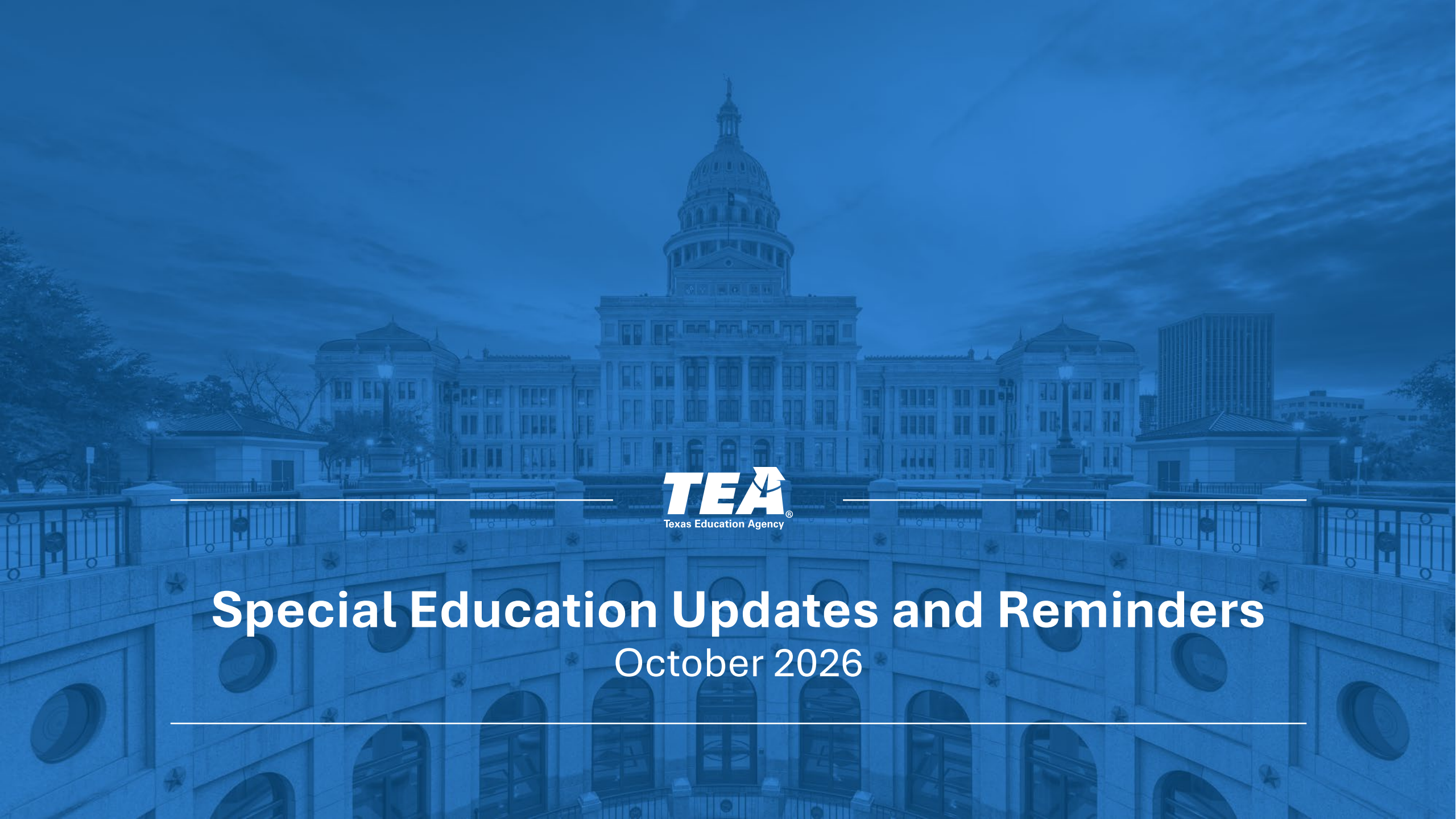
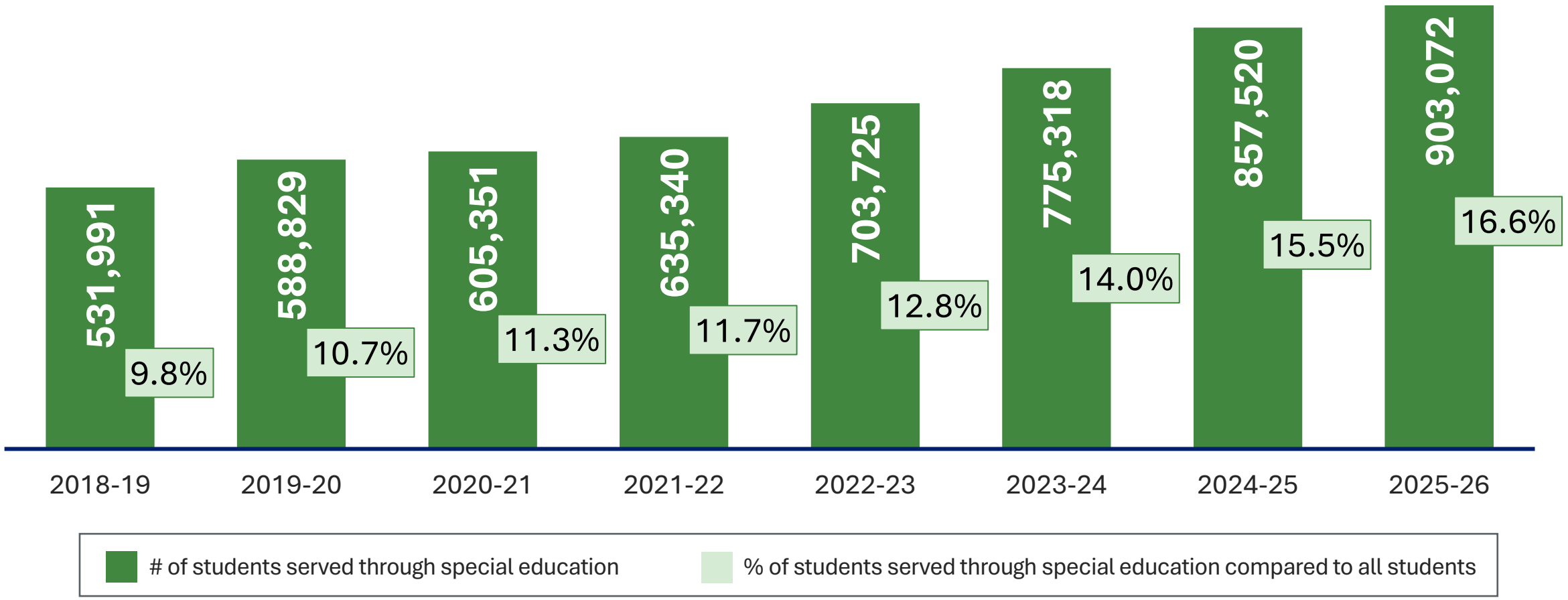


Texas Education Agency

# Special Education Updates and Reminders

October 2026

# Students Served Through Special Education



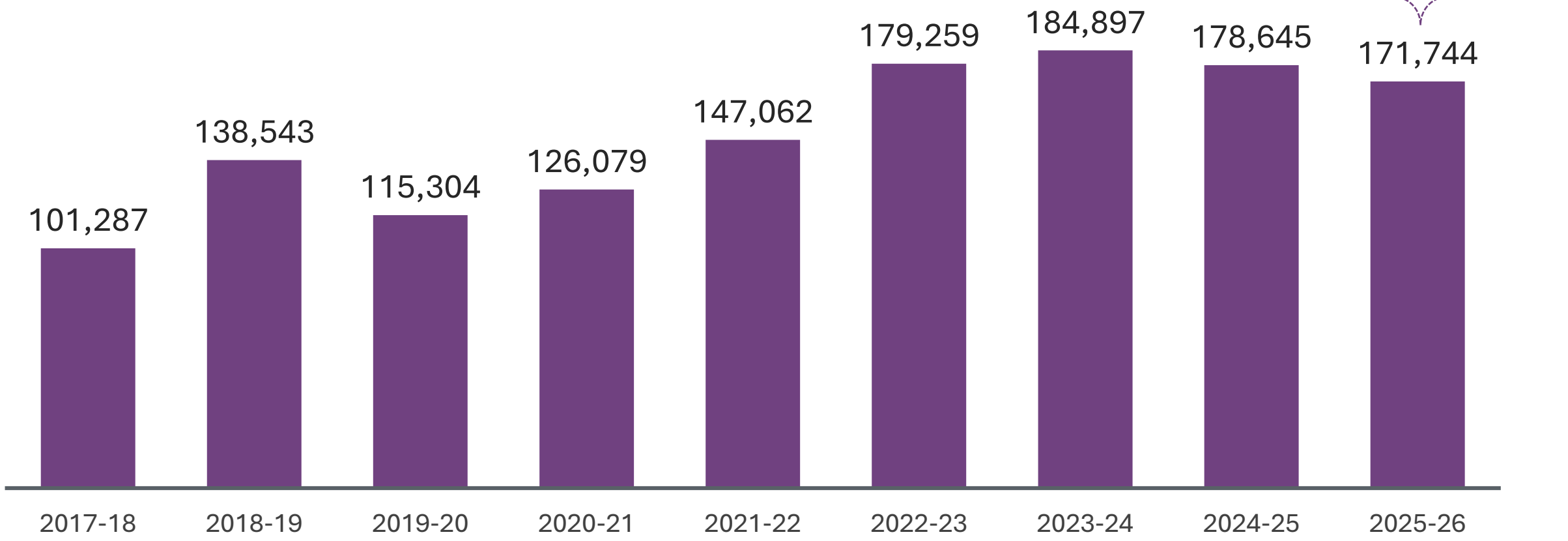

Source data from a. Speced_dis_student24f by unique studentid total is and Windham submission.
Dataset was collected as Enrollment in Oct Fall, 2025.

# Initial Special Education Evaluations (Full Individual and Initial Evaluations [FIIEs])

**Overall statewide evaluations:**

**$171M**

HB2 Estimated Initial Evaluation Reimbursement




***Note:*** *collected from SPPI 11 and SPPI 12 data from full initial individual evaluations (FIIE).*

# Rule Updates Effective October 4, 2026

- **Day & Residential Placement Provider Approval**: TEA has additional responsibilities to oversee day and residential placement programs – make sure any providers in your area review the new rules at 19 TAC 89.1092 and 89.1094 and become an approved provider.

- **Crisis Prevention and Intervention Training**: Ensure the completion of crisis prevention and intervention training for appropriate staff. State law requires TEA to adopt rule around standards for which personnel must receive this type of training based on individual's risk of being involved in student-involved crisis situations. See 19 TAC 89.1053 for more information.

- **Preschool Dual Enrollment Changes**: After the 2026-2027 school year, the option of "dual enrollment" for three- and four-year-old children with disabilities will end.

- **IEP Documentation Clarifications**: Additional clarification added regarding required documentation in a student's individualized education program (IEP) to align with state and federal law and to address trends of noncompliance.

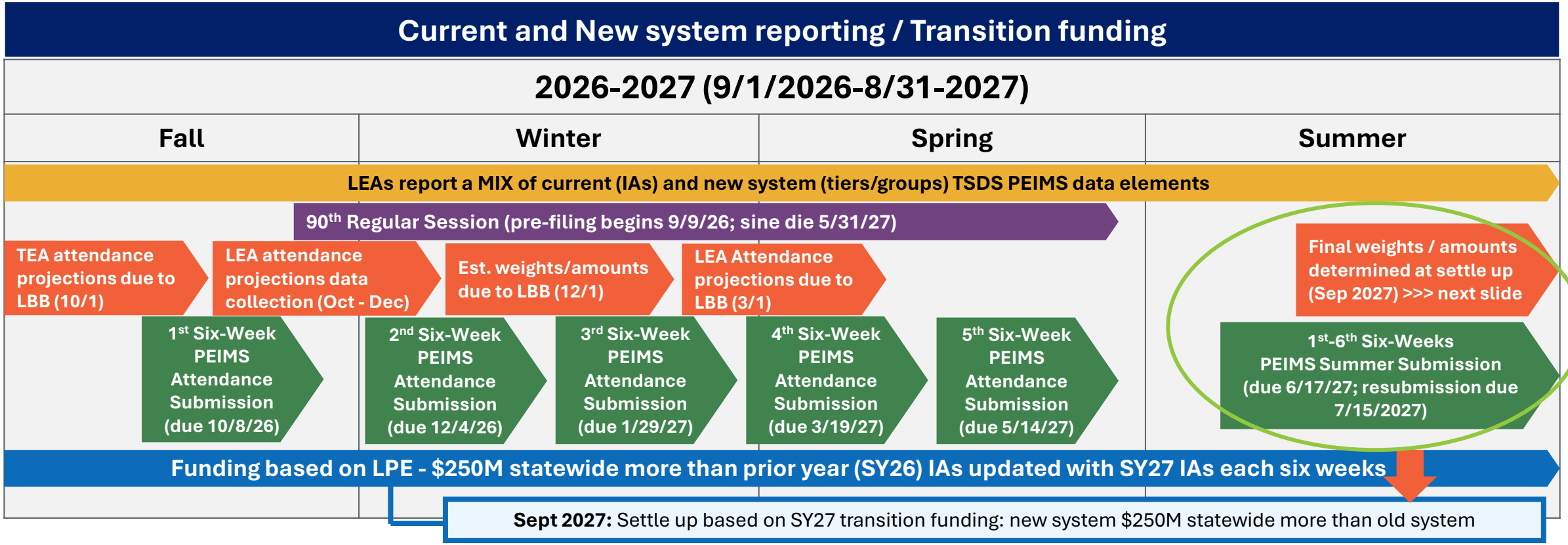
- **Change in Location vs. Placement**: Parents must be notified of proposed change in service location as soon as reasonably possible; ARD meeting must be held if a change in location of services constitutes a change of educational placement. Parents also have the right to request an ARD meeting if they believe the change in the location of services is a change in educational placement.

# Rule Updates Beginning July 1, 2027

- Be aware that some **ARD and IEP requirements** will be phased in to begin on July 1, 2027 to give time for schools to prepare for the changes. These include:
  - Changing the timeline for ARD committee written notice (invitations) and prior written notice (when providing notice of a change in services) from 5 school days to 10 calendar days.
  - Adding a timeline to respond to a parent's request for an ARD committee meeting.
  - Adding a timeline to provide a copy of a student's finalized IEP to parents after an ARD committee meeting.
  - Requiring more comprehensive documentation in an IEP, including around dyslexia services.

# Funding Transition Timeline: SY 2026-2027

- Special education reporting based on MIX of current and new system. **New system data reported with Oct 8 1st 6-week PEIMS attendance submission.**
- Transition funding based on prior year (SY26) IAs/FTEs increased by $250M statewide, updated with SY27 IA data each six weeks (cash flow during SY27) until settle up when SY27 actual data and final weights and amounts are known.
- All school systems will earn a minimum of SY27 current system funding for the transition year only.



# Attendance Projections

- The TEA is required to submit attendance projections, including estimates of tiers and service groups under the new system, to the Legislative Budget Board (LBB) for the 2028–2029 biennium. The Legislature then uses these projections to determine the cost of public education for the next biennium.

## By Oct 1, 2026

- TEA developed projections using historical data and growth assumptions
- These estimates were based on historical and early data that TEA received and vary from school system estimates because TEA does not have access to IEP information for every student.
- These projections are used in the introduced budget.

## Oct – Dec 2026

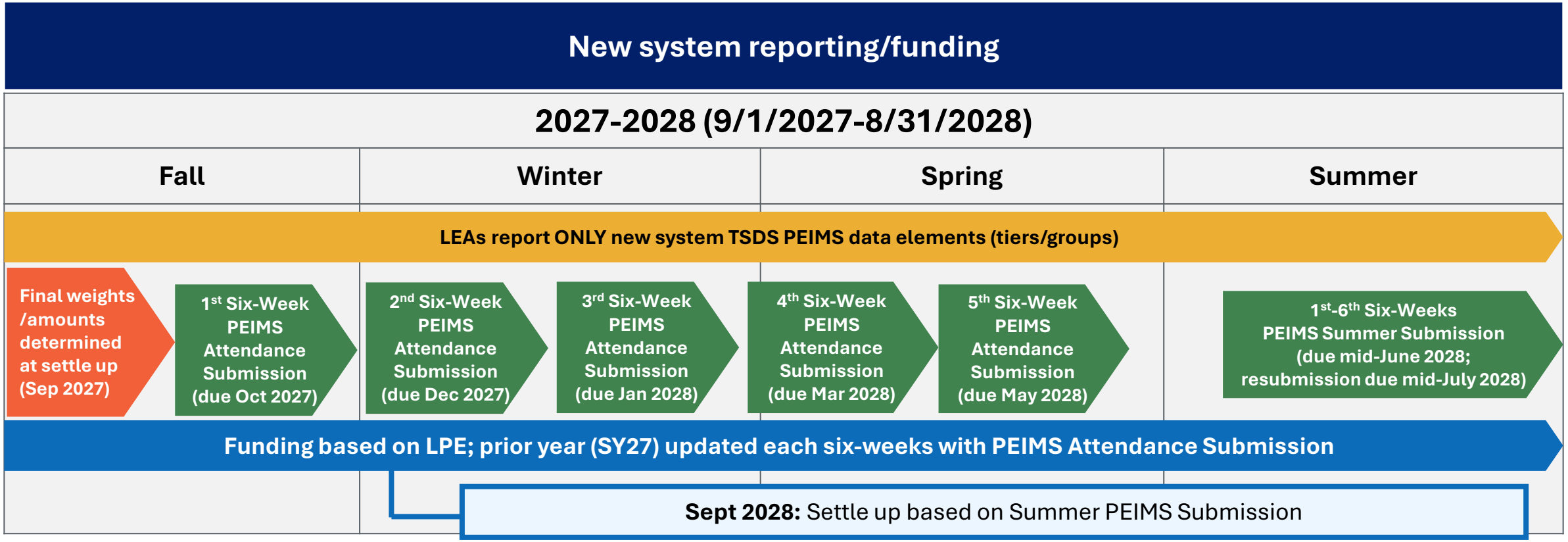
- TEA collects input from school systems from approximately Oct 15-Dec 15, and provides revised attendance projections to LBB by March 1
- By this time, school systems will have completed their first six-week PEIMS Attendance Submission, including new tier and service group data, and can use this information to make assumptions for the 2028-2029 biennium.
- These attendance projections are used during conference committee to finalize the budget.

# **Reminder:** Second Data Submission Due December 3, 2026

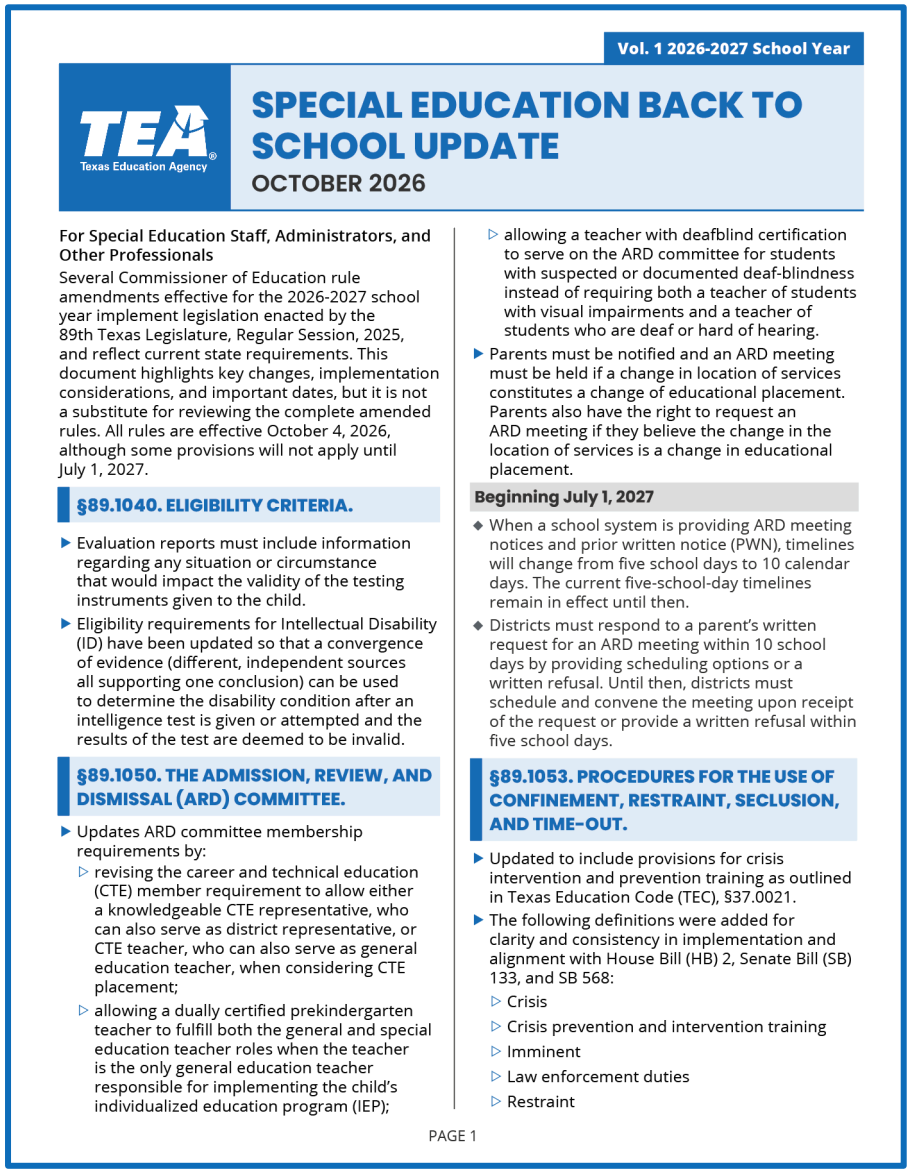
- **First Data Submission was October 8, 2026**, where each school system must have reported the following **for at least 50 percent of their students** receiving special education services:
  - the student's tier of intensity,
  - any applicable service group(s), and
  - the average number of minutes per instructional day the student spends in a special education setting.
- **By the second PEIMS Attendance Submission reporting period (2nd Six Weeks Attendance), due December 3, 2026**, school systems must report data regarding a student's eligible days present in the tier of intensity, applicable service group(s), and the average number of minutes per instructional day the student spends in a special education setting **for students whose data was not included in the first Attendance Submission**. The begin date for all students will be the first day of the school year, unless an Admission, Review, and Dismissal (ARD) committee meeting results in a revision to the student's IEP services that affects the tier of intensity, service group(s), or minutes in a special education setting.
- **By the second PEIMS Attendance Submission, eligible days present will be reported for both the instructional arrangement/setting and the tier of intensity for all students served in special education and who are eligible for funding.**

# Funding Timeline: SY 2027-2028

- Special education reporting and funding based on new system.



# Special Education Back to School Update



Vol. 1 2026-2027 School Year

## SPECIAL EDUCATION BACK TO SCHOOL UPDATE

OCTOBER 2026

**For Special Education Staff, Administrators, and Other Professionals**

Several Commissioner of Education rule amendments effective for the 2026-2027 school year implement legislation enacted by the 89th Texas Legislature, Regular Session, 2025, and reflect current state requirements. This document highlights key changes, implementation considerations, and important dates, but it is not a substitute for reviewing the complete amended rules. All rules are effective October 4, 2026, although some provisions will not apply until July 1, 2027.

### §89.1040. ELIGIBILITY CRITERIA.

- Evaluation reports must include information regarding any situation or circumstance that would impact the validity of the testing instruments given to the child.
- Eligibility requirements for Intellectual Disability (ID) have been updated so that a convergence of evidence (different, independent sources all supporting one conclusion) can be used to determine the disability condition after an intelligence test is given or attempted and the results of the test are deemed to be invalid.

### §89.1050. THE ADMISSION, REVIEW, AND DISMISSAL (ARD) COMMITTEE.

- Updates ARD committee membership requirements by:
  - revising the career and technical education (CTE) member requirement to allow either a knowledgeable CTE representative, who can also serve as district representative, or CTE teacher, who can also serve as general education teacher, when considering CTE placement;
  - allowing a dually certified prekindergarten teacher to fulfill both the general and special education teacher roles when the teacher is the only general education teacher responsible for implementing the child's individualized education program (IEP);
  - allowing a teacher with deafblind certification to serve on the ARD committee for students with suspected or documented deaf-blindness instead of requiring both a teacher of students with visual impairments and a teacher of students who are deaf or hard of hearing.
- Parents must be notified and an ARD meeting must be held if a change in location of services constitutes a change of educational placement. Parents also have the right to request an ARD meeting if they believe the change in the location of services is a change in educational placement.

**Beginning July 1, 2027**

- When a school system is providing ARD meeting notices and prior written notice (PWN), timelines will change from five school days to 10 calendar days. The current five-school-day timelines remain in effect until then.
- Districts must respond to a parent's written request for an ARD meeting within 10 school days by providing scheduling options or a written refusal. Until then, districts must schedule and convene the meeting upon receipt of the request or provide a written refusal within five school days.

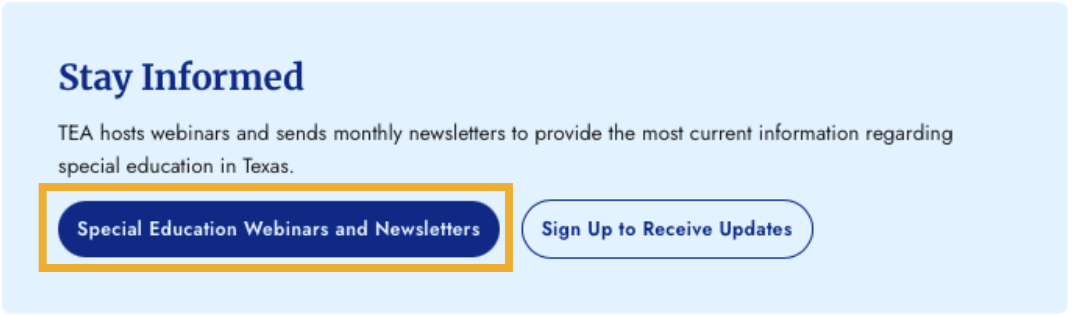
### §89.1053. PROCEDURES FOR THE USE OF CONFINEMENT, RESTRAINT, SECLUSION, AND TIME-OUT.

- Updated to include provisions for crisis intervention and prevention training as outlined in Texas Education Code (TEC), §37.0021.
- The following definitions were added for clarity and consistency in implementation and alignment with House Bill (HB) 2, Senate Bill (SB) 133, and SB 568:
  - Crisis
  - Crisis prevention and intervention training
  - Imminent
  - Law enforcement duties
  - Restraint

PAGE 1

## Access the Document:

tea.texas.gov/texassped






# Questions or Need Support?



General special education questions: sped@tea.texas.gov

Special education funding questions: spedfunding@tea.texas.gov –

Texas Sped Support Special Education Funding Information

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