

By: Bohac

H.B. No. 870

A BILL TO BE ENTITLED

AN ACT

relating to the study of public education performance.

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

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:

(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

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

4           Sec. 9.003. CENTER DUTIES. (a) The center shall promote  
5 the use of successful methods to increase performance at the school  
6 district and campus levels.

7           (b) The center shall evaluate and rank the performance of  
8 each school district, campus, and open-enrollment charter school  
9 and provide a progress report and recommendations each year to:

10           (1) the governor, lieutenant governor, speaker of the  
11 house of representatives, Legislative Budget Board, commissioner,  
12 and State Board of Education; and

13           (2) districts, campuses, and open-enrollment charter  
14 schools.

15           (c) The center may assist the legislature with policy  
16 studies related to the center's duties. The center may participate  
17 in collaborative studies with a foundation or organization inside  
18 or outside this state related to the center's duties.

19           (d) The center shall seek information, data, and best  
20 practices from state, regional, and national sources to use in  
21 performing the center's duties provided by this chapter.

22           (e) The center may contract with independent experts,  
23 academic scholars, and other appropriate professionals in  
24 performing the center's duties provided by this chapter.

25           Sec. 9.004. CENTER LOCATION. The center shall be located at  
26 an institution of higher education or a private or independent  
27 institution of higher education, as those terms are defined under

1 Section 61.003, selected as provided by Section 9.006(b).

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

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

7 (1) one member appointed by the governor;

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

11 (3) one member appointed by the lieutenant governor;

12 (4) one member appointed by the commissioner;

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

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

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

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

23 (d) The board members appointed under this section must  
24 include individuals in the private sector who have an interest in  
25 improving performance in public education and significant  
26 experience in organizational management, finance, or business. A  
27 board member may not:

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

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

8           (e) Board members serve two-year terms.

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

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

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

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

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

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

23           (b) The board shall select the location for the center  
24 through a request for proposal process. The institution of higher  
25 education or private or independent institution of higher  
26 education, as those terms are defined under Section 61.003,  
27 selected shall serve a term of four years or until its successor is

1 selected. For the initial center location contract and not later  
2 than the 60th day before the date each current center location  
3 contract expires, the board shall issue a notice stating the time  
4 and place in which proposals will be received for selecting a  
5 location for the center. The notice must include a uniform  
6 proposal blank in the form prescribed by the board. The board may  
7 add to the uniform proposal blank other terms that do not unfairly  
8 restrict competition of institutions of higher education. The  
9 board shall state the selection criteria in the request for  
10 proposals and shall select the proposal that offers the best value  
11 to the center based on the evaluation and ranking of each submitted  
12 proposal in relation to the stated selection criteria.

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

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

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

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

27 (b) Data and information necessary to perform the center's

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

6 Sec. 9.008. FUNDING. The center may be funded by donations,  
7 grants, and legislative appropriations.

8 SECTION 2. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2017.