



SPECIAL EDUCATION BACK TO SCHOOL UPDATE

2025-2026 SCHOOL YEAR

As the 2025-2026 school year gets underway, here are important special education updates based on legislation passed by the 89th Texas Legislature, Regular Session.

All are effective beginning with the 2025-2026 school year unless stated otherwise.



FUNDING CHANGES (ALL FROM HOUSE BILL [HB] 2)

LEAs will receive **\$1,000** for each initial special education evaluation completed.



Each local educational agency (LEA) will receive \$1,000 for each initial special education evaluation completed to help offset the costs of those evaluations.

Evaluations completed during the 2024-2025 school year will be used as initial estimates when funds begin this fall.

The College, Career, and Military Readiness (CCMR) outcomes bonus for students served by special education increased from \$2,000 to \$4,000 per eligible student.



CCMR outcomes bonus increased by **\$2,000 to \$4,000.**

The mileage reimbursement rate for special education transportation increased from \$1.08 per mile to **\$1.13 per mile.**



Fiscal agents of Regional Day School Programs for the Deaf (RDSPDs) will receive at least \$6,925 for each student served by that RDSPD. That is separate from the state's special education allotment that the student would generate; fiscal agents and member LEAs should work out additional service costs through their written agreements.



RDSPDs will receive **at least \$6,925** per student.

Effective September 1, 2026, LEAs will no longer be limited to reserving a maximum of 20 percent of their dyslexia allotment funds to contract with a private provider to serve eligible students.

Beginning with the 2026-2027 school year, the state will change how it pays for special education by switching to a service intensity model. More information will be shared in the coming months ahead of the next school year.



Coming Soon: A change to state special education funding formula.



CERTIFICATION APPLICATION AND EXAM FEES WAIVED

Individuals seeking certification in special education will now have both their certification exam fee waived for their first attempt and certification application fee waived. A [To the Administrator Addressed \(TAA\)](#) notification was published in June about these fee waivers. ([HB 2](#))



ANNUAL BOARD MEETING TO DISCUSS STUDENT OUTCOMES

At least once per year, a board of trustees in a school district or governing board of an open-enrollment charter school must specifically discuss the performance of students with disabilities receiving special education services. The Texas Education Agency (TEA) must adopt by rule performance indicators for measuring and evaluating the students' quality of learning to be used for these discussions, which will be adopted later this school year. ([HB 2](#))



Boards must discuss students receiving special education services.



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NONEDUCATIONAL COMMUNITY BASED SUPPORT SERVICES GRANTS

The process to access noneducational community based support services has changed. This process will shift to a grant system provided to parents of eligible students rather than parents having to go through their LEAs for access to, and payment for, the services.

Important Program Changes



The main changes are as follows:

- ◆ The grants will be accessible to students who are placed by their ARD committee in an approved residential program or in a day placement program and determined at-risk of being placed in a residential program;
- ◆ Eligible families must be notified about the grant program, and at least one person at the district or open-enrollment charter school must be designated to assist eligible families in accessing these grants; and
- ◆ On request of an eligible parent, an account will be established to assist in accessing approved services.

TEA must adopt rules to administer this revised program, so the **grants will not be available until those rules are effective.** ([HB 2](#))



NEW ARD COMMITTEE RESPONSIBILITIES



[LIDDA Resource for Families](#)

When a student is initially determined eligible for special education services under the identifications of **developmental delay or intellectual disability**, each admission, review, and dismissal (ARD) committee must give the student's parent information about their local intellectual and developmental disability authority (LIDDA), as well as various state waiver programs. ([HB 1188](#))

When **residential placement** is discussed by an ARD committee, the ARD committee must give the student's parent information developed by the Health and Human Services Commission (HHSC)

about educational residential placement options for children who may qualify for placement at a state supported living center (SSLC). HHSC is expected to finalize that information early this fall. ([HB 2](#))



GRADUATING WITH THE DISTINGUISHED LEVEL OF ACHIEVEMENT

In addition to the existing ability to earn the distinguished level of achievement (DLA) without modified curriculum, a student receiving special education and related services may now receive the DLA with modified curriculum as long as the ARD committee feels the modified curriculum was sufficiently rigorous and documents this decision in the student's individualized education program (IEP). ([HB 2](#))



PERSONAL COMMUNICATION DEVICES ([HB 1481](#))

HB 1481, with limited exception, prohibits the use of personal communication devices on school property during the school day. TEA published a [TAA](#) on July 31 with model policy language to assist districts in complying with the bill. The prohibition on use has three separate and unique exceptions described in the bill, which allow for use if necessary a) to implement a student's IEP or Section 504 accommodation plan; b) because a student has a documented need, based on a directive from a qualified physician; or c) to comply with a health or safety requirement imposed by law or by the district's safety protocols. Note that the state law must not be used to circumvent or supplant federal disability protections. For example, if an ARD or Section 504 committee determines that use is necessary to provide a student a free appropriate public education (FAPE), the committee can add that accommodation to an IEP or 504 plan and the district cannot also require a medical directive. Likewise, existing accommodations allowing for use of a personal communication device should not automatically be removed from an IEP or Section 504 plan because this bill passed; all decisions must be made in accordance with what is necessary to provide the student FAPE.



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STUDENT DISCIPLINE

Several bills impact how schools will address student discipline. **LEAs will need to ensure that discipline for students with disabilities receiving special education services follows federal and state law** while aligning with TEA's materials regarding student discipline changes resulting from the most recent legislative session. TEA published a [TAA](#) on August 14 with more information about legislation related to student discipline.



STUDENT ACCOMMODATIONS DURING EMERGENCIES AND DRILLS

TEA must establish by rule recommendations regarding accommodations for students with Section 504 plans or IEPs during mandatory school drills, as well as guidelines regarding documentation of those accommodations in LEA emergency operations plans to ensure the safety of students and staff with disabilities during drills, disasters, and emergencies. In addition, the guidelines adopted by rule must provide for communication between campus administrators and staff regarding any required accommodations and between campus administrators and members of the safety and security committee to advise on recommendations for updates to the LEA's emergency operations plan. TEA will begin updating guidelines to comply with the new law soon. ([Senate Bill \[SB\] 57](#))



SPECIAL EDUCATION REPRESENTATION ON VARIOUS TEAMS/COMMITTEES

When a threat assessment is being conducted by the campus safe and supportive school team under TEC 37.115, a **person with knowledge of the student's disability and how the disability manifests must serve on the team**. This person could be a special education teacher who provides instruction to the student, a behavior analyst, social worker, or school psychologist. ([HB 6](#), [HB 121](#))

One of the two superintendent designees who serve on an LEA's safety and security committee must be an administrator of special education in the district. ([SB 57](#))



STUDENT ABSENCES

The following mandatory excused absence changes are not exclusive to students with disabilities but are good for special education practitioners to know:

- ◆ Temporary absences for health care appointments include mental health care appointments. ([SB 207](#))
- ◆ A district must adopt a form for a physician to certify the student's illness, a statement that the illness is serious or life threatening, the anticipated period of absence, and a statement that the illness makes attendance infeasible during the anticipated period of absence. ([HB 367](#))



LITERACY AND NUMERACY ASSESSMENTS, INCLUDING DYSLEXIA SCREENERS

The reading diagnostic instruments previously administered to students in kindergarten through grade 2 will **evolve into literacy and numeracy instruments** to measure foundational skills and will be administered to students in **kindergarten through grade 3**. Additionally, the universal dyslexia screeners required for students in kindergarten and grade 1 will eventually be addressed through these instruments rather than separate screeners. You can find out more information about expectations for this school year in the [TAA](#) published earlier in August. ([HB 2](#))



DISPUTE RESOLUTION PROCESS CHANGES

Non-attorneys representing parents in due process hearings must be able to demonstrate knowledge of all dispute resolution options available to parents under federal and state law. TEA will propose rulemaking to amend the rule and update the form that a non-attorney representative uses to affirm this knowledge later this school year. ([HB 2](#))



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Statewide IEP facilitation can now be used prior to a dispute rather than once a dispute has already occurred. Once rules are addressed through the rulemaking process, TEA will begin operating under this change. ([HB 2](#))



NEW DEAF AND HARD OF HEARING (DHH), VISUALLY IMPAIRED (VI), AND DEAFBLIND STATEWIDE PLAN

TEA will engage with stakeholders to develop a new statewide plan for students who are DHH, VI, or deafblind in the coming months. This plan will help TEA and educators focus specifically on goals and outcomes of students with these disabilities and the educators who serve them. ([HB 2](#))



CHANGES TO LANGUAGE ACQUISITION REQUIREMENTS FOR CHILDREN 8 YEARS OF AGE AND YOUNGER

For several years educators have been assessing expressive and receptive language acquisition of children who are DHH eight years old and younger through assessments and tools approved by a group of state agencies, including TEA. That process will shift to the use of commissioner of education approved tools and assessments that will be administered on a schedule determined by the commissioner. The data will be reported through the Public Education Information Management System (PEIMS) or another method set by commissioner rule. More information about this revised process will be communicated later this school year through the rulemaking process. Once the required data begins to be submitted and after an analysis of the data, the agency will seek out grant opportunities or determine whether to award grants with the goal of improving outcomes for these students. ([HB 2](#))



EDUCATION SAVINGS ACCOUNTS (ESAS)

Beginning in the 2026-2027 school year, parents will be able to utilize ESAs for their children in accordance with [SB 2](#). The ESA program will be administered by the [Texas Comptroller of Public Accounts](#).

An eligible student with a disability who is approved to use an ESA is entitled to state special education funding even though the student is not entitled to or receiving a free appropriate public education (FAPE) in their resident LEA. Funding will be dependent on the development of an IEP similar to those receiving FAPE in a public school. More information about LEA expectations around evaluations and IEP development, as well as a parent question and answer document will be published soon.

ESAs will begin

2026-27
school
year



REQUIRED WEBSITE POSTINGS

Although not related to legislation, TEA is often asked about any resources or websites that an LEA must link or provide on their own websites. While TEA encourages all LEAs to be as transparent and communicative as possible with stakeholders, including the community at large and families of enrolled students, **the following are the required postings related only to special education:**

- ◆ Per [TEC §29.0112\(e\)](#), each LEA is required to download and post the [Texas Transition and Employment Guide](#) to their public-facing website;
- ◆ Per the annual Special Education Consolidated Grant Program Guidelines, LEAs must post to their public-facing website the **logo, hyperlink, description, and contact information for [SPEDTex](#), the Special Education Information Center**.



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