

SPECIAL EDUCATION STAFF

Qualifications/Assignment of Special Education Teachers

Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization **issued by the Commission on Teacher Credentialing (CTC)** that specifically authorizes him/her to teach students with that primary disability within the program placement recommended in the student's individualized education program (IEP). (5 CCR 80046.15, - 80048.9.47)

(cf. 4112.2—Certification)

(cf. 4113—Assignment)

(cf. 6159—Individualized Education Program)

(cf. 6164.4—Identification and Evaluation of Individuals for Special Education)

~~Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (20 USC 1401, 6319, 7801; 34 CFR 200.55–200.57, 300.18; 5 CCR 6100–6126).~~

(cf. 4112.24—Teacher Qualifications Under the No Child Left Behind Act)

The Superintendent or designee may request **that** the ~~Commission on Teacher Credentialing (CTC)~~ **to** issue a special education limited assignment teaching permit **to** **which** authorizes a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. ~~In so doing, the district shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026.~~ If the teacher has not yet obtained permanent status, the Superintendent or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder. (5 CCR **80026**, 80027.1)

The district may employ a person with an appropriate district internship credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district internship program. (Education Code 44325, 44326, 44830.3)

As needed, the district may apply to the CTC for an emergency permit for resource specialist services pursuant to 5 CCR 80023.2 and 80024.3.1.

When requesting either a limited assignment teaching permit or an emergency resource specialist permit, the Superintendent or designee shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026 and has been approved by the Board at a regularly scheduled Board meeting. (5 CCR 80026)

If there is a need to immediately fill a classroom vacancy or a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may, as appropriate, apply to the CTC for a short-term staff permit pursuant to 5 CCR 80021, a provisional internship permit pursuant to 5

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CCR 80021.1, or, as a last resort, a credential waiver.

Individuals providing related services to students with disabilities, including developmental, corrective, and other supportive and related services, shall meet the applicable qualifications specified in 5 CCR 3051-3051.24. (5 CCR 3051; 34 CFR 300.34, 300.156)

The Superintendent or designee shall provide ongoing professional development as needed to assist special education staff in updating and improving their knowledge and skills.

Whenever a candidate for a clear education specialist credential is employed by the district, the Superintendent or designee shall, within 60 days of employment, collaborate with the candidate and, as applicable, with the college or university to develop an individualized induction plan including supported induction and job-related course of advanced preparation. (5 CCR 80048.8.1)

(cf. 4112.21—Interns)

Resource Specialists

The Board of Education shall employ certificated **duties of** resource specialists to provide **services** which shall include, but not be limited to: (Education Code 56362; **5 CCR 80070.5**)

1. Providing instruction and services for students **with disabilities** whose needs have been identified in an ~~individualized education program (IEP) and who are assigned to regular classroom teachers for a majority of the school day~~

~~A student shall not be enrolled in a resource specialist program for a majority of a school day without approval by the student's IEP team.~~

2. **Conducting educational assessments**
3. Providing information and assistance to students with disabilities and their parents/guardians
4. Providing consultation, resource information, **and** material regarding students with disabilities to ~~their parents/guardians and regular education staff members~~ **in the regular education program and the students' parents/guardians**
5. Coordinating special education services with regular school programs for each student with disabilities enrolled in the resource specialist program
6. Monitoring of student progress on a regular basis, ~~participation~~ **participating** in the review and revision of IEPs as appropriate, and referring of students who do not demonstrate ~~sufficient~~ **appropriate** progress to the IEP team
7. ~~At the secondary school level, emphasizing academic achievement, career and vocational development, and preparation for adult life~~ **Providing services for**

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secondary students that emphasize academic achievement, career and vocational development, and preparation for adult life.

Any student who receives resource specialist services shall be assigned to regular classroom teacher(s) for a majority of the school day, unless his/her IEP team approves enrollment in the resource specialist program for a majority of the school day. (Education Code 56362; 5 CCR 80070.5)

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code 56362; 5 CCR 80070.5)

The ~~district's~~ resource specialists program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362. ~~and 5 CCR 80070.8.~~ (Education Code 56362)

Teachers of Students with Autism

~~A teacher may be assigned to provide instruction to students with autism if he/she meets the qualifications described above in the section entitled "Qualifications/Assignment of Special Education Teachers."~~

~~In addition, a teacher whose education specialist credential or other previously issued credential authorizes him/her to provide instruction to students with mild and moderate disabilities may be assigned to provide instruction to students with autism, provided that the teacher consents to the assignment and satisfies either of the following criteria prior to the assignment: (Education Code 44265.1)~~

- ~~1. The teacher has provided full-time instruction for at least one year prior to September 1, 2007, in a special education program that serves students with autism in accordance with their IEP and received a favorable evaluation or recommendation from the district or school to teach students with autism.~~
- ~~2. The teacher has completed a minimum of three semester units of coursework in the subject of autism offered by a regionally accredited institution of higher education.~~

~~(cf. 5148.3 - Preschool/Early Childhood Education)~~

~~The Superintendent or designee shall report teachers assigned under the criteria specified in items #1 and #2 above to the County Office of Education as part of the annual assignment monitoring pursuant to Education Code 44258.9. (Education Code 44265.1)~~

~~Verification of experience or coursework for any teacher of autistic students shall be maintained on file in the district or school office. (Education Code 44265.1, 44265.2)~~

Caseloads

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The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, the collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates.

*(cf. 0430—Comprehensive Local Plan for Special Education)
 (cf. 1312.3—Uniform Complaint Procedures)
 (cf. 4141/4241—Collective Bargaining Agreement)*

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362; 56362.1; 5 CCR 3100)

(cf. 1431—Waivers)

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases unless ~~otherwise specified and reasons stated in the SELPA plan~~ **specifies a higher average caseload and states the reasons for the higher average caseload**. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 shall not exceed 40. (Education Code 56363.3, 56441.7)

Legal References:

- ~~EDUCATION CODE~~
- ~~44250 44279 Credentials, especially:~~
- ~~44256 Credential types, specialist instruction~~
- ~~44258.9 Assignment monitoring~~
- ~~44265 44265.99 Special education credential~~
- ~~44325 44328 District Interns~~
- ~~44830.3 District interns, supervision and professional development~~
- ~~56000 56865 Special education, especially:~~
- ~~56195.8 Adoption of policies~~
- ~~56361 Program options~~
- ~~56362 56362.5 Resource specialist program~~
- ~~56363.3 Maximum caseload; language, speech, and hearing specialists~~
- ~~56441.7 Maximum caseload; language, speech, and hearing specialists serving children ages 3-5~~
- ~~CODE OF REGULATIONS, TITLE 5~~
- ~~3051.1 Language, speech and hearing development and remediation; appropriate credential~~
- ~~3100 Waivers of maximum caseload for resource specialists~~
- ~~6100 6126 Teacher qualifications, No Child Left Behind Act~~
- ~~80021 Short term staffing permit~~
- ~~80021.1 Provisional internship permit~~
- ~~80025.4 Substitute teaching, special education~~
- ~~80026 Declaration of need for fully qualified educators~~
- ~~80027.1 Special education limited assignment teaching permit~~
- ~~80046.1 Adapted physical education specialist~~
- ~~80046.5 Credential holders authorized to serve students with disabilities~~

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~~80047-80047.9 Credentials to provide instructional services to students with disabilities~~
~~80048-80048.3 Credential requirements and authorizations~~
~~80070.1-80070.8 Resource specialist certificate of competence~~
~~UNITED STATES CODE, TITLE 20~~
~~1400-1482 Individuals with Disabilities Education Act, especially:~~
~~1401 Definition of highly qualified special education teacher~~
~~6319 Highly qualified teachers~~
~~7801 Definitions, highly qualified teacher~~
~~CODE OF FEDERAL REGULATIONS, TITLE 34~~
~~200.55-200.57 Highly qualified teachers~~
~~300.8 Definition of autism~~
~~300.18 Highly qualified special education teachers~~
~~300.156 Special education requirements~~

Management Resources:

WEB SITES

California Association of Resource Specialists and Special Education Teachers: <http://www.carsplus.org>

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

California Speech Language Hearing Association: <http://www.csha.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Handbook on Developing and Implementing Early Childhood Special Education Programs and Services, 2001

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-15 Alternative Route to Provide Special Education Services to Students with Autism, September 7, 2010

10-13 Approval of Title 5 Regulations Pertaining to Special Education Services Credentials, July 21, 2010

10-12 Approval of Title 5 Regulations Pertaining to Special Education Teaching Credentials Requirements, July 21, 2010

09-16 Approval of Additions to Title 5 Regulations Pertaining to Added Authorizations in Special Education, July 23, 2009

09-15 Approval of Amendments to Title 5 Regulations Pertaining to General and Special Education Limited Assignment Teaching Permits, July 23, 2009

08-13 Alternative Route to Provide Special Education Services to Students with Autism Ages Three and 4, October 9, 2008

08-10 Alternative Route to Provide Special Education Services to Students with Autism, July 7, 2008

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Education Specialist Teaching and Other Related Services Credential Program Standards, September 2010

Regulation amended: August 14, 2014

Regulation amended: October 15, 2009

Regulation amended: January 14, 2009

Regulation approved: October 4, 2001