

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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Senator Darling:

I think there is an issue remaining relating to the requirement under federal law that teachers be "highly qualified."

As I read federal law, in order to be considered "highly qualified," a teacher must meet three requirements:

1. The teacher must hold a license to teach issued by the state.
2. The teacher must hold a bachelor's degree.
3. The teacher must demonstrate subject matter competency in each of the academic subjects in which he or she teaches, in the manner determined by the state.

If a teacher is employed to teach core subjects in a charter school, the first element above is met if the teacher meets the requirements set forth in the state's charter school law regarding licensure. But all other elements of the "highly qualified teacher" requirement (in other words, items 2 and 3, above) still apply to charter school teachers.

I think the bill contradicts federal law in two areas. First, the bill states that a person who holds a teaching license issued by DPI may perform any instructional duty at any grade level in a charter school, even if he or she has not demonstrated competency in each of the academic subjects that he or she teaches. And second, the bill states that a person who doesn't hold a teaching license may be employed as instructional staff in a charter school if he or she holds an instructional staff permit issued by DPI. The bill states that DPI may require a bachelor's degree for issuance of this permit, but may not limit the subjects that the applicant may teach based upon the applicant's major field of study. I suppose DPI could require that the applicant demonstrate in some other way that he or she is competent in the subject areas that he or she teaches, but the clear implication in the bill is that such a demonstration is not necessary. (Otherwise, why wouldn't the bill allow DPI to require such a demonstration for a person who holds a DPI-issued teaching license?)

Do you want to modify the bill at all to address this issue?

Thanks,

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