

**GAO**

Report to the Ranking Minority  
Member, Committee on Health,  
Education, Labor, and Pensions,  
U.S. Senate

---

July 2004

# SPECIAL EDUCATION

## Additional Assistance and Better Coordination Needed among Education Offices to Help States Meet the NCLBA Teacher Requirements



SPECIAL EDUCATION



Highlights of [GAO-04-659](#), a report to the Ranking Minority Member, Committee on Health, Education, Labor, and Pensions, United States Senate

**Why GAO Did This Study**

During the 2001-2002 school year, more than 400,000 special education teachers provided instructional services to approximately 6 million students with disabilities in U.S. schools. Two federal laws contain teacher qualification requirements that apply to special education teachers: the No Child Left Behind Act (NCLBA) and the Individuals with Disabilities Education Act (IDEA).

Given the committee’s interest in issues related to highly qualified special education teachers, we are providing information about (1) the state certification requirements, including the use of alternative certification programs, for special education teachers, and how they relate to NCLBA requirements; (2) the factors that facilitate or impede state efforts to ensure that special education teachers meet NCLBA requirements; and (3) how different offices in the Department of Education (Education) assist states in addressing NCLBA teacher requirements.

**What GAO Recommends**

GAO recommends that the Secretary of Education provide additional assistance to states in explaining NCLBA teacher requirements and identifying implementation strategies for special education teachers, and formalize its efforts to improve the department’s internal coordination related to the implementation of these teacher quality requirements.

[www.gao.gov/cgi-bin/getrpt?GAO-04-659](http://www.gao.gov/cgi-bin/getrpt?GAO-04-659).

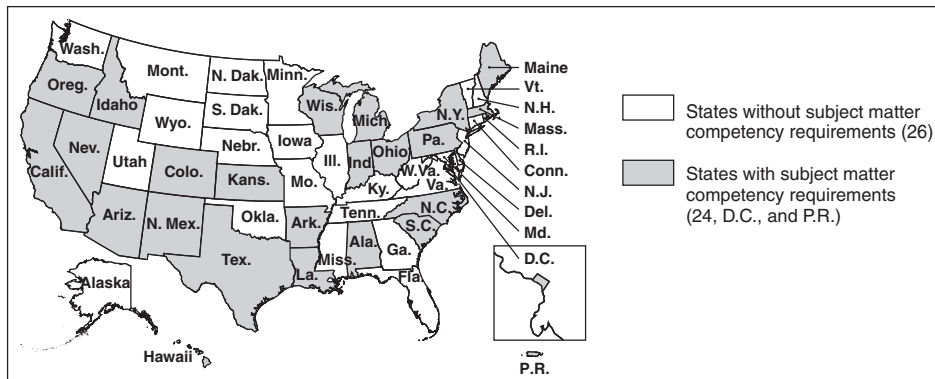
To view the full product, including the scope and methodology, click on the link above. For more information, contact Marjie S. Shaul, (202) 512-7215, [shaulm@gao.gov](mailto:shaulm@gao.gov).

**Additional Assistance and Better Coordination Needed among Education Offices to Help States Meet the NCLBA Teacher Requirements**

**What GAO Found**

In the 2002-2003 school year, all states, the District of Columbia, and Puerto Rico required that special education teachers have a bachelor’s degree and be certified to teach—two of NCLBA’s teacher qualification requirements—and half required special education teachers to demonstrate subject matter competency in core academic subjects, which is the third requirement. Specifically, 24 states, the District of Columbia, and Puerto Rico required their teachers to demonstrate some level of subject matter competency by having a degree or passing state tests in the core academic subjects that they wished to teach. Teachers of core academic subjects in the remaining states that did not have such requirements might not be positioned to meet the NCLBA requirements. To meet NCLBA teacher requirements, teachers would need to demonstrate competency in core academic subjects by the end of the 2005-2006 school year.

**Status of Special Education Teacher Subject Matter Competency Requirements for School Year 2002-2003, by State**



Source: GAO analysis of survey responses from the state special education directors in the 50 states, D.C., and P.R. for the 2002-2003 school year.

State education officials reported that the availability of funds to support professional development facilitated implementation of the NCLBA teacher requirements, while other factors, such as uncertainty about how to apply the subject matter competency requirement to special education teachers, impeded implementation. State education officials and national education organizations’ representatives we interviewed cited the need for more assistance from Education in explaining NCLBA’s teacher requirements and identifying implementation strategies.

Education has provided a range of assistance, such as site visits, Web-based guidance, and financial assistance, to help states implement the highly qualified teacher requirements. However, department coordination related to the implementation of NCLBA’s teacher requirements for special education teachers has been limited.

---

# Contents

---

## Letter

Results in Brief	1
Background	2
All States Implemented at Least Two of Three NCLBA Teacher Requirements for Special Education Teachers	4
State Officials Cited Several Factors That Affected the Implementation of NCLBA Subject Matter Competency Requirements for Special Education Teachers	7
Coordination among Education's Offices Responsible for Educating Students with Disabilities Was Limited	11
Conclusions	16
Recommendations for Executive Action	18
Agency Comments and Our Evaluation	19

---

## Appendix I

<b>Thirty-One States with Alternative Routes to Certification in Special Education during the 2002-2003 School Year</b>	22
---	----

---

## Appendix II

<b>Comments from the Department of Education</b>	28
--	----

---

## Appendix III

<b>GAO Contacts and Staff Acknowledgments</b>	33
GAO Contacts	33
Staff Acknowledgments	33

---

## Table

Table 1: Application of the NCLBA Teacher Quality Requirements to Special Educators' Instructional Roles	14
--	----

---

## Figure

Figure 1: Status of Special Education Teacher Subject Matter Competency Requirements for School Year 2002-2003, by State	9
--	---

---

---

## Abbreviations

ESEA	Elementary and Secondary Education Act
HOUSSE	high, objective, uniform state standard of evaluation
IDEA	Individuals with Disabilities Education Act
IEP	individualized education program
NCLBA	No Child Left Behind Act of 2001
OESE	Office of Elementary and Secondary Education
OSEP	Office of Special Education Programs

This is a work of the U.S. government and is not subject to copyright protection in the United States. It may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.



United States Government Accountability Office  
Washington, DC 20548

July 15, 2004

The Honorable Edward M. Kennedy  
Ranking Minority Member  
Committee on Health, Education,  
Labor, and Pensions  
United States Senate

Dear Senator Kennedy:

During the 2001-2002 school year, more than 400,000 special education teachers provided instructional services to approximately 6 million students with disabilities in U.S. schools. Two federal laws contain teacher qualification requirements that apply to special education teachers: the No Child Left Behind Act (NCLBA) of 2001 and the Individuals with Disabilities Education Act (IDEA), which was last amended in 1997. Within the Department of Education (Education), the Office of Elementary and Secondary Education (OESE) has primary responsibility for implementing NCLBA requirements, and the Office of Special Education Programs (OSEP) has primary responsibility for implementing IDEA requirements. State officials have raised issues regarding the compatibility of the laws' teacher qualification requirements and how to apply NCLBA requirements to special education teachers.

NCLBA requires that all teachers of "core academic subjects," such as English, meet teacher qualification requirements, and most of these teachers must do so by the end of the 2005-2006 school year. To meet requirements, teachers (1) must have at least a bachelor's degree, (2) be certified to teach by their states, and (3) must demonstrate subject matter competence in each core academic subject that they teach. Under the NCLBA, all teachers, including special education teachers, who provide instruction in core academic subjects are generally required to meet NCLBA requirements. However, special education teachers who provide other types of instruction do not need to meet NCLBA requirements. IDEA generally requires teachers to be appropriately and adequately trained in accordance with standards established by each state but does not specify any other minimum qualifications for special education teachers. Congress is considering including provisions on special education teacher qualifications in the pending reauthorization of IDEA.

---

Given your interest in issues related to special education teacher qualifications, we are providing information about (1) the state certification requirements, including the use of alternative certification programs, for special education teachers, and how they relate to NCLBA requirements; (2) the factors that facilitate or impede state efforts to ensure that special education teachers meet NCLBA requirements; and (3) how different offices in the U.S. Department of Education assist states in addressing NCLBA teacher requirements.

To obtain this information, we used multiple data collection methods. First, we surveyed special education directors in 50 states, the District of Columbia, and Puerto Rico<sup>1</sup> to obtain information on their states or territories for the 2002-2003 school year in the following areas: special education teacher certification requirements, the conditions or issues that affected implementation of the NCLBA teacher quality requirements for special education teachers, and the assistance that various Education offices provided states in implementing NCLBA requirements for special education teachers. We achieved a 100 percent response rate. Second, we interviewed education officials in 6 states: Arkansas, Maryland, Massachusetts, New York, South Dakota, and Washington. These states were selected for variance in the number of special education students served, the percentage of certified special education teachers, and geographic location. We also interviewed about 20 federal education officials and representatives from 8 national education organizations regarding special education teacher certification, qualifications, meeting NCLBA teacher requirements, and the assistance various Education offices provided to states in these areas. Finally, we reviewed the Internet sites of all states to gather information about certification requirements and alternative certification programs for special education teachers. We also analyzed agency documentation, legislation, and other documentation related to special education teacher qualifications and requirements. We conducted our work between August 2003 and June 2004 in accordance with generally accepted government auditing standards.

---

## Results in Brief

In the 2002-2003 school year, all states required that special education teachers have a bachelor's degree and be certified to teach—two of the NCLBA teacher qualification requirements—and half required special

---

<sup>1</sup>Hereinafter, the term *states* will refer collectively to the 50 states plus the District of Columbia and Puerto Rico.

---

education teachers to demonstrate competency in core academic subjects, the third requirement. Specifically, 26 states required their teachers to demonstrate some level of subject matter competency by having a degree or passing tests in the academic subjects that they wished to teach. The remaining states did not have such requirements; in these states, state-certified special education teachers who were assigned to teach core academic subjects might not be positioned to meet the NCLBA requirements. To meet NCLBA teacher requirements, teachers would need to demonstrate competency in core academic subjects by the end of the 2005-2006 school year. In 31 states that offered alternative routes to teacher certification, certification requirements for alternative route and traditional teacher preparation program graduates followed a similar pattern in terms of alignment with NCLBA teacher requirements.

State education officials reported that while the availability of funds to support professional development facilitated implementation of the subject matter competency requirements, other factors, such as uncertainty about how to apply these requirements to special education teachers teaching multiple subjects, impeded implementation. Some states helped teachers meet requirements by providing financial aid for coursework. Other states have provided services to help teachers meet requirements—for example, allowing teachers to demonstrate subject matter competency without taking an exam or pursuing a degree. About half of the state officials and national education organizations' representatives we interviewed reported that states needed more assistance on how to implement NCLBA teacher requirements. In addition, state officials reported that meeting the subject matter competency requirements would be challenging because of the time frame for implementation. Although recent Education guidance may have resolved some concerns regarding time frames, some state officials we interviewed have continued to report uncertainty regarding the application of the subject matter competency requirement to special education teachers. Education officials noted that NCLBA requirements apply to all teachers, but they also have said that the assessment level of the students being taught could be considered in determining the level of subject matter competency requirements for special education teachers. This could be confusing when special education teachers teach high school students functioning at elementary school levels because requirements differ for different grade levels.

Education has provided a range of assistance, such as site visits, Web-based guidance, and financial assistance, to help states implement the highly qualified teacher requirements. However, department coordination

---

related to the implementation of NCLBA's teacher requirements for special education teachers has been limited. Within Education, OESE has taken the lead in site visits and posting Web-based guidance, with support from offices such as the Office of the Secretary and Office of General Counsel. OSEP, however, played a limited role in these efforts. When states reportedly sought OSEP's guidance on requirements for special education teachers, OSEP officials told us that they generally referred state officials to OESE or to the NCLBA Web site. Further, until recently, OSEP was not a member of Education's teacher quality policy team, which is responsible for responding to state issues and identifying policy concerns. Special education teacher issues were among the most frequently discussed topics in team meetings. Because of OSEP's limited involvement prior to being added to the team, Education may not have been in a position to be fully apprised of how special education concerns could affect implementation. However, Education officials told us that they included OSEP by contacting it to clarify IDEA substantive issues.

In this report we are recommending that the Secretary of Education provide additional assistance to states in explaining NCLBA teacher quality requirements and identifying implementation strategies. We are also recommending that the Secretary of Education formalize efforts to improve the department's internal coordination related to the implementation of these NCLBA teacher quality requirements.

---

## Background

The No Child Left Behind Act of 2001,<sup>2</sup> which reauthorized the Elementary and Secondary Education Act (ESEA), is designed to improve the education of all students and the quality of teachers. NCLBA requires that all teachers of "core academic subjects"—defined to mean English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography—be "highly qualified." To be highly qualified, teachers (1) must have at least a bachelor's degree, (2) be certified to teach by their state, and (3) demonstrate subject matter competency in each core academic subject that they teach. A teacher's options for demonstrating subject matter competency vary according to whether the teacher is new and the grade level being taught. New elementary school teachers must demonstrate subject matter competency by passing a rigorous state exam in the basic elementary school curriculum; new middle or high school teachers may

---

<sup>2</sup>Pub. L. No. 107-110, 115 Stat. 1425.



---

establish that they are highly qualified by either taking a rigorous state exam or successfully completing a degree (or equivalent credentialing) in each core academic subject taught. In addition, NCLBA allows current teachers to demonstrate subject matter competency based on a “high objective uniform state standard of evaluation.”<sup>3</sup> For example, under these uniform state standards, a combination of experience, expertise, and professional training could be used to meet the NCLBA subject matter competency requirements.

Education has issued guidance to states on how to apply NCLBA requirements to all teachers, including special education teachers. According to Education’s January 2004 guidance, special education teachers who provide instruction in core academic subjects, such as teachers in self-contained classrooms, are required to comply with the NCLBA subject matter competency requirements. In contrast, those special educators who do not provide instruction in core academic subjects, such as those who provide consultative services to highly qualified general educators, do not have to comply with the NCLBA teacher requirements. In addition, Education’s March 2004 guidance provided additional flexibility on the implementation deadline and competency requirements for some special education teachers. Specifically, the guidance stated that educators in eligible rural areas who are highly qualified in at least one core academic subject they teach would have 3 additional years to demonstrate subject matter competency in other academic areas. The guidance also states that teachers who provide instruction in multiple core academic subjects will be able to demonstrate their subject matter competency through one process under their states’ uniform standards, such as taking a single test that covers multiple core academic subjects.<sup>4</sup>

IDEA is the primary federal law that addresses the unique needs of children with disabilities, including, among others, children with specific learning disabilities, speech and language impairments, mental retardation, and serious emotional disturbance. The law mandates that a free appropriate public education be made available for all eligible children with disabilities, ensures due process rights, requires an

---

<sup>3</sup>Referred to as “HOUSSE” by state education administrators.

<sup>4</sup>For additional information on the U.S. Department of Education’s March 2004 guidance on the opportunities for flexibility in meeting the No Child Left Behind Act’s requirements, go to <http://www.ed.gov/policy/elsec/guid/secletter/040331.html>.

---

individualized education program (IEP)<sup>5</sup> for each student, requires the inclusion of students with disabilities in state and district wide assessment programs, and requires the placement of students in the least restrictive environment. Under IDEA, states are required to establish special education teacher requirements that are based on the highest requirements in the state for personnel serving children and youth with disabilities.

Congress is considering including new special education teacher qualifications in the reauthorized IDEA. Under H.R. 1350, a new definition of “highly qualified,” as it refers to teachers, would be added with the same meaning as in NCLBA. In contrast, S. 1248 would add an extensive definition of “highly qualified” with respect to the qualification of educational personnel, while taking into account differences between special education and general education teachers. For example, under S. 1248, special education teachers who consult with secondary school core academic subject teachers for children with disabilities would need to be fully certified in special education and demonstrate the knowledge and skills necessary to teach students with disabilities, to be highly qualified.<sup>6</sup> In addition, S. 1248 proposes to extend the deadline for meeting the highly qualified teacher requirements by 1 year—to school year 2006-2007.

Two offices within the Department of Education are responsible for addressing special education teacher qualifications: the Office of Elementary and Secondary Education and the Office of Special Education Programs. The enactment of NCLBA significantly changed the expectations for all teachers, including those instructing students with disabilities. For example, states are now required to report on the qualifications of their teachers and the progress of their students.

OESE has assumed responsibility for developing policies for improving the achievement of all students and the qualifications of teachers. In addition,

---

<sup>5</sup>The term *individualized education program* refers to a written statement that is developed for each student with a disability that specifies, among other components, the goals and objectives for the student, describes the services that a student will receive, and specifies the extent to which the student will participate in the regular education setting with nondisabled peers and or in the general curriculum adopted for all students.

<sup>6</sup>For additional information see *The Individuals with Disabilities Education Act (IDEA): Selected Changes that Would be Made to the Law by S. 1248, 108th Congress*, Congressional Research Service (May 2004).

---

the office provides technical and financial assistance to states and localities, in part so they can help teachers meet the new qualification requirements. For example, in fiscal year 2003, OESE provided funding to state and local education agencies through its Improving Teacher Quality state grant program.<sup>7</sup>

OSEP is responsible for providing leadership and financial resources to help states and localities implement IDEA for students with disabilities and their teachers. These responsibilities include awarding discretionary grants and contracts for projects designed to improve service provision to children with disabilities. In 2003, OSEP provided funding to 30 states through the State Improvement Grants program.<sup>8</sup> OSEP also supports research on special education through centers such as the Center on Personnel Studies in Special Education.

---

## All States Implemented at Least Two of Three NCLBA Teacher Requirements for Special Education Teachers

In the 2002-2003 school year, all states required that special education teachers have a bachelor's degree and be certified to teach—two of the three NCLBA teacher qualification requirements—and half required special education teachers to demonstrate competency in core academic subjects, which is the third requirement. In the 26 states that did not require teachers to demonstrate subject matter competency, state-certified special education teachers who were assigned to instruct core academic subjects might not be positioned to meet the NCLBA requirements. In 31 states that offered alternative routes to teacher certification, certification requirements for alternative route and traditional teacher preparation program graduates followed a similar pattern, with half meeting two of three NCLBA teacher requirements.

---

<sup>7</sup>Improving Teacher Quality state grants are made specifically to encourage states to improve the quality of their teaching force through activities such as recruiting and retaining highly qualified teachers and principals and reforming teacher and principal certification programs.

<sup>8</sup>The purpose of State Improvement Grant program is to assist state educational agencies and their partners with reforming and improving, among other things, their systems for professional development and technical assistance to improve results for children with disabilities.

---

## Half of States Have Similar Teacher Requirements to NCLBA, but 26 States Did Not Require Special Education Teachers to Demonstrate Competency in Core Academic Subjects

Every state required special education teachers to hold at least a bachelor's degree and to be certified by their states before teaching, according to our survey results and reviews of Education documents and state Web sites.<sup>9</sup> States varied in whether they offered one or more types of teaching certificates for special educators. Specifically, 30 states established a single certification for special education teachers that covered kindergarten through 12th grade, according to survey respondents. The remaining 22 states offered two or more certifications. For example, some states offered different certifications for teachers of elementary, middle school, and high school students. In addition, some states certified special education teachers to serve students with specific disability categories such as hearing impaired and emotionally disturbed, and/or with broader disability categories, such as mild, moderate, and severe special needs. Finally, several states certified their special education teachers for specific instructional roles such as general special education teacher, resource room teacher, or collaborative teacher.

During the 2002-2003 school year, 24 states, the District of Columbia, and Puerto Rico required special education teachers to demonstrate some level of competency in the core academic subjects that they wished to teach at the time of their initial certification by having a degree or passing tests in the academic subjects that they wished to teach. Teachers in these states are better positioned to meet NCLBA's teacher requirements. However, the level of competency required varied by state and in some cases may not meet NCLBA competency level requirements. The rest of the states did not have any such requirements. (See fig. 1.)

---

<sup>9</sup>Although data are available on the numbers of certified and uncertified special education teachers, we did not consider the data to be sufficiently reliable for our reporting purposes.

**Figure 1: Status of Special Education Teacher Subject Matter Competency Requirements for School Year 2002-2003, by State**



Source: GAO analysis of survey responses from the state special education directors in the 50 states, D.C., and P.R. for the 2002-2003 school year.

In states that did not have these requirements, the certified special education teachers who were assigned to instruct core academic subjects might not be positioned to meet the NCLBA requirements. To meet NCLBA teacher requirements, these teachers would need to demonstrate subject matter competency by the end of the 2005-2006 school year.

The extent to which special education teachers were required to meet NCLBA subject matter competency requirements depended upon their instructional roles, which could sometimes be difficult for prospective teachers to determine. Special education teachers often attained their

---

certification prior to being hired by local school districts for specific grade levels, subjects, or instructional roles. Therefore, these individuals might not be positioned to meet NCLBA teacher requirements for their future instructional roles. Furthermore, any special education teacher who was assigned to teach a different subject from one year to the next might meet subject matter competency requirements one year but not the next. According to Education officials, these challenges are not specific to special education teachers and will require school districts to be more mindful of teacher qualifications, including subject matter mastery, when assigning teachers to various teaching roles.

---

**Special Education Teachers from Programs Offering Alternative Routes to Certification Were Generally Required to Meet the Same Certification Requirements as Other Special Education Teachers**

According to survey respondents, 31 states provided alternative routes to certification for prospective special education teachers. States have developed such routes to meet specific teacher shortages as well as to allow professionals in related fields to become teachers. The alternative routes to certification programs that we reviewed were generally administered by the state education agencies, often through institutions of higher education. However, this was not always the case: In Maryland, for example, one county contracted with Sylvan Learning Center<sup>10</sup> and the New Teacher Project<sup>11</sup> to provide its alternative route to certification program.

Most of the states that provided alternative routes to certification required that the graduates from such alternative route to certification programs fulfill the same certification requirements as graduates from traditional special education teacher preparation programs, such as having a bachelor's degree and passing teacher licensing examinations. The primary difference between alternative route programs and traditional teacher preparation programs was the extent to which teaching candidates received practical teaching experience prior to attaining full state certification.

In general, prospective teachers in alternative route to certification programs were required to receive more practical teaching experience

---

<sup>10</sup>Sylvan Learning Centers is an international organization that provides personalized instruction to students of all ages and skill levels.

<sup>11</sup>The New Teacher Project is a national organization that works with state departments of education, school districts, and institutions of higher education to recruit, select, and train new teachers.

---

before being certified than were teachers in traditional programs. For example, candidates in an alternative route to certification program in Illinois were required to complete a 1-year mentored teaching internship, while most traditional certification programs for special education teachers required teaching candidates to complete a 9- to 18-week supervised student teaching assignment. This additional teaching experience has been required because individuals in some alternative programs have not received courses in pedagogy and instructional techniques. (See app. I for state special education alternative route to certification program contact information.)

---

### State Officials Cited Several Factors That Affected the Implementation of NCLBA Subject Matter Competency Requirements for Special Education Teachers

State officials indicated that implementing the core academic subject competency requirements of NCLBA would be difficult and cited factors that have facilitated or impeded application of this requirement to special education teachers. State officials identified several key facilitators, including having funds available to dedicate to special educators' professional development and having preexisting or ongoing efforts to develop subject matter competency standards for special educators. State officials and national education organizations' representatives also cited several factors that impeded meeting the subject competency requirements, including uncertainty about how to apply the law to special education teachers in some circumstances, and the need for additional assistance from Education in identifying implementation strategies.

---

### Availability of Professional Development Funds Was among the Factors Cited as Facilitating the Implementation of NCLBA Requirements

Survey respondents, as well as state officials and national education organizations' representatives we interviewed, reported that the availability of professional development funding and the flexibility to use funds were essential in helping teachers meet the NCLBA subject matter competency requirement. For example, officials in 19 states reported helping special education teachers by allocating some of the states' professional development money to financial aid for those seeking to enhance their knowledge in a core academic subject, such as by pursuing a degree. In addition, states can use their professional development funds to create alternative routes to certification. This could result in developing a cadre of special educators who would already have expertise in a core academic subject area.

Survey respondents described several state assistance initiatives that were designed to help special education teachers meet the subject matter

---

competency requirements. For example, 17 survey respondents reported holding workshops for special education teachers on specific academic subjects, and a few states held review sessions to prepare teachers for states' academic content exams. In addition, respondents from 7 states reported providing sample test questions to help teachers prepare for subject matter competency tests. Nineteen survey respondents reported that their states had established partnerships with institutions of higher education to develop and implement strategies to assist special education teachers. For example, Arkansas collaborated with state colleges and universities to develop dual-certification programs for special educators.

Officials we interviewed from 2 of 6 states said that they expected their uniform state standards of evaluation would make it easier for their experienced teachers to meet NCLBA subject matter requirements. Specifically, they asserted that these competency standards would allow states and territories to design alternative methods for evaluating teachers' knowledge of the subject matter they teach, other than having a degree or passing subject matter tests in a core academic subject. According to officials in 2 of the 6 states we interviewed, their alternative methods of evaluating teachers' subject matter competency would take into account both a teacher's years of experience and factors such as participation in professional development courses. A few state officials and national education organizations' representatives we spoke to commented that the flexibility to design alternative methods for evaluating teachers' subject matter knowledge provided more options for making subject matter competency assessments of experienced special education teachers.

---

### Uncertainty about How to Apply the Subject Matter Competency Requirement to Special Education Teachers in Different Instructional Roles Was One of Several Barriers Cited to Meeting the NCLBA Requirements

State officials we interviewed and surveyed reported being concerned about how difficult meeting the subject matter competency requirements might be for special educators providing instruction, given that their roles may require them to teach at multiple grade levels or multiple subjects. State officials told us that because of special educator shortages, special education teachers' instructional roles might vary. For example, some special educators might not have to meet subject matter competency requirements when they were hired, but subsequently might have to meet subject matter competency requirements for one or more core academic subjects, depending upon their instructional roles. Education has issued guidance that says that teachers instructing core academic subjects must demonstrate subject matter competency. This guidance applies to all teachers, including special education teachers. However, Education officials told us that the assessment level of the student being taught was a consideration in determining the application of the NCLBA subject matter



---

competency requirement. The inclusion of the assessment levels in determining how to apply the NCLBA requirements may explain some of state officials' uncertainty regarding the application of the requirement to special education teachers.

About half of the state officials and national education organizations' representatives we interviewed reported that states needed more assistance on how to implement NCLBA teacher requirements for their special education teachers. For example, some state officials from Oklahoma and South Dakota reported being uncertain how to apply the requirements to the unique situations in which special education teachers provide instruction. Officials in these states reported that they were unclear whether a teacher providing instruction in core academic subjects to high school age students who are performing at the elementary level would need to meet elementary or high school level subject competency requirements (See table 1 for examples of the application of NCLBA requirements to special educators' instructional roles).<sup>12</sup>

---

<sup>12</sup>Students with disabilities generally attend school with other students of similar ages. As a result, a high school-aged student with a disability would generally receive instruction with other high school-aged students in general education or separate classrooms. In addition, students with disabilities receive their instruction based upon their individual needs. This instruction may be presented either at or below the student's chronological age grade level as required by the student's IEP.

**Table 1: Application of the NCLBA Teacher Quality Requirements to Special Educators' Instructional Roles**

Nature of work	Examples of associated roles	NCLBA requirements special education teachers must meet
Providing instruction to students in core academic subjects	Providing instruction to special education students, e.g., teachers in self-contained classrooms and some resource room teachers	(1) Bachelor's degree (2) State certification (3) Demonstration of subject matter competency in each core academic subject taught.  (Elementary school teachers must only demonstrate subject matter competency in general elementary school curriculum.)
All other special education instruction	Resource room teachers who reinforce instruction provided by other highly qualified teachers  Teachers that consult with a highly qualified general education teacher to assist students in one grade	None

Source: GAO analysis of NCLBA requirements.

Officials from half the states we surveyed indicated that they did not believe the law provided enough flexibility for teachers to meet the subject competency requirements. A few state officials we interviewed, particularly those with a large percentage of rural districts, such as those in South Dakota and Arkansas, mentioned this perceived lack of flexibility as a key concern. In particular, these officials indicated that because their special education teachers often teach multiple subjects, they would have to attain multiple degrees or pass several subject matter tests to meet the subject matter competency requirement. Recent Education guidance issued after this survey was concluded gives states more time to help all teachers, including special education teachers who teach core academic subjects, in small, rural school districts, meet the requirements. Under this new guidance, teachers in eligible rural school districts, who are highly qualified in at least one subject, will have 3 years to become highly qualified in the additional subjects they teach.

State officials reported concerns about their states' ability to meet the federal timelines for implementing the NCLBA teacher requirements for special education teachers. Officials from 32 states reported that the time frames were not feasible for implementing the requirements. This included 15 states that had established subject matter competency requirements for their special education certification. However, depending on the specific state certification requirements, teachers in these states may still be required to do additional work to meet the subject matter competency

---

requirements of NCLBA. In addition, some state officials reported that their states were not positioned to meet federal deadlines because some institutions of higher education had not aligned their programs with NCLBA requirements. For example, officials in 31 states reported that that current special education teacher preparation programs hindered implementation of NCLBA requirements, primarily because these programs did not emphasize majors or concentrations in core academic subjects. Given these conditions, state officials, in 3 of the 6 states we visited, reported the need for additional assistance in identifying strategies to meet the timelines for meeting requirements. Education also noted that the challenge facing states is developing new mechanisms to make sure that all teachers of core academic subjects are able to demonstrate appropriate subject matter mastery.

Some state officials and national education organizations' leaders also cited concerns that special education teachers currently teaching might leave the field rather than take exams or return to school to take the courses needed to demonstrate subject matter competency. Thirty-two survey respondents expressed concern that the potential flight of special education teachers would hinder efforts to implement the requirements.

Finally, state education officials reported uncertainty over how to reconcile requirements of the two laws that appear to be inconsistent and thus could impede implementation of NCLBA. These officials reported that they were unsure as to which act—IDEA or NCLBA—should take precedence in establishing personnel requirements for special education teachers. For example, under IDEA, a student's IEP could require that he be taught mathematics at a functional level 3 years below his chronological age, and under IDEA a certified special education teacher would be qualified to provide this instruction. However, under NCLBA, a teacher might not be qualified to instruct this student without first demonstrating subject matter competency in mathematics. According to Education officials, the requirements would depend in part on the assessment level of the students being taught. At the same time, Education officials noted that NCLBA teacher requirements apply to all teachers, including special education teachers. As a result of this uncertainty, some of the state special education officials we interviewed and surveyed said that they had decided to wait for further guidance or assistance before beginning to implement any NCLBA requirements for special education teachers. Education officials reported that they were aware that some states had expressed uncertainty about how to implement NCLBA's teacher requirements. Moreover, Education officials noted that states that wait for further guidance could hinder their special education teachers'

---

ability to meet the subject matter competency requirements by the end of the 2005-2006 school year.

---

## Coordination among Education's Offices Responsible for Educating Students with Disabilities Was Limited

Education has provided a range of assistance, such as site visits, Web-based guidance, and financial assistance, to help states implement the highly qualified teacher requirements. However, department coordination related to the implementation of NCLBA's teacher requirements for special education teachers has been limited. OESE has taken the lead in providing this guidance, with support from offices such as the Office of General Counsel and the Office of the Secretary. OSEP played a limited role in these efforts. Further, departmental coordination among Education's offices was limited with respect to OSEP's involvement in other key teacher quality initiatives. Because of this, Education may not have been in a position to be fully apprised of how special education concerns could affect implementation of the NCLBA teacher requirements. However, Education officials told us that they included OSEP by contacting OSEP staff to clarify IDEA substantive issues. Further, Education officials told us they have recently added OSEP to the department's teacher quality policy team. However, Education currently does not have plans to develop written policies and procedures for coordination among its offices.

---

## Education Provided Assistance to States in Implementing the NCLBA Teacher Requirements

According to Education officials, OESE took the lead in providing assistance to states concerning the NCLBA teacher requirements, with some support provided by offices including OSEP, the Office of the Secretary, the Office of the Undersecretary, the Assistant Secretary of Elementary and Secondary Education, and the Office of General Counsel. One of OESE's key efforts to provide technical assistance to states was the Teacher Assistance Corps initiative, which sent teams of experts to states to provide clarification and guidance on implementing NCLBA teacher requirements. According to Education, these teams have been responsible for sharing promising strategies, providing advice on compliance issues, and assisting state officials in setting and meeting teacher quality goals. The teams have also gathered feedback from states on their concerns about implementing the teacher requirements. Team members have included lead officials from OESE and general counsel, individuals with expertise on issues of concern to particular states, higher education representatives, and education officials from that state. Education officials told us that OSEP staff did not participate in these visits, but two state officials with expertise in special education participated in some visits.

---

OESE also offered states other types of assistance. OESE created a teacher quality newsletter, and the Office of the Under Secretary created and then updated the No Child Left Behind Toolkit for Teachers booklet, to help teachers understand the law in general, the highly qualified teacher requirements, and to explain which teachers need to meet the NCLBA requirements. However, while the tool kit provided detailed information pertaining to general education teachers, it provided limited information for special education teachers. According to OESE officials, the office had also been developing a Web site on promising practices for implementing the NCLBA teacher quality requirements and had plans to feature special education on the site. However, at the time of our interviews, OESE did not have a timeline for when this Web site would be available. Finally, OESE also provided financial assistance to states through Improving Teacher Quality state grants; states could use this financial assistance to help special education teachers meet NCLBA teacher requirements.

---

### Education's Internal Coordination on Special Education Teacher Qualification Issues Was Limited

The enactment of NCLBA significantly changed the expectations for all students and their teachers in the nation's schools and increased the need for OESE and OSEP to coordinate their efforts. NCLBA covers to a greater extent than did previous educational legislation the groups that have historically been the primary responsibility of OSEP—students with disabilities and their teachers. Moreover, NCLBA established qualifications for all teachers, including special education teachers, who provide instruction in core academic subjects such as English, language arts, mathematics, and science.

As state education officials began implementing NCLBA subject matter competency requirements, they sought guidance from OSEP, their primary source of information on special education issues. However, OSEP officials told us that they had generally referred these officials to OESE or to the NCLBA Web site. OSEP officials told us that they were waiting until IDEA is reauthorized to develop their own guidance on special education teacher quality requirements. However, during this time NCLBA requirements applied to special educators teaching core academic subjects, and several state officials told us they needed clarification of the guidance on these requirements.

Coordination between OSEP and OESE has generally been limited. For example, OSEP commented on the teacher quality policies and initiatives that OESE developed, but generally was not involved in the initial development of these policies. Education officials told us that OSEP was included in the implementation of the teacher requirements, noting that

---

they contacted this office to clarify IDEA substantive issues and that OSEP officials reviewed NCLBA guidance. OSEP did not participate in OESE's Teacher Assistance Corps visits to states and generally was not involved in the analysis of the information that was collected from these visits. OESE officials told us that they did not believe that states would benefit from OSEP's participation in these visits, because the focus of the visits was on meeting the NCLBA requirements, not IDEA requirements. In addition, Education told us that there were no written policies or procedures to assist OESE and OSEP in coordinating the development and implementation of its teacher quality policies for special education teachers. Finally, these officials did not indicate that Education was planning to develop such policies.

In March 2003, Education formed a teacher quality policy team under the auspices of the Office of the Under Secretary and included other key offices in Education such as the Office of the Secretary, the Office of General Counsel, and OESE. This team, run by OESE, has focused on NCLBA implementation related to teacher qualifications, and special education teacher issues have been among the topics most frequently discussed. OSEP was not a member of this team until April 2004, when Education officials told us that OSEP had become a part of the team.

---

## Conclusions

NCLBA is a complex law with new requirements that hold states, districts, and schools accountable for ensuring that their teachers meet specific qualifications. Further, the law applies to all teachers, including special education teachers, resulting in states and districts having to reassess how they certify and assign special education teachers, as well as provide professional development geared toward helping teachers meet requirements.

State officials reported the need for assistance on how to meet NCLBA requirements, with Education also noting the need for states to have more information on strategies to meet requirements. Because half of the states do not have subject matter competency requirements as part of special education certification, these states in particular are challenged with developing strategies to help their teachers meet NCLBA requirements. Without additional assistance on such strategies, special education teachers may not be positioned to meet requirements by the end of 2005-2006 school year. In addition, several state education officials cited the need for additional clarification on the application of the NCLBA subject matter competency requirement to special education teachers in special circumstances, for example those providing instruction to high school age

---

students who are performing at the elementary level. Without additional assistance from Education to resolve state concerns related to special education teacher qualification issues, some states might not be able to determine how to focus their resources to ensure that their teachers meet the act's requirements.

NCLBA covers to a greater extent than did previous elementary and secondary education acts the groups that have historically been the primary responsibility of OSEP—students with disabilities and their teachers. OESE has assumed primary responsibility for implementing NCLBA, including provisions applying to special education teachers. OESE has generally not relied on OSEP staff or information produced by OSEP to develop policy or guidance. Consequently, OESE may not have fully benefited from OSEP's expertise to inform its NCLBA discussions on policies and guidance related to special education teacher issues and requirements. Although Education has recently added OSEP to its NCLBA teacher quality policy team, overall NCLBA coordination efforts among Education offices have not been formalized in writing to ensure appropriate and continuing involvement of these offices. As a result, the department may not fully address states' needs for information and assistance on the implementation of NCLBA requirements for special education teachers.

---

## Recommendations for Executive Action

To better address states' concerns about their special education teachers being positioned to meet NCLBA teacher requirements, we recommend that the Secretary of Education provide additional assistance to states on strategies to meet the requirements and clarification of subject matter competency requirements for special education teachers.

To continue to improve policy development and technical assistance that Education's offices provide to states on NCLBA requirements, we recommend that Education formalize in writing coordination efforts between OESE and OSEP. For example, such efforts could include defining how OSEP's expertise and staff would be involved in developing NCLBA policies and guidance related to special education teachers and in providing technical assistance to states.

---

## Agency Comments and Our Evaluation

We provided a draft of this report to Education for review and comment. In their comments, Education officials noted that they believed their guidance was clear but recognized that states were still struggling to identify strategies to meet requirements. Education officials provided new

---

information in their comments on the draft that indicated improved coordination among those Education offices that are involved in NCLBA policy development and guidance. Consequently, we modified the report on both these topics to reflect Educations' comments. Education officials also provided technical comments that we incorporated into the report where appropriate. Education's comments are reproduced in appendix II.

Given the difficulties states are experiencing in implementing the law and the level of uncertainty reported by state officials, we believe that additional assistance needs to be provided by Education to help states implement the requirements. In Education's comments, the department noted that states were having difficulty implementing NCLBA teacher requirements. Education officials highlighted assistance they provided and their willingness to provide additional technical assistance, depending on what states need. We believe Education could help states by identifying strategies to help states meet requirements, especially those states without subject matter competency requirements for their special education teachers. In addition, Education noted in its comments that guidance on how to apply the NCLBA subject matter competency requirement for special education teachers instructing high school age students functioning at elementary school levels was not different from guidance for all teachers. However, Education officials have also said that the assessment level of a student could be considered in determining how to apply the NCLBA teacher requirements. We encourage Education to provide assistance to explain the requirements, particularly as they relate to unusual circumstances involving varying student assessment levels. We have modified the report to reflect Education's comments.

We continue to believe that improved coordination is needed. However, we modified the report to reflect Education's recent addition of OSEP to its teacher quality policy team. We acknowledge Education's effort in this regard and encourage the department to formalize its coordination policies by putting them in writing. We believe that formalizing coordination efforts will ensure that the different offices continue to be involved in developing NCLBA policies and guidance related to special education teachers.

---

Copies of this report are being sent to the Secretary of Education, relevant congressional committees, and other interested parties. We will also make copies available to others upon request. In addition, the report will be made available at no charge on GAO's Web site at <http://www.gao.gov>.



---

Please contact me on (202) 512-7215 if you or your staff have any questions about this report. Other contacts and major contributors are listed in appendix III.

Sincerely yours,

A handwritten signature in black ink that reads "Marnie S. Shaul". The signature is written in a cursive style with a long horizontal flourish at the end.

Marnie S. Shaul  
Director, Education, Workforce,  
and Income Security Issues

# Appendix I: Thirty-One States with Alternative Routes to Certification in Special Education during the 2002-2003 School Year

State	State alternative route to certification in special education contact information
Alabama	Director Teacher Education and Certification Alabama Department of Education Post Office Box 302101 Montgomery, AL 36104 Phone: (334) 242-9560 Fax: (334) 242-0498 Web site: <a href="http://www.alsde.edu">www.alsde.edu</a>
Arizona	Deputy Associate Superintendent for Highly Qualified Professionals AZ Department of Education 1535 W. Jefferson Street Phoenix, AZ 85007-6490 Phone: (602) 364-2294 Fax: (602) 542-1411 Web site: <a href="http://www.ade.az.gov/certification">www.ade.az.gov/certification</a>
California	California Commission on Teacher Credentialing 1900 Capitol Avenue Sacramento, CA 95814 Phone: (916) 327-8663 Fax: (916) 324-8927 Web site: <a href="http://www.ctc.ca.gov">www.ctc.ca.gov</a>
Colorado	Director Colorado Department of Education 201 E. Colfax Avenue, Room 201 Denver, CO 80203 Phone: (303) 866-6932 Fax: (303) 866-6968 Web site: <a href="http://www.cde.state.co.us">www.cde.state.co.us</a>
Georgia	Director Educator Preparation Professional Standards Commission Two Peachtree, Suite 6000 Atlanta, GA 30303 Phone: (404) 232-2640 Fax: (404) 232-2760 Web site: <a href="http://gapsc.com">gapsc.com</a>
Hawaii	Hawaii Teacher Standards Board 650 Iwilei Road, Suite 201 Honolulu, HI 96817 Phone: (808) 586-2617 Fax: (808) 585-2606 Web site: <a href="http://www.htsb.org">www.htsb.org</a>

**Appendix I: Thirty-One States with  
Alternative Routes to Certification in Special  
Education during the 2002-2003 School Year**

<b>State</b>	<b>State alternative route to certification in special education contact information</b>
Kentucky	Director Division of Professional Learning and Assessment Education Professional Standards Board 100 Airport Road Third Floor Frankfort, KY 40601 Phone: (502) 564-4606 Fax: (502) 564-9484 Web site: <a href="http://www.kyepsb.net">www.kyepsb.net</a>
Louisiana	Director of Teacher Certification and Higher Education Louisiana Department of Education 1201 North Third Street Baton Rouge, LA 70802 Phone: (225) 342-3562 Fax: (225) 342-7367 Web site: <a href="http://www/lded/index.html">http://www/lded/index.html</a>
Maine	Education Policy Director Maine Department of Education 23 State House Station Augusta, ME 04333 Phone: (207) 624-6603 Fax: (207) 624-6604 Web site: <a href="http://www.state.me.us/education">www.state.me.us/education</a>
Maryland	Director of Quality Teaching Maryland State Department of Education 200 West Baltimore St. Baltimore, MD 21201-2595 Phone: (410) 767-0390 Fax: (410) 333-8963 Web site: <a href="http://marylandpublicschools.org/">marylandpublicschools.org/</a>
Massachusetts	Title II Accountability Team Leader Department of Education, Educator Preparation 350 Main Street 5th Floor Malden, MA 02148 Phone: (781) 338-3270 Fax: (781) 338-3396 Web site: <a href="http://www.doe.mass.edu">www.doe.mass.edu</a>
Michigan	Higher Education Coordinator Michigan Department of Education (MDE) John A. Hannah Building, 608 West Allegan Street, Lansing, MI 48933 Or P.O. Box 30008 Lansing, MI 48909 Phone: (517) 373-1925 Fax: (517) 373-0542 Web site: <a href="http://www.michigan.gov/mde">http://www.michigan.gov/mde</a>

**Appendix I: Thirty-One States with  
Alternative Routes to Certification in Special  
Education during the 2002-2003 School Year**

<b>State</b>	<b>State alternative route to certification in special education contact information</b>
Mississippi	Director Office of Educator Licensure Mississippi Department of Education P. O. Box 771 Jackson, MS 39205-0771 Phone: (601) 359-3483 Fax: (601) 359-2778 Web site: <a href="http://www.mde.k12.ms.us/license/">www.mde.k12.ms.us/license/</a>
Missouri	Assistant Director Educator Preparation Department Elementary and Secondary Education PO Box 480 Jefferson City, MO 65102 Phone: (573) 522-2544 Fax: (573) 526-3580 Web site: <a href="http://dese.mo.gov/">http://dese.mo.gov/</a>
Nevada	Administrator Nevada Department of Education Office of Teacher Education and Licensure 1820 E. Sahara Ave. Suite 205 Las Vegas, NV 89104-3721 Phone: (702) 486-6496 Fax: (702) 486-6474 Web site: <a href="http://www.nde.state.nv.us">www.nde.state.nv.us</a>
New Hampshire	Administrator Bureau of Credentialing Division of Program Support New Hampshire Department of Education 101 Pleasant Street Concord, NH 03801 Phone: (603) 271-4196 Fax: (603) 271-8709 Web site: <a href="http://ed.state.nh.us">ed.state.nh.us</a>
New Mexico	Director of Professional Licensure New Mexico State Dept. of Education Education Building, 300 Don Gaspar Santa Fe, NM 87501-2786 Phone: (505) 827-6581 Fax: (505) 827-4148 Web site: <a href="http://sde.state.nm.us/divisions/ais/licensure/index.html">sde.state.nm.us/divisions/ais/licensure/index.html</a>
New York	Executive Coordinator New York State Education Department Office of Teaching Initiatives 89 Washington Avenue - Room 5N EB Albany, NY 12234 Phone: (518) 474-4661 Fax: (518) 473-0271 Web site: <a href="http://www.nysed.gov/tcert">http://www.nysed.gov/tcert</a>

**Appendix I: Thirty-One States with  
Alternative Routes to Certification in Special  
Education during the 2002-2003 School Year**

<b>State</b>	<b>State alternative route to certification in special education contact information</b>
North Carolina	Director Division of Human Resource Management NC Department of Public Instruction Mail Service Center 6330 Raleigh, NC 27699-6330 Phone: (919) 807-3355 Fax: (919) 807-3362 Web site: <a href="http://www.ncpublicschools.org">www.ncpublicschools.org</a>
Ohio	Office of Educator Preparation Ohio Department of Education 25 S. Front St. MS502 Columbus, OH 43215-4183 Phone: (614) 752-9447 Fax: (614) 728-3058 Web site: <a href="http://www.ode.state.oh.us">www.ode.state.oh.us</a>
Oklahoma	Director of Professional Services Oklahoma State Department of Education 2500 North Lincoln Boulevard Oklahoma City, OK 73105-4599 Phone: (405) 521-2062 Fax: (405) 521-3744 Web site: <a href="http://sde.state.ok.us">http://sde.state.ok.us</a>
Pennsylvania	Chief Division of Teacher Education Pa. Dept. of Education 333 Market Street Third Floor Harrisburg, PA 17126 Phone: (717) 783-9252 Fax: (717) 783-6736 Web site: <a href="http://www.teaching.state.pa.us">www.teaching.state.pa.us</a>
South Carolina	Title II Coordinator South Carolina Department of Education 3700 Forest Drive Columbia, SC 29204 Phone: (803) 734-8944 Fax: (803) 734-0872 Web site: <a href="http://www.sctechners.org/">http://www.sctechners.org/</a>
South Dakota	Director of Teacher Education and Certification Department of Education 700 Governors Drive Pierre, SD 57501-2291 Phone: (605) 773-4774 Fax: (605) 773-6139 Web site: <a href="http://www.state.sd.us/deca/account/certif.htm">www.state.sd.us/deca/account/certif.htm</a>

**Appendix I: Thirty-One States with  
Alternative Routes to Certification in Special  
Education during the 2002-2003 School Year**

<b>State</b>	<b>State alternative route to certification in special education contact information</b>
Tennessee	Director Office of Teacher Licensing Tennessee State Department of Education 5th Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN 37243-0377 Phone: (615) 532-4880 Fax: (615) 532-1448 Web site: <a href="http://www.tennessee.gov/education/lic_home.htm">http://www.tennessee.gov/education/lic_home.htm</a>
Texas	Program Administrator State Board for Educator Certification 4616 W. Howard Lane Suite 120 Austin, TX 78728 Phone: (512) 238-3200 Fax: (512) 238-3203 Web site: <a href="http://www.sbec.state.tx.us">www.sbec.state.tx.us</a>
Utah	Utah State Office of Education 250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Phone: (801) 538-7739 Fax: (801) 538-7973 Web site: <a href="http://www.usoe.org">www.usoe.org</a>
Vermont	Director for Educator Quality Vermont Department of Education 120 State Street Montpelier, VT 05620 Phone: (802) 828-3850 Fax: (802) 828-5107 Web site: <a href="http://www.state.vt.us/educ">http://www.state.vt.us/educ</a>
Virginia	Director of Teacher Education Virginia Department of Education P.O. Box 2120 Richmond, VA 23218-2120 Phone: (804) 692-0251 Fax: (804) 786-6759 Web site: <a href="http://www.pen.k12.va.us">www.pen.k12.va.us</a>
West Virginia	Teacher Preparation Coordinator West Virginia Department of Education Building 6, Room 252 1900 Kanawha Blvd. East Charleston, WV 25305-0330 Phone: (304) 558-2703 Fax: (304) 558-7843 Web site: <a href="http://wvde.state.wv.us/">http://wvde.state.wv.us/</a>

---

**Appendix I: Thirty-One States with  
Alternative Routes to Certification in Special  
Education during the 2002-2003 School Year**

---

<b>State</b>	<b>State alternative route to certification in special education contact information</b>
Wyoming	Director Professional Teaching Standards Board 1920 Thomes Ave. Suite 400 Cheyenne, WY 82002 Phone: (307) 777-6261 Fax: (307) 777-8718 Web site: <a href="http://www.k12.wy.us/ptsb">www.k12.wy.us/ptsb</a>

---

Source: GAO analysis of survey responses from the special education directors in the 50 states, the District of Columbia, and Puerto Rico, and state 2003 Title II reports.

# Appendix II: Comments from the Department of Education



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202- \_\_\_\_\_

June 16, 2004

Ms. Marnie Shaul  
Director  
Education, Workforce and  
Income Security Issues  
United States General Accounting Office  
Washington, D.C. 20548

Dear Ms. Shaul:

This is in response to GAO's draft report, "Special Education: Additional Guidance and Better Coordination needed among Education Offices to help States Meet the NCLB Teacher Requirements (GAO-04-659)." We have carefully reviewed the document and appreciate the opportunity to comment.

The *No Child Left Behind Act of 2001* (NCLB), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), emphasizes teacher quality as one of the primary factors contributing to improved student achievement. Consistent with this emphasis, and to better equip States for the critical task of ensuring that all teachers of core academic subjects are highly qualified, the Department of Education (ED) dedicated significant resources to developing guidance that clearly articulates how the highly qualified teacher provisions affect all teachers and related personnel, including special educators.

#### **NCLB Sets High Standards for All Teachers of Core Academic Subjects**

NCLB requires that all teachers of core academic subjects be highly qualified by the end of the 2005-2006 school year. It sets high standards for all teachers, including special education teachers, to know the subjects that they teach. This is a new, but important, challenge for many States and is a critical component of ensuring that all students can meet State standards, including special education students. The report recommends that ED provide additional guidance and support to States in their efforts to implement the highly qualified teacher requirements for special education teachers. ED intends to continue to provide guidance and technical assistance where it is needed. However, your own findings on pages 12 and 13 of the draft report show that one half of the States surveyed indicated that they didn't believe that the law "provided enough flexibility for teachers to meet the subject matter mastery requirements," whereas only six States found that our guidance impeded implementation. The draft report consequently implies that there is flexibility in the law that does not exist, and that the key issue is about ED's failure to provide "more" guidance. Furthermore, the report recommends that ED should issue guidance on whether special education teachers providing instruction to high school

[www.ed.gov](http://www.ed.gov)

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



age students functioning at the elementary level would need to demonstrate subject matter competency at the high school level. The overemphasis of this idea in the report will likely be seen as suggesting, inappropriately we believe, that ED should permit such deviations from the NCLB requirements. Though this was not included among the report's conclusions, we strongly believe that the primary issue raised by GAO's survey data is not that ED has failed to provide sufficient guidance, but rather that many States are legitimately struggling to meet NCLB's very clear teacher quality requirements, which apply to all teachers of core academic subjects. The challenge facing States is not interpreting whether NCLB requirements superseded IDEA but rather developing new mechanisms to make sure that all teachers of core academic subjects, including special education teachers, are able to demonstrate appropriate subject matter mastery.

The report does not adequately present and discuss your survey findings concerning the response of a number of States to the NCLB highly qualified teacher requirements. The clear guidance from the Department has been that these requirements apply to special education teachers who provide instruction in core academic subjects, but the report finds that the response of a number of States has been to simply 'wait for further guidance.' This delaying response by some States has robbed special education teachers in those States of at least eighteen months of time to prepare to meet those standards by the 2005-2006 deadline. State reluctance to tackle the challenges presented by NCLB's mandate to improve teacher quality should be acknowledged as one of the key 'factors impeding State efforts to ensure that special education teachers meet NCLB requirements,' yet aside from this brief mention, it is not further addressed.

The report also mentions that, of 52 States surveyed, officials in 32 States (or in one place 31) reported concerns or problems in meeting the content knowledge requirements of NCLB. Yet on pages 7-9 of the draft report, the report notes that 24 States, DC and Puerto Rico already have subject matter competency requirements. The juxtaposition of these facts raises serious questions that are never addressed in this document, such as why States that already have subject matter competency requirements view NCLB as imposing infeasible timeframes, creating mismatches with current teacher preparation programs, or contributing to a potential flight of special education teachers. Exploring these questions could have yielded helpful information to States that are legitimately struggling to implement NCLB's teacher quality requirements. Unfortunately, the report misses the opportunity to explore such questions, focusing instead on simply cataloguing State complaints.

The report notes "officials in 31 States reported that current special education teacher preparation programs hindered implementation of NCLB requirements, primarily because these programs did not emphasize majors or concentrations in core academic subjects." We concur with this finding, but we also believe that it should be more thoroughly discussed in your report. This is a significant obstacle to meeting the requirements of the law and ensuring that the students who most need them have teachers that can teach to State standards. Interestingly, this finding is also consistent with what we have learned through the Teacher Assistance Corps, regular communication with State and district

officials, and outreach to State and local officials and practitioners at conferences and roundtable discussions nationwide.

#### **Departmental Guidance and Technical Assistance**

Because the report recommends additional guidance, we would like to briefly outline the significant background and guidance that ED has already provided on NCLB's highly qualified teacher requirements.

In December of 2002, approximately 11 months after the enactment of NCLB, ED published regulations addressing the highly qualified teacher requirements, including a detailed discussion of how these requirements apply to special education teachers. Following up on requests for clarification about how the "highly qualified" requirements apply to special education teachers, these regulations contain the following discussion:

The ESEA specifies that all teachers of core academic subjects are to meet the requirements set forth in the statute. Students with limited English proficiency or with disabilities are expected to meet the same standards as all other students, and their teachers should be expected to have met the same standards for content knowledge. On the other hand, special educators who do not directly instruct students on any core academic subject or who provide only consultation to highly qualified teachers of core academic subjects in adapting curricula, using behavioral supports and interventions, and selecting appropriate accommodations do not need to meet the same "highly qualified" subject-matter competency requirements that apply under the NCLB Act to teachers of core academic subjects. SEAs and LEAs must ensure that all special education personnel, including related services providers, meet the personnel-standards requirements of section 612(a)(15) of the IDEA and 34 CFR Sec. 300.136. Special education teachers who are providing instruction in core academic subjects also must meet the "highly qualified" requirements of the ESEA.

The Secretary recognizes that there is an urgent need for highly qualified teachers, and that critical shortages exist in some areas, particularly math and science teachers, and special education teachers. Nevertheless, the NCLB Act sets high standards for students, as well as teachers, and States should work to meet them. The statute provides a certain amount of flexibility in how the standards are met. Teachers can demonstrate competency by taking a test, and States have flexibility to tailor those tests to the subjects taught by teachers, including special education teachers and teachers of LEP students. This issue will be addressed further in guidance.

Following up on this initial discussion, within several weeks ED released the first draft of *Title II: Improving Teacher Quality State Grants, Part A* non-regulatory guidance, which includes extensive discussion of how NCLB's highly qualified requirements apply to all teachers, including special educators. Since then, revised and expanded versions of the *Title II: Improving Teacher Quality State Grants* non-regulatory guidance were released in September 2003, January 2004, and March 2004, and another update is coming soon (see <http://www.ed.gov/programs/teacherqual/guidance.doc>). The Department views frequent updates to our guidance as essential to assisting States in their efforts to implement NCLB. Multiple items contained in these guidance documents directly or indirectly relate to the impact of NCLB's highly qualified teacher requirements on special

education teachers. It is noteworthy that this guidance also addresses the issue of teachers who only provide consultative services, specifying that NCLB's highly qualified teacher requirements do not apply to such teachers.

In response to State concerns over the difficulty of ensuring that all special educators and other multi-subject teachers are highly qualified, in March 2004, ED also announced new flexibility that streamlines NCLB's requirements for veteran teachers of core academic subjects. A Dear Colleague letter was sent to States describing this new flexibility (see <http://www.ed.gov/policy/elsec/guid/secletter/040331.html>).

Beyond the published guidance documents already discussed, ED also provided technical assistance to each State through the September 2003 publication, and updated May 2004 version, of *No Child Left Behind: A Toolkit for Teachers*. (The *Toolkit* is on-line at <http://www.ed.gov/teachers/nclbguid/nclb-teachers-toolkit.pdf>). The *Toolkit* is designed to provide teachers with valuable information about NCLB's teacher quality provisions. More than 100,000 of these booklets were distributed, and ED plans to distribute an updated *Toolkit for Teachers* to more than 300,000 professionals. In addition to guidance for special educators on the NCLB teacher requirements as well as student testing requirements and considerations, the toolkit includes a section called "Teaching Students with Disabilities." This section, along with a list of resources, was jointly developed with the Office of Special Education and Rehabilitative Services (OSERS) to ensure that special educators received helpful and accurate information.

To ensure that States had accurate information about the highly qualified teacher provisions, the Department also launched the Teacher Assistance Corps (TAC) -- a team of 45 education experts, researchers, and practitioners who provide support to States. The TAC was specifically created to support State efforts in the implementation of NCLB's highly qualified teacher requirements. During visits to every State, including Puerto Rico and the District of Columbia, TAC members listened to the concerns of State and local officials, offered guidance and assistance, and shared interesting and promising initiatives around the nation addressing these concerns and challenges. Several TAC members were selected on the strength of their experience in special education -- either as practitioners or policy makers at the State and local levels. Prior to the TAC visits, OESE staff discussed with OSERS how best to work together to address the needs of States. It was mutually decided OSERS would not send staff to each State, but would help with the process through other means, including suggesting TAC team members, and assisting with providing guidance and assistance to States that requested it during their visits.

TAC site visit agendas were custom tailored to State needs and requests for further guidance, and every visit included discussion of how NCLB's highly qualified teacher provisions apply to special education teachers. Beyond merely explaining the law, TAC members suggested solutions on the difficult question of how States, districts and schools can train, recruit and retain highly qualified special education teachers. TAC is an ongoing initiative and any State may request a follow-up visit or conference call.

**Appendix II: Comments from the Department of Education**

Unfortunately, after TAC's initial round of visits, only a handful of States have taken advantage of this valuable opportunity for assistance.

Following up on TAC visits to each State, ED created a list of promising State initiatives, located on our teacher quality website, [www.teacherquality.us](http://www.teacherquality.us). This information is available for every State to learn more about what is going on around the country, and is continuously updated as ED learns more about State initiatives.

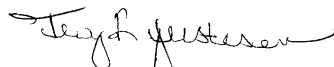
In addition to recommending that ED provide further assistance to States, the report also recommends that ED coordinate more effectively between offices, primarily OESE and the Office of Special Education Programs (OSEP), which is part of OSERS. OESE is primarily responsible for overseeing and assisting States as they implement NCLB's highly qualified teacher provisions. In working to develop meaningful guidance and provide ongoing technical assistance to States, OESE worked with nearly every office in the Department -- including all offices whose customers are directly impacted by the highly qualified teacher requirements. OSERS staff provided significant information and feedback, participating directly in key discussions relating to special education teachers. ED's guidance is consistent with the letter and spirit of NCLB and the Individuals with Disabilities Education Act (IDEA).

I would also like to clarify that staff from OSERS (including OSEP) are part of the teacher quality policy team that is currently run out of OESE. The team serves a staff role in responding to State issues and identifying policy issues, and reports to the NCLB Coordinating Board and the current Deputy Secretary, which makes any key policy decisions. OSERS leadership and staff, other program offices, and ED senior leadership are part of the NCLB Coordinating Board, which meets on a weekly basis.

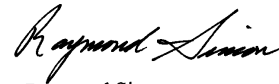
As States work to implement the highly qualified teacher requirements for special education teachers, ED welcomes requests for technical assistance. Depending on State need, the Department is willing to provide additional technical assistance in a variety of ways, including sending relevant experts in special education to visit States or discussing these issues via conference. OESE will continue to work with relevant offices, including OSEP, in our efforts to develop policy consistent with NCLB and IDEA to implement the highly qualified teacher requirements.

We appreciate your efforts in preparing this report and providing us with an opportunity to submit these comments. Please feel free to contact us if you would like to discuss any of these matters further.

Sincerely,



Troy Justesen  
Acting Deputy Assistant Secretary  
Office of Special Education and Rehabilitative  
Services



Raymond Simon  
Assistant Secretary  
Office of Elementary and  
Secondary Education

---

# Appendix III: GAO Contacts and Staff Acknowledgments

---

## GAO Contacts

Harriet C. Ganson, (202) 512-7042, [gansonh@gao.gov](mailto:gansonh@gao.gov)  
Arthur T. Merriam Jr., (617) 788-0541, [merriama@gao.gov](mailto:merriama@gao.gov)

---

## Staff Acknowledgments

In addition to those named above, Emily Leventhal, Benjamin Howe, Ron La Due Lake, Luann Moy, Jean McSween, Bob DeRoy, Bryon Gordon, Behn Kelly, and Amy Buck made key contributions to the report.

---

## GAO's Mission

The Government Accountability Office, the audit, evaluation and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

---

## Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's Web site ([www.gao.gov](http://www.gao.gov)). Each weekday, GAO posts newly released reports, testimony, and correspondence on its Web site. To have GAO e-mail you a list of newly posted products every afternoon, go to [www.gao.gov](http://www.gao.gov) and select "Subscribe to Updates."

---

## Order by Mail or Phone

The first copy of each printed report is free. Additional copies are \$2 each. A check or money order should be made out to the Superintendent of Documents. GAO also accepts VISA and Mastercard. Orders for 100 or more copies mailed to a single address are discounted 25 percent. Orders should be sent to:

U.S. Government Accountability Office  
441 G Street NW, Room LM  
Washington, D.C. 20548

To order by Phone: Voice: (202) 512-6000  
TDD: (202) 512-2537  
Fax: (202) 512-6061

---

## To Report Fraud, Waste, and Abuse in Federal Programs

Contact:

Web site: [www.gao.gov/fraudnet/fraudnet.htm](http://www.gao.gov/fraudnet/fraudnet.htm)

E-mail: [fraudnet@gao.gov](mailto:fraudnet@gao.gov)

Automated answering system: (800) 424-5454 or (202) 512-7470

---

## Congressional Relations

Gloria Jarmon, Managing Director, [JarmonG@gao.gov](mailto:JarmonG@gao.gov) (202) 512-4400  
U.S. Government Accountability Office, 441 G Street NW, Room 7125  
Washington, D.C. 20548

---

## Public Affairs

Jeff Nelligan, Managing Director, [NelliganJ@gao.gov](mailto:NelliganJ@gao.gov) (202) 512-4800  
U.S. Government Accountability Office, 441 G Street NW, Room 7149  
Washington, D.C. 20548