

By: Eissler

H.B. No. 72

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain responsibilities of education research centers
3 and to a joint advisory board for education research centers.

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

5 SECTION 1. Section 1.005, Education Code, is amended by
6 amending Subsections (e), (g), and (k) and adding Subsections
7 (g-1), (g-2), (l), (m), and (n) to read as follows:

8 (e) A center shall conduct research for the benefit of
9 education in this state, including research relating to the impact
10 of state and federal education programs, the performance of
11 educator preparation programs, public school finance, and the best
12 practices of school districts with regard to classroom instruction,
13 bilingual education programs, special language programs, and
14 business practices. A center shall support policy and academic
15 research, including support of graduate student research in this
16 state, giving priority to projects required under Subsection
17 (f)(1).

18 (g) In conducting research under this section, a center:

19 (1) may use and store data [~~on student performance~~],
20 including data that is confidential under the Family Educational
21 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), [~~the~~
22 ~~center has collected~~] from the Texas Education Agency, the
23 coordinating board, any other state agency, any public or private
24 institution of higher education, [~~and~~] any school district, any

1 provider of services to public or private institutions of higher
2 education or to school districts, and any entity explicitly named
3 in an approved research project of a center; and

4 (2) shall comply with rules adopted by the
5 commissioner of education and the coordinating board to protect the
6 confidentiality of [~~student~~] information used or stored at the
7 center, including rules establishing procedures to ensure that
8 confidential [~~student~~] information is not duplicated or removed
9 from a center in an unauthorized manner.

10 (g-1) Confidential information provided to a center by the
11 Texas Education Agency or the coordinating board must be protected
12 by procedures to ensure that any unique identifying number is not
13 traceable to any individual. The procedures must be maintained as
14 confidential by the Texas Education Agency and the coordinating
15 board. The procedures may not be shared with a center or used for
16 any purpose other than for purposes of this section. Social
17 security numbers, names, and birth dates may not be accessed for the
18 purpose of research at a center.

19 (g-2) The Texas Education Agency and the coordinating board
20 shall longitudinally link all data under Subsection (g)(1), to the
21 greatest extent practicable.

22 (k) In implementing this section, the commissioner of
23 education may use funds appropriated to the agency and available
24 for the purpose of establishing the centers. After a center is
25 established, the cost of complying with this section and Section
26 1.006, including necessary personnel costs at the Texas Education
27 Agency and the coordinating board and the costs of operation of each

1 center, must be funded by gifts and grants accepted under
2 Subsection (h)(1) and fees imposed under Subsection (h)(2). Fees
3 adopted under Subsection (h)(2) must be set in an amount sufficient
4 to provide for the continued operation of the center. A center
5 shall report annually to the commissioner of education and the
6 commissioner of higher education the total amount of fees collected
7 by the center for each purpose for which a fee is imposed under
8 Subsection (h)(2).

9 (1) Each center shall administer the process for reviewing
10 research proposals developed under Section 1.006(e)(4) and shall
11 forward to the joint advisory board only proposals of high quality
12 as determined using criteria developed under Section 1.006(e)(4).

13 (m) Subject to Subsection (n), on behalf of a center, the
14 commissioner of education and the coordinating board may pursue and
15 enter data agreements with:

16 (1) another agency of this state; and

17 (2) the state education agency of another state,
18 giving priority to the agencies of those states that send the
19 highest number of students to this state or that receive the highest
20 number of students from this state.

21 (n) The commissioner of education and the coordinating
22 board may, on behalf of a center, enter into a data agreement with
23 the state education agency of another state only if:

24 (1) the United States Department of Education reviews
25 the agreement; and

26 (2) the state education agency of the other state
27 agrees to comply with all data security measures required of a

1 center.

2 SECTION 2. Chapter 1, Education Code, is amended by adding
3 Section 1.006 to read as follows:

4 Sec. 1.006. JOINT ADVISORY BOARD FOR EDUCATION RESEARCH
5 CENTERS. (a) In this section, "center" means a center for education
6 research authorized by Section 1.005.

7 (b) The commissioner of education and the commissioner of
8 higher education shall co-chair a joint advisory board to adopt
9 policies governing the operations of the centers, including a
10 process for review and approval of center research involving
11 confidential information. The commissioner of education and the
12 commissioner of higher education each may delegate duties as
13 co-chair, including voting, to an employee of the Texas Education
14 Agency or the Texas Higher Education Coordinating Board, as
15 appropriate.

16 (c) The commissioner of education and the commissioner of
17 higher education shall jointly appoint not more than 10 additional
18 members to the joint advisory board to serve one-year terms. The
19 joint advisory board must include at least two educational
20 researchers experienced in working with secure data. A member of
21 the joint advisory board serves at the pleasure of the commissioner
22 of education and the commissioner of higher education. A member may
23 be reappointed each year to an additional term.

24 (d) The joint advisory board shall meet at the call of the
25 co-chairs at least twice each year.

26 (e) The joint advisory board shall:

27 (1) establish a schedule of fees to fund the cost of

1 data processing by the Texas Education Agency and the Texas Higher
2 Education Coordinating Board;

3 (2) develop a plan for establishing access at public
4 institutions of higher education to data;

5 (3) develop policies to give state agencies acting for
6 a governmental purpose and public entities performing studies
7 authorized by the legislature priority in access to and use of
8 center research;

9 (4) develop, in consultation with each center, a
10 process for reviewing center research proposals and criteria for
11 evaluating proposal quality that emphasize the benefits to
12 education in this state and use of accepted social science research
13 methods;

14 (5) identify, in consultation with each center, the
15 type of data that the Texas Education Agency and the Texas Higher
16 Education Coordinating Board send annually to each center without
17 the necessity of a request for that data by a center and a schedule
18 on which the data is sent; and

19 (6) perform other duties as necessary to advise each
20 center.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect on the 91st day after the last day of the
26 legislative session.