

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

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

5 (3) whether the provision of special services to the
6 child under an individualized education program during the
7 2019-2020 school year or the 2020-2021 school year was interrupted,
8 reduced, delayed, suspended, or discontinued; and

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

12 (b) Subsection (a) does not apply to a child if during the
13 2020-2021 school year the written statement of the child's
14 individualized education program documents the information
15 described under Subsections (a)(1)-(4).

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

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

21 (e) This section expires September 1, 2023.

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

26 SECTION 4. This Act takes effect immediately if it receives
27 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.

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