

BILL ANALYSIS

C.S.H.B. 1474
By: VanDeaver
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recent legislation created the instructional materials allotment, but it has been reported the legislation had unintended consequences, such as splitting the distribution of the allotment between the first and second year of each biennium. There are concerns that this split creates many issues for school districts purchasing instructional materials as they face new textbook proclamations and associated costs that can exceed the yearly appropriated amounts. C.S.H.B. 1474 seeks to alleviate this issue and allow districts to spend allotments more efficiently.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1474 amends the Education Code to change the instructional materials allotment from an annual allotment to a biennial allotment and to change the date specified by the commissioner of education as the date on which student enrollment determines a district's entitlement to the allotment from a date during the preceding school year to a date during the last year of the preceding biennium. The bill changes from an annual basis to a biennial basis the frequency with which a school district must use the allotment and the frequency of the State Board of Education's required set-aside of 50 percent of the distribution from the permanent school fund to the available school fund for placement in the state instructional materials fund. The bill changes the frequency of the commissioner's required deposit of each district's allotment amount in the district's instructional materials account from each school year to the first year of each biennium and the time at which the commissioner must notify each school district and open-enrollment charter school of the estimated allotment amount to which the district or charter will be entitled from as early as practicable during each fiscal year to as early as practicable during each biennium. The bill changes the period during which the entitlement to that estimated allotment amount applies from during the next fiscal year to during the next fiscal biennium.

C.S.H.B. 1474 amends the Government Code to require the comptroller of public accounts to permit the Texas Education Agency, to the extent authorized by the General Appropriations Act, to make temporary transfers from the foundation school fund for payment of the instructional materials allotment and, for such purpose, to authorize a transfer from the general revenue fund to the foundation school fund earlier than two days before the date an installment to school districts is required. The bill adds the amount of any such temporary transfers to the cap on the amount of foundation school fund transfers.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1474 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. Sections 31.0211(a) and (d), Education Code, are amended to read as follows:

(a) A school district is entitled to an ~~[annual]~~ allotment each biennium from the state instructional materials fund for each student enrolled in the district on a date during the last year of the preceding biennium ~~[school-year]~~ specified by the commissioner. The commissioner shall determine the amount of the allotment per student each biennium ~~[year]~~ on the basis of the amount of money available in the state instructional materials fund to fund the allotment. An allotment under this section shall be transferred from the state instructional materials fund to the credit of the district's instructional materials account as provided by Section 31.0212.

(d) Each biennium ~~[year]~~ a school district shall use the district's allotment under this section to purchase, in the following order:

(1) instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Section 28.002; and

(2) any other instructional materials or technological equipment as determined by the district.

No equivalent provision.

SECTION 2. Section 31.0212(a), Education Code, is amended to read as follows:

(a) The commissioner shall maintain an instructional materials account for each school district. In the first year of each biennium ~~[Each school-year]~~, the commissioner shall deposit in the account for each district the amount of the district's instructional materials allotment under Section 31.0211.

No equivalent provision.

SECTION 1. Section 43.001, Education Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) Each biennium [~~year~~] the State Board of Education shall set aside an amount equal to 50 percent of the [~~annual~~] distribution for that biennium [~~year~~] from the permanent school fund to the available school fund as provided by Section 5(a), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state instructional materials fund established under Section 31.021.

(e) An amount of money equal to the total biennium distribution required by Subsection (d) shall be placed in the state instructional materials fund not later than the 30th day after the date the first fiscal year of the biennium begins.

SECTION 2. Section 403.093(d), Government Code, is amended.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 3. Sections 31.0215(a) and (b), Education Code, are amended to read as follows:

(a) The commissioner shall, as early as practicable during each biennium [~~fiscal year~~], notify each school district and open-enrollment charter school of the estimated amount to which the district or charter school will be entitled under Section 31.0211 during the next fiscal biennium [~~year~~].

(b) The commissioner may allow a school district or open-enrollment charter school to place an order for instructional materials before the beginning of a fiscal biennium [~~year~~] and to receive instructional materials before payment. The commissioner shall limit the cost of an order placed under this section to 80 percent of the estimated amount to which a school district or open-enrollment charter school is estimated to be entitled as provided by Subsection (a) and shall first credit any balance in a district or charter school instructional materials account to pay for an order placed under this section.

SECTION 4. Section 43.001(d), Education Code, is amended to read as follows:

(d) Each biennium [~~year~~] the State Board of Education shall set aside an amount equal to 50 percent of the [~~annual~~] distribution for that biennium [~~year~~] from the permanent school fund to the available school fund as provided by Section 5(a), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state instructional materials fund established under Section 31.021.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.