prevent a parent from filing a com-
plaint under §§300.151 through 300.153
about staff qualifications with the SEA
as provided for under this part.

(g) Applicability of definition to ESEA;
and clarification of new special education
teacher. (1) A teacher who is highly
qualified under this section is consid-
ered highly qualified for purposes of
the ESEA.

(2) For purposes of §300.18(d)(3), a
fully certified regular education teach-
er who subsequently becomes fully cer-
tified or licensed as a special education
teacher when first hired as a special
education teacher.

(h) Private school teachers not covered.
The requirements in this section do not
apply to teachers hired by private ele-
mentary schools and secondary schools
including private school teachers hired
or contracted by LEAs to provide equi-
table services to parentally-placed pri-
vate school children with disabilities
under §300.138.

(Authority: 20 U.S.C. 1401(10))

[71 FR 46753, Aug. 14, 2006, as amended at 72
FR 61306, Oct. 30, 2007]

§300.19 Homeless children.

Homeless children has the meaning
given the term homeless children and
youths in section 725 (42 U.S.C. 11434a)
of the McKinney-Vento Homeless As-
sistance Act, as amended, 42 U.S.C.
11431 et seq.

(Authority: 20 U.S.C. 1401(11))

§300.20 Include.

Include means that the items named
are not all of the possible items that
are covered, whether like or unlike the
ones named.

(Authority: 20 U.S.C. 1221e-3)

§300.21 Indian and Indian tribe.

(a) Indian means an individual who is
a member of an Indian tribe.

(b) Indian tribe means any Federal or
State Indian tribe, band, rancheria,
pueblo, colony, or community, includ-
ing any Alaska Native village or re-
gional village corporation (as defined
in or established under the Alaska Na-
tive Claims Settlement Act, 43 U.S.C.
1601 et seq.).

(c) Nothing in this definition is in-
tended to indicate that the Secretary
of the Interior is required to provide
services or funding to a State Indian
tribe that is not listed in the FEDERAL
REGISTER list of Indian entities recog-
nized as eligible to receive services
from the United States, published pur-
suant to Section 104 of the Federally
Recognized Indian Tribe List Act of

(Authority: 20 U.S.C. 1401(12) and (13))

§300.22 Individualized education pro-
gram.

Individualized education program or
IEP means a written statement for a
child with a disability that is devel-
oped, reviewed, and revised in accord-
cence with §§300.320 through 300.324.

(Authority: 20 U.S.C. 1401(14))

§300.23 Individualized education pro-
gram team.

Individualized education program team
or IEP Team means a group of individ-
uals described in §300.321 that is re-
sponsible for developing, reviewing, or
revising an IEP for a child with a dis-
ability.

(Authority: 20 U.S.C. 1414(d)(1)(B))

§300.24 Individualized family service
plan.

Individualized family service plan or
IFSP has the meaning given the term
in section 636 of the Act.

(Authority: 20 U.S.C. 1401(15))

§300.25 Infant or toddler with a dis-
ability.

Infant or toddler with a disability—
(a) Means an individual under three
years of age who needs early interven-
tion services because the individual—
(1) Is experiencing developmental
delays, as measured by appropriate di-
agnostic instruments and procedures in
one or more of the areas of cognitive
development, physical development,
communication development, social or
emotional development, and adaptive
development; or

(2) Has a diagnosed physical or men-
tal condition that has a high prob-
ability of resulting in developmental
delay; and