

BILL ANALYSIS

C.S.H.B. 3591
By: Jetton
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The COVID-19 pandemic highlighted the importance of reliable broadband access for all students in Texas. Students at every level of education were forced to attend classes through videoconferencing, stream instruction over the Internet, and submit assignments and tests online. However, access to reliable high-speed Internet is still not afforded to all students, which further demonstrates the importance of this critical infrastructure. C.S.H.B. 3591 seeks to provide high-speed Internet to facilitate instruction and learning for students in school districts and charter schools by creating a grant program for this purpose administered by the Texas Education Agency.

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 rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3591 amends the Education Code to require the Texas Education Agency (TEA) to establish a high-speed Internet access grant program for public school districts and open-enrollment charter schools to facilitate instruction and learning for students enrolled in the district or school. The bill requires TEA to publish on its website a list of providers of high-speed Internet services, infrastructure, equipment, and devices approved for participation in the grant program and sets out the bases on which TEA must approve providers. The bill authorizes the commissioner of education to negotiate with approved providers to obtain rates and costs favorable to districts and charter schools in connection with the grant program.

C.S.H.B. 3591 authorizes a district or charter school to apply to the commissioner to participate in the grant program and sets out the factors that the commissioner must consider in awarding grants for each school year. The bill authorizes the commissioner to determine the terms of a grant awarded to a district or charter school, including limits on the grant amount and the approved uses of grant funds, and to recover funds not used in accordance with grant terms by withholding amounts from any state funds otherwise due to the district or charter school. The bill authorizes TEA to administer the grant program directly or through a contract with a regional education service center.

C.S.H.B. 3591 requires the commissioner to use funds appropriated for the purpose of the grant program to establish the grant program and authorizes the commissioner to use other funds available for that purpose. The bill authorizes the commissioner to solicit and accept gifts,

grants, and donations from any public or private source, including the federal government. The commissioner's establishment of the grant program is mandatory only if a specific appropriation is made for that purpose. If state funds are not appropriated or otherwise available, the commissioner may do the following:

- implement the grant program with funding obtained from any public or private source;
- implement and maintain the approved provider list independently of the grant program; and
- negotiate with approved providers on behalf of districts and charter schools independently of the grant program.

C.S.H.B. 3591 authorizes the commissioner to adopt rules as necessary to implement the bill's provisions. The bill applies beginning with the 2021-2022 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3591 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the original required the commissioner to use any funds appropriated or available for the purpose of the grant program, the substitute requires the commissioner to use funds appropriated for the purpose to establish the grant program and authorizes the commissioner to use other funds available for that purpose.

The substitute includes a provision absent from the original establishing that the commissioner's establishment of the grant program is mandatory only if a specific appropriation is made for that purpose.