

AMENDMENTS TO IDEA (ESSA)

FACT SHEET

Amendments to IDEA Made by ESSA

The **Every Student Succeeds Act (ESSA)** is the newest version of the Elementary and Secondary Education Act (ESEA)—the nation’s major federal law related to public education in grades pre-kindergarten through high school. Passed in December 2015, ESSA made several changes to the Individuals with Disabilities Education Act (IDEA). This fact sheet provides information on the significant amendments to IDEA made by ESSA. These amendments and other technical changes were incorporated in federal regulations published on June 30, 2017.

Regulations are available at:

<https://www.federalregister.gov/documents/2017/06/30/2017-13801/assistance-to-states-for-the-education-of-children-with-disabilities-and-preschool-grants-for>

A summary chart is available at:

<https://sites.ed.gov/idea/ideaessa-technical-amendments-summary/>

Highly Qualified Teacher Requirement

ESSA eliminated all references to the term "highly qualified" first introduced in the No Child Left Behind Act (NCLB) and subsequently incorporated into the IDEA in the [2004 amendments](#). In fact, the [IDEA highly qualified requirements](#) expanded on NCLB, adding several specific requirements regarding special education teachers teaching to alternate achievement standards and special education teachers teaching multiple subjects. By amendment, ESSA eliminates all of these requirements (Sec. 9214 (d)(1)) and replaces them with a single requirement for all special education personnel as follows:

“the qualifications described in subparagraph (A) shall ensure that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school has obtained full State certification as a special

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education teacher (including participating in an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in [section 200.56\(a\)\(2\)\(ii\) of title 34, Code of Federal Regulations](#), 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 with respect to any teacher teaching in a public charter school who shall meet the requirements set forth in the State's public charter school law; has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and holds at least a bachelor's degree.” (Sec. 9214 (d)(2))

This requirement differs only slightly from the ESSA requirement for all teachers and paraprofessionals (or paraeducators). ESSA’s requirements for general education teachers and paraprofessionals require that the state provide assurance that all teachers and paraprofessionals working in programs supported by Title I-A funds meet state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.

Therefore, the requirement for special education teachers is more specific in that it also requires at least a bachelor’s degree.

Importantly, ESSA retains NCLB’s “Parents Right-to-Know” provisions regarding teacher qualifications. These provisions require parents of students in Title I schools to be advised annually of their right to request information on the professional qualifications of their student’s classroom teachers. Schools must also notify parents whenever their student has been assigned, or has been taught for 4 or more consecutive weeks, by a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

Essential Components of Reading Instruction

ESSA eliminates the Essential Components of Reading Instruction, which were previously found within the Reading First grant program of No Child Left Behind. In its 2004

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reauthorization, IDEA incorporated a reference to the NCLB Essential Components of Reading Instruction in the Special rule for eligibility determination, stating that [emphasis added]:

“In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is—

(A) lack of appropriate instruction in reading, including in the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965);

(B) lack of instruction in math; or

(C) limited English proficiency.”

(20 U.S.C. 1414(b)(5)(A))

However, ESSA maintains the reference to the term “essential components of reading instruction,” which is defined as:

explicit and systematic instruction in—

(A) phonemic awareness;

(B) phonics;

(C) vocabulary development;

(D) reading fluency, including oral reading skills; and

(E) reading comprehension strategies.

Maintaining this reference is important since eligibility for special education services—particularly for a learning disability such as dyslexia—should not occur until and unless the student has received reading instruction that incorporates all of the essential components of reading instruction. Too often students are found eligible due to poor reading instruction rather than the presence of a learning disability.

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