

Administration

SPECIAL EDUCATION AND RELATED SERVICE PERSONNEL

March 24, 2021

Model operating procedures created by



Student Solutions

and

Thompson
& Horton_{LLP}

ATTORNEYS | COUNSELORS

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

CONTENTS

Special Education and Related Service Personnel 1

 What is Required 1

 Special Education Teacher Qualifications 1

 Alternative Certification 2

 Assignment 2

 Paraprofessional Personnel 3

 Personnel for the Deaf or Hard of Hearing 3

 Definitions 4

 Additional Procedures 4

 Certification to Teach Students with Visual Impairments 4

 Special Education Instruction 5

 Notice to Parents 5

 Professional Development 5

 Evidence of Implementation 6

 Resources 6

CITATIONS 7

Special Education and Related Service Personnel

What is Required

All Campus Special Education and Related Service Personnel must be certified, endorsed, or licensed in the area or areas of assignment in accordance with federal and state law or appropriate state agency credentials. This includes, but is not limited to, any individual employed as a: teacher, teacher intern or trainee (only in the area for which the intern certificate is issued), librarian, educational aide, paraprofessional, administrator, educational diagnostician, school counselor, audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, licensed professional counselor, marriage and family therapist, social worker, and speech language pathologist. However, an individual employed by the District prior to September 1, 2011 to perform marriage and family therapy is not required to hold a license as a marriage and family therapist to provide marriage and family therapy with that district.

The Texas Education Agency will establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of the IDEA are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve students with disabilities. The qualifications must include qualifications for Related Service Personnel and Paraprofessionals that are consistent with State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services. In addition, Related Service Personnel who deliver services in their discipline or profession may not have their certification or licensure requirements waived on an emergency, temporary, or provisional basis.

Special Education Teacher Qualifications

A qualified special education teacher is one that:

- Has obtained a full state certification as a special education teacher, including alternative certification, or passed the state special education teacher licensing examination, and holds a license to teach in the state as a special education teacher;
- Has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
- Holds at least a bachelor's degree.

Alternative Certification

The District may consider a teacher in an alternative certification program who is not yet fully certified as qualified if the teacher is participating in an approved State Board of Education certification alternative route to special education certification program under which the teacher:

- Receives high-quality professional development that is sustained, intensive, and classroom focused to ensure the teacher has a positive and lasting impact on classroom instruction, before and while teaching;
- Participates in a program with intensive supervision consisting of structured guidance and regular ongoing support for teachers or a teacher mentoring program;
- Assumes functions as a teacher only for a specified period of time not to exceed three years; and
- Demonstrates satisfactory progress toward full certification as prescribed by the state.

Assignment

The District may assign a teacher who holds a special education certificate or an endorsement to any level of basic special education instructional program serving students with disabilities ages 3 to 21, as allowed by certification, with the following exceptions:

- Individuals assigned to provide speech therapy instructional services must hold a valid Texas Education Agency certificate in speech and hearing therapy or speech and language therapy, or a valid state license as a speech/language pathologist;
- Teachers holding only a special education endorsement for early childhood education for students with disabilities can only be assigned to programs serving infants through grade 6;
- Teachers certified in educating students with visual impairments must be available to students with visual impairments, including deaf-blindness, through one of the District's instructional options, a shared services arrangement with other districts, or an education service center, and teachers assigned full-time or part-time to instruct children from birth to age two with visual impairments, including deaf-blindness, must be certified in the education of students with visual impairments;
- Teachers certified in educating students who are deaf or hard of hearing must be available to students who are deaf or hard of hearing, including a regional day

school program for the deaf, or a shared service arrangement; and teachers assigned full-time or part-time to instruct children from birth to age two who are deaf, including deaf-blindness, must be certified in education of students who are deaf and severely hard of hearing;

- Teachers with secondary certification with the generic delivery system may only be assigned to teach grades 6-12; and
- When the ARD Committee has specified arrangements for physical education in the student's IEP, physical education may be provided by:
 - Special Education and Related Service Personnel who have the necessary skills and knowledge (which must be documented by the District by in-service records, evidence of attendance at seminars or workshops, or college transcripts);
 - Physical education teachers;
 - Occupational therapists;
 - Physical therapists; or
 - Occupational therapy assistants or physical therapy assistances working under supervision in accordance with the standards of their profession.
- A certified orientation and mobility specialist who is certified by the Academy for Certification of Vision Rehabilitation and Education Professionals must provide orientation and mobility instruction.

Paraprofessional Personnel

All Paraprofessional Personnel employed by the District must be certified.

Certified Paraprofessional Personnel may be assigned to work with eligible students with disabilities, general education and special education teachers, and related service personnel. Paraprofessional Personnel may also be assigned to assist students with special education transportation, serve as a job coach, or serve in support of community-based instruction. If the Paraprofessional Personnel are paid from state administrative funds, they may be assigned to special education clerical or administrative duties such as the Special Education Resource System, the Special Education Management System, or other special education clerical or administrative duties.

Personnel for the Deaf or Hard of Hearing

A student who is deaf or hard of hearing must have an education in which teachers, psychologists, speech therapists, progress assessors, administrators, and others involved in educating the student understand the unique nature of deafness and the hard-of-hearing condition. A teacher of students who are deaf or hard of hearing either must be proficient in appropriate language modes or use an interpreter certified in appropriate language modes if certification is available. Interpreting services for students who are deaf or hard of hearing must be provided by an interpreter who is certified in the appropriate language modes, if certification in such modes is available. If certification is available, the interpreter must be a certified member of (or certified by) the Registry of Interpreters for the Deaf (RID), the Texas Board for Evaluation of Interpreters (BEI), or the Texas Health and Human Services Office for Deaf and Hard of Hearing Services.

Definitions

A “Special Education Resource System (SERS)” is a local school district's clearinghouse for all instructional materials used to teach handicapped students in any given instructional arrangement. It gives teachers ready access to instructional resources that correlate with the district's curriculum objectives and the student's individual educational plan. Services offered by a SERS may include loaning materials and equipment, training personnel to use materials and educational technology, providing access to information retrieval programs, disseminating information, and providing other services related to instructional materials.

A “Special Education Management System” is a school district's computer program designed to collect and maintain data to implement the IDEA and other related educational laws and regulations.

Additional Procedures

Certification to Teach Students with Visual Impairments

To be eligible to be issued a certificate to teach students with visual impairments, a person must complete either:

- All course work required for that certification in an approved educator preparation program; or
- An alternative educator certification program approved for the purpose by the Board.

The person must also perform satisfactorily on certification exams for certification to teach students with visual impairments after completing the requisite course work or program and satisfy any other requirements prescribed by the Board. These eligibility requirements only apply to applications for the initial certificate submitted after September 1, 2011.

Special Education Instruction

While general education teachers may provide accommodations and modifications to students with disabilities under the direction of Special Education Personnel, special education services (i.e., specially designed instruction) required in the IEP must be provided by appropriately certified Campus Special Education Personnel and/or Related Service Personnel.

Notice to Parents

At the beginning of each school year, the District must notify the parents of each student that the parents may request, and the District must provide upon request (and in a timely manner), information regarding the professional qualifications of the student's teachers, including, at a minimum, the following information:

- Whether the student's teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; is teaching under emergency or other provisions status through which state qualification or licensing criteria have been waived; and is teaching in the field of discipline of the certification of the teacher; and
- Whether the student is provided services by paraprofessionals, and if they are, the qualifications of the paraprofessionals.

The District must also provide each parent timely notice that the student has been assigned, or has been taught for thirty (30) or more consecutive instructional days by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned. The District should make a good-faith effort to ensure that all notices are provided in a bilingual form to any parent or guardian whose primary language is not English. Campus Special Education Personnel shall place a copy of the notice in the student's special education file.

Professional Development

Campus Special Education Personnel teaching students with disabilities must participate in evidence-based professional development that:

- Relates to the instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and
- Is designed for educators who work primarily outside the area of special education.

The District must provide such training to Campus Personnel who work primarily outside the area of special education only if the educator does not possess the knowledge and

skills necessary to implement the IEP developed for the student receiving instruction from the educator. The District may determine the time and place at which the training is delivered.

The District should consult with persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the District when developing or maintaining this training.

[ADD ADDITIONAL DISTRICT PROCEDURES AS APPROPRIATE]

Evidence of Implementation

- SBEC Certification Documents
- Notice to Parents Related to Certification
- Professional Development Transcripts
- Job Assignments
- Offer Letters/Contracts
- [DISTRICT FORMS]

Resources

[The Legal Framework for the Child-Centered Special Education Process: Special Education and Related Service Personnel - Region 18](#)

[OSERS Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(Sept. 2011\) – U.S. Department of Education](#)

[OSERS Dear Colleague Letter \(Dec. 5, 2014\) – U.S. Department of Education](#)

[OSEP Letter to Stern \(Sept. 30, 2011\) - U.S. Department of Education](#)

[Certification - Texas Education Agency](#)

[Becoming an Educational Aide in Texas - Texas Education Agency](#)

[Approved Educator Standards - Texas Education Agency](#)

[Certificate Look Up - Texas Education Agency](#)

[Official Record of Educator Certificate Search - SBEC](#)

[Hiring Information for School District Personnel - Texas Education Agency](#)

[Interpreter Certification Guidance - Texas Education Agency](#)

[Guidance for Staff Development - Texas Education Agency](#)

[ADDITIONAL DISTRICT RESOURCES]

CITATIONS

Board Policy DBA, DK, and DMA; 20 USC 1412(a)(14)(C), 6312(e)(1); 34 CFR 156(a)–(c); Texas Education Code 21.003, 21.0485, 21.057, 21.451, 29.304(a); 19 Texas Administrative Code 89.1131(a)–(e); Texas Occupations Code 502.002