

Highly Qualified Teachers – Secs. 602(10) and 612(a)(14)
 Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105 – 17	IDEA 2004 P.L. 108 – 446	GUIDANCE
	<p>Sec. 602(10) (10) HIGHLY QUALIFIED-- (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 also--</p> <p>(i) includes the requirements described in subparagraph (B); and</p> <p>(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).</p> <p>(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</p>	<p>Informational Update 6, <i>“Highly Qualified Teachers,”</i> Developed, May 2005</p> <p><i>“Using Maryland’s HOUSSE: High, Objective, Uniform State Standard of Evaluation”</i> Published March 2005</p>

Highly Qualified Teachers – Secs. 602(10) and 612(a)(14)
 Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105 – 17	IDEA 2004 P.L. 108 – 446	GUIDANCE
	<p>means that—</p> <p>(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;</p> <p>(ii) the teacher has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and</p>	

Highly Qualified Teachers – Secs. 602(10) and 612(a)(14)
 Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105 – 17	IDEA 2004 P.L. 108 – 446	GUIDANCE
	<p align="center">(iii) the teacher holds a least a bachelor’s degree.</p> <p align="center">(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 now or not new to the profession, may either –</p> <p align="center">(ii) 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</p>	

Highly Qualified Teachers – Secs. 602(10) and 612(a)(14)
 Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105 – 17	IDEA 2004 P.L. 108 – 446	GUIDANCE
	<p>(ii) meet the requirements of subparagraph (B) or (C) of section (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.</p> <p>(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 –</p> <p>(i) meet the applicable requirements of section 9101 of the Elementary and secondary education Act of 1965 for any</p>	

Highly Qualified Teachers – Secs. 602(10) and 612(a)(14)
 Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105 – 17	IDEA 2004 P.L. 108 – 446	GUIDANCE
	<p>elementary, middle, or secondary school teacher who is new or not new to the profession;</p> <p>(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</p> <p>(iii) in case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or sciences, demonstrate competence in the other core</p>	

Highly Qualified Teachers – Secs. 602(10) and 612(a)(14)
 Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105 – 17	IDEA 2004 P.L. 108 – 446	GUIDANCE
	<p>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 affect the date of employment.</p> <p>(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 education agency employee to be highly qualified.</p> <p>(F) DEFINITION FOR PURPOSES OF</p>	

Highly Qualified Teachers – Secs. 602(10) and 612(a)(14)
 Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105 – 17	IDEA 2004 P.L. 108 – 446	GUIDANCE
	<p>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.</p>	
<p>(14) COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT – The State has in effect, consistent with the purposes of this Act and with section 635(a)(8), a comprehensive system of personnel development that is designed to ensure an adequate supply of qualified special education, regular education, and related services personnel that meets the requirements for State improvement plan relating to personnel development in subsections (b)(2)(B) and (c)(3)(D) of section 653.</p> <p>(15) PERSONNEL STANDARDS- (A) IN GENERAL- The State educational agency has established and maintains standards to ensure that personnel necessary to carry out this part are</p>	<p>Sec. 612(a)(14)</p> <p>(14) PERSONNEL QUALIFICATIONS. – (A) IN GENERAL. – The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are</p>	

Highly Qualified Teachers – Secs. 602(10) and 612(a)(14)
 Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105 – 17	IDEA 2004 P.L. 108 – 446	GUIDANCE
<p>appropriately and adequately prepared and trained.</p> <p>(B) STANDARDS DESCRIBED – Such standards shall –</p> <p>(i) be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services;</p> <p>(ii) to the extent the standards described in subparagraph (A) are not based on the highest requirements in the State applicable to a specific profession or discipline, the State is taking steps to require retraining or hiring of personnel that meet appropriate professional requirements in the State; and</p> <p>(iii) allow paraprofessionals and assistants who are appropriately trained</p>	<p>appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.</p> <p>(B) RELATED SERVICES PERSONNEL AND PARAPROFESSIONALS. – The qualifications under subparagraph (A) include qualifications for related services personnel and paraprofessionals that—</p> <p>(i) are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services;</p> <p>(ii) ensure that related services personnel who deliver services in their discipline or profession meet the requirements of clause (i) and</p>	

Highly Qualified Teachers – Secs. 602(10) and 612(a)(14)
 Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105 – 17	IDEA 2004 P.L. 108 – 446	GUIDANCE
<p>and supervised, in accordance with State law, regulations, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services to children with disabilities under this part.</p>	<p>have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and</p> <p>(iii) allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities.</p> <p>(C) QUALIFICATIONS FOR SPECIAL EDUCATION TEACHERS. – The qualifications described in subparagraph (A) shall ensure that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline established in</p>	

Highly Qualified Teachers – Secs. 602(10) and 612(a)(14)
 Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105 – 17	IDEA 2004 P.L. 108 – 446	GUIDANCE
<p>(C) POLICY – In implementing this paragraph, a State may adopt a policy that includes a requirement that local educational agencies in the State make an ongoing good-faith effort to recruit and hire appropriately and adequately trained personnel to provide special education and related services to children with disabilities, including, in a geographic are of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in subparagraph (B)(i), consistent with State law, and the steps described in subparagraph (B)(ii) within three years.</p>	<p>section 119(a)(2) of the Elementary and Secondary Education Act of 1965.</p> <p>(D) POLICY. – In implementing this section, a State shall adopt a policy that includes a requirement that local educational agencies in the State take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities.</p> <p>(E) RULE OF CONSTUCTION. – Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in</p>	

Highly Qualified Teachers – Secs. 602(10) and 612(a)(14)
 Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105 – 17	IDEA 2004 P.L. 108 – 446	GUIDANCE
	<p>this paragraph shall be construed to create a right of action on behalf of an individual student for the failure of a particular State educational agency or parent from filing a complaint about staff qualifications with the State educational agency as provided for under this part.</p>	