

TEXAS SCHOOL FOR THE DEAF

**EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CREDENTIALS AND RECORDS**

DBA

**NOTICE TO PARENTS:
TEACHER
QUALIFICATIONS**

At the beginning of every school year, the Superintendent or their designee shall notify the parent or guardian of each student that the parent or guardian may request information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

1. Whether the student's teacher:
 - a. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
 - b. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived.
 - c. Is teaching in the field of discipline of the certification of the teacher.
2. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

The School shall provide the requested information in a timely manner.

20 U.S.C. 6312(e)(1)(A)

**FEDERALLY
REQUIRED NOTICE
WHEN TEACHER
LACKS
CREDENTIALS**

The Principal of each department shall also provide timely notice to each parent or guardian whose student has been assigned to, or been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements for the assigned grade level and/or subject.

20 U.S.C. 6312(e)(1)(B)(ii)

**STATE-REQUIRED
NOTICE LACK OF
CREDENTIALS**

If the School 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 School shall provide written notice to the parents or guardians of each student whose classroom will be assigned a teacher or other staff member (as defined below) who is inappropriately certified or uncertified (as defined below) for more than 30 consecutive instructional days during the same school year.

The Superintendent or their designee shall provide the notice not later than the 30th instructional day after the date of the assignment and 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 not English. The School shall retain a copy of the notice and make information relating to teacher certification available to the public on request.

An "inappropriately certified or uncertified teacher" or other staff member 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*;

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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 of Education.

Education Code 21.057; 19 TAC 231.1

*Texas law allows individuals who are Deaf to be issued a Temporary Exemption Certificate to enable them to serve as a teacher without passing certain written tests for education certification. (Education Code, Sections 21.048{b-d}). Candidates must still satisfy all the requirements for certification except successful completion of the Texas Examinations of Educator Standards (TExES) tests. This exemption does not apply to the TASC or the TASC-ASL.

**PROFESSIONAL
PERSONNEL**

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, or counselor by the School unless they hold an appropriate certificate or permit. A person who desires to teach shall present their credentials to the School.

CERTIFICATE

Education Code 21.003(a), 21.053(a)

**BASIC CERTIFICATION
REQUIREMENTS**

Teachers employed by the School are required to hold, at a minimum, a special education related certification such as a Deaf and Hard of Hearing, or Special Education, and a content certification relevant to their assignment.

EXCEPTION

In accordance with the School's District of Innovation plan, state certification shall not be required for teachers of career and technology education (CTE), technology application, and languages other than English course.

All other teaching assignments shall require certification in accordance with state law.

LICENSE

A person employed by the School as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist must hold the appropriate Texas state license for that profession. The School may not employ an individual who does not hold the appropriate license.

A person employed by the School before September 1, 2011, to perform marriage and family therapy is not required to hold a license as a marriage and family therapist as long as the person remains employed by the School.

Education Code 21.003(b)

INTERPRETERS

A person shall not be employed by TSD as an interpreter unless the person is certified by the Department of Assistive and Rehabilitative Services Board for Evaluation of Interpreters or any other agency with equivalent authority. The level of certification necessary shall be determined by the Superintendent based on the interpreter's assignment.

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EMERGENCY PERMITS

The Superintendent or designee may activate an emergency permit for an individual who is not appropriately certified for an assignment when an appropriately certified and qualified individual can not be secured to fill a vacant position. The emergency permit is valid for one year and may not be renewed.

The Superintendent or designee must:

1. Document the efforts 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 School 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 School 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 School, 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 an application to the Texas Education Agency.

Note: An emergency permit is not required for a temporary vacancy caused when a certified teacher will be absent for more than 30 consecutive days due to a documented health-related reason and has expressed an intent to return to the assignment.

19 TAC 230.71(g)

SCHOOL DISTRICT
TEACHING PERMIT

The School may issue a school district teaching permit and employ as a teacher a person who does not hold a teaching certificate issued by SBEC. The individual must hold a baccalaureate degree.

Education Code 21.055(a)-(b)

STATEMENT TO
COMMISSIONER

Promptly after employing an individual under a school district permit, the School shall send a written statement to the commissioner that identifies the person, their qualifications as a teacher and the subject or class the individual will teach.

**EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
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Not later than the 30th day after the commissioner receives a district's statement, the commissioner may inform the School that the person is not qualified to teach. The person may not teach if the commissioner finds that the person is not qualified. If the commissioner fails to act before the 30th day after receiving the statement, a district may issue the school district teaching permit and the person may teach the subject or class identified in the statement sent to the commissioner.

**NON-CORE CAREER
AND TECHNOLOGY
COURSES**

The Superintendent may issue a school district teaching permit for a teacher of a non-core Career and Technology course who has demonstrated subject matter expertise as required by the Texas Education Agency and completed a criminal history background check.

Subject matter expertise may be demonstrated through:

- Professional work experience
- Formal training and education
- Relevant industry license, certification, or registration
- Any combination of work experience, training and education, or industry credential related to the subject matter he or she will be teaching.

In addition, the individual must complete at least 20 hours of classroom management training and any other continuing education requirements as determined by the Board.

After employing a person under a school district permit, the School shall promptly send a written statement to the Commissioner. This statement will identify the person, their qualifications as a teacher, and the subject or class they will teach. The person may teach the subject or class pending action by the Commissioner.

Education Code 21.055(c)-(d)

The School may issue a district permit upon approval from the Commissioner, when it is necessary to ensure adequate staffing.

Education Code 21.055

**DURATION OF
PERMIT**

A school district teaching permit remains valid unless the School revokes it for cause. A person authorized to teach under a school district teaching permit issued by a particular district may not transfer that permit to another school district.

Education Code 21.055(e)

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CERTIFICATION OF
PARAPROFESSIONAL
EMPLOYEES

The School shall ensure that Teacher Assistants are certified according to standards established by the State Board for Educator Certification.

19 TAC 230.51

ASSIGNED DUTIES

Teacher Assistants may be assigned to:

- Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
- Provide classroom management assistances, such as organizing instructional and other materials;
- Provide assistance in a computer laboratory;
- Conduct parental involvement activities;
- Provide support in the School's library and/or media center;

All instructional services provided by a paraprofessional must be under the direct supervision of a teacher.

FEDERAL REQUIREMENTS
FOR TEACHERS AND PARA-
PROFESSIONALS

The School shall ensure that all teachers and paraprofessionals working in a program supported with funds under Title I, Part A of the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.) meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.

20 U.S.C. 6311(g)(2)(J), 6312(c)(6)

FEDERAL REQUIREMENTS
FOR SPECIAL EDUCATION
TEACHERS

Each person employed by the School as a special education teacher who teaches elementary school, middle school, or secondary school must meet all requirements required by federal law.

CPR AND FIRST AID
CERTIFICATION

A School employee who serves as head coach or chief sponsor of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the School or UIL must maintain and submit to the Human Resources proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification.

The Superintendent shall adopt procedures for administering this requirement, including procedures for the time and manner in which proof of current certification must be submitted.

Education Code 33.086

AED CERTIFICATION

Each school nurse, assistant school nurse, athletic coach, physical education instructor, cheerleading coach, and any other employee specified by the Commissioner must receive and maintain certification in the use of an automated external defibrillator (AED) from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

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Education Code 22.902 [See CAN]

SCHOOL BUS DRIVERS

For purposes of the following provisions, a “school bus driver” is a driver transporting school children and/or school personnel on routes to and from school or on a school-related activity trip while operating a multifunction school activity bus, school activity bus, or school bus. 37 TAC 14.1 [See CNA]

At a minimum, to become employed and maintain employment status as a school bus driver, a person must meet the following requirements:

1. Be at least 18 years old.
2. Possess and file a copy of a valid driver’s license designating a class appropriate (with applicable endorsement, if commercial driver license) for the gross vehicle weight rating and manufacturer’s designed passenger capacity of the vehicle to be operated with the Supervisor of Transportation.
3. Meet the medical qualifications specified by the Department of Public Safety (DPS) at 37 Administrative Code 14.12. [See DBB] Anytime, and from time to time, the supervisor of transportation may inquire of the driver information and or documentation to ensure that the driver meets the medical qualifications.
4. Maintain an acceptable driving record in accordance with the minimum standards established by the DPS at 37 Administrative Code 14.14.
5. Maintain an acceptable criminal history record, secured from any law enforcement agency or criminal justice agency, and reviewed in accordance with the provisions of Education Code Chapter 22. [See DBAA]
6. Possess and file with the supervisor of transportation a copy of a valid Texas School Bus Driver Safety Training Certificate, as specified at 37 Administrative Code 14.35 or a valid Enrollment Certificate, as specified at 37 Administrative Code 14.36.

Transp. Code 521.022; 37 TAC 14.11, .12, .14

**PRE-EMPLOYMENT
INQUIRIES**

An applicant for employment as a school bus driver must disclose to the School:

1. Any previous violations of motor vehicle laws or ordinances (other than parking violations) of which the applicant was convicted or forfeited bond or collateral during the three years preceding the date the application is submitted;
2. Any previous serious traffic violations, as defined by Transportation Code 522.003(25), of which the applicant was convicted during the ten years preceding the date the application is submitted; and
3. Any previous suspension, revocation, or cancellation of driving privilege that the applicant has ever received.

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The School shall make an inquiry into the applicant's complete driving record, with DPS and with any state in which the applicant held a motor vehicle operator's license or permit within the past seven years. If no previous driving record is found to exist, the School must document its efforts to obtain such information and certify that no previous driving record exists for the individual.

The School shall review the applicant's driving record to determine whether that person meets minimum requirements, as described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements).

37 TAC 14.14(b)

**NOTIFICATION OF
POTENTIAL
VIOLATIONS WHICH
MIGHT LEAD TO
REVOCAION OF
LICENSE**

Within seven business days of a violation as herein listed, the driver must report to the supervisor of transportation:

1. Any violations of motor vehicle laws or ordinances (other than parking violations) of which the applicant may be convicted or forfeited bond or collateral;
2. Any serious traffic violations, as defined by Transportation Code 522.003(25), or
3. Any suspension, revocation, or cancellation of driving privilege that the driver has received.

**ANNUAL
EVALUATION**

The supervisor of transportation shall evaluate the driver's license record of each school bus driver at least annually to determine if the driver is still eligible to drive a school bus. Trans. Code 521.022(d); 37 TAC 14.14

DISQUALIFICATION

Any person who has accumulated ten or more penalty points shall be considered ineligible to transport students until such time as he or she may become qualified. A school bus driver who receives notice that his or her license, permit, or privilege to operate a motor vehicle has been revoked, suspended, or withdrawn shall notify his or her supervisor of the contents of the notice before the end of the business day following the day the driver received it. The School shall not permit a disqualified driver to drive a school bus, school activity bus, or multifunction school activity bus.

37 TAC 14.14(g)

EMPLOYEE RECORDS

The following records on professional personnel must be readily available for review by the Commissioner:

**PROFESSIONAL
EMPLOYEES**

1. Credentials (certificate or license);
2. Service record(s) and any attachments;

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3. Contract;
4. Teaching schedule or other assignment record; and
5. Time and Leave reports

SERVICE RECORD

The School shall maintain a service record for all professional contract staff in accordance with state law and regulations, ensuring that the records are true and correct.

The Human Resources Director shall be responsible for validating and signing service records. The service record shall be kept on file in Human Resources. When employment with the School is terminated, the original service record, signed by the employee, shall be given to the employee upon request or sent to the next employing school or district. The School must maintain a legible copy for audit purposes.

19 TAC 153.1021(b), (d)

**FORMER
EMPLOYEES**

The School will provide a copy of an individual's service record within 30 days of a request received from a classroom teacher, librarian, school counselor, or nurse or by the school district employing one of those individuals or the last date of the individual's service to the School, whichever is later.

The original service record, signed by the employee, shall be given to the employee upon request or sent to the next employing district. The School must maintain a legible copy for audit purposes. A scanned version of the original service record may be considered official if sent directly from one employing district to another employing district.

Education Code 21.4031; 19 TAC 153.1021(b), (d)

**ACCESS TO EMPLOYEE
RECORDS**

The School shall administer personnel records in accordance with the requirements of the Public Information Act. Gov't Code 552 [See GBA]

An employee of the School shall choose whether to allow public access to information in the School's custody that relates to the employee's home address, home telephone number, or Social Security number, or that reveals whether the person has family members or the family member's contact information.

Gov't Code 552.024, 552.102(a)

The School shall treat the social security number of an employee or former employee of the School as confidential and may not require the individual to choose whether to allow public access to their social security number. Gov't Code 552.024(a-1), .147(a-1)

**EMPLOYEE RIGHT OF
ACCESS**

All information in the personnel file of a School employee shall be made available to that employee or the employee's designated representative as public information is made available under the Public Information Act. An employee or an employee's authorized representative has a special right of access, beyond the right of the general public, to information held by the School that relates to the employee and that is protected from public disclosure by laws intended to protect the employee's privacy interests.

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The School may not deny to the employee or his or her representative access to information relating to the employee on the grounds that the information is considered confidential by privacy principles under the Public Information Act. The School may assert as grounds for denial of access other provisions of the Public Information Act or other laws that are not intended to protect the employee's privacy interests.

If the School determines that information in the employee's records is exempt from disclosure under an exception of Government Code Chapter 552, Subchapter C, other than an exception intended to protect the privacy interest of the requestor or the person whom the requestor is authorized to represent, it shall submit a written request for a decision to the Attorney General before disclosing the information. If a decision is not requested, the School shall release the information to the requestor not later than the tenth day after the request for information is received.

Gov't Code 552.023, 552.102(a); 552.307

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