

May 18, 2018

U.S. Department of Education
Potomac Center Plaza
Mailstop 2600, Room 5028
550 12th Street, SW
Washington, DC 20202

To Whom It May Concern:

Please find the Fiscal Year 2018 State Application for Texas with all required documents. Our State Application posting began on March 9, 2018 inclusive of a 30-day comment period beginning April 1, 2018 through April 30, 2018 with our 60-day posting ending on May 8, 2018. The Texas Education Agency (Agency) did not receive any comments during this period.

The application and all required documents were posted on our agency's website. Notice was sent via the *Texas Register* to the public in our state. Copies of the web posting and the notice are included with our application.

Please note that the Part B Interactive Spreadsheet was completed based on the information available at this time (2018 Interactive Spreadsheets). Once our Agency's budget has been finalized, there may be a need to revise this information.

Thank you and please contact me at 512.463.9414 or tammy.pearcy@tea.texas.gov if you have any questions.

Sincerely,



Tammy Pearcy
Assistant Director
Special Education

cc: Al Jones
OSEP Associate Division Director

Leslie Clithero
OSEP State Contact

OMB NO. 1820-0030
Expires: 10/31/2018

**ANNUAL STATE APPLICATION UNDER PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FOR FEDERAL FISCAL YEAR 2018**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

Washington, DC 20202-2600

Public Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 14 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain a grant under Section(s) 611 and/or 619 of the Individuals with Disabilities Education Act. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202-4536 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1820-0030. Note: Please do not return the completed *Annual State Application under Part B of The Individuals with Disabilities Education Act as Amended in 2004* to this address.

Section I

A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

- ☐ 1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A of this Application.
- ☒ 2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2019. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

- ☒ 3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

1. Conditional Approval Related to Assurances in Section II.A:

- ☐ a. Section II.A provides documentation of completion of all issues identified in the FFY 2017 conditional approval letter.
- ☐ b. As noted in Section II.A, the State has not completed all issues identified in the FFY 2017 conditional approval letter.

2. Conditional Approval Related to Other Issues:

- ☐ a. The State previously submitted documentation of completion of all issues identified in the FFY 2017 conditional approval letter.
- ☐ b. The State is attaching documentation of completion of all issues identified in the FFY 2017 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ☐ c. The State has not completed all issues identified in the FFY 2017 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

Texas rulemaking activities associated with:

Chapter 89. Adaptations for Special Populations

Subchapter AA. Commissioner's Rules Concerning Special Education Services

**Division 2. Clarification of Provisions in Federal Regulations and State Law, and
Division 7, Dispute Resolution**

The proposed Commissioner's rules were published in the *Texas Register* on October 20, 2017.

Notice for the October 30, 2017 and October 31, 2017 public hearings for the proposed Commissioner's rules was published in the *Texas Register* on October 20, 2017.

Public hearings were held on October 30, 2017, and October 31, 2017, related to the proposed Commissioner's rule packet.

The adopted Commissioner's rules specific to 19 Texas Administrative Code (TAC), §§89.1011, 89.1040, 89.1047, 89.1049, 89.1055, 89.1070, 89.1075, 89.1151, 89.1170, and 89.1175 were published in the *Texas Register* on February 9, 2018, and became effective on February 15, 2018.

Chapter 89, Subchapter AA, Division 2, was revised as follows.

Changes to the Individuals with Disabilities Education Act (IDEA) and to the Every Student Succeeds Act (ESSA) resulted in the removal of references to scientific, researched-based intervention and replaced those references with evidence-based intervention. The adopted amendments to §89.1011, Full Individual and Initial Evaluation, and §89.1040, Eligibility Criteria, make technical changes to align these two sections with the changes in IDEA and ESSA.

House Bill (HB) 1556, 85th Texas Legislature, Regular Session, 2017, amended the Texas Education Code (TEC), §29.015 and §29.0151, to change state requirements related to foster parents of students with disabilities and the appointing of surrogate parents to students with disabilities who are in the foster care system. The repeal of §89.1047, Procedures for Surrogate and Foster Parents, and new §89.1047, Procedures for Special Education Decision-Making for Students in Foster Care, address these new requirements.

Senate Bill (SB) 748 and HB 1886, 85th Texas Legislature, Regular Session, 2017, amended the TEC, §29.017, to change state requirements related to notice regarding transfer of rights to adult students with disabilities and content of the student's IEP. The adopted amendments to §89.1049, Parental Rights Regarding Adult Students, and §89.1055, Content of the Individualized Education Program, address these new requirements. In addition, the adopted amendment to §89.1055 addresses updated state requirements for transition services resulting from changes to the TEC, §29.011, by SB 748 and HB 1886.

SB 463, 85th Texas Legislature, Regular Session, 2017, amended the TEC, §28.0158 and §39.025, to extend the time frame under which a student who has failed to achieve end-of-course assessment graduation requirements for no more than two courses may graduate high school. The adopted amendment to §89.1070, Graduation Requirements, addresses this change in time frame.

SB 1259, 84th Texas Legislature, Regular Session, 2015, amended the TEC, §29.001, to allow teachers who instruct a student with a disability in a regular classroom setting to provide input into the development of the student's IEP. To ensure consistency between statute and administrative rule, the adopted amendment to §89.1075, General Program Requirements and Local District Procedures, incorporates this requirement into rule.

Chapter 89, Subchapter AA, Division 7, was revised as follows.

Section 89.1151, Special Education Due Process Hearings, was amended in response to HB 3632, 85th Texas Legislature, Regular Session, 2017, which enacted TEC, §29.0163. The amendment specifies that the statute of limitations for requesting a special education due process hearing may be tolled for certain active-duty military personnel.

Section 89.1170, Impartial Hearing Officer, was amended under the authority of 34 CFR, §300.511, which specifies that state policy determines the way hearings are assigned to hearing officers. Subsection (a) was amended to allow, but not require, the assignment of a hearing involving the same student to the same hearing officer who presided over the previous hearing. This change ensures timely assignment of cases. Subsection (g) was amended to require a hearing officer to review a request for recusal within three business days of receipt. This change reduces the risk of delay in due process proceedings.

Section 89.1175, Representation in Special Education Due Process Hearings, was amended in response to SB 2141, 85th Texas Legislature, Regular Session, 2017, which amended TEC, §29.0162. The rule amendment adds new requirements for a non-attorney representative to represent a party in a special education due process hearing. Specifically, a non-attorney representative that would receive monetary compensation for his or her representation is required to agree to abide by a voluntary code of ethics and enter into a representation agreement with the party being represented. The agreement must be in writing, include a process for resolving any disputes that arise between the representative and the party being represented, and be kept confidential. Figure: 19 TAC §89.1175(c) was updated to include the new requirements for non-attorney representatives.

ATTACHMENT II
Text of Adopted Revisions to 19 TAC

Chapter 89. Adaptations for Special Populations

Subchapter AA. Commissioner's Rules Concerning Special Education Services

Division 2. Clarification of Provisions in Federal Regulations and State Law

§89.1011. Full Individual and Initial Evaluation.

- (a) Referral of students for a full individual and initial evaluation for possible special education services must be a part of the district's overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based ~~[scientific, research-based]~~ intervention; and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. This referral for a full individual and initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.
- (b)-(h) (No change.)

§89.1040. Eligibility Criteria.

- (a)-(b) (No change.)
- (c) Eligibility definitions.
- (1)-(8) (No change.)
- (9) Learning disability.
- (A) (No change.)
- (B) A student with a learning disability is one who:
- (i) (No change.)
- (ii) does not achieve adequately for the student's age or meet state-approved grade-level standards in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving when provided appropriate instruction, as indicated by performance on multiple measures such as in-class tests; grade average over time (e.g. six weeks, semester); norm- or criterion-referenced tests; statewide assessments; or a process based on the student's response to evidence-based ~~[scientific, research-based]~~ intervention; and
- (I) does not make sufficient progress when provided a process based on the student's response to evidence-based ~~[scientific, research-based]~~ intervention (as defined in 20 USC, §7801(21) [~~§7801(37)~~]), as indicated by the student's performance relative to the performance of the student's peers on repeated, curriculum-based assessments of achievement at reasonable intervals, reflecting student progress during classroom instruction; or
- (II) (No change.)
- (10)-(13) (No change.)

§89.1047. Procedures for Surrogate and Foster Parents.

- ~~[(a) — An individual assigned to act as a surrogate parent for a student with a disability, in accordance with 34 Code of Federal Regulations (CFR), §300.519, relating to surrogate parents, must comply with the requirements specified in Texas Education Code (TEC), §29.001(10).]~~
- ~~[(1) — Pursuant to TEC, §29.001(10)(A), an individual assigned to act as a surrogate parent must complete a training program in which the individual is provided with an explanation of the provisions of federal and state laws, rules, and regulations relating to:]~~
- ~~[(A) — the identification of a student with a disability;]~~
- ~~[(B) — the collection of evaluation and re-evaluation data relating to a student with a disability;]~~
- ~~[(C) — the admission, review, and dismissal (ARD) committee process;]~~
- ~~[(D) — the development of an individualized education program (IEP), including the consideration of transition services for a student who is at least 16 years of age;]~~
- ~~[(E) — the determination of least restrictive environment;]~~
- ~~[(F) — the implementation of an IEP;]~~
- ~~[(G) — the procedural rights and safeguards available under 34 CFR, §§300.148, 300.151-300.153, 300.229, 300.300, 300.500-300.520, 300.530-300.537, and 300.610-300.627, relating to the issues described in 34 CFR, §300.504(e); and]~~
- ~~[(H) — the sources that the surrogate parent may contact to obtain assistance in understanding the provisions of federal and state laws, rules, and regulations relating to students with disabilities;]~~
- ~~[(2) — The training program described in subsection (a)(1) of this section must be provided in the native language or other mode of communication used by the individual who is to serve as a surrogate parent;]~~
- ~~[(3) — The individual assigned to act as a surrogate parent must complete the training program described in subsection (a)(1) of this section within 90 calendar days after the date of initial assignment as a surrogate parent. Once an individual has completed a training program conducted or provided by or through the Texas Department of Family and Protective Services (TDFPS), a school district, an education service center, or any entity that receives federal funds to provide Individuals with Disabilities Education Act (IDEA) training to parents, the individual shall not be required by any school district to complete additional training in order to continue serving as the student's surrogate parent or to serve as the surrogate parent for other students with disabilities. School districts may provide ongoing or additional training to surrogate parents and/or parents; however, a district cannot deny an individual who has received the training as described in subsection (a)(1) of this section from serving as a surrogate parent on the grounds that the individual has not been trained;]~~
- ~~[(4) — A school district should provide or arrange for the provision of the training program described in subsection (a)(1) of this section prior to assigning an individual to act as a surrogate parent but no later than 90 calendar days after assignment;]~~
- ~~[(b) — A foster parent may act as a parent of a child with a disability, in accordance with 34 CFR, §300.30, relating to the definition of parent, if he/she complies with the requirements of TEC, §29.015(b), relating to foster parents, including the completion of the training program described in subsection (a)(1) of this section;]~~
- ~~[(1) — The foster parent must complete the training program described in subsection (a)(1) of this section within 90 calendar days after the date of initial assignment as the parent. Once a foster parent has completed a training program conducted or provided by the TDFPS, a school district, an education service center, or any entity that receives federal funds to provide IDEA training to parents, the foster parent shall not be required by any school district to complete additional training in order to continue serving as his/her child's surrogate parent or parent or to serve as the surrogate parent or parent for other students with disabilities. School districts may provide ongoing or additional~~

training to foster parents and/or parents; however, a district cannot deny an individual who has received the training as described in subsection (a)(1) of this section from serving as the parent on the grounds that the individual has not been trained.]

[(2) A school district should provide or arrange for the provision of the training program described in subsection (a)(1) of this section prior to assigning a foster parent to act as a parent but no later than 90 calendar days after assignment.]

[(e) Each school district or shared services arrangement shall develop and implement procedures for conducting an analysis of whether a foster parent or potential surrogate parent has an interest that conflicts with the interests of his/her child. A foster parent in a home which is verified by the TDFPS or a child-placing agency shall not be deemed to have a financial conflict of interest by virtue of serving as the foster parent in that home. These homes include, but are not limited to, basic, habilitative, primary medical, or therapeutic foster or foster group homes. In addition, issues concerning quality of care of the child do not constitute a conflict of interest. Concerns regarding quality of care of the child should be communicated, and may be statutorily required to be reported, to TDFPS.]

[(d) If a school district denies a foster parent the right to serve as a surrogate parent or parent, the school district must provide the foster parent with written notice of such denial within seven calendar days after the date on which the decision is made. The written notice shall:]

[(1) specify the reason(s) the foster parent is being denied the right to serve as the surrogate parent or parent (the notice must specifically explain the interests of the foster parent that conflict with the interests of his/her child); and]

[(2) inform the foster parent of his/her right to file a complaint with the Texas Education Agency in accordance with 34 CFR, §§300.151-300.153, relating to complaint procedures.]

§89.1047. Procedures for Special Education Decision-Making for Students in Foster Care.

(a) A foster parent may act as a parent of a child with a disability, in accordance with 34 Code of Federal Regulations (CFR), §300.30, relating to the definition of parent, if requirements of Texas Education Code (TEC), §29.015(a), are met, including the completion of the training program described in subsection (c)(1) of this section.

(1) For a foster parent to serve as a student's parent, a school district must ensure that the foster parent has received training described in subsection (c)(1) of this section. The foster parent must complete the training program before the student's next scheduled admission, review, and dismissal (ARD) committee meeting, but not later than the 90th day after the foster parent begins acting as the parent for the purpose of making special education decisions.

(2) The training program can be conducted or provided by the Texas Department of Family and Protective Services (TDFPS), a school district, an education service center, or any entity that receives federal funds to provide Individuals with Disabilities Education Act (IDEA) training to parents. Once an individual has completed the training, the individual may not be required by any school district to complete additional training in order to serve as the parent or the surrogate parent for the student or other students with disabilities who are in foster care. School districts may provide optional ongoing or supplemental training.

(b) If a school district denies a foster parent the right to serve as a parent, the school district must provide the foster parent with written notice of such denial within seven calendar days after the date on which the decision is made. The written notice must:

(1) specifically explain why the foster parent is being denied the right to serve as the student's parent; and

(2) inform the foster parent of his or her right to file a complaint with the Texas Education Agency in accordance with 34 CFR, §§300.151-300.153, relating to special education complaint procedures.

(c) Except as provided by Texas Family Code, §263.0025, which authorizes a court to appoint a surrogate parent, if a district cannot locate or identify a parent, if the foster parent is unwilling or unable to serve as a parent, or if the student does not reside in a foster home setting, the school district must assign a surrogate parent to make special education decisions on behalf of the student. An individual assigned by a school

district to act as a surrogate parent for a student with a disability, in accordance with 34 CFR, §300.519, and TEC, §29.0151, relating to surrogate parents, must comply with the requirements specified in TEC, §29.001(10).

- (1) Pursuant to TEC, §29.001(10)(A), a foster parent serving as a parent or an individual assigned by a school district to act as a surrogate parent must complete a training program in which the individual is provided with an explanation of the provisions of federal and state laws, rules, and regulations relating to:

 - (A) the identification of a student with a disability;
 - (B) the collection of evaluation and re-evaluation data relating to a student with a disability;
 - (C) the ARD committee process;
 - (D) the development of an individualized education program (IEP), including the consideration of transition services for a student who is at least 14 years of age;
 - (E) the determination of least restrictive environment;
 - (F) the implementation of an IEP;
 - (G) the procedural rights and safeguards available under 34 CFR, §§300.148, 300.151-300.153, 300.229, 300.300, 300.500-300.520, 300.530-300.537, and 300.610-300.627, relating to the issues described in 34 CFR, §300.504(c); ~~and~~
 - (H) where to obtain assistance in understanding the provisions of federal and state laws, rules, and regulations relating to students with disabilities ;~~and~~ []
 - (I) the duties and responsibilities of surrogate parents as required under TEC, §29.0151(d).
- (2) The training program described in subsection (c)(1) of this section must be provided in the native language or other mode of communication used by the individual being trained.
- (3) To serve as a student's surrogate parent, a school district must ensure that the surrogate parent has received training described in subsection (c)(1) of this section. The individual assigned by a school district to act as a surrogate parent must complete the training program before the student's next scheduled ARD committee meeting but not later than the 90th day after the date of initial assignment as a surrogate parent.
- (4) The training program can be conducted or provided by the TDFPS, a school district, an education service center, or any entity that receives federal funds to provide IDEA training to parents. Once an individual has completed the training, the individual may not be required by any school district to complete additional training in order to serve as the surrogate parent or the parent for the student or other students with disabilities who are in foster care. School districts may provide optional ongoing or supplemental training.
- (d) A surrogate parent appointed by a school district may not be an employee of the state, the school district, or any other agency involved in the education or care of the child and may not have any interest that conflicts with the interests of the child. Each school district or shared services arrangement must develop and implement procedures for conducting an analysis of whether a potential surrogate parent has an interest that conflicts with the interests of his or her child. Issues concerning quality of care of the child do not constitute a conflict of interest. Concerns regarding quality of care of the child should be communicated, and may be statutorily required to be reported, to TDFPS.
- (e) If a court appoints a surrogate parent for a child with a disability under Texas Family Code, §263.0025, and the school district determines that the surrogate parent is failing to perform or is not properly performing the duties listed under TEC, §29.0151(d), the district must consult with TDFPS and appoint another person to serve as the surrogate parent for the child.

§89.1049. Parental Rights Regarding Adult Students.

- (a) In accordance with 34 Code of Federal Regulations (CFR), §300.320(c) and §300.520, and Texas Education Code (TEC), §29.017, beginning at least one year before a student reaches 18 years of age, the student's individualized education program (IEP) must include a statement that the student has been

informed that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship, all rights granted to the parent under the Individuals with Disabilities Education Act (IDEA), Part B, other than the right to receive any notice required under IDEA, Part B, will transfer to the student upon reaching age 18. Beginning with the 2018-2019 school year, the IEP must also state that the student has been provided information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Texas Estates Code, Chapter 1357, and other supports and services that may enable the student to live independently. After the student reaches the age of 18, except as provided by subsection (b) of this section, the school district shall provide any notice required under IDEA, Part B, to both the adult student and the parent.

- (b) In accordance with 34 CFR, §300.520(a)(2), and TEC, §29.017(a), all rights accorded to a parent under IDEA, Part B, including the right to receive any notice required by IDEA, Part B, will transfer to an 18-year-old student who is incarcerated in an adult or juvenile ^[s] state or local correctional institution, unless the student's parent or other individual has been granted guardianship of the student under Texas Estates Code, Title 3 [the Probate Code, Chapter XIII, Guardianship].
- (c) In accordance with 34 CFR, §300.520(a)(3), a school district must notify in writing the adult student and parent of the transfer of parental rights, as described in subsections (a) and (b) of this section, at the time the student reaches the age of 18. This notification is separate and distinct from the requirement that the student's IEP include a statement relating to the transfer of parental rights beginning at least one year before the student reaches the age of 18. This notification is not required to contain the elements of notice referenced in 34 CFR, §300.503, but must include a statement that parental rights have transferred to the adult student. Beginning with the 2018-2019 school year, the notice must also include information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Texas Estates Code, Chapter 1357, and other supports and services that may enable the student to live independently, and must provide contact information for the parties to use in obtaining additional information.
- (d) A notice under IDEA, Part B, which is required to be given to an adult student and parent does not create a right for the parent to consent to or participate in the proposal or refusal to which the notice relates. For example, a notice of an admission, review, and dismissal (ARD) committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, in accordance with 34 CFR, §300.321(a)(6), the adult student or the school district may invite individuals who have knowledge or special expertise regarding the student, including the parent.
- (e) Nothing in this section prohibits a supported decision-making agreement or a valid power of attorney from being executed by an individual who holds rights under IDEA, Part B.

§89.1055. Content of the Individualized Education Program.

(a)-(h) (No change.)

(i) Subsection (h) of this section expires with the beginning of the 2018-2019 school year.

(j) Beginning with the 2018-2019 school year, not later than when a student reaches 14 years of age, the ARD committee must consider and, if appropriate, address the following issues in the IEP:

- (1) appropriate student involvement in the student's transition to life outside the public school system;
- (2) if the student is younger than 18 years of age, appropriate involvement in the student's transition by the student's parents and other persons invited to participate by:
 - (A) the student's parents; or
 - (B) the school district in which the student is enrolled;
- (3) if the student is at least 18 years of age, involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:
 - (A) is invited to participate by the student or the school district in which the student is enrolled; or

- (B) has the student's consent to participate pursuant to a supported decision-making agreement under Texas Estates Code, Chapter 1357;
- (4) appropriate postsecondary education options, including preparation for postsecondary-level coursework;
- (5) an appropriate functional vocational evaluation;
- (6) appropriate employment goals and objectives;
- (7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives;
- (8) appropriate independent living goals and objectives;
- (9) appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student such as a waiver program established under the Social Security Act (42 U.S.C. Section 1396n(c)), §1915(c); and
- (10) the use and availability of appropriate:
 - (A) supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and
 - (B) supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Texas Estates Code, Chapter 1357.
- (k) Beginning with the 2018-2019 school year, a student's ARD committee shall annually review the issues described in subsection (j) of this section and, if necessary, update the portions of the student's IEP that address those issues.
- (l) In accordance with 34 CFR, §300.320(b), beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:
 - (1) appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
 - (2) the transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under paragraph (1) of this subsection.
- ~~(i) In accordance with 34 CFR, §300.320(b), beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:~~
 - ~~(1) appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and~~
 - ~~(2) the transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under paragraph (1) of this subsection.]~~
- (m) ~~(h)~~ The written statement of the IEP must document the decisions of the ARD committee with respect to issues discussed at each ARD committee meeting. The written statement must also include:
 - (1) the date of the meeting;
 - (2) the name, position, and signature of each member participating in the meeting; and
 - (3) an indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

§89.1070. Graduation Requirements.

- (a)-(c) (No change.)
- (d) Notwithstanding subsection (c)(3) of this section, a student receiving special education services classified in Grade 11 or 12 ~~[during the 2014-2015, 2015-2016, or 2016-2017 school year]~~ who has taken each of the state assessments required by Chapter 101, Subchapter CC, of this title (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments is eligible to receive an endorsement if the student has met the requirements in subsection (c)(1) and (2) of this section.
- (e) (No change.)
- (f) A student receiving special education services who entered Grade 9 before the 2014-2015 school year may graduate and be awarded a high school diploma under the Foundation High School Program as provided in §74.1021 of this title (relating to Transition to the Foundation High School Program), if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. Subsections (c) and (d) of this section apply to a student transitioning to the Foundation High School Program under this subsection. As the TEC, §28.0258 and §39.025(a-2), modify the state assessment requirements applicable to students in general education, a student receiving special education services who is classified in Grade 11 or 12 ~~[during the 2014-2015, 2015-2016, or 2016-2017 school year]~~ who has taken each of the state assessments required by Chapter 101, Subchapter CC, of this title (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments may graduate if the student has satisfied all other applicable graduation requirements.
- (g) A student receiving special education services who entered Grade 9 before the 2014-2015 school year may graduate and be awarded a regular high school diploma if the student meets one of the following conditions.
 - (1) (No change.)
 - (2) Notwithstanding paragraph (1) of this subsection, as the TEC, §28.0258 and §39.025(a-2), modify the state assessment requirements applicable to students in general education, a student receiving special education services who is classified in Grade 11 or 12 ~~[during the 2014-2015, 2015-2016, or 2016-2017 school year]~~ may graduate under the recommended or distinguished achievement high school program, as applicable, if the student has taken each of the state assessments required by Chapter 101, Subchapter CC, of this title (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments and has met all other applicable graduation requirements in paragraph (1) of this subsection.
 - (3)-(4) (No change.)
- (h)-(l) (No change.)

§89.1075. General Program Requirements and Local District Procedures.

- (a) Each school district must maintain an eligibility folder for each student receiving special education services, in addition to the student's cumulative record. The eligibility folder must include, but need not be limited to: copies of referral data; documentation of notices and consents; evaluation reports and supporting data; admission, review, and dismissal (ARD) committee reports; and the student's individualized education programs (IEPs).
- (b) For school districts providing special education services to students with visual impairments, there must be written procedures as required in the Texas Education Code (TEC), §30.002(c)(10).
- (c) Each school district must ensure that each teacher who provides instruction to a student with disabilities:
 - (1) has access to relevant sections of the student's current IEP;

- (2) is informed of the teacher's specific responsibilities related to implementation of the IEP, such as goals and objectives, and of needed accommodations, modifications, and supports for the student; and
 - (3) has an opportunity to request assistance regarding implementation of the student's IEP.
- (d) Each school district must develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting :
 - (1) to request a review of the student's IEP;
 - (2) to provide input in the development of the student's IEP;
 - (3) ~~(2)~~ that provides for a timely district response to the teacher's request; and
 - (4) ~~(3)~~ that provides for notification to the student's parent or legal guardian of that response.
- (e) Students with disabilities must have available an instructional day commensurate with that of students without disabilities. The ARD committee must determine the appropriate instructional setting and length of day for each student, and these must be specified in the student's IEP.
- (f) School districts that jointly operate their special education programs as a shared services arrangement, in accordance with TEC, §29.007, must do so in accordance with procedures developed by the Texas Education Agency (TEA).
- (g) School districts that contract for services from non-public day schools must do so in accordance with 34 Code of Federal Regulations, §300.147, and procedures developed by the TEA.

ATTACHMENT II
Text of Adopted Amendments to 19 TAC

Chapter 89. Adaptations for Special Populations

Subchapter AA. Commissioner's Rules Concerning Special Education Services

Division 7. Dispute Resolution

§89.1151. Special Education Due Process Hearings.

- (a) A parent or public education agency may initiate a due process hearing as provided in 34 Code of Federal Regulations (CFR), §300.507 and §300.508.
- (b) The Texas Education Agency will implement a one-tier system of hearings. The proceedings in hearings will be governed by the provisions of 34 CFR, §§300.507-300.515 and 300.532, if applicable, and this division.
- (c) A parent or public education agency must request a hearing within one year of the date the parent or public education agency knew or should have known about the alleged action that serves as the basis for the request, unless tolled pursuant to 50 USC, §3936, as set forth in subsection (e) of this section.
- (d) The timeline described in subsection (c) of this section does not apply to a parent if the parent was prevented from filing a request for a due process hearing due to:
 - (1) specific misrepresentations by the public education agency that it had resolved the problem forming the basis of the request for a hearing; or
 - (2) the public education agency's withholding of information from the parent that was required by 34 CFR, §300.1, et seq. to be provided to the parent.
- (e) TEA will include in the Notice of Procedural Safeguards a statement that the statute of limitations for the parent of a student to request an impartial due process hearing under 20 USC, §1415(b), may be tolled if:
 - (1) the parent is an active-duty member of the armed forces, the ommissioned orps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the United States Public Health Service; and
 - (2) 50 USC, §3936, applies to the parent.

§89.1170. Impartial Hearing Officer.

- (a) The Texas Education Agency (TEA) will maintain a pool of impartial hearing officers to conduct due process hearings. The TEA will assign cases to hearing officers who are private practice attorneys based on an alphabetical rotation. The TEA will assign cases to hearing officers who are employed by the State Office of Administrative Hearings (SOAH) in accordance with the procedures specified in the interagency contract between the TEA and SOAH. If, however, a request for a hearing relates to the same student who was involved in another hearing that was filed within the last 12 months, the TEA may [will] assign the recently filed hearing request to the same hearing officer who presided over the previous hearing. In addition, the same hearing officer may be assigned to hearings involving siblings that are filed within 12 months of each other.
- (b) If a hearing officer is also a mediator under §89.1193 of this title (relating to Special Education Mediation), that individual will not be assigned as hearing officer if he or she is the mediator in a pending mediation involving the same student who is the subject of the hearing or was the mediator in a previous mediation involving the student who is the subject of the hearing.
- (c) A hearing officer must possess the knowledge and abilities described in 34 Code of Federal Regulations, §300.511(c), and must not be:
 - (1) an employee of the TEA or the public agency that is involved in the education or care of the child who is the subject of the hearing; or

- (2) a person having a personal or professional interest that conflicts with the person's objectivity in the hearing.
- (d) A hearing officer is not an employee of the TEA solely because the individual is paid by the TEA to serve as a hearing officer.
- (e) A hearing officer has the authority to administer oaths; call and examine witnesses; rule on motions, including discovery and dispositive motions; determine admissibility of evidence and amendments to pleadings; maintain decorum; schedule and recess the proceedings from day to day; and make any other orders as justice requires, including the application of sanctions as necessary to maintain an orderly hearing process.
- (f) If a hearing officer is removed, dies, becomes disabled, or withdraws from a hearing before the completion of duties, the TEA will designate a substitute hearing officer to complete the performance of duties without the necessity of repeating any previous proceedings.
- (g) A party to a hearing who has grounds to believe that the assigned hearing officer cannot afford the party a fair and impartial hearing due to bias, prejudice, or a conflict of interest may file a written request with the assigned hearing officer asking that the hearing officer recuse himself or herself from presiding over the hearing. Any such written request must state the grounds for the request and the facts upon which the request is based. Upon receipt of a request, the assigned hearing officer must review the request and determine the sufficiency of the grounds stated in the request. The hearing officer then must prepare a written order concerning the request and serve the order on the parties to the hearing within three business days of receiving the request. If the hearing officer finds that the grounds for recusal are insufficient, the TEA will assign a second hearing officer to review the request. The second hearing officer must rule on the request and serve a written order on the parties to the hearing within three business days of receiving the assignment. If the second hearing officer also determines that the grounds for recusal are insufficient, the assigned hearing officer will continue to preside over the hearing. If either the assigned hearing officer or the second hearing officer finds that the grounds for recusal are sufficient, the TEA will assign another hearing officer to preside over the remainder of the proceedings in accordance with the procedures in subsection (a) of this section.

§89.1175. Representation in Special Education Due Process Hearings.

- (a) A party to a due process hearing may represent himself or herself or be represented by:
 - (1) an attorney who is licensed in the State of Texas; or
 - (2) an individual who is not an attorney licensed in the State of Texas but who has special knowledge or training with respect to problems of children with disabilities and who satisfies the qualifications of this section.
- (b) A party who wishes to be represented by an individual who is not an attorney licensed in the State of Texas must file a written authorization with the hearing officer promptly after filing the request for a due process hearing or promptly after retaining the services of the non-attorney representative. The party must forward a copy of the written authorization to the opposing party at the same time that the written authorization is filed with the hearing officer.
- (c) The written authorization must be on the form provided in this subsection.
Figure: 19 TAC §89.1175(c) {Figure: 19 TAC §89.1175(e)}
- (d) The written authorization must include the non-attorney representative's name and contact information and a description of the non-attorney representative's:
 - (1) special knowledge or training with respect to problems of children with disabilities;
 - (2) knowledge of the rules and procedures that apply to due process hearings, including those in 34 Code of Federal Regulations, §§300.507-300.515 and 300.532, if applicable, and this division;
 - (3) knowledge of federal and state special education laws, regulations, and rules; and
 - (4) educational background.
- (e) The written authorization must state the party's acknowledgment of the following:

- (1) the non-attorney representative has been given full authority to act on the party's behalf with respect to the hearing;
- (2) the actions or omissions by the non-attorney representative are binding on the party, as if the party had taken or omitted those actions directly;
- (3) documents are deemed to be served on the party if served on the non-attorney representative;
- (4) communications between the party and a non-attorney representative are not generally protected by the attorney-client privilege and may be subject to disclosure during the hearing proceeding;
- (5) neither federal nor state special education laws provide for the recovery of fees for the services of a non-attorney representative; and
- (6) it is the party's responsibility to notify the hearing officer and the opposing party of any change in the status of the authorization and that the provisions of the authorization will remain in effect until the party notifies the hearing officer and the opposing party of the party's revocation of the authorization.

(f) If the non-attorney representative receives monetary compensation in exchange for representing the party in the due process hearing, the written authorization must affirm the following:

- (1) the non-attorney representative has agreed to abide by a voluntary code of ethics and professional conduct during the period of representation; and
- (2) the non-attorney representative and the party have entered into a confidential, written representation agreement that includes a process for resolving any disputes that may arise between the non-attorney representative and the party.

(g) ~~(f)~~ The written authorization must be signed and dated by the party.

(h) ~~(g)~~ An individual is prohibited from being a party's representative under subsection (a)(2) of this section if the individual has prior employment experience with the school district and the school district raises an objection to the individual serving as a representative based on the individual's prior employment experience. No other objections to a party's representation by a non-attorney are permitted under this section.

(i) ~~(h)~~ Upon receipt of a written authorization filed under this section, the hearing officer must promptly determine whether the non-attorney representative is qualified and meets the requirements to represent the party in the hearing and must notify the parties in writing of the determination. A hearing officer's determination is final and not subject to review or appeal.

(j) ~~(i)~~ A non-attorney representative may not file pleadings or other documents on behalf of a party, present statements and arguments on behalf of a party, examine and cross-examine witnesses, offer and introduce evidence, object to the introduction of evidence and testimony, or engage in other activities in a representative capacity unless the hearing officer has reviewed a written authorization filed under this section and determined that the non-attorney representative is qualified to represent the party in the hearing.

(k) ~~(j)~~ In accordance with the Texas Education Code, §38.022, a school district may require an attorney or a non-attorney representative who enters a school campus to display his or her driver's license or another form of government-issued identification. A school district may also verify whether the representative is a registered sex offender and may apply a policy adopted by its board of trustees regarding the action to be taken when a visitor to a school campus is identified as a sex offender.

Section II

A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable	Assurances Related to Policies and Procedures
	✓ January 10, 2019	1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.
✓		2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)
	✓ January 10, 2019	3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.
✓		4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.324, except as provided in §§300.300(b)(3) and 300.300(b)(4). (20 U.S.C. 1412(a)(4); 34 CFR §300.112)
✓		5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be

Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable	Assurances Related to Policies and Procedures
		achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.
✓		6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
✓		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
✓		8. Agencies in the State comply with 34 CFR §§300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
✓		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
✓		10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §§300.130 through 300.148 (relating to responsibilities for children in private schools), including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)

Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable	Assurances Related to Policies and Procedures
	✓ January 10, 2019	11. The State educational agency is responsible for ensuring that the requirements of Part B are met including the requirements of 34 CFR §§300.113, 300.149, 300.150 through 300.153, and 300.175 and 300.176 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)
✓		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(1)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under §300.154(a)(3). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
✓		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
✓		14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E); 34 CFR §300.156.
✓		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C); 34 CFR §300.157.
✓		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); 34 CFR §300.160.

Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable	Assurances Related to Policies and Procedures
✓		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.
✓		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year, unless a waiver is granted, in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.
✓		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
✓		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
✓		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
✓		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
✓		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.

Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable	Assurances Related to Policies and Procedures
		23b. (Note: Check either "23b.1" or "23b.2" whichever applies.)
✓		<p>23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to:</p> <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or • purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)
		23b.2 The State educational agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)
✓		24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)
✓		25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.

B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
✓	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
✓	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
✓	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
✓	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

C. Certifications

The State is providing the following certifications:

Yes	
✓	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i>, the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p>
✓	2. The State certifies that certification in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §76.104 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.
✓	3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A); 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.

D. Statement


I certify that the State of Texas can make the assurances checked as 'yes' in Section II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of the Part B of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2019. (34 CFR §76.104)

I, the undersigned authorized official of the

State of Texas, Texas Education Agency,
(Name of State and official name of State agency)

am designated by the Governor of this State to submit this application for FFY 2018 funds under Part B of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:	
Mary Ann Uranga Gill, Associate Commissioner of Finance Administration, Texas Education Agency	
Signature: 	Date: 5/15/18

Section III

Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act—20 U.S.C. 1411(e)(5); 34 CFR §300.171

States must provide the Description of Use of Funds by completing and submitting the Excel Interactive Spreadsheet with the FFY 2018 Application.

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7)) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).¹ The dollar amounts listed in the Excel Interactive Spreadsheet by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

Enter whole dollar amounts (do not enter cents) in appropriate cells on the State's Excel Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State's application.

Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR §300.704)

An ongoing self-assessment process titled the Texas Continuous Improvement Process (TCIP) helps determine how the state is doing in the provision of Special Education. To perform the self-assessment, the Texas Education Agency (TEA) meets with a variety of stakeholders: the Texas Continuous Improvement Steering Committee, the Continuing Advisory Committee, High Cost Funds Committee, teachers, superintendents, Local Education Agency (LEA) representatives, advocacy organizations, parent groups, and others to review data and current activities related to the 17 performance and compliance indicators in the State Performance Plan (SPP)/Annual Performance Report (APR). These groups provide information related to the use of IDEA-B funds in subject areas such as Access to the General Curriculum, Assistive Technology, Behavior and Discipline Management, Early Childhood, Evaluation, Parent Coordination, State Supervision, Statewide Leadership for Autism, Multicultural and Diverse Learners and Secondary Transition, among others.

Additionally, TEA will provide ongoing opportunities to gather input on selected State Performance Indicators from a variety of stakeholders which includes parents, teachers, LEA administrators, disability organizations, and community agencies as well as the general public on topics to be determined.

¹ Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

Texas**FFY 2018****REGULAR AWARD AMOUNT Est.** \$1,068,318,575**TOTAL AWARD AMOUNT** \$1,068,318,575**ADMINISTRATION****Maximum Available for Administration.** **Sec. III** \$18,986,868**How much do you want to set aside for Administration in dollars?** **OK****You must distribute, in whole dollars, the amount you want to set aside for Administration among the following activities:** 18,986,868

For the purpose of administering IDEA Part B including Preschool Grants under 20 U.S.C. 1419, a High Cost Fund, and the coordination of activities under Part B with, and providing technical assistance to, other programs that provide services to children with disabilities. (Note: These funds may be used for Administering but not Financing a High Cost Fund)

a.

For the administration of Part C of IDEA, if the SEA is the Lead Agency for the State under Part C.

b.

You may set aside a portion of your Administration funds resulting from inflation for the following 4 Other State-Level Activities. Additional funds for these purposes may also be set aside under Other State-Level Activities. Based on the amount that you propose to set aside for Administration, the maximum amount of Administration funds that you may use for these 4 activities is:

\$4,772,543

For support and direct services, including technical assistance, personnel preparation, and professional development and training.

c.

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

d.

To assist local educational agencies in meeting personnel shortages.

e.

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

f. **Subtotal, Administration funds used for Other State-Level Activities** \$0 **OK**

If you receive a Preschool Grant under 20 U.S.C. 1419, you may use Administration funds, along with other funds, to develop and implement a State policy jointly with the lead agency under Part C and the SEA to provide early intervention services (which must include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under the Preschool Grant program and who previously received services under Part C until such children enter, or are eligible under State law to enter, kindergarten, or elementary school as appropriate.

g.

The total of details for your Administration set-aside is

\$18,986,868 OK

OTHER STATE-LEVEL ACTIVITIES

If you propose to set aside more than \$850,000 for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$110,193,004

Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

If you propose to set aside more than \$850,000 for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$99,173,703

If you propose to set aside \$850,000 or less for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$115,702,654

Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

If you propose to set aside \$850,000 or less for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$104,683,354

Do you wish to use funds for a High Cost Fund? (Yes or No)

Yes

Based on the amount that you intend to set aside for Administration, the size of your total award, and your decision TO use set aside funds to support a High Cost Fund, the maximum that you may use for Other State-Level Activities is:

\$110,193,004

How much do you want to set aside for Other State-Level Activities?

\$110,193,004 OK

You must distribute the amount you want to set aside for Other State-Level Activities the following activities. You can distribute amounts in any order you wish. The total balance remaining to be distributed at any time appears in red.

How much do you want to use for the High Cost Fund?

You must use at least

\$11,019,300

\$11,019,300

OK

Required Activities:

\$0 More needs to be distributed.

For monitoring, enforcement, and complaint investigation. (You must use at least \$1 for this purpose)

h. \$1

To establish and implement the mediation process required by 20 U.S.C. 1415(e), including providing for the cost of mediators and support personnel. (You must use at least \$1 for this purpose)

i. \$1

\$0 More needs to be distributed.

Optional Authorized Activities:

\$0 More needs to be distributed.

For support and direct services, including technical assistance, personnel preparation, and professional development and training	j. <input type="text" value="\$73,907,234"/>	
To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.	k. <input type="text"/>	\$0 More needs to be distributed.
To assist local educational agencies in meeting personnel shortages.	l. <input type="text"/>	\$0 More needs to be distributed.
To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.	m. <input type="text" value="\$5,578,155"/>	\$0 More needs to be distributed.
To support paperwork reduction activities, including expanding the use of technology in the IEP process.	n. <input type="text"/>	\$0 More needs to be distributed.
To improve the use of technology in the classroom by children with disabilities to enhance learning.	o. <input type="text"/>	\$0 More needs to be distributed.
To support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities.	p. <input type="text" value="\$5,688,313"/>	\$0 More needs to be distributed.
Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities.	q. <input type="text"/>	\$0 More needs to be distributed.
Alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools.	r. <input type="text"/>	\$0 More needs to be distributed.
To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with Sections 1111(b) and 1201 of the Elementary and Secondary Education Act of 1965.	s. <input type="text" value="\$14,000,000"/>	\$0 More needs to be distributed.
To provide technical assistance to schools and LEAs, and direct services, including direct student services described in section 1003A(c)(3) of the ESEA to children with disabilities, to schools or LEAs implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the ESEA on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement based on the challenging academic standards described in section 1111(b)(1) of the ESEA.	t. <input type="text"/>	\$0 More needs to be distributed.

The total of details for your Other State-Level Activities set-aside is \$110,193,004 OK

You are almost done.

If you are using money for a High Cost Fund. You must report how much you will use for each of the following two activities. You reported that you would use \$11,019,300

To establish and make disbursements from the high cost fund to local educational

agencies in accordance with 20 U.S.C. 1411(e)(3) during the first and succeeding fiscal years of the high cost fund.

u.

To support innovative and effective ways of cost sharing by the State, by an LEA, or among a consortium of LEAs, as determined by the State in coordination with representatives from LEAs, subject to 20 U.S.C. 1411(e)(3)(B)(ii) (Amount may not be more than 5% of the amount reserved for the LEA Risk Pool.)

v.

Establishment of High Cost Fund (20 U.S.C. 1411(e)(3)(B)(i) - A State shall not use any of the funds the State reserves pursuant to 20 U.S.C. 1411(e)(3)(A)(i), but may use the funds the State reserves under 20 U.S.C. 1411(e)(1), to establish and support the high cost fund.

Subtotal, High Cost Fund

\$11,019,300

OK

Section IV

State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local education agencies in writing of such State-imposed rules, regulation or policy. (20 U.S.C. 1407(a); 34 CFR §300.199)

Texas State rule not required by IDEA or Federal regulations

- §89.61. Contracting for Residential Educational Placements for Students with Disabilities.
- §89.62. Support of Students Enrolled in the Texas School for the Blind and Visually Impaired
and Texas School for the Deaf.
- §89.63. Instructional Arrangements and Settings.
- §89.1011. Full and Individual Initial Evaluation.
- §89.1035. Age Ranges for Student Eligibility.
- §89.1040. Eligibility Criteria.
- §89.1047. Procedures for Surrogate and Foster Parents.
- §89.1049. Parental Rights Regarding Adult Students.
- §89.1050. The Admission, Review, and Dismissal Committee.
- §89.1052. Discretionary Placements in Juvenile Justice Alternative Education Programs.
- §89.1053. Procedures for Use of Restraint and Time-Out.
- §89.1055. Content of the Individualized Education Program.
- §89.1056. Transfer of Assistive Technology Devices.
- §89.1065. Extended School Year Services.
- §89.1070. Graduation Requirements.
- §89.1075. General Program Requirements and Local District Procedures.
- §89.1076. Interventions and Sanctions.
- §89.1080. Regional Day School Program for the Deaf.
- §89.1085. Referral for the Texas School for the Blind and Visually Impaired and the Texas
School for the Deaf Services.
- §89.1090. Transportation of Students Placed in a Residential Setting, Including the Texas
School for the Blind and Visually Impaired and the Texas School for the Deaf.

§89.1096. Provision of Services for Students Placed by their Parents in Private Schools or Facilities.

§89.1100. Memorandum of Understanding on Coordination of Services to Disabled Persons.

§89.1115. Memorandum of Understanding Concerning Interagency Coordination of Special Education Services to Students with Disabilities in Residential Facilities.

§89.1121. Distribution of State Funds.

§89.1125. Allowable Expenditures of State Special Education Funds.

§89.1131. Qualifications of Special Education, Related Service, and Paraprofessional Personnel.

§89.1141. Education Service Center Regional Special Education Leadership.

§89.1150. General Provisions.

§89.1151. Special Education Due Process Hearings.

§89.1165. Request for Special Education Due Process Hearing.

§89.1170. Impartial Hearing Officer.

§89.1175. Representation in Special Education Due Process Hearings.

§89.1180. Prehearing Procedures.

§89.1183. Resolution Process.

§89.1185. Hearing Procedures.

§89.1186. Extensions of Time.

§89.1191. Special Rule for Expedited Due Process Hearings.

§89.1193. Special Education Mediation.

§89.1195. Special Education Complaint Resolution.

§89.1196. Individualized Education Program Facilitation.

§89.1197. State Individualized Education Program Facilitation.

Section V

Maintenance of State Financial Support

Pursuant to the authority established in IDEA section 618(a)(3), each applicant for funds under section 611 must provide the following State fiscal data with a certification of its accuracy by the State budget office or an authorized representative thereof. Amounts should be shown in whole dollars and are for the State fiscal year.

	Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities
SFY 2016	1,579,476,047
SFY 2017	1,537,881,721

Note: The amounts listed in Part V of the State's IDEA-B application reflect calculations derived from a methodology accepted by USDE but do not reflect TEA's interpretation of MFS statutory and regulatory provisions, as argued in TEA's pending MFS appeal.

Mary Ann Uranga Gill, Associate Commissioner of Finance Administration, Texas Education Agency
State Budget Officer or Authorized Representative (Printed Name)


Signature of State Budget Officer or Authorized Representative

5/15/18
Date

The retail credit card annual rate as prescribed by §303.009¹ for the period of 04/01/18 - 06/30/18 is 18% for Consumer/Agricultural/Commercial credit through \$250,000.

The judgment ceiling as prescribed by §304.003 for the period of 03/01/18 - 03/31/18 is 5.00% for Consumer/Agricultural/Commercial credit through \$250,000.

The judgment ceiling as prescribed §304.003 for the period of 03/01/18 - 03/31/18 is 5.00% for Commercial over \$250,000.

¹ Credit for personal, family or household use.

² Credit for business, commercial, investment or other similar purpose.

³ For variable rate commercial transactions only.

⁴ Only for open-end credit as defined in §301.002(14), Texas Finance Code.

TRD-201800853

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: February 27, 2018

Texas Education Agency

Public Notice Announcing the Availability of the Proposed Texas Individuals with Disabilities Education Improvement Act of 2004 Eligibility Document: State Policies and Procedures

Purpose and Scope of the Part B Federal Fiscal Year (FFY) 2018 State Application and its Relation to Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA Part B). The Texas Education Agency (TEA) is inviting public comment on its Proposed State Application under IDEA Part B. The annual grant application provides assurances that the state's policies and procedures in effect are consistent with the federal requirements to ensure that a free appropriate public education is made available to all children with a disability from 3 to 21 years of age, including children who have been suspended or expelled from school. 34 Code of Federal Regulations, §300.165, requires that states conduct public hearings, ensure adequate notice of those hearings, and provide an opportunity for public comment, including comment from individuals with disabilities and parents of children with disabilities, before adopting policies and procedures.

Availability of the State Application. The Proposed State Application is available on the TEA website at http://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Programs_and_Services/Annual_State_Application_under_IDEA_Part_B_and_IDEA_Eligibility_Documentation/. Instructions for submitting public comments are available from the same site. The Proposed State Application will also be available at the 20 regional education service centers and at the TEA Library (Ground Floor, Room G-102), William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. Parties interested in reviewing the Proposed State Application at the William B. Travis location should contact the TEA Division of Special Education at (512) 463-9414.

Procedures for Submitting Written Comments. The TEA will accept written comments pertaining to the Proposed State Application by mail to the TEA, Division of Special Education, 1701 North Congress Avenue, Austin, Texas 78701-1494 or by email to spedrule@tea.texas.gov.

Timetable for Submitting the State Application. After review and consideration of all public comments, the TEA will make necessary or appropriate modifications and will submit the State Application to the U.S. Department of Education on or before May 18, 2018.

For more information, contact the TEA Division of Special Education by mail at 1701 North Congress Avenue, Austin, Texas 78701; by telephone at (512) 463-9414; by fax at (512) 463-9560; or by email at spedrule@tea.texas.gov.

TRD-201800861

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: February 28, 2018

Texas Board of Professional Engineers

Engineering Advisory Opinion Request 43

Request:

The Texas Board of Professional Engineers (Board) received a request from John Turner, P.E. asking the following question:

Are licensed real estate inspectors following the Texas Real Estate Commission (TREC) Standards of Practice (SOPs) performing the work of Professional Engineers when "rendering an opinion as to the performance of the foundation"?

Background:

Foundation inspection and/or analysis is required for a variety of purposes. Analyzing the cause of a condition, recommendations for repair, or providing any other expert engineering opinion associated with a foundation would be considered the practice of engineering per the Texas Engineering Practice Act §1001.003(c)(1) and could warrant disciplinary action from the Texas Board of Professional Engineers if conducted by an individual unlicensed as a Professional Engineer (PE).

Texas Real Estate Commission (TREC) Rule 22 TAC §535.227 specifies the Standards of Practice for licensed TREC Inspectors. §535.227(a)(1)(C) states that a real estate inspection is "(A) a limited visual survey and basic performance evaluation of the systems and components of a building using normal controls that provides information regarding the general condition of a residence at the time of inspection"; and "(B) is not intended to be a comprehensive investigation or exploratory probe to determine the cause or effect of deficiencies noted by the inspector." It is important to note that "deficiency" noted by a TREC inspector on his or her Property Inspection Report is intended to only be an indicator of visible conditions or symptoms observed by an inspector that may warrant further evaluation by another qualified service professional.

A TREC licensed inspector is required to render an opinion on the performance of a foundation based on visible conditions or symptoms as noted in TREC rule §535.228(a)(1)(A); however, per the TREC Standards of Practice, a TREC licensed inspector is not required to analyze or determine the cause of a potential failure or recommend any required corrective action.

The TREC Standards of Practice, §535.227(d) annotates "General limitations" and specifies that the inspector is not required to determine:

- "the cause or source of a condition" (d)(3)(D); and
- "the cause or effect of deficiencies" (d)(3)(E).



[Home](#) / [Academics](#) / [Special Student Populations](#) / [Special Education](#) / [Programs and Services](#)

Annual State Application under IDEA Part B and IDEA Eligibility Documentation

All states must ensure that the state has on file with the Secretary of the U.S. Department of Education (USDE) assurances that the state meets or will meet all of the eligibility requirements of Part B of the Individuals with Disabilities Education (IDEA) Act as amended in 2004 by Public Law 108-446. A state may do this by one of the following methods:

- provide assurances in the Part B State Application that it has in effect policies and procedures to meet the requirements;
- provide assurances in the State Application that the state will operate consistent with all the requirements of Public Law 108-446 and applicable [regulations](#) and make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of IDEA, as amended; or
- submit modifications to state policies and procedures previously submitted to the USDE.

For the state of Texas to receive its IDEA Part B grant funds each federal fiscal year, TEA must complete an application packet and submit it to the USDE Office of Special Education Programs (OSEP).

Public Review and Comment Period

Prior to submission to OSEP, the [State Application \(Texas\)](#) will be available on this web page for public review for 60 days. Within that 60-day time period, there will be a 30-day public comment period. Additionally, the TEA will provide individuals with opportunities to testify on the Proposed State Application and the state's policies and procedures for implementing IDEA Part B if the requirements under Texas Government Code, Title 10.

General Government, Subtitle A. Administrative Procedure and Practice, Chapter 2001. Administrative Procedure, Subchapter A. General Provisions, § 2001.029(b) are met . Parties interested in testifying are encouraged to also include written testimony.

Public Comment Process

The TEA will accept written comments pertaining to the Proposed State Application by mail to Policy Team, TEA Division of Special Education, 1701 North Congress Ave., Austin, Texas 78701-1494 or by e-mail to spedrule@tea.texas.gov. Individuals are encouraged to use the comment form provided on this web page. Deadline for submitting public comment is April 30, 2018.

Instructions for the Comment Form

The Proposed State Application Comment Submission Cover Sheet states the number of pages included in the submission and, as applicable, name, title, organization, address, city, zip, work phone, home phone, fax number, and email address.

The Public Comment Sheet for the Proposed State Application page requires the submitter's name, the section and page number within the state application and related comment. This page may be duplicated for additional comments.

[Comment Form](#) (Word)

[Comment Form](#) (PDF)

 [Print](#)

PROPOSED STATE APPLICATION PUBLIC COMMENT SUBMISSION COVER SHEET

MAIL TO:	Policy Team Texas Education Agency Division of Special Education 1701 North Congress Ave. Austin, Texas 78701-1494	
FAX TO:	Policy Team @ (512) 463-9560 Please indicate total number of pages:	
EMAIL TO:	spedrule@tea.texas.gov This cover sheet and the comment sheet are both available on the special education Web page at http://tea.texas.gov/index2.aspx?id=2147493812 . Each may be downloaded and completed offline and submitted as an attachment to an e-mail message.	
FROM:	PLEASE PRINT	
	NAME	
	TITLE	
	ORGANIZATION	
	ADDRESS	
	CITY	
	ZIP	
	WORK PHONE	
	HOME PHONE	
	FAX NUMBER	
	EMAIL ADDRESS	

NAME FROM (Please Match with Submission Cover Sheet)		PUBLIC COMMENT SHEET FOR THE PROPOSED STATE APPLICATION Deadline: April 30, 2018	MAIL Policy Team Texas Education Agency Division of Special Education 1701 North Congress Ave. Austin, Texas 78701-1494
			FAX (512) 463-9560 EMAIL spedrule@tea.texas.gov
Section + Page # (e.g. Section II-6)	Comment		