

Proposed repeal of 19 TAC Chapter 89 Adaptations for Special Populations, Subchapter D Special education Services and Settings, §89.61, Contracting for Residential Educational Placements for Students with Disabilities and §89.63, Instructional Arrangements and Settings, or Proposed Repeal of 19 TAC §§89.61 and 89.63.

- HB 3 redesignated TEC, §42.151, as TEC, §48.102, and amended the statute to transfer rulemaking authority related to residential placements and instructional arrangements from the SBOE to the commissioner of education. The repeal of 19 TAC §§89.61 and 89.63 is necessary, as statutory authority for the rules no longer exists.
- The proposed repeal would implement House Bill (HB) 3, 86th Texas Legislature, 2019, which removed the State Board of Education's (SBOE's) rulemaking authority related to instructional arrangements in special education.
- The statutory authority is Texas Education Code (TEC), §48.102(e) and (g), as amended and redesignated by HB 3, 86th Texas Legislature, 2019.
 - TEC, §48.102(e), as amended and redesignated by HB 3, requires the commissioner of education by rule to prescribe the qualifications and instructional arrangements that must be met in order to be funded as a particular instructional arrangement under TEC §48.102.
 - TEC, §48.102(g), as amended and redesignated by HB 3, requires the commissioner of education to adopt rules governing contracts for residential placement of special education students.