

The State Board for Educator Certification (SBEC) proposes an amendment to 19 Texas Administrative Code (TAC) §231.1, concerning criteria for assignment of public school personnel. The proposed amendment would clarify requirements related to the criteria for school districts to make personnel assignments based on the correlating certification requirements.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 231 establish the personnel assignments that correlate with appropriate certifications. Subchapters in this chapter offer guidance to school districts and educators by providing the list of courses by grade level and subject area and identifying the corresponding certificates and other requirements for the placement of individuals into classroom and/or campus assignments. This information assists districts with hiring and personnel assignment decisions. Subchapter A, Criteria for Assignment of Public School Personnel, provides a set of criteria to support district personnel decision-making when assigning public school personnel.

In February 2025, the SBEC adopted revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter F, Special Education-Related Services Personnel Assignments, that updated requirements for placement into special education-related personnel assignments.

The proposed amendment to 19 TAC Chapter 231, Subchapter A, would ensure alignment with Subchapter F.

Subchapter A. Criteria for Assignment of Public School Personnel

§231.1. Criteria for Assignment of Public School Personnel

The proposed amendment to §231.1 would strike subsection (c) to ensure that stakeholders refer to the appropriate sections of the chapter for specific personnel assignment requirements.

FISCAL IMPACT: Jessica McLoughlin, associate commissioner for educator preparation and talent development, has determined that for the first five years of enforcing or administering the rules, the proposal does not have foreseeable implications relating to cost or revenue of state or local governments. There are no additional costs to entities required to comply with the proposal.

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: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

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: Texas Education Agency (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 repeal an existing regulation to align with existing, more specific regulations already in rule.

The proposed rulemaking 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 not require an increase or decrease in fees paid to the agency; would not create a new regulation; 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 and talent development, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no new 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: TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins October 16, 2026, and ends November 16, 2026. A form for submitting public comments is available on the TEA website at <https://tea.texas.gov/laws-and-rules/sbec-rules-tac/proposed-state-board-educator-certification-rules>. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the December 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

STATUTORY AUTHORITY. The amendment 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 TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that 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 SBEC to propose rules that provide for the regulation of educators and the general administration of TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 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 amendment implements TEC, §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

<rule>

§231.1. Criteria for Assignment of Public School Personnel.

- (a) A public school employee must have the appropriate credentials for his or her current assignment specified in this chapter and in other rules of the State Board for Educator Certification (SBEC), unless the appropriate permit has been issued under Chapter 230, Subchapter F, of this title (relating to Permits).
- (b) The assignment requirements in this chapter apply to the holders of certificates issued on the basis of 1955, 1972, 1984, and 1987 Standards for Teacher Education as well as certificates issued on the basis of standards aligned with the Texas essential knowledge and skills curriculum, adopted by the State Board of Education, as specified in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).

~~[(c) An elementary certificate may be appropriate for teaching high school students if the level of instruction is comparable to that in elementary grades. When such an assignment is made, course outlines must be maintained in the school district files.]~~

(c) [~~(d)~~] Professional personnel employed in federally funded programs and innovative programs must have the qualifications and meet the assignment requirements specified in this chapter and in other rules of the SBEC.

(d) [~~(e)~~] The assignment requirements in this chapter apply to substitute teachers. If a school district must employ a substitute teacher who is not certified, the district must ensure the individual has the appropriate knowledge and skills to serve in the assignment. A list of the substitute teachers shall be retained in the school district files.