

By: Villarreal

H.B. No. 2103

A BILL TO BE ENTITLED

AN ACT

relating to education research centers and data sharing among cooperating state agencies.

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

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

Sec. 1.005. EDUCATION RESEARCH CENTERS; DATA SHARING [~~STUDENT INFORMATION~~]. (a) In this section:

(1) "Center" means a center for education research authorized by this section.

(2) "Coordinating board" means the Texas Higher Education Coordinating Board.

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

(4) "Education program" includes an education program, intervention, or service at any level of education from preschool to postsecondary education.

(b) The commissioner of education, ~~and~~ the coordinating board, and the Texas Workforce Commission shall execute agreements for the sharing of data for the purpose of facilitating the studies described by this section at education research centers. In accordance with the agreement, each cooperating agency shall make available all appropriate data, including to the extent possible

1 data going back longitudinally for at least 20 years. A cooperating
2 agency shall update the data as it becomes available on a timely
3 basis, but at least annually if the agency has collected additional
4 data during the interim.

5 (c) In accordance with the agreements, the coordinating
6 board shall maintain the data contributed by the cooperating
7 agencies in a repository to be known as the "P-20/Workforce Data
8 Repository." The repository shall be located at and operated by the
9 coordinating board. As provided by the agreements, the
10 coordinating board shall also include other data in the repository,
11 such as data from college admission tests and the National Student
12 Clearinghouse. The coordinating board shall conduct a data matching
13 process by using a protocol approved by the cooperating agencies in
14 which a common replacement identifier is generated for a matched
15 individual in each agency's data set and certain direct identifiers
16 are removed.

17 (d) The coordinating board shall ~~may~~ establish at least
18 one, but not more than three centers through which the studies using
19 the data ~~[for education research for conducting research]~~ described
20 by this section are conducted ~~[Subsections (c) and (f)].~~

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

22 ~~[(1) the Texas Education Agency; (2) the coordinating board; or~~
23 ~~(3)]~~ a public junior college, public senior college or university,
24 or public state college, or a consortium of such institutions as
25 those terms are defined by Section 61.003. The coordinating board
26 shall solicit requests for qualifications from eligible colleges
27 and universities, and shall select applicants based on criteria

1 adopted by the coordinating board, to include:

2 (A) potential of the proposed research to benefit
3 education in this state;

4 (B) the use of social science research methods
5 accepted as valid and reliable; and

6 (C) the data required to complete the proposed
7 study are not readily available from other data sources.

8 The coordinating board and each selected center shall execute
9 an agreement with a term of 10 years for the operations of the
10 center, so long as that center meets contractual and legal
11 requirements for operation.

12 (e) The commissioner of higher education shall create,
13 chair, and maintain an advisory board for the purpose of reviewing
14 study proposals and ensuring appropriate data use, including
15 compliance with applicable state and federal laws governing use of
16 and access to the data. The advisory board is not a governmental
17 body for purposes of Chapter 551 or 552, Government Code. The
18 majority of the joint advisory board must consist of educational
19 researchers experienced in working with secure data. The advisory
20 board must include:

21 (1) a representative of the coordinating board named
22 by the commissioner of higher education;

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

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

27 (4) the director of each education research center, or

1 the director's designee; and

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

4 ~~[(d) A center may be operated under a memorandum of~~
5 ~~understanding between the commissioner of education, the~~
6 ~~coordinating board, and the governing board of an educational~~
7 ~~institution described by Subsection (c)(3). The memorandum of~~
8 ~~understanding must require the commissioner of education, or a~~
9 ~~person designated by the commissioner, and the coordinating board,~~
10 ~~or a person designated by the coordinating board, to provide~~
11 ~~direct, joint supervision of the center under this section].~~

12 (f) Each study conducted at a center must be approved in
13 advance by majority vote of the advisory board. A center may submit
14 to the advisory board a proposal developed by any qualified
15 researcher, including a researcher from another university, a
16 graduate student, a P-16 Council representative, or other
17 researcher proposing research to benefit education in this state.

18 (g) The advisory board shall meet at least quarterly. Any
19 meeting may be conducted by electronic means, including a meeting
20 by telephone conference call, videoconference call, or over the
21 Internet, or by any combination of those means. The advisory board
22 may create committees and subcommittees that the board determines
23 are convenient or necessary.

24 (h) [~~e~~] A center shall conduct education and workforce
25 studies [~~research~~] for the benefit of [~~education in~~] this state,
26 including studies or evaluations [~~research~~] relating to the impact
27 of local, regional, state, and federal [~~education~~] policy and

1 programs, the performance of educator preparation programs, public
2 school finance, and the best practices of school districts with
3 regard to classroom instruction, bilingual education programs,
4 special language programs, and business practices.

5 (i) A center shall comply with rules adopted by the advisory
6 board that address applicable state and federal laws to protect the
7 confidentiality of information used or stored at the center,
8 including rules establishing procedures to ensure that
9 confidential information is not duplicated or removed from a center
10 in an unauthorized manner.

11 (j) [~~(f)~~] Any of the cooperating agencies [~~The commissioner~~
12 ~~of education and the coordinating board.~~

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

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

23 ~~(3) shall provide~~ sufficient funds to finance the project.

24 (k) [~~(g)~~] In conducting studies [~~research~~] under this
25 section, a center:

26 (1) may use data, including data that is confidential
27 under the Family Educational Rights and Privacy Act of 1974 (20

1 U.S.C. Section 1232g), the center has collected from the Texas
2 Education Agency, the coordinating board, any public or private
3 institution of higher education, and any school district, any other
4 agency, and ~~any entity~~ any provider of services to public or private
5 institutions of higher education or to school districts, and any
6 entity explicitly named in an approved research project of a
7 center; [and]

8 (2) shall comply with federal and state law governing
9 ~~[rules adopted by the commissioner of education and the~~
10 ~~coordinating board to protect]~~ the confidentiality of student
11 information and shall provide for the review of all study results
12 for compliance with those laws and with any authoritative
13 guidelines issued under those laws; [including rules establishing
14 ~~procedures to ensure that confidential student information is not~~
15 ~~uplicated or removed from a center in an unauthorized manner]~~

16 (3) provide researchers access to the shared data only
17 through secure methods and require each lead researcher to execute
18 an agreement regarding compliance with the Family Educational
19 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) and
20 regulations adopted under that act; and

21 (4) conduct regular security audits and report the
22 audit results to the coordinating board and the advisory board.

23 (1) ~~(h)~~ The cooperating agencies and the college or
24 university operating the center, individually or collectively,
25 ~~[commissioner of education and the coordinating board]~~ may [+]

26 [+]
27 ~~(1)~~ accept gifts and grants to be used for the
purposes of this section. The college or university operating the

1 center may~~[in operating one or more center, and~~

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

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

18 (n) [~~(i)~~] This section does not authorize the disclosure of
19 student information that may not be disclosed under the Family
20 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section
21 1232g).

22 ~~[(j) The commissioner of education and the coordinating~~
23 ~~board shall adopt rules as necessary to implement this section.~~

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

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

6 SECTION 2. This Act takes effect immediately if it receives
7 the vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2013.