

By: Menéndez

S.B. No. 89

A BILL TO BE ENTITLED

AN ACT

1
2 relating to supplemental information required for inclusion with a
3 written statement of an individualized education program developed
4 for certain public school students who received special education
5 services during the 2019-2020 or 2020-2021 school year.

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

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

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

11 Sec. 29.0052. INDIVIDUALIZED EDUCATION PROGRAM SUPPLEMENT.

12 (a) For each child who was enrolled in a school district's special
13 education program under this subchapter during the 2019-2020 school
14 year or the 2020-2021 school year, the district shall prepare a
15 supplement to be included with the written statement of the
16 individualized education program developed for the child under
17 Section 29.005(b). The supplement must include information
18 indicating:

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

24 (2) whether the child's initial individualized

1 education program was developed under Section 29.005(b) during the
2 2019-2020 school year or the 2020-2021 school year and, if so,
3 whether the program was developed by the date required under 34
4 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 under
10 Subchapter C are appropriate for the child based on the information
11 under Subdivisions (1)-(3) or any other factors.

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

15 (c) The commissioner shall adopt rules as necessary to
16 implement this section.

17 (d) This section expires September 1, 2023.

18 SECTION 3. (a) Not later than December 1, 2021, the
19 commissioner of education shall adopt necessary rules under Section
20 29.0052, Education Code, as added by this Act.

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

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2021.