

**Chapter 89. Adaptations for Special Populations**

**Subchapter AA. Commissioner's Rules Concerning Special Education Services**

**Division 1. General Provisions**

**§89.1001. Scope and Applicability.**

*Statutory Authority: The provisions of this §89.1001 issued under Texas Education Code, §§29.001,29.003, 29.005, 29.012, 29.013, 29.014, 30.002, 30.003,30.005, 30.021, 30.051, 30.057, and 30.083, and 34 Code of Federal Regulations, §§300.8, 300.101, 300.111, 300.121, 300.124, 300.129, 300.147, 300.149, 300.500, and 300.600.*

*Source: The provisions of this §89.1001 adopted to be effective September 1, 1996, 21 TexReg 7240; amended to be effective March 6, 2001, 26 TexReg 1837; amended to be effective March 14, 2021, 46 TexReg 1466; amended to be effective August 22, 2024, 49 TexReg 2910.*







*Statutory Authority: The provisions of this §89.1005 issued under Texas Education Code, §29.001 and §48.102, and 34 Code of Federal Regulations, §300.115.*

*Source: The provisions of this §89.1005 adopted to be effective March 14, 2021, 46 TexReg 1466; amended to be effective October 5, 2021, 46 TexReg 6533; amended to be effective August 22, 2024, 49 TexReg 2910.*

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

**§89.1011. Full Individual and Initial Evaluation.**



















**§89.1047. Procedures for Special Education Decision-Making**











**§89.1052. Discretionary Placements in Juvenile Justice Alternative Education Programs.**





















*Statutory Authority: The provisions of this §89.1056 issued under Texas Education Code, §29.001 and §30.0015.*

*Source: The provisions of this §89.1056 adopted to be effective March 6, 2001, 26 TexReg 1837; amended to be effective November 11, 2007, 32 TexReg 8129.*

**§89.1065. Extended School Year Services.**









## **Commissioner's Rules Concerning Special Education Services**













*Statutory Authority: The provisions of this §89.1092 issued under Texas Education Code, §§29.001, 29.008, and 48.102, and 34 Code of Federal Regulations, §§300.101, 300.129, and 300.147.*

*Source: The provisions of this §89.1092 adopted to be effective March 14, 2021, 46 TexReg 1466; amended to be effective August 22, 2024, 49 TexReg 2910.*

**§89.1094. Contracting for Nonpublic or Non-District Operated Day Placements for the Provision of a Free Appropriate Public Education (FAPE).**







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













*Statutory Authority: The provisions of this §89.1115 issued under Texas Education Code, §29.001 and §29.012.*

*Source: The provisions of this §89.1115 adopted to be effective August 6, 2002, 27 TexReg 6851.*

#### **Division 4. Special Education Funding**

##### **§89.1121. Distribution of State Funds.**









*Source: The provisions of this §89.1151 adopted to be effective March 6, 2001, 26 TexReg 1837; amended to be effective December 30, 2001, 26 TexReg 10536; amended to be effective November 11, 2007, 32 TexReg 8129; amended to be effective November 28, 2012, 37 TexReg 9360; amended to be effective December 31, 2013, 38 TexReg 9552; amended to be effective March 1, 2017, 42 TexReg 760; amended to be effective February 15, 2018, 43 TexReg 766; amended to be effective June 7, 2022, 47 TexReg 3249.*

**§89.1165. Request for Special Education Due Process Hearing.**

*Statutory Authority: The provisions of this §89.1165 issued under Texas Education Code, §29.001, and 34 Code of Federal Regulations, §300.507.*

*Source: The provisions of this §89.1165 adopted to be effective March 6, 2001, 26 TexReg 1837; amended to be effective November 11, 2007, 32 TexReg 8129; amended to be effective November 28, 2012, 37 TexReg 9360; amended to be effective December 31, 2013, 38 TexReg 9552; amended to be effective March 1, 2017, 42 TexReg 760; amended to be effective March 14, 2021, 46 TexReg 1466.*

**§89.1170. Impartial Hearing Officer.**

*Statutory Authority: The provisions of this §89.1170 issued under Texas Education Code, §29.001, and 34 Code of Federal Regulations, §300.511.*

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*Statutory Authority: The provisions of this §89.1175 issued under Texas Education Code, §29.001 and §29.0162, and 34 Code of Federal Regulations, §300.512.*

*Source: The provisions of this §89.1175 adopted to be effective December 31, 2013, 38 TexReg 9552; amended to be effective March 1, 2017, 42 TexReg 760; amended to be effective February 15, 2018, 43 TexReg 766.*

**§89.1180. Prehearing Procedures.**







*amended to be effective November 11, 2007, 32 TexReg 8129; amended to be effective November 28, 2012, 37 TexReg 9360; amended to be effective December 31, 2013, 38 TexReg 9552; amended to be effective March 1, 2017, 42 TexReg 760.*

**§89.1186. Extensions of Time.**

*Statutory Authority: The provisions of this §89.1186 issued under Texas Education Code, §29.001, and 34 Code of Federal Regulations, §300.515.*

*Source: The provisions of this §89.1186 adopted to be effective December 31, 2013, 38 TexReg 9552; amended to be effective March 1, 2017, 42 TexReg 760.*

**§89.1191. Special Rule for Expedited Due Process Hearings.**



*Statutory Authority: The provisions of this §89.1193 issued under Texas Education Code, §29.001, and 34 Code of Federal Regulations, §300.506.*

*Source: The provisions of this §89.1193 adopted to be effective December 31, 2013, 38 TexReg 9552; amended to be effective March 1, 2017, 42 TexReg 760; amended to be effective March 14, 2021, 46 TexReg 1466.*

**§89.1195. Special Education Complaint Resolution.**











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