**24:05:16:16.05.  Requirements for qualified special education teachers -- Teaching to alternate achievement standards.** For any special education teacher who teaches core academic subjects exclusively to children who are assessed against alternate achievement standards, being qualified means the teacher, whether new or not new to the profession, may either:

 (1)  Meet the applicable requirements of the ESSA for any elementary, middle, or secondary school teacher who is new or not new to the profession; or

 (2)  Meet the requirements of the ESSA as applied to an elementary school teacher, or, in the case of instruction above the elementary level, meet the requirements of the ESSA as applied to an elementary school teacher and have subject matter knowledge appropriate to the level of instruction being provided and needed to effectively teach to those standards, as determined by the state.

 **Source:** 33 SDR 236, effective July 5, 2007; 46 SDR 149, effective July 6, 2020.

 **General Authority:** SDCL 13-37-1.1.

 **Law Implemented:** SDCL 13-37-1.1.