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Please note that for the remainder of this document, “nonpublic” refers to nonpublic or non-district operated programs.

## Nonpublic Guidance Documents

The [Nonpublic Programs Webpage](#) maintains a suite of technical assistance and guidance resources. It is updated periodically to reflect the latest information impacting nonpublic programs. We encourage school districts to check the nonpublic webpage regularly for new updates and resources.

- [Nonpublic Program Guidance](#)
- [Notification and Application Guidance](#)
- [Reintegration Planning Guidance](#)
- [APEX User Manual](#)
- [Nonpublic Teacher Certification Verification Worksheet](#)

## Beginning of the School Year Responsibilities

### Legislative Updates

The 89<sup>th</sup> Regular Session of the Texas Legislature adjourned on June 2, 2025. The [89<sup>th</sup> Legislature Texas Education Agency Webpage](#) contains information on legislation affecting public education and public school districts. LEAs are responsible for ensuring nonpublic day and residential facilities serving public students are aware of changes that impact service delivery for nonpublic placements.

#### Summary of Changes Affecting Nonpublic Programs

- **House Bill 6 – Student Discipline**

House Bill 6, which relates to student discipline, which took effect beginning with the 2025–2026 school year. Texas Education Agency (TEA) issued implementation guidance in the August 14, 2025 [To the Administrator Addressed \(TAA\)](#) correspondence.

- **TEC §48.304 – Day Placement Program Fundings**

Beginning with the 2026–2027 school year, Education Service Centers (ESCs), school districts, and charter schools may establish day placement programs or cooperatives eligible for a first-year funding allotment of up to \$250,000. In subsequent years, programs may receive additional funding contingent upon meeting minimum enrollment thresholds. TEA intends to support one program per county, with a statewide limit of 20 new programs annually, prioritizing regions with limited day programming capacity.

- **TEC §29.008 – Contracting Amendments**

Effective for the 2026-2027 school year, additions to rule will now cover both day and residential placements (formerly residential). Additionally, TEA may approve programs without requiring an LEA contract and will set minimum standards and adopt rules for these placements.

For additional details and ongoing updates related to legislative outcomes, please visit the [89<sup>th</sup> Legislature Texas Education Agency Webpage](#). This resource provides timely guidance on statutory changes, implementation timelines, and agency-issued correspondence impacting public education.

## **Other Updates – State Board for Educator Certification (SBEC) Adopts New Special Education Competency Worksheet**

- **High Objective Uniform State Standard of Evaluation (HOUSSE) Provisions for Special Education Personnel Expire**

Effective September 1, 2025, HOUSSE provisions for special education personnel will no longer be valid. Teachers of record must now meet updated certification or competency requirements outlined by [TEA Educator Standards](#).

## **Procedural Requirements**

### **State Reporting Requirements**

#### Nonpublic Placement Reporting

**Any public student enrolled in a nonpublic program as defined by 19 TAC 89.1094 or 89.1092 must be reported to the TEA annually.** This includes continuing placements. Additional information regarding nonpublic notification requirements can be found in the [Nonpublic Placement Notification guidance document](#).

#### Nonpublic Restraint Reporting

Restraints for students in nonpublic day and residential programs must be reported as part of the school district's summer PEIMS submission. The [E1725 NON-MEMBERSHIP-DISCIPLINE-RESTRAINT-INDICATOR-CODE](#) captures restraint data for student in nonpublic day and residential placements (as well as any other student accessing special education services who are enrolled, not in membership). Students served in non-district operated programs with instructional setting codes in the 90s will also continue to be reported as part of the summer PEIMS submission.

## Contracting Requirements

### Procurement Requirements

School districts must follow general procurement requirements and standards when contracting with nonpublic programs, in accordance with [2 CFR 200.318](#).

If utilizing a non-competitive procurement process, the school district must document one of the four allowable uses of noncompetitive procurements listed in EDGAR under 2 CFR 200.320. Ensure you have maintained the proper documentation for the allowable procurement you selected. If you choose to submit a prior approval request to TEA to approve a noncompetitive procurement, ensure you use the correct form for either sole-source or non-sole source noncompetitive procurements. For additional information, contact the grants division at [grants@tea.texas.gov](mailto:grants@tea.texas.gov).

### Contracting Reminders

If a school district contracts with a program provider that uses bulk agreements to reserve “seats”, the district is responsible for ensuring that the nonpublic notification and application data entered in APEX reflects a student’s actual length of enrollment and tuition costs. Funds associated with nonpublic placements may not be used to cover unoccupied time in a “seat”, regardless of the district’s payment for the seat.

## Nonpublic and HCF Application Open and Close Dates

Application Type	Application Opens	Application Closes
<b>Nonpublic Day</b> <i>(required submission)</i>	9/1/2025	7/1/2026
<b>Nonpublic Residential</b> <i>(required submission)</i>	9/1/2025	7/1/2026
<b>High Cost Funds</b> <i>(optional submission)</i>	3/2/2026	5/4/2026

## 89.1094 Contracting for Nonpublic/Non-District Operated Programs

Following the 2024 rule change that impacted instructional setting codes for certain non-district day placements, LEAs were granted flexibility for the 2024–25 school year. This flexibility will continue for the 2025–26 school year. LEAs may continue to apply instructional setting code flexibility when contracting with non-district day providers previously coded 91–98 (e.g., HCDE, SESI, 18+ programs). These programs will continue to receive funding consistent with previous school years and remain eligible for High Cost Funds. Please contact the Nonpublic Team at [NPDayandRes@tea.texas.gov](mailto:NPDayandRes@tea.texas.gov) with any questions.

## TEA Unannounced Monitoring Updates

The TEA cyclically monitors each approved nonpublic day and residential program on a 1-3 year cycle. Within the calendar year of each program's reapproval date, the TEA conducts an unannounced monitoring visit. (The TEA can also conduct additional unannounced monitoring visits at any time, at agency discretion.)

The nonpublic program and contracting LEAs will receive a Post-Unannounced Monitoring Visit Summary within 30 days of the unannounced visit. This notice includes a summary of monitoring activities completed, as well as a list of any required actions for the nonpublic program and/or contracting LEAs.

## Important Links

[Nonpublic Webpage](#)

[High Cost Funds Webpage](#)

## Contact Information

Nonpublic Program: [NPSDayandRes@tea.texas.gov](mailto:NPSDayandRes@tea.texas.gov)

High Cost Fund Program: [HCF@tea.texas.gov](mailto:HCF@tea.texas.gov)