

# **Special Education Day and Residential Placement Programs Updates Including Noneducational Community-Based Supports Updates**

September 15, 2026



These icons are used on slides to indicate if the content applies to day placement programs (chair), residential placement programs (bed), or both.

- TAC §§89.1092 and 89.1094 revisions and enhanced oversight
- New and expanded program types, definitions, and exclusions
- Minimum standards, reporting, and approval processes
- Program administrators, shared service arrangements, and approval timelines
- Next steps, training, implementation support, and provider opportunities
- NECBS: program changes, eligibility, grants, and school system responsibilities



# **TAC Revisions and Enhanced Oversight of Special Education Day and Residential Placement Programs**

**The amended rules are expected to be filed in the register soon and be effective early October.**

# New/Expanded Program Types



Rule change incorporates 1 new classification of day programs and 3 new program types

## Public Day Placement Programs - *NEW*

- 1) Public Day Placement Program – District Operated
- 2) Public Day Placement Program – Non-District Operated

## Private Day Placement Programs - *EXPANDED*

- 3) Public-Private Partnerships – private day placement programs operating on district owned property

# New/Expanded Program Types – Defined



## Public Day Placement Program: District Operated (School System)

- students receive special education and related services for more than 50% of the school day in a classroom or facility not located on a regular school campus
  - program includes contracted placements from at least 1 other LEA

NEW

## Public Day Placement Program: Non-District Operated (ESC and HCDE)

- students receive special education and related services for more than 50% of the school day in a classroom or facility owned or leased by the ESC, HCDE, or a school system with which an ESC or HCDE is contracting to provide services

CLARIFIED

## Private Day Placement & Public-Private Partnership programs

- LEA contracts with a private provider to deliver special education and related services to students for more than 50% of the school day
  - program may be located on LEA property or at another site

EXPANDED



## New Requirements:

- Video and Audio Surveillance
- Mandatory Incident Reporting
- Enhanced Staff Hiring Requirements
- Tuition/Program Cost Reporting
- Staff Training and Training Documentation
- Annual Reporting

Minimum Standards and Eligibility Conditions

  
Texas Education Agency

### Minimum Standards and Conditions for TEA Consideration to Operate as a Day or Residential Placement Program

**Purpose**

These minimum standards establish the conditions and requirements that a public or private facility, institution, agency or business, both in-state and out-of-state, must meet and demonstrate through the TEA review and approval process to be approved to contract with school districts to provide services to Texas public school students with disabilities who have been placed by their ARD committee in a day or residential placement program. Meeting the minimum standards alone does not guarantee approval.

TEA will periodically solicit proposals to increase the capacity of high-quality day and residential placement programs in Texas and will establish an application process through which prospective providers may apply for TEA approval.

**Responsibility**

The school district, which includes independent school districts established under Texas Education Code (TEC), Chapter 11, Subchapters A-F, and open-enrollment charter schools established under TEC, Chapter 12, Subchapter D, that contracts with the placement program provider to provide services to a Texas public school student with a disability retains the obligation to ensure those students are provided with a free appropriate public education (FAPE) in accordance with the student's individualized education program (IEP). As these placements are educational placements, Texas public school students with disabilities placed by their school district's ARD committee in day or residential placement programs maintain the same rights as other Texas public school students with disabilities.

School districts that contract for out-of-state residential programs shall ensure the program provider is approved by the appropriate agency in the state in which the facility is located and that the program meets the requirements of the minimum standards.

### Program Minimum Standards

This section describes the minimum standards applicable to providers seeking approval from TEA to contract with school districts to provide a day or residential placement program serving one or more ARD committee-placed Texas public school students with disabilities. Providers seeking approval must be able to demonstrate at the time of application that they meet or, if no students are currently placed in the program, will meet all standards. TEA may require a school district to move an ARD committee-placed Texas public school student from a non-approved program or program provider unable to demonstrate compliance with these minimum standards.

Demonstrated evidence may include, but is not limited to, issued licenses, permits, certifications, program policies or procedures, operating manuals, guidance documents, forms, templates, reports or attestations.

### I. Legal Status, Approval, and Program Identity

Updated April 20261



## Provider Approval Process

- School systems may only contract with TEA-approved day and residential placement program providers for student placements. If the school district wishes to contract with a provider not on the list, the school system must proactively contact TEA for guidance.
- Providers may seek TEA approval before contracting with school districts and are not required to have a current placement contract to apply.

# Expanded (New) State Reporting Requirements



| Program Type                                                                                                               | Reporting Required? | TEA Program Approval | Example                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Public Day Placement Program District Operated (A) - accepts any contracted students from at least one other school system | Yes                 | Yes                  | School system-operated day placement program that accepts contracted placements from other school systems                                          |
| Public Day Placement Program (B) District Operated - <i>resident (enrolled) students only</i> -                            | Yes                 | No                   | School system-operated public day placement program not located on a regular school campus that <b>ONLY</b> serves students from the school system |
| Private Day Placement Programs                                                                                             | Yes                 | Yes                  | School system contracts with a private provider to deliver special education and related services to students for more than 50% of the school day  |
| Public Day Placement Program Non-District Operated                                                                         | Yes                 | Yes                  | ESC or HCDE operated program                                                                                                                       |

Applicable student-placement notices, contracts, amendments, and other TEA-designated submissions are submitted through APEX in TEAL.



- **A program administrator administers a day or residential placement program or cooperative arrangement through which school systems may contract for placements, as defined in the applicable rule.**
  - Includes school systems / ESCs that enter into legal agreements (e.g., contract, MOU) with other school systems for Special Education Day Placement Program seats.
  - Required element of TEA's monitoring process
  - Student-level reporting





**To the extent that school districts are part of an SSA for the provision of special education and related services and where those services are provided in a centralized location for only those districts that are members of the SSA, “Public Day Placement Program - District Operated” program type shall not apply. However, expanded reporting requirements shall apply.**

**If the SSA accepts students from nonmember districts, the centralized program will be subject to the applicable public day placement program requirements. If the SSA contracts with a private provider, the private provider is subject to the applicable private day placement program requirements.**



## Re-approval Timeframe

- TEA may approve or reapprove a program for one to five years, at TEA's discretion.

## School System Contract Processes

| Program Type                                   | Reporting Required? | TEA Approval & Monitoring? | Serves only students from the operating school system? | Example                                                                                         |
|------------------------------------------------|---------------------|----------------------------|--------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Private day and residential placement programs | Yes                 | Yes                        | N/A                                                    | Private-operated day/residential program that accepts contracted placements from school systems |

# Public Programs Excluded From Rule



- Program types excluded and not impacted by the rule changes:
  - State-operated schools (TSBVI, TSD)
  - Early Childhood Special Education (ECSE) centralized settings
  - Certain transition-focused 18+ programs that meet the rule exclusion criteria
  - Head Start programs
  - Regional Day School Program for the Deaf (RDSPD)

# Next Steps for All Day / Residential Placement Programs



## Determining Applicability (September, 2026)

- Assess if program rules apply, and to what degree:
  - fully subject to requirements
  - report-only
  - excluded
- **Register and attend September 23 TEA Workshop**
- **(If considering contracting with LEAs for placements) Complete the [interest form](#) on the TEA Day and Residential webpage**

## Understanding Requirements (September - October, 2026)

- Review the published rules and prepare for implementation. Rules become effective early October.
- Review minimum standards and conditions-identify new or updated requirements impacting operations or procedures.
- **Outreach currently-contracted LEAs to update your progress to 1/1/27 deadline for new minimum standards and continued placement.**

## Updating Program Operations (September - October, 2026)

- Revise policies and procedures to align with new TAC.
- **Outreach currently-contracted LEAs to update your progress to 1/1/27 deadline for new minimum standards and continued placement.**

## Reporting and Approval (October – December, 2026)

- Submit required information to TEA in alignment with procedures outlined by program.
- **Outreach currently-contracted LEAs to update your progress to 1/1/27 deadline for new minimum standards and continued placement.**

# Interested in Becoming an Approved Provider?



- TEA can approve day and/or residential facilities for ARD committee placements before the facility enters into a contract with a district.
- Complete the *Special Education Program Approved Provider Interest Form* on the [TEA Special Education Day and Residential Programs webpage](#).





## Determine Applicability (September)

- Identify which programs are:
  - Fully subject to requirements
  - Reporting-only
  - Excluded
- Follow existing requirements to place students appropriately for FAPE.
- **Register and attend September 23 TEA Workshop**

## Update LEA Policies and Procedures (September-October)

- Revise local policies to incorporate newly applicable programs
- Align placement, contracting, and oversight processes
- Review the published rules and prepare for implementation. Rules become effective early October.

## Report to TEA (September - October)

- Ensure all applicable placements are reported
- Submit required information in APEX
- **Communicate with current placement programs to ensure they are making progress to January 1, 2027 deadline for new minimum standards and continued placement.**

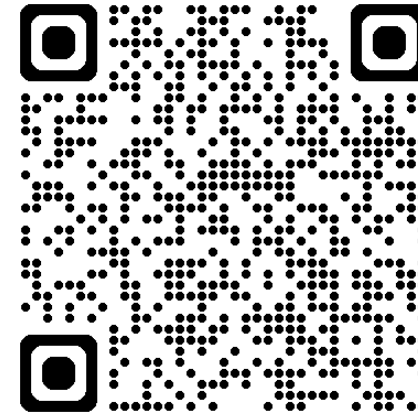
“Report-Only” Day  
Programs in APEX – more  
information coming soon  
from TEA



**Training for school systems, ESCs, and Day/Res Program Providers has been scheduled for September 23, 2026. Please join us!**



[Registration Link](#)





To support the field, in alignment with the rule effective date, TEA will-

- Publish Implementation guidance and support materials
- Host technical assistance engagements
- Provider reminders and updates through the [TEA webpage](#), TEA SPED Newsletter, TEA/LEA webinars, and through the ESCs

Stakeholders are encouraged to contact the agency with questions at any time.



[SpedDayandResidential@tea.Texas.gov](mailto:SpedDayandResidential@tea.Texas.gov)



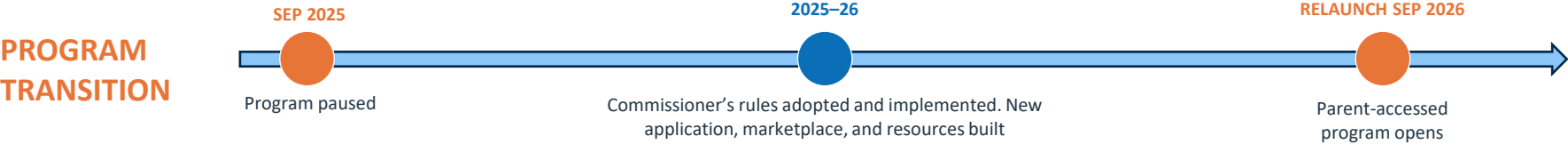
## Given this information, what questions do you have about the rule changes?



# **Noneducational Community-Based Supports (NECBS)**

**A grant program for families**

The 89th Legislature changed who qualifies and how families access supports.



| WHAT CHANGED | BEFORE   LEA reimbursement model                                                                                  | NOW   Parent-accessed grant model                                                                                                                                                 |
|--------------|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Eligibility  | Students in placements who would remain or would have to be placed in residential programs without NECBS supports | Students placed by the ARD committee in residential programs (TAC 89.1092) or in day-placements (TAC 89.1094) and are at risk of residential placement.                           |
| Access       | LEAs arranged and paid for services, then requested reimbursement. Funding amounts varied upon request.           | Parents receive an initial \$5,000 account where they spend funds within the NECBS marketplace. Parents can request additional funding if their account remains in good standing. |

# NECBS - Eligibility and how the program works for families

## Two Eligibility Pathways

- [TEC § 29.013\(b\)](#) A grant may be awarded only to a student who is placed by the admission, review, and dismissal committee in:
  - a residential program approved under [TEC §29.008](#); or
  - a day placement program and is **at risk of being placed** in a residential program approved under [TEC §29.008](#).

### Residential Pathway

- Must be placed by ARD committee
- Program is on the approved TEC §29.008 list defined by TAC §89.1092

### Day Placement Pathway

- Must be placed by ARD committee
- Program is on the approved TEC §29.008 list defined by TAC §89.1094
- At risk of residential placement



**TAC §89.1127** states that “*at risk of residential placement*” means consideration of residential placement is documented (i.e., in PWN, ARD deliberations, or other documentation provided) and confirmed by school system.

## Parents use accounts to purchase approved services

### 1 APPLY

Parent starts at the NECBS webpages on SPEDTex

### 2 VERIFY

NECBS confirms eligible placement pathway

### 3 AWARD

\$5,000 is placed in the parent account created in the NECBS marketplace hosted by ClassWallet.

### 4 USE

Parent purchases services from approved providers through the NECBS marketplace

### 5 REQUEST MORE

At \$1,000 or less, parent may request additional funds if their account is in good standing

# NECBS – What school systems must do



## REQUIRED

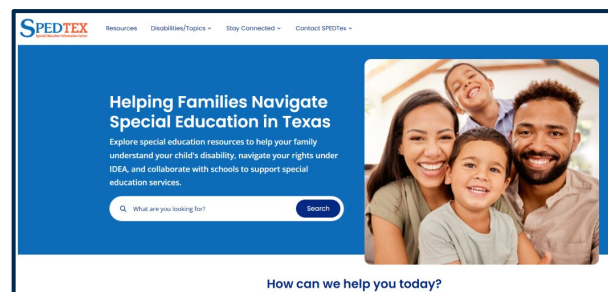
Sec. 29.013(d) A school district shall:

- 1) notify the parent of eligible students of the availability of grants under this section; and
- 2) designate a campus or district staff member to assist families of eligible students in accessing grants under this section.

## Resources and support

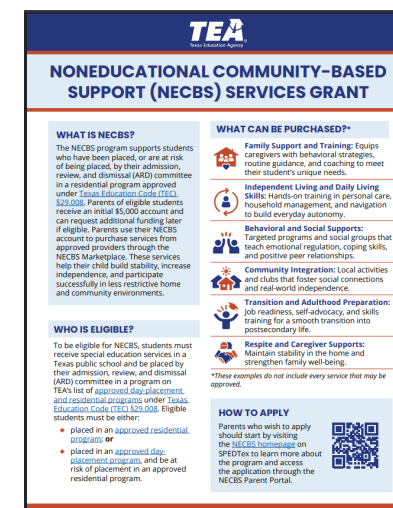
### NECBS webpages on [SPEDTex.org](https://spedtex.org)

Program information, FAQs, Parent Portal access for applications, and information for service providers.



### NECBS Overview

Downloadable parent handout in English and Spanish; also available on the website.



### NECBS SUPPORT

Region 10 administers NECBS and provides program support and technical assistance.

EMAIL [NECBS@Region10.org](mailto:NECBS@Region10.org)

### GENERAL SPECIAL EDUCATION SUPPORT

For general special education questions, including NECBS, contact SPEDTex.



**1.855.773.3839**  
**WWW.SPEDTEX.ORG**



# Thank you!

Please email the team with any questions.



[SpedDayandResidential@tea.Texas.gov](mailto:SpedDayandResidential@tea.Texas.gov)  
[NECBS@Region10.org](mailto:NECBS@Region10.org)