

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

**TEA | Division of IDEA Coordination  
October, 2007**

# Guidance for the Implementation of NCLB

## Highly Qualified Teacher Requirements

### For

## Special Education Teachers

All content in this resource document for special educators is taken directly from the NCLB document, *Guidance for the Implementation of NCLB Highly Qualified Teacher Requirements*, as updated by NCLB April 26, 2007, based on the December 2006 USDE-Approved Revised State Plan to Address the Highly Qualified Teacher Goal . Please see “Background” on page 1 for a complete explanation of how to use the resource.

### Table of Contents

<b>Background</b> .....	1
<b><i>Guidance for the Implementation of NCLB Highly Qualified Teacher Requirements: Excerpts from Summary of Changes.</i></b> .....	2
<b>Part I. Introduction</b> .....	4
<b>Part II. General Information</b>	
Questions	
1. Definition of Highly Qualified .....	4
2. Definition of Core Academic Subjects .....	5
<b>Part III. Which Teachers Must Be Highly Qualified</b>	
Questions	
5. Teachers Required to Meet Highly Qualified .....	5
6. Teachers Not Required to Meet Highly Qualified .....	5
9. Early Childhood and Pre-kindergarten Teachers .....	6
12. Charter School Teachers .....	6
15. Special Education Teachers of Core Academic Subjects .....	7
16. Activities for Special Education Teachers, Not Highly Qualified .....	7
21. Teachers Certified Outside of Texas .....	7

## **Part IV. New and Experienced Teachers**

### Questions

29. Determining Level of Competence for New Elementary Teachers .....	8
30. Determining Level of Competence for New Middle School and High School Teacher .....	8

## **Part V. Full State Certification**

### Questions

31. Meaning of Full State Certification .....	8
32. Highly Qualified through Alternative Certification Programs .....	9

## **Part VI. High, Objective, Uniform State Standard of Evaluation (HOUSSE OR HOUSE)**

Uses of HOUSE for the 2007-2008 School Year and Beyond .....	10
--	----

### Questions

33. Meaning of HOUSE .....	11
34. Elementary HOUSE Options .....	12
42. Secondary HOUSE Options .....	13
46. Duplicate Count of Elementary/Secondary Experience for HOUSE .....	14
48. Duplicate Count of Subject Area Points for HOUSE .....	14
49. Flexibility in Special Education HOUSE .....	14
50. Development of HOUSE Procedures.....	15
51. Multiple HOUSE Options.....	15

## **Part VII. Middle School Teachers**

### Questions

52. Highly Qualified Middle School Teachers .....	15
55. Middle School Certification Exams.....	15

## **Part IX. TExES and IDEIA**

### Questions

61. TExES Special Education EC-12 Exam .....	16
62. TExES 4-8 Generalist Exam.....	16
63. New Special Education Teacher and HOUSE Option .....	16
64. Teachers of Students Assessed on Alternate Achievement Standards .....	16
65. Appropriate Level of Knowledge .....	17

## **Part XI. State Reciprocity of Highly Qualified Status**

### Question

68. Teacher Highly Qualified in Another State .....	17
---	----

## **Appendices**

A. STATUTE: NCLB Act Of 2001, Title I, Section 1119; Individuals With Disabilities Education Improvement Act, 2004, Section 602 (10) .....	18
B. DEFINITIONS.....	21
D. CHARTS AND GRAPHS	
2. Defining Highly Qualified for Special Education Teachers .....	23
5. HOUSE for Experienced Secondary Special Education Teachers .....	24
6. Certification Exams for Demonstrating Competency .....	25
E. USDE Question and Answer on Highly Qualified Teachers Excerpts .....	26

# **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) and updated by NCLB April 26, 2007, based on the December 2006 USDE-Approved Revised State Plan to Address the Highly Qualified Teacher Goal. 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.

# Guidance for the Implementation of NCLB

## Highly Qualified Teacher Requirements

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

Changes since the October 24, 2005, Highly Qualified Teacher Guidance document are indicated by UNDERLINED UPPERCASE TEXT. Please note that Appendix E, pages 26 – 34, is an exception. All of Appendix E is new material. To enhance readability of this lengthy section, there are no changes in format. A brief summary of substantial changes related to special education teachers follows.

**Note to Texas Local Education Agencies (LEAs):** The acronym “HOUSSE” is taken directly from NCLB statute and stands for High Objective Uniform State Standard of Evaluation. USDE uses the acronym “HOUSSE”. States drop the “State” from the acronym and use “HOUSE” meaning High Objective Uniform Standard of Evaluation. “HOUSSE” and “HOUSE” are synonymous and used interchangeably in this guidance document.

#### PART III: WHICH TEACHERS MUST BE HIGHLY QUALIFIED

Q15 DELETES PARAGRAPH DISCUSSING FUTURE IDEA REGULATIONS, NOW THAT THOSE REGULATIONS HAVE BEEN RECEIVED.

#### PART IV: NEW AND EXPERIENCED TEACHERS

Q29 DELETES REFERENCES TO EXCET EXAMS THAT ARE NO LONGER APPLICABLE.

Q30 DELETES REFERENCES TO EXCET EXAMS THAT ARE NO LONGER APPLICABLE.

#### PART VI: HOUSE

- DELINEATES THAT ALL REFERENCES TO USES OF HOUSE IN THIS GUIDANCE DOCUMENT ARE GOVERNED BY THE USDE-APPROVED REVISED STATE PLAN.
  - DESCRIBES THE ALLOWABLE USES OF HOUSE OPTIONS AND THOSE TEACHERS WHO ARE ELIGIBLE TO IMPLEMENT HOUSE OPTIONS.
- Q34 CLARIFIES THE TEACHERS WHO MAY BE ELIGIBLE TO IMPLEMENT HOUSE OPTIONS.
- Q42 CLARIFIES THE TEACHERS WHO MAY BE ELIGIBLE TO IMPLEMENT HOUSE OPTIONS.

**PART VII: MIDDLE SCHOOL TEACHERS**

Q52 CLARIFIES THE TEACHERS WHO MAY BE ELIGIBLE TO IMPLEMENT HOUSE OPTIONS.

Q55 DELETES REFERENCES TO EXCET EXAMS THAT ARE NO LONGER APPLICABLE.

**PART IX: SPECIAL EDUCATION TEACHERS**

Q63 CLARIFIES THE TEACHERS WHO MAY BE ELIGIBLE TO IMPLEMENT HOUSE OPTIONS.

**APPENDIX D: CHARTS AND GRAPHS**

C2 CLARIFIES THE TEACHERS WHO MAY BE ELIGIBLE TO IMPLEMENT HOUSE OPTIONS.

C5 CLARIFIES THE TEACHERS WHO MAY BE ELIGIBLE TO IMPLEMENT HOUSE OPTIONS.

**APPENDIX E: EXCERPT FROM USDE’S “Q AND A: QUESTIONS AND ANSWERS ON HIGHLY QUALIFIED TEACHERS SERVING CHILDREN WITH DISABILITIES”**

- ADDED NEW SECTION FROM USDE GUIDANCE DOCUMENT, WITH TEA NOTES FOR EXPLANATION, REGARDING HIGHLY QUALIFIED FOR SPECIAL EDUCATION 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, and dance.

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

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

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.

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.

*Note:* 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.

**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. The United States Department of Education (USDE) expects to issue further regulations on how special education teachers are expected to meet the requirements of highly qualified now that IDEA has been reauthorized. This guidance/regulation is expected sometime in late Fall 2005. 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.)

**21. Is a teacher who is certified outside of Texas considered “highly qualified”?**

Teachers who are certified in another state or country meet the requirements of “highly qualified” if they have a valid out-of-state teaching certificate, a Bachelor’s degree, can demonstrate subject area competency, and hold (or qualify for) a valid Texas One-Year Certificate. Prior to or during the validity of the one-year certificate, the teacher must complete any applicable Texas certification testing requirements.

In the event that such a teacher is employed at a charter school, the teacher would be required to have a Bachelor’s degree, demonstrate competency, and meet the charter school requirements with respect to certification.

## **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 the following certification exam:

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

**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)].

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

## **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.”

### **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](http://www.tea.state.tx.us/nclb/hqtplan.html).

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.

4. ANY EXPERIENCED (NOT NEW TO THE PROFESSION) SECONDARY TEACHER WHO WAS ELIGIBLE TO USE THE HOUSE OPTION PRIOR TO THE

END OF THE 2006-2007 SCHOOL YEAR, WHO HAS DEMONSTRATED HIGHLY QUALIFIED STATUS IN HIS/HER TEACHING ASSIGNMENT AND IS SUBSEQUENTLY ASKED OR REQUIRED TO ADD OR CHANGE TEACHING ASSIGNMENTS, MAY USE HOUSE TO DEMONSTRATE HIGHLY QUALIFIED TEACHER STATUS IN THE NEW ASSIGNMENT.

- THIS OPTION ONLY APPLIES TO ELIGIBLE SECONDARY TEACHERS.
- THIS OPTION IS ONLY AVAILABLE TO EXPERIENCED TEACHERS WHO WERE ELIGIBLE TO IMPLEMENT HOUSE OPTIONS DURING THE 2006-2007 SCHOOL YEAR.
- THE TEACHER MUST ALREADY HAVE DEMONSTRATED HIGHLY QUALIFIED STATUS IN THE TEACHING ASSIGNMENT FOR WHICH THE TEACHER WAS HIRED TO TEACH AND SUBSEQUENTLY HAVE BEEN ASKED OR REQUIRED TO CHANGE ASSIGNMENTS.
- THIS OPTION IS NOT AVAILABLE FOR TEACHERS HIRED BY AN LEA TO TEACH SUBJECT AREAS IN WHICH THE TEACHER IS NOT HIGHLY QUALIFIED AT TIME OF HIRE.
- THIS OPTION IS NOT AVAILABLE FOR TEACHERS WHO REQUEST A CHANGE IN ASSIGNMENT.
- THIS USE OF HOUSE WILL BE PHASED OUT AT THE END OF THE 2008-2009 SCHOOL YEAR.  
FOR THIS PURPOSE, "END OF THE 2008-2009 SCHOOL YEAR" IS DEFINED AS THE LAST DAY OF THE 2008-09 SCHOOL YEAR CALENDAR, AS DEFINED BY THE LEA, WHICH MAY INCLUDE THE SUMMER SCHOOL CALENDAR IF OFFERED AS PART OF THE 2008-2009 SCHOOL YEAR.

6. ANY EXPERIENCED SECONDARY TEACHER MAY CONTINUE TO USE HOUSE TO DEMONSTRATE SUBJECT MATTER COMPETENCY FOR MATHEMATICS OR SCIENCE FOR DOCUMENTING HIGHLY QUALIFIED TEACHER STATUS.

- THIS OPTION ONLY APPLIES TO SECONDARY TEACHERS WHO TEACH MATHEMATICS OR SCIENCE COURSES.
- THIS OPTION IS TO ALLOW LEAS AND TEACHERS TO PREPARE FOR THE NEW STATE HIGH SCHOOL GRADUATION REQUIREMENTS FOR FOUR MATHEMATICS AND FOUR SCIENCE CREDITS.
- THIS HOUSE OPTION WILL PHASE OUT AT THE END OF THE 2012-2013 SCHOOL YEAR.  
FOR THIS PURPOSE, "END OF THE 2012-2013 SCHOOL YEAR" IS DEFINED AS THE LAST DAY OF THE 2012-2013 SCHOOL YEAR CALENDAR, AS DEFINED BY THE LEA, WHICH MAY INCLUDE THE SUMMER SCHOOL CALENDAR IF OFFERED AS PART OF THE 2012-2013 SCHOOL YEAR.

### **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?**

Two HOUSE procedures currently exist 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.

[\*Note: The social studies requirement may be met through coursework or CPE hours in government, history, economics, geography, or political science.]

Elementary HOUSE Option B—

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 college coursework equivalent to a college major in the subject to be taught.

[Note: HOUSE Option B is designed for a departmentalized elementary teacher who has college coursework equivalent to a college major in the content area to be taught. A degree in “elementary education” is not a content area degree and does not meet the requirement of Option B.]

#### **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 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 Exam (Note: Special Education Supplemental TExES does not demonstrate subject competency):  
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:

<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 ([BETWEEN ELEMENTARY HOUSE POINTS AND SECONDARY HOUSE](#)).

<sup>3</sup> 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. To offer the most flexibility for Texas teachers, TEA has two HOUSE procedures for Elementary school teachers, one procedure for any secondary teacher, and one procedure specifically for secondary special education teachers.

## **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.

**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 (Note: Special Education Supplemental TExES does not demonstrate subject competency):

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

## **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 EC-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?**

An update to the NCLB HQ guidance is forthcoming. Please see the following link for current information: <http://www.tea.state.tx.us/taa/nclb092007.htm>.

**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.

## **Part XI: State Reciprocity of Highly Qualified Status**

**68. May a teacher who is highly qualified in another State also be considered highly qualified in Texas?**

Since each State uses its own standards and procedures to determine whether those who teach within that State are highly qualified, a teacher from another state moving to Texas would be required to meet the Texas definition of highly qualified.

Just as each State determines when and on what basis to provide full certification or licensure to teachers already certified in other States, each State determines when and on what basis to accept the determination of another State that a particular teacher is highly qualified. Thus, each State determines whether or not to consider the teacher from another State to be both “fully certified” and having demonstrated adequate subject-matter competency in each subject the teacher will teach. (See question 21.)

## **APPENDIX A—STATUTE**

### **NCLB ACT of 2001, TITLE I**

#### **SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.**

##### **(c) NEW PARAPROFESSIONALS-**

(1) **IN GENERAL-** Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired after the date of enactment of the No Child Left Behind Act of 2001 and working in a program supported with funds under this part shall have -

- (A) completed at least 2 years of study at an institution of higher education;
- (B) obtained an associate's (or higher) degree; or
- (C) met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment -
  - (i) knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or
  - (ii) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

(2) **CLARIFICATION-** The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy the requirements of paragraph (1)(C).

(d) **EXISTING PARAPROFESSIONALS-** Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 2001, and working in a program supported with funds under this part shall, not later than 4 years after the date of enactment satisfy the requirements of subsection (c).

(e) **EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES** Subsections (c) and (d) shall not apply to a paraprofessional -

- (1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or
- (2) whose duties consist solely of conducting parental involvement activities consistent with section 1118.

(f) **GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS-** Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part, regardless of the paraprofessionals' hiring date, have earned a secondary school diploma or its recognized equivalent.

(g) **DUTIES OF PARAPROFESSIONALS-**

(1) **IN GENERAL-** Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.

- (2) **RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED-** A paraprofessional described in paragraph (1) may be assigned -
- (A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
  - (B) to assist with classroom management, such as organizing instructional and other materials;
  - (C) to provide assistance in a computer laboratory;
  - (D) to conduct parental involvement activities;
  - (E) to provide support in a library or media center;
  - (F) to act as a translator; or
  - (G) to provide instructional services to students in accordance with paragraph (3).
- (3) **ADDITIONAL LIMITATIONS-** A paraprofessional described in paragraph (1) -
- (A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with section 1119; and
  - (B) may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

## **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, and art), 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.)

**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 a Title I campus
  - 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) **A new teacher to the profession** to determine what options are available for demonstration of competency.
  - 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. After that time, they would be eligible to demonstrate competency in a subject through HOUSE.

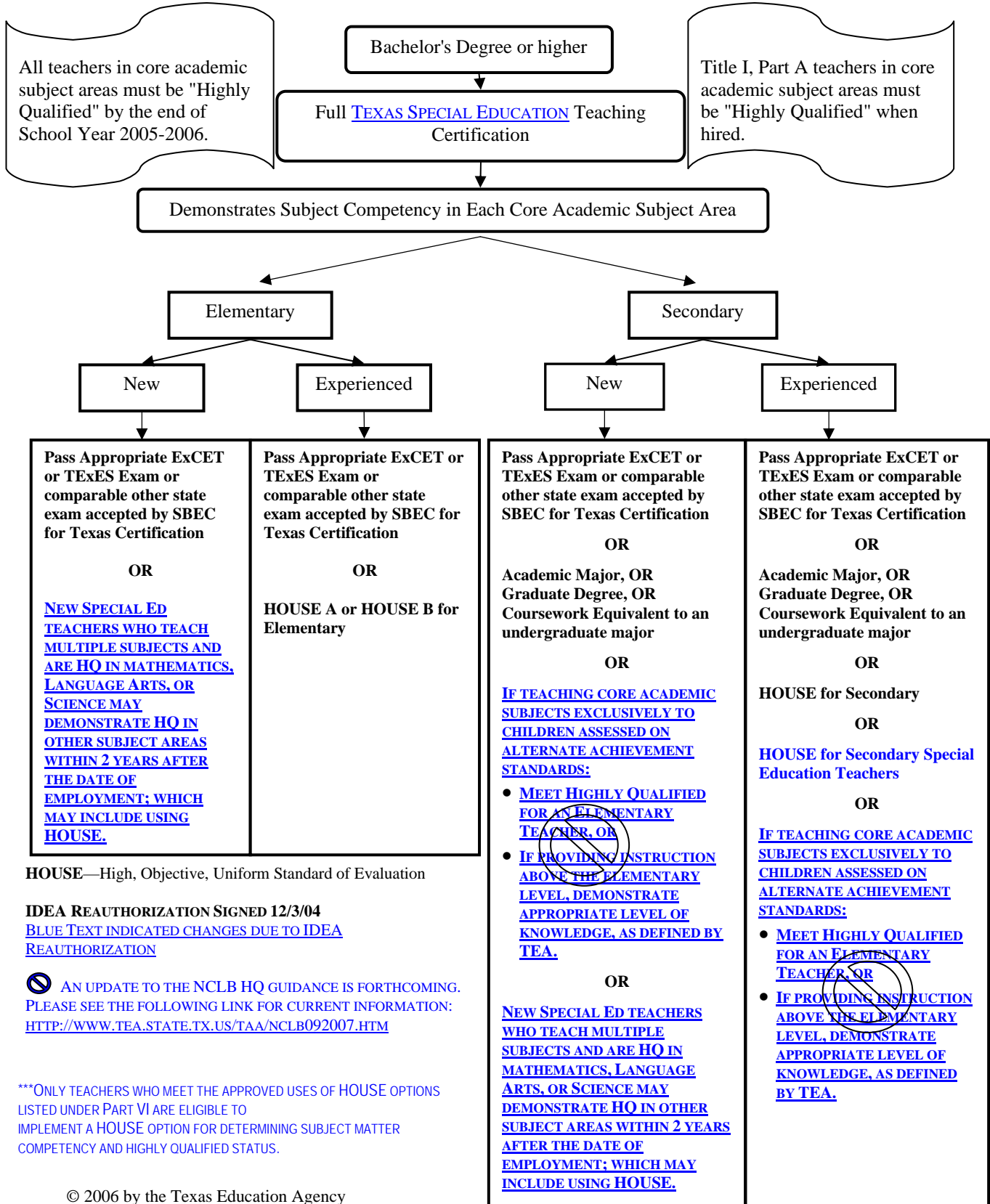
**SEE APPENDIX E, QUESTION A-2 FOR ADDITIONAL FLEXIBILITY ON DEFINING “NEW SPECIAL EDUCATION TEACHER.”**

**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.

# APPENDIX D—CHARTS AND GRAPHS

## CHART 2: DEFINING HIGHLY QUALIFIED FOR SPECIAL EDUCATION TEACHERS



HOUSE—High, Objective, Uniform Standard of Evaluation

IDEA REAUTHORIZATION SIGNED 12/3/04  
BLUE TEXT INDICATED CHANGES DUE TO IDEA REAUTHORIZATION

AN UPDATE TO THE NCLB HQ GUIDANCE IS FORTHCOMING. PLEASE SEE THE FOLLOWING LINK FOR CURRENT INFORMATION:  
[HTTP://WWW.TEA.STATE.TX.US/TAA/NCLB092007.HTM](http://www.tea.state.tx.us/TAA/NCLB092007.HTM)

\*\*\*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 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---

- ExCET Elementary Comprehensive
- ExCET Elementary Bilingual Comprehensive
- TExES EC-4 Generalist
- TExES EC-4 Bilingual Generalist
- TExES EC-4 ESL Generalist
- TExES 4-8 Generalist

Or, if departmentalized---(depending on the subject taught)

- ExCET Elementary Comprehensive
- ExCET Elementary Bilingual Comprehensive
- TExES EC-4 Generalist
- TExES EC-4 Bilingual Generalist
- TExES EC-4 ESL Generalist
- TExES 4-8 Generalist
- TExES 4-8 subject specific

Applicable ExCET 6-12 content exam

Applicable ExCET PK-12 content exam

Applicable TExES EC-12 content exam

TExES EC-12 Special Education exam

(for demonstrating competency in PK-8 Reading/English/Language Arts or Mathematics ONLY)

### 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

NOTE: Appendix E is an entirely new section. The text was not formatted to indicate new material as was done throughout the Guidance Document in order to enhance readability.

## 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 *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

---

**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.

**TEA NOTE:** An update to the NCLB HQ guidance is forthcoming. Please see the following link for current information: <http://www.tea.state.tx.us/taa/nclb092007.htm> .

---

**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.

---

**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**

---

**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

---

**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

---

**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

---

**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)

---

**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.

---

**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

---

**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.

---

**Question G-2:** **TEA NOTE:** THIS QUESTION WAS DELETED SINCE IT WAS NOT APPLICABLE TO TEXAS SPECIAL ED TEACHERS.

---

**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

---

**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.

---

**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.

---

**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.