



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 29, 1993

Ms. Saundra Waters  
Chair  
State Committee of Examiners for  
Speech-Language Pathology and Audiology  
1100 West 49th Street  
Austin, Texas 78756-3183

Letter Opinion No. 93-24

Re: Whether a teacher performing an internship under section 13.0321 of the Education Code to obtain an additional certification in speech and hearing therapy is violating V.T.C.S. article 4512j (ID# 16797)

Dear Ms. Waters:

You have requested an opinion from this office regarding the interaction between section 13.0321 of the Education Code and article 4512j, section 8(b), V.T.C.S. In particular, you ask whether a teacher who is performing an internship to obtain an additional certification in speech and hearing therapy under section 13.0321 of the Education Code is violating article 4512j, section 8(b), V.T.C.S.

Section 13.0321 of the Education Code permits a certified teacher to qualify for additional certification by completing any required examination and a one-year internship. The statute specifies that a certified teacher can qualify for additional certification "*to teach at a grade level or in a subject area not covered by the teacher's certificate.*" Educ. Code § 13.0321(a) (emphasis added).

Article 4512j creates the State Committee of Examiners for Speech-Language Pathology and Audiology ("the committee") and authorizes it to license speech-language pathologists and audiologists. The article also prohibits people from practicing or representing themselves as speech-language pathologists or audiologists unless they are licensed by the committee. V.T.C.S. art. 4512j, § 8(b). However, section 9 of the act provides that the act does not apply to the following persons: (1) persons licensed under another law and engaging in the profession for which they are licensed; (2) persons holding a "valid and current certification in speech and hearing therapy" from the Texas Education Agency ("TEA") and performing speech-language pathology and audiology services solely as a part of their duties at an institution under the jurisdiction of the TEA; or (3) students or interns pursuing a course of study at an accredited college or university leading to a degree in speech-language pathology or audiology, provided that the activities or services are part of their supervised course of study or internship.

You argue that certified teachers seeking additional certification cannot do internships in speech and hearing therapy under section 13.0321 of the Education Code for two reasons. First, you argue that these teachers do not fall under any of the exceptions in section 9 of article 4512j and, thus, would be practicing speech-language pathology and audiology without a license in violation of article 4512j, section 8(b). Second, you argue that certification in speech and hearing therapy is not "certification to teach at a grade level or in a subject area" and, thus, that section 13.0321 does not apply to additional certification in speech and hearing therapy.

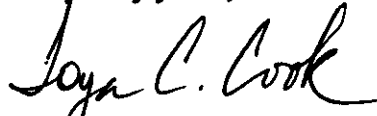
We agree with your second argument--certification in speech and hearing therapy is not "certification to teach at a grade level or in a subject area." The construction of a statute by the agency charged with its administration and enforcement is entitled to great weight so long as the construction is reasonable and does not contradict the plain language of the statute. Gov't Code § 311.023(6); *Texas Ass'n of Long Distance Telephone Cos. v. Public Utility Comm'n of Texas*, 798 S.W.2d 875, 884 (Tex. App.--Austin 1990, writ denied). The TEA construes section 13.0321 in the same manner that you do. It maintains that the education and skills necessary to be a speech and hearing therapist differ from those necessary to teach in a classroom, for example. These differences make it unrealistic to expect that an internship alone could prepare a teacher to be a speech and hearing therapist. Thus, the TEA believes that the legislature intended to exclude speech and hearing therapy from the additional certifications available under section 13.0321.

We believe that this construction of section 13.0321 is reasonable and consistent with the plain meaning of the section. Thus, we conclude that certified teachers cannot seek an additional certification in speech and hearing therapy under section 13.0321. We do not need to address your other argument.

### S U M M A R Y

Certification in speech and hearing therapy is not certification to teach at a grade level or in a subject area. Therefore, certified teachers cannot seek additional certification in speech and hearing therapy under section 13.0321 of the Education Code.

Very truly yours,



Toya C. Cook  
Assistant Attorney General  
Opinion Committee