

1-1 By: Villarreal, Branch (Senate Sponsor - Seliger) H.B. No. 2103  
 1-2 (In the Senate - Received from the House April 29, 2013;  
 1-3 April 30, 2013, read first time and referred to Committee on Higher  
 1-4 Education; May 9, 2013, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 0; May 9, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Seliger	X			
1-8 Watson	X			
1-9 Birdwell	X			
1-10 Duncan	X			
1-11 Patrick	X			
1-12 West	X			
1-13 Zaffirini	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to education research centers and the sharing of  
 1-18 educational data between state agencies; redesignating certain  
 1-19 fees as charges.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. The heading to Section 1.005, Education Code, is  
 1-22 amended to read as follows:

1-23 Sec. 1.005. EDUCATION RESEARCH CENTERS[~~;~~ ~~SHARING STUDENT~~  
 1-24 ~~INFORMATION~~].

1-25 SECTION 2. Section 1.005(a), Education Code, is amended by  
 1-26 adding Subdivision (1-a) to read as follows:

1-27 (1-a) "Cooperating agencies" means the Texas  
 1-28 Education Agency, the Texas Higher Education Coordinating Board,  
 1-29 and the Texas Workforce Commission.

1-30 SECTION 3. Section 1.005, Education Code, is amended by  
 1-31 amending Subsections (b), (c), (d), (e), (f), (g), (h), (j), and (k)  
 1-32 and adding Subsections (g-1), (j-1), (j-2), and (l) to read as  
 1-33 follows:

1-34 (b) The [~~commissioner of education and the~~] coordinating  
 1-35 board shall [~~may~~] establish not more than three centers for  
 1-36 education research to conduct studies or evaluations using the data  
 1-37 [~~for conducting research~~] described by this section [~~Subsections~~  
 1-38 ~~(e) and (f)~~].

1-39 (c) A center must [~~may~~] be established as part of [~~+~~  
 1-40 [~~(1) the Texas Education Agency,~~  
 1-41 [~~(2) the coordinating board, or~~  
 1-42 [~~(3)~~] a public junior college, public senior college  
 1-43 or university, or public state college, as those terms are defined  
 1-44 by Section 61.003, or a consortium of those institutions. The  
 1-45 coordinating board shall solicit requests for proposals from  
 1-46 appropriate institutions to establish centers under this section  
 1-47 and shall select one or more institutions to establish each center  
 1-48 based on criteria adopted by the coordinating board.

1-49 (d) A center must [~~may~~] be operated under an agreement [~~a~~  
 1-50 ~~memorandum of understanding~~] between [~~the commissioner of~~  
 1-51 ~~education,~~] the coordinating board[~~7~~] and the governing board of  
 1-52 each [~~an educational~~] institution described by Subsection (c)  
 1-53 operating or participating in the operation of the center  
 1-54 [~~(c)(3)~~]. The agreement [~~memorandum of understanding~~] must  
 1-55 provide for the operation of the center, so long as the center meets  
 1-56 contractual and legal requirements for operation, for a 10-year  
 1-57 period [~~require the commissioner of education, or a person~~  
 1-58 ~~designated by the commissioner, and the coordinating board, or a~~  
 1-59 ~~person designated by the coordinating board, to provide direct,~~  
 1-60 ~~joint supervision of the center under this section~~].

1-61 (e) A center shall conduct education and workforce

2-1 preparation studies or evaluations ~~[research]~~ for the benefit of  
 2-2 ~~[education in]~~ this state, including studies or evaluations  
 2-3 ~~[research]~~ relating to:

2-4 (1) the impact of local, regional, state, and federal  
 2-5 policies and [education] programs, including an education program,  
 2-6 intervention, or service at any level of education from preschool  
 2-7 through postsecondary education;

2-8 (2) the performance of educator preparation programs;  
 2-9 (3) ~~[ ]~~ public school finance; ~~[ ]~~ and  
 2-10 (4) the best practices of school districts with regard  
 2-11 to classroom instruction, bilingual education programs, special  
 2-12 language programs, and business practices.

2-13 (f) Any cooperating agency ~~[The commissioner of education~~  
 2-14 ~~and the coordinating board.]~~

2-15 ~~[(1) under the memorandum of understanding described by~~  
 2-16 ~~Subsection (d), ]~~ may request [require] a center to conduct certain  
 2-17 studies or evaluations ~~[research projects]~~ considered of  
 2-18 particular importance to the state, as determined by the  
 2-19 cooperating agency, if the cooperating agency provides to the  
 2-20 center ~~[commissioner and the coordinating board,]~~

2-21 ~~[(2) not later than the 45th day before the date a~~  
 2-22 ~~research project required to be conducted under this subsection is~~  
 2-23 ~~scheduled to begin, shall notify the governor, the Legislative~~  
 2-24 ~~Budget Board, and the governing body of the educational institution~~  
 2-25 ~~in which the center is established that the research project is~~  
 2-26 ~~required; and~~

2-27 ~~[(3) shall provide]~~ sufficient funds to finance the  
 2-28 study or evaluation [project].

2-29 (g) A ~~[In conducting research under this section, a]~~  
 2-30 ~~center [ ]~~

2-31 ~~[(1) may use data on student performance, including~~  
 2-32 ~~data that is confidential under the Family Educational Rights and~~  
 2-33 ~~Privacy Act of 1974 (20 U.S.C. Section 1232g), the center has~~  
 2-34 ~~collected from the Texas Education Agency, the coordinating board,~~  
 2-35 ~~any public or private institution of higher education, and any~~  
 2-36 ~~school district; and~~

2-37 ~~[(2)]~~ shall comply with rules adopted by the advisory  
 2-38 ~~[commissioner of education and the coordinating] board established~~  
 2-39 under Section 1.006 to protect the confidentiality of [student]  
 2-40 information used or stored at the center in accordance with  
 2-41 applicable state and federal law, including rules establishing  
 2-42 procedures to ensure that confidential [student] information is not  
 2-43 duplicated or removed from a center in an unauthorized manner.

2-44 (g-1) In conducting studies or evaluations under this  
 2-45 section, a center:

2-46 (1) may use student and educator data, including data  
 2-47 that is confidential if permitted under the Family Educational  
 2-48 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), that the  
 2-49 center has collected from a cooperating agency or any other agency,  
 2-50 a public or private institution of higher education, a school  
 2-51 district, a provider of services to a school district or public or  
 2-52 private institution of higher education, or an entity explicitly  
 2-53 named in an approved research project of the center;

2-54 (2) shall comply with state and federal law governing  
 2-55 the confidentiality of student information and shall provide for  
 2-56 the review of all study and evaluation results to ensure compliance  
 2-57 with those laws and any rules adopted or regulatory guidance issued  
 2-58 under those laws;

2-59 (3) may provide researchers access to shared data only  
 2-60 through secure methods and require each researcher to execute an  
 2-61 agreement regarding compliance with the Family Educational Rights  
 2-62 and Privacy Act of 1974 (20 U.S.C. Section 1232g) and rules adopted  
 2-63 under that Act; and

2-64 (4) shall conduct regular security audits and report  
 2-65 the audit results to the coordinating board and the advisory board  
 2-66 established under Section 1.006.

2-67 (h) The cooperating agencies and the educational  
 2-68 institution or institutions operating a center ~~[commissioner of~~  
 2-69 ~~education and the coordinating board] may [ ]~~

3-1 ~~[(1)]~~ accept gifts and grants to be used for the  
 3-2 purposes of this section. The educational institution or  
 3-3 institutions ~~[in]~~ operating a center may ~~[one or more centers, and~~  
 3-4 ~~[(2) by rule]~~ impose reasonable charges ~~[fees]~~, as  
 3-5 appropriate, for the use of a center's research, resources, or  
 3-6 facilities.

3-7 (j) The cooperating agencies shall execute agreements for  
 3-8 the sharing of data for the purpose of facilitating the studies or  
 3-9 evaluations at education research centers described by this  
 3-10 section. In accordance with the agreements, each cooperating  
 3-11 agency shall make available all appropriate data, including to the  
 3-12 extent possible data collected by the cooperating agency for the  
 3-13 preceding 20 years. A cooperating agency shall periodically update  
 3-14 the data as additional data is collected, but not less than once  
 3-15 each year ~~[commissioner of education and the coordinating board~~  
 3-16 ~~shall adopt rules as necessary to implement this section].~~

3-17 (j-1) In accordance with an agreement under Subsection (j),  
 3-18 the coordinating board shall maintain the data contributed by the  
 3-19 cooperating agencies in a repository to be known as the  
 3-20 P-20/Workforce Data Repository. The repository shall be operated by  
 3-21 the coordinating board. As provided by the agreement, the  
 3-22 coordinating board shall include other data in the repository,  
 3-23 including data from college admission tests and the National  
 3-24 Student Clearinghouse. The coordinating board shall conduct data  
 3-25 matching using a protocol approved by the cooperating agencies.

3-26 (j-2) The coordinating board may enter into data agreements  
 3-27 for data required for approved studies or evaluations with the  
 3-28 state education agency of another state, giving priority to the  
 3-29 agencies of those states that send the highest number of  
 3-30 postsecondary education students to this state or that receive the  
 3-31 highest number of postsecondary education students from this state.  
 3-32 An agreement under this subsection must be reviewed by the United  
 3-33 States Department of Education and must require the agency of  
 3-34 another state to comply with all data security measures required of  
 3-35 a center. The coordinating board may also enter into data  
 3-36 agreements with local agencies or organizations that provide  
 3-37 education services to students in this state or that collect data  
 3-38 that is relevant to current or former students of public schools in  
 3-39 this state and is useful to the conduct of research that may benefit  
 3-40 education in this state.

3-41 (k) In implementing this section, a cooperating agency ~~[the~~  
 3-42 ~~commissioner of education]~~ may use funds appropriated to the  
 3-43 cooperating agency and available for the purpose of establishing  
 3-44 the centers. After a center is established, the center must be  
 3-45 funded by gifts and grants accepted under this section or charges  
 3-46 ~~[Subsection (h)(1) and fees]~~ imposed under Subsection (h)  
 3-47 ~~[Subsection (h)(2)]. Fees adopted under Subsection (h)(2) must be~~  
 3-48 ~~set in an amount sufficient to provide for the continued operation~~  
 3-49 ~~of the center].~~

3-50 (l) Notwithstanding another provision of this section, a  
 3-51 cooperating agency must establish procedures that protect  
 3-52 confidential information provided to a center by a cooperating  
 3-53 agency.

3-54 SECTION 4. Chapter 1, Education Code, is amended by adding  
 3-55 Section 1.006 to read as follows:

3-56 Sec. 1.006. EDUCATION RESEARCH CENTER ADVISORY BOARD.

3-57 (a) The commissioner of higher education shall create, chair, and  
 3-58 maintain an advisory board for the purpose of reviewing study or  
 3-59 evaluation proposals and ensuring appropriate data use under  
 3-60 Section 1.005, including compliance with applicable state and  
 3-61 federal laws governing use of and access to the data.

3-62 (b) The advisory board is not a governmental body for  
 3-63 purposes of Chapter 551 or 552, Government Code.

3-64 (c) The membership of the advisory board must include:

3-65 (1) a representative of the Texas Higher Education  
 3-66 Coordinating Board, designated by the commissioner of higher  
 3-67 education;

3-68 (2) a representative of the Texas Education Agency,  
 3-69 designated by the commissioner of education;

4-1 (3) a representative of the Texas Workforce  
4-2 Commission, designated by the commission;

4-3 (4) the director of each education research center or  
4-4 the director's designee; and

4-5 (5) a representative of preschool, elementary, or  
4-6 secondary education.

4-7 (d) Each study or evaluation conducted at a center under  
4-8 Section 1.005 must be approved in advance by majority vote of the  
4-9 advisory board. A center may submit to the advisory board a proposal  
4-10 developed by any qualified researcher, including a researcher from  
4-11 another educational institution, a graduate student, a P-16 Council  
4-12 representative, or another researcher proposing research to  
4-13 benefit education in this state. In determining whether to approve  
4-14 a proposed study or evaluation, the advisory board must:

4-15 (1) consider the potential of the proposed research to  
4-16 benefit education in this state;

4-17 (2) require each center director or designee to review  
4-18 and approve the proposed research design and methods to be used in  
4-19 the proposed study or evaluation; and

4-20 (3) consider the extent to which the data required to  
4-21 complete the proposed study or evaluation is not readily available  
4-22 from other data sources.

4-23 (e) The advisory board shall meet at least quarterly. Any  
4-24 meeting of the advisory board may be conducted by electronic means,  
4-25 including a meeting by telephone conference call, by video  
4-26 conference call, through the Internet, or by any combination of  
4-27 those means.

4-28 (f) The advisory board may create committees and  
4-29 subcommittees that the advisory board determines are convenient or  
4-30 necessary.

4-31 SECTION 5. This Act takes effect immediately if it receives  
4-32 a vote of two-thirds of all the members elected to each house, as  
4-33 provided by Section 39, Article III, Texas Constitution. If this  
4-34 Act does not receive the vote necessary for immediate effect, this  
4-35 Act takes effect September 1, 2013.

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