



Texas
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Agency

Texas Education Agency

NCLB Program Coordination



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No Child Left Behind

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Guidance for the Implementation of NCLB Highly Qualified Teacher Requirements

Division of NCLB Program Coordination
Texas Education Agency

Updated March 25, 2008

Based on the December 2006 USDE-Approved
Revised State Plan to Address the Highly Qualified Teacher Goal

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SUMMARY OF CHANGES SINCE JUNE 12, 2007, GUIDANCE DOCUMENT

Changes since the June 12, 2007, guidance document are in **BLUE TEXT** in this document. All changes are simply technical edits and reflect no new changes in the implementation of highly qualified.

PART III: WHICH TEACHERS MUST BE HIGHLY QUALIFIED

Q17 UPDATED THE STATUTORY CITATION.

Q18 UPDATED THE STATUTORY CITATION.

PART IX: SPECIAL EDUCATION TEACHERS

Q64 CLARIFIES THE FLEXIBILITY FOR TEACHERS OF STUDENTS EXCLUSIVELY ASSESSED BY ALTERNATE ACHIEVEMENT STANDARDS.

[THE IS THE SAME GUIDANCE AS THE SEPTEMBER 17, 2007, LETTER TO ADMINISTRATORS.]

PART X: REPORTING REQUIREMENTS

Q67 UPDATED THE REPORTING SCHEDULE OF THE COMPLIANCE REPORT.

APPENDIX D: CHARTS AND GRAPHS

C2 UPDATES THE CHART TO REFLECT THE AVAILABILITY OF THE FLEXIBILITY FOR TEACHERS OF STUDENTS EXCLUSIVELY ASSESSED BY ALTERNATE ACHIEVEMENT STANDARDS.

[THE IS THE SAME GUIDANCE AS THE SEPTEMBER 17, 2007, LETTER TO ADMINISTRATORS.]

Part I: Introduction

Title II, Part A and Title I, Part A place particular emphasis on the need for 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.

NCLB Teacher Quality Plans: All States that receive Title I, Part A funds were required by USDE to revise and submit a state plan for USDE approval in order to allow the state to extend the statutory deadline to have all teachers of core academic subjects highly qualified no later than the end of the 2006-2007 school year, excluding any teachers on modified timelines as allowed by USDE for eligible rural school districts or new special education teachers. Each LEA in the State must ensure that all teachers of core academic subjects hired after the first day of the 2002-2003 school year and teaching in a program supported with Title I, Part A funds are highly qualified when they are hired. The LEA must also have a plan describing how it will meet the annual measurable objectives established by TEA for ensuring that all teachers of core academic subjects in the LEA are highly qualified by the end of the 2006-2007 school year [Section 1119(a)(1) and (3)].

The annual measurable objectives established by TEA and submitted to USDE in September 2003 under Section 1119(a)(1) and (a)(3) are as follows.

Baseline Data and Targets	Percentage of Classes Taught by Highly Qualified Teachers (State Aggregate)	Percentage of Classes Taught by Highly Qualified Teachers (High-Poverty Schools)
2002-2003 Baseline	75.8%	69.3%
2003-2004 Target	80.0%	80.0%
2004-2005 Target	90.0%	90.0%
2005-2006 and beyond	100.0%	100.0%

Baseline Data and Targets	Percentage of Highly Qualified Teachers (State Aggregate)	Percentage of Teachers receiving high-quality professional development (State Aggregate)
2002-2003 Baseline	76.2%	90.5%
2003-2004 Target	80.0%	94.0%
2004-2005 Target	90.0%	97.0%
2005-2006 and beyond	100.0%	100.0%

LEA (District) Highly Qualified Recruitment and Retention Plans:

Any LEA that receives Title I, Part A funds **and does have all (100%)** core academic subject area classes taught by teachers meeting the highly qualified requirements on all campuses (whether Title I served or not) must continue to maintain a district-level Highly Qualified Recruitment and Retention plan that specifies:

- the strategies the LEA will implement on campuses to ensure the LEA and all campuses remain with 100% of core academic subject area classes taught by highly qualified teachers.

It is recommended that the LEA's Recruitment and Retention Plan be incorporated as part of the District Improvement Plan. If it is incorporated into the District Improvement Plan, it should be clearly identified as the LEA's Highly Qualified Recruitment and Retention plan strategies. However, the recruitment and retention plan may be a separate plan, at the LEA's discretion.

LEAs that receive Title I, Part A funds must also include the following statutory Title I, Part A requirements in their LEA (District) plan.

- providing staff development (coordinated with Title II, Part A professional development) to teachers, principals, and other appropriate staff to meet the Teacher Quality Annual Measurable Objectives (TQAMO) under NCLB, Section 1119 [§1112(b)(1)(D)];
- Describing how the LEA will meet the highly qualified teacher requirements under NCLB, Section 1119 [§1112(b)(1)(N)];
- Working in consultation with campuses as they develop and implement their campus plans/activities under NCLB, Section 1119 [§1112(c)(1)(H)];
- Describing how the LEA will comply with the requirements of NCLB, Section 1119 regarding the qualifications of teachers and professional development [§1112(c)(1)(I)]; and
- Describing how the LEA will, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers [§1112(c)(1)(L)].

In addition, Title I, Part A campuses must also include the following statutory Title I, Part A requirements in their Campus Plans.

Schoolwide campuses must include in their Campus Improvement Plan strategies for:

- providing instruction by highly qualified teachers [§1114(b)(1)(C)];
- providing high-quality, on-going staff development to maintain (retain) 100% of classes taught by highly qualified teachers in the core academic subject areas to enable all children to meet the state's academic achievement standards [§1114(b)(1)(D)]; and
- attracting high-quality highly qualified teachers to high need schools [§1114(b)(1)(E)].

Targeted assistance campuses must include in their Campus Improvement Plan strategies for:

- providing instruction by highly qualified teachers [§1115(c)(1)(E)]; and
- providing high-quality, on-going staff development to maintain (retain) 100% of classes taught by highly qualified teachers in the core academic subject areas [§1115(c)(1)(F)].

LEA (District) and Campus Highly Qualified Continuous Improvement Plans (HQTICIP):

Beginning with the highly qualified teacher data reported as of the beginning of the 2007-2008 school year and beyond, any LEA that receives Title I funds and **does not have 100% of all core academic subject area classes taught by teachers meeting the highly qualified requirements** is required to:

1. conduct a focused data analysis (FDA) process; and
2. maintain and implement a Highly Qualified Teacher Continuous Improvement planning process.

The LEA Highly Qualified Teacher Continuous Improvement Plan (HQTICIP) must include strategies and activities to meet the measurable achievement objectives for teacher quality under NCLB, to—

1. Increase the percentage of highly qualified core academic subject area teachers on each campus to meet 100% in a reasonable timeframe;
2. Increase the percentage of core academic subject area classes taught by highly qualified teachers on each campus to meet 100% in a reasonable timeframe;
3. Increase the percentage of core academic subject area classes taught by highly qualified teachers on high poverty campuses to meet 100% in a reasonable timeframe;
4. Increase the percentage of teachers receiving high-quality professional development on each campus to meet 100% in a reasonable timeframe;
5. Ensure low-income students and minority students are not taught at higher rates than other student groups by inexperienced, out-of-field, or non-highly qualified teachers;
6. Attract and retain highly qualified teachers; and
7. Assist specific teachers not currently highly qualified to meet the highly qualified requirements in a timely manner.

LEAs that receive Title I, Part A funds must also include the following statutory Title I, Part A requirements in their LEA (District) plan.

- providing staff development (coordinated with Title II, Part A professional development) to teachers, principals, and other appropriate staff to meet the Teacher Quality Annual Measurable Objectives (TQAMO) under NCLB, Section 1119 [§1112(b)(1)(D)];
- Describing how the LEA will meet the highly qualified teacher requirements under NCLB, Section 1119 [§1112(b)(1)(N)];
- Working in consultation with campuses as they develop and implement their campus plans/activities under NCLB, Section 1119 [§1112(c)(1)(H)];
- Describing how the LEA will comply with the requirements of NCLB, Section 1119 regarding the qualifications of teachers and professional development [§1112(c)(1)(I)]; and
- Describing how the LEA will, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers [§1112(c)(1)(L)].

Additionally, each campus that is not at 100% (regardless of whether that campus is served with Title I funds or not) must have a Campus Highly Qualified Continuous Improvement Plan on file with the LEA central office. The campus plan must include:

- the individual activities or strategies to assist the specific teachers not currently highly qualified to meet the highly qualified requirements in a timely manner.

At a minimum, the plan must identify each non-highly qualified teacher by subject of assignment and grade level.

In addition, Schoolwide campuses must include in their Campus Improvement Plan strategies for:

- providing instruction by highly qualified teachers [§1114(b)(1)(C)];
- providing high-quality, on-going staff development to reach 100% of classes taught by highly qualified teachers in the core academic subject areas to enable all children to meet the state's academic achievement standards [§1114(b)(1)(D)]; and
- attracting high-quality highly qualified teachers to high need schools [§1114(b)(1)(E)].

Also, Targeted Assistance campuses must include in their Campus Improvement Plan strategies for:

- providing instruction by highly qualified teachers [§1115(c)(1)(E)]; and
- providing high-quality, on-going staff development to reach 100% of classes taught by highly qualified teachers in the core academic subject areas [§1115(c)(1)(F)].

See Appendix D, Charts 7 and 8 for graphics illustrating the NCLB Teacher Quality Plan Requirements.

LEA (District) Consequences for Not Reaching 100% Highly Qualified Teachers:

The focused data analysis (FDA) and Highly Qualified Teacher Continuous Improvement Plan (HQTICIP) must be submitted to the Texas Education Agency for review by December 15th of the following school year.

Any LEA who has not met the 100% highly qualified teacher requirement and subsequently subject to the Section 2141 interventions, solely due to teachers who are eligible for the multi-subject new special education teacher or multi-subject rural teacher flexibility, will not be required to submit the interventions to the Agency by the December deadline for review. The interventions will be maintained locally and made available to the Agency upon request.

For example, if an LEA does not meet the 100% requirement by the beginning of the 2007-2008 school year as reported in the Highly Qualified Teacher Compliance Report (due October 15, 2007), the HQTICIP must be submitted to TEA by December 15, 2007, and be implemented during the 2007-2008 school year.

The Highly Qualified Teacher Continuous Improvement Plan will be submitted to TEA using a prescribed format. The strategies and activities identified in the HQTICIP plan must also be incorporated into the LEA's District Improvement Plan. LEAs that are required to develop and implement a Highly Qualified Teacher Continuous Improvement plan will receive training on the process and format of the plan from the regional ESCs beginning in September 2007.

Also, beginning in school year 2007-2008, for LEAs that have not reached 100% highly qualified and also have not met AYP for three consecutive years, the TEA will implement the following corrective actions required by Section 2141 statute:

1. LEAs will be required to implement an Accountability Agreement with TEA and jointly develop a professional development program;

2. TEA will require professional development to meet the needs of the campuses;
3. TEA will provide Title II, Part A funds directly to campuses to meet identified needs; and
4. TEA will prohibit LEAs from hiring additional paraprofessional FTEs.

Campus Consequences for Not Reaching 100% Highly Qualified Teachers:

In addition to the campus level participation in the LEA consequences above, campuses in School Improvement will be required to implement the following specific consequences.

1. Stage 1 School Improvement Program (SIP) campuses have a TEA-required administrative mentor as part of the state's school support program to schools identified for needing improvement. These mentors are required to review the campus' Highly Qualified Teacher Continuous Improvement Plan and provide any necessary technical assistance in revising the plan as needed.
2. Stage 2 and above Title I SIP campuses will be required to submit their campus Highly Qualified Teacher Continuous Improvement Plan to TEA for review in order to receive a Notice of Grant Award (NOGA) for the Title I School Improvement funding. TEA will conduct a review of the plans and provide technical assistance to the campuses and LEAs as needed.

Technical Assistance: The regional ESCs will provide technical assistance to all LEAs and campuses that have not reported 100% highly qualified teachers to provide assistance with the focused data analysis and improvement planning processes. Technical assistance will be prioritized to those campuses and LEAs also Not Meeting AYP.

Highly Qualified Teacher and Highly Qualified Recruitment and Retention Plans, Consequences for Not Reaching 100% Highly Qualified Teachers, and Technical Assistance will be implemented as described in detail in the state's USDE approved Revised State Plan for Meeting the Highly Qualified Teacher Goal at <http://www.tea.state.tx.us/nclb/HQTPlan.html>.

Highly Qualified and State Certification: The NCLB definition of "highly qualified" does not completely align to the current state certification structure and assignment rules. Teachers who are allowed to teach certain courses under state certification and assignment rules may not meet the definition of "highly qualified." Also, teachers who do meet the definition of "highly qualified" may require a permit under the current state certification structure.

Permits and Waivers: The Agency has been in close contact with the U.S. Department of Education (USDE) regarding the use of various permits, temporary credentials, or waivers issued by the State Board for Educator Certification (SBEC), the school district, or the Commissioner of Education. The Agency has been informed that teachers using any of the following teaching permits in lieu of state certification are not in compliance with the definition of "highly qualified." (Exceptions are noted below, as applicable.)

- A teaching waiver approved by the Commissioner of Education;
- A School District Teaching Permit approved by the Commissioner of Education;
- Emergency Permits issued by SBEC to uncertified individuals (subject, grade-level, or both) for assignments in the core academic subject areas.

Exception: It is possible, for example, for an elementary teacher to meet the requirements of a "highly qualified" secondary teacher if the teacher has full state elementary certification and the required coursework (24 semester hours, 12 of which are upper-division) for demonstrating competency in the subject area being taught at the secondary level. [See page 8 for more on Emergency Permits.]

- Temporary Classroom Assignment Permit (TCAP) issued by the school district under SBEC rules to teach academic class periods outside of the subject area of certification in grades 6-12 for one year.

Exception: It is possible, for example, for a teacher under this permit to meet the requirements of "highly qualified" if the teacher has full state certification and the required coursework (24 semester hours, 12 of which are upper-division) for demonstrating competency in the subject area being taught that is outside the area of certification at the middle school or high school levels, as appropriate.

- A Nonrenewable Permit (NRP) issued to a teacher who holds a lifetime certification that is no longer valid in order to allow time to reactivate certification by passing a state-approved examination.

Exception: It is possible, for example, for a teacher under this permit to meet the requirements of "highly qualified" if the teacher has the required coursework (24 semester hours, 12 of which are upper-division) for demonstrating competency at the middle school or high school levels, as appropriate.

- A Nonrenewable Permit (NRP) issued to a teacher who has a baccalaureate degree and has completed all courses required for certification, including student teaching, but has not completed all certification exams.

Parent Notification Requirements: The following requirements apply.

Parents' Right to Know: At the beginning of each school year, an LEA receiving Title I, Part A funds must notify the parents of each student attending any Title I, Part A campus that the LEA will provide to the parents upon request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following information:

- Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived.
- The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
- Whether the child is provided services by paraprofessionals and, if so, their qualifications.

Parent Notification Requirement: Any campus that receives Title I, Part A funds must provide to each individual parent timely notice in the event that the parent's child has been assigned, or has been taught for four or more consecutive weeks by a teacher who is not "highly qualified." The notice and information provided to parents must be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

Any teacher hired after the first day of instruction of School Year 2002-2003 who works in a Title I, Part A program and teaches in the core academic subject areas must be "highly qualified."

- On a Title I, Part A schoolwide campus, this means any teacher teaching one or more classes in the core academic subjects.
- For a Title I, Part A targeted assistance campus, this means any teacher teaching one or more classes in the core academic subjects whose salary is paid either in full or in part with Title I, Part A funds.

In addition, the parent notification required under the Texas Education Code §21.057 is very different from the notification related to “highly qualified” teachers. However, state legislation (HB 673; 2003 session) eliminated the need for duplicate notifications concerning the same teacher. If the teacher falls under the NCLB requirements (i.e., is teaching in a Title I program), the state notification requirements under TEC §21.057 do not apply. However, for teachers at non-Title I campuses and for teachers at Title I targeted assistance campuses who are not paid with Title I funds, the state notification requirements under TEC §21.057 do apply (except that TEC §21.057 does not apply to charter schools).

Principal Attestation: The principal of each Title I, Part A campus must annually attest in writing whether the campus is in compliance with NCLB, Section 1119 [Teacher and Paraprofessional Qualifications]. Copies of these attestations must be maintained at each Title I, Part A campus and at the main office of the LEA and must be available to any member of the general public on request. A sample of this attestation is available on the Agency’s NCLB web site at: <http://www.tea.state.tx.us/nclb/sampleprincipal.doc>

In the past, it was the LEA’s discretion as to whether the principal attestation provided the campus highly qualified status as of the beginning of the year or as of the end of the year. However, beginning with school year 2007-2008, in order to align with the beginning-of-the-year Highly Qualified Compliance Report submission timeline, the Principal Attestation must provide the status of Section 1119 as of the beginning of the school year and coincide with the data reported to TEA. **The attestation must be on file by November 15th** of the current school year and should be written in a way that also covers prospective hiring.

Implementation: The LEA should always place the best-qualified teacher available in the classroom. LEAs are advised to make adjustments to teacher assignments and hiring procedures in order to come into compliance. Possible options that an LEA might implement include:

- Adjusting teacher assignments, as appropriate;
- Assisting teachers in obtaining advanced coursework or certification by examination through the TExES exams by providing incentives and professional development activities; or
- Providing assistance to teachers serving on permits in demonstrating competency through the appropriate content certification exams or coursework.

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 for LEAs. Highly qualified teacher determinations must be documented and maintained locally and submitted to TEA for validation purposes upon request.

Continuity: It is the Agency’s intent that any teacher previously determined to be highly qualified using HOUSE procedures, or any other method for determining subject matter competency for

highly qualified that was allowable at the time the highly qualified determination was made, will continue to be considered highly qualified in the same core academic subject area.

However, at any time there is a change in the teacher's assignment, the LEA must ensure that the teacher meets the highly qualified requirements for the new assignment using subject matter competency options that are allowable at the time the highly qualified determination is verified.

Portability: While the determination of a teacher's highly qualified status is an LEA or charter school decision, the Agency's intent is that such determinations are to be portable between all LEAs and charter schools within the state. It is the responsibility of the teacher to provide a hiring LEA with documentation of highly qualified status in teaching assignments as verified by a previous employing school district or charter school.

NOTE: Such highly qualified teacher determinations made by charter schools may not be portable to a public school district due to the differing certification requirement in highly qualified for charter school teachers than public school teachers.

Following are questions and answers that will assist the LEA in making highly qualified determinations. Appendix A contains the related statute, Appendix B contains definitions related to highly qualified, Appendix C contains flexibility for eligible rural LEAs, and Appendix D contains several charts depicting information provided in the questions and answers.

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, below). “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 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 “arts” in the core academic subjects, it does not specify define “arts”; therefore, States must make this determination. TEA has defined “arts” as music (including band and choir directors), art, theatre, and dance.

3. Are speech and journalism considered to be in the core academic subject areas?

Speech and journalism do have separate certifications but they are not among the core academic subject areas defined in statute. However, if these courses substitute for credit in one of the core academic subject areas the “highly qualified” requirements do apply to teachers of these subjects. For example, if the LEA substitutes English course credit for completing the Journalism course, then the Journalism teacher must meet the highly qualified teacher requirement for English.

4. What funding is available for LEAs to use in meeting the “highly qualified” teachers requirements?

The major federal formula program fund sources that may be used by school districts to meet the “highly qualified” teacher requirements include but are not limited to:

- Title I, Part A—Improving Basic Programs Operated by LEAs

[Note: In school years 2005-06 and beyond, a school district must use 5% of its Title I, Part A allocation, unless a lesser amount is needed, for meeting the “highly qualified” teacher requirements under NCLB. These funds may also be used for training and support to paraprofessionals to meet the NCLB paraprofessional qualifications.]

- Title II, Part A—Teacher and Principal Training and Recruiting Fund
- Title V, Part A—Innovative Programs

LEAs should encourage all teachers, both experienced and not experienced, to participate in relevant, high-quality, subject-specific professional development to ensure teachers remain current in their respective content areas and to enhance their ability to align instruction with the Texas Essential Knowledge and Skills (TEKS).

Part III: Which Teachers Must Be Highly Qualified

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

Any teacher who 1) is the teacher of record, and 2) provides direct instruction to students in any of the core academic subject areas defined by NCLB must meet the requirement.

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. 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.

Examples of General Education Teachers Not Required to Meet Highly Qualified

- Non-Core Academic Instruction Role: The general education teacher provides direct instruction to students in non-core academic subject area courses (e.g., physical education, 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.
- Tutors: A tutor who is providing reinforcement of content or skills provided in the general education setting by a NCLB highly qualified teacher is not required to meet highly qualified. This includes student tutors who may be paid by the district to assist other students. (See question 10 for additional information on extended learning activities.)
- Pullout Teachers: A general education teacher who provides supplemental instruction within the general education setting wherein NCLB highly qualified general education teachers provides instruction to the class in the core academic subject areas. The pullout program teacher provides supplemental assistance to students as a support to the NCLB highly qualified teacher's instruction.
- Class Monitors of Computer-Aided Instruction Courses: Teachers who supervise self-paced, computer-aided courses (such as credit recovery or other self-paced programs where students are receiving instruction in multiple courses in the same classroom) are considered monitors of the instruction provided by the computer-aided program and are not required to be NCLB highly qualified for the courses administered in the classroom.
- Non-LEA employees: Teachers who are not employed by the LEA (such as college professors in dual credit courses who are employed by a university) are not required to be NCLB highly qualified.

7. Do teachers need to meet the highly qualified requirements if they are not teaching a core academic subject?

No, only teachers employed by the LEA who teach core academic courses are required to meet the definition of a highly qualified teacher. (See question 2 for the definition of core

academic subjects. See questions 5 and 6 related to which teachers must meet highly qualified.)

8. How may a school district that employs international teachers comply with the requirement that all teachers be highly qualified?

NCLB requires each teacher of a core academic subject to be highly qualified, as defined and discussed earlier in this section of the guidance. These requirements are essential to ensuring that all teachers of core academic subjects, whether they are recruited and hired from within the United States or from other countries, have the content knowledge and teaching skills needed to enable all students to succeed. The following sections explain how, consistent with the statutory requirements governing highly qualified teachers, school districts may continue to hire and employ international teachers.

Teachers who come from foreign countries to teach in Texas schools meet the definition of “highly qualified” if a foreign credential evaluation service verifies that 1) the degree held is at least equivalent to a Bachelor’s degree offered by an American institution of higher education; 2) the teacher holds valid teaching credentials in the foreign country; and 3) the teacher demonstrates competency as follows:

- A new elementary teacher has passed a rigorous exam that covers the basic elementary curriculum; an existing elementary teacher has passed such a test or can demonstrate competency through HOUSE.
- A new secondary teacher has completed coursework equivalent to at least an academic major in the core academic subject to be taught or has passed a rigorous subject test; an existing secondary teacher has the coursework, or has passed such a test, or can demonstrate competency through HOUSE.

In efforts to provide flexibility to LEAs wishing to hire visiting international teachers who participate in foreign teacher exchange programs officially recognized by the State Board for Educator Certification/Texas Education Agency for periods not to exceed three years, TEA will allow the campus and LEA the following flexibility toward meeting the Elementary HOUSE A or Secondary HOUSE procedures.

[HOUSE flexibility continued on next page.]

Flexibility Options for use within Elementary HOUSE A:

- Teaching experience may be in the teacher’s home country, Texas, or another US state or a combination.
- Subject-specific coursework successfully completed at the “middle-upper” secondary level or college-preparatory level in English, Language Arts, Mathematics, Science, or Social Studies may count toward the 24 point requirement.
(1 semester/trimester equals 1 point)
- College coursework in a foreign language (such as: English as a Second Language, Spanish Language Arts and Literature; Spanish as a Second Language) or other specialized area in Liberal Arts related to Elementary education may count toward the 24 point requirement.
(1 semester/trimester hour equals 1 point)
- Professional development in the teacher’s home country, Texas, or another US state or a combination, may count toward the 24 point requirement as long as it is specific to the core academic subject area.

Flexibility Options for use within Secondary HOUSE:

- Teaching experience may be in the teacher’s home country, Texas, or another US state or a combination.
- Subject-specific coursework successfully completed at the “middle-upper” secondary level or college-preparatory level in the core subject to be taught, or closely related field, may count toward the 24 point requirement.
(1 semester/trimester equals 1 point)
- College coursework in the core subject area to be taught, or closely-related field, may count toward the 24 point requirement.
(1 semester/trimester hour equals 1 point)
- Professional development in the teacher’s home country, Texas, or another US state or a combination, may count toward the 24 point requirement as long as it is specific to the core academic subject area.

9. Are early childhood or pre-kindergarten 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.

10. How do the teacher quality requirements apply to individuals working in extended learning time programs?

If services offered outside of regular school hours in a Title I extended learning time program provide instruction in core academic subjects designed to help students meet State or local academic standards, the persons providing such core academic instruction must meet the highly qualified teacher requirements.

In extended learning time programs (which can include summer school), the school's regular teaching staff extend or continue the school's instructional day using the same or similar curricula, and therefore they must be highly qualified. However, if the instructor is not an employee of the LEA, the highly qualified teacher requirements do not apply.

An extended learning time program that offers core academic instruction because an LEA has determined that particular students need additional time to learn to State standards can be distinguished from an after-school program offering academic enrichment, tutoring and homework assistance, including supplemental educational services under Section 1116 of NCLB. In the latter case (academic enrichment, tutoring, and homework assistance programs), the highly qualified teacher (and paraprofessional) requirements do not apply. It is up to the LEA to distinguish between instruction that is provided in extended time and instruction provided in enrichment programs and document which types of programs are offered by the LEA. (See question 6 for examples of extended learning or tutoring programs that do not have to meet highly qualified.)

11. Do teachers who primarily teach English language learners need to meet the highly qualified requirements?

Yes, if the teachers of English language learners (including Bilingual and ESL teachers) provide instruction in core academic subjects then the teacher must meet the applicable highly qualified requirements for the grade level and core academic subject area taught.

However, the Bilingual or ESL teacher is not required to have state Bilingual certification or ESL endorsement in order to meet highly qualified. Although the teacher may meet the requirements under highly qualified, the teacher may still need a waiver under State requirements.

Secondary ESL teachers providing instruction in high school ESOL classes where students receive credit for English must meet highly qualified requirements for English. The secondary ESL certification alone does not meet the highly qualified teacher competency requirement for English.

In addition, teachers of English language learners who teach in instructional programs funded under ESEA Title III must be fluent in English and any other language in which they provide instruction, including having written and oral communication skills.

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.

In order for a charter school teacher in Texas to be considered “highly qualified” under NCLB, the teacher must meet the state certification requirements **as they apply to charter schools**, as well as the NCLB requirements related to the bachelor’s degree and the demonstration of competency. Charter school teachers have the same options for demonstrating competency as teachers in regular public schools.

Texas Education Code Charter School Certification Requirements	No Child Left Behind Charter School Highly Qualified Requirements
<p>High School Diploma required for all charter school teachers</p> <p>Certification only required for— Special Education Bilingual Education</p>	<p>Bachelor’s degree required for all teachers in core academic subject areas</p> <p>Follow state certification requirements for charter schools</p> <p>Demonstrate competency according to requirements for elementary or secondary teachers, as appropriate.</p>

13. Do short- and long-term substitute teachers need to meet the highly qualified requirements?

Substitutes take the place of teachers and, therefore, play a critical role in the classroom and the school. It is vital that they be able to perform their duties well. An individual that is hired to substitute for a teacher while the teacher is out sick or on leave is not considered the teacher of record and is not required to meet the requirements of “highly qualified.” However, if an individual is hired to substitute for a teacher who has not been hired, the substitute becomes the teacher of record and must meet the requirements of a “highly qualified” teacher.

In addition, the law requires that parents of children in Title I schools must be notified if their child has been assigned to, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified [Section 1111(h)(6)] which includes a long-term substitute.

14. Are middle and high school teachers in small rural schools required to be highly qualified in every core academic subject they teach?

Yes. All teachers who teach core academic subjects must be highly qualified in each subject they teach. Of course, small rural districts face special challenges in ensuring that all of their teachers are highly qualified. These LEAs should examine how the resources provided through Title II, Part A and other local, State, or Federal sources can be used to improve and expand professional development opportunities to help ensure that teachers who are not yet highly qualified in the subjects they teach (a) receive high-quality, content-specific professional development, and (b) meet the highly qualified teacher requirements.

In addition to the professional development that rural districts can offer, they should also consider how distance learning arrangements that enlist the services of highly qualified teachers in other localities can help them meet the goal of having all the core academic subjects they offer taught by highly qualified teachers.

Schools may also hire experts (e.g., scientists, engineers, or artists) to provide content enrichment and practical applications to the content being taught. As long as these experts are reinforcing the regular teachers and not providing direct instruction in the core content areas, they do not have to meet the highly qualified requirements.

Flexibility from USDE allows for secondary teachers in eligible, rural LEAs who are highly qualified in at least one subject area to have three years from date of hire for any teachers in the LEA hired after the 2003-04 school year to become highly qualified in the additional core subject areas they teach. See Appendix C for the state's plan, approved by USDE, for this rural flexibility.

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.

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 question 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.)

17. Are teachers in Disciplinary Alternative Education Programs (DAEPs) required to be “highly qualified”?

In order to be in compliance with NCLB, the DAEP teachers of record who provide instruction in core academic subjects must meet the “highly qualified” requirements on the same basis as other teachers, including full state certification. The state requires that all on-campus DAEP teachers be certified, but is phasing in requirements for off-campus DAEP teacher certification. A DAEP teacher subject to meeting “highly qualified” requirements will have to possess both full state certification and demonstrate subject matter competency in each subject taught. There must be a teacher of record for all core academic subjects.

At the elementary level where the DAEP teachers provide instruction and assignments for disruptive or behaviorally challenged students (teachers of record), the DAEP teacher must meet the applicable “highly qualified” requirements for elementary teachers.

At the secondary level, in cases where arrangements are made for independent study or distance learning, the teacher on site at the DAEP may assist with teaching and learning, but does not have to be highly qualified if not the teacher of record. The home campus teachers can be considered the teachers of record for purposes of determining if a student is instructed by a highly qualified teacher under NCLB if local policy provides that the home campus teachers:

- a) assign and evaluate all student coursework;
- b) have final authority to assign a grade to both completed coursework and the final grade for the course;
- c) the student is receiving substantially the same coursework and is subject to the same grading standards as other (non-removed) students in the course;
- d) the teacher of record is available for face-to-face consultation by either the student or the DAEP teacher on a regular basis; and
- e) the teacher physically present at the DAEP meets all applicable SBEC certification requirements under TEC 37.008(a)(7-8).

While using the teacher-of-record strategy meets the highly qualified requirement; please be advised that this strategy may not meet the state requirements under TEC 37.008(a)(7). (See question 6 for “Class Monitors of Computer-Aided Instruction Courses” information that may apply to some DAEPs.)

18. Are teachers in Alternative Education Programs (AEPs) required to be “highly qualified”?

The same strategy used for DAEPs may be used for an Alternative Education Program (e.g., dropout recovery program). There must be a certified teacher of record for all core academic subjects, and the teacher of record must meet the “highly qualified” requirements for elementary or secondary, as appropriate.

A teacher assigned to an AEP does not have to meet the NCLB definition of “highly qualified” for every core academic subject area if arrangements are made for independent study opportunities where the teacher of record is “highly qualified” and provides materials and lessons for the students, and the students have interaction with a “highly qualified” teacher in the core academic subject area being taught. Under state law, a certified teacher must be assigned to the students in the AEP, subject to the state law phase-in for off-campus AEPs.

While using the teacher-of-record strategy meets the highly qualified requirement; please be advised that this strategy may not meet the state requirements under TEC 37.008(a)(7). (See question 6 for “Class Monitors of Computer-Aided Instruction Courses” information that may apply to some AEPs.)

19. Must elementary school subject specialists be highly qualified in all subjects or just the subject they teach?

A fully certified experienced elementary school teacher who only teaches a single subject, e.g., a reading or mathematics specialist, must still meet highly qualified requirements for an elementary school teacher. However, the teacher does not necessarily have to demonstrate subject matter knowledge across the entire elementary curriculum (Reading/Language Arts, Mathematics, Science, and Social Studies). Rather, a teacher may pass the applicable ExCET or TExES exam or demonstrate competency in the subjects he or she teaches (Reading/Language Arts, Mathematics, Science, Social Studies, Art, OR music) through the State’s HOUSE procedures, if appropriate. The specialist may meet, to the extent allowable, either the HOUSE A or HOUSE B procedure for elementary teachers. The specialist may use the HOUSE procedure that best serves the teacher and is easiest to document.

Of course, specialists in non-core academic subjects (e.g., physical education teachers, or teachers teaching enrichment subject/classes) do not have to meet the highly qualified teacher requirements for those subjects/classes.

[Response clarified May 21, 2007.]

20. Are teachers in facilities for the neglected or delinquent or on JJAEPs required to meet the “highly qualified” requirements?

Teachers who are hired by the LEA to provide instruction in core academic subjects in facilities for the neglected or delinquent or a JJAEP must meet the “highly qualified” requirements on the same basis as all other teachers hired by the LEA.

In cases where the facility for the neglected or delinquent has been granted charter school status, the “highly qualified” requirements for charter schools would apply.

If the teachers in such facilities or JJAEPs are not employees of the LEA, the highly qualified requirements do not apply.

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.

22. Can a teacher’s status change from one year to the next concerning “highly qualified” requirements?

Yes, depending on the circumstances.

If a teacher’s teaching assignment changes, the teacher’s “highly qualified” status must be reassessed to ensure that the teacher can demonstrate competency in the new subject(s).

Part IV: New and Experienced Teachers

(Also see question 32 related to ACP intern highly qualified.)

23. How do new elementary (grades EC-6) school teachers demonstrate competency in the elementary school curriculum?

New certified elementary teachers demonstrate competency by passing the grade-level appropriate Texas Examination of Educator Standards (TExES).

24. How do experienced elementary (grades EC-6) school teachers demonstrate competency in the elementary school curriculum?

Experienced elementary teachers demonstrate competency by—

- passing either the Elementary Comprehensive ExCET or grade-level appropriate TExES, or
- meeting the requirements established under the High, Objective, Uniform Standard of Evaluation (HOUSE) for elementary teachers. Experienced teachers may use either HOUSE A or HOUSE B for elementary teachers, whichever fits their teaching assignment and is most easily documented.
(See questions 33 and 34 for additional information and allowable uses of elementary HOUSE options. See Part VI for uses of elementary HOUSE options. The USDE approval of the state's revised plan significantly reduced the allowable uses of HOUSE for elementary teachers.)

25. How do new secondary (grades 7-12) teachers demonstrate competency in the core academic subject areas in which they teach?

New secondary teachers must demonstrate competency by—

- Passing the applicable ExCET/TExES content exam for a certification area appropriate to the teaching assignment, (note that there are currently only ExCET tests remaining for Spanish, French, German, Latin, and Art); 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.

26. How do experienced secondary (grades 7-12) teachers demonstrate competency in the core academic subject areas in which they teach?

Experienced secondary teachers demonstrate competency by—

- Passing the applicable ExCET/TExES content exam for a certification area appropriate to the teaching assignment, 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, or
- Meeting the requirements established under the High, Objective, Uniform Standard of

Evaluation (HOUSE) for secondary teachers. (See questions 33 and 42 for additional information and allowable uses of secondary HOUSE options. See Part VI for uses of secondary HOUSE options. The USDE approval of the state's revised plan reduced the allowable uses of HOUSE for secondary teachers.)

27. **For a secondary teacher to meet the “highly qualified” requirement by having 24 semester hours in science, do the 24 hours need to be in the specific science assignment (i.e., physics) or can the hours be a combination of science courses?**

A secondary teacher can demonstrate competency (without using HOUSE) through coursework equivalent to an academic major in the specific science field to be taught. Note: An experienced teacher might more easily demonstrate competency for a specific science field under HOUSE for secondary teachers, which accepts closely related fields.

May a secondary teacher meet the “highly qualified” requirement by having 24 semester hours in social studies, or do the 24 hours need to be in the specific social studies assignment (i.e., history), or can the hours be a combination of social studies courses?

A secondary teacher can demonstrate competency (without using HOUSE) through coursework equivalent to an academic major in the specific social studies field to be taught. Note that unlike science, social studies courses are separated out in the list of core academic subject areas. Note: An experienced teacher might more easily demonstrate competency for a specific social studies field under HOUSE for secondary teachers, which accepts closely related fields.

28. **How does Texas determine if an experienced teacher (elementary, middle, or secondary) is highly qualified?**

An experienced teacher (as fully defined in Appendix B—Definitions) is 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.” We use the term experienced teacher rather than veteran teacher in this context only because we do not want to imply that such a teacher must have extensive teaching experience.

TEA is responsible for developing and approving methods for ensuring that teachers have, in addition to a bachelor's degree and full Texas certification, subject-matter competency and teaching skills. Experienced teachers can demonstrate their competency and skills by (a) passing the appropriate ExCET or TExES subject matter test, (b) in the case of secondary school teachers, completing an academic major, graduate degree, coursework equivalent to an academic major*, or advanced certification or credentialing, or (c) using the Texas high, objective, uniform State standard of evaluation (HOUSE) (see question 33) [Section 9101(23)].

* TEA in collaboration with the SBEC and THECB has defined “coursework equivalent to an academic major” as 24 semester hours in the subject area, with 12 of those hours being upper-division (junior- and senior-level) coursework.

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 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 one of the following certification exams.

- TExES EC-4 Generalist
- TExES EC-4 Bilingual Generalist
- TExES EC-4 ESL Generalist
- TExES 4-8 Generalist
- TExES 4-8 ESL Generalist
- TExES 4-8 Bilingual Generalist

Or, if departmentalized—

- TExES EC-4 Generalist
- TExES EC-4 Bilingual Generalist
- TExES EC-4 ESL Generalist
- TExES 4-8 Generalist
- TExES 4-8 ESL Generalist
- TExES 4-8 Bilingual Generalist
- TExES 4-8 subject specific
- Applicable TExES EC-12 content exam
- TExES EC-12 Special Education exam (for Mathematics and English/ Language Arts/Reading only)

An elementary teacher who passes one of the generalist exams has demonstrated competency in the basic elementary curriculum, and would be considered highly qualified if he/she also has Bachelor’s degree and appropriate Texas teacher certification. An elementary teacher who passes a subject-specific exam, such as the TExES 4-8 Math, would be considered highly qualified in a departmentalized setting where the teacher taught only Math. This teacher would not be highly qualified to teach other areas of the basic elementary curriculum.

Note: A teacher who has passed the ExCET Elementary Comprehensive exam or the TExES 4-8 Generalist exam has demonstrated competency under “highly qualified” for teaching the 6th grade, whether on an elementary or a middle school campus.

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)].

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

TEGES 4-8 Generalist *

TEGES 4-8 ESL Generalist *

TEGES 4-8 Bilingual Generalist *

TEGES 4-8 subject specific

Applicable TEGES subject content exam

Applicable ExCET subject content exam (note that there are currently only ExCET tests remaining for Spanish, French, German, Latin, and Art)

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

* The generalist exam would suffice for English, Reading/Language Arts, Math, Science, and Social Studies. It would not demonstrate competency in foreign languages or arts taught at the 7th or 8th grade levels.

New Grade 9 through Grade 12 teachers (depending on subject taught) may demonstrate subject matter competency by passing the applicable certification exam listed below.

Applicable TEGES subject content exam

Applicable ExCET subject content exam (note that there are currently only ExCET tests remaining for Spanish, French, German, Latin, and Art)

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”, (see question 32 below).

32. When can a teacher (intern) participating in an alternative route to certification/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 (HOUSSE 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>.

Uses of HOUSE through the 2006-2007 School Year:

The revised State Highly Qualified Teacher Plan allows all experienced (not new to the profession) teachers who are demonstrating subject matter competency using HOUSE procedures to complete and to document the HOUSE procedures by June 1, 2007, or the last day of student instruction of the Spring term 2007, whichever is later.

- This option applies to teachers using HOUSE to show competency in their current teaching assignment.
- This option also applies to teachers using HOUSE to show competency in core subject areas outside of their current teaching assignment.
- This option must be documented by an LEA by June 1, 2007, or the last day of student instruction of the Spring term 2007, whichever is later.
- This option is also available for current administrators who may wish to document highly qualified teacher status in the event that they wish to return to teaching in the future.

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.

Experienced teachers who were eligible to implement HOUSE procedures during the 2006-2007 school year may document any highly qualified teacher determinations that use HOUSE options at any time that HOUSE options exist in federal statute. All activities to count as points toward such HOUSE options must have been completed by June 1, 2007, or the last day of student instruction of the Spring term 2007, whichever is later.

- The teachers affected by this option must have already completed all activities for meeting the HOUSE option. This flexibility allows them time to compile and submit the documentation for review to an LEA at any time that HOUSE remains in statute. HOUSE is expected to remain in statute, at a minimum, until reauthorization of the NCLB statute.
- To be eligible, the teacher must have completed a minimum of one documented year of teaching experience (as defined in the TEA guidance document) prior to the 2006-2007 school year and been eligible to use HOUSE options during 2006-2007.
- This allows additional time for administrators, teachers not currently teaching, or teachers not currently teaching a particular subject--but who have completed all the necessary points for HOUSE options--to document their highly qualified status using HOUSE. No points for HOUSE options may be competed after the June 1, 2007, deadline, but the documenting of the HOUSE option is not required to be completed by June 1, 2007.

- 1 Multi-subject secondary teachers in eligible rural schools who are highly qualified in one subject at the time of hire may use HOUSE to demonstrate competence in additional subjects within three years of the date of hire. (See Appendix C for more information on Rural Flexibility.)

- This option applies to experienced and newly hired teachers in eligible LEAs as described in Appendix C.
- 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.
 - 3 Visiting international teachers, who participate in foreign teacher exchange programs officially recognized by the State Board for Educator Certification and the Texas Education Agency, may use HOUSE to demonstrate highly qualified teacher status for a period not to exceed three years.
 - 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.
 - 5 Any experienced secondary teacher teaching a foreign language (Language Other Than English) in which the state does not currently have both written and oral teacher certification exams may use HOUSE to demonstrate highly qualified teacher status.
 - This option only applies to eligible secondary foreign language teachers.
 - This use of HOUSE will be phased out as additional written and oral certification exams are developed and implemented. As applicable certification exams are implemented for a specific foreign language, teachers of that foreign language will no longer be able to use this HOUSE option.

- 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.

- 7 If any experienced teacher documented as highly qualified by an LEA is determined by the TEA during the Highly Qualified Validation review not to be highly qualified by the method submitted by the LEA, but is determined by the TEA to be highly qualified using HOUSE options, the LEA will document the teacher's highly qualified determination using HOUSE options as determined by the TEA.
 - In the current validation process, a small number of teachers have been found by the TEA to be highly qualified using HOUSE options based on the documentation provided , but not by the method (certification exam or college coursework) used by the LEA. Once these teachers are determined to be highly qualified by TEA staff, the state's determination of highly qualified teacher status is to be accepted by the LEA.
 - This option will only be implemented when the LEA is part of the HQT validation process and has made an error. TEA will notify the LEA if, and when, this HOUSE option may be used for a teacher.

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 SBEC and 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.

[Continued on the following page.]

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.]

35. What activities qualify as professional development Continuing Professional Education (CPE) credit that may be counted toward the 24 points required to demonstrate competency under HOUSE?

Based on the SBEC rules as codified in the Texas Administrative Code (TAC) §232.860, for purposes of HOUSE, the following types of professional development activities qualify for CPE credit:

- Participation in institutes, workshops, seminars, conferences, in-service or staff development activities given by an approved provider or sponsor, which are related to or enhance the professional knowledge and skills of the educator;
- Participation in interactive distance learning, video conferencing, or on-line activities or conferences;
- Independent study, not to exceed 20 percent of the required points, which may include self-study or relevant professional materials (books, journals, periodicals, video and

audio tapes, computer software, and on-line information), or authoring a published work;

- Development of curriculum or CPE training materials;
- Teaching or presenting a CPE activity, not to exceed 10 percent of the required points;
- Providing professional guidance as a mentor educator, not to exceed 30 percent of the required points; and
- Serving as an assessor under TAC §241.35 (relating to the Principal Certificate), not to exceed 10 percent of the required points.

Note: Unlike SBEC requirements, an experienced teacher may count any professional development received toward the HOUSE option, including pre-service professional development, as long as the activity can be properly documented.

Note: To count towards HOUSE points in a core academic subject area, the CPE activity must be in the core academic subject area. Only the secondary special education HOUSE option (see question 42) allows any flexibility for CPE points outside the core academic subject area.

36. How many hours of content-specific college coursework are required for each subject area under HOUSE Option A?

There is no specified minimum. As long as each subject area is represented in the 24 points through experience teaching that subject, through college coursework, or through documented Continuing Professional Education (CPE), that criterion for HOUSE Option A has been met.

37. Is college coursework or CPE credit that incorporates methods for teaching a subject area acceptable representation for that subject among the 24 points under HOUSE Option A?

Yes. Methods courses may be used for elementary HOUSE options, however, methods courses are not common for secondary teachers and would, therefore, not be counted for HOUSE points.

38. Does a Reading Specialist certification or other advanced certification in reading meet the proficiency requirement for elementary teachers under HOUSE Option A?

Not by itself. In order for an eligible elementary teacher to demonstrate competency under HOUSE Option A, each subject area listed (reading/language arts, mathematics, science, and social studies) must be represented in the 24 points required to demonstrate competency at the elementary level, whether through teaching experience, college coursework, or Continuing Professional Education (CPE). A Reading Specialist certification would count for the reading portion of the requirement, but the remaining three areas would also need to be represented in the 24 points. The specialist might more easily meet HOUSE Option B.

39. Could a teacher who teaches 6th grade at a middle school use one of the HOUSE options for Experienced Elementary Teachers to demonstrate competency?

Yes, for purposes of determining “highly qualified” teachers, Grade 6 is considered “elementary”; therefore, an eligible existing 6th-grade teacher could use one of the HOUSE options for Experienced Elementary Teachers in order to demonstrate competency, even if the teacher is teaching 6th grade on a middle school campus.

40. How would an elementary teacher who teaches only mathematics or only reading use HOUSE?

Such a teacher could use HOUSE Option B to demonstrate competency, provided that the teacher has the equivalent of a college major in the subject that he/she is teaching. The teacher could also use HOUSE Option A, if it better fits his/her situation.

41. Does a degree in “Elementary Education” meet the requirement to use HOUSE Option B?

No. The equivalent of a college major must be in the core subject area taught. A degree in “Elementary Education” is not a degree in a core subject content area.

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.

[See next page for HOUSE for Secondary Teachers.]

HOUSE for Secondary Teachers--

Competency is demonstrated by meeting both of the following criteria:

1. The teacher has at least one creditable year of teaching experience in the subject to be taught or in a closely related field; and
2. The teacher has a minimum of 24 points (at least 6 of which represent the subject to be taught) derived from—
 - Experience teaching at the secondary level in the subject to be taught or in a closely related field
[1 year = 1 point (maximum of 12 points)]; and/or
 - College coursework in the subject to be taught or in a closely related field
[1 college hour = 1 point]; and/or
 - Professional development in the subject to be taught or in a closely related field 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].

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 Qualified¹
[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 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)²];

AND/OR

- College coursework in the core academic subject area or closely related field³
[1 college hour = 1 point];

AND/OR

- Professional development in the core academic subject area or related field³ 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:

- ¹ 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 Education HOUSE.
- ² 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).
- ³ Districts may allow 6 points of college coursework or professional development for Special Education strategies and modifications.

(See Questions 8 and 60 for additional flexibility related to using the HOUSE procedures.)

43. What fields are considered “closely related” for purposes of HOUSE?

The following table demonstrates which fields may be considered “closely related” when determining a secondary teacher’s status under HOUSE. For foreign languages, there are no closely related fields. This list is not comprehensive; LEAs may consider other fields as “closely related,” as appropriate, but must maintain clear documentation of what is used to determine “highly qualified” status.

English Reading Speech Journalism	Reading/ Language Arts English Speech Journalism	History Geography Government Economics Political Science	Economics Government History Geography Political Science	Geography History Economics Government Political Science
Civics and Government History Economics Geography Political Science	Science Life Sciences Physical Sciences Biology Earth Science Life/Earth Science Physics Chemistry Any Science course accepted by SBOE for graduation credit.	Arts Art Music Theatre arts Dance	Mathematics Engineering Statistics Accounting Any Math course accepted by SBOE for graduation credit.	Foreign Languages (Languages Other Than English) None—For purposes of HOUSE, one foreign language is not considered “closely related” to another; therefore, experience teaching French, for example, cannot be counted toward experience teaching German.

44. Does a teacher who is certified in a subject, but is teaching out-of-field, meet the definition of “highly qualified”?

It depends on the teacher’s academic credentials. The teacher must demonstrate competency in the core academic subject(s) being taught. Here are two examples showing different ways to demonstrate competency: one using HOUSE and one not using HOUSE.

Example 1—Using HOUSE

A secondary teacher is certified in and has at least one creditable year of experience teaching history but is teaching economics. This teacher does not have coursework equivalent to a major in economics. This teacher would be highly qualified under NCLB if he/she can demonstrate competency through HOUSE. If the teacher has a total of 24 points derived from teaching experience, college coursework and/or professional development in economics or a closely related field, the teacher is highly qualified in economics under HOUSE. (See question 42 above for examples of closely related fields.)

Example 2—Not using HOUSE

A secondary teacher is certified to teach physics, but is teaching chemistry and is not certified to teach chemistry. This teacher would be highly qualified under NCLB if he/she can demonstrate competency in chemistry by having the college coursework equivalent to an undergraduate major in chemistry. In this case, as in many other situations, current state certification requirements for non-charter schools would still require this teacher to obtain a permit although the highly qualified requirement has been met through the college coursework option.

- 45. Is a teacher who holds an elementary certificate grades 1- 8 considered “highly qualified” to teach history at the 7th grade level?**

Not by this certification alone. This teacher is elementary certified to teach grades 1-8 and is teaching Grade 7. Because Grade 7 is considered “secondary” for purposes of defining highly qualified teachers under NCLB, this teacher must demonstrate subject matter competency for a secondary teacher. The teacher may be eligible to use HOUSE for secondary teachers in order to demonstrate competency, if the teacher already has experience teaching. Additionally, if the teacher has the equivalent of a college major in history, or has passed the appropriate secondary content certification exam, the teacher could demonstrate competency without using HOUSE.

- 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.

- 47. Why is teaching experience limited to a total of 12 points in the HOUSE options?**

Statute restricts the HOUSE provision from being primarily based on teaching experience. Therefore, only half (or a maximum of 12 points) of the 24 points 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.

Demonstration of Competency for New Middle School Teachers. A middle school teacher new to the profession must have (a) passed the appropriate ExCET (note that there are currently only ExCET tests remaining for Spanish, French, German, Latin, and Art) or TExES exam in each of the "academic subjects in which the teacher teaches" [Section 9101(23)(B)(ii)(I)], or (b) have successfully completed, in each of the academic subjects the teacher teaches "an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing" [Section 9101(23)(B)(ii)(II)]. (See question 30. Also see question 32 related to ACP intern highly qualified.)

Demonstration of Competency for Experienced Middle School Teachers. Experienced middle school teachers may meet the subject matter competency requirement by completing one of the two options listed above for new middle school teachers [Section 9101(23)(C)(i)] or through the secondary HOUSE procedures established by TEA, if the experienced teacher is eligible for HOUSE options. [See question 28 and Part VI.]

53. How does the State determine whether teachers of core academic subjects in grades 6, 7, and 8 must meet the subject-area competency requirements for elementary school or for secondary school teachers?

Based on the degree of rigor and technicality of the subject matter that the teacher will need to know in relation to the Texas TEKS for the subjects that will be taught, for highly qualified purposes, the state has defined elementary as grades PK-6 and secondary as grades 7-12.

A teacher of 6th grade must demonstrate competency as an elementary teacher, regardless of the grade configurations of the campus.

A teacher of 7th or 8th grade must demonstrate competency as a secondary teacher, regardless of the grade configurations of the campus. If a teacher teaches both 6th and 7th grades, the teacher would have to meet both the elementary requirements for the 6th grade classes taught and the secondary requirements for the 7th grade classes taught.

The intent of the law is to ensure that each teacher of a core academic subject has sufficient subject matter knowledge and skills to instruct effectively in his or her assigned subjects, regardless of whether the school is configured as an elementary or a middle school. For instance, 8th grade algebra teachers must have the same requisite skills and knowledge whether they teach in an elementary school (PK-8) or middle school (7-8) and the same skills and knowledge as an algebra teacher at a high school campus.

54. May a teacher with middle school certification be considered highly qualified?

Yes. Teachers becoming certified under the TExES 4-8 exams will be considered highly qualified if they (a) hold a bachelor's degree, (b) become fully certified, including special education certification for special education teachers, and (c) either pass the appropriate TExES exam of their knowledge of each of the core academic subjects they will teach, or for grades 7 and 8 have the equivalent of a college major in the subject area to be taught.

Teachers certifying under the TExES 4-8 Generalist exam would demonstrate competency for English/Reading/Language Arts, Math, Science, and Social Studies. It would not demonstrate competency in foreign languages or arts taught at the 7th or 8th grade levels.

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.

TExES 4-8 Generalist *

TExES 4-8 ESL Generalist *

TExES 4-8 Bilingual Generalist *

TExES 4-8 subject specific

Applicable TExES subject content exam

Applicable ExCET subject content exam (note that there are currently only ExCET tests remaining for Spanish, French, German, Latin, and Art)

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

* The generalist exams demonstrate competency for English/Reading/Language Arts, Math, Science, and Social Studies.

56. May a middle school teacher who has passed a State "composite" or "generalist" exam in math, science, English, and social studies be considered to have demonstrated subject competency - on the basis of passing the test - to teach middle school courses and, therefore, be a highly qualified teacher?

Yes, see question 55 above for a list of generalist exams and question 58 for more information about taking a single exam for subject-area competency.)

Part VIII: Demonstrating Subject-Area Competency

- 57. Is a teacher with an undergraduate degree or who has otherwise demonstrated subject-area competency in a specific scientific field (e.g., biology or chemistry) highly qualified to teach any science course?**

No. Content knowledge in one scientific discipline does not necessarily mean that a teacher will have sufficient subject-matter competency in another. Middle and secondary school science teachers must demonstrate subject-matter competency appropriate to the specific courses they are teaching. For example, a teacher who majored in biology is not, on that basis alone, considered highly qualified to teach physics. However, eligible experienced teachers using the HOUSE option to demonstrate competency do have some flexibility in this area with “closely related fields”.

In addition, a teacher certified under a composite science certification who has passed the appropriate ExCET or TExES exam is considered to have demonstrated competency for each science field covered by the composite certification. For example, the composite Science certification covers Physics, Chemistry, Biology, and Earth Science.

- 58. Can a teacher demonstrate subject-area competency in multiple subjects, e.g., civics and government, through a single “composite” test?**

Yes, a teacher certified under a composite certification who has passed the appropriate ExCET or TExES exam is considered to have demonstrated competency for each subject area covered by the composite certification.

For example, the ExCET for Social Studies composite certification covers History, Geography, Government, and Economics. The TExES composite exam covers History, Geography, Government, Economics, Psychology, and Sociology.

Note: This will change with the implementation of new TExES exams in the Social Studies content areas in response to a monitoring finding by USDE in February 2006.

- 59. If a teacher has passed out-of-state teacher certification exams or other national assessments for teacher licensing, can these assessments count toward highly qualified?**

If SBEC accepts the out-of-state exam as “comparable” then passing the exam would count as demonstrating competency for the subjects covered by the exam. (See question 60 below for related flexibility within the HOUSE options for experienced teachers.)

- 60. Is there any flexibility related to out-of-state teacher certification exams or other national assessments for teacher licensing that are not deemed as comparable, which allows these assessments to count toward highly qualified?**

In order to provide flexibility to experienced teachers, TEA will allow the campus and LEA to count other state certification examinations or national assessment instruments for teacher

licensing as professional development points toward meeting the Elementary HOUSE A or Secondary HOUSE procedures. These professional development points are based on the premise that the teacher receives professional growth during the preparation and testing activities. This flexibility is optional and it is a LEA decision whether to offer this flexibility to teachers.

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.

Flexibility Options for use within Elementary HOUSE A:

For each elementary out-of-state certification examination or national assessment instrument for teacher licensing taken by an elementary teacher, the campus/LEA may count 2 points toward the 24 point requirement.

Flexibility Options for use within Secondary HOUSE:

For each secondary out-of-state certification examination or national assessment instrument for teacher licensing taken, in the core academic subject or closely related field, by a secondary teacher, the campus/LEA may count 2 points toward the 24 point requirement.

NOTES:

- The flexibility options described above only exists to allow a teacher to count an examination or assessment instrument for teacher licensing for points toward professional development in the applicable HOUSE procedures and in no way relates to a teacher becoming certified in Texas.
- The campus/LEA must maintain proper documentation in order to implement this flexibility.
- It is the LEAs discretion whether to implement this flexibility.

Part IX: Special Education Teachers

(See questions 5, 6, 15, and 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 all secondary subjects?**

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 solely 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 solely 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?

TAKS-ALT IS AN ASSESSMENT DESIGNED FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES TO MEET THE FEDERAL REQUIREMENTS MANDATED UNDER THE NO CHILD LEFT BEHIND ACT. ACCORDING TO FEDERAL REGULATIONS, ALL STUDENTS WILL BE ASSESSED ON GRADE-LEVEL CURRICULUM WHICH INCLUDES THOSE STUDENTS RECEIVING SPECIAL EDUCATION SERVICES. STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES MAY BE ASSESSED WITH ALTERNATE STANDARDS USING AN ASSESSMENT THAT IS LINKED TO THE GRADE-LEVEL CURRICULUM THROUGH PREREQUISITE SKILLS. ONE PERCENT OF THE TESTED POPULATION CAN COUNT AS PROFICIENT FOR ADEQUATE YEARLY PROGRESS CALCULATIONS BEGINNING IN 2007-2008. THE STATE OF TEXAS CAN NO LONGER ADMINISTER LOCALLY DETERMINED ALTERNATE ASSESSMENTS FOR THESE STUDENTS. TAKS-ALT SHOULD BE CONSIDERED THE STATE ASSESSMENT GIVEN TO THIS POPULATION OF STUDENTS. STANDARDS FOR TAKS-ALT ARE SET BY THE STATE BASED ON THE SPRING 2007 FIELD TEST DATA.

WITH THE IMPLEMENTATION OF THE TAKS-ALT EXAMS DURING THE 2007-2008 SCHOOL YEAR, SPECIAL EDUCATION TEACHERS WHO TEACH EXCLUSIVELY STUDENTS WHO WILL BE ASSESSED WITH THE ALTERNATE ACHIEVEMENT STANDARDS MAY NOW IMPLEMENT THE FLEXIBILITY PROVIDED UNDER THE HIGHLY QUALIFIED TEACHER PROVISIONS IN THE REAUTHORIZED IDEA STATUTE THAT HAS BEEN UNAVAILABLE UNTIL THE STATE DEVELOPED THE ALTERNATIVE ASSESSMENTS.

THEREFORE, SPECIAL EDUCATION TEACHERS WHO TEACH ONLY STUDENTS WHO WILL BE ASSESSED ON THE TAKS-ALT EXAMS NOW HAVE ADDITIONAL FLEXIBILITY IN DETERMINING HIGHLY QUALIFIED TEACHER STATUS. THE TEACHER MAY DEMONSTRATE HIGHLY QUALIFIED TEACHER STATUS BY ANY OF THE METHODS PREVIOUSLY AVAILABLE OR THE FOLLOWING FLEXIBILITY.

- IF THE INSTRUCTION PROVIDED IS AT THE ELEMENTARY (PK-6) LEVEL, THE TEACHER MAY MEET THE HIGHLY QUALIFIED TEACHER REQUIREMENTS FOR AN ELEMENTARY SCHOOL TEACHER. OR
- IF THE INSTRUCTION PROVIDED IS ABOVE THE ELEMENTARY LEVEL, AT GRADES 7-12, THE TEACHER MAY MEET HIGHLY QUALIFIED TEACHER REQUIREMENTS BY DEMONSTRATING THE SUBJECT MATTER KNOWLEDGE APPROPRIATE TO THE LEVEL OF INSTRUCTION BEING PROVIDED, AS DETERMINED BY THE AGENCY, NEEDED TO EFFECTIVELY TEACH TO THOSE STANDARDS. FOR THIS PURPOSE, THE AGENCY HAS DEFINED “APPROPRIATE LEVEL OF INSTRUCTION” AS THE SECONDARY SPECIAL EDUCATION HOUSE OPTION. SINCE THIS USE OF SPECIAL EDUCATION HOUSE FOR SECONDARY TEACHERS IS THE STATE’S DEFINITION, ANY ELIGIBLE SPECIAL EDUCATION TEACHER THAT MEETS THE HOUSE OPTION MAY BE DOCUMENTED AS HIGHLY QUALIFIED.

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 X: Reporting Requirements

66. What documentation must the LEA maintain concerning “highly qualified” teachers?

LEAs are required to maintain documentation on whether and how its teachers meet the definition of “highly qualified,” whether in the teacher’s service record containing information related to teaching assignments, certification, and college transcripts or through a portfolio or other documented methods determined by the LEA. In order to document a teacher’s status as “highly qualified,” a summary of how the teacher meets the “highly qualified” requirements for the subjects taught must also be maintained. If a teacher uses CPE credits in order to meet the competency requirement using HOUSE, a copy of the written documentation of the credit completion must be kept on file as part of the documentation related to the teacher’s “highly qualified” status.

67. What are the reporting requirements related to “highly qualified” teachers?

LEAs are required to report campus-level information concerning the number and percent of teachers and number and percent of classes taught by highly qualified teachers. This is collected annually through the Highly Qualified Compliance Report in the eGrants system. The data reported must reflect the “highly qualified” status of teachers at each campus in the LEA.

Beginning with 2007-2008, the Highly Qualified Teacher Compliance Report will be submitted at the beginning of the school year reporting a current year status of highly qualified teachers.

The Highly Qualified Teacher Compliance Report will be available for all campuses to complete and submit electronically to the Agency through the eGrants system [AT THE BEGINNING OF THE SCHOOL YEAR, MOST LIKELY IN SEPTEMBER. THE REPORT WILL BE OPEN AND DUE ON THE SPECIFIC DATES INDICATED IN THE EGRANTS SYSTEM ANNUALLY.](#) Campuses will be required to amend the highly qualified teacher compliance report throughout the school year as the status of any teacher changes. This will allow the campus, the LEA, and the state to have more accurate up-to-date reporting of teacher status. From 2007-2008 school year forward, the highly qualified teacher compliance report will continue to be reported at the [BEGINNING OF YEAR.](#)

In addition, the principal of each Title I, Part A campus must annually attest in writing whether the campus is in compliance with NCLB, Section 1119 [Teacher and Paraprofessional Qualifications]. (See introduction above for more information on parent notification requirements.)

Several additional highly qualified teacher indicators have been added to the Initial Compliance Review (ICR) desk audit indicators as required by the state plan. TEA will begin more closely monitoring the highly qualified teacher requirements beginning in the 2006-2007 school year.

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 above.)

APPENDIX A—STATUTE

Definitions of Highly Qualified Teacher

SECTION 9101(23) HIGHLY QUALIFIED-

- (A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that—
- (i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, 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; and
 - (ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;
- (B) when used with respect to—
- (i) an elementary school teacher who is new to the profession, means that the teacher—
 - (I) holds at least a bachelor's degree; and
 - (II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or
 - (ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by—
 - (I) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or
 - (II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and
- (C) when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor's degree and—
- (i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or
 - (ii) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that—
 - (I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;
 - (II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;
 - (III) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

- (IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;
- (V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;
- (VI) is made available to the public upon request; and
- (VII) may involve multiple, objective measures of teacher competency.

HIGHLY QUALIFIED TEACHER—SPECIAL EDUCATION:

As defined by 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.

Highly Qualified Teacher Deadline

SECTION 1119(a) TEACHER QUALIFICATIONS AND MEASURABLE OBJECTIVES-

(1) IN GENERAL- Beginning with the first day of the first school year after the date of enactment of the No Child Left Behind Act of 2001 [2002-2003 SY], each local educational agency receiving assistance under this part [Title I, Part A] shall ensure that all teachers hired after such day and teaching in a program supported with funds under this part are highly qualified.

State Plan Requirements and Annual Measurable Objectives for Teacher Quality

SECTION 1119(a) TEACHER QUALIFICATIONS AND MEASURABLE OBJECTIVES-

(2) STATE PLAN- As part of the plan described in section 1111, each State educational agency receiving assistance under this part [Title I, Part A] shall develop a plan to ensure that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005-2006 school year [delayed by USDE to the end of 2006-2007 school year]. Such plan shall establish annual measurable objectives for each local educational agency and school that, at a minimum-

(A) shall include an annual increase in the percentage of highly qualified teachers at each local educational agency and school, to ensure that all teachers teaching in core academic subjects in each public elementary school and secondary school are highly qualified not later than the end of the 2005-2006 school year;

(B) shall include an annual increase in the percentage of teachers who are receiving high-quality professional development to enable such teachers to become highly qualified and successful classroom teachers; and

(C) may include such other measures as the State educational agency determines to be appropriate to increase teacher qualifications.

LEA Highly Qualified Deadline

SECTION 1119(a) TEACHER QUALIFICATIONS AND MEASURABLE OBJECTIVES-

(2) STATE PLAN- As part of the plan described in section 1111, each State educational agency receiving assistance under this part [Title I, Part A] shall develop a plan to ensure that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005-2006 school year [delayed by USDE to the end of 2006-2007 school year].

SECTION 1119(a) TEACHER QUALIFICATIONS AND MEASURABLE OBJECTIVES-

(3) LOCAL PLAN- As part of the plan described in section 1112, each local educational agency receiving assistance under this part [Title I, Part A] shall develop a plan to ensure that all teachers teaching within the school district served by the local educational agency are highly qualified not later than the end of the 2005-2006 school year [extended by USDE to the end of the 2006-2007 school year].

LEA Highly Qualified Plan Requirements

SECTION 1119(a) TEACHER QUALIFICATIONS AND MEASURABLE OBJECTIVES-

(3) LOCAL PLAN- As part of the plan described in section 1112, each local educational agency receiving assistance under this part [Title I, Part A] shall develop a plan to ensure that all teachers teaching within the school district served by the local educational agency are highly qualified not later than the end of the 2005-2006 school year [extended by USDE to the end of the 2006-2007 school year].

Title I, Part A LEA (District) Plan Requirements Related to Teacher Quality

Section 1112(b)(1) Plan Provisions.--

In general.--In order to help low-achieving children meet challenging achievement academic standards, each local educational agency plan shall include--

(D) a description of the strategy the local educational agency will use to coordinate programs under this part [Title I, Part A] with programs under title II to provide professional development for teachers and principals, and, if appropriate, pupil services personnel, administrators, parents and other staff, including local educational agency level staff in accordance with sections 1118 and 1119;

(N) a description of how the local educational agency will meet the requirements of section 1119;

SECTION 1112(c)(1) ASSURANCES.--

In general.--Each local educational agency plan shall provide assurances that the local educational agency will--

- (H) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;
- (I) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals and professional development;
- (L) ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers;

Highly Qualified Teacher Reports

SECTION 1119(b) REPORTS-

(1) ANNUAL STATE AND LOCAL REPORTS-

(A) LOCAL REPORTS- Each State educational agency described in subsection (a)(2) [state receiving Title I, Part A funds] shall require each local educational agency receiving funds under this part [Title I, Part A] to publicly report, each year, beginning with the 2002-2003 school year, the annual progress of the local educational agency as a whole and of each of the schools served by the agency, in meeting the measurable objectives described in subsection (a)(2).

(B) STATE REPORTS- Each State educational agency receiving assistance under this part [Title I, Part A] shall prepare and submit each year, beginning with the 2002-2003 school year, a report to the Secretary, describing the State educational agency's progress in meeting the measurable objectives described in subsection (a)(2).

(C) INFORMATION FROM OTHER REPORTS- A State educational agency or local educational agency may submit information from the reports described in section 1111(h) for the purposes of this subsection, if such report is modified, as may be necessary, to contain the information required by this subsection, and may submit such information as a part of the reports required under section 1111(h).

(2) ANNUAL REPORTS BY THE SECRETARY- Each year, beginning with the 2002-2003 school year, the Secretary shall publicly report the annual progress of State educational agencies, local educational agencies, and schools, in meeting the measurable objectives described in subsection (a)(2).

Use of Title I, Part A Funds for Professional Development for Teachers and Paraprofessionals

SECTION 1119(h) USE OF FUNDS- A local educational agency receiving funds under this part [Title I, Part A] may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section [Qualifications for Teachers and Paraprofessionals].

SECTION 1119(j) COMBINATIONS OF FUNDS- Funds provided under this part [Title I, Part A] that are used for professional development purposes may be combined with funds provided under title II of this Act, other Acts, and other sources.

SECTION 1119(k) SPECIAL RULE- Except as provided in subsection (l), no State educational agency shall require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part [Title I, Part A], except that this paragraph shall not apply with respect to requirements under section 1116(c)(3).

SECTION 1119(l) MINIMUM EXPENDITURES- Each local educational agency that receives funds under this part [Title I, Part A] shall use not less than 5 percent, or more than 10 percent, of such [Title I, Part A] funds for each of fiscal years 2002 and 2003, and not less than 5 percent of the funds for each subsequent fiscal year, for professional development activities to ensure that teachers who are not highly qualified become highly qualified not later than the end of the 2005-2006 school year.

Principal Attestation

SECTION 1119(i) VERIFICATION OF COMPLIANCE-

- (1) IN GENERAL- In verifying compliance with this section, each local educational agency, at a minimum, shall require that the principal of each school operating a program under section 1114 [Schoolwide] or 1115 [Targeted Assistance] attest annually in writing as to whether such school is in compliance with the requirements of this section [Qualifications for Teachers and Paraprofessionals].
- (2) AVAILABILITY OF INFORMATION- Copies of attestations under paragraph (1) -
 - (A) shall be maintained at each school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and
 - (B) shall be available to any member of the general public on request.

Parent Notification Requirements

SECTION 1111(h)(6)(A) Parents right-to-know.--

(A) Notification. Qualifications.--At the beginning of each school year, a local educational agency that receives funds under this part [Title I, Part A] shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

- (i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- (ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.
- (iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
- (iv) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

SECTION 1111(h)(6)(B) Additional information.—

In addition to the information that parents may request under subsection A [parents right-to-know], a school that receives funds under this part [Title I, Part A] shall provide to each individual parent--

- (ii) timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.

LEA (District) and Campus Annual Report Card Requirements

SECTION 1111(h)(2) ANNUAL LOCAL EDUCATION AGENCY REPORT CARDS –
(B) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C) [Required Information] as applied to the local educational agency and each school [campus] served by the local educational agency...

SECTION 1111(h)(1)(C) ANNUAL REPORT CARD – REQUIRED INFORMATION.--
(viii) the professional qualifications of teachers in the State [LEA], the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State [LEA] not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State [LEA].

Schoolwide Use of Funds Requirement

SECTION 1114(a) Use of Funds for Schoolwide Programs.--
(4) Professional development.--Each school receiving funds under this part [Title I, Part A] for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (b)(1)(D) [high-quality and on-going professional development] in accordance with section 1119 for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

Schoolwide Campus Plan Requirements

SECTION 1114(b)(1) COMPONENTS OF A SCHOOLWIDE PROGRAM. --
In general.--A schoolwide program shall include the following components:
(C) Instruction by highly qualified teachers.
(D) In accordance with section 1119 and subsection (a)(4) [professional development], high-quality and ongoing professional development for teachers, principals, and paraprofessionals and, if appropriate, pupil services personnel, parents, and other staff to enable all children in the school to meet the State's student academic achievement standards.
(E) Strategies to attract high-quality highly qualified teachers to high-need schools.

Targeted Assistance Campus Plan Requirements

SECTION 1115(c)(1) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM. -- In general.--To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the State's challenging student academic achievement standards in subjects as determined by the State, each targeted assistance program under this section shall--

- (E) provide instruction by highly qualified teachers;
- (F) in accordance with subsection (e)(3) [Special Rule: Professional Development] and section 1119, provide opportunities for professional development with resources provided under this part [Title I, Part A], and, to the extent practicable, from other sources, for teachers, principals, and paraprofessionals, including, if appropriate, pupil services personnel, parents, and other staff, who work with participating children in programs under this section [Targeted Assistance Program] or in the regular education program;

Accountability for Teacher Quality Requirements

SECTION 2141 TECHNICAL ASSISTANCE AND ACCOUNTABILITY --

(a) Improvement Plan.--After the second year of the plan described in section 1119(a)(2), if a State educational agency determines, based on the reports described in section 1119(b)(1), that a local educational agency in the State has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), for 2 consecutive years, such local educational agency shall develop an improvement plan that will enable the agency to meet such annual measurable objectives and that specifically addresses issues that prevented the agency from meeting such annual measurable objectives.

(b) Technical Assistance.--During the development of the improvement plan described in subsection (a) [improvement plan] and throughout implementation of the plan, the State educational agency shall--

- (1) provide technical assistance to the local educational agency; and
- (2) provide technical assistance, if applicable, to schools served by the local educational agency that need assistance to enable the local educational agency to meet the annual measurable objectives described in section 1119(a)(2).

(c) Contracts. Accountability.--After the third year of the plan described in section 1119(a)(2), if the State educational agency determines, based on the reports described in section 1119(b)(1), that the local educational agency has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), and has failed to make adequate yearly progress as described under section 1111(b)(2)(B), for 3 consecutive years, the State educational agency shall enter into an agreement with such local educational agency on the use of that agency's funds under this part [Title II, Part A]. As part of this agreement, the State educational agency--

- (1) shall develop, in conjunction with the local educational agency, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the annual measurable objectives described in section 1119(a)(2) and require such agency to utilize such strategies and activities; and

- (2) (A) except as provided in subparagraphs (B) and (C), shall prohibit the use of funds received under part A of title I to fund any paraprofessional hired after the date such determination is made;
- (B) shall allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under title I and such new paraprofessional satisfies the requirements of section 1119(c); and
- (C) may allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate--
 - (i) that a significant influx of population has substantially increased student enrollment; or
 - (ii) that there is an increased need for translators or assistance with parental involvement activities.

(d) Special Rule.--During the development of the strategies and activities described in subsection (c)(1) [professional development], the State educational agency shall, in conjunction with the local educational agency, provide from funds allocated to such local educational agency under subpart 2 [Subgrants to Local Education Agencies] directly to one or more schools served by such local educational agency, to enable teachers at the schools to choose, with continuing consultation with the principal involved, professional development activities that--

- (1) meet the requirements for professional development activities described in section 9101; and
- (2) are coordinated with other reform efforts at the schools.

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 is 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 in P.L. 107-110, Section 9101(23)—See Appendix A

Highly Qualified: As defined by reauthorized IDEIA statute for special education teachers—See Appendix A

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 Title I campus; and **2) a new teacher to the profession** to determine what options are available for demonstration of competency.

- 1) **New teacher to the district:** 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) **New teacher to the profession:** 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.

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.

Title I, Part A Program: Campuses that receive Title I, Part A funds operate as either Schoolwide Programs or as Targeted Assistance Programs, as indicated in the LEA’s current approved Consolidated NCLB Application for Federal Funding (SAS-NCLB-AA).

Schoolwide Program: For purposes of “highly qualified,” this means ALL teachers teaching one or more of the core academic subject areas.

Targeted Assistance Program: For purposes of “highly qualified,” this means any teacher teaching one or more of the core academic subject areas whose salary is paid either in full or in part with Title I, Part A funds

APPENDIX C—RURAL TEACHER FLEXIBILITY

Amendment to Consolidated State Application—

<p>Existing Teachers (teachers teaching at the LEA during the 2003-04 school year):</p> <p><u>Flexibility:</u></p> <p>Teachers who teach two or more subjects and are highly qualified in at least one core academic subject area they teach, but do not meet all the criteria for a highly qualified teacher in each of the core academic subjects they teach, will have until the end of the 2006-07 school year to become highly qualified in each subject that they teach.</p>	<p>New Teachers (teachers hired by the LEA for the 2004-05 school year or beyond):</p> <p><u>Flexibility:</u></p> <p>Newly hired teachers in eligible LEAs, who teach two or more subjects and are highly qualified in at least one core academic subject area they teach, will have three years from the date of hire to become highly qualified in each core academic subject that they teach. Title I, Part A campuses may hire new teachers to teach multiple subjects as long as they are highly qualified in at least one core academic subject area they are to teach under this flexibility as long as the requirements below are met.</p>
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This flexibility is one of the approved uses of HOUSE options listed under Part VI for determining subject matter competency and highly qualified status.

Eligible LEAs:

- LEAs who were eligible for REAP-Flex and SRSAP (whether receiving a SRSAP award or not) in the 2003-04 school year or who may become eligible for these programs in a succeeding school year will be extended the flexibility described above. The current year eligibility list is available at: <http://www.tea.state.tx.us/nclb/index.html#REAP>
- An LEA may continue to remain eligible for this flexibility should it experience any moderate or unexpected changes in average daily attendance or population density, as long as the LEA continues to be defined as "rural" by the appropriate school locale codes of 7 or 8, or by the approved TEA definition of "rural".

LEA Requirements: LEAs must:

- (1) ensure that all teachers in core academic subjects are highly qualified in at least one core academic subject they teach;
- (2) provide high-quality professional development that increases the teachers' content knowledge in the additional subjects they teach; and
- (3) provide mentoring or a program of intensive supervision that consists of structured guidance and regular, ongoing support so that they become highly qualified in the additional core academic subject(s) they teach.

Highly Qualified Reporting:

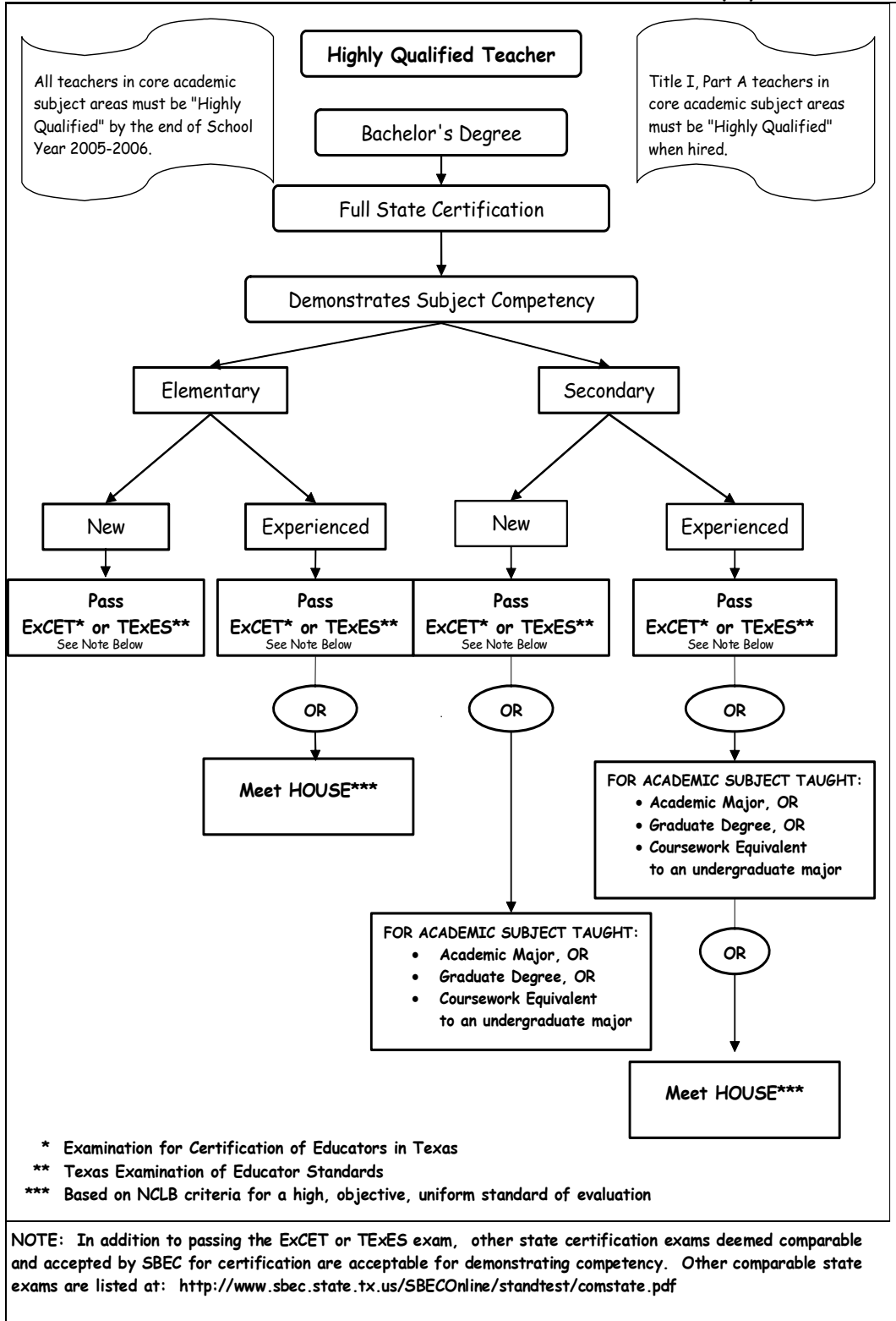
These teachers may be counted as highly qualified in their primary teaching assignment, but each class must be counted appropriately in the core subject area class report.

Monitoring:

The implementation of this rural school highly qualified teacher flexibility will be monitored through the Agency's compliance monitoring process. The LEA must maintain appropriate documentation of this flexibility.

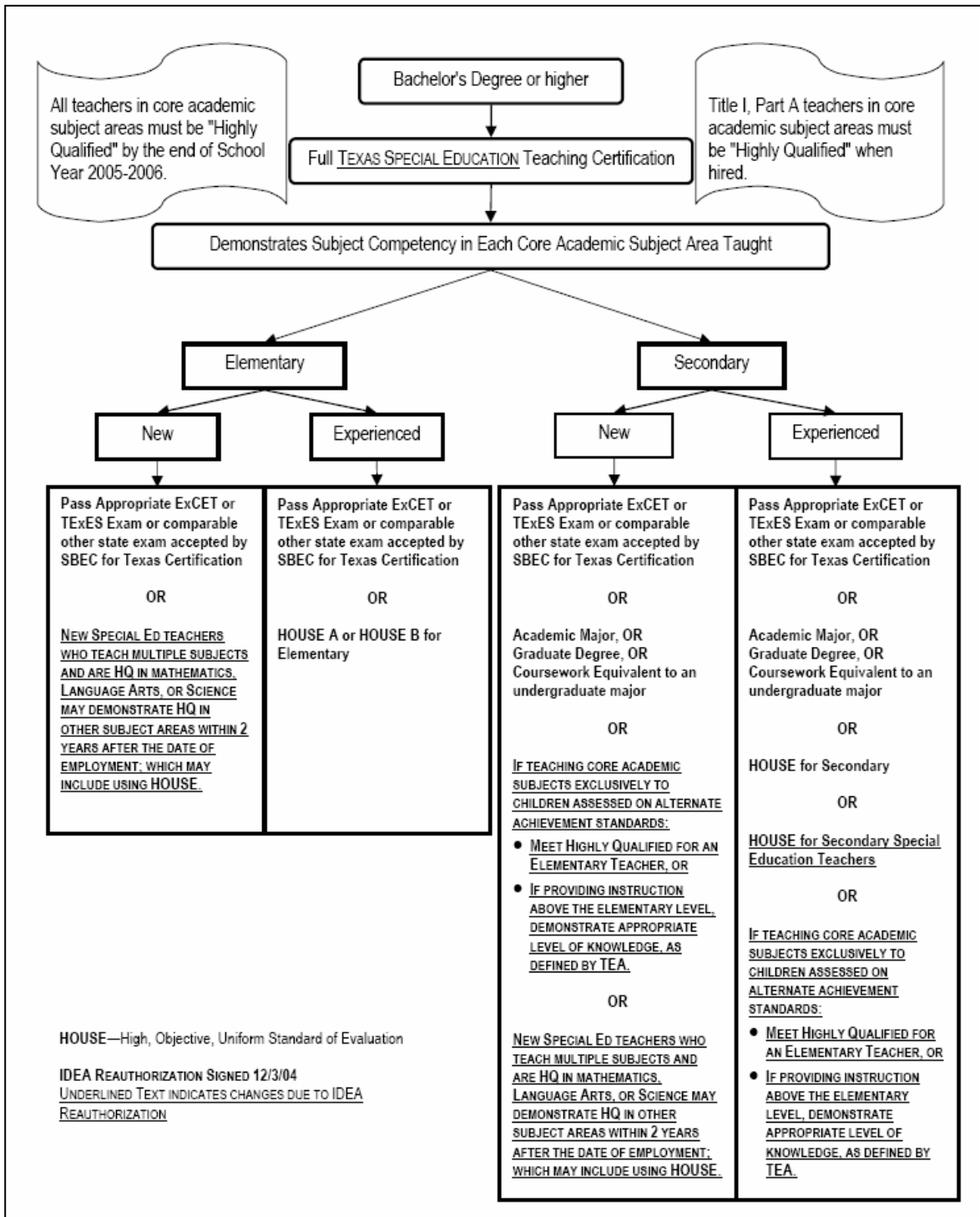
APPENDIX D—CHARTS AND GRAPHS

Chart 1: DEFINING HIGHLY QUALIFIED, P.L. 107-110, Section 9101 (23)



***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 2: DEFINING HIGHLY QUALIFIED FOR SPECIAL EDUCATION TEACHERS



***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 3: HOUSE FOR EXPERIENCED ELEMENTARY TEACHERS

HOUSE Option A—

Competency is demonstrated by meeting all of the following criteria:

The teacher has at least one creditable year of teaching experience.

AND

The teacher has a minimum of 24 points derived from—

Experience teaching at the elementary level
[1 year = 1 point (maximum of 12 points)];

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

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.]

HOUSE Option B—

Competency is demonstrated by meeting all of the following criteria:

The teacher has at least one creditable year of teaching experience.

AND

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

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 4: HOUSE FOR EXPERIENCED SECONDARY TEACHERS

Competency is demonstrated by meeting both of the following criteria:

The teacher has at least one creditable year of teaching experience in the subject to be taught or in a closely related field; and

The teacher has a minimum of 24 points (at least 6 of which represent the specific subject to be taught) derived from—

Experience teaching at the secondary level in the subject to be taught or in a closely related field [1 year = 1 point (maximum of 12 points)];

College coursework in the subject to be taught or in a closely related field [1 college hour = 1 point]; and/or

Professional development in the subject to be taught or in a closely related field 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].

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 Qualified¹
[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)²];

AND/OR

- College coursework in the core academic subject area or closely related field³
[1 college hour = 1 point];

AND/OR

- Professional development in the core academic subject area or related field³ 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:

¹ 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.

² 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.

³ 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

CHART 7: LEA (DISTRICT) NCLB TEACHER QUALITY PLAN REQUIREMENTS

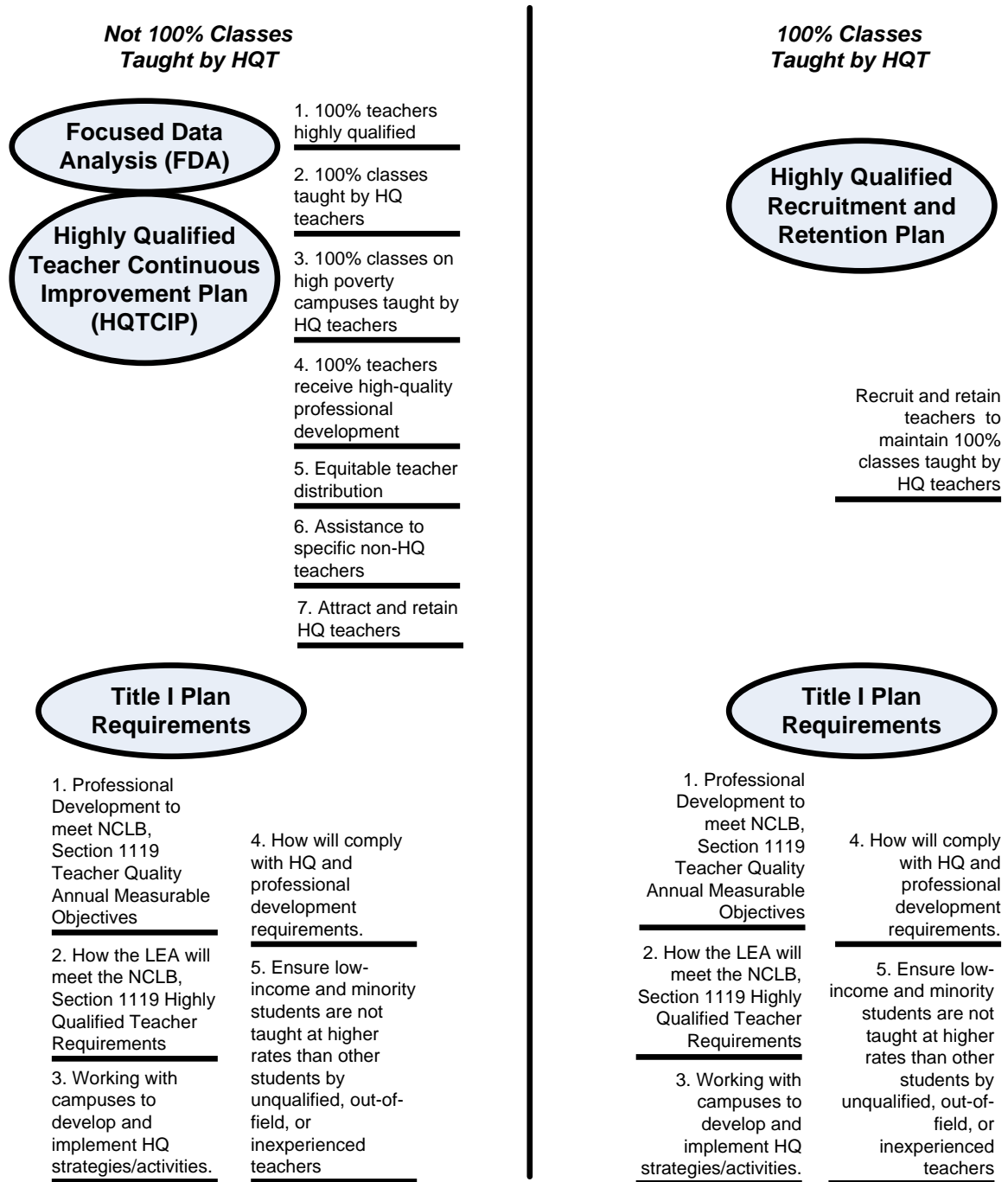


CHART 8: CAMPUS NCLB TEACHER QUALITY PLAN REQUIREMENTS

**Not 100% Classes
Taught by HQT**

**Focused Data
Analysis (FDA)**

**Highly Qualified
Teacher Continuous
Improvement Plan
(HQTCIP)**

Individual activities or strategies to assist specific teachers not currently highly qualified to become highly qualified in a timely manner

**Title I Plan
Requirements**

Schoolwide

**1. Instruction by
HQ teachers**

**2. High-quality
professional
development to
reach 100%
classes taught
by HQ teachers**

**3. Attract high-
quality HQ
teachers**

**Targeted
Assistance**

**1. Instruction by
HQ teachers**

**2. High-quality
professional
development to
maintain 100%
classes taught
by HQ teachers**

**100% Classes
Taught by HQT**

**Title I Plan
Requirements**

Schoolwide

**1. Instruction by
HQ teachers**

**2. High-quality
professional
development to
maintain 100%
classes taught
by HQ teachers**

**3. Attract high-
quality HQ
teachers**

**Targeted
Assistance**

**1. Instruction by
HQ teachers**

**2. High-quality
professional
development to
maintain 100%
classes taught
by HQ teachers**

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.

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.