



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

DEC - 1 1999

Dear [REDACTED]

Your letter to President Clinton dated, August 2, 1999, regarding "the lack of trained professionals in the area of teaching special education, specifically emotional disturbance," was referred to the Office of Special Education Programs (OSEP) U.S. Department of Education, for reply. In your letter, you indicated that public schools are forced to hire unqualified personnel to fill these positions. Specifically, you inquired as to what is being done at the national level to address this problem.

As a condition for meeting eligibility requirements for Federal funding under Part B of the Individuals with Disabilities Education Act (Part B), each State must establish and maintain standards which include policies and procedures "to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained." 34 CFR Section 300.136(b)(1)(I); 20 U.S.C. Section 1412(a)(15). These policies and procedures must provide for "the establishment and maintenance of standards that are consistent with any State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the profession or discipline in which a person is providing special education or related services." 34 CFR Section 300.136(b)(ii). If the State educational agency's (SEA) standards for personnel in a specific profession or discipline, including standards for temporary or emergency certification, are not based on the "highest requirements in the State" across all State agencies serving children and youth with disabilities, States are required by 34 CFR Section 300.136(c) to take steps to retrain or hire personnel to meet appropriate professional requirements in the State and must establish timelines for meeting this goal. The term "highest requirements in the State applicable to a specific profession or discipline" means the highest entry-level academic degree needed for any State approved or recognized, certification, licensing registration, or other comparable requirements that apply to that profession or discipline." 34 CFR Section 300.136(a)(2)(emphasis added).

In identifying the "highest requirements in the State applicable to a specific profession or discipline," the requirements of all State statutes and the rules of all State agencies applicable to serving children and youth with disabilities must be considered. 34 CFR Section 300.136(e).

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Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

Part B's personnel standards provisions are intended to ensure that all providers of special education or related services in a specific profession or discipline meet comparable entry-level academic degree requirements for employment in that profession or discipline. In addition, Part B's personnel standards provisions do not prohibit States from implementing temporary or emergency certification mechanisms provided the requirements of 34 CFR Section 300.136(c) are satisfied.

Pursuant to Section 612(a)(15)(C) of IDEA, States are permitted to adopt a policy for local educational agencies to hire, in geographic areas of the State where there is a shortage of appropriately and adequately trained personnel to provide special education and related services to children with disabilities, the most "qualified individuals available" who are making satisfactory progress toward completing, "within three years," applicable course work necessary to meet the highest entry-level requirements set by the State.

In addition, 34 CFR Section 300.136(c) provides that: To the extent that a State's standards for a profession or discipline, including standards for temporary or emergency certification, are not based on the highest requirements in the State applicable to a specific profession or discipline, the State must provide the steps the State is taking and the procedures for notifying public agencies and personnel of those steps and the timelines it has established for the retraining or hiring of personnel to meet appropriate professional requirements in the State.

The Department also directs a considerable amount of funding to improving the preparation of personnel to serve children with high incidence disabilities. Consistent with Section 673(e) of the Act, the purpose of these grants is to develop or improve, and implement programs that provide preservice preparation for special and regular education teachers and related services personnel in order to meet the diverse needs of children with high incidence disabilities (such as emotional disturbance, mild or moderate mental retardation, speech or language impairments, or specific learning disability) and to enhance the supply of well-trained personnel to serve these children in areas of chronic shortage. Training of para-professionals to serve children with high-incidence disabilities also is authorized.

State agencies, university training programs, local schools, and other community-based agencies and organizations confirm both the importance and the challenge of improving training programs for personnel to serve children with high-incidence disabilities and of meeting the staffing needs of localities experiencing chronic shortages of these personnel. The Department intends to use these grants to improve personnel preparation programs throughout the Nation and help meet shortages in particular areas.

The Department currently funds nine (9) discretionary great programs in the State of New Hampshire. (A copy of each project is enclosed for your information.) Several of these projects focus on personnel preparation, including New Hampshire's State Improvement Grant. The goal of the program is to improve results for children with disabilities. The purpose is to assist State educational agencies, and their partners in reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices. It will improve service quality, coordination, and integration through policy reform systems change, and provision of technical assistance related to transition policies and practice, student access to and participation in the general education curriculum, and school-based disciplinary policies concerning students with emotional disturbance.

For more information on New Hampshire's State Improvement Grant, you can contact Ms. Sandra Plocharczky, New Hampshire Department of Education, at (603) 271-1536.

I hope this information is helpful. If this office can be of further assistance, please feel free to contact Ms. Delores Barber of my staff, OSEP's State contact person for New Hampshire, at (202) 205-9033.

Sincerely,

Patricia J. Guard
Acting Director
Office of Special Education
Programs

Enclosure: Federal Regulations
Implementing IDEA