

By: Eissler, Murphy

H.B. No. 2238

Substitute the following for H.B. No. 2238:

By: Dutton

C.S.H.B. No. 2238

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Education Data System (TEDS).

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

SECTION 1. Title 1, Education Code, is amended by adding Chapter 2 to read as follows:

CHAPTER 2. TEXAS EDUCATION DATA SYSTEM (TEDS)

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2.001. DEFINITIONS. In this chapter:

(1) "Board" means the system board established under Section 2.051.

(2) "Charter school" means any school or program that is operating under a charter authorized by Chapter 12 or other law, including:

(A) a home-rule school district under Subchapter B, Chapter 12;

(B) a campus or campus program under Subchapter C, Chapter 12;

(C) an open-enrollment charter school under Subchapter D, Chapter 12; and

(D) a college or university charter school under Subchapter E, Chapter 12.

(3) "Education agency" means:

(A) the Texas Education Agency, the State Board

1 for Educator Certification, or the Texas Higher Education
2 Coordinating Board; or

3 (B) a regional education service center, as
4 defined by Section 5.001, or any other public local, regional, or
5 state education organization identified by the board for
6 participation in the system.

7 (4) "Educational institution" means:

8 (A) a school district or campus;

9 (B) a charter school;

10 (C) an institution of higher education; or

11 (D) a university system.

12 (5) "Educator" means a person who:

13 (A) is required to hold a certificate issued
14 under Subchapter B, Chapter 21; or

15 (B) is an instructor or administrator at an
16 institution of higher education or university system.

17 (6) "Institution of higher education" has the meaning
18 assigned by Section 61.003.

19 (7) "System" means the Texas Education Data System
20 (TEDS) established under this chapter.

21 (8) "University system" has the meaning assigned by
22 Section 61.003.

23 Sec. 2.002. PURPOSE. The purpose of the system is to:

24 (1) enable educational institutions and education
25 agencies to provide detailed information for the evaluation and
26 improvement of educational programs;

27 (2) facilitate academic, fiscal, and managerial

1 accountability at educational institutions and education agencies;
2 and

3 (3) enable educational institutions and education
4 agencies to provide information to the public in a manner
5 consistent with state and federal law, including the Family
6 Educational Rights and Privacy Act (20 U.S.C. Section 1232g).

7 Sec. 2.003. PARTICIPATION REQUIRED. Each educational
8 institution and education agency shall:

9 (1) participate in the system; and

10 (2) use information systems, including connection
11 capabilities, data elements, and accounting, personnel, and
12 student information systems, that are certified by the board as
13 meeting the system's requirements.

14 Sec. 2.0031. IMPLEMENTATION. (a) Not later than September
15 1, 2011:

16 (1) the board shall fully implement the system for
17 participation by educational institutions and education agencies;
18 and

19 (2) each educational institution and education agency
20 shall begin participating in the system as required by Section
21 2.003.

22 (b) This section expires December 1, 2011.

23 Sec. 2.004. REFERENCE TO PUBLIC EDUCATION INFORMATION
24 MANAGEMENT SYSTEM (PEIMS). On or after September 1, 2011, a
25 reference in law to the Public Education Information Management
26 System (PEIMS) means the Texas Education Data System (TEDS).

27 [Sections 2.005-2.050 reserved for expansion]

1 SUBCHAPTER B. SYSTEM BOARD

2 Sec. 2.051. ESTABLISHMENT OF BOARD. The commissioner of
3 education and the commissioner of higher education shall establish
4 a board to implement and administer the system.

5 Sec. 2.052. MEMBERSHIP OF BOARD. (a) The board is composed
6 of 15 members, including the commissioner of education and the
7 commissioner of higher education. The commissioner of education
8 and the commissioner of higher education shall co-chair the board.

9 (b) The commissioner of education shall appoint seven
10 members of the board. Five of the members appointed by the
11 commissioner of education must have extensive experience in the
12 field of public education data systems. Two of the members
13 appointed by the commissioner of education must be selected from a
14 list of candidates prepared by the lieutenant governor for
15 appointment to the board.

16 (c) The commissioner of higher education shall appoint six
17 members of the board. Four of the members appointed by the
18 commissioner of higher education must have extensive experience in
19 the field of higher education data systems. Two of the members
20 appointed by the commissioner of higher education must be selected
21 from a list of candidates prepared by the speaker of the house of
22 representatives for appointment to the board.

23 Sec. 2.053. TERMS. Members of the board, other than the
24 commissioner of education and commissioner of higher education,
25 serve two-year terms expiring February 1 of each odd-numbered year,
26 and are eligible for reappointment.

27 Sec. 2.054. REIMBURSEMENT FOR EXPENSES. A member of the

1 board is not entitled to compensation for the member's service on
2 the board, but is entitled to reimbursement for actual and
3 reasonable expenses incurred while on board business as provided by
4 the General Appropriations Act.

5 [Sections 2.055-2.100 reserved for expansion]

6 SUBCHAPTER C. SYSTEM COMPONENTS

7 Sec. 2.101. ESTABLISHMENT OF SYSTEM. (a) The board shall
8 establish, implement, and administer the system in the manner
9 provided by this chapter.

10 (b) The system must be an efficient, cost-effective
11 electronic system for storage of public and higher education data
12 that consolidates systems and data previously managed separately by
13 the Texas Education Agency, the Texas Higher Education Coordinating
14 Board, and the State Board for Educator Certification.

15 (c) In implementing the system, the board shall:

- 16 (1) develop policy objectives concerning the system;
17 (2) design strategies for the implementation of the
18 system; and
19 (3) create evaluation criteria for the system so that
20 the system is capable of providing detailed student achievement,
21 curricular, instructional, managerial, and educational policy data
22 functions.

23 Sec. 2.102. SYSTEM TECHNOLOGIES. In developing the system,
24 the board shall ensure that the system includes:

- 25 (1) technologies that connect data elements among
26 educational institutions and education agencies;
27 (2) direct connection technologies that allow

1 educational institutions and education agencies to use a variety of
2 local information systems to maintain data, connect with the
3 system, and facilitate timely exchange of information;

4 (3) technologies that enable the system to be
5 connected with other relevant state or federal data systems; and

6 (4) analytical tools designed to assist educators,
7 policy makers, and researchers in the evaluation of student
8 achievement, educational programs, and operational efficiencies.

9 Sec. 2.103. SYSTEM DATA ELEMENTS. (a) The board shall
10 identify the data elements required for inclusion in the system.
11 The data elements must include:

12 (1) data for each educational institution concerning
13 personnel, revenue and expenditures, and student and community
14 demographics;

15 (2) to the extent applicable, a record of the academic
16 training, certifications, experience, and completion of continuing
17 education and professional development for each educator employed
18 by an educational institution;

19 (3) data concerning student academic performance,
20 including performance on state assessment instruments; and

21 (4) a transcript for each student enrolled in an
22 educational institution that includes the following information:

23 (A) for a student enrolled in an institution of
24 higher education:

25 (i) courses taken by the student and course
26 completion and academic performance information concerning the
27 student;

1 (ii) instructors of record for the student;

2 and

3 (iii) each degree awarded to the student;

4 and

5 (B) for a student enrolled in a school district
6 or charter school:

7 (i) courses taken by the student and grade
8 or course completion information, as applicable, concerning the
9 student;

10 (ii) teachers of record for the student;

11 (iii) the student's performance on
12 assessment instruments administered under Section 39.023;

13 (iv) information concerning whether the
14 student received special education services under Subchapter A,
15 Chapter 29, including information concerning any individualized
16 education program developed for the student under Section 29.005;

17 (v) information concerning any personal
18 graduation plan developed for the student under Section 28.0212;

19 (vi) the student's attendance records; and

20 (vii) the specific reason for leaving a
21 school district or charter school, such as transferring,
22 graduating, or dropping out of school.

23 (b) In specifying the data elements that must be included in
24 the system, the board shall consider the cost to educational
25 institutions of collecting and reporting the required information.

26 Sec. 2.104. ANALYTICAL TOOLS. (a) The board shall
27 incorporate into the system analytical tools for improving the

1 quality of data collection, management, analyses, and
2 dissemination.

3 (b) The analytical tools, where applicable, must be
4 designed to provide information that can be used directly and
5 efficiently by educators so as to limit the need for locally
6 designed data management systems.

7 (c) The analytical tools incorporated into the system under
8 this section must include:

9 (1) measures of improvement in student achievement as
10 provided by Section 2.105;

11 (2) comparative academic and fiscal measures of
12 success as provided by Section 2.106; and

13 (3) dropout prevention and intervention tools as
14 provided by Section 2.107.

15 Sec. 2.105. MEASURES OF IMPROVEMENT IN STUDENT ACHIEVEMENT.

16 (a) The board shall contract with one or more centers for education
17 research, as established under Section 1.005, to develop
18 recommendations, drawing from the best available research and
19 information, for using the system to measure improvement in
20 individual student achievement on assessment instruments
21 administered under Section 39.023.

22 (b) The board shall select a methodology and incorporate
23 into the system a capability for generating reports for school
24 districts and charter schools concerning annual improvement in
25 student achievement at the student, classroom, campus, and district
26 level.

27 (c) The methodology selected by the board must be capable of

1 providing a reliable and valid measure for use in conducting
2 appraisals of educators employed by school districts or charter
3 schools.

4 Sec. 2.106. COMPARATIVE ACADEMIC AND FISCAL MEASURES OF
5 SUCCESS. (a) The board shall select a methodology and incorporate
6 into the system a capability for generating reports that compare
7 the spending and performance of educational institutions over time
8 and as compared with other educational institutions.

9 (b) The methodology selected by the board must include
10 advanced statistical methods that can adjust for factors beyond the
11 control of an educational institution, including student
12 demographics and community characteristics.

13 Sec. 2.107. DROPOUT PREVENTION AND INTERVENTION. (a) The
14 board shall contract with one or more centers for education
15 research, as established under Section 1.005, to develop
16 recommendations for establishing indicators for identifying
17 students who are likely to drop out of school.

18 (b) The board shall select a methodology and incorporate
19 into the system a reporting method that aids in the early detection
20 and intervention of students who are likely to drop out of school.

21 Sec. 2.108. INFORMATION CONCERNING INSTRUCTIONAL METHODS
22 PROHIBITED. The system may not contain any information concerning
23 instructional methods, except as required by federal law.

24 [Sections 2.109-2.150 reserved for expansion]

25 SUBCHAPTER D. ADMINISTRATION AND MANAGEMENT OF SYSTEM

26 Sec. 2.151. RULES. (a) The commissioner of education and
27 the Texas Higher Education Coordinating Board may jointly adopt

1 rules necessary to support the implementation of criteria,
2 strategies, and policies adopted by the system board.

3 (b) The commissioner of education and the Texas Higher
4 Education Coordinating Board shall, where applicable, coordinate
5 with the State Board for Educator Certification in adopting the
6 rules.

7 Sec. 2.152. COST-EFFECTIVE MANAGEMENT OF SYSTEM. (a) The
8 board shall identify the most cost-effective approach to
9 establishing and maintaining the system, including in establishing
10 and selecting:

11 (1) interfaces to the data system for educators,
12 educational institutions, education agencies, other state
13 agencies, centers for education research established under Section
14 1.005, and the public; and

15 (2) analytical tools that improve the quality of data
16 submissions, educational programs, and operational efficiencies at
17 educational institutions and education agencies.

18 (b) To achieve the objectives described by this section, the
19 board:

20 (1) shall consider using the TexasOnline project as
21 provided by Section 2054.252, Government Code; and

22 (2) may issue requests for proposals and award
23 contracts on a competitive basis.

24 (c) The board may enter into a contract with one or more
25 persons with relevant expertise to:

26 (1) advise the board in issuing requests for proposals
27 under Subsection (b)(2);

1 (2) score responses to proposals received by the
2 board; and

3 (3) make recommendations to the board concerning the
4 proposals.

5 Sec. 2.153. ADVISORY GROUPS. The board may establish
6 stakeholder advisory groups for the purpose of providing the board
7 with additional information and expertise concerning the
8 structures and functions of the system, including the system's data
9 elements and interface design.

10 Sec. 2.154. ASSISTANCE OF DEPARTMENT OF INFORMATION
11 RESOURCES. The Department of Information Resources shall assist
12 the board in the design, coordination, implementation, and
13 management of projects related to the system.

14 Sec. 2.155. PROCESS FOR RELEASING INFORMATION. The board
15 shall develop and implement a process for releasing information for
16 research purposes in a manner consistent with state and federal
17 law, including the Family Educational Rights and Privacy Act (20
18 U.S.C. Section 1232g).

19 Sec. 2.156. GRANTS; FEDERAL FUNDS. For the purpose of
20 developing, maintaining, and enhancing the system, the
21 commissioner of education and the commissioner of higher education:

22 (1) may solicit and receive grants; and

23 (2) where applicable, shall apply for and use relevant
24 federal funds.

25 [Sections 2.157-2.200 reserved for expansion]

26 SUBCHAPTER E. REVIEWS AND REPORTS CONCERNING SYSTEM

27 Sec. 2.201. PUBLICATION OF ANNUAL REPORT. Annually the

1 board shall publish a report concerning the system. The report must
2 include:

3 (1) information concerning the system's data
4 standards;

5 (2) descriptions of data elements and codes;

6 (3) detailed information concerning responsibilities
7 of educational institutions and education agencies relating to data
8 submission; and

9 (4) descriptions of data submission requirements,
10 including specifications for layout and editing.

11 Sec. 2.202. REVIEW; RECOMMENDATIONS TO LEGISLATURE. (a)
12 The board shall review rules, criteria, strategies, and policies
13 relating to the system and make recommendations to the commissioner
14 of education and the commissioner of higher education concerning
15 the repeal or amendment of rules or reporting requirements that are
16 unnecessary.

17 (b) Not later than December 1 of each even-numbered year,
18 the board shall provide each member of the legislature with a report
19 concerning recommendations for improving the efficiency and
20 effectiveness of the system.

21 (c) Not later than September 1, 2012, the board shall
22 complete the first review required by Subsection (a). Not later
23 than December 1, 2012, the board shall provide the first report to
24 each member of the legislature as required by Subsection (b). This
25 subsection expires January 1, 2013.

26 SECTION 2. Effective September 1, 2011, Section 42.006,
27 Education Code, is repealed.

1 SECTION 3. As soon as practicable after the effective date
2 of this Act:

3 (1) the lieutenant governor shall provide the
4 commissioner of education with a list of candidates for appointment
5 to the Texas Education Data System (TEDS) board, as required by
6 Section 2.052, Education Code, as added by this Act;

7 (2) the speaker of the house of representatives shall
8 provide the commissioner of higher education with a list of
9 candidates for appointment to the Texas Education Data System
10 (TEDS) board, as required by Section 2.052, Education Code, as
11 added by this Act; and

12 (3) the commissioner of education and the commissioner
13 of higher education shall appoint members to the Texas Education
14 Data System (TEDS) board.

15 SECTION 4. This Act takes effect September 1, 2007.