

By: Hochberg

H.B. No. 3740

Substitute the following for H.B. No. 3740:

By: Aycock

C.S.H.B. No. 3740

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a statewide education data management system.

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. EDUCATION DATA MANAGEMENT

Sec. 2.001. STUDENT INFORMATION MANAGEMENT SYSTEM. (a) The Texas Education Agency shall establish a student information management system for use by school districts, open-enrollment charter schools, and other public schools. A system established under this section must be capable of supporting local information systems and state reporting requirements.

(b) The Texas Education Agency may provide information relating to best practices regarding student information management systems to school districts, open-enrollment charter schools, and other public schools.

Sec. 2.002. REGIONAL EDUCATION DATA COLLABORATIVES. (a) In this section, "regional P-16 council" means a regional council established in furtherance of the policy and goals described in Section 61.076.

(b) The commissioner of education and commissioner of higher education shall jointly select regional P-16 councils to participate in regional education data collaboratives in order to:

1 (1) assist educational institutions in setting goals,
2 monitoring progress, and improving decision-making regarding
3 instruction and operations;

4 (2) improve public reporting of information in a
5 manner consistent with state and federal law, including the Family
6 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section
7 1232g);

8 (3) reduce the costs of compliance for educational
9 institutions and facilitate reporting of required data to state and
10 federal agencies; and

11 (4) assist the Texas Education Agency and the Texas
12 Higher Education Coordinating Board in implementing the
13 operational data store under Section 2.003 and the aggregated data
14 warehouse under Section 2.004.

15 (b-1) Not later than September 15, 2009, the commissioner of
16 education and the commissioner of higher education shall select at
17 least two but not more than three regional P-16 councils to
18 participate in a regional education data collaborative. This
19 subsection expires October 1, 2009.

20 (c) A regional P-16 council selected under Subsection (b)
21 must demonstrate excellence in using data to:

22 (1) promote the efficient use of resources; and

23 (2) improve decision-making across educational
24 institutions.

25 (d) A regional education data collaborative established
26 under this section shall:

27 (1) work with at least eight educational institutions

1 or entities located within the region served by the regional P-16
2 council, including school districts of various sizes,
3 open-enrollment charter schools, regional education service
4 centers, community colleges, and general academic institutions of
5 higher education;

6 (2) establish a regional data governance board
7 composed of representatives of:

8 (A) each of the participating educational
9 institutions or entities; and

10 (B) educational researchers, including
11 researchers affiliated with an education research center
12 established under Section 1.005;

13 (3) review data collected by educational
14 institutions, including data not currently reported to a state
15 agency, that may be used to improve instruction and operations at
16 educational institutions and increase educational attainment in
17 the region;

18 (4) use an inclusive, consensus-building process to
19 identify key issues relating to the instruction and operations of
20 educational institutions that may be addressed through improved
21 data collection and use of data;

22 (5) assist the Texas Education Agency and the Texas
23 Higher Education Coordinating Board in:

24 (A) developing consistent definitions and
25 standards for data collected or maintained by educational
26 institutions;

27 (B) defining the requirements for the student

1 information management system established under Section 2.001;

2 (C) supporting adoption of the student
3 information management system established under Section 2.001 by
4 school districts, open-enrollment charter schools, and other
5 public schools; and

6 (D) developing the aggregated data warehouse
7 under Section 2.004;

8 (6) with the assistance of the Texas Education Agency
9 and the Texas Higher Education Coordinating Board, partner with
10 other regional collaboratives established under this section to
11 establish the operational data store under Section 2.003; and

12 (7) make recommendations regarding the improvement of
13 education data collection and management to the commissioner of
14 education, the commissioner of higher education, and the
15 legislature.

16 (e) An educational institution participating in a regional
17 education data collaborative shall:

18 (1) participate in collaborative decision-making
19 regarding the specification, collection, and maintenance of
20 educational data by educational institutions, including
21 developing:

22 (A) applications that improve data quality and
23 reduce costs of compliance; and

24 (B) business intelligence tools that support end
25 user analysis and reporting;

26 (2) facilitate the timely collection of academic,
27 fiscal, and managerial data for inclusion in the operational data

1 store under Section 2.003; and

2 (3) with the assistance of the Texas Education Agency
3 and the Texas Higher Education Coordinating Board, use unique
4 personal identification numbers for each student enrolled in and
5 educator employed by the educational institution for the purpose of
6 facilitating the connection of relevant data elements.

7 Sec. 2.003. OPERATIONAL DATA STORE. (a) The regional
8 education data collaboratives established under Section 2.002,
9 with the support and assistance of the Texas Education Agency and
10 the Texas Higher Education Coordinating Board, shall establish an
11 operational data store for the maintenance of educational data
12 created by educational institutions.

13 (b) The operational data store established under this
14 section shall be designed and maintained in a manner that will
15 permit the participation of any educational institution in this
16 state, including a school district, open-enrollment charter
17 school, other public school, institution of higher education, and
18 university system.

19 (c) To the extent practicable, the operational data store
20 shall obtain academic, fiscal, and managerial data from
21 participating educational institutions, including public schools
22 using the student information management system under Section
23 2.001, not later than the seventh day after the date the data was
24 originally collected.

25 (d) The operational data store shall support, in a manner
26 consistent with state and federal law, including the Family
27 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section

1 1232g), the secure transfer of individual student data of a student
2 who:

- 3 (1) transfers from a participating educational
4 institution to another participating educational institution; or
5 (2) concurrently enrolls in two or more participating
6 educational institutions.

7 (e) The data included in the operational data store is for
8 use by the educational institution supplying the data to support
9 the educational institution's local functions and the functions of
10 the relevant regional education data collaborative under Section
11 2.002, including reporting and analysis. Except as provided by this
12 chapter or by agreement of the educational institution, a person or
13 agency may not use data included in the operational data store for
14 analysis.

15 (f) The operational data store may include data from
16 regional education service centers, state assessment vendors, and
17 other state and federal agencies.

18 (g) Except as required for a function of an education data
19 collaborative under Section 2.002 or as required under Section
20 2.004, the operational data store may not release student, human
21 resource, or financial data from an educational institution without
22 the consent of the institution.

23 (h) The regional education data collaboratives established
24 under Section 2.002, with the assistance and support of the Texas
25 Education Agency and the Texas Higher Education Coordinating Board,
26 shall develop and make available through the operational data
27 store:

1 (1) automated applications to streamline and improve
2 the quality of data submissions from educational institutions to
3 state and federal agencies;

4 (2) business intelligence tools designed to provide
5 information that can be used directly and efficiently by educators
6 to improve the instruction and operations of educational
7 institutions, including information that allows educators to
8 assess the effectiveness of instructional programs, practices, and
9 policies; and

10 (3) reporting tools that support end user analysis and
11 reporting.

12 (i) Following a review of reporting requirements under
13 Section 2.005 and certification by the commissioner of education
14 and the commissioner of higher education that the operational data
15 store is capable of operating effectively, the commissioner of
16 education and the commissioner of higher education may require
17 educational institutions, including school districts,
18 open-enrollment charter schools, other public schools,
19 institutions of higher education, and university systems, to
20 participate in the operational data store.

21 Sec. 2.004. AGGREGATED DATA WAREHOUSE. (a) The Texas
22 Education Agency and the Texas Higher Education Coordinating Board
23 shall obtain from the operational data store established under
24 Section 2.003 student, human resource, and financial data required
25 by law to be used for mandatory compliance or reporting purposes and
26 maintain the data in an aggregated data warehouse. The aggregated
27 data warehouse must:

1 (1) be available on an Internet website in a
2 summarized format easily understood by the public for reporting
3 financial and academic performance information; and

4 (2) contain state, district, and campus-level
5 information available for download in a format that facilitates
6 analysis of local data.

7 (b) The Texas Education Agency and the Texas Higher
8 Education Coordinating Board shall establish rules and procedures
9 for the collection of data under Subsection (a) through efficient
10 and automated processes.

11 (c) The Texas Education Agency and the Texas Higher
12 Education Coordinating Board shall make the data maintained in the
13 aggregated data warehouse available to education research centers
14 established under Section 1.005.

15 Sec. 2.005. LIMITS ON REPORTING REQUIREMENTS. (a) To the
16 extent practicable, the commissioner of education and the
17 commissioner of higher education, with the assistance of regional
18 education data collaboratives established under Section 2.002,
19 education research centers established under Section 1.005, and
20 other appropriate stakeholders, shall conform mandatory reporting
21 requirements applicable to educational institutions to data
22 available through the operational data store established under
23 Section 2.003 that is useful for improving the local instruction
24 and operations of a school district, open-enrollment charter
25 school, other public school, institution of higher education, or
26 university system.

27 (b) The commissioner of education and the commissioner of

1 higher education may not require an educational institution
2 participating in the operational data store under Section 2.003 to
3 submit additional data that is not specifically required by state
4 or federal law.

5 Sec. 2.006. GIFTS; GRANTS. The commissioner of education,
6 the commissioner of higher education, and a regional education data
7 collaborative established under Section 2.002 may each solicit and
8 receive gifts, grants, and federal funds to implement this chapter.

9 Sec. 2.007. RULES. The commissioner of education and the
10 commissioner of higher education may adopt rules as necessary to
11 implement this chapter.

12 Sec. 2.008. CONFIDENTIAL INFORMATION. This chapter does
13 not authorize the disclosure of information protected under the
14 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
15 Section 1232g).

16 Sec. 2.009. REFERENCE TO PUBLIC EDUCATION INFORMATION
17 MANAGEMENT SYSTEM (PEIMS). (a) On or after September 1, 2015, a
18 reference to the Public Education Information Management System
19 (PEIMS) in law means the statewide data management system
20 established under this chapter. The commissioner of education by
21 rule may establish an earlier date for purposes of this section.

22 (b) This section does not apply to Section 21.357(a).

23 SECTION 2. Section 42.006, Education Code, is amended by
24 adding Subsection (e) to read as follows:

25 (e) This section expires September 1, 2015. Before that
26 date, the commissioner by rule may waive compliance with this
27 section if the commissioner determines that compliance is

1 unnecessary due to implementation of Chapter 2.

2 SECTION 3. Section 7.008, Education Code, is repealed.

3 SECTION 4. (a) Except as provided by Subsections (b) and
4 (c) of this section, the commissioner of education, the Texas
5 Education Agency, the commissioner of higher education, and the
6 Texas Higher Education Coordinating Board shall implement Chapter
7 2, Education Code, as added by this Act, not later than September 1,
8 2012.

9 (b) Not later than September 1, 2011, the Texas Education
10 Agency shall establish the student information management system as
11 required by Section 2.001, Education Code, as added by this Act.

12 (c) Not later than September 1, 2013, the Texas Education
13 Agency and the Texas Higher Education Coordinating Board shall
14 establish the aggregated data warehouse required by Section 2.004,
15 Education Code, as added by this Act.

16 SECTION 5. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2009.