

Excerpt from Texas Register  
35 TexReg 3584  
May 7, 2010

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## TITLE 19. EDUCATION

### PART 7. STATE BOARD FOR EDUCATOR CERTIFICATION

#### CHAPTER 231. ASSIGNMENT OF PUBLIC SCHOOL PERSONNEL

##### 19 TAC §231.1

*(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in 19 TAC §231.1(e) is not included in the print version of the Texas Register. The figure is available in the on-line version of the May 7, 2010, issue of the Texas Register.)*

The State Board for Educator Certification (SBOE) proposes an amendment to §231.1, concerning provisions for assignment of public school personnel. The proposed amendment would update the figure in 19 TAC §231.1(e) as a result of recent revisions to the Texas Essential Knowledge and Skills (TEKS) and course offerings for career and technical education (CTE) mandated by House Bill (HB) 3485, 80th Texas Legislature, 2007. The proposed amendment would also include technical changes that would clarify and update other content areas.

Section 231.1 specifies the criteria for assignment of public school personnel and includes a figure that shows a list of assignments with corresponding certificates for each assignment. Section 231.1 provides guidance to school districts with regard to the certificates required for specific assignments of public school educators.

The figure in §231.1(e) is organized into three parts. Part I includes the requirements for assignment of teachers. Part II includes the requirements for teachers certified before 1966 and assigned to Grades 6-12. Part III includes the requirements for assignment of administrators, other instructional and professional support personnel, special education related services personnel, and paraprofessional personnel.

The proposed amendment to 19 TAC §231.1(e) would update the figure to reflect criteria for assignment of public school personnel, including assignments with corresponding certificates in the area of CTE as a result of recent revisions to the TEKS and course offerings.

HB 3485 required the State Board of Education (SBOE) to identify CTE courses that satisfy the fourth mathematics or science credit required for the recommended and distinguished graduation plans. During the review process, the number of CTE courses was reduced from over 600 to 190 by eliminating outdated courses, combining duplicate courses, incorporating innovative courses, and creating new courses. The SBOE approved 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, for second

reading and final adoption at the July 2009 meeting to be implemented in the 2010-2011 school year.

Also in compliance with HB 3485, the SBOE approved amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter F, Graduation Requirements, Beginning with School Year 2007-2008, which added additional courses for a fourth mathematics and science credit and amended requirements for the minimum and advanced high school programs to align with the Recommended High School Program. The new graduation requirements allow Mathematical Applications in Agriculture, Food, and Natural Resources, if successfully completed prior to Algebra II; Engineering Mathematics; and Statistics and Risk Management to count for the fourth mathematics credit under the Recommended High School Program. The graduation requirements allow Engineering Mathematics, and Statistics and Risk Management to count for the fourth mathematics credit under the Distinguished Achievement Program. The new graduation requirements also allow Advanced Animal Science, Advanced Biotechnology, Advanced Plant and Soil Science, Food Science, and Forensic Science to count for the fourth science credit under the Recommended High School Program and Distinguished Achievement Program.

The new graduation requirements also allow the CTE Professional Communications course to satisfy the speech graduation requirement and the CTE Principles and Elements of Floral Design course to satisfy the fine arts graduation requirement.

Technical changes would also be made to clarify and update other content areas as discussed with and/or recommended by Texas Education Agency (TEA) curriculum staff. Since an analysis of certification tests standards with the CTE TEKS shows coverage, the proposed amendment would allow flexibility for school districts in hiring and course offerings. TEA Curriculum staff will be implementing required professional development to address specific course content.

Consideration to school district needs would also impact assignment rules in English I for Speakers of Other Languages (ESOL I) and English II for Speakers of Other Languages (ESOL II) as well as a new Speech: Grades 7-12 certificate.

Specifically, the figure in §231.1(e) would be updated to allow school districts the discretion to allow bilingual or English as a second language (ESL) certified teachers to continue teaching ESOL I and ESOL II if assigned prior to June 21, 2009.

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In addition, the Speech assignment criteria would be modified to include a new Speech: Grades 7-12 certificate. The TEA staff plan to present the new Speech: Grades 7-12 certificate to the SBEC for discussion and action at a future meeting. The proposed amendment would have no procedural and reporting implications to school districts and educators. Also, the proposed amendment would not include any locally maintained paperwork requirements to school districts and educators. Jerel Booker, associate commissioner for educator and student policy initiatives, has determined that for the first five-year period the proposed amendment is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed amendment. Mr. Booker has determined that for the first five-year period the proposed amendment is in effect the public benefit anticipated as a result of the proposed amendment would be updated requirements relating to the assignment of educators in Texas public schools. There is no anticipated economic cost to persons or entities required to comply with the proposed amendment. 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.

Comments on the proposal may be submitted to Cristina De LaFuente-Valadez, Policy Coordination Division, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, (512) 475-1497. Comments may also be submitted electronically to [sbecrules@tea.state.tx.us](mailto:sbecrules@tea.state.tx.us) or faxed to (512) 463-0028. All requests for a public hearing on the proposed amendments submitted under the Administrative Procedure Act must be re

ceived by the Department of Educator and Student Policy Initiatives, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, Attention: Jerel Booker, not more than 14 calendar days after notice of the proposal has been published in the *Texas Register*. The amendment is proposed under the 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; §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; and §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates. The proposed amendment implements the TEC, §21.031(a) and §21.041(b)(1) and (2). *§231.1. Criteria for Assignment of Public School Personnel.*

(a) 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 (TEKS) curriculum, adopted by the State Board of Education, as specified in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates). (b) 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) Professional personnel employed in federally funded programs and innovative programs must have the qualifications and meet the assignment requirements specified in subsection (e) of this section and in other rules of the State Board for Educator Certification (SBEC). (d) The assignment requirements in this chapter apply to substitute teachers. If a school district must employ a substitute teacher who is not certified, a list of the substitute teachers shall be retained in the school district files. (e) A public school employee must have the appropriate credentials for his or her current assignment specified in the figure provided in this subsection and in other rules of the SBEC, unless the appropriate permit has been issued under Chapter 230, Subchapter Q, of this title (relating to Permits). Figure: 19 TAC §231.1(e) [Figure: 19 TAC §231.1(e)] This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 26, 2010.

TRD-201002030 Karen Loonam Deputy Associate Commissioner, Educator Certification and Standards, Texas Education Agency State Board for Educator Certification Earliest possible date of adoption: June 6, 2010 For further information, please call: (512) 475-1497