

BILL ANALYSIS

Senate Research Center

H.B. 3526
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Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that utilization of the instructional materials allotment for technology purchases could be improved. H.B. 3526 clarifies the purpose of the allotment by renaming the allotment and a related fund and account to include technology. (Original Author's / Sponsor's Statement of Intent)

H.B. 3526 amends current law relating to instructional materials and technology for public schools.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education (commissioner) in SECTION 17 (Sections 31.081 and 31.084, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is modified in SECTION 8 (Section 31.0212, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.001, Education Code, as follows:

Sec. 31.001. FREE INSTRUCTIONAL MATERIALS. Changes a reference to instructional materials allotment to technology and instructional materials allotment.

SECTION 2. Amends Section 31.004(b), Education Code, as follows:

(b) Authorizes a school district or open-enrollment charter school, to determine whether each student has instructional materials that cover all elements of the essential knowledge and skills as required by Subsection (a) (relating to requiring each school district and open-enrollment charter school to annually certify to certain entities that, for certain subjects in the required curriculum, other than physical education, and each grade level, the district provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by State Board of Education for that subject and grade level), to consider:

(1) through (3) makes no changes to these subdivisions;

(4) and (5) makes nonsubstantive changes; and

(6) open educational resources and other electronic instructional materials included in the repository under Section 31.083, which is added by this Act.

SECTION 3. Amends Section 31.005, Education Code, as follows:

Sec. 31.005. FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS. Changes a reference to instructional materials allotment to technology and instructional materials allotment.

SECTION 4. Amends Section 31.021, Education Code, as follows:

Sec. 31.021. New heading: STATE TECHNOLOGY AND INSTRUCTIONAL MATERIALS FUND. (a) Sets forth the composition of the technology and instructional materials fund, rather than the state instructional materials fund.

(c) Requires that money in the state technology and instructional materials fund be used to:

(1) fund the technology and instructional materials allotment, as provided by Section 31.0211;

(2) through (5) makes no changes to these subdivisions;

(6) changes a reference to Section 32.201 to 32.301;

(7) makes a nonsubstantive change; and

(8) pay the expenses associated with the instructional materials web portal developed under Section 31.081, which is added by this Act.

(d) Makes a conforming change.

SECTION 5. Amends the heading to Section 31.0211, Education Code, to read as follows:

Sec. 31.0211. TECHNOLOGY AND INSTRUCTIONAL MATERIALS ALLOTMENT.

SECTION 6. Amends Sections 31.0211(a) and (b), Education Code, to change references to state instructional materials fund to state technology and instructional materials fund and to instructional materials account to technology and instructional materials account.

SECTION 7. Amends the heading to Section 31.0212, Education Code, to read as follows:

Sec. 31.0212. TECHNOLOGY AND INSTRUCTIONAL MATERIALS ACCOUNT.

SECTION 8. Amends Sections 31.0212(a), (b), (d), and (e), Education Code, to change references to instructional materials account to technology and instructional materials account and to instructional materials allotment to technology and instructional materials allotment and to make a nonsubstantive change.

SECTION 9. Amends Section 31.0213, Education Code, as follows:

Sec. 31.0213. New heading: CERTIFICATION OF USE OF TECHNOLOGY AND INSTRUCTIONAL MATERIALS ALLOTMENT. Changes a reference to instructional materials allotment to technology and instructional materials allotment.

SECTION 10. Amends Section 31.0214(a), Education Code, to change references to instructional materials allotment to technology and instructional materials allotment.

SECTION 11. Amends the heading to Section 31.0215, Education Code, to read as follows:

Sec. 31.0215. TECHNOLOGY AND INSTRUCTIONAL MATERIALS ALLOTMENT PURCHASES.

SECTION 12. Amends Sections 31.0215(b) and (c), Education Code, to change references to instructional materials account to technology and instructional materials account and to instructional materials fund to technology and instructional materials fund.

SECTION 13. Amends Section 31.0231(b), Education Code, to change a reference to instructional materials allotment to technology and instructional materials allotment.

SECTION 14. Amends Section 31.029(a), Education Code, to change a reference to instructional materials allotment to technology and instructional materials allotment.

SECTION 15. Amends Section 31.031(a), Education Code, to change a reference to instructional materials allotment to technology and instructional materials allotment.

SECTION 16. Amends Section 31.071(e), Education Code, to change a reference to instructional materials fund to technology and instructional materials fund.

SECTION 17. Amends Chapter 31, Education Code, by adding Subchapter B-2, as follows:

SUBCHAPTER B-2. INSTRUCTIONAL MATERIALS WEB PORTAL

Sec. 31.081. INSTRUCTIONAL MATERIALS WEB PORTAL. (a) Requires the commissioner of education (commissioner) to develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials under Section 31.101 (Selection and Purchase of Instructional Materials by School Districts).

(b) Requires that the web portal include general information such as price, computer system requirements, and any other relevant specifications for each instructional material:

(1) on the instructional materials list, including the list adopted under Section 31.0231 (Commissioner's List); or

(2) submitted by a publisher for inclusion in the web portal.

(c) Requires the commissioner by rule to establish the procedure by which a publisher is authorized to submit instructional materials for inclusion in the web portal.

(d) Requires the commissioner to use a competitive process to contract for the development of the web portal.

(e) Requires the commissioner to use money in the state technology and instructional materials fund to pay any expenses associated with the web portal.

Sec. 31.082. QUALITY OF INSTRUCTIONAL MATERIALS SUBMITTED BY PUBLISHER. (a) Requires the commissioner to contract with a private entity to conduct an independent analysis of each instructional material submitted by a publisher for inclusion in the web portal developed under Section 31.081. Requires that the analysis meet certain criteria.

(b) Requires the commissioner to include in the web portal developed under Section 31.081 the results of each analysis conducted under Subsection (a).

Sec. 31.083. INSTRUCTIONAL MATERIALS REPOSITORY. (a) Defines "open educational resource."

(b) Requires the commissioner to include in the web portal developed under Section 31.081 a repository of open educational resources and other electronic instructional materials that school districts and open-enrollment charter schools are authorized to access at no cost, including state-developed open-source instructional materials purchased under Subchapter B-1 (State-Developed Open-Source Instructional Materials).

(c) Authorizes a publisher to submit instructional materials for inclusion in the repository.

Sec. 31.084. RULES. Authorizes the commissioner to adopt rules as necessary to implement this subchapter.

SECTION 18. Amends Section 31.101(f), Education Code, to change a reference to instructional materials allotment to technology and instructional materials allotment.

SECTION 19. Amends Section 31.151(d), Education Code, to change a reference to instructional materials fund to technology and instructional materials fund.

SECTION 20. Amends Chapter 32, Education Code, by adding Subchapter G, as follows:

SUBCHAPTER G. TECHNOLOGY LENDING PROGRAM GRANTS

Sec. 32.301. ESTABLISHMENT OF PROGRAM. (a) Authorizes the commissioner to establish a grant program under which grants are awarded to school districts and open-enrollment charter schools to implement a technology lending program to provide students access to equipment necessary to access and use electronic instructional materials.

(b) Authorizes a school district or an open-enrollment charter school to apply to the commissioner to participate in the grant program. Requires the commissioner, in awarding grants under this subchapter for each school year, to consider the availability of existing equipment to students in the district or school, other funding available to the district or school, and the district's or school's technology plan.

(c) Authorizes the commissioner to determine the terms of a grant awarded under this section, including limits on the grant amount and approved uses of grant funds.

(d) Authorizes the commissioner to recover funds not used in accordance with the terms of a grant by withholding amounts from any state funds otherwise due to the school district or open-enrollment charter school.

Sec. 32.302. FUNDING. (a) Authorizes the commissioner to use not more than \$25 million from the state technology and instructional materials funds under Section 31.021 each state fiscal biennium or a different amount determined by appropriation to administer a grant program established under this subchapter.

(b) Requires that the cost of administering a grant program under this subchapter be paid from funds described by Subsection (a).

Sec. 32.303. USE OF GRANT FUNDS. (a) Authorizes a school district or open-enrollment charter school to use a grant awarded under Section 32.301 or other local funds to purchase, maintain, and insure equipment for a technology lending program.

(b) Provides that equipment purchased by a school district or open-enrollment charter school with a grant awarded under Section 32.301 is the property of the district or school.

Sec. 32.304. REVIEW OF PROGRAM. Requires the commissioner, not later than January 1, 2019, to review the grant program established under this subchapter and submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and presiding officers of the standing committees in the senate and house primarily responsible for public education. Provides that this section expires September 1, 2019.

SECTION 19. Amends Section 41.124(c), Education Code, to change a reference to instructional materials allotment to technology and instructional materials allotment.

SECTION 22. Amends Section 43.001(d), Education Code, to change a reference to instructional materials fund to technology and instructional materials fund.

SECTION 23. Amends Section 403.093(d), Government Code, to change references to instructional materials allotment to technology and instructional materials allotment.

SECTION 24. Requires the commissioner, not later than September 1, 2018, to develop the web portal required under Subchapter B-2, Chapter 31, Education Code, as added by this Act.

SECTION 25. Effective date: upon passage or September 1, 2017.