

By: Villarreal, Branch

H.B. No. 2103

Substitute the following for H.B. No. 2103:

By: Branch

C.S.H.B. No. 2103

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to education research centers and the sharing of  
3 educational data between state agencies; redesignating certain  
4 fees as charges.

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

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

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

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

12 (1-a) "Cooperating agencies" means the Texas  
13 Education Agency, the Texas Higher Education Coordinating Board,  
14 and the Texas Workforce Commission.

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

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

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

24 [~~(1) the Texas Education Agency,~~

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

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

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

25           (1) the impact of local, regional, state, and federal  
26 policies and ~~[education]~~ programs, including an education program,  
27 intervention, or service at any level of education from preschool

1 through postsecondary education;

2 (2) the performance of educator preparation programs;

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

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

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

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

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

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

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

25 ~~[(1) may use data on student performance, including  
26 data that is confidential under the Family Educational Rights and  
27 Privacy Act of 1974 (20 U.S.C. Section 1232g), the center has~~

1 ~~collected from the Texas Education Agency, the coordinating board,~~  
2 ~~any public or private institution of higher education, and any~~  
3 ~~school district, and~~

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

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

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

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

26           (3) may provide researchers access to shared data only  
27 through secure methods and require each researcher to execute an

1 agreement regarding compliance with the Family Educational Rights  
2 and Privacy Act of 1974 (20 U.S.C. Section 1232g) and rules adopted  
3 under that Act; and

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

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

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

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

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

26 (j-1) In accordance with an agreement under Subsection (j),  
27 the coordinating board shall maintain the data contributed by the

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

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

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

1 ~~[Subsection (h)(1) and fees]~~ imposed under Subsection (h)  
2 ~~[Subsection (h)(2). Fees adopted under Subsection (h)(2) must be~~  
3 ~~set in an amount sufficient to provide for the continued operation~~  
4 ~~of the center].~~

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

7 Sec. 1.006. EDUCATION RESEARCH CENTER ADVISORY BOARD.

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

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

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

16 (1) a representative of the Texas Higher Education  
17 Coordinating Board, designated by the commissioner of higher  
18 education;

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

21 (3) a representative of the Texas Workforce  
22 Commission, designated by the commission;

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

25 (5) a representative of preschool, elementary, or  
26 secondary education.

27 (d) Each study or evaluation conducted at a center under

1 Section 1.005 must be approved in advance by majority vote of the  
2 advisory board. A center may submit to the advisory board a proposal  
3 developed by any qualified researcher, including a researcher from  
4 another educational institution, a graduate student, a P-16 Council  
5 representative, or another researcher proposing research to  
6 benefit education in this state. In determining whether to approve  
7 a proposed study or evaluation, the advisory board must:

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

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

13 (3) consider the extent to which the data required to  
14 complete the proposed study or evaluation is not readily available  
15 from other data sources.

16 (e) The advisory board shall meet at least quarterly. Any  
17 meeting of the advisory board may be conducted by electronic means,  
18 including a meeting by telephone conference call, by video  
19 conference call, through the Internet, or by any combination of  
20 those means.

21 (f) The advisory board may create committees and  
22 subcommittees that the advisory board determines are convenient or  
23 necessary.

24 SECTION 5. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this



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1 Act takes effect September 1, 2013.