SECTION 14. Subchapter C, Chapter 119, Finance Code, is amended by adding Section 119.202 to read as follows:

Sec. 119.202. CRIMINAL SLANDER OR LIBEL. (a) A person commits an offense if the person:

(1) knowingly makes, utters, circulates, or transmits to another person a statement that is untrue and derogatory to the financial condition of a savings bank; or

(2) with intent to injure a savings bank counsels, aids, procures, or induces another person to originate, make, utter, transmit, or circulate a statement or rumor that is untrue and derogatory to the financial condition of the savings bank.

(b) An offense under Subsection (a) is a state jail felony.

SECTION 15. The following provisions of the Finance Code are repealed:

(1) Section 62.103;

(2) Section 92.202;

(3) Subchapter E, Chapter 94;

(4) Subsection (d), Section 96.051; and

(5) Subsection (a), Section 96.053.

SECTION 16. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 17. This Act takes effect September 1, 2013.

Passed the Senate on April 4, 2013: Yeas 31, Nays 0; passed the House on May 14, 2013: Yeas 140, Nays 3, two present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 465

H.B. No. 2103

AN ACT
relating to education research centers and the sharing of educational data between state agencies; redesignating certain fees as charges.

Be it enacted by the Legislature of the State of Texas:

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

Sec. 1.005. EDUCATION RESEARCH CENTERS(CHARING STUDENT INFORM-
ATION).

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

(1-a) “Cooperating agencies” means the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Workforce Commission.

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

(b) The commissioner of education and the coordinating board shall establish not more than three centers for education research to conduct studies or evaluations using the data described by this section [Subsections (e) and (f)].

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(c) A center must [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 a consortium of those institutions. The coordinating board shall solicit requests for proposals from appropriate institutions to establish centers under this section and shall select one or more institutions to establish each center based on criteria adopted by the coordinating board.

(d) A center must [may] be operated under an agreement [*memorandum of understanding*] between [the commissioner of education,] the coordinating board[,] and the governing board of each [an educational] institution described by Subsection (c) operating or participating in the operation of the center [1693]. The agreement [*memorandum of understanding*] must provide for the operation of the center, so long as the center meets contractual and legal requirements for operation, for a 10-year period [require the commissioner of education, or a person designated by the commissioner, and the coordinating board, or a person designated by the coordinating board, to provide direct, joint supervision of the center] under this section.

(e) A center shall conduct education and workforce preparation studies or evaluations [research] for the benefit of [education in] this state, including studies or evaluations [research] relating to:

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

(2) the performance of educator preparation programs;

(3) public school finance; and

(4) the best practices of school districts with regard to classroom instruction, bilingual education programs, special language programs, and business practices.

(f) Any cooperating agency [*The commissioner of education and the coordinating board:*]

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

(2) not later than the 60th day before the date a research project required to be conducted under this section is scheduled to begin, shall notify the governor, the Legislative Budget Board, and the governing body of the educational institution in which the center is established that the research project is required; and

(3) shall provide sufficient funds to finance the study or evaluation [project].

(g) A [In conducting research under this section, a] center:

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

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

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

(1) may use student and educator data, including data that is confidential if permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), that the center has collected from a cooperating agency or any other agency, a public or private institution of higher education, a school district, a provider of services to a school district or public or private institution of higher education, or an entity explicitly named in an approved research project of the center;
(2) shall comply with state and federal law governing the confidentiality of student information and shall provide for the review of all study and evaluation results to ensure compliance with those laws and any rules adopted or regulatory guidance issued under those laws;

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

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

(h) The cooperating agencies and the educational institution or institutions operating a center [commissioner of education and the coordinating board] may:

[(4)] accept gifts and grants to be used for the purposes of this section. The educational institution or institutions [in] operating a center may [one or more centers, and]

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

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

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

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

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

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

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

Sec. 1.006. EDUCATION RESEARCH CENTER ADVISORY BOARD. (a) The commissioner of higher education shall create, chair, and maintain an advisory board for the
purpose of reviewing study or evaluation proposals and ensuring appropriate data use under Section 1.005, including compliance with applicable state and federal laws governing use of and access to the data.

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

(c) The membership of the advisory board must include:
   (1) a representative of the Texas Higher Education Coordinating Board, designated by the commissioner of higher education;
   (2) a representative of the Texas Education Agency, designated by the commissioner of education;
   (3) a representative of the Texas Workforce Commission, designated by the commission;
   (4) the director of each education research center or the director’s designee; and
   (5) a representative of preschool, elementary, or secondary education.

(d) Each study or evaluation conducted at a center under Section 1.005 must be approved in advance by majority vote of the advisory board. A center may submit to the advisory board a proposal developed by any qualified researcher, including a researcher from another educational institution, a graduate student, a P-16 Council representative, or another researcher proposing research to benefit education in this state. In determining whether to approve a proposed study or evaluation, the advisory board must:
   (1) consider the potential of the proposed research to benefit education in this state;
   (2) require each center director or designee to review and approve the proposed research design and methods to be used in the proposed study or evaluation; and
   (3) consider the extent to which the data required to complete the proposed study or evaluation is not readily available from other data sources.

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

(f) The advisory board may create committees and subcommittees that the advisory board determines are convenient or necessary.

SECTION 5. 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, 2013.

Passed by the House on April 25, 2013: Yeas 130, Nays 1, 1 present, not voting; passed by the Senate on May 15, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 466

S.B. No. 1010

AN ACT
relating to access to certain facilities by search and rescue dogs and their handlers; providing a criminal penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 785 to read as follows:

CHAPTER 785. SEARCH AND RESCUE DOGS

Sec. 785.001. DEFINITIONS. In this chapter:

(1) "Handler" means a person who handles a search and rescue dog and who is certified by the National Association for Search and Rescue or another state or nationally recognized search and rescue agency.