

The State Board for Educator Certification (SBEC) proposes the repeal of §231.701, new §231.701 and §231.710, and amendment to §231.709, concerning special education-related services personnel assignments. The proposed revisions would provide requirements for school districts to make personnel assignment decisions based on the correlating certification and demonstration of content proficiency requirements. The proposed revisions would 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.

**BACKGROUND INFORMATION AND 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 proposed revisions to 19 TAC Chapter 231, Subchapter F, Special Education-Related Personnel Assignments, address requirements for placement into special education-related personnel assignments. These proposed revisions, as a part of the broader special education teacher certification redesign plan, aim to 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.

#### *Previous SBEC Discussion*

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

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

#### *Proposed Updates to Subchapter F, Special Education-Related Services Personnel Assignments:*

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

#### *Proposed New 19 TAC §231.701. Special Education Teacher*

The SBEC proposes the repeal of and new §231.701, Special Education Teacher, to clearly articulate requirements for placement into special education assignments at the elementary and secondary levels.

Proposed new 19 TAC §231.701(a) would specify the effective date of provisions in this revised section.

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

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

Proposed new 19 TAC §231.701(d) would specify content area competency requirements for teachers in an assignment of special educator serving as the teacher of record. These proposed rules would 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 to be adopted in rule as Figure: 19 TAC §231.701(d).

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

#### *Proposed Amendment to 19 TAC §231.709. Teacher of Students with Auditory Impairments*

The SBEC proposes updating the section title to align with certificate naming conventions and more accurate terminology used in the field.

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

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

The SBEC proposes the addition of 19 TAC §231.710, Teachers of Students who are Deafblind, to specify the Deafblind Supplemental: Early Childhood-Grade 12 certificate as the appropriate credential for placement into this teaching assignment.

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

Proposed new §231.710(b) would provide a list of additional certificates a teacher of students who are Deafblind might hold.

**FISCAL IMPACT:** Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the rules will be in effect enforcing or administering the rules does not have foreseeable implications relating to cost or revenues of the state or local governments.

The proposal may result in an increase in fees paid to the Texas Education Agency (TEA) as the proposal would include new certification requirements for the assignment of Teachers of Students who are Deafblind. The Deafblind Supplemental: Early Childhood-Grade 12 is a new certificate for the field that could generate additional fees. While TEA collects \$11 per exam administered, TEA is unable to estimate revenue because this is an optional certification and the assignment of Teachers of Students who are Deafblind is not required for students who are Deafblind.

**LOCAL EMPLOYMENT IMPACT:** The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** While the proposal imposes a cost on regulated persons, it is not subject to TGC, §2001.0045, because the proposal is necessary to receive a source of funds or to comply with federal law. In addition, the proposal is necessary to ensure certified Texas educators are competent to educate Texas students and, therefore, necessary to protect the health, safety, and welfare of the residents of this state. The TEA staff has determined there are fiscal implications as a result of the proposal. Beginning in Fiscal Year (FY) 2025, both the Special Education Early Childhood-Grade 12 and Special Education Supplemental certificates will retire. Candidates seeking a similar certification to fulfill the requirements for an assignment of Special Education Teacher would need to pursue the Special Education Specialist Early Childhood-Grade 12 certificate. The exam aligned to the Special Education Specialist Early Childhood-Grade 12 certificate costs \$136 in comparison to \$116 for the Special Education Early Childhood-Grade 12 and Special Education Supplemental certificates, respectively. However, at this time, TEA staff cannot estimate the total anticipated costs since there are multiple options for satisfying the special education certification requirements for an assignment of Special Education Teacher, including the Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.

**TAKINGS IMPACT ASSESSMENT:** The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would require an increase in fees paid to TEA by requiring teachers who pursue the Deafblind Supplemental: Early Childhood-Grade 12 certificate to take the new Deafblind EC-12 certification exam; would

create new regulations by requiring the new Deafblind Supplemental: Early Childhood-Grade 12 certificate for teachers of students who are deafblind and establishing content competency requirements for special education teachers of record; would repeal an existing regulation by removing rules related to special education personnel assignments in order to provide an updated list of SBEC-approved special education certificates and clarity related to content competency requirements for special education teachers of record; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be updated requirements and clarity relating to the assignment of special educator in Texas public schools. There is an anticipated cost to persons who are required to comply with the proposal, but those costs would only be incurred if a teacher is seeking one of the following certificates to satisfy special education personnel assignment requirements as outlined in this proposal: Special Education Specialist Early Childhood-Grade 12, Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6, Deafblind Supplemental: Early Childhood-Grade 12, or Bilingual Special Education Supplemental: Early Childhood-Grade 12. Beginning in FY 2025, both the Special Education Early Childhood-Grade 12 and Special Education Supplemental certificates will retire. Candidates seeking a similar certification to fulfill the requirements for an assignment of Special Education Teacher would need to pursue the Special Education Specialist Early Childhood-Grade 12 certificate. The exam aligned to the Special Education Specialist Early Childhood-Grade 12 certificate costs \$136 in comparison to \$116 for the Special Education Early Childhood-Grade 12 and Special Education Supplemental certificates, respectively. However, at this time, TEA staff cannot estimate the total anticipated costs since there are multiple options for satisfying the special education certification requirements for an assignment of Special Education Teacher, including the Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6.

The proposed rule that would carve out requirements for the specialized assignment of Teachers of Students who are Deafblind would also result in additional costs for teachers since this assignment requires the Deafblind Supplemental: Early Childhood-Grade 12 certificate in addition to holding a Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12 or Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12 certificates. TEA staff estimates teachers seeking this certificate would pay between \$400-600 in exam fees depending on the certification route; however, since this is an optional new certificate field and Teachers of Students who are Deafblind are not required to serve students who are deafblind, staff cannot estimate total anticipated costs.

**DATA AND REPORTING IMPACT:** The proposal would have no additional data and reporting impact.

**ENVIRONMENTAL IMPACT:** The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** The TEA staff has determined that the proposal would require a written report or other paperwork to be completed by a principal or classroom teacher. In proposed new 19 TAC §231.701(c), a principal or other school district administrator would have to complete a worksheet for a teacher to demonstrate content competency.

**PUBLIC COMMENTS:** The public comment period on the proposal begins January 10, 2025, and ends February 10, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/SBEC\\_Rules\\_\(TAC\)/Proposed\\_State\\_Board\\_for\\_Educator\\_Certification\\_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/). The SBEC will also take registered oral and written comments on the proposal during the February 14, 2025 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

**STATUTORY AUTHORITY.** The repeal is proposed 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.

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STATUTORY AUTHORITY. The new sections and amendment are proposed 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.

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### **§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 (b) 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 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. [~~Teacher of Students with Auditory Impairments.~~]**

(a) An assignment for Teacher of the Deaf and Hard of Hearing [~~Teacher of Students with Auditory Impairments~~] 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 [~~Teacher of Students with Auditory Impairments~~] must be available to students with auditory impairments.

(c) A teacher in an assignment for Teacher of the Deaf and Hard of Hearing [~~Teacher of Students with Auditory Impairments~~] 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.