

AN ACT

relating to special education in public schools, including funding for special education under the Foundation School Program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.021(b)(10), Education Code, is amended to read as follows:

(10) The agency shall carry out duties assigned under Section 30.002 concerning children who have visual impairments, are deaf or hard of hearing, or are deaf-blind [~~with visual impairments~~].

SECTION 2. Section 7.055(b)(25), Education Code, is amended to read as follows:

(25) The commissioner shall develop a system to distribute to school districts or regional education service centers a special supplemental allowance for students with visual impairments as required under Section 30.0021 [~~30.002~~].

SECTION 3. Section 8.051(d), Education Code, is amended to read as follows:

(d) Each regional education service center shall maintain core services for purchase by school districts and campuses. The core services are:

(1) training and assistance in:

(A) teaching each subject area assessed under Section 39.023; and

(B) providing instruction in personal financial literacy as required under Section 28.0021;

(2) training and assistance in providing each program that qualifies for a funding allotment under Section 48.102, 48.1021, 48.103, 48.104, 48.105, or 48.109;

(3) assistance specifically designed for a school district or campus assigned an unacceptable performance rating under Section 39.054;

(4) training and assistance to teachers, administrators, members of district boards of trustees, and members of site-based decision-making committees;

(5) assistance specifically designed for a school district that is considered out of compliance with state or federal special education requirements, based on the agency's most recent compliance review of the district's special education programs; and

(6) assistance in complying with state laws and rules.

SECTION 4. Sections 28.025(c-7) and (c-8), Education Code, are amended to read as follows:

(c-7) Subject to Subsection (c-8), a student who is enrolled in a special education program under Subchapter A, Chapter 29, may earn the distinguished level of achievement under Subsection (b-15) or an endorsement on the student's transcript under Subsection (c-1) by:

(1) successfully completing, with or without modification of the curriculum:

(A) the curriculum requirements identified by the State Board of Education under Subsection (a); ~~and~~

(B) for the distinguished level of achievement,
the additional curriculum requirements prescribed under Subsection
(b-15); and

(C) for an endorsement, the additional
~~[endorsement]~~ curriculum requirements prescribed by the State
Board of Education under Subsection (c-2); and

(2) successfully completing all curriculum
requirements for the distinguished level of achievement or that
endorsement adopted by the State Board of Education:

(A) without modification of the curriculum; or

(B) with modification of the curriculum,
provided that the curriculum, as modified, is sufficiently rigorous
as determined by the student's admission, review, and dismissal
committee and documented in the student's individualized education
program.

(c-8) For purposes of Subsection (c-7), the admission,
review, and dismissal committee of a student in a special education
program under Subchapter A, Chapter 29, shall determine whether the
student is required to achieve satisfactory performance on an
end-of-course assessment instrument to earn the distinguished
level of achievement or an endorsement on the student's transcript.

SECTION 5. Section 29.001, Education Code, is amended to
read as follows:

Sec. 29.001. IMPLEMENTATION OF SPECIAL EDUCATION
LAW [STATEWIDE PLAN]. (a) As the state education agency
responsible for carrying out the purposes of Part B, Individuals
with Disabilities Education Act (20 U.S.C. Section 1411 et seq.),

1 ~~the~~ [The] agency shall develop, and revise ~~[modify]~~ as necessary, a
 2 comprehensive system to ensure statewide and local compliance
 3 ~~[design, consistent]~~ with federal and state law related to special
 4 education ~~[, for the delivery of services to children with~~
 5 ~~disabilities in this state that includes rules for the~~
 6 ~~administration and funding of the special education program so that~~
 7 ~~a free appropriate public education is available to all of those~~
 8 ~~children between the ages of three and 21]~~.

9 **(b)** The comprehensive system must ~~[statewide design shall]~~
 10 include the provision of services primarily through school
 11 districts and shared services arrangements, supplemented by
 12 regional education service centers.

13 **(c)** The comprehensive system must focus on maximizing
 14 student outcomes and include ~~[agency shall also develop and~~
 15 ~~implement a statewide plan with programmatic content that includes~~
 16 ~~procedures designed to]~~:

17 **(1)** rulemaking, technical assistance, guidance
 18 documents, monitoring protocols, data elements necessary for
 19 statewide reporting, and other resources as necessary to implement
 20 and ensure compliance with federal and state law related to special
 21 education ~~[ensure state compliance with requirements for~~
 22 ~~supplemental federal funding for all state-administered programs~~
 23 ~~involving the delivery of instructional or related services to~~
 24 ~~students with disabilities]~~;

25 **(2)** the facilitation of ~~[facilitate]~~ interagency
 26 coordination when other state agencies are involved in the delivery
 27 of instructional or related services to students with disabilities;

(3) the pursuit of ~~[periodically assess statewide personnel needs in all areas of specialization related to special education and pursue]~~ strategies to meet statewide special education and related services personnel ~~[those]~~ needs ~~[through a consortium of representatives from regional education service centers, local education agencies, and institutions of higher education and through other available alternatives]~~;

(4) ensuring ~~[ensure]~~ that regional education service centers throughout the state maintain a regional support function, which may include procedures for service centers to assist school districts in identifying existing public or private educational or related services in each region, cooperatively developing programs for students with disabilities, providing to or obtaining for school districts special equipment, delivering services, and facilitating ~~[direct service delivery and a component designed to facilitate]~~ the placement of students with disabilities who cannot be appropriately served in their resident districts;

(5) ~~[allow the agency to]~~ effectively monitoring ~~[monitor]~~ and periodically conducting ~~[conduct]~~ site visits of all school districts to ensure that rules adopted under this subchapter ~~[section]~~ are applied in a consistent and uniform manner, to ensure that districts are complying with those rules, and to ensure that annual statistical reports filed by the districts and not otherwise available through the Public Education Information Management System under Sections 48.008 and 48.009 are accurate and complete; and

(6) the provision of training and technical assistance

1 to ensure that:

2 (A) appropriately trained personnel are involved
3 in the diagnostic and evaluative procedures operating in all
4 districts and that those personnel routinely serve on district
5 multidisciplinary evaluation teams and admissions, review, and
6 dismissal committees;

7 (B) [~~(7) ensure that~~] an individualized
8 education program for each student with a disability is properly
9 developed, implemented, and maintained in the least restrictive
10 environment that is appropriate to meet the student's educational
11 needs;

12 (C) appropriately trained personnel are
13 available to students with disabilities who have significant
14 behavioral support needs, including by making behavioral support
15 training available to each paraprofessional or teacher placed in a
16 classroom or other setting that is intended to provide specialized
17 behavioral supports to a student with a disability, as needed or at
18 regular intervals as provided in the student's individualized
19 education program;

20 (D) [~~(8) ensure that,~~] when appropriate, each
21 student with a disability is provided an opportunity to participate
22 in career and technology and physical education classes[~~, in~~
23 ~~addition to participating in regular or special classes~~];

24 (E) [~~(9) ensure that~~] each student with a
25 disability is provided necessary related services;

26 (F) school districts have an opportunity to
27 request technical assistance from the agency or a regional

education service center in establishing classroom environments conducive to learning for students with disabilities, including environments for students whose data indicate behavior that significantly impedes the student's own learning and the learning of other students;

(G) [~~(10)~~—~~ensure that~~] an individual assigned to act as a surrogate parent for a child with a disability, as provided by 20 U.S.C. Section 1415(b), is required to:

(i) [~~(A)~~] complete a training program that complies with minimum standards established by agency rule;

(ii) [~~(B)~~] visit the child and the child's school;

(iii) [~~(C)~~] consult with persons involved in the child's education, including teachers, caseworkers, court-appointed volunteers, guardians ad litem, attorneys ad litem, foster parents, and caretakers;

(iv) [~~(D)~~] review the child's educational records;

(v) [~~(E)~~] attend meetings of the child's admission, review, and dismissal committee;

(vi) [~~(F)~~] exercise independent judgment in pursuing the child's interests; and

(vii) [~~(G)~~] exercise the child's due process rights under applicable state and federal law; and

(H) [~~(11)~~—~~ensure that~~] each district develops a process to be used by a teacher who instructs a student with a disability in a general education [~~regular~~] classroom setting:

1 (i) [~~(A)~~] to request a review of the
2 student's individualized education program;

3 (ii) [~~(B)~~] to provide input in the
4 development of the student's individualized education program;

5 (iii) [~~(C)~~] that provides for a timely
6 district response to the teacher's request; and

7 (iv) [~~(D)~~] that provides for notification
8 to the student's parent or legal guardian of that response.

9 SECTION 6. Subchapter [A](#), Chapter [29](#), Education Code, is
10 amended by adding Section 29.0012 to read as follows:

11 Sec. 29.0012. ANNUAL MEETING ON SPECIAL EDUCATION. (a) At
12 least once each year, the board of trustees of a school district or
13 the governing body of an open-enrollment charter school shall
14 include during a public meeting a discussion of the performance of
15 students receiving special education services at the district or
16 school.

17 (b) The agency by rule shall adopt a set of performance
18 indicators for measuring and evaluating the quality of learning and
19 achievement for students receiving special education services at
20 the school district or open-enrollment charter school to be
21 considered at a meeting held under this section. The indicators
22 must include performance on the college, career, or military
23 readiness outcomes described by Section [48.110](#).

24 SECTION 7. Section [29.003](#), Education Code, is amended to
25 read as follows:

26 Sec. 29.003. ELIGIBILITY CRITERIA. (a) The agency shall
27 develop specific eligibility criteria based on the general

1 classifications established by this section and in accordance with
 2 federal law [~~with reference to contemporary diagnostic or~~
 3 ~~evaluative terminologies and techniques~~]. Eligible students with
 4 disabilities shall enjoy the right to a free appropriate public
 5 education, which may include instruction in the general education
 6 [~~regular~~] classroom, instruction through special teaching, or
 7 instruction through contracts approved under this subchapter.
 8 Instruction shall be supplemented by the provision of related
 9 services when appropriate.

10 (b) A student is eligible to participate in a school
 11 district's special education program [~~if the student~~]:

12 (1) from birth through [~~is not more than~~] 21 years of
 13 age if the student [~~and~~] has a visual [~~or auditory~~] impairment, is
 14 deaf or hard of hearing, or is deaf-blind and that disability
 15 prevents the student from being adequately or safely educated in
 16 public school without the provision of special education services;
 17 [~~or~~]

18 (2) from three years of age through nine years of age
 19 if the student is experiencing developmental delays as described by
 20 20 U.S.C. Section 1401(3)(B) and defined by commissioner rule; or

21 (3) from 3 years of age through [~~is at least three but~~
 22 ~~not more than~~] 21 years of age if the student [~~and~~] has one or more
 23 of the [~~following~~] disabilities described by 20 U.S.C. Section
 24 1401(3)(A) and that disability prevents the student from being
 25 adequately or safely educated in public school without the
 26 provision of special education services[+]

27 [~~(A) physical disability,~~

1 [~~(B) intellectual or developmental disability,~~
 2 [~~(C) emotional disturbance,~~
 3 [~~(D) learning disability,~~
 4 [~~(E) autism,~~
 5 [~~(F) speech disability, or~~
 6 [~~(G) traumatic brain injury~~].

7 SECTION 8. Sections 29.005(a), (d), and (e), Education
 8 Code, are amended to read as follows:

9 (a) Before a child is enrolled in a special education
 10 program of a school district, the district shall establish a
 11 committee composed of the persons required under 20 U.S.C. Section
 12 1414(d) to develop the child's individualized education program.
 13 If a committee is required to include a general [~~regular~~] education
 14 teacher, the [~~regular education~~] teacher included must, to the
 15 extent practicable, be a teacher who is responsible for
 16 implementing a portion of the child's individualized education
 17 program.

18 (d) If the primary language of the child's parent is a
 19 language other than [~~is unable to speak~~] English, the district
 20 shall:

21 (1) provide the parent with a written or audiotaped
 22 copy of the child's individualized education program translated
 23 into Spanish if Spanish is the parent's primary [~~native~~] language;
 24 or

25 (2) if the parent's primary [~~native~~] language is a
 26 language other than Spanish, make a good faith effort to provide the
 27 parent with a written or audiotaped copy of the child's

1 individualized education program translated into the parent's
2 primary ~~[native]~~ language.

3 (e) The commissioner by rule may require a school district
4 to include in the individualized education program of a student
5 with autism ~~[or another pervasive developmental disorder]~~ any
6 information or requirement determined necessary to ensure the
7 student receives a free appropriate public education as required
8 under the Individuals with Disabilities Education Act (20 U.S.C.
9 Section 1400 et seq.).

10 SECTION 9. Section [29.0051](#), Education Code, is amended by
11 adding Subsection (d) to read as follows:

12 (d) From federal money appropriated or otherwise available
13 for the purpose, the commissioner may develop or procure the model
14 form developed under Subsection (a) in a digital format. If the
15 commissioner develops or procures the model form in a digital
16 format, the commissioner shall adopt rules regarding school
17 district use of the form in that format.

18 SECTION 10. Subchapter [A](#), Chapter [29](#), Education Code, is
19 amended by adding Section 29.0056 to read as follows:

20 Sec. 29.0056. INFORMATION REGARDING STATE SUPPORTED LIVING
21 CENTERS. (a) In this section, "state supported living center" has
22 the meaning assigned by Section [531.002](#), Health and Safety Code.

23 (b) The Health and Human Services Commission, in
24 collaboration with the agency and stakeholders who represent the
25 full continuum of educational residential placement options, shall
26 develop and provide to the agency materials regarding educational
27 residential placement options for children who may qualify for

placement in a state supported living center. The agency shall make the materials developed under this subsection available to school districts.

(c) At a meeting of a child's admission, review, and dismissal committee at which residential placement is discussed, the school district shall provide to the child's parent the materials developed under Subsection (b).

SECTION 11. Sections 29.006(a) and (c), Education Code, are amended to read as follows:

(a) The governor shall appoint a continuing advisory committee consistent with~~[, composed of 17 members, under]~~ U.S.C. Section 1412(a)(21). At least one member appointed under this subsection must be a director of special education programs for a school district.

(c) Members of the committee are appointed for staggered terms of four years with the terms of half of the ~~[eight or nine]~~ members or, for an odd number of members, half of the members rounded down or half of the members rounded up expiring on February 1 of each odd-numbered year.

SECTION 12. Section 29.008, Education Code, is amended to read as follows:

Sec. 29.008. CONTRACTS FOR SERVICES; RESIDENTIAL AND DAY PLACEMENT PROGRAMS. (a) The commissioner shall set minimum standards for and develop and update as necessary a list of approved public or private facilities, institutions, agencies, or businesses inside or outside of this state that a [A] school district, shared services arrangement unit, or regional education

1 service center may contract with ~~[a public or private facility,~~
2 ~~institution, or agency inside or outside of this state]~~ for the
3 provision of services to students with disabilities in a
4 residential or day placement program.

5 (a-1) ~~[Each contract for residential placement must be~~
6 ~~approved by the commissioner.]~~ The commissioner may approve a
7 facility, institution, agency, or business under Subsection (a)
8 ~~[residential placement contract]~~ only after at least a programmatic
9 evaluation of personnel qualifications, costs, adequacy of
10 physical plant and equipment, and curriculum content. ~~[The~~
11 ~~commissioner may approve either the whole or a part of a facility or~~
12 ~~program.]~~

13 (a-2) Each contract described by this section must be
14 approved by the commissioner. A school district, shared services
15 arrangement unit, or regional education service center seeking to
16 place a student in a residential or day placement program that is
17 not on the list developed under Subsection (a) must submit to the
18 commissioner an application for approval in accordance with
19 Subsections (a) and (a-1).

20 (b) Except as provided by Subsection (c), costs of an
21 approved contract for residential placement may be paid from a
22 combination of federal, state, and local funds. The local share of
23 the total contract cost for each student is that portion of the
24 local tax effort that exceeds the district's local fund assignment
25 under Section 48.256, divided by the average daily attendance in
26 the district. If the contract involves a private facility, the
27 state share of the total contract cost is that amount remaining

1 after subtracting the local share. If the contract involves a
2 public facility, the state share is that amount remaining after
3 subtracting the local share from the portion of the contract that
4 involves the costs of instructional and related services. For
5 purposes of this subsection, "local tax effort" means the total
6 amount of money generated by taxes imposed for debt service and
7 maintenance and operation less any amounts paid into a tax
8 increment fund under Chapter 311, Tax Code. This subsection
9 expires September 1, 2027.

10 (c) When a student, including one for whom the state is
11 managing conservator, is placed primarily for care or treatment
12 reasons in a private [~~residential~~] facility that operates its own
13 private education program, none of the costs may be paid from public
14 education funds. If a [~~residential~~] placement primarily for care
15 or treatment reasons involves a private [~~residential~~] facility in
16 which the education program is provided by the school district, the
17 portion of the costs that includes appropriate education services,
18 as determined by the school district's admission, review, and
19 dismissal committee, shall be paid from local, state, and federal
20 education funds.

21 (d) A district that contracts for the provision of education
22 services rather than providing the services itself shall oversee
23 the implementation of the student's individualized education
24 program and shall annually reevaluate the appropriateness of the
25 arrangement. The reevaluation must include standards and
26 expectations that must be met to reintegrate the student to the
27 general education setting. An approved facility, institution, [~~or~~]

agency, or business with whom the district contracts shall periodically report to the district and the agency on the services the student has received or will receive in accordance with the contract as well as diagnostic or other evaluative information that the district or agency requires in order to fulfill its obligations under this subchapter.

(e) The commissioner shall adopt rules for residential and day placement of students receiving special education services.

SECTION 13. The heading to Section 29.009, Education Code, is amended to read as follows:

Sec. 29.009. PUBLIC NOTICE CONCERNING EARLY CHILDHOOD SPECIAL EDUCATION [~~PRESCHOOL~~] PROGRAMS [~~FOR STUDENTS WITH DISABILITIES~~].

SECTION 14. Section 29.010, Education Code, is amended to read as follows:

Sec. 29.010. GENERAL SUPERVISION AND COMPLIANCE. (a) The agency shall develop [~~adopt~~] and implement a comprehensive system for monitoring school district compliance with federal and state laws relating to special education. The monitoring system must include a comprehensive cyclical process and a targeted risk-based process [~~provide for ongoing analysis of district special education data and of complaints filed with the agency concerning special education services and for inspections of school districts at district facilities~~]. The agency shall establish criteria and instruments for use in determining district compliance under this section [~~use the information obtained through analysis of district data and from the complaints management system to determine the~~

~~appropriate schedule for and extent of the inspection].~~

(a-1) As part of the monitoring system, the agency may require a school district to obtain specialized technical assistance for a documented noncompliance issue or if data indicates that technical assistance is needed, such as an incident involving injury to staff or students by a student receiving special education services or data indicating an excessive number of restraints are used on students receiving special education services.

(b) As part of the monitoring process ~~[To complete the inspection]~~, the agency must obtain information from parents and teachers of students in special education programs in the district.

(c) The agency shall develop and implement a system of interventions and sanctions for school districts the agency identifies as being in noncompliance with ~~[whose most recent monitoring visit shows a failure to comply with major requirements of]~~ the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.), federal regulations, state statutes, or agency requirements necessary to carry out federal law or regulations or state law relating to special education.

(d) The agency shall establish a system of progressive sanctions and enforcement provisions to apply to ~~[For]~~ districts that remain in noncompliance for more than one year~~[, the first stage of sanctions shall begin with annual or more frequent monitoring visits]~~. The ~~[Subsequent]~~ sanctions must ~~[may]~~ range in severity and may include ~~[up to]~~ the withholding of funds. If funds are withheld, the agency may use the funds, or direct the funds to

1 be used, to provide, through alternative arrangements, services to
2 students and staff members in the district from which the funds are
3 withheld.

4 (e) The agency's complaint management division shall
5 develop a system for expedited investigation and resolution of
6 complaints concerning a district's failure to provide special
7 education or related services to a student eligible to participate
8 in the district's special education program.

9 ~~[(f) This section does not create an obligation for or~~
10 ~~impose a requirement on a school district or open-enrollment~~
11 ~~charter school that is not also created or imposed under another~~
12 ~~state law or a federal law.]~~

13 SECTION 15. Section 29.012(d), Education Code, is amended
14 to read as follows:

15 (d) The Texas Education Agency, the Health and Human
16 Services Commission, the Department of Family and Protective
17 Services, and the Texas Juvenile Justice Department by a
18 cooperative effort shall develop and ~~[by rule]~~ adopt a memorandum
19 of understanding. The memorandum must:

20 (1) establish the respective responsibilities of
21 school districts and of residential facilities for the provision of
22 a free, appropriate public education, as required by the
23 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
24 et seq.) and its subsequent amendments, including each requirement
25 for children with disabilities who reside in those facilities;

26 (2) coordinate regulatory and planning functions of
27 the parties to the memorandum;

(3) establish criteria for determining when a public school will provide educational services;

(4) provide for appropriate educational space when education services will be provided at the residential facility;

(5) establish measures designed to ensure the safety of students and teachers; and

(6) provide for binding arbitration consistent with Chapter 2009, Government Code, and Section 154.027, Civil Practice and Remedies Code.

SECTION 16. Section 29.013, Education Code, is amended to read as follows:

Sec. 29.013. NONEDUCATIONAL COMMUNITY-BASED SUPPORT SERVICES GRANTS FOR CERTAIN STUDENTS WITH DISABILITIES. (a) The commissioner [~~agency~~] shall adopt rules establishing [~~establish~~] procedures and criteria for the allocation of grants [~~funds appropriated~~] under this section to students who are eligible under Subsection (b) and the students' families [~~school districts~~] for the provision of noneducational community-based support services [~~to certain students with disabilities and their families so that those students may receive an appropriate free public education in the least restrictive environment~~].

(b) A grant [~~The funds~~] may be awarded under this section [~~used~~] only to a student with a disability [~~for eligible students with disabilities~~] who is [~~would remain or would have to be~~] placed by the student's admission, review, and dismissal committee in:

(1) a residential program approved under Section 29.008; or

1 (2) a day placement program and is at risk of being
2 placed in a residential program approved under Section 29.008
3 [~~facilities primarily for educational reasons without the~~
4 ~~provision of noneducational community-based support services~~].

5 (c) The support services may not be related to the provision
6 of a free appropriate public education to the student and may
7 include in-home family support, behavioral and other
8 disability-related supports for the student's family, respite
9 care, and case management for the student's family [~~families with a~~
10 ~~student who otherwise would have been placed by a district in a~~
11 ~~private residential facility~~].

12 (d) A school district shall:

13 (1) notify the parent of a student described by
14 Subsection (b) of the availability of grants under this section;
15 and

16 (2) designate a campus or district staff member to
17 assist families of students described by Subsection (b) in
18 accessing grants under this section.

19 (e) On request by the parent of a student described by
20 Subsection (b), the commissioner shall create an account for the
21 student to access a grant under this section through which the
22 parent may request payment for approved support services.

23 (f) In adopting rules under this section, the commissioner
24 shall adopt rules and guidelines detailing the process to access
25 grant money and the amount of each grant, including a process for a
26 parent to apply for an increase in the grant amount.

27 (g) The provision of services under this section does not

supersede or limit the responsibility of a school district or other
 agencies to provide or pay for costs [~~of noneducational~~
~~community-based support services~~] to enable any student with
 disabilities to receive a free appropriate public education in the
 least restrictive environment. [~~Specifically, services provided~~
~~under this section may not be used for a student with disabilities~~
~~who is currently placed or who needs to be placed in a residential~~
~~facility primarily for noneducational reasons.~~]

(h) The commissioner may designate a regional education
service center to administer grants under this section.

SECTION 17. Sections 29.014(c) and (d), Education Code, are
 amended to read as follows:

(c) Notwithstanding any other provision of this code, a
 student whose appropriate education program is a general [~~regular~~]
 education program may receive services and be counted for
 attendance purposes for the number of hours per week appropriate
 for the student's condition if the student:

(1) is temporarily classified as eligible for
 participation in a special education program because of the
 student's confinement in a hospital; and

(2) the student's education is provided by a district
 to which this section applies.

(d) The basic allotment for a student enrolled in a district
 to which this section applies is adjusted by the tier of intensity
of service defined in accordance with [~~weight for a homebound~~
~~student under~~] Section 48.102 and designated by commissioner rule
for use under this section [~~48.102(a)~~].

SECTION 18. Section 29.0162(b), Education Code, is amended to read as follows:

(b) The commissioner by rule shall adopt additional qualifications and requirements for a representative for purposes of Subsection (a)(2). The rules must:

(1) prohibit an individual from being a representative under Subsection (a)(2) opposing a school district if:

(A) the individual has prior employment experience with the district; and

(B) the district raises an objection to the individual serving as a representative;

(2) include requirements that the representative have knowledge of:

(A) all special education dispute resolution options available to parents, including due process and due process rules, hearings, and procedure; and

(B) federal and state special education laws;

(3) require, if the representative receives monetary compensation from a person for representation in an impartial due process hearing, that the representative agree to abide by a voluntary code of ethics and professional conduct during the period of representation; and

(4) require, if the representative receives monetary compensation from a person for representation in an impartial due process hearing, that the representative enter into a written agreement for representation with the person who is the subject of the special education due process hearing that includes a process

1 for resolving any disputes between the representative and the
2 person.

3 SECTION 19. Section 29.018(b), Education Code, is amended
4 to read as follows:

5 (b) A school district is eligible to apply for a grant under
6 this section if:

7 (1) the district does not receive sufficient funds,
8 including state funds provided under Sections ~~[Section]~~ 48.102 and
9 48.1021 and federal funds, for a student with disabilities to pay
10 for the special education services provided to the student; or

11 (2) the district does not receive sufficient funds,
12 including state funds provided under Sections ~~[Section]~~ 48.102 and
13 48.1021 and federal funds, for all students with disabilities in
14 the district to pay for the special education services provided to
15 the students.

16 SECTION 20. The heading to Section 29.020, Education Code,
17 is amended to read as follows:

18 Sec. 29.020. STATE-ADMINISTERED INDIVIDUALIZED EDUCATION
19 PROGRAM FACILITATION ~~[PROJECT]~~.

20 SECTION 21. Sections 29.020(a) and (c), Education Code, are
21 amended to read as follows:

22 (a) The agency shall develop rules in accordance with this
23 section applicable to state-administered ~~[the administration of a~~
24 ~~state]~~ individualized education program facilitation ~~[project]~~.
25 The program shall include the provision of an independent
26 individualized education program facilitator as a dispute
27 resolution method that may be used to avoid a potential dispute

1 between a school district and a parent of a student with a
 2 disability or to facilitate an admission, review, and dismissal
 3 committee meeting with parties who are in a dispute about decisions
 4 relating to the provision of a free appropriate public education to
 5 a student with a disability. Facilitation ~~[implemented under the~~
 6 ~~project]~~ must comply with rules developed under this subsection.

7 (c) If the commissioner determines that adequate funding is
 8 available, the commissioner may authorize the use of federal funds
 9 to implement ~~[the]~~ individualized education program facilitation
 10 ~~[project]~~ in accordance with this section.

11 SECTION 22. Sections 29.022(a), (a-1), (b), (c), (c-1),
 12 (d), (f), (h), (k), (l), (q), (s), and (t), Education Code, are
 13 amended to read as follows:

14 (a) In order to promote student safety, on receipt of a
 15 written request authorized under Subsection (a-1), a school
 16 district or open-enrollment charter school shall provide
 17 equipment, including a video camera, to the school or schools in the
 18 district or the charter school campus or campuses specified in the
 19 request. A school or campus that receives equipment as provided by
 20 this subsection shall place, operate, and maintain one or more
 21 video cameras in special education ~~[self-contained]~~ classrooms and
 22 other special education settings ~~[in which a majority of the~~
 23 ~~students in regular attendance are provided special education and~~
 24 ~~related services and are assigned to one or more self-contained~~
 25 ~~classrooms or other special education settings for at least 50~~
 26 ~~percent of the instructional day]~~, provided that:

27 (1) a school or campus that receives equipment as a

1 result of the request by a parent or staff member is required to
2 place equipment only in classrooms or settings in which the
3 parent's child is in regular attendance or to which the staff member
4 is assigned, as applicable; and

5 (2) a school or campus that receives equipment as a
6 result of the request by a board of trustees, governing body,
7 principal, or assistant principal is required to place equipment
8 only in classrooms or settings identified by the requestor, if the
9 requestor limits the request to specific classrooms or settings
10 subject to this subsection.

11 (a-1) For purposes of Subsection (a):

12 (1) a parent of a child who receives special education
13 services in one or more special education [~~self-contained~~]
14 classrooms or other special education settings may request in
15 writing that equipment be provided to the school or campus at which
16 the child receives those services;

17 (2) a board of trustees or governing body may request
18 in writing that equipment be provided to one or more specified
19 schools or campuses at which one or more children receive special
20 education services in special education [~~self-contained~~]
21 classrooms or other special education settings;

22 (3) the principal or assistant principal of a school
23 or campus at which one or more children receive special education
24 services in special education [~~self-contained~~] classrooms or other
25 special education settings may request in writing that equipment be
26 provided to the principal's or assistant principal's school or
27 campus; and

(4) a staff member assigned to work with one or more children receiving special education services in special education ~~[self-contained]~~ classrooms or other special education settings may request in writing that equipment be provided to the school or campus at which the staff member works.

(b) A school or campus that places a video camera in a special education classroom or other special education setting in accordance with Subsection (a) shall operate and maintain the video camera in the classroom or setting, as long as the classroom or setting continues to satisfy the requirements under Subsection (a), for the remainder of the school year in which the school or campus received the request, unless the requestor withdraws the request in writing. If for any reason a school or campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request under Subsection (a-1). Not later than the 10th school day before the end of each school year, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following school year unless a person eligible to make a request for the next school year under Subsection (a-1) submits a new request.

(c) Except as provided by Subsection (c-1), video cameras placed under this section must be capable of:

1 (1) covering all areas of the special education
2 classroom or other special education setting, including a room
3 attached to the classroom or setting used for time-out; and

4 (2) recording audio from all areas of the special
5 education classroom or other special education setting, including a
6 room attached to the classroom or setting used for time-out.

7 (c-1) The inside of a bathroom or any area in the special
8 education classroom or other special education setting in which a
9 student's clothes are changed may not be visually monitored, except
10 for incidental coverage of a minor portion of a bathroom or changing
11 area because of the layout of the classroom or setting.

12 (d) Before a school or campus activates a video camera in a
13 special education classroom or other special education setting
14 under this section, the school or campus shall provide written
15 notice of the placement to all school or campus staff and to the
16 parents of each student attending class or engaging in school
17 activities in the classroom or setting.

18 (f) A school district or open-enrollment charter school may
19 solicit and accept gifts, grants, and donations from any person for
20 use in placing video cameras in special education classrooms or
21 other special education settings under this section.

22 (h) A school district or open-enrollment charter school may
23 not:

24 (1) allow regular or continual monitoring of video
25 recorded under this section; or

26 (2) use video recorded under this section for teacher
27 evaluation or for any other purpose other than the promotion of

1 safety of students receiving special education services in a
2 special education [~~self-contained~~] classroom or other special
3 education setting.

4 (k) The commissioner may adopt rules to implement and
5 administer this section, including rules regarding the special
6 education classrooms and other special education settings to which
7 this section applies.

8 (1) A school district or open-enrollment charter school
9 policy relating to the placement, operation, or maintenance of
10 video cameras under this section must:

11 (1) include information on how a person may appeal an
12 action by the district or school that the person believes to be in
13 violation of this section or a policy adopted in accordance with
14 this section, including the appeals process under Section 7.057;

15 (2) require that the district or school provide a
16 response to a request made under this section not later than the
17 seventh school business day after receipt of the request by the
18 person to whom it must be submitted under Subsection (a-3) that
19 authorizes the request or states the reason for denying the
20 request;

21 (3) except as provided by Subdivision (5), require
22 that a school or a campus begin operation of a video camera in
23 compliance with this section not later than the 45th school
24 business day, or the first school day after the 45th school business
25 day if that day is not a school day, after the request is authorized
26 unless the agency grants an extension of time;

27 (4) permit the parent of a student whose admission,

review, and dismissal committee has determined that the student's placement for the following school year will be in a special education classroom or other special education setting in which a video camera may be placed under this section to make a request for the video camera by the later of:

(A) the date on which the current school year ends; or

(B) the 10th school business day after the date of the placement determination by the admission, review, and dismissal committee; and

(5) if a request is made by a parent in compliance with Subdivision (4), unless the agency grants an extension of time, require that a school or campus begin operation of a video camera in compliance with this section not later than the later of:

(A) the 10th school day of the fall semester; or

(B) the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made.

(q) The agency shall collect through the Public Education Information Management System (PEIMS) data relating to requests made under this section and actions taken by a school district or open-enrollment charter school in response to a request, including the number of requests made, authorized, and denied.

(s) This section applies to the placement, operation, and maintenance of a video camera in a special education ~~[self-contained]~~ classroom or other special education setting during the regular school year and extended school year services.

(t) A video camera placed under this section is not required to be in operation for the time during which students are not present in the special education classroom or other special education setting.

SECTION 23. Sections 29.022(u)(3) and (4), Education Code, are amended to read as follows:

(3) "Special education classroom or other special education setting" means a classroom or setting primarily used for delivering special education services to students who spend on average less than 50 percent of an instructional day in a general education classroom or setting [~~"Self-contained classroom" does not include a classroom that is a resource room instructional arrangement under Section 48.102~~].

(4) "Staff member" means a teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work in a special education [~~self-contained~~] classroom or other special education setting.

SECTION 24. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.026 to read as follows:

Sec. 29.026. RULES. The commissioner may adopt rules as necessary to implement this subchapter.

SECTION 25. The heading to Subchapter A-1, Chapter 29, Education Code, is amended to read as follows:

SUBCHAPTER A-1. PARENT-DIRECTED [~~SUPPLEMENTAL SPECIAL EDUCATION~~]
SERVICES FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES
[PROGRAM]

SECTION 26. Sections 29.041(2) and (3), Education Code, are

amended to read as follows:

(2) "Supplemental [~~special education~~] instructional materials" includes textbooks, computer hardware or software, other technological devices, and other materials suitable for addressing an educational need of a student receiving special education services under Subchapter A.

(3) "Supplemental [~~special education~~] services" means an additive service that provides an educational benefit to a student receiving special education services under Subchapter A, including:

(A) occupational therapy, physical therapy, and speech therapy; and

(B) private tutoring and other supplemental private instruction or programs.

SECTION 27. Section 29.042, Education Code, is amended by amending Subsections (a) and (c) and adding Subsections (e) and (f) to read as follows:

(a) The agency by rule shall establish and administer a parent-directed [~~supplemental special education services and instructional materials~~] program for students receiving special education services through which a parent may direct supplemental services and supplemental instructional materials for the parent's student [~~students~~] who meets [~~meet~~] the eligibility requirements for participation in the program. Subject to Subsection (c), the agency shall provide each student approved as provided by this subchapter a grant of not more than \$1,500 to purchase supplemental [~~special education~~] services and supplemental [~~special education~~]

1 instructional materials. If the agency receives more acceptable
2 applications for a grant for a school year than available funding
3 for that school year, the agency shall place remaining students on a
4 waitlist for the subsequent school year.

5 (c) A student may receive one grant under this subchapter
6 unless the legislature appropriates money for an additional grant
7 in the General Appropriations Act [~~The commissioner shall set aside~~
8 ~~an amount set by appropriation for each state fiscal year to fund~~
9 ~~the program under this section. For each state fiscal year, the~~
10 ~~total amount provided for student grants under Subsection (a) may~~
11 ~~not exceed the amount set aside by the commissioner under this~~
12 ~~subsection].~~

13 (e) The agency shall maintain an online user-friendly
14 application system for parents to apply for a grant described by
15 Subsection (a).

16 (f) A regional education service center designated to
17 administer the program under this subchapter for a school year is
18 entitled to receive not more than four percent of the amount
19 appropriated for purposes of making grants under this subchapter
20 for that school year for the costs of administering the program.

21 SECTION 28. Section 29.045, Education Code, is amended to
22 read as follows:

23 Sec. 29.045. APPROVAL OF APPLICATION; ASSIGNMENT OF
24 ACCOUNT. Subject to available funding the agency shall approve
25 each student who meets the program eligibility criteria established
26 under Section 29.044 and assign to the student an account
27 maintained under Section 29.042(b). The account may only be used by

1 the student's parent to purchase supplemental ~~[special education]~~
2 services or supplemental ~~[special education]~~ instructional
3 materials for the student, subject to Sections 29.046 and 29.047.

4 SECTION 29. Sections 29.046(a) and (b), Education Code, are
5 amended to read as follows:

6 (a) Money in an account assigned to a student under Section
7 29.045 may be used only for supplemental ~~[special education]~~
8 services and supplemental ~~[special education]~~ instructional
9 materials.

10 (b) Supplemental ~~[special education]~~ services must be
11 provided by an agency-approved provider.

12 SECTION 30. Sections 29.047(a), (c), (d), and (e),
13 Education Code, are amended to read as follows:

14 (a) The agency shall establish criteria necessary for
15 agency approval for each category of provider of a professional
16 service that is a supplemental ~~[special education]~~ service, as
17 identified by the agency.

18 (c) The agency shall provide a procedure for providers of
19 supplemental ~~[special education]~~ services to apply to the agency to
20 become an agency-approved provider.

21 (d) The agency may establish criteria for agency approval of
22 vendors for each category of supplemental ~~[special education]~~
23 instructional materials identified by the agency.

24 (e) If the agency establishes criteria for agency approval
25 for a vendor of a category of supplemental ~~[special education]~~
26 instructional materials, the agency shall provide a procedure for
27 vendors of that category to apply to the agency to become an

1 agency-approved vendor.

2 SECTION 31. Subchapter A-1, Chapter 29, Education Code, is
3 amended by adding Section 29.0475 to read as follows:

4 Sec. 29.0475. PROGRAM PARTICIPANT, PROVIDER, AND VENDOR
5 AUTONOMY. (a) A provider of supplemental services or vendor of
6 supplemental instructional materials that receives money
7 distributed under the program is not a recipient of federal
8 financial assistance on the basis of receiving that money.

9 (b) A rule adopted or action taken related to the program by
10 an individual, governmental entity, court of law, or program
11 administrator may not:

12 (1) consider the actions of a provider of supplemental
13 services, vendor of supplemental instructional materials, or
14 program participant to be the actions of an agent of state
15 government;

16 (2) limit:

17 (A) a provider of supplemental services' ability
18 to determine the methods used to educate the provider's students or
19 to exercise the provider's religious or institutional values; or

20 (B) a program participant's ability to determine
21 the participant's educational content or to exercise the
22 participant's religious values;

23 (3) obligate a provider of supplemental services or
24 program participant to act contrary to the provider's or
25 participant's religious or institutional values, as applicable;

26 (4) impose any regulation on a provider of
27 supplemental services, vendor of supplemental instructional

1 materials, or program participant beyond those regulations
2 necessary to enforce the requirements of the program; or

3 (5) require as a condition of receiving money
4 distributed under the program:

5 (A) a provider of supplemental services to modify
6 the provider's creed, practices, admissions policies, curriculum,
7 performance standards, employment policies, or assessments; or

8 (B) a program participant to modify the
9 participant's creed, practices, curriculum, performance standards,
10 or assessments.

11 (c) In a proceeding challenging a rule adopted by a state
12 agency or officer under this subchapter, the agency or officer has
13 the burden of proof to establish by clear and convincing evidence
14 that the rule:

15 (1) is necessary to implement or enforce the program
16 as provided by this subchapter;

17 (2) does not violate this section;

18 (3) does not impose an undue burden on a program
19 participant or a provider of supplemental services or vendor of
20 supplemental instructional materials that participates or applies
21 to participate in the program; and

22 (4) is the least restrictive means of accomplishing
23 the purpose of the program while recognizing the independence of a
24 provider of supplemental services to meet the educational needs of
25 students in accordance with the provider's religious or
26 institutional values.

27 SECTION 32. Section [29.048](#), Education Code, is amended to

1 read as follows:

2 Sec. 29.048. ADMISSION, REVIEW, AND DISMISSAL COMMITTEE
3 DUTIES. (a) A student's admission, review, and dismissal
4 committee shall develop a student's individualized education
5 program under Section 29.005, in compliance with the Individuals
6 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.),
7 without consideration of any supplemental ~~[special education]~~
8 services or supplemental instructional materials that may be
9 provided under the program under this subchapter.

10 (b) Unless the district first verifies that an account has
11 been assigned to the student under Section 29.045, the ~~[The]~~
12 admission, review, and dismissal committee of a student approved
13 for participation in the program shall provide to the student's
14 parent at an admission, review, and dismissal committee meeting for
15 the student:

16 (1) information regarding the types of supplemental
17 ~~[special education]~~ services or supplemental instructional
18 materials available under the program and provided by
19 agency-approved providers for which an account maintained under
20 Section 29.042(b) for the student may be used; and

21 (2) instructions regarding accessing an account
22 described by Subdivision (1).

23 SECTION 33. Subchapter A-1, Chapter 29, Education Code, is
24 amended by adding Section 29.0485 to read as follows:

25 Sec. 29.0485. DETERMINATION OF COMMISSIONER FINAL.
26 Notwithstanding Section 7.057, a determination of the commissioner
27 under this subchapter is final and may not be appealed.

SECTION 34. Section 29.049, Education Code, is amended to read as follows:

Sec. 29.049. RULES. The commissioner shall adopt rules as necessary to administer the supplemental ~~[special education]~~ services and supplemental instructional materials program under this subchapter.

SECTION 35. Section 29.301(1), Education Code, is amended to read as follows:

(1) "Admission, review, and dismissal committee" means the committee required by ~~[State Board of Education rules to develop the individualized education program required by]~~ the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) for any student needing special education.

SECTION 36. Sections 29.304(a) and (c), Education Code, are amended to read as follows:

(a) A student who is deaf or hard of hearing must have an education in which teachers, psychologists, speech language pathologists ~~[therapists]~~, progress assessors, administrators, and others involved in education 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.

(c) General ~~[Regular]~~ and special education personnel who work with students who are deaf or hard of hearing must be adequately prepared to provide educational instruction and services to those students.

SECTION 37. Section 29.310, Education Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The procedures and materials for the assessment and placement of a student who is deaf or hard of hearing shall be in the student's preferred mode of communication. All other procedures and materials used with any student who is deaf or hard of hearing and who is an emergent bilingual student as defined by Section 29.052 ~~[has limited English proficiency]~~ shall be in the student's preferred mode of communication.

(d) In recognizing the need for development of language and communication abilities in students who are deaf or hard of hearing but also calling for the use of methods of communication that will meet the needs of each individual student, each student who is deaf or hard of hearing must be thoroughly assessed to ascertain the student's potential for communicating through a variety of means.

SECTION 38. Section 29.313, Education Code, is amended to read as follows:

Sec. 29.313. EVALUATION OF DEAF AND HARD OF HEARING SERVICES ~~[PROGRAMS]~~. (a) Each school district must provide continuous evaluation of the effectiveness of the district's services ~~[programs of the district]~~ for students who are deaf or hard of hearing. The ~~[If practicable,]~~ evaluations shall follow program excellence indicators established by the agency.

(b) Each school district shall submit the evaluations under this section to the agency on a schedule set by the agency.

SECTION 39. Section 29.314, Education Code, is amended to

1 read as follows:

2 Sec. 29.314. TRANSITION INTO GENERAL EDUCATION [~~REGULAR~~]
3 CLASS. In addition to satisfying requirements of the admission,
4 review, and dismissal committee and to satisfying requirements
5 under state and federal law for vocational training, each school
6 district shall develop and implement a transition plan for the
7 transition of a student who is deaf or hard of hearing into a
8 general education [~~regular~~] class [~~program~~] if the student is to be
9 transferred from a special class or center or nonpublic,
10 nonsectarian school into a general education [~~regular~~] class in a
11 public school for any part of the school day. The transition plan
12 must provide for activities:

13 (1) to integrate the student into the general
14 [~~regular~~] education program and specify the nature of each activity
15 and the time spent on the activity each day; and

16 (2) to support the transition of the student from the
17 special education program into the general [~~regular~~] education
18 program.

19 SECTION 40. Section 29.315, Education Code, is amended to
20 read as follows:

21 Sec. 29.315. TEXAS SCHOOL FOR THE DEAF MEMORANDUM OF
22 UNDERSTANDING. The Texas Education Agency and the Texas School for
23 the Deaf shall develop~~[, agree to, and by commissioner rule adopt no~~
24 ~~later than September 1, 1998,]~~ a memorandum of understanding to
25 establish:

26 (1) the method for developing and reevaluating a set
27 of indicators of the quality of learning at the Texas School for the

Deaf;

(2) the process for the agency to conduct and report on an annual evaluation of the school's performance on the indicators;

(3) the requirements for the school's board to publish, discuss, and disseminate an annual report describing the educational performance of the school; and

~~(4) [the process for the agency to assign an accreditation status to the school, to reevaluate the status on an annual basis, and, if necessary, to conduct monitoring reviews; and~~

~~(5)]~~ the type of information the school shall be required to provide through the Public Education Information Management System (PEIMS).

SECTION 41. Section 29.316, Education Code, is amended to read as follows:

Sec. 29.316. LANGUAGE ACQUISITION. (a) In this section, "language~~[-~~

~~(1) "Center" means the Educational Resource Center on Deafness at the Texas School for the Deaf.~~

~~(2) "Division" means the Division for Early Childhood Intervention Services of the Health and Human Services Commission.~~

~~(3) "Language~~ acquisition" includes expressive and receptive language acquisition and literacy development in English, American Sign Language, or both, or, if applicable, in another language primarily used by a child's parent or guardian, and is separate from any modality used to communicate in the applicable language or languages.

(b) Each school district ~~[The commissioner and the~~

~~executive commissioner of the Health and Human Services Commission jointly]~~ shall ensure that the language acquisition of each child eight years of age or younger who is deaf or hard of hearing is regularly assessed using a tool or assessment approved by the commissioner ~~[determined to be valid and reliable as provided by Subsection (d)]~~.

(c) On a schedule determined by the commissioner, each school district shall report to the commissioner through the Public Education Information Management System (PEIMS) or another method set by commissioner rule the assessment data collected under Subsection (b) ~~[Not later than August 31 of each year, the agency, the division, and the center jointly shall prepare and post on the agency's, the division's, and the center's respective Internet websites a report on the language acquisition of children eight years of age or younger who are deaf or hard of hearing. The report must:~~

~~[(1) include:~~

~~[(A) existing data reported in compliance with federal law regarding children with disabilities; and~~

~~[(B) information relating to the language acquisition of children who are deaf or hard of hearing and also have other disabilities;~~

~~[(2) state for each child:~~

~~[(A) the instructional arrangement used with the child, as described by Section 48.102, including the time the child spends in a mainstream instructional arrangement;~~

~~[(B) the specific language acquisition services~~

~~provided to the child, including:~~

~~[(i) the time spent providing those services; and~~

~~[(ii) a description of any hearing amplification used in the delivery of those services, including:~~

~~[(a) the type of hearing amplification used;~~

~~[(b) the period of time in which the child has had access to the hearing amplification; and~~

~~[(c) the average amount of time the child uses the hearing amplification each day;~~

~~[(C) the tools or assessments used to assess the child's language acquisition and the results obtained;~~

~~[(D) the preferred unique communication mode used by the child at home; and~~

~~[(E) the child's age, race, and gender, the age at which the child was identified as being deaf or hard of hearing, and any other relevant demographic information the commissioner determines to likely be correlated with or have an impact on the child's language acquisition;~~

~~[(3) compare progress in English literacy made by children who are deaf or hard of hearing to progress in that subject made by children of the same age who are not deaf or hard of hearing, by appropriate age range; and~~

~~[(4) be redacted as necessary to comply with state and federal law regarding the confidentiality of student medical or educational information].~~

(d) The commissioner~~[, the executive commissioner of the Health and Human Services Commission, and the center]~~ shall adopt rules establishing the assessment data required to be reported under Subsection (c) ~~[enter into a memorandum of understanding regarding:~~

~~[(1) the identification of experts in deaf education,~~
~~and~~

~~[(2) the determination, in consultation with those experts, of the tools and assessments that are valid and reliable, in both content and administration, for use in assessing the language acquisition of children eight years of age or younger who are deaf or hard of hearing].~~

(e) The commissioner shall annually post on the agency's Internet website a report on the language acquisition of children eight years of age or younger who are deaf or hard of hearing using the assessment data reported under Subsection (c) ~~[agency shall use existing collected data and data collected and transferred from the Department of State Health Services and the Health and Human Services Commission, as agreed upon in the memorandum of understanding, for the report under this section].~~

(f) The commissioner shall use the assessment data reported under Subsection (c) in determining whether to award a grant under Section 29.018 or in seeking federal money available for projects aimed at improving outcomes for students with disabilities ~~[and the executive commissioner of the Health and Human Services Commission jointly shall adopt rules as necessary to implement this section, including rules for:~~

~~[(1) assigning each child eight years of age or younger who is deaf or hard of hearing a unique identification number for purposes of the report required under Subsection (c) and to enable the tracking of the child's language acquisition, and factors affecting the child's language acquisition, over time, and~~

~~[(2) implementing this section in a manner that complies with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information].~~

SECTION 42. The heading to Section 30.002, Education Code, is amended to read as follows:

Sec. 30.002. STATE PLAN [EDUCATION] FOR CHILDREN WITH VISUAL IMPAIRMENTS, WHO ARE DEAF OR HARD OF HEARING, OR WHO ARE DEAF-BLIND.

SECTION 43. Sections 30.002(a), (b), (c), and (e), Education Code, are amended to read as follows:

(a) The agency shall develop and administer a comprehensive statewide plan for the education of children ~~[with visual impairments]~~ who are under 22 ~~[21]~~ years of age and who have visual impairments, are deaf or hard of hearing, or are deaf-blind that will ensure that the children have an opportunity for achievement equal to the opportunities afforded their peers who do not have visual impairments, are not deaf or hard of hearing, or are not deaf-blind ~~[with normal vision]~~.

(b) The agency shall:

(1) develop standards and guidelines for all special education and related services for children who have visual impairments, are deaf or hard of hearing, or are deaf-blind [~~with visual impairments~~] that it is authorized to provide or support under this code and federal law;

(2) supervise regional education service centers and other entities in assisting school districts in serving children who have visual impairments, are deaf or hard of hearing, or are deaf-blind [~~with visual impairments~~] more effectively; and

~~(3) [develop and administer special education services for students with both serious visual and auditory impairments,~~

~~[(4) evaluate special education services provided for children with visual impairments by school districts and approve or disapprove state funding of those services; and~~

~~[(5)]~~ maintain an effective liaison between special education programs provided for children who have visual impairments, are deaf or hard of hearing, or are deaf-blind [~~with visual impairments~~] by school districts and related initiatives of the Health and Human Services Commission, [~~the Department of State Health Services Mental Health and Substance Abuse Division,~~] the Texas Workforce Commission, and other related programs, agencies, or facilities as appropriate.

(c) The comprehensive statewide plan for the education of children who have visual impairments, are deaf or hard of hearing, or are deaf-blind [~~with visual impairments~~] must:

(1) adequately provide for comprehensive diagnosis and evaluation of each school-age child who has a visual impairment, is deaf or hard of hearing, or is deaf-blind and adequately outline the expectations of a school district for such a child under three years of age ~~[with a serious visual impairment]~~;

(2) include the procedures, format, and content of the individualized education program for each child who has a visual impairment, is deaf or hard of hearing, or is deaf-blind ~~[with a visual impairment]~~;

(3) emphasize providing educational services to children who have visual impairments, are deaf or hard of hearing, or are deaf-blind ~~[with visual impairments]~~ in their home communities whenever possible;

(4) include information regarding the establishment of regional day school programs for the deaf under Subchapter D and the parameters of those programs ~~[methods to ensure that children with visual impairments receiving special education services in school districts receive, before being placed in a classroom setting or within a reasonable time after placement:~~

~~[(A) evaluation of the impairment, and~~

~~[(B) instruction in an expanded core curriculum, which is required for students with visual impairments to succeed in classroom settings and to derive lasting, practical benefits from the education provided by school districts, including instruction in:~~

~~[(i) compensatory skills, such as braille and concept development, and other skills needed to access the rest~~

~~of the curriculum;~~

~~[(ii) orientation and mobility;~~

~~[(iii) social interaction skills;~~

~~[(iv) career planning;~~

~~[(v) assistive technology, including~~

~~optical devices;~~

~~[(vi) independent living skills;~~

~~[(vii) recreation and leisure enjoyment;~~

~~[(viii) self-determination; and~~

~~[(ix) sensory efficiency];~~

(5) provide for flexibility on the part of school districts to meet the unique ~~[special]~~ needs of children who have visual impairments, are deaf or hard of hearing, or are deaf-blind ~~[with visual impairments]~~ through:

(A) specialty staff and resources provided by the district;

(B) contractual arrangements with other qualified public or private agencies;

(C) supportive assistance from regional education service centers or adjacent school districts;

(D) short-term or long-term services through the Texas School for the Blind and Visually Impaired, the Texas School for the Deaf, regional day school programs for the deaf, or related facilities or programs; or

(E) other instructional and service arrangements approved by the agency;

(6) ~~[include a statewide admission, review, and~~

~~dismissal process;~~

[~~(7)~~] provide for effective interaction between the [~~visually impaired child's~~] classroom setting of the child who has a visual impairment, is deaf or hard of hearing, or is deaf-blind and the child's home environment, including providing for parental training and counseling either by school district staff or by representatives of other organizations directly involved in the development and implementation of the individualized education program for the child;

(7) describe recommended and required professional development activities based on the special education and related services provided by school district staff to children who have visual impairments, are deaf or hard of hearing, or are deaf-blind [~~(8) require the continuing education and professional development of school district staff providing special education services to children with visual impairments~~];

(8) [~~(9)~~] provide for adequate monitoring and precise evaluation of special education services provided to children who have visual impairments, are deaf or hard of hearing, or are deaf-blind [~~with visual impairments~~] through school districts; [~~and~~]

(9) [~~(10)~~] require that school districts providing special education services to children who have visual impairments, are deaf or hard of hearing, or are deaf-blind [~~with visual impairments~~] develop procedures for assuring that staff assigned to work with the children have prompt and effective access directly to resources available through:

- 1 (A) cooperating agencies in the area;
- 2 (B) the Texas School for the Blind and Visually
- 3 Impaired;
- 4 (C) the Texas School for the Deaf;
- 5 (D) the statewide outreach center at the Texas
- 6 School for the Deaf;
- 7 (E) the Central Media Depository for specialized
- 8 instructional materials and aids made specifically for use by
- 9 students with visual impairments;
- 10 (F) [~~(D)~~] sheltered workshops participating in
- 11 the state program of purchases of blind-made goods and services;
- 12 and
- 13 (G) [~~(E)~~] related sources; and
- 14 (10) assist in the coordination of educational
- 15 programs with other public and private agencies, including:
- 16 (A) agencies operating early childhood
- 17 intervention programs;
- 18 (B) preschools;
- 19 (C) agencies operating child development
- 20 programs;
- 21 (D) private nonsectarian schools;
- 22 (E) agencies operating regional occupational
- 23 centers and programs; and
- 24 (F) as appropriate, postsecondary and adult
- 25 programs for persons who are deaf or hard of hearing.
- 26 (e) Each eligible [~~blind or visually impaired~~] student who
- 27 has a visual impairment, is deaf or hard of hearing, or is

1 deaf-blind is entitled to receive educational programs according to
2 an individualized education program that:

3 (1) is developed in accordance with federal and state
4 requirements for providing special education services;

5 (2) is developed by a committee composed as required
6 by federal law;

7 (3) reflects that the student has been provided a
8 detailed explanation of the various service resources available to
9 the student in the community and throughout the state;

10 (4) provides a detailed description of the
11 arrangements made to provide the student with the evaluation and
12 instruction required under this subchapter and Subchapter A,
13 Chapter 29 [~~Subsection (c)(4)~~]; and

14 (5) sets forth the plans and arrangements made for
15 contacts with and continuing services to the student beyond regular
16 school hours to ensure the student learns the skills and receives
17 the instruction required under this subchapter and Subchapter A,
18 Chapter 29 [~~Subsection (c)(4)(B)~~].

19 SECTION 44. Subchapter A, Chapter 30, Education Code, is
20 amended by adding Section 30.0021 to read as follows:

21 Sec. 30.0021. REQUIREMENTS FOR CHILDREN WITH VISUAL
22 IMPAIRMENTS. (a) Each child with a visual impairment must receive
23 instruction in an expanded core curriculum required for children
24 with visual impairments to succeed in classroom settings and to
25 derive lasting, practical benefits from education in a school
26 district, including instruction in:

27 (1) compensatory skills, such as braille and concept

development, and other skills necessary to access the rest of the curriculum;

(2) orientation and mobility;

(3) social interaction skills;

(4) career education;

(5) assistive technology, including optical devices;

(6) independent living skills;

(7) recreation and leisure enjoyment;

(8) self-determination; and

(9) sensory efficiency.

(b) To determine a child's eligibility for a school district's special education program under Subchapter A, Chapter 29, on the basis of a visual impairment, the full individual and initial evaluation of the child under Section 29.004 and any reevaluation of the child must, in accordance with commissioner rule:

(1) include an orientation and mobility evaluation conducted:

(A) by a person who is appropriately certified as an orientation and mobility specialist, as determined by commissioner rule; and

(B) in a variety of lighting conditions and settings, including in the child's home, school, and community and in settings unfamiliar to the child; and

(2) provide for a person who is appropriately certified as an orientation and mobility specialist, as determined by commissioner rule, to participate, as part of a

multidisciplinary team, in evaluating the data on which the determination of the child's eligibility is based.

(c) In developing an individualized education program under Section 29.005 for a child with a visual impairment, proficiency in reading and writing must be a significant indicator of the child's satisfactory educational progress. The individualized education program must include instruction in braille and the use of braille unless the child's admission, review, and dismissal committee documents a determination, based on an evaluation of the child's appropriate literacy media and literacy skills and the child's current and future instructional needs, that braille is not an appropriate literacy medium for the child.

(d) Braille instruction:

(1) may be used in combination with other special education services appropriate to the educational needs of a child with a visual impairment; and

(2) must be provided by a teacher certified to teach children with visual impairments under Subchapter B, Chapter 21.

(e) A school district shall provide to each person assisting in the development of an individualized education program for a child with a visual impairment information describing the benefits of braille instruction.

(f) To facilitate implementation of this section, the commissioner shall develop a system to distribute from the foundation school fund to school districts or regional education service centers a special supplemental allowance for each student with a visual impairment. The supplemental allowance may be spent

only for special education services uniquely required by the nature of the child's disabilities and may not be used in lieu of educational funds otherwise available under this code or through state or local appropriations.

SECTION 45. Section 30.003, Education Code, is amended by amending Subsections (b), (d), (f-1), and (g) and adding Subsection (b-1) to read as follows:

(b) If the student is admitted to the school for a full-time program for the equivalent of two long semesters, the district's share of the cost is an amount equal to the dollar amount of maintenance and debt service taxes imposed by the district for that year, subject to Subsection (b-1), divided by the district's average daily attendance for the preceding year.

(b-1) The commissioner shall reduce the amount of maintenance taxes imposed by the district that are obligated to be paid under Subsection (b) for a year by the amount, if any, by which the district is required to reduce the district's local revenue level under Section 48.257 for that year.

(d) Each school district and state institution shall provide to the commissioner the necessary information to determine the district's share under this section. The information must be reported to the commissioner on or before a date set by commissioner rule ~~[of the State Board of Education]~~. After determining the amount of a district's share for all students for which the district is responsible, the commissioner shall deduct that amount from the payments of foundation school funds payable to the district. Each deduction shall be in the same percentage of the total amount of the

1 district's share as the percentage of the total foundation school
 2 fund entitlement being paid to the district at the time of the
 3 deduction, except that the amount of any deduction may be modified
 4 to make necessary adjustments or to correct errors. The
 5 commissioner shall provide for remitting the amount deducted to the
 6 appropriate school at the same time at which the remaining funds are
 7 distributed to the district. If a district does not receive
 8 foundation school funds or if a district's foundation school
 9 entitlement is less than the amount of the district's share under
 10 this section, the commissioner shall direct the district to remit
 11 payment to the commissioner, and the commissioner shall remit the
 12 district's share to the appropriate school.

13 (f-1) The commissioner shall determine the total amount
 14 that the Texas School for the Blind and Visually Impaired and the
 15 Texas School for the Deaf would have received from school districts
 16 in accordance with this section if the following provisions had not
 17 reduced the districts' share of the cost of providing education
 18 services:

19 (1) H.B. No. 1, Acts of the 79th Legislature, 3rd
 20 Called Session, 2006;

21 (2) Subsection (b-1) of this section;

22 (3) Section 45.0032;

23 (4) [~~(3)~~] Section 48.255; and

24 (5) [~~(4)~~] Section 48.2551.

25 (g) The commissioner [~~State Board of Education~~] may adopt
 26 rules as necessary to implement this section.

27 SECTION 46. Section 30.004(b), Education Code, is amended

1 to read as follows:

2 (b) The commissioner [~~State Board of Education~~] shall adopt
3 rules prescribing the form and content of information required by
4 Subsection (a).

5 SECTION 47. Section 30.005, Education Code, is amended to
6 read as follows:

7 Sec. 30.005. TEXAS SCHOOL FOR THE BLIND AND VISUALLY
8 IMPAIRED MEMORANDUM OF UNDERSTANDING. The Texas Education Agency
9 and the Texas School for the Blind and Visually Impaired shall
10 develop~~[, agree to, and by commissioner rule adopt]~~ a memorandum of
11 understanding to establish:

12 (1) the method for developing and reevaluating a set
13 of indicators of the quality of learning at the Texas School for the
14 Blind and Visually Impaired;

15 (2) the process for the agency to conduct and report on
16 an annual evaluation of the school's performance on the indicators;

17 (3) the requirements for the school's board to
18 publish, discuss, and disseminate an annual report describing the
19 educational performance of the school; and

20 (4) ~~[the process for the agency to:~~

21 ~~[(A) assign an accreditation status to the~~
22 ~~school,~~

23 ~~[(B) reevaluate the status on an annual basis,~~
24 ~~and~~

25 ~~[(C) if necessary, conduct monitoring reviews,~~
26 ~~and~~

27 ~~[(5)]~~ the type of information the school shall be

1 required to provide through the Public Education Information
2 Management System (PEIMS).

3 SECTION 48. Section 30.021(e), Education Code, is amended
4 to read as follows:

5 (e) The school shall cooperate with public and private
6 agencies and organizations serving students and other persons with
7 visual impairments in the planning, development, and
8 implementation of effective educational and rehabilitative service
9 delivery systems associated with educating students with visual
10 impairments. To maximize and make efficient use of state
11 facilities, funding, and resources, the services provided in this
12 area may include conducting a cooperative program with other
13 agencies to serve students who have graduated from high school by
14 completing all academic requirements applicable to students in
15 general [~~regular~~] education, excluding satisfactory performance
16 under Section 39.025, who are younger than 22 years of age on
17 September 1 of the school year and who have identified needs related
18 to vocational training, independent living skills, orientation and
19 mobility, social and leisure skills, compensatory skills, or
20 remedial academic skills.

21 SECTION 49. Section 30.081, Education Code, is amended to
22 read as follows:

23 Sec. 30.081. LEGISLATIVE INTENT CONCERNING REGIONAL DAY
24 SCHOOLS FOR THE DEAF. The legislature, by this subchapter, intends
25 to continue a process of providing on a statewide basis a suitable
26 education to deaf or hard of hearing students who are under 22 [~~21~~]
27 years of age and assuring that those students have the opportunity

1 to become independent citizens.

2 SECTION 50. Section 30.083, Education Code, is amended to
3 read as follows:

4 Sec. 30.083. STATEWIDE PLAN. ~~[(a)]~~ The director of
5 services shall develop and administer a comprehensive statewide
6 plan for educational services for students who are deaf or hard of
7 hearing and receive special education and related services through
8 a regional day school program for the deaf~~[, including continuing~~
9 ~~diagnosis and evaluation, counseling, and teaching]~~. The plan
10 shall be included as part of the comprehensive statewide plan under
11 Section 30.002 ~~[designed to accomplish the following objectives:~~

12 ~~[(1) providing assistance and counseling to parents of~~
13 ~~students who are deaf or hard of hearing in regional day school~~
14 ~~programs for the deaf and admitting to the programs students who~~
15 ~~have a hearing loss that interferes with the processing of~~
16 ~~linguistic information,~~

17 ~~[(2) enabling students who are deaf or hard of hearing~~
18 ~~to reside with their parents or guardians and be provided an~~
19 ~~appropriate education in their home school districts or in regional~~
20 ~~day school programs for the deaf,~~

21 ~~[(3) enabling students who are deaf or hard of hearing~~
22 ~~who are unable to attend schools at their place of residence and~~
23 ~~whose parents or guardians live too far from facilities of regional~~
24 ~~day school programs for the deaf for daily commuting to be~~
25 ~~accommodated in foster homes or other residential school facilities~~
26 ~~provided for by the agency so that those children may attend a~~
27 ~~regional day school program for the deaf,~~

1 ~~[(4) enrolling in the Texas School for the Deaf those~~
2 ~~students who are deaf or hard of hearing whose needs can best be met~~
3 ~~in that school and designating the Texas School for the Deaf as the~~
4 ~~statewide educational resource for students who are deaf or hard of~~
5 ~~hearing;~~

6 ~~[(5) encouraging students in regional day school~~
7 ~~programs for the deaf to attend general education classes on a~~
8 ~~part-time, full-time, or trial basis; and~~

9 ~~[(6) recognizing the need for development of language~~
10 ~~and communications abilities in students who are deaf or hard of~~
11 ~~hearing, but also calling for the use of methods of communication~~
12 ~~that will meet the needs of each individual student, with each~~
13 ~~student assessed thoroughly so as to ascertain the student's~~
14 ~~potential for communications through a variety of means, including~~
15 ~~through oral or aural means, fingerspelling, or sign language].~~

16 ~~[(b) The director of services may establish separate~~
17 ~~programs to accommodate diverse communication methodologies.]~~

18 SECTION 51. Section [37.146](#)(a), Education Code, is amended
19 to read as follows:

20 (a) A complaint alleging the commission of a school offense
21 must, in addition to the requirements imposed by Article [45A.101](#),
22 Code of Criminal Procedure:

23 (1) be sworn to by a person who has personal knowledge
24 of the underlying facts giving rise to probable cause to believe
25 that an offense has been committed; and

26 (2) be accompanied by a statement from a school
27 employee stating:

1 (A) whether the child is eligible for or receives
2 special education services under Subchapter A, Chapter 29; and

3 (B) the graduated sanctions, if required under
4 Section 37.144, that were imposed on the child before the complaint
5 was filed.

6 SECTION 52. Section 38.003(c-1), Education Code, is amended
7 to read as follows:

8 (c-1) The agency by rule shall develop procedures designed
9 to allow the agency to:

10 (1) effectively audit and monitor and periodically
11 conduct site visits of all school districts to ensure that
12 districts are complying with this section, including the program
13 approved by the State Board of Education under this section;

14 (2) identify any problems school districts experience
15 in complying with this section, including the program approved by
16 the State Board of Education under this section;

17 (3) develop reasonable and appropriate remedial
18 strategies to address school district noncompliance and ensure the
19 purposes of this section are accomplished, which may include the
20 publication of a recommended evidence-based dyslexia program list;
21 ~~[and]~~

22 (4) solicit input from parents of students enrolled in
23 a school district during the auditing and monitoring of the
24 district under Subdivision (1) regarding the district's
25 implementation of the program approved by the State Board of
26 Education under this section; and

27 (5) engage in general supervision activities,

1 including activities under the comprehensive system for monitoring
2 described by Section 29.010, to ensure school district compliance
3 with the program approved by the State Board of Education under this
4 section and Part B, Individuals with Disabilities Education Act (20
5 U.S.C. Section 1411 et seq.).

6 SECTION 53. Section 48.009(b), Education Code, is amended
7 to read as follows:

8 (b) The commissioner by rule shall require each school
9 district and open-enrollment charter school to report through the
10 Public Education Information Management System information
11 regarding:

12 (1) the number of students enrolled in the district or
13 school who are identified as having dyslexia;

14 (2) the availability of school counselors, including
15 the number of full-time equivalent school counselors, at each
16 campus;

17 (3) the availability of expanded learning
18 opportunities as described by Section 33.252 at each campus;

19 (4) the total number of students, other than students
20 described by Subdivision (5), enrolled in the district or school
21 with whom the district or school, as applicable, used intervention
22 strategies, as that term is defined by Section 26.004, at any time
23 during the year for which the report is made;

24 (5) the total number of students enrolled in the
25 district or school to whom the district or school provided aids,
26 accommodations, or services under Section 504, Rehabilitation Act
27 of 1973 (29 U.S.C. Section 794), at any time during the year for

1 which the report is made;

2 (6) disaggregated by campus and grade, the number of:

3 (A) children who are required to attend school
4 under Section 25.085, are not exempted under Section 25.086, and
5 fail to attend school without excuse for 10 or more days or parts of
6 days within a six-month period in the same school year;

7 (B) students for whom the district initiates a
8 truancy prevention measure under Section 25.0915(a-4); and

9 (C) parents of students against whom an
10 attendance officer or other appropriate school official has filed a
11 complaint under Section 25.093; ~~and~~

12 (7) the number of students who are enrolled in a high
13 school equivalency program, a dropout recovery school, or an adult
14 education program provided under a high school diploma and industry
15 certification charter school program provided by the district or
16 school and who:

17 (A) are at least 18 years of age and under 26
18 years of age;

19 (B) have not previously been reported to the
20 agency as dropouts; and

21 (C) enroll in the program at the district or
22 school after not attending school for a period of at least nine
23 months; and

24 (8) students enrolled in a special education program
25 under Subchapter A, Chapter 29, as necessary for the agency to
26 adequately perform general supervision activities and determine
27 funding under Sections 48.102 and 48.1021.

SECTION 54. Section 48.051(a), Education Code, is amended to read as follows:

(a) For each student in average daily attendance, not including the time students spend each day in career and technology education programs or in special education programs in a setting ~~[an instructional arrangement]~~ other than a general education setting ~~[mainstream or career and technology education programs]~~, for which an additional allotment is made under Subchapter C, a school district is entitled to an allotment equal to the lesser of \$6,160 or the amount that results from the following formula:

$$A = \$6,160 \times TR/MCR$$

where:

"A" is the allotment to which a district is entitled;

"TR" is the district's tier one maintenance and operations tax rate, as provided by Section 45.0032; and

"MCR" is the district's maximum compressed tax rate, as determined under Section 48.2551.

SECTION 55. Section 48.102, Education Code, is amended to read as follows:

Sec. 48.102. SPECIAL EDUCATION. (a) For each student in average daily attendance in a special education program under Subchapter A, Chapter 29, ~~[in a mainstream instructional arrangement]~~, a school district is entitled to an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled, multiplied by a weight in an amount set by the legislature in the General Appropriations Act for the highest tier

of intensity of service for which the student qualifies [1.15].

(a-1) Notwithstanding Subsection (a), for the 2026-2027 school year, the amount of an allotment under this section shall be determined in accordance with Section 48.1022. This subsection expires September 1, 2027. [For each full-time equivalent student in average daily attendance in a special education program under Subchapter A, Chapter 29, in an instructional arrangement other than a mainstream instructional arrangement, a district is entitled to an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled, multiplied by a weight determined according to instructional arrangement as follows:

| | |
|---|-----------------|
| [Homebound | 5.0 |
| [Hospital class | 3.0 |
| [Speech therapy | 5.0 |
| [Resource room | 3.0 |
| [Self-contained, mild and moderate, regular campus | 3.0 |
| [Self-contained, severe, regular campus | 3.0 |
| [Off home campus | 2.7 |
| [Nonpublic day school | 1.7 |
| [Vocational adjustment class | 2.3] |

(b) The commissioner by rule shall define eight tiers of intensity of service for use in determining funding under this section. The commissioner must include one tier specifically addressing students receiving special education services in residential placement and one tier for students receiving only

speech therapy ~~[A special instructional arrangement for students with disabilities residing in care and treatment facilities, other than state schools, whose parents or guardians do not reside in the district providing education services shall be established by commissioner rule. The funding weight for this arrangement shall be 4.0 for those students who receive their education service on a local school district campus. A special instructional arrangement for students with disabilities residing in state schools shall be established by commissioner rule with a funding weight of 2.8].~~

(c) In defining the tiers of intensity of service under Subsection (b), the commissioner shall consider:

(1) the type, frequency, and nature of services provided to a student;

(2) the required certifications, licensures, or other qualifications for personnel serving the student;

(3) any identified or curriculum-required provider-to-student ratios for the student to receive the appropriate services; and

(4) any equipment or technology required for the services ~~[For funding purposes, the number of contact hours credited per day for each student in the off home campus instructional arrangement may not exceed the contact hours credited per day for the multidistrict class instructional arrangement in the 1992-1993 school year].~~

(d) ~~[For funding purposes the contact hours credited per day for each student in the resource room, self-contained, mild and moderate, and self-contained, severe, instructional arrangements~~

~~may not exceed the average of the statewide total contact hours credited per day for those three instructional arrangements in the 1992-1993 school year.~~

~~[(e) The commissioner by rule shall prescribe the qualifications an instructional arrangement must meet in order to be funded as a particular instructional arrangement under this section. In prescribing the qualifications that a mainstream instructional arrangement must meet, the commissioner shall establish requirements that students with disabilities and their teachers receive the direct, indirect, and support services that are necessary to enrich the regular classroom and enable student success.~~

~~[(f) In this section, "full-time equivalent student" means 30 hours of contact a week between a special education student and special education program personnel.~~

~~[(g) The commissioner shall adopt rules and procedures governing contracts for residential placement of special education students. The legislature shall provide by appropriation for the state's share of the costs of those placements.~~

~~[(h)]~~ At least 55 percent of the funds allocated under this section must be used in the special education program under Subchapter A, Chapter 29.

(e) ~~[(i)]~~ The agency shall ensure ~~[encourage]~~ the placement of students in special education programs, including students in residential placement ~~[instructional arrangements]~~, in the least restrictive environment appropriate for their educational needs.

(f) ~~[(j)]~~ A school district that provides an extended year

1 program required by federal law for special education students who
2 may regress is entitled to receive funds in an amount equal to ~~[75~~
3 ~~percent, or a lesser percentage determined by the commissioner, of]~~
4 the basic allotment, or, if applicable, the sum of the basic
5 allotment and the allotment under Section 48.101 to which the
6 district is entitled for each ~~[full-time equivalent]~~ student in
7 average daily attendance, multiplied by the amount designated for
8 the highest tier of intensity of service for which the student
9 qualifies ~~[student's instructional arrangement]~~ under this
10 section, for each day the program is provided divided by the number
11 of days in the minimum school year. ~~[The total amount of state~~
12 ~~funding for extended year services under this section may not~~
13 ~~exceed \$10 million per year.]~~ A school district may use funds
14 received under this section only in providing an extended year
15 program.

16 (g) ~~[(k)]~~ From the total amount of funds appropriated for
17 special education under this section, the commissioner shall
18 withhold an amount specified in the General Appropriations Act, and
19 distribute that amount to school districts for programs under
20 Section 29.014. The program established under that section is
21 required only in school districts in which the program is financed
22 by funds distributed under this subsection and any other funds
23 available for the program. After deducting the amount withheld
24 under this subsection from the total amount appropriated for
25 special education, the commissioner shall reduce each district's
26 allotment proportionately and shall allocate funds to each district
27 accordingly.

1 (h) Not later than December 1 of each even-numbered year,
2 the commissioner shall submit to the Legislative Budget Board, for
3 purposes of the allotment under this section, proposed weights for
4 the tiers of intensity of service for the next state fiscal
5 biennium.

6 SECTION 56. Subchapter C, Chapter 48, Education Code, is
7 amended by adding Sections 48.1021 and 48.1022 to read as follows:

8 Sec. 48.1021. SPECIAL EDUCATION SERVICE GROUP ALLOTMENT.

9 (a) For each student in a special education program under
10 Subchapter A, Chapter 29, a school district is entitled to an
11 allotment in an amount set by the legislature in the General
12 Appropriations Act for the service group for which the student
13 receives services.

14 (a-1) Notwithstanding Subsection (a), for the 2026-2027
15 school year, the amount of an allotment under this section shall be
16 determined in accordance with Section 48.1022. This subsection
17 expires September 1, 2027.

18 (b) The commissioner by rule shall establish at least four
19 service groups for use in determining funding under this section.
20 In establishing the groups, the commissioner must consider:

21 (1) the type, frequency, and nature of services
22 provided to a student;

23 (2) the required certifications, licensures, or other
24 qualifications for personnel serving the student;

25 (3) any identified or curriculum-required
26 provider-to-student ratios for the student to receive the
27 appropriate services; and

1 (4) any equipment or technology required for the
2 services.

3 (c) At least 55 percent of the funds allocated under this
4 section must be used for a special education program under
5 Subchapter A, Chapter 29.

6 (d) Not later than December 1 of each even-numbered year,
7 the commissioner shall submit to the Legislative Budget Board, for
8 purposes of the allotment under this section, proposed amounts of
9 funding for the service groups for the next state fiscal biennium.

10 Sec. 48.1022. SPECIAL EDUCATION TRANSITION FUNDING.

11 (a) For the 2026-2027 school year, the commissioner may adjust
12 weights or amounts provided under Section 48.102 or 48.1021 as
13 necessary to ensure compliance with requirements regarding
14 maintenance of state financial support under 20 U.S.C. Section
15 1412(a)(18) and maintenance of local financial support under
16 applicable federal law.

17 (b) For the 2026-2027 school year, the commissioner shall
18 determine the formulas through which school districts receive
19 funding under Sections 48.102 and 48.1021. In determining the
20 formulas, the commissioner shall ensure the estimated statewide
21 amount provided by the sum of the allotments under Sections 48.102
22 and 48.1021 for the 2026-2027 school year is approximately \$250
23 million greater than the amount that would have been provided under
24 the allotment under Section 48.102, as that section existed on
25 September 1, 2025, for that school year, calculating both amounts
26 using the basic allotment in effect for the 2026-2027 school year.

27 (c) Each school district and open-enrollment charter school

1 shall report to the agency information necessary to implement this
2 section.

3 (d) The agency shall provide technical assistance to school
4 districts and open-enrollment charter schools to ensure a
5 successful transition in funding formulas for special education.

6 (e) This section expires September 1, 2028.

7 SECTION 57. Sections 48.103(b), (c), and (d), Education
8 Code, are amended to read as follows:

9 (b) A school district is entitled to an allotment under
10 Subsection (a) only for a student who:

11 (1) is receiving:

12 (A) instruction, services, or accommodations for
13 dyslexia or a related disorder in accordance with~~[+~~

14 ~~[(A)]~~ an individualized education program
15 developed for the student under Section 29.005; or

16 (B) accommodations for dyslexia or a related
17 disorder in accordance with a plan developed for the student under
18 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or

19 (2) ~~[is receiving instruction that:~~

20 ~~[(A) meets applicable dyslexia program criteria~~
21 ~~established by the State Board of Education; and~~

22 ~~[(B) is provided by a person with specific~~
23 ~~training in providing that instruction; or~~

24 ~~[(3)]~~ is permitted, on the basis of having dyslexia or
25 a related disorder, to use modifications in the classroom or
26 accommodations in the administration of assessment instruments
27 under Section 39.023 without a program or plan described by

1 Subdivision (1).

2 (c) A school district may receive funding for a student
3 under each provision of this section, ~~[and]~~ Section 48.102, and
4 Section 48.1021 for which ~~[if]~~ the student qualifies ~~[satisfies the~~
5 ~~requirements of both sections]~~.

6 (d) A school district may use ~~[an amount not to exceed 20~~
7 ~~percent of]~~ the allotment provided for a qualifying student under
8 this section to contract with a private provider to provide
9 supplemental academic services to the student that are recommended
10 under the student's program or plan described by Subsection (b). A
11 student may not be excused from school to receive supplemental
12 academic services provided under this subsection.

13 SECTION 58. Section 48.110(d), Education Code, is amended
14 to read as follows:

15 (d) For each annual graduate in a cohort described by
16 Subsection (b) who demonstrates college, career, or military
17 readiness as described by Subsection (f) in excess of the minimum
18 number of students determined for the applicable district cohort
19 under Subsection (c), a school district is entitled to an annual
20 outcomes bonus of:

21 (1) if the annual graduate is educationally
22 disadvantaged, \$5,000;

23 (2) if the annual graduate is not educationally
24 disadvantaged, \$3,000; and

25 (3) if the annual graduate is enrolled in a special
26 education program under Subchapter A, Chapter 29, \$4,000 ~~[\$2,000]~~,
27 regardless of whether the annual graduate is educationally

1 disadvantaged.

2 SECTION 59. Section 48.151(g), Education Code, is amended
3 to read as follows:

4 (g) A school district or county that provides special
5 transportation services for eligible special education students is
6 entitled to a state allocation at a ~~[paid on a previous year's~~
7 ~~cost-per-mile basis. The]~~ rate per mile equal to the sum of the
8 rate per mile set under Subsection (c) and \$0.13, or a greater
9 amount provided ~~[allowable shall be set]~~ by appropriation ~~[based on~~
10 ~~data gathered from the first year of each preceding biennium]~~.
11 Districts may use a portion of their support allocation to pay
12 transportation costs, if necessary. The commissioner may grant an
13 amount set by appropriation for private transportation to reimburse
14 parents or their agents for transporting eligible special education
15 students. The mileage allowed shall be computed along the shortest
16 public road from the student's home to school and back, morning and
17 afternoon. The need for this type of transportation shall be
18 determined on an individual basis and shall be approved only in
19 extreme hardship cases.

20 SECTION 60. Subchapter D, Chapter 48, Education Code, is
21 amended by adding Section 48.159 to read as follows:

22 Sec. 48.159. SPECIAL EDUCATION FULL INDIVIDUAL AND INITIAL
23 EVALUATION. For each child for whom a school district conducts a
24 full individual and initial evaluation under Section 29.004 or 20
25 U.S.C. Section 1414(a)(1), the district is entitled to an allotment
26 of \$1,000 or a greater amount provided by appropriation.

27 SECTION 61. Section 48.265(a), Education Code, is amended

to read as follows:

(a) If ~~[Notwithstanding any other provision of law, if]~~ the commissioner determines that the amount appropriated for the purposes of the Foundation School Program exceeds the amount to which school districts are entitled under this chapter, the commissioner may provide ~~[by rule shall establish a grant program through which excess funds are awarded as]~~ grants using the excess money for the purchase of video equipment, or for the reimbursement of costs for previously purchased video equipment, used for monitoring special education classrooms or other special education settings required under Section 29.022.

SECTION 62. Section 48.279(e), Education Code, is amended to read as follows:

(e) After the commissioner has replaced any withheld federal funds as provided by Subsection (d), the commissioner shall distribute the remaining amount, if any, of funds described by Subsection (a) to proportionately increase funding for the special education allotment under Section 48.102 and the special education service group allotment under Section 48.1021.

SECTION 63. Subchapter G, Chapter 48, Education Code, is amended by adding Sections 48.304 and 48.315 to read as follows:

Sec. 48.304. DAY PLACEMENT PROGRAM OR COOPERATIVE FUNDING.

(a) For each qualifying day placement program or cooperative that a regional education service center, school district, or open-enrollment charter school establishes, the program or cooperative is entitled to an allotment of:

(1) \$250,000 for the first year of the program's or

cooperative's operation; and

(2) the sum of:

(A) \$100,000 for each year of the program's or cooperative's operation after the first year; and

(B) \$150,000 if at least three students are enrolled in the program or cooperative for a year described by Paragraph (A).

(b) A day placement program or cooperative qualifies for purposes of Subsection (a) if:

(1) the program or cooperative complies with commissioner rules adopted for purposes of this section under Section 48.004;

(2) the program or cooperative offers services to students who are enrolled at any school district or open-enrollment charter school in the county in which the program or cooperative is offered, unless the commissioner by rule waives or modifies the requirement under this subdivision for the program or cooperative to serve all students in a county; and

(3) the agency has designated the program or cooperative for service in the county in which the program or cooperative is offered and determined that, at the time of designation, the program or cooperative increases the availability of day placement services in the county.

(c) The agency may not designate more than one day placement program or cooperative for service per county each year.

(d) The agency may designate a regional education service center to implement and administer this section.

1 (e) Notwithstanding any other provision of this section,
2 the agency may not provide an allotment under this section to more
3 than 20 day placement programs or cooperatives for a year.

4 Sec. 48.315. FUNDING FOR REGIONAL DAY SCHOOL PROGRAMS FOR
5 THE DEAF. (a) The program administrator or fiscal agent of a
6 regional day school program for the deaf is entitled to receive for
7 each school year an allotment of \$6,925, or a greater amount
8 provided by appropriation, for each student receiving services from
9 the program.

10 (b) Notwithstanding Subsection (a), the agency shall adjust
11 the amount of an allotment under that subsection for a school year
12 to ensure the total amount of allotments provided under that
13 subsection is at least \$35 million for that school year.

14 SECTION 64. The following provisions of the Education Code
15 are repealed:

- 16 (1) Section 7.055(b)(24);
- 17 (2) Sections 7.102(c)(18), (19), (20), (21), and (22);
- 18 (3) Section 29.002;
- 19 (4) Section 29.0041(c);
- 20 (5) Section 29.005(f);
- 21 (6) Section 29.0161;
- 22 (7) Sections 29.308, 29.309, 29.311, 30.001, and
- 23 30.0015;
- 24 (8) Sections 30.002(c-1), (c-2), (f), (f-1), and (g);
- 25 (9) Section 30.084;
- 26 (10) Section 30.087(b); and
- 27 (11) Section 38.003(d).

1 SECTION 65. The commissioner of education shall award a
2 grant under Subchapter A-1, Chapter 29, Education Code, as amended
3 by this Act, for the 2025-2026 school year to each eligible
4 applicant who applied but was not accepted for the 2024-2025 school
5 year.

6 SECTION 66. Sections 8.051(d), 29.008, 29.014(c) and (d),
7 and 29.018(b), Education Code, as amended by this Act, apply
8 beginning with the 2026-2027 school year.

9 SECTION 67. (a) Except as provided by Subsection (b) or (c)
10 of this section, this Act takes effect immediately if this Act
11 receives a vote of two-thirds of all the members elected to each
12 house, as provided by Section 39, Article III, Texas Constitution.
13 If this Act does not receive the vote necessary for immediate
14 effect, this Act takes effect September 1, 2025.

15 (b) Except as provided by Subsection (c) of this section,
16 the amendments made by this Act to Chapter 48, Education Code, take
17 effect September 1, 2025.

18 (c) Sections 48.009(b), 48.051(a), 48.102, 48.103(b), (c),
19 and (d), and 48.279(e), Education Code, as amended by this Act, and
20 Sections 48.1021 and 48.1022, Education Code, as added by this Act,
21 take effect September 1, 2026.

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| <hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div> | <hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div> |
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I hereby certify that S.B. No. 568 passed the Senate on April 7, 2025, by the following vote: Yeas 29, Nays 1; May 29, 2025, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2025, House granted request of the Senate; May 31, 2025, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1.

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| | <hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Secretary of the Senate</div> |
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I hereby certify that S.B. No. 568 passed the House, with amendments, on May 28, 2025, by the following vote: Yeas 125, Nays 16, two present not voting; May 30, 2025, House granted request of the Senate for appointment of Conference Committee; June 1, 2025, House adopted Conference Committee Report by the following vote: Yeas 126, Nays 6, one present not voting.

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| | <hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Chief Clerk of the House</div> |
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Approved:

Date

Governor