

## FEDERAL DEFINITIONS Highly Qualified

From Section 9101 of Public Law 107-110

<http://www2.ed.gov/policy/elsec/leg/esea02/index.html>

- (11) The term 'core academic subjects' means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.
- (23) The term '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.

From Section 602 federal special education law in the Individuals with Disabilities Education Improvement Act of 2004

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

- (10) Highly qualified.--
- (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 [[Page 118 STAT. 2655]] 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.