

2025-2026 Updates

TAC 89.1094: Contracting for Nonpublic or Non-District Operated Day Placement for the Provision of FAPE.



Following the 2024 rule change affecting instructional setting codes for certain non-district day placements, LEAs were granted flexibility for 2024–25. This flexibility will extend through 2025–26.

Instructional Setting Code Flexibility

Programs previously coded between 91-98 may continue to use an instructional setting code in the 90s for the 25-26 SY (HCDE, SESI, and some 18+ programs).

Funding

Non-district, or programs previously described as “off-campus”, will be funded in the same manner as previous school years. These programs remain eligible for HCF.

89.1094 Procedural Implications for 25-26

LEAs may continue to use codes 91-98 in IEPs and APEX

LEAs will continue to use code 60 for nonpublic providers in IEPs and APEX

Public-private providers previously considered in-district (i.e., SESI) do not require a day application in APEX.

Public-private providers will be entered and funded in HCF in the same manner as previous years (in-district)

SAAH is aligned with the 24-25 rule change and will not be aligned; use this guidance

- Nonpublic Back to School Newsletter, 8/11
- TEA/LEA Webinar 8/14
- Email to APEX (Nonpublic TEAL Application) Users, 8/15
- Nonpublic Workshop, 9/4

Texas Education Code (TEC) 29.008 – Contracts for Services; Residential Placement and Day Placement Programs

Effective 2026-2027 school year



Expanded Definition

Added – day placements to the contracting definition



Approval Process Updated

Added – that the agency is authorized to approve a program/provider without requiring a LEA contract or intent to contract



Rulemaking Authority

Added - that the agency shall set minimum standards for day and residential programs, including nonpublic/non-district operated

Added – that the agency shall adopt rules for residential and day placements



- During the 25-26 school year, the nonpublic team will be working with stakeholders to gather feedback on rulemaking.

Thank you



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