

ESSA amends IDEA as follows:	Amended IDEA reads:
<p>Title IX, Part B Sec. 9214 Use of term “highly qualified”</p> <p>(d) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended—</p> <p>(1) in section 602, by striking paragraph (10);</p>	<p>(10) Highly qualified.—</p> <p>(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—</p> <p>(i) includes the requirements described in subparagraph (B); and</p> <p>(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).</p> <p>(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—</p> <p>(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</p>

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 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,~~

<p>(2) in section 612(a)(14)— (A) in subparagraph (C), by striking “secondary school is highly qualified by the deadline established in section 1119(a)(2) of the Elementary and Secondary Education Act of 1965” and inserting “secondary school— “(i) has obtained full State certification as a special education teacher (including participating in an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in section 2005.56(a)(2)(ii) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except with respect to any teacher teaching in a public charter school who shall meet the requirements set forth in the State’s public charter school law; “(ii) has not had special education certification or licensure requirements waived on an emergency, temporary,</p>	<p>not later than 2 years after the date of employment.</p> <p>(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.</p> <p>(E) 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.</p> <p><u>(14)</u> Personnel qualifications.--</p> <p><u>(C)</u> Qualifications for special education teachers.--The qualifications described in subparagraph (A) shall ensure that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline established in section 1119(a)(2) of the Elementary and Secondary Education Act of 1965 secondary school— “(i) has obtained full State certification as a special education teacher (including participating in an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in section 2005.56(a)(2)(ii) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008), or passed the State special education</p>
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<p>or provisional basis; and “(iii) holds at least a bachelor’s degree.”;</p> <p>(B) in subparagraph (D), by striking “highly qualified personnel” and inserting “personnel who meet the applicable requirements described in this paragraph”; and</p> <p>(C) in subparagraph (E), by striking “staff person to be highly qualified” and inserting “staff person to meet the applicable requirements described in this paragraph”;</p>	<p>teacher licensing examination, and holds a license to teach in the State as a special education teacher, except with respect to any teacher teaching in a public charter school who shall meet the requirements set forth in the State’s public charter school law;“(ii) has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and“(iii) holds at least a bachelor’s degree.”</p> <p><u>(D)</u> Policy.--In implementing this section, a State shall adopt a policy that includes a requirement that local educational agencies in the State take measurable steps to recruit, hire, train, and retain highly qualified personnel personnel who meet the applicable requirements described in this paragraph to provide special education and related services under this part to children with disabilities.</p> <p><u>(E)</u> Rule of construction.--Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this paragraph shall be construed to create a right of action on behalf of an individual student for the failure of a particular State educational agency or local educational agency staff person to be highly qualified teachers who meet the qualifications described in section 612(a)(14)(C), or to prevent a parent from filing a complaint about staff qualifications with the State educational agency as provided for under this part.</p>
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<p>(3) in section 653(b)— (A) in paragraph (7), by striking “highly qualified teachers” and inserting “teachers who meet the qualifications described in section 612(a)(14)(C)”; and</p> <p>(B) in paragraph (8), by striking “teachers who are not highly qualified” and inserting “teachers who do not meet the qualifications described in section 612(a)(14)(C)”; And</p> <p>(4) in section 654— (A) in subsection (a)(4), in the matter preceding subparagraph (A), by striking “highly qualified special education teachers, particularly initiatives that have been proven effective in recruiting and retaining highly qualified teachers” and inserting “special education teachers who meet the qualifications described in section 612(a)(14)(C), particularly initiatives that have been proven effective in recruiting and retaining teachers”; and</p>	<p><u>(7)</u> describe how the State educational agency will recruit and retain highly qualified teachers teachers who meet the qualifications described in section 612(a)(14)(C) and other qualified personnel in geographic areas of greatest need;</p> <p><u>(8)</u> describe the steps the State educational agency will take to ensure that poor and minority children are not taught at higher rates by teachers who are not highly qualified teachers who do not meet the qualifications described in section 612(a)(14)(C); and</p> <p><u>(4)</u> Developing and implementing initiatives to promote the recruitment and retention of highly qualified special education teachers, particularly initiatives that have been proven effective in recruiting and retaining highly qualified teachers special education teachers who meet the qualifications described in section 612(a)(14)(C), particularly initiatives that have been proven effective in recruiting and retaining teachers, including programs that provide--</p> <p><u>(A)</u> teacher mentoring from exemplary special education teachers, principals, or superintendents;</p> <p><u>(B)</u> induction and support for special education teachers during their first 3 years of employment as teachers; or</p> <p><u>(C)</u> incentives, including financial incentives, to retain special education teachers who have a record of success in helping students with disabilities.</p>
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<p>(B) in subsection (b)—</p> <p>(i) in paragraph (2), by striking “certification of special education teachers for highly qualified individuals with a baccalaureate or master’s degree” and inserting “certification of special education teachers for individuals with a baccalaureate or master’s degree who meet the qualifications described in section 612(a)(14)(C)”; and</p> <p>(ii) in paragraph (4), by striking “highly qualified special education teachers” and inserting “special education teachers who meet the qualifications described in section 612(a)(14)(C)”; and</p> <p>(C) in section 662—</p> <p>(i) in subsection (a)—</p> <p>(I) in paragraph (1), by striking “highly qualified personnel, as defined in section 651(b)” and inserting “personnel, as defined in section 651(b), who meet the applicable requirements described in section 612(a)(14)”; and</p> <p>(II) in paragraph (5), by striking “special education teachers are highly qualified” and inserting “special education teachers meet</p>	<p><u>(2)</u> Programs that establish, expand, or improve alternative routes for State certification of special education teachers for highly qualified individuals with a baccalaureate or master's degree certification of special education teachers for individuals with a baccalaureate or master’s degree who meet the qualifications described in section 612(a)(14)(C), including mid-career professionals from other occupations, paraprofessionals, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective special education teachers.</p> <p><u>(4)</u> Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified special education teachers special education teachers who meet the qualifications described in section 612(a)(14)(C).</p> <p><u>(1)</u> To help address the needs identified in the State plan described in section 653(a)(2) for highly qualified personnel, as defined in section 651(b) personnel, as defined in section 651(b), who meet the applicable requirements described in section 612(a)(14) , to work with infants or toddlers with disabilities, or children with disabilities, consistent with the qualifications described in section 612(a)(14).</p> <p><u>(5)</u> To ensure that all special education teachers are highly qualified special</p>
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<p>the qualifications described in section 612(a)(14)(C)”;</p> <p>(ii) in subsection (b)(2)(B), by striking “highly qualified teachers” and inserting “special education teachers who meet the qualifications described in section 612(a)(14)(C)”; and</p> <p>(iii) in subsection (c)(4)(B), by striking “highly qualified personnel” and inserting “personnel who meet the applicable requirements described in section 612(a)(14)”.</p>	<p>education teachers meet the qualifications described in section 612(a)(14)(C).</p> <p><u>(B)</u> Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of new, highly qualified teachers special education teachers who meet the qualifications described in section 612(a)(14)(C) to reduce teacher shortages, especially from groups that are underrepresented in the teaching profession, including individuals with disabilities.</p> <p><u>(B)</u> A demonstration of an effective collaboration between an eligible entity and a local educational agency that promotes recruitment and subsequent retention of highly qualified personnel personnel who meet the applicable requirements described in section 612(a)(14) to serve children with low incidence disabilities.</p>
<p>Title IX, Part B Sec. 9215 (ss) ADDITIONAL CONFORMING AMENDMENTS TO OTHER LAWS.</p> <p>(ss) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—The Individuals with Disabilities Education Act is amended as follows:</p> <p>(1) Section 602 (20 U.S.C. 1401) is amended—</p> <p>(A) by striking paragraph (4);</p> <p>(B) in paragraph (8)(a)(3), by striking “under parts A and B of title III of that Act” and inserting “under part A of title III of that Act”; and</p> <p>(C) by striking paragraph (18) and inserting the following:</p>	<p><u>(4)</u> Core academic subjects. The term ‘core academic subjects’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.</p> <p><u>(iii)</u> under parts A and B of title III of that Act under part A of title III of that Act; and</p> <p><u>(18)</u> Limited english proficient. The term ‘limited English proficient’ has the meaning</p>

<p>“(18) LIMITED ENGLISH PROFICIENT.—The term ‘limited English proficient’ has the meaning given the term ‘English learner’ in section 8101 of the Elementary and Secondary Education Act of 1965.”.</p> <p>(2) Section 611(e) (20 U.S.C. 1411(e)) is amended—</p> <p>(A) in paragraph (2)(C)—</p> <p>(i) in clause (x), by striking “6111 of the Elementary and Secondary Education Act of 1965” and inserting “1201 of the Elementary and Secondary Education Act of 1965”; and</p> <p>(ii) in clause (xi)—</p> <p>(I) by striking “including supplemental educational services as defined in 1116(e) of the Elementary and Secondary Education Act of 1965 to children with disabilities, in schools or local educational agencies identified for improvement under section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities” and inserting “including direct student services described in section 1003A(c)(3) of the Elementary and Secondary Education Act of 1965 to children with disabilities, to schools or local educational agencies implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965 on the basis of consistent underperformance of the</p>	<p>given the term in section 9101 of the Elementary and Secondary Education Act of 1965. LIMITED ENGLISH PROFICIENT.—The term ‘limited English proficient’ has the meaning given the term ‘English learner’ in section 8101 of the Elementary and Secondary Education Act of 1965.</p> <p><i>(Authorized activities)</i></p> <p><u>(x)</u> To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with sections 1111(b) and 6111 of the Elementary and Secondary Education Act of 1965 1201 of the Elementary and Secondary Education Act of 1965.</p> <p><u>(xi)</u> To provide technical assistance to schools and local educational agencies, and direct services, including supplemental educational services as defined in 1116(e) of the Elementary and Secondary Education Act of 1965 to children with disabilities, in schools or local educational agencies identified for improvement under section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities including direct student services described in section 1003A(c)(3) of the Elementary and Secondary Education Act of 1965 to children with disabilities, to schools or local educational agencies implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965 on the basis of consistent underperformance of the</p>
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<p>disaggregated subgroup of children with disabilities’; and</p> <p>(II) by striking “to meet or exceed the objectives established by the State under section 1111(b)(2)(G) the Elementary and Secondary Education Act of 1965” and inserting “based on the challenging academic standards described in section 1111(b)(1) of such Act”; and</p> <p>(B) in paragraph (3)(C)(ii)(I)(bb), by striking “section 9101” and inserting “section 8101”.</p> <p>(3) Section 612(a) (20 U.S.C. 1412(a)) is amended—</p> <p>(A) in paragraph (15)—</p> <p>(i) in subparagraph (A), by striking clause (ii) and inserting the following: “(ii) are the same as the State’s long-term goals and measurements of interim progress for children with disabilities under section 1111(c)(4)(A)(i) of the Elementary and Secondary Education Act of 1965;”;</p> <p>(ii) in subparagraph (B), by striking “including measurable annual objectives for progress by children with disabilities under section 1111(b)(2)(C)(v)(II)” and inserting “including measurements of interim progress for children with disabilities under section 1111(c)(4)(A)(i)”;</p>	<p>disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement to meet or exceed the objectives established by the State under section 1111(b)(2)(G) the Elementary and Secondary Education Act of 1965 based on the challenging academic standards described in section 1111(b)(1) of such Act.</p> <p><u>(bb)</u> ensures that the cost of the high need child with a disability is greater than 3 times the average per pupil expenditure (as defined in section 9101 section 8101 of the Elementary and Secondary Education Act of 1965) in that State;</p> <p><u>(ii)</u> are the same as the State's definition of adequate yearly progress, including the State's objectives for progress by children with disabilities, under section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 are the same as the State’s long-term goals and measurements of interim progress for children with disabilities under section 1111(c)(4)(A)(i) of the Elementary and Secondary Education Act of 1965.</p> <p><u>(B)</u> has established performance indicators the State will use to assess progress toward achieving the goals described in subparagraph (A), including measurable annual objectives for progress by children with disabilities under section 1111(b)(2)(C)(v)(II) including measurements of interim progress</p>
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<p>(B) in paragraph (16)(C)(ii)—</p> <p>(i) in subclause (I), by striking “State’s challenging academic content standards and challenging student academic achievement standards” and inserting “challenging State academic content standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and alternate academic achievement standards under section 1111(b)(1)(E) of such Act”;</p> <p>and</p> <p>(ii) in subclause (II), by striking “the regulations promulgated to carry out section 1111(b)(1) of the Elementary and Secondary Education Act of 1965,” and inserting “section 1111(b)(1)(E) of the Elementary and Secondary Education Act of 1965,”.</p> <p>(4) Section 613(a) (20 U.S.C. 1413(a)) is amended in paragraph (3), by striking “subject to the requirements of section 612(a)(14) and section 2122 of the Elementary and Secondary Education Act of 1965” and inserting “subject to the requirements of section 612(a)(14) and section 2102(b) of the Elementary and Secondary Education Act of 1965”.</p> <p>(5) Section 614(b)(5)(A) (20 U.S.C. 1414(b)(5)(A)) is amended by inserting “, as such section was in effect on the day before</p>	<p>for children with disabilities under section 1111(c)(4)(A)(i) of the Elementary and Secondary Education Act of 1965; and</p> <p><u>(I)</u> are aligned with the State's challenging academic content standards and challenging student academic achievement standards challenging State academic content standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and alternate academic achievement standards under section 1111(b)(1)(E) of such Act;</p> <p><u>(II)</u> if the State has adopted alternate academic achievement standards permitted under the regulations promulgated to carry out section 1111(b)(1) of the Elementary and Secondary Education Act of 1965— section 1111(b)(1)(E) of the Elementary and Secondary Education Act of 1965, measure the achievement of children with disabilities against those standards.</p> <p><u>(3)</u> Personnel development.--The local educational agency shall ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, subject to the requirements of section 612(a)(14) and section 2122 of the Elementary and Secondary Education Act of 1965—subject to the requirements of section 612(a)(14) and section 2102(b) of the Elementary and Secondary Education Act of 1965.</p> <p><u>(A)</u> lack of appropriate instruction in reading, including in the essential components of reading instruction (as defined in section</p>
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<p>the date of enactment of the Every Student Succeeds Act” after “1965”.</p> <p>(6) Section 651(c)(5)(E) (20 U.S.C. 1451(c)(5)(E)) is amended by striking “and 2112,” and inserting “and 2101(d)”.</p> <p>(7) Section 653(b)(3) (20 U.S.C. 1453(b)(3)) is amended by striking “and 2112,” and inserting “and 2101(d)”.</p> <p>(8) Section 654 (20 U.S.C. 1454) is amended—</p> <p>(A) in subsection (a)—</p> <p>(i) in paragraph (1)(B), by striking “challenging State student academic achievement and functional standards and with the requirements for professional development, as defined in section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “challenging State academic achievement standards and with the requirements for professional development, as defined in section 8101 of such Act”;</p> <p>and</p> <p>(ii) in paragraph (5)(A), by striking “section 9101 of the Elementary and Secondary Education Act of 1965” and inserting “section 8101 of the Elementary</p>	<p>1208(3) of the Elementary and Secondary Education Act of 1965 as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act);</p> <p>(E) the alignment of proposed activities with the State plans and applications submitted under sections 1111 and 2112 and 2101(d), respectively, of the Elementary and Secondary Education Act of 1965</p> <p>(3) describe how the State educational agency will align its personnel development plan under this subpart with the plan and application submitted under sections 1111 and 2112 and 2101(d), respectively, of the Elementary and Secondary Education Act of 1965;</p> <p>(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement and functional standards and with the requirements for professional development, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 challenging State academic achievement standards and with the requirements for professional development, as defined in section 8101 of such Act;</p> <p>(A) innovative professional development programs (which may be provided through partnerships that include institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to</p>
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and Secondary Education Act of 1965”; and

(B) in subsection (b)(10), by inserting “(as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act)” after “1965”.

(9) Section 662(b)(2)(A)(viii) (20 U.S.C. 1462(b)(2)(A)(viii)) is amended by striking “section 7113(d)(1)(A)(ii)” and inserting “section 6113(d)(1)(A)(ii)”.

(10) Section 663(b)(2) (20 U.S.C. 1463(b)(2)) is amended by striking and inserting the following:
“(2) improving the alignment, compatibility, and development of valid and reliable assessments and alternate assessments for assessing student academic achievement, as described under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965;”.

(11) Section 681(d)(3)(K) (20 U.S.C. 1481(d)(3)(K)) is amended by striking “payments under title VIII of the Elementary and Secondary Education Act of 1965;” and inserting “payments under title VII of the Elementary and Secondary Education Act of 1965;”.

improve teaching, learning, and technology literacy, which professional development shall be consistent with the definition of professional development in ~~section 9101 of the Elementary and Secondary Education Act of 1965~~ **section 8101 of the Elementary and Secondary Education Act of 1965;**

(viii) working in high need elementary schools and secondary schools, including urban schools, rural schools, and schools operated by an entity described in ~~section 7113(d)(1)(A)(ii)~~ **section 6113(d)(1)(A)(ii)** of the Elementary and Secondary Education Act of 1965, and schools that serve high numbers or percentages of limited English proficient children.

~~(2) improving the alignment, compatibility, and development of valid and reliable assessments and alternate assessments for assessing adequate yearly progress, as described under section 1111(b)(2)(B) of the Elementary and Secondary Education Act of 1965~~ **(2) improving the alignment, compatibility, and development of valid and reliable assessments and alternate assessments for assessing student academic achievement, as described under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965**

(K) children with disabilities served by local educational agencies that receive ~~payments under title VIII of the Elementary and Secondary Education Act of 1965~~ **payments under title VII of the Elementary and Secondary Education Act of 1965;**

<p>(e) INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004.—Section 302(a) of the Individuals with Disabilities Education Improvement Act of 2004 (20 U.S.C. 1400 note) is amended— (1) by striking “PART D.—” through “parts A” and inserting “PART D.—Parts A” ; and</p> <p>(2) by striking paragraph (2).</p>	<p>(a) NOTE: 20 USC 1400 note. Parts A, B, and C, and subpart 1 of part D. PART D.—Parts A</p> <p>(2) Highly qualified definition. Subparagraph (A), and subparagraphs</p>
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Prepared by The Advocacy Institute