

BILL ANALYSIS

H.B. 72
By: Eissler
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recent legislation created three education research centers to conduct research to benefit education in Texas, including studying the impact of state and federal education programs, the performance of educator preparation programs, public school finance, and best practices with regard to classroom instruction, bilingual education programs, special language programs, and business practices. The creation of these centers has been praised as a model approach for conducting independent education research in accordance with the requirements of federal law and it is predicted that this approach will become the preferred method for conducting research with state education data.

H.B. 72 seeks to further refine this approach to education research by clarifying the responsibilities of education research centers and establishing a joint advisory board to oversee the operations of these education research centers.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 72 amends the Education Code to require the commissioner of education and the commissioner of higher education to co-chair a joint advisory board to adopt policies governing the operations of centers for education research, including a process for review and approval of center research involving confidential information. The bill authorizes the commissioners to each delegate duties as co-chair, including voting, to an employee of the Texas Education Agency (TEA) or the Texas Higher Education Coordinating Board, as appropriate. The bill requires the commissioners to jointly appoint not more than 10 additional members to the joint advisory board to serve one-year terms, requires the board to include at least two educational researchers experienced in working with secure data, and establishes that a board member serves at the pleasure of the commissioners. The bill authorizes a member to be reappointed each year to an additional term.

H.B. 72 requires the joint advisory board to meet at the call of the co-chairs at least twice each year and requires the board to establish a schedule of fees to fund the cost of data processing by the TEA and the coordinating board; to develop a plan for establishing access at public institutions of higher education to data; to develop policies to give state agencies acting for a governmental purpose and public entities performing studies authorized by the legislature priority in access to and use of center research; to develop, in consultation with each center, a process for reviewing center research proposals and criteria for evaluating proposal quality that emphasize the benefits to education in Texas and use of accepted social science research methods; to identify, in consultation with each center, the type of data that the TEA and the coordinating board send annually to each center without the necessity of a request for that data by a center and a schedule on which the data is sent; and to perform other duties as necessary to

advise each center. The bill provides for the meaning of "center" by reference.

H.B. 72 requires a center for education research to support policy and academic research, including support of graduate student research in Texas, giving priority to projects determined by the commissioner of education and the coordinating board to be of particular importance to the state and required to be conducted by a center under a memorandum of understanding. The bill authorizes a center to store data, in addition to using data, and removes language limiting a center's authority to use and store data to data on student performance. The bill expands the sources of data subject to a center's authority to use and store data to include data from any state agency beyond the TEA and the coordinating board, any provider of services to public or private institutions of higher education or to school districts, and any entity explicitly named in an approved research project of a center. The bill requires confidential information provided to a center by the TEA or the coordinating board to be protected by procedures to ensure that any unique identifying number is not traceable to any individual. The bill requires the procedures to be maintained as confidential by the TEA and the coordinating board and prohibits the procedures from being shared with a center or used for any purpose other than for purposes under applicable provisions of Texas law. The bill prohibits social security numbers, names, and birth dates from being accessed for the purpose of research at a center. The bill requires the TEA and the coordinating board to longitudinally link all such data to the greatest extent practicable.

H.B. 72 specifies, in a statutory provision requiring an established center to be funded by certain gifts, grants, and fees, that the cost of complying with the bill's provisions and statutory provisions relating to the centers, including necessary personnel costs at the TEA and the coordinating board and the costs of operation of each center, be so funded. The bill requires a center to report annually to the commissioner of education and the commissioner of higher education the total amount of fees collected by the center for each purpose for which a fee is imposed for the use of the center's research, resources, or facilities. The bill requires each center to administer the process for reviewing research proposals and to forward to the board only proposals of high quality as determined using developed criteria. The bill authorizes the commissioner of education and the coordinating board, on behalf of a center, to pursue and enter data agreements with another agency of Texas and the state education agency of another state, giving priority to the agencies of those states that send the highest number of students to Texas or that receive the highest number of students from Texas, but only if the United States Department of Education reviews the agreement and the state education agency of the other state agrees to comply with all data security measures required of a center.

H.B. 72 makes conforming and nonsubstantive changes.

EFFECTIVE DATE

On passage or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.