

SUBJECT: Requiring inclusion of certain information with statement of student's IED

COMMITTEE: Public Education — committee substitute recommended

VOTE: 10 ayes — Dutton, Allen, Allison, Bell, Bernal, Buckley, Huberty, Meza, Talarico, VanDeaver

2 nays — Lozano, K. King

1 absent — M. González

WITNESSES: For — Steven Aleman, Disability Rights Texas; Amanda Afifi, Texas Association of School Psychologists; Lisa Flores; Diana Serrano; (*Registered, but did not testify*: Dennis Borel, Coalition of Texans with Disabilities; Chloe Latham Sikes, Intercultural Development Research Association; Bill Kelly, Mayor's Office, City of Houston; Rebecca Fowler, Mental Health America of Greater Houston; Greg Hansch and Ana O'Quin, National Alliance on Mental Illness TX; Alison Mohr Boleware, National Association of Social Workers-Texas Chapter; Grover Campbell, TASB; Josette Saxton, Texans Care for Children; Courtney Hoffman, Texas Association for Behavior Analysis Public Policy Group; Barry Haenisch, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Jan Friese, Texas Counseling Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Suzi Kennon, Texas PTA; Carrie Griffith, Texas State Teachers Association; Ashley Ford, The Arc of Texas; Thomas Parkinson)

Against — None

On — Sabrina Gonzalez, Texas Council for Developmental Disabilities; (*Registered, but did not testify*: Eric Marin and Monica Martinez, Texas Education Agency)

BACKGROUND: Education Code sec. 29.005 requires a school district, before a child is enrolled in the district's special education program, to establish a

committee to develop the child's individualized education program (IED).

Sec. 29.005(b) requires the committee to develop the program by agreement of the committee members or, if those persons cannot agree, by an alternate method provided by the Texas Education Agency. Under sec. 29.005(b-1), the written statement of the individualized education program must document the committee's decisions and include certain information, such as whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the committee's decisions.

Concerns have been raised that the COVID-19 pandemic disrupted services for students with disabilities, causing stalled learning progress and some regression in skills. Some have suggested that school districts document detailed information to determine whether individual education programs were interrupted and whether compensatory education is appropriate for the 2021-2022 school year.

DIGEST:

CSHB 144 would require a school district to prepare a supplement to include with the written statement of the individualized education program developed for the child.

The bill would apply to each child enrolled in a district's special education program during the 2019-2020 school year or the 2020-2021 school year.

Under the bill, the supplement would have to include information indicating:

- if applicable, whether the written report of the child's full individual and initial evaluation was completed during the 2019-2020 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 individualized education program was developed during the 2019-2020 or 2020-2021 school year and, if so, whether the program was developed by the required date;

- whether the provision of special services to the child under the individualized education program during the 2019-2020 or 2020-2021 school year was interrupted, reduced, delayed, suspended, or discontinued; and
- whether compensatory educational services were appropriate for the child based on the above information or any other factors.

By May 1, 2022, an applicable school district would have to complete each required supplement to a written statement of an individualized education program.

The required supplement would not apply if during the 2020-2021 school year the written statement of the child's individualized education program documented that information. The bill also would provide other specified exceptions.

The commissioner of education could adopt rules to implement the bill's provisions.

The bill's provisions would expire September 1, 2023.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.