

# IDEA/ESSA TECHNICAL AMENDMENTS SUMMARY

IDEA Regulation	Old Language	New Language	Reasoning
§300.7	Cross reference to charter school definition was “section 5210(1)” of ESEA	Replaced cross reference with revised statutory cite “section 4310(2)” The authority citation has been changed from “20 U.S.C. 7221i(1)” to “20 U.S.C. 7221i(2).”	Statutory cite of ESEA definition of charter school changed
§300.10	The definition of the term “core academic subjects” was based on section 602(4) of IDEA	§300.10 has been removed and reserved	Statutory Change: section 9215(ss)(1)(A) of the ESSA, eliminated section 602(4) of the IDEA
§300.16(a)(3)	Cross reference to the ESEA was “under part A and B of title III of the ESEA”	Cross reference to the ESEA is revised to read “under part A of title III of the ESEA”	Statutory change: section 9215(ss)(1)(B) of the ESSA
§300.18	Definition of “highly qualified special education teachers” was based on section 602(10) of IDEA	§300.18 has been removed and reserved. *See §300.156 for additional changes	Statutory change: section 9214(d)(1) of the ESEA, eliminated section 602(10) of the IDEA
§300.27	Cross reference to “Limited English proficient” was “in section 9101(25) of the ESEA”	Cross reference to the ESEA is revised to read “English learner” in section 8101 of the ESEA”	Statutory change: section 9215(ss)(1)(C) of the ESSA
§300.35	Definition of “scientifically based research”	§300.35 has been removed and reserved	Statutory change: section 8002(1) of the ESSA
§300.102(a)(3)(iv)	Definition of “regular high school diploma”	Revised to incorporate definition in section 8101(43) of the ESEA	A statutory definition of this term was added to ESEA
§300.105(a)(1)	The cross reference to the definition of “special education” was incorrectly listed as §300.36	Cross reference changed to §300.39.	Correction to previous regulation
§300.105(a)(3)	The cross reference to the definition of “supplementary aids and services” was incorrectly listed as §300.38	Cross reference changed to §300.42	Correction to previous regulation

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<b>IDEA Regulation</b>	<b>Old Language</b>	<b>New Language</b>	<b>Reasoning</b>
<b>§300.115(b)(1)</b>	The cross reference to the definition of “special education” was incorrectly listed as §300.38	Cross reference changed to §300.39	Correction to previous regulation
<b>§300.138(a)(1)</b>	Included cross reference to “highly qualified special education teacher requirements of §300.18”	Replaced with cross reference to “special education teacher qualification requirements in §300.156(c)”	Conforming change based on statutory change in section 9214(d)(2) of the ESSA
<b>§300.146(b)</b>	Included cross reference to “§300.18”	Deleted cross reference to §300.18	Conforming change based on statutory change in section 9214(d)(2) of the ESSA
<b>§300.154(b)(1)(i)</b>	The cross reference to “supplementary aids and services” was incorrectly listed as §300.41 and the cross reference to the definition of “transition services” was incorrectly listed as §300.42	Replaced cross-references with §300.42 and §300.43, respectively	Correction to previous regulation
<b>§300.156(c)</b>	Included language indicating that each person employed as a public school special education teacher in the State must be highly qualified by the deadline established in section 1119(a)(2) of the ESEA	(1) Added new paragraph (c)(1) which replaced HQT reference with language from the previous definition of “highly qualified” in §300.18(b)(1) governing the qualifications of special education teachers. (2) Added new paragraph (c)(2) which retained the requirements in the previous definition of “highly qualified” in §300.18(b)(2), regarding alternate routes to special education teacher certification	(1) Statutory change in section 9214(d)(2) of the ESSA. (2) Section 9214(d)(2)(A)(i) of the ESSA requires that alternate routes to certification as a special educator meet the minimum requirements described in 34 CFR 200.56(a)(2)(ii), as such section was in effect on November 28, 2008
<b>§300.156(d)&amp;(e)</b>	Included the term “highly qualified”	Replaced with “meet the applicable requirements described in paragraph (c) of this section”	Conforming change based on statutory change in section 9214(d)(2) of the ESSA

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<b>IDEA Regulation</b>	<b>Old Language</b>	<b>New Language</b>	<b>Reasoning</b>
<b>§300.157(a)(2) &amp; (b)</b>	Includes statutory language regarding performance goals and indicators.	Replaced language with statutory revisions	Statutory change: section 9215(ss)(3)(A) of the ESSA, which amended section 612(a)(15) of the IDEA
<b>§300.160(c)</b>	Includes the phrase: “the State’s challenging academic content standards and challenging student academic achievement standards”	(1) Replaced current language with the phrase “challenging State academic content standards under section 1111(b)(1) of the ESEA and alternate academic achievement standards under section 1111(b)(1)(E) of the ESEA; (2) added the phrase “children with the most significant cognitive disabilities”; (3) removed paragraph (c)(2)(iii).	Statutory change: section 9215(ss)(3)(B) of the ESSA which amended section 612(a)(16)(C) of the IDEA; provides consistency with 34 CFR 200.6(c) of the regulations for title I, part A of the ESEA
<b>§300.160(d)</b>	Includes previous Title I language about explanations to IEP Teams	Added new paragraph (d)(1) to incorporate language from section 1111(b)(2)(D)(i)(II) of the ESEA and 34 CFR 200.6(d)(2); Added new paragraph (2) to incorporate language from section 1111(b)(2)(D)(i)(VII) of the ESEA and 34 CFR 200.6(d)(4)	Change made to ensure consistency with ESEA Statutory change and the regulations for Title I Part A of the ESEA
<b>§300.160(e)</b>	Includes previous Title I language about explanation to parents	Revised paragraph to incorporate language from section 1111(b)(2)(D)(i)(II) of the ESEA and 34 CFR §200.6(d)(3)	Change made to ensure consistency with ESEA Statutory change and the regulations for Title I Part A of the ESEA
<b>§300.160(f)</b>	(1) Reporting requirements included alternate assessments based on grade level standards (2) Paragraph (f)(3) included incorrect school year	(1) Revised (f)(2) to clarify school year 2016-2017 is the last school year for which States may report on the results of children with disabilities taking alternate assessments based on grade-level achievement standards; (2) Corrected school year in (f)(3) from 2015-2016 to 2016-2017	(1) Statutory change: section 612(a)(16)(C) of the IDEA and section 1111(b)(1)(E)(ii); (2) Correction to previous regulation

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<b>IDEA Regulation</b>	<b>Old Language</b>	<b>New Language</b>	<b>Reasoning</b>
<b>§300.207</b>	Includes cross-reference to section 2122 of the ESEA	Replaced cross-reference with section 2102(b) of the ESEA	Statutory change: section 9215(ss)(4) of the ESSA
<b>§300.306(b)(1)(i)</b>	Special rule for eligibility determination	Inserted the phrase “as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act” after “ESEA”	Statutory change: section 9215(ss)(5) of the ESSA
<b>§300.324(d)(2)(i)</b>	Includes cross-reference to §300.112	Replaced cross-reference with §300.114	Correction to previous regulation
<b>§300.704(b)(4)</b>	(1) paragraph (b)(4)(x) includes a cross reference to “section 6111 of the ESEA”; (2) paragraph (b)(4)(xi) includes language regarding technical assistance and direct services	(1) Replaced cross-reference with “section 1201 of the ESEA”; (2) replaced language in paragraph (xi) with revised statutory language	Statutory change: section 9215(ss)(2)(A) and (B) of the ESSA
<b>§300.704(c)(3)(i)(A)(2)</b>	Includes cross-reference to section 9101 of the ESEA	Replaced cross-reference with section 8101 of the ESEA	Statutory change: section 9215(ss)(2)(A) and (B) of the ESSA
<b>§303.32</b>	Definition of “scientifically based research”	§303.32 has been removed and reserved.	Statutory change: section 8002(1) of the ESSA