

## Updated January 29, 2026

The Texas Education Agency (TEA) has developed this document to provide technical assistance to school districts and parents around the implementation of [Senate Bill \(SB\) 2](#), which established the [Texas Education Freedom Account \(TEFA\) Program](#). The intent of this document is to provide general information around how the TEFA program interacts with the evaluation and identification process for **children with disabilities** and focuses on children **who already attend private school or who are homeschooled at the time of the request for the special education evaluation or application to the TEFA program**. It does not constitute legal advice, nor is it a substitute for consulting with a licensed attorney. The information should not be relied upon as a comprehensive or definitive response to a specific legal situation. This document may not include a complete rendition of federal law.

TEA will add to or edit this guidance as necessary. Parent resources on the special education evaluation and identification process can be found on [spedtex.org](http://spedtex.org), and the agency will be creating additional resources soon. TEA will also continue to engage with districts across the state to help the agency clarify its guidance. Please email [89th@tea.texas.gov](mailto:89th@tea.texas.gov) with questions on SB 2 implementation. If families have difficulty with communicating with their district around evaluation or identification issues, families could email [sped@tea.texas.gov](mailto:sped@tea.texas.gov).

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## Definitions

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For purposes of this guidance, the following definitions apply:

- “Child with a disability” for purposes of TEFA funding eligibility means the child has been identified with an **eligible disability** under the Individuals with Disabilities Education Act (IDEA) **and** has been determined by an admission, review, and dismissal (ARD) Committee to **need special education and related services** because of that disability. As you will see below, child with a disability for purposes of TEFA program priority acceptance, is slightly different than the definition used for funding eligibility.
- “Parentally placed private school child with a disability” means a **child with a disability** enrolled by their parent in a **private elementary** or **private secondary school**. For more information, please see the [Parentally Placed Private School Children Quick Guide and FAQ](#).
- “Private elementary school” means a **nonprofit** institutional day or residential school, which could include a religious school, or preschool, that provides **elementary education**.
- “Elementary education” means **elementary, including preschool education**, that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress.
- “Private secondary school” means a **nonprofit** institutional day or residential school, which could include a religious school, that provides **secondary education**. It does not include any education beyond grade 12.
- “Secondary education” means **secondary education** that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress.
- “Homeschool” means an institution that **provides elementary or secondary education** that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress.
- “Nonprofit” means owned and operated by one or more corporations or associations whose **net earnings do not benefit, and cannot lawfully benefit**, any private shareholder or entity.
- “Equitable services” means the special education and related services that a school district offers through an individualized services plan (ISP) to a parentally placed private school child with a disability **after engaging in timely and meaningful consultation with private school officials and parents**.

This term is **NOT** equivalent to the provision of a free appropriate public education (FAPE). The district where the private school is located, which may or may not be the district of residence, is responsible for determining if equitable services will be provided.

- “Educational Site” means a school that **does not meet the definition of a public school or private elementary or private secondary school**. This would include a **homeschool** if the homeschool is determined not to provide elementary or secondary education as defined above. Educational sites would also include a private school that does not meet nonprofit status or is determined to not offer elementary or secondary education as defined above, such as a group or home-based child daycare setting.
- “Child Find” – for purposes of this guidance – is a federal requirement in the Individuals with Disabilities Education Act (IDEA) for the district where a private school is located to **identify, locate, and evaluate all children with disabilities in its boundaries**.
- “FIEE” is the full and individual initial evaluation process to **determine if a child is a child with a disability**. This is sometimes simply referred to as a special education evaluation.
- “Free appropriate public education (FAPE)” is the special education and related services that the **district of residence** must offer to a child if the child is determined by the ARD committee to be a child with a disability. This results in the **development of an individualized education program (IEP) and the offer to provide FAPE**. If a parent consents to the provision of FAPE and enrolls the child in public school, the school is required to provide it through implementation of the IEP. If a parent does not provide consent and if the child is considered a parentally placed private school child with a disability, the district where the private school is located is responsible for determining if equitable services will be provided.
- “Instructional arrangement code” means the instructional arrangement or instructional setting code submitted by a school system through the Public Education Information Management System (PEIMS) that signals the funding entitlement for the state special education allotment under TEC §48.102.
- “IEP” means an **individualized education program** defined by 34 Code of Federal Regulations (CFR) §300.320, which is a written statement for each child with a disability that is developed, reviewed, and revised in accordance with the requirements of IDEA. An IEP is regulated by IDEA and other state and federal special education laws and regulations. **FAPE is provided through the implementation of an IEP regulated by IDEA**.
- “EFA IEP” means education freedom account IEP and it’s an IEP that is developed solely for purposes of additional funding within **the TEFA program** as a **child with a disability**. It is not equivalent to the IEP as defined above.
- “Admission, Review and Dismissal (ARD) Committee” is defined as the **committee responsible for making decisions about a child’s special education eligibility and, if applicable, program**. The ARD committee is also known as the IEP team.
- “ISP” means an **individualized services plan** that is developed and implemented for a parentally placed private school child with a disability who has been designated by the district in which the private school is located to receive equitable services.
- “Prior Written Notice (PWN)” is a **written** notice provided to the parent by the district before it: proposes or refuses to initiate or change the **identification of the child**; proposes or refuses to initiate or change the **evaluation of the child**; proposes or refuses to initiate or change the **educational placement of the child**; proposes or refuses to initiate or change the **provision of a FAPE to the child**; or before ceasing the provision of **special education and related services due to the parent’s written revocation of consent for services**. As part of FIEE process, the district provides the parent with a PWN, Notice of Procedural Safeguards, and the Overview of Special Education for Parents Form and gives the parent the opportunity to consent to the evaluation.
- “TEFA program” is the **Texas Education Freedom Accounts program**, administered by the Texas Comptroller of Public Accounts (CPA). See ESA above.

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## **Child is No Longer Enrolled in Public School but Received Special Education and Related Services from a Public School Within the Last Three School Years**

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A parent who is applying for the TEFA program can claim their child is a child with a disability for purposes of TEFA program funding eligibility when an instructional arrangement code was reported for the child in at least one of the following school years:

- 2025-2026 with the October 2025 PEIMS snapshot data submission;
- 2024-2025 with evidence of an instructional arrangement code submitted by a school system through PEIMS and the child is no longer enrolled in public school; or
- 2023-2024 with evidence of an instructional arrangement code submitted by a school system through PEIMS and the child is no longer enrolled in a public school.

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## **Child is Not Enrolled in Public School but has Been Identified as a Child with a Disability Eligible for Special Education and Related Services Within the Last Three Years**

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If a special education evaluation has been conducted for a child within the last three years as of the time of the parent's application to the TEFA program, and an admission, review, and dismissal (ARD) committee met at the time of completion of the evaluation report and determined that the child was eligible for special education and related services (identification of an IDEA eligible disability and the need for special education services), that child is eligible for an IEP for purposes of the TEFA program funding as a child with a disability. If an IEP was created at the time of the ARD committee meeting when eligibility was established but the parent did not provide consent for these services, the IEP that was created at the time can be used for TEFA program funding. The parent in this case would need to contact the school system that conducted the evaluation and that developed the IEP so that the school system can upload a copy of that IEP to TEA's APEX ESA application.

If an IEP was not created at the time of the ARD committee meeting when eligibility was established, the parent should contact the school system that conducted the evaluation to state their interest in an IEP to be used for purposes of TEFA program funding as a child with a disability. The school system will use the evaluation report and all artifacts available to them to develop an EFA IEP [see that section below]. That EFA IEP will need to be uploaded to the APEX ESA application by the school system as soon as it is completed.

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## **Child is Not Enrolled in Public School, Has Not Been Identified as a Child with a Disability Eligible for Special Education and Related Services Within the Last Three Years, but the Parent Has a Private Evaluation or Physician's Confirmation That Their Child has a Disability**

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The law associated with the additional TEFA program funding as a child with a disability specifically references being determined a child with a disability in accordance with the evaluation process under IDEA. That means that a school system must evaluate the child and an ARD committee must determine that the child has both an eligible disability and the need for special education and related services as described in IDEA and state law. Some parents might obtain a private disability evaluation or confirmation of disability from a physician. While the TEFA program will accept certain documentation as proof of disability for purposes of prioritization when there are more TEFA applications than available funding [see TEFA website for more information about prioritization], an ARD committee through the public school system must have determined special education eligibility for purposes of the additional funding for a child with a disability.

Private evaluations or other disability confirmations are helpful in the data gathering and assessment/evaluation process through a public school. However, public schools must be sure that the evaluation conducted and completed is thorough since that will ultimately be used to help an ARD committee determine special education eligibility. The professionals involved in a special education evaluation will review any private evaluations or disability confirmations submitted as part of the evaluation process, and they will determine what other

assessments or data are necessary to complete the evaluation report. See Assessments, Assessment Location, and Eligibility below for more information about the evaluation process.

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### Child is Enrolled in a Private School or Educational Site and Parent Suspects Their Child Has a Disability (Whether or Not Parent Has a Private Evaluation or Confirmation of Disability from a Physician)

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If a parent of a child in a private elementary or secondary school, as defined above, suspects their child has a disability, and has no plans to enroll their child in public school, the parent should contact the district where the private school is located. In this situation, under the IDEA, the district where the private school is located is required to complete a special education evaluation at no cost to the parent if the district suspects or has reason to suspect a disability. Once the parent has contacted the district to request a special education evaluation, the district must respond by providing the parent with a PWN and other required documents as described in the Definitions section and move forward with the evaluation, or a notice explaining why the district is refusing to complete the evaluation.

If the child is enrolled in an educational site as previously defined, the district of the child's residence, regardless of where the educational site is located, is responsible for completing the evaluation if there is a suspected disability.

**Note:** Legally, a parent could ask both the district of residence and the district where the private school is located for an evaluation for their child. The U.S. Department of Education and the TEA do not feel this in a child's best interest to have two districts evaluate a child at the same time or near the same time [[See Question A-4 and its corresponding answer](#)], so it is critical to partner with parents to determine their intent in asking for a special education evaluation for their child. Whereas IDEA puts the child find responsibility on the district where the private school is located (finding, evaluating, and identifying children with disabilities), the district of residence would be responsible for the provision of FAPE through implementation of an IEP governed by IDEA.

However, if the district of residence receives a request for a special education evaluation from a parent who lives in the district's boundaries, regardless of whether the child attends a private school outside of the district's boundaries, the district must conduct its Child Find processes.

Districts should be aware that IDEA contemplates initial special education evaluations only in relation to a child's district of residence or district where the private school is located for children who are not enrolled in public school. Therefore, when a district receives a request for an evaluation from a parent, the district must get information from the parent related to their home address and the address of their child's private school, if applicable. No other district is required to evaluate a child other than these two instances.

If TEA receives evidence that two evaluations were conducted and two IEPs were developed on the same child because both the district of residence and district where the private school were located were both asked to conduct an evaluation, the agency will engage in a process to determine what will be submitted to the Comptroller for funding purposes.

When the district of residence evaluates a child, all requirements related to the offer of FAPE will continue to apply (e.g., determining eligibility, developing an IEP if determined eligible, allowing parent to consent or reject initial provision of special education and related services, issuing a ready, willing and able notification). Only then would the district of residence develop the EFA IEP [see EFA IEP, below], if applicable, and discuss whether equitable services through an ISP is appropriate (if the district of residence is also the district where the private school is located).

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## Evaluation Timeline

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The timeline for completion of an FIIE for children ages 3 through 21 is no later than 45 school days [[Texas Education Code \(TEC\) §29.004](#)] after the day the school receives written consent. The district conducting the evaluation will use their school calendar to determine school days. **While this reflects the maximum amount of time authorized, not all evaluations will take that long.** Factors such as the disability(ies) suspected and whether the child has any prior evaluation data can affect those timelines. A multi-disciplinary team (MDT) composed of various professionals based on the child’s suspected disability(ies) will review all existing data and determine what else is necessary to complete the evaluation.

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## Assessments

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A special education evaluation is comprised of many different parts. The overall evaluation assesses the student in the following areas: health, vision and hearing; motor abilities; social and emotional status; communicative status; general intelligence; and academic performance. The MDT determines if formal or informal measures are necessary for assessing these areas. A process called a Review of Existing Evaluation Data (REED) is completed for an initial evaluation when appropriate. The REED process informs the MDT of what other elements may be needed to complete the evaluation. **If a parent presents an outside evaluation or a medical diagnosis, for example, the MDT must consider that information in its evaluation and may be able to use it within the context of the special education evaluation and any eventual identification.** While parent input is critical to determining what disability(ies) is/are suspected and in the evaluation process, a parent does not have an inherent right to request that only certain assessments be administered or conducted by the MDT. The MDT should also be mindful that the same set of formal measures for every student is not taking an individual child’s needs into consideration. Although the MDT has 45 school days to complete the evaluation process, the amount of time it takes to complete the evaluation process and eligibility determination may be shorter in cases where prior evaluation/diagnostic information is available.

The MDT must consider that information in its evaluation to determine if additional formal or informal measures are necessary in assessing the required areas of the FIIE. Ultimately, however, the district must complete the evaluation process in accordance with federal and state special education legal requirements and hold an eligibility determination meeting with the ARD committee.

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## Assessment Location

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For a special education evaluation, a child does not have to enroll, or be enrolled, in a public school. The district that conducts the evaluation should observe the child in their private school or educational site, if applicable, or the district should work with the school/site so those teachers observe the child and send those observations to the evaluating district. The staff where the child is currently enrolled should participate in the evaluation process through interviews and by providing observational data, grades, attendance records, and any other data that is relevant to the completion of the comprehensive evaluation. A district cannot require a child to enroll in their district for a period of time to collect observation data.

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## Eligibility Determination

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Once the evaluation report is complete, a district has 30 calendar days to hold an ARD committee meeting to determine whether the child has a disability recognized by IDEA **and** needs special education and related services due to that disability. Parents are members of that committee. During the initial ARD committee meeting, the committee will discuss the evaluation report and ultimately determine whether the child meets the criteria as a child with a disability. If the child has been determined to be a child with a disability (IDEA eligible disability and need for special education service), an IEP may or may not be developed depending on a) the parent’s original intent in the request for an evaluation, and b) whether the district that completed the

evaluation is the district of residence. Remember that the district where the private school is located has the federal requirement to find and evaluate children with disabilities, but the district of residence would be responsible for providing FAPE to a child with a disability (and a parent can ask either district to evaluate).

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## EFA IEP

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If a parent is interested in accessing the TEFA program and communicates this during the evaluation and eligibility determination process and makes it clear that they are not seeking FAPE through the public school, **the ARD Committee can develop an EFA IEP by determining certain special education services the child would need to access to in order to make progress in the child’s enrolled grade level curriculum if they enrolled in public school.**

For purposes of the EFA IEP – that is, for purposes of determining funding eligibility for the TEFA program as a child with a disability who has not been enrolled in a public school, the following components should be addressed:

- FIIE findings of a disability condition
- ARD committee determination of special education eligibility
- Accommodations and modifications the child needs to be successful in accessing grade level curriculum
- Schedule of services/services delivery schedule that outlines the frequency, duration, and location of where services would be provided if the child was enrolled in that district
  - Instructional and related services should be outlined on the schedule
  - Minutes should be used to indicate frequency of services
- Instructional arrangement based on the district's bell schedule and number of minutes the child would participate in a special education setting (as prescribed by the Student Attendance Accounting Handbook)
- Any additional information regarding placement or programming for the child that the ARD committee deems necessary to determine the funding level for the child.

**The EFA IEP is not the same as an IEP governed by IDEA.** While an IEP under IDEA is what must be developed to provide FAPE to an eligible student with a disability, the EFA IEP will be used for purposes of the potential for the additional funding entitlement as a child with a disability. **Neither the public school nor the private school have an obligation to implement the services included in the EFA IEP.** If the student enrolls or is enrolled in a public school, the IDEA IEP is what must be developed and implemented, subject to parental consent for services, to provide FAPE.

While the list above is subject to change through the rulemaking process [see Drafted Rule Addition to 19 Texas Administrative Code (TAC) §89.1096, below], TEA will not expect more than the above pieces of an IEP during the comptroller’s first application window beginning on February 4 and ending on March 17. School districts will upload EFA IEPs through the TEA APEX ESA application. This submission will serve as official verification for determining special education funding amounts under the TEFA program for children not enrolled in public school and who do not have record of instructional arrangement codes in the previous two school years.

If the district of the child’s residence completed the evaluation and holds the ARD committee meeting to determine eligibility, common practice is that the district would draft an IDEA-governed IEP as part of the ARD committee meeting in case the parent was interested in enrolling their child in public school. This is because the district of the child’s residence would be responsible for providing FAPE and implementing an IEP should the child enroll in the district. If this is done but the parent ultimately does not provide consent for special education services and wishes to access the TEFA program, the drafted IDEA governed IEP can be

uploaded by the district of residence to the ESA APEX application. The EFA IEP is only intended to simplify the process when a parent is very clear from the beginning of the evaluation and eligibility determination process that they are not interested in public school and FAPE but are interested in the TEFA program.

If the district of the child's private school is different from the district of the child's residence, and the district where the private school is located completed the evaluation and held an ARD committee meeting to determine IDEA eligibility, equitable services, and developed an ISP, an EFA IEP needs to be developed for potential additional funding if the parent states that they wish to access the TEFA program. If the parent contacts the district where the private school is located after the initial eligibility meeting and notifies the district that they are interested in the TEFA program, that district would complete the EFA IEP using the data gathered during the evaluation process as well as information used to develop the ISP. The EFA IEP would then be uploaded into the ESA APEX system.

**Note that the district where the private school is located** – regardless of whether it is also the district of residence – is still responsible for adhering to the equitable services requirement under IDEA; therefore, an ISP must be developed for a child in addition to the EFA IEP IF the student would be eligible for an ISP based on the district's meaningful consultation process with private school officials and its budgeted amount for proportionate share.

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## Parent Disagreements about Evaluations

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If a parent disagrees with the evaluation that the district conducted, the parent has the right to request an independent educational evaluation (IEE) from that district at public expense.

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### A parent has the right to an IEE at the district's expense if they disagree with an evaluation provided by the district, unless the district:

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- Demonstrates at a due process hearing that its own evaluation of the child was appropriate; or
- Demonstrates at a due process hearing that the evaluation obtained by the parent did not meet district criteria.

The parent is entitled to only one IEE at public expense each time a district conducts an evaluation with which the parent disagrees. The parent may forfeit their right to an IEE at public expense if they fail to give consent for a district to conduct an evaluation.

If a parent requests an IEE at district expense, the district must provide information about where one may be obtained, and without unreasonable delay, either:

1. provide the parent with information about the district's criteria for IEEs, and ensure that a publicly funded IEE is provided,
2. file a due process hearing request to ask a hearing officer to determine whether the evaluation the district conducted was appropriate, or
3. demonstrate in a hearing that the IEE the parent obtained did not meet the district's criteria.

If a parent believes the district has **failed their child find obligations** (locating, identifying and evaluating children with disabilities), the parent may use the [dispute resolution mechanisms provided under IDEA](#) according to IDEA requirements.

If a parent who has enrolled their child in a private elementary or secondary school has issues **regarding the provision of equitable services, the parent may file a state complaint**. Because there is no individual right to services for parentally placed private school children with disabilities, the due process complaint and hearing program is not available.

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## **Drafted Rule Addition to 19 Texas Administrative Code (TAC) §89.1096:**

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In the coming months, TEA will engage in the rulemaking process related to the EFA IEP and the implementation of SB 2. The process will include a public comment period, at the end of which TEA must consider submitted comments before finalizing its rules. Because the application for the TEFA program will be made available before finalizing these rules, TEA is issuing this guidance to communicate the agency's expectations until the rulemaking process is launched and ultimately completed. Drafted [rule text](#) is available to review that may be proposed by TEA to add to 19 TAC §89.1096 regarding parentally placed private school children with disabilities. This text is subject to change throughout the rulemaking process until the rule amendment is finalized.

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## **Common Questions:**

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### **From Parents:**

#### **1. How long is the special education evaluation process? Is the process different since I am not interested in enrolling my child in public school?**

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TEC §29.3615 requires a special education evaluation conducted by a school district and ultimate eligibility determination for special education and related services made by an admission, review, and dismissal (ARD) committee in order to be eligible for the additional TEFA program funding as a child with a disability. This means that the evaluation and identification process will be the same as public school students. A school district has 45 school days to complete a special education evaluation and 30 calendar days from the completion of the evaluation report to hold an ARD committee meeting to determine eligibility. At the eligibility meeting is where an IEP would be created. That IEP, whether an EFA IEP as described above, or an IDEA governed IEP if developed during this process, would be used to determine funding eligibility.

#### **2. What if my child used to receive special education and related services through the public school, but my child currently attends a private school?**

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If the child received special education and related services in a Texas public school between the 2023-2024 and 2025-2026 school year and was not dismissed from special education services, that child would be reported by TEA as eligible for funding through the TEFA program as a child with a disability. TEA will pull data from 2023-2024 through October 2025 to find these students.

#### **3. My child used to have a Section 504 accommodation plan when they were enrolled in public school (or currently has one and is enrolled in public school). Does this count as a child with a disability for purposes of funding?**

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No, the child must be eligible to receive special education and related services through a public school.

#### **4. My child is enrolled in a private school and receives some services from the public school through an individualized services plan (ISP). Is that the same thing as an IEP, and can it be used or TEFA funding eligibility?**

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No, the ISP is not the same thing as an IEP, and it alone cannot be used for funding eligibility. An ISP is developed and implemented by a district when a district has determined the child eligible for special education and related services but their parent has placed their child in an eligible private school (see definitions above). An ISP reflects the district's commitment and obligation to provide equitable services to children with disabilities in eligible private schools. However, these are not the same as IEPs, and children enrolled in private schools by their parents have no inherent right to the services provided through IDEA.

**5. What if the district is not done with my child’s special education evaluation and eligibility determination by the time the TEFA program application window closes on March 17?**

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If the evaluation and eligibility determination has not yet occurred by March 17 but does happen by the next application window, you can apply for the additional funding in the subsequent application window, subject to the comptroller’s processes and available funding.

**6. I homeschool my child, but I know my child has a disability. Is my child eligible for the additional funding?**

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The state law restricts funding for children who are homeschooled to \$2,000 total per year.

**7. What if we just moved to Texas and my child had an IEP in the other state in which we lived?**

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While the comptroller will accept out of state IEPs for purposes of prioritization when there are more applications than available funds, an IEP developed by a Texas school district is required for purposes of funding eligibility.

**8. My child attends a private school outside the boundaries of the school district where we live. What do I do when neither the district where the private school is located or my district of residence will act on my request to evaluate?**

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You can file a [state complaint](#) if you feel that a school district is violating the law by not evaluating your child. You can also email [sped@tea.texas.gov](mailto:sped@tea.texas.gov) if you are having trouble reaching the appropriate district staff.

**9. My child’s private school said that districts should be able to quickly get these evaluations and IEPs done, especially if I bring them a private evaluation. Why is the district saying they can’t do that?**

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The state law requires that, for funding eligibility as a child with a disability, a school district must conduct and complete a special education evaluation and later identify that child as eligible for special education services according to the federal law that regulates education for students with disabilities in public schools – the Individuals with Disabilities Education Act (IDEA). Under IDEA and state law, districts have 45 school days to complete an evaluation and 30 calendar days from the completion of the evaluation report to determine eligibility. The committee that determines eligibility is called the ARD committee. While private evaluations must be considered by an ARD committee when determining eligibility, the district’s multidisciplinary team of professionals who complete evaluations must also determine what other assessments or data are necessary to complete a thorough evaluation based on the child’s suspected disability(ies). While a multidisciplinary team may determine that a private evaluation submitted by a parent contains comprehensive data that results in fewer formal measures having to be conducted by the district, these determinations must be made on an individual basis. In the cases of a private school sharing information about quick evaluation periods, it is possible they may be referring to sources of documentation that would allow the child to be prioritized for acceptance into the TEFA program as a child with a disability since the comptroller has different rules for that.

**From School Systems:**

**1. The mention of EFA IEPs is confusing because our district typically drafts a full IEP when we have the initial ARD committee meeting where special education eligibility is established. When a parent doesn’t provide consent for special education services through the IEP, we retain a copy of that drafted IEP with our records along with the evaluation report and ARD committee notes. Is TEA saying we MUST create this EFA IEP that has only parts of an IDEA governed IEP?**

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The EFA IEP is optional and would only be developed if a parent is very clear from the outset of an evaluation request that they are only interested in the TEFA program for their child and FAPE is not at issue. It is being

offered by TEA as an option in these cases so that a full IDEA-regulated IEP does not have to be developed. If an ARD committee or district feels they cannot determine what an appropriate instructional arrangement would be that would trigger the special education funding allotment from the limited pieces that would be required for an EFA IEP, then the ARD committee should prepare a full IEP and upload that to the APEX ESA application.

## **2. Do we have to engage in this process for children who end up not being determined eligible for special education and related services by the ARD committee?**

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No, the IEP upload process through APEX ESA application is only necessary when children are determined eligible by their ARD committee.

## **3. How do we know when to upload an IEP into the APEX ESA application?**

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IEP uploads are required when a) instructional arrangement code data is not available through PEIMS for the 2023-2024, 2024-2025, or 2025-2026 school year (as of October 2025 snapshot).

This means that the most common instances when uploads will be necessary is if a child was identified after October 2025 and the child's parent notifies the district that they are applying for the TEFA program or a child has never been enrolled in public school (or at least not within the last three school years), and an IEP has been created specifically because the parent has contacted the district stating that they are applying for the TEFA program or the ARD committee is already aware of this when their eligibility meeting is held.

**It is critical for district staff to be aware that parents may be contacting various staff within a district with these requests, and each district must act swiftly to act by the end of the TEFA program application window.**

## **4. I see that the APEX ESA application needs a unique ID. Do children in private schools or homeschools have this?**

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As part of the State Performance Plan Indicator (SPPI) 11 and 12 (timely evaluation) process, all children are to be given a unique ID whether or not they are enrolled in your school. So, yes, all children should have a unique ID.

## **5. Are these evaluations eligible for the \$1,000 reimbursement from the state?**

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Yes, all initial evaluations are eligible for the reimbursement.

## **6. Will we be expected to keep up with the 3 year re-evaluation process and, if so, will we have to create new IEPs for purposes of the TEFA program if the child continues in the TEFA program?**

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If the child is in an eligible private school and is receiving equitable services through an ISP, then yes, 3 year re-evaluations are expected and any updates to ISPs would come from those. However, unless the comptroller changes their processes, updated IEPs are not required once initial funding eligibility has been established.