

BILL ANALYSIS

Senate Research Center

C.S.H.B. 548
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Unjustified absenteeism, or truancy, not only disrupts a student's learning, but also may indicate other issues in a student's life, or be an early warning sign of delinquent or other harmful activity. Truancy rates vary across the state, and without accurate data it is not possible to match intervention programs to the severity of the problem in each school. A recent truancy reform bill, C.S.H.B. 2398 (84R), removed criminal sanctions on students for skipping school, but also inadvertently terminated TEA's mandate to collect truancy data and required the agency to expunge all reports on record. The authors, Rep. White and Sen. Whitmire, and several stakeholders confirmed this was not the bill's intention.

C.S.H.B. 548 would reinstate the requirement that TEA gather and report grade-level data on truancy for public schools in Texas, correcting an unintended interruption in this process. Using this data, schools will be better able to track their students in need of additional interventions to remain in school, and funding allocations can be calibrated to need. (Original Author/Sponsor's Statement of Intent)

H.B. 548 amends current law relating to reporting certain information through the Public Education Information management System.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education and the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 29.316, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 42.006, Education) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Provides that the legislature makes certain findings and sets forth the purpose of this section.

(b) Establishes that nothing in this section shall operate to override the parental consent provisions set forth in 34 C.F. Section 300.300.

(c) Amends Subchapter I, Chapter 29, Education Code, by adding Section 29.316, as follows:

Sec. 29.316. LANGUAGE ACQUISITION. (a) Defines "center" to mean the Educational Resource Center on Deafness at the Texas School for the Deaf (TSD), "division" to mean the Division for Early Childhood Intervention Services of the Health and Human Services Commission (HHSC), and "language acquisition."

(b) Requires the commissioner of education (commissioner) and executive commissioner of HHSC (executive commissioner) to jointly ensure that the language acquisition of each child eight years of age or younger who is deaf or

hard of hearing is regularly assessed using a tool or assessment determined to be valid and reliable as provided by Subsection (d).

(c) Requires Texas Education Agency (TEA), the division, and the center, not later than August 31 of each year, to prepare and post on TEA's, the division's, and the center's respective Internet websites a report on the language acquisition of children eight years of age or younger who are deaf or hard of hearing. Requires the report to:

(1) include:

(A) existing data reported in compliance with federal law regarding children with disabilities; and

(B) information relating to the language acquisition of children who are deaf or hard of hearing and also have other disabilities;

(2) state for each child:

(A) the instructional arrangement used with the child as described by Section 42.151 (Special Education), including the time the child spends in a mainstream instructional arrangement;

(B) the specific language acquisition services provided to the child, including:

(i) the time spent providing those services; and

(ii) a description of any hearing amplification used in the delivery of those services, including:

(A) the type of hearing amplification used;

(B) the period of time in which the child has had access to the hearing amplifications; and

(C) the average amount of time the child uses the hearing amplification each day;

(D) the preferred unique communication mode used by the child at home; and

(E) the child's age, race, and gender, the age at which the child was identified as being deaf or hard of hearing, and any other relevant demographic information the commissioner determines to likely be correlated with or have an impact on the child's language acquisition;

(3) compare progress in English literacy made by children who are deaf or hard of hearing to progress in that subject made by children of the same age who are not deaf or hard of hearing, by appropriate age range; and

(4) be redacted as necessary to comply with state and federal law regarding the confidentiality of student medical or educational information.

(d) Requires the commissioner, the executive commissioner, and the center to enter into a memorandum of understanding regarding:

(1) the identification of experts in deaf education; and

(2) the determination, in consultation with those experts, of the tools and assessments that are valid and reliable, in both content and administration, for use in assessing the language acquisition of children eight years of age or younger who are deaf or hard of hearing.

(e) Requires TEA to use existing collected data and data collected and transferred from the Department of State Health Services (DSHS) and HHSC, as agreed upon in the memorandum of understanding, for the report under this section.

(f) Requires the commissioner and the executive commissioner jointly to adopt rules as necessary to implement this section, including rules for:

(1) assigning each child eight years of age or younger who is deaf or hard of hearing a unique identification number for purposes of the report required under Subsection (c) and to enable the tracking of the child's language acquisition, and factors affecting the child's language acquisition, over time; and

(2) implementing this section in a manner that complies with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of the student information.

SECTION 2. Amends Section 42.006, Education Code, by adding Subsection (a-6), as follows:

(a-6) Requires the commissioner by rule to require each school district and open-enrollment charter school to report through the Public Education Information Management System information disaggregated by campus and grade regarding:

(1) the number of children who are required to attend school under Section 25.085 (Compulsory School Attendance), are not exempted under Section 25.086 (Exemptions), and fail to attend school without excuse for 10 or more days or parts of days within a six-month period in the same school year;

(2) the number of students for whom the district initiates a truancy prevention measure under Section 25.0915(a-4) (relating to the requirement of the school district to initiate truancy prevention measures on a student if the student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for a certain time); and

(3) the number of parents of students against whom an attendance officer or other appropriate school official has filed a complaint under Section 25.093 (Parent Contributing to Nonattendance).

SECTION 3. (a) Defines "agency" to mean TEA, defines "center" to mean the Educational Resource Center on Deafness at TSFD, and defines "division" to mean the Division for Early Childhood Intervention Services of HHSC.

(b) Requires the commissioner, the executive commissioner, and the center, not later than December 1, 2019, to jointly determine the tools and assessments that are valid and reliable for use in assessing the language acquisition of children eight years of age or younger who are deaf or hard of hearing as required under 29.3016(d), Education Code, as added by this Act.

(c) Requires TEA, the division, and the center, notwithstanding Section 29.316(c), Education Code, as added by this Act, to jointly prepare and post on TEA's, the

division's, and the center's respective Internet websites the initial report required under that subsection not later than December 1, 2020.

SECTION 4. Provides that TEA and HHSC are required to implement Section 29.316, Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, TEA and HHSC, if the legislature does not appropriate money specifically for that purpose, to implement Section 29.316, Education Code, as added by this Act, using other appropriations available for that purpose.

SECTION 5. Requires the commissioner, not later than January 1, 2020, to adopt rules required by Section 42.006(a-6), Education Code, as added by this Act.

SECTION 6. Effective date: September 1, 2019.