



DESERT / MOUNTAIN
CHARTER SELPA

Chapter 19: Personnel Qualifications

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Introduction

It shall be the policy of the Desert/Mountain Charter Special Education Local Plan Area (SELPA) to ensure that personnel providing special education and related services meet the highly qualified requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual child for the failure of a particular Charter Local Education Agency (LEA) staff member to be highly qualified, or to prevent a parent from filing a state complaint with the California Department of Education (CDE) about personnel qualifications.

It shall be the policy of the Charter SELPA and member Charter LEAs to support and assist the state's efforts and activities to ensure an adequate supply of qualified special and general education teachers, and related services personnel. This shall include recruitment, hiring, training, and efforts to retain highly qualified personnel to provide special education and related services under this part to children with disabilities.

The Every Student Succeeds Act (ESSA) amended the Individuals with Disabilities Education Act (IDEA) by removing the definition of "highly qualified" in § 602(10), and the requirement in § 612(a)(14)(C), that special education teachers be "highly qualified" by the deadline established in § 1119(a)(2) of the Elementary Secondary Education Act (ESEA), as amended by No Child Left

Behind. Accordingly, a state is not required to ensure that special education teachers are “highly qualified” as defined in the ESEA beginning with the 2016-17 school year but must ensure that they meet the requirements noted in the following paragraph.

Definition of Highly Qualified No Longer Applicable - Federal Requirements related to the Professional Qualifications of Teachers under ESSA

§ 9214(d)(2) of the ESSA amended § 612(a)(14)(C) of the IDEA by incorporating the requirement previously in § 602(10)(B), 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 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 2016-17 school year.

Each state is not required to comply with the requirements in §§ 1119 and 2141 of the ESEA, as amended by No Child Left Behind in the 2016-17 school year because these provisions are not continued under ESSA.

- § 1119 of the ESEA, as amended by NCLB, which requires that each LEA hire highly qualified teachers; that each state and LEA report on progress toward all teachers being highly qualified;
- § 2141 of the ESEA, as amended by NCLB, which requires an LEA not making progress toward all teachers being highly qualified to create and implement an improvement plan and requires the state to provide technical assistance to such LEA.

Section A – Comprehensive System of Personnel Development (CSPD)

California Education Code § 56205(a), Title 20 of the United States Code §§ 1412(a)(44-15) and 1413(a)(3). Each special education local plan area submitting a local plan to the Superintendent under this part shall ensure, in conformity with Sections 1412(a) and 1413(a)(1) of Title 20 of the United States Code, and in accordance with Section 300.201 of Title 34 of the Code of Federal Regulations, that it has in effect policies, procedures, and programs that are consistent with state laws, regulations, and policies governing the following...(a)(13) Personnel qualifications to ensure that personnel, including special education teachers and personnel and paraprofessionals providing related services, necessary to implement this part are appropriately and adequately prepared and trained in accordance with Section 56058 and 56070 and Section 1412(a)(14) and 1413(a)(3) of Title 20 of the United States Code.

The Charter SELPA provides a comprehensive system of development for Charter LEA personnel and parents. Opportunities for professional development include: workshops, intensive subject specific training, participation on workgroups, job specific councils, coaching, follow-up support, demonstrations, and one-to-one support. Parent support occurs through parent training services, parent meetings and councils, school site presentations, and individual meetings. Services are delivered at the local schools, regionally, and through state-sponsored activities.

To provide a complete array of appropriate and current topics, the Charter SELPA participates on the Region 10 Coordinating Council. Through membership and participation, Charter SELPA services are able to reflect the areas of focus from the large region of San Bernardino, Riverside, Inyo, and Mono counties. Additionally, the Regional Coordinating Council follows a specific plan that reflects the California State Improvement Plan. The Charter SELPA personnel development plan covers a continuum of supports, reflects the needs of the local schools, responds to regional topics of importance, and provides training in areas identified by the CDE, Special Education Division.

Section B – Charter SELPA Personnel Standards

Providing Powerful Professional Development

In 1995 the National Staff Development Council (NSDC) developed Standards for Staff Development. These standards were revised in 2001, and that revision incorporated what educators have learned about staff development that improves the learning of all students. These standards focus on staff development that is standards-based, results-driven, and job-embedded. The NSDC Standards for Staff Development are divided into context, process, and content standards, and focuses on improvement in learning for all students.

The revised NSDC Standards for Staff Development are:

Context Standards

Staff development that improves the learning of all students:

- Organizes adults into learning communities whose goals are aligned with those of the school and LEA (Learning Communities).
- Requires skillful school and Charter LEA leaders who guide continuous instructional improvement (Leadership).
- Requires resources to support adult learning and collaboration (Resources).

Process Standards

Staff development that improves the learning of all students:

- Uses disaggregated student data to determine adult learning priorities, monitor progress, and help sustain continuous improvement (Data-Driven).
- Uses multiple sources of information to guide improvement and demonstrate its impact (Evaluation).
- Prepares educators to apply research to decision-making (Research-Based).
- Uses learning strategies appropriate to the intended goal (Design).
- Applies knowledge about human learning and change (Learning).
- Provides educators with the knowledge and skills to collaborate (Collaboration).

Content Standards

Staff development that improves the learning of all students:

- Prepares educators to understand and appreciate all students; create safe, orderly, and supportive learning environments; and hold high expectations for their academic achievement (Equity).
- Deepens educators’ content knowledge, provides them with research-based instructional strategies to assist students in meeting rigorous academic standards, and prepares them to use various types of classroom assessments appropriately (Quality Teaching).
- Provides educators with knowledge and skills to involve families and other stakeholders appropriately (Family Involvement) (NSDC, 2001).

The NSDC *Standards for Staff Development* are the construct by which Charter SELPA staff development opportunities are designed. The Charter SELPA seeks to create on-going collaborative relationships with Charter LEAs. It is through these collaborative relationships, characterized by facilitation of systems change efforts and on-site coaching, that school improvement will occur.

Charter SELPA trainings are offered at low or no cost to Charter LEAs and are focused on research-based best practices. It is the goal of the Charter SELPA that these trainings will be a component of a Charter-wide systematic plan for professional development that is clearly articulated and focused on student learning. Sparks (2002) states that, “*Quality teaching in all classrooms and skillful leadership in all schools will not occur by accident, however. They require the design and implementation of the most powerful forms of professional development*” (p. 14). It is our desire to team with Charter LEAs to provide powerful professional development that will result in superior student achievement.

Resources

Bryk, A.S., & Schneider, B. (2002). “Trust in Schools: A Core Resource for Improvement.” Russell Sage Foundation, NY.

Elmore, R. F. (2002). "Bridging the gap between standards and achievement: The imperative for professional development in education." Retrieved April 2, 2003, from http://www.shankerinstitute.org/Downloads/Bridging_Gap.pdf

National Staff Development Council (2001). "NSDC Standards for Staff Development." Retrieved February 26, 2002, from <http://www.nsd.org/educatorindex.htm>

Sparks, D. (2002). "Designing Powerful Professional Development for Teachers and Principals." Retrieved March 24, 2003, from <http://www.nsd.org/sparksbook.html>

Section C – Regional Training

The Charter SELPA utilizes electronic communication for all professional development. All training flyers are available on the California Association of Health and Education Linked Professions (CAHELP) website (<http://cahelp.dmselpa.org>) and all registration is handled through the Organizational Management System (OMS) at <http://sbcss.k12oms.org>

For events that require payment, individuals must register online and follow up with payment forwarded to the Charter SELPA office. When an individual initially registers online, he/she will receive an email indicating that his/her registration will be confirmed once payment is received. Once the Charter SELPA has received payment, registrants will be sent another email confirming registration. Those who do not receive a confirmation email prior to the day of the training should check with the Charter LEA to determine whether payment has been sent. If payment has been sent and the registration has not yet been confirmed, individuals should contact the Charter SELPA office to confirm/verify registration and that all materials will be available for all participants on the day of the training.

Many of the Charter SELPA trainings fill up quickly and, unfortunately, the Charter SELPA has had to turn away some individuals on the day of the training due to nonreceipt of payment, and because the training was full. It is in the individual's best interest to register early and ensure that payment is sent promptly so that registration can be confirmed. The Charter SELPA hopes the electronic system streamlines the registration process and allows individuals to verify registration via email prior to the event.

Section D – On-Site Training

To request training from the Charter SELPA, Charter LEA staff must fill out an on-site request form. This form must be signed by the Charter LEA Special Education Director and sent to the Charter SELPA office. The request form can be scanned and emailed or faxed to the SELPA Program Manager for Regional Services at 17800 Highway 18, Apple Valley, CA 92307, (760) 242-5363. The Special Education Director and requestor's email addresses should be included in the form so that the Charter SELPA can verify receipt of the training request via email. Because program specialists book trainings several months in advance, the Charter SELPA will need approximately six week's advance notice to fulfill requests for on-site training. The Charter SELPA program team meets every Monday to review all requests and to assign requests to the

appropriate program specialist. The requestor and the Special Education Director will be notified via email when the request has been assigned and a program specialist or support person will contact the requesting individual to make final arrangements.

Section E – Special Education Staff

Teachers assigned to serve children with disabilities shall possess the credential that authorizes them to teach the primary disability of children within the special education setting as determined by the program placement recommendation in the child's Individualized Education Program (IEP) (*Title 5 of the California Code of Regulations § 80046.5 through 80048.6*). Special education teachers who teach core academic subjects shall possess the qualifications required by the NCLB Act (*Title 20 of the United States Code §§ 1401, 6319, 7801; Title 34 of the Code of Federal Regulations §§ 200.55-200.57, 300.18*)

NOTE: The federal NCLB Act (Title 20 of the United States Code § 6319; Title 34 of the Code of Federal Regulations §§ 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 Title 20 of the United States Code § 7801 and Title 5 of the California Code of Regulations §§ 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 (Title 5 of the California Code of Regulations § 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 §§ 6102 or 6103 as noted in the next two paragraphs, meets NCLB requirements as "highly qualified" (*Title 5 of the California Code of Regulations § 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) (*Title 5 of the California Code of Regulations § 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 Title 5 of the California Code of Regulations § 6104, and in conjunction with the teacher's evaluation and assessment pursuant to Education Code § 44662 (*Title 5 of the California Code of Regulations § 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 §§ 6111 or 6112, as noted in the next two paragraphs, meets NCLB requirements as "highly qualified".

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 Title 5 of the California Code of Regulations § 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 Title 5 of the California Code of Regulations § 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.

California Education Code § 56362(c). Caseloads for resource specialists shall be stated in the local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board. No resource specialist shall have a caseload which exceeds 28 pupils.

California Education Code § 56363.3. The average caseload for language, speech, and hearing specialists in special education local plan areas shall not exceed 55 cases, unless the local plan specifies a higher average caseload and the reasons for the greater average caseload.

California Education Code § 56441.7. (a) The maximum caseload for a speech and language specialist providing services exclusively to individuals with exceptional needs, between the ages of three and five years, inclusive, as defined in Section 56441.11 or 56026, shall not exceed a count of 40. (b) The Superintendent shall issue caseload guidelines or proposed regulations to local educational agencies for individuals with exceptional needs between the ages of three and five years, inclusive, by January 1, 1988.

The Charter LEA Chief Executive Officer (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.

Section F – 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 Charter 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 children whose needs have been identified in an IEP and who are assigned to regular classroom teachers for a majority of the school day.
2. Information and assistance to children with disabilities and their parents.
3. Consultation with and provision of resource information and material regarding children with disabilities to their parents and other staff members.
4. Coordination of special education services with the regular school programs for each child with a disability 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 children 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 general and special education teaching experience (*Education Code § 56362(b)*)

No resource specialist shall have a caseload which exceeds 28 students (*Education Code § 56362(c)*). 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; Title 5 of the California Code of Regulations § 3100*).

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

Title 5 of the California Code of Regulations § 3100. A school district, SELPA, county office of education, or any other public agency providing special education or related services may request the SBE to grant a waiver of the maximum resource specialist caseload, as set forth in Education Code section 56362(c), only if the waiver is necessary or beneficial either (1) to the content and implementation of a pupil's IEP and does not abrogate any right provided individuals with exceptional needs by specified federal law or (2) to the agency's compliance with specified federal law.

Section G – 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.

Outside agencies contracted by Charter LEAs to provide related services must be certified as a nonpublic, nonsectarian agency (NPA) by the CDE.