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by Anthony Jones
Policy Scholar

Erin Valdez
Policy Director
Next Generation Texas

Filling in the Gaps: Ensuring Workforce Data Transparency to Improve Training Pathways

Key Points

- Accurate longitudinal data linking career education and training programs to workforce outcomes are essential to align taxpayer-funded educational pathways with workforce needs.
- These outcomes data are lacking, but enhancements to UI wage reporting were proposed in HB 3767. Each proposed enhancement addresses a specific deficiency in current data reporting.
- Examples of successful voluntary UI enhancements in other states offer a possible route forward for Texas.
- Anonymized data are currently stored in designated facilities to safeguard privacy, but public access is severely limited.
- HB 3767 also included provisions that would have ensured greater data transparency and accountability measures, but these were removed in the amendment process.

Executive Summary

Texans expect their taxpayer dollars to address real needs across the state, and state-funded career training pathways are no exception. These pathways consist of educational institutions and training programs that exist to prepare students for jobs in a dynamic labor market. Since both the Texas economy and valuable taxpayer dollars hang in the balance, a system of accountability is needed that ensures state-funded training pathways effectively help students attain high-wage and high-demand jobs.

To a degree, this system currently exists in the form of employment data provided to the Texas Workforce Commission (TWC) through quarterly unemployment insurance (UI) wage records. These records are linked to each employee's educational background and reveal the extent to which past training is related to an individual's current job status. However, there are certain key data elements missing from the current records. If a record linkage is performed that attempts to identify whether a former workforce or education participant is employed in Texas, there is no way to know the participant's hourly wage, specific occupation, or county worksite.

Thus, certain modifications to the data recording process and a streamlined method of accessibility could facilitate better outcomes accountability. To better understand the workforce outcomes of educational and training programs, Texas could build on proposed legislation and imitate the example of Indiana by adding several voluntary reporting elements (termed "enhancements" in legislation and reports) to its UI wage record program. These additional data, which include each employee's total hours worked or full time/part time status, job title, and county employment worksite, would be stored at existing Education Research Centers in the state to secure maximum privacy and provide for de-identified analysis.

Enhancements akin to what this paper proposes have long been considered in the Lone Star State. A review of these considerations reiterates the importance of implementing UI wage record enhancements on a strictly voluntary basis, the value of regular efficiency audits of the TWC, and the need for robust employer education regarding the benefits of enhancements.

Students, employers, and taxpayers could all benefit from a greater alignment of publicly funded career training with labor market needs. This paper explains how implementing certain modifications to the data recording process could be a meaningful step toward that alignment by filling in the gaps.

continued

Introduction

Outcomes accountability is not a novel concept. In 2016, Gov. Abbott established the Tri-Agency Workforce Initiative in conjunction with widespread momentum for heightened career readiness across the state. Its mission is "to build a strong Texas workforce and ensure that Texans are prepared for jobs in the industries that power the state's economy today and tomorrow" (Tri-Agency Workforce Initiative, 2020, p. 2). In 2021, the 87th Texas Legislature passed HB 3767 (2021c), which established the permanency of the agency. The bill states that, principally, the agency exists to "align career education and training programs to workforce demands" (p. 2).

This alignment relies upon accurate longitudinal data that conveys the long-term trajectories of Texans who complete taxpayer-funded educational and training programs. Once these data are collected, they can be linked, organized, and anonymized for the purpose of aggregate analysis. However, existing links between career preparation and employment outcomes are limited and could be improved.

Currently, each taxed employer in Texas is required to report the "total amount of wages paid for employment" to each employee every quarter in UI wage records filed through the TWC, per Chapter 815.107(d)(2) of the Texas Administrative Code. Because each employer is assigned an industry code (NAICS), a comprehensive wage record also includes an industry designation. Thus, if a record linkage is performed that attempts to identify whether a former workforce or education participant is employed in Texas, any "match" shows (a) that the employee was found working at a Texas company, (b) the total wages paid to that employee, and (c) the industry in which the employee was found working.

Though these data help ascertain general employment outcomes, information gaps significantly limit their usefulness. For instance, the average wage paid to each employee, as well as each employee's particular job within a given industry, is not communicated. Neither do the data indicate where each employee works within the state. If these gaps are remedied with more specific data, students could better identify labor-market demands and choose training programs that fit their personal wage aspirations.

Addressing Limitations

The lack of sufficient outcomes data was partially addressed in HB 3767 (2021a) as introduced by Rep. Murphy during the regular session of the 87th Legislature, which was accompanied by a companion bill in the form of SB 1622 (2021) introduced by Sen. Bettencourt. In an effort to make more specific employment information available for analysis, the introduced version of HB 3767 (2021a) required the TWC to "request that each employer provide to the commission as part of the employer's routine wage filings" for each employee: "(1) the standard six-digit occupational classification code; (2) the employee's status as full time or part time or the hours worked for the job; (3) the start date of the employee's current role; (4) remote work status; (5) job title; and (6) end date for an internal role change" (Sec. 204.0025). The bill also required that the TWC publicly report on employer participation under the updated reporting rules as well as provide "a cost-benefit analysis on the data to the workforce planning process in the state." Although employer participation was not explicitly described as voluntary in the bill, future attempts to introduce new data elements to UI wage filings should be strictly limited to voluntary reporting efforts without any legal repercussions for employers who choose not to report the newly requested data. The success of a voluntary approach to new data collection in Indiana, as described later in this paper, could serve as a helpful model for Texas.

These provisions were removed in the committee substitute version of HB 3767 (2021b) and replaced with a less descriptive commission which states, "The enhanced wage filings must include information related to occupation and other important employment information that would improve the state's labor market information" (Sec 204.0025). This sentence was ultimately included in the enrolled version of HB 3767 signed into law by Gov. Abbott (2021c, Sec. 204.0025). As a result, UI wage records were not updated with the additional reporting elements and remain in a state of insufficiency. Each new data element fills in a specific data gap which, once understood, can be addressed through additional reporting.

Full Time, Part Time, or Hours Worked, Start Date, and End Date

Knowledge of each employee's work status or hours worked could be useful in determining and comparing the average wage outcomes of students completing various taxpayer-funded educational programs. Since the current UI wage data only include the amount of total wages paid in a quarter with no regard to the number of hours worked, it is impossible to know a worker's hourly wage.

Enhancement (2) introduced in HB 3767 (2021a, Sec. 204.0025) could reduce this ambiguity regarding worker status by communicating whether the employee works full time or part time or the hours worked for the job. Even if the full-time or part-time status is not reported, a wage rate for each employee could be triangulated by dividing the total wages paid by the number of hours worked. This same metric could be applied in a time series in postreporting analysis to determine whether an individual was experiencing upward wage mobility over time, another piece of data that could help taxpayers and prospective students gauge the long-term outcomes of taxpayer-funded educational and training programs.

Furthermore, if a full-time employee is hired partway through the quarter, there is no way of distinguishing the abbreviated amount of time they have worked, leading to inaccurate or incomplete wage calculations. As a result, enhancement (3), which adds the start date of the employee's current role to wage record data, could help account for new hires in a dynamic work environment. Combined with work status data, this information could be particularly helpful in determining an employee's hourly wage absent information on hours worked. Enhancement (6), which adds the end date for an internal role change to UI records, could help further the same purpose by specifying occupational tenures and thus enabling more accurate wage calculations.

Job Title

Although employers are currently required to report the general industry within which an employee works (NAICS code), there is ambiguity surrounding the occupational status of workers since a job title is not included in the wage record information. Thus, if an auto mechanic program completer were found working in the retail industry at Walmart, one would not know whether they work as an auto mechanic or stock shelves. Without a method of distinguishing between positions, there is no reliable way to determine the actual workforce outcomes of training programs and the extent to which a placement is related to the person's education or training.

Amending the reporting requirements such that employers are given the opportunity to provide a federal Standard Occupational Classification (SOC) code could prove insufficient since the system includes only 867 job categories into which employees can be categorized (U.S. Bureau of Labor Statistics, 2021). These categories account for only a small portion of occupations that exist since new careers are created on a regular basis. If employers report custom job titles, auto-coding software would be able to approximate an SOC code based on the title and industry on record.

Therefore, enhancement (5) of HB 3767 (2021a, Sec. 204.0025), which adds an employee's job title to UI wage reports, could bring greater specificity to workforce outcomes data. If this enhancement is added as a voluntary reporting element and employers choose to volunteer this information, both taxpayer-funded educational institutions and prospective students could better understand which jobs are emerging in real-time and offer the most promising wages. They could then use this knowledge to better align their educational pathways with workforce needs.

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County Employment Worksite

Implementing the enhancements to UI wage records proposed in the introduced version of HB 3767 on a voluntary basis would be a step in the right direction, but one significant gap in information would still exist. The current UI wage record structure lacks any reference to the location where each employee works within the state of Texas. This makes it difficult to discern the regional economic benefit of a particular educational or training program. As a result, taxpayers are currently unaware of the effectiveness of publicly funded programs in preparing workers for industries with the highest projected growth rates near a training location. This information would also empower students to choose training programs best aligned with their own occupational goals relative to a particular geographical area. If a student hopes to work in Williamson County as a mechanical engineer, knowledge of which educational institutions successfully train mechanical engineers working in Williamson County could be helpful. With current UI wage record requirements, the only geographical detail available is that the program graduate works for a company located somewhere in Texas.

To remedy the situation, a county employment worksite designation could be added to UI wage records as another data element which could be voluntarily reported by employers. It is important that this element ask for the county where the employee performs the majority of their work rather than the county in which they were hired or where a company headquarters is located. Without this specification, accurate data would not exist for a worker hired at a main headquarters in Houston (from which a company might file its UI tax records) but working in a remote location.

Updating the state's wage processing software could be part of a greater effort to address inefficiencies within the TWC and ensure the responsible use of public funds.

Precedence of Successful UI Enhancements

The TWC UI data changes proposed in HB 3767 (2021a) are feasible and could result in increased reporting, as other states have recently demonstrated. In addition to the District of Columbia, the following states have implemented various UI wage record enhancements in recent years: Alaska, Louisiana, Indiana, Nebraska (Crowley, 2018). Each state has taken a slightly different approach and asks for different data, but one state merits particular attention.

In 2019, the Indiana Department of Workforce Development implemented a voluntary approach to enhanced UI reporting. Rather than require employers to report additional data, Indiana accepts all reporting where very minimal data is provided. The enhancements implemented by Indiana consist of a hire date, SOC code, part-time/full-time status, and the zip code where work services are primarily performed. In order to gain the support of employers for these enhancements, the Indiana Department of Workforce Development eliminated an additional reporting form, halved the non-filing penalty from $50 to $25, and allowed data to automatically carry over from one quarter to the next if still accurate. To avoid high costs of implementation, Indiana combined the reporting enhancements with a major overhaul of the reporting system and an e-filing mandate. An example of the success of Indiana's approach is demonstrated by the increase in SOC code reporting by employers from 19% in Q1 2019 to 40% in Q1 2020 (Indiana Department of Workforce Development, personal communication, July 27, 2020).

Texas could build on this example of success and add the UI enhancements proposed in the introduced version of HB 3767 but with a strictly voluntary reporting mechanism for employers. Similar to the approach taken in Indiana, policymakers in Texas could consider additional measures to help employers cooperate with these changes by removing red tape, reducing penalties, allowing data to carry over, or eliminating any redundant filing requests. To offset the costs of these changes for the TWC, the agency could make them coincide with an effort to modernize wage processing software, which may better align the internal capacity of data systems with 21st-century workforce needs.

TWC Efficiency Audit

Updating the state's wage processing software could be part of a greater effort to address inefficiencies within the TWC and ensure the responsible use of public funds. The first step is to thoroughly identify where inefficiencies currently exist, a task which some state and local governments accomplish by means of an efficiency audit. Whereas a traditional financial audit assesses the degree to which an agency's financial activities are accurately represented in its financial statements, an efficiency audit examines whether an entity's spending is consonant with its desired outcomes. As Andrew Brown (2020) from the Texas Public Policy Foundation explained, "The power of efficiency audits lies in their ability to improve agency operations by identifying opportunities to deliver services more effectively, to eliminate duplication of services, and to obtain cost savings through streamlined and innovative processes" (p. 3). After offering a detailed description of the goals of an efficiency audit, Brown further cited several examples of successful audits across the country that led to significant fiscal savings and reductions in wasteful operations. Far from limiting an agency's ability to serve the public, "the audit is geared toward generating the best possible outcomes from available resources and ensuring that taxpayers are receiving maximum value for their money" (p. 5).

If the TWC were to immediately undergo a third-party efficiency audit, the waste resulting from the maintenance of the current wage processing software could be objectively identified and weighed against the financial gain associated with updating the system. Moreover, such an audit could not only address problems with the wage processing software, but also help identify and address other areas of inefficiency within the agency. In the regular session of the 87th Legislature, a law was passed requiring efficiency audits of the Texas Department of Family and Protective Services to occur at regular intervals (HB 2374, 2021). This legislation could serve as a helpful basis for establishing an analogous auditing requirement of the TWC, thereby contributing to greater governmental transparency and ensuring the responsible use of taxpayer dollars.

Data Sources

In 2006, the 79th Legislature (3rd called session) created three Education Research Centers (ERCs) in Texas (Education Research Center, n.d.-a). These ERCs store and facilitate access to student-level, longitudinal data for research purposes. At the UT Dallas ERC alone, "over 1.5 billion data observations, dating back to 1990, are available"(Education Research Center, n.d.-b). According to the ERC at the University of Texas at Austin (Education Research Center, n.d.-a), the state data stored at the repository, known as a State Longitudinal Data System (SLDS), are sourced from three locations. First, all public education information from P-12 schools comes from the Texas Education Agency (TEA), which is compiled from data in annual Public Education Information Management System (PEIMS) reports. Additionally, the Texas Higher Education Coordinating Board (THECB) provides statistics on admissions, enrollment, and graduation from both public and private higher education institutions. Lastly, post-education information from the TWC "tracks employment information on people who were paid wages in the state of Texas" (Education Research Center, n.d.-c, "Data Description" section) through UI wage reports described above. These state data are assessed alongside national datasets provided by institutions such as the National Student Clearinghouse (NSC) and the National Center for Educational Statistics (NCES), allowing for comparative analysis.

Privacy Protections

Privacy concerns surround these raw data since they contain a multitude of personally identifiable information (PII), or "information that can be used to distinguish an individual directly or indirectly through linkages with other information" (Education Research Center, 2015, p. 11). To protect privacy rights while maintaining longitudinal value, "The data is de-identified. This means that the name, DOB, and SSN is removed and replaced with an alternate ID that is consistent through all the data and years of data" (Education Research Center, n.d.-d, FAQ #17). These measures comply with the Family Educational Rights and Privacy Act (FERPA), which provides federal rules that guide all data-sharing programs.

Improving Access to Data

Despite these privacy precautions, public access to the anonymized data stored at ERCs is severely restricted. The data are only available to researchers whose projects have been approved by the ERC Advisory Board, the governmental body that, according to Section 1.006, Texas Education Code, exists to review research proposals and ensure appropriate data use. Researchers are charged $10,000 per year for those within the UT system and $15,000 for those outside it (Education Research Center, 2021, p. 12). The ERC Advisory Board now allows remote access on a case-by-case basis to researchers (Education Research Center, n.d.-e). Those not approved for remote access must travel to Austin to conduct their research in person.

HB 3767 explicitly sought to increase transparency by making these anonymized data more accessible to the public. The introduced version of the bill stated that "the agency, coordinating board, and commission shall cooperatively establish a central Internet website for the initiative that contains publicly accessible career and workforce information." Among other elements, "the Internet website must include … (2) data on the outcomes of students who participate in career education and training programs, disaggregated to the extent practicable by income, race, ethnicity, and gender, including data for the first, fifth, and tenth years after completing the program" (2021a, Sec. 2308A.009). However, the subsequent Senate amendments altered the language in the enrolled version such that the words "shall" and "must" were both changed to "may" (2021d, 2308A.008, p. 7). This change effectively removed any assurance that an online database providing outcomes transparency would be created. Reinstating the original imperative language introduced in HB 3767 would guarantee that the additional data reported as a result of UI enhancements are made available to taxpayers.

Accountability

To help ensure public funds are being used to advance educational and training priorities that reflect labor market demand, the introduced version of HB 3767 (2021a) stated, "The agency, coordinating board, and commission jointly shall submit to the governor and the standing legislative committees with jurisdiction over state financial alignment efforts a biennial report on how federal and state funding for career education and training programs are being spent in accordance with the state workforce development goals" (2308A.015). However, the Senate amendments of HB 3767 (2021d) removed this measure, along with a group of provisions in the House version requiring another biennial report on employer participation in the enhanced wage filings (Sec. 204.0025). These reports could have contributed to greater accountability of public funds by allowing for a simpler evaluation of funding habits and a quantifiable measure of UI enhancement effectiveness.

Report to the Sunset Advisory Commission

Acknowledged Benefits

In 2016, the TWC published a report on the collection of occupational data through enhancements to UI wage records. It outlined the benefits, limitations, and costs of adding "a wide variety of variables to the mandatory unemployment tax returns, including Standard Occupation Classification (SOC) codes and job titles" (TWC, 2016, p. 2). Based on a survey of employers conducted in collaboration with the national Workforce Information Council, the TWC noted that enhanced reporting would have the following key benefits for Texans.

First, the new reporting would allow for increased oversight of public educational institutions by allowing the TWC to better gauge the employment and wage outcomes of graduates relative to degrees received. Since the "TWC currently relies on self-reported" outcomes data, this shift from self-reported to business-reported occupational information will heighten the accuracy of data currently available for comparative analysis and institutional accountability efforts (TWC, 2016, p. 14). Once these more accurate data are collected, the "TWC could ... provide additional insights for prospective students and policy makers" (p. 14).

Second, the study explains that the proposed record enhancements would increase the amount of occupational data available for analysis, which "could help identify with greater precision, where high-demand jobs are, and what those jobs pay" (TWC, 2016, p. 14).

Third, enhancements could streamline data collection. If records are substituted for the Occupational Employment Statistics (OES) survey conducted by the Bureau of Labor Statistics, data could be merged across programs and result in a reduction of overall costs and the employer survey response burden. According to one Texas workforce expert who provided additional explanation, the OES survey currently asks Texas employers to voluntarily report various labor data elements that are similar or identical to the enhancements advocated for in this paper (Michael Bettersworth, Texas State Technical College, personal communication, October 11, 2021). Specifically, the OES survey asks for each employee's SOC code or payroll job title, mean hourly wage, and mean annual wage. Expanding upon this point, a separate publication prepared for the Workforce Information Council by the Administrative Wage Record Enhancement Study Group (2014) notes, "It is likely that these data could be collected more efficiently through the wage records. This would reduce the data collection cost ... to the employers" (p. 55).

When surveyed, 41% of employers indicated that the "reduced employer survey burden through better use of administrative data" (TWC, 2016, p. 15) is a moderately or very important benefit of UI wage record enhancements. However, 47% of employers associated no importance to the benefit of "better alignment of education and training programs with employer needs." These survey results convey conflicting sentiments and warrant further feedback from employers. In light of the unexpected effects of the COVID-19 pandemic on the labor market, a new survey of employers conducted by an independent third-party and accompanied by education on the benefits of enhancements could provide a more accurate sense of employer support.

Objections

The report to the Sunset Advisory Commission also predicted a variety of obstacles to the implementation of UI wage record enhancements based on cost modeling and employer feedback. While the report admitted that "a precise cost estimate is difficult to determine until the program scope and activities are more firmly established" (TWC, 2016, p. 12), the TWC estimated that the cost of data collection for the state agency during the first year enhancements are in place will total $3.1 million, with a total 5-year cost of $7.9 million. These costs are associated with IT, administration and maintenance, outreach and employer relations, and data coding and validation. Additionally, the report cited the need for at least 12 full-time equivalent employees to be permanently hired to administer the new requirement and annually review, code, and process the new occupation information.

The initial cost to each employer was estimated to fall within the range of $950 to $2,390, and annual recurring costs were estimated to be between $680 to $1,420. Accordingly, total start-up costs to Texas employers were projected to be between $478 million and $1.2 billion, with ongoing annual costs between $342 million and $715 million. Employers claimed that these costs were largely due to revisions that would need to be made to company payroll software as well as the staff time required to compile more data elements. In addition, since many staff members are inexperienced with the SOC coding system, they would need to be trained to be able to input this enhanced UI wage reporting element properly. Closely related to employer cost, the largest obstacle to employer support for the enhancements is a fear of "penalties for inaccurate or untimely reporting" (TWC, 2016, p. 11), which 71% of employers expressed moderate or great concern over.

Objections Addressed

Many of the concerns detailed in the report rest on underlying assumptions about how the UI wage enhancements would be implemented. In an initial summary of the obstacles, the report acknowledged that "the survey showed significant concern among employers about mandating submission of additional occupational data via unemployment insurance tax returns" (TWC, 2016, p.1). The mandatory nature of the proposed record enhancements considered in the study could account for much of the hesitancy communicated in employer feedback. For example, the potential penalties for inaccurate or untimely reporting, the primary objection of employers, take for granted that enhanced elements would be required for employers to report. As explained earlier in this paper, however, this is by no means the only route forward.

If a voluntary approach to compliance is adopted, employers would have no reason to fear penalties for failing to report the enhanced elements. Such an approach could also accommodate employers unprepared to take on burdens (financial or otherwise) associated with additional reporting. Any implementation of UI wage record enhancements, including a voluntary approach, could benefit from close collaboration with employers. Such collaboration could focus on educating employers about the benefits of enhancements outlined by the TWC report.

To reduce the fiscal impact of the proposed changes on the TWC, the implementation of enhancements could be combined with a modernization of the state's wage processing software, following in the footsteps of Indiana's success with this approach in 2019. This system overhaul could lead to streamlined reporting and data collection as briefly noted in the "benefits" section of the TWC report. A streamlined approach to programming could open internal communication pathways between payroll management systems and the UI wage reporting system "so that data could be merged across programs" (TWC, 2016, p. 14). This could reduce duplicate filing for employers and minimize the work needed on behalf of the TWC to process outcomes data.

Policy Recommendations

Several aspects of HB 3767, which failed to pass in the 87th Legislature, could help address the current limitations of outcomes data and lead to greater taxpayer-funded educational and training program transparency. Accordingly, the following policy recommendations could be considered:

- Pass legislation adding the enhancements to UI wage records proposed in the introduced version of HB 3767, as well as a county employment worksite enhancement, as strictly voluntary reporting elements.
- Help offset the financial and operational burdens which may accrue if employers choose to report enhanced data by reducing regulatory burdens on reporting such as non-filing penalties, data carry over rules, and redundant filing requests.
- Increase the ease of reporting and minimize the fiscal impact of changes by making them coincide with an upgrade of the current wage processing software.
- Revert to the original imperative language in Sec. 2308A.008 of HB 3767 regarding a public Internet website that offers access to disaggregated anonymized outcomes data.
- Restore provisions requiring biennial accountability reports on the effectiveness of education funding and UI enhancements.
- Pass legislation requiring regular efficiency audits of the TWC.

Curtailing regulatory barriers to transparent data through these recommendations could proceed in the spirit of the Trump administration's executive order 13771, which stipulated "that for every one new regulation issued, at least two prior regulations be identified for elimination" (Exec. Order No. 13771, 2017).

By prudently managing taxpayer dollars with human flourishing in mind, Texas has long led the nation in workforce development. These recommendations could help the state maintain that role by making more transparent and reliable outcomes data available to educators, students and taxpayers and ensuring taxpayer-funded training pathways are better aligned with a dynamic labor market. ★

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ABOUT THE AUTHORS

Anthony Jones is a policy scholar at the Foundation. In this role, he conducts research on public policy issues; assists the Foundation in academic publication; educates lawmakers and members of the public on Foundation research; and provides formal testimony to local, state, and federal entities. Prior to this position, Jones completed internships at both the Heritage Foundation and the Texas Public Policy Foundation.

Born and raised in Fairfax, Virginia, Jones graduated from Wyoming Catholic College with a B.A. in liberal arts. He has a passion for pro-life activism, theology, and mountain biking.

Erin Davis Valdez is the Policy Director for Next Generation Texas, an initiative of the Foundation. She has been passionate about the transformational power of education all her life, having been given the gift of being homeschooled. She taught for over a decade in Austin-area schools and served as an assistant principal at a charter school in Lewisville. These experiences have given her the opportunity to see first-hand how students can thrive when they have excellent options.

Since joining the Foundation, Valdez has conducted research on career and technical education at the secondary and post-secondary levels, civics education, and welfare to work programs in Texas.

Valdez earned an M.A. in classics from the University of California, Santa Barbara and a B.A. in classical studies from Hillsdale College.

Valdez enjoys cooking, audiobooks, and spending time with her family and friends.

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