



Input on Chapter 231.1(c) Repeal

Regarding special education teaching assignments

Sept. 18, 2026

The **Association of Texas Professional Educators (ATPE)** offers the following input regarding the proposed repeal of 19 TAC Chapter 231.1(c):

ATPE asks the board to reconsider the proposed repeal of 19 TAC §231.1(c), which provides flexibility for certain special education teacher assignments.

The provision recognizes that an elementary certificate, combined with a Special Education Supplemental certificate, may be appropriate for teaching high school students when the level of instruction is comparable to instruction provided in the elementary grades. It is not a blanket exemption. Districts must document the comparable instruction through course outlines maintained in their files, and traditional high school instruction, by default, is not considered comparable to elementary instruction. This mainly applies to classes such as life skills.

The content competency requirements adopted last year provide another way for special education teachers of record to demonstrate content knowledge. Under 19 TAC §231.701(d), educators who do not hold the appropriate content certificate can demonstrate competency through the Texas Content Competency Worksheet for Special Education Teachers of Record. ATPE participated in the workgroup that helped develop the new worksheet, and we appreciate the effort to create a consistent way for educators to demonstrate content knowledge. At the same time, an elementary-certified teacher serving high school students with special education needs does not lack the knowledge and skills necessary to serve those students simply because the teacher does not hold a high school content certificate. These educators have specialized training and certification to serve students with disabilities, and the existing provision already limits its use to assignments involving instruction comparable to the elementary level.

ATPE is concerned that repealing §231.1(c) will remove this flexibility for districts. The provision gives districts an option to make an appropriate assignment based on the actual instructional needs of their students while still requiring documentation and accountability. At a time when we are struggling to recruit and retain all teachers and especially those in special education, we feel it would be inappropriate to make it harder to staff these positions.

ATPE proposes the following language in lieu of repeal:

The Association of Texas Professional Educators (ATPE) has been a strong voice for Texas educators since 1980. It is the leading educators' association in Texas with approximately 75,000 members statewide. With its strong collaborative philosophy, ATPE speaks for classroom teachers, administrators, future, retired and para-educators and works to create better opportunities for 5 million public schoolchildren. ATPE is the ally and the voice of Texas public school educators.

This subsection provides an exemption to the rule that Special Education Supplemental certificates are valid only at the grade level and subject area of the base certificate, in that the combination of an elementary certificate and supplemental special education 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 documenting that instruction is comparable to that in elementary grades must be maintained in the school district files. Regular program High School instruction, by default, is not comparable to that in elementary grades.

ATPE encourages the Board to retain §231.1(c) with the suggested new language we have provided. Texas should maintain appropriate certification standards while also giving districts reasonable flexibility to meet the needs of special education students. Retaining this narrowly defined provision would preserve that flexibility without eliminating existing safeguards.

For additional information, contact ATPE Governmental Relations at (800) 777-2873 or government@atpe.org.