

This FAQ accompanies the [To the administrator addressed correspondence \(TAA letter\)](#) released July 22, 2021. As noted in the TAA letter, Senate Bill 89 (SB 89) requires specific supplemental information be included in the Individualized Education Program (IEP) for students with disabilities who received special education services during the 2019-2020 or 2020-2021 school years. The following components are required:

1. If applicable, whether the written report of the student's full individual and initial evaluation (FIIE) was completed during the 2019-2020 or the 2020-2021 school year and, if so, whether the report was completed by the required date;
2. If applicable, whether the student's initial IEP was developed during the 2019-2020 or 2020-2021 school year and, if so, whether the program was developed by the required date;
3. For all students with an IEP, whether the provision of special education and related services to a student under their IEP during the 2019-2020 or 2020-2021 school year was interrupted, reduced, delayed, suspended, or discontinued; and
4. Whether compensatory educational services are appropriate for the student based on the above information, or any other factors.

Questions:

1. What is the implementation timeline for SB 89?

The four components of SB 89 **must** be addressed **prior to May 1, 2022**. Most students will have either an annual or review Admission, Review, and Dismissal (ARD) meeting prior to this date, at which time the supplemental information could be included instead of conducting a separate ARD committee meeting for the sole purpose of complying with SB 89. However, if the student's ARD committee has not previously discussed the student's need for compensatory services, then ARD committees need to make those determinations as expeditiously as possible.

2. We used TEA's [Special Education Emergency Contingency Plan](#) during the 2019-2020 and/or 2020-2021 school years. Does this plan satisfy the requirements of SB 89?

The contingency plan documented services to be provided so that there was clarity for both parents/guardians and educators during the unique COVID situation. This plan was also intended to be used to assist the ARD committee in determining what, if any, compensatory services would be provided to the student once school reopened.

While the contingency plan alone does not satisfy the requirements of SB 89, local education agencies (LEAs) that used the plan and then discussed compensatory services will be well positioned to address the requirements. If the components of SB 89 were already addressed during ARD committee meetings in 2020-2021, then there is no need for the information to be documented again in the 2021-2022 school year

3. Does SB 89 only apply to students who had Full Individual Initial Evaluation (FIIE) and initial (i.e., admission) ARD committee meetings during the timeframe?

No. Components 1 and 2 above apply only to students who received an FIIE and/or had admission ARD committee meetings during the 2019-2020 or 2020-2021 school years. However, components 3 and 4 apply to all students with an IEP during the applicable timeframe.

4. Will TEA create a Supplement form to address SB 89?

TEA does not plan to create a supplement form to address SB 89. ARD committees may choose to address the requirements of SB 89 in the deliberations section of the ARD meeting or use a locally developed or adopted supplemental form of their choosing.

5. What data sources and resources can assist LEAs in completing the required components?

- Component 1 (FIIE): Use information entered for SPP 11 and SPP 12 for students with disabilities identified in 2019-2020 and 2020-2021.
 - If timelines were met, report the due dates and completion dates of the written report
 - If timelines were not met, report the due dates, completion dates, and how many school days beyond the due dates. This will directly impact answering components 3 and 4.
- Component 2 (initial IEP/admission ARD meeting): Use information entered for SPP 11 and SPP 12 for students with disabilities identified in 2019-2020 and 2020-2021.
 - If timelines were met, report the due dates and completion dates of the admission ARD committee meeting.
 - If timelines were not met, report the due dates, completion dates, and how many school days beyond the due dates. This will directly impact answering components 3 and 4.
- Component 3 (Service Disruption): Describe the impact to a student's expected progress if special education and/or related services were "interrupted, reduced, delayed, suspended, or discontinued" during 2019-2020 or 2020-2021. Describe how this inability to provide required services was addressed in the student's contingency plan and what steps were taken to ensure the student continued to receive a free appropriate public education (FAPE). See [ARD Guidance and Contingency Plans During Remote Learning –Summer of 2020](#).
- Component 4 (Compensatory Services): Describe the compensatory services that were already provided, if they were needed, or services that will be provided to address the impact of services that were interrupted, reduced, delayed, suspended, or discontinued. See [TEA Guidance: Compensatory Services –Summer of 2020](#).

6. Does the requirement for including the supplemental information apply to students who graduated in the 2019-2020 or 2020-2021 school years?

No. SB 89 does not apply to students who graduated and are no longer receiving special education services.

7. When a student with a disability is enrolled in an LEA during the 2021-2022 school year that is not the LEA where the student received special education services during the 2019-2020 or 2020-2021 school years, which LEA is responsible for fulfilling the requirements of Senate Bill 89?

Senate Bill 89 requires specific supplemental information be addressed and included in the IEP prior to May 1, 2022. If the LEA where the student was enrolled during the 2020-2021 school year already included all supplemental information required in a previous IEP, then no action is required of the new LEA. However, if the required supplemental information was not previously addressed, then the LEA where the student is currently enrolled must work with the previous district of enrollment to ensure that the requirements are addressed appropriately, including the need for compensatory services.