

BILL ANALYSIS

C.S.H.B. 3746
By: Bohac
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Improving education, interested parties suggest, requires a look not just at how much money is spent, but how money is spent and what academic improvement results from this spending. Taxpayers, legislators, and regulators and administrators of the public school system, the parties continue, deserve to know how productively educational institutions spend public funds. C.S.H.B. 3746 seeks to improve the study of public education performance.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3746 amends the Education Code to create the Center for Education Performance and Learning as an independent policy center to represent business, finance, public policy, education, and other interests considered appropriate by the center. The bill sets out the center's duties and requires the center, in performing its duties, to work directly with the governor, lieutenant governor, speaker of the house of representatives, members of the legislature, and members of the State Board of Education (SBOE) and to work with the Texas Education Agency and other state agencies, regional education service centers, school districts, and open-enrollment charter schools.

C.S.H.B. 3746 requires the center to promote the use of successful methods to increase performance at the school district and campus levels; to evaluate and rank the performance of each school district, campus, and open-enrollment charter school and provide a progress report and recommendations each year to the governor, lieutenant governor, speaker of the house of representatives, Legislative Budget Board (LBB), commissioner of education, the SBOE, districts, campuses, and open-enrollment charter schools; and to seek information, data, and best practices from state, regional, and national sources to use in performing the center's duties. The bill authorizes the center to assist the legislature with policy studies related to the center's duties; to participate in collaborative studies with a foundation or organization inside or outside this state related to the center's duties; and to contract with independent experts, academic scholars, and other appropriate professionals in performing the center's duties. The bill requires the center to be located at a public, private, or independent institution of higher education and provides for the selection of the location through a request for proposal process.

C.S.H.B. 3746 creates the Center for Education Performance and Learning Board as the center's

primary policy-making body and provides for the board's composition, terms of office, and organization. The bill requires the board to study the elements of an effective and efficient system of public free schools and make recommendations to improve the performance of the public education system to meet the demands of the current century, to improve the state's ability to compete educationally and economically with other states and countries, and to provide the public, including persons involved in policymaking, with information on public education performance. The bill requires the board to provide a report of the board's study and recommendations to the LBB at least once each year and to the governor, lieutenant governor, speaker of the house of representatives, legislature, commissioner, and the SBOE before the convening of each regular legislative session.

C.S.H.B. 3746 requires state agencies, including the Texas Higher Education Coordinating Board and the Texas Workforce Commission, regional education service centers, school districts, and open-enrollment charter schools to fully cooperate with and assist the center at the board's request and requires data and information necessary to perform the center's duties to be provided at the board's request in a timely manner and at minimal cost. The bill requires the board and the center to require confidentiality and other security measures for student data and information consistent with federal law. The bill authorizes the center to be funded by donations, grants, and legislative appropriations.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3746 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subtitle B, Title 2, Education Code, is amended by adding Chapter 9 to read as follows:

CHAPTER 9. CENTER FOR PERFORMANCE INFORMATION FOR PUBLIC EDUCATION

Sec. 9.001. DEFINITIONS. In this chapter:

(1) "Board" means the Center for Performance Information for Public Education Board.

(2) "Center" means the Center for Performance Information for Public Education.

Sec. 9.002. CENTER FOR PERFORMANCE INFORMATION FOR PUBLIC EDUCATION. (a) The Center for Performance Information for Public Education is created as an independent policy center.

(b) The center shall represent business, finance, public policy, education, and other interests considered appropriate by the

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle B, Title 2, Education Code, is amended by adding Chapter 9 to read as follows:

CHAPTER 9. CENTER FOR EDUCATION PERFORMANCE AND LEARNING

Sec. 9.001. DEFINITIONS. In this chapter:

(1) "Board" means the Center for Education Performance and Learning Board.

(2) "Center" means the Center for Education Performance and Learning.

Sec. 9.002. CENTER FOR EDUCATION PERFORMANCE AND LEARNING. (a) The Center for Education Performance and Learning is created as an independent policy center.

(b) The center shall represent business, finance, public policy, education, and other interests considered appropriate by the

center.

(c) In performing the duties provided by this chapter, the center shall:

(1) work directly with the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature; and

(2) work with the agency and other state agencies, regional education service centers, school districts, and open-enrollment charter schools.

Sec. 9.003. CENTER DUTIES.

No equivalent provision.

Sec. 9.004. BOARD. (a) The Center for Performance Information for Public Education Board is created as the primary policy-making body of the center.

(b) The board is composed of three members. The governor, lieutenant governor, and speaker of the house of representatives shall each appoint one member.

The board members appointed under this section must include individuals in the private sector who have an interest in improving performance in public education

center.

(c) In performing the duties provided by this chapter, the center shall:

(1) work directly with:

(A) the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature; and

(B) members of the State Board of Education; and

(2) work with the agency and other state agencies, regional education service centers, school districts, and open-enrollment charter schools.

Sec. 9.003. CENTER DUTIES.

Sec. 9.004. CENTER LOCATION. The center shall be located at an institution of higher education or a private or independent institution of higher education, as those terms are defined under Section 61.003, selected as provided by Section 9.006(b).

Sec. 9.005. BOARD. (a) The Center for Education Performance and Learning Board is created as the primary policy-making body of the center.

(b) The board is composed of seven members. Members of the board shall be appointed as follows:

(1) one member appointed by the governor;

(2) one additional member appointed by the governor from a list of nominees submitted by the speaker of the house of representatives;

(3) one member appointed by the lieutenant governor;

(4) one member appointed by the commissioner;

(5) one member appointed by the chair of the Texas Higher Education Coordinating Board;

(6) one member appointed by the chair of the State Board of Education; and

(7) one member appointed by the chair of the Texas Workforce Commission.

(c) In making an appointment under Subsection (b)(2), the governor may reject one or more nominees on a list submitted by the speaker of the house of representatives and request a new list of different nominees.

(d) The board members appointed under this section must include individuals in the private sector who have an interest in improving performance in public education

and significant experience in organizational management, finance, or business. A board member may not:

(1) be a member of the board of trustees or an employee of a school district or a member of the governing body or an employee of or a charter holder of a charter for an open-enrollment charter school; or

(2) have a financial relationship with a vendor or contractor who provides goods or services to any part of the public education system of this state.

(c) Board members serve four-year terms.

(d) Board members shall annually elect one member as the presiding officer.

(e) A board member may not receive a salary for services as a board member but shall be reimbursed for expenses incurred in attending board meetings.

Sec. 9.005. BOARD DUTIES. (a) The board shall study the elements of an effective and efficient system of public free schools and make recommendations to:

(1) improve the performance of the public education system to meet the demands of the current century;

(2) improve the state's ability to compete educationally and economically with other states and countries; and

(3) provide the public with information on public education performance.

and significant experience in organizational management, finance, or business. A board member may not:

(1) be a member of the board of trustees or an employee of a school district or a member of the governing body or an employee of or a charter holder of a charter for an open-enrollment charter school; or

(2) have a financial relationship with a vendor or contractor who provides goods or services to any part of the public education system of this state.

(e) Board members serve two-year terms.

(f) Board members shall annually elect one member as the presiding officer.

(g) A board member may not receive a salary for services as a board member but shall be reimbursed for expenses incurred in attending board meetings.

Sec. 9.006. BOARD DUTIES. (a) The board shall study the elements of an effective and efficient system of public free schools and make recommendations to:

(1) improve the performance of the public education system to meet the demands of the current century;

(2) improve the state's ability to compete educationally and economically with other states and countries; and

(3) provide the public, including persons involved in policymaking, with information on public education performance.

(b) The board shall select the location for the center through a request for proposal process. The institution of higher education or private or independent institution of higher education, as those terms are defined under Section 61.003, selected shall serve a term of four years or until its successor is selected. For the initial center location contract and not later than the 60th day before the date each current center location contract expires, the board shall issue a notice stating the time and place in which proposals will be received for selecting a location for the center. The notice must include a uniform proposal blank in the form prescribed by the board. The board may add to the uniform proposal blank other terms that do not unfairly restrict competition of institutions of higher education. The board shall state the selection criteria in the request for proposals and shall select the proposal that offers the

(b) The board shall provide a report of the board's study and recommendations under Subsection (a) to:

(1) the Legislative Budget Board at least once each year; and

(2) the governor, lieutenant governor, speaker of the house of representatives, legislature, commissioner, and State Board of Education before the convening of each regular legislative session.

Sec. 9.006. SUPPORT FOR PERFORMANCE OF DUTIES. (a) State agencies, regional education service centers, school districts, and open-enrollment charter schools shall fully cooperate with and assist the center at the board's request.

(b) Data and information necessary to perform the center's duties under this chapter shall be provided at the board's request in a timely manner and at minimal cost. The board and center shall require confidentiality and other security measures for student data and information consistent with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

Sec. 9.007. FUNDING.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

best value to the center based on the evaluation and ranking of each submitted proposal in relation to the stated selection criteria.

(c) The board shall provide a report of the board's study and recommendations under Subsection (a) to:

(1) the Legislative Budget Board at least once each year; and

(2) the governor, lieutenant governor, speaker of the house of representatives, legislature, commissioner, and State Board of Education before the convening of each regular legislative session.

Sec. 9.007. SUPPORT FOR PERFORMANCE OF DUTIES. (a) State agencies, including the Texas Higher Education Coordinating Board and the Texas Workforce Commission, and regional education service centers, school districts, and open-enrollment charter schools shall fully cooperate with and assist the center at the board's request.

(b) Data and information necessary to perform the center's duties under this chapter shall be provided at the board's request in a timely manner and at minimal cost. The board and center shall require confidentiality and other security measures for student data and information consistent with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

Sec. 9.008. FUNDING.

SECTION 2. Same as introduced version.