

BILL ANALYSIS

S.B. 89
By: Menéndez
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The COVID-19 pandemic has seriously disrupted services to public school students with disabilities, resulting in stalled progress and even some skills regression for many students. Parents have entered a period of trial and error required by at-home schooling, and the inevitable "errors," along with the loss of vital structured routine, have become harmful to students in need of special education. During the pandemic many parents have asked about the services to which their children are entitled and how to access those services under these exceptional circumstances. S.B. 89 seeks to address this need by requiring public school districts to prepare written individualized education program (IEP) supplements, which will detail whether the 2019-2020 or 2020-2021 school year's IEPs were interrupted and will determine whether compensatory education is appropriate for the following year's IEP.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 2 of this bill.

ANALYSIS

S.B. 89 amends the Education Code to require a public school district to prepare a supplement for each child enrolled in the district's special education program during the 2019-2020 school year or the 2020-2021 school year to be included with the written statement of the individualized education program (IEP) developed for the child. The supplement must include the following information:

- if applicable, whether the written report of the child's full individual and initial evaluation for special education services was completed during the 2019-2020 school year or the 2020-2021 school year and, if so, whether the report was completed by the required date;
- if applicable, whether the child's initial IEP was developed during the 2019-2020 school year or the 2020-2021 school year and, if so, whether it was developed by the date required under federal regulations;
- whether the provision of special services to the child under an IEP during the 2019-2020 school year or the 2020-2021 school year was interrupted, reduced, delayed, suspended, or discontinued; and
- whether compensatory educational services are appropriate for the child based on the information included in the supplement or any other factors.

The bill exempts a district from the requirement to prepare the supplement if, during the 2020-2021 school year, the written statement of a child's IEP documents the information required to be included with the supplement.

S.B. 89 exempts the supplement from statutory provisions restricting certain IEP documentation to the content prescribed by a certain model form. The bill authorizes the commissioner of education to adopt rules as necessary to implement the bill and requires a district to complete each required supplement not later than May 1, 2022. The bill's provisions expire September 1, 2023.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.