

BILL ANALYSIS

Senate Research Center

H.B. 2365
By: Eissler (Shapiro)
Higher Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent legislation created three education research centers to conduct research for the benefit of education in Texas, such as the impact of state and federal education programs, 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. These centers have been praised as a model approach for conducting independent education research in accordance with the requirements of federal law and are predicted to become the preferred method for conducting research with state education data.

H.B. 2365 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 their work.

H.B. 2365 amends current law relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1.005, Education Code, by amending Subsections (e), (g), and (k) and adding Subsections (g-1), (l), and (m), as follows:

(e) Requires a center for education research authorized by this section (center) to support policy and academic research, including support of graduate student research in this state.

(g) Provides that, in conducting research under this section, a center is authorized or is required to perform certain actions, including that a center is required comply with rules adopted by the commissioner of education and the Texas Higher Education Coordinating Board (THECB) to protect the confidentiality of information used or stored at the center, rather than student information, including rules establishing procedures to ensure that confidential information is not duplicated or removed from a center in an unauthorized manner. Makes a conforming change.

(g-1) Requires that confidential information provided to a center by the Texas Education Agency (TEA) or THECB be protected by procedures to ensure that any unique identifying number is not traceable to any individual. Requires that the procedures be maintained as confidential by TEA and THECB. Prohibits the procedures from being shared with a center or used for any purpose other than for purposes of this section. Prohibits social security numbers, names, and birth dates from being accessed for the purpose of research at a center.

(k) Requires that the cost of complying with this section and Section 1.006, including necessary personnel costs at TEA and THECB and the costs of operation of each center, rather than requires that the center, after a center is established, be funded by gifts and

grants accepted under Subsection (h)(1) (relating to accepting gifts and grants to be used in operating one or more centers) and fees imposed under Subsection (h)(2) (relating to by rule imposing reasonable fees, as appropriate, for the use of a center's research, resources, or facilities).

(l) Requires each center to administer the process for reviewing research proposals developed under Section 1.006(e)(4) and to forward to the joint advisory board only proposals of high quality as determined using criteria developed under Section 1.006(e)(4).

(m) Authorizes the commissioner of education and THECB, on behalf of a center, to pursue and enter data agreements with:

(1) another agency of this state; and

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

SECTION 2. Amends Chapter 1, Education Code, by adding Section 1.006, as follows:

Sec. 1.006. JOINT ADVISORY BOARD FOR EDUCATION RESEARCH CENTERS.

(a) Defines, in this section, "center."

(b) Requires the commissioner of education and the commissioner of higher education to co-chair a joint advisory board to adopt policies governing the operations of the centers, including a process for review and approval of center research involving confidential information. Authorizes the commissioner of education and the commissioner of higher education each to delegate duties as co-chair, including voting, to an employee of TEA or THECB, as appropriate.

(c) Requires the commissioner of education and the commissioner of higher education to jointly appoint not more than three additional members to the joint advisory board to serve one-year terms. Requires the chief executive officer of each public institution of higher education of which a center is a part to appoint not more than two additional members to the joint advisory board to serve one-year terms. Provides that a member of the joint advisory board serves at the pleasure of the appropriate appointing authority. Authorizes a member to be reappointed each year to an additional term.

(d) Requires the joint advisory board to meet at the call of the co-chairs at least twice each year.

(e) Requires the joint advisory board to:

(1) establish a schedule of fees to fund the cost of data processing by TEA and THECB;

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

(3) 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;

(4) 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 this state and use of accepted social science research methods;

(5) identify, in consultation with each center, the type of data that the Texas Education Agency and the Texas Higher Education 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

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

SECTION 3. Effective date: upon passage or September 1, 2011.