

1-1 By: Menéndez, Lucio S.B. No. 89
 1-2 (In the Senate - Filed November 9, 2020; March 3, 2021, read
 1-3 first time and referred to Committee on Education; April 6, 2021,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 9, Nays 0; April 6, 2021, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|-----------------|-----|-----|--------|-----|
| 1-7 Taylor | X | | | |
| 1-8 Lucio | X | | | |
| 1-9 Bettencourt | X | | | |
| 1-10 Hall | | | X | |
| 1-11 Hughes | | | X | |
| 1-12 Menéndez | X | | | |
| 1-13 Paxton | X | | | |
| 1-14 Perry | X | | | |
| 1-15 Powell | X | | | |
| 1-16 Schwertner | X | | | |
| 1-17 West | X | | | |

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 89 By: Menéndez

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to supplemental information required for inclusion with a
 1-23 written statement of an individualized education program developed
 1-24 for certain public school students who received special education
 1-25 services during the 2019-2020 or 2020-2021 school year.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. This Act shall be known as the COVID-19 Special
 1-28 Education Recovery Act.

1-29 SECTION 2. Subchapter A, Chapter 29, Education Code, is
 1-30 amended by adding Section 29.0052 to read as follows:

1-31 Sec. 29.0052. INDIVIDUALIZED EDUCATION PROGRAM SUPPLEMENT.

1-32 (a) Except as provided by Subsection (b), for each child who was
 1-33 enrolled in a school district's special education program under
 1-34 this subchapter during the 2019-2020 school year or the 2020-2021
 1-35 school year, the district shall prepare a supplement to be included
 1-36 with the written statement of the individualized education program
 1-37 developed for the child under Section 29.005(b). The supplement
 1-38 must include information indicating:

1-39 (1) if applicable, whether the written report of the
 1-40 child's full individual and initial evaluation under Section 29.004
 1-41 was completed during the 2019-2020 school year or the 2020-2021
 1-42 school year and, if so, whether the report was completed by the date
 1-43 required under that section;

1-44 (2) if applicable, whether the child's initial
 1-45 individualized education program was developed under Section
 1-46 29.005(b) during the 2019-2020 school year or the 2020-2021 school
 1-47 year and, if so, whether the program was developed by the date
 1-48 required under 34 C.F.R. Section 300.323(c)(1);

1-49 (3) whether the provision of special services to the
 1-50 child under an individualized education program during the
 1-51 2019-2020 school year or the 2020-2021 school year was interrupted,
 1-52 reduced, delayed, suspended, or discontinued; and

1-53 (4) whether compensatory educational services are
 1-54 appropriate for the child based on the information under
 1-55 Subdivisions (1)-(3) or any other factors.

1-56 (b) Subsection (a) does not apply to a child if during the
 1-57 2020-2021 school year the written statement of the child's
 1-58 individualized education program documents the information
 1-59 described under Subsections (a)(1)-(4).

1-60 (c) Section 29.005(f) and Section 29.0051 do not apply to a

2-1 supplement prepared for inclusion with a written statement of an
2-2 individualized education program, as required by this section.

2-3 (d) The commissioner may adopt rules as necessary to
2-4 implement this section.

2-5 (e) This section expires September 1, 2023.

2-6 SECTION 3. Not later than May 1, 2022, a school district
2-7 subject to Section 29.0052, Education Code, as added by this Act,
2-8 shall complete each required supplement to a written statement of
2-9 an individualized education program, as provided by that section.

2-10 SECTION 4. This Act takes effect immediately if it receives
2-11 a vote of two-thirds of all the members elected to each house, as
2-12 provided by Section 39, Article III, Texas Constitution. If this
2-13 Act does not receive the vote necessary for immediate effect, this
2-14 Act takes effect September 1, 2021.

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