

## **BILL ANALYSIS**

Senate Research Center  
89R20964 KJE-F

C.S.S.B. 568  
By: Bettencourt et al.  
Education K-16  
3/26/2025  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 1525, 87th Legislature, established the Texas Commission on Special Education Funding to develop and make recommendations for financing special education in public schools. The commission had eight hearings during the interim and presented a report to the 88th Legislature with recommendations.

S.B. 568 is a culmination of the efforts of this commission. It will include:

#### Formula-Based Changes

Transitioning from a placement-based system to a service intensity-based system. The service intensity-based system is composed of two components—a service intensity tier of support and a service group funding level.

- Commissioner of education will develop seven tiers of support, based on average daily attendance (ADA). One tier must be for residentially placed students.
- Commissioner of education will develop four categories of service group funding, based on student enrollment and receipt of services.

Embedding a cost offset for full and individual initial evaluations (FIIEs) for students who are evaluated for special education services.

Increasing the special education transportation mileage reimbursement rate.

To increase local capacity to provide a full continuum of services, education service centers would be eligible to partner with school districts and open enrollment charter schools to receive both start-up and ongoing funding to establish and operate day program placements in each county of the state.

Doubling the college, career, or military readiness outcomes bonus for a student who was identified as receiving special education services.

SSSES/PDSES funding (see below).

#### Non-Formula-Based Changes

New section for the Health and Human Services Commission to develop information about state supported living centers and the Texas Education Agency will have local education agencies distribute this information to parents when residential placement is a topic of discussion.

Grant programs to increase the number of qualified and appropriately credentialed special education staff working in public schools, to include teachers, paraprofessionals, and related service, evaluation, and other instructional personnel.

Returning to statute dedicated autism and dyslexia grant programs.

Renaming Supplemental Special Education Services (SSSES) to Parent-Directed Services for Students Receiving Special Education Services.

- Adds the funds as part of the foundation school program entitlement in Chapter 48 and references an amount of \$1,500 or a larger amount if appropriated.
- Maintains a one-time receipt of the entitlement but adds an exception if an additional allotment granted by appropriation allows a student to access this program more than once in his or her educational career.

Recommendations included in the Texas Commission on Special Education Funding report that are not included in this bill include providing funds for retire/rehire penalty, salary stipends for special education teachers and paraprofessionals, establishing a grant program for nonprofit agencies, and paying for special education certification exams, and ESAs, as these are topics expected to be addressed through other legislation or budget riders.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 568 amends current law relating to special education in public schools, including funding for special education under the Foundation School Program.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Education Agency (TEA) in SECTION 6 (Section 29.0012, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education (commissioner) in SECTION 7 (Section 29.003, Education Code), SECTION 9 (Section 29.0051, Education Code), SECTION 12 (Section 29.008, Education Code), SECTION 16 (Section 29.013, Education Code), SECTION 17 (Section 29.014, Education Code), SECTION 24 (Sections 29.025 and 29.026, Education Code), SECTION 41 (Section 29.316, Education Code), SECTION 56 (Section 48.102, Education Code), and SECTION 57 (Section 48.1021, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is modified in SECTION 22 (Section 29.022, Education Code), SECTION 34 (Section 29.049, Education Code), and SECTION 53 (Section 48.009, Education Code) of this bill.

Rulemaking authority previously granted to TEA is modified in SECTION 21 (Section 29.020, Education Code), SECTION 27 (Section 29.042, Education Code), and SECTION 52 (Section 38.003, Education Code) of this bill.

Rulemaking authority previously granted to SBOE is transferred to the commissioner in SECTION 45 (Section 30.003, Education Code) and SECTION 46 (Section 30.004, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is rescinded in SECTION 40 (Section 29.315, Education Code), SECTION 47 (Section 30.005, Education Code), SECTION 56 (Section 48.102, Education Code), and SECTION 62 (Section 48.265, Education Code) of this bill.

Rulemaking authority previously granted to TEA is rescinded in SECTION 15 (Section 29.012, Education Code) of this bill.

Rulemaking authority previously granted to the Health and Human Services Commission (HHSC) is rescinded in SECTION 15 (Section 29.012, Education Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of HHSC is rescinded in SECTION 41 (Section 29.316, Education Code) of this bill.

Rulemaking authority previously granted to the Department of Family and Protective Services is rescinded in SECTION 15 (Section 29.012, Education Code) of this bill.

Rulemaking authority previously granted to the Texas Juvenile Justice Department is rescinded in SECTION 15 (Section 29.012, Education Code) of this bill.

## **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 7.021(b)(10), Education Code, to require the Texas Education Agency (TEA) to carry out duties assigned under Section 30.002 (Education for Children with Visual Impairments) concerning children who have visual impairments, are deaf or hard of hearing, or are deaf-blind, rather than children with visual impairments.

SECTION 2. Amends Section 7.055(b)(25), Education Code, to require the commissioner of education (commissioner) to 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, rather than Section 30.002.

SECTION 3. Amends Section 8.051(d), Education Code, to provide that the core services each regional education center is required to maintain for purchase are trainings and assistance in certain areas, including in providing each program that qualifies for a funding allotment under certain sections of the Education Code, including Sections 48.1021 (Special Education Allotment Advisory Committee) and 48.103 (Allotment for Student with Dyslexia or Related Disorder).

SECTION 4. Amends Sections 28.025(c-7) and (c-8), Education Code, as follows:

(c-7) Authorizes a student who is enrolled in a special education program under Subchapter A (Special Education Program), Chapter 29 (Educational Programs), subject to Subsection (c-8), to earn the distinguished level of achievement under Subsection (b-15) (relating to authorizing a student to earn a distinguished level of achievement by completing certain curriculum requirements) or an endorsement on the student's transcript under Subsection (c-1) (relating to authorizing a student to earn an endorsement by completing curriculum requirements in certain categories) by:

(1) successfully completing, with or without modification of the curriculum, certain curriculum requirements, including, for the distinguished level of achievement, the additional curriculum requirements prescribed under Subsection (b-15) and, for an endorsement, the additional curriculum requirements prescribed by the State Board of Education (SBOE) under Subsection (c-2) (relating to SBOE requiring a student, in order to earn any endorsement, to complete certain credits); and

(2) successfully completing all curriculum requirements for the distinguished level of achievement or that endorsement adopted by SBOE 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.

Makes nonsubstantive changes to this subsection.

(c-8) Requires the admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, for purposes of Subsection (c-7), to 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. Amends Section 29.001, Education Code, as follows:

Sec. 29.001. New heading: IMPLEMENTATION OF SPECIAL EDUCATION LAW.

(a) Creates this subsection from existing text. Requires TEA, 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.), to develop, and revise as necessary, a comprehensive system to ensure statewide and local compliance with federal and state

law related to special education. Deletes existing text requiring TEA to develop, and modify as necessary, a statewide design, consistent with federal law, for the delivery of services to children with disabilities in this state that includes rules for the administration and funding of the special education program so that a free appropriate public education is available to all of those children between the ages of three and 21.

(b) Creates this subsection from existing text. Requires that the comprehensive system, rather than statewide design, include the provision of services primarily through school districts and shared services arrangements, supplemented by regional education service centers.

(c) Creates this subsection from existing text. Requires that the comprehensive system focus on maximizing student outcomes and include:

(1) rulemaking, technical assistance, guidance documents, monitoring protocols, data elements necessary for statewide reporting, and other resources as necessary to implement and ensure compliance with federal and state law related to special education, rather than ensure state compliance with requirements for supplemental federal funding for all state-administered programs involving the delivery of instructional or related services to students with disabilities;

(2) makes a nonsubstantive change to this subdivision;

(3) the pursuit of strategies to meet statewide special education and related services personnel needs;

(4) ensuring 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, rather than direct service delivery and a component designed to facilitate, and facilitating the placement of students with disabilities who cannot be appropriately served in their resident districts;

(5) makes conforming and nonsubstantive changes to this subdivision; and

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

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

(B) redesignates existing Subdivision (7) as Paragraph (B) and makes nonsubstantive changes to this paragraph;

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

(D) when appropriate, each student with a disability is provided an opportunity to participate in career and technology and physical education classes;

(E) redesignates existing Subdivision (9) as Paragraph (E) and makes nonsubstantive changes to this paragraph;

(F) school districts have an opportunity to request technical assistance from TEA 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) redesignates existing subdivision (10) as Paragraph (G) and makes nonsubstantive changes to this paragraph; and

(H) each district develops a process to be used by a teacher who instructs a student with a disability in a general education classroom setting, rather than regular classroom setting.

Deletes existing text requiring TEA to also develop and implement a statewide plan with programmatic content that includes procedures designed to periodically assess statewide personnel needs in all areas of specialization related to special education and pursue strategies to meet 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. Makes nonsubstantive changes to this subsection.

SECTION 6. Amends Subchapter A, Chapter 29, Education Code, by adding Section 29.0012, as follows:

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

(b) Requires TEA by rule to adopt a set of performance indicators for measuring and evaluating the quality of learning and achievement for students receiving special education services at the school district or open-enrollment charter school to be considered at a meeting held under this section. Requires that the indicators include performance on the college, career, or military readiness outcomes described by Section 48.110 (College, Career, or Military Readiness Outcomes Bonus).

SECTION 7. Amends Section 29.003, Education Code, as follows:

Sec. 29.003. ELIGIBILITY CRITERIA. (a) Requires TEA to develop specific eligibility criteria based on the general classifications established by this section and in accordance with federal law, rather than with reference to contemporary diagnostic or evaluative terminologies and techniques. Makes a conforming change.

(b) Provides that a student is eligible to participate in a school district's special education program:

(1) from birth through 21 years of age if the student has a visual impairment, is deaf or hard of hearing, or is deaf-blind and that disability prevents the student from being adequately or safely educated in public school without the provision of special education services;

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

(3) from 3 years of age through 21 years of age if the student has one or more of the disabilities described by 20 U.S.C. Section 1401(3)(A) and that disability prevents the student from being adequately or safely educated in public school without the provision of special education services.

Deletes existing text providing that a student is eligible to participate in a school district's special education program if the student is not more than 21 years of age and has a visual or auditory impairment that prevents the student from being adequately or safely educated in public school without the provision of special services or is at least three but not more than 21 years of age and has one or more of certain disabilities that prevents the student from being adequately or safely educated in public school without the provision of special services.

SECTION 8. Amends Sections 29.005(a), (d), and (e), Education Code, as follows:

(a) Makes conforming changes to this subsection.

(d) Requires the district, if the primary language of the child's parent is a language other than English, rather than if the child's parent is unable to speak English, to:

(1) provide the parent with a written or audiotaped copy of the child's individualized education program translated into Spanish if Spanish is the parent's primary, rather than native, language; or

(2) if the parent's primary, rather than native, language is a language other than Spanish, make a good faith effort to provide the parent with a written or audiotaped copy of the child's individualized education program translated into the parent's primary, rather than native, language.

(e) Authorizes the commissioner by rule to require a school district to include in the individualized education program of a student with autism, rather than a student with autism or another pervasive developmental disorder, any information or requirement determined necessary to ensure the student receives a free appropriate public education as required under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

SECTION 9. Amends Section 29.0051, Education Code, by adding Subsection (d) as follows:

(d) Authorizes the commissioner, from federal money appropriated or otherwise available for the purpose, to develop or procure the model form developed under Subsection (a) (relating to requiring TEA to develop a model form for use in developing an individualized education program) in a digital format. Requires the commissioner, if the commissioner develops or procures the model form in a digital format, to adopt rules regarding school district use of the form in that format.

SECTION 10. Amends Subchapter A, Chapter 29, Education Code, by adding Section 29.0056, as follows:

Sec. 29.0056. INFORMATION REGARDING STATE SUPPORTED LIVING CENTERS. (a) Defines "state supported living center."

(b) Requires the Health and Human Services Commission (HHSC), in collaboration with TEA and stakeholders who represent the full continuum of educational residential placement options, to develop and provide to TEA materials regarding educational residential placement options for children who may qualify for placement in a state supported living center. Requires TEA to make the materials developed under this subsection available to school districts.

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

SECTION 11. Amends Sections 29.006(a) and (c), Education Code, as follows:

(a) Requires the governor to appoint a continuing advisory consistent with 20 U.S.C. Section 1412(a)(21), rather than composed of 17 members under 20 U.S.C. Section 1412(a)(21).

(c) Provides that members of the committee are appointed for staggered terms of four years with the terms of half of the members, rather than 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. Amends Section 29.008, Education Code, as follows:

Sec. 29.008. New heading: **CONTRACTS FOR SERVICES; RESIDENTIAL AND DAY PLACEMENT PROGRAMS.** (a) Requires the commissioner to 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 school district, shared services arrangement unit, or regional education service center may contract with for the provision of services to students with disabilities in a residential or day placement program.

Deletes existing text authorizing a school district, shared services arrangement unit, or regional education service center to contract with a public or private facility, institution, or agency inside or outside of this state for the provision of services to students with disabilities. Makes a nonsubstantive change.

(a-1) Creates this subsection from existing text. Authorizes the commissioner to approve a facility, institution, agency, or business under Subsection (a), rather than a residential placement contract, only after at least a programmatic evaluation of personnel qualifications, costs, adequacy of physical plant and equipment, and curriculum content. Deletes existing text requiring that each contract for residential placement be approved by the commissioner. Deletes existing text authorizing the commissioner to approve either the whole or a part of a facility or program.

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

(b) Provides that this subsection expires September 1, 2027.

(c) Prohibits the costs when a student, including one for whom the state is managing conservator, is placed primarily for care or treatment reasons in a private facility, rather than a private residential facility, that operates its own private education program, from being paid from public education funds. Makes conforming changes to this subsection.

(d) Requires that the reevaluation of appropriateness of the student's arrangement include standards and expectations be met to reintegrate the student to the general education setting. Requires an approved facility, institution, agency, or business with whom the district contracts to periodically report to the district and TEA 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

TEA requires in order to fulfill its obligations under Subchapter A, Chapter 29. Makes nonsubstantive changes.

(e) Requires the commissioner to adopt rules for residential and day placement of students receiving special education services.

SECTION 13. Amends the heading to Section 29.009, Education Code, to read as follows:

Sec. 29.009. PUBLIC NOTICE CONCERNING EARLY CHILDHOOD SPECIAL EDUCATION PROGRAMS.

SECTION 14. Amends Section 29.010, Education Code, as follows:

Sec. 29.010. New heading: GENERAL SUPERVISION AND COMPLIANCE. (a) Requires TEA to develop, rather than adopt, and implement a comprehensive system for monitoring school district compliance with federal and state laws relating to special education. Requires that the monitoring system include a comprehensive cyclical process and a targeted risk-based process, rather than provide for ongoing analysis of district special education data and of complaints filed with TEA concerning special education services and for inspections of school districts at district facilities. Requires TEA to establish criteria and instruments for use in determining district compliance under this section, rather than to 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) Authorizes TEA, as part of the monitoring system, to 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) Requires TEA, as part of the monitoring process, rather than to complete the inspection, to obtain information from parents and teachers of students in special education programs in the district.

(c) Requires TEA to develop and implement a system of interventions and sanctions for school districts it identifies as being in noncompliance with, rather than 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) Requires TEA to establish a system of progressive sanctions and enforcement provisions to apply to districts that remain in noncompliance for more than one year. Requires that the sanctions range in severity and authorizes the sanctions to include the withholding of funds. Authorizes TEA, if funds are withheld, to use the funds, or direct the funds to be used, to provide, through alternative arrangements, services to students and staff members in the district from which the funds are withheld. Deletes existing text requiring that the first stage of sanctions, for districts that remain in noncompliance for more than one year, begin with annual or more frequent monitoring visits. Deletes existing text authorizing subsequent sanctions to range in severity up to the withholding of funds.

(e) Makes no changes to this subsection.



Deletes text of existing Subsection (f) providing that this section does not create an obligation for or impose a requirement on a school district or open-enrollment charter school that is not also created or imposed under another state law or a federal law.

SECTION 15. Amends Section 29.012(d), Education Code, as follows:

(d) Requires TEA, HHSC, the Department of Family and Protective Services (DFPS), and the Texas Juvenile Justice Department (TJJD) to, by a cooperative effort, develop and adopt, rather than develop and by rule adopt, a memorandum of understanding.

SECTION 16. Amends Section 29.013, Education Code, as follows:

Sec. 29.013. New heading: NONEDUCATIONAL COMMUNITY-BASED SUPPORT SERVICES GRANTS FOR CERTAIN STUDENTS WITH DISABILITIES. (a) Requires the commissioner to adopt rules establishing procedures and criteria for the allocation of grants under this section to students who are eligible under Subsection (b) and the student's families' for the provision of noneducational community-based support services. Deletes existing text requiring TEA to establish procedures and criteria for the allocation of funds appropriated under this section to 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) Authorizes a grant to be awarded under this section only to a student with a disability who is placed by the student's admission, review, and dismissal committee in a residential a residential program approved under Section 29.008 or in a day placement program and is at risk of being placed in a residential program approved under Section 29.008. Deletes existing text authorizing the funds to be used only for eligible students with disabilities who would remain or would have to be placed in residential facilities primarily for educational reasons without the provision of noneducational community-based support services. Makes nonsubstantive changes.

(c) Prohibits the support services from being related to the provision of a free appropriate public education to the student and authorizes the support services to include in-home family support, behavioral and other disability-related supports for the student's family, respite care and case management for the student's family, rather than families with a student who otherwise would have been placed by a district in a private residential facility.

(d) Requires a school district to notify the parent of a student described by Subsection (b) of the availability of grants under this section and designate a campus or district staff member to assist families of students described by Subsection (b) in accessing grants under this section.

(e) Requires the commissioner, on request by the parent of a student described by Subsection (b), to create an account for the student to access a grant under this section through which the parent is authorized to request payment for approved support services.

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

(g) Redesignates existing Subsection (d) as Subsection (g). Provides that 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 to enable any student with disabilities to receive a free appropriate public education in the least restrictive environment, rather than costs of noneducational

community-based support services. Deletes existing text prohibiting services provided under this section, specifically, from being 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) Authorizes the commissioner to designate a regional education service center to administer grants under this section.

SECTION 17. Amends Sections 29.014(c) and (d), Education Code, as follows:

(c) Makes a conforming change to this subsection.

(d) Provides that the basic allotment for a student enrolled in a district to which Section 29.014 (School Districts That Provide Education Solely to Students Confined to or Educated in Hospitals) applies is adjusted by the tier of intensity of service defined in accordance with Section 48.102 (Special Education) and designated by commissioner rule for use under this section, rather than by the weight for a homebound student under Section 48.102(a) (relating to providing that special education funding varies by instructional arrangement).

SECTION 18. Amends Section 29.0162(b), Education Code, to require that the rules include requirements that the representative who is an individual who is not an attorney licensed in this state but who has special knowledge or training with respect to problems of children with disabilities have knowledge of all special education dispute resolution options available to parents, including due process and due process rules, hearings, and procedure.

SECTION 19. Amends Section 29.018(b), Education Code, as follows:

(b) Provides that a school district is eligible to apply for a grant under this section if the district does not receive sufficient funds, including state funds provided under Sections 48.102 and 48.1021 and federal funds, for a student with disabilities to pay for the special education services provided to the student, or the district does not receive sufficient funds, including state funds provided under Sections 48.102 and 48.1021 and federal funds, for all students with disabilities in the district to pay for the special education services provided to the students. Makes nonsubstantive changes.

SECTION 20. Amends the heading to Section 29.020, Education Code, to read as follows:

Sec. 29.020. STATE-ADMINISTERED INDIVIDUALIZED EDUCATION PROGRAM FACILITATION.

SECTION 21. Amends Sections 29.020(a) and (c), Education Code, as follows:

(a) Requires TEA to develop rules in accordance with Section 29.020 applicable to state-administered individualized education program facilitation, rather than to a program facilitation project. Requires that the program include the provision of an independent individualized education program facilitator as a dispute resolution method that is authorized to be used to avoid a potential dispute between a school district and a parent of a student with a disability or to facilitate an admission, review, and dismissal committee meeting with parties who are in a dispute about decisions relating to the provision of a free appropriate public education to a student with a disability. Requires that facilitation, rather than facilitation implemented under the project, comply with rules developed under this subsection. Makes a nonsubstantive change.

(c) Makes a conforming and a nonsubstantive change to this subsection.

SECTION 22. Amends Sections 29.022(a), (a-1), (b), (c), (c-1), (d), (f), (h), (k), (l), (q), (s), and (t), Education Code, as follows:

(a) Requires a school or campus that receives equipment as provided by this subsection to place, operate, and maintain one or more video cameras in special education classrooms, rather than self-contained classrooms, and other special education settings, rather than other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day.

(a-1)-(h) Makes conforming changes to these subsections.

(k) Authorizes the commissioner to adopt rules to implement and administer this section, including rules regarding the special education classrooms and other special education settings to which Section 29.022 (Video Surveillance of Special Education Settings) applies.

(l) Makes a conforming change to this subsection.

(q) Requires TEA to 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) and (t) Makes conforming changes to these subsections.

SECTION 23. Amends Sections 29.022(u)(3) and (4), Education Code, to define "special education classroom or other special education setting," redefine "staff member," and delete the existing definition for "self-contained classroom."

SECTION 24. Amends Subchapter A, Chapter 29, Education Code, by adding Sections 29.023, 29.024, 29.025, and 29.026, as follows:

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

(b) Authorizes a school district, including a school district acting through a district charter issued under Subchapter C (Campus or Campus Program Charter), Chapter 12 (Charters), and an open-enrollment charter school, including a charter school that primarily serves students with disabilities, as provided under Section 12.1014 (Authorization for Grant of Charters for Schools Primarily Serving Students with Disabilities), to apply for a grant under this section.

(c) Provides that a program is eligible for a grant under this section if the program meets certain requirements.

(d) Prohibits a school district or open-enrollment charter school from taking certain actions.

(e) Authorizes a program under Section 29.023 (Grant Program Providing Services to Students with Autism) to take certain actions.

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

(g) Requires the commissioner, in selecting programs to receive a grant under this section, to prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. Requires that the selected programs reflect the diversity of this state.

(h) Provides that a program selected to receive a grant under this section is required to be funded for two years.

(i) Provides that a grant awarded to a school district or open-enrollment charter school under this section is in addition to the Foundation School Program money that the district or charter school is otherwise entitled to receive. Prohibits a grant awarded under this section from coming out of Foundation School Program money.

(j) Requires the commissioner to use money appropriated or otherwise available to fund grants under this section.

(k) Authorizes the commissioner and any program selected under this section to accept gifts, grants, and donations from any public or private source, person, or group to implement and administer the program. Prohibits the commissioner and any program selected under this section from requiring any financial contribution from parents to implement and administer the program.

(l) Authorizes a regional education service to administer grants awarded under this section.

**Sec. 29.024. GRANT PROGRAM PROVIDING TRAINING IN DYSLEXIA FOR TEACHERS AND STAFF.** (a) Requires the commissioner, from money appropriated or otherwise available for the purpose, to establish a program to award grants each school year to school districts and open-enrollment charter schools to increase local capacity to appropriately serve students with dyslexia.

(a-1) Requires the commissioner, notwithstanding Subsection (a), for grants awarded for the 2025–2026 and 2026–2027 school years, to require applicants to apply for grants during a single application cycle in the 2025–2026 school year with the intent of significantly expanding the availability of personnel trained to provide dyslexia services and supports to students with dyslexia. Provides that this subsection expires September 1, 2027.

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

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

(2) increases local capacity to support students with dyslexia by providing high-quality training to classroom teachers and administrators in meeting the needs of students with dyslexia or training to intervention staff resulting in appropriate credentialing related to dyslexia, with priority for training staff to earn the credentials necessary to become a licensed dyslexia therapist or certified academic language therapist.

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

(d) Provides that a grant awarded to a school district or open-enrollment charter school under this section is in addition to the Foundation School Program money that the district or charter school is otherwise entitled to receive. Prohibits a grant awarded under this section from coming out of Foundation School Program money.

- (e) Authorizes the commissioner and any grant recipient selected under this section to accept gifts, grants, and donations from any public or private source, person, or group to implement and administer the grant. Prohibits the commissioner and any grant recipient selected under this section from requiring any financial contribution from parents to implement and administer the grant.
- (f) Authorizes a regional education service center to administer grants awarded under this section.

Sec. 29.025. SUPPORTS FOR RECRUITING AND RETAINING SPECIAL EDUCATION STAFF. (a) Requires TEA, from money appropriated or otherwise available for the purpose, to provide grants each school year to school districts and open-enrollment charter schools to increase the number of qualified and appropriately credentialed special education staff, including special education teachers, special education paraprofessionals, evaluation personnel, ancillary instruction personnel, certified interpreters, board-certified behavior analysts, registered behavior technicians, and related service personnel.

- (a-1) Requires the commissioner, notwithstanding Subsection (a), for grants awarded for the 2025–2026 and 2026–2027 school years, to require applicants to apply for grants during a single application cycle in the 2025–2026 school year with the intent of significantly expanding the availability of special education personnel. Provides that this subsection expires September 1, 2027.
- (b) Requires a school district or open-enrollment charter school that receives a grant under this section to require each person the district or school uses the grant money to assist in becoming licensed, certified, or otherwise credentialed as described by Subsection (a) to work at the district or school for a period established by commissioner rule.
- (c) Authorizes a regional education service center to administer grants awarded under this section.
- (d) Requires the commissioner to adopt rules establishing the period of required employment described by Subsection (b) and any other rules necessary to implement this section.
- (e) Requires the commissioner, in addition to the grants described by Subsection (a), for the 2025–2026 school year, to provide funding to school districts and open-enrollment charter schools to support efforts to recruit and retain educational diagnosticians and school psychologists. Requires the commissioner by rule to adopt a formula for providing funding to a district or school under this subsection. Prohibits the total amount of funding provided under this subsection from exceeding \$125 million. Provides that this subsection expires September 1, 2026.

Sec. 29.026. RULES. Authorizes the commissioner to adopt rules as necessary to implement this subchapter.

SECTION 25. Amends the heading to Subchapter A-1, Chapter 29, Education Code, to read as follows:

SUBCHAPTER A-1. PARENT-DIRECTED SERVICES FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

SECTION 26. Amends Sections 29.041(2) and (3), Education Code, to define "supplemental instructional materials" and "supplemental services" and to delete existing text defining "supplemental special education instructional materials" and "supplemental special education services."

SECTION 27. Amends Section 29.042, Education Code, by amending Subsections (a) and (c) and adding Subsection (e), as follows:

(a) Requires TEA by rule to establish and administer a parent-directed program for students receiving special education services through which a parent is authorized to direct supplemental services and supplemental instructional materials for the parent's student who meets the eligibility requirements for participation in the program. Requires that TEA, subject to Subsection (c), provide each student approved as provided by Subchapter A-1 (Supplemental Special Education Services Program), Chapter 29 (Educational Programs), a grant in the amount provided under Section 48.306, rather than not more than \$1,500, to purchase supplemental services and supplemental instructional materials. Deletes existing text requiring TEA by rule to establish and administer a supplemental special education services and instructional materials program for students who meet the eligibility requirements for participation in the program. Makes conforming changes.

(c) Authorizes a student to receive one grant under this subchapter unless the legislature appropriates money for an additional grant in the General Appropriations Act. Deletes existing text requiring the commissioner to set aside an amount set by appropriation for each state fiscal year to fund the program under Section 29.042 (Establishment and Administration of Program). Deletes existing text prohibiting the total amount provided for student grants under Subsection (a), for each state fiscal year, from exceeding the amount set aside by the commissioner under Subsection (c).

(e) Requires TEA to maintain an online user-friendly application system for parents to apply for a grant described by Subsection (a).

SECTION 28. Amends Section 29.045, Education Code, as follows:

Sec. 29.045. APPROVAL OF APPLICATION; ASSIGNMENT OF ACCOUNT. Requires TEA, rather than subject to available funding, to approve each student who meets the program eligibility criteria established under Section 29.044 (Program Eligibility Criteria) and assign to the student an account maintained under 29.042(b) (relating to requiring TEA to maintain a system of online accounts providing access to the grant to an eligible student's parent). Makes conforming changes.

SECTION 29. Amends Sections 29.046(a) and (b), Education Code, to make conforming changes.

SECTION 30. Amends Sections 29.047(a), (c), (d), and (e), Education Code, to make conforming changes.

SECTION 31. Amends Subchapter A-1, Chapter 29, Education Code, by adding Section 29.0475, as follows:

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

(b) Prohibits a rule adopted or action taken related to the program by an individual, governmental entity, court of law, or program administrator from:

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

(2) limiting a provider of supplemental services' ability to determine the methods used to educate the provider's students or to exercise the provider's religious or institutional values, or a program participant's

ability to determine the participant's educational content or to exercise the participant's religious values;

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

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

(5) requiring as a condition of receiving money distributed under the program a provider of supplemental services to modify the provider's creed, practices, admissions policies, curriculum, performance standards, employment policies, or assessments, or a program participant to modify the participant's creed, practices, curriculum, performance standards, or assessments.

(c) Provides that, in a proceeding challenging a rule adopted by a state agency or officer under this subchapter, TEA or the officer has the burden of proof to establish by clear and convincing evidence that the rule:

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

(2) does not violate this section;

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

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

SECTION 32. Amends Section 29.048, Education Code, as follows:

Sec. 29.048. ADMISSION, REVIEW, AND DISMISSAL COMMITTEE DUTIES. (a) Requires a student's admission, review, and dismissal committee to develop a student's individualized education program under Section 29.005 (Individualized Education Program), in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.), without consideration of any supplemental services, rather than supplemental special education services, or supplemental instructional materials that are authorized to be provided under Subchapter A-1.

(b) Requires the admission, review and dismissal committee of a student approved for participation in the program, unless the district first verifies that an account has been assigned to the student under Section 29.045 (Approval of Application; Assignment of Account), to provide to the student's parent at an admission, review, and dismissal committee meeting for the student:

(1) information regarding the types of supplemental services, rather than supplemental special education services, or supplemental instructional materials available under the program and provided by TEA-approved providers for which an account maintained under Section 29.042(b) for the student may be used; and

(2) makes no changes to this subdivision.

SECTION 33. Amends Subchapter A-1, Chapter 29, Education Code, by adding Section 29.0485, as follows:

Sec. 29.0485. DETERMINATION OF COMMISSIONER FINAL. Provides that, notwithstanding Section 7.057 (Appeals), a determination of the commissioner under this subchapter is final and is prohibited from being appealed.

SECTION 34. Amends Section 29.049, Education Code, to make conforming changes.

SECTION 35. Amends Section 29.301(1), Education Code, to redefine "admission, review, and dismissal committee."

SECTION 36. Amends Sections 29.304(a) and (c), Education Code, as follows:

(a) Requires that a student who is deaf or hard of hearing have an education in which certain professionals, including speech language pathologists, rather than speech therapists, and others involved in education understand the unique nature of deafness and the hard-of-hearing condition.

(c) Makes conforming changes to this subsection.

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

(c) Requires 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 (Definitions), rather than a student who has limited English proficiency, to be in the student's preferred mode of communication.

(d) Requires that, 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 is to be thoroughly assessed to ascertain the student's potential for communicating through a variety of means.

SECTION 38. Amends Section 39.313, Education Code, as follows:

Sec. 39.313. New heading: EVALUATION OF DEAF AND HARD OF HEARING SERVICES. (a) Creates this subsection from existing text. Requires each school district to provide continuous evaluation of the effectiveness of the district's services, rather than programs of the district, for students who are deaf or hard of hearing. Requires that the evaluations, rather than requires that the evaluations if practicable, follow program excellence indicators established by TEA.

(b) Requires each school district to submit the evaluations under this section to TEA on a schedule set by TEA.

SECTION 39. Amends Section 29.314, Education Code, as follows:

Sec. 29.314. New heading: TRANSITION INTO GENERAL EDUCATION CLASS. Makes conforming changes to this section.

SECTION 40. Amends Section 29.315, Education Code, as follows:

Sec. 29.315. TEXAS SCHOOL FOR THE DEAF MEMORANDUM OF UNDERSTANDING. Deletes existing text requiring TEA and the Texas School for the Deaf (TSD) to agree to, and by commissioner rule adopt no later than September 1, 1998, a memorandum of understanding to establish the process for TEA to assign an



accreditation status to the school, to reevaluate the status on an annual basis, and, if necessary, to conduct monitoring reviews. Makes nonsubstantive changes.

SECTION 41. Amends Section 29.316, Education Code, as follows:

Sec. 29.316. LANGUAGE ACQUISITION. (a) Deletes existing text defining "center" and "division."

(b) Requires each school district, rather than the commissioner and the executive commissioner of HHSC (executive commissioner) jointly, to 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, rather than determined to be valid and reliable as provided by Subsection (d).

(c) Requires each school district, on a schedule determined by the commissioner, to report to the commissioner through PEIMS or another method set by commissioner rule the assessment data collected under Subsection (b). Deletes existing text requiring TEA, the Division for Early Childhood Intervention Services of HHSC (division), and the Educational Resource Center on Deafness at TSD (center), not later than August 31 of each year, to jointly prepare and post on TEA'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. Deletes existing text requiring that the report fulfill certain requirements.

(d) Requires the commissioner to adopt rules establishing the assessment data required to be reported under Subsection (c). Deletes existing text requiring the commissioner, the executive commissioner of HHSC, and the center to enter into a memorandum of understanding regarding the identification of experts in deaf education and 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) Requires the commissioner to annually post on TEA'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). Deletes existing text requiring TEA to use existing collected data and data collected and transferred from the Department of State Health Services (DSHS) and HHSC, as agreed upon in the memorandum of understanding, for the report under this section.

(f) Requires the commissioner to 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. Deletes existing text requiring the commissioner and the executive commissioner to jointly adopt certain rules as necessary to implement this section.

SECTION 42. Amends the heading to Section 30.002, Education Code, to read as follows:

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

SECTION 43. Amends Sections 30.002(a), (b), (c), and (e), Education Code, as follows:

(a) Requires TEA to develop and administer a comprehensive statewide plan for the education of children who are under 22 years of age and who have visual impairments, are deaf or hard of hearing, or are deaf-blind, rather than children with visual

impairments who are under 21 years of age, 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, rather than their peers with normal vision.

(b) Requires TEA to:

- (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, 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 more effectively; and
- (3) 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 by school districts and related initiatives of certain entities, rather than certain entities including the DSHS division, and other related programs, agencies, or facilities as appropriate. Redesignates existing Subdivision (5) as Subdivision (3).

Deletes existing text requiring TEA to develop standards and guidelines for all special education services for children with visual impairments that it is authorized to provide or support under this code. Deletes existing text requiring TEA to supervise regional education service centers and other entities in assisting school districts in serving children with visual impairments more effectively. Deletes existing Subdivisions (3) and (4). Makes conforming changes to this subsection.

(c) Requires that the comprehensive statewide plan for the education of children who have visual impairments, are deaf or hard of hearing, or are deaf-blind:

- (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;
- (2) and (3) makes conforming changes to these subdivisions;
- (4) include information regarding the establishment of regional day school programs for the deaf under Subchapter D (Regional Day Schools for the Deaf) and the parameters of those programs;
- (5) makes conforming changes to this subdivision;
- (6) redesignates existing Subdivision (7) as Subdivision (6) and makes conforming changes;
- (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) redesignates existing Subdivision (9) as Subdivision (8) and makes conforming and nonsubstantive changes;
- (9) require that school districts providing special education services to children who have visual impairments, are deaf or hard of hearing, or are

deaf-blind develop procedures for assuring that staff assigned to work with the children have prompt and effective access directly to resources available through certain agencies, including TSD and the statewide outreach center at TSD; and

(10) assist in the coordination of educational programs with certain other public and private agencies.

Deletes existing text requiring that the comprehensive statewide plan for the education of children include certain 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, certain evaluations, instruction, and services. Deletes existing text requiring that the comprehensive statewide plan for the education of children include a statewide admission, review, and dismissal process. Deletes existing text requiring that the comprehensive statewide plan for the education of children require the continuing education and professional development of school district staff providing special education services to children with visual impairments. Makes conforming and nonsubstantive changes.

(e) Makes conforming changes to this subsection.

SECTION 44. Amends Subchapter A, Chapter 30, Education Code, by adding Section 30.0021, as follows:

Sec. 30.0021. REQUIREMENTS FOR CHILDREN WITH VISUAL IMPAIRMENTS.

(a) Requires that each child with a visual impairment receive instruction in an expanded core curriculum required for children with visual impairments to succeed in classroom settings and to derive lasting, practical benefits from education in a school district, including instruction in certain essential skills.

(b) Requires that the full individual and initial evaluation of the child under Section 29.004 (Full Individual and Initial Evaluation) and any reevaluation of the child, 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, in accordance with commissioner rule:

(1) include an orientation and mobility evaluation conducted by a person who is appropriately certified as an orientation and mobility specialist, as determined by commissioner rule and 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) Requires that, in developing an individualized education program under Section 29.005 for a child with a visual impairment, proficiency in reading and writing be a significant indicator of the child's satisfactory educational progress. Requires that the individualized education program 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) Provides that braille instruction is authorized to be used in combination with other special education services appropriate to the educational needs of a child with a visual impairment and is required to be provided by a teacher certified to

teach children with visual impairments under Subchapter B (Certification of Educators), Chapter 21 (Educators).

(e) Requires a school district to 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) Requires the commissioner, to facilitate implementation of this section, to 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. Authorizes the supplemental allowance to be spent only for special education services uniquely required by the nature of the child's disabilities and is prohibited from being used in lieu of educational funds otherwise available under this code or through state or local appropriations.

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

(b) Provides that if the student is admitted to the Texas School for the Blind and Visually Impaired (TSBVI) or TSD 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) Requires the commissioner to 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 (Local Revenue Level in Excess of Entitlement) for that year.

(d) Requires that the necessary information to determine the district's share be reported to the commissioner on or before a date set by commissioner rule, rather than rule of SBOE.

(f-1) Requires the commissioner to determine the total amount that TSBVI and TSD would have received from school districts in accordance with this section if certain provisions had not reduced the districts' share of the cost of providing education services, including Subsection (b-1) of Section 30.003 (Support of Students Enrolled in Texas School for the Blind and Visually Impaired or Texas School for the Deaf). Makes nonsubstantive changes.

(g) Authorizes the commissioner, rather than SBOE, to adopt rules as necessary to implement this section.

SECTION 46. Amends Section 30.004(b), Education Code, to make a conforming change.

SECTION 47. Amends Section 30.005, Education Code, to delete existing text requiring TEA and TSBVI to agree to, and by commissioner rule adopt a memorandum of understanding to establish certain methods, processes, and requirements, including the process for TEA to assign an accreditation status to the school, reevaluate the status on an annual basis and, if necessary, conduct monitoring reviews. Makes nonsubstantive changes.

SECTION 48. Amends Section 30.081, Education Code, to increase from 21 to 22 the maximum age of students to which this subchapter applies.

SECTION 49. Amends Section 30.083, Education Code, as follows:

Sec. 30.083. STATEWIDE PLAN. Requires the director of services to develop and administer a comprehensive statewide plan for educational services for students who are deaf or hard of hearing and receive special education and related services through a regional day school program for the deaf. Requires that the plan be included as part of the comprehensive state plan under Section 30.002. Deletes existing text requiring the

director of services to develop and administer a comprehensive statewide plan for educational services for students who are deaf or hard of hearing, including continuing diagnosis and evaluation, counseling, and teaching. Deletes existing text requiring that the plan be designed to accomplish certain educational objectives.

SECTION 50. Amends Section 30.021(e), Education Code, to make a conforming change.

SECTION 51. Amends Section 37.146(a), Education Code, to make a conforming change.

SECTION 52. Amends Sections 38.003(c-1), Education Code, as follows:

(c-1) Requires TEA by rule to develop procedures designed to allow TEA to perform certain responsibilities, including developing reasonable and appropriate remedial strategies to address school district noncompliance and ensure the purposes of this section are accomplished, which is authorized to include the publication of a recommended evidence-based dyslexia program list and engaging in general supervision activities, including activities under the comprehensive system for monitoring described by Section 29.010, to ensure school district compliance with the program approved by SBOE under this section and Part B, Individuals with Disabilities Education Act (20 U.S.C. Section 1411 et seq.). Makes nonsubstantive changes.

SECTION 53. Amends Section 48.009(b), Education Code, as follows:

(b) Requires the commissioner by rule to require each school district and open-enrollment charter school to report through PEIMS regarding certain student data, including students enrolled in a special education program under Subchapter A, Chapter 29, as necessary for TEA to adequately perform general supervision activities and determine funding under Sections 48.102 and 48.1021. Makes nonsubstantive changes.

SECTION 54. Amends Subchapter A, Chapter 48, Education Code, by adding Section 48.011, as follows:

Sec. 48.011. COMMISSIONER AUTHORITY TO RESOLVE UNINTENDED CONSEQUENCES. (a) Authorizes the commissioner, subject to Subsection (b), to, as necessary, implement changes made by the legislature to public school finance and school district maintenance and operations tax rates during the preceding four state fiscal years:

(1) adjust a school district's entitlement under this chapter if the funding formulas used to determine the district's entitlement result in an unanticipated loss, gain, or other result for a school district; and

(2) modify dates relating to the adoption of a school district's maintenance and operations tax rate and, if applicable, an election required for the district to adopt that tax rate.

(b) Requires the commissioner, before making an adjustment under Subsection (a), to notify and receive approval from the Legislative Budget Board (LBB) and the Office of the Governor.

(c) Requires the commissioner, if the commissioner makes an adjustment under Subsection (a), to provide to the legislature an explanation regarding the changes necessary to resolve the unintended consequences.

SECTION 55. Amends Section 48.051(a), Education Code, as follows:

(a) Provides that, 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 receiving special education services in a setting other than a general education setting for which an additional allotment is made under Subchapter C, a school

district is entitled to an allotment equal to the lesser of certain amounts. Deletes existing text providing that, for each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an allotment equal to the lesser of certain amounts.

SECTION 56. Amends Section 48.102, Education Code, as follows:

Sec. 48.102. SPECIAL EDUCATION. (a) Provides that a school district, for each student in average daily attendance in a special education program under Subchapter A, Chapter 29, rather than in a mainstream instructional environment, 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 (Small and Mid-Sized District Allotment) to which the district is entitled, multiplied by a weight set by the legislature in the General Appropriations Act for the highest tier of intensity of service for which the student qualifies, rather than multiplied by 1.15.

(a-1) Requires that the amount of an allotment under this section, notwithstanding Subsection (a), for the 2026–2027 school year, be determined in accordance with Section 48.1022. Provides that this subsection expires September 1, 2027. Deletes existing text providing that 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 a certain amount.

(b) Requires the commissioner by rule to define eight tiers of intensity of service for use in determining funding under this section. Requires the commissioner to include one tier specifically addressing students receiving special education services in residential placement and one tier for students receiving only speech therapy. Deletes existing text requiring that a special instructional arrangement for certain students be established by commissioner rule. Deletes existing text requiring that the funding weight for this arrangement be 4.0 for certain students. Deletes existing text requiring that a special instructional arrangement for certain students be established by commissioner rule with a funding weight of 2.8.

(c) Requires the commissioner, in defining the tiers of intensity of service under Subsection (b), to consider the type, frequency, and nature of services provided to a student; the required certifications, licensures, or other qualifications for personnel serving the student; any identified or curriculum-required provider-to-student ratios for the student to receive the appropriate services; and any equipment or technology required for the services. Deletes existing text prohibiting the number of contact hours credited per day for each student in the off home campus instructional arrangement, for funding purposes, from exceeding the contact hours credited per day for the multidistrict class instructional arrangements in the 1992–1993 school year.

(d) Redesignates existing Subsection (h) as Subsection (d) and makes no further changes.

(e) Redesignates existing Subsection (i) as Subsection (e). Requires TEA to ensure, rather than encourage, the placement of students in special education programs, including students in residential placement, rather than residential instructional arrangements, in the least restrictive environment appropriate for their educational needs.

(f) Redesignates existing Subsection (j) as Subsection (f). Provides that a school district that provides an extended year program required by federal law for special education students who may regress is entitled to receive funds in an amount equal to the basic allotment, rather than 75 percent, or a lesser percentage

determined by the commissioner, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled for each student, rather than full-time equivalent student, in average daily attendance, multiplied by the amount designated for the highest tier of intensity of service for which the student qualifies. Rather than the student's instructional arrangement, under this section, for each day the program is provided divided by the number of days in the minimum school year.

Deletes existing text prohibiting the total amount of state funding for extended year services under this section from exceeding \$10 million per year.

(g) Redesignates existing Subsection (k) as Subsection (g) and makes no further changes.

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

Deletes text of existing Subsection (d) prohibiting, for funding purposes, the contact hours credited per day for certain students from exceeding certain amounts.

Deletes text of existing Subsection (e) requiring the commissioner by rule to prescribe the qualifications an instructional arrangement is required to meet in order to be funded as a particular instructional arrangement under this section. Deletes existing text requiring the commissioner, in prescribing the qualifications that a mainstream instructional arrangement is required to meet, to 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.

Deletes existing text of existing Subsection (f) defining "full-time equivalent student."

Deletes existing text of Subsection (g) requiring the commissioner to adopt rules and procedures governing contracts for residential placement of special education students. Deletes existing text of Subsection (g) requiring the legislature to provide by appropriation for the state's share of the costs of those placements.

SECTION 57. Amends Subchapter C, Chapter 48, Education Code, by adding Sections 48.1021 and 48.1022, as follows:

Sec. 48.1021. SPECIAL EDUCATION SERVICE GROUP ALLOTMENT. (a) Provides that, for each student in a special education program under Subchapter A, Chapter 29, a school district is entitled to an allotment in an amount set by the legislature in the General Appropriations Act for the service group for which the student receives services.

(a-1) Requires that the amount of an allotment under this section, notwithstanding Subsection (a), for the 2026–2027 school year, be determined in accordance with Section 48.1022. Provides that this subsection expires September 1, 2027.

(b) Requires the commissioner by rule to establish at least four service groups for use in determining funding under this section. Requires the commissioner, in establishing the groups, to consider the type, frequency, and nature of services provided to a student; the required certifications, licensures, or other qualifications for personnel serving the student; any identified or curriculum-required provider-to-student ratios for the student to receive the appropriate services; and any equipment or technology required for the services.

(c) Requires that at least 55 percent of the funds allocated under this section be used for a special education program under Subchapter A, Chapter 29.

(d) Requires the commissioner, not later than December 1 of each even-numbered year, to submit to the LBB, for purposes of the allotment under this section, proposed amounts of funding for the service groups for the next state fiscal biennium.

Sec. 48.1022. SPECIAL EDUCATION TRANSITION FUNDING. (a) Authorizes the commissioner, for the 2026–2027 school year, to adjust weights or amounts provided under Section 48.102 or 48.1021 as necessary to ensure compliance with requirements regarding maintenance of state financial support under 20 U.S.C. Section 1412(a)(18) and maintenance of local financial support under applicable federal law.

(b) Requires the commissioner, for the 2026–2027 school year, to determine the formulas through which school districts receive funding under Sections 48.102 and 48.1021. Requires the commissioner, in determining the formulas, to ensure the estimated statewide increase from the amount that would have been provided under the allotment under Section 48.102, as that section existed on September 1, 2025, for the 2026–2027 school year to the amount provided by the sum of the allotments under Sections 48.102 and 48.1021 for that school year is approximately \$200 million.

(c) Requires each school district and open-enrollment charter school to report to TEA information necessary to implement this section.

(d) Requires TEA to provide technical assistance to school districts and open-enrollment charter schools to ensure a successful transition in funding formulas for special education.

(e) Provides that this section expires September 1, 2028.

SECTION 58. Amends Sections 48.103(b), (c), and (d), Education Code, as follows:

(b) Provides that a school district is entitled to an allotment under Subsection (a) (relating to providing that a school district receives an annual allotment for students with dyslexia or related disorders) only for a student who:

(1) is receiving instruction, services, or accommodations for dyslexia or a related disorder in accordance with an individualized education program developed for the student under Section 29.005, or accommodations for dyslexia or a related disorder in accordance with a plan developed for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or

(2) is permitted, on the basis of having dyslexia or a related disorder, to use modifications in the classroom or accommodations in the administration of assessment instruments under Section 39.023 (Adoption and Administration of Instruments) without a program or plan described by Subdivision (1).

Deletes existing text providing that a school district is entitled to an allotment under Subsection (a) only for a student who is receiving instruction that meets applicable dyslexia program criteria established by SBOE and is provided by a person with specific training in providing that instruction. Makes nonsubstantive changes.

(c) Authorizes a school district to receive funding for a student under each provision of Section 48.103 (Allotment for Student with Dyslexia or Related Disorder), Section 48.102, and Section 48.1021 for which the student qualifies, rather than satisfies the requirements of both sections.

(d) Authorizes a school district to use the allotment, rather than an amount not to exceed 20 percent of the allotment, provided for qualifying student under this section to contract with a private provider to provide supplemental academic services to the student that are recommended under the student's program or plan described by Subsection (b).



SECTION 59. Amends Section 48.110(d), Education Code, to increase from \$2,000 to \$4,000 the amount to which a school district is entitled if the annual graduate is enrolled in a special education program under Subchapter A, Chapter 29.

SECTION 60. Amends Section 48.151(g), Education Code, as follows:

(g) Provides that a school district or county that provides special transportation services for eligible special education students is entitled to a state allocation at a rate per mile equal to the sum of the rate per mile set under Subsection (c) (relating to providing that a district or county operating a regular transportation system receives an allotment based on a per-mile rate per eligible student) and \$0.13, or a greater amount provided by appropriation. Deletes existing text providing that a school district or county that provides special transportation services for eligible special education students is entitled to a state allocation paid on a previous year's cost-per-mile basis. Deletes existing text requiring that the rate per mile allowable be set by appropriation based on data gathered from the first year of each preceding biennium. Makes a nonsubstantive change.

SECTION 61. Amends Subchapter D, Chapter 48, Education Code, by adding Section 48.158, as follows:

Sec. 48.158. SPECIAL EDUCATION FULL INDIVIDUAL AND INITIAL EVALUATION. Provides that, for each child for whom a school district conducts a full individual and initial evaluation under Section 29.004 or 20 U.S.C. Section 1414(a)(1), the district is entitled to an allotment of \$250 or a greater amount provided by appropriation.

SECTION 62. Amends Section 48.265(a), Education Code, as follows:

(a) Authorizes the commissioner, 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 Chapter 48 (Foundation School Program), rather than notwithstanding any other provision of law, to provide 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. Deletes existing text requiring the commissioner by rule to establish a grant program through which excess funds are awarded as grants.

SECTION 63. Amends Section 48.279(e), Education Code, as follows:

(e) Requires the commissioner, after the commissioner has replaced any withheld federal funds as provided by Subsection (d) (relating to requiring the commissioner to use state funds to replace withheld federal funds for the same purposes and in the same manner as the withheld funds would have been provided), to distribute the remaining amount, if any, of funds described by Subsection (a) (relating to requiring the commissioner to identify state funds for compliance with federal special education financial support requirements) 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 64. Amends Subchapter G, Chapter 48, Education Code, by adding Sections 48.304, 48.306, and 48.315, as follows:

Sec 48.304. DAY PLACEMENT PROGRAM OR COOPERATIVE FUNDING. (a) Provides that, 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) Provides that a day placement program or cooperative qualifies for purposes of Subsection (a) if the program or cooperative complies with commissioner rules adopted for purposes of this section under Section 48.004 (Administration of the Program), 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 TEA 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) Prohibits TEA from designating more than one day placement program or cooperative for service per county each year.

(d) Authorizes TEA to designate a regional education service center to implement and administer this section.

(e) Prohibits TEA, notwithstanding any other provision of this section, from providing an allotment under this section to more than 20 day placement programs or cooperatives for a year.

**Sec. 48.306. PARENT-DIRECTED SERVICES FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES GRANT.** (a) Provides that a student to whom TEA awards a grant under Subchapter A-1, Chapter 29, is entitled to receive an amount of \$1,500 or a greater amount provided by appropriation.

(b) Requires the legislature to include in the appropriations for the Foundation School Program state aid sufficient for TEA to award grants under Subchapter A1, Chapter 29, in the amount provided by this section.

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

(d) Provides that a regional education service center designated to administer the program under Subchapter A-1, Chapter 29, for a school year is entitled to an amount equal to four percent of each grant awarded under that subchapter for that school year.

(e) Provides that, notwithstanding Section 7.057, a determination of the commissioner under this section is final and is prohibited from being appealed.

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

(b) Requires TEA, notwithstanding Subsection (a), to adjust the amount of an allotment under that subsection for a school year to ensure the total amount of

allotments provided under that subsection is at least \$35 million for that school year.

SECTION 65. Repealer: Section 7.055(b)(24) (relating to requiring the commissioner to develop and implement a plan for the coordination of services to children with disabilities), Education Code.

Repealers: Sections 7.102(c)(18) (relating to authorizing SBOE to approve the plan to be developed and implemented by the commissioner) and (19) (relating to requiring SBOE to establish a date by which each school district and state institution is required to provide information), Education Code.

Repealers: Sections 7.102(c)(20) (relating to requiring SBOE to adopt rules prescribing the form and content of information school districts are required to provide) and (21) (relating to requiring SBOE to adopt rules concerning admission of students to TSD), Education Code.

Repealer: Section 7.102(c)(22) (relating to requiring SBOE to carry out powers and duties related to regional day school programs for the deaf), Education Code.

Repealer: Section 29.002 (Definition), Education Code.

Repealers: Sections 29.0041(c) (relating to providing that a parent's consent for certain psychological examinations and tests is considered denied if the parent does not give consent within 20 calendar days after receiving certain information) and 29.005(f) (relating to authorizing the written statement of a student's individualized education program to be required to include only certain information), Education Code.

Repealers: Sections 29.0161 (Contract with State Office of Administrative Hearings for Special Education Due Process Hearings) and 29.308 (Regional Programs), Education Code.

Repealers: Sections 29.309 (Composition of Local Special Education Advisory Committee) and 29.311 (Educational Programs), Education Code.

Repealers: Section 30.001 (Coordination of Services to Children with Disabilities) and 30.0015 (Transfer of Assistive Technology Devices), Education Code.

Repealers: Sections 30.002(c-1) (relating to requiring the evaluation of a student to fulfill certain requirements) and (c-2) (relating to requiring the scope of any reevaluation by a school district of a student to be determined by a multidisciplinary team), Education Code.

Repealers: Sections 30.002(f) (relating to requiring instruction in braille and the use of braille for a student with visual impairment) and (f-1) (relating to requiring each person assisting a student with visual impairment to receive information describing the benefits of braille instruction), Education Code.

Repealer: Section 30.002(g) (relating to requiring the commissioner to develop a system to distribute from the foundation school fund to school districts or regional education service centers a special supplemental allowance), Education Code.

Repealer: Section 30.084 (Establishment of Programs), Education Code.

Repealers: Sections 30.087(b) (relating to requiring the commissioner to allocate funds to each program based on the number of weighted full-time equivalent students served) and 38.003(d) (relating to the definitions of "dyslexia" and "related disorders"), Education Code.

SECTION 66. Requires the commissioner to award a grant under Subchapter A-1, Chapter 29, Education Code, as amended by this Act, for the 2025–2026 school year to each eligible applicant who applied but was not accepted for the 2024–2025 school year.

SECTION 67. Provides that Sections 8.051(d), 29.008, 29.014(c) and (d), and 29.018(b), Education Code, as amended by this Act, apply beginning with the 2026–2027 school year.

SECTION 68. (a) Effective date, except as provided by Subsection (b) or (c) of this section: upon passage or September 1, 2025.

(b) Effective date, except as provided by Subsection (c) of this section, Chapter 48, Education Code: September 1, 2025.

(c) Effective date, Sections 48.009(b), 48.051(a), 48.102, 48.103(b), (c), and (d), 48.279(e), Education Code, as amended by this Act, and Sections 48.1021 and 48.1022, Education Code, as added by this Act: September 1, 2026.