

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Canales

H.B. No. 548

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 42.006, Education Code, is amended by adding Subsection (a-6) to read as follows:

(a-6) The commissioner by rule shall 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, are not exempted under Section 25.086, 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);  
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.

SECTION 2. Not later than January 1, 2020, the commissioner of education shall adopt rules required by Section 42.006(a-6), Education Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2019.

ADOPTED

MAY 20 2019

*Atty Gen*  
Secretary of the Senate

By: *James Luciani, Jr.* H.B. No. 548

Substitute the following for H.B. No. 548 :

By: *James Luciani, Jr.* C.S. 4 .B. No. 548

A BILL TO BE ENTITLED

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 Deafness at the Texas School for the Deaf.

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

(3) "Language acquisition" includes 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) The commissioner and the executive commissioner of the Health and Human Services Commission jointly shall 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) Not later than August 31 of each year, the agency, the division, and the center jointly shall prepare and post on the agency'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. The report must:

(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, 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) The commissioner, the executive commissioner of the Health and Human Services Commission, and the center shall 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) The agency shall use existing collected data and data collected and transferred from the Department of State Health Services and the Health and Human Services Commission, as agreed upon in the memorandum of understanding, for the report under this section.

(f) The commissioner and the executive commissioner of the Health and Human Services Commission jointly shall 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 student information.

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

(a-6) The commissioner by rule shall 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, are not exempted under Section 25.086, 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); 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.

SECTION 3. (a) In this section:

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

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

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

(b) Not later than December 1, 2019, the commissioner of education, the executive commissioner of the Health and Human Services Commission, and the center jointly shall 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(d), Education Code, as added by this Act.

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

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

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



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

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 21, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB548** by Canales (Relating to reporting certain information through the Public Education Information Management System.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB548, Committee Report 2nd House, As Substituted: a negative impact of (\$323,870) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The Texas Education Agency and the Health and Human Services Commission would be required to implement a provision of the Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency and commission would be allowed to, but would not be required to, implement a provision of the Act using other appropriations available for the purpose.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2020	(\$110,566)
2021	(\$213,304)
2022	(\$56,197)
2023	(\$56,197)
2024	(\$56,197)

## All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2019
2020	(\$110,566)	0.5
2021	(\$213,304)	0.5
2022	(\$56,197)	0.5
2023	(\$56,197)	0.5
2024	(\$56,197)	0.5

### Fiscal Analysis

The bill would amend the Education Code to require the Health and Human Services Commission (HHSC) and the Texas Education Agency (TEA) to jointly ensure the language acquisition of each child age eight years old or younger who is deaf or hard of hearing is regularly assessed using a valid and reliable tool.

The bill would further require TEA, HHSC, and the School for the Deaf (TSD) to prepare and publish on each agency's website a report on the language acquisition of children age eight years old or younger who are deaf or hard of hearing. The report would be required to include data on each child, including the child's instructional arrangement; the amount of time spent in a mainstream instructional arrangement; language acquisition services provided; time spent receiving language acquisition services; the type of hearing amplification used; the period of time the child has had access to hearing amplification; the average amount of time per day the child uses hearing amplification; tools or assessments used to assess the child's language acquisition and results obtained; the preferred unique communication mode used by the child at home; and demographic information, which would include age, race, gender, the age that the child was identified as being deaf or hard of hearing, and any other relevant demographic information specified by the Commissioner of TEA.

The report would also be required to compare progress in English literacy made by children who are deaf or hard of hearing with children of the same age who are not deaf or hard of hearing.

The bill would require TEA, HHSC, and TSD to enter into a memorandum of understanding to identify experts in deaf education and determine, in consultation with those experts, valid and reliable tools and assessments to assess the language acquisition of children eight years of age or younger who are deaf or hard of hearing.

### Methodology

TEA assumes it would have primary responsibility for collecting data and preparing the report required by the bill. This analysis assumes TEA would require \$110,566 in fiscal year 2020, \$213,304 in fiscal year 2021, \$56,197 each year thereafter, and 0.5 FTEs to implement the data collection and reporting requirements of the bill.

TEA estimates costs to modify the existing Texas Student Data System (TSDS) would total \$52,369 in fiscal year 2020 and \$157,107 in fiscal year 2021. (See Technology section below.) TEA also assumes it would require one-half Programmer V position (0.5 FTE) on an ongoing basis to process data for the required report and to prepare a comparison of English literacy between students of the same age who are deaf or hard of hearing and students who are not deaf or hard of hearing. This analysis assumes the 0.5 FTE is anticipated to cost \$58,197 in fiscal year 2020 and

\$56,197 per fiscal year thereafter. TEA assumes the data for comparing student English literacy would be obtainable from existing End of Course exams for grade levels three through eight.

If HHSC and the Early Childhood Intervention (ECI) program would be required to collect the data elements under the bill in addition to TEA, this analysis assumes it would incur significant costs to modify the ECI TKIDS database to add the required fields. HHSC states that it does not have sufficient information to provide a specific cost estimate at this time.

TSD assumes any additional costs to the agency resulting from implementing provisions of the bill could be absorbed using existing resources.

It is assumed that provisions of the bill relating to reporting certain truancy information through the Public Information Management System could be absorbed using existing resources.

### **Technology**

Technology costs for TEA are assumed to total \$52,369 in fiscal year 2020 and \$157,107 in fiscal year 2021. TEA assumes it would need to modify TSDS to include at least six new data elements that are not currently collected and create at least four associated code tables to collect the additional data required by the bill. TEA would also be required to develop new business rules. Technology costs are assumed to include reporting and testing the enhancements to TSDS.

If HHSC and the Early Childhood Intervention (ECI) program would be required to collect the data elements under the bill, HHSC assumes it could incur significant costs to modify the ECI TKIDS database to add the required fields.

### **Local Government Impact**

Impact to local education agencies (LEAs) or local Early Childhood Intervention programs (ECI) would depend on whether LEAs or ECI programs are responsible for collecting the data and conducting the assessments required by the bill. TEA and HHSC assume the bill would have significant additional costs for LEAs and ECI programs to collect and report the required data, including additional staff time to complete data entry. Further, this analysis assumes LEAs and ECI programs could incur additional costs to administer the assessment required by the bill, including costs to hire additional speech language pathologists or other qualified assessors and costs to train local staff to use the assessment tool.

**Source Agencies:** 529 Health and Human Services Commission, 701 Texas Education Agency, 772 School for the Deaf

**LBB Staff:** WP, HL, AM, ASa, SD, RC

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 17, 2019**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB548** by Canales (Relating to reporting certain information through the Public Education Information Management System.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB548, Committee Report 2nd House, As Substituted: a negative impact of (\$323,870) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The Texas Education Agency and the Health and Human Services Commission would be required to implement a provision of the Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency and commission would be allowed to, but would not be required to, implement a provision of the Act using other appropriations available for the purpose.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2020	(\$110,566)
2021	(\$213,304)
2022	(\$56,197)
2023	(\$56,197)
2024	(\$56,197)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund 1</b>	<b>Change in Number of State Employees from FY 2019</b>
2020	(\$110,566)	0.5
2021	(\$213,304)	0.5
2022	(\$56,197)	0.5
2023	(\$56,197)	0.5
2024	(\$56,197)	0.5

**Fiscal Analysis**

The bill would amend the Education Code to require the Health and Human Services Commission (HHSC) and the Texas Education Agency (TEA) to jointly ensure the language acquisition of each child age eight years old or younger who is deaf or hard of hearing is regularly assessed using a valid and reliable tool.

The bill would further require TEA, HHSC, and the School for the Deaf (TSD) to prepare and publish on each agency's website a report on the language acquisition of children age eight years old or younger who are deaf or hard of hearing. The report would be required to include data on each child, including the child's instructional arrangement; the amount of time spent in a mainstream instructional arrangement; language acquisition services provided; time spent receiving language acquisition services; the type of hearing amplification used; the period of time the child has had access to hearing amplification; the average amount of time per day the child uses hearing amplification; tools or assessments used to assess the child's language acquisition and results obtained; the preferred unique communication mode used by the child at home; and demographic information, which would include age, race, gender, the age that the child was identified as being deaf or hard of hearing, and any other relevant demographic information specified by the Commissioner of TEA.

The report would also be required to compare progress in English literacy made by children who are deaf or hard of hearing with children of the same age who are not deaf or hard of hearing.

The bill would require TEA, HHSC, and TSD to enter into a memorandum of understanding to identify experts in deaf education and determine, in consultation with those experts, valid and reliable tools and assessments to assess the language acquisition of children eight years of age or younger who are deaf or hard of hearing.

**Methodology**

TEA assumes it would have primary responsibility for collecting data and preparing the report required by the bill. This analysis assumes TEA would require \$110,566 in fiscal year 2020, \$213,304 in fiscal year 2021, \$56,197 each year thereafter, and 0.5 FTEs to implement the data collection and reporting requirements of the bill.

TEA estimates costs to modify the existing Texas Student Data System (TSDS) would total \$52,369 in fiscal year 2020 and \$157,107 in fiscal year 2021. (See Technology section below.) TEA also assumes it would require one-half Programmer V position (0.5 FTE) on an ongoing basis to process data for the required report and to prepare a comparison of English literacy between students of the same age who are deaf or hard of hearing and students who are not deaf or hard of hearing. This analysis assumes the 0.5 FTE is anticipated to cost \$58,197 in fiscal year 2020 and

\$56,197 per fiscal year thereafter. TEA assumes the data for comparing student English literacy would be obtainable from existing End of Course exams for grade levels three through eight.

If HHSC and the Early Childhood Intervention (ECI) program would be required to collect the data elements under the bill in addition to TEA, this analysis assumes it would incur significant costs to modify the ECI TKIDS database to add the required fields. HHSC states that it does not have sufficient information to provide a specific cost estimate at this time.

TSD assumes any additional costs to the agency resulting from implementing provisions of the bill could be absorbed using existing resources.

It is assumed that provisions of the bill relating to reporting certain truancy information through the Public Information Management System could be absorbed using existing resources.

### **Technology**

Technology costs for TEA are assumed to total \$52,369 in fiscal year 2020 and \$157,107 in fiscal year 2021. TEA assumes it would need to modify TSDS to include at least six new data elements that are not currently collected and create at least four associated code tables to collect the additional data required by the bill. TEA would also be required to develop new business rules. Technology costs are assumed to include reporting and testing the enhancements to TSDS.

If HHSC and the Early Childhood Intervention (ECI) program would be required to collect the data elements under the bill, HHSC assumes it could incur significant costs to modify the ECI TKIDS database to add the required fields.

### **Local Government Impact**

Impact to local education agencies (LEAs) or local Early Childhood Intervention programs (ECI) would depend on whether LEAs or ECI programs are responsible for collecting the data and conducting the assessments required by the bill. TEA and HHSC assume the bill would have significant additional costs for LEAs and ECI programs to collect and report the required data, including additional staff time to complete data entry. Further, this analysis assumes LEAs and ECI programs could incur additional costs to administer the assessment required by the bill, including costs to hire additional speech language pathologists or other qualified assessors and costs to train local staff to use the assessment tool.

**Source Agencies:** 529 Health and Human Services Commission, 701 Texas Education Agency, 772 School for the Deaf

**LBB Staff:** WP, HL, AM, ASa, SD, RC

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 13, 2019**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB548** by Canales (Relating to reporting certain truancy information through the Public Education Information Management System.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

It is assumed that the provisions of the bill relating to reporting certain truancy information through the Public Education Information Management System could be absorbed using existing resources.

**Local Government Impact**

Since school districts currently track truancy information, TEA assumes passage of the proposed bill will not significantly impact districts.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** WP, HL, AM, SL, RC



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 29, 2019**

**TO:** Honorable Dan Huberty, Chair, House Committee on Public Education

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB548** by Canales ( relating to reporting certain truancy information through the Public Education Information Management System.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that the provisions of the bill relating to reporting certain truancy information through the Public Education Information Management System could be absorbed using existing resources.

**Local Government Impact**

Since school districts currently track truancy information, TEA assumes passage of the proposed bill will not significantly impact districts.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** WP, HL, AM, SL, RC

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 18, 2019**

**TO:** Honorable Dan Huberty, Chair, House Committee on Public Education

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB548** by Canales (Relating to reporting certain truancy information through the Public Education Information Management System.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB548, As Introduced: a negative impact of (\$202,280) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$50,570)
2021	(\$151,710)
2022	\$0
2023	\$0
2024	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2020	(\$50,570)
2021	(\$151,710)
2022	\$0
2023	\$0
2024	\$0

**Fiscal Analysis**

The bill would require school districts to report to TEA through the Public Education Information Management System (PEIMS) certain data relating to enrollment and truancy.

The bill would take effect September 1, 2019.

### **Methodology**

According to TEA, new data elements would be required to capture the bill's data requirements. TEA estimates the cost to implement the new requirements in PEIMS to be \$50,570 in FY 2020 and \$151,710 in FY 2021 for an initial development effort of \$202,280. In order to make the required changes to PEIMS and the Texas Student Data System, TEA will utilize staff augmentation for development, testing, and deployment.

TEA anticipates that ongoing maintenance of the new data elements can be absorbed with existing resources.

### **Technology**

The bill will require additions to the Texas Student Data System including: data elements, code tables, business rules, at least two new reports, and associated testing.

### **Local Government Impact**

Since school districts currently track truancy information, TEA assumes passage of the proposed bill will not significantly impact districts.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** WP, HL, AM, SL, RC