



Texas Education Savings Account Program: Q&A Document for School Providers

Section 1: The Basics

Question	Answer
<p>What organizational criteria must schools meet to participate in the ESA program?</p>	<ul style="list-style-type: none"> • Schools must comply with all Texas tax filing, collection, and payment requirements. • Schools must have the right to transact business in Texas. • Schools must have a physical location in Texas, whether a campus or an administrative office where the private school employs one or more Texas residents sufficient to enable the program's operations and enforcement, including compliance with the program's audit requirements. • Schools do not have to be registered with the Secretary of State to do business.
<p>Must a private school with multiple campuses obtain approval separately for each campus?</p>	<p>No, approval to operate extends to all campuses that are operated by the school and are covered by the accreditation submitted in the application process.</p>
<p>What operational history is required for eligibility?</p>	<p>A school must have continuously operated a campus for two years in any location. (The qualifying campus need not have operated in Texas.)</p>
<p>What educational criteria must schools meet to participate in the ESA program?</p>	<p>Accreditation. Schools must provide proof of accreditation by an organization recognized by the Texas Private School Accreditation Commission (TPSAC) or Texas Education Agency. The list of accreditations recognized by TPSAC can be found here. TEA has not yet issued a list of accreditors it recognizes.</p> <p>Annual Assessments. Schools accepting ESA support must annually administer a nationally norm-referenced test evaluating academic aptitude OR the standardized assessment (STAAR) used by the Texas Education Agency.</p> <ul style="list-style-type: none"> • assessment (STAAR) used by the Texas Education Agency.

Section 1: The Basics (cont.)

Question	Answer
How are private schools approved for participation in the ESA program?	Schools will submit an application through the a portal maintained by Odyssey.
How do child care centers that provide Prekindergarten participate in the program?	A private child care provider that provides prekindergarten services in partnership with a school district or charter school qualifies as an education service provider and is eligible to receive tuition and fees for prekindergarten (for eligible students) and kindergarten educational services, provided that the provider meets the requirements of Texas Education Code Section 29.171.
When may private schools begin to apply for approval to participate in the program?	Eligible private schools may apply to join the program through Odyssey’s portal beginning on December 9, 2025. There is no deadline.
May a private school withdraw its application or withdraw from the program once approved?	Yes, a school may withdraw at any point.
Will approved private schools have to reapply for participation in the program each year?	No. If a school remains in good standing it will continue as an approved participant from year to year.
Do a school’s teachers or other staff have to be certified or meet any other qualification criteria?	No. The ESA requirements do not address staff qualifications. See final rules for information about protecting students from individuals with certain criminal histories.

Section 1: The Basics (cont.)

Question	Answer
What dollar amount will the ESA program make available to eligible students?	<p>Base Amount \$10,800 per child (per Comptroller estimate)</p> <p>Students with Disabilities Students with disabilities are eligible for additional funding up to \$30,000 based on their individualized education program (IEP)</p>
Will funds flow to the school or the parent?	Odyssey will send the funds directly to the school.
What is the payment schedule?	<p>Funds are distributed quarterly:</p> <ul style="list-style-type: none"> - At least 25% by July 1 - At least 50% total by October 1 - Full amount by April 1 <p><i>Note: Funds may be distributed in advance of the deadlines above.</i></p>
Does the ESA program impose restrictions on a school's tuition structure?	<p>The rules prohibit charging ESA participants more than established standard rates applicable to other students. Schools may, however, have differing tuition structures that are unrelated to program participation. For instance, school policies regarding private scholarship funds may continue as before.</p> <p>Further, schools may not provide rebates, refunds, credits, or share ESA program funds (directly or indirectly) with participating families.</p> <p>Recommended Compliance Practices:</p> <p>Publish Standard Tuition and Fee Schedules: Ensure all tuition and fee schedules are publicly posted and available as part of admissions and enrollment documentation. Maintain clear records of all fee changes, historical rates, and student-facing communications.</p> <p>Uniform Invoicing and Billing Procedures: Use consistent invoicing templates for all students.</p> <p>Staff Training for Admissions and Billing Teams: Ensure staff that staff involved in tuition management, admissions, and billing understand that tuition and other fees must be the same for ESA and non-ESA students. Provide annual refreshers to ensure compliance.</p> <p>Internal Audits: Implement intermittent self-audits using spot checks of ESA student accounts to validate uniform rate application. Review random samples to ensure no student receives special, excess, or differential charges.</p>

Section 1: The Basics (cont.)

Question	Answer
<p>What financial oversight applies to schools participating in the program?</p>	<p>Schools must provide proof of the third-party audit or financial review “consistent with the provider’s accreditation commission standards.”</p> <p>Although the statute does not specify the frequency of audits or financial reviews, the reference to accreditation standards indicates that schools will not need to secure an audit or review more frequently than required by its accreditor.</p> <p>Schools must also provide information regarding program transactions if requested by the auditor.</p>
<p>What are the eligibility criteria for children to participate in the program?</p>	<p>Children must be Texas residents.</p> <p>For grades K-12, a child must be at least 5 years of age and younger than 21 years of age as of the first day of September of any school year.</p> <p>Students younger than age 5 are eligible if they meet one of the following criteria:</p> <p>Basic requirement: Child must be at least 3 years old</p> <p>Plus one of these conditions:</p> <p>Language and Educational Needs:</p> <ul style="list-style-type: none"> • Cannot speak and understand English • Is educationally disadvantaged <p>Housing Status:</p> <ul style="list-style-type: none"> • Is homeless (regardless of where parents or guardians live) <p>Military Family:</p> <ul style="list-style-type: none"> • Parent is active duty military (including state military or reserves) ordered to active duty • Parent is military member who was injured or killed while on active duty <p>Child Welfare System:</p> <ul style="list-style-type: none"> • Is or has been in Texas Department of Family and Protective Services conservatorship (after a court hearing) • Was in foster care in another state but now lives in Texas <p>First Responder Family:</p> <ul style="list-style-type: none"> • Parent is eligible for the Star of Texas Award as a: <ul style="list-style-type: none"> • Peace officer • Firefighter • Emergency medical first responder <p>Note: A child only needs to meet ONE of these conditions (plus being at least 3 years old) to qualify for prekindergarten enrollment.</p>

Section 1: The Basics (cont.)

Question	Answer
<p>How do families participate in the program?</p>	<p>Families may apply online to participate in the program beginning on February 4, 2026. Applications are to be submitted online through Odyssey.</p> <p>The application must be accompanied by the following:</p> <ul style="list-style-type: none"> • Proof that the child is a citizen or national or was lawfully admitted into the United States • Proof of the child’s current residency in Texas • Proof of total annual income • Agreement to comply with program requirements • Agreement to provide assessment results to Odyssey or authorize and instruct the test administrator to provide to Odyssey • Additional information related to a child with a disability, as applicable. (See final rules for more information relevant to serving children with disabilities.)
<p>May schools assist families in preparing their applications for admission into the program?</p>	<p>Yes. There are no prohibitions against schools assisting families with the application.</p>
<p>May the school continue its religious practices if it participates in the program?</p>	<p>Yes. Program administrators are explicitly prohibited from imposing limitations or requirements that are contrary to the school’s religious values or practices. The school’s educational program may continue in its current form.</p>
<p>How does participation affect the school’s freedom with respect to employment and admission policies and practices?</p>	<p>A school that receives funding under the program is not deemed a recipient of federal funds and may not be considered a “state actor” on the basis of receiving ESA funds.</p> <p>A school may not be required to change its employment or admissions practices as a condition of participation in the program. Note, however, that a school must certify that it will not permit individuals with certain histories of criminal conduct to interact with participating students. See final rules for more information about the categories of criminal conduct covered by this restriction.</p> <p>A school may use program funds to pay parents employed at the school. (The school may not, however, use program funds to provide rebates or other incentives to families.)</p>

Section 1: The Basics (cont.)

Question	Answer
<p>What categories of criminal conduct disqualify an individual from interaction with participating students?</p>	<p>The ESA program requires that schools certify that they will not permit an individual to interact with a participating child if that individual:</p> <ul style="list-style-type: none"> – Has been convicted <i>or received deferred adjudication for</i>: <ul style="list-style-type: none"> • An offense for which a person must register as a sex offender: • Had an improper relationship with a student • Provided harmful material to a minor • Committed a felony offense involving public indecency • Committed a felony offense involving school property <p>OR</p> <ul style="list-style-type: none"> • Homicide • Kidnapping • Unlawful restraint • Smuggling • Trafficking • Sexual offense • Assault <p>OR</p> <p>Has abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not legally justified, regardless of whether the conduct resulted in bodily injury Has been involved in or solicited a romantic relationship with or solicited or engaged in sexual contact with a student or minor;</p> <p>Has engaged in inappropriate communications with a student or minor as defined by the State Board of Educator Certification</p> <p>Has failed to maintain appropriate boundaries with a student or minor as defined by the State Board of Educator Certification.</p>
<p>What requirements apply to the facility in which a school operates (if not virtual/online)?</p>	<p>The school must have the right to control the premises during school hours. A lease that provides such control is sufficient.</p>

Section 2: Funding

Question	Answer
How are funding amounts calculated?	<p>General Education Students For most students, per-student allocation is based on 85% of the estimated statewide average that public school students generate. This average includes state and local funding. This average typically ranges from \$10,500-\$12,000.</p> <p>Students with Disabilities For students with disabilities, funding is tied to the amount that a school district would receive based on the student’s individual education plan. The amount is capped at \$30,000 annually.</p> <p>See final rules for more information about serving students with disabilities.</p>
How quickly will a participating school receive funds for students served under the program?	<p>The Comptroller will make deposits into the account of Odyssey three times annually. Statute specifies that these deposits must occur <i>no later than</i> July 1, October 1, and April 1. The Comptroller may accelerate this timeline.</p> <p>Upon each deposit, Odyssey must immediately deposit the funds available in the account of each participating child. Accordingly, schools should receive payments soon after each of those dates.</p>
What percentage of a student’s annual allotment will flow with each payment?	<p>The July payment must include at least one quarter of funds allocated for participating students. The October payment must include at least one half of funds allocated for participating students. Remaining funds will be distributed to Odyssey by April 1 (or sooner) and immediately thereafter to schools.</p>
How will parents direct funds allocated for their children?	<p>Parents will have access to a secure online portal managed by Odyssey. Parents will use this portal to direct expenditures of funds held in trust for their child.</p>
What school expenses can be covered by the ESA fund?	<p>ESA funds can only be used for the following approved education-related expenses:</p> <ol style="list-style-type: none"> 1. Tuition and fees, including application fees, registration fees, course-specific fees 2. Required uniforms 3. Textbooks and instructional materials (including digital materials); materials are eligible regardless of whether the course is “for credit” 4. Computer hardware and software*required by your school (limited to 10% of the child’s annual account amount) 5. Assessment instrument costs 6. Breakfast or lunch provided during the school day 7. Fee-for-service transportation
May a school retain partial payment to cover fixed costs if a student withdraws during the school year?	<p>No. The rules prohibit a school from charging “a program participant or former participant for a service or product to the extent the service or product is not fully provided.”</p>

Section 3: Student Participation

Question	Answer
<p>How will families be informed about the opportunity to participate in the ESA program?</p>	<p>Odyssey will be conducting a marketing campaign to promote awareness that should launch this Fall. A handbook will also be published and distributed to participating parents.</p>
<p>How will parents apply for participation in the program?</p>	<p>Parents will use the online portal to apply and submit required documentation listed below. The Comptroller is contemplating an initial 30-day enrollment period followed by a second 30-day opportunity if allocations remain available after the first period closes.</p> <p>Acceptable Documentation Specified in Rules:</p> <ol style="list-style-type: none"> 1. Authorization to allow electronic verification that the child is a citizen or national of the United States or was lawfully admitted 2. Proof of U.S. Citizenship or Lawful Admission, such as: Certified copy of one of the following: <ul style="list-style-type: none"> • U.S. birth certificate (issued in the US or US territory) • Certificate of Naturalization • Certificate of Citizenship • Consular Report of Birth Abroad • U.S. passport, Permanent Resident Card • Order or judicial decision issued from the Executive Office of Immigration Review • Documentation issued by the Department of Homeland Security affirming lawful admission 3. Authorization to allow electronic verification or documentary proof of current Texas Residency. Acceptable documents include: <ul style="list-style-type: none"> • Utility bill • Lease agreement or mortgage statement • Texas driver's license or state identification card • Voter registration card • Letter from a government agency • Notarized affidavit of residency 4. Proof of Household Income such as an IRS transcript of a federal tax return or another means of verifying total annual income as needed for prioritization or eligibility. 5. Compliance Agreement and Certification by Parent 6. Proof of Disability Status (if applicable for priority): <ul style="list-style-type: none"> • A determination letter of eligibility for SSI or SSDI Lease OR • A written diagnosis from a licensed physician for specified disabilities OR • Authorization to verify an existing individualized education program (IEP) issued by a Texas school district or open-enrollment charter school.

Section 3: Student Participation (cont.)

Question	Answer
<p>How will families with limited access to technology participate in the application process?</p>	<p>Odyssey is required to ensure that the portal is accessible via mobile devices as well as desktop/laptop computers.</p>
<p>How are students prioritized for admission to the program?</p>	<p>Students will be admitted in the following order:</p> <ol style="list-style-type: none"> 1. Disabled children from moderately low-income families – Children with disabilities whose families earn 500% or less of the federal poverty level. 2. Children from lower-income families – Children whose families earn 200% or less of the federal poverty level. 3. Middle-Tier Children – Children whose families earn between 200% and 500% of the federal poverty level 4. Higher-income children – Children whose families earn 500% or more of the federal poverty level (limited to 20% of total program funding). Within this category students who were enrolled in a Texas public school for at least 90 percent of the preceding school year are prioritized. <p>Additional rules:</p> <ul style="list-style-type: none"> • Siblings: If a child and their sibling both apply during the same period, both applications will be approved if funding allows • Lottery system: If there are more qualified applicants than available spots, Odyssey will use a lottery system that follows the priority order above, with siblings of current participants getting first priority • Waiting list: Odyssey will create a waiting list for qualified applicants who can't be accepted due to lack of available positions, organized by the same priority system. <p><i>Note: Federal poverty guidelines are income limits set each year – for example, 200% might be around \$60,000 for a family of four. The poverty thresholds are available at the U.S. Department of Health and Human Services.</i></p>
<p>What are the current income thresholds for 2025?</p>	<p>A family's adjusted gross income will be used in determining prioritization for participation. Federal poverty guidelines are updated annually. For 2025, the approximate thresholds for a family of four are:</p> <p>200% of federal poverty guidelines: ~\$63,300 500% of federal poverty guidelines: ~\$160,700</p> <p>Electronic verification using existing data bases will be used to the extent possible to limit the documentation that parents must submit.</p>

Section 3: Student Participation (cont.)

Question	Answer
<p>How does the sibling preference work?</p>	<p>Siblings receive significant priority:</p> <ul style="list-style-type: none"> • Siblings of current ESA participants are considered first, before all other applicants. • If siblings apply together during the same application period, they are considered as a unit in the first income category under which either sibling qualifies. • Both siblings will be approved together if funding allows.
<p>How should school leaders advise prospective ESA families about their chances?</p>	<p>Leaders should remind parents that state approval to participate in the ESA program does not guarantee admission to a participating private school.</p> <p>Leaders should also be candid about the prioritization system:</p> <ul style="list-style-type: none"> • Emphasize that sibling preference is strong. • Note that lower-income families generally have higher priority and that the ESA allocation for children in families whose income is at or above 500% of the federal poverty guidelines is limited to 20% of total funds available under the program. Within that 20%, children who were enrolled in a public school for at least 90% of the preceding school year are prioritized. • Mention that funding is limited and not all eligible applicants may receive funding immediately.
<p>May students reapply if not selected initially?</p>	<p>Students not initially selected are placed on a waiting list in priority order. If additional funding becomes available during the year, students are selected from the waiting list in the same priority order. Students must reapply each year if they remain on the waiting list.</p>
<p>Will parents have to reapply annually?</p>	<p>No. Parents will, however, need to annually notify Odyssey of their intent to continue participating in the program the following year.</p>

Section 4: Assessment

Question	Answer
<p>What types of assessments satisfy this requirement?</p>	<p>Schools have two options:</p> <ol style="list-style-type: none"> Nationally norm-referenced test that compares a child's performance to comparable children throughout the United States. <p>The following tests meet this requirement:</p> <ul style="list-style-type: none"> • Texas Success Initiative Assessment (TSIA) • American College Testing (ACT) • Pre- American College Testing (Pre-ACT) • Classic Learning Test (CLT) 3-8 • Classic Learning Test (CLT) 10 • Classic Learning Test (CLT) • i-Ready Assessments • TerraNova, Third Edition (TerraNova 3) • Terra Nova NEXT • Comprehensive Testing Program (CTP) • Milestones • NWEA Measures of Academic Progress (MAP) • Stanford Achievement Test, Tenth Edition (Stanford 10) • Renaissance's Star Assessments (STAR Assessments) • Iowa Assessments • Scholastic Aptitude Test (SAT) • Preliminary Scholastic Aptitude Test (PSAT) / National Merit Scholarship Qualifying Test (NMSQT) <p>The following are approved assessments for students with special needs:</p> <ul style="list-style-type: none"> • Kaufman Test of Education Achievement published by Pearson • BRIGANCE assessment published by Curriculum Associates • Woodcock Johnson published by Riverside • Peabody Individual Achievement Test • Wechsler Individual Achievement Test - II • State of Texas Assessments of Academic Readiness (STAAR) Alternative 2 <ol style="list-style-type: none"> State assessment - Tests that public schools are required to administer (STAAR tests in 2026-2027 and thereafter assessments at the beginning, middle and end of the year).
<p>Which grade levels must be assessed?</p>	<p>Only students in grades 3 through 12 must be assessed. Students in prekindergarten, kindergarten, grades 1 and 2 are not subject to assessment requirements.</p> <p>Note that although formative assessments such as NWEA MAP are not typically administered in the 11th and 12th grades, the SAT and ACT are also nationally norm-referenced tests.</p>

Section 4: Assessment (cont.)

Question	Answer
Who pays for the required assessments?	Assessment costs can be paid with ESA funds as an approved education-related expense. The statute specifically allows ESA money to be used for “costs related to academic assessments.”
Must a school assess <i>all</i> students or only ESA students?	The statute requires annual administration for students in grades 3-12 enrolled in the program.
How are assessment results collected and reported?	In order to participate in the program, a parent must agree to provide assessment results to Odyssey or authorize and instruct the test administrator to do so. There is no requirement that a school take responsibility for submission of test results.
Will assessment data be published in a format that attributes results to individual schools?	Odyssey will publish an annual longitudinal report that includes assessment data but is not required by law to attribute results to individual schools.
Is there a deadline by which a parent must provide or direct the assessment administrator to provide assessment results to Odyssey?	Assessment results must be submitted by the end of the program year in which the assessment is administered.

Section 5: Students with Disabilities

Question	Answer
Are private schools subject to federal IDEA requirements when serving ESA students with disabilities?	No. The statute explicitly states that private schools are not subject to federal and state special education laws in the same manner as public schools.
What notice must a participating school provide to parents of students with disabilities?	<p>Odyssey is required to post a notice on the program website. Participating private schools are required to provide a copy of the notice to the parents of a child with a disability enrolled in the school. on the program's website.</p> <p>The notice published by Odyssey will state that private schools are not subject to federal and state laws regarding provision of educational services to children with disabilities in the same manner as public schools</p> <p>The notice will additionally provide information about rights children with disabilities have if enrolled in public schools, including rights under the Individuals with Disabilities Education Act (IDEA) and state special education provisions.</p>
How is "child with a disability" defined for ESA purposes?	<p>A "child with a disability" means a child who is eligible to participate in a school district's special education program under Education Code Section 29.003, which includes children with:</p> <ul style="list-style-type: none"> • Visual or auditory impairment • Physical disability • Intellectual or developmental disability • Emotional disturbance • Learning disability, including dyslexia • Autism • Speech disability • Traumatic brain injury
Is a participating private school required to enroll a student with a disability?	No. The statute preserves a participating private school's autonomy over admissions decisions.
Are private schools required to proactively identify students with disabilities if a child's parent has not provided evidence of a disability?	Neither the federal Individuals with Disabilities Act nor state special education requirements apply to participating private schools. Thus, the "Child Find" provisions requiring that public schools seek out students with disabilities are not applicable.

Section 5: Students with Disabilities (cont.)

Question	Answer
<p>What are the obligations of a participating private school if a parent requests an evaluation of their child?</p>	<p>Parents of children not enrolled in public school may request that the school district in which the student resides or where the school is located conduct a full evaluation.</p> <p>The requesting district must complete the evaluation within 45 school days.</p> <p>If the child qualifies for special education services, the district must develop an individualized education plan (IEP).</p> <p>This process is designed to help families access ESA disability funding, not to create obligations for private schools.</p>
<p>What additional funding will be available to support students with disabilities?</p>	<p>Participating private schools serving students with disabilities receive the amount a school district would receive for the child based on their IEP. Funding levels are based on the intensity of services required by the IEP. The Legislature recently established 8 tiers of funding. The commissioner of education will be publishing rules that set the funding weights under the new structure in Spring 2026.</p> <p>NOTE: The new funding weights will not apply to students enrolled in participating private schools until the 2027–2028 school year at the earliest because funding calculations under the ESA are based on prior year calculations.</p> <p>Maximum total: The total amount of funding for each student with a disability may not exceed \$30,000 per year (base + additional combined).</p>
<p>How may students with disabilities qualify for prioritization in selection in the program?</p>	<p>Families may submit proof of a qualifying disability signed by one or more of the following licensed professionals qualified to attest that the child meets the applicable eligibility definition, including:</p> <ul style="list-style-type: none"> • Licensed specialist in school psychology (LSSP)/school psychologist • Educational diagnostician • Appropriately certified or licensed practitioner with experience and training in the area of the disability or specific eligibility category <p>A Full and Individual Initial Evaluation (FIIE) suffices for the purpose of prioritization.</p>

Section 5: Students with Disabilities (cont.)

Question	Answer
<p>How do students with disabilities qualify for the additional funding?</p>	<p>Families may document eligibility for additional funding in two ways when applying for participation in the program.</p> <p>Option A: Medical/SSI Documentation</p> <ul style="list-style-type: none"> • Determination letter showing child’s eligibility for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), OR • Written diagnosis from a licensed physician describing a qualifying condition. <p>Option B: IEP Authorization</p> <ul style="list-style-type: none"> • Authorization allowing verification that an individualized education program (IEP) has been issued by a school district or charter school for the child <p>Step 2: Obtain IEP for Funding Calculation</p> <p>If the family doesn’t already have an IEP, they must get one so that Odyssey can calculate the additional funding amount:</p> <ol style="list-style-type: none"> 1. Parent requests evaluation from the school district where the child would otherwise attend or the district where the private school is located. 2. District conducts evaluation within 45 school days of receiving parental consent. 3. If child qualifies, district develops an IEP. 4. IEP determines funding amount based on special education services the child would receive. <p>Note: The IEP is not time limited; it can be from any date. The IEP may also have been prepared by an out-of-state district.</p> <p>Step 3: Funding Calculation</p> <p>The additional amount equals what a school district would receive for the child based on:</p> <ul style="list-style-type: none"> • The child’s specific IEP requirements • Chapter 48 special education funding weights for those services • Applicable for the school year <i>preceding</i> initial ESA enrollment
<p>Are private schools that enroll students with disabilities required to implement the IEP developed by the school district?</p>	<p>No. The IEP serves a funding purpose only – private schools are not required to implement it or provide the services it specifies.</p>

Section 6: Compliance Issues

Question	Answer
<p>What types of reporting will be required of participating schools?</p>	<p>Assessment Results. Proposed rules require that a private school annually report to Odyssey assessment results for students in grades 3–12.</p> <p>3rd Party Audit or Financial Review. Schools must provide proof of the third-party audit or financial review “consistent with the provider’s accreditation commission standards.” Odyssey will be providing submittal instructions.</p>
<p>What state audits or inspections might we be subject to, and how often would they occur?</p>	<p>Audits and Financial Reviews. The statute defers to accreditor standards for third-party audits and financial reviews. Although not yet specified in state procedure, it is unlikely that a school will be required to contract for audits or financial reviews more frequently than required by its accreditor.</p> <p>Documentation Requests. Both the Comptroller of Public Accounts (which oversees the ESA program) and Odyssey must be audited annually. During the course of these audits schools may be required to submit documentation necessary to ensure compliance with program requirements. Procedures and formats for such reporting have not yet been established.</p>
<p>What are the grounds on which a school may be suspended from participation in the program?</p>	<p>A school will be suspended from program participation if it:</p> <ul style="list-style-type: none"> • Fails to meet eligibility requirements. This includes loss of accreditation, not meeting standards for approved private schools, or loss of required registration to do business in Texas. • Fails to comply with any program requirement: Noncompliance may include issues such as failing to administer required assessment instruments, not maintaining necessary records, or violating any requirements related to student safety or instructional standards. • Fails to comply with any applicable law: Violations of state or federal law, including those concerning privacy, reporting, health, or safety, may result in suspension. • Accreditation or personnel eligibility failures: If the school is found to employ or allow interaction with students by personnel who are disqualified due to misconduct or other regulatory reasons (per Education Code 22.085, 22.092, or 22.093), the school is subject to suspension. • Audit findings: If a scheduled or ad hoc audit reveals noncompliance, financial irregularities, or fraud, the school may be suspended pending corrective action.

Section 6: Compliance Issues (cont.)

Question	Answer
<p>What procedural rights does a school have if suspension or other corrective action is proposed?</p>	<p>Schools will be notified in writing of any suspension from the program, with the reasons for suspension, corrective action required, and a 30-day period to respond and comply with corrective actions before potential removal from the program</p> <p>During this 30-day window, schools may submit a response or correct the deficiencies, after which the Comptroller may reinstate participation, grant a temporary extension for further corrective action, or finalize the removal.</p> <p>Note that a “decision of the comptroller made under this section is final and not subject to appeal.”</p> <p>Only program participants (parents) have a statutory right to appeal administrative decisions; schools and vendors explicitly do not.</p> <p>All parties—including schools, vendors, and program participants—have the right to intervene in any civil action challenging the constitutionality of the program, as provided in the statute.</p>
<p>What documentation must be maintained by a participating school?</p>	<p>Although neither statute nor rules address record retention directly, it would be prudent—based on proposed rules— to maintain the following for a period of at least 7 years:</p> <p><u>Financial Records</u> Records of all program funds received and spent, including tuition, fees, and refunds, as well as proof of annual third-party audits or financial reviews.</p> <p><u>Assessment Data</u> Annual administration records for nationally norm-referenced assessment instruments for students in grades 3–12.</p> <p><u>Personnel Records</u> Documentation showing that personnel are not disqualified for misconduct, including confirmation they are not listed in Education Code 22.085, 22.092, or 22.093(c).</p>
<p>What is considered public information under the Texas Public Information Act?</p>	<p>Statute exempts student records, including individual students’ assessment data, from information that must be shared under the Texas Public Information Act. Neither the statute nor rules address confidentiality of other types of information reported by a school.</p>