

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 1, 2017**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB354** by Watson (Relating to language acquisition for children less than eight years of age who are deaf or hard of hearing.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB354, As Introduced: a negative impact of (\$1,213,235) through the biennium ending August 31, 2019 for costs associated with the Texas Education Agency. In addition, certain provisions of the bill would result in significant but indeterminate costs to the Division for Early Childhood Intervention Services of the Health and Human Services Commission.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	(\$647,618)
2019	(\$565,617)
2020	(\$560,617)
2021	(\$560,617)
2022	(\$560,617)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2018	(\$647,618)
2019	(\$565,617)
2020	(\$560,617)
2021	(\$560,617)
2022	(\$560,617)

**Fiscal Analysis**

The bill would amend the Education Code to require the Texas Education Agency (TEA), the Division for Early Childhood Intervention (ECI) Services of the Health and Human Services Commission (HHSC), and the Educational Resource Center on Deafness (ERCOD) at Texas School for the Deaf (TSD) to jointly develop a program to monitor and improve the language acquisition

of children less than eight years of age who are deaf or hard of hearing. The bill would require the creation of an advisory commission whose membership would have to meet certain criteria and possess certain expertise; these members would not be entitled to compensation.

The bill would require TEA, ERCOD, and the ECI program to develop a resource for parents to monitor and track their children's language acquisition and development stages toward literacy in both English and American Sign Language. This resource would have to meet certain TEA and ERCOD guidelines and comply with all relevant state standards and federal law. The bill would require TEA, ERCOD and the ECI program to select tools or assessments that meet certain criteria to be used by educators to assess language acquisition of children less than eight years old who are deaf or hard of hearing. The bill would require TEA and the ECI program to distribute this resource for parents as well as the tools and assessments required by the bill.

The bill would require a team established for a child less than eight years old who is deaf or hard of hearing to assess the child's language acquisition once every three months, and make explanations and recommendations to the advisory committee if the child does not demonstrate satisfactory progress towards acquisition. The bill would require TEA and the ECI program to prepare an annual report on the language acquisition of children less than eight years of age who are deaf or hard of hearing. This report would have to meet certain requirements established by the bill, and be posted on the websites of TEA, the ECI program, and ERCOD.

The bill would take effect September 1, 2017.

## **Methodology**

Based on information provided by the Texas Education Agency, it is anticipated that the bill would result in costs to TEA of approximately \$647,618 in fiscal year 2018 and \$565,617 in fiscal year 2019, for a biennial total of \$1.2 million. Out year costs in fiscal years 2020-22 would decline to approximately \$560,617 each fiscal year.

These estimates include the need for one additional full-time equivalent (FTE), a Program Specialist VII, to meet the requirements of the bill, at an annual cost of \$113,802, including benefits and payroll contributions. The Program Specialist VII would oversee the development of the program; meet with the advisory committee and receive input; coordinate the selection of tools and assessments used by educators; oversee quarterly meetings; supervise data collection; coordinate the development and distribution of the education resource for deaf and hard of hearing students; and oversee the annual report required by the bill.

The provisions requiring the selection and distribution of tools and assessments for measuring language acquisition will likely result in costs for both TEA and the ECI program at HHSC. TEA anticipates that the agency would need to purchase and distribute these materials to at least 380 local education agencies (LEAs) at an estimated cost of \$76,000 in fiscal year 2018, decreasing to \$10,000 in fiscal year 2019 and \$5,000 in each subsequent fiscal year thereafter. HHSC reports that costs cannot be determined, as it is unclear whether TEA would absorb the full costs or require the ECI program to provide additional funding. Additionally, there may be an undetermined cost associated with purchasing the tool or assessment, depending on which tool or assessment is selected.

The provision of the bill requiring HHSC and TEA to provide training to LEAs on use of the tools or assessments would result in costs for both agencies. TEA estimates that it would cost \$155,000 per year to build capacity of Education Service Centers (ESCs) to provide training and technical assistance to teachers, families, and interpreters in American Sign Language (ASL) literacy, and

also to build capacity of diagnosticians in administration of English and ASL assessments. In addition, TEA anticipates costs of approximately \$270,000 each fiscal year for interpreters required to implement the provisions of the bill. HHSC anticipates that costs would be associated with this training, but the amounts would depend on the extent of HHSC's responsibilities and the tool or assessment selected.

The provision of the bill requiring a team to assess language acquisition would result in a cost to ECI providers. HHSC estimates that the provision would require ECI providers to assess an estimated 1,062 children every three months, increasing the assessment frequency from once every six months to once every three months.

Texas School for the Deaf (TSD) anticipates that the bill would have no significant fiscal impact on the school, as TSD's Educational Resource Center on Deafness (ERCOD) already performs many of the functions required by the bill.

### **Technology**

TEA reports that the bill would result in some technology costs to develop and configure one new element, two new rules, one new report, and to change and modify code tables, aggregations, and validation tools. HHSC reports that the bill would result in some technology costs associated with upgrading the Texas Kids Intervention Data System. However, both agencies report that these technology costs would be small and could be absorbed within existing resources.

### **Local Government Impact**

Based on information provided by TEA, it is anticipated that Regional Day School Programs for the Deaf and certain other districts would need to add staff to administer assessments, write reports, and provide details to the advisory committee regarding progress in language acquisition, and that districts may also incur some costs related to travel for purposes of coordinating and reporting to the advisory committee. TEA reports that costs to local education agencies and education service centers would likely exceed \$7.0 million annually.

In addition, the bill would require that a "team" established as part of a deaf or hard of hearing student's individualized education plan (IEP) to administer assessments, report to the advisory committee on student progress, and recommended program changes. These provisions would result in costs for local education agencies (LEAs) and education service centers (ESCs) to hire additional personnel, provide appropriate training to teachers and families, and cover the cost of reporting to the advisory committee four times each year. TEA estimates that the costs would be approximately \$2.5 million each year.

**Source Agencies:** 529 Health and Human Services Commission, 701 Texas Education Agency, 772 School for the Deaf

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