

## **BILL ANALYSIS**

C.S.H.B. 827  
By: Branch  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Certain researchers who study the Texas public school system are having trouble gathering data on certain students due to privacy right issues. In order to more accurately analyze our public school system, this bill attempts to correct this problem and allows for researchers to collect the necessary data.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of Education and the Commissioner of Higher Education in SECTION 1 of this bill.

### **ANALYSIS**

This bill allows the commissioner of education and the commissioner of higher education to establish no more than three centers for education research in the state. The centers may be established as part of the Texas Education Agency, the Texas Higher Education Coordinating Board, or a public junior college, public senior college or university, or public state college. A center may operate under a memorandum of understanding between the commissioner of education, the commissioner of higher education and the governing board of an educational institution as described and must require joint supervision of the center.

In conducting research, a center may use data on student performance that is confidential under the Family Educational Rights and Privacy Act (FERPA) that it collects from TEA, THECB, SBEC, public or private college or university and any school district. The research center shall comply with rules adopted by the commissioner of education and the commissioner of higher education to protect the confidentiality of student information. The rules shall establish procedures to ensure that confidential student information is not duplicated or removed from a center in an unauthorized manner.

The commissioner of education and the commissioner of higher education may accept gifts and grants for use in operating one or more centers, and by rule impose reasonable fees for the use of a center's research, resources, or facilities.

The commissioner of education and the commissioner of higher education shall adopt rules as necessary to implement this section.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 827 sets forth a definition for center. The substitute requires the commissioner of education and the commissioner of higher education to adopt rules as necessary to implement this section. The substitute changes that not more than three centers may be established. The substitute creates that a center may be established as part of a designated entity as set forth. The substitute expands that a center may be operated under a memorandum of understanding between the commissioner of education, the commissioner of higher education and the governing board of an educational institution as designated by this legislation. The substitute designates what data

may be used in conducting research. Additionally, the substitute creates that grants and gifts may be accepted in operating a center and reasonable fees may be imposed.