

PRIMARY and SECONDARY DISABILITIES

Title 5 section 80046.5 specifies that a teacher must hold a credential or authorization to teach the **primary** disability of students **within** their special education class or as determined by program placement decisions made by the IEP team. So, we would anticipate that in a self-contained or departmentalized special education classroom the teacher of record would hold a credential or authorization for each of the primary disabilities represented in the class unless an alternate placement is indicated by the IEP for a specific student.

However, this statement does not preclude a student with special needs identified in their IEP for specific instruction or related services from receiving those services from an appropriately authorized and prepared educator whether it is primary, secondary, or additional disability areas identified for special education instruction or services through the IEP process. If the teacher of record in a special education class does not hold an appropriate authorization for the instruction or services specified for the secondary disability area then we would anticipate an appropriately authorized individual has been identified to provide the specified instruction or services in accordance with the IEP. We don't monitor how services are delivered. If instruction or services are specified in the IEP, we monitor if the individual providing the instruction or services has been prepared and authorized to provide it.

In some cases the IEP may indicate that only consultative services for that disability area need to be provided to the teacher of record and indicate the frequency of the consults. We don't need that level of information for monitoring. We only need to know who has been identified to provide the instruction or services and what credential(s) and authorization(s) they hold. A special needs student may not even be placed in a "special education class" at all but may have special education instruction, support, and/or services provided to them in a variety of settings; however, the specified special education instruction and services must still be provided by an appropriately prepared and authorized individual. As an additional note, students identified as only requiring resource instructional services may receive that instruction from an appropriately authorized individual for RSP instruction across disability areas.

For assignment monitoring purposes, in most cases we only have information on primary and secondary disabilities that are noted in current data collection systems such as CASEMIS. However, the individual that is responsible for placement and coordination of special education instruction and services should ensure that all such instruction and services are provided by an appropriately authorized individual. For example, a student may have a speech language impairment that requires speech therapy services as noted in the IEP whether that is their primary or secondary disability does not negate the requirement that those specified services must be provided by an individual appropriately authorized to provide clinical speech therapy services. We provide this example because it is very obvious but the same holds true for all instruction and services noted on the IEP. In many cases special needs students may receive special education instruction and services from a team of individuals throughout the week and school year.

The first consideration should always be the **students** who will be served by these individuals. Assigning an individual who holds the appropriate credential and authorization(s)

assures the employing agency that the teacher or other certificated employee has met the standards established for that position by the state through legislation (*Education Code*) and regulation (*California Code of Regulations, Title 5*). School site administrators, as well as district and county administrators, have the responsibility under EC §44258.9(b) to have evidence of the credential(s) and authorization(s) each individual holds in order to make a legal and appropriate assignment.

There have also been concerns expressed related to students with autism or a low incidence primary and secondary disabilities that have been placed in the mild-moderate and moderate-severe self-contained special education classrooms. Low incidence disability areas include those that fall within the broad specialty areas of DHH, VI, and PHI particularly Orthopedic Impairments (OI). The scope of the Commission's authority in these situations only extends to requiring that an appropriately authorized teacher is identified as providing the necessary instructional services identified in the IEP for the specific low incidence area but we do not question the overall student placement.

If the student requires special education instruction related to the disability area of autism and the teacher in their self-contained special education classroom is not appropriately authorized we would ask who is providing the necessary instruction and/or services for autism indicated in the IEP. That does not mean that their self-contained special education teacher needs to be that individual. We recognize that services are often provided by a team of individuals and some members of the team may provide itinerant or consultative services in accordance with the IEP.

A common example would be a special needs student identified as needing special education instruction and services related to their OI noted as the secondary disability. California Education Code Section 44265.5(c) specifies that, "*Pupils who are orthopedically impaired shall be taught by teachers whose professional preparation and credential authorization are specific to that impairment.*" Depending on the needs of the student, that instruction may occur in a self-contained special education classroom taught by a teacher who is appropriately credentialed or the instruction may be provided on an itinerant basis, again by a teacher who is appropriately credentialed. The OI authorized teacher may provide services by pushing into the general or special education classroom that the student has been placed in. There are many different service delivery possibilities.

Students with orthopedic impairments may have neuromotor impairments, degenerative diseases or orthopedic and musculoskeletal disorders. These students may require modifications, adaptations and assistive technology to access the general or special education curriculum. The students may have other primary or secondary disabilities or educational needs addressed in a moderate-severe or mild-moderate classroom as well as additional services required by a Physical Therapist and Occupational Therapist. These individuals may provide services to an OI student as indicated in the IEP; however, they are not able to determine the unique educational needs of the students. Orthopedic impairments (OI) may impact a student's functioning in school. The role of the teacher authorized to provide instruction and services to OI students may include determining the implications of the student's particular orthopedic impairment in the school setting, specialized instructional strategies such as with nonverbal students, specialized

expanded curriculum areas such as use of assistive technology or tube feeding independently and modifications and adaptations to curriculum.

As previously noted, the teacher authorized in OI disabilities may or may not be the teacher of record for the student. The student in many cases may be fully included in the general education classroom or in another special education classroom based on additional disabilities; however, a teacher authorized to teach OI students should be providing the consultative or itinerant services to the teacher(s) of the student as well as determining any specific modifications, adaptations, etc. for the student as specified in the IEP. Students with orthopedic impairments may have a team of individuals working together to meet their needs; however, a necessary member of that team is the teacher authorized to provide instruction and service to OI students.

The district has the option of contracting services from an appropriately authorized teacher from another district, county or SELPA if they do not have an appropriate authorized individual on staff. Also, they have the option of having a teacher serve on a SELAP in PHI while pursuing the new AASE in OI.

Statute requires students with specific low incidence disabilities to be taught by a teacher with an authorization specific to that disability area (see below).

Guidance: *CTC does not have purview over how special education services and instruction are delivered or the placement of a student. For assignment monitoring purposes, counties are advised that there are many different service delivery models possible including itinerant consultative services by an appropriately prepared and authorized teacher. Our role is to ensure that an appropriately prepared and authorized teacher is identified as providing the required instructional services as specified in the IEP for the low incidence area but not to determine if the service delivery model is appropriate.*

Education Code section 44265.5.

- (a) Pupils who are visually impaired shall be taught by teachers whose professional preparation and credential authorization are specific to that impairment.**
- (b) Pupils who are deaf or hard of hearing shall be taught by teachers whose professional preparation and credential authorization are specific to that impairment.**
- (c) Pupils who are orthopedically impaired shall be taught by teachers whose professional preparation and credential authorization are specific to that impairment.**