

Special Education Day and Residential Programs

Comprehensive Manual for Providers and School Systems



Updated for the 2026-27 School Year

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I. Authority and Applicability

Introduction

TEA approves day and residential placement programs that provide special education and related services to Texas public school students with disabilities when placement is determined through the Admission, Review, and Dismissal (ARD) committee process. This manual provides operational guidance for approval, monitoring, oversight, enforcement, reapproval, placement, contracting, ongoing compliance, and funding processes applicable to day and residential placement programs and school systems.

The manual is intended to support consistent statewide implementation of minimum standards and eligibility conditions and to provide operational clarity regarding provider responsibilities, school system responsibilities, TEA monitoring expectations, and approval-related processes.

TEA exercises authority related to day and residential placement programs under applicable federal and state law, including the Individuals with Disabilities Education Act (IDEA), 34 Code of Federal Regulations (CFR) §§300.325, 300.146, 300.147, 19 Texas Administrative Code (TAC) §§89.1092 and 89.1094, Texas Education Code (TEC) §29.008, and TEC §29.001(c).

Each impacted school system, program administrator, provider, and program must comply with applicable residential or day placement program requirements as part of the comprehensive system established and maintained under TEC §29.001(c) and those developed as required by TEC §29.008. TEA will share changes in requirements with current approved and prospective providers and impacted school systems.

Provider-Specific Information

This manual applies to approved day and residential placement programs serving Texas public school students placed pursuant to an ARD committee decision and to providers seeking approval for day and residential placement programs. Programs include residential placement programs and day placement programs as defined in 19 TAC §§89.1092 and 89.1094, including private day and residential placement programs, public day placement programs – district operated, and public day placement programs - non-district operated.

Providers may not accept ARD committee-placed students from Texas school systems unless the day or residential placement program has been approved by TEA, except for court-ordered or hearing officer placements as described in Section VIII.

Unless otherwise specified, responsibilities related to the everyday implementation of a public school student's program apply to the day or residential placement program provider, while responsibilities related to administration, contracting, and ensuring compliance apply to both the day or residential placement program provider and contracting school system.

School System-Specific Information

This guidance applies to school systems that contract with day or residential placement programs, as defined in 19 TAC §§89.1092 and 89.1094, for special education and related services.

For residential placements, this guidance applies when the student's ARD committee has determined that a residential placement is necessary for the student to receive a free appropriate

public education (FAPE). For day placements, this guidance applies when the ARD committee has determined that day placement is necessary for the school system to provide FAPE.

Residential placement exclusions include placements that are not ARD committee-placed; placements in correctional facilities; court-ordered placements for the ordered student unless the program also serves ARD committee-placed Texas students; ARD committee placements at Texas School for the Blind and Visually Impaired; ARD committee placements or parent placements at Texas School for the Deaf; placements in state supported living centers; parentally placed residential students; hospital programs; and residential facilities for medical care, detention, treatment, foster care, or other noneducational purposes.

Day placement exclusions include Head Start programs; ARD committee placements at Texas School for the Blind and Visually Impaired; Texas School for the Deaf; transition-focused programs at school system and community facilities for students who have met graduation requirements and received a diploma but are continuing or have returned for services authorized under 19 TAC §89.1070; centralized locations for children receiving early childhood special education services; Regional Day School Programs for the Deaf; Disciplinary Alternative Education Programs; Juvenile Justice Alternative Education Programs; and any program established for purposes other than ensuring the provision of FAPE.

When a shared services arrangement (SSA) provides special education and related services in a centralized location only for member districts, 19 TAC §89.1094 does not apply. If the SSA accepts students from nonmember districts into the program, or if the SSA contracts with a private provider that is otherwise subject to the rule, 19 TAC §89.1094 applies.

II. Placement Decision-Making, FAPE, and Reintegration

Introduction

Texas public school students placed in day and residential placement programs by ARD committees retain all rights and protections afforded to other public school students with disabilities under applicable state and federal special education law. The school system placing the student retains responsibility for ensuring the provision of FAPE.

Placement in a day or residential placement program must be individualized and based on the student's current academic, functional, developmental, instructional, behavioral, and related service needs. Placement, duration of services, reintegration, and extended school year (ESY) services must be determined by the student's ARD committee and documented in the student's individualized education program (IEP).

Day and residential placement programs must support student access to state curriculum standards, required state assessment activities, progress monitoring, and reintegration into less restrictive environments when appropriate.

Provider-Specific Information

Approved programs serving public school students must offer individualized special education and related services designed to serve students with disabilities whose educational needs cannot be met within the continuum of services required in public schools. Approved programs must provide specialized services and supports that surpass the scope and intensity of those typically accessible on a regular school campus, including, but not limited to:

- providing specially designed instruction aligned with public school students' IEPs
- implementing evidence-based instructional and behavioral practices appropriate to the public school student population served
- maintaining educational environments capable of supporting students with intensive or complex instructional, behavioral, or functional support needs
- maintaining staffing structures sufficient to implement IEP services
- supporting public school students' access to state curriculum standards and participation in required state assessment activities
- supporting reintegration into less restrictive environments, when appropriate

Approved providers must maintain ongoing communication and collaboration with contracting school systems to support student programming, progress monitoring, educational planning, and service delivery.

Programs may not apply program requirements, conditions, or practices that supersede the role of the ARD committee, limit public school students' rights, or conflict with applicable state or federal special education requirements to public school students placed by a school system. Providers must ensure program policies, procedures, and operations applied to public school students support the ARD committee's individualized educational decision-making process and the provision of FAPE.

Specifically, programs must ensure that public school students placed by ARD committees are not subject to the following:

- require a specific minimum placement duration or predetermined length of stay as a condition of initial or continued placement
- establish program-wide admission, discharge, completion, reintegration, or graduation criteria that supersede individualized ARD committee decisions
- restrict parent or guardian access, communication, participation, or visitation based on program design, student behavior, student progress, or advancement through a level system. Parent or guardian separation practices or no-contact requirements are prohibited.
- require consent to medication, medical treatment, psychiatric treatment, behavioral health services, or other noneducational interventions as a condition of placement or continued enrollment
- require participation in noneducational services, treatment programs, employment arrangements, religious activities, or other activities unrelated to implementation of the student's IEP as a condition of placement or continued enrollment

School System-Specific Information

Prior to making a day or residential placement, the school system considering placement should coordinate with the Local Intellectual and Developmental Disability Authority, Mental Health Authority, Community Resource Group, or a group of people knowledgeable about the student to determine whether support services are available that would enable the student to remain in or return to the community.

Prior to placement, the school system must:

- initiate and conduct an onsite, in-person review of the program to ensure that it is appropriate for meeting the student's functional, developmental, academic, or instructional needs
- convene to review and revise the student's IEP in accordance with 34 CFR §§300.320-300.325, applicable state statutes, and commissioner rules so that IEP statements, descriptions, and explanations reflect the student's current academic, functional, and developmental needs
- take steps to ensure that the parent or guardian is present at each ARD committee meeting or is otherwise afforded the opportunity to participate
- take steps to ensure that a representative of the day or residential placement program participates in the ARD committee meeting in which the placement determination is made

At the time the ARD committee determines placement, the committee must establish in writing the criteria and projected date for the student's return. For residential placements, the return is to a less restrictive environment (LRE). For day placements, the return is to a regular campus in the school system. This information must be documented in the IEP.

The appropriateness of the placement and program must be documented in the student's IEP at least annually. The student's progress toward reintegration, the appropriateness of the reintegration criteria, and the projected reintegration date must also be documented in the IEP at least annually.

The ARD committee must address lesser restrictive placements that have been attempted and documented prior to day or residential placement. In selecting the LRE, consideration should be given to any potential harmful effects on the student. For continuing placements, the ARD committee must determine whether continued placement is needed and whether the student's current placement is appropriate. The student's IEP must document the appropriate instructional setting.

The student's IEP must list the individualized supports and services that, **for a residential placement, the school system is unable to provide or, for a day placement, the regular campus is unable to provide**. The IEP must also list the services the residential or day placement program will provide.

At any ARD committee meeting during which residential placement is discussed, the school system must provide materials to parents regarding educational residential placement options for children who may qualify for placement in a state supported living center (SSLC), using the

Educational Residential Placements and State Supported Living Centers: Knowing Your Options resource.

Residential placements	Day placements
The ARD committee must determine whether the purpose of the placement or referral is educational. The ARD committee may not place a student in a residential placement program solely for treatment, medical issues, or issues in the home. The committee must determine whether the residential placement program is the least restrictive environment that can provide FAPE, unless the ARD committee determines that an emergency situation exists and documents it in the IEP.	The ARD committee may recommend a day placement program only if it determines that the nature and severity of the student’s disability and special education needs are such that the student cannot be satisfactorily educated on a regular campus in the school system.

III. Program Approval, Application, and Minimum Standards

Introduction

TEA conducts oversight of approved day and residential placement programs that are serving or intend to serve public school students through a continuous monitoring lifecycle that begins with the initial application and continues through reapproval and ongoing program operations related to serving students placed by ARD committees. All programs are subject to initial program approval requirements, routine monitoring and data reporting, focused monitoring, and reapproval at least every five years.

TEA shall periodically solicit applications from residential placement program providers and public and private day placement program providers and shall accept applications on an ongoing basis. A current student placement contract with a school system is not required in order to be considered for approval.

Provider-Specific Information

Providers interested in operating in Texas should review this entire manual before application submission to understand programmatic requirements and expectations to serve students placed pursuant to an ARD committee determination by Texas school systems.

To be eligible for approval, a day or residential placement program must demonstrate that each facility in which the proposed program will operate meets applicable health and safety requirements, including compliance with fire, building, health, and sanitation standards applicable to school systems.

Required Documentation for Initial Program Approval

As part of the Initial Program Approval Review, the provider submits documentation to TEA. Required documentation includes the following categories:

Documentation Category	Required Content
Program description	Disability categories, grade and age ranges, scope of special education and related services, maximum student capacity, number of classrooms, maximum classroom capacity, staff-to-student and teacher-to-student ratios, staffing models, provider overview, organizational history, governance structure, ownership, oversight, affiliated entities, and program type.
State licensing documents	Current and valid licensure is required for residential placement programs by Health and Human Services Commission (HHSC) or another appropriate state agency. Texas does not currently require licensure for day placement programs.
Compliance history	Prior regulatory performance, including past or current licensure sanctions, corrective actions, enforcement actions, findings or actions by state, federal, or local authorities, and any notices of noncompliance or required corrective actions assigned to the program.
Application disclosures	Current or recent investigations, litigation, corrective action plans, or sanctions within the previous 24 months involving the program, provider, staff, employee, operator, or affiliated governing or ownership entity; and any license, approval, or certification revoked or voluntarily surrendered in lieu of revocation, enforcement, or sanction.
Instructional program/model description	How the program will operate to provide FAPE, implement IEPs, align instructional and operational practices to state curriculum standards, collect progress data, provide related services, transition-focused instruction, and special areas or electives as applicable.
Health and safety documentation	Facility/site requirements, emergency preparedness and response protocols, medication management systems, crisis intervention plans, restraint protocols, application of time-out, staff training, abuse reporting and documentation, neglect prevention protocols, misconduct reporting, and documentation of discipline and behavioral interventions.
Video surveillance	Fully operational audio and video surveillance in all areas accessible to public school students; prohibited visual recording in changing areas/restrooms; audio recording in such areas only to the extent staff must be present to assist or supervise; operating procedures, retention practices, incident hold procedures, access/review/release policies in line with applicable federal and state laws addressing educational records and the right to access for public school students.
Program costs, tuition, and fees	Rate structure, itemized educational, related services, room and board costs if applicable, services/costs not included, additional fees, including but not limited to, ESY, and methodology for establishing rates.

An approved residential placement program provider that operates more than one residential placement program facility must obtain approval for each facility if the provider plans to contract with school systems for services at those facilities. An approved private provider that wishes to replicate an existing approved day placement program with another school system must obtain TEA approval before establishing the new program.

School System-Specific Information

School systems must use TEA's list of approved day placement program providers and approved residential placement program providers when considering placement for a student. If a school system wishes to contract with a provider that is not on the applicable TEA-approved list, the provider must submit an application to TEA in accordance with the approval procedures established for day or residential placement programs, as applicable. If an ARD committee determines that a day or residential placement is required for a student at a day or residential placement program that is not on TEA's approved provider list, the school system should contact TEA prior to placement for guidance.

If TEA does not reapprove or withdraws approval of an existing program, the school system must take action in accordance with TEA requirements and timelines, including removing currently placed students from the program or canceling planned placements, as applicable.

School systems must verify the approval status of a program before renewing contracts and should monitor TEA communications regarding approval status changes, approval conditions, corrective actions, required actions, or placement restrictions.

A school system operating as an approved public day placement program administrator must notify TEA within 30 calendar days of the ARD committee's decision to place its own enrolled student in the school system's approved program.

IV. TEA Oversight, Monitoring, and Approval Status

Introduction

As part of its general supervisory authority, TEA may conduct monitoring activities at any time to assess compliance with applicable state and federal requirements and the provider's continued ability to serve the public school students subject to the contracts entered into for the provision of FAPE. Monitoring may occur as part of initial approval, routine monitoring, focused monitoring, reapproval, follow-up monitoring, or other agency oversight activities.

Monitoring activities can be announced or unannounced and may be in person or virtual. TEA will determine the necessary activities and requirements for monitoring, including, but not limited to, review of policies, procedures, operational records, student documentation, required submissions, facility tours, staff interviews, classroom observations, data/report/surveillance footage review, and interviews with contracting school systems, parents, or other stakeholders.

Following monitoring activities, TEA may issue written reports, summaries, findings, approval determinations, required actions, corrective actions, or other notices as applicable.

Provider-Specific Information

Reapproval

Reapproval activities verify that an approved program continues to demonstrate operational capacity, implementation fidelity, and sustained compliance with applicable state and federal

requirements. Reapproval occurs at least once every five years unless TEA withdraws approval before the end of the approval period or the provider withdraws provider status before the end of the approval period.

Activity	Target Months	Description
Historical Review	September	TEA reviews provider history, status with other states and agencies, monitoring history, corrective action status, operational changes, compliance history, and data.
Provider/School System Notification	October	TEA notifies providers and contracting school systems of reapproval timelines and submission requirements.
Evidence and Data Review	November-May	TEA conducts monitoring activities, reviews required submissions and may conduct onsite visits and interviews to evaluate ongoing compliance, program operation, and implementation of applicable requirements.
Reapproval Determination	June	TEA issues an approval status indicating reapproval, reapproval with required actions, or nonapproval; and, if applicable, a new approved-through date.

Clarification Process

After a preliminary review of reapproval submissions, a provider may be given an opportunity to submit supplemental documentation or updated data to evidence correction of student-specific noncompliance before issuance of findings. Systemic noncompliance cannot be corrected during the clarification process, but providers are encouraged to correct individual instances in a timely manner and in no case more than 1 year. If a provider is unable to resolve systemic noncompliance within the 1 year, TEA may take additional actions up to and including nonapproval.

Participation in the clarification process is not required and does not guarantee pre-finding correction. Pre-finding correction may occur when TEA has not issued a finding and can verify corrected implementation, correction of individual student-specific noncompliance as applicable, and no outstanding corrective action under a TEA complaint or due process hearing decision related to the noncompliance.

Focused Monitoring

TEA conducts focused monitoring when it becomes aware of possible special education noncompliance or concerns that may affect the health, safety, or welfare of public school students placed by Texas school systems. Sources may include special education complaints, areas of concern, provider or school system reports, inter- and intra-agency referrals, law enforcement, monitoring information from other agencies, or media inquiries.

TEA reviews the information and works with law enforcement or inter- or intra-agency teams as appropriate to determine actions required to complete the review. Focused monitoring may include monitoring activities described in this manual. Focused monitoring is not a comprehensive program review and does not supplant reapproval.

Upon initiation of focused monitoring, TEA may place a program on Approval Hold - Pending Further Review and impose temporary placement restrictions or other conditions while the review is ongoing. Restrictions remain in effect until focused monitoring is completed and TEA notifies the program provider and corresponding school system.

TEA will issue a Notice of Findings and Outcomes upon completion of its review. The notice will identify whether allegations were substantiated, summarize evidence supporting the determination, describe required or corrective actions, and identify any resulting change in approval status, if applicable.

Approval Statuses

Status	Meaning	Placement Impact
Approval	TEA has identified no areas of noncompliance requiring corrective action and no concerns related to health, safety, or student welfare.	Programs may be eligible for renewal for one to five years with no restrictions on student placements.
Limited Approval	TEA is actively investigating allegations of potential health, safety, or welfare concerns or has identified noncompliance necessitating corrective actions.	TEA may limit new placements or place additional requirements on school systems with placements while the provider resolves concerns or noncompliance.
Nonapproval or Revocation	TEA has identified significant, unremedied noncompliance and health, safety, or welfare concerns.	Contracting school systems must remove currently placed students or cancel planned placements as expeditiously as possible and according to TEA-established timelines, as applicable. Formal corrective actions are required before the program may be considered for future approval.
Approval Hold – Pending Further Review	Focused monitoring only – TEA may place this temporary status on a Day or Residential placement program during review.	TEA may impose temporary placement restrictions or other conditions while review is ongoing.

Required Actions and Corrective Actions

When TEA identifies issues that do not constitute special education noncompliance but indicate failure to meet TEA requirements or minimum standards and conditions, TEA may issue Required Actions to the day or residential placement program and relevant public school system(s). The notice will specify whether actions are to be completed by the provider alone or in collaboration with contracting school systems.

When TEA identifies special education noncompliance, TEA will issue Corrective Actions to the provider and/or contracting school systems, as applicable. Corrective Actions are specific to violations of state or federal special education requirements and will be documented in a Summary of Noncompliance identifying the areas of noncompliance and required actions. Corrective actions must be completed as soon as possible, as determined by TEA, but no later than one calendar year from the date of notice. Failure to complete corrective actions within required timelines may result in an approval status change, up to and including Nonapproval.

As part of monitoring, TEA may identify student-level IEP corrections that placing school systems must complete. TEA will issue corrective actions to those school systems detailing requirements. School system-required student-level IEP corrections alone will not result in a program or provider nonapproval outcome.

V. Ongoing Program Operations, Records, Safety, and Reporting

Introduction

Ongoing compliance requires providers and school systems to maintain clear documentation, timely communication, and procedures that protect student rights, health, safety, welfare, and access to FAPE. Operational obligations include student records, confidentiality, IEP implementation evidence, progress monitoring, incident response, program changes, and reintegration planning.

Provider-Specific Information

Annual Reporting

Each approved program must submit an annual TEA-required attestation affirming continued compliance with applicable requirements. The attestation must affirm good standing with current minimum standards around licensing, accreditation, or oversight agencies; current program scope, capacity, staffing, instructional model, behavioral programming, and service delivery; required background checks, credentialing, and training; required policies and procedures; and completion of notifications, reporting obligations, and submissions to TEA within established timelines.

Incident Reporting

Approved programs must notify TEA and contracting school systems of health and safety incidents or critical events that may affect student health, safety, or welfare, as this may affect whether the program continues to meet minimum standards and may require monitoring. Notifications to TEA and contracting school systems do not replace other mandatory reporting obligations required by law. Incidents or allegations listed below may lead to further investigation and monitoring activities by TEA.

Incident or Event Type	Provider Responsibility	Details
Serious injury or death; critical health or safety incident	No later than the 48th hour after first suspecting a child has been injured or mistreated, written notification to parents/guardians of all publicly funded enrolled students, all contracting school systems with enrolled students, TEA, and applicable licensing agencies.	Notice must describe the nature of the incident and immediate actions taken to ensure student safety.
Probationary or sanction status by licensing or oversight agency	Within 3 business days of receipt of notice, written notification to parents/guardians of all publicly funded enrolled students, all contracting school systems with enrolled students, and TEA.	Applies regardless of whether the sanction is temporary or pending appeal.
Staff misconduct resulting in separation	Within 5 business days of the action, notice to each contracting school system with enrolled students and TEA.	Applies to all program, provider, and facility staff.

Program Changes

Approved providers must disclose to TEA and the contracting school system(s) changes that may affect the program's ability to operate in compliance with applicable requirements, minimum standards or the ability to provide FAPE. Changes requiring prior TEA approval include material changes to the approved program model, ability to provide FAPE, IEP implementation, or required state or federal requirements. Changes requiring notification include operational, staffing, or other programmatic changes that may affect operations.

Student Records and Confidentiality

Approved programs must maintain student records consistent with requirements applicable to Texas public school students. Programs must maintain educational records in compliance with the Family Educational Rights and Privacy Act (FERPA), align procedures for review, handling, and dissemination with public school requirements, treat video surveillance recordings including audio as educational records for purposes of this requirement, ensure records generated by the program are accessible to contracting school systems, and maintain documentation systems supporting ongoing academic and behavioral performance data and IEP progress reporting.

Reintegration Planning

Providers must maintain processes for developing reintegration criteria and estimated timelines for Texas public school students. Planning must be student-centered, individualized, developmentally appropriate, measurable, and aligned with the student's IEP goals and current instructional, behavioral, and functional needs.

School System-Specific Information

School systems must ensure timely communication with parents and guardians and maintain oversight of student health, safety, welfare, and FAPE when contracting with day or residential placement programs.

When a school system identifies potential student health, safety, or welfare concerns, including prohibited aversive techniques, potential abuse or neglect, or other concerns, the school system must immediately, and no later than two business days after identification, report the concern in writing to TEA; follow mandatory reporting requirements to the Texas Department of Family and Protective Services (DFPS), HHSC, and local law enforcement, as applicable; immediately notify the parents or guardians of impacted students; request camera footage or relevant documentation from the program; and identify immediate plans to ensure the health, safety, welfare, and FAPE of impacted students enrolled in the school system.

VI. School System Notification, APEX, Self-Monitoring, and Corrective Action

Introduction

School system notification, application, and self-monitoring requirements are integral to TEA oversight of day and residential placements and to funding eligibility. TEA reviews day and residential applications submitted via APEX to ensure federal and state requirements are met.

School System-Specific Information

Notification and APEX Requirements

Only educational services can be funded by the state and federal special education allotments. Therefore, TEA can only approve applications for day or residential placement in order to provide the student FAPE and cannot approve applications that indicate placement is due primarily to medical problems, home problems, or disciplinary reasons. Placements will not be approved if the school system lacks a plan with criteria and a projected date for return to the local school program; the school system did not attempt lesser restrictive placements (except in cases of emergency); or placement is not cost effective when compared with alternatives.

School systems must notify TEA at the time of day or residential placement and annually thereafter for the duration of each student's placement through the APEX application in the Texas Education Agency Login (TEAL), according to procedures established by TEA. School systems must submit notice within 30 calendar days of the ARD committee day or residential placement decision if the student was placed after the school year began; within 30 calendar days from the date APEX opens for the new school year if placed after the prior school year ended; and within 30 calendar days from the date APEX opens each school year for continuing placements. Failure to meet notification timelines affects state and federal funding eligibility.

- The school system must electronically submit to TEA the notice of placement and fully executed contract in accordance with TEA submission procedures. TEA must review the contract, which may not violate minimum standards or provider guidelines included in the approval process.
- TEA will give the parties an opportunity to amend a contract that does not comply with minimum standards or contains language or terms that preclude agency approval. Contracts may not begin before August 1 of the contracted program year or extend beyond July 31. Contract amendments must be electronically submitted to TEA no later than 30 calendar days after the contract change, and TEA may approve or deny amendments.

Self-Monitoring During Placement

School systems maintain responsibility for ensuring FAPE for students in day or residential placement programs. In addition to APEX notification, school systems must monitor student health, safety, welfare, and FAPE through required visits, assurances, IEP documentation, progress review, service log review, behavior and incident data review, and timely parent/guardian communication.

For each day or residential placement program with which the school system actively contracts, the school system must conduct a minimum of two onsite, in-person visits annually, one announced and one unannounced, and more often if directed by TEA. During these visits, the school system must review academic and behavioral data, verify implementation of each student's IEP and contractual requirements, including TEA minimum standards, and determine whether the placement continues to be the least restrictive environment for the student.

The placement of more than one student in the same program may be considered during the same onsite visit; however, each student's IEP must be individually reviewed, and the school system must make an individual determination regarding placement appropriateness and services to be provided.

The school system must also:

- complete school system assurances at least annually for each day or residential placement program with which the school system actively contracts, including at initial placement and contract renewal for continuing placements
- document placement appropriateness and update each student's reintegration plan in the IEP at least annually
- review service logs, progress reports, attendance, discipline, reintegration progress, restraint and serious incident reports, and other relevant records to monitor implementation of IEPs, student safety, and compliance with state and federal requirements, including prohibited aversive techniques

When Self-Monitoring Reveals Concerns

When self-monitoring reveals concerns with IEP implementation, lack of expected progress, or potential concerns about student health, safety, or welfare, the school system must take immediate action to investigate and self-correct.

Actions may include, but are not limited to:

- convening a problem-solving ARD committee meeting to review and, if needed, revise the IEP
- determining the need for compensatory services
- increasing the frequency of in-person monitoring
- revising contracts to clarify responsibilities
- considering a change in placement

The school system must document identified concerns, the investigation conducted, corrective actions taken, and the outcomes of those actions.

If, through self-monitoring or investigation, the school system identifies potential noncompliance with IDEA, state special education requirements, or circumstances that may place a student's health, safety, or welfare at risk, the school system must comply with all applicable state and federal reporting, notification, and corrective action requirements. **Self-monitoring is not a**

substitute for required reporting obligations. Concerns that are reported to TEA, or that otherwise come to TEA's attention through monitoring, complaints, investigations, or other oversight activities, may result in additional focused monitoring. Depending on the nature of the concern and the results of any investigation, TEA may place restrictions on new or continued placements and/or change the program approval status, up to and including nonapproval. Contracting school systems may also be subject to student-specific required or corrective actions if TEA monitoring identifies school system noncompliance.

VII. Contracts, Funding, Tuition, Fees, and Reimbursement

Introduction

Contracts, rates, funding eligibility, and reimbursement must be aligned with applicable rule, TEA procedures, and the student's ARD committee determination. If program requirements are met, the application is considered in compliance for use of funds.

Provider-Specific Information

Applicants must submit a detailed schedule of rates, tuition, fees, and guidelines used to establish fees associated with educational and, if applicable, residential services. The schedule must include tuition/rates and differentiated rates by service model or student need; itemized educational, related services, and room and board costs if applicable; services or costs not included; additional fees such as ESY rates; and the methodology or basis used to establish rates.

Residential room and board costs submitted as part of the provider rate schedule must be separately identified. Reimbursement for residential costs may not exceed the daily rate recommended by DFPS for the Intense General Residential Operation level of care. Rates approved by TEA represent the maximum allowable rates that may be charged or defined in a provider-school system contract for students placed through the ARD process. Providers should structure residential cost information so school systems can apply applicable reimbursement limits.

To qualify for the day placement allotment authorized by TEC §48.304, programs must meet all applicable requirements under 19 TAC §89.1094 and any additional TEA-established eligibility criteria.

School System-Specific Information

Funding Requirements

Day and residential placement programs are supported through a combination of state, local, and federal funding sources. To remain eligible for available funding and reimbursement, school systems and providers must comply with applicable program requirements, fulfill required documentation and reporting obligations, and meet any TEA-established approval, eligibility, and funding criteria, including:

- APEX requirements
- contract submission requirements

- funding timelines
- residential reimbursement considerations
- High Cost Fund information

If a student placed in an approved **day placement** changes residence to another Texas school system during the school year, the school system must notify TEA within 10 calendar days after it ceases contracting with the provider or withdraws the student. The new school system must provide services comparable to those described in the student's IEP from the previous school system until the new school system adopts the previous IEP or develops, adopts, and implements a new IEP. The new school system must also comply with all procedures for continuing or new day placements.

When a student placed by a school system in a **residential placement program** changes residence to another Texas school system and continues in the contracted placement, the school system that negotiated the contract remains responsible for the residential contract until July 31 or the end of the contract period, if earlier. The new resident school system may establish its own contract and notify the former school system and TEA that it will assume responsibility.

Residential Placement Funding Through July 31, 2027

For approved contracts effective through July 31, 2027, residential placements may qualify for additional TEA reimbursement after the school system has applied available state, local, and required federal funding sources and met applicable program and submission requirements.

Residential Placement Funding Beginning August 1, 2027

Beginning with approved contracts effective August 1, 2027, residential placements will be funded through a combination of state, local, and federal funds under TEA's revised funding framework. School systems and providers must continue to meet applicable program, documentation, reporting, and funding requirements to remain eligible for available funding.

The High Cost Fund (HCF) is a potential optional source of additional funding, contingent on school system eligibility and submission within the TEA application window. The HCF application is separate from the Day and Residential APEX applications. Awards are not guaranteed and depend on availability of funds.

VIII. Special Circumstances and Transition Requirements

Provider-Specific Information

Transition Period for Existing Approved Providers

Existing approved providers with current contracts entered into before September 1, 2026, or the effective date of the most recent amendments to 19 TAC §§89.1092 or 89.1094, as applicable, whichever is later, must become compliant with all current TEA requirements no later than January 1, 2027, if they wish to remain on the approved list. TEA may grant exceptions to this deadline in extenuating circumstances.

Licensure and Accreditation for Residential placement programs

Residential placement programs must maintain current and valid licensure by HHSC or another appropriate state agency. A provider that does not maintain required licensure, certification, or approval for the residential component is not eligible for approval. School systems considering initial placement in a program not yet on the TEA approved list may review the applicable state agency website for licensure status and compliance history. TEA routinely reviews licensure data as part of focused and reapproval monitoring.

Public Day Placement Programs

Public day placement programs operated by Texas public school systems function within facilities already subject to state and local public school health, safety, sanitation, building, and physical plant requirements. For TEA approval and reapproval, such programs are presumed to meet baseline facility-related health, safety, and sanitation requirements applicable to public school campuses unless monitoring or other oversight information indicates otherwise. All requirements for day placement programs established under 19 TAC §89.1094 apply to public day placement programs that meet rule applicability criteria.

Programs in a classroom or facility not housed on a regular campus must be reported to TEA when required by TEA procedures. Programs operated and staffed by employees of the student's enrolled school system or participating SSA member school system that serve only students enrolled in that school system or SSA are subject to reporting requirements but not approval/monitoring requirements under 19 TAC §89.1094. Programs not housed on a regular campus that accept contracted placements from other school systems are subject to applicable 19 TAC §89.1094 requirements for those contracted placements. Privately operated or staffed programs are private day placements and subject to approval and monitoring requirements regardless of whether the program operates on school system property.

Out-of-State Residential placement programs

Providers operating residential placement programs outside Texas may be eligible to serve Texas public school students only if approved, licensed, or authorized to operate by the appropriate oversight authority in the state in which the program is located, and if the provider meets applicable rule and minimum standards. If an out-of-state licensing authority revokes, suspends, or withdraws approval, the program is no longer eligible to serve Texas public school students. Practices permitted under another state's licensing framework but prohibited under Texas law or rule may not be used with Texas public school students placed by Texas school systems.

Programs Serving Students Ages 18-21

As opposed to 18+ programs that are exempt from 19 TAC §§89.1092 and 89.1094, day and residential placement programs serving students with IEPs ages 18-21 must support implementation of transition-focused IEPs in accordance with state and federal requirements. Programs must ensure age-appropriate instructional environments that do not impede access to postsecondary education, employment, or independent living goals; instructional schedules and staffing that support transition services in the IEP; and program design and population served that do not prevent participation in age-appropriate settings. Programs may not require participation in

noneducational services, employment arrangements, or activities as a condition of placement or continued enrollment.

School System-Specific Information

Court-Ordered or Hearing Officer Placements

When a placement in a day or residential placement program is ordered by a special education hearing officer or court of competent jurisdiction, the school system must report the placement to TEA. Beginning in fall 2026, school systems must report these placements annually in APEX using the Placement by Hearing Officer application type, according to TEA procedures. The provider serving the ordered placement is not required to complete approval procedures for that specific placement. If the provider intends to serve other Texas public school students beyond the ordered placement, the provider must obtain TEA approval under 19 TAC §§89.1092 or 89.1094.

IX. Resources and Appendices

Resources

- [TEA Special Education Day and Residential placement programs webpage](#) - central TEA webpage providing program overview, guidance resources, updates, and key documents related to day and residential placement programs.
- [TEA Special Education Day and Residential Approved Providers List](#) - public-facing list of TEA-approved day and residential placement programs, including approval status and approved-through dates.
- TEA Special education Day and Residential Unit email address: SpedDayandResidential@tea.texas.gov
- [Texas SpEd Support](#) – TEA-owned website containing technical assistance and support needs for the state.

Appendix A - Before You Apply Checklist

Use this checklist before submitting an initial approval application for each proposed program site. Mark an item complete only when current, consistent supporting evidence is ready for TEA review. Retain the completed checklist with the application working documents. This tool supplements, but does not replace, the application, manual, or TEA requests.

All Programs

Complete	Readiness Requirement	Staff Initials
	Application scope: Identify the provider, program type, physical site, ownership and governance structure, affiliated entities, and authorized application contact.	
	Approval applicability: Confirm that the proposed program is subject to TEA approval and identify each proposed program site.	
	Program population and capacity: Define disability categories, ages, grades, maximum enrollment, classroom capacity, number of classrooms, and student-to-staff and student-to-teacher ratios.	
	Service model: Describe specialized instruction, related services, behavioral supports, transition services, electives or special areas, and other supports.	
	FAPE and IEP implementation: Document individualized IEP implementation, progress data, state assessment participation, school system communication, and reintegration support.	
	Instructional readiness: Assemble the school calendar, master and bell schedules, Texas Essential Knowledge and Skills (TEKS)-aligned curriculum, instructional planning procedures, progress-monitoring tools, and assessment processes.	
	Required-document inventory: Assemble the restraint and discipline policies, training records, and parent/student handbook.	
	Staffing and credentials: Verify organizational assignments, certifications, supervision, substitute coverage, related-service capacity, and personnel files.	
	Criminal history and background verification: Verify required reviews, screening, and documentation for employees, contractors, volunteers, and others with student access.	
	Training: Prepare the professional development plan and current logs for instructional, behavioral, emergency, restraint, time-out, reporting, confidentiality, and student-safety training.	
	Behavioral programming: Confirm compliant de-escalation, crisis response, discipline, restraint, and time-out procedures and prohibition of aversive techniques.	
	Health and safety systems: Finalize emergency preparedness, supervision, incident response, abuse or neglect reporting, staff misconduct reporting, and parent and school system notifications.	
	Facility compliance: Obtain current fire, building, occupancy, health, sanitation, accessibility, evacuation, and other applicable site approvals or inspection records.	
	Surveillance readiness: Verify required audio and video coverage, prohibited locations, retention and incident-hold procedures, access controls, and review and release processes.	
	Records and confidentiality: Establish FERPA-compliant procedures for secure storage, school system access, service logs, progress reports, behavior and incident records, and surveillance records.	
	Policies and handbooks: Reconcile operating policies and the parent/student handbook with the application and preserve individualized ARD committee authority.	
	Student admission through reintegration procedures: Ensure admission, continued enrollment, and reintegration procedures do not impose fixed lengths of stay or program-wide criteria.	
	Rates, tuition, and fees: Prepare an itemized rate schedule and methodology for educational services, related services, additional fees, ESY costs, and excluded services.	
	Compliance history and disclosures: Compile required information for the previous 24 months regarding investigations, litigation, sanctions, findings, corrective actions, enforcement actions, and surrendered approvals.	
	Operational reporting: Assign procedures and responsible staff for annual attestations, incident reporting, material changes, licensing changes, and TEA monitoring or records requests.	

Complete	Readiness Requirement	Staff Initials
	Monitoring visit readiness: Prepare facilities, classrooms, student-accessible areas, records, staff, and leadership for tours, observations, interviews, and document review.	
	Quality-control review: Resolve inconsistent names, addresses, capacities, staffing figures, dates, rates, policies, and signatures across the application and evidence.	

Residential Only

Complete	Readiness Requirement	Staff Initials
	Residential licensure: Verify current licensure or authorization from the applicable oversight agency and prepare the license and compliance history.	
	Residential facilities and out-of-state status: Address each residential facility separately and document authorization in the state of operation for any out-of-state program.	
	Residential rates and monitoring: Separately identify room and board costs and prepare residential living areas for monitoring review.	

Day Only

Complete	Readiness Requirement	Staff Initials
	Public day placement program status: Determine whether the program is district operated, non-district operated, or privately operated, and address the applicable approval or reporting requirements.	
	Replicated private day site: Obtain TEA approval before establishing an additional replicated private day placement program site with another school system.	

All Programs – if applicable

Complete	Readiness Requirement	Staff Initials
	Programs serving ages 18–21: Confirm age-appropriate instruction, transition-focused IEP implementation, staffing, schedules, and access to postsecondary education, employment, and independent living goals.	
	Transportation responsibilities: Define provider and school system responsibilities for daily, emergency, home, community-based, and transition-related transportation, including safety, accessibility, supervision, scheduling, and costs.	
	Related-service provider contracts: Review current agreements, credentials, scopes of service, supervision, rates, documentation standards, and coverage plans.	
	Medication and nursing documentation: Prepare medication administration, nursing assessment, orders, consent, storage, documentation, error response, emergency care, and communication procedures.	
	Insurance and fiscal/operational capacity: Where required by the final application, assemble proof of coverage and evidence of sufficient financial, staffing, facility, and operational capacity.	
	Prior revocation or surrendered approval: Prepare complete disclosures and supporting records when a license, approval, or certification was revoked or voluntarily surrendered in lieu of enforcement or sanction.	

Provider or Program Name		Program Site	
Program Type	☐ Day ☐ Residential	Target Submission Date	
Date Started		Date Completed	
Leadership Review		Review Date	

Appendix B - Compliance Roadmap

This roadmap summarizes responsibilities under 19 TAC §§89.1092 and 89.1094 and this manual.

Requirements apply to ARD-committee-placed day and residential placement programs unless a row states otherwise. The cited manual sections contain the controlling requirements, timelines, exceptions, and documentation standards.

Compliance Stage	Program Applicability	Provider Responsibilities	School System Responsibilities	TEA Responsibilities
Initial Approval and Placement	Both	Obtain and maintain TEA approval for each applicable program site; disclose scope, capacity, services, rates, compliance history, safety systems, and required records; participate in the ARD committee process; and execute a compliant contract. See Sections II, III, V, and VII.	Use the TEA-approved list; conduct an onsite, in-person review before placement; ensure provider participation in the ARD committee meeting; document FAPE, LRE, services, reintegration criteria, and projected return date in the IEP; execute the contract; and submit the placement notice and contract in APEX within the applicable 30-calendar-day timeline. See Sections II, III, VI, and VII.	Accept and review provider applications; evaluate program capacity and compliance; conduct the initial monitoring visit; maintain approval information; and review APEX submissions and contracts for compliance and funding eligibility. See Sections III, IV, and VI.
Initial Approval and Placement	Residential only	Maintain current licensure or authorization for each residential facility, including authorization in the state of operation for an out-of-state facility; separately identify room and board costs. See Sections III, VII, and VIII.	Determine that residential placement is educational, not solely for treatment, medical issues, or home issues, and is the LRE that can provide FAPE; identify supports the school system cannot provide. See Section II.	Verify applicable licensure or authorization and approve each residential facility separately. See Sections III and VIII.
Initial Approval and Placement	Day only	Obtain approval for each applicable private, district-operated, or non-district-operated day placement program and before replicating an approved private day placement program with another school system. See Sections III and VIII.	Determine that the student cannot be satisfactorily educated on a regular campus because of the nature and severity of the disability and special education needs; identify supports the regular campus cannot provide. See Section II.	Apply approval or reporting requirements according to the day placement program type and site; maintain the approved day placement program list. See Sections III and VIII.

Compliance Stage	Program Applicability	Provider Responsibilities	School System Responsibilities	TEA Responsibilities
Ongoing Oversight	Both	Implement each IEP; maintain qualified staffing, records, surveillance, safety, progress-monitoring, and reporting systems; submit the annual attestation; report incidents and material program changes; and support individualized reintegration. See Sections II and V.	Retain responsibility for FAPE; conduct at least two onsite, in-person visits annually per actively contracted program, including one announced and one unannounced; complete annual assurances; review each student's IEP implementation, progress, safety, service logs, incidents, and reintegration; maintain parent communication; and submit annual APEX notice for continuing placements. See Sections V and VI.	Conduct routine, focused, announced, unannounced, virtual, or onsite monitoring; review records, data, facilities, surveillance, and stakeholder information; issue written outcomes; and impose required actions, corrective actions, approval conditions, or placement restrictions. See Section IV.
Ongoing Oversight	Residential only	Maintain residential licensure and notify TEA and contracting school systems of sanctions, suspensions, or other licensing changes; maintain residential living areas and room-and-board documentation. See Sections V, VII, and VIII.	Monitor whether residential placement remains educational, appropriate, and the LRE; apply residential contract and transfer-of-residence rules. See Sections II and VII.	Review licensing data and act when licensure or authorization is suspended, revoked, or withdrawn. See Sections IV and VIII.
Ongoing Oversight	Day only	Maintain the approved day placement program model and report or obtain approval for site, staffing, or operational changes as required. See Sections V and VIII.	Monitor whether the student can return to a regular campus and follow the day-placement transfer-of-residence notification and comparable-services requirements. See Sections II and VII.	Monitor public and private day placement programs according to applicable approval or reporting status. See Sections IV and VIII.

Compliance Stage	Program Applicability	Provider Responsibilities	School System Responsibilities	TEA Responsibilities
Reapproval and Continuation	Both	Submit reapproval materials and annual attestations; demonstrate continued operational capacity and compliance; maintain accurate rates; complete required or corrective actions; and obtain prior approval for material program or applicable site changes. See Sections III, IV, V, and VII.	Before contract renewal, verify approval status; complete the annual ARD committee review and assurances; document continued need, placement appropriateness, and reintegration progress; renew the contract within August 1–July 31; and submit required APEX materials and amendments. See Sections II, III, VI, and VII.	Conduct reapproval at least every five years; review history, evidence, data, monitoring results, and correction; notify providers and contracting school systems; and issue Approval, Limited Approval, or Nonapproval/Revocation, with an approved-through date when applicable. See Section IV.
Reapproval and Continuation	Residential only	Demonstrate continued licensure for every approved residential facility and maintain separately stated room and board rates. See Sections III and VII.	Apply the residential funding framework and reimbursement limits in effect for the contract period. See Section VII.	Consider licensing history and residential-facility status in reapproval and funding review. See Sections IV and VII.
Reapproval and Continuation	Day only	Maintain approval or required reporting status for the applicable public or private day placement program and obtain approval before replication. See Sections III and VIII.	Apply day-placement allotment eligibility and other TEA-established funding criteria. See Section VII.	Determine continuing approval or reporting status and day-placement funding eligibility under applicable criteria. See Sections IV, VII, and VIII.
Corrective Action and Exit	Both	Immediately protect students; make required incident reports; preserve and provide records or footage; cooperate with monitoring and investigations; and complete required or corrective actions within specified timelines. See Sections IV and V.	Immediately address threats to health, safety, welfare, or FAPE; make required reports and parent notifications; convene the ARD committee when needed; implement student-level correction or compensatory services; increase monitoring; revise or terminate contracts; and change placement when required. See Sections IV, V, and VI.	Conduct focused monitoring; issue findings, required actions, or corrective actions; verify correction; change approval status or restrict placements; and establish removal or cancellation timelines when approval is denied or revoked. Corrective action for special education noncompliance must be completed as soon as possible and no later than one year after notice. See Section IV.

Compliance Stage	Program Applicability	Provider Responsibilities	School System Responsibilities	TEA Responsibilities
Corrective Action and Exit	Residential only	Immediately address loss, suspension, or restriction of required residential licensure or authorization and cease serving Texas students when no longer eligible. See Sections IV and VIII.	Implement TEA-directed removal or contract transition requirements and protect continuity of FAPE. See Sections IV and VII.	Coordinate approval consequences with licensing information and determine whether existing or planned residential placements must be removed or canceled. See Sections IV and VIII.
Corrective Action and Exit	Day only	Correct approval, reporting, or site-specific deficiencies and cease unapproved replication or operation when directed. See Sections IV and VIII.	Implement TEA-directed placement, contract, or reporting corrections and ensure comparable services if residence changes. See Sections IV, VII, and VIII.	Apply approval, reporting, and placement consequences according to the day placement program type and identified noncompliance. See Sections IV and VIII.