

“Highly Qualified” Certification Questions and Answers Under the Every Student Succeeds Act (ESSA)

July 21, 2016

The Every Student Succeeds Act eliminates Highly Qualified Teacher (HQT) requirements beginning with the 2016-17 school year. However, Pennsylvania certification and staffing policies, statutes and regulations remain in effect, and the Department is required to ensure that all teachers and paraprofessionals in schools receiving federal funding fulfill state certification and licensure requirements. Consequently, the data elements that informed HQT calculations—course and faculty listings tied to student rosters—will continue to be utilized for both federal and state purposes. Therefore, LEAs must continue reporting PIMS data elements associated with Course/HQT; this will allow PDE to avoid making multiple revisions to data collection requirements in the future.

This document provides LEAs with guidance that will ensure appropriate staffing assignments are made for the upcoming school year as a result of the changes made by ESSA. Please contact the Bureau of School Leadership and Teacher Quality if you have additional specific staffing or certification questions.

1. Must a State continue to ensure that all core content teachers are “highly qualified,” as defined in section 9101 of the ESEA, and amended by NCLB, in the 2016-2017 school year?

No. The Every Student Succeeds Act amended The Elementary and Secondary Education Act and removed the Highly Qualified Teacher requirements of section 1119 as amended by NCLB. Accordingly, a State is no longer required to ensure that core content teachers are “highly qualified” as previously defined by NCLB beginning with the 2016-2017 school year. However, all educators in Commonwealth public schools must continue to meet Pennsylvania’s statutory and regulatory requirements related to appropriate certification of school personnel.

2. If “highly qualified” as defined in NCLB is no longer applicable, what are the certification requirements for teachers in Title I schools?

Per section 1111(g)(2)(J) of the ESEA, as amended by the ESSA, all teachers teaching in a program supported with Title I funding must hold appropriate state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Accordingly, all educators teaching in a school supported with Title I funds must continue to meet Pennsylvania’s statutory and regulatory requirements related to appropriate certification of school staff.

3. Must a State continue to ensure that special education teachers are “highly qualified,” as defined in section 9101 of the ESEA, as amended by NCLB, in the 2016-2017 school year?

No. The Every Student Succeeds Act (ESSA) amended the Elementary and Secondary Education Act (ESEA) and the Individuals with Disabilities Education Act (IDEA) by removing the definition of “highly qualified” in section 602(10) and the requirement in section 612(a)(14)(C) that special education teachers be “highly qualified”. Accordingly, a State is no longer required to ensure that special education teachers are “highly qualified” beginning with the 2016-2017 school year.

4. If the definition of “highly qualified” is no longer applicable to special education teachers, what are the federal requirements related to the professional qualifications of these teachers?

Section 9214(d)(2) of the ESSA amended section 612(a)(14)(C) of the IDEA by incorporating the requirement that a person employed as a special education teacher in elementary school, middle school, or secondary school must: 1) have obtained full certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination and hold a license to teach in the State as a special education teacher, except that a special education teacher teaching in a public charter school must meet the requirements set forth in the State’s public charter school law; 2) not have had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and 3) hold at least a bachelor’s degree. Each State must continue to comply with these certification requirements during the 2016-2017 school year. Accordingly, Special Education teachers must continue to comply with Pennsylvania’s statutory and regulatory certification requirements.

5. What are the certification requirements for special education in Pennsylvania?

Special Education certification requirements in Pennsylvania adhere to the regulations under 22 Pa. Code Chapter 49 Certification of Professional Personnel. See [CSPG No. 61 – Special Education](#).

6. Are there circumstances where a teacher certified K-8 in special education is allowed to teach in grades 7-12 in Pennsylvania?

Yes. A school entity may request an exception to the grade limitations from the Department of Education in accordance with 22 Pa. Code § 49.85 (d).

7. Is the Bridge program still in effect in Pennsylvania?

No, PDE no longer grants access to a Bridge pathway to certification. Special Education teachers that obtained certification in content areas through the Bridge program are appropriately certified in that content and will retain their certificate.

8. Is the HOUSSSE program still in effect in Pennsylvania?

No, PDE will no longer grant the HOUSSSE designation. ESSA removed the Highly Qualified Teacher requirements created by NCLB, therefore it is no longer necessary to use HOUSSSE to

establish content mastery. However, Special Education teachers that obtained the designation in content areas through the HOUSSE program will continue to see the designations on their TIMS profile and on the public website.

9. What are the certification requirements for charter school special education staff?

IDEA 34 CFR § 300.156 requires that each person employed as a public school special education teacher meet the State certification requirements for special education. Therefore, all charter school special education staff must meet the same 22 Pa. Code Chapter 49 special education certification requirements as school district staff.

10. What are the PA state certification requirements under Charter School Law for other professional staff who are employed by the Charter Schools?

Seventy-five percent (75%) of professional staff members of a charter school must hold appropriate state certification for their assignment. (24 P.S. § 17-1724-A) The remaining 25% may be uncertified in accordance with 24 P.S. § 17-1724-A(b). Additional information can be found at:

<http://www.education.pa.gov/Teachers%20-%20Administrators/Announcements/Pages/default.aspx>

11. What are the “Highly Qualified” requirements for special education paraprofessionals under ESSA?

Under ESSA, there are currently no specific federal requirements for special education paraprofessionals. However, there continues to be requirements for paraprofessionals utilized in Title I funded programs. (See Question 12 related to Title I paraprofessional requirements.)

Regardless, special education paraprofessionals must meet Pennsylvania’s regulatory requirements contained in 22 Pa. Code §14.105 which include the following:

- a. Have completed at least two years of postsecondary study.
- b. Possess an associate degree or higher.
- c. Meet a rigorous standard of quality as demonstrated through a State or local assessment.
- d. Instructional paraprofessionals, each school year, shall provide evidence of 20 hours of staff development activities related to their assignment.

These requirements remain in effect and districts must continue to comply with Chapter 14 requirements related to paraprofessionals.

12. What requirements apply to the hiring of other paraprofessionals to work in a Title I, Part A program in the 2016-2017 school year?

Section 1111(g)(2)(M) of the ESEA, as amended by the ESSA, requires each State to have “professional standards for paraprofessionals working in a program supported with funds under [Title I, Part A], including qualifications that were in place on the day before the date of enactment of the [ESSA].” As such, each State must ensure that its LEAs and schools continue to comply with the paraprofessional requirements in place on December 9, 2015, including those requirements under section 1119(c) and (d) of the ESEA, as amended by NCLB, and any State-specific requirements that were in place on that date. Specifically, each State and its LEAs must continue to ensure that each paraprofessional who is hired by the LEA and works in a program supported by Title I, Part A funds has a secondary school diploma or its recognized equivalent and has completed at least two years of study at an institution of higher education, obtained an associate’s or higher degree, or met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment, knowledge of, and the ability to assist in instructing, reading, writing, and mathematics.

13. What are the certification requirements for teachers in Title I schools?

Highly Qualified Teacher requirements for teachers teaching in a program supported by Title I funds will no longer apply effective August 1, 2016. Per section 1111(g)(2)(J) of the ESEA, as amended by the ESSA, all teachers teaching in a program supported with Title I funding must hold appropriate state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.

14. Must LEAS continue to report Highly Qualified data elements for 2016-2017?

Yes, nothing in the course/HQT data collection is changing in the 2016-17 reporting year. LEAs must continue to submit Course/HQT data elements in PIMS because this data supports more than HQT reporting. PDE will change the reference to this collection to remove HQT status going forward as Federal law no longer requires such a designation.