

By: Huberty

H.B. No. 3261

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the electronic administration of assessment
3 instruments in public schools and to certain measures to support
4 Internet connectivity for purposes of those assessment
5 instruments.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 31.0211(c), Education Code, is amended
8 to read as follows:

9 (c) Subject to Subsection (d), funds allotted under this
10 section may be used to:

11 (1) purchase:

12 (A) materials on the list adopted by the
13 commissioner, as provided by Section 31.0231;

14 (B) instructional materials, regardless of
15 whether the instructional materials are on the list adopted under
16 Section 31.024;

17 (C) consumable instructional materials,
18 including workbooks;

19 (D) instructional materials for use in bilingual
20 education classes, as provided by Section 31.029;

21 (E) instructional materials for use in college
22 preparatory courses under Section 28.014, as provided by Section
23 31.031;

24 (F) supplemental instructional materials, as

1 provided by Section 31.035;

2 (G) state-developed open education resource
3 instructional materials, as provided by Subchapter B-1;

4 (H) instructional materials and technological
5 equipment under any continuing contracts of the district in effect
6 on September 1, 2011;

7 (I) technological equipment necessary to support
8 the use of materials included on the list adopted by the
9 commissioner under Section 31.0231 or any instructional materials
10 purchased with an allotment under this section; ~~and~~

11 (J) inventory software or systems for storing,
12 managing, and accessing instructional materials and analyzing the
13 usage and effectiveness of the instructional materials; and

14 (K) services, equipment, and technology
15 infrastructure necessary to ensure Internet connectivity and
16 adequate bandwidth; and

17 (2) pay:

18 (A) for training educational personnel directly
19 involved in student learning in the appropriate use of
20 instructional materials and for providing for access to
21 technological equipment for instructional use; ~~and~~

22 (B) for training personnel in the electronic
23 administration of assessment instruments; and

24 (C) the salary and other expenses of an employee
25 who provides technical support for the use of technological
26 equipment directly involved in student learning.

27 SECTION 2. Subchapter B, Chapter 32, Education Code, is

1 amended by adding Section 32.037 to read as follows:

2 Sec. 32.037. GRANT PROGRAM FOR TRANSITION TO ELECTRONIC
3 ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) The commissioner
4 may establish a matching grant program to ensure that all school
5 districts and open-enrollment charter schools have the necessary
6 infrastructure to administer assessment instruments electronically
7 in accordance with the transition plan developed under Section
8 39.02341.

9 (b) In establishing the grant program, the commissioner
10 may:

11 (1) set eligibility criteria to receive a matching
12 grant under the program; and

13 (2) contract with developers of technology as
14 necessary to ensure the most efficient and cost-effective
15 implementation of Internet connectivity infrastructure for
16 electronic administration of assessment instruments.

17 (c) This section expires September 1, 2023.

18 SECTION 3. Sections 39.023(c-3) and (c-8), Education Code,
19 are amended to read as follows:

20 (c-3) Except as provided by Subsection (c-7) or as otherwise
21 provided by this subsection, in adopting a schedule for the
22 administration of assessment instruments under this section, the
23 State Board of Education shall ensure that assessment instruments
24 administered under Subsection (a) or (c) are not administered on
25 the first instructional day of a week. On request by a school
26 district or open-enrollment charter school, the commissioner may
27 allow the district or school to administer an assessment instrument

1 required under Subsection (a) or (c) on the first instructional day
2 of a week if administering the assessment instrument on another
3 instructional day would result in a significant administrative
4 burden due to specific local conditions.

5 (c-8) Beginning with the 2022-2023 school year, not more
6 than 75 percent of an assessment instrument developed under
7 Subsection (a) or (c) may be be [~~not present more than 75 percent of~~
8 ~~the questions~~] in a multiple choice format.

9 SECTION 4. Section [39.0234](#), Education Code, is amended to
10 read as follows:

11 Sec. 39.0234. ELECTRONIC ADMINISTRATION OF ASSESSMENT
12 INSTRUMENTS. Each [~~The agency shall ensure that~~] assessment
13 instrument [~~instruments~~] required under Section [39.023](#)(a), (c), or
14 (1) must be [~~39.023 are capable of being~~] administered
15 electronically, unless otherwise provided by commissioner rule.

16 SECTION 5. Sections [39.0234](#)(a) and (b), Education Code,
17 are amended to read as follows:

18 (a) The agency, in consultation with the State Board of
19 Education, shall develop a transition plan to administer all
20 assessment instruments required under Sections [39.023](#)(a), (c), and
21 (1) [~~Section [39.023](#)~~] electronically beginning not later than the
22 2022-2023 school year. The plan must:

23 (1) evaluate the availability of Internet access for
24 each school district in this state;

25 (2) identify changes to state law or policy necessary
26 to improve the availability of Internet access described by
27 Subdivision (1);

1 (3) evaluate the state's experience with administering
2 online assessment instruments, including the occurrence or effects
3 of power outages or other types of disruptions of Internet service,
4 and actions taken by the state to mitigate the occurrence and effect
5 of those disruptions; and

6 (4) identify and evaluate actions taken by the state
7 to improve the administration of online assessment instruments.

8 (b) The agency shall implement the transition plan
9 beginning on September 1, 2021. ~~[In order to ensure legislative
10 approval of the transition plan, this subsection expires August 31,
11 2021.]~~

12 SECTION 6. (a) Except as provided by Subsection (b) of this
13 section, this Act applies beginning with the 2021-2022 school year.

14 (b) Section [39.0234](#), Education Code, as amended by this Act,
15 applies beginning with the 2023-2024 school year.

16 SECTION 7. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section [39](#), Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2021.