

## **BILL ANALYSIS**

Senate Research Center  
87R2956 CXP-F

S.B. 89  
By: Menéndez  
Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In general, it is students with special needs who have been most impacted by the education changes brought about by the Covid-19 pandemic. When schools stopped in-person instruction this past March, many special needs students' learning did not just halt, it regressed. Collecting data on the pandemic's impact on students in general education has been difficult, and due to the highly variable nature of the special needs population, it has been even harder to collect data on these students. Providing more information to teachers in the coming school year is crucial to addressing these new gaps.

S.B. 89 requires the addition of a written supplement to a student's individualized education plan. The supplement must detail whether the student's full evaluation was completed in the 2019-2020 school year or the 2020-2021 school year. The supplement must also include whether or not the services available to the student were interrupted, reduced, delayed, suspended, or discontinued. As schools promote students to new grade levels, this data will help teachers adjust to their needs post-pandemic and will provide the Texas Education Agency with data on how special education fared as a whole.

As proposed, S.B. 89 amends current law 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.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 29.0052, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Designates this Act as the COVID-19 Special Education Recovery Act.

SECTION 2. Amends Subchapter A, Chapter 29, Education Code, by adding Section 29.0052, as follows:

Sec. 29.0052. INDIVIDUALIZED EDUCATION PROGRAM SUPPLEMENT. (a) Requires that a school district prepare a supplement to be included with the written statement of the individualized education program developed for the child under Section 29.005(b) (relating to an individualized education program) for each child who was enrolled in the school district's special education program under Subchapter A (Special Education Program) during the 2019-2020 school year or the 2020-2021 school year. Requires that the supplement include information indicating:

(1) whether the written report of the child's full individual and initial evaluation under Section 29.004 (Full Individual and Initial Evaluation) 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) 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 under Subchapter C (Compensatory Education Programs) are appropriate for the child based on the information under Subdivisions (1)-(3) or any other factors.

(b) Provides that Section 29.005(f) (relating to the content of the written statement on the student's individualized education program) and Section 29.0051 (Model Form) do not apply to a supplement prepared for inclusion with a written statement of an individualized education program, as required by this section.

(c) Requires the commissioner of education (commissioner) to adopt rules as necessary to implement this section.

(d) Provides that this section expires September 1, 2023.

SECTION 3. (a) Requires the commissioner to adopt the necessary rules under Section 29.0052, Education Code, as added by this Act, not later than December 1, 2021.

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

SECTION 4. Effective date: upon passage or September 1, 2021.