

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2238
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Education
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Committee Report (Substituted)

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 replace 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.

C.S.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 chaired by the commissioner of education will oversee the development and design 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 commissioner of higher education in SECTION 1 (Section 2.101, Education Code) of this bill.

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).

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 TEDS as required by this section.

(c) Requires the TEDS board (board) to adopt an implementation and transition timeline for TEDS.

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

Sec. 2.0032. ENHANCEMENT OF PUBLIC EDUCATION INFORMATION MANAGEMENT SYSTEM (PEIMS). (a) Requires the commissioner of education to upgrade and enhance the Public Education Information System (PEIMS) to the extent necessary to enable an efficient transition to TEDS established under this chapter. Requires any project implemented under this section to upgrade and enhance PEIMS to meet certain requirements.

(b) Authorizes the commissioner of education to use funds appropriated for the fiscal biennium ending August 31, 2009, and federal funds, to the extent authorized under federal law, to implement projects under this section. Authorizes the commissioner of education to accept gifts, grants, and donations for the purpose of implementing projects under this section.

(c) Requires the commissioner of education, not later than December 1, 2008, to prepare and deliver to each member of the legislature a report concerning the progress of any project implemented under this section.

(d) Provides that this section expires August 31, 2009.

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 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 13 members, including the commissioner of education and the commissioner of higher education. Requires the commissioner of education to chair the board.

(b) Requires the commissioner of education to appoint six members of the board. Requires two 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. Requires at least two of the members appointed by the commissioner of education to be employed by a school district at the time of appointment. 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 five members of the board. Requires two 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 one of the members appointed by the commissioner of higher education to have expertise in complex business transaction software, but prohibits that member from being affiliated with an

entity that contracts with any education agency or educational institution to provide services. Requires at least two of the members appointed by the commissioner of higher education to be employed by an institution of higher education at the time of appointment. 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 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 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 board, in designing TEDS, to take certain actions in implementing TEDS.

(d) Requires the commissioner of education and commissioner of higher education to implement TEDS in a manner consistent with the design adopted by the board under Subsection (c).

(e) Requires the commissioner of education and commissioner of higher education to acquire access to a database that includes college enrollment and graduation information concerning students who attended public high schools and charter schools in this state and make the information from that database available through TEDS. Requires the commissioner of education and commissioner of higher education, to the extent authorized under state and federal law, to adopt rules to ensure that educational institutions, education agencies, community leaders, and member of the legislature have access to the information from the database. Requires the rules to ensure that access to student educational records is limited to aggregate data that does not disclose personally identifiable information about an individual student or the student's family, except as specifically authorized by federal law.

Sec. 2.102. SYSTEM TECHNOLOGIES. Requires the commissioner of education and commissioner of higher education, to ensure that TEDS includes certain technologies and tools in its development, in developing TEDS.

Sec. 2.103. SYSTEM DATA ELEMENTS. (a) Requires the commissioner of education and commissioner of higher education, acting on recommendation of the board, to identify the data elements required for inclusion in TEDS. Authorizes the data elements to include certain information.

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

(c) Requires the commissioner of education and commissioner of higher education to ensure that TEDS includes flexible data fields so that TEDS can be used in the evaluation of programs at educational institutions.

(d) Requires any personally identifiable information collected under this section to not be public information subject to disclosure under Chapter 552 (Public Information), Government Code. Requires the commissioner of education and commissioner of higher education to adopt procedures for complying with requests for information under Chapter 552, Government Code, that allow for recovery of all costs associated with providing information from TEDS.

Sec. 2.104. ANALYTICAL TOOLS. (a) Requires the commissioner of education and commissioner of higher education 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. COMPARATIVE ACADEMIC AND FISCAL MEASURES OF SUCCESS.

(a) Requires the commissioner of education and commissioner of higher education 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 commissioner of education and commissioner of higher education to include advanced statistical methods that can adjust for factors beyond the control of an educational institution, including student demographics and community characteristics.

Sec. 2.106. DROPOUT PREVENTION AND INTERVENTION. (a) Requires the commissioner of education and commissioner of higher education 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 commissioner of education to select a methodology and recommend that school districts implement a reporting method that aids in the early detection and intervention of students who are likely to drop out of school.

Sec. 2.107. MEASURES OF IMPROVEMENT IN STUDENT ACHIEVEMENT. (a) Requires the commissioner of education and commissioner of higher education to contract with one or more organizations with well-established peer-review processes to accomplish certain objectives.

(b) Requires the results of the study conducted under Subsection (a)(2) to be based on empirical evidence and published in scientific journals using independent peer review. Requires the validity of a measure of improvement in individual student achievement on assessment instruments to be established before the measure may be a required component of an educator's evaluation or appraisal. Requires an entity that develops an assessment instrument that is used as a basis for an educator's evaluation or appraisal as provided by this section, as

well as an impartial psychometrician, to certify that the assessment instrument is validated and reliable for that purpose.

(c) Requires the commissioner of education and commissioner of higher education 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 or charter school levels. Requires the methodology selected by the commissioner of education and commissioner of higher education to include advanced statistical methods that are capable of fairly and accurately adjusting for factors beyond the control of an educational institution or educator, including student demographics and community characteristics.

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. Authorizes the commissioner of education and THECB to, where applicable, separately adopt rules necessary to support the implementation of criteria, strategies, and policies concerning TEDS and coordinate and adopt joint rules.

Sec. 2.152. COST-EFFECTIVE MANAGEMENT OF SYSTEM. (a) Requires the commissioner of education and commissioner of higher education 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 commissioner of education and commissioner of higher education for achieving the objectives described by this section.

(c) Authorizes the commissioner of education and commissioner of higher education to enter into a contract with one or more persons with relevant expertise to take certain actions regarding proposals.

Sec. 2.153. ASSISTANCE OF DEPARTMENT OF INFORMATION RESOURCES. Requires the commissioner of education and commissioner of higher education to separately or jointly, as applicable, seek the assistance of the Department of Information Resources in the design, coordination, implementation, and management of projects related to TEDS.

Sec. 2.154. 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. 2.155. 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 2.156-2.200 for expansion.]

SUBCHAPTER E. REVIEWS AND REPORTS CONCERNING SYSTEM

Sec. 2.201. 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 commissioner of education and commissioner of higher education, with the assistance of 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 commissioner of education and commissioner of higher education, not later than September 1, 2008, to complete the first review required by Subsection (a). Requires the commissioner of education and commissioner of higher education, not later than December 1, 2008, to provide the first report to each member of the legislature as required by Subsection (b). Requires the reports to be provided to the legislature by December 1, 2008, and December 1, 2010, to include information concerning the status of the transition toward the implementation of TEDS in accordance with the timeline adopted by the board under Section 2.0031(c). Provides that this subsection expires January 1, 2011.

SECTION 2. Repealer, effective September 1, 2011: Section 42.006 (Public Education Information Management System (PEIMS)), Education Code.

SECTION 3. 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 4. Effective date: September 1, 2007, except as otherwise provided by this Act.