

AN ACT

relating to reporting certain information through the Public Education Information Management System.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) The legislature finds that children who are deaf or hard of hearing are often at risk for language delay or deprivation. Research indicates that there is limited success in addressing these issues after the optimal period for language acquisition. 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. Therefore, the purpose of this section 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:

(1) identifying language assessment protocols that are appropriate for the development and age of each child; and

(2) annually gathering and publishing relevant data.

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

(c) Subchapter I, Chapter 29, Education Code, is amended by adding Section 29.316 to read as follows:

Sec. 29.316. LANGUAGE ACQUISITION. (a) In this section:

(1) "Center" means the Educational Resource Center on

1 Deafness at the Texas School for the Deaf.

2 (2) "Division" means the Division for Early Childhood
3 Intervention Services of the Health and Human Services Commission.

4 (3) "Language acquisition" includes expressive and
5 receptive language acquisition and literacy development in
6 English, American Sign Language, or both, or, if applicable, in
7 another language primarily used by a child's parent or guardian,
8 and is separate from any modality used to communicate in the
9 applicable language or languages.

10 (b) The commissioner and the executive commissioner of the
11 Health and Human Services Commission jointly shall ensure that the
12 language acquisition of each child eight years of age or younger who
13 is deaf or hard of hearing is regularly assessed using a tool or
14 assessment determined to be valid and reliable as provided by
15 Subsection (d).

16 (c) Not later than August 31 of each year, the agency, the
17 division, and the center jointly shall prepare and post on the
18 agency's, the division's, and the center's respective Internet
19 websites a report on the language acquisition of children eight
20 years of age or younger who are deaf or hard of hearing. The report
21 must:

22 (1) include:

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

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

1 (2) state for each child:

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

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

7 (i) the time spent providing those
8 services; and

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

11 (a) the type of hearing amplification
12 used;

13 (b) the period of time in which the
14 child has had access to the hearing amplification; and

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

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

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

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

26 (3) compare progress in English literacy made by
27 children who are deaf or hard of hearing to progress in that subject

1 made by children of the same age who are not deaf or hard of hearing,
2 by appropriate age range; and

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

6 (d) The commissioner, the executive commissioner of the
7 Health and Human Services Commission, and the center shall enter
8 into a memorandum of understanding regarding:

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

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

16 (e) The agency shall use existing collected data and data
17 collected and transferred from the Department of State Health
18 Services and the Health and Human Services Commission, as agreed
19 upon in the memorandum of understanding, for the report under this
20 section.

21 (f) The commissioner and the executive commissioner of the
22 Health and Human Services Commission jointly shall adopt rules as
23 necessary to implement this section, including rules for:

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

1 affecting the child's language acquisition, over time; and
2 (2) implementing this section in a manner that
3 complies with federal law regarding confidentiality of student
4 medical or educational information, including the Health Insurance
5 Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d
6 et seq.) and the Family Educational Rights and Privacy Act of 1974
7 (20 U.S.C. Section 1232g), and any state law relating to the privacy
8 of student information.

9 SECTION 2. Section 42.006, Education Code, is amended by
10 adding Subsection (a-6) to read as follows:

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

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

19 (2) the number of students for whom the district
20 initiates a truancy prevention measure under Section 25.0915(a-4);
21 and

22 (3) the number of parents of students against whom an
23 attendance officer or other appropriate school official has filed a
24 complaint under Section 25.093.

25 SECTION 3. (a) In this section:

26 (1) "Agency" means the Texas Education Agency.

27 (2) "Center" means the Educational Resource Center on

1 Deafness at the Texas School for the Deaf.

2 (3) "Division" means the Division for Early Childhood
3 Intervention Services of the Health and Human Services Commission.

4 (b) Not later than December 1, 2019, the commissioner of
5 education, the executive commissioner of the Health and Human
6 Services Commission, and the center jointly shall determine the
7 tools and assessments that are valid and reliable for use in
8 assessing the language acquisition of children eight years of age
9 or younger who are deaf or hard of hearing as required under Section
10 29.316(d), Education Code, as added by this Act.

11 (c) Notwithstanding Section 29.316(c), Education Code, as
12 added by this Act, the agency, the division, and the center jointly
13 shall prepare and post on the agency's, division's, and center's
14 respective Internet websites the initial report required under that
15 subsection not later than December 1, 2020.

16 SECTION 4. The Texas Education Agency and the Health and
17 Human Services Commission are required to implement Section 29.316,
18 Education Code, as added by this Act, only if the legislature
19 appropriates money specifically for that purpose. If the
20 legislature does not appropriate money specifically for that
21 purpose, the agency and commission may, but are not required to,
22 implement Section 29.316, Education Code, as added by this Act,
23 using other appropriations available for the purpose.

24 SECTION 5. Not later than January 1, 2020, the commissioner
25 of education shall adopt rules required by Section 42.006(a-6),
26 Education Code, as added by this Act.

27 SECTION 6. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 548 was passed by the House on April 16, 2019, by the following vote: Yeas 137, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 548 on May 23, 2019, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 548 was passed by the Senate, with amendments, on May 20, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor