

DATE:	July 22, 2021
SUBJECT:	Senate Bill 89 Implementation Overview
CATEGORY:	87th Regular Session Implementation
NEXT STEPS:	Share with appropriate internal staff for collaboration and review

Senate Bill (SB) 89, passed during the 87th Regular Texas Legislative Session, was signed into law on June 7, 2021, by Governor Abbott, and took effect immediately.

Known as the COVID-19 Special Education Recovery Act, SB 89 amended the Texas Education Code by adding §29.0052. The COVID-19 Special Education Recovery Act is intended to help local education agencies (LEAs) identify and address special education and related service interruptions during the COVID-19 pandemic. The act requires that the Individualized Education Program (IEP) of each student enrolled in an LEA's special education program during the 2019-2020 or 2020-2021 school year include certain documentation.

No later than May 1, 2022, Admission, Review, and Dismissal (ARD) committees must complete a required supplement as a written statement included in the child's IEP.

The required supplement must include the following information:

- 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;
- 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;
- 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
- Whether compensatory educational services are appropriate for the student based on the above information, or any other factors.

While the required content must be included with the written statement of the IEP, the specific location and format of the information may be determined locally. Documentation of the required elements of SB 89 may be included within the ARD committee deliberations and/or as a supplemental form that is included as part of the ARD committee paperwork.

If the student's ARD committee documented all required information in the written statement of the IEP during the 2020-2021 school year, then the ARD committee is not required to prepare an additional supplement for this purpose.

For information about required FIIE timelines and the initial provision of special education and related services as required under 19 Texas Administrative Code, §89.1011, see Special Education [FIIE timelines and Frequently Asked Questions](#).

For information about compensatory services, please refer to the [Students with Disabilities Planning Supports Guidebook 2020-2021](#) and [Considerations for Extended School Year and](#)

[Compensatory Services for Students with Disabilities During and After Texas School Closures Due to COVID-19.](#)

If you have any questions related to this correspondence, please contact the Division of Special Education Programs at sped@tea.texas.gov.