

1-1 By: Canales (Senate Sponsor - Lucio, Zaffirini) H.B. No. 548
 1-2 (In the Senate - Received from the House April 16, 2019;
 1-3 April 17, 2019, read first time and referred to Committee on
 1-4 Education; May 17, 2019, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;
 1-6 May 17, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Fallon	X			
1-13 Hall	X			
1-14 Hughes	X			
1-15 Paxton	X			
1-16 Powell	X			
1-17 Watson	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 548 By: Lucio

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT
 1-23 relating to reporting certain information through the Public
 1-24 Education Information Management System.
 1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-26 SECTION 1. (a) The legislature finds that children who are
 1-27 deaf or hard of hearing are often at risk for language delay or
 1-28 deprivation. Research indicates that there is limited success in
 1-29 addressing these issues after the optimal period for language
 1-30 acquisition. It is critical that the language acquisition of
 1-31 children who are deaf or hard of hearing is closely monitored from
 1-32 birth through age eight to enable the use of timely interventions
 1-33 that support age-appropriate language skills. Therefore, the
 1-34 purpose of this section is to generate and monitor data on the
 1-35 language acquisition of children eight years of age or younger who
 1-36 are deaf or hard of hearing by:
 1-37 (1) identifying language assessment protocols that
 1-38 are appropriate for the development and age of each child; and
 1-39 (2) annually gathering and publishing relevant data.
 1-40 (b) Nothing in this section shall operate to override the
 1-41 parental consent provisions set forth in 34 C.F.R. Section 300.300.
 1-42 (c) Subchapter I, Chapter 29, Education Code, is amended by
 1-43 adding Section 29.316 to read as follows:
 1-44 Sec. 29.316. LANGUAGE ACQUISITION. (a) In this section:
 1-45 (1) "Center" means the Educational Resource Center on
 1-46 Deafness at the Texas School for the Deaf.
 1-47 (2) "Division" means the Division for Early Childhood
 1-48 Intervention Services of the Health and Human Services Commission.
 1-49 (3) "Language acquisition" includes expressive and
 1-50 receptive language acquisition and literacy development in
 1-51 English, American Sign Language, or both, or, if applicable, in
 1-52 another language primarily used by a child's parent or guardian,
 1-53 and is separate from any modality used to communicate in the
 1-54 applicable language or languages.
 1-55 (b) The commissioner and the executive commissioner of the
 1-56 Health and Human Services Commission jointly shall ensure that the
 1-57 language acquisition of each child eight years of age or younger who
 1-58 is deaf or hard of hearing is regularly assessed using a tool or
 1-59 assessment determined to be valid and reliable as provided by
 1-60 Subsection (d).

2-1 (c) Not later than August 31 of each year, the agency, the
2-2 division, and the center jointly shall prepare and post on the
2-3 agency's, the division's, and the center's respective Internet
2-4 websites a report on the language acquisition of children eight
2-5 years of age or younger who are deaf or hard of hearing. The report
2-6 must:

2-7 (1) include:

2-8 (A) existing data reported in compliance with
2-9 federal law regarding children with disabilities; and

2-10 (B) information relating to the language
2-11 acquisition of children who are deaf or hard of hearing and also
2-12 have other disabilities;

2-13 (2) state for each child:

2-14 (A) the instructional arrangement used with the
2-15 child, as described by Section 42.151, including the time the child
2-16 spends in a mainstream instructional arrangement;

2-17 (B) the specific language acquisition services
2-18 provided to the child, including:

2-19 (i) the time spent providing those
2-20 services; and

2-21 (ii) a description of any hearing
2-22 amplification used in the delivery of those services, including:

2-23 (a) the type of hearing amplification
2-24 used;

2-25 (b) the period of time in which the
2-26 child has had access to the hearing amplification; and

2-27 (c) the average amount of time the
2-28 child uses the hearing amplification each day;

2-29 (C) the tools or assessments used to assess the
2-30 child's language acquisition and the results obtained;

2-31 (D) the preferred unique communication mode used
2-32 by the child at home; and

2-33 (E) the child's age, race, and gender, the age at
2-34 which the child was identified as being deaf or hard of hearing, and
2-35 any other relevant demographic information the commissioner
2-36 determines to likely be correlated with or have an impact on the
2-37 child's language acquisition;

2-38 (3) compare progress in English literacy made by
2-39 children who are deaf or hard of hearing to progress in that subject
2-40 made by children of the same age who are not deaf or hard of hearing,
2-41 by appropriate age range; and

2-42 (4) be redacted as necessary to comply with state and
2-43 federal law regarding the confidentiality of student medical or
2-44 educational information.

2-45 (d) The commissioner, the executive commissioner of the
2-46 Health and Human Services Commission, and the center shall enter
2-47 into a memorandum of understanding regarding:

2-48 (1) the identification of experts in deaf education;
2-49 and

2-50 (2) the determination, in consultation with those
2-51 experts, of the tools and assessments that are valid and reliable,
2-52 in both content and administration, for use in assessing the
2-53 language acquisition of children eight years of age or younger who
2-54 are deaf or hard of hearing.

2-55 (e) The agency shall use existing collected data and data
2-56 collected and transferred from the Department of State Health
2-57 Services and the Health and Human Services Commission, as agreed
2-58 upon in the memorandum of understanding, for the report under this
2-59 section.

2-60 (f) The commissioner and the executive commissioner of the
2-61 Health and Human Services Commission jointly shall adopt rules as
2-62 necessary to implement this section, including rules for:

2-63 (1) assigning each child eight years of age or younger
2-64 who is deaf or hard of hearing a unique identification number for
2-65 purposes of the report required under Subsection (c) and to enable
2-66 the tracking of the child's language acquisition, and factors
2-67 affecting the child's language acquisition, over time; and

2-68 (2) implementing this section in a manner that
2-69 complies with federal law regarding confidentiality of student

3-1 medical or educational information, including the Health Insurance
3-2 Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d
3-3 et seq.) and the Family Educational Rights and Privacy Act of 1974
3-4 (20 U.S.C. Section 1232g), and any state law relating to the privacy
3-5 of student information.

3-6 SECTION 2. Section 42.006, Education Code, is amended by
3-7 adding Subsection (a-6) to read as follows:

3-8 (a-6) The commissioner by rule shall require each school
3-9 district and open-enrollment charter school to report through the
3-10 Public Education Information Management System information
3-11 disaggregated by campus and grade regarding:

3-12 (1) the number of children who are required to attend
3-13 school under Section 25.085, are not exempted under Section 25.086,
3-14 and fail to attend school without excuse for 10 or more days or
3-15 parts of days within a six-month period in the same school year;

3-16 (2) the number of students for whom the district
3-17 initiates a truancy prevention measure under Section 25.0915(a-4);
3-18 and

3-19 (3) the number of parents of students against whom an
3-20 attendance officer or other appropriate school official has filed a
3-21 complaint under Section 25.093.

3-22 SECTION 3. (a) In this section:

3-23 (1) "Agency" means the Texas Education Agency.

3-24 (2) "Center" means the Educational Resource Center on
3-25 Deafness at the Texas School for the Deaf.

3-26 (3) "Division" means the Division for Early Childhood
3-27 Intervention Services of the Health and Human Services Commission.

3-28 (b) Not later than December 1, 2019, the commissioner of
3-29 education, the executive commissioner of the Health and Human
3-30 Services Commission, and the center jointly shall determine the
3-31 tools and assessments that are valid and reliable for use in
3-32 assessing the language acquisition of children eight years of age
3-33 or younger who are deaf or hard of hearing as required under Section
3-34 29.316(d), Education Code, as added by this Act.

3-35 (c) Notwithstanding Section 29.316(c), Education Code, as
3-36 added by this Act, the agency, the division, and the center jointly
3-37 shall prepare and post on the agency's, division's, and center's
3-38 respective Internet websites the initial report required under that
3-39 subsection not later than December 1, 2020.

3-40 SECTION 4. The Texas Education Agency and the Health and
3-41 Human Services Commission are required to implement Section 29.316,
3-42 Education Code, as added by this Act, only if the legislature
3-43 appropriates money specifically for that purpose. If the
3-44 legislature does not appropriate money specifically for that
3-45 purpose, the agency and commission may, but are not required to,
3-46 implement Section 29.316, Education Code, as added by this Act,
3-47 using other appropriations available for the purpose.

3-48 SECTION 5. Not later than January 1, 2020, the commissioner
3-49 of education shall adopt rules required by Section 42.006(a-6),
3-50 Education Code, as added by this Act.

3-51 SECTION 6. This Act takes effect September 1, 2019.

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