

Bureau of Special Education FY'04 Memo # 9

Date: January 14, 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 is intended to help clarify questions and concerns that have arisen due to the No Child Left Behind, Improving Teacher Quality Non-Regulatory Revised Draft Guidance issued September 12, 2003, specifically addressing Special Education Teachers and the HQT requirements of NCLB. The September 12, 2003 Non-Regulatory Revised Draft Guidance specifically states:

“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.”

According to the federal definition, “highly qualified” means that a teacher:

1. Holds a minimum of a bachelor’s degree;
2. Has obtained full state certification, and;
3. Has demonstrated competency in each of the core academic subjects in which the teacher teaches.

It is important to note that the reauthorization of IDEA has not been completed, nor has there been guidance through IDEA regarding special education teachers and how they will meet the HQT requirements of the NCLB Act of 2001. The guidelines that have been developed will continue to be refined as information and guidance become available.

The following guidelines have been developed by the NHDOE regarding the demonstration of competency in core academic subjects by special education teachers:

If a special education teacher provides instruction in support of the general curriculum for one or more core academic subjects in a co-teaching, team teaching, or resource setting, and the general education teacher is the student’s teacher of record and meets the Highly Qualified Teacher requirements, then the Special Education teacher does not need to meet the HQT requirements.

- NHDOE has determined that the “teacher of record” is the teacher that gives the student the grade. Currently, the student’s teacher of record must meet HQT

requirements by 2005-2006 unless the teacher was hired after September 2002 and is employed in a “Title I schoolwide school,” (see attached list). In this case the teacher should have met the HQT requirements prior to hire.

- This language was adopted from IDEA/ESEA, The Intersection of Access and Outcomes, a joint project of the National Education Association and the National Association of State Directors of Special Education.

Teachers of substantially self-contained classes (those with program approval to serve students more than 50% of the day) that are designed for students with developmental disabilities, meet HQT requirements by holding categorical certification in Mental Retardation.

- The NHDOE is in the process of reviewing categorical certifications for special education to determine if categorical certification for teachers in substantially separate settings meet NCLB requirements for HQT.

At this time it is not clear what the HQT requirements will be for special education teachers in other substantially separate settings, pending the reauthorization of IDEA. Possibilities under discussion include these scenarios, singly or in combination:

- HQT for each core academic subject that the teacher teaches;
- Categorical certification appropriate for the setting
- Regular, documented consultation with HQT teacher(s) for each core academic area taught

At this time teachers who are teaching alternative classes attain HQT only through demonstrating competency in each core academic area. Those who are unsure of their final status are advised to pursue HQT in the applicable core academic area(s).

It is noted that teachers demonstrate that they meet the HQT requirements through the following options:

Certification specific to the core academic area

Hold an academic major in the core content area or have the equivalent (30 credit hours) in the core content area

The Housse process

Passing the Praxis II examination for the core academic area

Master Teacher or National Board Certification

The New Hampshire Department of Education will provide updates, assistance, and clarification as additional information becomes available. [Click here for more detailed information regarding](#)

the HQT requirement. Please contact Martina Green at mgreen@ed.state.nh.us or 271-6052 with any questions or concerns.

Title 1 Schoolwide Schools 2003-2004

Claremont	Disnard Elementary School
Concord	Dame School
Concord	Rumford School
Conway	Conway Elementary School
Dover	Woodman Park School
Farmington	Valley View Community School
Franklin	Bessie Rowell School
Franklin	Paul Smith School
Governor Wentworth	Ossipee Central School
Manchester	Bakersville School
Manchester	Beech Street School
Manchester	Gossler Park
Manchester	McDonough School
Manchester	Wilson School
Nashua	Amherst Street School
Nashua	Dr. Norman W. Crisp School
Nashua	Ledge Street School
Newport	Richards Elementary School
Portsmouth	New Franklin School
Rochester	Allen School
Rochester	Maple Street School
Rochester	School Street School
Somersworth	Hilltop School
Stratford	Stratford Public School
Stewartstown	Stewartstown Community
White Mtn Regional	Dalton Elementary School
Winchester	Winchester Elementary School