June 10, 2013

The Honorable Tom Harkin
Chair
Senate Committee on Health Education
Labor and Pensions
Washington, DC 20510

The Honorable Lamar Alexander
Ranking Member
Senate Committee on Health Education
Labor and Pensions
Washington, DC 20510

Dear Chairman Harkin and Ranking Member Alexander:

The Council for Exceptional Children (CEC) urges you to oppose an amendment filed by Senator Paul to the Strengthening America’s Schools Act (SASA) that would remove special educators from SASA’s Highly Qualified provisions, which apply to every other teacher in our nation. **CEC opposes creating a separate system for special education teachers that requires them to meet lower standards than all other teachers. Special education teachers represent the best of education and, as such, they should not be singled out for needing a lower standard.**

Senator Paul also raised this issue in the October, 2011 mark-up of ESEA legislation. CEC believes there may be some confusion about what special education teachers actually do and how this requirement applies to them. Therefore, this letter is intended to explain the current requirements special education teachers must meet to be deemed Highly Qualified and express CEC’s positions on them. As the largest professional organization of special educators, CEC has advocated for well-prepared and high-quality special education professionals for over 80 years. We hope you find this information helpful and oppose the Paul Amendment on HQT, excluding special education teachers.

**Current Law**

No Child Left Behind (NCLB) and the Individuals with Disabilities Education Act (IDEA) require all special education teachers, like all general education teachers, to meet certain requirements to be considered a Highly Qualified Teacher (HQT). Importantly, HQT requirements for special educators currently recognize a critical difference in our profession. Namely, they recognize the difference between (1) special educators who provide specialized instruction in special education only – meaning they work with general educators who deliver core academic content while they assist students with disabilities in accessing that content; and (2) special educators who provide individualized direct instruction in core academic content areas and specialized instruction in special education to students with disabilities. Importantly, although SASA would incentivize changes in teacher evaluation systems it would still apply HQT requirements to any newly hired teacher. Thus, under current law, and for newly hired special education teachers under SASA the following is true:

**HQT Requirements for All Special Educators**

All special educators, regardless of whether they deliver direct instruction in core content areas, must meet the following requirements:
Hold a Bachelors Degree: All teachers must hold a bachelors degree; IDEA 20 U.S.C. 1401(10)(B)(iii) ESEA 20 U.S.C. 7801(23)(B)(i)(I); and

Be Certified and Licensed in Special Education: All special education teachers must obtain full State certification as a special education teacher (including certification obtained through alternative routes to certification) or pass the State special education teacher licensing examination, and hold a license to teach in the State as a special education teacher; IDEA 20 U.S.C. 1401(10)(B)(i) & ESEA 20 U.S.C. 7801(23)(A)(i).


HQT Requirements for Special Educators Delivering Direct Instruction in Core Academic Subject-Matter Content Areas

In addition to the above requirements, whenever special educators provide direct instruction in core academic subject-matter content areas they must meet the HQT requirements for the respective core academic areas. For example, special educators have to meet this requirement if they teach a separate academic subject-matter class that includes only students with disabilities.

Special educators can meet HQT requirements in each academic subject in the same way as general education teachers (i.e. take a test or achieve credits in reading, math etc.). But, under provisions in IDEA, special educators can also meet the academic subject-matter content area requirements in several additional ways, if they teach multiple subjects, or if they teach students with disabilities who are assessed on an alternate assessment. Specifically, IDEA allows the following:

- **Multiple Subject - experienced teachers:** If a special education teacher teaches 2 or more core academic subjects exclusively to children with disabilities and is not new to the profession, he/she may meet the HQT requirement using a “single, high, objective uniform State standard of evaluation covering multiple subjects.” (HOUSSE) IDEA 20 U.S.C. 1401(10)(D)(ii)

- **Multiple Subject – new teachers:** If a special education teacher who is new to the profession teaches multiple subjects and is highly qualified in either mathematics, language arts, or science, he/she has 2 years after the date of employment to become highly qualified in all other subjects through a “single high, objective uniform State standard of evaluation covering multiple subjects.” (HOUSSE) IDEA 20 U.S.C. 1401(10)(D)(iii).

  - Note: HOUSSE is determined by each State as defined in ESEA at 20 U.S.C. 7801(23)(C)(ii).

- **Alternate Achievement Standard:** If a special education teacher (whether new or not new to the profession) teaches core academic subjects exclusively to children who are assessed against alternate academic content and achievement standards, the teacher must be:
  - licensed in special education and
  - For students with disabilities working on an elementary level: meet the same requirements as a general education elementary school teacher, which means “pass a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum.” IDEA 20 U.S.C. 1401(10)(C)(ii) & ESEA 20 U.S.C. 7801(23)(B)(i)(ii); OR
  - For students with disabilities working above an elementary level: he/she “must have subject matter knowledge appropriate to the level of instruction being provided, as
determined by the State, needed to effectively teach to those standards.” IDEA 20 U.S.C. 1401(10)(C)(ii).

Thus, the only case where special educators must meet HQT requirements for core academic subject-matter content is where they are the sole teacher providing instruction in that core academic subject-matter content area to students with disabilities.

**CEC’s Position on HQT**

CEC supports the idea that special educators who deliver direct instruction in core academic subject-matter content areas must be highly qualified in those areas, in addition to having special education qualifications. In 2004, CEC approved, *CEC’s Definition of a Well-Prepared Special Education Teacher*. This document summarizes the important knowledge and skills that special education professionals should possess. It was developed in conjunction with experts in the field, including teachers, administrators, higher education faculty and researchers and it reflects the current state of practice. It outlines the requirements for special educators and represents a broad consensus within the field.

As the statement points out, CEC expects that at a minimum entry-level special educators must possess a bachelor’s degree from an accredited institution, and have mastered appropriate core academic subject matter content. Thus, CEC believes that all special educators should possess a solid base of understanding of the general content area curricula, i.e., math, reading, English/language arts, science, social studies, and the arts, sufficient to collaborate with general educators in:

- Teaching or co-teaching academic subject matter content of the general curriculum to students with exceptional learning needs across a wide range of performance levels; and
- Designing appropriate learning and performance accommodations and modifications for students with exceptional learning needs in academic subject matter content of the general curriculum.

Because of the significant role that content specific subject matter knowledge plays at the secondary level, special education teachers routinely teach secondary level academic subject-matter content classes in consultation or collaboration with one or more general education teachers appropriately licensed in the respective content area. However, when special education teachers assume sole responsibility for teaching a core academic subject-matter class at the secondary level, they must have a solid knowledge base in the subject-matter content sufficient to assure the students can meet state curriculum standards.

This belief is embodied in CEC’s Standards for Beginning Special Education Teachers, as set forth in CEC’s standards, *What Every Special Educator Must Know*, which are research based, pedagogically grounded and have been rigorously validated using a process that ensures practitioners in the field have a primary voice in their development. CEC works at state and national levels to ensure that preparation programs incorporate the CEC standards into their curricula, and state and provincial jurisdictions incorporate the standards into their licensing requirements. Currently, over forty states are committed to align their licensing processes with the CEC standards. It is through professional standards used by preparation programs and aligned with licensing systems that the public can be assured that special educators are appropriately prepared and are ready to enter practice. In this way, parents and community know that special educators have the knowledge and skills to practice ethically, safely, and effectively.
CEC’s members are committed to providing a high quality education to every student and we support high standards for teachers. As such, **CEC urges the Committee to oppose Senator Paul’s Amendment regarding Highly Qualified requirements** related to special education teachers. Congress should retain the current flexibility for attaining HQT which exists in IDEA and should not either: (1) exclude special educators from Highly Qualified requirements, or (2) lower expectations within these requirements for special educators.

We hope you will oppose this Amendment and instead, support a strong and well prepared teacher workforce force. If you have any questions or concerns about this position, please contact Lindsay Jones, Senior Director for Policy and Advocacy Services at lindsayj@cec.sped.org or directly at 703-264-9403.

Sincerely,

Deborah A. Ziegler, Ed. D.
Associate Executive Director
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Cc: Members of the Senate Health, Education, Labor and Pensions Committee