

How to Use This Resource

1. Refer to “Affected stakeholders” to focus on the changes that apply to your organization.
2. Compare each action with current policies, contracts, reporting, training, and operational practices.
3. Use the “Compliance deadline” column for planning.

Implementation Sequence

1. **Rule now in effect:** Effective October 4, 2026. Review the adopted rule, resolve remaining gaps, and complete required changes by the applicable compliance deadline.
2. **Complete and document implementation:** Use the “Compliance deadline” column below to complete and document implementation by each applicable date, including January 1, 2027, where identified.

Rule Change Action Guide

Topic	What changed	Affected stakeholders	Action to take	Compliance deadline	Change type
Applicability	Applicability is expanded to include certain public day programs operated by LEAs.	Public day programs operated by school systems, ESCs, or HCDE	Confirm the program is included in annual day-placement reporting and operates in accordance with 19 TAC §89.1094.	11/16/2026	Expanded
Applicability	Public-private partnerships administered by LEAs are included.	School systems or ESCs administering public-private day programs	Confirm the program is reported through annual day-placement reporting and operates in accordance with TAC §89.1094.	11/16/2026	Expanded
Applicability	Approval expectations for out-of-state providers are clarified.	Out-of-state providers	Review approval conditions and confirm applicable operations align with 19 TAC §89.1094.	1/1/2027	Clarified
Incident reporting	Incident-reporting timelines and documentation expectations are clarified.	All providers	Review incident-reporting procedures, documentation, and internal escalation timelines, and update processes where needed. Existing reporting requirements remain.	1/1/2027	Clarified
School system responsibilities	The school system's responsibility to provide a free appropriate public education (FAPE) is reinforced.	Contracting school systems	Ensure school system monitoring expectations, required submissions, and district oversight practices align with 19 TAC §89.1092 and §89.1094.	10/4/2026	Clarified

Topic	What changed	Affected stakeholders	Action to take	Compliance deadline	Change type
Provider staffing	Hiring and background-check expectations include requirements applicable to school systems, including the Do Not Hire Registry.	All providers	Update hiring and screening procedures to cover all applicable checks and document completion.	1/1/2027	Clarified
Video and audio surveillance	Requirements for video and audio surveillance are added.	All providers	Develop or update procedures for use, access, security, retention, and response.	1/1/2027	New
Program costs	New expectations address the documentation, transparency, and communication of contracted-service costs.	All providers	Review fiscal and operational procedures, and document, maintain, and communicate required cost information.	1/1/2027	New
Program design and specialized services	Programs must provide specialized services, supports, or programming necessary for FAPE and unavailable on the student's regular campus; preference for a particular instructional methodology or program model alone does not satisfy this requirement.	All providers	Review service models and placement practices to confirm programming reflects the specialized purpose.	1/1/2027	Clarified
Annual reporting	A recurring reporting or attestation requirement is added.	All providers	Assign responsibility and establish policies and procedures in accordance with this requirement.	1/1/2027	New
Provider approval and renewal period	Approval periods may range from one to five years, rather than one to three years.	All providers	No immediate operational action is required; monitor the term assigned at approval or renewal.	N/A	Updated

Topic	What changed	Affected stakeholders	Action to take	Compliance deadline	Change type
Parent access and student rights	New protections prohibit parent-child separation practices and improper restrictions on communication or contact.	All providers	Review policies and practices for access and communication; remove prohibited restrictions and train staff.	1/1/2027	New
Placement practices and contracting	Providers may not require a fixed placement duration as a condition of placement, contracting, or continued placement.	All providers	Update contracts and procedures so placement duration remains individualized and determined by the student's ARD committee.	1/1/2027	Clarified
Operational standards	Annual training is required.	All providers	Identify required training topics, audiences, frequency, documentation, and responsible owners; update the annual training cycle.	1/1/2027	New

Deadline Note

Compliance and implementation must be completed by January 1, 2027. Review the adopted rule and official TEA guidance for applicable requirements and implementation details. This guide is an implementation aid and does not replace the rule text or legal advice.