

The State Board for Educator Certification (SBEC) adopts the repeal of §231.701, new §231.701 and §231.710, and amendment to §231.709, concerning special education-related services personnel assignments. The repeal of §231.701, new §231.701, and the amendment to §231.709 are adopted without changes to the proposed text as published in the January 10, 2025 issue of the *Texas Register* (50 TexReg 236) and will not be republished. New §231.710 is adopted with changes to the proposed text as published in the January 10, 2025 issue of the *Texas Register* (50 TexReg 236) and will be republished. The adopted revisions provide requirements for school districts to make personnel assignment decisions based on the correlating certification and demonstration of content proficiency requirements. The adopted revisions also expand the list of certificates appropriate for personnel serving in special education-related assignments and include a section dedicated to requirements for an assignment of Teachers of Students who are Deafblind.

REASONED JUSTIFICATION: The SBEC rules in 19 Texas Administrative Code (TAC) Chapter 231 establish the personnel assignments that correlate with appropriate certifications. The list of courses, organized by grade level and subject area, identify the corresponding certificates and requirements for placement of individuals into classroom and/or campus assignments. This information assists districts with hiring and personnel assignment decisions.

The adopted revisions to 19 TAC Chapter 231, Subchapter F, Special Education-Related Personnel Assignments, address requirements for placement into special education-related personnel assignments. These adopted revisions, as a part of the broader special education teacher certification redesign plan, ensure that special education teachers are knowledgeable of the grade-level content in which they teach, while allowing flexibility in how this content knowledge is demonstrated.

During the December 2024 meeting, the SBEC approved the proposed revisions to 19 TAC Chapter 231, Subchapter F, Special Education-Related Personnel Assignments, and the Texas Content Competency Worksheet for Special Education Teachers of Record (Grades EC-12).

Previous SBEC Discussion

A summary of previous SBEC discussion is outlined in the following table.

[Figure: Chapter 231, Subchapter F-preamble](#)

Adopted Updates to Subchapter F, Special Education-Related Services Personnel Assignments:

The following is a description of the adopted revisions to 19 TAC Chapter 231, Subchapter F.

Adopted New 19 TAC §231.701. Special Education Teacher

The adopted repeal of and new 19 TAC §231.701, Special Education Teacher, clearly articulates requirements for placement into special education assignments at the elementary and secondary levels.

Adopted new 19 TAC §231.701(a) specifies the effective date of provisions in this revised section.

Adopted new 19 TAC §231.701(b) specifies the required SBEC-issued special education certificate needed to serve in an assignment of special education teacher.

Adopted new 19 TAC §231.701(c) clarifies that the certificates listed in subsection (a) are appropriate for Prekindergarten-Grade 12 unless additional requirements are noted elsewhere.

Adopted new 19 TAC §231.701(d) specifies content area competency requirements for teachers in an assignment of special educator serving as the teacher of record. These adopted rules require special education teachers of record to hold a valid content area certificate that matches the subject and grade level of the assignment or meet all requirements as outlined in the Texas Content Area Competency Worksheet for Special Education Teachers of Record adopted in rule as Figure: 19 TAC §231.701(d).

In response to public comment, changes were made to Figure: 19 TAC §231.701(d) at adoption that include allowing the additional criteria of holding a content-aligned National Board Certification, holding a Teacher Incentive Allotment designation, and completing relevant professional development within the last five years as qualifying factors for demonstration of content knowledge. Additional flexibility was added for secondary teachers of record for multiple content areas.

Adopted new 19 TAC §231.701(e) specifies that the employing school district is responsible for ensuring educators are trained to meet the needs of their assignment.

Adopted Amendment to 19 TAC §231.709. Teacher of Students with Auditory Impairments

The adopted section title aligns with certificate naming conventions and more accurate terminology used in the field.

The adopted amendment to 19 TAC §231.709(a)-(c) strikes "Teacher of Students with Auditory Impairments" and replaces it with "Teacher of the Deaf and Hard of Hearing" to align with the new section title and more appropriate terminology used in the field.

Adopted New 19 TAC §231.710. Teacher of Students who are Deafblind

Adopted new 19 TAC §231.710, Teachers of Students who are Deafblind, specifies the Deafblind Supplemental: Early Childhood-Grade 12 certificate as the appropriate credential for placement into this teaching assignment.

Adopted new 19 TAC §231.710(a) specifies the certification requirement for an assignment of Teachers of Students who are Deafblind.

Adopted new §231.710(b) provides a list of additional certificates a teacher of students who are Deafblind might hold.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began January 10, 2025, and ended February 10, 2025. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the February 14, 2025 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: The Texas Classroom Teachers Association supported the clarification in the rule that allows certain special education teachers to be grandfathered from the new requirements for demonstrating content competency if their campus administrator indicates that they have met the HOUSSE (High Objective Uniform State Standard of Evaluation) requirements.

Response: The SBEC agrees. The proposed rule text ensures special education teachers who previously met HOUSSE requirements can continue to serve in their placements with no disruption, pending administrator attestation in Section B of the Texas Core Content Competency Worksheet for Special Education Teachers of Record.

Comment: One teacher requested that a certification track for special educators who teach alternate curriculum in life skills, autism, or functional academics classes be developed to provide opportunities for teachers who would no longer be eligible to teach in these areas under the proposed rules.

Response: The SBEC disagrees. While it is under the SBEC's authority to explore new certification options for teachers, the rules ensure those teachers who previously met HOUSSE can continue to serve in their placement and provide flexible options for teachers who did not previously meet HOUSSE requirements to demonstrate their content competency.

Comment: One administrator suggests that continuing the option for secondary special education teachers who are the teacher of record for all four core subject areas for secondary students assessed on alternative achievement standards and who provide instruction exclusively at the elementary level to have the appropriate special education certification plus elementary certification would be very helpful.

Response: The SBEC disagrees. Federal requirements state that all students, including those with the most significant cognitive disabilities assessed on alternate achievement standards, should have access to general education curriculum for the grade level in which the students are enrolled. The proposed rules continue to require the appropriate special education certification, and the Texas Core Content Competency Worksheet for Special Education Teachers of Record provides flexible options for all special education teachers of record, including those at the secondary level responsible for all four core content areas, to demonstrate their content competency.

Comment: One administrator supported the proposed revisions to §231.701, Special Education Teacher, and stated that they are essential to updating HOUSSE regulations.

Response: The SBEC agrees. The Texas Core Content Competency Worksheet for Special Education Teachers of Record provides an alternate pathway for special education teachers of record to demonstrate their content proficiency if they do not hold the aligned content certification.

Comment: One school psychologist commented with concerns and recommended a reconsideration of the proposal as it relates to certifying educators who provide psychological services.

Response: The public comment is outside the scope of the proposed rulemaking, as school psychologist requirements are included in 19 TAC Chapter 231, Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments.

Comment: One Texas administrator expressed concern that increasing certification requirements for special education teachers will increase the difficulty in recruiting new teachers to the field as well as keeping those already in the field. The commenter also stated that the proposed change might increase the expectations of special education teachers, which could be a detriment to recruitment.

Response: The SBEC disagrees. The rules would not increase certification requirements. Instead, the rules specify that all special education teachers need a special education certification, and special education teachers serving as teacher of record need to demonstrate content competency, either through content certification or by meeting requirements outlined in the Texas Content Competency Worksheet for Special Education Teachers of Record.

Comment: One individual commented that the proposed changes requiring 24 points across all content areas with no areas having less than three points will present undue obstacles for teachers who do not have access to some of the options. The commenter suggested a requirement of 24 points that can be achieved in any way possible given the activities listed on the proposal, without the stipulation of having less than three points in all areas.

Response: The SBEC disagrees. In an elementary setting, teachers are often responsible for instruction in one or more content areas. The current structure of a cumulative 24 points maximizes flexibility for elementary teachers, while the 3-point minimum ensures some competency in each subject area. The Texas Core Content Competency Worksheet for Special Education Teachers of Record provides a range of flexible options for teachers to demonstrate their content competency.

Comment: One director of special education services for an education service center supported the changes as written and stated that the proposed revisions decrease the reliance of Texas teachers on HOUSSE.

Response: The SBEC agrees. The Texas worksheet aligns with federal requirements and provides additional flexibility for teachers to demonstrate their content competency in each subject area.

Comment: One educational diagnostician requested that the board not require additional certification for educational diagnosticians or provide an option for current diagnosticians to be grandfathered in without additional certification requirements. The commenter stated that diagnosticians in the state are already stretched thin, and requiring additional certification feels punitive.

Response: The comment is outside the scope of the proposed rulemaking.

Comment: One school psychologist requested that the board reconsider the proposal or modify the legal definition for psychological services.

Response: The public comment is outside the scope of the proposed rulemaking, as school psychologist requirements are included in 19 TAC Chapter 231, Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments.

Comment: The Texas Council of Administrators of Special Education (TCASE) expressed appreciation for the flexibility of the proposed new rules and the new worksheet but have concerns with qualifying teachers of all subjects at the high school level. TCASE stated that it is difficult to qualify high school special education teachers in mathematics and science and disagreed with the premise that it is inappropriate to assign a teacher with the grade level expertise that matches the knowledge and skill level of a student, since a student's functional performance can be lower than their enrolled grade level. TCASE also proposed additional edits such as removing the word "relevant" from Sections C and D, aligning professional development time limit to certification renewal requirements, allowing elementary teachers to count secondary professional development, and providing clarity on whether the worksheet is an annual requirement and clarifying the effective date. In addition, TCASE requested that additional flexibility be added to the Texas Core Content Competency Worksheet, specifically for secondary teachers of record who teach multiple content areas.

Response: The SBEC disagrees with qualifying teachers of all subjects at the high school level and with removing the term "relevant." While the Texas Core Content Competency Worksheet should align with professional certification requirements and allow for additional flexibilities in both the elementary and secondary sections, federal requirements state that all students should have access to general education curriculum for the grade level in which the students are enrolled. Likewise, the term "relevant" is necessary to ensure that the professional development generating points on an educator's worksheet are both related to the content area they are assigned as teacher of record, as well as relevant to the courses they are responsible for. The SBEC agrees with adding flexibility to the Texas Core Content Competency Worksheet. At adoption, the SBEC modified the worksheet to include holding a content-aligned National Board Certification, holding a Teacher Incentive Allotment designation, and completing relevant professional development within the last five years as qualifying factors for demonstration of content knowledge. Additionally, flexibility was added for secondary teachers of record for multiple content areas.

Comment: Disability Rights Texas commented with a concern about secondary level special education teachers and how they use the worksheet referenced in the proposed changes. While emphasizing the importance that all students with disabilities have access to qualified teachers, the commenter recognizes that it can be difficult to find special education teachers who demonstrate competency in each core content area in which they teach. In this case, the commenter suggested that the rule should be revised to allow a special education teacher to work with a co-teacher who meets the points requirement in the Worksheet or has content certification in a co-teach model, as a way to satisfy the new requirements.

Response: The SBEC disagrees. The Texas Core Content Competency Worksheet includes flexible options for secondary teachers of multiple content areas to meet content competency requirements, as well as provisions for first year teachers who do not meet content competency requirements.

Comment: One teacher commented in support of the proposed changes but suggested that additional options be considered to offer even more flexibility in hiring special education teachers. The commenter suggested options such as accepting a passing score on the Pre-Admission Content Test (PACT) exam, accepting college credit hours in the content areas, assigning points for a passing score on the older 161 Special Education EC-12 exam, accepting teaching experience and relevant professional development, and accepting residency placement.

Response: The SBEC disagrees. The Texas Core Content Competency Worksheet for Special Education Teachers of Record already includes most of the suggestions from the commenter for teachers to generate points from a passing score on a PACT exam, college credit hours, previous teaching experience, relevant professional development, and residency placements, among other flexible options; however, the 161 Special Education EC-12 exam will retire in September of 2025 and will no longer be an available option for special education certification.

The State Board of Education (SBOE) took no action on the review of the repeal of §231.701, new §231.701 and §231.710, and amendment to §231.709 at the April 11, 2025 meeting.

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §21.003(a), which 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), which 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), which 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), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective June 12, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.003(a); 21.031(a); 21.041(b)(1) and (2); and 21.064.

<rule>

§231.701. Special Education Teacher.

*n

STATUTORY AUTHORITY. The new sections and amendment are adopted under Texas Education Code (TEC), §21.003(a), which 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), which 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), which 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), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective June 12, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections and amendment implement Texas Education Code, §§21.003(a); 21.031(a); 21.041(b)(1) and (2); and 21.064.

<rule>

§231.701. Special Education Teacher.

- (a) The provisions of this section are effective September 1, 2025, unless otherwise specified in rule.
- (b) Subject to the requirements in subsection (d) of this section, an assignment of Special Education Teacher is allowed with one of the following SBEC-issued certificates:
 - (1) Bilingual Special Education Supplemental: Early Childhood-Grade 12;
 - (2) Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6;
 - (3) Deafblind Supplemental: Early Childhood-Grade 12;
 - (4) Special Education Specialist: Early Childhood-Grade 12;
 - (5) Special Education Supplemental (valid at grade level and subject area of the base certificate);
 - (6) Special Education: Early Childhood-Grade 12;
 - (7) Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12;
 - (8) Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12; or
 - (9) any special education certificate issued before September 1, 2003, and deemed appropriate by the employing school district for placement into the assignment.
- (c) The certificates specified in subsection (a) of this section are appropriate for a special education assignment in Prekindergarten-Grade 12 except where otherwise noted.
- (d) If an individual in an assignment of special education teacher serves as the teacher of record and is responsible for evaluating student achievement and assigning grades, a valid certificate that matches the subject and grade level of the assignment is also required, or the individual must demonstrate content area competency through requirements as applicable in the figure provided in this subsection, the state's "Texas Content Competency Worksheet for Special Education Teachers of Record (Grades EC-12)."

[Figure: 19 TAC §231.701\(d\)](#)

- (1) Individuals who previously demonstrated content competency through the state's 2010 and 2011 high objective uniform standard of evaluation for elementary and secondary special education teachers in an assignment of special education teacher of record before September 1, 2025, must hold a valid certificate that matches the subject and grade level of the assignment, or the individual must demonstrate content area competency as attested by the administrator in Sections A-B and F of Figure: 19 TAC §231.701(d).

- (2) Individuals who did not previously demonstrate content competency through the state's 2010 and 2011 high objective uniform standard of evaluation for elementary and secondary special education teachers of record before September 1, 2025, must hold a valid certificate that matches the subject and grade level of the assignment, or the individual must demonstrate content area competency through requirements as applicable in Sections A and C-E and Section F of Figure: 19 TAC §231.701(d).
- (e) The employing school district should make every effort to secure educators trained in the specialized skills and knowledge needed to serve the special education needs of 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.

§231.709. Teacher of the Deaf and Hard of Hearing.

- (a) An assignment for Teacher of the Deaf and Hard of Hearing is allowed with one of the following certificates.
 - (1) Deaf and Severely Hard of Hearing.
 - (2) Hearing Impaired.
 - (3) Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12.
- (b) A teacher in an assignment for Teacher of the Deaf and Hard of Hearing must be available to students with auditory impairments.
- (c) A teacher in an assignment for Teacher of the Deaf and Hard of Hearing is not required to pass the Texas Assessment of Sign Communication (TASC) or the Texas Assessment of Sign Communication-American Sign Language (TASC-ASL) in order to be assigned to a classroom in which another communication method is used predominately. If this teacher completes certification requirements through a State Board for Educator Certification-approved educator preparation program in Texas, the program must have assessed proficiency in the communication method and verified it to be at an appropriate level.

§231.710. Teacher of Students who are Deafblind.

- (a) An assignment for Teacher of Students who are Deafblind is allowed with the Deafblind Supplemental: Early Childhood-Grade 12 certificate.
- (b) A teacher in an assignment for Teacher of Students who are Deafblind must also hold one or more of the following certificates.
 - (1) Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12.
 - (2) Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12.
 - (3) Teacher of Students who are Visually Impaired.
 - (4) Deficient Vision.
 - (5) Visually Handicapped.
 - (6) Deaf and Severely Hard of Hearing.
 - (7) Hearing Impaired.