed.state.nh.us](mailto:doliver@ed.state.nh.us).

Enclosure:  
Title I School wide School Listing