

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 895  
By: Zaffirini  
Education  
4/8/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of this legislation is to gather data regarding the language acquisition of deaf students who are eight years old and younger.

According to the National Association for the Deaf, deaf and hard of hearing children often "are deprived of processes that promote healthy language development." Achievement tests have shown that 18-year-old deaf students have an average of a 3rd-4th grade reading level. If language acquisition techniques are not implemented from an early age, deaf students fall behind in comparison to their peers. A lack of language and literacy skills causes many deaf people to be underpaid, have social struggles, and be overrepresented in prisons. More data are needed to identify the most effective strategies and services for ensuring deaf children acquire language skills on parity with their hearing peers.

S.B. 895 would direct the Texas School for the Deaf, TEA and HHSC to establish a Memorandum of Understanding to guide the gathering and analysis of student outcome data for language acquisition programs at Texas schools that serve deaf students. Centralizing this information would facilitate comparing students, schools, and districts and would enable the development of more comprehensive approaches to improving language acquisition in deaf students. It also would improve accountability and encourage parent involvement. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 895 amends current law relating to the language acquisition of children eight years of age or younger who are deaf or hard of hearing.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education and executive commissioner of the Health and Human Services Commission jointly in SECTION 2 (Section 29.316, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. (a) Provides that the legislature finds that children who are deaf or hard of hearing are often at risk for language delay or deprivation. Provides that research indicates that there is limited success in addressing these issues after the optimal period for language acquisition. Provides that it is critical that the language acquisition of children who are deaf or hard of hearing is closely monitored from birth through age eight to enable the use of timely interventions that support age-appropriate language skills. Provides that, therefore, the purpose of this Act is to generate and monitor data on the language acquisition of children eight years of age or younger who are deaf or hard of hearing by identifying language assessment protocols that are appropriate for the development and age of each child and by annually gathering and publishing relevant data.

(b) Requires that nothing in this Act operate to override the parental consent provisions set forth in 34 C.F.R. 300.300.

SECTION 2. Amends Subchapter I, Chapter 29, Education Code, by adding Section 29.316, as follows:

Sec. 29.316. LANGUAGE ACQUISITION. (a) Defines "center" as the Educational Resource Center on Deafness at the Texas School for the Deaf (center), "division" as the Division for Early Childhood Intervention Services of the Health and Human Services Commission (division; HHSC), and "language acquisition" as expressive and receptive language acquisition and literacy development in English, American Sign Language, or both, or, if applicable, in another language primarily used by a child's parent or guardian, and is separate from any modality used to communicate in the applicable language or languages.

(b) Requires the commissioner of education and the executive commissioner of HHSC (commissioner; executive commissioner) jointly to 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 (e).

(c) Requires the Texas Education Agency (TEA), the division, and the center jointly, 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 amplification; and

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

(C) the tools or assessments used to assess the child's language acquisition and the results obtained;

(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 the identification of experts in deaf education and 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 utilize existing collected data and data collected and transferred from the Department of State Health Services 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 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 rules 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 student information.

SECTION 3. (a) Defines "agency," "center," and "division."

(b) Requires the commissioner, the executive commissioner, and the center jointly, not later than December 1, 2019, to 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 Section 29.316(e), Education Code, as added by this Act.

(c) Requires TEA, the division, and the center jointly, notwithstanding Section 29.316(c), Education Code, as added by this Act, to 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 a provision of this Act only if the legislature appropriates money specifically for that purpose. Provides that TEA and HHSC, if the legislature does not appropriate money specifically for that purpose, are authorized, but are not required, to implement a provision of this Act using other appropriations available for the purpose.

SECTION 5. Effective date: upon passage or September 1, 2019.