

By: Zaffirini

S.B. No. 895

A BILL TO BE ENTITLED

AN ACT

relating to the language acquisition of children eight years of age or younger who are deaf or hard of hearing.

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

SECTION 1. 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 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:

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

(2) annually gathering and publishing relevant data.

SECTION 2. 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 Deafness at the Texas School for the Deaf.

(2) "Division" means the Division for Early Childhood

1 Intervention Services of the Health and Human Services Commission.

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

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

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

20 (1) include:

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

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

26 (2) state for each child:

27 (A) the instructional arrangement used with the

1 child, as described by Section 42.151, including the time the child
2 spends in a mainstream instructional arrangement;

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

5 (i) the time spent providing those
6 services; and

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

9 (a) the type of hearing amplification
10 used;

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

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

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

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

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

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

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

4 (d) In preparing the report under Subsection (c), the
5 agency, the division, and the center may request from a private
6 school in this state in which a child eight years of age or younger
7 who is deaf or hard of hearing is enrolled any information described
8 by that subsection regarding the child. If the private school
9 provides the requested information, the school must do so in a
10 manner that complies with state and federal law regarding the
11 confidentiality of student medical or educational information.

12 (e) The commissioner, the executive commissioner of the
13 Health and Human Services Commission, and the center shall enter
14 into a memorandum of understanding regarding:

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

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

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

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

1 the tracking of the child's language acquisition, and factors
2 affecting the child's language acquisition, over time; and

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

10 SECTION 3. (a) In this section:

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

12 (2) "Center" means the Educational Resource Center on
13 Deafness at the Texas School for the Deaf.

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

16 (b) Not later than December 1, 2019, the commissioner of
17 education, the executive commissioner of the Health and Human
18 Services Commission, and the center jointly shall determine the
19 tools and assessments that are valid and reliable for use in
20 assessing the language acquisition of children eight years of age
21 or younger who are deaf or hard of hearing as required under Section
22 29.316(e), Education Code, as added by this Act.

23 (c) Not later than July 1, 2020, the agency, the division,
24 and the center jointly shall prepare and post on the agency's,
25 division's, and center's respective Internet websites the initial
26 report required under Section 29.316(c), Education Code, as added
27 by this Act.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2019.