

House Bill 548
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION (CS)

CONFERENCE

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

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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

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(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.

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(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 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

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(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.

No equivalent provision.

No equivalent provision.

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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

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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 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 5. Same as House version.

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

SECTION 6. Same as House version.