

*Questions and Answers  
Regarding the  
Requirements for  
“Highly Qualified  
Teachers”  
Under  
ESEA and IDEA*



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*September 15, 2015*

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Regarding the Requirements for  
“Highly Qualified Teachers” under ESEA and IDEA**

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**1. Who is affected by this requirement?**

Every teacher who teaches core content subjects, in a public school is affected.

**2. What subjects are considered core content areas by Elementary and Secondary Education Act (ESEA)?**

The term “core content areas” is defined as: English, reading or language arts, mathematics, science, foreign languages, social science, and arts.

**3. How are the “arts” defined in South Dakota?**

Arts in South Dakota are defined as music and visual arts.

**4. When does the highly qualified requirement go into effect?**

*As of 2006-2007, all public teachers in the state who are teaching core content areas must be highly qualified or on a Plan of Intent to become highly qualified.*

**5. What are the requirements for being highly qualified as a new teacher?**

Elementary teachers who are new to the profession must have full state certification, hold at least a bachelor’s degree, and must demonstrate a high level of competency, by passing South Dakota’s Praxis II test of subject knowledge and teaching skill in reading, writing, mathematics, and other areas of the basic elementary school curriculum.

Middle school and secondary teachers who are new to the profession must have full state certification, hold at least a bachelor’s degree, and must demonstrate a high level of competency in each of the academic subjects in which they teach. This may be accomplished by passing South Dakota’s Praxis II subject matter test or teachers may complete an undergraduate major in a content area, or earn a graduate degree in the subject content area.

**6. Are teachers that were highly qualified prior to HOUSSE phase out still highly qualified?**

Yes. Teachers who completed the requirements of HOUSSE prior to it being phased out at the end of the 2006-2007 school year will continue to be highly qualified.

**7. Are there any exceptions or circumstances where HOUSSE rules can be used to become highly qualified?**

Yes. Individuals teaching in areas where a Praxis II test is not available (mass communications, South Dakota Indian Studies, and Latin); teachers may become highly qualified by completing the coursework toward an endorsement.

**8. What is the source of these requirements?**

The Elementary and Secondary Education Act Act of 2001 (ESEA) Title I, Part A, section 1119 requires all public teachers who teach core content areas to be highly qualified.

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) 34 CFR §300.18 establishes the requirement that all public elementary and secondary special education teachers be “highly qualified” as special education teachers.

**9. Does this requirement affect only Title I programs?**

No. The law requires that states receiving Title I Part A funds must ensure that all public school teachers who teach core content areas be highly qualified.

**10. Schools can operate either as a targeted assistance Title I program or a Schoolwide Title I program, what is the difference between the two?**

A targeted assistance Title I program is one in which teachers paid with Title I funds provide reading and math assistance to identified students.

In a Schoolwide Title I program, the entire program is considered to be supported by Title I funds, and therefore all staff and students are considered Title I.

**11. Can a district hire a teacher who is not highly qualified to provide Title I services in a targeted assisted program?**

No. This is a supplemental educational program.

**12. In a targeted assistance Title I program, which teachers would need to meet these requirements?**

If the requirements cannot be met, there cannot be a targeted assistance program. Title I, Part A funds cannot be used to pay the salary for a non-highly qualified teacher in a targeted assistance program. Reading or math teachers in a targeted assistance program would need to be highly qualified before they are hired.

**13. In a Schoolwide Title I program, which teachers would need to be “highly qualified”?**

In a Schoolwide program, all teachers and programs are supported by Title I funds. Therefore, all teachers teaching core content subjects must be highly qualified. Teachers already employed by the school, must be highly qualified in each of their assignments. Newly hired teachers would need to be highly qualified prior to being hired or be on a Plan of Intent with the SD DOE and a letter sent home to inform parents of the non-HQ status. See Question #32 for more information

**14. What is a Plan of Intent?**

As per Administrative Rule 24:43:02:08, any district employing teachers or administrators who are non certified or are serving outside of their current certification shall have on file with the Department of Education a Plan of Intent stating how the district intends to ensure that all teachers and administrators are serving on a valid certificate in their certified areas. The Plan of Intent must be fulfilled in one calendar year. The district may request a one-time, one-year extension to the duration of the plan of intent to be granted at the culmination of the first year of the plan of intent cycle.

**15. What is the process for submitting a Plan of Intent?**

In the event a teacher is not highly qualified, the district must submit a Plan of Intent through the Personnel Record Form system indicating how the teacher will become highly qualified.

**16. Some pre-service teachers take an entrance test to get into their teacher preparation program at college; will those entrance tests be accepted for meeting the requirements of highly qualified?**

No. Tests given by colleges to assess student preparation for teacher training programs will not be accepted as a measurement for being highly qualified. The South Dakota Praxis II test is aligned to specific subject areas with teachers at varying grade levels (elementary, middle, and secondary) taking tests designed specifically for their content area.

**17. If teachers are highly qualified for positions they currently hold, are they still considered highly qualified if they transfer to another teaching position within the district?**

No. The status of being highly qualified is not transferable from position to position. If teachers are reassigned to new positions, they must verify they meet the requirements of being highly qualified for the new positions. Those with multiple teaching assignments must be highly qualified for each content area and grade level they are assigned to teach.

**18. If teachers from another state seek teaching positions in South Dakota, how will they know if they are highly qualified in South Dakota?**

An experienced teacher from another state will need to meet the same requirements for being highly qualified as South Dakota teachers. All out of state applicants must provide documentation of completion of a Praxis II test within the content area in which they will be certified.

**19. If teachers do not meet the requirements of being “highly qualified”, what can they do?**

Teachers working under the certification status of “non-authorized” or “non-certified” will not be considered “highly qualified” and the district must complete a Plan of Intent indicating how the teacher will become highly qualified.

**20. Are paraprofessionals required to be qualified?**

Only paraprofessionals providing instructional support in Title I programs must be qualified. All paraprofessionals in a school operating a Title I Schoolwide program must be qualified. Some districts have chosen to apply these requirements to all paraprofessionals in the district, not just those in a Title I program. This gives the district flexibility in assigning paraprofessionals to schools and programs. It is the district’s discretion to go beyond the federal requirements.

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**SPECIAL EDUCATION**

**21. How do the requirements to be “highly qualified” impact special education teachers?**

The requirements apply to elementary, middle, and secondary special education teachers. Special education teachers providing supplemental services and/or non-core content classes must have a bachelor’s degree and full state special education certification. When the special education teacher is providing instruction in “core content areas”, and the special education teacher is the teacher of record who awards the credit, that teacher must hold the appropriate endorsement or a passing score on the Praxis, and be highly qualified in the core content area.

**22. Does a special education teacher need to pass core content area tests when in collaboration with regular education teachers?**

No. 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 content area, 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 content subject, and is not providing the grade for this core content subject.

**23. What does “highly qualified” mean for special education teachers who do not teach core content to special education students but work in collaboration or consultation?**

These teachers will be considered highly qualified special education teachers by obtaining full state certification as a special education teacher.

**24. What does “highly qualified” mean for special education teachers teaching to alternate achievement standards?**

A special education teacher who teaches core content areas exclusively to children who are assessed against alternate achievement standards has the following options:

- 1) They may meet the criteria for an elementary school teacher. In South Dakota, that would mean elementary content certification or the Praxis II #0014 content test.
- 2) In the case of instruction above the elementary level, they must 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. If, for example, the student is being instructed at a middle school level, the teacher would need middle school endorsements in the specific content areas or the Praxis II #0146 content test.

**25. What does “highly qualified” mean for current high school special education teachers who have NOT yet tested or who do NOT have a major in specific content?**

These teachers have the following options:

1) They may work in collaboration and consultation with a highly qualified general education teacher. The student with a disability is instructed by the general education teacher and receives assistance or reinforcement from the special education teacher. In such cases, these teachers need to be identified on the district's Personnel Record Form as a special education teacher.

2) If these teachers teach ONLY students who take the alternate assessment, they must have subject matter knowledge appropriate to the level of instruction being provided and needed to effectively teach to those standards. For example, if the teacher instructs high school students who are assessed with the Dakota STEP- A test and the students level of instruction is at the elementary level, the teacher would need elementary certification or take either the Praxis II # 0014 (Elementary Level K-8) or #0146 (Middle Level K-8).

3) These teachers may complete a major or take the specific high school Praxis II content test for each content area they teach.

**26. What does “highly qualified” mean for middle school and high school special education teachers who are new to the profession that teach multiple subjects?**

In the case of a new special education teacher who teaches multiple subjects and who is highly qualified in one core content area, that individual will enter into an agreement with the district stating in a “Plan of Intent” the intended steps in becoming highly qualified in the other content areas they’re assigned to teach.

**27. Does this mean special education teachers cannot teach classes that address coursework such as “Math in the Work World” or other functional classes that are based on the content standards?**

Teachers of any of the core content areas must hold the appropriate endorsements and be highly qualified. A special educator, who teaches any of the core content areas, is the sole instructor of record, and awards a grade must be highly qualified.

**28. As a district, what are the requirements if I am unable to hire a highly qualified special education teacher?**

Districts must submit a “Plan of Intent”. This plan explains why the district could not hire a certified special education teacher and what the district is going to do in the mean time. There are duties this person could perform and some of them will depend on the certification he/she holds. This plan does not make the person able to write IEP's. Districts may have to contract those services.

**29. What is the process for submitting a Plan of Intent?**

In the event a teacher is not highly qualified, the district must submit a Plan of Intent through the Personnel Record Form system detailing how the teacher will become highly qualified.

**30. Where can I find more information on highly qualified special education teachers?**

IDEA - Building the Legacy website for Highly Qualified Teacher at:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C2%2C>

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C2%2C>

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## **PUBLIC REPORTING**

### **31. What information must the State of South Dakota report regarding highly qualified teachers?**

The State of South Dakota must collect and report on the percentage of highly qualified staff statewide, including the number of teachers teaching under “Plan of Intent” or teaching “out of field”. The state must also report the percentage of classes or teaching assignments that are not taught by highly qualified teachers. The information will indicate the percentage of teaching assignments taught by teachers not highly qualified for high-poverty compared to low-poverty schools.

Public districts are required to share this information for the district and each of its schools with patrons of the district. These reports must be issued early in the fall by multiple means. The district may link from its website to the state’s accountability report card website but must also furnish the information in printed form in public places for access by all stakeholders.

The data used to determine the percent of highly qualified teachers is submitted annually by each public school district to the state Department of Education. Each fall all public school districts are required to submit data regarding their teachers and administrators and their current assignments using a program called the “Personnel Record Form” (PRF).

### **32. What must Title I schools do to notify parents about the qualifications of the educational staff working with their child?**

At the beginning of the school year, every district must inform the parents of children attending a Title I school that they may request information regarding the professional qualifications of their children’s teachers. The district must provide a response to the parents’ request in a timely manner. This report is referenced as the Parents Right to Know in Title I, Part A Section 1111. Some districts have extended this requirement for Title I schools to all schools in their district, providing the Parents Right to Know notification to all parents.

In addition, parents must be provided timely notice that their children have been assigned or have been taught for four or more consecutive weeks by teachers who are not highly qualified. The requirement pertains to all core content teachers in a Title I Schoolwide program, as well as Title I teachers in a targeted assistance program. This situation may arise if the child’s regular classroom teacher or Title I teacher in a targeted assistance program is absent for an extended period of time due to illness or other circumstances. The district should make every effort to hire a substitute teacher that is highly qualified. However, if this is not possible, all parents must be notified. For a sample notification letter, visit <http://doe.sd.gov/oatq/hqt.asp>.

### **33. If a parent requests this information, what does the district have to provide?**

The information must include, at a minimum, the following:

- 1) Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- 2) Whether the teacher is teaching under “Plan of Intent” status.
- 3) 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.
- 4) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

### **34. Is there a specific format for the district parental notice?**

No. There is not a specific format. 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.

### **35. When do the reports on a school’s highly qualified teachers need to be completed?**

The state and each district must report the percentage of highly qualified staff by the start of school each year to the Department of Education (DOE) through the Personnel Record Form (PRF). Public reporting of the percent of classes not taught by highly qualified teachers for the district and each school must be reported to

stakeholders in early fall. The notice to parents informing them of right to know the qualifications of teachers teaching their children must be provided in the fall of each school year.

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## **FUNDING**

### **36. What sources of funding are there for districts to use to help teachers meet the requirements for highly qualified?**

Title I – The law provides for Title I funds to be used to help Title I teachers and paraprofessionals as well as core content teachers in Title I schools meet the required qualifications. However, as of the end of the 2006-07 school year, all existing Title I teachers and paraprofessionals must be highly qualified to continue employment. All newly hired Title I teachers and paraprofessionals must meet qualification requirements prior to hire.

Individual Titles II, A & D funds as well as funds under Title VI can also be used to help teachers of core content areas meet the requirements of being highly qualified.

### **37. What activities may the Title funds be used to support?**

Title I funds may be used to provide professional development opportunities for Title I teachers and paraprofessionals employed in targeted assistance Title I programs. In schoolwide programs, Title I funds may support professional development for all instructional staff in the school.

Title II, Part A, Teacher and Principal Training and Recruiting, provides funding for professional development for public and private school teachers, principals and paraprofessionals; teacher salaries and benefits under class-size reduction; and recruitment and retention of highly qualified teachers, principals, and paraprofessionals

Title II, Part A, funds can be used for:

1. professional development activities for teachers, principals, and paraprofessionals that are high quality, sustained, intensive, and classroom focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom;
2. programs to recruit, train, and hire highly qualified teachers to reduce class size, especially in early grades;
3. technology activities related to professional development to assist teachers and other school personnel regarding how to use technology effectively in the classrooms;

The flexibility provision of the Rural Education Achievement Program (REAP) includes the use of funds for local program activities under the Title II Part A, Title II Part D, and Title V Part A programs. Although Title V programs will no longer exist after the 2008-2009 school year, REAP funds can still be used for Title V authorized activities.

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## **COMPLIANCE**

### **38. What is the State of South Dakota doing to prepare schools and teachers for these requirements?**

In addition to providing this technical assistance document, the state has made the information available on the department's website: <http://doe.sd.gov/ESEA/index.asp>

The DOE will continue to provide information and training as needed with regards to these requirements. The Department developed tools and models for the collection and reporting of data as it pertains to the requirements of being highly qualified.

### **39. How will compliance with these requirements be monitored?**

In order to verify compliance with the section 1119 teacher quality requirements, DOE will require that the principal of each Title I targeted assistance or Schoolwide school attest annually in writing that the school is in compliance with the requirements of section 1119. The signed document will be maintained at each Title I school site and at the main office of the district. This document must also be available to any member of the public upon request. The document must include supporting documentation that teachers and paraprofessionals have met the high quality standards established in ESEA.

Each district must submit annually a consolidated application describing its intended use of federal funds under ESEA. If a district has one or more core content teachers that are not highly qualified, the district must indicate that in its report of the district's comprehensive needs assessment. The ESEA goal for highly qualified teachers is then chosen with objectives specified and strategies indicated to reach full compliance with the requirement for all core content teachers to be highly qualified. A parallel requirement for the district involves working with DOE in devising the district plan for meeting highly qualified status. The DOE requires the district to submit a Plan of Intent through the Personnel Record Form system on how the teacher will become highly qualified. DOE reviews all federal programs on a rotating basis, visiting districts on-site during each three or six-year cycle.

The state's accountability workbook is reviewed by the Committee of Practitioners each fall with recommendations for revisions and clarifications submitted for DOE review. Revisions to the accountability workbook requested by DOE are submitted to US Department of Education for approval to comply with ESEA requirements. Accountability reports for teacher qualifications are included in the state's ESEA accountability report located at <http://doe.sd.gov/ESEA/index.asp>

If a local education agency has failed to make progress toward meeting the 100% highly qualified teachers annual measurable objectives for two consecutive years, such local education agency shall develop an improvement plan that will enable the agency to meet such annual measurable goals and that specifically address issues that prevented the agency from meeting such annual measurable objectives. During the development of the improvement plan and throughout implementation of the plan, the Department of Education shall provide technical assistance to the local education agency, and provide technical assistance, if applicable, to schools served by the local education agency that need assistance to enable the local education agency to meet such annual measurable objectives.

If a local education agency does not meet 100% highly qualified teachers annual measurable objectives and annual yearly progress (AYP) after three consecutive years, the Department of Education will enter into an agreement with the local education agency on the use of the local education agency's Title II funds. The Department of Education shall develop with the local education agency, teachers, and principals; professional development strategies and activities, based on scientifically based research and require the local education agency to utilize the strategies and activities. During the development of the professional development strategies, the Department of Education, together with the local education agency will provide, from the Title IIA fund allocated to the local education agency, Title IIA funding to one or more schools in the local education agency. The teachers at the schools may choose to use, in consultation with their principals, their own professional development activities, provided that those activities are coordinated with other reform efforts at the schools. The local education agency is also prohibited from using Title I funds to fund any paraprofessional after the date the Department of Education makes the official determination.

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## TECHNICAL ASSISTANCE

### 40. Where can parents find more information on their child's teacher?

The Teacher 411 program, found on the South Dakota Department of Education's Web site, allows teachers to look up professional information, including Praxis tests they have taken and the date they must renew their certification. Now the site includes Highly Qualified Teacher (HQT) information as well.

HQT status designates content areas in which teachers have been specifically trained. The link to this information can be found on the right side of the screen, just above the information box, once a teacher's name has been entered and selected. Teacher 411 can be found at

<http://apps.sd.gov/applications/de04public/TeacherLookup/TeacherSearch.aspx>.

### 41. Who should districts contact if they need further information?

#### **Teacher Certification:**

- **Deedra Gesinger** (773-6934) Email at [certification@state.sd.us](mailto:certification@state.sd.us)
- **Roxie Thielen** (773-4669) Email at [certification@state.sd.us](mailto:certification@state.sd.us)
- **Jantina Nelson-Stastny** (280-5061) Email at [certification@state.sd.us](mailto:certification@state.sd.us)

#### **Title:**

- Title I – Shannon Malone (773-6509) Email at [shannon.malone@state.sd.us](mailto:shannon.malone@state.sd.us)
- Title II – **Kathy Riedy** (773-8415) Email at [certification@state.sd.us](mailto:certification@state.sd.us)

#### **Finance:**

- Fiscal - **Rob Huffman** (773-6400) Email at [Robyn.Huffman@state.sd.us](mailto:Robyn.Huffman@state.sd.us)

#### **Special Education:**

- **Ann Larsen** (773-3327) Email at [Ann.Larsen@state.sd.us](mailto:Ann.Larsen@state.sd.us)
- (773-3219) Email at [@state.sd.us](mailto:@state.sd.us)