

Item 12: COVER PAGE

Type of Agenda Rule Item:

- Discussion Only:** TEA staff will present rule items with an update, potential future rule changes, and/or seek SBEC direction on potential rule changes. TEA staff will draft rule changes from the Board's discussion on the item and start preparing rule text for proposal to the Board.
- Proposal:** First SBEC reading (vote). SBEC members will give input on proposed rule text and will approve rule changes that will go out for public comment as a proposed rule with the *Texas Register*. Important to make substantive changes now because only non-substantive changes can be made at adoption.
- ✓ **Adoption:** Second and final SBEC reading (vote). Only non-substantive changes are permissible at adoption phase. If approved will go to SBOE for review and filed as an SBEC rule with *Texas Register* if SBOE takes no action.

Summary:

This item is an adoption of revisions to 19 TAC Chapter 231, which provides guidance to school districts by listing courses by grade level and subject area and identifying the corresponding certificates appropriate for placement into each classroom assignment. The proposed revisions to 19 TAC 231 would identify the appropriate credential for placement in a particular teaching assignment, incorporate courses approved by the State Board of Education (SBOE), and provide guidance to districts on special education assignments. At the August SBEC meeting, the Board approved the proposed revisions, which would assist districts with hiring and personnel assignment decisions. An additional change is recommended to correct a technical edit to correct the reference to the high objective uniform State standard of evaluation for elementary and secondary special education teachers.

Statutory Authority:

All of the relevant statutes pertaining to this chapter are listed for you on the agenda title page and the entire statutory language is on Attachment I. This is always helpful in referencing the law the TEA staff was working under when preparing this item.

TEA Staff Recommendation:

To approve, for adoption, the proposed revisions as presented.

Relevant SBEC Core Principles:

- *We believe well-prepared educators are essential.*
- *We believe high certification standards measured by rigorous and reliable assessments are essential.*
- *We believe we must continually improve our policies and processes in response to changing needs.*

Item 12:**Consider and Take Appropriate Action on Adoption of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter F, Special Education-Related Services Personnel Assignments****DISCUSSION AND ACTION**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter F, Special Education-Related Services Personnel Assignments. The proposed amendments to 19 TAC §§231.97, 231.241, 231.251, 231.257, 231.365, and 231.611 and proposed new 19 TAC §231.175 would identify the appropriate credential for placement in a particular teaching assignment, incorporate courses approved by the State Board of Education (SBOE), and provide guidance to districts on special education assignments. An additional change is recommended to 19 TAC §231.611(a) since published as proposed.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 231, Subchapters D-F, is the Texas Education Code (TEC), §§21.003(a), 21.031(a), and 21.041(b)(1) and (2).

TEC, §21.003(a), states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B.

TEC, §21.031(a), states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

TEC, §21.041(b)(1), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

EFFECTIVE DATE: The proposed effective date of the proposed amendments to 19 TAC §§231.97, 231.241, 231.251, 231.257, 231.365, and 231.611 and proposed new 19 TAC §231.175 would be December 27, 2016 (20 days after filing as adopted with the *Texas*

Register). The proposed effective date is also based on the SBEC and SBOE meeting schedules.

PREVIOUS BOARD ACTION: At the August 5, 2016 meeting, the SBEC approved the amendments to 19 TAC §§231.97, 231.241, 231.251, 231.257, 231.365, and 231.611 and new 19 TAC §231.175 for publication in the *Texas Register* as proposed rules.

BACKGROUND INFORMATION AND JUSTIFICATION: Current 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, provides guidance to school districts by listing courses by grade level and subject area and identifying the corresponding certificates appropriate for placement into each classroom assignment. This information assists districts with hiring and personnel assignment decisions.

The proposed revisions to 19 TAC Chapter 231, Subchapters D-F, shown in Attachment II, would identify the appropriate certificates for placement in particular assignments for Grades 6-12 to teach electives, disciplinary courses, local credit courses, and innovative courses; various assignments for Grades 9-12; and special education-related services personnel assignments.

Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments

Language in 19 TAC §231.97, including the section title, would be amended to delete the reference to magnet course since the Texas Education Agency (TEA) stopped approving magnet courses several years ago. The proposed amendment would also strengthen alignment with the internal processes for approval of innovative courses and confirm the TEA's role in identifying the appropriate certificates for assignments to teach innovative courses.

Subchapter E, Grades 9-12 Assignments

Division 3. Social Studies, Grades 9-12 Assignments. Proposed new 19 TAC §231.175, Personal Financial Literacy, Grades 9-12, would be added to incorporate this new course approved by the SBOE. TEA staff has worked closely with the TEA Curriculum Standards and Student Supports Division to confirm the list of certificates appropriate to ensure the individual has the knowledge and skills necessary to teach the course and be eligible for placement into the assignment.

Division 7. Fine Arts, Grades 9-12 Assignments. Language in 19 TAC §231.241, Art, Music, Theatre, and Dance, Grades 9-12, would be amended to add a reference to a proposed new Dance: Grades 6-12 certificate in subsection (d). The proposed new Dance: Grades 6-12 certificate will be presented as part of a separate item in this agenda proposing amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates. With the addition of the reference to the proposed new certificate, all remaining information under subsection (d) would be renumbered accordingly.

Division 8. Technology Applications, Grades 9-12 Assignments. In response to a citizen petition addressed by the SBEC at the April 2016 meeting, TEA staff has worked closely with the TEA Curriculum Standards and Student Supports Division to confirm the transfer of the reference to "Fundamentals of Computer Science" from 19 TAC §231.251, Computer Science, Grades 9-12, to 19 TAC §231.257, Game Programming and Design or Mobile Application Development,

Grades 9-12. This change is an appropriate rulemaking action that accurately addresses the petition and maintains appropriate certification for placement into the assignment. Language in 19 TAC §231.257, including the section title, would also be amended to add "Advanced Placement Computer Science Principles," another course approved by the SBOE that had not yet been incorporated into this chapter.

Division 13. Business Management and Administration, Grades 9-12 Assignments. Subsection (b) in 19 TAC §231.365, Business English, Grades 9-12, would be deleted since TEA staff has confirmed with the TEA Curriculum Standards and Student Supports Division that the reference to the TEA-approved training requirement is no longer needed. The list of certificates appropriate to teach this course provide individuals with the knowledge and skills needed to teach this course.

Subchapter F, Special Education-Related Services Personnel Assignments

The proposed amendment to 19 TAC §231.611, Special Education Teacher, would specify that anyone delivering content instruction would be required to hold one of the special education certificates listed and a valid certificate that matches the subject and grade level of the assignment. The addition of this requirement to also hold a valid certificate parallels the federal requirements for special education that were implemented as part of the highly qualified (HQ) requirements under No Child Left Behind (NCLB). Effective with the 2016-2017 school year, federal requirements are no longer in place and districts must now rely solely on certification rules. Language would clarify that individuals assigned to deliver content instruction in a special education setting must be certified in special education and the specific content area being taught to ensure that the individuals have the content knowledge necessary to deliver appropriate content instruction. Numerous districts have expressed a need for guidance from the TEA and flexibility to address the critical staffing shortage area of special education teachers. In addition, language would be included to allow individuals to demonstrate competency through the state's 2010 and 2011 high objective uniform State standard of evaluation for elementary and secondary special education teachers as suggested by the Texas Council of Administrators of Special Education. These proposed changes in rule would be necessary to provide districts the ability to retain teachers already qualified for special education assignments under the previous federal requirements and ensure that students in special education settings continue to receive the support they need from teachers who have appropriate content knowledge.

Since published as proposed, TEA staff recommends a technical edit in subsection (a) to accurately refer to the high objective uniform State standard of evaluation for elementary and secondary special education teachers.

FISCAL IMPACT: The TEA staff has determined that there is no additional fiscal impact on state and local governments and there are no additional costs to persons or entities required to comply with the proposed rule actions. In addition, there is no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required. There is no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

PUBLIC AND STUDENT BENEFIT: The public and student benefit anticipated as a result of the proposed amendments to 19 TAC §§231.97, 231.241, 231.251, 231.257, 231.365, and 231.611 and proposed new 19 TAC §231.175 would be the ability of districts to continue placing educators into classrooms that are prepared to positively affect the performance of the diverse student population of this state.

PROCEDURAL AND REPORTING IMPLICATIONS: The proposed rule actions would have no additional procedural and reporting implications.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: The proposed rule actions would have no additional locally maintained paperwork requirements.

PUBLIC COMMENTS: The public comment period on the proposal began August 26, 2016, and ended September 26, 2016. Any comments received will be provided to the SBEC under separate cover prior to the October 7, 2016 meeting. The SBEC will take registered oral and written comments on this item at the October 7, 2016 meeting in accordance with the SBEC board operating policies and procedures.

ASSOCIATE COMMISSIONER'S RECOMMENDATION: I recommend that the State Board for Educator Certification:

Approve for adoption, subject to State Board of Education review, the proposed revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter F, Special Education-Related Services Personnel Assignments, with an effective date of 20 days after filing the adoption notice with the *Texas Register*.

Staff Member Responsible: Marilyn Cook, Director
Educator Certification and Testing

Attachments:

- I. Statutory Citations
- II. Text of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter F, Special Education-Related Services Personnel Assignments

ATTACHMENT I**Statutory Citations Relating to Proposed Revisions to
19 TAC Chapter 231, Requirements for Public School Personnel Assignments,
Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative
Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and
Subchapter F, Special Education-Related Services Personnel Assignments****Texas Education Code, §21.003, Certification Required (excerpt):**

- (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

Texas Education Code, §21.031, Purpose (excerpt):

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

Texas Education Code, §21.041, Rules; Fees (excerpt):

- (b) The board shall propose rules that:
- (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
 - (2) specify the classes of educator certificates to be issued, including emergency certificates;

ATTACHMENT II
Text of Proposed Revisions to 19 TAC

Chapter 231. Requirements for Public School Personnel Assignments

Subchapter D. Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments

§231.97. ~~[Magnet Course]~~ Innovative Course.

An assignment for an an ~~[a Magnet Course or]~~ Innovative Course is allowed with a valid certificate that matches the grade level of the assignment as determined by the Texas Education Agency ~~[or Texas Education Agency approval]~~ .

Subchapter E. Grades 9-12 Assignments

Division 3. Social Studies, Grades 9-12 Assignments

§231.175. Personal Financial Literacy, Grades 9-12.

An assignment for Personal Financial Literacy, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business certificate.
- (2) Grades 6-12 or Grades 9-12--Economics.
- (3) Grades 6-12 or Grades 9-12--Social Studies.
- (4) Grades 6-12 or Grades 9-12--Social Studies, Composite.
- (5) Junior High School (Grades 9-10 only) or High School--Economics.
- (6) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.
- (7) Secondary Economics (Grades 6-12).
- (8) Secondary Social Studies (Grades 6-12).
- (9) Secondary Social Studies, Composite (Grades 6-12).
- (10) Social Studies: Grades 7-12.
- (11) Social Studies: Grades 8-12.

Division 7. Fine Arts, Grades 9-12 Assignments

§231.241. Art, Music, Theatre, and Dance, Grades 9-12.

- (a) An assignment for Art, Grades 9-12, is allowed with one of the following certificates.
 - (1) All-Level Art.
 - (2) Art: Early Childhood-Grade 12.
 - (3) Grades 6-12 or Grades 9-12--Art.
 - (4) Junior High School (Grades 9-10 only) or High School--Art.
 - (5) Secondary Art (Grades 6-12).
- (b) An assignment for Music, Grades 9-12, is allowed with one of the following certificates.
 - (1) All-Level Music.

- (2) Grades 6-12 or Grades 9-12--Music.
 - (3) Junior High School (Grades 9-10 only) or High School--Music.
 - (4) Music: Early Childhood-Grade 12.
 - (5) Secondary Music (Grades 6-12).
- (c) An assignment for Theatre, including Musical Theatre, Grades 9-12, is allowed with one of the following certificates.
- (1) All-Level Speech/Drama.
 - (2) All-Level Speech Communications/Theatre Arts (Prekindergarten-Grade 12).
 - (3) All-Level Theatre Arts (Prekindergarten-Grade 12).
 - (4) Grades 6-12 or Grades 9-12--Theatre Arts.
 - (5) Junior High School (Grades 9-10 only) or High School--Drama.
 - (6) Junior High School (Grades 9-10 only) or High School--Speech and Drama.
 - (7) Secondary Theatre Arts (Grades 6-12).
 - (8) Theatre: Early Childhood-Grade 12.
- (d) An assignment for Dance for Fine Arts credit, Grades 9-12, is allowed with one of the following certificates.
- (1) Dance: Grades 8-12.
 - (2) Dance: Grades 6-12.
 - (3) ~~(2)~~ Grades 6-12 or Grades 9-12--Dance.
 - (4) ~~(3)~~ Junior High School (Grades 9-10 only) or High School--Dance.
 - (5) ~~(4)~~ Secondary Dance (Grades 6-12).

Division 8. Technology Applications, Grades 9-12 Assignments

§231.251. Computer Science, Grades 9-12.

An assignment for ~~[Fundamentals of Computer Science;]~~ Computer Science I, II, and III; Digital Forensics; or Robotics Programming and Design, Grades 9-12, is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).

§231.257. Fundamentals of Computer Science; Advanced Placement Computer Science Principles; Game Programming and Design or Mobile Application Development, Grades 9-12.

An assignment for Fundamentals of Computer Science; Advanced Placement Computer Science Principles; Game Programming and Design or Mobile Application Development, Grades 9-12, is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).

- (5) Technology Applications: Early Childhood-Grade 12.
- (6) Technology Applications: Grades 8-12.

Division 13. Business Management and Administration, Grades 9-12 Assignments

§231.365. Business English, Grades 9-12.

~~(a)~~ An assignment for Business English, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Business and Finance: Grades 6-12.
- (3) Business Education: Grades 6-12.
- (4) English Language Arts and Reading: Grades 7-12.
- (5) English Language Arts and Reading: Grades 8-12.
- (6) Grades 6-12 or Grades 9-12--English.
- (7) Grades 6-12 or Grades 9-12--English Language Arts, Composite.
- (8) Junior High School (Grades 9-10 only) or High School--English.
- (9) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite.
- (10) Secondary English (Grades 6-12).
- (11) Secondary English Language Arts, Composite (Grades 6-12).

~~(b) All teachers assigned to this course shall participate in Texas Education Agency approved training prior to teaching this course effective with the 2013-2014 school year.~~

Subchapter F. Special Education-Related Services Personnel Assignments

§231.611. Special Education Teacher.

(a) Subject to the requirements in subsection (c) of this section, an assignment for Special Education Teacher is allowed with one of the following certificates. If an individual is providing content instruction in a special education classroom setting, a valid certificate that matches the subject and grade level of the assignment is also required, or the individual must demonstrate competency through the state's 2010 and 2011 high [] objective [,and] uniform State standard of evaluation for elementary and secondary special education teachers.

- (1) Blind School (Texas State School for the Blind and Visually Impaired only).
- (2) Deaf and Severely Hard of Hearing.
- (3) Deaf School (Texas State School for the Deaf only).
- (4) Deaf-Blind.
- (5) Deficient Vision.
- (6) Early Childhood Education for Handicapped Children (Infants-Grade 6 only).
- (7) Elementary Generic Special Education.
- (8) Emotionally Disturbed.
- (9) Generic Special Education.
- (10) Hearing Impaired.
- (11) High School--Generic Special Education.

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- (12) Language and/or Learning Disabilities.
 - (13) Mentally Retarded.
 - (14) Physically Handicapped.
 - (15) School Speech-Language Pathologist.
 - (16) Secondary Generic Special Education (Grades 6-12) (Grades 6-12 only).
 - (17) Severely and Profoundly Handicapped.
 - (18) Severely Emotionally Disturbed and Autistic.
 - (19) Special Education Supplemental (Valid at grade level and subject area of the base certificate).
 - (20) Special Education: Early Childhood-Grade 12.
 - (21) Speech and Hearing Therapy.
 - (22) Speech and Language Therapy.
 - (23) Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12.
 - (24) Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12.
 - (25) Visually Handicapped.
- (b) The certificates specified in subsection (a) of this section are appropriate for a special education assignment in Prekindergarten-Grade 12 except where otherwise noted.
 - (c) The employing school district should make every effort to secure educators trained in the specialized skills and knowledge needed to serve the special needs of the children. If a staff member does not have the skills and knowledge needed for the assignment, the school district is responsible for making provisions for the person to acquire the necessary skills and knowledge.