

Section 4 Special Education

This section addresses unique provisions for special education. They must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

Note: In this handbook, the term “instructional setting” means the same as the term “instructional arrangement/setting.”

Important: See Section 3 for general attendance requirements that apply to all program areas, including special education.

4.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all special education coding questions should be directed:

Name: Deanna Burt

Phone Number: 855-467-0030

4.2 Special Education and Eligibility

This subsection explains which students are eligible for special education and must be provided special education services by your school district. It also describes the requirements that must be met for students who are receiving special education services to be eligible for funding.

To be eligible to receive special education services, a student must be a child with a disability.¹¹⁶ The determination of whether a student is eligible for special education and related services is made by the student’s individualized family services plan (IFSP) committee (for children from birth through age 2) or admission, review, and dismissal (ARD) committee (for a student aged 3 years or older).¹¹⁷

¹¹⁶ The term “child with a disability” is defined in 34 Code of Federal Regulations (CFR), §300.8(a), subject to the provisions of 34 CFR, §300.8(c); the Texas Education Code (TEC), [§29.003](#); and 19 Texas Administrative Code (TAC) [§89.1040](#).

¹¹⁷ 19 TAC [§89.1040](#)

Your district must make special education services available to the following:

- an eligible student beginning on his or her third birthday;
- an eligible student who has not reached his or her twenty-second birthday on September 1 of the current school year and who has not received a regular high school diploma; and
- an eligible student who meets all three of the following requirements:
 - the student has not reached his or her twenty-second birthday on September 1 of the current school year;
 - the student has received a regular high school diploma under 19 TAC [§89.1070\(b\)\(2\)](#) and [§89.1070\(g\)\(4\)](#), and
 - the student is returning to school under 19 TAC [§89.1070\(k\)](#).

Your district also must make special education services available to an infant or toddler (child from birth through age 2) who has a visual or auditory impairment and whom an IFSP committee has determined to be eligible for special education services.¹¹⁸ Such a child is eligible for average daily attendance (ADA) on the same basis as other students receiving special education services.¹¹⁹

Provided that they are served by appropriately certified special education staff members, students who are eligible for special education services and are provided those services by your district are eligible for special education contact hours and weighted funding.

A student with a disability must **not** be reported with a TSDS PEIMS special education instructional setting code before actual service begins.

For teacher certification requirements, see [4.17 Teacher Requirements](#). For information specific to infants and toddlers receiving special education services, see [4.10 Special Education Services for Infants and Toddlers](#). For information specific to students who are 3 through 5 years of age and receiving special education services, see [4.9 Preschool Programs for Children with Disabilities \(PPCDs\)](#).

4.3 Enrollment Procedures

This subsection explains the procedures for special education program enrollment.

4.3.1 Enrollment Procedures for a Student in Your District Who Was Not Previously Receiving Special Education Services

The enrollment procedures for a student in your district who was not previously receiving special education services are as follows:

1. Upon completion of a full individual and initial evaluation, an ARD committee meets and develops the student's individualized education program (IEP) that includes the appropriate educational placement for implementing the student's IEP. The instructional setting code for the student will be based on the setting in which the student receives special education services and the percentage of time the student receives special education services in a setting (see [4.7 Instructional Setting Codes](#)). The student's speech therapy indicator code will be based on whether the student receives speech therapy and, if the student does, whether the student receives other services provided through an instructional setting (see [4.8.1 Speech Therapy](#)

¹¹⁸ Under the TEC, [§29.003](#), a free appropriate public education (FAPE) must be available from birth to students with visual or auditory impairments.

¹¹⁹ 19 TAC [§89.1121\(g\)](#)

[Indicator Codes](#)). Additionally, the ARD committee determines the date that services will begin (the effective date), the duration of the services, and records this information in the IEP.

2. The ARD committee provides the student's coding information and the effective date to appropriate district personnel (for example, attendance personnel, Public Education Information Management System [PEIMS] clerks) as soon as possible.
3. District personnel record the coding information and effective date of service in the attendance accounting system. **The effective date is the date services begin (as determined by the ARD committee), not the date on which the ARD committee developed the IEP. Note: ARD committees may determine that the services will begin on the same date as the ARD committee meeting with agreement from all parties.**

4.3.2 Enrollment Procedures for a Student in Your District Whose Instructional Setting Is Changing

Note: This subsection applies to a student already in your district, not a student new to the district.

The enrollment procedures for a student in your district whose instructional setting is changing are as follows:

1. The ARD committee meets to review a student's IEP. If the ARD committee changes the student's educational placement as part of the IEP revision, the student's instructional setting code, speech therapy indicator code, or both may also need to be changed (see [4.7 Instructional Setting Codes](#) and [4.8.1 Speech Therapy Indicator Codes](#)). The ARD committee determines the date that any change in service will begin (the effective date), the duration of the services, and records this information in the IEP.
2. The ARD committee provides any changes in the student's coding information and the effective date to appropriate district personnel (for example, attendance personnel, PEIMS clerks) as soon as possible.
3. District personnel record the coding information and effective date of services in the attendance accounting system. **The effective date is the date the student begins receiving the services in the new placement (as determined by the ARD committee), not the date on which the ARD committee revised the IEP. See note in Section 4.3.1 related to effective date.**

4.3.3 Enrollment Procedures for a Student Who Is New to Your District but Was Previously Receiving Special Education Services

The enrollment procedures for a student who is new to your district but was previously receiving special education services are as follows:

1. When a student moves from one district to another within the state in the same school year and either a) the parents verify that the student was receiving special education services in the previous district or b) the previous district verifies in writing or by telephone that the student was receiving special education services, your district must meet the requirements of 34 Code of Federal Regulations (CFR), §300.323(a) and (e), regarding the provision of special education services. Specifically, your district must provide a free appropriate public education (FAPE) to the student, including services comparable to those described in the student's IEP from the previous district, until the ARD committee does either of the following:
 - adopts the student's IEP from the previous district or
 - develops, adopts, and implements a new IEP.

The ARD committee's timeline for adopting the student's previous IEP or developing, adopting, and implementing a new IEP is 30 school days from the date the student is verified as being a student eligible for special education services.

The ARD committee must determine the instructional setting code and speech therapy indicator code according to the committee's temporary or final placement for the student receiving special education and related services.¹²⁰ Additionally, the ARD committee determines the date that services will begin (the effective date).

2. When a student transfers from a school district in another state in the same school year and the parents verify that the student was receiving special education services in the previous school district or the previous school district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 CFR, §300.323(f), regarding the provision of special education services. Specifically, your district must provide a FAPE to the student, including services comparable to those described in the student's IEP from the previous district, until the ARD committee:
 - determines that an evaluation is necessary. The evaluation is considered a full individual and initial evaluation and must be completed within the timelines established by 19 Texas Administrative Code (TAC) §89.1011(c) and (e), and completes the requirements in 34 CFR, §300.323(f)(2), within 30 calendar days from the date of the completion of the evaluation report; or
 - determines that an evaluation is not necessary and completes the requirements outlined in 34 CFR, §300.323(f)(2), within 30 school days from the date the student is verified as being a student eligible for special education services.
3. The ARD committee provides the student's coding information and the effective date to appropriate district personnel (for example, attendance personnel, PEIMS clerks) as soon as possible.
4. District personnel record the coding information and effective date of services in the attendance accounting system.
5. The ARD committee provides any changes in the student's coding information and the effective date to appropriate district personnel (for example, attendance personnel, PEIMS clerks) as soon as possible.
6. District personnel record any necessary changes in codes in the attendance accounting system along with the effective date of the changes.

4.3.3.1 Transfer of Records

A district must transfer a student's records, including the student's current IEP, using the TREx system¹²¹ to a requesting district no later than the 10th working day after the date a request for the information is received by the district.¹²² See the Texas Education Agency (TEA) TREx web page at <http://tea.texas.gov/index4.aspx?id=25769817556> for more information on the system.

¹²⁰ 19 TAC §89.1050(j); 34 CFR, §300.323

¹²¹ [TEC, §25.002](#)

4.3.4 Enrollment Procedures for a Student Who Is New to Your District and Was Not Previously Receiving Special Education Services

For a student who is new to your district and was not previously receiving special education services, follow the enrollment procedures for a student already in your district who was not previously receiving special education services.

Note that a student cannot be absent on the initial date of entry on the campus.

4.4 Withdrawal Procedure

A student is withdrawn when the student withdraws from school or the ARD committee determines the student is no longer a child with a disability and, therefore, no longer eligible for special education services. A student is also withdrawn if the student's parent revokes consent in writing for the student's receipt of special education services.¹²³

After the ARD committee determines that a student is no longer a child with a disability, the district must provide the student's parent with prior written notice that it proposes to change the student's eligibility determination. A district must also provide the parent with prior written notice upon receipt of the parent's written revocation of consent for the continued provision of special education services. The district must provide prior written notice at least five school days before special education services will be discontinued, unless the parent agrees otherwise.¹²⁴ A school must not discontinue services until prior written notice has been provided. The ARD committee must provide the effective date of the dismissal to appropriate district personnel as soon as possible, and district personnel must record the effective date of dismissal in the attendance accounting system. **The effective date, which is stated in the IEP, the prior written notice, or both, is the date that services end.**

4.5 Special Education Services for Private or Home School Students Who Are Eligible for and in Need of Special Education

Per 19 TAC [§89.1096](#), Provision of Services for Students Placed by Their Parents in Private Schools or Facilities, the amount and type, if any, of special education and related services made available by your district to students with disabilities placed in private schools or facilities are determined based on ongoing consultation with representatives of the private school and representatives of parentally placed private school students with disabilities and a proportionate share calculation.¹²⁵

See the TEA Guidance on Parentally Placed Private School Children with Disabilities web page at <http://tea.texas.gov/index2.aspx?id=2147492070> for more information.

¹²³ 34 CFR, §300.9(c)(3)

¹²⁴ 34 CFR, §300.503; 19 TAC [§89.1050](#) (h)

¹²⁵ 34 CFR, §§300.130–300.144

4.5.1 Private or Home School Students Aged 3 or 4 Years

If an ARD committee determines that a private or home school student aged 3 or 4 years is eligible for and in need of special education instruction and/or related services, the parent may 1) enroll the student only in the public school, 2) “dual enroll” the student, or 3) decline to have the student enroll in public school. For more information, see [4.9.9 PPCD Services and Private or Home School Student Aged 3 or 4 Years and in Need of Special Education](#).

4.5.2 Private or Home School Students Aged 5 through 21 Years

If an ARD committee determines that a private or home school student aged 5 through 21 years is eligible for and in need of special education instruction and related services, the parent may enroll the student full-time in the public school.

If the parent does not do this, your school district must make the special education and related services available as provided for in 19 TAC [§89.1096](#). Since the obligation of your district to provide special education and related services is limited, and any services provided will be under a services plan, not an IEP, these students will not generate ADA. However, **students receiving services under a services plan** should be entered into the TSDS PEIMS with an ADA eligibility code of 0 - enrolled, not in membership, and counted on the **last Friday of October for the fall TSDS PEIMS submission** child count snapshot for data reporting purposes.

4.6 Interim Alternative Educational Placements

If special education services prescribed in a student’s IEP are provided while the student is placed in an appropriate interim alternative education setting (for example, in-school suspension or disciplinary alternative education program), special education contact hours may be claimed. If special education services are not provided, special education contact hours must not be claimed. This restriction includes short-term removals of not more than 10 consecutive or cumulative school days. (See [10.6.2 Disciplinary Removals of Students with Disabilities](#) for more information on disciplinary removals of students with disabilities.)

4.7 Instructional Setting Codes

This subsection provides a description of each instructional setting as well as the numeric code that is used to report that setting in the local attendance accounting system and in the TSDS PEIMS. (See code table C035, *TSDS PEIMS Data Standards*, available at http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/.)

Student Detail Reports must contain an instructional setting code for any student receiving special education and related services. A student may be funded for only one instructional setting for special education at any given time, with the exception of a student who receives services through an instructional setting with a code other than 00 and also receives speech therapy. Speech therapy may be combined with any other instructional setting.¹²⁶

¹²⁶ In Texas, speech-language therapy services are considered an instructional service. This means that speech therapy can be a stand-alone service (student does not receive any other service that is provided through an instructional arrangement/setting). Speech therapy can also be a related service (student receives speech therapy **in addition to** another service that is provided through an instructional arrangement/setting).

A student's ARD committee is responsible for determining the appropriate educational placement, including the appropriate instructional setting, for implementing a student's IEP. The committee's determination must be based on the individual needs of the student in accordance with federal and state laws, rules, and regulations.

In developing a student's IEP, the ARD committee should base the determination of the appropriate instructional setting code for the student on the percentage of the **instructional day** that the student receives direct, regularly scheduled special education and related services, as required in the student's IEP, **not** on the student's disability. For the purpose of determining a student's instructional setting code, the instructional day is defined as that portion of the school day in which instruction takes place (not to include lunch, recess, passing periods, etc.). For guidance on instructional setting codes 41–44 and determining the percentage of the instructional day that a student is provided special education services, see [4.7.13 Additional Guidelines for Instructional Setting Codes 41–44](#).

A student's ARD committee must review the student's IEP, including his or her instructional setting code, at least annually.¹²⁷

The instructional setting codes are as follows:

Instructional Setting Code	Page Code Description Starts On	Page Examples Start On
00 - No Instructional Setting (Speech Therapy)	96	148
01 - Homebound	97	137
02 - Hospital Class	103	139
08 - Vocational Adjustment Class	103	140
30 - State Supported Living Centers	104	NA
31 - Home-Based Instruction	105	NA
32 - Center-Based Instruction	106	NA
34 - Other Environment	106	NA
40 - Special Education Mainstream	106	140
41 - Resource Room/Services - Less Than 21%	108	141
42 - Resource Room/Services - At Least 21% and Less Than 50%	108	141
43 - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50% and No More Than 60%	108	142
44 - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60%	108	142
45 - Full-Time Early Childhood Special Education Setting	110	143
50 - Residential Nonpublic School	111	NA
60 - Nonpublic Day School	111	NA
70 - Texas School for the Blind and Visually Impaired	111	NA
71 - Texas School for the Deaf	112	NA
81 - Residential Care and Treatment Facility - Mainstream	112	144

¹²⁷ 34 CFR, §300.324

Instructional Setting Code	Page Code Description Starts On	Page Examples Start On
82 - Residential Care and Treatment Facility - Resource Room/Services - Less Than 21%	112	144
83 - Residential Care and Treatment Facility - Resource Room/Services - At Least 21% but Less Than 50%	112	144
84 - Residential Care and Treatment Facility - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50% but No More Than 60%	112	144
85 - Residential Care and Treatment Facility - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60%	112	144
86 - Residential Care and Treatment Facility - Separate Campus	112	144
87 - Residential Care and Treatment Facility - Community Class	112	144
88 - Residential Care and Treatment Facility - Vocational Adjustment Class	112	144
89 - Residential Care and Treatment Facility - Full-Time Early Childhood Special Education Setting	112	144
91 - Off Home Campus - Mainstream	114	145
92 - Off Home Campus - Resource Room/Services - Less Than 21%	114	145
93 - Off Home Campus - Resource Room/Services - At Least 21% and Less Than 50%	114	145
94 - Off Home Campus - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50% and No More Than 60%	114	145
95 - Off Home Campus - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60%	114	145
96 - Off Home Campus - Separate Campus	114	145
97 - Off Home Campus - Community Class	114	145
98 - Off Home Campus - Full-Time Early Childhood Special Education Setting	114	145

4.7.1 Code 00 - No Instructional Setting (Speech Therapy)

This code indicates that a student is receiving speech therapy services. Code 00 should **not** be used for any student who does not receive speech therapy.

Instructional Setting Code 00: Information Specific to TSDS PEIMS 42408 Record

The TSDS PEIMS 42408 record (student data - special education program) allows for only one instructional setting code to be reported for a student.

A student who is receiving speech therapy services and is **not** receiving instructional services through any other instructional setting (for example, resource room) should have an instructional setting code of 00 reported on the TSDS PEIMS 42408 record. Code 00 is used regardless of whether the student receives only speech therapy or receives speech therapy as well as one or more other special education related services (that is, supportive services that do not constitute instructional services, such as occupational therapy or physical therapy). Also, code 00 is used regardless of whether the speech therapy is provided in the general education classroom or in a location other than a general education setting. A student whose instructional setting code is reported as 00 on the TSDS PEIMS 42408 record must have a speech therapy indicator code of 1.

A student who receives speech therapy services **and who also receives instructional services through another instructional setting** (for example, resource room) should be reported on the TSDS PEIMS 42408 record with the code for the primary setting [not with 00] and with a speech therapy indicator code of 2, regardless of whether the speech therapy is provided in the general education classroom or in a location other than a general education setting.

Instructional Setting Code 00: Information Specific to TSDS PEIMS 42401 Record

The TSDS PEIMS 42401 record (special education attendance data - student) allows for up to two instructional setting codes to be reported for a student for a given period. If two instructional setting codes are reported for a student for a given period, one of them must be 00.

A student who is receiving speech therapy services and is **not** receiving instructional services through any other instructional setting (for example, resource room) for a given period should have **only one** instructional setting code reported on the 42401 record for that period: 00. Code 00 may be used regardless of whether the speech therapy is provided in the general education classroom or in a location other than a general education setting.

A student who receives speech therapy services **and who also receives instructional services through another instructional setting other than mainstream*** (for example, resource room) for a given period should have **two** instructional setting codes reported on the 42401 record for that period: 00 and the code for the other instructional setting through which the student is receiving instructional services.

*The 42401 record does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream instructional setting and also receives speech therapy services, the 42401 record should have only one instructional setting code reported: 00.

Additional Information

See [4.8 Speech-Language Pathology Services \(Speech Therapy\) and Speech Therapy Indicator Codes](#) for guidance and specific instructions regarding speech therapy services.

For coding examples, see [4.18.10 Speech Therapy Indicator Code 1 Examples](#) and [4.18.11 Speech Therapy Indicator Code 2 Examples](#).

4.7.2 Code 01 - Homebound

To be placed in the special education homebound instructional setting, a student aged 6 years or older must meet the following four criteria:

- The student is eligible for special education and related services as determined by an ARD committee.
- The student is expected to be confined at home or hospital bedside for a minimum of 4 weeks. The weeks need not be consecutive if the student is chronically ill and the local district policy allows for such.¹²⁸
- The student is confined at home or hospital bedside for medical reasons only.

¹²⁸ 19 TAC [§89.63](#)(c)(2)(A)

- The student’s medical condition is documented by a physician licensed¹²⁹ to practice in the United States.¹³⁰

Infants and toddlers from birth through age 2 may be placed in the homebound instructional setting if their IFSP committees determine that placement is appropriate. Students aged 3 through 5 years may be placed in the homebound instructional setting if their ARD committees determine that placement is appropriate.¹³¹

A student’s IFSP or ARD committee determines the amount of services to be provided to the student in this instructional setting.

A student aged 6 or older who meets the four criteria above does not need to meet the criteria in the federal definition for other health impairment (OHI) to be eligible for homebound services. Neither does a student under the age of 6 for whom an ARD or IFSP committee has determined that the homebound instructional setting is appropriate.

For information on the general education homebound program, which is a program for providing instruction to general education students who are confined at home or hospital bedside, see [3.7 General Education Homebound \(GEH\) Program](#).

For information on remote homebound instruction, see [12.3.4 Remote Homebound Instruction—Special Education Students](#).

4.7.2.1 Homebound Notes

In making eligibility and placement decisions, the ARD committee must consider information from the licensed physician. However, the documentation from the licensed physician should not be the sole consideration in the committee’s decision-making process.

The teacher serving a student at home or hospital bedside (“homebound teacher”) while the student is in the special education homebound setting must be a certified special education teacher.

A student aged 6 years or older who is served in the special education homebound instructional setting retains the same ADA eligibility code he or she had before receiving homebound services, regardless of how many hours the student will be served in the homebound instructional setting.

The placement of a student who is expelled must not be changed to the homebound instructional setting (see [10.6.2 Disciplinary Removals of Students with Disabilities](#) for detailed information regarding appropriate instructional setting codes and ADA eligibility when expelling students who are receiving special education and related services).

For homebound coding examples, see [4.18.1 Code 01 - Homebound Examples](#).

¹²⁹ You can access the Texas Medical Board’s searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp. Throughout Subsection 4.7.2 and other parts of Section 4 related to the homebound instructional arrangement/setting and the licensure of physicians, “licensed” means licensed to practice in the United States.

¹³⁰ 19 TAC [§89.63](#)(c)(2)(A)

¹³¹ 19 TAC [§89.63](#)(c)(2)(B)

4.7.2.2 Homebound Services and Pregnancy-Related Services (PRS)

See [9.12 PRS and Special Education Services \(SPED\)](#) for detailed information on serving pregnant students through the PRS and special education programs.

4.7.2.3 Homebound Services for Infants and Toddlers with Auditory or Visual Impairments or Both

Infants and toddlers (children from birth through 2 years of age) with auditory impairments or visual impairments or both may receive homebound instruction as determined by the IFSP team. See [4.10.1 Infants Receiving Visual Impairment Services, Orientation and Mobility \(O&M\) Services](#) and [4.10.2 Infants Receiving Auditory Impairment \(Deaf\) Services](#) for detailed information.

4.7.2.4 Preschool Programs for Children with Disabilities and Homebound Services

Students aged 3 through 5 years for whom the ARD committee has determined that homebound is the appropriate instructional setting should be reported with a grade level of EE (early education) and with the ADA eligibility code shown in the following table:

ADA Eligibility Coding for Students Receiving Preschool Program for Children with Disabilities Services in the Homebound Instructional Setting

Amount of Time Served in Membership per Week	ADA Eligibility Code
fewer than 2 hours per week	0—enrolled, not in membership
at least 2 hours but fewer than 4 hours per week	2—eligible for half-day attendance
at least 4 hours per week	1—eligible for full-day attendance

Note: The ADA eligibility coding information in the preceding chart does not apply to students aged 6 years or older. A student aged 6 years or older who is served in the homebound instructional setting retains the same ADA eligibility code he or she had before receiving homebound services, regardless of how many hours the student will be served in the homebound instructional setting.

4.7.2.5 Homebound Funding and Homebound Documentation Requirements

A student who receives special education and related services in the special education homebound instructional setting earns eligible days present (generates contact hours and thus funding) based on the number of hours the student is served at home or hospital bedside by a certified special education teacher each week. Use the following chart to calculate eligible days present:

Homebound Funding Chart

Amount of Time Served in Membership per Week	Eligible Days Present Earned per Week
1 hour	1 day present
2 hours	2 days present
3 hours	3 days present
4 hours	4 days present (if the week is a 4-day week) 5 days present (if the week is a 5-day week)
More than 4 hours	4 days present (if the week is a 4-day week) 5 days present (if the week is a 5-day week)

Eligible days present are determined each week. For special education homebound purposes, a week starts Sunday and ends Saturday. Homebound service hours must not be accumulated and carried forward from one week to the next, and service hours must not be applied to a previous week.

The certified special education teachers and related service staff members providing services must keep a log of the amount of time spent serving the student.

The minimum documentation required in a homebound log (the attendance record maintained by a homebound teacher or provider of related services) is the following:

- the name of the homebound teacher or related service provider,
- the student's name and Texas Unique Student ID,
- the date that the homebound teacher or related service provider visited the homebound student, and
- the specific time period that the student was served (for example, 10:00 a.m. until 12:00 p.m.).

Additional documentation may be maintained as part of this record at the discretion of the district. This documentation may include, but is not limited to, mileage records for the homebound teacher or related service provider and information on subjects that were taught as part of the homebound instruction.

4.7.2.6 Test Administration and the Homebound Instructional Setting

A student receiving services in the special education homebound instructional setting may earn eligible days present as stated in the chart above when a certified special education teacher administers routine quizzes, daily or weekly classroom exams, etc., that are required as part of the instructional requirements of a class.

A student being administered standardized, six-weeks, semester, or final exams or required state assessments is limited to earning 1 day present for a minimum of 1 hour or more of testing in 1 calendar day. When it takes the student more than 1 hour to complete the exam, the additional contact hours must not be credited as attendance.

If the routine, standardized, six-weeks, semester, or final exam administration or required state assessment testing requires less than 1 hour, then the certified special education teacher must complete the hour with homebound instruction for the student to earn the 1 day present. For example, say a student is administered a final exam, and it takes her 30 minutes to complete the exam. The student must receive an additional 30 minutes of homebound instruction to earn 1 day present.

A student receiving services in the special education homebound instructional setting **who returns to his or her campus to take required state assessments must have a medical release** from a licensed¹³² physician to do so. **The time spent on campus taking required state assessments must not count as any part of the number of hours of homebound service for eligible days present.**

(See [4.18.1 Code 01 - Homebound Examples](#).)

¹³² You can access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp.

4.7.2.7 Transition from Homebound to the Classroom

A student transitioning back to a school-based placement may continue to be coded homebound during the transition period subject to the requirements shown in the homebound funding chart.

The ARD committee must determine the length of the transition period based on current medical information.

During the transition period, students are to be served in the homebound instructional setting for the period of time each week specified by the ARD committee. Any student attendance in the classroom that is generated during the transition period will not be reported for funding purposes because funding will be based on instruction in the homebound setting.

Once the student has completed the transition period as determined by the ARD committee, the student no longer generates eligible days present according to the homebound funding chart, but instead generates attendance based on whether the student is present at the official attendance-taking time.

4.7.2.8 Transitioning Students with Chronic Illness between Homebound and the Classroom

A student with a chronic illness or acute health problem that is a long-term condition that requires the student to be in the homebound instructional setting for at least 4 weeks will generate contact hours based on the following:

- Students transitioning back to a school-based placement may continue to be coded homebound during the transition period subject to the homebound funding chart.
- The length of the transition period must be determined by the ARD committee based on current medical information.

During the transition period, students are to be served in the homebound instructional setting for the period of time each week as specified by the ARD committee. Any student attendance in the classroom that is generated during the transition period will not be reported for funding purposes because funding will be based on instruction in the homebound setting.

Once the student has completed the transition period as determined by the ARD committee, the student no longer generates eligible days present according to the homebound funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

4.7.2.9 Students with a Recurring Chronic or Acute Health Condition

A student with a chronic illness or acute health problem **that is a recurring condition** that requires the student to be in the homebound instructional setting for a period of time (which may be in daily or weekly increments) totaling at least 4 weeks throughout the school year will generate contact hours based on the following:

- Students moving back and forth between the homebound instructional setting and a school-based placement must be coded homebound for those days they are in the homebound instructional setting subject to the homebound funding chart.
- Students with a recurring condition generally do not require a transition period.
- Use the following chart to determine how to record attendance and instructional setting code information for students with a recurring condition.

**Attendance Accounting Information related to
Students with a Recurring Chronic or Acute Health Condition**

For any week in which the student with the recurring condition:	the student earns contact hours or attendance:	The student's instructional setting code should be as follows:
is served solely in the homebound instructional setting,	according to the requirements of the homebound funding chart.	01, homebound.
is served for at least 4 hours in the homebound instructional setting and attends school at his or her campus,	according to the requirements of the homebound funding chart.	01, homebound, regardless of the fact that the student attended school at his or her campus in addition to receiving homebound instruction.
is served from 1 to 3 hours in the homebound instructional setting and attends school at his or her campus,	according to the requirements of the homebound funding chart for those days the student is provided instruction in the homebound setting and according to whether the student is present at the official attendance-taking time for those days the student attends school at his or her campus.	01, homebound, for those days the student is provided homebound instruction and the code for the applicable non-homebound special education instructional setting* the student is served in while at school (for example, 40, special education mainstream) for those days the student attends school.

* The instructional setting in which the student is to be served while at school should be specified in the student's IEP.

Regardless of how many hours of homebound instruction a student is provided or how many days that student is in attendance at his or her campus, the student must not generate more than the equivalent of one ADA.

If the student fully transitions to classroom placement, the student no longer generates eligible days present according to the homebound funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

(For an example of how to code a student with a recurring chronic or acute health condition, see the last example in [4.18.1 Code 01 - Homebound Examples](#).)

Attendance Accounting and Documentation: To document the changing instructional settings for students with a recurring condition for attendance reporting and auditing purposes, district personnel must keep a log of the student's attendance information (see [4.7.2.5 Homebound Funding and Homebound Documentation Requirements](#)).

The eligible days present should be recorded in your district's student attendance accounting system. Any time not accounted for should be reported as absences.

4.7.2.10 Homebound: Career and Technical Education (CTE) Funding Requirements

For a student who receives homebound services to earn CTE contact hours, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the homebound instructional setting. CTE teachers must maintain a log to verify all contact hours with students.

4.7.3 Code 02 - Hospital Class

This instructional setting code should be used when a student is provided special education instruction in a classroom in a hospital facility or a residential care and treatment facility not operated by your school district. A student with a disability who is served in but not residing in the facility is considered to be in an *off home campus* instructional setting. If the student residing in the facility is provided special education services on a school campus, the student is not considered to be in a hospital class.¹³³

For hospital class coding examples, see [4.18.2 Code 02 - Hospital Class Examples](#).

4.7.3.1 Hospital Class: CTE Funding Requirements

For a hospital class student to earn CTE contact hours, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the hospital class instructional setting. CTE teachers must maintain a log (see [4.7.2.5 Homebound Funding and Homebound Documentation Requirements](#)) to verify all contact hours with hospital class students.

4.7.4 Code 08 - Vocational Adjustment Class (VAC)

This instructional setting code is used for a student who is participating in a special education work-based learning program and is **employed in a paid or unpaid full- or part-time job with regularly scheduled direct involvement** by special education personnel in the implementation of the student's IEP.¹³⁴

This instructional setting code must be used in conjunction with the student's individual transition plan and only after your school district's CTE classes have been considered and determined inappropriate for the student by the student's ARD committee.

This code applies to a student in full-time or part-time **employment**, as documented by the ARD committee in the student's records. This instructional setting code should not be confused with general CTE classes that are offered by your district.

A student with a disability may participate in other occupational preparation programs (which do not generate special education contact hours), including general CTE and career and technical education for the disabled (CTED) classes. However, the student must be employed (paid or unpaid, full- or part-time), receiving special education services as required in the IEP, and coded VAC (08) to claim special education contact hours.

For a VAC coding example, see [4.18.3 Code 08 - Vocational Adjustment Class \(VAC\) Example](#).

¹³³ 19 TAC [§89.63](#)(c)(3)

¹³⁴ 19 TAC [§89.63](#)(c)(9)

4.7.5 Code 30 - State Supported Living Centers

This instructional setting code is used for a student who is provided special education and related services and who currently resides at a state supported living center when the services are provided at a state supported living center. If services are provided on a local district campus, the student is coded residential care and treatment facility.¹³⁵

The thirteen state supported living centers in Texas currently serving students 0 through 21 years of age are the following:

- Abilene State Supported Living Center
- Austin State Supported Living Center
- Brenham State Supported Living Center
- Corpus Christi State Supported Living Center
- Denton State Supported Living Center
- El Paso State Supported Living Center
- Lubbock State Supported Living Center
- Lufkin State Supported Living Center
- Mexia State Supported Living Center
- Richmond State Supported Living Center
- Rio Grande State Supported Living Center
- San Angelo State Supported Living Center
- San Antonio State Supported Living Center

4.7.5.1 CTE Contact Hours for Students in State Supported Living Centers

For a student in a state supported living center to earn CTE contact hours, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the state supported living center instructional setting. CTE teachers must maintain a log to verify all contact hours with students in a state supported living center.

4.7.6 Applicable Federal Law and Additional Guidance Regarding the Location of Services for Students Currently Residing in a Hospital, Residential Facility, or State Supported Living Center

According to 20 United States Code, §1412, “[t]o the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities” must be “educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment” may occur “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 achieved satisfactorily.”

Both federal law and state law require all students with disabilities to receive their instructional and related services in the least restrictive environment (LRE). This requirement applies to all students with disabilities, including students with disabilities who reside in a hospital, residential facility, or state supported living center. However, in some cases, the ARD committee is limited in its ability to place a student on a local district campus. This is true in the case of an adjudicated or incarcerated youth who is

¹³⁵ 19 TAC [§89.63](#)(c)(11)

detained in a secure facility and/or when a court order precludes the student's inclusion in and exposure to educational settings on a regular school campus.

The following table is meant to clarify which codes to use for students with disabilities who are residing in a hospital or a residential care and treatment facility and receiving special education services from school districts.

**Coding for Students with Disabilities Residing in a Hospital or Care and Treatment Facility
and Receiving Education Services from Local School District**

Student is incarcerated or is court ordered to remain at residential facility*?	Parents*** reside within district boundaries?	Student served at local district campus**?	Appropriate Instructional Setting Code
no	no	yes	81–89, based on services
no	no	no	02
no	yes	yes	based on services
no	yes	no	02
yes	no	N/A	81–89, based on services
yes	yes	N/A	02

*The answer will be “no” except in situations involving adjudicated or incarcerated youth who are detained in secure facilities or other circumstances in which a court orders a student to remain at a facility site. In certain limited circumstances, an ARD committee may review official documentation and determine on a student-by-student basis that an individual student's current legal or medical status precludes removal from the residential facility. In those individualized and documented cases, codes 81–89 may be used.

**Local district campus indicates a county-district-campus number is assigned, a complete administrative structure and instructional program is in place, and the location of instructional services is separate from the location of residential and treatment services.

***The instructional arrangement coding for an adult student who resided in a residential facility can be interchanged with the word “parent”.

Placement or residence of a student at the facility for care or treatment does not automatically qualify the student for special education. The student must meet special education eligibility requirements for a special education code to be assigned.

4.7.7 Code 31 - Home-Based Instruction

See [4.10.3 Infants \(Birth through 2 Years of Age\) Receiving Home-Based Instruction](#).

4.7.8 Code 32 - Center-Based Instruction

See [4.10.4 Infants \(Birth through 2 Years of Age\) Receiving Center-Based Instruction](#).

4.7.9 Code 34 - Other Environment

See [4.10.5 Infants \(Birth through 2 Years of Age\) Receiving Services in Other Environment](#).

4.7.10 Code 40 - Special Education Mainstream

This instructional setting code is used for a student who is provided special education and related services in the general education classroom in accordance with the student's IEP. The term "special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.¹³⁶ "Specially designed instruction" means content, methodology, or delivery of instruction that has been adapted, as appropriate to the needs of an eligible child, to:

- address the unique needs that result from the child's disability and
- ensure access of the child to the general curriculum.¹³⁷

Examples of special education and related services provided to a student in the mainstream instructional setting include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, education aides, curricular or instructional modifications or accommodations, special materials or equipment, consultation with the student and his or her general classroom teacher(s), staff development, and reduction of ratio of students to instructional staff members.¹³⁸

For mainstream coding examples, see [4.18.4 Code 40 - Mainstream Examples](#).

4.7.10.1 Requirements

For a student to be coded with an instructional setting code of 40 (special education mainstream), the student must have:

- special education and related services provided in a general education classroom on a regularly scheduled basis;
- an IEP specifying the special education and related services that enable the student to access the general curriculum and to make progress toward individual goals and objectives; and
- certified special education personnel involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services:
 - to the student in the general education classroom and/or
 - in collaboration with the student's general education classroom teacher(s).

Monitoring student progress in and of itself does **not** constitute a special education service. If certified special education personnel are **only monitoring** student progress, **mainstream special education funding must not be generated. In order to report this instructional arrangement, document the details of the specially designed instruction that is being provided in the student's IEP.**

¹³⁶ 34 CFR, §300.39(a)(1)

¹³⁷ 34 CFR, §300.39(b)(3)(i) and (ii)

¹³⁸ 19 TAC [§89.63](#)(c)(1)

4.7.10.1 Requirements Related to Teachers Providing Instruction in Mainstream Settings

A student with a disability receives specially designed instruction. The specially designed instruction documented in the IEP is provided by special education personnel. One teacher, even if dually certified, must not serve in both a general education and a special education role simultaneously when serving students in grades K–12. Students with disabilities who are aged three or four years may have an instructional setting code of 40, mainstream, if special education services are provided in classroom settings with nondisabled peers. The only context in which a dually certified teacher may serve in both a general education and a special education role is in an early childhood program for students aged 3 or 4 years.

4.7.10.2 Special Education Mainstream and Speech Therapy

Students with an instructional setting of mainstream may receive speech therapy. Please refer to [4.8.1.2 Indicator Code 2 – Speech Therapy with Other Services](#).

4.7.10.3 Preschool Programs for Children with Disabilities and Mainstream Instructional Settings

4.7.10.3.1 District-Operated Preschool or Child Care Center, Staff and/or Community Access (3-through 5-Year-Olds): If your school district establishes a preschool education program or child care center to serve preschool-age children regardless of eligibility or other criteria, your district may use the mainstream code for a student in the program who receives special education services (other than speech therapy) in the general classroom. However, for the mainstream code to be used for the student, the majority of students in his or her class must be students who are not receiving special education services. For the student to generate ADA and weighted funding, a certified special education teacher must provide services under the 2-through-4-hour rule as applicable to meet the individual needs of the student. See [4.9.6 PPCD Services and Students Served in a District-Operated Preschool or Child Care Facility](#) for more information.

4.7.10.3.2 Prekindergarten (PK) Program: A preschool-age student who meets eligibility requirements for PK and special education services and is receiving special education services in the PK classroom may be coded mainstream, provided that the majority of students in his or her class are students who are not receiving special education services. For the student to generate weighted funding, a certified special education teacher must provide services to the student under the 2-through-4-hour rule as applicable to meet the individual needs of the student.

See [4.9.3 PPCD Services and PK Programs](#) for more information.

4.7.10.3.3 District-Operated Head Start Program: A preschool-age student who meets eligibility requirements for Head Start and is receiving special education services in a collaborative partnership with a Head Start program may be coded mainstream, provided that the majority of students in his or her class are students who are not receiving special education services. See [4.9.5 PPCD Services and Head Start](#) for more information.

4.7.11 Code 41 or 42 - Resource Room/Services

This instructional setting code is used for a student who is provided special education and related services in a setting other than general education for **less than 50% of the student's instructional day**.¹³⁹

Code 41 indicates a student is provided special education and related services in a setting other than general education for less than 21% of the student's instructional day.

Code 42 indicates a student is provided special education and related services in a setting other than general education for at least 21% but less than 50% of the student's instructional day.

Code 41 or 42 is used for a student who is receiving related services in a special education setting. Related services include but are not limited to physical therapy, occupational therapy, and counseling by a certified or licensed counselor on a regularly scheduled basis. These related services must be documented in the IEP, and they must be required to assist a child with a disability to benefit from special education.

Note that if a student receives special education services and speech therapy, the appropriate resource room code is used, and the speech therapy indicator code is reported as 2.

For guidance on determining the percentage of the instructional day that a student is provided special education services, see [4.7.13 Additional Guidelines for Instructional Setting Codes 41–44](#). For coding examples, see [4.18.5 Codes 41 and 42 - Resource Room/Services Examples](#). For coding examples specific to 3- or 4-year-old students who are ineligible for PK but are provided special education services solely in a general education PK classroom, see the chart in [4.9.3 PPCD Services and PK Programs](#).

4.7.12 Code 43 or 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus

This instructional setting code is used for a student who is provided special education and related services and is in a self-contained class or classes for 50% or more of the student's instructional day, on a regular school campus.¹⁴⁰

Code 43 indicates a student is provided special education and related services and is in a self-contained class or classes at least 50% but no more than 60% of the student's instructional day, on a regular school campus.

Code 44 indicates a student is provided special education and related services and is in a self-contained class or classes more than 60% of the student's instructional day, on a regular school campus.

For guidance on determining the percentage of the instructional day that a student is provided special education services, see the following subsection. For coding examples, see [4.18.6 Codes 43 and 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus Examples](#).

¹³⁹ 19 TAC [§89.63](#)(c)(5)

¹⁴⁰ 19 TAC [§89.63](#)(c)(6)

4.7.13 Additional Guidelines for Instructional Setting Codes 41–44

The following additional guidelines may be helpful in determining the appropriate instructional setting code for a student receiving special education and related services.

Base a student's **resource room/services** or **self-contained, mild/moderate/severe, regular campus** instructional setting code on the percentage of the **instructional day** that the student receives direct, regularly scheduled special education and related services, as required in the student's IEP, **not** on the student's disability. For the purpose of determining a student's instructional setting code, the instructional day is defined as that portion of the school day in which instruction takes place (not to include lunch, recess, passing periods, etc.).

For example, if a student is provided:

- special education and related services for less than 50% of his or her instructional day in a setting other than general education, the student's instructional setting code would be 41 or 42.
- special education and related services for 50% or more of the student's instructional day in a self-contained program on a regular education campus, the student's instructional setting code would be 43 or 44.
- full-time early childhood (preschool program for children with disabilities) special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses and the student is 3 through 5 years of age, the instructional setting code would be 45.

When determining a student's instructional setting code (other than mainstream), include the percentage of time allocated for speech therapy services (outside of the general education setting) in the percentage of time in the special education setting.

When determining the instructional setting code for a student who attends school less than a full day, use the number of instructional hours he or she attends as determined by the ARD committee as the student's instructional day. Then, review the number of hours in the instructional day that the student receives special education services to determine the student's instructional setting code.

The following chart shows the instructional setting codes for departmentalized classrooms. This chart is based on fixed instructional periods (all periods are the same length of time each day). For example, an eight-period instructional day consists of eight periods, each equal in length.

Number of Periods of Special Education Instruction per Day*	8-Period Instructional Day	7-Period Instructional Day	6-Period Instructional Day	5-Period Instructional Day
One Spec Ed Period	Resource (41)	Resource (41)	Resource (41)	Resource (41)
Two Spec Ed Periods	Resource (42)	Resource (42)	Resource (42)	Resource (42)
Three Spec Ed Periods	Resource (42)	Resource (42)	Mild/Mod/Sev (43)	Mild/Mod/Sev (43)
Four Spec Ed Periods	Mild/Mod/Sev (43)	Mild/Mod/Sev (43)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)
Five Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)
Six Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	

Number of Periods of Special Education Instruction per Day*	8-Period Instructional Day	7-Period Instructional Day	6-Period Instructional Day	5-Period Instructional Day
Seven Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)		
Eight Spec Ed Periods	Mild/Mod/Sev (44)			

*If a student receives special education and related services outside of the general education classroom on less than a daily basis, determine the percentage to be used in determining the appropriate instructional setting code by dividing the total minutes of instruction outside the general education classroom for the week by the total instructional minutes for the week.

4.7.13.1 Semester Block Scheduling

If your district operates semester block scheduling, use the chart above to convert a four-period instructional day to an eight-period instructional day, and code students accordingly (assuming periods are equal in length). Coding for students on a semester block schedule must be determined each semester. Your district must consider the individual needs of students with disabilities when scheduling courses in a semester block.

For example, in the first semester a student attends two general education classes and two special education classes. Convert the student's four-period instructional day to an eight-period instructional day. The student's converted schedule is four general education classes and four special education classes. According to the chart, the student's instructional setting code would be 43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%. Apply this type of conversion to each semester class schedule.

4.7.13.2 AB Block Scheduling

Students in AB block scheduling should be coded based on a review of the entire instructional block. For example, if a child attends four instructional periods on Monday and four different instructional periods on Tuesday, and these eight classes structure the instructional configuration, then coding determinations are based on the eight-period instructional day (see previous chart).

4.7.13.3 Schedules in Which Instructional Periods Are Not Equal in Length

If instructional periods are **not equal in length**, make a coding determination for a student after first calculating the percentage of his or her instructional day that the student spends receiving special education and related services. Calculate this percentage by dividing the student's number of special education and related services instruction minutes by the student's total number of instructional minutes.

$$\frac{\text{\# of special education and related services instructional minutes}}{\text{total \# of instructional minutes}}$$

4.7.14 Code 45 - Full-Time Early Childhood (Preschool Programs for Children with Disabilities) Special Education Setting

This instructional setting code is used for children **3 through 5 years of age** who receive full-time special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses. **A student for whom this code is used does not receive any special education and related services in a regular early childhood setting or spend any part of the instructional day in a regular early childhood setting.** If a student receives any amount of special

education and related services in a regular early childhood setting or spends any part of the instructional day in a regular early childhood setting, this instructional setting code is not applicable. For a coding example, see [4.18.7 Code 45 - Full-Time Early Childhood \(PPCD\) Special Education Setting \(FT EC SPED\) Example](#).

One of the off home campus codes (codes 91–98) should be used when a child is placed in a multidistrict classroom (located on a regular campus), on a separate campus, or in a community class to receive full-time early childhood special education and related services.

For more information on special education services for students aged 3 through 5 years, see [4.9 Preschool Programs for Children with Disabilities \(PPCDs\)](#).

4.7.15 Code 50 - Residential Nonpublic School

This instructional setting code is used for a student who is provided special education and related services through a contractual agreement with an approved residential nonpublic school.¹⁴¹ A student is placed in a residential nonpublic school through the ARD committee process. This instructional setting code does **not** generate ADA or contact hours. A residential nonpublic school student should be reported with an ADA eligibility code of **0 - Enrolled, Not in Membership**.

For funding purposes, a residential nonpublic school student is reported on the SAS-A111, Application for Approval of Funding for Residential Placement. For more information, see the TEA Special Education Funding page at http://www.tea.state.tx.us/index2.aspx?id=2147493439&menu_id=934&menu_id2=941.

4.7.16 Code 60 - Nonpublic Day School

This instructional setting code is used for a student who is provided special education and related services through a contractual agreement with an approved nonpublic day school.¹⁴² A student is placed in a nonpublic day school through the ARD committee process. This instructional setting code does **not** generate ADA or contact hours. A nonpublic day school student should be reported with an ADA eligibility code of **0 - Enrolled, Not in Membership**.

For funding purposes, a nonpublic day school student is reported on the SPE-106, Nonpublic Day School Report. For more information, see the TEA Nonpublic Day School Programs Report page at <http://www.tea.state.tx.us/index2.aspx?id=2147497536>.

4.7.17 Code 70 - Texas School for the Blind and Visually Impaired

This instructional setting code is used for a student who is provided special education and related services at the Texas School for the Blind and Visually Impaired (TSBVI). This instructional setting code does **not** generate contact hours.

¹⁴¹ 19 TAC [§89.63](#)(c)(8); 34 CFR, §300.146 and §300.147. A list of approved nonpublic schools can be accessed from the following TEA web page:

http://www.tea.state.tx.us/index2.aspx?id=2147495614&menu_id=2147483703&menu_id2=2147483714.

¹⁴² 19 TAC [§89.63](#)(c)(8); 34 CFR, §300.146 and §300.147. A list of approved nonpublic schools can be accessed from the following TEA web page:

http://www.tea.state.tx.us/index2.aspx?id=2147495614&menu_id=2147483703&menu_id2=2147483714.

A local school district does **not** report a student who is served by the TSBVI; the TSBVI reports the student. Your district should follow the student enrollment and withdrawal procedures as applicable in Sections 3 and 4.

4.7.18 Code 71 - Texas School for the Deaf

This instructional setting code is used for a student who is provided special education and related services at the Texas School for the Deaf (TSD). This instructional setting code does **not** generate contact hours. The TSD should report a student who is referred to the school by his or her parents or guardians with the student attribution code of 10 (on the TSDS PEIMS 40100 Student Extension Complex Type).

A local school district does **not** report a student who is served by the TSD; the TSD reports the student. Your district should follow the student enrollment and withdrawal procedures as applicable in Sections 3 and 4.

4.7.19 Code 81, 82, 83, 84, 85, 86, 87, 88, or 89 - Residential Care and Treatment Facility (Not School District Resident)

This instructional setting code is used for a student who is provided special education and related services, who has a disability and resides in a care and treatment facility, and whose parents do not reside within the boundaries of the school district providing educational services to the student. A residential care and treatment facility includes a licensed or verified foster group home but does not include a licensed or verified foster family home.¹⁴³

For this code to be used for a student, the services must be provided on a local district campus. If the instruction is provided at the facility rather than on a school district campus, the instructional setting code used should be *hospital class* (code 02).¹⁴⁴ For additional guidance, see [4.7.6 Applicable Federal Law and Additional Guidance Regarding the Location of Services for Students Currently Residing in a Hospital, Residential Facility, or State Supported Living Center](#).

4.7.19.1 Students Receiving Only Speech Therapy

A student who resides in a facility and receives **only speech therapy** services should be coded with the instructional setting **code 00**. Such a student is **not eligible** for a residential care and treatment facility setting code.

4.7.19.2 Residential Care and Treatment Facility Categories

The categories for this instructional setting are as follows:

- 81, residential care and treatment facility - mainstream

Code 81 indicates a student resides in a facility and receives mainstream services on a local school district campus.

- 82, residential care and treatment facility - resource room/services - less than 21%

¹⁴³ as “foster group home” and “foster family home” are defined in 40 TAC [§749.43](#) and [§750.43](#)

¹⁴⁴ 19 TAC [§89.63](#)(c)(10)

Code 82 indicates a student resides in a facility and receives resource room/services for less than 21% of the student's total instructional day on a local school district campus.

- 83, residential care and treatment facility - resource room/services - at least 21% but less than 50%

Code 83 indicates a student resides in a facility and receives resource room/services for at least 21% but less than 50% of the student's total instructional day on a local school district campus.

- 84, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - at least 50% but no more than 60%

Code 84 indicates a student resides in a facility and receives self-contained services for at least 50% but no more than 60% of the student's total instructional day on a local school district campus.

- 85, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - more than 60%

Code 85 indicates a student resides in a facility and receives self-contained services for more than 60% of the student's total instructional day on a local school district campus.

- 86, residential care and treatment facility - separate campus

Code 86 indicates a student resides in a facility and receives special education and related services on a local school district campus in a self-contained program at a separate campus operated by your school district.

- 87, residential care and treatment facility - community class

Code 87 indicates a student resides in a facility and receives special education and related services by school district personnel in a facility (other than a nonpublic day school) not operated by a school district.

- 88, residential care and treatment facility - vocational adjustment class

Code 88 indicates a student resides in a facility and receives VAC services.

- 89, residential care and treatment facility - full-time early childhood special education setting.

Code 89 indicates a student is **3 to 5 years of age**, resides in a facility, and receives full-time special education and related services in educational programs designed primarily for children with disabilities on a local school district campus (other than a separate campus).

For coding examples, see [4.18.8 Codes 81–89 - Residential Care and Treatment Facility \(Nonresident\) Examples](#).

4.7.20 Code 91, 92, 93, 94, 95, 96, 97, or 98 - Off Home Campus

This instructional setting code is used only for a student who is provided special education and related services and meets one of the following criteria:

- The student is one of a group of students from more than one school district served at a single location in another school district when a FAPE is not available in the sending district.¹⁴⁵
- The student is provided instruction by school district personnel in a facility (other than a nonpublic day school) not operated by a school district.¹⁴⁶
- The student is in a self-contained program at a separate campus operated by your school district that provides only special education and related services.¹⁴⁷

For a student with an off home campus instructional setting who is served in a district other than his or her home district, there should be an agreement between the home district and the receiving district regarding the reporting of TSDS PEIMS and attendance data. If the home district reports these data, it may report the student as being enrolled in the home district, even though the student attends the entire instructional day in the receiving district. However, it is also permissible for the receiving district to report the student in the TSDS PEIMS, instead of the home district. Only one district may report TSDS PEIMS data for an individual student. The receiving district is responsible for recording student absences and attendance. The receiving district must either submit this information to the home district (if the home district is responsible for reporting TSDS PEIMS data) or enter the information (if the receiving district is responsible for reporting TSDS PEIMS data for the student).

4.7.20.1 Off Home Campus Categories

The categories for this instructional setting are as follows:

- 91, off home campus - mainstream

Code 91 indicates a student is receiving mainstream services in an off-home-campus setting.

A student 3 through 5 years of age who is receiving special education services in a licensed community child care facility or preschool that is working in a collaborative partnership with your school district may be coded 91, provided that the majority of students in his or her class are students who are not receiving special education services. For the student to generate ADA and contact hours, a certified special education teacher must provide services under the 2-through-4-hour rule as applicable to meet the individual needs of the student. See [4.9.7 PPCD Services and Students Served in a Community-Based Preschool or Child Care Facility](#) for more information.

- 92, off home campus - resource room/services - less than 21%

Code 92 indicates a student is receiving resource room/services for less than 21% of the student's total instructional day in an off-home-campus setting.

¹⁴⁵ 19 TAC [§89.63\(c\)\(7\)\(A\)](#)

¹⁴⁶ 19 TAC [§89.63\(c\)\(7\)\(B\)](#)

¹⁴⁷ 19 TAC [§89.63\(c\)\(7\)\(C\)](#)

- 93, off home campus - resource room/services - at least 21% but less than 50%

Code 93 indicates a student is receiving resource room/services for at least 21% but less than 50% of the student's total instructional day in an off-home-campus setting.

- 94, off home campus - self-contained, mild/moderate/severe, regular campus - at least 50% but no more than 60%

Code 94 indicates a student is receiving self-contained services for at least 50% but no more than 60% of the student's total instructional day in an off-home-campus setting.

- 95, off home campus - self-contained, mild/moderate/severe, regular campus - more than 60%

Code 95 indicates a student is receiving self-contained services for more than 60% of the student's total instructional day in an off-home-campus setting.

- 96, off home campus - separate campus

Code 96 indicates a student is receiving special education and related services in a self-contained program at a separate campus operated by your school district. This code also applies to students **aged 3 to 5 years** who receive special education and related services in a self-contained classroom on a separate campus.

- 97, off home campus - community class

Code 97 indicates a student is receiving special education and related services by school district personnel in a setting or environment (other than a nonpublic day school) not operated by a school district that prepares the student for postsecondary education/training, integrated employment, and/or independent living in coordination with the student's individual transition goals and objectives (including 18 plus programs/services). This code also applies to students **aged 3 to 5 years** who receive special education and related services in a community setting.

- 98, off home campus - full-time early childhood special education setting

Code 98 indicates a student who is **3 to 5 years of age** is receiving full-time special education and related services in educational programs designed primarily for children with disabilities in a multidistrict classroom located on a regular campus.

An off-home-campus instructional setting code should not be used when a district establishes a program on a regular campus to serve students from a single district in a central setting (for example, a centralized class on a regular campus that is not a separate campus to serve young children with disabilities). Students in such a program would be coded based on the amount of general education and special education services received at a centralized location on a regular campus.

Also, an off-home-campus instructional setting code **must not** be used for students with disabilities placed by school districts in nonpublic day school settings (see [4.7.16 Code 60 - Nonpublic Day School](#)).

For coding examples, see [4.18.9 Codes 91–98 - Off Home Campus Examples](#).

4.8 Speech-Language Pathology Services (Speech Therapy) and Speech Therapy Indicator Codes

In Texas, speech-language therapy services are considered an instructional service. This means that speech therapy can be a stand-alone service (student does not receive any other service that is provided through an instructional setting). Speech therapy can also be a related service (student receives speech therapy **in addition to** a service that is provided through another instructional setting).

4.8.1 Speech Therapy Indicator Codes

Student Detail Reports and the TSDS PEIMS 42408 record must contain a speech therapy indicator code (Code Table C095, *TSDS PEIMS Data Standards*) for any student receiving special education services. Use the following information to determine the appropriate speech therapy indicator code.

4.8.1.1 Indicator Code 1 – Speech Therapy

This code indicates that a student only receives speech therapy (regardless of the environment where the speech therapy services are provided)—or receives speech therapy and another special education related service (such as occupational therapy)—and that an instructional setting (for example, resource room) is not appropriate. When the only special education service a student receives is speech therapy or speech therapy and another special education related service (such as physical therapy), the student's Student Detail Report and TSDS PEIMS 42408 record must show an instructional setting code of 00 and a speech therapy indicator code of 1.¹⁴⁸ The student's TSDS PEIMS 42401 record also must show an instructional setting code of 00. An instructional setting code of 40 **must not** be used.

For your district to claim funding for speech-language pathology services provided to a student, the ARD committee must document in the student's IEP the services that the student's speech therapist will provide.

Note: A student whose only special education service is speech therapy and who receives fewer than 2 hours (120 minutes) of any form of instruction each day is **not** in membership (that is, has an ADA eligibility code of 0).

For coding examples, see [4.18.10 Speech Therapy Indicator Code 1 Examples](#).

4.8.1.2 Indicator Code 2 – Speech Therapy with Other Services

This code indicates that a student receives speech therapy **along with other services through another special education instructional setting** (for example, resource room). When a student receives speech therapy services in conjunction with other special education services through an instructional setting, the student's Student Detail Report and TSDS PEIMS 42408 record must show a speech therapy indicator code of 2, regardless of the environment where the speech therapy services are provided. The student's TSDS PEIMS 42408 record must show an instructional setting code **other than 00**. The student's TSDS PEIMS 42401 record must show both the student's primary instructional setting code (a code other than 00) and the instructional setting code of 00. (Note, however, that the 42401 record does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream

¹⁴⁸ 19 TAC [§89.63](#)

instructional setting and also receives speech therapy services, the 42401 record should have only one instructional setting code reported: 00.)

For a student to be coded with an instructional setting code of 40 (mainstream) (on the TSDS PEIMS 42408 record) and a speech therapy indicator code of 2, the student must have:

- certified special education personnel (other than a certified speech pathologist/therapist) involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services:
 - to the student in the general education environment and/or;
 - in collaboration with the student's general education classroom teacher(s); **and**
- a certified speech pathologist/therapist involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services:
 - to the student regardless of the location (general education class or location other than a general education setting) and/or;
 - in collaboration with the student's general education classroom teacher(s).

When determining a student's primary instructional setting code (other than mainstream), include the percentage of time allocated for speech therapy services (outside of the general education setting) in the percentage of time in the special education setting.

For coding examples, see [4.18.11 Speech Therapy Indicator Code 2 Examples](#).

4.8.1.3 Indicator Code 0 – No Speech Therapy

This code indicates that a student does not receive speech therapy. If a student does not receive speech therapy, the student's Student Detail Report and TSDS PEIMS 42408 record must show a speech therapy indicator code of 0 and an instructional setting code **other than 00**. The student's TSDS PEIMS 42401 record also must show an instructional setting code **other than 00**.

4.9 Preschool Programs for Children with Disabilities (PPCDs)

Eligible children with disabilities aged 3 through 21 years are entitled to receive a FAPE under the Individuals with Disabilities Education Act (IDEA). In Texas, school district PPCDs provide special education and related services for eligible children with disabilities aged 3 through 5 years. Any child aged 3 through 5 years who is eligible for and receiving special education and related services through a school district is considered to be receiving PPCD services.

PPCD refers to the services provided by the school district, **not** to the place where they are provided. Eligible children may receive PPCD services in a variety of settings, including district settings, such as PK, resource, and self-contained classrooms, and community settings, such as community-based Head Start programs and preschools.

A student receiving PPCD services may have a grade level of EE, PK, or K (kindergarten), depending on the student's age, the location where services are provided, and whether the student is eligible for PK.

4.9.1 Eligibility for PPCD Services

PPCD services are special education services provided to children aged 3 through 5 years. To receive PPCD services, a child aged 3 through 5 years must meet the same eligibility requirements as other

special education students. An ARD committee must meet and document in the student's record that the student is eligible to receive services through this program.

See [4.2 Special Education and Eligibility](#) and [4.3 Enrollment Procedures](#).

4.9.2 ADA (State Funding) Eligibility for Students Receiving PPCD Services

Students receiving PPCD services are eligible for ADA on the same basis as other students enrolled in your district. That is, they are subject to the 2-through-4-hour rule, based on the time the student is served.

If the student is scheduled for and provided services for which he or she is eligible for at least 4 hours each day, the student is eligible for full-day attendance (ADA eligibility code of 1). If the student is scheduled for and provided services for which he or she is eligible for at least 2 hours but fewer than 4 hours each day, the student is eligible for half-day attendance (ADA eligibility code of 2). If the student is scheduled for and provided services for which he or she is eligible for fewer than 2 hours each day, the student is not eligible to generate ADA (ADA eligibility code of 0).

For more information on ADA eligibility codes and the 2-through-4-hour rule, see [3.2.1 ADA Eligibility Coding](#) and [3.2.2 Funding Eligibility](#). For information specific to PPCD students who attend a PK program, see the following subsection.

4.9.3 PPCD Services and PK Programs

A student who is eligible for PPCD services may or may not be eligible for free public PK enrollment. Eligibility for free public PK programs is limited by statute.¹⁴⁹ For the eligibility criteria for free PK, see [Section 7 Prekindergarten \(PK\)](#), specifically [7.2 Eligibility](#).

When a student who is eligible for **both** special education and PK is served in a PK classroom, the student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student. The student is eligible for full-day attendance (ADA eligibility code of 1) if the student is scheduled for and receives at least 4 hours of instruction and services. The student is eligible for half-day attendance (ADA eligibility code of 2) if the student is scheduled for and receives at least 2 hours but fewer than 4 hours of instruction or services.

When a student who is eligible for special education **but is not eligible for PK** is served in a PK classroom, the student's instructional setting code should be determined based on the amount of special education services, located in the chart on the following page.¹⁵⁰

If a special education teacher is not in the classroom for the student's entire instructional day ADA will not be generated.

For coding examples, see the chart on the following page. For additional examples, see the applicable examples in [7.6 Examples](#).

¹⁴⁹ TEC, [§29.153](#)

¹⁵⁰ Special education services, as explained in 19 TAC §89.63(c)(1), may include indirect, and/or consultative services by a special education teacher. See Coding Chart 1: PPCD Services and PK for ADA eligibility.

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Coding Chart 1: PPCD Services and PK													
	Student Age ¹	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind	Child Count	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind	Child Count
		Coding Information for Student Who Is Eligible for Both Special Education AND PK						Coding Information for Student Who Is Eligible for Special Education BUT Ineligible for PK ²					
served in the PK classroom by PK and special education teachers for ½ day (at least 2, but fewer than 4 hours) ³	3 or 4	2 half-day	40	PK	1	0	3	2 half-day	40	EE	1	0	3
served in the PK classroom by PK and special education teachers for full day (at least 4 hours) ³	3 or 4	1 full-day	40	PK	1	0	3	1 full-day	40	EE	1	0	3
served in the PK classroom by PK teacher for ½ day (at least 2 but fewer than 4 hours) with indirect, and/or consultative services by special education teacher less than 2 hrs/day	3 or 4	2 half-day	40	PK	1	0	3	5 ineligible half-day	40	EE	1	0	3
served in the PK classroom by PK teacher for full day (at least 4 hours) with indirect, and/or consultative services by special education teacher less than 2 hrs/day	3 or 4	1 full-day	40	PK	1	0	3	4 ineligible full-day	40	EE	1	0	3
served in the ½ day PK classroom but leaves for special education and related services in a self-contained (S-C) environment less than 21% of the instructional day	3 or 4	2 half-day	41	PK	1	0	3	5 ineligible half-day	41	EE	1	0	3
served in the ½ day PK classroom but leaves for special education and related services in a S-C environment at least 21% but less than 50% of the instructional day	3 or 4	2 half-day	42	PK	1	0	3	5 ineligible half-day	42	EE	1	0	3
served in the ½ day PK classroom but leaves for special education and related services in a S-C environment at least 50% but less than 60% of the instructional day	3 or 4	2 half-day	43	PK	1	0	3	5 ineligible half-day	43	EE	1	0	3
served in the PK classroom for ½ day and in a S-C classroom for the other ½ day	3 or 4	1 full-day	43	PK	1	0	3	2 half-day	43	EE	1	0	3
served in the PK classroom by PK and special education teachers for ½ day and in a S-C classroom for the other ½ day	3 or 4	1 full-day	43	PK	1	0	3	1 full-day ³	43	EE	1	0	3
served in the ½ day PK classroom but leaves for special education and related services in a S-C environment more than 60% of the instructional day	3 or 4	2 half-day	44	PK	1	0	3	5 ineligible half-day	44	EE	1	0	3
served in a S-C classroom by a special education teacher for at least 2 hours, but fewer than 4 hours each day (Students in this setting receive only special education and related services) ⁴	3 or 4	2 half-day	45	EE	1	0	3	2 half-day	45	EE	1	0	3
served in a S-C classroom by a special education teacher for at least 4 hours each day (Students in this setting receive only special education and related services.) ⁴	3 or 4	1 full-day	45	EE	1	0	3	1 full-day	45	EE	1	0	3
served in the ½ day PK classroom and the only sp. ed. svc. the student receives is 1 hour speech therapy/wk.	3 or 4	2 half-day	00	PK	1	0	3	5 ineligible half-day	00	EE	1	0	3

Note: The examples in this chart related to PK programs assume that your district provides both a 3-year-old PK program and a 4-year-old PK program. For PK eligibility requirements, see [7.2 Eligibility](#).

ADA eligibility code rules: General: 0 = enrolled fewer than 2 hours per day, 2 = enrolled 2+ but fewer than 4 hours per day, 1 = enrolled at least 4 hours per day

Homebound: 0 = enrolled fewer than 2 hours per week, 2 = enrolled 2+ but fewer than 4 hours per week, 1 = enrolled at least 4 hours per week

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

¹ An eligible special education student must be provided special education services beginning on his or her third birthday, even if his or her birthday falls after September 1.

² Ineligible PK students may be served in the PK classroom only if space is available and other eligible PK students are not denied enrollment.

³ The PK and special education teachers must be teaching concurrently for the entire half day (if student is to be eligible for half-day attendance) or for the entire day (if student is to be eligible for full-day attendance).

⁴ Refer to [4.7.14 Code 45 - Full-Time Early Childhood \(Preschool Program for Children with Disabilities\) Special Education Setting](#).

4.9.4 PPCD Services and Kindergarten Programs

An eligible student who receives special education services and attends a full-day kindergarten program is eligible for a full day of attendance (ADA eligibility code 1). The student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student.

An eligible student who receives special education services in addition to attending a half-day kindergarten program is also eligible for a full day of attendance (ADA eligibility code 1) if the student is scheduled for and receives at least 4 hours of instruction and services. The student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student.

If a kindergarten student who receives special education services turns 6 years of age during the school year, the PPCD indicator code for that student should be changed from 1 to 0 on the date that the student turns 6. Also, note that a 6-year-old student must not have an instructional setting code of 45, full-time early childhood (PPCD) special education setting.

For coding examples, see the chart on the following page. Each row that shows a “current age” age of 5 shows the coding that should be used for a kindergarten student while the student is 5 years of age. Each row that shows a “current age” age of 6 shows the coding that should be used for a kindergarten student beginning on the date the student turns 6 years of age.

Coding Chart 2: Kindergarten and Special Education Services								
	Age 09/01	Current Age	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count
A kindergarten student eligible for special education services who is:								
attending a kindergarten classroom for his or her entire instructional day and receives special education services in the kindergarten classroom	5	5	1 full-day or 2 half-day	40	KG	1	0	3
attending a kindergarten classroom for his or her entire instructional day and receives special education services in the kindergarten classroom	5	6	1 full-day or 2 half-day	40	KG	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for less than 21% of the day	5	5	1 full-day or 2 half-day	41	KG	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for less than 21% of the day	5	6	1 full-day or 2 half-day	41	KG	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 21% but less than 50% of the day	5	5	1 full-day or 2 half-day	42	KG	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 21% but less than 50% of the day	5	6	1 full-day or 2 half-day	42	KG	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 50% but less than 60% of the day	5	5	1 full-day or 2 half-day	43	KG	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 50% but less than 60% of the day	5	6	1 full-day or 2 half-day	43	KG	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for more than 60% of the day	5	5	1 full-day or 2 half-day	44	KG	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for more than 60% of the day	5	6	1 full-day or 2 half-day	44	KG	0	0	3
served in a self-contained classroom for a full or half day (Students in this setting receive only special education and related services.) ¹	5	5	1 full-day or 2 half-day	45	KG	1	0	3
served in a self-contained classroom for a full or half day (Students in this setting receive only special education and related services.)	5	6	1 full-day or 2 half-day	44	KG	0	0	3

ADA eligibility code rules:

General: 0 = enrolled fewer than 2 hours per *day*, 2 = enrolled 2+ but fewer than 4 hours per *day*, 1 = enrolled at least 4 hours per *day*

Homebound: 0 = enrolled fewer than 2 hours per *week*, 2 = enrolled 2+ but fewer than 4 hours per *week*, 1 = enrolled at least 4 hours per *week*

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

¹ Refer to [4.7.14 Code 45 - Full-Time Early Childhood \(Preschool Programs for Children with Disabilities\) Special Education Setting](#).

4.9.5 PPCD Services and Head Start

Your district and a Head Start program should provide collaborative services as documented in a memorandum of understanding between the two entities. For students with disabilities served in a district-operated or community-based Head Start program, refer to the chart in [4.9.8 Coding Chart: PPCD Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility](#) to make coding determinations for grade level, instructional setting code, and PPCD indicator.

ADA eligibility and weighted funding for these arrangements depend on the amount of time served directly by special education staff members, since Head Start attendance does not generate ADA or weighted funding.

4.9.6 PPCD Services and Students Served in a District-Operated Preschool or Child Care Facility

For students with disabilities served in a district-operated preschool or child care facility, refer to the chart in [4.9.8 Coding Chart: PPCD Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility](#) to make coding determinations for grade level, instructional setting code, and PPCD indicator. ADA eligibility and weighted funding for these arrangements depend on the amount of time served directly by special education staff members, since preschool and child care services do not generate ADA or weighted funding.

If your district establishes an early childhood education program to serve all 3- and/or 4-year-olds regardless of eligibility or other criteria, your district may use the mainstream code (40) for a student in the program who receives special education services (other than speech therapy) in the general classroom. However, for the mainstream code to be used for the student, the majority of students in his or her class must be students who are not receiving special education services.

District-operated preschool and child care settings include, but are not limited to, a staff child day care facility, a staff child care center open to the community, and a district therapy setting not primarily designed for children with disabilities and in which the majority of the children are nondisabled.

4.9.7 PPCD Services and Students Served in a Community-Based Preschool or Child Care Facility

For students with disabilities served in a community-based preschool or child care facility, refer to the chart in [4.9.8 Coding Chart: PPCD Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility](#) to make coding determinations for grade level, instructional setting code, and PPCD indicator. ADA eligibility and weighted funding for these arrangements depend on the amount of time served directly by special education staff members, since preschool and child care services do not generate ADA or weighted funding.

If your district enters into a collaborative effort with a preschool or child care center to serve all 3- and/or 4-year-olds regardless of eligibility or other criteria, your district may use the off home campus - mainstream code (91) for a student in the program who receives special education services (other than speech therapy) in the general classroom. However, for code 91 to be used for the student, the majority of students in his or her class must be students who are not receiving special education services.

Community-based child care settings and facilities include, but are not limited to, a private child care center, a private preschool, and a community-based Head Start program.

4.9.8 Coding Chart: PPCD Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility

Coding Chart 3: PPCD Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility							
	Student Age ¹	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count
Community-based: A student who is eligible for special education services, is receiving services in a community-based Head Start program, community-based preschool, or community-based child care facility, and is:							
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	91	EE	1	0	3
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for 4 or more hours a day	3 or 4	1 full-day	91	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	97	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for more than 4 hours each day	3 or 4	1 full-day	97	EE	1	0	3
District-operated: A student who is eligible for special education services, is receiving services in a district-operated Head Start program, district-operated preschool, or district-operated child care facility, and is:							
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	40	EE	1	0	3
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for 4 or more hours a day	3 or 4	1 full-day	40	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	45	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for more than 4 hours each day	3 or 4	1 full-day	45	EE	1	0	3

ADA eligibility code rules:

General: 0 = enrolled fewer than 2 hours per *day*, 2 = enrolled 2+ but fewer than 4 hours per *day*, 1 = enrolled at least 4 hours per *day*

Homebound: 0 = enrolled fewer than 2 hours per *week*, 2 = enrolled 2+ but fewer than 4 hours per *week*, 1 = enrolled at least 4 hours per *week*

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

¹ An eligible special education student must be provided special education services beginning on his or her third birthday, even if his or her birthday falls after September 1.

4.9.9 PPCD Services and Private or Home School Student Aged 3 or 4 Years and in Need of Special Education

Under 19 TAC [§89.1096](#), Provision of Services for Students Placed by Their Parents in Private Schools or Facilities, the amount and type, if any, of special education and related services made available by your district to students with disabilities placed in private schools or facilities are determined based on ongoing consultation with representatives of the private school and representatives of parentally placed private school students with disabilities and a proportionate share calculation.¹⁵¹

See the TEA Guidance on Parentally Placed Private School Children with Disabilities web page at <http://www.tea.state.tx.us/index2.aspx?id=2147492070> for more information.

4.9.9.1 Dual Enrollment of Private or Home School Student

If an ARD committee determines that a private or home school student aged 3 or 4 years is eligible for and in need of special education instruction and/or related services, the parent may 1) enroll the student only in the public school, 2) “dual enroll” the student, or 3) decline to have the student enroll in public school.

“Dual enrollment” means the enrollment of a 3- or 4-year-old student who is eligible for special education services in both a public school district, through which the student receives special education services, and a private or home school.

Parents of an eligible student have the right to “dual enroll” the student beginning on the student’s third birthday and continuing until the end of the school year in which the student turns 5, or until the student is eligible to attend your district’s public school kindergarten program, whichever comes first.

When parents choose to enroll a child under the dual enrollment provision, your school district should take the following steps to enroll the student, based on the services and amount of time needed to provide those services as set forth in the student’s IEP:

1.
 - enroll the student for at least 4 hours per day,
 - count the student as eligible for full-day attendance (ADA eligibility code 1),
 - record an instructional setting code for contact hours based on the student’s special education service, and
 - count the student on the annual federal child count indicator through the TSDS PEIMS; **or**
2.
 - enroll the student for at least 2 hours but fewer than 4 hours per day,
 - count the student as eligible for half-day attendance (ADA eligibility code 2),
 - record an instructional setting code for contact hours based on the student’s special education service, and
 - count the student on the annual federal child count indicator through the TSDS PEIMS; **or**

¹⁵¹ 34 CFR, §§300.130–300.144

3.

- enroll the student for fewer than 2 hours per day,
- count the student as enrolled but not in membership (ADA eligibility code 0), and
- count the student on the annual federal child count indicator through the TSDS PEIMS but **not** for ADA or contact hours.

If the parent of an eligible student declines dual enrollment for the student, your school district must make the special education and related services available as provided for in 19 TAC [§89.1096\(d\)](#), which provides for parents of an eligible child who decline dual enrollment to request a services plan. Since the obligation of your district to provide special education and related services is limited, and any services provided will be under a services plan, not an IEP, the student will not generate ADA. However, **a student receiving services under a services plan** should be entered into the TSDS PEIMS with an ADA eligibility code of 0 - enrolled, not in membership, and counted on the **last Friday of October for the fall TSDS PEIMS submission** child count snapshot for data reporting purposes.

4.9.10 Some Common Instructional Setting Codes for Students Receiving PPCD Services

Following is a list of instructional setting codes commonly used for students receiving PPCD services. **Note that it is not an exhaustive list.** For a complete list of instructional setting codes and detailed information on when to use them, see [4.7 Instructional Setting Codes](#).

Commonly used instructional setting codes for students receiving PPCD services:

00 - No Instructional Setting

See [4.7.1 Code 00 - No Instructional Setting \(Speech Therapy\)](#).

01 - Homebound

See [4.7.2 Code 01 - Homebound](#). See especially the information in [4.7.2.4 Preschool Programs for Children with Disabilities and Homebound Services](#).

40 - Mainstream

See [4.7.10 Code 40 - Special Education Mainstream](#). See especially the information in [4.7.10.3 Preschool Programs for Children with Disabilities and Mainstream Instructional Settings](#).

41 or 42 - Resource Room/Services

See [4.7.11 Code 41 or 42 - Resource Room/Services](#).

43 or 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus

See [4.7.12 Code 43 or 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus](#).

45 - Full-Time Early Childhood (PPCD) Special Education Setting

See [4.7.14 Code 45 - Full-Time Early Childhood \(Preschool Programs for Children with Disabilities\) Special Education Setting](#).

91, 96, 97, 98 - Off Home Campus

See [4.7.20 Code 91, 92, 93, 94, 95, 96, 97, or 98 - Off Home Campus](#).

4.10 Special Education Services for Infants and Toddlers

Infants and toddlers (children 0 through 2 years of age) who have visual or auditory impairments or both and who are served by your district are eligible for special education services¹⁵² and are eligible to generate ADA. The following subsections describe the coding information to use for these children.

4.10.1 Infants Receiving Visual Impairment Services, Orientation and Mobility (O&M) Services, or Both

All infants (birth through 2 years of age) receiving visual impairment services, O&M services, or both **at home, in day care, or in a nondistrict center-based program** should be reported with the information shown in the following table:

Grade Level	EE
Instructional Setting Code	01, homebound (a doctor's statement is not needed)
ADA Eligibility Code	0—enrolled, not in membership if the infant is served fewer than 2 hours per week 2—eligible for half-day attendance if the infant is served at least 2 hours but fewer than 4 hours per week 1—eligible for full-day attendance if the infant is served at least 4 hours per week

See [4.7.2 Code 01 - Homebound](#) for more information on the homebound instructional setting.

All infants receiving visual impairment services, O&M services, or both **in center-based programs** (not an early childhood intervention [ECI] program) should be reported with the information shown in the following table:

Grade Level	EE
Instructional Setting Code	44 , self-contained, mild/moderate/severe, regular campus <i>or</i> 97 , off home campus <i>depending on the location of the services</i>
ADA Eligibility Code	0—enrolled, not in membership if the infant is served fewer than 2 hours per day 2—eligible for half-day attendance if the infant is served at least 2 hours but fewer than 4 hours per day 1—eligible for full-day attendance if the infant is served at least 4 hours per day

4.10.2 Infants Receiving Auditory Impairment (Deaf) Services

All infants (birth through 2 years of age) receiving auditory impairment (deaf) services **at home or in day care** should be reported with the information shown in the following table:

Grade Level	EE
Instructional Setting Code	01, homebound (a doctor's statement is not needed)

¹⁵² Under the TEC, [§29.003](#), a FAPE must be available from birth to students with visual or auditory impairments.

ADA Eligibility Code	0—enrolled, not in membership if the infant is served fewer than 2 hours per week 2—eligible for half-day attendance if the infant is served at least 2 hours but fewer than 4 hours per week 1—eligible for full-day attendance if the infant is served at least 4 hours per week
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See [4.7.2 Code 01 - Homebound](#) for more information on the homebound instructional setting.

All infants receiving auditory impairment (deaf) services **in your school district or in nondistrict centers** should be reported with the information shown in the following table:

Grade Level	EE
Instructional Setting Code	44 , self-contained, mild/moderate/severe, regular campus <i>or</i> 97 , off home campus <i>depending on the location of the services</i>
ADA Eligibility Code	0—enrolled, not in membership if the infant is served fewer than 2 hours per day 2—eligible for half-day attendance if the infant is served at least 2 hours but fewer than 4 hours per day 1—eligible for full-day attendance if the infant is served at least 4 hours per day

4.10.3 Infants (Birth through 2 Years of Age) Receiving Home-Based Instruction

Important: Only a district that operates an ECI program through a contract with the Texas Department of Assistive and Rehabilitative Services may code an infant with this instructional setting code.

An instructional setting code of **31, home-based instruction**, is used for an infant (birth through age 2) to whom early intervention services are provided in the client's home. It is used when both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider also receives training. This instructional setting does **not** generate contact hours or ADA.

The following table shows the information with which to report an infant who is receiving home-based instruction as described in the previous paragraph:

Grade Level	EE
Instructional Setting Code	31 , home-based instruction
ADA Eligibility Code	0—enrolled, not in membership

4.10.4 Infants (Birth through 2 Years of Age) Receiving Center-Based Instruction

An instructional setting code of **32, center-based instruction**, is used for an infant (birth through age 2) when the infant and his or her family are provided early intervention services through an ECI program operated through the Texas Department of Assistive and Rehabilitative Services and in a facility such as a school, rehabilitation center, clinic, or day care center. This instructional setting code does **not** generate contact hours or ADA.

The following table shows the information with which to report an infant who is receiving center-based instruction as described in the previous paragraph:

Grade Level	EE
Instructional Setting Code	32 , center-based instruction
ADA Eligibility Code	0—enrolled, not in membership

4.10.5 Infants (Birth through 2 Years of Age) Receiving Services in Other Environment

Important: Only a district that operates an ECI program through a contract with the Texas Department of Assistive and Rehabilitative Services may code an infant with this instructional setting code.

Infants receiving early intervention services in an environment other than a home or a center should be coded with an instructional setting code of **34, other environment**. It is used when both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider also receives training. This instructional setting does **not** generate contact hours or ADA.

The following table shows the information with which to report an infant who is receiving services in another environment as described in the previous paragraph:

Grade Level	EE
Instructional Setting Code	34 , other environment
ADA Eligibility Code	0—enrolled, not in membership

4.11 Shared Services Arrangements (SSAs), Including Regional Day School Program for the Deaf SSAs

An SSA is an arrangement in which school districts enter into a written contract to jointly operate their special education programs. School districts may also enter into SSAs to establish regional day school programs for the deaf. A student who attends a program operated under an SSA may be reported by the receiving district without the necessity of a legal transfer. Note: With the closing of STS, RDSPD SSAs must report students who reside in one district but receive educational services in another district as transfer students.

For more information on ADA eligibility codes, see [3.2.1 ADA Eligibility Coding](#).

The matter of which district will report the student should be outlined in the SSA agreement between the member districts. The same district reports the student for **all** TSDS PEIMS reporting. If the RDSPD fiscal agent district reports TSDS PEIMS data for students who reside in another district, the student must be reported on the 40100 record as a transfer student (attribution code 6 – transfer student). For these transfer students, the district must also report the Campus-ID-of-Residence (data element E0903).

4.11.1 Regional Day School Programs for the Deaf (RDSPDs)

Students in an RDSPD must be served a minimum of 45 minutes per week by an RDSPD teacher. All students who receive instructional services through the RDSPD for the minimum time indicated should be reported on the TSDS PEIMS 41163 (Student Data - Special Education) and 42401 (Special Education Attendance Data - Student) records using C067 (Reg-Day-Sch-Prog-Deaf) code 3.

The following table shows the ADA eligibility codes to use for students in an RDSPD.

If a student is enrolled in an RDSPD:	then use ADA eligibility code:
and is a full-day student (served for at least 4 hours [240 minutes]) and is a resident of the district submitting TSDS PEIMS data	1 —eligible for full-day attendance
and is a half-day student (served for at least 2 hours [120 minutes]) and is a resident of the district submitting TSDS PEIMS data	2 —eligible for half-day attendance
and is a full-day student (served for at least 4 hours [240 minutes]) but is not a resident of the district submitting TSDS PEIMS data	3 —eligible for full-day attendance (note: this also requires that the student be assigned an attribution code of 6 – transfer student on the 40100 record)
and is a half-day student (served for at least 2 hours [120 minutes]) but is not a resident of the district submitting TSDS PEIMS data	6 —eligible for half-day attendance (note: this also requires that the student be assigned an attribution code of 6 – transfer student on the 40100 record)

4.12 Coding Chart: Services for Students with Disabilities— Exceptions to the Norm

Coding Chart 4: Services for Students With Disabilities—Exceptions to the Norm							
	Student Age	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count
District Visual Impairment Services, O&M Services, or Both							
Home/day care/nondistrict center-based program	0–2	2–4/hr/week rule	01	EE	0	0 ¹	0
In district center-based program	0–2	2–4 hr/day rule	44 or 97	EE	0	0 ¹	0
District or RDSPD Auditory Impairment (Deaf) Services²							
At home or in day care	0–2	2–4 hr/week rule	01	EE	0	0 ¹	0
In district or nondistrict centers	0–2	2–4 hr/day rule	44 or 97	EE	0	0 ¹	0
Texas Department of Assistive and Rehabilitative Services ECI Program—Operated by a School District³ (Service ends on 3 rd birthday.)							
Home-based instruction	0–2	0	31	EE	0	1	0
Center-based instruction	0–2	0	32	EE	0	1	0
Other environment	0–2	0	34	EE	0	1	0
Head Start Programs (Eligibility depends on amount of time with special education teacher.)							
School-based Head Start (see chart in 4.9.5 PPCD Services and Head Start)	3 or 4	2–4 hr/day rule	40/45	EE	1	0	3
Community-based Head Start (see chart in 4.9.5 PPCD Services and Head Start)	3 or 4	2–4 hr/day rule	91/97	EE	1	0	3
Private School Students							
Where served not relevant (dual enrolled)	3 or 4	2–4 hr/day rule	Per IEP	EE	1	0	3
Where served not relevant	5–21	0	Per ISP	Approp.	0	0	3
Indirect services—students not reported to TSDS PEIMS	3–21						
Students 18–21 Age on September 1							
In public school; student is working toward completing graduation requirements	18–21	2–4 hr/day rule	Per IEP	12	0	0	3
Student graduated by meeting requirements of 19 TAC §89.1070(b) & returned under §89.1070(k) —Graduation type codes 04–06	18–21	2–4 hr/day rule	Per IEP	12	0	0	3

ADA eligibility code rules:

General: 0 = enrolled less than 2 hours per *day*, 2 = enrolled 2+ but fewer than 4 hours per *day*, 1 = enrolled at least 4 hours per *day*

Homebound: 0 = enrolled less than 2 hours per *week*, 2 = enrolled 2+ but fewer than 4 hours per *week*, 1 = enrolled at least 4 hours per *week*

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded ADA eligible = 0.

¹ ECI Indicator code “0” is used for children (0–2) who receive jointly district and ECI services under the ECI TEA MOU from an ECI program not operated by your district.

² Districts and RDSPDs should have an agreement related to the reporting of TSDS PEIMS data for these students.

³ Only districts that operate an ECI program under the auspices of the Texas Department of Assistive and Rehabilitative Services should report children 0–2 using the ECI indicator code 1. Districts without district-operated ECI programs must report children served jointly under the ECI TEA MOU using the ECI indicator code 0.

4.13 Extended School Year (ESY) Services

Your district will be funded for any ESY services it provides for special education students beyond the regular school year during a period such as winter, spring, or summer break. The ARD committee determines the need for ESY services based on documented evidence that the student may be expected to exhibit severe or substantial regression that cannot be recouped within a reasonable period of time.¹⁵³

The procedures for providing ESY services are as follows:

1. At the review of the student's IEP, the ARD committee members must consider whether a student will benefit from ESY services based on regression and recoupment information from the service providers, the student's parents, and evaluations (formal, informal, or both) provided by the LEA and/or the student's parents.

A student who receives ESY services must be reported with the same instructional setting code with which the student was reported during the school year, if he or she had an instructional setting code for the school year.

If a student is turning 3 years old during the summer, the ARD committee may begin to implement the IEP at the start of the school year. Or, if necessary for the student to receive a FAPE, the ARD committee may decide to begin to implement the IEP through ESY services.

2. Each special education teacher and related service provider who provides ESY services is responsible for maintaining an ESY services record or register of the actual instructional eye-to-eye contact hours that each student receives. The ESY services record or register must contain the following data:
 - a. The name of the district and the campus
 - b. The county-district-campus number
 - c. The beginning and ending dates of each week of ESY services
 - d. The grade level of each student as shown in the attendance system for the regular school year
 - e. The student's name as shown in the attendance system for the regular school year
 - f. The instructional setting code of the student as shown in the attendance system for the regular school year
 - g. The total actual contact hours served. Each teacher or special education service provider must record in 30-minute increments the actual number of contact hours the student was served in class each day. Increments of fewer than 30 minutes are not counted.
 - h. The total contact hours by instructional setting code, in order to sum the total ESY services contact hours for each instructional setting
3. After the period for the provision of ESY services ends, the teachers and related service providers must sign ESY services records or registers and forward them to the superintendent (or the superintendent's designee) for safekeeping. Your district retains the ESY services records or registers locally for audit purposes. Your district must report ESY services data to the TEA

¹⁵³ TEC, [§42.151\(k\)](#); 19 TAC [§89.1065](#)

using **42408 ESY Services Student Records** according to Section 2 of the TSDS PEIMS *Data Standards*.

Note: A student coded with an instructional setting code of 40, mainstream, is ineligible for state funding through ESY services. This prohibition does not mean that your district should not or cannot administer mainstream services as an ESY service. If a student who received mainstream services during the regular school year requires mainstream services through the summer, then your school district should serve the student accordingly. However, funding for the mainstream service must come from sources other than those for ESY services.

4.14 Exiting a Limited English Proficient (LEP) Student Who Is Receiving Special Education Services from a Bilingual Education or English as a Second Language (ESL) Program

See [6.8.3 Exit Procedures and Criteria for ELL Students Receiving Special Education Services](#) for information on transferring a LEP student who is receiving special education services out of a bilingual education or ESL program.

4.15 Eligible Days Present and Contact Hours

No matter what instructional setting code is assigned to a student, the student's total number of eligible days present for that instructional setting must be recorded for each 6-week reporting period in the Student Detail Report. Eligible days present are determined by whether the student was present at the official attendance-taking time each day or, for the homebound instructional setting, by the number of eligible days present earned each week according to the homebound funding chart (see [4.7.2.5 Homebound Funding and Homebound Documentation Requirements](#)).

For every eligible day present, a student earns special education contact hours for the instructional setting the student is assigned, even if the student does not attend all scheduled classes.

4.15.1 Contact Hours for Each Instructional Setting

When computing information for the Campus Summary Report (see Section 2), contact hours for each instructional setting must be recorded. To compute contact hours, multiply the total eligible days present for that instructional setting by the corresponding contact-hour multiplier. Each instructional setting has a different contact-hour multiplier. Use the following chart when computing special education contact hours.

Contact-Hour Multiplier for Each Instructional Setting Code

Instructional Setting	Instructional Setting Code(s)	Contact-Hour Multiplier
no instructional setting (speech therapy)	00	0.250
homebound	01	1.000
hospital class	02	4.500
VAC	08	5.500
state supported living center	30	5.500
resource room	41 and 42	2.859
mild/moderate/severe	43 and 44	2.859
full-time early childhood	45	2.859
residential care and treatment	81–89	5.500
off home campus	91–98	4.250

4.15.2 Special Education Contact Hours

The Student Detail Report should reflect eligible special education days present for each eligible student receiving special education services. Campus Summary Reports and District Summary Reports should document **total** eligible special education days and total special education contact hours by instructional setting code by 6-week reporting period.

Total Special Education Contact Hours = Eligible Special Education Days × Contact-Hour Multiplier

4.15.3 Excess Contact Hours

Excess contact hours should also be totaled for each instructional setting. For funding purposes, a student may receive a maximum of 6 contact hours per day. Time in excess of 6 contact hours per day, earned by any combination of special education and CTE classes, must be deducted from the student's primary special education instructional setting. Excess contact hours may be deducted from speech therapy **only if** there are no other special education contact hours.

For examples of how to determine excess contact hours, see [4.18.12 Calculation of Excess Contact Hours Examples](#).

4.15.4 Eligible Mainstream Days Present

Contact hours are **not** reported for the instructional setting code 40 mainstream. However, the total number of mainstream eligible days present must be recorded for each 6-week reporting period in the Student Detail Report for every student with an instructional setting code of 40, mainstream. At the end of each 6-week reporting period, the Campus Summary Report must be computed. Total mainstream eligible days present, for every student coded mainstream, must be summarized by grade level on this report.

Your district must produce a separate Campus Summary Report for each instructional track for each campus in your district. At the end of each 6-week reporting period, a District Summary Report must be computed. Campus Summary Reports and District Summary Reports must include eligible mainstream

days present for each grade level, total eligible mainstream days present for all grades, and campus or district mainstream ADA. **At no time are mainstream eligible days present converted to contact hours.**

4.16 Special Education Documentation

For your district to claim special education contact hours and receive weighted funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating special education eligible days present and for every student with a speech therapy indicator code on the Student Detail Report.

Your district must maintain the following:

- documentation to support the amount of time teachers served students in the homebound instructional setting each week
- documentation to support the IFSP or ARD committee decisions regarding a student and a copy of the student's IFSP or IEP, as applicable, in the student's eligibility folder
- the following statements, if applicable, in the student's eligibility folder:
 - **homebound**—for a student aged 6 years or older, a licensed physician's statement confirming the need for the student to be placed in the homebound instructional setting for a minimum of 4 weeks
 - **hospital class**—documentation from a proper authority confirming the need for the student to reside in the facility
 - **residential care and treatment facility**—documentation from a proper authority confirming the placement for the student to reside in the facility

4.17 Teacher Requirements

Beginning with the 2016-2017 school year, schools and teachers will only need to meet state requirements for certification. The federal term of "highly qualified teacher status" will no longer apply. It is important to note that all state certification requirements adopted in State Board for Educator Certification rule remain in place.

A special education teacher who delivers direct instruction to students with disabilities in core academic subject areas must meet the appropriate state special education certification requirements¹⁵⁴ for the grade level that he or she is teaching.

For teacher requirements specific to the homebound instructional setting, see [4.7.2.1 Homebound Notes](#).

¹⁵⁴ For the certification required for particular assignments, see 19 TAC [Chapter 231](#), available at [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=19&pt=7&ch=231&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=19&pt=7&ch=231&rl=Y).

4.18 Examples

This subsection provides examples of the codes to use for various situations involving students who receive special education services.

4.18.1 Code 01 - Homebound Examples

Example 1: An 8-year-old special education student (instructional setting code **41, resource room/services - less than 21%**) develops a medical condition, and the school obtains a licensed physician's statement affirming that the medical condition will prevent him from attending school for at least 4 weeks.

1. *The ARD committee should convene to review all of the student information (including the physician's statement) to determine if homebound services are appropriate. If the ARD committee determines homebound services are appropriate, the committee should document the following in the student's records:*
 - a) *Licensed physician's statement and ARD committee documentation, which must be on file before a student may be coded homebound*
 - b) *The date that homebound services will begin*
 - c) *The change of placement from resource room to a homebound setting, which will result in a change in the instructional setting code from **41** to **01, homebound***
 - d) *The type, frequency, and duration of services that will be provided in the homebound setting*
 - e) *The certified special education and related service providers who will be serving the student in the homebound setting*

2. *At the end of the week, special education staff members should inform the attendance clerk of the amount of time the student received service from the certified special education teacher and the number of absences to be recorded in the attendance accounting system.*

Example A: If the student is served 4 or more hours that week, the student is recorded present every day that week.

Example B: If the student is served 2 hours that week, the student is recorded present for 2 days and absent for 3 days of that week.

Example C: If the student does not receive any service during the week, absences must be recorded for every day of that week, resulting in 0 eligible days present.

3. *The ARD committee should convene to review current student information (including the physician's statement) to determine if a transition period is necessary and the date homebound services are no longer appropriate. If the student requires a transition period when returning to the classroom setting, the ARD committee should document the following in the student's IEP:*
 - a) *The length of time for the transition period*
 - b) *The amount of time the student will be served in both settings (homebound and classroom) during the transition period*

- c) *The effective date that the student's instructional setting code will change back to **41***

*During the transition period, the student's instructional setting code remains **01, homebound**, based on the homebound funding chart (see [4.7.2.7 Transition from Homebound to the Classroom](#)). The date the transition period is completed and the student returns to the classroom full time, the student's instructional setting code changes back to **41**.*

Example 2: A student with a chronic illness or acute health problem (recurring condition) will be absent from school for at least 4 weeks over the entire school year, as documented by a licensed¹⁵⁵ physician. The ARD committee determines and documents in the IEP that during the time of absence, the student will be served through the homebound instructional setting.

During the first week of the second 6-week reporting period, the student is present on Monday and receives services following the requirements of the 2-through-4-hour rule. The student is then absent on Tuesday, Wednesday, and Thursday but receives 3 hours of homebound instruction from a certified special education teacher on Thursday following the requirements of the homebound funding chart. The student returns to school on Friday and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present. The student's instructional setting code is **42, resource room/services - at least 21% and less than 50%**, for 2 days and **01, homebound**, for 3 days.

During the second week of the second 6-week reporting period, the student is present all 5 days and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present in instructional setting code **42**.

During the third week of the second 6-week reporting period, the student is present all 5 days and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present in instructional setting code **42**.

During the fourth week of the second 6-week reporting period, the student is present on Monday, Tuesday, and Wednesday and receives services following the requirements of the 2-through-4-hour rule. The student is then absent on Thursday and Friday but does not receive any homebound instruction because the student is too ill to receive services. The student generates 3 eligible days present in instructional setting code **42**. The student is counted absent for 2 days.

During the fifth week of the second 6-week reporting period, the student is absent all 5 days and is served 4 hours at home by a certified special education teacher following the requirements of the homebound funding chart. The student generates 5 eligible days present in instructional setting code **01**.

During the sixth week of the second 6-week reporting period, the student is present all 5 days and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present in instructional setting code **42**.

¹⁵⁵ You can access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp.

To document for attendance reporting purposes the changing instructional settings for this student who has a recurring condition, the attendance clerk accumulates the attendance information for the entire second 6-week reporting period and summarizes the information for the eligible days of attendance and contact hours served. The eligible days present and absent are recorded in the attendance accounting system at the end of the second 6-week reporting period.

Example 3: A certified special education teacher administers the required state math assessment to a student confined to the home on a Tuesday. It takes the student 2 hours to complete the math assessment. The teacher returns on Wednesday and administers the required state reading assessment. It takes the student 2 hours to complete the reading assessment.

The student earns only 1 eligible day present for Tuesday and only 1 eligible day present for Wednesday. The certified special education teacher must schedule 2 more hours of homebound instruction during the week so the student can earn an entire week of attendance credit. The additional homebound instruction may be any day of the same week, Sunday to Saturday, including the same calendar day that the test is administered. In all cases, the homebound instruction must be in addition to the time the student is tested.

Example 4: A certified special education teacher administers a final exam to a student confined to the home, and it takes the student 30 minutes to complete the exam.

The student must receive an additional 30 minutes of homebound instruction to earn 1 day present.

Example 5: A student with a chronic, recurring illness normally receives special education and related services in the special education homebound instructional setting. The student's doctor has provided documentation stating that the student may attend school when able. The student's ARD committee has specified that the student is to be served in the special education mainstream instructional setting when the student is well enough to attend school.

On Tuesday, the student is served at home by a certified special education teacher for 3 hours. On Friday of the same week, the student feels well enough to attend 5 hours of school at the student's campus. The student **is present when attendance is taken and is recorded present**.

*The student earns 3 eligible days present for the time the student was served on Tuesday, per the Homebound Funding Chart. The student's instructional setting code for that day is 01, homebound. The student also earns 1 additional day present for attending school on Friday, per the 2-through-4-hour rule and the student's being present at the time attendance was taken. The student's instructional setting code for Friday is **40, mainstream**.*

4.18.2 Code 02 - Hospital Class Examples

Example 1: A student in special education has been confined to a hospital. While at the hospital, the student attends class at the hospital taught by a teacher from your district's high school campus.

*The instructional setting code for this student is **02, hospital class**. Standard attendance accounting rules apply for recording student absences for students in the hospital class instructional setting.*

Example 2: A special education student who resides in a residential care and treatment facility within your district's boundaries receives special education instruction and related services at the residential care and treatment facility.

*The instructional setting code for this student is **02, hospital class**.*

4.18.3 Code 08 - Vocational Adjustment Class (VAC) Example

Example 1: A student works half of the school day and attends classes the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two CTED classes. After 3 weeks, the student loses his job but remains in the special education job training class he has been enrolled in from the beginning of the school year.

For the time the student is gainfully employed, the instructional setting code for the student is 08, and the CTE code is V2 (see [Section 5 Career and Technical Education \(CTE\)](#)). As soon as the student loses his job, the student's instructional setting code changes to reflect the appropriate code for the interim placement determined by the ARD committee, but the CTE code remains V2 if the student remains enrolled in two vocational classes. Note that CTED classes are CTE classes and not special education classes.

A student who loses a job must be provided with a full instructional day during the time he or she is without a job. A student must not stay at home during the time in which he or she was previously on the job.

Example 2: A student works (paid or unpaid) in a job or job training program (assisted or unassisted) and receives regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP. The student may or may not attend special education classes in the district in accordance with the IEP.

For the time the student is employed (paid or unpaid, assisted or unassisted), the instructional setting code for the student is 08. The IEP determines the extent of regularly scheduled direct involvement of special education personnel.

4.18.4 Code 40 - Mainstream Examples

Example 1: A student attends all general education classes. Certified special education personnel are involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student. The student's IEP specifies the services that will be provided by certified special education staff members to enable the student to appropriately progress in the general education curriculum, appropriately advance in achieving the goals set out in the student's IEP, or both.

*The instructional setting code for this student is **40, mainstream**.*

Example 2: A student attends six general education classes a day. In five of the six general education classes the student receives special education services by certified special education personnel.

*The instructional setting code for this student is **40, mainstream**, because the student receives special education services in the general education class.*

Example 3: A student attends all general education classes and receives special education services in the general education setting. For 1 hour a week, as documented in the IEP, this student receives physical therapy in the general education classroom.

*The instructional setting code for this student is **40, mainstream**, because the student receives all special education and related services in the general education class. (If this student received physical therapy in a location other than a general education setting, then the instructional setting code would be **41, resource room/services - less than 21%**.) The student's physical therapy indicator code is **1**.*

Example 4: A student attends all general education classes with an interpreter from the RDSPD.

*The instructional setting code for this student is **40, mainstream**, because the student receives special education services in the general education class. Regardless of the amount of time the interpreter spends with the student, the instructional setting code is **40**.*

Example 5: A 4-year-old student with a disability who is eligible for the PK program and the special education program receives special education and related services (including speech therapy) in the PK classroom for 3 hours 5 days a week. The certified special education teacher teaches collaboratively in the PK classroom with the PK teacher for the full 3 hours and the full 5 days. The occupational therapist provides services for 20 minutes twice a week in the PK classroom. The speech therapist provides speech instruction for 30 minutes a week in a location other than a general education setting.

The student generates half-day ADA eligibility.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **40, mainstream**; the speech therapy indicator code is **2**; and the occupational therapy indicator code is **1**.*

TSDS PEIMS 42401 Record:

*One instructional setting code is recorded for this student: **00, no instructional setting**. (The 42401 record does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream instructional setting and also receives speech therapy services, the 42401 record should have only one instructional setting code reported: 00. The student's mainstream eligible days present are reported on the 42400 record.)*

4.18.5 Codes 41 and 42 - Resource Room/Services Examples

Example 1: A student attends four general education classes and three special education classes a day. The student attends the three special education classes in the resource room.

*The instructional setting code for this student is **42, resource room/services - at least 21% and less than 50%**, because the student is in a location other than a general education setting of the general education class to receive special education services in the resource room and the*

student receives special education services for at least 21% and less than 50% ($3/7 = 43\%$) of the student's total instructional day.

*If this student attended six general education classes and one special education class a day, then the student would have an instructional setting code of **41, resource room/services - less than 21%**, because the student would be in a location other than a general education setting of the general education class to receive special education services and would receive special education services for less than 21% ($1/7 = 14\%$) of the student's total instructional day.*

Example 2: A student attends all general classes and receives special education services in the general education setting, except for 1 hour a week, as documented in the IEP, when the student is pulled out to receive physical therapy in a special education setting.

*The instructional setting code for this student is **41, resource room/services - less than 21%**, because the student receives regularly scheduled related services in a special education setting but is otherwise served in general education. The physical therapy indicator code is **1**.*

Example 3: A student attends all general classes, except for 1 hour a week, as documented in the IEP, when the student receives support services in a resource room from a certified special education teacher, or from an itinerant teacher from an RDSPD.

*The instructional setting code for this student is **41, resource room/services - less than 21%**, because the student receives direct, regularly scheduled special education support services in a special education setting.*

4.18.6 Codes 43 and 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus Examples

Example 1: A student on a departmentalized campus attends four special education classes and three general education classes each day.

*The instructional setting code for this student is **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, because the student receives special education services for at least 50% and no more than 60% ($4/7 = 57\%$) of the student's total instructional day.*

Example 2: A student on an elementary campus spends 3 out of 6 instructional hours in the special education classroom.

*The instructional setting code for this student is **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%** ($180 \text{ minutes}/360 \text{ minutes} = 50\%$).*

Example 3: A student on an elementary campus spends 200 minutes out of 300 instructional minutes in the special education classroom. The student spends the other 100 minutes in a general education classroom.

*The instructional setting code for this student is **44, self-contained, mild/moderate/severe, regular campus - more than 60%**, because 67% ($200/300 = 67\%$) of the student's instructional day is spent in special education.*

Example 4: A student on an elementary campus spends 145 minutes out of 300 instructional minutes in the special education classroom and receives 30 minutes (an average of 6 minutes/day) of speech (or any related service)*. The student spends the other 149 minutes in a general education classroom.

*The following coding information assumes the student receives speech therapy.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, because 50% ($151/300 = 50\%$) of the student's instructional day is spent in special education. The speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Record:

*Two instructional setting codes are recorded for this student: **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, and **00, no instructional setting**.*

Example 5: A student legally transferred into the serving district attends classes for the entire instructional day, in the special education classroom that serves students from other districts.

*The instructional setting code for this student is **44, self-contained, mild/moderate/severe, regular campus - more than 60%**, because the student is in the special education classroom for more than 60% of the student's instructional day. All absences and eligible days present are recorded in the serving district's attendance accounting system. For students 3 through 5 years of age with disabilities, the instructional setting code is **45, full-time early childhood special education setting**.*

The student's ADA eligibility code is 3 - Eligible Transfer Student Full-Day (see [3.2.1.4 Code 3 Eligible Transfer Student Full-Day](#)).

4.18.7 Code 45 - Full-Time Early Childhood (PPCD) Special Education Setting (FT EC SPED) Example

A 4-year-old student with a disability receives full-time special education and related services in educational programs designed primarily for children with disabilities located on local school district campuses. **No education or related services are provided in the mainstream early childhood settings.**

*The instructional setting code for this student is **45, full-time early childhood special education setting**, because no education or related services are provided in mainstream early childhood settings.*

4.18.8 Codes 81–89 - Residential Care and Treatment Facility (Nonresident) Examples

Example 1: A residential care and treatment facility is within the boundaries of your school district. Several special education students who reside in the facility attend school and receive special education services at a school campus in your district. These students' parents do not reside within the boundaries of your district.

*For a special education student who resides in the residential care and treatment facility and receives all special education and related services in **mainstream** classes at a local school district campus, the instructional setting code is **81, residential care and treatment facility - mainstream**.*

*For a special education student who resides in the residential care and treatment facility and attends **one special education class and six general education classes** at a local school district campus, the instructional setting code is **82, residential care and treatment facility - resource room/services - less than 21%** ($1/7 = 14\%$).*

*For a special education student who resides in the residential care and treatment facility and attends **three special education classes and four general education classes** at a local school district campus, the instructional setting code is **83, residential care and treatment facility - resource room/services - at least 21% and less than 50%** ($3/7 = 43\%$).*

*For a special education student who resides in the residential care and treatment facility and attends **three special education classes and three general education classes** at a local school district campus, the instructional setting code is **84, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%** ($3/6 = 50\%$).*

*For a special education student who resides in the residential care and treatment facility and attends **five special education classes and one general education class** at a local school district campus, the instructional setting code is **85, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - more than 60%** ($5/6 = 83\%$).*

*For a special education student who resides in the residential care and treatment facility and receives **speech therapy services only**, the instructional setting code is **00, no instructional setting**.*

Example 2: A special education student who resides in a residential care and treatment facility within your district's boundaries attends special education classes on a local school district campus that serves only special education students.

*The instructional setting code for this student is **86, residential care and treatment facility - separate campus**.*

Example 3: A 3-year-old special education student who resides in a residential care and treatment facility within your district's boundaries receives special education and related services in a self-contained special education classroom within a child care facility.

*The instructional setting code for this student is **87, residential care and treatment facility - community class**.*

*If the services were provided in a self-contained special education class within an agency in the community (such as a community-based Head Start program), then the instructional setting code for this student still would be **87**.*

Example 4: A special education student who resides in a residential care and treatment facility within your district's boundaries works half of the school day and attends classes at the high school campus the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two CTED classes.

*The instructional setting code for this student is **88, residential care and treatment facility - vocational adjustment class**. The student's CTE code is V2 (see [Section 5 Career and Technical Education \(CTE\)](#)). Note that CTED classes are CTE classes and not special education classes.*

Example 5: A 4-year-old special education student who resides in a residential care and treatment facility within your district's boundaries receives full-time special education and related services in the PPCD on a local school district elementary campus.

*The instructional setting code for this student is **89, residential care and treatment facility - full-time early childhood special education setting**.*

4.18.9 Codes 91–98 - Off Home Campus Examples

Example 1: A student attends special education classes on a local school district campus that serves only special education students.

*The instructional setting code for this student is **96, off home campus - separate campus**.*

Example 2: A student attends the entire instructional day in another school district because the home district does not offer the special education services the ARD committee determined are required for the student to have an appropriate education.

There should be an agreement between the home district and the receiving district regarding the reporting of TSDS PEIMS and attendance data for this student. If the home district reports these data, it may report this student as being enrolled in the home district, even though the student attends the entire instructional day in the receiving district. However, it is also permissible for the receiving district to report this student in the TSDS PEIMS, instead of the home district. Only one district may report TSDS PEIMS data for an individual student. The receiving district is responsible for recording student absences and attendance. The receiving district must either submit this information to the home district (if the home district is responsible for reporting TSDS PEIMS data) or enter the information (if the receiving district is responsible for reporting TSDS PEIMS data for the student).

If the student attends three general education classes and three special education classes, the instructional setting is determined according to which entity reports TSDS PEIMS attendance data for the student. If reported by the home district, the instructional setting code for this

*student is **94, off home campus - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%** (3/6 = 50%). If reported by the receiving district, the instructional setting code for this student is **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**.*

*If the student attends five special education classes and one general education class in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district reports TSDS PEIMS data for the student, then the instructional setting code for this student is **95, off home campus - self-contained, mild/moderate/severe, regular campus - more than 60%** (5/6 = 83%). If the receiving district reports TSDS PEIMS data for the student, the instructional setting code is **44, self-contained, mild/moderate/severe, regular campus - more than 60%**.*

*If the student receives special education services and support in mainstream classes in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district enters TSDS PEIMS data for this student, then the instructional setting code for this student is **91, off home campus - mainstream**. If the receiving district reports TSDS PEIMS data for this student, the instructional setting code is **40, mainstream**.*

*If the student attends three special education classes and four general education classes in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district reports TSDS PEIMS data for this student, then the instructional setting code for this student is **93, off home campus - resource room/services - at least 21% and less than 50%** (3/7 = 43%). If the receiving district reports TSDS PEIMS data for this student, the instructional setting code is **42, resource room/services - at least 21% and less than 50%**.*

Example 3: A 5-year-old special education student receives full-time special education and related services in a self-contained multidistrict preschool classroom designed for children with disabilities.

*The instructional setting code for this student is **98, off home campus - full-time early childhood special education setting**.*

Example 4: A preschool-age student with a disability who is eligible for special education and related services is provided special education services in a self-contained special education classroom within a child care facility.

*The instructional setting code for this student is **97, off home campus - community class**.*

*If the services were provided in a self-contained special education class within an agency in the community, then the instructional setting code for the student still would be **97, off home campus - community class**.*

Example 5: A 3-year-old student with a disability receives special education services (including speech therapy) in a community-based child care center for 4 hours 5 days a week and is in a class in which the majority of students are not receiving special education services. The certified special education teacher teaches collaboratively in the community-based child care classroom with the child care provider for the

full 4 hours and the full 5 days. The speech therapist provides speech instruction to the child for 30 minutes a week in the community-based child care classroom and provides consultation to the teachers for 15 minutes a week.

The student generates full-day ADA eligibility because the student meets the requirements of the 2-through-4-hour rule.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **91, off home campus - mainstream**, and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Record:

*Two instructional setting codes are recorded for this student: **91, off home campus - mainstream**, and **00, no instructional setting**.*

Example 6: A 4-year-old student with a disability receives special education services and related services in a community-based child care center and is in a class in which the majority of students are not receiving special education services. The certified special education teacher provides services 30 minutes twice a week and consults with the child care provider for 30 minutes once a week. The speech therapist provides speech instruction to the child for 30 minutes a week in the community-based child care classroom and provides consultation to the teachers for 15 minutes a week. An aide is in the classroom 4 hours a day for 5 days a week to provide support services to the student.

The student's ADA eligibility code is 0 - Enrolled, Not in Membership, because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **91, off home campus - mainstream**, and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Record:

*Two instructional setting codes are recorded for this student: **91, off home campus - mainstream**, and **00, no instructional setting**.*

Example 7: A 4-year-old student with a disability receives special education services in a community-based child care center and is in a class in which the majority of students are not receiving special education services. The certified special education teacher provides services 60 minutes once a week and consults with the child care provider for 60 minutes once a week.

*The student's ADA eligibility code is 0 - Enrolled, Not in Membership, because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility. The instructional setting code for this student is **91, off home campus - mainstream**.*

Example 8: A student with a disability attends and receives special education services in a community setting or environment (not operated by a school district) that prepares the student for postsecondary education/training, integrated employment, and/or independent living skills (including 18 plus programs/services). The student may also receive direct involvement or instruction provided by school district personnel.

4.18.10 Speech Therapy Indicator Code 1 Examples

Example 1: A student receives services from the speech therapist 30 minutes a week and attends all general education classes. The services from the speech therapist are the only special education services the student receives.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **00, no instructional setting**, and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Record:

*The instructional setting code for this student is **00, no instructional setting**.*

Example 2: A student receives direct speech therapy services **and** indirect support from the speech therapy program through services provided by a speech therapist. These are the only special education services the student receives.

TSDS PEIMS 42408 Record and Student Detail Report:

*Regardless of whether these services and supports are provided in a general education or in a location other than a general education setting the instructional setting code for this student is **00, no instructional setting**, and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Record:

*The instructional setting code for this student is **00, no instructional setting**.*

Example 3: A 4-year-old student with a disability is eligible for and attends the PK program. The only special education services the student receives are speech therapy and support services, which are provided by the speech therapist. The speech therapist provides services 30 minutes twice a week in a location other than a general education setting and goes into the PK classroom to provide services, consult with the PK teacher, or both 30 minutes a week.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **00, no instructional setting**, and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Record:

*The instructional setting code for this student is **00, no instructional setting**.*

Example 4: A 4-year-old student with a disability attends a community-based child care center. The only special education services the student receives are speech therapy and support services, which are provided by the speech therapist. The speech therapist provides services 30 minutes twice a week and consults with the child care provider for 30 minutes once a week. An aide is in the classroom 2 hours a day 5 days a week to provide support services to the student.

*The student will **not** generate contact hours because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility.*

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **00, no instructional setting**, and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Record:

*The instructional setting code for this student is **00, no instructional setting**.*

Example 5: A 4-year-old student receives only speech therapy and physical therapy services. The speech therapist provides services 30 minutes twice a week, and the physical therapist provides services 30 minutes twice a week. **The student does not receive any other services.** The student is ineligible for PK but is eligible for the special education services the student receives.

*The student will **not** generate contact hours because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility.*

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **00, no instructional setting**; the speech therapy indicator code is **1**; and the physical therapy indicator code is **1**.*

TSDS PEIMS 42401 Record:

*The instructional setting code for this student is **00, no instructional setting**.*

4.18.11 Speech Therapy Indicator Code 2 Examples

Example 1: A student attends one 55-minute special education class and five 55-minute general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist once a week for 30 minutes in a location other than a general education setting.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **41, resource room/services - less than 21%** ($305 \text{ minutes} / 1,650 \text{ minutes} = 18\%$), and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Record:

*Two instructional setting codes are recorded for this student: **41, resource room/services - less than 21%**, and **00, no instructional setting**.*

Example 2: A student attends one 55-minute special education class and four 55-minute general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist once a week for 30 minutes in a location other than a general education setting.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **42, resource room/services - at least 21% and less than 50%** ($305 \text{ minutes} / 1,375 \text{ minutes} = 22\%$), and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Record:

*Two instructional setting codes are recorded for this student: **42, resource room/services - at least 21% and less than 50%**, and **00, no instructional setting**.*

Example 3: A student with a speech impairment and another type of disability receives special education services and support from a special education teacher in the general education classroom. The student also receives direct speech therapy services.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **40, mainstream**, and the speech therapy indicator code is **2**. The instructional setting code of 40 may be used regardless of whether the direct speech therapy services are provided in the general education classroom or a location other than a general education setting.*

TSDS PEIMS 42401 Record:

*One instructional setting code is recorded for this student: **00, no instructional setting**. (The 42401 record does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream instructional setting and also receives speech therapy services, the 42401 record should have only one instructional setting code reported: 00. The student's mainstream eligible days present are reported on the 42400 record.)*

4.18.12 Calculation of Excess Contact Hours Examples

Example 1: A student attends six CTE classes (V6) and speech therapy (0.25 contact hour multiplier), for a total of 6.25 contact hours a day.

*Since this number of contact hours is over the 6.00 hour per day maximum, 0.25 contact hours must be subtracted from the speech therapy setting (instructional setting code **00, no instructional setting**) for every eligible day present the student accumulates.*

Example 2: A student attends two special education classes and four general education classes a day. All four of the general education classes are CTE classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional setting code **42, resource room/services - at least 21% and less than 50%**) and 4.00 contact hours for CTE (V4), totaling 6.859 contact hours a day. The first 6-week reporting period has 30 days taught. Of those 30 days, the student is present 28 days.

Since the number of contact hours is over the 6.00 hour per day maximum, 0.859 contact hours must be subtracted from the resource room instructional setting for every eligible day present the student accumulates.

The excess contact hours for the first 6-week reporting period for this student are calculated as follows:

Calculate Special Education Contact Hours:

Eligible Days Present	28.000
× Special Education Contact Hour Multiplier	<u>× 2.859</u>
Total Special Education Contact Hours	80.052

Calculate CTE Contact Hours:

Eligible Days Present	28.00
× CTE Contact Hour Multiplier	<u>× 4.00</u>
Total CTE Contact Hours	112.00

Calculate Total Contact Hours:	
CTE Contact Hours	112.000
+ Special Education Contact Hours	<u>+ 80.052</u>
Total Contact Hours	192.052

Calculate Maximum Contact Hours Allowed:	
Number Days Present	28.00
× Maximum Hours per Day	<u>× 6.00</u>
Total Maximum Contact Hours Allowed	168.00

Calculate Total Excess Contact Hours:	
Total Contact Hours	192.052
– Maximum Contact Hours Allowed	<u>– 168.000</u>
Total Excess Contact Hours for First 6 Weeks	<u>24.052</u>

OR

Calculate Excess Contact Hours per Day:	
Total Contact Hours per Day	6.859
– Maximum Hours per Day	<u>– 6.000</u>
Total Excess Contact Hours per Day	0.859

Calculate Total Excess Contact Hours:	
Total Excess Contact Hours per Day	0.859
× Eligible Days Present	<u>× 28.000</u>
Total Excess Contact Hours for First 6 Weeks	<u>24.052</u>

Example 3: A student attends two special education classes and four general education classes a day. All of the general education classes are CTE classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional setting code **42, resource room/services - at least 21% and less than 50%**) and 4.00 contact hours for CTE (V4), totaling 6.859 contact hours a day. On the 11th school day of the first 6 weeks, the ARD committee meets and changes the student's schedule. The student then attends one special education class and five general education classes a day. All five of the general education classes are CTE classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional setting code **41, resource room/services - less than 21%**) and 5.00 contact hours for CTE (V5), totaling 7.859 contact hours a day. The first 6-week reporting period has 30 days taught, and this student is present every day.

The excess contact hours for the first 6-week reporting period for this student are calculated as follows:

Calculate Special Education Contact Hours for First 10 Days:	
Eligible Days Present	10.000
× Special Education Contact Hour Multiplier	<u>× 2.859</u>
Total Special Education Contact Hours	28.590

Calculate CTE Contact Hours for First 10 Days:	
Eligible Days Present	10.00

× CTE Contact Hour Multiplier	<u>× 4.00</u>
Total CTE Contact Hours	40.00

Calculate Total Contact Hours for First 10 Days:

CTE Contact Hours	40.000
+ Special Education Contact Hours	<u>+ 28.590</u>
Total Contact Hours for First 10 Days	68.590

Calculate Maximum Contact Hours Allowed for First 10 Days:

Number Days Present	10.00
× Maximum Hours per Day	<u>× 6.00</u>
Total Maximum Contact Hours Allowed	60.00

Calculate Excess Contact Hours for First 10 Days:

Total Contact Hours	68.590
– Maximum Contact Hours Allowed	<u>– 60.000</u>
Total Excess Contact Hours for First 10 Days	8.590

Calculate Special Education Contact Hours for Last 20 Days:

Eligible Days Present	20.000
× Special Education Contact Hour Multiplier	<u>× 2.859</u>
Total Special Education Contact Hours	57.180

Calculate CTE Contact Hours for Last 20 Days:

Eligible Days Present	20.00
× CTE Contact Hour Multiplier	<u>× 5.00</u>
Total CTE Contact Hours	100.00

Calculate Total Contact Hours for Last 20 Days:

CTE Contact Hours	100.000
+ Special Education Contact Hours	<u>+ 57.180</u>
Total Contact Hours for Last 20 Days	157.180

Calculate Maximum Contact Hours Allowed for Last 20 Days:

Number Days Present	20.00
× Maximum Hours per Day	<u>× 6.00</u>
Total Maximum Contact Hours Allowed	120.00

Calculate Excess Contact Hours for Last 20 Days:

Total Contact Hours	157.180
– Maximum Contact Hours Allowed	<u>– 120.000</u>
Total Excess Contact Hours for Last 20 Days	37.180

Calculate Total Excess Contact Hours:

Excess Contact Hours Last 20 Days	37.180
+ Excess Contact Hours First 10 Days	<u>+ 8.590</u>
Total Excess Contact Hours for First 6 Weeks	<u>45.770</u>

OR

Calculate Excess Contact Hours per Day for First 10 Days:

Total Contact Hours per Day	6.859
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– Maximum Hours per Day	<u>– 6.000</u>
Total Excess Contact Hours per Day	0.859
Calculate Total Excess Contact Hours for First 10 Days:	
Total Excess Contact Hours per Day	0.859
× Eligible Days Present	<u>× 10.000</u>
Total Excess Contact Hours for First 10 Days	8.590
Calculate Excess Contact Hours per Day for Last 20 Days:	
Total Contact Hours per Day	7.859
– Maximum Hours per Day	<u>– 6.000</u>
Total Excess Contact Hours per Day	1.859
Calculate Total Excess Contact Hours for Last 20 Days:	
Total Excess Contact Hours per Day	1.859
× Eligible Days Present	<u>× 20.000</u>
Total Excess Contact Hours for Last 20 Days	37.180
Calculate Total Excess Contact Hours:	
Excess Contact Hours for Last 20 Days	37.180
+ Excess Contact Hours for First 10 Days	<u>+ 8.590</u>
Total Excess Contact Hours for First 6 Weeks	<u>45.770</u>