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MEMORANDUM

TO: School District Superintendents

FROM: John L. Winn

DATE: December 8, 2005

SUBJECT: **Update on Highly Qualified Teacher Requirements for Exceptional Student Education (ESE) Teachers**

The U.S. Department of Education requires that only teachers who have met the highly qualified requirements be allowed to teach core academic subjects. A state's definition of a highly qualified teacher (HQT) must be consistent with the No Child Left Behind (NCLB) Act and the 2004 Amendments to the Individuals with Disabilities Education Act (IDEA).

This memorandum and accompanying charts are being sent to further clarify Florida's plan for elementary ESE teachers and ESE teachers teaching to alternate achievement standards to meet the highly qualified requirements and supersede any previous guidance regarding HQT status for these ESE teachers. Included in these documents are the guidelines for a High, Objective, Uniform State Standard of Evaluation (HOUSSE) for experienced elementary ESE teachers and ESE teachers of alternate achievement standards, as well as a chart of additional options for these teachers to become highly qualified.

Elementary Education

A recent finding from the Title II monitoring visit indicates that Florida has not met the highly qualified requirement for some elementary ESE teachers. In section 602(10)(A) of IDEA 2004, the term highly qualified for an elementary special education teacher has the same meaning given the term in section 9101(23)(B)(II)(ii) of the Elementary and Secondary Education Act (ESEA) of 1965. ESE teachers who are the teacher of record and who teach any elementary core academic subject are required to meet the highly qualified requirements for general elementary teachers in addition to the appropriate certification in ESE to match the ESE table in the Course Code Directory.

Alternate Achievement Standards

Section 602(10)(C) of IDEA 2004 requires K-12 ESE teachers who teach core academic subjects exclusively to children who are assessed against alternate achievement standards (students with significant cognitive impairments) to meet the highly qualified requirements for elementary teachers or the core academic subject areas appropriate for the level of instruction provided, in addition to the appropriate certification in ESE to match the ESE table in the Course Code Directory.

The middle/secondary course descriptions for ESE academic courses for students with disabilities contain requirements and benchmarks that are correlated to the Sunshine State Standards for a Special Diploma and are modifications of the regular Sunshine State Standards. Students appropriately enrolled in these ESE academic courses are typically pursuing a special diploma for graduation. Therefore, students with disabilities who are participating in the Florida Comprehensive Assessment Test (FCAT) and are on a standard diploma track should only be enrolled in ESE academic courses when those courses are used to provide remediation, not primary instruction. Consequently, ESE teachers who have been teaching students on alternate achievement standards in grades 7-12 under the ESE academic course codes may only use these courses to meet the prior experience on the HOUSSE plan in elementary education, not in core academic subject areas.

Multiple Subjects

Section 602(10)(D) of IDEA 2004 allows new ESE teachers two years after their date of employment to demonstrate subject matter competency in the other subjects taught if they teach multiple core academic subjects exclusively to ESE students, and if those teachers have already met the requirements in mathematics, language arts, or science. In Florida, certification is not offered at the elementary level in mathematics, language arts, or science, so this provision is primarily applicable to middle/secondary core academic subject area ESE teachers. A new teacher does not have the option of a HOUSSE plan.

Service Delivery

ESE teachers are considered highly qualified if they meet the requirements for certification on the ESE table in the Course Code Directory when they are providing consultation, co-teaching, or support facilitation services to teachers in the core academic areas. The general education teacher who is certified in the core academic subject area is considered the content expert, while the special education teacher is the provider of strategies and methods to assist students with disabilities in accessing the content information. The ESE teacher is not the primary instructor of the core academic content.

If you have questions relating to this memorandum, you may contact Lezlie Cline or Evy Friend at 850/245-0478, or by email at lezlie.cline@fldoe.org or evy.friend@fldoe.org.

Enclosures

JW/lct