



STATE AND FEDERAL CSPD REGULATIONS

INDIVIDUALS WITH
DISABILITIES EDUCATION
ACT — PL 108-446

THE FOLLOWING ARE THE IDEA REGULATIONS
PERTAINING TO CSPD REQUIREMENTS.

“THOUSANDS OF CANDLES CAN BE
LIGHTED FROM A SINGLE CANDLE,
AND THE LIFE OF THE CANDLE
WILL NOT BE SHORTENED.
HAPPINESS NEVER DECREASES
BY BEING SHARED.”

-BUDDHA

PROFESSIONAL DEVELOPMENT, PERSONNEL QUALIFICATIONS, AND PERSONNEL DEVELOPMENT IN IDEA REGULATIONS

§300.18 Highly qualified special education teachers.

(a) *Requirements for special education teachers teaching core academic subjects.* For any public elementary or secondary school special education teacher teaching core academic subjects, the term *highly qualified* has the meaning given the term in section 9101 of the ESEA and 34 CFR 200.56, except that the requirements for highly qualified also—

(1) Include the requirements described in paragraph (b) of this section; and

(2) Include the option for teachers to meet the requirements of section 9101 of the ESEA by meeting the requirements of paragraphs (c) and (d) of this section.

(b) *Requirements for special education teachers in general.*

(1) When used with respect to any public elementary school or secondary school special education teacher teaching in a State, highly qualified requires 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, highly qualified means that the teacher meets the certification or licensing requirements, if any, 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.

(2) A teacher will be considered to meet the standard in paragraph (b)(1)(i) of this section if that teacher is participating in an alternative route to special education certification program under which—

(i) The teacher—

(A) Receives high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;

- (B)** Participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;
 - (C)** Assumes functions as a teacher only for a specified period of time not to exceed three years; and
 - (D)** Demonstrates satisfactory progress toward full certification as prescribed by the State; and
- (ii)** The State ensures, through its certification and licensure process, that the provisions in paragraph (b)(2)(i) of this section are met.
- (3)** Any public elementary school or secondary school special education teacher teaching in a State, who is not teaching a core academic subject, is highly qualified if the teacher meets the requirements in paragraph (b)(1) or the requirements in (b)(1)(iii) and (b)(2) of this section.
- (c)** *Requirements for special education teachers teaching to alternate academic achievement standards.* When used with respect to a special education teacher who teaches core academic subjects exclusively to children who are assessed against alternate academic achievement standards established under 34 CFR 200.1(d), highly qualified means the teacher, whether new or not new to the profession, may either—
 - (1)** Meet the applicable requirements of section 9101 of the ESEA and 34 CFR 200.56 for any elementary, middle, or secondary school teacher who is new or not new to the profession; or
 - (2)** Meet the requirements of paragraph (B) or (C) of section 9101(23) of the ESEA as applied to an elementary school teacher, or, in the case of instruction above the elementary level, meet the requirements of paragraph (B) or (C) of section 9101(23) of the ESEA as applied to an elementary school teacher and have subject matter knowledge appropriate to the level of instruction being provided and needed to effectively teach to those alternate academic achievement standards, as determined by the State.
 - (d)** *Requirements for special education teachers teaching multiple subjects.* Subject to paragraph (e) of this section, when used with respect to a special education teacher who teaches two or more core academic subjects exclusively to children with disabilities, highly qualified means that the teacher may either—
 - (1)** Meet the applicable requirements of section 9101 of the ESEA and 34 CFR 200.56(b) or (c);
 - (2)** 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 34 CFR 200.56(c) which may include a single, high objective uniform State standard of evaluation (HOUSSE) covering multiple subjects; or

(3) 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, not later than two years after the date of employment, 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 34 CFR 200.56(c), which may include a single HOUSSE covering multiple subjects.

(e) *Separate HOUSSE standards for special education teachers.* Provided that any adaptations of the State's HOUSSE would not establish a lower standard for the content knowledge requirements for special education teachers and meet all the requirements for a HOUSSE for regular education teachers—

(1) A State may develop a separate HOUSSE for special education teachers; and

(2) The standards described in paragraph (e)(1) of this section may include single HOUSSE evaluations that cover multiple subjects.

(f) *Rule of construction.* Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this 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 SEA or LEA employee to be highly qualified, or to prevent a parent from filing a complaint under §§300.151 through 300.153 about staff qualifications with the SEA as provided for under this part.

(g) *Applicability of definition to ESEA; and clarification of new special education teacher.*

(1) A teacher who is highly qualified under this section is considered highly qualified for purposes of the ESEA.

(2) For purposes of §300.18(d)(3), a fully certified regular education teacher who subsequently becomes fully certified or licensed as a special education teacher is a new special education teacher when first hired as a special education teacher.

(h) *Private school teachers not covered.* The requirements in this section do not apply to teachers hired by private elementary schools and secondary schools including private school teachers hired or contracted by LEAs to provide equitable services to parentally-placed private school children with disabilities under §300.138.

(Authority: 20 U.S.C. 1401(10))

[71 FR 46753, Aug. 14, 2006, as amended at 72 FR 61306, Oct. 30, 2007]

§300.156 Personnel qualifications.

(a) *General.* The SEA 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.

- (b) *Related services personnel and paraprofessionals.* The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that—
- (1) 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; and
 - (2) Ensure that related services personnel who deliver services in their discipline or profession—
 - (i) Meet the requirements of paragraph (b)(1) of this section; and
 - (ii) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
 - (iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities.
- (c) *Qualifications for special education teachers.* The qualifications described in paragraph (a) of this section must ensure that each person employed as a public school special education teacher in the State who teaches in an elementary school, middle school, or secondary school is highly qualified as a special education teacher by the deadline established in section 1119(a)(2) of the ESEA.
- (d) *Policy.* In implementing this section, a State must adopt a policy that includes a requirement that LEAs in the State take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities.
- (e) *Rule of construction.* Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this part shall be construed to create a right of action on behalf of an individual student or a class of students for the failure of a particular SEA or LEA employee to be highly qualified, or to prevent a parent from filing a complaint about staff qualifications with the SEA as provided for under this part.

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(14))

§300.207 Personnel development.

The LEA must ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared, subject to the requirements of §300.156 (related to personnel qualifications) and section 2122 of the ESEA.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(3))

§300.226 Early intervening services.

- (a) General.** An LEA may not use more than 15 percent of the amount the LEA receives under Part B of the Act for any fiscal year, less any amount reduced by the LEA pursuant to §300.205, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment. (See appendix D for examples of how §300.205(d), regarding local maintenance of effort, and §300.226(a) affect one another.)
- (b) Activities.** In implementing coordinated, early intervening services under this section, an LEA may carry out activities that include—
- (1)** Professional development (which may be provided by entities other than LEAs) for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and
 - (2)** Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.
- (c) Construction.** Nothing in this section shall be construed to either limit or create a right to FAPE under Part B of the Act or to delay appropriate evaluation of a child suspected of having a disability.
- (d) Reporting.** Each LEA that develops and maintains coordinated, early intervening services under this section must annually report to the SEA on—
- (1)** The number of children served under this section who received early intervening services; and
 - (2)** The number of children served under this section who received early intervening services and subsequently receive special education and related services under Part B of the Act during the preceding two year period.
- (e) Coordination with ESEA.** Funds made available to carry out this section may be used to carry out coordinated, early intervening services aligned with activities funded by, and carried out under the ESEA if those funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services assisted under this section.

(Approved by the Office of Management and Budget under control number 1820-

0600)

(Authority: 20 U.S.C. 1413(f))

§300.604 Enforcement.

- (a) Needs assistance.** If the Secretary determines, for two consecutive years, that a State needs assistance under §300.603(b)(1)(ii) in implementing the requirements of Part B of the Act, the Secretary takes one or more of the following actions:
- (1)** Advises the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance, which may include assistance from the Office of Special Education Programs, other offices of the Department of Education, other Federal agencies, technical assistance providers approved by the Secretary, and other federally funded nonprofit agencies, and requires the State to work with appropriate entities. Such technical assistance may include—
 - (i)** The provision of advice by experts to address the areas in which the State needs assistance, including explicit plans for addressing the area for concern within a specified period of time;
 - (ii)** Assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
 - (iii)** Designating and using distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, technical assistance, and support; and
 - (iv)** Devising additional approaches to providing technical assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under Part D of the Act, and private providers of scientifically based technical assistance.
 - (2)** Directs the use of State-level funds under section 611(e) of the Act on the area or areas in which the State needs assistance.
 - (3)** Identifies the State as a high-risk grantee and imposes special conditions on the State's grant under Part B of the Act.

§300.704 State-level activities.

(A) State administration.

- (1)** For the purpose of administering Part B of the Act, including paragraph (c) of this section, section 619 of the Act, and the coordination of activities under Part B of the Act with, and providing technical assistance to, other programs that provide services to children with disabilities—
 - (i)** Each State may reserve for each fiscal year not more than the maximum amount the

State was eligible to reserve for State administration under section 611 of the Act for fiscal year 2004 or \$800,000 (adjusted in accordance with paragraph (a)(2) of this section), whichever is greater; and

- (ii) Each outlying area may reserve for each fiscal year not more than five percent of the amount the outlying area receives under §300.701(a) for the fiscal year or \$35,000, whichever is greater.
- (2) For each fiscal year, beginning with fiscal year 2005, the Secretary cumulatively adjusts—

 - (i) The maximum amount the State was eligible to reserve for State administration under section 611 of the Act for fiscal year 2004; and
 - (ii) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.
- (3) Prior to expenditure of funds under paragraph (a) of this section, the State must certify to the Secretary that the arrangements to establish responsibility for services pursuant to section 612(a)(12)(A) of the Act are current.
- (4) Funds reserved under paragraph (a)(1) of this section may be used for the administration of Part C of the Act, if the SEA is the lead agency for the State under that Part.
- (b) Other State-level activities.**

 - (1) States may reserve a portion of their allocations for other State-level activities. The maximum amount that a State may reserve for other State-level activities is as follows:

 - (i) If the amount that the State sets aside for State administration under paragraph (a) of this section is greater than \$850,000 and the State opts to finance a high cost fund under paragraph (c) of this section:

 - (A) For fiscal years 2005 and 2006, 10 percent of the State's allocation under §300.703.
 - (B) For fiscal year 2007 and subsequent fiscal years, an amount equal to 10 percent of the State's allocation for fiscal year 2006 under §300.703 adjusted cumulatively for inflation.
 - (ii) If the amount that the State sets aside for State administration under paragraph (a) of this section is greater than \$850,000 and the State opts not to finance a high cost fund under paragraph (c) of this section—

 - (A) For fiscal years 2005 and 2006, nine percent of the State's allocation under §300.703.

- (B)** For fiscal year 2007 and subsequent fiscal years, an amount equal to nine percent of the State's allocation for fiscal year 2006 adjusted cumulatively for inflation.
- (iii)** If the amount that the State sets aside for State administration under paragraph (a) of this section is less than or equal to \$850,000 and the State opts to finance a high cost fund under paragraph (c) of this section:
 - (A)** For fiscal years 2005 and 2006, 10.5 percent of the State's allocation under §300.703.
 - (B)** For fiscal year 2007 and subsequent fiscal years, an amount equal to 10.5 percent of the State's allocation for fiscal year 2006 under §300.703 adjusted cumulatively for inflation.
- (iv)** If the amount that the State sets aside for State administration under paragraph (a) of this section is equal to or less than \$850,000 and the State opts not to finance a high cost fund under paragraph (c) of this section:
 - (A)** For fiscal years 2005 and 2006, nine and one-half percent of the State's allocation under §300.703.
 - (B)** For fiscal year 2007 and subsequent fiscal years, an amount equal to nine and one-half percent of the State's allocation for fiscal year 2006 under §300.703 adjusted cumulatively for inflation.
- (2)** The adjustment for inflation is the rate of inflation as measured by the percentage of increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.
- (3)** Some portion of the funds reserved under paragraph (b)(1) of this section must be used to carry out the following activities:
 - (i)** For monitoring, enforcement, and complaint investigation; and
 - (ii)** To establish and implement the mediation process required by section 615(e) of the Act, including providing for the costs of mediators and support personnel;
- (4)** Funds reserved under paragraph (b)(1) of this section also may be used to carry out the following activities:
 - (i)** For support and direct services, including technical assistance, personnel preparation, and professional development and training;
 - (ii)** To support paperwork reduction activities, including expanding the use of technology in the IEP process;
 - (iii)** To assist LEAs in providing positive behavioral interventions and supports and mental health services for children with disabilities;

- (iv) To improve the use of technology in the classroom by children with disabilities to enhance learning;
- (v) To support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities;
- (vi) Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of students with disabilities to postsecondary activities;
- (vii) To assist LEAs in meeting personnel shortages;
- (viii) To support capacity building activities and improve the delivery of services by LEAs to improve results for children with disabilities;
- (ix) Alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools;
- (x) 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 ESEA; and
- (xi) To provide technical assistance to schools and LEAs, and direct services, including supplemental educational services as defined in section 1116(e) of the ESEA to children with disabilities, in schools or LEAs identified for improvement under section 1116 of the ESEA on the sole basis of the assessment results of the 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) of the ESEA.

Montana's CSPD Rule

10.16.3135 COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

(1) The Superintendent of Public Instruction shall establish procedures for the development and conduct of a comprehensive system of personnel development. The procedures shall include:

- (a) Analysis of state and local needs for professional development for personnel to serve students with disabilities that includes at a minimum:
 - (i) identification of preservice and professional development training needs to address personnel shortages and requirements for provision of qualified personnel;

(ii) review of the Annual Performance Report results in collaboration with the state Special Education Advisory Panel to identify statewide training needs to improve outcomes for students with disabilities consistent with the State Performance Plan;

(iii) implementation of a statewide needs assessment to identify specific professional development needs of special education and related services personnel conducted at least every third year.

(b) Implementation of a regionalized structure for the implementation of professional development which helps to ensure personnel have the skills and knowledge to improve academic achievement and functional performance of students, and enables personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and where appropriate instruction on the use of adaptive and instructional software.

(c) A detailed structure for personnel planning that focuses on preservice and in-service education needs and that describes procedures for:

(i) acquiring, reviewing, and disseminating to general and special education teachers, paraprofessional personnel (e.g., teacher aides and instructional assistants), administrators, and related service providers significant information about evidence based research practices proven effective through research or demonstration;

(ii) providing technical assistance to local educational agencies, educational cooperatives, state operated programs, and private programs serving state agency placed students with disabilities; and

(iii) identifying state, local, and regional resources which will assist in meeting the state's personnel preparation needs.

(2) The Superintendent of Public Instruction shall appoint a comprehensive system of personnel development council to ensure that public and private institutions of higher education and other agencies and organizations having an interest in the preparation of personnel for the education of students with disabilities have an opportunity to participate fully in the development, review, and annual updating of the state comprehensive system of personnel development. The council shall:

(a) develop a long-range personnel development plan and evaluate effectiveness of state personnel training activities in meeting the plan and make recommendations for in-service, preservice and technical assistance programs on an annual basis;

(b) establish procedures to ensure collaboration and coordination of Office of Public Instruction and local educational agency efforts in the utilization of current technology and training techniques in meeting the personnel development needs and use of appropriate networks, linkages, and databases; and

(c) report on recommendations regarding personnel preparation to the Superintendent of Public Instruction and the State Special Education Advisory Panel.

(History: 20-7-402, MCA; IMP, 20-7-403, MCA; NEW, 1993 MAR p. 1913, Eff. 8/13/93; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00; AMD, 2007 MAR p. 678, Eff. 5/25/07.)

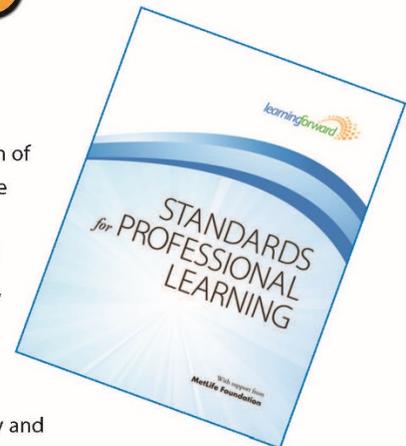
STANDARDS *for* PROFESSIONAL LEARNING

Quick reference guide

About the standards

This is the third version of standards that outline the characteristics of effective professional learning. This edition, drawn from research and based on evidence-based practice, describes a set of expectations for effective professional learning to ensure equity and excellence in educator learning. The standards serve as indicators that guide the learning, facilitation, implementation, and evaluation of professional learning.

As with earlier versions of the standards, including the last revision in 2001, Learning Forward invited representatives from leading education associations and organizations to contribute to the development of the standards. Together, these representatives reviewed research and best practice literature to contribute to the standards revision with consideration of their own constituencies, including teachers, principals, superintendents, and local and state school board members.



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STANDARDS FOR PROFESSIONAL LEARNING			
<i>Professional learning that increases educator effectiveness and results for all students ...</i>	<p>LEARNING COMMUNITIES: Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment.</p>	<p>LEADERSHIP: Professional learning that increases educator effectiveness and results for all students requires skillful leaders who develop capacity, advocate, and create support systems for professional learning.</p>	<p>RESOURCES: Professional learning that increases educator effectiveness and results for all students requires prioritizing, monitoring, and coordinating resources for educator learning.</p>
<p>DATA: Professional learning that increases educator effectiveness and results for all students uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning.</p>	<p>LEARNING DESIGNS: Professional learning that increases educator effectiveness and results for all students integrates theories, research, and models of human learning to achieve its intended outcomes.</p>	<p>IMPLEMENTATION: Professional learning that increases educator effectiveness and results for all students applies research on change and sustains support for implementation of professional learning for long-term change.</p>	<p>OUTCOMES: Professional learning that increases educator effectiveness and results for all students aligns its outcomes with educator performance and student curriculum standards.</p>

Relationship between professional learning and student results

1. When professional learning is standards-based, it has greater potential to change what educators know, are able to do, and believe.
2. When educators' knowledge, skills, and dispositions change, they have a broader repertoire of effective strategies to use to adapt their practices to meet performance expectations and student learning needs.
3. When educator practice improves, students have a greater likelihood of achieving results.
4. When student results improve, the cycle repeats for continuous improvement.

This cycle works two ways: If educators are not achieving the results they want, they determine what changes in practice are needed and then what knowledge, skills, and dispositions are needed to make the desired changes. They then consider how to apply the standards so that they can engage in the learning needed to strengthen their practice.

SUGGESTIONS FOR USE

Standards for Professional Learning are designed to set policies and shape practice in professional learning. Improvement is a continuous process without a beginning or end. Because professional learning is at the core of every effort to increase educator effectiveness and results for all students, its quality and effectiveness cannot be left to chance. The standards will guide the efforts of individuals, teams, school and school system staff, public agencies and officials, and nonprofit and for-profit associations or organizations engaged in setting policy, organizing, providing, facilitating, managing, participating in, monitoring, or measuring professional learning to increase educator effectiveness and results for all students.

These standards stimulate dialogue, discussion, and analysis that lead to increased effectiveness in professional learning regardless of the state of current practice. Here are several suggestions for how various types of educators may use the standards to deepen their understanding of effective professional learning and how to strengthen professional learning for all educators. The book *Standards for Professional Learning* (Learning Forward, 2011; see ordering information at right) offers a more comprehensive list.

INDIVIDUALS CAN:

- Study the standards to develop a foundational knowledge about effective professional learning.
- Use the standards to request improvements in professional learning in which they participate.
- Apply the standards to the planning, design, facilitation, and evaluation of professional learning they lead.

SCHOOL STAFF CAN:

- Share the standards with external assistance providers who facilitate professional learning with school staff.
- Share the standards with parents, guardians, and community members to foster their support for professional learning as a means to increase student learning.
- Bring the standards into all program implementation or improvement discussions.

SCHOOL SYSTEM STAFF CAN:

- Post the standards on or link to the standards from the school system's website.
- Use the standards as criteria for evaluating the effectiveness of all professional learning.
- Prepare a resolution that the school trustees adopt the standards as expectations for all professional learning.

MORE TO COME



Learning Forward, with continuing support from MeLife Foundation, will develop additional tools to support the implementation and evaluation of the standards.

“Using the standards to shape more effective professional learning will require study, thought, discussion, and planning.”

— *Standards for Professional Learning*

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