

House Bill 2365
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

(g-1) Confidential information provided to a center by the Texas Education Agency or the coordinating board must be

SENATE VERSION (IE)

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

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

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

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

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

(g-1) Confidential information provided to a center by the Texas Education Agency or the coordinating board must be

CONFERENCE

House Bill 2365
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

protected by procedures to ensure that any unique identifying number is not traceable to any individual. The procedures must be maintained as confidential by the Texas Education Agency and the coordinating board. The procedures may not be shared with a center or used for any purpose other than for purposes of this section. Social security numbers, names, and birth dates may not be accessed for the purpose of research at a center.

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

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

(m) On behalf of a center, the commissioner of education and

SENATE VERSION (IE)

protected by procedures to ensure that any unique identifying number is not traceable to any individual. The procedures must be maintained as confidential by the Texas Education Agency and the coordinating board. The procedures may not be shared with a center or used for any purpose other than for purposes of this section. Social security numbers, names, and birth dates may not be accessed for the purpose of research at a center.

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

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

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

(m) Subject to Subsection (n), on behalf of a center, the

CONFERENCE

House Bill 2365
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

the coordinating board may 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. Chapter 1, Education Code, is amended by adding Section 1.006 to read as follows:

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

(b) The commissioner of education and the commissioner of higher education shall 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. The commissioner of education and the commissioner of higher education each may delegate duties as co-chair, including voting, to an employee of the Texas Education Agency or the Texas Higher Education Coordinating Board, as appropriate.

(c) The commissioner of education and the commissioner of

SENATE VERSION (IE)

commissioner of education and the coordinating board may 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.

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

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

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

[FA1(1)-(7)]

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

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

(b) The commissioner of education and the commissioner of higher education shall 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. The commissioner of education and the commissioner of higher education each may delegate duties as co-chair, including voting, to an employee of the Texas Education Agency or the Texas Higher Education Coordinating Board, as appropriate.

(c) The commissioner of education and the commissioner of

CONFERENCE

House Bill 2365
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

higher education shall jointly appoint not more than three additional members to the joint advisory board to serve one-year terms. The chief executive officer of each public institution of higher education of which a center is a part shall appoint not more than two additional members to the joint advisory board to serve one-year terms. A member of the joint advisory board serves at the pleasure of the appropriate appointing authority. A member may be reappointed each year to an additional term.

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

(e) The joint advisory board shall:

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

(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.

SENATE VERSION (IE)

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

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

(e) The joint advisory board shall:

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

(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.

[FA1(8)-(10)]

CONFERENCE

House Bill 2365
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION __. Section 51.751, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (e) to read as follows:

(a) ~~The Educational Economic Policy Center [is created as a consortium of universities. Each public senior college or university in the state shall participate in the Educational Economic Policy Center at the request of the governor. The center]~~ shall represent business, finance, public policy, ~~[education,]~~ and other appropriate disciplines.

(b) The center shall examine the efficiency of the public school system and ~~[the effectiveness of instructional methods and curricular programs and promote the use of successful methods and programs. The center shall monitor and evaluate the implementation of the accountability system under Chapter 39 and]~~ provide annual progress reports to the governor, Legislative Budget Board, and commissioner of education.

(c) The center may be funded by donations, grants, and legislative appropriations. ~~[The office of the governor may receive grants and donations for the purposes of this subchapter.]~~

(e) In performing its duties under this section, the center may use research conducted by an education research center established under Section 1.005. [FA2]

No equivalent provision.

SECTION __. Sections 51.752(b), (d), and (g), Education Code, are amended to read as follows:

(b) The committee is composed of three ~~[nine]~~ members. The governor, lieutenant governor, and speaker of the house of representatives shall each appoint one member ~~[two members, only one of whom may be a board member or employee of a public school district, college, or university]~~. Those

House Bill 2365
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

appointees shall include persons in the private sector who have an interest in improving public education. ~~[In addition, the governor shall appoint three members who serve on the boards of regents representing the universities or systems participating in the center.]~~

(d) The ~~[governor shall appoint one member of the]~~ committee shall elect a [as the] chairman from among its members.

(g) The committee shall report to the Legislative Budget Board at least once a year. The committee shall also report to the governor, the State Board of Education, ~~[the Texas Higher Education Coordinating Board,]~~ and the legislature before the convening of each regular session. [FA2]

SECTION __. The terms of members of the Educational Economic Policy Committee serving on the effective date of this Act expire February 1, 2012, and members shall be appointed in accordance with Section 51.752(b), Education Code, as amended by this Act, for terms to begin February 1, 2012. Members whose terms begin February 1, 2012, shall draw lots to determine which two members will serve terms expiring February 1, 2014, and which member will serve a term expiring February 1, 2013. [FA2]

SECTION 3. Same as House version.

No equivalent provision.

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