

Special education teachers

1. Special education teachers who are providing direct instruction in core academic subjects must meet the federal definition for "highly qualified teacher."
2. Special educators who do not provide direct instruction to special education students in 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, are not required to meet the federal definitions for highly qualified teachers.
3. A special education teacher would have to meet the federal definitions for highly qualified teacher including, but not limited to, the following circumstances:
 - a. Teaching life skills to students;
 - b. Teaching elective credits in core academic areas;
 - c. Providing direct instruction in a core academic subject in a resource room setting; and
 - d. Providing direct instruction in a core academic subject in any setting.
4. Direct instruction for the purposes of this rule is planning curriculum, delivering instruction and evaluating the performance of the student in any core academic area.

Elementary special education teachers (K-8):

Special Education teachers who are new or not new to the profession and who are providing direct instruction in core academic subjects in grades kindergarten (k) through grades eight (8) to students identified as special education students are highly qualified under the following conditions. The teacher:

1. Holds a Basic, Standard, Initial, Continuing, Five-Year Elementary Teaching License, or Preliminary Teaching License with a special education endorsement and is appropriately assigned on that license; and
2. Meets the federal definition of Highly Qualified Teacher for elementary teachers in OAR 584-100-0011 if new to the profession; or
3. Meets the federal definition of Highly Qualified Teacher for elementary teachers in OAR 584-100-0016 if not new to the profession; and
4. Teaches only in kindergarten (k) through grade eight (8) in a self-contained special education classroom.

Secondary special education teachers (9-12):

Special Education teachers who are new or not new to the profession and who are providing direct instruction in core academic subjects in grades nine (9) through grades twelve (12) to students identified as special education students are highly qualified under the following conditions. The teacher:

1. Holds a Basic, Standard, Initial, Continuing, Five-Year Teaching License, or Preliminary Teaching License with a special education endorsement and is properly assigned in accordance with endorsement; and
2. Has met the federal definition for highly qualified elementary teacher new or not new to the profession and is teaching special education students who are performing at or below grade eight (8); or
3. Has met the federal definition for highly qualified secondary teacher new or not new to the profession for each core academic subject the teacher is teaching to students who are performing above the eighth (8th) grade level.