

House Bill 2238
Senate Amendments
Section-by-Section Analysis

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

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

(4) "Educational institution" means:

(A) a school district or campus;

(B) a charter school;

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(C) an institution of higher education;
(D) a university system; or
(E) a virtual educational system accredited by an education agency.
(5) "Educator" means a person who:
(A) is required to hold a certificate issued under Subchapter B, Chapter 21; or
(B) is an instructor or administrator at an institution of higher education or university system.
(6) "Institution of higher education" has the meaning assigned by Section 61.003.
(7) "System" means the Texas Education Data System (TEDS) established under this chapter.
(8) "University system" has the meaning assigned by Section 61.003.
Sec. 2.002. PURPOSE. The purpose of the system is to:
(1) enable educational institutions and education agencies to provide detailed information for the evaluation and improvement of educational programs;
(2) facilitate academic, fiscal, and managerial accountability at educational institutions and education agencies;
(3) enable educational institutions and education agencies to provide information to the public in a manner consistent with state and federal law, including the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g); and
(4) facilitate the collection of information used in the administration of educational institutions.
Sec. 2.003. PARTICIPATION REQUIRED. Each

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(6) "Institution of higher education" has the meaning assigned by Section 61.003.
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(4) facilitate the collection of information used in the administration of educational institutions.
Sec. 2.003. PARTICIPATION REQUIRED. Each

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educational institution and education agency shall:

- (1) participate in the system; and
- (2) use information systems, including connection capabilities, data elements, and accounting, personnel, and student information systems, that are certified by the Department of Information Resources as meeting the system's requirements.

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

- (1) the commissioner of education and commissioner of higher education shall fully implement the system for participation by educational institutions and education agencies; and

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

(b) The commissioner of education and commissioner of higher education may implement the system on a pilot basis in one or more educational institutions before fully implementing the system as required by this section.

(c) This section expires December 1, 2011.

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- (1) participate in the system; and
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Sec. 2.0031. IMPLEMENTATION. (a) Not later than September 1, 2011:

- (1) the commissioner of education and commissioner of higher education shall fully implement the system for participation by educational institutions and education agencies; and

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

(b) The commissioner of education and commissioner of higher education may implement the system on a pilot basis in one or more educational institutions before fully implementing the system as required by this section.

(c) The board shall adopt an implementation and transition timeline for the system.

(d) This section expires December 1, 2011.

Sec. 2.0032. ENHANCEMENT OF PUBLIC EDUCATION INFORMATION MANAGEMENT SYSTEM (PEIMS). (a) The commissioner of education shall upgrade and enhance the Public Education Information Management System (PEIMS) to the extent necessary to enable an efficient transition to the system established under this chapter. Any project implemented

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under this section to upgrade and enhance the Public Education Information Management System (PEIMS) must:

(1) conform to the requirements of the Texas project delivery framework established under Subchapter J, Chapter 2054, Government Code;

(2) enable web-based applications and interfaces within a client-server environment for future data collections; and

(3) be scalable to accommodate the future data needs of the system.

(b) The commissioner of education may use funds appropriated for the fiscal biennium ending August 31, 2009, and federal funds, to the extent authorized under federal law, to implement projects under this section. The commissioner of education may accept gifts, grants, and donations for the purpose of implementing projects under this section.

(c) Not later than December 1, 2008, the commissioner of education shall prepare and deliver to each member of the legislature a report concerning the progress of any project implemented under this section.

(d) This section expires August 31, 2009.

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

[Sections 2.005-2.050 reserved for expansion]

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

[Sections 2.005-2.050 reserved for expansion]

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SUBCHAPTER B. SYSTEM BOARD

Sec. 2.051. ESTABLISHMENT OF BOARD. The commissioner of education and the commissioner of higher education shall establish a board to design, develop, oversee, and monitor the implementation of the system and perform other functions authorized under this chapter.

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

(b) The commissioner of education shall appoint seven members of the board. Three of the members appointed by the commissioner of education must have extensive experience in the field of public education data systems or as researchers. Two of the members appointed by the commissioner of education must have extensive experience in the field of public education curriculum and assessment. Two of the members appointed by the commissioner of education must be selected from a list of candidates prepared by the lieutenant governor for appointment to the board.

(c) The commissioner of higher education shall appoint six members of the board. Four of the members appointed by the commissioner of higher education must have extensive experience in the field of higher

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SUBCHAPTER B. SYSTEM BOARD

Sec. 2.051. ESTABLISHMENT OF BOARD. The commissioner of education and the commissioner of higher education shall establish a board to design and monitor the implementation of the system and perform other functions authorized under this chapter.

Sec. 2.052. MEMBERSHIP OF BOARD. (a) The board is composed of 13 members, including the commissioner of education and the commissioner of higher education. The commissioner of education shall chair the board.

(b) The commissioner of education shall appoint six members of the board. Two of the members appointed by the commissioner of education must have extensive experience in the field of public education data systems or as researchers. Two of the members appointed by the commissioner of education must have extensive experience in the field of public education. At least two of the members appointed by the commissioner of education must be employed by a school district at the time of appointment. Two of the members appointed by the commissioner of education must be selected from a list of candidates prepared by the lieutenant governor for appointment to the board.

(c) The commissioner of higher education shall appoint five members of the board. Two of the members appointed by the commissioner of higher education must have extensive experience in the field of higher

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education data systems or as researchers. Two of the members appointed by the commissioner of higher education must be selected from a list of candidates prepared by the speaker of the house of representatives for appointment to the board.

Sec. 2.053. TERMS. Members of the board, other than the commissioner of education and commissioner of higher education, serve four-year terms expiring February 1, 2011, and February 1 of every fourth year thereafter, and are eligible for reappointment.

Sec. 2.054. REIMBURSEMENT FOR EXPENSES. A member of the board is not entitled to compensation for the member's service on the board, but is entitled to reimbursement for actual and reasonable expenses incurred while on board business as provided by the General Appropriations Act.

[Sections 2.055-2.100 reserved for expansion]

SUBCHAPTER C. SYSTEM COMPONENTS

Sec. 2.101. ESTABLISHMENT OF SYSTEM. (a) The commissioner of education and commissioner of higher education, with the assistance of the board, shall establish, implement, and administer the system in the

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education data systems or as researchers. One of the members appointed by the commissioner of higher education must have expertise in complex business transaction software, but may not be affiliated with an entity that contracts with any education agency or educational institution to provide services. At least two of the members appointed by the commissioner of higher education must be employed by an institution of higher education at the time of appointment. Two of the members appointed by the commissioner of higher education must be selected from a list of candidates prepared by the speaker of the house of representatives for appointment to the board.

Sec. 2.053. TERMS. Members of the board, other than the commissioner of education and commissioner of higher education, serve four-year terms expiring February 1, 2011, and February 1 of every fourth year thereafter, and are eligible for reappointment.

Sec. 2.054. REIMBURSEMENT FOR EXPENSES. A member of the board is not entitled to compensation for the member's service on the board, but is entitled to reimbursement for actual and reasonable expenses incurred while on board business as provided by the General Appropriations Act.

[Sections 2.055-2.100 reserved for expansion]

SUBCHAPTER C. SYSTEM COMPONENTS

Sec. 2.101. ESTABLISHMENT OF SYSTEM. (a) The commissioner of education and commissioner of higher education shall establish, implement, and administer the system in the manner provided by this chapter.

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manner provided by this chapter.

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

(c) In implementing the system, the commissioner of education and commissioner of higher education shall:

(1) develop policy objectives concerning the system;

(2) design strategies for the implementation of the system; and

(3) create evaluation criteria for the system so that the system is capable of providing detailed student achievement, curricular, instructional, managerial, and educational policy data functions.

(d) The board shall ensure that the system is designed in a manner that:

(1) limits the extent to which education agencies and educational institutions are required to collect data separately from the collection of data for the system; and

(2) allows for longitudinal analysis and program evaluations through the system.

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

(c) In designing the system, the board shall:

(1) develop policy objectives concerning the system;

(2) design evaluation criteria for the system so that the system is capable of providing detailed student achievement, curricular, instructional, managerial, and educational policy data functions;

(3) ensure that student educational data is not disclosed, removed, or copied, except as authorized under the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g);

(4) limit the extent to which education agencies and educational institutions are required to collect data separately from the collection of data for the system; and

(5) allow for longitudinal analysis and program evaluations through the system.

(d) The commissioner of education and commissioner of higher education shall implement the system in a manner consistent with the design adopted by the board under

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Subsection (c).

(e) The commissioner of education and commissioner of higher education shall acquire access to a database that includes college enrollment and graduation information concerning students who attended public high schools and charter schools in this state and make the information from that database available through the system. To the extent authorized under state and federal law, the commissioner of education and commissioner of higher education shall adopt rules to ensure that educational institutions, education agencies, community leaders, and members of the legislature have access to the information from the database. The rules shall ensure that access to student educational records is limited to aggregate data that does not disclose personally identifiable information about an individual student or the student's family, except as specifically authorized by federal law.

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

- (1) technologies that connect data elements among educational institutions and education agencies;
- (2) direct connection technologies that allow educational institutions and education agencies to use a variety of local information systems to maintain data, connect with the system, and facilitate timely exchange of information;
- (3) technologies that enable the system to be connected

Sec. 2.102. SYSTEM TECHNOLOGIES. In developing the system, the commissioner of education and commissioner of higher education shall ensure that the system includes:

- (1) technologies that connect data elements among educational institutions and education agencies;
- (2) direct connection technologies that allow educational institutions and education agencies to use a variety of local information systems to maintain data, connect with the system, and facilitate timely exchange of information; and

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with other relevant state or federal data systems; and

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

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

(1) data for each educational institution concerning organization, personnel, budgetary and actual fiscal measures, and student and community demographics;

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

(3) a unique personal identification number for each student enrolled in and educator employed by an educational institution for the purpose of facilitating the connection of relevant data elements;

(4) data concerning student academic performance, including performance on state assessment instruments;

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

(A) for a student enrolled in an institution of higher

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

Sec. 2.103. SYSTEM DATA ELEMENTS. (a) The commissioner of education and commissioner of higher education, acting on recommendation of the board, shall identify the data elements required for inclusion in the system. The data elements may include:

(1) data for each educational institution concerning organization, personnel, budgetary and actual fiscal measures, and student and community demographics;

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

(3) a unique, permanent personal identification number for each student enrolled in and educator employed by an educational institution for the purpose of facilitating the connection of relevant data elements and for use at each level of the system;

(4) data concerning student academic performance, including performance on state assessment instruments;

(5) demographic data for each student; and

(6) a secure and transferable electronic record with a common data structure for each student enrolled in an educational institution that includes the following information:

(A) for a student enrolled in an institution of higher

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education:

- (i) courses taken by the student and course completion and academic performance information concerning the student;
 - (ii) instructors of record for the student;
 - (iii) each degree awarded to the student; and
 - (iv) the student's performance on college preparation assessments and, to the extent applicable, end-of-degree or end-of-certificate assessments; and
- (B) for a student enrolled in a school district or charter school:
- (i) courses taken by the student and grade or course completion information, as applicable, concerning the student;
 - (ii) teachers of record for the student;
 - (iii) the student's performance on assessment instruments administered under Section 39.023 and college preparation assessments;
 - (iv) information concerning whether the student received special education services under Subchapter A, Chapter 29, including information concerning any individualized education program developed for the student under Section 29.005;
 - (v) information concerning any personal graduation plan developed for the student under Section 28.0212;
 - (vi) the student's attendance records;
 - (vii) the specific reason for leaving a school district or charter school, such as transferring, graduating, or dropping out of school; and
 - (viii) demographic data for the student; and

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education:

- (i) courses taken by the student and course completion and academic performance information concerning the student;
 - (ii) instructors of record for the student; and
 - (iii) each degree awarded to the student; and
- (B) for a student enrolled in a school district or charter school:
- (i) courses taken by the student and grade or course completion information, as applicable, concerning the student;
 - (ii) teachers of record for the student;
 - (iii) the student's performance on assessment instruments administered under Section 39.023 and college preparation assessments;
 - (iv) information concerning whether the student received special education services under Subchapter A, Chapter 29, including information concerning any individualized education program developed for the student under Section 29.005;
 - (v) information concerning any personal graduation plan developed for the student under Section 28.0212;
 - (vi) the student's attendance records; and
 - (vii) the specific reason for leaving a school district or charter school, such as transferring, graduating, or dropping out of school.

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(6) data concerning any incidents of alleged discrimination or harassment of school district employees or students enrolled in the district on the basis of the actual or perceived ethnicity, color, gender, gender identity or expression, sexual orientation, disability, religion, or national origin that occurred in the district during the preceding year.

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

(c) The board shall coordinate with the Texas State Data Center to include relevant data elements concerning community demographic characteristics in the system.

(d) The board shall ensure that the system includes flexible data fields so that the system can be used in the evaluation of programs at educational institutions.

(e) Any personally identifiable information collected under this section shall not be public information subject to disclosure under Chapter 552, Government Code.

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

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(b) In specifying the data elements to be included in the system, the commissioner of education and commissioner of higher education shall consider the cost to educational institutions of collecting and reporting the required information.

(c) The commissioner of education and commissioner of higher education shall ensure that the system includes flexible data fields so that the system can be used in the evaluation of programs at educational institutions.

(d) Any personally identifiable information collected under this section shall not be public information subject to disclosure under Chapter 552, Government Code. The commissioner of education and commissioner of higher education shall adopt procedures for complying with requests for information under Chapter 552, Government Code, that allow for recovery of all costs associated with providing information from the system.

Sec. 2.104. ANALYTICAL TOOLS. (a) The commissioner of education and commissioner of higher

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improving the quality of data collection, management, analyses, and dissemination.

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

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

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

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

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

Sec. 2.105. MEASURES OF IMPROVEMENT IN STUDENT ACHIEVEMENT. (a) The board shall contract with one or more organizations with well-established peer-review processes to:

(1) develop recommendations, drawing from independently peer-reviewed research which is based upon empirical evidence and adheres to the basic principles of sound statistical analysis, for using the system to measure improvement in individual student achievement on assessment instruments administered under Section 39.023; and

(2) study the feasibility, reliability, and validity of using the measure of improvement in individual student achievement on assessment instruments in conducting evaluations and appraisals of educators employed by

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education shall incorporate into the system analytical tools for improving the quality of data collection, management, analyses, and dissemination.

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

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

(1) comparative academic and fiscal measures of success as provided by Section 2.105; and

(2) dropout prevention and intervention tools as provided by Section 2.106.

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school districts and institutions of higher education or university systems. Results from the study must be based upon empirical evidence and published in scientific journals using independent peer review, and validity for this purpose must be established before a student growth measure may be a required component of educator evaluation or appraisal. Any assessment instruments used as a basis for educator evaluations must be certified by the entity that develops the instrument as being validated and reliable for that purpose and independently verified by an impartial psychometrician as being valid for that purpose.

(b) The board shall select a methodology and incorporate into the system a capability for generating reports for school districts and charter schools concerning annual improvement in student achievement at the student, classroom, campus, and district level. The methodology selected by the board must include advanced statistical methods that can fairly and accurately adjust for factors beyond the control of an educational institution or educator, including student demographics and community characteristics.

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

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Sec. 2.105. COMPARATIVE ACADEMIC AND FISCAL MEASURES OF SUCCESS. (a) The commissioner of education and commissioner of higher education shall select a methodology and incorporate into the system a capability for generating reports that compare the spending and performance of educational institutions over time and as compared with other educational institutions.

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

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

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

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

Sec. 2.106. DROPOUT PREVENTION AND INTERVENTION. (a) The commissioner of education and commissioner of higher education shall contract with one or more centers for education research, as established under Section 1.005, to develop recommendations for establishing indicators for identifying students who are likely to drop out of school.

(b) The commissioner of education shall select a methodology and recommend that school districts implement a reporting method that aids in the early detection and intervention of students who are likely to drop out of school.

Sec. 2.107. MEASURES OF IMPROVEMENT IN STUDENT ACHIEVEMENT. The commissioner of education and commissioner of higher education shall contract with one or more organizations with well-established peer-review processes to develop recommendations, drawing from independently peer-reviewed research that is based on empirical evidence and adheres to the basic principles of sound statistical analysis, for using the system to measure improvement in individual student achievement o assessment instruments.

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Sec. 2.108. INFORMATION CONCERNING INSTRUCTIONAL METHODS PROHIBITED. The system may not contain any information concerning instructional methods, except as required by federal law. [Sections 2.109-2.150 reserved for expansion]

SUBCHAPTER D. ADMINISTRATION AND MANAGEMENT OF SYSTEM

Sec. 2.151. RULES. (a) The commissioner of education and the Texas Higher Education Coordinating Board **may jointly adopt rules** necessary to support the implementation of criteria, strategies, and policies **adopted by the system board.**

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

(c) **The board shall carry out its duties in accordance with Chapter 551, Government Code.**

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

- (1) **interfaces to the data system for educators, educational institutions, education agencies, other state agencies, centers for education research established under Section 1.005, and the public; and**
- (2) **analytical tools that improve the quality of data**

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Sec. 2.108. INFORMATION CONCERNING INSTRUCTIONAL METHODS PROHIBITED. The system may not contain any information concerning instructional methods, except as required by federal law. [Sections 2.109-2.150 reserved for expansion]

SUBCHAPTER D. ADMINISTRATION AND MANAGEMENT OF SYSTEM

Sec. 2.151. RULES. The commissioner of education and the Texas Higher Education Coordinating Board **may, where applicable:**

- (1) **separately adopt rules** necessary to support the implementation of criteria, strategies, and policies **concerning the system; and**
- (2) **coordinate and adopt joint rules.**

Sec. 2.152. COST-EFFECTIVE MANAGEMENT OF SYSTEM. (a) The **commissioner of education and commissioner of higher education** shall identify the most cost-effective approach to establishing and maintaining the system, including in establishing and selecting:

- (1) **interfaces to the data system for educators, educational institutions, education agencies, other state agencies, centers for education research established under Section 1.005, and the public; and**
- (2) **analytical tools that improve the quality of data submissions, educational programs, and operational**

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submissions, educational programs, and operational efficiencies at educational institutions and education agencies.

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

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

(2) may issue requests for proposals and award contracts on a competitive basis; and

(3) may include incentives in board contracts to facilitate the receipt of timely delivery of services.

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

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

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

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

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

Sec. 2.154. ASSISTANCE OF DEPARTMENT OF INFORMATION RESOURCES. The Department of Information Resources shall assist the commissioner of

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efficiencies at educational institutions and education agencies.

(b) To achieve the objectives described by this section, the commissioner of education and commissioner of higher education:

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

(2) may issue requests for proposals and award contracts on a competitive basis; and

(3) may include incentives in contracts to facilitate the receipt of timely delivery of services.

(c) The commissioner of education and commissioner of higher education may enter into a contract with one or more persons with relevant expertise to:

(1) advise the commissioners in issuing requests for proposals under Subsection (b)(2);

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

(3) make recommendations to the commissioners concerning the proposals.

Sec. 2.153. ASSISTANCE OF DEPARTMENT OF INFORMATION RESOURCES. The commissioner of education and commissioner of higher education shall

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education, the commissioner of higher education, and the board in the design, coordination, implementation, and management of projects related to the system.

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

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

- (1) may solicit and receive grants; and
- (2) where applicable, shall apply for and use relevant federal funds.

[Sections 2.157-2.200 reserved for expansion]

SUBCHAPTER E. REVIEWS AND REPORTS CONCERNING SYSTEM

Sec. 2.201. PUBLICATION OF ANNUAL REPORT. Annually the board shall publish a report concerning the system. The report must include:

- (1) information concerning the system's data standards;
- (2) descriptions of data elements and codes;
- (3) detailed information concerning responsibilities of educational institutions and education agencies relating to data submission; and
- (4) descriptions of data submission requirements.

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separately or jointly, as applicable, seek the assistance of the Department of Information Resources in the design, coordination, implementation, and management of projects related to the system.

Sec. 2.154. PROCESS FOR RELEASING INFORMATION. The commissioner of education and commissioner of higher education shall develop and implement a process for releasing information for research purposes in a manner consistent with state and federal law, including the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g).

Sec. 2.155. GRANTS; FEDERAL FUNDS. For the purpose of developing, maintaining, and enhancing the system, the commissioner of education and the commissioner of higher education:

- (1) may solicit and receive grants; and
- (2) where applicable, shall apply for and use relevant federal funds.

[Sections 2.156-2.200 reserved for expansion]

SUBCHAPTER E. REVIEWS AND REPORTS CONCERNING SYSTEM

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including specifications for layout and editing.

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

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

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

SECTION 2. Subchapter B, Chapter 29, Education

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Sec. 2.201. REVIEW; RECOMMENDATIONS TO LEGISLATURE. (a) The board shall review rules, criteria, strategies, and policies relating to the system and make recommendations to the commissioner of education and the commissioner of higher education concerning the repeal or amendment of rules or reporting requirements that are unnecessary.

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

(c) Not later than September 1, 2008, the commissioner of education and commissioner of higher education shall complete the first review required by Subsection (a). Not later than December 1, 2008, the commissioner of education and commissioner of higher education shall provide the first report to each member of the legislature as required by Subsection (b). The reports to be provided to the legislature by December 1, 2008, and December 1, 2010, must include information concerning the status of the transition toward the implementation of the system in accordance with the timeline adopted by the board under Section 2.0031(c). This subsection expires January 1, 2011.

No equivalent provision.

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Code, is amended by adding Section 29.066 to read as follows:

Sec. 29.066. PEIMS REPORTING REQUIREMENTS.

(a) A school district that is required to offer bilingual education or special language programs shall include the following information in the district's Public Education Information Management System (PEIMS) report:

(1) demographic information, as determined by the commissioner, on students enrolled in district bilingual education or special language programs;

(2) the number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the district; and

(3) the number and percentage of students identified as students of limited English proficiency who do not receive specialized instruction.

(b) For purposes of this section, the commissioner shall adopt rules to classify programs under this section as follows:

(1) if the program is a bilingual education program, the program must be classified under the Public Education Information Management System (PEIMS) report as:

(A) transitional bilingual/early exit: a bilingual program that serves students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than two or later than five years after the student enrolls in school;

(B) transitional bilingual/late exit: a bilingual program that serves students identified as students of limited

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English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school;

(C) dual language immersion/two-way: a biliteracy program that integrates students proficient in English and students identified as students of limited English proficiency in both English and Spanish and transfers a student identified as a student of limited English proficiency to English-only instruction not earlier than six or later than seven years after the student enrolls in school; or

(D) dual language immersion/one-way: a biliteracy program that serves only students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school; and

(2) if the program is a special language program, the program must be classified under the Public Education Information Management System (PEIMS) report as:

(A) English as a second language/content-based: an English program that serves students identified as students of limited English proficiency in English only by providing a full-time teacher certified under Section 29.061(c) to provide supplementary instruction for all content area instruction; or

(B) English as a second language/pull-out: an English program that serves students identified as students of limited English proficiency in English only by providing

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a part-time teacher certified under Section 29.061(c) to provide English language arts instruction exclusively, while the student remains in a mainstream instructional arrangement in the remaining content areas.

(c) If the school district has received a waiver and is not required to offer a bilingual education or special language program in a student's native language or if the student's parents have refused to approve the student's entry into a program as provided by Section 29.056, the program must be classified under the Public Education Information Management System (PEIMS) report as: no bilingual education or special language services provided.

SECTION 3. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.023 to read as follows:

Sec. 37.023. REPORT RELATING TO CERTAIN OFFENSES COMMITTED BY CERTAIN STUDENTS.

(a) In the manner required by the commissioner, each school district shall annually report to the commissioner information relating to an offense that does not involve the use of a weapon:

(1) committed by a student in kindergarten through grade five, during school hours, and on school property; and

(2) for which the student receives a citation.

(b) Conduct that must be reported under Subsection (a) includes only conduct that:

No equivalent provision.

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- (1) is not harassment as defined by Section 37.001;
- (2) occurs between two students;
- (3) is not violent;
- (4) involves open-handed physical contact; and
- (5) is not intended to cause harm and is playful.
- (c) The report required under Subsection (a) must include:
 - (1) the offense committed by the student;
 - (2) the age and sex of the student;
 - (3) the grade level of the student; and
 - (4) the campus to which the student is assigned.
- (d) The commissioner may adopt rules necessary to implement this section.

SECTION 4. Section 39.027(e), Education Code, is amended to read as follows:

(e) The commissioner shall develop an assessment system that shall be used for evaluating the academic progress, including reading proficiency in English, of all students of limited English proficiency, as defined by Section 29.052. A student who is exempt from the administration of an assessment instrument under Subsection (a)(3) or (4) who achieves reading proficiency in English as determined by the assessment system developed under this subsection shall be administered the assessment instruments described by Sections 39.023(a) and (c). The performance under the assessment system developed under this subsection of students to whom Subsection (a)(3) or (4) applies shall

No equivalent provision.

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be included in the academic excellence indicator system under Section 39.051, the performance report under Section 39.053, and the comprehensive annual report under Section 39.182. This information shall be provided in a manner that is disaggregated by the bilingual education or special language program, if any, in which the student is enrolled.

SECTION 5. Section 39.051, Education Code, is amended by adding Subsection (b-1) to read as follows:
(b-1) Performance on the indicators described by Subsections (b)(1), (2), (3), (8), (9), and (14) must be based on longitudinal student data that is disaggregated by the bilingual education or special language program, if any, in which students of limited English proficiency, as defined by Section 29.052, are or former students of limited English proficiency were enrolled. If a student described by this subsection is not or was not enrolled in specialized language instruction, the number and percentage of those students shall be provided.

No equivalent provision.

SECTION 6. Section 39.182, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:
(a) Not later than December 1 of each year, the agency shall prepare and deliver to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, the Legislative Budget

No equivalent provision.

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Board, and the clerks of the standing committees of the senate and house of representatives with primary jurisdiction over the public school system a comprehensive report covering the preceding school year and containing:

- (1) an evaluation of the achievements of the state educational program in relation to the statutory goals for the public education system under Section 4.002;
- (2) an evaluation of the status of education in the state as reflected by the academic excellence indicators adopted under Section 39.051;
- (3) a summary compilation of overall student performance on academic skills assessment instruments required by Section 39.023 with the number and percentage of students exempted from the administration of those instruments and the basis of the exemptions, aggregated by grade level, subject area, campus, and district, with appropriate interpretations and analysis, and disaggregated by race, ethnicity, gender, and socioeconomic status;
- (4) a summary compilation of overall performance of students placed in a disciplinary alternative education program established under Section 37.008 on academic skills assessment instruments required by Section 39.023 with the number of those students exempted from the administration of those instruments and the basis of the exemptions, aggregated by district, grade level, and subject area, with appropriate interpretations and analysis, and disaggregated by race, ethnicity, gender, and socioeconomic status;

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(5) a summary compilation of overall performance of students at risk of dropping out of school, as defined by Section 29.081(d), on academic skills assessment instruments required by Section 39.023 with the number of those students exempted from the administration of those instruments and the basis of the exemptions, aggregated by district, grade level, and subject area, with appropriate interpretations and analysis, and disaggregated by race, ethnicity, gender, and socioeconomic status;

(6) an evaluation of the correlation between student grades and student performance on academic skills assessment instruments required by Section 39.023;

(7) a statement of the dropout rate of students in grade levels 7 through 12, expressed in the aggregate and by grade level, and a statement of the completion rates of students for grade levels 9 through 12;

(8) a statement of:

(A) the completion rate of students who enter grade level 9 and graduate not more than four years later;

(B) the completion rate of students who enter grade level 9 and graduate, including students who require more than four years to graduate;

(C) the completion rate of students who enter grade level 9 and not more than four years later receive a high school equivalency certificate;

(D) the completion rate of students who enter grade level 9 and receive a high school equivalency certificate, including students who require more than four years to receive a certificate; and

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- (E) the number and percentage of all students who have not been accounted for under Paragraph (A), (B), (C), or (D);
- (9) a statement of the projected cross-sectional and longitudinal dropout rates for grade levels 9 through 12 for the next five years, assuming no state action is taken to reduce the dropout rate;
- (10) a description of a systematic, measurable plan for reducing the projected cross-sectional and longitudinal dropout rates to five percent or less for the 1997-1998 school year;
- (11) a summary of the information required by Section 29.083 regarding grade level retention of students and information concerning:
 - (A) the number and percentage of students retained; and
 - (B) the performance of retained students on assessment instruments required under Section 39.023(a);
- (12) information, aggregated by district type and disaggregated by race, ethnicity, gender, and socioeconomic status, on:
 - (A) the number of students placed in a disciplinary alternative education program established under Section 37.008;
 - (B) the average length of a student's placement in a disciplinary alternative education program established under Section 37.008;
 - (C) the academic performance of students on assessment instruments required under Section 39.023(a) during the year preceding and during the year following placement in a disciplinary alternative education program; and

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- (D) the dropout rates of students who have been placed in a disciplinary alternative education program established under Section 37.008;
- (13) a list of each school district or campus that does not satisfy performance standards, with an explanation of the actions taken by the commissioner to improve student performance in the district or campus and an evaluation of the results of those actions;
- (14) an evaluation of the status of the curriculum taught in public schools, with recommendations for legislative changes necessary to improve or modify the curriculum required by Section 28.002;
- (15) a description of all funds received by and each activity and expenditure of the agency;
- (16) a summary and analysis of the instructional expenditures ratios and instructional employees ratios of school districts computed under Section 44.0071;
- (17) a summary of the effect of deregulation, including exemptions and waivers granted under Section 7.056 or 39.112;
- (18) a statement of the total number and length of reports that school districts and school district employees must submit to the agency, identifying which reports are required by federal statute or rule, state statute, or agency rule, and a summary of the agency's efforts to reduce overall reporting requirements;
- (19) a list of each school district that is not in compliance with state special education requirements, including:
 - (A) the period for which the district has not been in

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compliance;

(B) the manner in which the agency considered the district's failure to comply in determining the district's accreditation status; and

(C) an explanation of the actions taken by the commissioner to ensure compliance and an evaluation of the results of those actions;

(20) a comparison of the performance of open-enrollment charter schools and school districts on the academic excellence indicators specified in Section 39.051(b) and accountability measures adopted under Section 39.051(g), with a separately aggregated comparison of the performance of open-enrollment charter schools predominantly serving students at risk of dropping out of school, as defined by Section 29.081(d), with the performance of school districts;

(21) a summary of the information required by Section 38.0141 regarding student health and physical activity from each school district;

(22) a summary compilation of overall student performance under the assessment system developed to evaluate the longitudinal academic progress as required by Section 39.027(e), disaggregated by bilingual education or special language program instructional model, if any; and

(23) [~~(22)~~] any additional information considered important by the commissioner or the State Board of Education.

(b) In reporting the information required by Subsection (a)(3) or (4), the agency may separately aggregate the

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performance data of students enrolled in a special education program under Subchapter A, Chapter 29~~[-or a bilingual education or special language program under Subchapter B, Chapter 29]~~.

(b-1) In reporting the information required by Subsections (a)(3), (5), and (7), the agency shall separately aggregate the longitudinal performance data of all students identified as students of limited English proficiency, as defined by Section 29.052, or former students of limited English proficiency, disaggregated by bilingual education or special language program instructional model, if any, in which the students are or were enrolled.

SECTION 7. Section 42.006(c), Education Code, is amended to read as follows:

(c) Annually, the commissioner shall review the Public Education Information Management System and shall repeal or amend rules that require school districts to provide information through the Public Education Information Management System that is not necessary. In reviewing and revising the Public Education Information Management System, the commissioner shall develop rules to ensure that the system:

- (1) provides useful, accurate, and timely information on student demographics and academic performance, personnel, and school district finances;
- (2) contains only the data necessary for the legislature and the agency to perform their legally authorized

No equivalent provision.

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functions in overseeing the public education system; and
(3) does not contain any information related to instructional methods, except as provided by Section 29.066 or required by federal law.

SECTION 8. Section 29.066, Education Code, as added by this Act, and Sections 39.027, 39.051, 39.182, and 42.006, Education Code, as amended by this Act, apply beginning with the 2008-2009 school year.

SECTION 9. Section 37.023, Education Code, as added by this Act, applies beginning with the 2007-2008 school year.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION __. Section 28.006, Education Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:
(d) The superintendent of each school district shall:
(1) report to the commissioner and the board of trustees of the district the results of the reading instruments; ~~and~~
(2) report, in writing, to a student's parent or guardian the student's results on the reading instrument; and
(3) using the school readiness certification system provided to the school district in accordance with Section 29.161(e), report electronically each student's raw score on the reading instrument to the agency for use in the school readiness certification system.

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(d-1) The agency shall contract with the State Center for Early Childhood Development to receive and use scores under Subsection (d)(3) on behalf of the agency.

No equivalent provision.

SECTION __. Section 29.161, Education Code, is amended by amending Subsection (c) and adding Subsections (d) through (f) to read as follows:

(c) The system must:

- (1) be reflective of research in the field of early childhood care and education;
- (2) be well-grounded in the cognitive, social, and emotional development of young children; ~~and~~
- (3) apply a common set of criteria to each program provider seeking certification, regardless of the type of program or source of program funding; and
- (4) be capable of fulfilling the reporting and notice requirements of Sections 28.006(d) and (g).

(d) The agency shall collect each student's raw score results on the reading instrument administered under Section 28.006 from each school district using the system created under Subsection (a) and shall contract with the State Center for Early Childhood Development for purposes of this section.

(e) The State Center for Early Childhood Development shall, using funds appropriated for the school readiness certification system, provide the system created under Subsection (a) to each school district to report each student's raw score results on the reading instrument administered under Section 28.006.

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(f) The agency shall:

(1) provide assistance to the State Center for Early Childhood Development in developing and adopting the school readiness certification system under this section, including providing access to data for the purpose of locating the teacher and campus of record for students; and

(2) require confidentiality and other security measures for student data provided to the State Center for Early Childhood Development as the agency's agent, consistent with the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g).

No equivalent provision.

SECTION __. Section 411.042, Government Code, is amended by amending Subsections (b) and (g) and adding Subsection (h) to read as follows:

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including a statistical breakdown of those

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offenses in which family violence was involved;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense; [and]

(6) collect information concerning the number and nature of protective orders and all other pertinent information about all persons on active protective orders. Information in the law enforcement information system relating to an active protective order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under Section

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85.007, Family Code;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Section 85.007, Family Code;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed; and

(G) the date the order expires; and

(7) grant access to criminal history record information in the manner authorized under Subchapter F.

(g) The department may adopt reasonable rules under this section relating to:

(1) law enforcement information systems maintained by the department;

(2) the collection, maintenance, and correction of records;

(3) reports of criminal history information submitted to the department; [and]

(4) active protective orders issued under Chapter 71, Family Code, and reporting procedures that ensure that information relating to the issuance of an active protective order and to the dismissal of an active protective order is reported to the local law enforcement agency at the time of the order's issuance or dismissal and entered by the local law enforcement agency in the state's law enforcement information system; and

(5) a system for providing criminal history record information through the criminal history clearinghouse

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under Section 411.0845.

(h) The department may contract with private vendors as necessary in implementing this section.

No equivalent provision.

SECTION __. Subsection (i), Section 411.081, Government Code, is amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure to the following noncriminal justice agencies or entities only:

- (1) the State Board for Educator Certification;
- (2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;
- (3) the Texas Medical [State] Board [of Medical Examiners];
- (4) the Texas School for the Blind and Visually Impaired;
- (5) the Board of Law Examiners;
- (6) the State Bar of Texas;
- (7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;
- (8) the Texas School for the Deaf;
- (9) the Department of Family and Protective Services;
- (10) the Texas Youth Commission;
- (11) the Department of Assistive and Rehabilitative Services;
- (12) the Department of State Health Services, a local

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mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;

- (13) the Texas Private Security Board;
- (14) a municipal or volunteer fire department;
- (15) the Board of Nurse Examiners;
- (16) a safe house providing shelter to children in harmful situations;
- (17) a public or nonprofit hospital or hospital district;
- (18) the Texas Juvenile Probation Commission;
- (19) the securities commissioner, the banking commissioner, the savings and loan commissioner, or the credit union commissioner;
- (20) the Texas State Board of Public Accountancy;
- (21) the Texas Department of Licensing and Regulation;
- (22) the Health and Human Services Commission; [and]
- (23) the Department of Aging and Disability Services; and
- (24) the Texas Education Agency.

No equivalent provision.

SECTION __. Subsections (b) and (c), Section 411.083, Government Code, are amended to read as follows:

- (b) The department shall grant access to criminal history record information to:
 - (1) criminal justice agencies;
 - (2) noncriminal justice agencies authorized by federal statute or executive order or by state statute to receive criminal history record information;
 - (3) the person who is the subject of the criminal history

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record information;

(4) a person working on a research or statistical project that:

(A) is funded in whole or in part by state funds; or

(B) meets the requirements of Part 22, Title 28, Code of Federal Regulations, and is approved by the department;

(5) an individual or an agency that has a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice under that agreement, if the agreement:

(A) specifically authorizes access to information;

(B) limits the use of information to the purposes for which it is given;

(C) ensures the security and confidentiality of the information; and

(D) provides for sanctions if a requirement imposed under Paragraph (A), (B), or (C) is violated;

(6) an individual or an agency that has a specific agreement with a noncriminal justice agency to provide services related to the use of criminal history record information disseminated under this subchapter, if the agreement:

(A) specifically authorizes access to information;

(B) limits the use of information to the purposes for which it is given;

(C) ensures the security and confidentiality of the information; and

(D) provides for sanctions if a requirement imposed under Paragraph (A), (B), or (C) is violated;

(7) a county or district clerk's office; and

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(8) [(7)] the Office of Court Administration of the Texas Judicial System.

(c) The department may disseminate criminal history record information under Subsection (b)(1) only for a criminal justice purpose. The department may disseminate criminal history record information under Subsection (b)(2) only for a purpose specified in the statute or order. The department may disseminate criminal history record information under Subsection (b)(4), (5), or (6) [or (b)(5)] only for a purpose approved by the department and only under rules adopted by the department. The department may disseminate criminal history record information under Subsection (b)(7) [(b)(6)] only to the extent necessary for a county or district clerk to perform a duty imposed by law to collect and report criminal court disposition information. Criminal history record information disseminated to a clerk under Subsection (b)(7) [(b)(6)] may be used by the clerk only to ensure that information reported by the clerk to the department is accurate and complete. The dissemination of information to a clerk under Subsection (b)(7) [(b)(6)] does not affect the authority of the clerk to disclose or use information submitted by the clerk to the department. The department may disseminate criminal history record information under Subsection (b)(8) [(b)(7)] only to the extent necessary for the office of court administration to perform a duty imposed by law to compile court statistics or prepare reports. The office of court administration may disclose criminal history record information obtained from the department under

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Subsection ~~(b)(8)~~ [(b)(7)] in a statistic compiled by the office or a report prepared by the office, but only in a manner that does not identify the person who is the subject of the information.

No equivalent provision.

SECTION __. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.0845 to read as follows:

Sec. 411.0845. CRIMINAL HISTORY

CLEARINGHOUSE. (a) The department shall establish an electronic clearinghouse and subscription service to provide criminal history record information to a particular person entitled to receive criminal history record information and updates to a particular record to which the person has subscribed under this subchapter.

(b) On receiving a request for criminal history record information from a person entitled to such information under this subchapter, the department shall provide through the electronic clearinghouse:

(1) the criminal history record information reported to the department or the Federal Bureau of Investigation relating to the individual who is the subject of the request; or

(2) a statement that the individual who is the subject of the request does not have any criminal history record information reported to the department or the Federal Bureau of Investigation.

(c) If the department provides information received from the Federal Bureau of Investigation, the department must

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include with the information the date the department received information from the Federal Bureau of Investigation.

(d) The department shall ensure that the information described by Subsection (b) is provided only to a person otherwise entitled to obtain criminal history record information under this subchapter. Information collected under this section is confidential and is not subject to disclosure under Chapter 552.

(e) A person entitled to receive criminal history record information under this section must provide the department with the following information regarding the person who is the subject of the criminal history record information requested:

(1) the person's full name, date of birth, sex, Texas driver's license number or personal identification certificate number, and social security number;

(2) a recent electronic digital image photograph of the person and a complete set of the person's fingerprints as required by the department; and

(3) any other information required by the department.

(f) The department shall maintain an Internet website for the administration of the clearinghouse and an electronic subscription service to provide notice of updates to a particular criminal history record to each person entitled under this subchapter to receive criminal history record information updates to that particular record. The department shall update clearinghouse records as a result of any change in information discovered by the department. Within 48 hours after the department

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becomes aware that a person's criminal history record information in a dearinghouse record has changed, the department shall provide notice of the updated information only to each subscriber to that specific record.

(g) As soon as practicable, a subscriber who is no longer entitled to receive criminal history record information relating to a particular person shall notify the department. The department shall cancel the person's subscription to that record and may not notify the former subscriber of any updated information to that record.

(h) A person who is the subject of the criminal history record information requested under this section must consent to the release of the information.

(i) The release under this section of any criminal history record information maintained by the Federal Bureau of Investigation is subject to federal law and regulations, federal executive orders, and federal policy.

(j) The department may charge a fee for subscription services to cover the costs of administering this section.

(k) A governmental agency may coordinate with the department regarding the collection of a fee for the criminal history record information through the fingerprinting fee collection process.

No equivalent provision.

SECTION __. Section 411.087, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The department may provide access to state and national criminal history record information to

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nongovernmental entities entitled to that information under 42 U.S.C. Section 5119a. The department must follow federal law and regulation, federal executive orders, and federal policy in releasing information under this subsection.

No equivalent provision.

SECTION __. Section 411.090, Government Code, is amended by adding Subsection (c) to read as follows:
(c) The department shall notify the State Board for Educator Certification of the arrest of any educator, as defined by Section 5.001, Education Code, who has fingerprints on file with the department.

No equivalent provision.

SECTION __. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.0901 to read as follows:
Sec. 411.0901. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS EDUCATION AGENCY. The Texas Education Agency is entitled to obtain criminal history record information maintained by the department about a person who:
(1) is employed or is an applicant for employment by a school district or open-enrollment charter school;
(2) is employed or is an applicant for employment by a shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present; or

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(3) is employed or is an applicant for employment by an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement if:
(A) the employee or applicant has or will have continuing duties relating to the contracted services; and
(B) the employee or applicant has or will have direct contact with students.

No equivalent provision.

SECTION __. The heading to Section 411.097, Government Code, is amended to read as follows:
Sec. 411.097. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: LOCAL AND REGIONAL EDUCATIONAL ENTITIES [SCHOOL DISTRICT, CHARTER SCHOOL, PRIVATE SCHOOL, REGIONAL EDUCATION SERVICE CENTER, COMMERCIAL TRANSPORTATION COMPANY, OR EDUCATION SHARED SERVICES ARRANGEMENT].

No equivalent provision.

SECTION __. Subsection (b), Section 411.097, Government Code, is amended to read as follows:
(b) A school district, charter school, private school, regional education service center, or education shared services arrangement is entitled to obtain from the department[, no more than twice each year,] criminal history record information maintained by the department that the district, school, service center, or shared services

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arrangement is required or authorized to obtain under Subchapter C, Chapter 22, Education Code, that relates to a person who is a volunteer or employee of the district, school, service center, or shared services arrangement.

No equivalent provision.

SECTION __. Section 730.007, Transportation Code, is amended by adding Subsection (f) to read as follows:
(f) Personal information obtained by an agency under Section 411.0845, Government Code, in connection with a motor vehicle record may be disclosed as provided by that section.

SECTION 10. Effective September 1, 2011, Section 42.006, Education Code, is repealed.

SECTION 2. Same as House version.

SECTION 11. As soon as practicable after the effective date of this Act:

SECTION 3. Same as House version.

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

(2) the speaker of the house of representatives shall provide the commissioner of higher education with a list of candidates for appointment to the Texas Education Data System (TEDS) board, as required by Section

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2.052, Education Code, as added by this Act; and
(3) the commissioner of education and the commissioner of higher education shall appoint members to the Texas Education Data System (TEDS) board.

No equivalent provision.

SECTION 12. This Act takes effect September 1, 2007.

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SECTION __. As soon as practicable after the effective date of this Act, the Department of Public Safety of the State of Texas shall establish a criminal history clearinghouse as required by Section 411.0845, Government Code, as added by this Act.

SECTION 4. **Except as otherwise provided by this Act,** this Act takes effect September 1, 2007.

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