

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) Each school district ~~[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 approved by the commissioner ~~[determined to be valid and reliable as provided by Subsection (a)]~~.

(c) On a schedule determined by the commissioner, each school district shall report to the commissioner through the Public Education Information Management System (PEIMS) or another method set by commissioner rule the assessment data collected under Subsection (b) ~~[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 48.102, 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 adopt rules establishing the assessment data required to be reported under Subsection (c) ~~[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~~

42-1 ~~are deaf or hard of hearing].~~

42-2 (e) ~~The commissioner shall annually post on the agency's~~  
 42-3 ~~Internet website a report on the language acquisition of children~~  
 42-4 ~~eight years of age or younger who are deaf or hard of hearing using~~  
 42-5 ~~the assessment data reported under Subsection (c) [agency shall use~~  
 42-6 ~~existing collected data and data collected and transferred from the~~  
 42-7 ~~Department of State Health Services and the Health and Human~~  
 42-8 ~~Services Commission, as agreed upon in the memorandum of~~  
 42-9 ~~understanding, for the report under this section].~~

42-10 (f) ~~The commissioner shall use the assessment data reported~~  
 42-11 ~~under Subsection (c) in determining whether to award a grant under~~  
 42-12 ~~Section 29.018 or in seeking federal money available for projects~~  
 42-13 ~~aimed at improving outcomes for students with disabilities [and the~~  
 42-14 ~~executive commissioner of the Health and Human Services Commission~~  
 42-15 ~~jointly shall adopt rules as necessary to implement this section,~~  
 42-16 ~~including rules for:~~

42-17 ~~[(1) assigning each child eight years of age or~~  
 42-18 ~~younger who is deaf or hard of hearing a unique identification~~  
 42-19 ~~number for purposes of the report required under Subsection (c) and~~  
 42-20 ~~to enable the tracking of the child's language acquisition, and~~  
 42-21 ~~factors affecting the child's language acquisition, over time, and~~

42-22 ~~[(2) implementing this section in a manner that~~  
 42-23 ~~complies with federal law regarding confidentiality of student~~  
 42-24 ~~medical or educational information, including the Health Insurance~~  
 42-25 ~~Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d~~  
 42-26 ~~et seq.) and the Family Educational Rights and Privacy Act of 1974~~  
 42-27 ~~(20 U.S.C. Section 1232g), and any state law relating to the privacy~~  
 42-28 ~~of student information].~~

42-29 SECTION 4.42. The heading to Section 30.002, Education  
 42-30 Code, is amended to read as follows:

42-31 Sec. 30.002. STATE PLAN [EDUCATION] FOR CHILDREN WITH  
 42-32 VISUAL IMPAIRMENTS, WHO ARE DEAF OR HARD OF HEARING, OR WHO ARE  
 42-33 DEAF-BLIND.

42-34 SECTION 4.43. Sections 30.002(a), (b), (c), and (e),  
 42-35 Education Code, are amended to read as follows:

42-36 (a) The agency shall develop and administer a comprehensive  
 42-37 statewide plan for the education of children ~~[with visual~~  
 42-38 ~~impairments]~~ who are under 22 [21] years of age and who have visual  
 42-39 impairments, are deaf or hard of hearing, or are deaf-blind that  
 42-40 will ensure that the children have an opportunity for achievement  
 42-41 equal to the opportunities afforded their peers who do not have  
 42-42 visual impairments, are not deaf or hard of hearing, or are not  
 42-43 deaf-blind ~~[with normal vision].~~

42-44 (b) The agency shall:

42-45 (1) develop standards and guidelines for all special  
 42-46 education and related services for children who have visual  
 42-47 impairments, are deaf or hard of hearing, or are deaf-blind ~~[with~~  
 42-48 ~~visual impairments]~~ that it is authorized to provide or support  
 42-49 under this code and federal law;

42-50 (2) supervise regional education service centers and  
 42-51 other entities in assisting school districts in serving children  
 42-52 who have visual impairments, are deaf or hard of hearing, or are  
 42-53 deaf-blind ~~[with visual impairments]~~ more effectively; and

42-54 (3) ~~[develop and administer special education~~  
 42-55 ~~services for students with both serious visual and auditory~~  
 42-56 ~~impairments,~~

42-57 ~~[(4) evaluate special education services provided for~~  
 42-58 ~~children with visual impairments by school districts and approve or~~  
 42-59 ~~disapprove state funding of those services, and~~

42-60 ~~[(5)] maintain an effective liaison between special~~  
 42-61 ~~education programs provided for children who have visual~~  
 42-62 ~~impairments, are deaf or hard of hearing, or are deaf-blind [with~~  
 42-63 ~~visual impairments]~~ by school districts and related initiatives of  
 42-64 the Health and Human Services Commission, ~~[the Department of State~~  
 42-65 ~~Health Services Mental Health and Substance Abuse Division,]~~ the  
 42-66 Texas Workforce Commission, and other related programs, agencies,  
 42-67 or facilities as appropriate.

42-68 (c) The comprehensive statewide plan for the education of  
 42-69 children who have visual impairments, are deaf or hard of hearing,

or are deaf-blind ~~[with visual impairments]~~ must:

(1) adequately provide for comprehensive diagnosis and evaluation of each school-age child who has a visual impairment, is deaf or hard of hearing, or is deaf-blind and adequately outline the expectations of a school district for such a child under three years of age ~~[with a serious visual impairment]~~;

(2) include the procedures, format, and content of the individualized education program for each child who has a visual impairment, is deaf or hard of hearing, or is deaf-blind ~~[with a visual impairment]~~;

(3) emphasize providing educational services to children who have visual impairments, are deaf or hard of hearing, or are deaf-blind ~~[with visual impairments]~~ in their home communities whenever possible;

(4) include information regarding the establishment of regional day school programs for the deaf under Subchapter D and the parameters of those programs ~~[methods to ensure that children with visual impairments receiving special education services in school districts receive, before being placed in a classroom setting or within a reasonable time after placement:~~

~~[(A) evaluation of the impairment; and  
[(B) instruction in an expanded core curriculum, which is required for students with visual impairments to succeed in classroom settings and to derive lasting, practical benefits from the education provided by school districts, including instruction in:~~

~~[(i) compensatory skills, such as braille and concept development, and other skills needed to access the rest of the curriculum;~~

~~[(ii) orientation and mobility;  
[(iii) social interaction skills;  
[(iv) career planning;  
[(v) assistive technology, including optical devices;~~

~~[(vi) independent living skills;  
[(vii) recreation and leisure enjoyment;  
[(viii) self-determination; and  
[(ix) sensory efficiency];~~

(5) provide for flexibility on the part of school districts to meet the unique ~~[special]~~ needs of children who have visual impairments, are deaf or hard of hearing, or are deaf-blind ~~[with visual impairments]~~ through:

(A) specialty staff and resources provided by the district;

(B) contractual arrangements with other qualified public or private agencies;

(C) supportive assistance from regional education service centers or adjacent school districts;

(D) short-term or long-term services through the Texas School for the Blind and Visually Impaired, the Texas School for the Deaf, regional day school programs for the deaf, or related facilities or programs; or

(E) other instructional and service arrangements approved by the agency;

(6) ~~[include a statewide admission, review, and dismissal process;~~

~~[(7)]~~ provide for effective interaction between the ~~[visually impaired child's]~~ classroom setting of the child who has a visual impairment, is deaf or hard of hearing, or is deaf-blind and the child's home environment, including providing for parental training and counseling either by school district staff or by representatives of other organizations directly involved in the development and implementation of the individualized education program for the child;

(7) describe recommended and required professional development activities based on the special education and related services provided by school district staff to children who have visual impairments, are deaf or hard of hearing, or are deaf-blind ~~[(8) require the continuing education and professional~~

~~development of school district staff providing special education services to children with visual impairments];~~

(8) [(9)] provide for adequate monitoring and precise evaluation of special education services provided to children who have visual impairments, are deaf or hard of hearing, or are deaf-blind [with visual impairments] through school districts; [and]

(9) [(10)] require that school districts providing special education services to children who have visual impairments, are deaf or hard of hearing, or are deaf-blind [with visual impairments] develop procedures for assuring that staff assigned to work with the children have prompt and effective access directly to resources available through:

(A) cooperating agencies in the area;  
(B) the Texas School for the Blind and Visually Impaired;

(C) the Texas School for the Deaf;  
(D) the statewide outreach center at the Texas School for the Deaf;

(E) the Central Media Depository for specialized instructional materials and aids made specifically for use by students with visual impairments;

(F) [(D)] sheltered workshops participating in the state program of purchases of blind-made goods and services; and

(G) [(E)] related sources; and  
(10) assist in the coordination of educational programs with other public and private agencies, including:

(A) agencies operating early childhood intervention programs;

(B) preschools;  
(C) agencies operating child development programs;

(D) private nonsectarian schools;  
(E) agencies operating regional occupational centers and programs; and

(F) as appropriate, postsecondary and adult programs for persons who are deaf or hard of hearing.

(e) Each eligible [blind or visually impaired] student who has a visual impairment, is deaf or hard of hearing, or is deaf-blind is entitled to receive educational programs according to an individualized education program that:

(1) is developed in accordance with federal and state requirements for providing special education services;

(2) is developed by a committee composed as required by federal law;

(3) reflects that the student has been provided a detailed explanation of the various service resources available to the student in the community and throughout the state;

(4) provides a detailed description of the arrangements made to provide the student with the evaluation and instruction required under this subchapter and Subchapter A, Chapter 29 [Subsection (c)(4)]; and

(5) sets forth the plans and arrangements made for contacts with and continuing services to the student beyond regular school hours to ensure the student learns the skills and receives the instruction required under this subchapter and Subchapter A, Chapter 29 [Subsection (c)(4)(B)].

SECTION 4.44. Subchapter A, Chapter 30, Education Code, is amended by adding Section 30.0021 to read as follows:

Sec. 30.0021. REQUIREMENTS FOR CHILDREN WITH VISUAL IMPAIRMENTS. (a) Each child with a visual impairment must receive instruction in an expanded core curriculum required for children with visual impairments to succeed in classroom settings and to derive lasting, practical benefits from education in a school district, including instruction in:

(1) compensatory skills, such as braille and concept development, and other skills necessary to access the rest of the curriculum;



- (2) orientation and mobility;
- (3) social interaction skills;
- (4) career education;
- (5) assistive technology, including optical devices;
- (6) independent living skills;
- (7) recreation and leisure enjoyment;
- (8) self-determination; and
- (9) sensory efficiency.

(b) To determine a child's eligibility for a school district's special education program under Subchapter A, Chapter 29, on the basis of a visual impairment, the full individual and initial evaluation of the child under Section 29.004 and any reevaluation of the child must, in accordance with commissioner rule:

(1) include an orientation and mobility evaluation conducted:

(A) by a person who is appropriately certified as an orientation and mobility specialist, as determined by commissioner rule; and

(B) in a variety of lighting conditions and settings, including in the child's home, school, and community and in settings unfamiliar to the child; and

(2) provide for a person who is appropriately certified as an orientation and mobility specialist, as determined by commissioner rule, to participate, as part of a multidisciplinary team, in evaluating the data on which the determination of the child's eligibility is based.

(c) In developing an individualized education program under Section 29.005 for a child with a visual impairment, proficiency in reading and writing must be a significant indicator of the child's satisfactory educational progress. The individualized education program must include instruction in braille and the use of braille unless the child's admission, review, and dismissal committee documents a determination, based on an evaluation of the child's appropriate literacy media and literacy skills and the child's current and future instructional needs, that braille is not an appropriate literacy medium for the child.

(d) Braille instruction:

(1) may be used in combination with other special education services appropriate to the educational needs of a child with a visual impairment; and

(2) must be provided by a teacher certified to teach children with visual impairments under Subchapter B, Chapter 21.

(e) A school district shall provide to each person assisting in the development of an individualized education program for a child with a visual impairment information describing the benefits of braille instruction.

(f) To facilitate implementation of this section, the commissioner shall develop a system to distribute from the foundation school fund to school districts or regional education service centers a special supplemental allowance for each student with a visual impairment. The supplemental allowance may be spent only for special education services uniquely required by the nature of the child's disabilities and may not be used in lieu of educational funds otherwise available under this code or through state or local appropriations.

SECTION 4.45. Section 30.003, Education Code, is amended by amending Subsections (b), (d), (f-1), and (g) and adding Subsection (b-1) to read as follows:

(b) If the student is admitted to the school for a full-time program for the equivalent of two long semesters, the district's share of the cost is an amount equal to the dollar amount of maintenance and debt service taxes imposed by the district for that year, subject to Subsection (b-1), divided by the district's average daily attendance for the preceding year.

(b-1) The commissioner shall reduce the amount of maintenance taxes imposed by the district that are obligated to be paid under Subsection (b) for a year by the amount, if any, by which the district is required to reduce the district's local revenue

46-1 level under Section 48.257 for that year.

46-2 (d) Each school district and state institution shall  
 46-3 provide to the commissioner the necessary information to determine  
 46-4 the district's share under this section. The information must be  
 46-5 reported to the commissioner on or before a date set by commissioner  
 46-6 ~~rule [of the State Board of Education]~~. After determining the  
 46-7 amount of a district's share for all students for which the district  
 46-8 is responsible, the commissioner shall deduct that amount from the  
 46-9 payments of foundation school funds payable to the district. Each  
 46-10 deduction shall be in the same percentage of the total amount of the  
 46-11 district's share as the percentage of the total foundation school  
 46-12 fund entitlement being paid to the district at the time of the  
 46-13 deduction, except that the amount of any deduction may be modified  
 46-14 to make necessary adjustments or to correct errors. The  
 46-15 commissioner shall provide for remitting the amount deducted to the  
 46-16 appropriate school at the same time at which the remaining funds are  
 46-17 distributed to the district. If a district does not receive  
 46-18 foundation school funds or if a district's foundation school  
 46-19 entitlement is less than the amount of the district's share under  
 46-20 this section, the commissioner shall direct the district to remit  
 46-21 payment to the commissioner, and the commissioner shall remit the  
 46-22 district's share to the appropriate school.

46-23 (f-1) The commissioner shall determine the total amount  
 46-24 that the Texas School for the Blind and Visually Impaired and the  
 46-25 Texas School for the Deaf would have received from school districts  
 46-26 in accordance with this section if the following provisions had not  
 46-27 reduced the districts' share of the cost of providing education  
 46-28 services:

46-29 (1) H.B. No. 1, Acts of the 79th Legislature, 3rd  
 46-30 Called Session, 2006;

46-31 (2) Subsection (b-1) of this section;

46-32 (3) Section 45.0032;

46-33 (4) ~~[(3)]~~ Section 48.255; and

46-34 (5) ~~[(4)]~~ Section 48.2551.

46-35 (g) The commissioner ~~[State Board of Education]~~ may adopt  
 46-36 rules as necessary to implement this section.

46-37 SECTION 4.46. Section 30.004(b), Education Code, is amended  
 46-38 to read as follows:

46-39 (b) The commissioner ~~[State Board of Education]~~ shall adopt  
 46-40 rules prescribing the form and content of information required by  
 46-41 Subsection (a).

46-42 SECTION 4.47. Section 30.005, Education Code, is amended to  
 46-43 read as follows:

46-44 Sec. 30.005. TEXAS SCHOOL FOR THE BLIND AND VISUALLY  
 46-45 IMPAIRED MEMORANDUM OF UNDERSTANDING. The Texas Education Agency  
 46-46 and the Texas School for the Blind and Visually Impaired shall  
 46-47 develop~~[, agree to, and by commissioner rule adopt]~~ a memorandum of  
 46-48 understanding to establish:

46-49 (1) the method for developing and reevaluating a set  
 46-50 of indicators of the quality of learning at the Texas School for the  
 46-51 Blind and Visually Impaired;

46-52 (2) the process for the agency to conduct and report on  
 46-53 an annual evaluation of the school's performance on the indicators;

46-54 (3) the requirements for the school's board to  
 46-55 publish, discuss, and disseminate an annual report describing the  
 46-56 educational performance of the school; and

46-57 (4) ~~[the process for the agency to:~~

46-58 ~~[(A) assign an accreditation status to the~~  
 46-59 ~~school,~~

46-60 ~~[(B) reevaluate the status on an annual basis,~~

46-61 ~~and~~

46-62 ~~[(C) if necessary, conduct monitoring reviews,~~

46-63 ~~and~~

46-64 ~~[(5)]~~ the type of information the school shall be  
 46-65 required to provide through the Public Education Information  
 46-66 Management System (PEIMS).

46-67 SECTION 4.48. Section 30.021(e), Education Code, is amended  
 46-68 to read as follows:

46-69 (e) The school shall cooperate with public and private

agencies and organizations serving students and other persons with visual impairments in the planning, development, and implementation of effective educational and rehabilitative service delivery systems associated with educating students with visual impairments. To maximize and make efficient use of state facilities, funding, and resources, the services provided in this area may include conducting a cooperative program with other agencies to serve students who have graduated from high school by completing all academic requirements applicable to students in general ~~regular~~ education, excluding satisfactory performance under Section 39.025, who are younger than 22 years of age on September 1 of the school year and who have identified needs related to vocational training, independent living skills, orientation and mobility, social and leisure skills, compensatory skills, or remedial academic skills.

SECTION 4.49. Section 30.081, Education Code, is amended to read as follows:

Sec. 30.081. LEGISLATIVE INTENT CONCERNING REGIONAL DAY SCHOOLS FOR THE DEAF. The legislature, by this subchapter, intends to continue a process of providing on a statewide basis a suitable education to deaf or hard of hearing students who are under 22 ~~[21]~~ years of age and assuring that those students have the opportunity to become independent citizens.

SECTION 4.50. Section 30.083, Education Code, is amended to read as follows:

Sec. 30.083. STATEWIDE PLAN. ~~[(a)]~~ The director of services shall develop and administer a comprehensive statewide plan for educational services for students who are deaf or hard of hearing and receive special education and related services through a regional day school program for the deaf ~~[, including continuing diagnosis and evaluation, counseling, and teaching]~~. The plan shall be included as part of the comprehensive statewide plan under Section 30.002 ~~[designed to accomplish the following objectives:~~

~~[(1) providing assistance and counseling to parents of students who are deaf or hard of hearing in regional day school programs for the deaf and admitting to the programs students who have a hearing loss that interferes with the processing of linguistic information;~~

~~[(2) enabling students who are deaf or hard of hearing to reside with their parents or guardians and be provided an appropriate education in their home school districts or in regional day school programs for the deaf;~~

~~[(3) enabling students who are deaf or hard of hearing who are unable to attend schools at their place of residence and whose parents or guardians live too far from facilities of regional day school programs for the deaf for daily commuting to be accommodated in foster homes or other residential school facilities provided for by the agency so that those children may attend a regional day school program for the deaf;~~

~~[(4) enrolling in the Texas School for the Deaf those students who are deaf or hard of hearing whose needs can best be met in that school and designating the Texas School for the Deaf as the statewide educational resource for students who are deaf or hard of hearing;~~

~~[(5) encouraging students in regional day school programs for the deaf to attend general education classes on a part-time, full-time, or trial basis; and~~

~~[(6) recognizing the need for development of language and communications abilities in students who are deaf or hard of hearing, but also calling for the use of methods of communication that will meet the needs of each individual student, with each student assessed thoroughly so as to ascertain the student's potential for communications through a variety of means, including through oral or aural means, fingerspelling, or sign language].~~

~~[(b) The director of services may establish separate programs to accommodate diverse communication methodologies.]~~

SECTION 4.51. Section 37.146(a), Education Code, is amended to read as follows:

(a) A complaint alleging the commission of a school offense