

The State Board of Education (SBOE) proposes the repeal of §89.62, concerning support of students enrolled in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf. The proposed repeal would remove §89.62 as the SBOE's statutory authority for the rule was removed by House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 89.62 establishes support of students enrolled in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf.

HB 2 and SB 568 modified TEC, §30.003 and §30.004, to remove the SBOE's authority for the rule. The proposed repeal is necessary to implement legislation.

The SBOE approved the proposed repeal for first reading and filing authorization at its June 26, 2026 meeting.

FISCAL IMPACT: Jennifer Alexander, associate commissioner for special populations and student supports, has determined that there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: Texas Education Agency (TEA) staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal an existing regulation to align with HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which removed SBOE rulemaking authority related to support of students enrolled in the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or the elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Alexander has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to update the standards to align with recent legislative requirements and ensure the standards remain current. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data or reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The SBOE requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable

data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins July 24, 2026, and ends at 5:00 p.m. on August 24, 2026. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in August-September 2026 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on July 24, 2026.

STATUTORY AUTHORITY. The repeal is proposed under House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025, which amended Texas Education Code (TEC), §30.003, to repeal the authority of the State Board of Education (SBOE) to set a date by rule on which school districts and state institutions shall provide to the commissioner the necessary information to determine the district's share of cost for a student's education at the Texas School for the Blind and Visually Impaired or Texas School for the Deaf and adopt rules as necessary to implement this section of the TEC; and HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which amended TEC, §30.004, to repeal the authority of the SBOE to adopt rules prescribing the information that school districts shall provide to parents or other persons having lawful control of a student about programs and services available at the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf.

CROSS REFERENCE TO STATUTE. The repeal implements House Bill 2 and Senate Bill 568, 89th Texas Legislature, Regular Session, 2025.

<rule>

§89.62. Support of Students Enrolled in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf.