

AN ACT

relating to education research centers and the sharing of educational data between state agencies; redesignating certain fees as charges.

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

SECTION 1. The heading to Section 1.005, Education Code, is amended to read as follows:

Sec. 1.005. EDUCATION RESEARCH CENTERS [~~+~~ ~~SHARING STUDENT INFORMATION~~].

SECTION 2. Section 1.005(a), Education Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Cooperating agencies" means the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Workforce Commission.

SECTION 3. Section 1.005, Education Code, is amended by amending Subsections (b), (c), (d), (e), (f), (g), (h), (j), and (k) and adding Subsections (g-1), (j-1), (j-2), and (l) to read as follows:

(b) The [~~commissioner of education and the~~] coordinating board shall [~~may~~] establish not more than three centers for education research to conduct studies or evaluations using the data [~~for conducting research~~] described by this section [~~Subsections (e) and (f)~~].

(c) A center must [~~may~~] be established as part of [~~+~~

1           ~~[(1) the Texas Education Agency,~~  
 2           ~~[(2) the coordinating board, or~~  
 3           ~~[(3)]~~ a public junior college, public senior college  
 4 or university, or public state college, as those terms are defined  
 5 by Section 61.003, or a consortium of those institutions. The  
 6 coordinating board shall solicit requests for proposals from  
 7 appropriate institutions to establish centers under this section  
 8 and shall select one or more institutions to establish each center  
 9 based on criteria adopted by the coordinating board.

10           (d) A center must ~~[may]~~ be operated under an agreement ~~[a~~  
 11 ~~memorandum of understanding]~~ between ~~[the commissioner of~~  
 12 ~~education,~~] the coordinating board~~[,~~] and the governing board of  
 13 each [an educational] institution described by Subsection (c)  
 14 operating or participating in the operation of the center  
 15 ~~[(c)(3)]~~. The agreement ~~[memorandum of understanding]~~ must  
 16 provide for the operation of the center, so long as the center meets  
 17 contractual and legal requirements for operation, for a 10-year  
 18 period ~~[require the commissioner of education, or a person~~  
 19 ~~designated by the commissioner, and the coordinating board, or a~~  
 20 ~~person designated by the coordinating board, to provide direct,~~  
 21 ~~joint supervision of the center under this section].~~

22           (e) A center shall conduct education and workforce  
 23 preparation studies or evaluations ~~[research]~~ for the benefit of  
 24 ~~[education in]~~ this state, including studies or evaluations  
 25 ~~[research]~~ relating to:

26           (1) the impact of local, regional, state, and federal  
 27 policies and ~~[education]~~ programs, including an education program,

1 intervention, or service at any level of education from preschool  
2 through postsecondary education;

3 (2) the performance of educator preparation programs;

4 (3) ~~public school finance;~~ and

5 (4) the best practices of school districts with regard  
6 to classroom instruction, bilingual education programs, special  
7 language programs, and business practices.

8 (f) Any cooperating agency ~~[The commissioner of education~~  
9 ~~and the coordinating board;~~

10 ~~[(1) under the memorandum of understanding described by~~  
11 ~~Subsection (d),]~~ may request ~~[require]~~ a center to conduct certain  
12 studies or evaluations ~~[research projects]~~ considered of  
13 particular importance to the state, as determined by the  
14 cooperating agency, if the cooperating agency provides to the  
15 center ~~[commissioner and the coordinating board;~~

16 ~~[(2) not later than the 45th day before the date a~~  
17 ~~research project required to be conducted under this subsection is~~  
18 ~~scheduled to begin, shall notify the governor, the Legislative~~  
19 ~~Budget Board, and the governing body of the educational institution~~  
20 ~~in which the center is established that the research project is~~  
21 ~~required; and~~

22 ~~[(3) shall provide]~~ sufficient funds to finance the  
23 study or evaluation ~~[project].~~

24 (g) A ~~[In conducting research under this section, a]~~  
25 center ~~[+~~

26 ~~[(1) may use data on student performance, including~~  
27 ~~data that is confidential under the Family Educational Rights and~~

1 ~~Privacy Act of 1974 (20 U.S.C. Section 1232g), the center has~~  
2 ~~collected from the Texas Education Agency, the coordinating board,~~  
3 ~~any public or private institution of higher education, and any~~  
4 ~~school district, and~~

5           ~~[(2)]~~ shall comply with rules adopted by the advisory  
6 ~~[commissioner of education and the coordinating]~~ board established  
7 under Section 1.006 to protect the confidentiality of ~~[student]~~  
8 information used or stored at the center in accordance with  
9 applicable state and federal law, including rules establishing  
10 procedures to ensure that confidential ~~[student]~~ information is not  
11 duplicated or removed from a center in an unauthorized manner.

12           (g-1) In conducting studies or evaluations under this  
13 section, a center:

14           (1) may use student and educator data, including data  
15 that is confidential if permitted under the Family Educational  
16 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), that the  
17 center has collected from a cooperating agency or any other agency,  
18 a public or private institution of higher education, a school  
19 district, a provider of services to a school district or public or  
20 private institution of higher education, or an entity explicitly  
21 named in an approved research project of the center;

22           (2) shall comply with state and federal law governing  
23 the confidentiality of student information and shall provide for  
24 the review of all study and evaluation results to ensure compliance  
25 with those laws and any rules adopted or regulatory guidance issued  
26 under those laws;

27           (3) may provide researchers access to shared data only

1 through secure methods and require each researcher to execute an  
2 agreement regarding compliance with the Family Educational Rights  
3 and Privacy Act of 1974 (20 U.S.C. Section 1232g) and rules adopted  
4 under that Act; and

5 (4) shall conduct regular security audits and report  
6 the audit results to the coordinating board and the advisory board  
7 established under Section 1.006.

8 (h) The cooperating agencies and the educational  
9 institution or institutions operating a center [~~commissioner of~~  
10 ~~education and the coordinating board~~] may[+:

11 [~~(1)~~] accept gifts and grants to be used for the  
12 purposes of this section. The educational institution or  
13 institutions [~~in~~] operating a center may [~~one or more centers; and~~

14 [~~(2) by rule~~] impose reasonable charges [~~fees~~], as  
15 appropriate, for the use of a center's research, resources, or  
16 facilities.

17 (j) The cooperating agencies shall execute agreements for  
18 the sharing of data for the purpose of facilitating the studies or  
19 evaluations at education research centers described by this  
20 section. In accordance with the agreements, each cooperating  
21 agency shall make available all appropriate data, including to the  
22 extent possible data collected by the cooperating agency for the  
23 preceding 20 years. A cooperating agency shall periodically update  
24 the data as additional data is collected, but not less than once  
25 each year [~~commissioner of education and the coordinating board~~  
26 ~~shall adopt rules as necessary to implement this section~~].

27 (j-1) In accordance with an agreement under Subsection (j),

1 the coordinating board shall maintain the data contributed by the  
2 cooperating agencies in a repository to be known as the  
3 P-20/Workforce Data Repository. The repository shall be operated by  
4 the coordinating board. As provided by the agreement, the  
5 coordinating board shall include other data in the repository,  
6 including data from college admission tests and the National  
7 Student Clearinghouse. The coordinating board shall conduct data  
8 matching using a protocol approved by the cooperating agencies.

9 (j-2) The coordinating board may enter into data agreements  
10 for data required for approved studies or evaluations with the  
11 state education agency of another state, giving priority to the  
12 agencies of those states that send the highest number of  
13 postsecondary education students to this state or that receive the  
14 highest number of postsecondary education students from this state.  
15 An agreement under this subsection must be reviewed by the United  
16 States Department of Education and must require the agency of  
17 another state to comply with all data security measures required of  
18 a center. The coordinating board may also enter into data  
19 agreements with local agencies or organizations that provide  
20 education services to students in this state or that collect data  
21 that is relevant to current or former students of public schools in  
22 this state and is useful to the conduct of research that may benefit  
23 education in this state.

24 (k) In implementing this section, a cooperating agency [the  
25 commissioner of education] may use funds appropriated to the  
26 cooperating agency and available for the purpose of establishing  
27 the centers. After a center is established, the center must be

1 funded by gifts and grants accepted under this section or charges  
2 ~~[Subsection (h)(1) and fees]~~ imposed under Subsection (h)  
3 ~~[Subsection (h)(2). Fees adopted under Subsection (h)(2) must be~~  
4 ~~set in an amount sufficient to provide for the continued operation~~  
5 ~~of the center].~~

6 (1) Notwithstanding another provision of this section, a  
7 cooperating agency must establish procedures that protect  
8 confidential information provided to a center by a cooperating  
9 agency.

10 SECTION 4. Chapter 1, Education Code, is amended by adding  
11 Section 1.006 to read as follows:

12 Sec. 1.006. EDUCATION RESEARCH CENTER ADVISORY BOARD.

13 (a) The commissioner of higher education shall create, chair, and  
14 maintain an advisory board for the purpose of reviewing study or  
15 evaluation proposals and ensuring appropriate data use under  
16 Section 1.005, including compliance with applicable state and  
17 federal laws governing use of and access to the data.

18 (b) The advisory board is not a governmental body for  
19 purposes of Chapter 551 or 552, Government Code.

20 (c) The membership of the advisory board must include:

21 (1) a representative of the Texas Higher Education  
22 Coordinating Board, designated by the commissioner of higher  
23 education;

24 (2) a representative of the Texas Education Agency,  
25 designated by the commissioner of education;

26 (3) a representative of the Texas Workforce  
27 Commission, designated by the commission;

1           (4) the director of each education research center or  
2 the director's designee; and

3           (5) a representative of preschool, elementary, or  
4 secondary education.

5           (d) Each study or evaluation conducted at a center under  
6 Section 1.005 must be approved in advance by majority vote of the  
7 advisory board. A center may submit to the advisory board a proposal  
8 developed by any qualified researcher, including a researcher from  
9 another educational institution, a graduate student, a P-16 Council  
10 representative, or another researcher proposing research to  
11 benefit education in this state. In determining whether to approve  
12 a proposed study or evaluation, the advisory board must:

13           (1) consider the potential of the proposed research to  
14 benefit education in this state;

15           (2) require each center director or designee to review  
16 and approve the proposed research design and methods to be used in  
17 the proposed study or evaluation; and

18           (3) consider the extent to which the data required to  
19 complete the proposed study or evaluation is not readily available  
20 from other data sources.

21           (e) The advisory board shall meet at least quarterly. Any  
22 meeting of the advisory board may be conducted by electronic means,  
23 including a meeting by telephone conference call, by video  
24 conference call, through the Internet, or by any combination of  
25 those means.

26           (f) The advisory board may create committees and  
27 subcommittees that the advisory board determines are convenient or



1 necessary.

2           SECTION 5. 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, 2013.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2103 was passed by the House on April 25, 2013, by the following vote: Yeas 130, Nays 1, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2103 was passed by the Senate on May 15, 2013, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor