

## USE OF STATE SPECIAL EDUCATION FUNDS

Authorities: 34 CFR Part 300; Texas Education Code; 19 TAC Chapters 89 and 105

### [Additional Resources](#)

DOCUMENT/ PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
	<b>SPECIAL EDUCATION GRANT</b>	
P	Special education grants will be made available to local education agencies (LEAs) from funds appropriated, federal funds, or any other funds available, to assist LEAs in covering the cost of educating children with disabilities.	<a href="#">TEC 29.018(a)</a>
P	The LEA is eligible to apply for a special education grant if:	<a href="#">TEC 29.018(b)</a>
P	<ul style="list-style-type: none"> <li>The LEA does not receive sufficient funds, including state funds and federal funds, for the child with disabilities to pay for the special education services provided to the child; or</li> </ul>	<a href="#">TEC 29.018(b)(1)</a> <a href="#">TEC 48.102</a>
P	<ul style="list-style-type: none"> <li>The LEA does not receive sufficient funds, including state funds and federal funds, for all children with disabilities in the LEA to pay for the special education services provided to the children.</li> </ul>	<a href="#">TEC 29.018(b)(2)</a> <a href="#">TEC 48.102</a>
P	The LEA that applies for a special education grant must provide a report comparing the state and federal funds received by the LEA for children with disabilities and the expenses incurred by the LEA in providing special education services to children with disabilities.	<a href="#">TEC 29.018(c)</a>
P	The cost of training personnel to provide special education services to the child with disabilities are expenses that may be included by the LEA when applying for a special education grant.	<a href="#">TEC 29.018(d)</a>
P	The LEA that receives a special education grant must educate children with disabilities in the <u>LEAST RESTRICTIVE ENVIRONMENT</u> that is appropriate to meet the children's educational needs.	<a href="#">TEC 29.018(e)</a>
	<b>ACCOUNTABILITY FOR FUNDS</b>	
P	The receipt of special education funds is contingent upon the operation of an approved comprehensive special education program in accordance with state and federal laws and regulations.	<a href="#">89.1121(d)</a>

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P	At least 55 percent of the state special education funds must be used in the special education program.	<a href="#">TEC 48.102(h)</a>
P	No LEA may divert special education funds for other purposes, with the exception of administrative costs relating to maximum indirect cost allowable on certain foundation school program allotments.	<a href="#">89.1121(d)</a> <a href="#">105.11</a>
P	Funds generated by full-time equivalents in one instructional arrangement may be spent on the overall special education program and are not limited to the instructional arrangement which generated the funds.	<a href="#">89.1121(d)</a>
P	The LEA must maintain separate accountability for the total state special education program fund within the general fund.	<a href="#">89.1121(d)</a>
P	The commissioner by rule will prescribe the qualifications an instructional arrangement must meet in order to be funded as a particular instructional arrangement.	<a href="#">TEC 48.102(e)</a> <del><a href="#">89.631005</a></del> <a href="#">300.114(b)</a>
P	In prescribing the qualifications that a mainstream instructional arrangement must meet, the commissioner will establish requirements that children with disabilities and their teachers receive the direct, indirect, and support services that are necessary to enrich the regular classroom and enable success of the child.	<a href="#">TEC 48.102(e)</a>
P	A special education fund balance may be carried over to the next fiscal year, but the balance must be expended on the special education program in the subsequent year.	<a href="#">89.1121(e)</a>
P	State special education carry-over funds cannot be used for administrative costs.	<a href="#">89.1121(e)</a>
<b>USE OF FUNDS FOR PERSONNEL</b>		
P	Persons paid from special education funds must be assigned to instructional or other duties in the special education program and/or to provide support services to the regular education program in order for children with disabilities to be included in the regular program.	<a href="#">89.1125(a)</a>
P	Support services must include, but not be limited to, collaborative planning, co-teaching, small group instruction with children in special education and regular education, direct instruction to children in special education, or other support services determined necessary by the admission, review, and dismissal committee for an appropriate program for the child with disabilities.	<a href="#">89.1125(a)</a>

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P	Assignments may include duties supportive to school operations equivalent to those assigned to regular education personnel.	<a href="#">89.1125(a)</a>
P	Personnel assigned to provide support services to the regular education program may be fully funded from special education funds.	<a href="#">89.1125(b)</a>
P	If personnel are assigned to special education on less than a full-time basis, only that portion of time for which the personnel are assigned to children with disabilities may be paid from state special education funds.	<a href="#">89.1125(c)</a>
<b>USE OF FUNDS FOR MATERIALS, SUPPLIES, AND EQUIPMENT</b>		
P	State special education funds may be used for special materials, supplies, and equipment which are directly related to the development and implementation of individualized education programs (IEP) of children and which are not ordinarily purchased for the regular classroom.	<a href="#">89.1125(d)</a>
P	Office and routine classroom supplies are not allowable.	<a href="#">89.1125(d)</a>
P	The use of special equipment must comply with the <a href="#">ADMINISTRATION OF EQUIPMENT</a> framework.	<a href="#">89.1125(d)</a>
<b>USE OF FUNDS FOR CONTRACT SERVICES</b>		
P	State special education funds may be used to contract with consultants to provide staff development, program planning and evaluation, instructional services, assessments, and related services to children with disabilities.	<a href="#">89.1125(e)</a>
P	The LEA may use an amount not to exceed 20 percent of the allotment for dyslexia services provided for a qualifying child to contract with a private provider to provide supplemental academic services to the child that are recommended under the child's IEP or Section 504 plan. A child may not be excused from school to receive these supplemental academic services provided by contract with a private provider.	<a href="#">TEC 48.103(d)</a>
<b>USE OF FUNDS FOR TRAVEL</b>		
P	State special education funds may be used to pay staff travel to perform services directly related to the education of eligible children with disabilities.	<a href="#">89.1125(g)</a>
P	Funds may also be used to pay travel of staff, including administrators, general education teachers, and special education teachers and service providers to attend staff development meetings for the purpose of improving	<a href="#">89.1125(g)</a>

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	performance in assigned positions directly related to the education of eligible children with disabilities.	
P	The purpose for attending such staff development meetings must not include time spent in performing functions relating to the operation of professional organizations.	<a href="#">89.1125(g)</a>
P	Funds may also be used to pay for the joint training of parents and special education, related services, and general education personnel.	<a href="#">89.1125(g)</a>
P	To use state special education funds for transportation to and from a residential facility, the LEA must comply with the <a href="#">USE OF FUNDS FOR CONTRACT SERVICES INCLUDING RESIDENTIAL PLACEMENTS</a> framework.	<a href="#">89.1125(f)</a>

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