

ASSIGNMENT AND SCHEDULES

DK
(LEGAL)

ASSIGNMENT A public school employee must have the appropriate credentials for his or her current assignment unless the appropriate permit has been issued. The credentials appropriate to each assignment are set forth in rules of the State Board for Educator Certification (SBEC) at 19 Administrative Code Chapter 231. *19 TAC 231.1* [See DBA]

EMERGENCY PERMITS A superintendent or designee who cannot secure an appropriately certified and qualified individual to fill a vacant position may activate an emergency permit for an individual who does not have one of the appropriate credentials for the assignment.

The Superintendent or designee must:

1. Document the efforts the District has taken to employ a fully certified individual in the position for which an emergency permit is activated;
2. Apply for an emergency permit when a vacant position is filled with an uncertified or inappropriately certified individual who will serve as the teacher of record or will serve in the assignment for more than 30 consecutive instructional days. The application must be submitted to TEA within 45 instructional days of the date of assignment;
3. Verify that the District maintains a support system, has assigned a trained mentor, and will provide release time as needed to assist the individual serving on an emergency permit. However, the District shall not be required to provide a mentor for a degreed, certified teacher assigned on an emergency permit if the teacher has one or more creditable years' experience within the District, as defined at 19 Administrative Code Chapter 153, Subchapter CC; and
4. Verify that the individual for whom the emergency permit is activated has been advised of the SBEC rules regarding permits and permit renewal requirements in 19 Administrative Code Chapter 230, Subchapter F.

19 TAC 230.71(b)

For all assignments except career and technical education assignments based on skill and experience, the Superintendent, designee, or authorized representative must verify the individual's eligibility for the emergency permit and submit online to TEA, within 45 instructional days of assignment, the information listed at 19 Administrative Code 230.79. *19 TAC 230.79*

An emergency permit is authorized for the District for a specific assignment and is not the property of the individual for whom the

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emergency permit was activated. If an emergency permit authorized by SBEC is not used, the District shall notify TEA staff by email. *19 TAC 230.71(d)–(e)*

TEMPORARY
VACANCIES

The District is not required to activate an emergency permit if an uncertified individual is assigned for a certified teacher who will be absent for more than 30 consecutive instructional days due to documented health-related reasons and has expressed the intention to return to the assignment. The District must, however, comply with the parent notification requirements below. *19 TAC 230.71(g)*

EDUCATOR
CONSENT

A certified teacher must consent to the activation of an emergency permit and be advised of the conditions of the emergency permit.

A teacher who refuses to consent to activation of an emergency permit may not be terminated or nonrenewed or otherwise retaliated against because of the teacher's refusal to consent to the activation of the emergency permit. However, a teacher's refusal to consent shall not impair the District's right to implement a necessary reduction in force or other personnel actions in accordance with local policy.

19 TAC 230.71(c)

ELIGIBILITY
REQUIREMENTS

An individual for whom an emergency permit is activated must meet the general eligibility criteria listed at 19 Administrative Code 230.75 and the specific eligibility requirements for the assignment listed at 19 Administrative Code 230.77. *19 TAC 230.75, .77*

HARDSHIP
EXCEPTION

An emergency permit may be authorized on a hardship basis for an individual who does not meet all eligibility requirements only if approval has been granted and e-mail notification received from TEA staff. The District must:

1. Document local conditions requiring the assignment of an individual who does not meet emergency permit requirements;
2. Verify that the deficiencies for the certificate sought do not exceed 36 semester credit hours; and
3. Verify:
 - a. That the individual will be enrolled in the first available course listed on the deficiency plan; or
 - b. Registration for the next available administration of the appropriate content specialization portion of the certification examination for an individual who holds a valid Texas classroom teaching certificate and a bachelor's degree from an accredited institution of higher education

and is placed in an assignment requiring a different classroom teaching certificate.

19 TAC 230.71(f)

VALIDITY OF
EMERGENCY
PERMIT

An emergency permit is valid for the remainder of the school year for which it is activated. The emergency permit must be submitted to TEA within 45 instructional days from the date of assignment. The permit is valid for service only in the requesting district and only for the assignments indicated on the emergency permit application.

The employment of an individual on an emergency permit may not exceed three school years in the same assignment. The individual may serve in a specific assignment no more than two additional school years beyond the initial emergency permit. To continue beyond the initial emergency permit year, the individual must comply with the renewal provisions specified in 19 Administrative Code 230.81.

To continue employment in the assignment beyond the validity of the emergency permit, the individual must hold the appropriate certificate. An individual may not serve as a classroom teacher of record in the District for more than three school years without obtaining initial, standard certification.

19 TAC 230.73

RENEWAL OF
PERMIT

The Superintendent, designee, or authorized representative may renew an emergency permit for the same assignment in the same district for which the initial emergency permit was activated. Renewal procedures are set forth at 19 Administrative Code 230.81(5).

No individual may continue in the same assignment for more than three school years of service on an emergency permit, except that emergency permits used fewer than 90 calendar days may be renewed for one additional year of service. The total of semester credit hours or the equivalent contact hours required to obtain certification appropriate for the assignment shall determine the number of emergency permit renewals for which the individual may be eligible. The schedule for determining eligibility for emergency permit renewal is set forth at 19 Administrative Code 230.81(3).

19 TAC 230.81

NONRENEWABLE
PERMITS

The Superintendent or designee may activate a nonrenewable permit for an individual who has not completed the appropriate examination requirements specified in 19 Administrative Code 230.21 (Educator Assessment). A nonrenewable permit may not be acti-

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vated for an individual in the same assignment area for which another permit had previously been authorized.

A nonrenewable permit may be activated for an individual in one or more of the categories listed at 19 Administrative Code 230.83(b).

The Superintendent, designee, or authorized representative must verify that an individual is eligible for the permit and submit the following information within 60 calendar days of assignment:

1. An application for a nonrenewable permit completed before the effective date of the assignment; and
2. The appropriate fee (payable by the District).

19 TAC 230.83

PRINCIPAL'S
APPROVAL

The principal of a campus shall approve all teacher and staff appointments for the campus from a pool of applicants selected by the District or of applicants who meet the hiring requirements established by the District, based on criteria developed by the principal after informal consultation with the faculty. The Superintendent or designee has final placement authority for a teacher transferred because of enrollment shifts or program changes. *Education Code 11.202; Atty. Gen. Op. DM-27 (1991)*

TRANSFERS

The District's employment policy may include a provision for providing each current District employee with an opportunity to participate in a process for transferring to another school in or position with the District. *Education Code 11.1513(c)(3)*

Note: In accordance with Education Code 21.057, the following notice requirements do not apply if a school is required by the No Child Left Behind Act of 2001 to provide notice to a parent or guardian regarding a teacher who is not highly qualified, provided the school gives notice as required by that Act. [See DBA]

PARENT
NOTIFICATION

If the District assigns an inappropriately certified or uncertified teacher (as defined below) to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of each student in that classroom.

The Superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. The District shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is

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not English. The District shall retain a copy of the notice and make information relating to teacher certification available to the public on request.

INAPPROPRIATELY
CERTIFIED OR
UNCERTIFIED
TEACHER

An “inappropriately certified or uncertified teacher” includes an individual serving on an emergency certificate or an individual who does not hold any certificate or permit. It does not include an individual who is:

1. Certified and assigned to teach a class or classes outside his or her area of certification, as determined by SBEC rules specifying the certificate required for an assignment;
2. Serving on a certificate issued due to a hearing impairment;
3. Serving on a certificate issued pursuant to enrollment in an approved alternative certification program;
4. Certified by another state or country and serving on a certificate issued under Education Code 21.052;
5. Serving on a school district teaching permit; or
6. Employed under a waiver granted by the Commissioner.

Education Code 21.057; 19 TAC 231.1