

By: Branch

H.B. No. 2754

A BILL TO BE ENTITLED

AN ACT

relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.

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

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

(b) The commissioner of education and the coordinating board shall ~~may~~ establish at least one but not more than three centers for education research for conducting research described by Subsections (e) and (f). Each center:

(1) shall store in only one location confidential data used for research; and

(2) may provide access to the confidential data from multiple secure locations in this state, each of which must be in a college or university described by Subsection (c)(3).

(c) A center may be established as part of:

(1) the Texas Education Agency;

(2) the coordinating board; ~~or~~

(3) a public junior college, public senior college or university, or public state college, as those terms are defined by Section 61.003; or

(4) a consortium of colleges or universities described by Subdivision (3).

1 (e) A center shall conduct research for the benefit of
2 education in this state, including research relating to the impact
3 of local, regional, state, and federal education programs, the
4 performance of educator preparation programs, public school
5 finance, and the best practices of school districts with regard to
6 classroom instruction, bilingual education programs, special
7 language programs, and business practices. A center shall support
8 education evaluation and policy and academic research, including
9 graduate student research in this state.

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

11 (1) may use and store data [~~on student performance~~],
12 including data that is confidential under the Family Educational
13 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), [~~the~~
14 ~~center has collected~~] from the Texas Education Agency, the
15 coordinating board, any other state agency, any public or private
16 institution of higher education, [and] any school district, any
17 provider of services to public or private institutions of higher
18 education or to school districts, and any entity explicitly named
19 in an approved research project of a center; and

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

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

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

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

11 (k) In implementing this section, the commissioner of
12 education may use funds appropriated to the agency and available
13 for the purpose of establishing the centers. After a center is
14 established, the cost of complying with this section and Section
15 1.006, including necessary personnel costs at the Texas Education
16 Agency and the coordinating board and the costs of operation of each
17 center, must be funded by gifts and grants accepted under
18 Subsection (h)(1) and fees imposed under Subsection (h)(2). Fees
19 adopted under Subsection (h)(2) must be set in an amount sufficient
20 to provide for the continued operation of the center. A center
21 shall report annually to the commissioner of education and the
22 commissioner of higher education the total amount of fees collected
23 by the center for each purpose for which a fee is imposed under
24 Subsection (h)(2).

25 (l) Each center shall administer the process for reviewing
26 research proposals developed under Section 1.006(e)(4) and shall
27 forward to the joint advisory board only proposals of high quality

1 as determined using criteria developed under Section 1.006(e)(4).

2 (m) On behalf of a center, the commissioner of education and
3 the coordinating board shall pursue and enter into data agreements
4 with another state agency of this state, such as the Texas Workforce
5 Commission, or with a regional agency of this state for data
6 collected by that agency that is:

7 (1) required for approved research projects;

8 (2) relevant to current or former students of this
9 state's public schools; and

10 (3) useful to the conduct of research that may benefit
11 education in this state.

12 (n) Subject to Subsection (o), on behalf of a center, the
13 commissioner of education and the coordinating board may pursue and
14 enter into data agreements for data required for approved research
15 projects with:

16 (1) the state education agency of another state,
17 giving priority to the agencies of those states that send the
18 highest number of students to this state or that receive the highest
19 number of students from this state; and

20 (2) local agencies or organizations of this state
21 that:

22 (A) provide educational services to students in
23 this state; or

24 (B) collect data that:

25 (i) is relevant to current or former
26 students of this state's public schools; and

27 (ii) is useful to the conduct of research

1 that may benefit education in this state.

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

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

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

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

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

15 (b) The commissioner of education and the commissioner of
16 higher education shall co-chair a joint advisory board to adopt
17 policies governing the operations of the centers, including a
18 process for review and approval of center research involving
19 confidential information. The commissioner of education and the
20 commissioner of higher education each may delegate duties as
21 co-chair, including voting, to an employee of the Texas Education
22 Agency or the Texas Higher Education Coordinating Board, as
23 appropriate.

24 (c) The commissioner of education and the commissioner of
25 higher education each shall appoint two additional members to the
26 joint advisory board to serve one-year terms. The centers
27 collectively shall appoint three additional members to the joint

1 advisory board to serve one-year terms. The majority of the joint
2 advisory board members must be educational researchers experienced
3 in working with secure data. A member may be reappointed each year
4 to an additional term.

5 (d) The joint advisory board shall meet at the call of the
6 co-chairs at least once each quarter.

7 (e) The joint advisory board shall:

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

11 (2) develop a plan for establishing access at public
12 institutions of higher education to data;

13 (3) develop policies to give state, regional, or local
14 agencies acting for a governmental purpose and public entities
15 performing studies authorized by the legislature priority in access
16 to and use of center research;

17 (4) develop, in consultation with each center, a
18 process for reviewing center research proposals and a set of
19 criteria for evaluating proposal quality that is composed of
20 measures that ensure:

21 (A) the potential of the proposed research to
22 benefit education in this state;

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

25 (C) the data required to complete the proposed
26 study is not readily available from other data sources;

27 (5) identify, in consultation with each center, the

1 type of data that the Texas Education Agency and the Texas Higher
2 Education Coordinating Board must send annually to each center
3 without the necessity of a request for that data by a center and a
4 timely schedule on which the data is sent; and

5 (6) perform other duties as necessary to advise each
6 center.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2013.