

1-1 By: Bettencourt, et al. S.B. No. 568
 1-2 (In the Senate - Filed December 12, 2024; February 3, 2025,
 1-3 read first time and referred to Committee on Education K-16;
 1-4 March 31, 2025, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 11, Nays 0; March 31, 2025,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 568 By: Parker

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to special education in public schools, including funding
 1-24 for special education under the Foundation School Program.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 7.021(b)(10), Education Code, is amended
 1-27 to read as follows:

1-28 (10) The agency shall carry out duties assigned under
 1-29 Section 30.002 concerning children who have visual impairments, are
 1-30 deaf or hard of hearing, or are deaf-blind [~~with visual~~
 1-31 ~~impairments~~].

1-32 SECTION 2. Section 7.055(b)(25), Education Code, is amended
 1-33 to read as follows:

1-34 (25) The commissioner shall develop a system to
 1-35 distribute to school districts or regional education service
 1-36 centers a special supplemental allowance for students with visual
 1-37 impairments as required under Section 30.0021 [~~30.002~~].

1-38 SECTION 3. Section 8.051(d), Education Code, is amended to
 1-39 read as follows:

1-40 (d) Each regional education service center shall maintain
 1-41 core services for purchase by school districts and campuses. The
 1-42 core services are:

1-43 (1) training and assistance in:

1-44 (A) teaching each subject area assessed under
 1-45 Section 39.023; and

1-46 (B) providing instruction in personal financial
 1-47 literacy as required under Section 28.0021;

1-48 (2) training and assistance in providing each program
 1-49 that qualifies for a funding allotment under Section 48.102,
 1-50 48.1021, 48.103, 48.104, 48.105, or 48.109;

1-51 (3) assistance specifically designed for a school
 1-52 district or campus assigned an unacceptable performance rating
 1-53 under Section 39.054;

1-54 (4) training and assistance to teachers,
 1-55 administrators, members of district boards of trustees, and members
 1-56 of site-based decision-making committees;

1-57 (5) assistance specifically designed for a school
 1-58 district that is considered out of compliance with state or federal
 1-59 special education requirements, based on the agency's most recent
 1-60 compliance review of the district's special education programs; and

2-1 (6) assistance in complying with state laws and rules.
 2-2 SECTION 4. Sections 28.025(c-7) and (c-8), Education Code,
 2-3 are amended to read as follows:

2-4 (c-7) Subject to Subsection (c-8), a student who is enrolled
 2-5 in a special education program under Subchapter A, Chapter 29, may
 2-6 earn the distinguished level of achievement under Subsection (b-15)
 2-7 or an endorsement on the student's transcript under Subsection
 2-8 (c-1) by:

2-9 (1) successfully completing, with or without
 2-10 modification of the curriculum:

2-11 (A) the curriculum requirements identified by
 2-12 the State Board of Education under Subsection (a); ~~and~~

2-13 (B) for the distinguished level of achievement,
 2-14 the additional curriculum requirements prescribed under Subsection
 2-15 (b-15); and

2-16 (C) for an endorsement, the additional
 2-17 [endorsement] curriculum requirements prescribed by the State
 2-18 Board of Education under Subsection (c-2); and

2-19 (2) successfully completing all curriculum
 2-20 requirements for the distinguished level of achievement or that
 2-21 endorsement adopted by the State Board of Education:

2-22 (A) without modification of the curriculum; or

2-23 (B) with modification of the curriculum,
 2-24 provided that the curriculum, as modified, is sufficiently rigorous
 2-25 as determined by the student's admission, review, and dismissal
 2-26 committee and documented in the student's individualized education
 2-27 program.

2-28 (c-8) For purposes of Subsection (c-7), the admission,
 2-29 review, and dismissal committee of a student in a special education
 2-30 program under Subchapter A, Chapter 29, shall determine whether the
 2-31 student is required to achieve satisfactory performance on an
 2-32 end-of-course assessment instrument to earn the distinguished
 2-33 level of achievement or an endorsement on the student's transcript.

2-34 SECTION 5. Section 29.001, Education Code, is amended to
 2-35 read as follows:

2-36 Sec. 29.001. IMPLEMENTATION OF SPECIAL EDUCATION
 2-37 LAW [STATEWIDE PLAN]. (a) As the state education agency
 2-38 responsible for carrying out the purposes of Part B, Individuals
 2-39 with Disabilities Education Act (20 U.S.C. Section 1411 et seq.),
 2-40 the [The] agency shall develop, and revise [modify] as necessary, a
 2-41 comprehensive system to ensure statewide and local compliance
 2-42 [design, consistent] with federal and state law related to special
 2-43 education[, for the delivery of services to children with
 2-44 disabilities in this state that includes rules for the
 2-45 administration and funding of the special education program so that
 2-46 a free appropriate public education is available to all of those
 2-47 children between the ages of three and 21].

2-48 (b) The comprehensive system must [statewide design shall]
 2-49 include the provision of services primarily through school
 2-50 districts and shared services arrangements, supplemented by
 2-51 regional education service centers.

2-52 (c) The comprehensive system must focus on maximizing
 2-53 student outcomes and include [agency shall also develop and
 2-54 implement a statewide plan with programmatic content that includes
 2-55 procedures designed to]:

2-56 (1) rulemaking, technical assistance, guidance
 2-57 documents, monitoring protocols, data elements necessary for
 2-58 statewide reporting, and other resources as necessary to implement
 2-59 and ensure compliance with federal and state law related to special
 2-60 education [ensure state compliance with requirements for
 2-61 supplemental federal funding for all state-administered programs
 2-62 involving the delivery of instructional or related services to
 2-63 students with disabilities];

2-64 (2) the facilitation of [facilitate] interagency
 2-65 coordination when other state agencies are involved in the delivery
 2-66 of instructional or related services to students with disabilities;

2-67 (3) the pursuit of [periodically assess statewide
 2-68 personnel needs in all areas of specialization related to special
 2-69 education and pursue] strategies to meet statewide special

3-1 education and related services personnel [~~those~~] needs [~~through a~~
 3-2 ~~consortium of representatives from regional education service~~
 3-3 ~~centers, local education agencies, and institutions of higher~~
 3-4 ~~education and through other available alternatives];~~

3-5 (4) ensuring [~~ensure~~] that regional education service
 3-6 centers throughout the state maintain a regional support function,
 3-7 which may include procedures for service centers to assist school
 3-8 districts in identifying existing public or private educational or
 3-9 related services in each region, cooperatively developing programs
 3-10 for students with disabilities, providing to or obtaining for
 3-11 school districts special equipment, delivering services, and
 3-12 facilitating [~~direct service delivery and a component designed to~~
 3-13 ~~facilitate~~] the placement of students with disabilities who cannot
 3-14 be appropriately served in their resident districts;

3-15 (5) [~~allow the agency to~~] effectively monitoring
 3-16 [~~monitor~~] and periodically conducting [~~conduct~~] site visits of all
 3-17 school districts to ensure that rules adopted under this subchapter
 3-18 [~~section~~] are applied in a consistent and uniform manner, to ensure
 3-19 that districts are complying with those rules, and to ensure that
 3-20 annual statistical reports filed by the districts and not otherwise
 3-21 available through the Public Education Information Management
 3-22 System under Sections 48.008 and 48.009 are accurate and complete;
 3-23 and

3-24 (6) the provision of training and technical assistance
 3-25 to ensure that:

3-26 (A) appropriately trained personnel are involved
 3-27 in the diagnostic and evaluative procedures operating in all
 3-28 districts and that those personnel routinely serve on district
 3-29 multidisciplinary evaluation teams and admissions, review, and
 3-30 dismissal committees;

3-31 (B) [~~(7) ensure that~~] an individualized
 3-32 education program for each student with a disability is properly
 3-33 developed, implemented, and maintained in the least restrictive
 3-34 environment that is appropriate to meet the student's educational
 3-35 needs;

3-36 (C) appropriately trained personnel are
 3-37 available to students with disabilities who have significant
 3-38 behavioral support needs, including by providing behavioral
 3-39 support training for a paraprofessional or teacher placed in a
 3-40 classroom or other setting that is intended to provide specialized
 3-41 behavioral supports to a student with a disability, as needed or at
 3-42 regular intervals as provided in the student's individualized
 3-43 education program;

3-44 (D) [~~(8) ensure that,~~] when appropriate, each
 3-45 student with a disability is provided an opportunity to participate
 3-46 in career and technology and physical education classes [~~, in~~
 3-47 ~~addition to participating in regular or special classes];~~

3-48 (E) [~~(9) ensure that~~] each student with a
 3-49 disability is provided necessary related services;

3-50 (F) school districts have an opportunity to
 3-51 request technical assistance from the agency or a regional
 3-52 education service center in establishing classroom environments
 3-53 conducive to learning for students with disabilities, including
 3-54 environments for students whose data indicate behavior that
 3-55 significantly impedes the student's own learning and the learning
 3-56 of other students;

3-57 (G) [~~(10) ensure that~~] an individual assigned
 3-58 to act as a surrogate parent for a child with a disability, as
 3-59 provided by 20 U.S.C. Section 1415(b), is required to:

3-60 (i) [~~(A)~~] complete a training program that
 3-61 complies with minimum standards established by agency rule;

3-62 (ii) [~~(B)~~] visit the child and the child's
 3-63 school;

3-64 (iii) [~~(C)~~] consult with persons involved
 3-65 in the child's education, including teachers, caseworkers,
 3-66 court-appointed volunteers, guardians ad litem, attorneys ad
 3-67 litem, foster parents, and caretakers;

3-68 (iv) [~~(D)~~] review the child's educational
 3-69 records;

4-1 (v) [~~E~~] attend meetings of the child's
 4-2 admission, review, and dismissal committee;
 4-3 (vi) [~~F~~] exercise independent judgment
 4-4 in pursuing the child's interests; and
 4-5 (vii) [~~G~~] exercise the child's due
 4-6 process rights under applicable state and federal law; and
 4-7 (H) [~~(11) ensure that~~] each district develops a
 4-8 process to be used by a teacher who instructs a student with a
 4-9 disability in a general education [~~regular~~] classroom setting:
 4-10 (i) [~~A~~] to request a review of the
 4-11 student's individualized education program;
 4-12 (ii) [~~B~~] to provide input in the
 4-13 development of the student's individualized education program;
 4-14 (iii) [~~C~~] that provides for a timely
 4-15 district response to the teacher's request; and
 4-16 (iv) [~~D~~] that provides for notification
 4-17 to the student's parent or legal guardian of that response.

4-18 SECTION 6. Subchapter A, Chapter 29, Education Code, is
 4-19 amended by adding Section 29.0012 to read as follows:

4-20 Sec. 29.0012. ANNUAL MEETING ON SPECIAL EDUCATION. (a) At
 4-21 least once each year, the board of trustees of a school district or
 4-22 the governing body of an open-enrollment charter school shall
 4-23 include during a public meeting a discussion of the performance of
 4-24 students receiving special education services at the district or
 4-25 school.

4-26 (b) The agency by rule shall adopt a set of performance
 4-27 indicators for measuring and evaluating the quality of learning and
 4-28 achievement for students receiving special education services at
 4-29 the school district or open-enrollment charter school to be
 4-30 considered at a meeting held under this section. The indicators
 4-31 must include performance on the college, career, or military
 4-32 readiness outcomes described by Section 48.110.

4-33 SECTION 7. Section 29.003, Education Code, is amended to
 4-34 read as follows:

4-35 Sec. 29.003. ELIGIBILITY CRITERIA. (a) The agency shall
 4-36 develop specific eligibility criteria based on the general
 4-37 classifications established by this section and in accordance with
 4-38 federal law [~~with reference to contemporary diagnostic or~~
 4-39 ~~evaluative terminologies and techniques~~]. Eligible students with
 4-40 disabilities shall enjoy the right to a free appropriate public
 4-41 education, which may include instruction in the general education
 4-42 [~~regular~~] classroom, instruction through special teaching, or
 4-43 instruction through contracts approved under this subchapter.
 4-44 Instruction shall be supplemented by the provision of related
 4-45 services when appropriate.

4-46 (b) A student is eligible to participate in a school
 4-47 district's special education program [~~if the student~~]:

4-48 (1) from birth through [~~is not more than~~] 21 years of
 4-49 age if the student [~~and~~] has a visual [~~or auditory~~] impairment, is
 4-50 deaf or hard of hearing, or is deaf-blind and that disability
 4-51 prevents the student from being adequately or safely educated in
 4-52 public school without the provision of special education
 4-53 services;
 4-54 [~~or~~]

4-55 (2) from three years of age through nine years of age
 4-56 if the student is experiencing developmental delays as described by
 4-57 20 U.S.C. Section 1401(3)(B) and defined by commissioner rule; or

4-58 (3) from 3 years of age through [~~is at least three but~~
 4-59 ~~not more than~~] 21 years of age if the student [~~and~~]
 4-60 of the [~~following~~] disabilities described by 20 U.S.C. Section
 4-61 1401(3)(A) and that disability prevents the student from being
 4-62 adequately or safely educated in public school without the
 4-63 provision of special education services [+

4-64 [(A) ~~physical disability,~~

4-65 [(B) ~~intellectual or developmental disability,~~

4-66 [(C) ~~emotional disturbance,~~

4-67 [(D) ~~learning disability,~~

4-68 [(E) ~~autism,~~

4-69 [(F) ~~speech disability, or~~

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

5-1 SECTION 8. Sections 29.005(a), (d), and (e), Education
5-2 Code, are amended to read as follows:

5-3 (a) Before a child is enrolled in a special education
5-4 program of a school district, the district shall establish a
5-5 committee composed of the persons required under 20 U.S.C. Section
5-6 1414(d) to develop the child's individualized education program.
5-7 If a committee is required to include a general ~~[regular]~~ education
5-8 teacher, the ~~[regular education]~~ teacher included must, to the
5-9 extent practicable, be a teacher who is responsible for
5-10 implementing a portion of the child's individualized education
5-11 program.

5-12 (d) If the primary language of the child's parent is a
5-13 language other than ~~[is unable to speak]~~ English, the district
5-14 shall:

5-15 (1) provide the parent with a written or audiotaped
5-16 copy of the child's individualized education program translated
5-17 into Spanish if Spanish is the parent's primary ~~[native]~~ language;
5-18 or

5-19 (2) if the parent's primary ~~[native]~~ language is a
5-20 language other than Spanish, make a good faith effort to provide the
5-21 parent with a written or audiotaped copy of the child's
5-22 individualized education program translated into the parent's
5-23 primary ~~[native]~~ language.

5-24 (e) The commissioner by rule may require a school district
5-25 to include in the individualized education program of a student
5-26 with autism ~~[or another pervasive developmental disorder]~~ any
5-27 information or requirement determined necessary to ensure the
5-28 student receives a free appropriate public education as required
5-29 under the Individuals with Disabilities Education Act (20 U.S.C.
5-30 Section 1400 et seq.).

5-31 SECTION 9. Section 29.0051, Education Code, is amended by
5-32 adding Subsection (d) to read as follows:

5-33 (d) From federal money appropriated or otherwise available
5-34 for the purpose, the commissioner may develop or procure the model
5-35 form developed under Subsection (a) in a digital format. If the
5-36 commissioner develops or procures the model form in a digital
5-37 format, the commissioner shall adopt rules regarding school
5-38 district use of the form in that format.

5-39 SECTION 10. Subchapter A, Chapter 29, Education Code, is
5-40 amended by adding Section 29.0056 to read as follows:

5-41 Sec. 29.0056. INFORMATION REGARDING STATE SUPPORTED LIVING
5-42 CENTERS. (a) In this section, "state supported living center" has
5-43 the meaning assigned by Section 531.002, Health and Safety Code.

5-44 (b) The Health and Human Services Commission, in
5-45 collaboration with the agency and stakeholders who represent the
5-46 full continuum of educational residential placement options, shall
5-47 develop and provide to the agency materials regarding educational
5-48 residential placement options for children who may qualify for
5-49 placement in a state supported living center. The agency shall make
5-50 the materials developed under this subsection available to school
5-51 districts.

5-52 (c) At a meeting of a child's admission, review, and
5-53 dismissal committee at which residential placement is discussed,
5-54 the school district shall provide to the child's parent the
5-55 materials developed under Subsection (b).

5-56 SECTION 11. Sections 29.006(a) and (c), Education Code, are
5-57 amended to read as follows:

5-58 (a) The governor shall appoint a continuing advisory
5-59 committee consistent with ~~[, composed of 17 members, under]~~ 20
5-60 U.S.C. Section 1412(a)(21). At least one member appointed under
5-61 this subsection must be a director of special education programs
5-62 for a school district.

5-63 (c) Members of the committee are appointed for staggered
5-64 terms of four years with the terms of half of the ~~[eight or nine]~~
5-65 members or, for an odd number of members, half of the members
5-66 rounded down or half of the members rounded up expiring on February
5-67 1 of each odd-numbered year.

5-68 SECTION 12. Section 29.008, Education Code, is amended to
5-69 read as follows:

6-1 Sec. 29.008. CONTRACTS FOR SERVICES; RESIDENTIAL AND DAY
 6-2 PLACEMENT PROGRAMS. (a) The commissioner shall set minimum
 6-3 standards for and develop and update as necessary a list of approved
 6-4 public or private facilities, institutions, agencies, or
 6-5 businesses inside or outside of this state that a [A] school
 6-6 district, shared services arrangement unit, or regional education
 6-7 service center may contract with [a public or private facility,
 6-8 institution, or agency inside or outside of this state] for the
 6-9 provision of services to students with disabilities in a
 6-10 residential or day placement program.

6-11 (a-1) [Each contract for residential placement must be
 6-12 approved by the commissioner.] The commissioner may approve a
 6-13 facility, institution, agency, or business under Subsection (a)
 6-14 [residential placement contract] only after at least a programmatic
 6-15 evaluation of personnel qualifications, costs, adequacy of
 6-16 physical plant and equipment, and curriculum content. [The
 6-17 commissioner may approve either the whole or a part of a facility or
 6-18 program.]

6-19 (a-2) Each contract described by this section must be
 6-20 approved by the commissioner. A school district, shared services
 6-21 arrangement unit, or regional education service center seeking to
 6-22 place a student in a residential or day placement program that is
 6-23 not on the list developed under Subsection (a) must submit to the
 6-24 commissioner an application for approval in accordance with
 6-25 Subsections (a) and (a-1).

6-26 (b) Except as provided by Subsection (c), costs of an
 6-27 approved contract for residential placement may be paid from a
 6-28 combination of federal, state, and local funds. The local share of
 6-29 the total contract cost for each student is that portion of the
 6-30 local tax effort that exceeds the district's local fund assignment
 6-31 under Section 48.256, divided by the average daily attendance in
 6-32 the district. If the contract involves a private facility, the
 6-33 state share of the total contract cost is that amount remaining
 6-34 after subtracting the local share. If the contract involves a
 6-35 public facility, the state share is that amount remaining after
 6-36 subtracting the local share from the portion of the contract that
 6-37 involves the costs of instructional and related services. For
 6-38 purposes of this subsection, "local tax effort" means the total
 6-39 amount of money generated by taxes imposed for debt service and
 6-40 maintenance and operation less any amounts paid into a tax
 6-41 increment fund under Chapter 311, Tax Code. This subsection
 6-42 expires September 1, 2027.

6-43 (c) When a student, including one for whom the state is
 6-44 managing conservator, is placed primarily for care or treatment
 6-45 reasons in a private [~~residential~~] facility that operates its own
 6-46 private education program, none of the costs may be paid from public
 6-47 education funds. If a [~~residential~~] placement primarily for care
 6-48 or treatment reasons involves a private [~~residential~~] facility in
 6-49 which the education program is provided by the school district, the
 6-50 portion of the costs that includes appropriate education services,
 6-51 as determined by the school district's admission, review, and
 6-52 dismissal committee, shall be paid from state and federal education
 6-53 funds.

6-54 (d) A district that contracts for the provision of education
 6-55 services rather than providing the services itself shall oversee
 6-56 the implementation of the student's individualized education
 6-57 program and shall annually reevaluate the appropriateness of the
 6-58 arrangement. The reevaluation must include standards and
 6-59 expectations that must be met to reintegrate the student to the
 6-60 general education setting. An approved facility, institution, [~~or~~]
 6-61 agency, or business with whom the district contracts shall
 6-62 periodically report to the district and the agency on the services
 6-63 the student has received or will receive in accordance with the
 6-64 contract as well as diagnostic or other evaluative information that
 6-65 the district or agency requires in order to fulfill its obligations
 6-66 under this subchapter.

6-67 (e) The commissioner shall adopt rules for residential and
 6-68 day placement of students receiving special education services.

6-69 SECTION 13. The heading to Section 29.009, Education Code,

7-1 is amended to read as follows:

7-2 Sec. 29.009. PUBLIC NOTICE CONCERNING EARLY CHILDHOOD
7-3 SPECIAL EDUCATION [~~PRESCHOOL~~] PROGRAMS [~~FOR STUDENTS WITH~~
7-4 DISABILITIES].

7-5 SECTION 14. Section 29.010, Education Code, is amended to
7-6 read as follows:

7-7 Sec. 29.010. GENERAL SUPERVISION AND COMPLIANCE. (a) The
7-8 agency shall develop [~~adopt~~] and implement a comprehensive system
7-9 for monitoring school district compliance with federal and state
7-10 laws relating to special education. The monitoring system must
7-11 include a comprehensive cyclical process and a targeted risk-based
7-12 process [~~provide for ongoing analysis of district special education~~
7-13 ~~data and of complaints filed with the agency concerning special~~
7-14 ~~education services and for inspections of school districts at~~
7-15 ~~district facilities~~]. The agency shall establish criteria and
7-16 instruments for use in determining district compliance under this
7-17 section [~~use the information obtained through analysis of district~~
7-18 ~~data and from the complaints management system to determine the~~
7-19 ~~appropriate schedule for and extent of the inspection~~].

7-20 (a-1) As part of the monitoring system, the agency may
7-21 require a school district to obtain specialized technical
7-22 assistance for a documented noncompliance issue or if data
7-23 indicates that technical assistance is needed, such as an incident
7-24 involving injury to staff or students by a student receiving
7-25 special education services or data indicating an excessive number
7-26 of restraints are used on students receiving special education
7-27 services.

7-28 (b) As part of the monitoring process [~~To complete the~~
7-29 ~~inspection~~], the agency must obtain information from parents and
7-30 teachers of students in special education programs in the district.

7-31 (c) The agency shall develop and implement a system of
7-32 interventions and sanctions for school districts the agency
7-33 identifies as being in noncompliance with [~~whose most recent~~
7-34 ~~monitoring visit shows a failure to comply with major requirements~~
7-35 ~~of~~] the Individuals with Disabilities Education Act (20 U.S.C.
7-36 Section 1400 et seq.), federal regulations, state statutes, or
7-37 agency requirements necessary to carry out federal law or
7-38 regulations or state law relating to special education.

7-39 (d) The agency shall establish a system of progressive
7-40 sanctions and enforcement provisions to apply to [~~For~~] districts
7-41 that remain in noncompliance for more than one year [~~, the first~~
7-42 ~~stage of sanctions shall begin with annual or more frequent~~
7-43 ~~monitoring visits~~]. The [~~Subsequent~~] sanctions must [~~may~~] range in
7-44 severity and may include [~~up to~~] the withholding of funds. If funds
7-45 are withheld, the agency may use the funds, or direct the funds to
7-46 be used, to provide, through alternative arrangements, services to
7-47 students and staff members in the district from which the funds are
7-48 withheld.

7-49 (e) The agency's complaint management division shall
7-50 develop a system for expedited investigation and resolution of
7-51 complaints concerning a district's failure to provide special
7-52 education or related services to a student eligible to participate
7-53 in the district's special education program.

7-54 [~~(f) This section does not create an obligation for or~~
7-55 ~~impose a requirement on a school district or open-enrollment~~
7-56 ~~charter school that is not also created or imposed under another~~
7-57 ~~state law or a federal law.~~]

7-58 SECTION 15. Section 29.012(d), Education Code, is amended
7-59 to read as follows:

7-60 (d) The Texas Education Agency, the Health and Human
7-61 Services Commission, the Department of Family and Protective
7-62 Services, and the Texas Juvenile Justice Department by a
7-63 cooperative effort shall develop and [~~by rule~~] adopt a memorandum
7-64 of understanding. The memorandum must:

7-65 (1) establish the respective responsibilities of
7-66 school districts and of residential facilities for the provision of
7-67 a free, appropriate public education, as required by the
7-68 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
7-69 et seq.) and its subsequent amendments, including each requirement

8-1 for children with disabilities who reside in those facilities;
 8-2 (2) coordinate regulatory and planning functions of
 8-3 the parties to the memorandum;
 8-4 (3) establish criteria for determining when a public
 8-5 school will provide educational services;
 8-6 (4) provide for appropriate educational space when
 8-7 education services will be provided at the residential facility;
 8-8 (5) establish measures designed to ensure the safety
 8-9 of students and teachers; and
 8-10 (6) provide for binding arbitration consistent with
 8-11 Chapter 2009, Government Code, and Section 154.027, Civil Practice
 8-12 and Remedies Code.

8-13 SECTION 16. Section 29.013, Education Code, is amended to
 8-14 read as follows:

8-15 Sec. 29.013. NONEDUCATIONAL COMMUNITY-BASED SUPPORT
 8-16 SERVICES GRANTS FOR CERTAIN STUDENTS WITH DISABILITIES. (a) The
 8-17 commissioner [agency] shall adopt rules establishing [establish]
 8-18 procedures and criteria for the allocation of grants [funds
 8-19 appropriated] under this section to students who are eligible under
 8-20 Subsection (b) and the students' families [school districts] for
 8-21 the provision of noneducational community-based support services
 8-22 [to certain students with disabilities and their families so that
 8-23 those students may receive an appropriate free public education in
 8-24 the least restrictive environment].

8-25 (b) A grant [The funds] may be awarded under this section
 8-26 [used] only to a student with a disability [for eligible students
 8-27 with disabilities] who is [would remain or would have to be] placed
 8-28 by the student's admission, review, and dismissal committee in:

8-29 (1) a residential program approved under Section
 8-30 29.008; or

8-31 (2) a day placement program and is at risk of being
 8-32 placed in a residential program approved under Section 29.008
 8-33 [facilities primarily for educational reasons without the
 8-34 provision of noneducational community-based support services].

8-35 (c) The support services may not be related to the provision
 8-36 of a free appropriate public education to the student and may
 8-37 include in-home family support, behavioral and other
 8-38 disability-related supports for the student's family, respite
 8-39 care, and case management for the student's family [families with a
 8-40 student who otherwise would have been placed by a district in a
 8-41 private residential facility].

8-42 (d) A school district shall:

8-43 (1) notify the parent of a student described by
 8-44 Subsection (b) of the availability of grants under this section;
 8-45 and

8-46 (2) designate a campus or district staff member to
 8-47 assist families of students described by Subsection (b) in
 8-48 accessing grants under this section.

8-49 (e) On request by the parent of a student described by
 8-50 Subsection (b), the commissioner shall create an account for the
 8-51 student to access a grant under this section through which the
 8-52 parent may request payment for approved support services.

8-53 (f) In adopting rules under this section, the commissioner
 8-54 shall adopt rules and guidelines detailing the process to access
 8-55 grant money and the amount of each grant, including a process for a
 8-56 parent to apply for an increase in the grant amount.

8-57 (g) The provision of services under this section does not
 8-58 supersede or limit the responsibility of a school district or other
 8-59 agencies to provide or pay for costs [of noneducational
 8-60 community-based support services] to enable any student with
 8-61 disabilities to receive a free appropriate public education in the
 8-62 least restrictive environment. [Specifically, services provided
 8-63 under this section may not be used for a student with disabilities
 8-64 who is currently placed or who needs to be placed in a residential
 8-65 facility primarily for noneducational reasons.]

8-66 (h) The commissioner may designate a regional education
 8-67 service center to administer grants under this section.

8-68 SECTION 17. Sections 29.014(c) and (d), Education Code, are
 8-69 amended to read as follows:

9-1 (c) Notwithstanding any other provision of this code, a
 9-2 student whose appropriate education program is a general [~~regular~~]
 9-3 education program may receive services and be counted for
 9-4 attendance purposes for the number of hours per week appropriate
 9-5 for the student's condition if the student:

9-6 (1) is temporarily classified as eligible for
 9-7 participation in a special education program because of the
 9-8 student's confinement in a hospital; and

9-9 (2) the student's education is provided by a district
 9-10 to which this section applies.

9-11 (d) The basic allotment for a student enrolled in a district
 9-12 to which this section applies is adjusted by the tier of intensity
 9-13 of service defined in accordance with [~~weight for a homebound~~
 9-14 ~~student under~~] Section 48.102 and designated by commissioner rule
 9-15 for use under this section [48.102(a)].

9-16 SECTION 18. Section 29.0162(b), Education Code, is amended
 9-17 to read as follows:

9-18 (b) The commissioner by rule shall adopt additional
 9-19 qualifications and requirements for a representative for purposes
 9-20 of Subsection (a)(2). The rules must:

9-21 (1) prohibit an individual from being a representative
 9-22 under Subsection (a)(2) opposing a school district if:

9-23 (A) the individual has prior employment
 9-24 experience with the district; and

9-25 (B) the district raises an objection to the
 9-26 individual serving as a representative;

9-27 (2) include requirements that the representative have
 9-28 knowledge of:

9-29 (A) all special education dispute resolution
 9-30 options available to parents, including due process and due process
 9-31 rules, hearings, and procedure; and

9-32 (B) federal and state special education laws;

9-33 (3) require, if the representative receives monetary
 9-34 compensation from a person for representation in an impartial due
 9-35 process hearing, that the representative agree to abide by a
 9-36 voluntary code of ethics and professional conduct during the period
 9-37 of representation; and

9-38 (4) require, if the representative receives monetary
 9-39 compensation from a person for representation in an impartial due
 9-40 process hearing, that the representative enter into a written
 9-41 agreement for representation with the person who is the subject of
 9-42 the special education due process hearing that includes a process
 9-43 for resolving any disputes between the representative and the
 9-44 person.

9-45 SECTION 19. Section 29.018(b), Education Code, is amended
 9-46 to read as follows:

9-47 (b) A school district is eligible to apply for a grant under
 9-48 this section if:

9-49 (1) the district does not receive sufficient funds,
 9-50 including state funds provided under Sections [~~Section~~] 48.102 and
 9-51 48.1021 and federal funds, for a student with disabilities to pay
 9-52 for the special education services provided to the student; or

9-53 (2) the district does not receive sufficient funds,
 9-54 including state funds provided under Sections [~~Section~~] 48.102 and
 9-55 48.1021 and federal funds, for all students with disabilities in
 9-56 the district to pay for the special education services provided to
 9-57 the students.

9-58 SECTION 20. The heading to Section 29.020, Education Code,
 9-59 is amended to read as follows:

9-60 Sec. 29.020. STATE-ADMINISTERED INDIVIDUALIZED EDUCATION
 9-61 PROGRAM FACILITATION [~~PROJECT~~].

9-62 SECTION 21. Sections 29.020(a) and (c), Education Code, are
 9-63 amended to read as follows:

9-64 (a) The agency shall develop rules in accordance with this
 9-65 section applicable to state-administered [~~the administration of a~~
 9-66 ~~state~~] individualized education program facilitation [~~project~~].
 9-67 The program shall include the provision of an independent
 9-68 individualized education program facilitator as a dispute
 9-69 resolution method that may be used to avoid a potential dispute

10-1 between a school district and a parent of a student with a
 10-2 disability or to facilitate an admission, review, and dismissal
 10-3 committee meeting with parties who are in a dispute about decisions
 10-4 relating to the provision of a free appropriate public education to
 10-5 a student with a disability. Facilitation [implemented under the
 10-6 project] must comply with rules developed under this subsection.

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

10-11 SECTION 22. Sections 29.022(a), (a-1), (b), (c), (c-1),
 10-12 (d), (f), (h), (k), (l), (q), (s), and (t), Education Code, are
 10-13 amended to read as follows:

10-14 (a) In order to promote student safety, on receipt of a
 10-15 written request authorized under Subsection (a-1), a school
 10-16 district or open-enrollment charter school shall provide
 10-17 equipment, including a video camera, to the school or schools in the
 10-18 district or the charter school campus or campuses specified in the
 10-19 request. A school or campus that receives equipment as provided by
 10-20 this subsection shall place, operate, and maintain one or more
 10-21 video cameras in special education ~~[self-contained]~~ classrooms and
 10-22 other special education settings ~~[in which a majority of the~~
 10-23 ~~students in regular attendance are provided special education and~~
 10-24 ~~related services and are assigned to one or more self-contained~~
 10-25 ~~classrooms or other special education settings for at least 50~~
 10-26 ~~percent of the instructional day], provided that:~~

10-27 (1) a school or campus that receives equipment as a
 10-28 result of the request by a parent or staff member is required to
 10-29 place equipment only in classrooms or settings in which the
 10-30 parent's child is in regular attendance or to which the staff member
 10-31 is assigned, as applicable; and

10-32 (2) a school or campus that receives equipment as a
 10-33 result of the request by a board of trustees, governing body,
 10-34 principal, or assistant principal is required to place equipment
 10-35 only in classrooms or settings identified by the requestor, if the
 10-36 requestor limits the request to specific classrooms or settings
 10-37 subject to this subsection.

10-38 (a-1) For purposes of Subsection (a):

10-39 (1) a parent of a child who receives special education
 10-40 services in one or more special education ~~[self-contained]~~
 10-41 classrooms or other special education settings may request in
 10-42 writing that equipment be provided to the school or campus at which
 10-43 the child receives those services;

10-44 (2) a board of trustees or governing body may request
 10-45 in writing that equipment be provided to one or more specified
 10-46 schools or campuses at which one or more children receive special
 10-47 education services in special education ~~[self-contained]~~
 10-48 classrooms or other special education settings;

10-49 (3) the principal or assistant principal of a school
 10-50 or campus at which one or more children receive special education
 10-51 services in special education ~~[self-contained]~~ classrooms or other
 10-52 special education settings may request in writing that equipment be
 10-53 provided to the principal's or assistant principal's school or
 10-54 campus; and

10-55 (4) a staff member assigned to work with one or more
 10-56 children receiving special education services in special education
 10-57 ~~[self-contained]~~ classrooms or other special education settings
 10-58 may request in writing that equipment be provided to the school or
 10-59 campus at which the staff member works.

10-60 (b) A school or campus that places a video camera in a
 10-61 special education classroom or other special education setting in
 10-62 accordance with Subsection (a) shall operate and maintain the video
 10-63 camera in the classroom or setting, as long as the classroom or
 10-64 setting continues to satisfy the requirements under Subsection (a),
 10-65 for the remainder of the school year in which the school or campus
 10-66 received the request, unless the requestor withdraws the request in
 10-67 writing. If for any reason a school or campus will discontinue
 10-68 operation of a video camera during a school year, not later than the
 10-69 fifth school day before the date the operation of the video camera

11-1 will be discontinued, the school or campus must notify the parents
 11-2 of each student in regular attendance in the classroom or setting
 11-3 that operation of the video camera will not continue unless
 11-4 requested by a person eligible to make a request under Subsection
 11-5 (a-1). Not later than the 10th school day before the end of each
 11-6 school year, the school or campus must notify the parents of each
 11-7 student in regular attendance in the classroom or setting that
 11-8 operation of the video camera will not continue during the
 11-9 following school year unless a person eligible to make a request for
 11-10 the next school year under Subsection (a-1) submits a new request.

11-11 (c) Except as provided by Subsection (c-1), video cameras
 11-12 placed under this section must be capable of:

11-13 (1) covering all areas of the special education
 11-14 classroom or other special education setting, including a room
 11-15 attached to the classroom or setting used for time-out; and

11-16 (2) recording audio from all areas of the special
 11-17 education classroom or other special education setting, including a
 11-18 room attached to the classroom or setting used for time-out.

11-19 (c-1) The inside of a bathroom or any area in the special
 11-20 education classroom or other special education setting in which a
 11-21 student's clothes are changed may not be visually monitored, except
 11-22 for incidental coverage of a minor portion of a bathroom or changing
 11-23 area because of the layout of the classroom or setting.

11-24 (d) Before a school or campus activates a video camera in a
 11-25 special education classroom or other special education setting
 11-26 under this section, the school or campus shall provide written
 11-27 notice of the placement to all school or campus staff and to the
 11-28 parents of each student attending class or engaging in school
 11-29 activities in the classroom or setting.

11-30 (f) A school district or open-enrollment charter school may
 11-31 solicit and accept gifts, grants, and donations from any person for
 11-32 use in placing video cameras in special education classrooms or
 11-33 other special education settings under this section.

11-34 (h) A school district or open-enrollment charter school may
 11-35 not:

11-36 (1) allow regular or continual monitoring of video
 11-37 recorded under this section; or

11-38 (2) use video recorded under this section for teacher
 11-39 evaluation or for any other purpose other than the promotion of
 11-40 safety of students receiving special education services in a
 11-41 special education [~~self-contained~~] classroom or other special
 11-42 education setting.

11-43 (k) The commissioner may adopt rules to implement and
 11-44 administer this section, including rules regarding the special
 11-45 education classrooms and other special education settings to which
 11-46 this section applies.

11-47 (l) A school district or open-enrollment charter school
 11-48 policy relating to the placement, operation, or maintenance of
 11-49 video cameras under this section must:

11-50 (1) include information on how a person may appeal an
 11-51 action by the district or school that the person believes to be in
 11-52 violation of this section or a policy adopted in accordance with
 11-53 this section, including the appeals process under Section 7.057;

11-54 (2) require that the district or school provide a
 11-55 response to a request made under this section not later than the
 11-56 seventh school business day after receipt of the request by the
 11-57 person to whom it must be submitted under Subsection (a-3) that
 11-58 authorizes the request or states the reason for denying the
 11-59 request;

11-60 (3) except as provided by Subdivision (5), require
 11-61 that a school or a campus begin operation of a video camera in
 11-62 compliance with this section not later than the 45th school
 11-63 business day, or the first school day after the 45th school business
 11-64 day if that day is not a school day, after the request is authorized
 11-65 unless the agency grants an extension of time;

11-66 (4) permit the parent of a student whose admission,
 11-67 review, and dismissal committee has determined that the student's
 11-68 placement for the following school year will be in a special
 11-69 education classroom or other special education setting in which a

12-1 video camera may be placed under this section to make a request for
12-2 the video camera by the later of:

12-3 (A) the date on which the current school year
12-4 ends; or

12-5 (B) the 10th school business day after the date
12-6 of the placement determination by the admission, review, and
12-7 dismissal committee; and

12-8 (5) if a request is made by a parent in compliance with
12-9 Subdivision (4), unless the agency grants an extension of time,
12-10 require that a school or campus begin operation of a video camera in
12-11 compliance with this section not later than the later of:

12-12 (A) the 10th school day of the fall semester; or

12-13 (B) the 45th school business day, or the first
12-14 school day after the 45th school business day if that day is not a
12-15 school day, after the date the request is made.

12-16 (q) The agency shall collect through the Public Education
12-17 Information Management System (PEIMS) data relating to requests
12-18 made under this section and actions taken by a school district or
12-19 open-enrollment charter school in response to a request, including
12-20 the number of requests made, authorized, and denied.

12-21 (s) This section applies to the placement, operation, and
12-22 maintenance of a video camera in a special education
12-23 [self-contained] classroom or other special education setting
12-24 during the regular school year and extended school year services.

12-25 (t) A video camera placed under this section is not required
12-26 to be in operation for the time during which students are not
12-27 present in the special education classroom or other special
12-28 education setting.

12-29 SECTION 23. Sections 29.022(u)(3) and (4), Education Code,
12-30 are amended to read as follows:

12-31 (3) "Special education classroom or other special
12-32 education setting" means a classroom or setting primarily used for
12-33 delivering special education services to students who spend on
12-34 average less than 50 percent of an instructional day in a general
12-35 education classroom or setting [~~"Self-contained classroom" does~~
12-36 ~~not include a classroom that is a resource room instructional~~
12-37 ~~arrangement under Section 48.102~~].

12-38 (4) "Staff member" means a teacher, related service
12-39 provider, paraprofessional, counselor, or educational aide
12-40 assigned to work in a special education [~~self-contained~~]
12-41 or other special education setting.

12-42 SECTION 24. Subchapter A, Chapter 29, Education Code, is
12-43 amended by adding Sections 29.023, 29.024, 29.025, and 29.026 to
12-44 read as follows:

12-45 Sec. 29.023. GRANT PROGRAM PROVIDING SERVICES TO STUDENTS
12-46 WITH AUTISM. (a) From money appropriated or otherwise available
12-47 for the purpose, the commissioner shall establish a program to
12-48 award grants to school districts and open-enrollment charter
12-49 schools that provide innovative services to students with autism.

12-50 (b) A school district, including a school district acting
12-51 through a district charter issued under Subchapter C, Chapter 12,
12-52 and an open-enrollment charter school, including a charter school
12-53 that primarily serves students with disabilities, as provided under
12-54 Section 12.1014, may apply for a grant under this section.

12-55 (c) A program is eligible for a grant under this section if
12-56 the program:

12-57 (1) incorporates:

12-58 (A) evidence-based and research-based design;

12-59 (B) the use of empirical data on student
12-60 achievement and improvement;

12-61 (C) parental support and collaboration;

12-62 (D) the use of technology;

12-63 (E) meaningful inclusion; and

12-64 (F) the ability to replicate the program for
12-65 students statewide; and

12-66 (2) gives priority for enrollment to students with
12-67 autism.

12-68 (d) A school district or open-enrollment charter school may
12-69 not:

13-1 (1) charge a fee for the program, other than those
 13-2 authorized by law for students in public schools;

13-3 (2) require a parent to enroll a child in the program;

13-4 (3) allow an admission, review, and dismissal
 13-5 committee to place a student in the program without the written
 13-6 consent of the student's parent or guardian; or

13-7 (4) continue the placement of a student in the program
 13-8 after the student's parent or guardian revokes consent, in writing,
 13-9 to the student's placement in the program.

13-10 (e) A program under this section may:

13-11 (1) alter the length of the school day or school year
 13-12 or the number of minutes of instruction received by students;

13-13 (2) coordinate services with private or
 13-14 community-based providers;

13-15 (3) allow the enrollment of students without
 13-16 disabilities or with other disabilities, if approved by the
 13-17 commissioner; and

13-18 (4) adopt staff qualifications and staff-to-student
 13-19 ratios that differ from the applicable requirements of this title.

13-20 (f) The commissioner shall create an external panel of
 13-21 stakeholders, including parents of students with disabilities, to
 13-22 provide assistance in the selection of applications for the award
 13-23 of grants under this section.

13-24 (g) In selecting programs to receive a grant under this
 13-25 section, the commissioner shall prioritize programs that are
 13-26 collaborations between multiple school districts, multiple charter
 13-27 schools, or school districts and charter schools. The selected
 13-28 programs must reflect the diversity of this state.

13-29 (h) A program selected to receive a grant under this section
 13-30 is to be funded for two years.

13-31 (i) A grant awarded to a school district or open-enrollment
 13-32 charter school under this section is in addition to the Foundation
 13-33 School Program money that the district or charter school is
 13-34 otherwise entitled to receive. A grant awarded under this section
 13-35 may not come out of Foundation School Program money.

13-36 (j) The commissioner and any program selected under this
 13-37 section may accept gifts, grants, and donations from any public or
 13-38 private source, person, or group to implement and administer the
 13-39 program. The commissioner and any program selected under this
 13-40 section may not require any financial contribution from parents to
 13-41 implement and administer the program.

13-42 (k) A regional education service center may administer
 13-43 grants awarded under this section.

13-44 Sec. 29.024. GRANT PROGRAM PROVIDING TRAINING IN DYSLEXIA
 13-45 FOR TEACHERS AND STAFF. (a) From money appropriated or otherwise
 13-46 available for the purpose, the commissioner shall establish a
 13-47 program to award grants each school year to school districts and
 13-48 open-enrollment charter schools to increase local capacity to
 13-49 appropriately serve students with dyslexia.

13-50 (a-1) Notwithstanding Subsection (a), for grants awarded
 13-51 for the 2025-2026 and 2026-2027 school years, the commissioner
 13-52 shall require applicants to apply for grants during a single
 13-53 application cycle in the 2025-2026 school year with the intent of
 13-54 significantly expanding the availability of personnel trained to
 13-55 provide dyslexia services and supports to students with dyslexia.
 13-56 This subsection expires September 1, 2027.

13-57 (b) A school district, including a school district acting
 13-58 through a district charter issued under Subchapter C, Chapter 12,
 13-59 or an open-enrollment charter school, including a charter school
 13-60 that primarily serves students with disabilities, as provided under
 13-61 Section 12.1014, is eligible to apply for a grant under this section
 13-62 if the district or school submits to the commissioner a proposal on
 13-63 the use of grant funds that:

13-64 (1) incorporates evidence-based and research-based
 13-65 design; and

13-66 (2) increases local capacity to appropriately serve
 13-67 students with dyslexia by providing:

13-68 (A) high-quality training to classroom teachers
 13-69 and administrators in meeting the needs of students with dyslexia;

14-1 or

14-2 (B) training to intervention staff resulting in
 14-3 appropriate credentialing related to dyslexia, with priority for
 14-4 training staff to earn the credentials necessary to become a
 14-5 licensed dyslexia therapist or certified academic language
 14-6 therapist.

14-7 (c) The commissioner shall create an external panel of
 14-8 stakeholders, including parents of students with disabilities, to
 14-9 provide assistance in the selection of applications for the award
 14-10 of grants under this section.

14-11 (d) A grant awarded to a school district or open-enrollment
 14-12 charter school under this section is in addition to the Foundation
 14-13 School Program money that the district or charter school is
 14-14 otherwise entitled to receive. A grant awarded under this section
 14-15 may not come out of Foundation School Program money.

14-16 (e) The commissioner and any grant recipient selected under
 14-17 this section may accept gifts, grants, and donations from any
 14-18 public or private source, person, or group to implement and
 14-19 administer the grant. The commissioner and any grant recipient
 14-20 selected under this section may not require any financial
 14-21 contribution from parents to implement and administer the grant.

14-22 (f) A regional education service center may administer
 14-23 grants awarded under this section.

14-24 Sec. 29.025. SUPPORTS FOR RECRUITING AND RETAINING SPECIAL
 14-25 EDUCATION STAFF. (a) From money appropriated or otherwise
 14-26 available for the purpose, the agency shall provide grants each
 14-27 school year to school districts and open-enrollment charter schools
 14-28 to increase the number of qualified and appropriately credentialed
 14-29 special education staff, including special education teachers,
 14-30 special education paraprofessionals, evaluation personnel,
 14-31 ancillary instruction personnel, certified interpreters,
 14-32 board-certified behavior analysts, registered behavior
 14-33 technicians, and related service personnel.

14-34 (a-1) Notwithstanding Subsection (a), for grants awarded
 14-35 for the 2025-2026 and 2026-2027 school years, the commissioner
 14-36 shall require applicants to apply for grants during a single
 14-37 application cycle in the 2025-2026 school year with the intent of
 14-38 significantly expanding the availability of special education
 14-39 personnel. This subsection expires September 1, 2027.

14-40 (b) A school district or open-enrollment charter school
 14-41 that receives a grant under this section shall require each person
 14-42 the district or school uses the grant money to assist in becoming
 14-43 licensed, certified, or otherwise credentialed as described by
 14-44 Subsection (a) to work at the district or school for a period
 14-45 established by commissioner rule.

14-46 (c) A regional education service center may administer
 14-47 grants awarded under this section.

14-48 (d) The commissioner shall adopt rules establishing the
 14-49 period of required employment described by Subsection (b) and any
 14-50 other rules necessary to implement this section.

14-51 (e) In addition to the grants described by Subsection (a),
 14-52 for the 2025-2026 school year, the commissioner shall provide
 14-53 funding to school districts and open-enrollment charter schools to
 14-54 support efforts to recruit and retain educational diagnosticians
 14-55 and school psychologists. The commissioner by rule shall adopt a
 14-56 formula for providing funding to a district or school under this
 14-57 subsection. The total amount of funding provided under this
 14-58 subsection may not exceed \$125 million. This subsection expires
 14-59 September 1, 2026.

14-60 Sec. 29.026. RULES. The commissioner may adopt rules as
 14-61 necessary to implement this subchapter.

14-62 SECTION 25. The heading to Subchapter A-1, Chapter 29,
 14-63 Education Code, is amended to read as follows:

14-64 SUBCHAPTER A-1. PARENT-DIRECTED [SUPPLEMENTAL SPECIAL EDUCATION]
 14-65 SERVICES FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES
 14-66 [PROGRAM]

14-67 SECTION 26. Sections 29.041(2) and (3), Education Code, are
 14-68 amended to read as follows:

14-69 (2) "Supplemental [special education] instructional

15-1 materials" includes textbooks, computer hardware or software,
 15-2 other technological devices, and other materials suitable for
 15-3 addressing an educational need of a student receiving special
 15-4 education services under Subchapter A.

15-5 (3) "~~Supplemental [special education] services~~" means
 15-6 an additive service that provides an educational benefit to a
 15-7 student receiving special education services under Subchapter A,
 15-8 including:

15-9 (A) occupational therapy, physical therapy, and
 15-10 speech therapy; and

15-11 (B) private tutoring and other supplemental
 15-12 private instruction or programs.

15-13 SECTION 27. Section 29.042, Education Code, is amended by
 15-14 amending Subsections (a) and (c) and adding Subsection (e) to read
 15-15 as follows:

15-16 (a) The agency by rule shall establish and administer a
 15-17 parent-directed [supplemental special education services and
 15-18 instructional materials] program for students receiving special
 15-19 education services through which a parent may direct supplemental
 15-20 services and supplemental instructional materials for the parent's
 15-21 student [students] who meets [meet] the eligibility requirements
 15-22 for participation in the program. Subject to Subsection (c), the
 15-23 agency shall provide each student approved as provided by this
 15-24 subchapter a grant in the amount provided under Section 48.306 [of
 15-25 not more than \$1,500] to purchase supplemental [special education]
 15-26 services and supplemental [special education] instructional
 15-27 materials.

15-28 (c) A student may receive one grant under this subchapter
 15-29 unless the legislature appropriates money for an additional grant
 15-30 in the General Appropriations Act [The commissioner shall set aside
 15-31 an amount set by appropriation for each state fiscal year to fund
 15-32 the program under this section. For each state fiscal year, the
 15-33 total amount provided for student grants under Subsection (a) may
 15-34 not exceed the amount set aside by the commissioner under this
 15-35 subsection].

15-36 (e) The agency shall maintain an online user-friendly
 15-37 application system for parents to apply for a grant described by
 15-38 Subsection (a).

15-39 SECTION 28. Section 29.045, Education Code, is amended to
 15-40 read as follows:

15-41 Sec. 29.045. APPROVAL OF APPLICATION; ASSIGNMENT OF
 15-42 ACCOUNT. The [Subject to available funding the] agency shall
 15-43 approve each student who meets the program eligibility criteria
 15-44 established under Section 29.044 and assign to the student an
 15-45 account maintained under Section 29.042(b). The account may only
 15-46 be used by the student's parent to purchase supplemental [special
 15-47 education] services or supplemental [special education]
 15-48 instructional materials for the student, subject to Sections 29.046
 15-49 and 29.047.

15-50 SECTION 29. Sections 29.046(a) and (b), Education Code, are
 15-51 amended to read as follows:

15-52 (a) Money in an account assigned to a student under Section
 15-53 29.045 may be used only for supplemental [special education]
 15-54 services and supplemental [special education] instructional
 15-55 materials.

15-56 (b) Supplemental [special education] services must be
 15-57 provided by an agency-approved provider.

15-58 SECTION 30. Sections 29.047(a), (c), (d), and (e),
 15-59 Education Code, are amended to read as follows:

15-60 (a) The agency shall establish criteria necessary for
 15-61 agency approval for each category of provider of a professional
 15-62 service that is a supplemental [special education] service, as
 15-63 identified by the agency.

15-64 (c) The agency shall provide a procedure for providers of
 15-65 supplemental [special education] services to apply to the agency to
 15-66 become an agency-approved provider.

15-67 (d) The agency may establish criteria for agency approval of
 15-68 vendors for each category of supplemental [special education]
 15-69 instructional materials identified by the agency.

16-1 (e) If the agency establishes criteria for agency approval
 16-2 for a vendor of a category of supplemental [~~special education~~]
 16-3 instructional materials, the agency shall provide a procedure for
 16-4 vendors of that category to apply to the agency to become an
 16-5 agency-approved vendor.

16-6 SECTION 31. Subchapter A-1, Chapter 29, Education Code, is
 16-7 amended by adding Section 29.0475 to read as follows:

16-8 Sec. 29.0475. PROGRAM PARTICIPANT, PROVIDER, AND VENDOR
 16-9 AUTONOMY. (a) A provider of supplemental services or vendor of
 16-10 supplemental instructional materials that receives money
 16-11 distributed under the program is not a recipient of federal
 16-12 financial assistance on the basis of receiving that money.

16-13 (b) A rule adopted or action taken related to the program by
 16-14 an individual, governmental entity, court of law, or program
 16-15 administrator may not:

16-16 (1) consider the actions of a provider of supplemental
 16-17 services, vendor of supplemental instructional materials, or
 16-18 program participant to be the actions of an agent of state
 16-19 government;

16-20 (2) limit:
 16-21 (A) a provider of supplemental services' ability
 16-22 to determine the methods used to educate the provider's students or
 16-23 to exercise the provider's religious or institutional values; or

16-24 (B) a program participant's ability to determine
 16-25 the participant's educational content or to exercise the
 16-26 participant's religious values;

16-27 (3) obligate a provider of supplemental services or
 16-28 program participant to act contrary to the provider's or
 16-29 participant's religious or institutional values, as applicable;

16-30 (4) impose any regulation on a provider of
 16-31 supplemental services, vendor of supplemental instructional
 16-32 materials, or program participant beyond those regulations
 16-33 necessary to enforce the requirements of the program; or

16-34 (5) require as a condition of receiving money
 16-35 distributed under the program:

16-36 (A) a provider of supplemental services to modify
 16-37 the provider's creed, practices, admissions policies, curriculum,
 16-38 performance standards, employment policies, or assessments; or

16-39 (B) a program participant to modify the
 16-40 participant's creed, practices, curriculum, performance standards,
 16-41 or assessments.

16-42 (c) In a proceeding challenging a rule adopted by a state
 16-43 agency or officer under this subchapter, the agency or officer has
 16-44 the burden of proof to establish by clear and convincing evidence
 16-45 that the rule:

16-46 (1) is necessary to implement or enforce the program
 16-47 as provided by this subchapter;

16-48 (2) does not violate this section;

16-49 (3) does not impose an undue burden on a program
 16-50 participant or a provider of supplemental services or vendor of
 16-51 supplemental instructional materials that participates or applies
 16-52 to participate in the program; and

16-53 (4) is the least restrictive means of accomplishing
 16-54 the purpose of the program while recognizing the independence of a
 16-55 provider of supplemental services to meet the educational needs of
 16-56 students in accordance with the provider's religious or
 16-57 institutional values.

16-58 SECTION 32. Section 29.048, Education Code, is amended to
 16-59 read as follows:

16-60 Sec. 29.048. ADMISSION, REVIEW, AND DISMISSAL COMMITTEE
 16-61 DUTIES. (a) A student's admission, review, and dismissal
 16-62 committee shall develop a student's individualized education
 16-63 program under Section 29.005, in compliance with the Individuals
 16-64 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.),
 16-65 without consideration of any supplemental [~~special education~~]
 16-66 services or supplemental instructional materials that may be
 16-67 provided under the program under this subchapter.

16-68 (b) Unless the district first verifies that an account has
 16-69 been assigned to the student under Section 29.045, the [The]

17-1 admission, review, and dismissal committee of a student approved
 17-2 for participation in the program shall provide to the student's
 17-3 parent at an admission, review, and dismissal committee meeting for
 17-4 the student:

17-5 (1) information regarding the types of supplemental
 17-6 ~~[special education]~~ services or supplemental instructional
 17-7 materials available under the program and provided by
 17-8 agency-approved providers for which an account maintained under
 17-9 Section 29.042(b) for the student may be used; and

17-10 (2) instructions regarding accessing an account
 17-11 described by Subdivision (1).

17-12 SECTION 33. Subchapter A-1, Chapter 29, Education Code, is
 17-13 amended by adding Section 29.0485 to read as follows:

17-14 Sec. 29.0485. DETERMINATION OF COMMISSIONER FINAL.
 17-15 Notwithstanding Section 7.057, a determination of the commissioner
 17-16 under this subchapter is final and may not be appealed.

17-17 SECTION 34. Section 29.049, Education Code, is amended to
 17-18 read as follows:

17-19 Sec. 29.049. RULES. The commissioner shall adopt rules as
 17-20 necessary to administer the supplemental ~~[special education]~~
 17-21 services and supplemental instructional materials program under
 17-22 this subchapter.

17-23 SECTION 35. Section 29.301(1), Education Code, is amended
 17-24 to read as follows:

17-25 (1) "Admission, review, and dismissal committee"
 17-26 means the committee required by ~~[State Board of Education rules to~~
 17-27 ~~develop the individualized education program required by]~~ the
 17-28 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
 17-29 et seq.) for any student needing special education.

17-30 SECTION 36. Sections 29.304(a) and (c), Education Code, are
 17-31 amended to read as follows:

17-32 (a) A student who is deaf or hard of hearing must have an
 17-33 education in which teachers, psychologists, speech language
 17-34 pathologists ~~[therapists]~~, progress assessors, administrators, and
 17-35 others involved in education understand the unique nature of
 17-36 deafness and the hard-of-hearing condition. A teacher of students
 17-37 who are deaf or hard of hearing either must be proficient in
 17-38 appropriate language modes or use an interpreter certified in
 17-39 appropriate language modes if certification is available.

17-40 (c) General ~~[Regular]~~ and special education personnel who
 17-41 work with students who are deaf or hard of hearing must be
 17-42 adequately prepared to provide educational instruction and
 17-43 services to those students.

17-44 SECTION 37. Section 29.310, Education Code, is amended by
 17-45 amending Subsection (c) and adding Subsection (d) to read as
 17-46 follows:

17-47 (c) The procedures and materials for the assessment and
 17-48 placement of a student who is deaf or hard of hearing shall be in the
 17-49 student's preferred mode of communication. All other procedures
 17-50 and materials used with any student who is deaf or hard of hearing
 17-51 and who is an emergent bilingual student as defined by Section
 17-52 29.052 ~~[has limited English proficiency]~~ shall be in the student's
 17-53 preferred mode of communication.

17-54 (d) In recognizing the need for development of language and
 17-55 communication abilities in students who are deaf or hard of hearing
 17-56 but also calling for the use of methods of communication that will
 17-57 meet the needs of each individual student, each student who is deaf
 17-58 or hard of hearing must be thoroughly assessed to ascertain the
 17-59 student's potential for communicating through a variety of means.

17-60 SECTION 38. Section 29.313, Education Code, is amended to
 17-61 read as follows:

17-62 Sec. 29.313. EVALUATION OF DEAF AND HARD OF HEARING
 17-63 SERVICES ~~[PROGRAMS]~~. (a) Each school district must provide
 17-64 continuous evaluation of the effectiveness of the district's
 17-65 services ~~[programs of the district]~~ for students who are deaf or
 17-66 hard of hearing. The ~~[If practicable,]~~ evaluations shall follow
 17-67 program excellence indicators established by the agency.

17-68 (b) Each school district shall submit the evaluations under
 17-69 this section to the agency on a schedule set by the agency.

18-1 SECTION 39. Section 29.314, Education Code, is amended to
18-2 read as follows:

18-3 Sec. 29.314. TRANSITION INTO GENERAL EDUCATION [REGULAR]
18-4 CLASS. In addition to satisfying requirements of the admission,
18-5 review, and dismissal committee and to satisfying requirements
18-6 under state and federal law for vocational training, each school
18-7 district shall develop and implement a transition plan for the
18-8 transition of a student who is deaf or hard of hearing into a
18-9 general education [regular] class [program] if the student is to be
18-10 transferred from a special class or center or nonpublic,
18-11 nonsectarian school into a general education [regular] class in a
18-12 public school for any part of the school day. The transition plan
18-13 must provide for activities:

18-14 (1) to integrate the student into the general
18-15 [regular] education program and specify the nature of each activity
18-16 and the time spent on the activity each day; and

18-17 (2) to support the transition of the student from the
18-18 special education program into the general [regular] education
18-19 program.

18-20 SECTION 40. Section 29.315, Education Code, is amended to
18-21 read as follows:

18-22 Sec. 29.315. TEXAS SCHOOL FOR THE DEAF MEMORANDUM OF
18-23 UNDERSTANDING. The Texas Education Agency and the Texas School for
18-24 the Deaf shall develop~~[, agree to, and by commissioner rule adopt no~~
18-25 ~~later than September 1, 1998,]~~ a memorandum of understanding to
18-26 establish:

18-27 (1) the method for developing and reevaluating a set
18-28 of indicators of the quality of learning at the Texas School for the
18-29 Deaf;

18-30 (2) the process for the agency to conduct and report on
18-31 an annual evaluation of the school's performance on the indicators;

18-32 (3) the requirements for the school's board to
18-33 publish, discuss, and disseminate an annual report describing the
18-34 educational performance of the school; and

18-35 (4) ~~[the process for the agency to assign an~~
18-36 ~~accreditation status to the school, to reevaluate the status on an~~
18-37 ~~annual basis, and, if necessary, to conduct monitoring reviews; and~~

18-38 ~~[(5)]~~ the type of information the school shall be
18-39 required to provide through the Public Education Information
18-40 Management System (PEIMS).

18-41 SECTION 41. Section 29.316, Education Code, is amended to
18-42 read as follows:

18-43 Sec. 29.316. LANGUAGE ACQUISITION. (a) In this section,
18-44 "language"~~+~~

18-45 ~~[(1) "Center" means the Educational Resource Center on~~
18-46 ~~Deafness at the Texas School for the Deaf.~~

18-47 ~~[(2) "Division" means the Division for Early Childhood~~
18-48 ~~Intervention Services of the Health and Human Services Commission.~~

18-49 ~~[(3) "Language] acquisition" includes expressive and~~
18-50 ~~receptive language acquisition and literacy development in~~
18-51 ~~English, American Sign Language, or both, or, if applicable, in~~
18-52 ~~another language primarily used by a child's parent or guardian,~~
18-53 ~~and is separate from any modality used to communicate in the~~
18-54 ~~applicable language or languages.~~

18-55 (b) Each school district ~~[The commissioner and the~~
18-56 ~~executive commissioner of the Health and Human Services Commission~~
18-57 ~~jointly]~~ shall ensure that the language acquisition of each child
18-58 eight years of age or younger who is deaf or hard of hearing is
18-59 regularly assessed using a tool or assessment approved by the
18-60 commissioner ~~[determined to be valid and reliable as provided by~~
18-61 ~~Subsection (d)].~~

18-62 (c) On a schedule determined by the commissioner, each
18-63 school district shall report to the commissioner through the Public
18-64 Education Information Management System (PEIMS) or another method
18-65 set by commissioner rule the assessment data collected under
18-66 Subsection (b) ~~[Not later than August 31 of each year, the agency,~~
18-67 ~~the division, and the center jointly shall prepare and post on the~~
18-68 ~~agency's, the division's, and the center's respective Internet~~
18-69 ~~websites a report on the language acquisition of children eight~~

19-1 ~~years of age or younger who are deaf or hard of hearing. The report~~
 19-2 ~~must:~~

19-3 ~~[(1) include:~~

19-4 ~~[(A) existing data reported in compliance with~~
 19-5 ~~federal law regarding children with disabilities; and~~

19-6 ~~[(B) information relating to the language~~
 19-7 ~~acquisition of children who are deaf or hard of hearing and also~~
 19-8 ~~have other disabilities;~~

19-9 ~~[(2) state for each child:~~

19-10 ~~[(A) the instructional arrangement used with the~~
 19-11 ~~child, as described by Section 48.102, including the time the child~~
 19-12 ~~spends in a mainstream instructional arrangement;~~

19-13 ~~[(B) the specific language acquisition services~~
 19-14 ~~provided to the child, including:~~

19-15 ~~[(i) the time spent providing those~~
 19-16 ~~services; and~~

19-17 ~~[(ii) a description of any hearing~~
 19-18 ~~amplification used in the delivery of those services, including:~~

19-19 ~~[(a) the type of hearing~~
 19-20 ~~amplification used;~~

19-21 ~~[(b) the period of time in which the~~
 19-22 ~~child has had access to the hearing amplification; and~~

19-23 ~~[(c) the average amount of time the~~
 19-24 ~~child uses the hearing amplification each day;~~

19-25 ~~[(C) the tools or assessments used to assess the~~
 19-26 ~~child's language acquisition and the results obtained;~~

19-27 ~~[(D) the preferred unique communication mode~~
 19-28 ~~used by the child at home; and~~

19-29 ~~[(E) the child's age, race, and gender, the age~~
 19-30 ~~at which the child was identified as being deaf or hard of hearing,~~
 19-31 ~~and any other relevant demographic information the commissioner~~
 19-32 ~~determines to likely be correlated with or have an impact on the~~
 19-33 ~~child's language acquisition;~~

19-34 ~~[(3) compare progress in English literacy made by~~
 19-35 ~~children who are deaf or hard of hearing to progress in that subject~~
 19-36 ~~made by children of the same age who are not deaf or hard of hearing,~~
 19-37 ~~by appropriate age range; and~~

19-38 ~~[(4) be redacted as necessary to comply with state and~~
 19-39 ~~federal law regarding the confidentiality of student medical or~~
 19-40 ~~educational information].~~

19-41 ~~(d) The commissioner[, the executive commissioner of the~~
 19-42 ~~Health and Human Services Commission, and the center] shall adopt~~
 19-43 ~~rules establishing the assessment data required to be reported~~
 19-44 ~~under Subsection (c) [enter into a memorandum of understanding~~
 19-45 ~~regarding:~~

19-46 ~~[(1) the identification of experts in deaf education;~~
 19-47 ~~and~~

19-48 ~~[(2) the determination, in consultation with those~~
 19-49 ~~experts, of the tools and assessments that are valid and reliable,~~
 19-50 ~~in both content and administration, for use in assessing the~~
 19-51 ~~language acquisition of children eight years of age or younger who~~
 19-52 ~~are deaf or hard of hearing].~~

19-53 ~~(e) The commissioner shall annually post on the agency's~~
 19-54 ~~Internet website a report on the language acquisition of children~~
 19-55 ~~eight years of age or younger who are deaf or hard of hearing using~~
 19-56 ~~the assessment data reported under Subsection (c) [agency shall use~~
 19-57 ~~existing collected data and data collected and transferred from the~~
 19-58 ~~Department of State Health Services and the Health and Human~~
 19-59 ~~Services Commission, as agreed upon in the memorandum of~~
 19-60 ~~understanding, for the report under this section].~~

19-61 ~~(f) The commissioner shall use the assessment data reported~~
 19-62 ~~under Subsection (c) in determining whether to award a grant under~~
 19-63 ~~Section 29.018 or in seeking federal money available for projects~~
 19-64 ~~aimed at improving outcomes for students with disabilities [and the~~
 19-65 ~~executive commissioner of the Health and Human Services Commission~~
 19-66 ~~jointly shall adopt rules as necessary to implement this section,~~
 19-67 ~~including rules for:~~

19-68 ~~[(1) assigning each child eight years of age or~~
 19-69 ~~younger who is deaf or hard of hearing a unique identification~~

20-1 ~~number for purposes of the report required under Subsection (c) and~~
20-2 ~~to enable the tracking of the child's language acquisition, and~~
20-3 ~~factors affecting the child's language acquisition, over time, and~~
20-4 ~~(2) implementing this section in a manner that~~
20-5 ~~complies with federal law regarding confidentiality of student~~
20-6 ~~medical or educational information, including the Health Insurance~~
20-7 ~~Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d~~
20-8 ~~et seq.) and the Family Educational Rights and Privacy Act of 1974~~
20-9 ~~(20 U.S.C. Section 1232g), and any state law relating to the privacy~~
20-10 ~~of student information].~~

20-11 SECTION 42. The heading to Section 30.002, Education Code,
20-12 is amended to read as follows:

20-13 Sec. 30.002. STATE PLAN [EDUCATION] FOR CHILDREN WITH
20-14 VISUAL IMPAIRMENTS, WHO ARE DEAF OR HARD OF HEARING, OR WHO ARE
20-15 DEAF-BLIND.

20-16 SECTION 43. Sections 30.002(a), (b), (c), and (e),
20-17 Education Code, are amended to read as follows:

20-18 (a) The agency shall develop and administer a comprehensive
20-19 statewide plan for the education of children ~~[with visual~~
20-20 ~~impairments]~~ who are under 22 [21] years of age and who have visual
20-21 impairments, are deaf or hard of hearing, or are deaf-blind that
20-22 will ensure that the children have an opportunity for achievement
20-23 equal to the opportunities afforded their peers who do not have
20-24 visual impairments, are not deaf or hard of hearing, or are not
20-25 deaf-blind [with normal vision].

20-26 (b) The agency shall:

20-27 (1) develop standards and guidelines for all special
20-28 education and related services for children who have visual
20-29 impairments, are deaf or hard of hearing, or are deaf-blind [with
20-30 visual impairments] that it is authorized to provide or support
20-31 under this code and federal law;

20-32 (2) supervise regional education service centers and
20-33 other entities in assisting school districts in serving children
20-34 who have visual impairments, are deaf or hard of hearing, or are
20-35 deaf-blind [with visual impairments] more effectively; and

20-36 (3) ~~[develop and administer special education~~
20-37 ~~services for students with both serious visual and auditory~~
20-38 ~~impairments;~~

20-39 ~~(4) evaluate special education services provided for~~
20-40 ~~children with visual impairments by school districts and approve or~~
20-41 ~~disapprove state funding of those services; and~~

20-42 ~~(5)]~~ maintain an effective liaison between special
20-43 education programs provided for children who have visual
20-44 impairments, are deaf or hard of hearing, or are deaf-blind [with
20-45 visual impairments] by school districts and related initiatives of
20-46 the Health and Human Services Commission, [the Department of State
20-47 Health Services Mental Health and Substance Abuse Division,] the
20-48 Texas Workforce Commission, and other related programs, agencies,
20-49 or facilities as appropriate.

20-50 (c) The comprehensive statewide plan for the education of
20-51 children who have visual impairments, are deaf or hard of hearing,
20-52 or are deaf-blind [with visual impairments] must:

20-53 (1) adequately provide for comprehensive diagnosis
20-54 and evaluation of each school-age child who has a visual
20-55 impairment, is deaf or hard of hearing, or is deaf-blind and
20-56 adequately outline the expectations of a school district for such a
20-57 child under three years of age [with a serious visual impairment];

20-58 (2) include the procedures, format, and content of the
20-59 individualized education program for each child who has a visual
20-60 impairment, is deaf or hard of hearing, or is deaf-blind [with a
20-61 visual impairment];

20-62 (3) emphasize providing educational services to
20-63 children who have visual impairments, are deaf or hard of hearing,
20-64 or are deaf-blind [with visual impairments] in their home
20-65 communities whenever possible;

20-66 (4) include information regarding the establishment
20-67 of regional day school programs for the deaf under Subchapter D and
20-68 the parameters of those programs [methods to ensure that children
20-69 with visual impairments receiving special education services in

21-1 ~~school districts receive, before being placed in a classroom~~
21-2 ~~setting or within a reasonable time after placement:~~

21-3 [~~(A) evaluation of the impairment; and~~
21-4 [~~(B) instruction in an expanded core curriculum,~~

21-5 ~~which is required for students with visual impairments to succeed~~
21-6 ~~in classroom settings and to derive lasting, practical benefits~~
21-7 ~~from the education provided by school districts, including~~
21-8 ~~instruction in:~~

21-9 [~~(i) compensatory skills, such as braille~~
21-10 ~~and concept development, and other skills needed to access the rest~~
21-11 ~~of the curriculum;~~

21-12 [~~(ii) orientation and mobility;~~

21-13 [~~(iii) social interaction skills;~~

21-14 [~~(iv) career planning;~~

21-15 [~~(v) assistive technology, including~~

21-16 ~~optical devices;~~

21-17 [~~(vi) independent living skills;~~

21-18 [~~(vii) recreation and leisure enjoyment;~~

21-19 [~~(viii) self-determination; and~~

21-20 [~~(ix) sensory efficiency];~~

21-21 (5) provide for flexibility on the part of school
21-22 districts to meet the unique [special] needs of children who have
21-23 visual impairments, are deaf or hard of hearing, or are deaf-blind
21-24 [with visual impairments] through:

21-25 (A) specialty staff and resources provided by the
21-26 district;

21-27 (B) contractual arrangements with other
21-28 qualified public or private agencies;

21-29 (C) supportive assistance from regional
21-30 education service centers or adjacent school districts;

21-31 (D) short-term or long-term services through the
21-32 Texas School for the Blind and Visually Impaired, the Texas School
21-33 for the Deaf, regional day school programs for the deaf, or related
21-34 facilities or programs; or

21-35 (E) other instructional and service arrangements
21-36 approved by the agency;

21-37 (6) [~~include a statewide admission, review, and~~
21-38 ~~dismissal process;~~

21-39 [~~(7)] provide for effective interaction between the~~
21-40 [visually impaired child's] classroom setting of the child who has
21-41 a visual impairment, is deaf or hard of hearing, or is deaf-blind
21-42 and the child's home environment, including providing for parental
21-43 training and counseling either by school district staff or by
21-44 representatives of other organizations directly involved in the
21-45 development and implementation of the individualized education
21-46 program for the child;

21-47 (7) describe recommended and required professional
21-48 development activities based on the special education and related
21-49 services provided by school district staff to children who have
21-50 visual impairments, are deaf or hard of hearing, or are deaf-blind
21-51 [(8) require the continuing education and professional
21-52 development of school district staff providing special education
21-53 services to children with visual impairments];

21-54 (8) [~~(9)] provide for adequate monitoring and precise~~
21-55 evaluation of special education services provided to children who
21-56 have visual impairments, are deaf or hard of hearing, or are
21-57 deaf-blind [with visual impairments] through school districts;
21-58 [and]

21-59 (9) [~~(10)] require that school districts providing~~
21-60 special education services to children who have visual impairments,
21-61 are deaf or hard of hearing, or are deaf-blind [with visual
21-62 impairments] develop procedures for assuring that staff assigned to
21-63 work with the children have prompt and effective access directly to
21-64 resources available through:

21-65 (A) cooperating agencies in the area;

21-66 (B) the Texas School for the Blind and Visually
21-67 Impaired;

21-68 (C) the Texas School for the Deaf;

21-69 (D) the statewide outreach center at the Texas

22-1 School for the Deaf;
 22-2 (E) the Central Media Depository for specialized
 22-3 instructional materials and aids made specifically for use by
 22-4 students with visual impairments;
 22-5 (F) [~~(D)~~] sheltered workshops participating in
 22-6 the state program of purchases of blind-made goods and services;
 22-7 and
 22-8 (G) [~~(E)~~] related sources; and
 22-9 (10) assist in the coordination of educational
 22-10 programs with other public and private agencies, including:
 22-11 (A) agencies operating early childhood
 22-12 intervention programs;
 22-13 (B) preschools;
 22-14 (C) agencies operating child development
 22-15 programs;
 22-16 (D) private nonsectarian schools;
 22-17 (E) agencies operating regional occupational
 22-18 centers and programs; and
 22-19 (F) as appropriate, postsecondary and adult
 22-20 programs for persons who are deaf or hard of hearing.
 22-21 (e) Each eligible [~~blind or visually impaired~~] student who
 22-22 has a visual impairment, is deaf or hard of hearing, or is
 22-23 deaf-blind is entitled to receive educational programs according to
 22-24 an individualized education program that:
 22-25 (1) is developed in accordance with federal and state
 22-26 requirements for providing special education services;
 22-27 (2) is developed by a committee composed as required
 22-28 by federal law;
 22-29 (3) reflects that the student has been provided a
 22-30 detailed explanation of the various service resources available to
 22-31 the student in the community and throughout the state;
 22-32 (4) provides a detailed description of the
 22-33 arrangements made to provide the student with the evaluation and
 22-34 instruction required under this subchapter and Subchapter A,
 22-35 Chapter 29 [~~Subsection (c)(4)];~~ and
 22-36 (5) sets forth the plans and arrangements made for
 22-37 contacts with and continuing services to the student beyond regular
 22-38 school hours to ensure the student learns the skills and receives
 22-39 the instruction required under this subchapter and Subchapter A,
 22-40 Chapter 29 [~~Subsection (c)(4)(B)].~~
 22-41 SECTION 44. Subchapter A, Chapter 30, Education Code, is
 22-42 amended by adding Section 30.0021 to read as follows:
 22-43 Sec. 30.0021. REQUIREMENTS FOR CHILDREN WITH VISUAL
 22-44 IMPAIRMENTS. (a) Each child with a visual impairment must receive
 22-45 instruction in an expanded core curriculum required for children
 22-46 with visual impairments to succeed in classroom settings and to
 22-47 derive lasting, practical benefits from education in a school
 22-48 district, including instruction in:
 22-49 (1) compensatory skills, such as braille and concept
 22-50 development, and other skills necessary to access the rest of the
 22-51 curriculum;
 22-52 (2) orientation and mobility;
 22-53 (3) social interaction skills;
 22-54 (4) career education;
 22-55 (5) assistive technology, including optical devices;
 22-56 (6) independent living skills;
 22-57 (7) recreation and leisure enjoyment;
 22-58 (8) self-determination; and
 22-59 (9) sensory efficiency.
 22-60 (b) To determine a child's eligibility for a school
 22-61 district's special education program under Subchapter A, Chapter
 22-62 29, on the basis of a visual impairment, the full individual and
 22-63 initial evaluation of the child under Section 29.004 and any
 22-64 reevaluation of the child must, in accordance with commissioner
 22-65 rule:
 22-66 (1) include an orientation and mobility evaluation
 22-67 conducted:
 22-68 (A) by a person who is appropriately certified as
 22-69 an orientation and mobility specialist, as determined by

23-1 commissioner rule; and

23-2 (B) in a variety of lighting conditions and
 23-3 settings, including in the child's home, school, and community and
 23-4 in settings unfamiliar to the child; and

23-5 (2) provide for a person who is appropriately
 23-6 certified as an orientation and mobility specialist, as determined
 23-7 by commissioner rule, to participate, as part of a
 23-8 multidisciplinary team, in evaluating the data on which the
 23-9 determination of the child's eligibility is based.

23-10 (c) In developing an individualized education program under
 23-11 Section 29.005 for a child with a visual impairment, proficiency in
 23-12 reading and writing must be a significant indicator of the child's
 23-13 satisfactory educational progress. The individualized education
 23-14 program must include instruction in braille and the use of braille
 23-15 unless the child's admission, review, and dismissal committee
 23-16 documents a determination, based on an evaluation of the child's
 23-17 appropriate literacy media and literacy skills and the child's
 23-18 current and future instructional needs, that braille is not an
 23-19 appropriate literacy medium for the child.

23-20 (d) Braille instruction:

23-21 (1) may be used in combination with other special
 23-22 education services appropriate to the educational needs of a child
 23-23 with a visual impairment; and

23-24 (2) must be provided by a teacher certified to teach
 23-25 children with visual impairments under Subchapter B, Chapter 21.

23-26 (e) A school district shall provide to each person assisting
 23-27 in the development of an individualized education program for a
 23-28 child with a visual impairment information describing the benefits
 23-29 of braille instruction.

23-30 (f) To facilitate implementation of this section, the
 23-31 commissioner shall develop a system to distribute from the
 23-32 foundation school fund to school districts or regional education
 23-33 service centers a special supplemental allowance for each student
 23-34 with a visual impairment. The supplemental allowance may be spent
 23-35 only for special education services uniquely required by the nature
 23-36 of the child's disabilities and may not be used in lieu of
 23-37 educational funds otherwise available under this code or through
 23-38 state or local appropriations.

23-39 SECTION 45. Section 30.003, Education Code, is amended by
 23-40 amending Subsections (b), (d), (f-1), and (g) and adding Subsection
 23-41 (b-1) to read as follows:

23-42 (b) If the student is admitted to the school for a full-time
 23-43 program for the equivalent of two long semesters, the district's
 23-44 share of the cost is an amount equal to the dollar amount of
 23-45 maintenance and debt service taxes imposed by the district for that
 23-46 year, subject to Subsection (b-1), divided by the district's
 23-47 average daily attendance for the preceding year.

23-48 (b-1) The commissioner shall reduce the amount of
 23-49 maintenance taxes imposed by the district that are obligated to be
 23-50 paid under Subsection (b) for a year by the amount, if any, by which
 23-51 the district is required to reduce the district's local revenue
 23-52 level under Section 48.257 for that year.

23-53 (d) Each school district and state institution shall
 23-54 provide to the commissioner the necessary information to determine
 23-55 the district's share under this section. The information must be
 23-56 reported to the commissioner on or before a date set by commissioner
 23-57 rule [~~of the State Board of Education~~]. After determining the
 23-58 amount of a district's share for all students for which the district
 23-59 is responsible, the commissioner shall deduct that amount from the
 23-60 payments of foundation school funds payable to the district. Each
 23-61 deduction shall be in the same percentage of the total amount of the
 23-62 district's share as the percentage of the total foundation school
 23-63 fund entitlement being paid to the district at the time of the
 23-64 deduction, except that the amount of any deduction may be modified
 23-65 to make necessary adjustments or to correct errors. The
 23-66 commissioner shall provide for remitting the amount deducted to the
 23-67 appropriate school at the same time at which the remaining funds are
 23-68 distributed to the district. If a district does not receive
 23-69 foundation school funds or if a district's foundation school

24-1 entitlement is less than the amount of the district's share under
 24-2 this section, the commissioner shall direct the district to remit
 24-3 payment to the commissioner, and the commissioner shall remit the
 24-4 district's share to the appropriate school.

24-5 (f-1) The commissioner shall determine the total amount
 24-6 that the Texas School for the Blind and Visually Impaired and the
 24-7 Texas School for the Deaf would have received from school districts
 24-8 in accordance with this section if the following provisions had not
 24-9 reduced the districts' share of the cost of providing education
 24-10 services:

24-11 (1) H.B. No. 1, Acts of the 79th Legislature, 3rd
 24-12 Called Session, 2006;

24-13 (2) Subsection (b-1) of this section;

24-14 (3) Section 45.0032;

24-15 (4) ~~[(3)]~~ Section 48.255; and

24-16 (5) ~~[(4)]~~ Section 48.2551.

24-17 (g) The commissioner ~~[State Board of Education]~~ may adopt
 24-18 rules as necessary to implement this section.

24-19 SECTION 46. Section 30.004(b), Education Code, is amended
 24-20 to read as follows:

24-21 (b) The commissioner ~~[State Board of Education]~~ shall adopt
 24-22 rules prescribing the form and content of information required by
 24-23 Subsection (a).

24-24 SECTION 47. Section 30.005, Education Code, is amended to
 24-25 read as follows:

24-26 Sec. 30.005. TEXAS SCHOOL FOR THE BLIND AND VISUALLY
 24-27 IMPAIRED MEMORANDUM OF UNDERSTANDING. The Texas Education Agency
 24-28 and the Texas School for the Blind and Visually Impaired shall
 24-29 develop~~[, agree to, and by commissioner rule adopt]~~ a memorandum of
 24-30 understanding to establish:

24-31 (1) the method for developing and reevaluating a set
 24-32 of indicators of the quality of learning at the Texas School for the
 24-33 Blind and Visually Impaired;

24-34 (2) the process for the agency to conduct and report on
 24-35 an annual evaluation of the school's performance on the indicators;

24-36 (3) the requirements for the school's board to
 24-37 publish, discuss, and disseminate an annual report describing the
 24-38 educational performance of the school; and

24-39 (4) ~~[the process for the agency to:~~

24-40 ~~[(A) assign an accreditation status to the~~
 24-41 ~~school,~~

24-42 ~~[(B) reevaluate the status on an annual basis,~~

24-43 ~~and~~

24-44 ~~[(C) if necessary, conduct monitoring reviews,~~

24-45 ~~and~~

24-46 ~~[(5)]~~ the type of information the school shall be
 24-47 required to provide through the Public Education Information
 24-48 Management System (PEIMS).

24-49 SECTION 48. Section 30.081, Education Code, is amended to
 24-50 read as follows:

24-51 Sec. 30.081. LEGISLATIVE INTENT CONCERNING REGIONAL DAY
 24-52 SCHOOLS FOR THE DEAF. The legislature, by this subchapter, intends
 24-53 to continue a process of providing on a statewide basis a suitable
 24-54 education to deaf or hard of hearing students who are under 22 ~~[21]~~
 24-55 years of age and assuring that those students have the opportunity
 24-56 to become independent citizens.

24-57 SECTION 49. Section 30.083, Education Code, is amended to
 24-58 read as follows:

24-59 Sec. 30.083. STATEWIDE PLAN. ~~[(a)]~~ The director of
 24-60 services shall develop and administer a comprehensive statewide
 24-61 plan for educational services for students who are deaf or hard of
 24-62 hearing and receive special education and related services through
 24-63 a regional day school program for the deaf ~~[, including continuing~~
 24-64 ~~diagnosis and evaluation, counseling, and teaching]~~. The plan
 24-65 shall be included as part of the comprehensive state plan under
 24-66 Section 30.002 ~~[designed to accomplish the following objectives:~~

24-67 ~~[(1) providing assistance and counseling to parents of~~
 24-68 ~~students who are deaf or hard of hearing in regional day school~~
 24-69 ~~programs for the deaf and admitting to the programs students who~~

25-1 ~~have a hearing loss that interferes with the processing of~~
 25-2 ~~linguistic information;~~

25-3 ~~[(2) enabling students who are deaf or hard of hearing~~
 25-4 ~~to reside with their parents or guardians and be provided an~~
 25-5 ~~appropriate education in their home school districts or in regional~~
 25-6 ~~day school programs for the deaf;~~

25-7 ~~[(3) enabling students who are deaf or hard of hearing~~
 25-8 ~~who are unable to attend schools at their place of residence and~~
 25-9 ~~whose parents or guardians live too far from facilities of regional~~
 25-10 ~~day school programs for the deaf for daily commuting to be~~
 25-11 ~~accommodated in foster homes or other residential school facilities~~
 25-12 ~~provided for by the agency so that those children may attend a~~
 25-13 ~~regional day school program for the deaf;~~

25-14 ~~[(4) enrolling in the Texas School for the Deaf those~~
 25-15 ~~students who are deaf or hard of hearing whose needs can best be met~~
 25-16 ~~in that school and designating the Texas School for the Deaf as the~~
 25-17 ~~statewide educational resource for students who are deaf or hard of~~
 25-18 ~~hearing;~~

25-19 ~~[(5) encouraging students in regional day school~~
 25-20 ~~programs for the deaf to attend general education classes on a~~
 25-21 ~~part-time, full-time, or trial basis; and~~

25-22 ~~[(6) recognizing the need for development of language~~
 25-23 ~~and communications abilities in students who are deaf or hard of~~
 25-24 ~~hearing, but also calling for the use of methods of communication~~
 25-25 ~~that will meet the needs of each individual student, with each~~
 25-26 ~~student assessed thoroughly so as to ascertain the student's~~
 25-27 ~~potential for communications through a variety of means, including~~
 25-28 ~~through oral or aural means, fingerspelling, or sign language].~~

25-29 ~~[(b) The director of services may establish separate~~
 25-30 ~~programs to accommodate diverse communication methodologies.]~~

25-31 SECTION 50. Section 30.021(e), Education Code, is amended
 25-32 to read as follows:

25-33 (e) The school shall cooperate with public and private
 25-34 agencies and organizations serving students and other persons with
 25-35 visual impairments in the planning, development, and
 25-36 implementation of effective educational and rehabilitative service
 25-37 delivery systems associated with educating students with visual
 25-38 impairments. To maximize and make efficient use of state
 25-39 facilities, funding, and resources, the services provided in this
 25-40 area may include conducting a cooperative program with other
 25-41 agencies to serve students who have graduated from high school by
 25-42 completing all academic requirements applicable to students in
 25-43 general ~~regular~~ education, excluding satisfactory performance
 25-44 under Section 39.025, who are younger than 22 years of age on
 25-45 September 1 of the school year and who have identified needs related
 25-46 to vocational training, independent living skills, orientation and
 25-47 mobility, social and leisure skills, compensatory skills, or
 25-48 remedial academic skills.

25-49 SECTION 51. Section 37.146(a), Education Code, is amended
 25-50 to read as follows:

25-51 (a) A complaint alleging the commission of a school offense
 25-52 must, in addition to the requirements imposed by Article 45A.101,
 25-53 Code of Criminal Procedure:

25-54 (1) be sworn to by a person who has personal knowledge
 25-55 of the underlying facts giving rise to probable cause to believe
 25-56 that an offense has been committed; and

25-57 (2) be accompanied by a statement from a school
 25-58 employee stating:

25-59 (A) whether the child is eligible for or receives
 25-60 special education services under Subchapter A, Chapter 29; and

25-61 (B) the graduated sanctions, if required under
 25-62 Section 37.144, that were imposed on the child before the complaint
 25-63 was filed.

25-64 SECTION 52. Section 38.003(c-1), Education Code, is amended
 25-65 to read as follows:

25-66 (c-1) The agency by rule shall develop procedures designed
 25-67 to allow the agency to:

25-68 (1) effectively audit and monitor and periodically
 25-69 conduct site visits of all school districts to ensure that

26-1 districts are complying with this section, including the program
 26-2 approved by the State Board of Education under this section;

26-3 (2) identify any problems school districts experience
 26-4 in complying with this section, including the program approved by
 26-5 the State Board of Education under this section;

26-6 (3) develop reasonable and appropriate remedial
 26-7 strategies to address school district noncompliance and ensure the
 26-8 purposes of this section are accomplished, which may include the
 26-9 publication of a recommended evidence-based dyslexia program list;

26-10 [~~and~~]

26-11 (4) solicit input from parents of students enrolled in
 26-12 a school district during the auditing and monitoring of the
 26-13 district under Subdivision (1) regarding the district's
 26-14 implementation of the program approved by the State Board of
 26-15 Education under this section; and

26-16 (5) engage in general supervision activities,
 26-17 including activities under the comprehensive system for monitoring
 26-18 described by Section 29.010, to ensure school district compliance
 26-19 with the program approved by the State Board of Education under this
 26-20 section and Part B, Individuals with Disabilities Education Act (20
 26-21 U.S.C. Section 1411 et seq.).

26-22 SECTION 53. Section 48.009(b), Education Code, is amended
 26-23 to read as follows:

26-24 (b) The commissioner by rule shall require each school
 26-25 district and open-enrollment charter school to report through the
 26-26 Public Education Information Management System information
 26-27 regarding:

26-28 (1) the number of students enrolled in the district or
 26-29 school who are identified as having dyslexia;

26-30 (2) the availability of school counselors, including
 26-31 the number of full-time equivalent school counselors, at each
 26-32 campus;

26-33 (3) the availability of expanded learning
 26-34 opportunities as described by Section 33.252 at each campus;

26-35 (4) the total number of students, other than students
 26-36 described by Subdivision (5), enrolled in the district or school
 26-37 with whom the district or school, as applicable, used intervention
 26-38 strategies, as that term is defined by Section 26.004, at any time
 26-39 during the year for which the report is made;

26-40 (5) the total number of students enrolled in the
 26-41 district or school to whom the district or school provided aids,
 26-42 accommodations, or services under Section 504, Rehabilitation Act
 26-43 of 1973 (29 U.S.C. Section 794), at any time during the year for
 26-44 which the report is made;

26-45 (6) disaggregated by campus and grade, the number of:

26-46 (A) children who are required to attend school
 26-47 under Section 25.085, are not exempted under Section 25.086, and
 26-48 fail to attend school without excuse for 10 or more days or parts of
 26-49 days within a six-month period in the same school year;

26-50 (B) students for whom the district initiates a
 26-51 truancy prevention measure under Section 25.0915(a-4); and

26-52 (C) parents of students against whom an
 26-53 attendance officer or other appropriate school official has filed a
 26-54 complaint under Section 25.093; [~~and~~]

26-55 (7) the number of students who are enrolled in a high
 26-56 school equivalency program, a dropout recovery school, or an adult
 26-57 education program provided under a high school diploma and industry
 26-58 certification charter school program provided by the district or
 26-59 school and who:

26-60 (A) are at least 18 years of age and under 26
 26-61 years of age;

26-62 (B) have not previously been reported to the
 26-63 agency as dropouts; and

26-64 (C) enroll in the program at the district or
 26-65 school after not attending school for a period of at least nine
 26-66 months; and

26-67 (8) students enrolled in a special education program
 26-68 under Subchapter A, Chapter 29, as necessary for the agency to
 26-69 adequately perform general supervision activities and determine

27-1 funding under Sections 48.102 and 48.1021.

27-2 SECTION 54. Subchapter A, Chapter 48, Education Code, is
27-3 amended by adding Section 48.011 to read as follows:

27-4 Sec. 48.011. COMMISSIONER AUTHORITY TO RESOLVE UNINTENDED
27-5 CONSEQUENCES. (a) Subject to Subsection (b), the commissioner
27-6 may, as necessary to implement changes made by the legislature to
27-7 public school finance and school district maintenance and
27-8 operations tax rates during the preceding four state fiscal years:

27-9 (1) adjust a school district's entitlement under this
27-10 chapter if the funding formulas used to determine the district's
27-11 entitlement result in an unanticipated loss, gain, or other result
27-12 for a school district; and

27-13 (2) modify dates relating to the adoption of a school
27-14 district's maintenance and operations tax rate and, if applicable,
27-15 an election required for the district to adopt that tax rate.

27-16 (b) Before making an adjustment under Subsection (a), the
27-17 commissioner shall notify and must receive approval from the
27-18 Legislative Budget Board and the office of the governor.

27-19 (c) If the commissioner makes an adjustment under
27-20 Subsection (a), the commissioner must provide to the legislature an
27-21 explanation regarding the changes necessary to resolve the
27-22 unintended consequences.

27-23 SECTION 55. Section 48.051(a), Education Code, is amended
27-24 to read as follows:

27-25 (a) For each student in average daily attendance, not
27-26 including the time students spend each day in career and technology
27-27 education programs or in special education programs in a setting
27-28 [an instructional arrangement] other than a general education
27-29 setting [mainstream or career and technology education programs],
27-30 for which an additional allotment is made under Subchapter C, a
27-31 school district is entitled to an allotment equal to the lesser of
27-32 \$6,160 or the amount that results from the following formula:

27-33
$$A = \$6,160 \times TR/MCR$$

27-34 where:

27-35 "A" is the allotment to which a district is entitled;

27-36 "TR" is the district's tier one maintenance and operations
27-37 tax rate, as provided by Section 45.0032; and

27-38 "MCR" is the district's maximum compressed tax rate, as
27-39 determined under Section 48.2551.

27-40 SECTION 56. Section 48.102, Education Code, is amended to
27-41 read as follows:

27-42 Sec. 48.102. SPECIAL EDUCATION. (a) For each student in
27-43 average daily attendance in a special education program under
27-44 Subchapter A, Chapter 29, [in a mainstream instructional
27-45 arrangement,] a school district is entitled to an annual allotment
27-46 equal to the basic allotment, or, if applicable, the sum of the
27-47 basic allotment and the allotment under Section 48.101 to which the
27-48 district is entitled, multiplied by a weight in an amount set by the
27-49 legislature in the General Appropriations Act for the highest tier
27-50 of intensity of service for which the student qualifies [1.15].

27-51 (a-1) Notwithstanding Subsection (a), for the 2026-2027
27-52 school year, the amount of an allotment under this section shall be
27-53 determined in accordance with Section 48.1022. This subsection
27-54 expires September 1, 2027. [For each full-time equivalent student
27-55 in average daily attendance in a special education program under
27-56 Subchapter A, Chapter 29, in an instructional arrangement other
27-57 than a mainstream instructional arrangement, a district is entitled
27-58 to an annual allotment equal to the basic allotment, or, if
27-59 applicable, the sum of the basic allotment and the allotment under
27-60 Section 48.101 to which the district is entitled, multiplied by a
27-61 weight determined according to instructional arrangement as
27-62 follows:

27-63	[Homebound	5.0
27-64	[Hospital class	3.0
27-65	[Speech therapy	5.0
27-66	[Resource room	3.0
27-67	[Self-contained, mild and moderate, regular campus	3.0
27-68	[Self-contained, severe, regular campus	3.0
27-69	[Off home campus	2.7

28-1 ~~[Nonpublic day school 1.7]~~
 28-2 ~~[Vocational adjustment class 2.3]~~
 28-3 (b) ~~The commissioner by rule shall define eight tiers of~~
 28-4 ~~intensity of service for use in determining funding under this~~
 28-5 ~~section. The commissioner must include one tier specifically~~
 28-6 ~~addressing students receiving special education services in~~
 28-7 ~~residential placement and one tier for students receiving only~~
 28-8 ~~speech therapy [A special instructional arrangement for students~~
 28-9 ~~with disabilities residing in care and treatment facilities, other~~
 28-10 ~~than state schools, whose parents or guardians do not reside in the~~
 28-11 ~~district providing education services shall be established by~~
 28-12 ~~commissioner rule. The funding weight for this arrangement shall~~
 28-13 ~~be 4.0 for those students who receive their education service on a~~
 28-14 ~~local school district campus. A special instructional arrangement~~
 28-15 ~~for students with disabilities residing in state schools shall be~~
 28-16 ~~established by commissioner rule with a funding weight of 2.8].~~
 28-17 (c) ~~In defining the tiers of intensity of service under~~
 28-18 ~~Subsection (b), the commissioner shall consider:~~
 28-19 ~~(1) the type, frequency, and nature of services~~
 28-20 ~~provided to a student;~~
 28-21 ~~(2) the required certifications, licensures, or other~~
 28-22 ~~qualifications for personnel serving the student;~~
 28-23 ~~(3) any identified or curriculum-required~~
 28-24 ~~provider-to-student ratios for the student to receive the~~
 28-25 ~~appropriate services; and~~
 28-26 ~~(4) any equipment or technology required for the~~
 28-27 ~~services [For funding purposes, the number of contact hours~~
 28-28 ~~credited per day for each student in the off home campus~~
 28-29 ~~instructional arrangement may not exceed the contact hours credited~~
 28-30 ~~per day for the multidistrict class instructional arrangement in~~
 28-31 ~~the 1992-1993 school year].~~
 28-32 (d) ~~[For funding purposes the contact hours credited per day~~
 28-33 ~~for each student in the resource room, self-contained, mild and~~
 28-34 ~~moderate, and self-contained, severe, instructional arrangements~~
 28-35 ~~may not exceed the average of the statewide total contact hours~~
 28-36 ~~credited per day for those three instructional arrangements in the~~
 28-37 ~~1992-1993 school year.~~
 28-38 ~~[(e) The commissioner by rule shall prescribe the~~
 28-39 ~~qualifications an instructional arrangement must meet in order to~~
 28-40 ~~be funded as a particular instructional arrangement under this~~
 28-41 ~~section. In prescribing the qualifications that a mainstream~~
 28-42 ~~instructional arrangement must meet, the commissioner shall~~
 28-43 ~~establish requirements that students with disabilities and their~~
 28-44 ~~teachers receive the direct, indirect, and support services that~~
 28-45 ~~are necessary to enrich the regular classroom and enable student~~
 28-46 ~~success.~~
 28-47 ~~[(f) In this section, "full-time equivalent student" means~~
 28-48 ~~30 hours of contact a week between a special education student and~~
 28-49 ~~special education program personnel.~~
 28-50 ~~[(g) The commissioner shall adopt rules and procedures~~
 28-51 ~~governing contracts for residential placement of special education~~
 28-52 ~~students. The legislature shall provide by appropriation for the~~
 28-53 ~~state's share of the costs of those placements.~~
 28-54 ~~[(h) At least 55 percent of the funds allocated under this~~
 28-55 ~~section must be used in the special education program under~~
 28-56 ~~Subchapter A, Chapter 29.~~
 28-57 ~~(e) [(i)] The agency shall ensure [encourage] the placement~~
 28-58 ~~of students in special education programs, including students in~~
 28-59 ~~residential placement [instructional arrangements], in the least~~
 28-60 ~~restrictive environment appropriate for their educational needs.~~
 28-61 ~~(f) [(j)] A school district that provides an extended year~~
 28-62 ~~program required by federal law for special education students who~~
 28-63 ~~may regress is entitled to receive funds in an amount equal to [75~~
 28-64 ~~percent, or a lesser percentage determined by the commissioner, of]~~
 28-65 ~~the basic allotment, or, if applicable, the sum of the basic~~
 28-66 ~~allotment and the allotment under Section 48.101 to which the~~
 28-67 ~~district is entitled for each [full-time equivalent] student in~~
 28-68 ~~average daily attendance, multiplied by the amount designated for~~
 28-69 ~~the highest tier of intensity of service for which the student~~

29-1 qualifies [~~student's instructional arrangement~~] under this
 29-2 section, for each day the program is provided divided by the number
 29-3 of days in the minimum school year. [~~The total amount of state~~
 29-4 ~~funding for extended year services under this section may not~~
 29-5 ~~exceed \$10 million per year.~~] A school district may use funds
 29-6 received under this section only in providing an extended year
 29-7 program.

29-8 (g) [~~(k)~~] From the total amount of funds appropriated for
 29-9 special education under this section, the commissioner shall
 29-10 withhold an amount specified in the General Appropriations Act, and
 29-11 distribute that amount to school districts for programs under
 29-12 Section 29.014. The program established under that section is
 29-13 required only in school districts in which the program is financed
 29-14 by funds distributed under this subsection and any other funds
 29-15 available for the program. After deducting the amount withheld
 29-16 under this subsection from the total amount appropriated for
 29-17 special education, the commissioner shall reduce each district's
 29-18 allotment proportionately and shall allocate funds to each district
 29-19 accordingly.

29-20 (h) Not later than December 1 of each even-numbered year,
 29-21 the commissioner shall submit to the Legislative Budget Board, for
 29-22 purposes of the allotment under this section, proposed weights for
 29-23 the tiers of intensity of service for the next state fiscal
 29-24 biennium.

29-25 SECTION 57. Subchapter C, Chapter 48, Education Code, is
 29-26 amended by adding Sections 48.1021 and 48.1022 to read as follows:

29-27 Sec. 48.1021. SPECIAL EDUCATION SERVICE GROUP ALLOTMENT.

29-28 (a) For each student in a special education program under
 29-29 Subchapter A, Chapter 29, a school district is entitled to an
 29-30 allotment in an amount set by the legislature in the General
 29-31 Appropriations Act for the service group for which the student
 29-32 receives services.

29-33 (a-1) Notwithstanding Subsection (a), for the 2026-2027
 29-34 school year, the amount of an allotment under this section shall be
 29-35 determined in accordance with Section 48.1022. This subsection
 29-36 expires September 1, 2027.

29-37 (b) The commissioner by rule shall establish at least four
 29-38 service groups for use in determining funding under this section.
 29-39 In establishing the groups, the commissioner must consider:

29-40 (1) the type, frequency, and nature of services
 29-41 provided to a student;

29-42 (2) the required certifications, licensures, or other
 29-43 qualifications for personnel serving the student;

29-44 (3) any identified or curriculum-required
 29-45 provider-to-student ratios for the student to receive the
 29-46 appropriate services; and

29-47 (4) any equipment or technology required for the
 29-48 services.

29-49 (c) At least 55 percent of the funds allocated under this
 29-50 section must be used for a special education program under
 29-51 Subchapter A, Chapter 29.

29-52 (d) Not later than December 1 of each even-numbered year,
 29-53 the commissioner shall submit to the Legislative Budget Board, for
 29-54 purposes of the allotment under this section, proposed amounts of
 29-55 funding for the service groups for the next state fiscal biennium.

29-56 Sec. 48.1022. SPECIAL EDUCATION TRANSITION FUNDING.

29-57 (a) For the 2026-2027 school year, the commissioner may adjust
 29-58 weights or amounts provided under Section 48.102 or 48.1021 as
 29-59 necessary to ensure compliance with requirements regarding
 29-60 maintenance of state financial support under 20 U.S.C. Section
 29-61 1412(a)(18) and maintenance of local financial support under
 29-62 applicable federal law.

29-63 (b) For the 2026-2027 school year, the commissioner shall
 29-64 determine the formulas through which school districts receive
 29-65 funding under Sections 48.102 and 48.1021. In determining the
 29-66 formulas, the commissioner shall ensure the estimated statewide
 29-67 increase from the amount that would have been provided under the
 29-68 allotment under Section 48.102, as that section existed on
 29-69 September 1, 2025, for the 2026-2027 school year to the amount

30-1 provided by the sum of the allotments under Sections 48.102 and
 30-2 48.1021 for that school year is approximately \$200 million.

30-3 (c) Each school district and open-enrollment charter school
 30-4 shall report to the agency information necessary to implement this
 30-5 section.

30-6 (d) The agency shall provide technical assistance to school
 30-7 districts and open-enrollment charter schools to ensure a
 30-8 successful transition in funding formulas for special education.

30-9 (e) This section expires September 1, 2028.

30-10 SECTION 58. Sections 48.103(b), (c), and (d), Education
 30-11 Code, are amended to read as follows:

30-12 (b) A school district is entitled to an allotment under
 30-13 Subsection (a) only for a student who:

30-14 (1) is receiving:

30-15 (A) instruction, services, or accommodations for
 30-16 dyslexia or a related disorder in accordance with[+]

30-17 [~~(A)~~] an individualized education program
 30-18 developed for the student under Section 29.005; or

30-19 (B) accommodations for dyslexia or a related
 30-20 disorder in accordance with a plan developed for the student under
 30-21 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or

30-22 (2) [~~is receiving instruction that:~~

30-23 [~~(A) meets applicable dyslexia program criteria~~
 30-24 ~~established by the State Board of Education; and~~

30-25 [~~(B) is provided by a person with specific~~
 30-26 ~~training in providing that instruction; or~~

30-27 [~~(3)~~] is permitted, on the basis of having dyslexia or
 30-28 a related disorder, to use modifications in the classroom or
 30-29 accommodations in the administration of assessment instruments
 30-30 under Section 39.023 without a program or plan described by
 30-31 Subdivision (1).

30-32 (c) A school district may receive funding for a student
 30-33 under each provision of this section, [~~and~~] Section 48.102, and
 30-34 Section 48.1021 for which [~~if~~] the student qualifies [~~satisfies the~~
 30-35 ~~requirements of both sections~~].

30-36 (d) A school district may use [~~an amount not to exceed 20~~
 30-37 ~~percent of~~] the allotment provided for a qualifying student under
 30-38 this section to contract with a private provider to provide
 30-39 supplemental academic services to the student that are recommended
 30-40 under the student's program or plan described by Subsection (b). A
 30-41 student may not be excused from school to receive supplemental
 30-42 academic services provided under this subsection.

30-43 SECTION 59. Section 48.110(d), Education Code, is amended
 30-44 to read as follows:

30-45 (d) For each annual graduate in a cohort described by
 30-46 Subsection (b) who demonstrates college, career, or military
 30-47 readiness as described by Subsection (f) in excess of the minimum
 30-48 number of students determined for the applicable district cohort
 30-49 under Subsection (c), a school district is entitled to an annual
 30-50 outcomes bonus of:

30-51 (1) if the annual graduate is educationally
 30-52 disadvantaged, \$5,000;

30-53 (2) if the annual graduate is not educationally
 30-54 disadvantaged, \$3,000; and

30-55 (3) if the annual graduate is enrolled in a special
 30-56 education program under Subchapter A, Chapter 29, \$4,000 [~~\$2,000~~],
 30-57 regardless of whether the annual graduate is educationally
 30-58 disadvantaged.

30-59 SECTION 60. Section 48.151(g), Education Code, is amended
 30-60 to read as follows:

30-61 (g) A school district or county that provides special
 30-62 transportation services for eligible special education students is
 30-63 entitled to a state allocation at a [~~paid on a previous year's~~
 30-64 ~~cost-per-mile basis. The~~] rate per mile equal to the sum of the
 30-65 rate per mile set under Subsection (c) and \$0.13, or a greater
 30-66 amount provided [~~allowable shall be set~~] by appropriation [~~based on~~
 30-67 ~~data gathered from the first year of each preceding biennium~~].
 30-68 Districts may use a portion of their support allocation to pay
 30-69 transportation costs, if necessary. The commissioner may grant an

31-1 amount set by appropriation for private transportation to reimburse
 31-2 parents or their agents for transporting eligible special education
 31-3 students. The mileage allowed shall be computed along the shortest
 31-4 public road from the student's home to school and back, morning and
 31-5 afternoon. The need for this type of transportation shall be
 31-6 determined on an individual basis and shall be approved only in
 31-7 extreme hardship cases.

31-8 SECTION 61. Subchapter D, Chapter 48, Education Code, is
 31-9 amended by adding Section 48.158 to read as follows:

31-10 Sec. 48.158. SPECIAL EDUCATION FULL INDIVIDUAL AND INITIAL
 31-11 EVALUATION. For each child for whom a school district conducts a
 31-12 full individual and initial evaluation under Section 29.004 or 20
 31-13 U.S.C. Section 1414(a)(1), the district is entitled to an allotment
 31-14 of \$250 or a greater amount provided by appropriation.

31-15 SECTION 62. Section 48.265(a), Education Code, is amended
 31-16 to read as follows:

31-17 (a) ~~If [Notwithstanding any other provision of law, if]~~ the
 31-18 commissioner determines that the amount appropriated for the
 31-19 purposes of the Foundation School Program exceeds the amount to
 31-20 which school districts are entitled under this chapter, the
 31-21 commissioner may provide ~~[by rule shall establish a grant program~~
 31-22 ~~through which excess funds are awarded as]~~ grants using the excess
 31-23 money for the purchase of video equipment, or for the reimbursement
 31-24 of costs for previously purchased video equipment, used for
 31-25 monitoring special education classrooms or other special education
 31-26 settings required under Section 29.022.

31-27 SECTION 63. Section 48.279(e), Education Code, is amended
 31-28 to read as follows:

31-29 (e) After the commissioner has replaced any withheld
 31-30 federal funds as provided by Subsection (d), the commissioner shall
 31-31 distribute the remaining amount, if any, of funds described by
 31-32 Subsection (a) to proportionately increase funding for the special
 31-33 education allotment under Section 48.102 and the special education
 31-34 service group allotment under Section 48.1021.

31-35 SECTION 64. Subchapter G, Chapter 48, Education Code, is
 31-36 amended by adding Sections 48.304, 48.306, and 48.315 to read as
 31-37 follows:

31-38 Sec. 48.304. DAY PLACEMENT PROGRAM OR COOPERATIVE FUNDING.

31-39 (a) For each qualifying day placement program or cooperative that a
 31-40 regional education service center, school district, or
 31-41 open-enrollment charter school establishes, the program or
 31-42 cooperative is entitled to an allotment of:

31-43 (1) \$250,000 for the first year of the program's or
 31-44 cooperative's operation; and

31-45 (2) the sum of:
 31-46 (A) \$100,000 for each year of the program's or
 31-47 cooperative's operation after the first year; and

31-48 (B) \$150,000 if at least three students are
 31-49 enrolled in the program or cooperative for a year described by
 31-50 Paragraph (A).

31-51 (b) A day placement program or cooperative qualifies for
 31-52 purposes of Subsection (a) if:

31-53 (1) the program or cooperative complies with
 31-54 commissioner rules adopted for purposes of this section under
 31-55 Section 48.004;

31-56 (2) the program or cooperative offers services to
 31-57 students who are enrolled at any school district or open-enrollment
 31-58 charter school in the county in which the program or cooperative is
 31-59 offered, unless the commissioner by rule waives or modifies the
 31-60 requirement under this subdivision for the program or cooperative
 31-61 to serve all students in a county; and

31-62 (3) the agency has designated the program or
 31-63 cooperative for service in the county in which the program or
 31-64 cooperative is offered and determined that, at the time of
 31-65 designation, the program or cooperative increases the availability
 31-66 of day placement services in the county.

31-67 (c) The agency may not designate more than one day placement
 31-68 program or cooperative for service per county each year.

31-69 (d) The agency may designate a regional education service

32-1 center to implement and administer this section.

32-2 (e) Notwithstanding any other provision of this section,
 32-3 the agency may not provide an allotment under this section to more
 32-4 than 20 day placement programs or cooperatives for a year.

32-5 Sec. 48.306. PARENT-DIRECTED SERVICES FOR STUDENTS
 32-6 RECEIVING SPECIAL EDUCATION SERVICES GRANT. (a) A student to whom
 32-7 the agency awards a grant under Subchapter A-1, Chapter 29, is
 32-8 entitled to receive an amount of \$1,500 or a greater amount provided
 32-9 by appropriation.

32-10 (b) The legislature shall include in the appropriations for
 32-11 the Foundation School Program state aid sufficient for the agency
 32-12 to award grants under Subchapter A-1, Chapter 29, in the amount
 32-13 provided by this section.

32-14 (c) A student may receive one grant under Subchapter A-1,
 32-15 Chapter 29, unless the legislature appropriates money for an
 32-16 additional grant in the General Appropriations Act.

32-17 (d) A regional education service center designated to
 32-18 administer the program under Subchapter A-1, Chapter 29, for a
 32-19 school year is entitled to an amount equal to four percent of each
 32-20 grant awarded under that subchapter for that school year.

32-21 (e) Notwithstanding Section 7.057, a determination of the
 32-22 commissioner under this section is final and may not be appealed.

32-23 Sec. 48.315. FUNDING FOR REGIONAL DAY SCHOOL PROGRAMS FOR
 32-24 THE DEAF. (a) The program administrator or fiscal agent of a
 32-25 regional day school program for the deaf is entitled to receive for
 32-26 each school year an allotment of \$6,925, or a greater amount
 32-27 provided by appropriation, for each student receiving services from
 32-28 the program.

32-29 (b) Notwithstanding Subsection (a), the agency shall adjust
 32-30 the amount of an allotment under that subsection for a school year
 32-31 to ensure the total amount of allotments provided under that
 32-32 subsection is at least \$35 million for that school year.

32-33 SECTION 65. The following provisions of the Education Code
 32-34 are repealed:

- 32-35 (1) Section 7.055(b)(24);
- 32-36 (2) Sections 7.102(c)(18), (19), (20), (21), and (22);
- 32-37 (3) Section 29.002;
- 32-38 (4) Section 29.0041(c);
- 32-39 (5) Section 29.005(f);
- 32-40 (6) Section 29.0161;
- 32-41 (7) Sections 29.308, 29.309, 29.311, 30.001, and
- 32-42 30.0015;
- 32-43 (8) Sections 30.002(c-1), (c-2), (f), (f-1), and (g);
- 32-44 (9) Section 30.084;
- 32-45 (10) Section 30.087(b); and
- 32-46 (11) Section 38.003(d).

32-47 SECTION 66. The commissioner of education shall award a
 32-48 grant under Subchapter A-1, Chapter 29, Education Code, as amended
 32-49 by this Act, for the 2025-2026 school year to each eligible
 32-50 applicant who applied but was not accepted for the 2024-2025 school
 32-51 year.

32-52 SECTION 67. Sections 8.051(d), 29.008, 29.014(c) and (d),
 32-53 and 29.018(b), Education Code, as amended by this Act, apply
 32-54 beginning with the 2026-2027 school year.

32-55 SECTION 68. (a) Except as provided by Subsection (b) or (c)
 32-56 of this section, this Act takes effect immediately if this Act
 32-57 receives a vote of two-thirds of all the members elected to each
 32-58 house, as provided by Section 39, Article III, Texas Constitution.
 32-59 If this Act does not receive the vote necessary for immediate
 32-60 effect, this Act takes effect September 1, 2025.

32-61 (b) Except as provided by Subsection (c) of this section,
 32-62 the amendments made by this Act to Chapter 48, Education Code, take
 32-63 effect September 1, 2025.

32-64 (c) Sections 48.009(b), 48.051(a), 48.102, 48.103(b), (c),
 32-65 and (d), and 48.279(e), Education Code, as amended by this Act, and
 32-66 Sections 48.1021 and 48.1022, Education Code, as added by this Act,
 32-67 take effect September 1, 2026.

32-68

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