



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

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**OSEP 22-01**

**MEMORANDUM**

**TO:** State Directors of Special Education  
**FROM:** Valerie C. Williams  
Office of Special Education Programs (OSEP)  
**SUBJECT:** Personnel Qualifications under Part B of the Individuals with Disabilities Education Act (IDEA)

The U.S. Department of Education's (Department) Office of Special Education Programs (OSEP) is committed to supporting States in the provision of a free appropriate public education (FAPE) to all children with disabilities. FAPE includes the provision of special education and related services that meet the requirements of IDEA Part B, which includes ensuring that special education teachers and related services providers are appropriately and adequately prepared and trained. This memo is intended to clarify States' obligations regarding the IDEA Part B requirements related to personnel qualifications and alternate certifications. Based on media reports and discussions with States and advocates, OSEP is aware that some States currently have policies and procedures in place that may not be consistent with IDEA requirements. OSEP also recognizes that States are facing many challenges caused by the COVID-19 pandemic, including the impact it has had on exacerbating the shortage of special education teachers and related services providers across the country. Thus, OSEP believes it is critical to ensure that State educational agencies (SEAs) fully understand the IDEA requirements related to personnel qualifications and alternate certifications and are aware of available resources to support their efforts to meet them.

**Personnel Qualifications**

Under Section 612(a)(14) of IDEA and 34 C.F.R. § 300.156, the SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of IDEA Part B are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities. Those qualifications must ensure that each person employed as a public school special education teacher in the State who teaches in an elementary school, middle school, or secondary school: (1) has obtained full State certification as a special education teacher (including certification obtained through an alternate route to certification as a special educator, if such alternate route meets minimum requirements

described in 34 C.F.R. § 200.56(a)(2)(ii) as such section was in effect on November 28, 2008), or (2) passed the State special education teacher licensing examination and holds a license to teach in the State as a special education teacher, except in the case of a teacher teaching in a public charter school. A teacher teaching in a public charter school must meet the certification or licensing requirements, if any, set forth in the State’s public charter school law. In addition, public school special education teachers may not have special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and must hold at least a bachelor’s degree.

Personnel who have not obtained full State certification as a special education teacher may obtain certification through an alternate route. Specifically, under 34 C.F.R. § 300.156(c)(2), personnel who are participating in a program that provides an alternate route to special education teacher certification must:

- (1) receive high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;
- (2) participate in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;
- (3) assume the functions as a teacher only for a specified period of time not to exceed three years; and
- (4) demonstrate satisfactory progress toward full certification as prescribed by the State.

(Emphases added.)

With respect to related services personnel and paraprofessionals, under 34 C.F.R. § 300.156(b), qualifications must be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services. In addition, related services personnel who deliver services in their discipline or profession may not have certification or licensure requirements waived on an emergency, temporary, or provisional basis. Paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, may be used to assist in the provision of special education and related services to children with disabilities.

As noted above, the SEA **may not** waive the special education or related services personnel certification or licensure requirements on an emergency, temporary, or provisional basis.

Having outlined the requirements under IDEA Part B, this memo also highlights information and resources that may help States meet the requirements.

#### The Department’s and OSEP’s support for teacher initiatives

The Department, including OSEP, has long been committed to providing support and encouraging evidence-based and innovative and promising approaches to meeting the need for well-qualified special education teachers. Under the leadership of President Biden and Secretary Cardona, this commitment has increased.

On March 28, 2022, Secretary Cardona issued a [call to action](#) for States, school districts, and institutions of higher education (IHEs) to address teacher shortages. The Secretary has encouraged the use of funds under the American Rescue Plan Act of 2021 (ARP) and other federal COVID-19 relief funds to scale up educator preparation programs (EPPs) at IHEs, to work in partnership to address the short- and long-term challenges contributing to the teacher shortage across the country. Additionally, on June 9, 2022, the Secretary released a [fact sheet](#) on the Department’s efforts to support the teacher development pipeline to recruit, prepare, and retain teachers. The Department also released a [fact sheet](#) on Federal programs that may be used to sustain ARP investments in key strategies that attract, prepare, support, and retain a diverse teacher workforce and address teacher shortages over the long term. The U.S. Departments of Education and Department of Labor also issued a [Joint Dear Colleague Letter](#) on August 31, 2022, that focuses on the use of Registered Apprenticeship programs for teaching, and ensuring that teachers are paid a livable and competitive wage. On September 27, 2022, the Department [announced](#) 22 new grants totaling more than \$60 million under the Supporting Effective Educator Development program, which will strengthen the teacher pipeline and improve teacher professional development.

#### Higher Education Emergency Relief Fund (HEERF) under ARP

HEERF grant funds can be used to provide stipends, scholarships, and other financial aid to educators-in-training to help underwrite the cost of preparation. For example, HEERF funds can be used to provide teaching residents with stipends to support living expenses, such as housing, or to cover the cost of travel between campus and the school in which they are completing their clinical experience. These funds can also be used to cover the cost of additional courses or pay test fees to earn first or additional teaching licenses or certification. IHEs can discharge institutional student loans, debt, or unpaid balances to their IHEs with their own funds.

OSEP continues to support States in addressing personnel shortages, through OSEP-funded national technical assistance (TA) centers.<sup>1</sup> A number of these centers provide specific TA to support States’ efforts to attract, prepare and retain a quality educator workforce. OSEP, through our TA centers, also works closely with relevant stakeholders to synthesize and share innovative solutions that are making a difference in assisting States in their efforts to build and sustain a strong, effective, and diverse educator workforce with the knowledge and skills needed to provide the quality education each child and family deserves.

#### Additional resources include:

##### [Attract, Prepare, Retain: Effective Personnel For All | OSEP Ideas That Work](#)

Information and resources for stakeholders to explore potential strategies and innovative approaches to address the teacher shortage.

##### [FACT SHEET: The U.S. Department of Education - Secretary Cardona's Call to Action to Address the Teacher Shortage](#)

Fact sheet that addresses the teacher shortage and provides examples of States currently leading this work.

##### [Whole Child Policy Toolkit | Learning Policy Institute](#)

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<sup>1</sup> See the TA Centers listed below.

Toolkit that provides information about teacher shortages, school safety, and additional resources to strengthen the profession.

[Collaboration for Effective Educator Development, Accountability, and Reform Center \(CEEDAR Center\)](#) The *Educator Shortages in Special Education Toolkit* is organized around the guiding principle that short-term strategies to meet immediate demand must be intentionally paired with long-term, systemic strategies to attract, prepare, and retain effective special education teachers to create comprehensive shortage solutions.

[Homepage | Apprenticeship.gov](#)

Website that can be used to locate apprenticeships across the country to connect career seekers, employers, and educators.

#### OSEP-Funded TA Centers<sup>2</sup>

- The [CEEDAR Center](#) supports students with disabilities in achieving college- and career-ready standards by building the capacity of State personnel preparation systems to prepare teachers and leaders to implement evidence-based practices within multi-tiered systems of support.
- The [Early Childhood Technical Assistance Center](#) supports State Part C and Part B Section 619 programs in developing high-quality early intervention and preschool special education service systems.
  - The [Early Childhood Personnel Center](#) assists States to build Comprehensive Systems of Personnel Development (CSPD) to improve outcomes for infants and young children with disabilities and their families.
  - The [IRIS Center](#) offers a wide variety of resources and services to suit a diverse set of instructional needs and circumstances.
  - The [National Center for Systemic Improvement \(NCSI\)](#) provides differentiated support through universal, targeted, and intensive technical assistance to support SEAs to best use their general supervision and professional development systems.

Finally, OSEP wants to thank all States and entities for the efforts they are making to serve children with disabilities and their families during these difficult times. We hope the information provided in this memo is useful in these ongoing efforts.

cc: Parent Training and Information Centers  
OSEP-Funded Technical Assistance Centers

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<sup>2</sup> The views expressed in the following websites and resources do not necessarily represent the positions or policies of the U.S. Department of Education. No official endorsement by the U.S. Department of Education of any product, commodity, service, or enterprise mentioned in this website is intended or should be inferred.



# IDEA

Individuals with Disabilities Education Act



## Sec. 300.156 Personnel qualifications

<https://sites.ed.gov/idea/regs/b/b/300.156>

[Statute/Regs Main](#) » [Regulations](#) » [Part B](#) » [Subpart B](#) » Section 300.156

### [300.156](#) Personnel qualifications.

(a) General. The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

(b) Related services personnel and paraprofessionals. The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that—

(1) Are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and

(2) Ensure that related services personnel who deliver services in their discipline or profession—

(i) Meet the requirements of paragraph (b)(1) of this section; and

(ii) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities.

(c) Qualifications for special education teachers. (1) The qualifications described in paragraph (a) of this section must ensure that each person

employed as a public school special education teacher in the State who teaches in an elementary school, middle school, or secondary school—

(i) Has obtained full State certification as a special education teacher (including certification obtained through an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in 34 CFR 200.56(a)(2)(ii) as such section was in effect on November 28, 2008), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, the teacher must meet the certification or licensing requirements, if any, set forth in the State's public charter school law;

(ii) Has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(iii) Holds at least a bachelor's degree.

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

(i) The teacher—

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

(B) Participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;

(C) Assumes functions as a teacher only for a specified period of time not to exceed three years; and

(D) Demonstrates satisfactory progress toward full certification as prescribed by the State; and

(ii) The State ensures, through its certification and licensure process, that the provisions in paragraph (c)(2)(i) of this section are met.

(d) Policy. In implementing this section, a State must adopt a policy that includes a requirement that LEAs in the State take measurable steps to recruit, hire, train, and retain personnel who meet the applicable requirements described in paragraph (c) of this section to provide special education and related services under this part to children with disabilities.

(e) Rule of construction. Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this part shall be construed to create a right of action on behalf of an individual student or a class of students for the failure of a particular SEA or LEA employee to meet the applicable requirements described in paragraph (c) of this section, or to prevent a parent from filing a complaint about staff qualifications with the SEA as provided for under this part.

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

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

[71 FR 46753, Aug. 14, 2006, as amended at 82 FR 29759, June 30, 2017]

*Last modified on August 24, 2017*