AN ACT
relating to supplemental information required for inclusion with a
written statement of an individualized education program developed
for certain public school students who received special education
services during the 2019-2020 or 2020-2021 school year.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the COVID-19 Special
Education Recovery Act.

SECTION 2. Subchapter A, Chapter 29, Education Code, is
amended by adding Section 29.0052 to read as follows:

Sec. 29.0052. INDIVIDUALIZED EDUCATION PROGRAM SUPPLEMENT.
(a) Except as provided by Subsection (b), for each child who was
enrolled in a school district's special education program under
this subchapter during the 2019-2020 school year or the 2020-2021
school year, the district shall prepare a supplement to be included
with the written statement of the individualized education program
developed for the child under Section 29.005(b). The supplement
must include information indicating:

(1) if applicable, whether the written report of the
child's full individual and initial evaluation under Section 29.004
was completed during the 2019-2020 school year or the 2020-2021
school year and, if so, whether the report was completed by the date
required under that section;

(2) if applicable, whether the child's initial
individualized education program was developed under Section 29.005(b) during the 2019-2020 school year or the 2020-2021 school year and, if so, whether the program was developed by the date required under 34 C.F.R. Section 300.323(c)(1);

(3) whether the provision of special services to the child under an individualized education program during the 2019-2020 school year or the 2020-2021 school year was interrupted, reduced, delayed, suspended, or discontinued; and

(4) whether compensatory educational services are appropriate for the child based on the information under Subdivisions (1)-(3) or any other factors.

(b) Subsection (a) does not apply to a child if during the 2020-2021 school year the written statement of the child's individualized education program documents the information described under Subsections (a)(1)-(4).

(c) Section 29.005(f) and Section 29.0051 do not apply to a supplement prepared for inclusion with a written statement of an individualized education program, as required by this section.

(d) The commissioner may adopt rules as necessary to implement this section.

(e) This section expires September 1, 2023.

SECTION 3. Not later than May 1, 2022, a school district subject to Section 29.0052, Education Code, as added by this Act, shall complete each required supplement to a written statement of an individualized education program, as provided by that section.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as
S.B. No. 89

1 provided by Section 39, Article III, Texas Constitution. If this 
2 Act does not receive the vote necessary for immediate effect, this 
3 Act takes effect September 1, 2021.

______________________________ ______________________________ 
President of the Senate 

Speaker of the House 

I hereby certify that S.B. No. 89 passed the Senate on 
April 13, 2021, by the following vote: Yeas 31, Nays 0. 

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Secretary of the Senate 

I hereby certify that S.B. No. 89 passed the House on 
May 23, 2021, by the following vote: Yeas 143, Nays 2, one present 
not voting. 

______________________________ 
Chief Clerk of the House 

Approved: 

______________________________ 
Date 

______________________________ 
Governor