



Testimony to the State Board for Educator Certification

Item # 16 regarding proposed revisions to special education personnel assignments

By Quinn McCall, Legislative Liaison

July 19, 2024

Thank you for this opportunity to testify. My colleague, Holly Eaton, participated in the EPSG workgroup for this topic; TCTA appreciates being included in the stakeholder process and believes that progress has been made. However, we have the following remaining concerns:

Provide flexibility for all grade levels, not just high school

As we testified at your February meeting, flexibility is essential for all grade levels, especially considering the frequency with which teachers move between middle and high school assignments and the different configurations across the state for how campuses are labelled elementary, middle, or high schools. This flexibility is available to all special education teachers under the current HOUSSE worksheet. In particular, rural districts have unique staffing struggles and may only have access to one special education teacher to serve a larger band of grade levels, so this flexibility would be a significant lifeline for them.

Based on recent data from TEA regarding the percentage of special education teachers in each grade band holding content certification (see figure below), we are alarmed by the thought of limiting the options for elementary teachers solely to passing a content certification exam. As it stands, 38.5% of EC-5 special education teachers lack both special education and content certification, increasing to 52.6% for 6-8 special education teachers.

Although we understand and appreciate that the latest proposal being presented to you now includes middle school teachers among those for whom flexibility is available, we remain concerned about the exclusion of elementary teachers from this flexibility starting September 1, 2027. For these teachers in particular, unless something changes in the educator preparation realm in which programs are not allowed to prepare special educators without content expertise, we are very concerned that a significant number of elementary special education teachers after September 1, 2027 will be required to add content certification. Considering these numbers, requiring these teachers to add content certification is not only daunting, but likely counterproductive, given the already-existing critical shortage of special education teachers who would now be asked to obtain another certification.

Special Education Assignments for SY 2023-24

Table with 8 columns: Grade Level, Total FTEs for Special, Special Education Certified Teachers, FTEs Special Education Certified, Pct. FTEs Special Education Certified, Special Education and Content Certified Teachers, FTEs Special Education and Content Certified, Pct. FTEs Special Education and Content Certified. Rows include Elementary School (Grades EC-5), Middle School (Grades 6-8), High School (Grades 9-12), and All Grade Levels.



Apply the requirement to demonstrate content competency only to special education teachers of record, not all special education teachers

When the need to devise a new system for special education teachers to demonstrate content competency was first brought before you, one of the reasons cited was a desire from districts for clarity on what, exactly, constitutes “providing content instruction,” thus triggering the requirement to demonstrate content competency to comply with federal law.

Through the course of months of discussions and meeting with stakeholders, TEA arrived at using the term “teacher of record” as the standard for when special education teachers must demonstrate content competency, which is reflected in the last version of the draft worksheet they developed. We agree that “teacher of record” is a reasonable term to use, as it is generally a universally understood/defined term in the field and defined in statute and in SBEC rules (TEC 21.051 and 19 TAC 228.25(1)).

That definition is as follows:

“A ‘teacher of record’ is a person employed by a school district or open-enrollment charter school who teaches a majority of the instructional day in an academic setting and is responsible for evaluation student achievement and assigning grades.”

With the wide variety of special education assignments and the varying levels of responsibility that come with them, using a concise definition that is commonly understood in the field makes the most sense to clarify who does and does not need to demonstrate content competency. Despite this clean definition, there is now a question about whether to require *all* special education teachers, regardless of whether they are teachers of record or not, to demonstrate content competency; this includes push-in teachers, co-teachers, etc. We strongly oppose any expansion to non-teachers of record and believe these requirements should only apply to teachers of record.

Final considerations

Texas is in the midst of a teacher shortage, and within that, a special education teacher shortage. Any additional hurdles for current and prospective special education teachers could have adverse consequences for the supply of special education teachers, thus negatively impacting the special education student population.

TCTA believes that the best path forward is one that provides the most flexibility to special education teachers while still ensuring that they demonstrate content competency as needed. Providing flexibility to *all* grade levels of special education teachers in demonstrating content competency and only subjecting teachers of record to content competency requirements would satisfy federal education law and prevent exacerbating an already critical shortage of special education teachers.

Thank you for your time and attention; we appreciate this opportunity to testify.



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