

By: Bettencourt, et al.

S.B. No. 568

A BILL TO BE ENTITLED

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 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, 48.104, 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

1 district that is considered out of compliance with state or federal  
2 special education requirements, based on the agency's most recent  
3 compliance review of the district's special education programs; and

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

5 SECTION 2. Section 29.001, Education Code, is amended to  
6 read as follows:

7 Sec. 29.001. IMPLEMENTATION OF SPECIAL EDUCATION  
8 LAW [STATEWIDE PLAN]. (a) As the state education agency  
9 responsible for carrying out the purposes of Part B, Individuals  
10 with Disabilities Education Act (20 U.S.C. Section 1411 et seq.),  
11 the [The] agency shall develop, and revise [modify] as necessary, a  
12 comprehensive system to ensure statewide and local compliance  
13 [design, consistent] with federal and state law related to special  
14 education[, for the delivery of services to children with  
15 disabilities in this state that includes rules for the  
16 administration and funding of the special education program so that  
17 a free appropriate public education is available to all of those  
18 children between the ages of three and 21].

19 (b) The comprehensive system [~~statewide design~~] shall  
20 include the provision of services primarily through school  
21 districts and shared services arrangements, supplemented by  
22 regional education service centers.

23 (c) The comprehensive system [agency] shall focus on  
24 maximizing student outcomes and include [~~also develop and implement~~  
25 ~~a statewide plan with programmatic content that includes procedures~~  
26 ~~designed to~~]:

27 (1) rulemaking, technical assistance, guidance

1 documents, monitoring protocols, and other resources as necessary  
2 to implement and ensure compliance with federal and state law  
3 related to special education [~~ensure state compliance with~~  
4 ~~requirements for supplemental federal funding for all~~  
5 ~~state-administered programs involving the delivery of~~  
6 ~~instructional or related services to students with disabilities~~];

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

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

17 (4) ensuring [~~ensure~~] that regional education service  
18 centers throughout the state maintain a regional support function,  
19 which may include direct service delivery and a component designed  
20 to facilitate the placement of students with disabilities who  
21 cannot be appropriately served in their resident districts;

22 (5) [~~allow the agency to~~] effectively monitoring  
23 [~~monitor~~] and periodically conducting [~~conduct~~] site visits of all  
24 school districts to ensure that rules adopted under this subchapter  
25 [~~section~~] are applied in a consistent and uniform manner, to ensure  
26 that districts are complying with those rules, and to ensure that  
27 annual statistical reports filed by the districts and not otherwise

1 available through the Public Education Information Management  
2 System under Sections 48.008 and 48.009 are accurate and complete;  
3 and

4 (6) the provision of training and technical assistance  
5 to ensure that:

6 (A) appropriately trained personnel are involved  
7 in the diagnostic and evaluative procedures operating in all  
8 districts and that those personnel routinely serve on district  
9 admissions, review, and dismissal committees;

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

15 (C) [~~(8) ensure that,~~] when appropriate, each  
16 student with a disability is provided an opportunity to participate  
17 in career and technology and physical education classes[~~, in~~  
18 ~~addition to participating in regular or special classes~~];

19 (D) [~~(9) ensure that~~] each student with a  
20 disability is provided necessary related services;

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

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

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

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

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

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

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

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

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

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

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

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

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

24                   SECTION 3. Subchapter **A**, Chapter **29**, Education Code, is  
25 amended by adding Section 29.0012 to read as follows:

26                   Sec. 29.0012. ANNUAL MEETING ON SPECIAL EDUCATION. (a) At  
27 least once each year, the board of trustees of a school district or

1 the governing body of an open-enrollment charter school shall  
2 include during a public meeting a discussion of the performance of  
3 students receiving special education services at the district or  
4 school.

5 (b) The agency by rule shall adopt a set of performance  
6 indicators for measuring and evaluating the quality of learning and  
7 achievement for students receiving special education services at  
8 the school district or open-enrollment charter school to be  
9 considered at a meeting held under this section. The indicators  
10 must include performance on the college, career, or military  
11 readiness outcomes described by Section 48.110.

12 SECTION 4. Section 29.003, Education Code, is amended to  
13 read as follows:

14 Sec. 29.003. ELIGIBILITY CRITERIA. (a) The agency shall  
15 develop specific eligibility criteria based on the general  
16 classifications established by this section and in accordance with  
17 federal law [~~with reference to contemporary diagnostic or~~  
18 ~~evaluative terminologies and techniques~~]. Eligible students with  
19 disabilities shall enjoy the right to a free appropriate public  
20 education, which may include instruction in the regular classroom,  
21 instruction through special teaching, or instruction through  
22 contracts approved under this subchapter. Instruction shall be  
23 supplemented by the provision of related services when appropriate.

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

26 (1) from birth through [~~is not more than~~] 21 years of  
27 age if the student [~~and~~] has a visual [~~or auditory~~] impairment or is

1 deaf or hard of hearing and that disability prevents the student  
2 from being adequately or safely educated in public school without  
3 the provision of special education services; ~~[or]~~

4 (2) from three years of age through five years of age  
5 if the student is experiencing developmental delays as described by  
6 20 U.S.C. Section 1401(3)(B) and defined by commissioner rule; or

7 (3) from 3 years of age through ~~[is at least three but~~  
8 ~~not more than]~~ 21 years of age if the student ~~[and]~~ has one or more  
9 of the ~~[following]~~ disabilities described by 20 U.S.C. Section  
10 1401(3)(A) and that disability prevents the student from being  
11 adequately or safely educated in public school without the  
12 provision of special education services~~+~~

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

14 [~~(B) intellectual or developmental disability,~~

15 [~~(C) emotional disturbance,~~

16 [~~(D) learning disability,~~

17 [~~(E) autism,~~

18 [~~(F) speech disability, or~~

19 [~~(G) traumatic brain injury].~~

20 SECTION 5. Sections 29.005(d) and (e), Education Code, are  
21 amended to read as follows:

22 (d) If the child's parent primarily uses a language or mode  
23 of communication other than ~~[is unable to speak]~~ English, the  
24 district shall:

25 (1) if the parent primarily uses Spanish, provide the  
26 parent with a written or audiotaped copy of the child's  
27 individualized education program translated into Spanish ~~[if~~

1 ~~Spanish is the parent's native language~~; or

2 (2) if the parent primarily uses a ~~[parent's native]~~  
3 language or mode of communication ~~[is a language]~~ other than  
4 Spanish, make a good faith effort to provide the parent with a  
5 written or audiotaped copy of the child's individualized education  
6 program translated into the parent's primary ~~[native]~~ language or  
7 mode of communication.

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

15 SECTION 6. Subchapter A, Chapter 29, Education Code, is  
16 amended by adding Section 29.0056 to read as follows:

17 Sec. 29.0056. INFORMATION REGARDING STATE SUPPORTED LIVING  
18 CENTERS. (a) In this section, "state supported living center" has  
19 the meaning assigned by Section 531.002, Health and Safety Code.

20 (b) The Health and Human Services Commission, in  
21 collaboration with the agency and stakeholders who represent the  
22 full continuum of educational residential placement options, shall  
23 develop and provide to the agency materials regarding educational  
24 residential placement options for children who may qualify for  
25 placement in a state supported living center. The agency shall make  
26 the materials developed under this subsection available to school  
27 districts.



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

5       SECTION 7. Section 29.008, Education Code, is amended by  
6 amending Subsections (a) and (b) and adding Subsection (a-1) to  
7 read as follows:

8       (a) The commissioner shall establish a list of approved  
9 public or private facilities, institutions, or agencies inside or  
10 outside of this state that a [A] school district, shared services  
11 arrangement unit, or regional education service center may contract  
12 with [a public or private facility, institution, or agency inside  
13 or outside of this state] for the provision of services to students  
14 with disabilities in a residential placement. The commissioner may  
15 approve either the whole or a part of a facility or program.

16       (a-1) Each contract described by this section [~~for~~  
17 ~~residential placement~~] must be approved by the commissioner. The  
18 commissioner may approve a [~~residential placement~~] contract under  
19 this section only after at least a programmatic evaluation of  
20 personnel qualifications, costs, adequacy of physical plant and  
21 equipment, and curriculum content. [~~The commissioner may approve~~  
22 ~~either the whole or a part of a facility or program.~~]

23       (b) Except as provided by Subsection (c), costs of an  
24 approved contract for residential placement may be paid from a  
25 combination of federal, state, and local funds. The local share of  
26 the total contract cost for each student is that portion of the  
27 local tax effort that exceeds the district's local fund assignment

1 under Section 48.256, divided by the average daily attendance in  
2 the district. If the contract involves a private facility, the  
3 state share of the total contract cost is that amount remaining  
4 after subtracting the local share. If the contract involves a  
5 public facility, the state share is that amount remaining after  
6 subtracting the local share from the portion of the contract that  
7 involves the costs of instructional and related services. For  
8 purposes of this subsection, "local tax effort" means the total  
9 amount of money generated by taxes imposed for debt service and  
10 maintenance and operation less any amounts paid into a tax  
11 increment fund under Chapter 311, Tax Code. This subsection  
12 expires September 1, 2029.

13 SECTION 8. The heading to Section 29.009, Education Code,  
14 is amended to read as follows:

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

18 SECTION 9. Section 29.010, Education Code, is amended to  
19 read as follows:

20 Sec. 29.010. GENERAL SUPERVISION AND COMPLIANCE. (a) The  
21 agency shall develop [~~adopt~~] and implement a comprehensive system  
22 for monitoring school district compliance with federal and state  
23 laws relating to special education. The monitoring system must  
24 include a comprehensive cyclical process and a targeted risk-based  
25 process [~~provide for ongoing analysis of district special education~~  
26 ~~data and of complaints filed with the agency concerning special~~  
27 ~~education services and for inspections of school districts at~~

1 ~~district facilities~~]. The agency shall establish criteria and  
2 instruments for use in determining district compliance under this  
3 section [~~use the information obtained through analysis of district~~  
4 ~~data and from the complaints management system to determine the~~  
5 ~~appropriate schedule for and extent of the inspection~~].

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

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

17 (d) The agency shall establish a graduated process of  
18 sanctions to apply to [~~For~~] districts that remain in noncompliance  
19 for more than one year[, ~~the first stage of sanctions shall begin~~  
20 ~~with annual or more frequent monitoring visits~~]. The [~~Subsequent~~  
21 ~~sanctions shall~~ ~~may~~] range in severity and may include [~~up to~~] the  
22 withholding of funds. If funds are withheld, the agency may use the  
23 funds to provide, through alternative arrangements, services to  
24 students and staff members in the district from which the funds are  
25 withheld.

26 (e) The agency's complaint management division shall  
27 develop a system for expedited investigation and resolution of

1 complaints concerning a district's failure to provide special  
2 education or related services to a student eligible to participate  
3 in the district's special education program.

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

8 SECTION 10. Section 29.014(d), Education Code, is amended  
9 to read as follows:

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

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

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

1 ~~related services and are assigned to one or more self-contained~~  
2 ~~classrooms or other special education settings for at least 50~~  
3 ~~percent of the instructional day], provided that:~~

4           (1) a school or campus that receives equipment as a  
5 result of the request by a parent or staff member is required to  
6 place equipment only in classrooms or settings in which the  
7 parent's child is in regular attendance or to which the staff member  
8 is assigned, as applicable; and

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

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

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

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

26           (3) the principal or assistant principal of a school  
27 or campus at which one or more children receive special education

1 services in special education [~~self-contained~~] classrooms or other  
2 special education settings may request in writing that equipment be  
3 provided to the principal's or assistant principal's school or  
4 campus; and

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

10 (b) A school or campus that places a video camera in a  
11 special education classroom or other special education setting in  
12 accordance with Subsection (a) shall operate and maintain the video  
13 camera in the classroom or setting, as long as the classroom or  
14 setting continues to satisfy the requirements under Subsection (a),  
15 for the remainder of the school year in which the school or campus  
16 received the request, unless the requestor withdraws the request in  
17 writing. If for any reason a school or campus will discontinue  
18 operation of a video camera during a school year, not later than the  
19 fifth school day before the date the operation of the video camera  
20 will be discontinued, the school or campus must notify the parents  
21 of each student in regular attendance in the classroom or setting  
22 that operation of the video camera will not continue unless  
23 requested by a person eligible to make a request under Subsection  
24 (a-1). Not later than the 10th school day before the end of each  
25 school year, the school or campus must notify the parents of each  
26 student in regular attendance in the classroom or setting that  
27 operation of the video camera will not continue during the

1 following school year unless a person eligible to make a request for  
2 the next school year under Subsection (a-1) submits a new request.

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

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

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

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

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

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

26 (h) A school district or open-enrollment charter school may  
27 not:

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

3           (2) use video recorded under this section for teacher  
4 evaluation or for any other purpose other than the promotion of  
5 safety of students receiving special education services in a  
6 special education [~~self-contained~~] classroom or other special  
7 education setting.

8           (k) The commissioner may adopt rules to implement and  
9 administer this section, including rules regarding the special  
10 education classrooms and other special education settings to which  
11 this section applies.

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

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

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

25           (3) except as provided by Subdivision (5), require  
26 that a school or a campus begin operation of a video camera in  
27 compliance with this section not later than the 45th school



1 business day, or the first school day after the 45th school business  
2 day if that day is not a school day, after the request is authorized  
3 unless the agency grants an extension of time;

4 (4) permit the parent of a student whose admission,  
5 review, and dismissal committee has determined that the student's  
6 placement for the following school year will be in a special  
7 education classroom or other special education setting in which a  
8 video camera may be placed under this section to make a request for  
9 the video camera by the later of:

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

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

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

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

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

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

27 (t) A video camera placed under this section is not required

1 to be in operation for the time during which students are not  
2 present in the special education classroom or other special  
3 education setting.

4 SECTION 12. Sections 29.022(u)(3) and (4), Education Code,  
5 are amended to read as follows:

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

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

17 SECTION 13. Subchapter A, Chapter 29, Education Code, is  
18 amended by adding Sections 29.023, 29.024, and 29.025 to read as  
19 follows:

20 Sec. 29.023. GRANT PROGRAM PROVIDING SERVICES TO STUDENTS  
21 WITH AUTISM. (a) The commissioner shall establish a program to  
22 award grants to school districts and open-enrollment charter  
23 schools that provide innovative services to students with autism.

24 (b) A school district, including a school district acting  
25 through a district charter issued under Subchapter C, Chapter 12,  
26 and an open-enrollment charter school, including a charter school  
27 that primarily serves students with disabilities, as provided under

1 Section 12.1014, may apply for a grant under this section.

2 (c) A program is eligible for a grant under this section if  
3 the program:

4 (1) incorporates:

5 (A) evidence-based and research-based design;

6 (B) the use of empirical data on student  
7 achievement and improvement;

8 (C) parental support and collaboration;

9 (D) the use of technology;

10 (E) meaningful inclusion; and

11 (F) the ability to replicate the program for  
12 students statewide; and

13 (2) gives priority for enrollment to students with  
14 autism.

15 (d) A school district or open-enrollment charter school may  
16 not:

17 (1) charge a fee for the program, other than those  
18 authorized by law for students in public schools;

19 (2) require a parent to enroll a child in the program;

20 (3) allow an admission, review, and dismissal  
21 committee to place a student in the program without the written  
22 consent of the student's parent or guardian; or

23 (4) continue the placement of a student in the program  
24 after the student's parent or guardian revokes consent, in writing,  
25 to the student's placement in the program.

26 (e) A program under this section may:

27 (1) alter the length of the school day or school year

1 or the number of minutes of instruction received by students;

2 (2) coordinate services with private or  
3 community-based providers;

4 (3) allow the enrollment of students without  
5 disabilities or with other disabilities, if approved by the  
6 commissioner; and

7 (4) adopt staff qualifications and staff-to-student  
8 ratios that differ from the applicable requirements of this title.

9 (f) The commissioner shall create an external panel of  
10 stakeholders, including parents of students with disabilities, to  
11 provide assistance in the selection of applications for the award  
12 of grants under this section.

13 (g) In selecting programs to receive a grant under this  
14 section, the commissioner shall prioritize programs that are  
15 collaborations between multiple school districts, multiple charter  
16 schools, or school districts and charter schools. The selected  
17 programs must reflect the diversity of this state.

18 (h) A program selected to receive a grant under this section  
19 is to be funded for two years.

20 (i) A grant awarded to a school district or open-enrollment  
21 charter school under this section is in addition to the Foundation  
22 School Program money that the district or charter school is  
23 otherwise entitled to receive. A grant awarded under this section  
24 may not come out of Foundation School Program money.

25 (j) The commissioner shall use money appropriated or  
26 otherwise available to fund grants under this section.

27 (k) The commissioner and any program selected under this

1 section may accept gifts, grants, and donations from any public or  
2 private source, person, or group to implement and administer the  
3 program. The commissioner and any program selected under this  
4 section may not require any financial contribution from parents to  
5 implement and administer the program.

6 (1) A regional education service center may administer  
7 grants awarded under this section.

8 Sec. 29.024. GRANT PROGRAM PROVIDING TRAINING IN DYSLEXIA  
9 FOR TEACHERS AND STAFF. (a) The commissioner shall establish a  
10 program to award grants to school districts and open-enrollment  
11 charter schools to increase local capacity to appropriately serve  
12 students with dyslexia.

13 (b) A school district, including a school district acting  
14 through a district charter issued under Subchapter C, Chapter 12,  
15 or an open-enrollment charter school, including a charter school  
16 that primarily serves students with disabilities, as provided under  
17 Section 12.1014, is eligible to apply for a grant under this section  
18 if the district or school submits to the commissioner a proposal on  
19 the use of grant funds that:

20 (1) incorporates evidence-based and research-based  
21 design; and

22 (2) increases local capacity to appropriately serve  
23 students with dyslexia by providing:

24 (A) high-quality training to classroom teachers  
25 and administrators in meeting the needs of students with dyslexia;  
26 or

27 (B) training to intervention staff resulting in

1 appropriate credentialing related to dyslexia.

2 (c) The commissioner shall create an external panel of  
3 stakeholders, including parents of students with disabilities, to  
4 provide assistance in the selection of applications for the award  
5 of grants under this section.

6 (d) A grant under this section is to be awarded for two  
7 years.

8 (e) A grant awarded to a school district or open-enrollment  
9 charter school under this section is in addition to the Foundation  
10 School Program money that the district or charter school is  
11 otherwise entitled to receive. A grant awarded under this section  
12 may not come out of Foundation School Program money.

13 (f) The commissioner shall use money appropriated or  
14 otherwise available to fund grants under this section.

15 (g) The commissioner and any grant recipient selected under  
16 this section may accept gifts, grants, and donations from any  
17 public or private source, person, or group to implement and  
18 administer the grant. The commissioner and any grant recipient  
19 selected under this section may not require any financial  
20 contribution from parents to implement and administer the grant.

21 (h) A regional education service center may administer  
22 grants awarded under this section.

23 Sec. 29.025. SUPPORTS FOR RECRUITING SPECIAL EDUCATION  
24 STAFF. (a) From money appropriated or otherwise available for the  
25 purpose, the agency shall provide grants to school districts and  
26 open-enrollment charter schools to increase the number of qualified  
27 and appropriately credentialed special education staff, including

1 special education teachers, special education paraprofessionals,  
2 evaluation personnel, ancillary instruction personnel, and related  
3 service personnel.

4 (b) A school district or open-enrollment charter school  
5 that receives a grant under this section shall require each person  
6 the district or school uses the grant money to assist in becoming  
7 licensed, certified, or otherwise credentialed as described by  
8 Subsection (a) to work at the district or school for a period  
9 established by commissioner rule.

10 (c) The commissioner shall adopt rules establishing the  
11 period of required employment described by Subsection (b) and any  
12 other rules necessary to implement this section.

13 SECTION 14. The heading to Subchapter [A-1](#), Chapter [29](#),  
14 Education Code, is amended to read as follows:

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

18 SECTION 15. Sections [29.041](#)(2) and (3), Education Code, are  
19 amended to read as follows:

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

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

1 including:

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

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

6 SECTION 16. Sections 29.042(a) and (c), Education Code, are  
7 amended to read as follows:

8 (a) The agency by rule shall establish and administer a  
9 parent-directed [~~supplemental special education services and~~  
10 ~~instructional materials~~] program for students receiving special  
11 education services through which a parent may direct supplemental  
12 services and supplemental instructional materials for the parent's  
13 student [~~students~~] who meets [~~meet~~] the eligibility requirements  
14 for participation in the program. Subject to Subsection (c), the  
15 agency shall provide each student approved as provided by this  
16 subchapter a grant in the amount provided under Section 48.306 [~~of~~  
17 ~~not more than \$1,500~~] to purchase supplemental [~~special education~~]  
18 services and supplemental [~~special education~~] instructional  
19 materials.

20 (c) A student may receive one grant under this subchapter  
21 unless the legislature appropriates money for an additional grant  
22 in the General Appropriations Act [~~The commissioner shall set aside~~  
23 ~~an amount set by appropriation for each state fiscal year to fund~~  
24 ~~the program under this section. For each state fiscal year, the~~  
25 ~~total amount provided for student grants under Subsection (a) may~~  
26 ~~not exceed the amount set aside by the commissioner under this~~  
27 ~~subsection~~].



1 SECTION 17. Section 29.045, Education Code, is amended to  
2 read as follows:

3 Sec. 29.045. APPROVAL OF APPLICATION; ASSIGNMENT OF  
4 ACCOUNT. The [~~Subject to available funding the~~] agency shall  
5 approve each student who meets the program eligibility criteria  
6 established under Section 29.044 and assign to the student an  
7 account maintained under Section 29.042(b). The account may only  
8 be used by the student's parent to purchase supplemental [~~special~~  
9 ~~education~~] services or supplemental [~~special—education~~]  
10 instructional materials for the student, subject to Sections 29.046  
11 and 29.047.

12 SECTION 18. Sections 29.046(a) and (b), Education Code, are  
13 amended to read as follows:

14 (a) Money in an account assigned to a student under Section  
15 29.045 may be used only for supplemental [~~special—education~~]  
16 services and supplemental [~~special—education~~] instructional  
17 materials.

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

20 SECTION 19. Sections 29.047(a), (c), (d), and (e),  
21 Education Code, are amended to read as follows:

22 (a) The agency shall establish criteria necessary for  
23 agency approval for each category of provider of a professional  
24 service that is a supplemental [~~special—education~~] service, as  
25 identified by the agency.

26 (c) The agency shall provide a procedure for providers of  
27 supplemental [~~special—education~~] services to apply to the agency to

1 become an agency-approved provider.

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

5 (e) If the agency establishes criteria for agency approval  
6 for a vendor of a category of supplemental [~~special education~~]  
7 instructional materials, the agency shall provide a procedure for  
8 vendors of that category to apply to the agency to become an  
9 agency-approved vendor.

10 SECTION 20. Subchapter A-1, Chapter 29, Education Code, is  
11 amended by adding Section 29.0475 to read as follows:

12 Sec. 29.0475. PROGRAM PARTICIPANT, PROVIDER, AND VENDOR  
13 AUTONOMY. (a) A provider of supplemental services or vendor of  
14 supplemental instructional materials that receives money  
15 distributed under the program is not a recipient of federal  
16 financial assistance on the basis of receiving that money.

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

20 (1) consider the actions of a provider of supplemental  
21 services, vendor of supplemental instructional materials, or  
22 program participant to be the actions of an agent of state  
23 government;

24 (2) limit:

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

1           (B) a program participant's ability to determine  
2 the participant's educational content or to exercise the  
3 participant's religious values;

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

7           (4) impose any regulation on a provider of  
8 supplemental services, vendor of supplemental instructional  
9 materials, or program participant beyond those regulations  
10 necessary to enforce the requirements of the program; or

11           (5) require as a condition of receiving money  
12 distributed under the program:

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

16           (B) a program participant to modify the  
17 participant's creed, practices, curriculum, performance standards,  
18 or assessments.

19           (c) In a proceeding challenging a rule adopted by a state  
20 agency or officer under this subchapter, the agency or officer has  
21 the burden of proof to establish by clear and convincing evidence  
22 that the rule:

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

25           (2) does not violate this section;

26           (3) does not impose an undue burden on a program  
27 participant or a provider of supplemental services or vendor of

1 supplemental instructional materials that participates or applies  
2 to participate in the program; and

3 (4) is the least restrictive means of accomplishing  
4 the purpose of the program while recognizing the independence of a  
5 provider of supplemental services to meet the educational needs of  
6 students in accordance with the provider's religious or  
7 institutional values.

8 SECTION 21. Section 29.048, Education Code, is amended to  
9 read as follows:

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

18 (b) Unless the district first verifies that an account has  
19 been assigned to the student under Section 29.045, the [The]  
20 admission, review, and dismissal committee of a student approved  
21 for participation in the program shall provide to the student's  
22 parent at an admission, review, and dismissal committee meeting for  
23 the student:

24 (1) information regarding the types of supplemental  
25 [~~special education~~] services or supplemental instructional  
26 materials available under the program and provided by  
27 agency-approved providers for which an account maintained under

1 Section 29.042(b) for the student may be used; and

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

4 SECTION 22. Subchapter A-1, Chapter 29, Education Code, is  
5 amended by adding Section 29.0485 to read as follows:

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

9 SECTION 23. Section 29.049, Education Code, is amended to  
10 read as follows:

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

15 SECTION 24. Section 29.315, Education Code, is amended to  
16 read as follows:

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

22 (1) the method for developing and reevaluating a set  
23 of indicators of the quality of learning at the Texas School for the  
24 Deaf;

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

27 (3) the requirements for the school's board to

1 publish, discuss, and disseminate an annual report describing the  
2 educational performance of the school;

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

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

9 SECTION 25. Section 29.316(c), Education Code, is amended  
10 to read as follows:

11 (c) Not later than August 31 of each year, the agency, the  
12 division, and the center jointly shall prepare and post on the  
13 agency's, the division's, and the center's respective Internet  
14 websites a report on the language acquisition of children eight  
15 years of age or younger who are deaf or hard of hearing. The report  
16 must:

17 (1) include:

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

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

23 (2) state for each child:

24 (A) the percentage of the instructional day  
25 ~~[arrangement used with the child, as described by Section 48.102,~~  
26 ~~including the time]~~ the child spends on average in a general  
27 education setting ~~[mainstream instructional arrangement];~~

1 (B) the specific language acquisition services  
2 provided to the child, including:

3 (i) the time spent providing those  
4 services; and

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

7 (a) the type of hearing amplification  
8 used;

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

11 (c) the average amount of time the  
12 child uses the hearing amplification each day;

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

15 (D) the preferred unique communication mode used  
16 by the child at home; and

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

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

26 (4) be redacted as necessary to comply with state and  
27 federal law regarding the confidentiality of student medical or

1 educational information.

2 SECTION 26. Section 30.001(b), Education Code, is amended  
3 to read as follows:

4 (b) The commissioner, with the approval of the State Board  
5 of Education, shall develop and implement a plan for the  
6 coordination of services to children with disabilities in each  
7 region served by a regional education service center. The plan  
8 must include procedures for:

9 (1) identifying existing public or private  
10 educational and related services for children with disabilities in  
11 each region;

12 (2) identifying and referring children with  
13 disabilities who cannot be appropriately served by the school  
14 district in which they reside to other appropriate programs;

15 (3) assisting school districts to individually or  
16 cooperatively develop programs to identify and provide appropriate  
17 services for children with disabilities;

18 (4) expanding and coordinating services provided by  
19 regional education service centers for children with disabilities;  
20 and

21 (5) providing for special education supports  
22 [~~services~~], including special seats, books, instructional media,  
23 and other supplemental supplies and services required for proper  
24 instruction.

25 SECTION 27. Sections 30.002(a), (b), (c), and (g),  
26 Education Code, are amended to read as follows:

27 (a) The agency shall develop and administer a comprehensive



1 statewide plan for the education of children with visual  
2 impairments who are under 22 [~~21~~] years of age that will ensure that  
3 the children have an opportunity for achievement equal to the  
4 opportunities afforded their peers with normal vision.

5 (b) The agency shall:

6 (1) develop standards and guidelines for all special  
7 education services for children with visual impairments that it is  
8 authorized to provide or support under this code;

9 (2) supervise regional education service centers and  
10 other entities in assisting school districts in serving children  
11 with visual impairments more effectively;

12 (3) develop and administer special education services  
13 for students who both have [~~with both serious~~] visual [~~and~~  
14 ~~auditory~~] impairments and are deaf or hard of hearing;

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

18 (5) maintain an effective liaison between special  
19 education programs provided for children with visual impairments by  
20 school districts and related initiatives of the Health and Human  
21 Services Commission, the Department of State Health Services Mental  
22 Health and Substance Abuse Division, the Texas Workforce  
23 Commission, and other related programs, agencies, or facilities as  
24 appropriate.

25 (c) The comprehensive statewide plan for the education of  
26 children with visual impairments must:

27 (1) adequately provide for comprehensive diagnosis

1 and evaluation of each school-age child with a [~~serious~~] visual  
2 impairment;

3 (2) include the procedures, format, and content of the  
4 individualized education program for each child with a visual  
5 impairment;

6 (3) emphasize providing educational services to  
7 children with visual impairments in their home communities whenever  
8 possible;

9 (4) include methods to ensure that children with  
10 visual impairments receiving special education services in school  
11 districts receive, before being placed in a classroom setting or  
12 within a reasonable time after placement:

13 (A) evaluation of the impairment; and

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

19 (i) compensatory skills, such as braille  
20 and concept development, and other skills needed to access the rest  
21 of the curriculum;

22 (ii) orientation and mobility;

23 (iii) social interaction skills;

24 (iv) career planning;

25 (v) assistive technology, including  
26 optical devices;

27 (vi) independent living skills;

- 1 (vii) recreation and leisure enjoyment;
- 2 (viii) self-determination; and
- 3 (ix) sensory efficiency;
- 4 (5) provide for flexibility on the part of school
- 5 districts to meet the special needs of children with visual
- 6 impairments through:
- 7 (A) specialty staff and resources provided by the
- 8 district;
- 9 (B) contractual arrangements with other
- 10 qualified public or private agencies;
- 11 (C) supportive assistance from regional
- 12 education service centers or adjacent school districts;
- 13 (D) short-term or long-term services through the
- 14 Texas School for the Blind and Visually Impaired or related
- 15 facilities or programs; or
- 16 (E) other instructional and service arrangements
- 17 approved by the agency;
- 18 (6) include a statewide admission, review, and
- 19 dismissal process;
- 20 (7) provide for effective interaction between the
- 21 visually impaired child's classroom setting and the child's home
- 22 environment, including providing for parental training and
- 23 counseling either by school district staff or by representatives of
- 24 other organizations directly involved in the development and
- 25 implementation of the individualized education program for the
- 26 child;
- 27 (8) require the continuing education and professional

1 development of school district staff providing special education  
2 services to children with visual impairments;

3 (9) provide for adequate monitoring and precise  
4 evaluation of special education services provided to children with  
5 visual impairments through school districts; and

6 (10) require that school districts providing special  
7 education services to children with visual impairments develop  
8 procedures for assuring that staff assigned to work with the  
9 children have prompt and effective access directly to resources  
10 available through:

11 (A) cooperating agencies in the area;

12 (B) the Texas School for the Blind and Visually  
13 Impaired;

14 (C) the Central Media Depository for specialized  
15 instructional materials and aids made specifically for use by  
16 students with visual impairments;

17 (D) sheltered workshops participating in the  
18 state program of purchases of blind-made goods and services; and

19 (E) related sources.

20 (g) To facilitate implementation of this section, the  
21 commissioner shall develop a system to distribute from the  
22 foundation school fund to school districts or regional education  
23 service centers a special supplemental allowance for each student  
24 with a visual impairment and for each student with a serious visual  
25 disability and another medically diagnosed disability of a  
26 significantly limiting nature who is receiving special education  
27 services through any approved program. The supplemental allowance

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

5 SECTION 28. Section 30.003, Education Code, is amended by  
6 amending Subsections (b) and (f-1) and adding Subsection (b-1) to  
7 read as follows:

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

14 (b-1) For purposes of Subsection (b), the commissioner  
15 shall reduce the dollar amount of maintenance and debt service  
16 taxes imposed by the district for a year by the amount, if any, by  
17 which the district is required to reduce the district's local  
18 revenue level under Section 48.257 for that year.

19 (f-1) The commissioner shall determine the total amount  
20 that the Texas School for the Blind and Visually Impaired and the  
21 Texas School for the Deaf would have received from school districts  
22 in accordance with this section if the following provisions had not  
23 reduced the districts' share of the cost of providing education  
24 services:

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

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

- 1           (3) Section 45.0032;
- 2           (4) [~~(3)~~] Section 48.255; and
- 3           (5) [~~(4)~~] Section 48.2551.

4           SECTION 29. Section 30.005, Education Code, is amended to  
5 read as follows:

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

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

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

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

19           (4) the process for the agency to:  
20               (A) assign an accreditation status to the school;  
21               (B) reevaluate the status on an annual basis; and  
22               (C) if necessary, conduct monitoring reviews;

23 and

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

27           SECTION 30. Section 30.084, Education Code, is amended to

1 read as follows:

2           Sec. 30.084. ESTABLISHMENT OF REGIONAL DAY SCHOOL PROGRAMS  
3 FOR THE DEAF. (a) The director of services [~~State Board of~~  
4 ~~Education~~] shall [~~apportion the state into five regions and~~]  
5 establish [~~a~~] regional day school programs [~~program~~] for the deaf  
6 [~~in each region~~].

7           (b) The director of services shall include in the statewide  
8 plan developed under Section 30.083 a description regarding the  
9 manner in which regional day school programs for the deaf are  
10 established and the parameters for those programs [~~Activities of a~~  
11 ~~regional day school program for the deaf may be conducted on more~~  
12 ~~than one site~~].

13           SECTION 31. Section 37.146(a), Education Code, is amended  
14 to read as follows:

15           (a) A complaint alleging the commission of a school offense  
16 must, in addition to the requirements imposed by Article 45A.101,  
17 Code of Criminal Procedure:

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

21                   (2) be accompanied by a statement from a school  
22 employee stating:

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

25                           (B) the graduated sanctions, if required under  
26 Section 37.144, that were imposed on the child before the complaint  
27 was filed.

1 SECTION 32. Section 48.051(a), Education Code, is amended  
2 to read as follows:

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

12 
$$A = \$6,160 \times TR/MCR$$

13 where:

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

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

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

19 SECTION 33. Section 48.102, Education Code, is amended to  
20 read as follows:

21 Sec. 48.102. SPECIAL EDUCATION. (a) For each student in  
22 average daily attendance in a special education program under  
23 Subchapter A, Chapter 29, [~~in a mainstream instructional~~  
24 ~~arrangement~~], a school district is entitled to an annual allotment  
25 equal to the basic allotment, or, if applicable, the sum of the  
26 basic allotment and the allotment under Section 48.101 to which the  
27 district is entitled, multiplied by a weight in an amount set by the



1 legislature in the General Appropriations Act for the highest tier  
2 of intensity of service for which the student qualifies [1.15].

3 (a-1) Notwithstanding Subsection (a), for the 2025-2026 and  
4 2026-2027 school years, the amount of an allotment under this  
5 section shall be determined in accordance with Section 48.1023.  
6 This subsection expires September 1, 2027. [For each full-time  
7 equivalent student in average daily attendance in a special  
8 education program under Subchapter A, Chapter 29, in an  
9 instructional arrangement other than a mainstream instructional  
10 arrangement, a district is entitled to an annual allotment equal to  
11 the basic allotment, or, if applicable, the sum of the basic  
12 allotment and the allotment under Section 48.101 to which the  
13 district is entitled, multiplied by a weight determined according  
14 to instructional arrangement as follows:

15	<del>[Homebound</del>	<del>5.0</del>
16	<del>[Hospital class</del>	<del>3.0</del>
17	<del>[Speech therapy</del>	<del>5.0</del>
18	<del>[Resource room</del>	<del>3.0</del>
19	<del>[Self-contained, mild and moderate, regular campus</del>	<del>3.0</del>
20	<del>[Self-contained, severe, regular campus</del>	<del>3.0</del>
21	<del>[Off home campus</del>	<del>2.7</del>
22	<del>[Nonpublic day school</del>	<del>1.7</del>
23	<del>[Vocational adjustment class</del>	<del>2.3]</del>

24 (b) The commissioner by rule shall define seven tiers of  
25 intensity of service for use in determining funding under this  
26 section. The commissioner must include one tier specifically  
27 addressing students receiving special education services in

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

11 (c) [~~For funding purposes, the number of contact hours~~  
12 ~~credited per day for each student in the off home campus~~  
13 ~~instructional arrangement may not exceed the contact hours credited~~  
14 ~~per day for the multidistrict class instructional arrangement in~~  
15 ~~the 1992-1993 school year.~~

16 [(~~d~~) ~~For funding purposes the contact hours credited per day~~  
17 ~~for each student in the resource room, self-contained, mild and~~  
18 ~~moderate, and self-contained, severe, instructional arrangements~~  
19 ~~may not exceed the average of the statewide total contact hours~~  
20 ~~credited per day for those three instructional arrangements in the~~  
21 ~~1992-1993 school year.~~

22 [(~~e~~) ~~The commissioner by rule shall prescribe the~~  
23 ~~qualifications an instructional arrangement must meet in order to~~  
24 ~~be funded as a particular instructional arrangement under this~~  
25 ~~section. In prescribing the qualifications that a mainstream~~  
26 ~~instructional arrangement must meet, the commissioner shall~~  
27 ~~establish requirements that students with disabilities and their~~

1 ~~teachers receive the direct, indirect, and support services that~~  
2 ~~are necessary to enrich the regular classroom and enable student~~  
3 ~~success.~~

4 ~~[(f) In this section, "full-time equivalent student" means~~  
5 ~~30 hours of contact a week between a special education student and~~  
6 ~~special education program personnel.~~

7 ~~[(g)]~~ The commissioner shall adopt rules and procedures  
8 governing contracts for residential and day program placement of  
9 ~~[special education]~~ students receiving special education services.

10 (d) ~~[The legislature shall provide by appropriation for the~~  
11 ~~state's share of the costs of those placements.~~

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

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

19 (f) ~~[(j)]~~ A school district that provides an extended year  
20 program required by federal law for special education students who  
21 may regress is entitled to receive funds in an amount equal to 75  
22 percent, or a lesser percentage determined by the commissioner, of  
23 the basic allotment, or, if applicable, the sum of the basic  
24 allotment and the allotment under Section 48.101 to which the  
25 district is entitled for each ~~[full-time equivalent]~~ student in  
26 average daily attendance, multiplied by the amount designated for  
27 the highest tier of intensity of service for which the student

1 qualifies [~~student's instructional arrangement~~] under this  
2 section, for each day the program is provided divided by the number  
3 of days in the minimum school year. The total amount of state  
4 funding for extended year services under this section may not  
5 exceed \$10 million per year. A school district may use funds  
6 received under this section only in providing an extended year  
7 program.

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

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

25 SECTION 34. Subchapter C, Chapter 48, Education Code, is  
26 amended by adding Sections 48.1021, 48.1022, and 48.1023 to read as  
27 follows:

1       Sec. 48.1021. SPECIAL EDUCATION SERVICE GROUP ALLOTMENT.

2       (a) For each six-week period in which a student in a special  
3 education program under Subchapter A, Chapter 29, receives eligible  
4 special education services, a school district is entitled to an  
5 allotment in an amount set by the legislature in the General  
6 Appropriations Act for the service group for which the student is  
7 eligible.

8       (a-1) Notwithstanding Subsection (a), for the 2025-2026 and  
9 2026-2027 school years, the amount of an allotment under this  
10 section shall be determined in accordance with Section 48.1023.  
11 This subsection expires September 1, 2027.

12       (b) The commissioner by rule shall establish four service  
13 groups for use in determining funding under this section. In  
14 establishing the groups, the commissioner must consider the level  
15 of services, equipment, and technology required to meet the needs  
16 of students receiving special education services.

17       (c) A school district is entitled to receive an allotment  
18 under this section for each service group for which a student is  
19 eligible.

20       (d) A school district is entitled to the full amount of an  
21 allotment under this section for a student receiving eligible  
22 special education services during any part of a six-week period.

23       (e) At least 55 percent of the funds allocated under this  
24 section must be used for a special education program under  
25 Subchapter A, Chapter 29.

26       (f) Not later than December 1 of each even-numbered year,  
27 the commissioner shall submit to the Legislative Budget Board, for

1 purposes of the allotment under this section, proposed amounts of  
2 funding for the service groups for the next state fiscal biennium.

3 Sec. 48.1022. SPECIAL EDUCATION FULL INDIVIDUAL AND INITIAL  
4 EVALUATION. For each student for whom a school district conducted a  
5 full individual and initial evaluation under Section 29.004 or 20  
6 U.S.C. Section 1414(a)(1) during the preceding school year, the  
7 district is entitled to an allotment of \$500 or a greater amount  
8 provided by appropriation.

9 Sec. 48.1023. SPECIAL EDUCATION TRANSITION FUNDING.

10 (a) For the 2025-2026 and 2026-2027 school years, the commissioner  
11 may adjust weights or amounts provided under Section 48.102 or  
12 48.1021 as necessary to ensure compliance with requirements  
13 regarding maintenance of state financial support under 20 U.S.C.  
14 Section 1412(a)(18) and maintenance of local financial support  
15 under applicable federal law.

16 (b) For the 2025-2026 and 2026-2027 school years, the  
17 commissioner shall determine the formulas through which school  
18 districts receive funding under Sections 48.102 and 48.1021. In  
19 determining the formulas, the commissioner may combine the methods  
20 of funding under those sections with the method of funding provided  
21 by Section 48.102, as it existed on September 1, 2024.

22 (c) For the 2027-2028 school year, the commissioner may  
23 adjust the weights or amounts set by the legislature in the General  
24 Appropriations Act for purposes of Section 48.102 or 48.1021.  
25 Before making an adjustment under this subsection, the commissioner  
26 shall notify and must receive approval from the Legislative Budget  
27 Board.

1        (d) Notwithstanding any other provision of this section,  
2 the sum of funding provided under Sections 48.102 and 48.1021 for  
3 the 2025-2026 or for the 2026-2027 school year as adjusted under  
4 this section may not exceed the sum of:

5            (1) funding that would have been provided under  
6 Section 48.102, as it existed on September 1, 2024; and

7            (2) the amount set by the legislature in the General  
8 Appropriations Act.

9        (e) Each school district and open-enrollment charter school  
10 shall report to the agency information necessary to implement this  
11 section.

12        (f) The agency shall provide technical assistance to school  
13 districts and open-enrollment charter schools to ensure a  
14 successful transition in funding formulas for special education.

15        (g) This section expires September 1, 2029.

16        SECTION 35. Sections 48.103(b) and (c), Education Code, are  
17 amended to read as follows:

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

20            (1) is receiving instruction, services, or  
21 accommodations for dyslexia or a related disorder in accordance  
22 with:

23                    (A) an individualized education program  
24 developed for the student under Section 29.005; or

25                    (B) a plan developed for the student under  
26 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or

27            (2) ~~is receiving instruction that:~~

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

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

5           ~~[(3)]~~ is permitted, on the basis of having dyslexia or  
6 a related disorder, to use modifications in the classroom or  
7 accommodations in the administration of assessment instruments  
8 under Section 39.023 without a program or plan described by  
9 Subdivision (1).

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

14           SECTION 36. Section 48.110(d), Education Code, is amended  
15 to read as follows:

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

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

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

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



1 regardless of whether the annual graduate is educationally  
2 disadvantaged.

3 SECTION 37. Section 48.151(g), Education Code, is amended  
4 to read as follows:

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

21 SECTION 38. Section 48.265(a), Education Code, is amended  
22 to read as follows:

23 (a) If ~~[Notwithstanding any other provision of law, if]~~ the  
24 commissioner determines that the amount appropriated for the  
25 purposes of the Foundation School Program exceeds the amount to  
26 which school districts are entitled under this chapter, the  
27 commissioner may provide ~~[by rule shall establish a grant program~~

1 ~~through which excess funds are awarded as]~~ grants using the excess  
2 money for the purchase of video equipment, or for the reimbursement  
3 of costs for previously purchased video equipment, used for  
4 monitoring special education classrooms or other special education  
5 settings required under Section 29.022.

6 SECTION 39. Section 48.279(e), Education Code, is amended  
7 to read as follows:

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

14 SECTION 40. Subchapter G, Chapter 48, Education Code, is  
15 amended by adding Sections 48.304 and 48.306 to read as follows:

16 Sec. 48.304. DAY PLACEMENT PROGRAM FUNDING. (a) For each  
17 qualifying day placement program that a regional education service  
18 center makes available in partnership with a school district,  
19 open-enrollment charter school, or shared services arrangement,  
20 the center is entitled to an allotment of:

21 (1) \$250,000 for the first year of the program's  
22 operation; and

23 (2) \$150,000 for each year of the program's operation  
24 after the first year.

25 (b) A day placement program qualifies for purposes of  
26 Subsection (a) if:

27 (1) the program complies with commissioner rules

1 adopted under Section 48.102(c);

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

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

11 Sec. 48.306. PARENT-DIRECTED SERVICES FOR STUDENTS  
12 RECEIVING SPECIAL EDUCATION SERVICES GRANT. (a) A student to whom  
13 the agency awards a grant under Subchapter A-1, Chapter 29, is  
14 entitled to receive an amount of \$1,500 or a greater amount provided  
15 by appropriation.

16 (b) The legislature shall include in the appropriations for  
17 the Foundation School Program state aid sufficient for the agency  
18 to award grants under Subchapter A-1, Chapter 29, in the amount  
19 provided by this section.

20 (c) A student may receive one grant under Subchapter A-1,  
21 Chapter 29, unless the legislature appropriates money for an  
22 additional grant in the General Appropriations Act.

23 (d) A determination of the commissioner under this section  
24 is final and may not be appealed.

25 SECTION 41. The following provisions of the Education Code  
26 are repealed:

27 (1) Section 29.002;

- 1           (2) Section 29.0041(c);
- 2           (3) Section 29.0161; and
- 3           (4) Section 48.103(d).

4           SECTION 42. Chapter 29, Education Code, as amended by this  
5 Act, applies beginning with the 2025-2026 school year.

6           SECTION 43. (a) Except as provided by Subsection (b) of  
7 this section, this Act takes effect immediately if this Act  
8 receives a vote of two-thirds of all the members elected to each  
9 house, as provided by Section 39, Article III, Texas Constitution.  
10 If this Act does not receive the vote necessary for immediate  
11 effect, this Act takes effect on September 1, 2025.

12           (b) The amendments by this Act to Chapter 48, Education  
13 Code, take effect September 1, 2025.