Senate Research Center   H.B. 2238
                                                                          By: Eissler et al. (Shapiro)
                                                                                            Education
                                                                                           5/14/2007
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Public Information Management System (PEIMS) is over 20 years old. In order to efficiently collect and disseminate data the state must strategically place PEIMS with a data system that will meet the needs of the 21st Century education system. There have been several major changes in public education since the inception of PEIMS such as the accountability system, TAKS, and the federal No Child Left Behind Act.

H.B. 2238 establishes a process to replace PEIMS with the Texas Education Data System (TEDS) by September 1, 2011. TEDS will include public education, higher education, and educator certification data. By condensing data from all levels of education into one system, it becomes easier to observe the P-16 educational pipeline in Texas. In moving the mainframe system of PEIMS to the TEDS system, data will be collected and exchanged in a more efficient matter.

A nine-member board co-chaired by the commissioner of education and the commissioner of higher education will oversee the development and implementation of the TEDS system. By restructuring the state's data collection process, the state will be able to better assess financial and academic accountability, and collect data with specific outcomes in mind. TEDS will also provide data that will allow districts and campuses to make more informed academic and fiscal decisions at the local level.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education and the Texas Higher Education Coordinating Board in SECTION 1 (Section 2.151, Education Code).

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 29.066, Education Code) and SECTION 3 (Section 37.023, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 1, Education Code, by adding Chapter 2, as follows:

CHAPTER 2. TEXAS EDUCATION DATA SYSTEM (TEDS)

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2.001. DEFINITIONS. Defines "board," "charter school," "education agency," "educational institution," "educator," "institution of higher education," "system," and "university system."

Sec. 2.002. PURPOSE. Sets forth the purpose of the Texas Education Data System (TEDS).

Sec. 2.003. PARTICIPATION REQUIRED. Requires each educational institution and education agency to take certain actions regarding TEDS.

Sec. 2.0031. IMPLEMENTATION. (a) Requires the commissioners of education and higher education and each educational institution and education agency to take certain actions not later than September 1, 2011.

(b)   Authorizes the commissioner of education and the commissioner of higher education to implement TEDS on a pilot basis in one or more educational institutions before fully implementing the system as required by this section.

(c) Provides that this section expires December 1, 2011.

Sec. 2.004. REFERENCE TO PUBLIC EDUCATION INFORMATION MANAGEMENT SYSTEM (PEIMS). Provides that, on or after September 1, 2011, a reference in law to the Public Education Information Management System (PEIMS) means TEDS.

[Reserves Sections 2.005-2.050 for expansion.]

SUBCHAPTER B. SYSTEM BOARD

Sec. 2.051. ESTABLISHMENT OF BOARD.   Requires the commissioner of education and the commissioner of higher education to establish a board to design, develop, oversee, and monitor the implementation of TEDS and perform other functions authorized under this chapter.

Sec. 2.052. MEMBERSHIP OF BOARD. (a) Provides that the board is composed of 15 members, including the commissioner of education and the commissioner of higher education.   Requires the commissioner of education and the commissioner of higher education to co-chair the board.

(b) Requires the commissioner of education to appoint seven members of the board.   Requires three of the members appointed by the commissioner of education to have extensive experience in the field of public education data systems or as researchers.   Requires two of the members appointed by the commissioner of education to have extensive experience in the field of public education curriculum and assessment. Requires two of the members appointed by the commissioner of education to be selected from a list of candidates prepared by the lieutenant governor for appointment to the board.

(c) Requires the commissioner of higher education to appoint six members of the board. Requires four of the members appointed by the commissioner of higher education to have extensive experience in the field of higher education data systems or as researchers.   Requires two of the members appointed by the commissioner of higher education to be selected from a list of candidates prepared by the speaker of the house of representatives for appointment to the board.

Sec. 2.053. TERMS. Provides that members of the board, other than the commissioner of education and commissioner of higher education, serve four-year terms expiring February 1, 2011, and February 1 of every fourth year thereafter, and are eligible for reappointment.

Sec. 2.054. REIMBURSEMENT FOR EXPENSES.   Provides that a member of the board is not entitled to compensation for the member's service on the board, but is entitled to reimbursement for actual and reasonable expenses incurred while on board business as provided by the General Appropriations Act.

[Reserves Sections 2.055-2.100 for expansion.]

SUBCHAPTER C. SYSTEM COMPONENTS

Sec. 2.101. ESTABLISHMENT OF SYSTEM.   (a)   Requires the commissioner of education and commissioner of higher education, with the assistance of the board, to establish, implement, and administer TEDS in the manner provided by this chapter.

(b) Requires TEDS to be an efficient, cost-effective electronic system for storage of public and higher education data that consolidates systems and data previously managed separately by the Texas Education Agency (TEA), the Texas Higher Education Coordinating Board (THECB), and the State Board for Educator Certification (SBEC).

(c) Requires the commissioner of education and the commissioner of higher education to take certain actions in implementing the system.

(d) Requires the board to ensure that TEDS is designed in a certain manner.

Sec. 2.102. SYSTEM TECHNOLOGIES. Requires the board to ensure that TEDS includes certain technologies in its development.

Sec. 2.103. SYSTEM DATA ELEMENTS. (a) Requires the board to identify the data elements required for inclusion in the system. Requires the data elements to include certain information.

(b) Requires the board, in specifying the data elements that are required to be included in TEDS, to consider the cost to educational institutions of collecting and reporting the required information.

(c) Requires the board to coordinate with the Texas State Data Center to include relevant data elements concerning community demographic characteristics in TEDS.

(d) Requires the board to ensure that TEDS includes flexible data fields so that TEDS can be used in the evaluation of programs at educational institutions.

(e) Prohibits any personally identifiable information collected under this section from being public information subject to disclosure under Chapter 552 (Public Information), Government Code.

Sec. 2.104. ANALYTICAL TOOLS. (a) Requires the board to incorporate into TEDS analytical tools for improving the quality of data collection, management, analyses, and dissemination.

(b) Requires the analytical tools, where applicable, to be designed to provide information that can be used directly and efficiently by educators so as to limit the need for locally designed data management systems.

(c) Requires the analytical tools incorporated into TEDS under this section to include certain measures and tools.

Sec. 2.105. MEASURES OF IMPROVEMENT IN STUDENT ACHIEVEMENT. (a) Requires the board to contract with one or more organizations with well-established peer-review processes to accomplish certain objectives.

(b) Requires the board to select a methodology and incorporate into TEDS a capability for generating reports for school districts and charter schools concerning annual improvement in student achievement at the student, classroom, campus, and district level. Requires the methodology selected by the board to include advanced statistical methods that can fairly and accurately adjust for factors beyond the control of an educational institution or educator, including student demographics and community characteristics.

Sec. 2.106. COMPARATIVE ACADEMIC AND FISCAL MEASURES OF SUCCESS. (a) Requires the board to select a methodology and incorporate into TEDS a capability for generating reports that compare the spending and performance of educational institutions over time and as compared with other educational institutions.

(b) Requires the methodology selected by the board to include advanced statistical methods that can adjust for factors beyond the control of an educational institution, including student demographics and community characteristics.

Sec. 2.107. DROPOUT PREVENTION AND INTERVENTION. (a) Requires the board to contract with one or more centers for education research, as established under Section 1.005, to develop recommendations for establishing indicators for identifying students who are likely to drop out of school.

(b) Requires the board to select a methodology and incorporate into TEDS a reporting method that aids in the early detection and intervention of students who are likely to drop out of school.

Sec. 2.108. INFORMATION CONCERNING INSTRUCTIONAL METHODS PROHIBITED. Prohibits TEDS from containing any information concerning instructional methods, except as required by federal law.

[Reserves Sections 2.109-2.150 for expansion.]

SUBCHAPTER D. ADMINISTRATION AND MANAGEMENT OF SYSTEM

Sec. 2.151. RULES. (a) Authorizes the commissioner of education and THECB to jointly adopt rules necessary to support the implementation of criteria, strategies, and policies adopted by the board.

(b) Requires the commissioner of education and THECB, where applicable, to coordinate with SBEC in adopting the rules.

(c) Requires the board to carry out its duties in accordance with Chapter 551 (Open Meetings), Government Code.

Sec. 2.152. COST-EFFECTIVE MANAGEMENT OF SYSTEM. (a) Requires the board to identify the most cost-effective approach to establishing and maintaining TEDS, including in establishing and selecting certain interfaces and analytical tools.

(b) Sets forth certain requirements and authorizations applicable to the board for achieving the objectives described by this section.

(c) Authorizes the board to enter into a contract with one or more persons with relevant expertise to take certain actions regarding proposals.

Sec. 2.153. ADVISORY GROUPS. Requires the board to establish stakeholder advisory groups for the purpose of providing the board with additional information and expertise concerning the structures and functions of TEDS, including TEDS's data elements and interface design.

Sec. 2.154. ASSISTANCE OF DEPARTMENT OF INFORMATION RESOURCES. Requires the Department of Information Resources (DIR) to assist the commissioner of education, the commissioner of higher education, and the board in the design, coordination, implementation, and management of projects related to TEDS.

Sec. 2.155. PROCESS FOR RELEASING INFORMATION. Requires the commissioner of education and commissioner of higher education to develop and implement a process for releasing information for research purposes in a manner consistent with state and federal law, including the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g).

Sec. 2.156. GRANTS; FEDERAL FUNDS. Provides that, for the purpose of developing, maintaining, and enhancing TEDS, the commissioner of education and the commissioner of higher education are authorized to solicit and receive grants and are required, where applicable, to apply for and use relevant federal funds.

[Reserves Sections 2.157-2.200 for expansion.]

SUBCHAPTER E. REVIEWS AND REPORTS CONCERNING SYSTEM

Sec. 2.201. PUBLICATION OF ANNUAL REPORT. Requires the board to annually publish a report concerning TEDS. Sets forth the required content of the report.

Sec. 2.202. REVIEW; RECOMMENDATIONS TO LEGISLATURE. (a) Requires the board to review rules, criteria, strategies, and policies relating to TEDS and make recommendations to the commissioner of education and the commissioner of higher education concerning the repeal or amendment of rules or reporting requirements that are unnecessary.

(b) Requires the board, not later than December 1 of each even-numbered year, to provide each member of the legislature with a report concerning recommendations for improving the efficiency and effectiveness of TEDS.

(c) Requires the board, not later than September 1, 2012, to complete the first review required by Subsection (a). Requires the board, not later than December 1, 2012, to provide the first report to each member of the legislature as required by Subsection (b). Provides that this subsection expires January 1, 2013.

SECTION 2. Amends Subchapter B, Chapter 29, Education Code, by adding Section 29.066, as follows:

Sec. 29.066. PEIMS REPORTING REQUIREMENTS. (a) Requires a school district that is required to offer bilingual education or special language programs to include certain information in the district's PEIMS report.

(b) Requires the commissioner of education (commissioner), for purposes of this section, to adopt rules to classify programs under this section in a certain manner.

(c) Requires the program to be classified under the PEIMS report as: no bilingual education or special language services provided, if the school district has received a waiver and is not required to offer a bilingual education or special language program in a student's native language or if the student's parents have refused to approve the student's entry into a program as provided by Section 29.056.

SECTION 3. Amends Subchapter A, Chapter 37, Education Code, by adding Section 37.023, as follows:

Sec. 37.023. REPORT RELATING TO CERTAIN OFFENSES COMMITTED BY CERTAIN STUDENTS. (a) Requires each school district, in the manner required by the commissioner, to annually report to the commissioner information relating to an offense that does not involve the use of a weapon in a certain manner.

(b) Provides that conduct that is required to be reported under Subsection (a) includes only conduct that satisfies certain conditions.

(c) Requires the report required under Subsection (a) to include certain information.

(d) Authorizes the commissioner to adopt rules necessary to implement this section.

SECTION 4. Amends Section 39.027(e), Education Code, to require the information to be provided in a manner that is disaggregated by the bilingual education or special language program, if any, in which the student is enrolled.

SECTION 5. Amends Section 39.051, Education Code, by adding Section (b-1), as follows:

(b-1) Requires performance on the indicators described by Subsections (b)(1), (2), (3), (8), (9), and (14) to be based on longitudinal student data that is disaggregated by the bilingual education or special language program, if any, in which students of limited English proficiency, as defined by Section 29.052, are or former students of limited English proficiency were enrolled. Requires the number and percentage of those students to be provided if a student described by this subsection is not or was not enrolled in specialized language instruction.

SECTION 6. Amends Section 39.182, Education Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Requires the Texas Education Agency (TEA), not later than December 1 of each year, to prepare and deliver to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, the Legislative Budget Board, and the clerks of the standing committees of the senate and house of representatives with primary jurisdiction over the public school system a comprehensive report covering the preceding school year and containing a summary compilation of overall student performance under the assessment system developed to evaluate the longitudinal academic progress as required by Section 39.027(e), disaggregated by bilingual education or special language instructional model, if any. Makes a conforming change.

(b) Deletes existing text making this subsection applicable to a student enrolled in a bilingual education or special language program under Subchapter B (Bilingual Education and Special Language Programs), Chapter 29.

(b-1) Requires TEA, in reporting the information required by Subsections (a)(3), (5), and (7), to separately aggregate the longitudinal performance data of all students identified as students of limited English proficiency, as defined by Section 29.052, or former students of limited English proficiency, disaggregated by bilingual education or special language program instructional model, if any, in which the students are or were enrolled.

SECTION 7. Amends Section 42.006(c), Education Code, to make a conforming change.

SECTION 8. Makes application of Section 29.066, Education Code, as added by this Act, and Sections 39.027, 39.051, 39.182, and 42.006, Education Code, as amended by this Act, prospective to the 2008-2009 school year.

SECTION 9. Makes application of Section 37.023, Education Code, as added by this Act, prospective to the 2007-2008 school year.

SECTION 10. Repealer, effective September 1, 2011: Section 42.006 (Public Education Information Management System (PEIMS)), Education Code.

SECTION 11. Requires the lieutenant governor, as soon as practicable after the effective date of this Act, to provide the commissioner of education with a list of candidates for appointment to the TEDS board, as required by Section 2.052, Education Code, as added by this Act; the speaker of the house of representatives to provide the commissioner of higher education with a list of candidates for appointment to the TEDS board, as required by Section 2.052, Education Code, as added by this Act; and the commissioner of education and the commissioner of higher education to appoint members to the TEDS board.

SECTION 12. Effective date: September 1, 2007.