

1-1 By: Eissler (Senate Sponsor - Shapiro) H.B. No. 2365
1-2 (In the Senate - Received from the House May 16, 2011;
1-3 May 16, 2011, read first time and referred to Committee on Higher
1-4 Education; May 20, 2011, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 20, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to certain responsibilities of education research centers
1-9 and to a joint advisory board for education research centers.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 1.005, Education Code, is amended by
1-12 amending Subsections (e), (g), and (k) and adding Subsections
1-13 (g-1), (l), and (m) to read as follows:

1-14 (e) A center shall conduct research for the benefit of
1-15 education in this state, including research relating to the impact
1-16 of state and federal education programs, the performance of
1-17 educator preparation programs, public school finance, and the best
1-18 practices of school districts with regard to classroom instruction,
1-19 bilingual education programs, special language programs, and
1-20 business practices. A center shall support policy and academic
1-21 research, including support of graduate student research in this
1-22 state.

1-23 (g) In conducting research under this section, a center:

1-24 (1) may use data on student performance, including
1-25 data that is confidential under the Family Educational Rights and
1-26 Privacy Act of 1974 (20 U.S.C. Section 1232g), the center has
1-27 collected from the Texas Education Agency, the coordinating board,
1-28 any public or private institution of higher education, and any
1-29 school district; and

1-30 (2) shall comply with rules adopted by the
1-31 commissioner of education and the coordinating board to protect the
1-32 confidentiality of ~~[student]~~ information used or stored at the
1-33 center, including rules establishing procedures to ensure that
1-34 confidential ~~[student]~~ information is not duplicated or removed
1-35 from a center in an unauthorized manner.

1-36 (g-1) Confidential information provided to a center by the
1-37 Texas Education Agency or the coordinating board must be protected
1-38 by procedures to ensure that any unique identifying number is not
1-39 traceable to any individual. The procedures must be maintained as
1-40 confidential by the Texas Education Agency and the coordinating
1-41 board. The procedures may not be shared with a center or used for
1-42 any purpose other than for purposes of this section. Social
1-43 security numbers, names, and birth dates may not be accessed for the
1-44 purpose of research at a center.

1-45 (k) In implementing this section, the commissioner of
1-46 education may use funds appropriated to the agency and available
1-47 for the purpose of establishing the centers. After a center is
1-48 established, the cost of complying with this section and Section
1-49 1.006, including necessary personnel costs at the Texas Education
1-50 Agency and the coordinating board and the costs of operation of each
1-51 center, must be funded by gifts and grants accepted under
1-52 Subsection (h)(1) and fees imposed under Subsection (h)(2). Fees
1-53 adopted under Subsection (h)(2) must be set in an amount sufficient
1-54 to provide for the continued operation of the center.

1-55 (l) Each center shall administer the process for reviewing
1-56 research proposals developed under Section 1.006(e)(4) and shall
1-57 forward to the joint advisory board only proposals of high quality
1-58 as determined using criteria developed under Section 1.006(e)(4).

1-59 (m) On behalf of a center, the commissioner of education and
1-60 the coordinating board may pursue and enter data agreements with:

1-61 (1) another agency of this state; and

1-62 (2) the state education agency of another state,
1-63 giving priority to the agencies of those states that send the
1-64 highest number of students to this state or that receive the highest

2-1 number of students from this state.

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

2-4 Sec. 1.006. JOINT ADVISORY BOARD FOR EDUCATION RESEARCH
 2-5 CENTERS. (a) In this section, "center" means a center for education
 2-6 research authorized by Section 1.005.

2-7 (b) The commissioner of education and the commissioner of
 2-8 higher education shall co-chair a joint advisory board to adopt
 2-9 policies governing the operations of the centers, including a
 2-10 process for review and approval of center research involving
 2-11 confidential information. The commissioner of education and the
 2-12 commissioner of higher education each may delegate duties as
 2-13 co-chair, including voting, to an employee of the Texas Education
 2-14 Agency or the Texas Higher Education Coordinating Board, as
 2-15 appropriate.

2-16 (c) The commissioner of education and the commissioner of
 2-17 higher education shall jointly appoint not more than three
 2-18 additional members to the joint advisory board to serve one-year
 2-19 terms. The chief executive officer of each public institution of
 2-20 higher education of which a center is a part shall appoint not more
 2-21 than two additional members to the joint advisory board to serve
 2-22 one-year terms. A member of the joint advisory board serves at the
 2-23 pleasure of the appropriate appointing authority. A member may be
 2-24 reappointed each year to an additional term.

2-25 (d) The joint advisory board shall meet at the call of the
 2-26 co-chairs at least twice each year.

2-27 (e) The joint advisory board shall:

2-28 (1) establish a schedule of fees to fund the cost of
 2-29 data processing by the Texas Education Agency and the Texas Higher
 2-30 Education Coordinating Board;

2-31 (2) develop a plan for establishing access at public
 2-32 institutions of higher education to data;

2-33 (3) develop policies to give state agencies acting for
 2-34 a governmental purpose and public entities performing studies
 2-35 authorized by the legislature priority in access to and use of
 2-36 center research;

2-37 (4) develop, in consultation with each center, a
 2-38 process for reviewing center research proposals and criteria for
 2-39 evaluating proposal quality that emphasize the benefits to
 2-40 education in this state and use of accepted social science research
 2-41 methods;

2-42 (5) identify, in consultation with each center, the
 2-43 type of data that the Texas Education Agency and the Texas Higher
 2-44 Education Coordinating Board send annually to each center without
 2-45 the necessity of a request for that data by a center and a schedule
 2-46 on which the data is sent; and

2-47 (6) perform other duties as necessary to advise each
 2-48 center.

2-49 SECTION 3. This Act takes effect immediately if it receives
 2-50 a vote of two-thirds of all the members elected to each house, as
 2-51 provided by Section 39, Article III, Texas Constitution. If this
 2-52 Act does not receive the vote necessary for immediate effect, this
 2-53 Act takes effect September 1, 2011.

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