

Item 24:

Discussion of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments

DISCUSSION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss proposed amendments to 19 Texas Administrative Code (TAC) Chapter 231, Requirements for Public School Personnel Assignments. The rules being discussed provide requirements relating to the criteria for school districts to make personnel assignments based on the correlating certification requirements. The proposed amendments are based on recent legislation from the 87th Texas Legislative Session, State Board of Education (SBOE) course offerings, and stakeholder input.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 231 is the Texas Education Code (TEC), §21.031(a) and §21.041(b)(1)–(2), and (TEC), 21.064.

FUTURE ACTION EXPECTED: Texas Education Agency (TEA) staff anticipates presenting proposed revisions to 19 TAC Chapter 231, to the SBEC at the February 11, 2022 meeting for approval to be published in the *Texas Register*.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 231 establishes the personnel assignments that correlate with appropriate certifications and are organized as follows:

- Subchapter A, Criteria for Assignment of Public School Personnel;
- Subchapter B, Prekindergarten–Grade 6 Assignments;
- Subchapter C, Grades 6–8 Assignments;
- Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments;
- Subchapter E, Grades 9–12 Assignments,
- Subchapter F, Special Education-Related Services Personnel Assignments, and
- Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments.

These subchapters 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 placement of individuals into classroom and/or campus assignments. This information assists districts with hiring and personnel assignment decisions.

The rules currently in effect in 19 TAC Chapter 231 are available via this [link](https://tea.texas.gov/about-tea/laws-and-rules/sbec-rules-tac/sbec-tac-currently-in-effect/19-tac-chapter-231): (<https://tea.texas.gov/about-tea/laws-and-rules/sbec-rules-tac/sbec-tac-currently-in-effect/19-tac-chapter-231>).

Following is a high-level summary of each subchapter and anticipated changes that will be presented for the Board's consideration in February based on recent legislation from the 87th Texas Legislative Session, SBOE course offering updates, and stakeholder input. This is not

intended to be an exhaustive list but does identify several of the major areas for proposed rulemaking.

Subchapter A, Criteria for Assignment of Public School Personnel

Subchapter A verifies that individuals working in K-12 settings should hold the appropriate SBEC-issued credentials for placement into various assignments and provides a general overview of how these rules should be used at the local level.

Potential rule changes for the Board's consideration may include:

- Clarification that every assignment may not be listed in the rules and providing guidance on how districts should proceed with placements in those instances.
- Clarification that the rules include SBEC certificates issued across many years to present date.
- Reminders for district consideration to minimize unnecessary additional testing for certification and to emphasize certification assignment flexibility options where allowed and appropriate.

Subchapter B, Prekindergarten–Grade 6 Assignments

Subchapter B provides guidance to districts and certificate holders on classroom assignments and roles for Prekindergarten through Grade 6.

Potential rule changes for the Board's consideration may include:

- Updates to all grade level references to Prekindergarten – Grade 6 to match the focus of assignments included in this subchapter.
- Addition of an assignment for Elementary Health.
- Addition of the Science of Teaching Reading (STR) certificates appropriate for assignments within the grade levels of this subchapter.
- Removal of any outdated historical references that may cause internal and external confusion as relates to qualifications for placement into an assignment.

Subchapter C, Grades 6–8 Assignments

Subchapter C provides guidance to districts and certificate holders on classroom assignments and roles for Grades 6-8.

Potential rule changes for the Board's consideration may include:

- Removal of certificate listings with semester credit hour references.
- Removal of outdated/incorrect certificate listings.
- Addition of the STR certificates appropriate for assignments within the grade levels of this subchapter.
- Removal of any outdated historical references that may cause internal and external confusion as relates to qualifications for placement into an assignment.
- Updates to the lists of certificates appropriate to teach assignments in this subchapter.

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

Subchapter D provides guidance to districts and certificate holders on classroom assignments and roles for electives, disciplinary courses, innovative courses, and local credit courses for Grades 6-12.

Potential rule changes for the Board’s consideration may include:

- Updates to the subchapter title to match the order of the rule information.
- Clarification around requirements to teach courses in this subchapter.
- Clarification of the role of the TEKS and SBEC-issued certificates for assignments to teach innovative course.
- Clarification regarding requirements of Disciplinary Alternative Education Programs.

Subchapter E, Grades 9–12 Assignments

Subchapter E provides guidance to districts and certificate holders on classroom assignments and roles for Grades 9-12. There are a total of 25 divisions in this subchapter. Division 8 – Technology Applications, was repealed during the last round of SBEC rulemaking to align with course changes adopted by the State Board of Education. The divisions currently appear in numerical order, 1-7 and 9-26.

Potential rule changes for the Board’s consideration may include:

- Addition of any missing courses that should be listed in rule.
- Technical edits to renumber the divisions to account for the repeal of Division 8.
- Clarification that older SBEC-issued CTE certificates no longer issued are also valid for placement into various assignments.
- Removal of outdated provisions for placement into various assignments.
- Clarification of what is considered outdated and whether removal of such provisions could negatively impact students, educators, or districts.
- Removal of semester credit hour references where outdated and/or confusing to the assignment.
- Expansion of the list of eligible certificates for assignments.
- Restructure of assignment listings as needed – e.g., separate listings for some courses.
- Determination of legislative impact on Cosmetology Instructor license and how that affects requirements to teach Cosmetology, Grades 9-12.
- Clarification of use of master plumbers, journeymen plumbers, or plumbing inspectors to teach certain CTE courses as specified in HB 636.
- Updates to course heading for group of assignments listed in Division 26, Energy.

Subchapter F, Special Education-Related Services Personnel Assignments

Subchapter F provides guidance to districts and certificate holders on classroom assignments and roles for special education-related services.

Potential rule changes for the Board's consideration may include:

- Updates to course names and/or roles and the certificates appropriate to serve in those assignments.
- Consolidation of all special education-related assignments into this subchapter for ease of reference and rule review and updating purposes.

Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments

Subchapter G provides guidance to districts and certificate holders on classroom assignments and roles for paraprofessionals, other classroom teacher roles, and other instructional and professional support.

Potential rule changes for the Board's consideration may include:

- Addition of all other than classroom teacher certificates (e.g., Reading Specialists, Educational Diagnosticians, School Counselors, School Librarians, and Legacy Master Teachers) to this subchapter.

Next Steps:

TEA staff will seek stakeholder feedback (as applicable) with the Educator Preparation Advisory Committee (EPAC) and bring proposed rule changes to the SBEC at the February 2022 Board meeting.

Staff Member Responsible:

Marilyn Cook, Director, Educator Certification

Attachment:

Statutory Citations

ATTACHMENT**Statutory Citations Relating to 19 TAC Chapter 231, Requirements for Public School 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;

Texas Education Code, §21.064, Legacy Master Teacher Certifications, (excerpts):

- (a) The board shall recognize a master teacher certificate issued under former Section 21.0481, 21.0482, 21.0483, or 21.0484 until the certificate expires. The board shall note a designation of "legacy" on the certificate.