SEC. 1. ADMISSION, REVIEW AND DISMISSAL COMMITTEES

TLC Academy shall establish an admission, review and dismissal ("ARD") committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted. The ARD committee shall be the individualized education program ("IEP") team defined at 34 CFR 300.321.

SEC. 2. ARD COMMITTEE RESPONSIBILITIES

The ARD committee and Texas Leadership Public Schools are responsible for:

1. Evaluating, reevaluating, and determining eligibility for special education and related services;
2. Placement of students with disabilities, including disciplinary changes in placement;
3. Development of student IEPs;
4. Compliance with the least restrictive environment standard;
5. Compliance with state requirements for reading diagnosis and state assessments;
6. Development of personal graduation plans;
7. Development of accelerated instruction under Education Code 28.0211 and intensive programs of instruction under Education Code 28.0213;
8. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
9. Determining eligibility for extracurricular activities, under Education Code 33.081.

34 CFR 300.116(a), 300.321(a); 19 TAC 89.1050(a).

SEC. 3. COMMITTEE MEMBERS

Texas Leadership Public Schools shall ensure that each ARD committee meeting includes:

1. The parents of a child with a disability;
2. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;
3. At least one special education teacher, or where appropriate, at least one special education provider of the child;
4. A representative of Texas Leadership Public Schools who:
   a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
   b. Is knowledgeable about the general education curriculum; and
   c. Is knowledgeable about the availability of Texas Leadership Public Schools's resources;

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

5. An individual who can interpret the instructional implications of evaluation results, who may be a member of team described in Section 3(2)-(6);
6. At the discretion of the parent or Texas Leadership Public Schools, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
7. The child, whenever appropriate;
8. To the extent appropriate, with the consent of the parent(s) or a student who has reached the age of majority, a representative of any participating agency that is likely to be responsible for providing or paying for transition services;
9. A representative from career and technical education ("CTE"), preferably the teacher, when considering initial or continued placement of a student in CTE;
10. For a child who is an emergent bilingual student, a member of the child's language-proficiency assessment committee ("LPAC");
11. For a child with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of children with auditory impairments; and
12. For a child with a visual impairment, including deaf-blindness, a teacher who is certified in the education of children with visual impairments.

19 TAC 89.1050.

A Texas Leadership Public Schools member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and Texas Leadership Public Schools agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A Texas Leadership Public Schools member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and Texas Leadership Public Schools consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 CFR 300.321(e).

a) Transition Meeting Membership

If the ARD committee is meeting to consider postsecondary goals and the transition services needed to assist the student in reaching those goals, Texas Leadership Public Schools shall invite:

1. The student. If the student does not attend, Texas Leadership Public Schools shall take other steps to ensure that the student's preferences and interests are considered.

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

2. To the extent appropriate, and with the consent of the parent or student who has reached the age of majority, a representative of any other agency that is likely to be responsible for providing or paying for transition services.

34 CFR 300.321(b).

SEC. 4. PARENTAL INVOLVEMENT

Texas Leadership Public Schools shall take steps to ensure that one or both of the parents of a student with a disability are present at each ARD committee meeting or are afforded the opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include all information required by applicable regulation); and
2. Scheduling the meeting at a mutually agreed time and place.

34 CFR 300.322(a)–(b); 19 TAC 89.1050.

SEC. 5. ALTERNATIVE PARTICIPATION METHODS

If neither parent can attend an ARD committee meeting, Texas Leadership Public Schools must use other methods to ensure parent participation, including individual or conference telephone calls.

20 U.S.C. 1414(f); 34 CFR 300.322(c).

An ARD committee meeting may be conducted without a parent in attendance if Texas Leadership Public Schools is unable to convince the parents that they should attend. In such event, Texas Leadership Public Schools must keep a record of its attempts to arrange a mutually agreed time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; and
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

34 CFR 300.322(d).

SEC. 6. ARD COMMITTEE MEETINGS

Texas Leadership Public Schools shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability. The committee shall review each student's IEP periodically, and, if appropriate, revise the IEP. A

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once per year.

If the student has a behavioral intervention plan ("BIP") as part of the child's IEP, the ARD committee must review the BIP at least annually and more frequently if appropriate to address the safety of the student, the safety of others, or changes in the child's circumstances that may impact the child's behavior in accordance with TEC 29.005(h).

A meeting does not include informal or unscheduled conversations involving Texas Leadership Public Schools personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that Texas Leadership Public Schools personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

20 U.S.C. 1414(d)(4); 34 CFR 300.116(b)(1), 300.324(b), (c)(1); 300.501(b)(3).

a) Meeting at Parent Request

Upon request of a written request for an ARD committee meeting from a parent, the Texas Leadership Public Schools must (1) schedule and convene a meeting; or (2) within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting.

19 TAC 89.1050(e).

b) Transfer Students

If a student transfers to Texas Leadership Public Schools, and the student had a previous IEP in place, Texas Leadership Public Schools shall provide the student with a free appropriate public education ("FAPE"), including services comparable to those described in the previous IEP, in consultation with the parents, until:

1. In the case of a student who transfers within the state, Texas Leadership Public Schools adopts the previous IEP or develops, adopts, and implements a new IEP.
2. In the case of a student who had an IEP in effect in another state, Texas Leadership Public Schools conducts an evaluation, if determined necessary by Texas Leadership Public Schools, and develops, adopts, and implements a new IEP, if appropriate.

20 U.S.C. 1414(d)(2)(C)(i); 34 CFR 300.323(e), (f).

c) Transfer of Records

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

Texas Leadership Public Schools shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the child's previous district.

20 U.S.C. 1414(d)(2)(C)(ii); 34 CFR 300.323(g).

d) Military Dependents

Texas Leadership Public Schools shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude Texas Leadership Public Schools from performing subsequent evaluations to ensure appropriate placement of the student.

Education Code 162.002 art. V, § C.

SEC. 7. ELIGIBILITY DETERMINATIONS

The group of qualified professionals that determines whether a child is a child with a disability and the child's educational needs is the ARD committee.

Evaluations and eligibility determinations shall adhere to the requirements set forth in the IDEA, the Texas Education Code, and their implementing regulations. For additional information, *see* PG-6.14 through 6.16.

19 TAC 89.1040(b), 89.1050(a)(5); 34 CFR 300.306(a)(1).

Texas Leadership Public Schools shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4)(B); 34 CFR 300.306(a).

The ARD committee must make its decisions regarding a student's initial eligibility determination and, when appropriate, the student's IEP and placement within the timeframes prescribed by state and federal law.

19 TAC 89.1011(d), (e).

SEC. 8. INDIVIDUALIZED EDUCATION PROGRAM

Texas Leadership Public Schools shall develop, review, and revise an IEP for each child with a disability, and Texas Leadership Public Schools shall have an IEP in effect for each child with a disability at the beginning of each school year.

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

20 U.S.C. 1412(a)(4),(d)(2)(A); 34 CFR 300.320(a).

The term "individualized education program" or "IEP" means a written statement for each child with a disability that includes:

1. A statement of the child's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the child's progress toward the annual goals will be measured and when periodic reports on the progress of the child will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child;
5. A statement of the program modifications or supports for school personnel that will be provided for the child;
6. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state or system-wide assessments;
9. If the ARD committee determines that the child must take an alternative assessment instead of a particular regular state or system-wide assessment, a statement of why the child cannot participate in the regular assessment and why the particular assessment selected is appropriate for the child;
10. Beginning not later than the first IEP to be in effect when the child is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate, measurable postsecondary goals and transition services needed to assist the child in reaching those goals; and
11. Beginning not later than one year before the child reaches the age of 17, a statement that the child has been informed of the rights that will transfer to the child upon reaching the age of majority.

20 U.S.C. 1414(d); 34 CFR 300.320; 19 TAC 89.1055.

SEC. 9. TRANSLATING IEPS

If the child's parent is unable to speak English, Texas Leadership Public Schools shall:

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

1. Provide the parent with a written or audio-taped copy of the child's IEP translated into Spanish if Spanish is the parent's native language; or
2. If the parent's native language is a language other than Spanish, make a good faith effort to provide the parent with a written or audiotaped copy of the child's IEP translated into the parent's native language.

Education Code 29.005(d).

SEC. 10. AUTISM/PERVASIVE DEVELOPMENTAL DISORDERS

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders ("ASD");
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

19 TAC 89.1055(e)–(f).

SEC. 11. VISUAL IMPAIRMENT

Texas Leadership Public Schools shall adopt written procedures as required in Education Code 30.002(c)(10) for providing special education services to students with visual impairments, if such services are necessary.

19 TAC 89.1075(b).

An IEP for a student with a visual impairment must include instruction in braille unless the student's ARD committee determines and documents that braille is not an appropriate literacy medium for the student, based on an evaluation of the student's appropriate literacy media and literacy skills and the student's current and future instructional needs.

Education Code 30.002.

SEC. 12. STUDENTS WHO ARE DEAF OR HARD OF HEARING

Texas Leadership Public Schools must develop an IEP for students who are deaf or hard of hearing in which the students have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency.

Education Code 29.303.

SEC. 13. COLLABORATIVE PROCESS

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions concerning the required elements of the IEP shall be made by agreement of the required members, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

a) Recess

When agreement about all required elements of the IEP is not achieved, the parent or adult student who disagrees shall be offered a single opportunity to have the ARD committee recess for a period not to exceed ten school days. This recess is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program.

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

These requirements do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than failure of the parents and Texas Leadership Public Schools to reach agreement about all required elements of an IEP.

During the recess, the ARD committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons to enable the ARD committee to reach agreement.

The date, time, and place for continuing the ARD committee meeting shall be determined by agreement before the recess.

19 TAC 89.1050(g).

When an ARD committee agrees to recess and reconvene due to a lack of mutual agreement about one or more required IEP elements, the parent or Texas Leadership Public Schools may request an independent facilitator from the Texas Education Agency in accordance with 19 TAC 89.1197 and TEC 29.020.

b) No Agreement Reached

If, after the ten-day recess, the ARD committee still cannot reach agreement, Texas Leadership Public Schools shall implement the IEP that it has determined to be appropriate for the student. A written statement of the basis for the disagreement shall be included in the IEP. Each ARD committee member who disagrees with the IEP is entitled to include a statement of disagreement in the IEP.

TEC 29.005(c); 19 TAC 89.1050(g).

When Texas Leadership Public Schools implements an IEP with which the parents or an adult student disagree, it shall provide prior written notice in compliance with applicable regulations and Texas Leadership Public Schools policy.

19 TAC 89.1050.

SEC. 14. IEP MODIFICATION

After a student's annual ARD committee meeting, changes to an IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

To do so, the parent and Texas Leadership Public Schools must agree to not convene an ARD committee meeting to amend the IEP and Texas Leadership Public Schools must develop a written document to amend or modify the IEP.
Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

Decisions regarding eligibility, changes of placement, and manifestation determination reviews may not be conducted through the amendment process.

34 CFR 300.324(a)(4),(6).

To the extent possible, Texas Leadership Public Schools shall encourage the consolidation of reevaluation meetings for the child and other ARD committee meetings for the child.

20 U.S.C. 1414(d)(3)(D)–(F); 34 CFR 300.324(a)(4)–(a)(6).

SEC. 15. LEAST RESTRICTIVE ENVIRONMENT

Texas Leadership Public Schools shall ensure that, to the maximum extent possible, children with disabilities shall be educated with children who are not disabled. Special classes, special schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved.

20 U.S.C. 1412(a)(5); 34 CFR 300.114(a)(2).

SEC. 16. EXTENDED SCHOOL YEAR SERVICES

Texas Leadership Public Schools shall ensure that ESY services are available as necessary to provide a student with a disability with a FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for a FAPE. Texas Leadership Public Schools may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services.
34 CFR 300.106; 19 TAC 89.1065.

SEC. 17. GRADUATION

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

19 TAC 101.3023(a).

SEC. 18. STATE ASSESSMENTS

The TEA shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's ARD committee, including assessment instruments approved by the Commissioner that measures growth. The assessment instruments developed or adopted, including the assessment instruments approved by the Commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

The TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required end-of-course ("EOC") assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

SEC. 19. TRANSPORTATION

Texas Leadership Public Schools shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP.

19 TAC 89.1096(e).

SEC. 20. TRANSITION SERVICES

a) Definitions

"Transition services" means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child's movement from

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

2. Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes:
   a. Instruction;
   b. Related services;
   c. Community experiences;
   d. The development of employment and other post-school adult living objectives; and
   e. If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

20 U.S.C. 1401(34); 34 CFR 300.43.

b) Individual Transition Planning

In accordance with Education Code 29.011 and 29.0111, not later than when a student reaches 14 years of age, the ARD committee must consider, and if appropriate, address the following issues in the IEP:

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. If the student is younger than 18 years of age, appropriate parental involvement in the student's transition;
3. If the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or Texas Leadership Public Schools;
4. Any postsecondary education options;
5. A functional vocational evaluation;
6. Employment goals and objectives;
7. If the student is at least 18 years of age, the availability of age-appropriate instructional environments;
8. Independent living goals and objectives; and
9. Appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

In accordance with 34 C.F.R. 300.320(b), beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under paragraph (1) of this subsection.

20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.0111; 19 TAC 89.1055(h), (j).

Texas Leadership Public Schools shall post the transition and employment guide on the Texas Leadership Public Schools website if Texas Leadership Public Schools maintains a website; provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at: (A) the first meeting of the student's ARD committee at which transition is discussed; and (B) the first committee meeting at which transition is discussed that occurs after the date on which the guide is updated. Upon request, Texas Leadership Public Schools shall provide a printed copy of the guide to a student or parent.

Education Code 29.0112.

c) Graduation

Graduation with a regular high school diploma under 19 TAC 89.1070(b)(1), (b)(2)(D), (f)(1), (f)(2), or (f)(3)(D) terminates a student's eligibility for special education services. For students who receive a diploma according to 19 TAC 89.1070(b)(2)(A), (B), or (C) or (f)(3)(A), (B), or (C), the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements.

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

Texas Leadership Public Schools is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under state law.

Texas Leadership Public Schools shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

20 U.S.C. 1414(c)(5); 34 CFR 300.102(a)(3), 300.305(e)(2); 19 TAC 89.1070.

SEC. 21. BEHAVIOR IMPROVEMENT PLANS/BEHAVIOR INTERVENTION PLANS

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan ("BIP") is appropriate for a student with an IEP. If deemed appropriate, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a BIP is included as part of a student's IEP, the ARD committee shall review the plan at least annually and more frequently if appropriate to address:

1. changes in a student's circumstances that may impact the student's behavior, such as:
    a. the placement of the student in a different educational setting;
    b. an increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
    c. a pattern of unexcused absences; or
    d. an unauthorized unsupervised departure from an educational setting; or
2. the safety of the student or others.

Education Code 29.005(g),(h).

SEC. 22. COVID-19 SPECIAL EDUCATION RECOVERY ACT[1]

a) ***IEP Supplement Applicability***

Not later than May 1, 2022, Texas Leadership Public Schools shall prepare a supplement to be included with the IEP developed under Education Code 29.005(b) for each child who was enrolled in Texas Leadership Public School's special education program during the 2019-2020 school year or the 2020-2021 school year.

b) ***Required Content***

The supplement must include information indicating:

1. if applicable, whether the written report of the child's full individual and initial evaluation under Education Code 29.004 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 section 29.004;
2. if applicable, whether the child's initial IEP was developed under Education Code 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 CFR 300.323(c)(1);

[1] The provisions set forth in Section 22 expire Sept. 1, 2023.

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

3. whether the provision of special services to the child under an IEP 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 are appropriate for the child based on the information under (1)-(3) above or any other factors.

c) ***Exception***

Education Code 29.0052 does not apply to a child if during the 2020-2021 school year the child's IEP documents the information described in Subsections (b)(1)-(4) above.

Education Code 29.0052.

SEC. 23. SUPPLEMENTAL SPECIAL EDUCATION SERVICES PROGRAM

The Texas Education Agency ("TEA") shall establish and administer a supplemental special education services program under Chapter 29, Education Code, Subchapter A-1 ("the SSES Program"). The SSES Program provides a grant of not more than $1,500 to the parent of an eligible student for purchase of certain supplemental special education services and supplemental special education instructional materials.

a) ARD Committee Duties

For a student who has been approved to participate in the SSES Program, the ARD committee shall meet and provide to the parent:

1. Information regarding the types of supplemental special education services available under the SSES Program and provided by TEA-approved providers for which an account maintained under Education Code 29.042(b) may be used; and
2. Instructions regarding accessing the SSES Program account.

Education Code 29.048(b).

b) ARD Committee Prohibited Considerations

The ARD committee shall not consider a student's receipt of services under the SSES Program when developing the student's IEP.

Education Code 29.048(a).

© May 2, 2022 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.