

By: Eissler

H.B. No. 2365

A BILL TO BE ENTITLED

1 AN ACT
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), (l), and (m) 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.

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

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

24 (2) shall comply with rules adopted by the

1 commissioner of education and the coordinating board to protect the
2 confidentiality of [~~student~~] information used or stored at the
3 center, including rules establishing procedures to ensure that
4 confidential [~~student~~] information is not duplicated or removed
5 from a center in an unauthorized manner.

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

15 (k) In implementing this section, the commissioner of
16 education may use funds appropriated to the agency and available
17 for the purpose of establishing the centers. After a center is
18 established, the cost of complying with this section and Section
19 1.006, including necessary personnel costs at the Texas Education
20 Agency and the coordinating board and the costs of operation of each
21 center, must be funded by gifts and grants accepted under
22 Subsection (h)(1) and fees imposed under Subsection (h)(2). Fees
23 adopted under Subsection (h)(2) must be set in an amount sufficient
24 to provide for the continued operation of the center.

25 (l) Each center shall administer the process for reviewing
26 research proposals developed under Section 1.006(e)(4) and shall
27 forward to the joint advisory board only proposals of high quality

1 as determined using criteria developed under Section 1.006(e)(4).

2 (m) On behalf of a center, the commissioner of education and
3 the coordinating board may pursue and enter data agreements with:

4 (1) another agency of this state; and

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

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

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

14 (b) The commissioner of education and the commissioner of
15 higher education shall co-chair a joint advisory board to adopt
16 policies governing the operations of the centers, including a
17 process for review and approval of center research involving
18 confidential information. The commissioner of education and the
19 commissioner of higher education each may delegate duties as
20 co-chair, including voting, to an employee of the Texas Education
21 Agency or the Texas Higher Education Coordinating Board, as
22 appropriate.

23 (c) The commissioner of education and the commissioner of
24 higher education shall jointly appoint not more than three
25 additional members to the joint advisory board to serve one-year
26 terms. The chief executive officer of each public institution of
27 higher education of which a center is a part shall appoint not more

1 than two additional members to the joint advisory board to serve
2 one-year terms. A member of the joint advisory board serves at the
3 pleasure of the appropriate appointing authority. A member may be
4 reappointed each year to an additional term.

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

7 (e) The joint advisory board shall:

8 (1) establish a schedule of fees to fund the cost of
9 data processing by the Texas Education Agency and the Texas Higher
10 Education Coordinating Board;

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

13 (3) develop policies to give state agencies acting for
14 a governmental purpose and public entities performing studies
15 authorized by the legislature priority in access to and use of
16 center research;

17 (4) develop, in consultation with each center, a
18 process for reviewing center research proposals and criteria for
19 evaluating proposal quality that emphasize the benefits to
20 education in this state and use of accepted social science research
21 methods;

22 (5) identify, in consultation with each center, the
23 type of data that the Texas Education Agency and the Texas Higher
24 Education Coordinating Board send annually to each center without
25 the necessity of a request for that data by a center and a schedule
26 on which the data is sent; and

27 (6) perform other duties as necessary to advise each

1 center.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2011.