

PERSONNEL QUALIFICATIONS

Special Education Staff

Teachers assigned to serve students with disabilities shall possess the credential that authorizes them to teach the primary disability of the students within the program placement recommended in the student's individualized education program (IEP). (5 CCR 80046.5 through 80048.6) Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57, 300.18; 5 CCR 6100-6126)

Note: The federal No Child Left Behind Act (20 USC 6319; 34 CFR 200.55-200.57) requires all teachers of core academic subjects, in both Title I and non-Title I programs, to be "highly qualified" as defined in 20 USC 7801 and 5 CCR 6100-6126. A teacher is defined as "new to the profession" if they have graduated from an accredited institution of higher education and received a credential, or began an approved intern program, on or after July 1, 2002. A teacher is defined as "not new to the profession" if they graduated from an accredited institution of higher education and received a credential, or were enrolled in, or had completed, an approved intern program before July 1, 2002. (5 CCR 6100)

An elementary teacher who holds at least a bachelor's degree, is currently enrolled in an approved intern program for less than three years (or has a credential), and meets the applicable requirements in Section 6102 or 6103 as noted in the next two paragraphs, meets NCLB requirements as "highly qualified". (5 CCR 6101)

An elementary teacher who is new to the profession, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have passed a validated statewide subject matter examination certified by the Commission on Teacher Credentialing (CTC), including, but not limited to the California Subject Examination for Teachers (CSET) Multiple Subjects, Multiple Subject Assessment for Teachers (MSAT), and National Teaching Exams (NTE). (5 CCR 6102)

An elementary teacher who is not new to the profession at the elementary level, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have completed **either**:

1. a validated statewide subject matter examination that the CTC has utilized to determine subject matter competence for credentialing purposes,
or
2. a high objective uniform state standard evaluation (HOUSSE) conducted pursuant to 5 CCR 6104 and in conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662. (5 CCR 6103)

A middle or high school teacher, who holds at least a bachelor's degree, is currently enrolled in an approved intern program for less than three years or has a full credential, and who meets the applicable requirements in Section 6111 or 6112 as noted in the next two paragraphs, meets NCLB requirements as "highly qualified". (5 CCR 6110)

A middle or high school teacher who is new to the profession, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential in the subject taught, must have passed or completed **one** of the following for every core subject currently assigned:

1. a validated statewide subject matter examination certified by the CTC,
2. university subject matter program approved by the CTC,
3. undergraduate major in the subject taught,
4. graduate degree in the subject taught, **or**
5. coursework equivalent to undergraduate major.

Note: A new special education teacher who is currently enrolled in an approved special education intern program for less than three years or who holds a special education credential, and can demonstrate subject matter competence in mathematics, language arts, or science, may demonstrate competence in the other core academic subjects in which the teacher teaches through the HOUSSE contained in 5 CCR 6104 not later than two years after date of employment.

A middle or high school teacher who is not new to the profession, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have passed or completed **one** of the following for every core subject currently assigned:

1. a validated statewide subject matter examination that the CTC has utilized to determine subject matter competence for credentialing purposes,
2. university subject matter program approved by the CTC,
3. undergraduate major in the subject taught,
4. graduate degree in the subject taught,
5. coursework equivalent to undergraduate major,
6. advanced certification or credentialing (National Board Certification), **or**

7. a high objective uniform state standard evaluation pursuant to 5 CCR 6104.

The Charter LEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

Caseloads for special education staff are specified in Education Code 56362 for resource specialists (see "Resource Specialists" section below) and in Education Code 56363.3 and 56441.7 for language, speech and hearing specialists.

The Charter CEO or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, or set by the Charter LEA.

Resource Specialists

Education Code 56195.8 mandates entities providing special education to adopt policy related to resource specialists. The following section fulfills this mandate and should be revised for consistency with the policy and regulations of the SELPA in which the Charter LEA participates.

The Charter LEA Governing Board shall employ certificated resource specialists to provide services which shall include, but not be limited to (Education Code 56362):

1. Instruction and services for students whose needs have been identified in an individualized education program (IEP) and who are assigned to regular classroom teachers for a majority of the school day
2. Information and assistance to students with disabilities and their parents/guardians
3. Consultation with and provision of resource information and material regarding students with disabilities to their parents/guardians and other staff members
4. Coordination of special education services with the regular school programs for each student enrolled in the resource specialist program
5. Monitoring of student progress on a regular basis, participation in the review and revision of IEPs as appropriate, and referral of students who do not demonstrate sufficient progress to the IEP team
6. Emphasis at the secondary school level on academic achievement, career and vocational development, and preparation for adult life.

The resource specialist program shall be directed by a resource specialist who is a credentialed special education teacher or who has a clinical services credential with a special class

authorization, and who has three or more years of teaching experience, including both regular and special education teaching experience. (Education Code 56362)

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Charter LEA Governing Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362; 5 CCR 3100)

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code 56362)

Related Services Personnel and Paraprofessionals:

Related services personnel and paraprofessionals must have qualifications established by the Charter LEA that are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services.

The Charter LEA must ensure that related services personnel who deliver services in their discipline or profession meet the requirements to be licensed within their profession, having not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

The charter LEA must allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, to be used to assist in the provision of special education and related services under this part to children with disabilities.

Legal Reference:

EDUCATION CODE

44250-44279 Credentials, especially:

44256 Credential types, specialist instruction

44265 Special education credential

56195.8 Adoption of policies

56361 Program options

56362 Resource specialist program, contents, direction; resource specialists, case-loads, assignments, instructional aide; pupil enrollment

56362.1 Caseload

56362.5 Resource specialist certificate of competence

56362.7 Bilingual-crosscultural certificate of assessment competence

56363.3 Average caseload limits

56441.7 Maximum caseload (programs for individuals with exceptional needs between the ages of three and five inclusive)

CODE OF REGULATIONS, TITLE 5

3051.1 Language, speech and hearing development and remediation; appropriate credential

3100 Waivers of maximum caseload for resource specialists

6100-6126 Teacher qualifications, No Child Left Behind Act

80046.5 Credential holders authorized to serve students with disabilities

80048-80048.6 Credential requirements and authorizations

UNITED STATES CODE, TITLE 20

1401 Definition of highly qualified special education teacher

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

200.61 Parent notification regarding teacher qualifications

300.18 Highly qualified special education teachers

300.156 Personnel Qualifications

Management Resources:

WEB SITES

California Association of Resource Specialists and Special Education Teachers:
<http://www.carsplus.org>

California Speech-Language-Hearing Association: <http://www.csha.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>