

Technical Assistance Paper

Highly Qualified Teacher Requirements for Special Programs under the No Child Left Behind Act

PURPOSE

- identify the certification requirements for teachers of core academic subjects in special programs (preschool, exceptional student education, dropout prevention, teenage parent, and educational programs for students in juvenile justice facilities)
- aid districts in implementing the highly qualified teacher requirements
- describe how teachers can become highly qualified

BACKGROUND

Public Law 107-110, the *No Child Left Behind Act of 2001* (NCLB), creates new requirements and time lines designed to ensure that all public elementary, middle, and secondary teachers of core academic subjects meet the federal definition of a highly qualified teacher no later than June 30, 2006. This emphasis on the qualifications of personnel is consistent with the intent of NCLB that all students meet the state's proficiency level in reading and mathematics—defined in Florida as scoring at Level 3 or above on the Florida Comprehensive Assessment Test—by 2013-2014.

NCLB time lines state that “new” teachers (those hired after the first day of the 2002-2003 school year) of core academic subjects in schools that receive Title I, Part A funding for school-wide or targeted assistance programs must meet highly qualified requirements beginning with the 2002-2003 school year. All “not new” teachers (those hired on or before the first day of the 2002-2003 school year), as well as “new” teachers who are not supported by Title I, Part A funding, must meet the requirements by June 30, 2006.

By July 1, 2006, all teachers teaching a core academic subject must be certified in that subject area to be considered highly qualified. Please refer to the program-specific questions in each section of this document for additional information related to preschool programs, dropout prevention, teenage parent programs, educational programs for students in Department of Juvenile Justice (DJJ) facilities, and exceptional student education (ESE).

Under NCLB, core academic subjects are defined as

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| ■ English | ■ civics and government |
| ■ reading or language arts | ■ economics |
| ■ mathematics | ■ arts |
| ■ science | ■ history |
| ■ foreign languages | ■ geography |

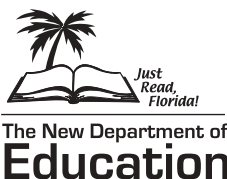
A distinction must be made between the highly qualified designation in NCLB and the designation of teachers as in field, out of field, or qualified in Florida Statutes, State Board of Education rules, and the *Florida Course Code Directory and Instructional Personnel Assignments* (CCD). A teacher may be considered in field based on the

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requirements in the CCD but not meet the NCLB requirements to be designated as highly qualified. For reporting purposes, these designations are separate data elements in the same reporting format.

School districts must provide timely notice to parents if their child has been assigned to, or has been taught for more than four consecutive weeks by, a teacher who is not designated highly qualified. In addition, each district that receives Title I, Part A funds for a school-wide or targeted assistance program must notify parents of each student at the beginning of the school year that the parents have the right to request and receive information regarding the professional qualifications of their student's classroom teachers.

OPTIONS FOR HIGHLY QUALIFIED PERSONNEL AND CURRENT TEACHER CERTIFICATION

“New” teachers of core academic subjects who are supported by Title I, Part A funding for a school-wide or targeted assistance program must meet one of the following options on the date of hire in order to be considered highly qualified:

- Elementary Option 1-valid Temporary Certificate with appropriate certificate area for each assignment **AND** a passing score on the Florida Subject Area Exam required for each certificate area of assignment (e.g., Elementary Education) **OR**
- Elementary Option 2-valid Professional Certificate with appropriate certificate area for each assignment (e.g., Elementary Education)

- Middle/Secondary Option 1-valid Temporary Certificate with appropriate certificate area for each assignment **OR**
- Middle/Secondary Option 2-valid Professional Certificate with appropriate certificate area for each assignment

“New” teachers of core academic subjects who are not supported by school-wide or targeted assistance Title I, Part A funds must meet these requirements by June 30, 2006.

“Not new” teachers of core academic subjects, regardless of whether their school receives Title I, Part A funds, must meet one of the following options by June 30, 2006, in order to be considered highly qualified:

- Elementary Option 1-valid Temporary Certificate with appropriate certificate area for each assignment **AND** a passing score on the Florida Subject Area Exam required for each certificate area of assignment (e.g., Elementary Education) **OR**
- Elementary Option 2-valid Temporary or Professional Certificate with appropriate certificate area for each assignment (e.g., Elementary Education) and a satisfactory or higher performance evaluation including demonstration of subject area competence in each subject area taught pursuant to Section 1012.34, Florida Statutes

- Middle/Secondary Option 1-valid Temporary Certificate with appropriate certificate area for each assignment **OR**
- Middle/Secondary Option 2-valid Temporary or Professional Certificate with appropriate certificate area for each assignment and a satisfactory or higher performance evaluation including demonstration of subject area competence in each subject area taught pursuant to Section 1012.34, Florida Statutes

STRATEGIES FOR TEACHERS TO BECOME HIGHLY QUALIFIED

In many alternative education programs, teachers may be assigned to teach one or more core academic subjects in which they are not certified. These individuals may become highly qualified by completing the appropriate course work or passing the appropriate Florida Department of Education (DOE) subject area exam(s). For more information on the Florida Teacher Certification Examination, please contact the University of South Florida testing center at (813) 974-2400, or visit www.cefe.usf.edu or the DOE Educator website at www.firn.edu/doe/sas/ftcehome.htm. These websites include information on registration, fees, and schedules for exams.

Districts may wish to consider other strategies to assist teachers in becoming highly qualified. These strategies may be funded through Title II, Title V, Individuals with Disabilities Education Act (IDEA) or state or local professional

development funds. (It should be noted that Title I funds may not be used to assist non-Title I teachers in meeting the highly qualified requirements.) Professional development strategies may include

- the payment of bonuses or incentives to teachers who complete highly qualified requirements
- the payment of fees associated with the DOE subject area exam(s)
- the provision of time or funding for staff development in the content areas
- utilization of available online and tutorial training.

Note: Any teacher who has obtained full state certification (whether through traditional or alternate routes), has a bachelor's degree, and has demonstrated subject matter competence through the passage of the subject area exam is considered highly qualified under NCLB. Teachers in an alternate route program may be considered to meet the certification requirements of a highly qualified teacher if they hold a temporary certificate in the area assigned and are participating in an approved district alternative certification program.

PRESCHOOL PROGRAMS

The application of NCLB provisions to prekindergarten programs has been of interest and concern to many school districts. The following guidance is based on a review of existing federal guidance to date. Additional information from the United States Department of Education may be forthcoming regarding prekindergarten programs. Such information may require that the guidance provided below will be modified at a later date.

1. Are teachers of Title I prekindergarten programs subject to the highly qualified teacher elementary level requirements of NCLB?

Yes. If the prekindergarten program is funded by Title I, Part A funds, the teachers must meet the highly qualified requirements. For teachers in such prekindergarten programs, "highly qualified" is defined by those certification areas included in the Florida Course Code Directory and Instructional Personnel Assignments (CCD). For teachers in District/Title I prekindergarten programs, the certification areas included in the 2003-04 are as follows:

- Early Childhood Education - for assignments prior to July 1, 1998
- Pre-K Primary
- Primary Education - for assignments prior to July 1, 1998
- Preschool Education

The reference to Child Development Associate (CDA) or CDA equivalency as acceptable credentials for Title I preschool programs has been removed from the Florida Course Code Directory and Instructional Personnel Assignments (CCD) for the 2003-04 school year. However, an individual with this credential who is defined as a "not new" teacher" (a teacher hired on or before the first day of the 2002-03 school year) may continue in the capacity of a teacher in the Title I prekindergarten program but must meet the "highly qualified" requirements as soon as possible but not later than June 30, 2006.

A teacher of a district Title I prekindergarten program who meets the definition of a "new" teacher (hired after the first day of the 2002-2003 school year) must meet the definition of highly qualified at the time of hire. The CDA or CDA equivalency credential does not meet highly qualified requirements for teachers.

2. Are paraprofessionals working in Title I prekindergarten programs who provide instructional support services subject to the NCLB qualification requirements that apply to paraprofessionals?

Yes. Any paraprofessional with instructional support services in a Title I school-wide preschool program or in a targeted assistance preschool class must meet one of the paraprofessional qualification requirements.

Paraprofessionals with instructional duties hired before or on January 8, 2002, must meet the paraprofessional qualification requirements by January 8, 2006. Paraprofessionals hired after January 8, 2002, must meet one of the paraprofessional requirements when hired. (For description of paraprofessional qualification requirements see page 7 of this document.)

- 3. Do the requirements of NCLB related to highly qualified staff and the paraprofessional qualifications apply to the following preschool programs? (1) school readiness programs funded by local school readiness coalitions; (2) school district operated Head Start programs; (3) prekindergarten programs for children (ages birth to five) with disabilities; and (4) school district operated private pay preschool programs?**

For each of the programs identified above, the district will have to make a determination for each individual school as to whether or not the program is funded with Title I dollars or is a part of the Title I schoolwide program. The major factor to consider in making the determination if any of the prekindergarten programs identified in this question are part of the Title I schoolwide program is whether the program is referenced in the schoolwide program plan for the school.

If the determination can be made that the prekindergarten programs identified in this question are not funded with Title I dollars and are not a part of the schoolwide program, then the “highly qualified staff” and paraprofessional requirements do not apply.

In the circumstance where the schoolwide plan is not clear about the status of the prekindergarten programs, a second factor should be considered: Have any of the funds of the prekindergarten program been combined with other state or federal funds as a part of the schoolwide plan? (For example, a Head Start Program takes some of its funding and those dollars are combined with other state or federal dollars and are used to support the school wide plan.) If the answer is yes, then the program should be considered part of the schoolwide program and the “highly qualified” and paraprofessional requirements would apply.

- 4. What action may districts take regarding maximizing flexibility for using noncertificated staff such as individuals with a CDA or CDA equivalency in the preschool programs identified in the previous question?**

For 2003-04, districts may wish to revisit their Title I school-wide plans to clarify the status of these preschool programs.

- 5. Do the highly qualified requirements and paraprofessional qualifications apply to programs serving the infant, toddler, and preschool children of teenage parents?**

For the child care/early childhood education component of a teenage parent program, please refer to the previous questions. The *Florida Course Code Directory and Instructional Personnel Assignments* (CCD) continues to provide flexibility for child care programs associated with teenage parent programs. Teachers of children ages three to five who do not hold a valid teaching certificate must meet either the minimum credentialing standards of a CDA credential, or a CDA equivalency as defined in Rule 65C-22.003, Florida Administrative Code. Teenage parent programs that serve infants and toddlers must meet child care licensing standards, including requirements related to staff qualifications, in accordance with Section 402.305, Florida Statutes.

DROPOUT PREVENTION / TEENAGE PARENT PROGRAMS / EDUCATIONAL PROGRAMS FOR STUDENTS IN JUVENILE JUSTICE FACILITIES

Application of the highly qualified teacher requirements for alternative programs is a critical step in achieving full implementation of these requirements. Traditionally, districts were allowed to report teachers in these programs as “in field” if they were certified in any field. The following questions are intended to provide general guidance to districts in applying the highly qualified teacher requirements to instructional personnel in dropout prevention programs, including teenage parent programs and educational programs for students in Department of Juvenile Justice facilities.

- 6. Do the requirements for the highly qualified designation under NCLB apply to “new” and “not new” teachers in dropout prevention/academic intervention programs, teenage parent programs, and educational programs in Department of Juvenile Justice facilities?**

Yes. Teachers of core academic subjects in these programs are required to be highly qualified, which means that they must meet the requirements indicated in the “Background” section of this document by the identified timeline. While the current requirements for highly qualified teachers focus on schools and programs supported by Title I school-wide or targeted assistance funding, all teachers of core academic subjects are required to meet the requirements for the highly qualified designation by June 30, 2006, regardless of whether the district, school, or program is supported by Title I funds.

- 7. What are the NCLB highly qualified requirements for “new” teachers in dropout prevention/academic intervention programs, teenage parent programs, and educational programs in Department of Juvenile Justice facilities supported by Title I school-wide or targeted assistance funds?**

“New” teachers in dropout prevention, teenage parent, or juvenile justice education programs supported by Title I school-wide or targeted assistance funds must have a valid temporary or professional certification in each core academic subject they teach at the time of hire in order to be considered highly qualified. At the elementary level, “new” teachers with a temporary certificate must also have a passing score on the Florida Subject Area Exam required for each certificate area of assignment.

- 8. What are the NCLB highly qualified requirements for “not new” teachers in dropout prevention/academic intervention programs, teenage parent programs, and educational programs in Department of Juvenile Justice facilities supported by Title I school-wide or targeted assistance funds?**

“Not new” teachers in dropout prevention, teenage parent, or juvenile justice education programs must have a valid temporary or professional certification in each core academic subject they teach by June 30, 2006, in order to be considered highly qualified. At the elementary level, “not new” teachers with a temporary certificate must also have a passing score on the Florida Subject Area Exam required for each certificate area of assignment. In addition, “not new” teachers must have a satisfactory or higher performance evaluation, including demonstration of subject area competence, in each subject area taught pursuant to Section 1012.34, Florida Statutes.

- 9. *The Florida Course Code Directory and Instructional Personnel Assignments (CCD) designate that any field is in field for teachers in dropout prevention programs, teenage parent programs, and educational programs for students in DJJ facilities. Will teachers utilizing this certification flexibility be considered highly qualified under NCLB?***

No. All teachers of core academic subjects must meet the requirements to be designated as highly qualified. The *Florida Course Code Directory and Instructional Personnel Assignments (CCD)* will show teachers in these programs as “in field” through June 30, 2006; however, they may not be designated as highly qualified unless they meet the requirements of the designation.

10. Are teachers in dropout prevention programs who utilized the certification flexibility available in the *Florida Course Code Directory and Instructional Personnel Assignments* (CCD) and were reported as in field for 2002-2003 now considered and reported as out of field?

No. The certification flexibility available to teachers in dropout prevention and other alternative education programs will be included in the *Florida Course Code Directory and Instructional Personnel Assignments* (CCD) through June 30, 2006.

11. Do the provisions in Section 1012.42(2), Florida Statutes, that allow school boards to qualify personnel as in field, based on a minor in a subject or subject area expertise, meet the NCLB highly qualified requirement?

No. Neither a minor in a subject nor the subject area expertise pursuant to Section 1012.42, Florida Statutes, satisfies the highly qualified requirement.

12. Are teachers who provide instruction in core academic subjects in educational programs that are contracted with a private provider required to meet the NCLB requirements for highly qualified teachers?

Yes. Based on the highly qualified requirements, all teachers of core academic subjects employed in any capacity through a district school system, including those contracted with a private provider, must meet the highly qualified teacher requirements by the timelines prescribed in NCLB legislation.

EXCEPTIONAL STUDENT EDUCATION

For many years, ESE teachers have been allowed to teach basic courses to students in a resource room or self-contained classroom setting and be considered “in field” as long as the ESE teacher’s certification was appropriate for the category of students being served (e.g., specific learning disabilities (SLD), emotionally handicapped (EH), etc.). However, due to the implementation of NCLB, ESE teachers may no longer teach the basic courses in grades 6-12 and be considered highly qualified unless the ESE teacher also has certification in the core subject area in addition to the appropriate ESE certification. This new requirement does not pertain to ESE academic courses in the *Florida Course Code Directory and Instructional Personnel Assignments* (CCD) with course numbers beginning with 78 or 79, excluding courses for students who are gifted. These 78 and 79 courses are modifications of the Sunshine State Standards and are designed for students whose individual educational plan (IEP) team has determined that they are more appropriate than the basic coursework that is aligned with the Sunshine State Standards. Students who are enrolled in 78 or 79 academic courses are not undertaking a course of study that will lead to a standard diploma.

13. What are the NCLB highly qualified requirements for “new” and “not new” ESE teachers at the elementary level in Title I school-wide or targeted assistance programs?

For both “new” and “not new” elementary ESE teachers, an in-field assignment in accordance with the ESE certification table in the *Florida Course Code Directory and Instructional Personnel Assignments* (CCD) will meet the definition of highly qualified personnel.

14. What are the NCLB highly qualified requirements for a “new” ESE teacher at the middle/junior and high school levels in Title I school-wide or targeted assistance programs hired after the first day of school in 2002-03 and after?

An ESE teacher hired after the first day of school in 2002-03 and teaching a basic course in middle/junior or high school in one of the twelve core subject areas must have either a valid temporary or professional certification in that core subject area in addition to ESE certification in accordance with the ESE certification table in the *Florida Course Code Directory and Instructional Personnel Assignments* (CCD) to meet the definition of highly qualified personnel.

15. What are the NCLB highly qualified requirements for a “not new” ESE teacher at the middle/junior and high school levels in Title I school-wide or targeted assistance programs hired on or before the first day of school in 2002-03?

An ESE teacher hired on or before the first day of school in 2002-03 and teaching a basic course in middle/junior or high school in one of the twelve core subject areas must have either a valid temporary or professional certification in that core subject area in addition to ESE certification in accordance with the ESE certification table in the *Florida Course Code Directory and Instructional Personnel Assignments* (CCD) to meet the definition of highly qualified personnel by July 1, 2006.

16. When do the highly qualified personnel requirements become effective for an ESE teacher not teaching in Title I school-wide or targeted assistance programs?

For elementary ESE teachers, an “in-field” assignment in accordance with the ESE certification table in the Florida Course Code Directory and Instructional Personnel Assignments (CCD) will meet the definition of highly qualified personnel. However, by July 1, 2006, ESE teachers teaching core academic subjects to students with disabilities in grades 6-12 must have ESE certification in accordance with the ESE certification table and certification in the core academic subject area. Refer to the attached chart for specific ESE courses and certification requirements.

17. Will an ESE teacher providing special education services through the co-teaching service delivery model be required to have certification in the core academic subject area in order to meet the highly qualified personnel requirements of NCLB?

No, the ESE teacher only needs ESE certification in accordance with the ESE certification table in order to meet the definition of highly qualified personnel for the co-teaching service delivery model.

PARAPROFESSIONAL QUALIFICATIONS

Each local school district receiving Title I funds shall ensure that all paraprofessionals working in a school-wide or targeted assistance program that receives Title I funding has earned a high school diploma or its equivalent, regardless of the paraprofessional’s date of hire.

In addition, NCLB identifies requirements for paraprofessionals with instructional support duties working in a school-wide or targeted assistance program supported by Title I funds. Paraprofessionals with instructional support duties hired after the date of enactment of NCLB (January 8, 2002), who work in a school-wide or targeted assistance program supported by Title I funding, must meet these requirements when hired. Paraprofessionals hired prior to the date of enactment of NCLB must meet these requirements no later than four years after the date of enactment (January 8, 2006). The requirements indicate that these paraprofessionals shall have met one of the following requirements:

- completed at least two years of study at an institution of higher education
- obtained an associate’s (or higher) degree
- met a rigorous standard of quality and demonstrated through a formal academic assessment
 - knowledge of, and the ability to assist in instructing, reading, writing, and mathematics, or
 - knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate

The highly qualified requirements do not apply to paraprofessionals who are proficient in English and a language other than English, including sign language, and who provide services primarily to enhance the participation of children in Title I programs by acting as a translator or interpreter, and who do not provide academic instruction. They also do not apply to paraprofessionals whose duties consist solely of conducting parental involvement activities consistent with Section 1118 under Title I of NCLB.

Additional non-instructional roles may include

- clerical support duties
- non-instructional computer assistance
- non-instructional media center/library supervision

Paraprofessionals who do not provide any instructional support services and are working in programs serving ESE students are not required to meet the educational qualification requirements of NCLB. These paraprofessionals' job duties may include, but are not limited to, assisting students in personal care activities, assisting students in self-control and behavior management, etc. Other ESE paraprofessionals that are providing instructional support services will be required to meet the requirements of NCLB based upon factors outlined in prior Department correspondence regarding paraprofessional qualification requirements.

Florida Department of Education
No Child Left Behind Act and Exceptional Student Education
Teacher Certification
June 2003

<i>ESE Courses</i>	<i>ESE Table in CCD</i>	<i>Required Certification</i>	<i>Core Academic Subject</i>
<i>Prekindergarten Disabilities</i>			
7650030 PK Disabilities: Age 0-2	X		
7650130 PK Disabilities: Age 3-5	X		
<i>Elementary ESE Academics - General</i>			
7755010 Academics: K-5	X		
7755030 Academics Skills: K-5	X		
7755040 Advanced Academics: K-5	X	X	
7755050 Developmental Skills: K-5	X		
<i>Elementary ESE Academics - Subject Areas</i>			
7701010 Art: K-5	X		
7710010 Language Arts: K-5	X		
7710020 Reading: K-5	X		
7710030 Communications: K-5	X		
7710040: Spelling: K-5	X		
7710050: Writing: K-5	X		
7712010: Math: K-5	X		
7713010: Music K-5	X		
7720010: Science: K-5	X		
7721010 Social Studies K-5	X		
<i>Grades 6-8 ESE Academics - General</i>			
7855010 Academics: 6-8	X		
7855030 Academic Skills: 6-8	X		
7855040 Advanced Academics: 6-8	X	X	
7855050 Developmental Skills: 6-8	X		
<i>Grades 6-8 ESE Academics - Subject Areas</i>			
7810010 Language Arts: 6-8	X		
7810020 Reading: 6-8	X		
7810030 Communications: 6-8	X		
7812010 Math: 6-8	X		

Florida Department of Education
No Child Left Behind Act and Exceptional Student Education
Teacher Certification
June 2003

<i>ESE Courses</i>	<i>ESE Table in CCD</i>	<i>Required Certification</i> <i>Core Academic Subject</i>
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Grades 6-8 ESE Academics - Subject Areas

- 7820010 Science: 6-8 X
- 7820020 Health: 6-8 X
- 7821010 Social Studies: 6-8 X

Grades 6-8 ESE Miscellaneous

- 7801010 Visual & Perform Arts: 6-8 X
- 7813010 Music: 6-8 X

Grades 9-12 ESE Academics - Subject Areas

- 7910100 Reading: 9-12 X
- 7910110 English: 9-12 X
- 7910390 Life Skills Comm. 9-12 X
- 7910400 Life Skills Reading: 9-12 X
- 7912050 Math: 9-12 X
- 7912340 Life Skills Math: 9-12 X
- 7920010 Science: 9-12 X
- 7920050 Health and Safety: 9-12 X
- 7921010 Social Studies: 9-12 X
- 7921330 Career Education: 9-12 X

Grades 9-12 ESE Special Skills Courses

- 7963090 Skills for Students who are Gifted X

Grades 9-12 ESE Miscellaneous

- 7967010 Visual and Perf. Arts X

Grades 9-12 ESE Gifted

- 7965010 Res. Mth for Stu Gifted X
- 7965030 Externship for Stu Gifted X
- 7965040 Studies for Stu Gifted X

Florida Department of Education
No Child Left Behind Act and Exceptional Student Education
Teacher Certification
June 2003

Required Certification

Basic Ed. Courses taught by ESE teachers in self-contained or resource room setting

<i>Basic Elementary Core Course Prefixes</i>	<i>ESE Table in CCD</i>	<i>Core Academic Subject</i>
5001 Art - Visual Arts	X	or X
5003 Dance	X	or X
5007 Foreign Languages		X
5010 Language Arts	X	
5012 Math	X	
5013 Music	X	or X
5020 Science	X	
5021 Social Studies	X	

Basic Graded Self Contained PreK and Elementary

5100 X

Basic Ungraded Elementary

5200 except 52005 X

Basic Secondary Courses first 2 digit prefixes

01 Art-Visual Arts	X X
03 Dance	X X
04 Drama-Theatre Arts	X X
07 Foreign Languages		X
10 Language Arts	X X
12 Mathematics	X X
13 Music	X X
20 Science	X X
21 Social Studies	X X
24 Graded Self-Contained (except 2400200-2400300)	X	