

1-1 By: Taylor S.B. No. 1171
 1-2 (In the Senate - Filed March 8, 2021; March 18, 2021, read
 1-3 first time and referred to Committee on Education; April 30, 2021,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 10, Nays 0; April 30, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Hall	X			
1-11 Hughes	X			
1-12 Menéndez	X			
1-13 Paxton	X			
1-14 Perry	X			
1-15 Powell	X			
1-16 Schwertner			X	
1-17 West	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1171 By: Taylor

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the electronic administration of certain required
 1-23 assessment instruments, measures to support Internet connectivity
 1-24 for purposes of those assessment instruments, and the adoption and
 1-25 administration of certain optional interim assessment instruments.
 1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-27 SECTION 1. Section 31.0211(c), Education Code, is amended
 1-28 to read as follows:
 1-29 (c) Subject to Subsection (d), funds allotted under this
 1-30 section may be used to:
 1-31 (1) purchase:
 1-32 (A) materials on the list adopted by the
 1-33 commissioner, as provided by Section 31.0231;
 1-34 (B) instructional materials, regardless of
 1-35 whether the instructional materials are on the list adopted under
 1-36 Section 31.024;
 1-37 (C) consumable instructional materials,
 1-38 including workbooks;
 1-39 (D) instructional materials for use in bilingual
 1-40 education classes, as provided by Section 31.029;
 1-41 (E) instructional materials for use in college
 1-42 preparatory courses under Section 28.014, as provided by Section
 1-43 31.031;
 1-44 (F) supplemental instructional materials, as
 1-45 provided by Section 31.035;
 1-46 (G) state-developed open education resource
 1-47 instructional materials, as provided by Subchapter B-1;
 1-48 (H) instructional materials and technological
 1-49 equipment under any continuing contracts of the district in effect
 1-50 on September 1, 2011;
 1-51 (I) technological equipment necessary to support
 1-52 the use of materials included on the list adopted by the
 1-53 commissioner under Section 31.0231 or any instructional materials
 1-54 purchased with an allotment under this section; ~~and~~
 1-55 (J) inventory software or systems for storing,
 1-56 managing, and accessing instructional materials and analyzing the
 1-57 usage and effectiveness of the instructional materials; and
 1-58 (K) services, equipment, and technology
 1-59 infrastructure necessary to ensure Internet connectivity and
 1-60 adequate bandwidth; and

2-1 (2) pay:
 2-2 (A) for training educational personnel directly
 2-3 involved in student learning in the appropriate use of
 2-4 instructional materials and for providing for access to
 2-5 technological equipment for instructional use; ~~and~~
 2-6 (B) for training personnel in the electronic
 2-7 administration of assessment instruments; and
 2-8 (C) the salary and other expenses of an employee
 2-9 who provides technical support for the use of technological
 2-10 equipment directly involved in student learning.

2-11 SECTION 2. Subchapter B, Chapter 32, Education Code, is
 2-12 amended by adding Section 32.037 to read as follows:

2-13 Sec. 32.037. GRANT PROGRAM FOR TRANSITION TO ELECTRONIC
 2-14 ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) The commissioner
 2-15 may establish a matching grant program to ensure that all school
 2-16 districts and open-enrollment charter schools have the necessary
 2-17 infrastructure to administer assessment instruments electronically
 2-18 in accordance with the transition plan developed under Section
 2-19 39.02341.

2-20 (b) In establishing the grant program, the commissioner
 2-21 may:

2-22 (1) set eligibility criteria to receive a matching
 2-23 grant under the program; and

2-24 (2) contract with developers of technology as
 2-25 necessary to ensure the most efficient and cost-effective
 2-26 implementation of Internet connectivity infrastructure for
 2-27 electronic administration of assessment instruments.

2-28 (c) In awarding grants under the grant program, the
 2-29 commissioner:

2-30 (1) shall prioritize applicants seeking funding for
 2-31 one-time investments in broadband network infrastructure; and

2-32 (2) if funds are available after grants are awarded to
 2-33 each eligible applicant described by Subdivision (1), may award
 2-34 grants to applicants seeking funding for annual bandwidth and
 2-35 personnel costs associated with electronic administration of
 2-36 assessment instruments.

2-37 (d) This section expires September 1, 2025.

2-38 SECTION 3. Sections 39.023(c-3), (c-8), and (o), Education
 2-39 Code, are amended to read as follows:

2-40 (c-3) Except as provided by Subsection (c-7) or as otherwise
 2-41 provided by this subsection, in adopting a schedule for the
 2-42 administration of assessment instruments under this section, the
 2-43 State Board of Education shall ensure that assessment instruments
 2-44 administered under Subsection (a) or (c) are not administered on
 2-45 the first instructional day of a week. On request by a school
 2-46 district or open-enrollment charter school, the commissioner may
 2-47 allow the district or school to administer an assessment instrument
 2-48 required under Subsection (a) or (c) on the first instructional day
 2-49 of a week if administering the assessment instrument on another
 2-50 instructional day would result in a significant administrative
 2-51 burden due to specific local conditions.

2-52 (c-8) Beginning with the 2022-2023 school year, not more
 2-53 than 75 percent of the available points on an assessment instrument
 2-54 developed under Subsection (a) or (c) may be attributable to ~~not~~
 2-55 ~~present more than 75 percent of the~~ questions presented in a
 2-56 multiple choice format.

2-57 (o) The agency shall adopt or develop optional interim
 2-58 assessment instruments for each subject or course for each grade
 2-59 level subject to assessment under this section. A school district
 2-60 or open-enrollment charter school may not be required to administer
 2-61 interim assessment instruments adopted or developed under this
 2-62 subsection. An interim assessment instrument:

2-63 (1) must be:

2-64 (A) when possible, predictive of the assessment
 2-65 instrument for the applicable subject or course for that grade
 2-66 level required under this section; and

2-67 (B) administered electronically; and

2-68 (2) may not be used for accountability purposes.

2-69 SECTION 4. Section 39.0234, Education Code, is amended to

3-1 read as follows:

3-2 Sec. 39.0234. ELECTRONIC ADMINISTRATION OF ASSESSMENT
3-3 INSTRUMENTS. Each [The agency shall ensure that] assessment
3-4 instrument [instruments] required under Section 39.023(a), (c), or
3-5 (1) must be [39.023 are capable of being] administered
3-6 electronically, unless otherwise provided by commissioner rule.

3-7 SECTION 5. Sections 39.0234(a) and (b), Education Code,
3-8 are amended to read as follows:

3-9 (a) The agency, in consultation with the State Board of
3-10 Education, shall develop a transition plan to administer all
3-11 assessment instruments required under Sections 39.023(a), (c), and
3-12 (1) [~~Section 39.023~~] electronically beginning not later than the
3-13 2022-2023 school year. The plan must:

3-14 (1) evaluate the availability of Internet access for
3-15 each school district in this state;

3-16 (2) identify changes to state law or policy necessary
3-17 to improve the availability of Internet access described by
3-18 Subdivision (1);

3-19 (3) evaluate the state's experience with administering
3-20 online assessment instruments, including the occurrence or effects
3-21 of power outages or other types of disruptions of Internet service,
3-22 and actions taken by the state to mitigate the occurrence and effect
3-23 of those disruptions; and

3-24 (4) identify and evaluate actions taken by the state
3-25 to improve the administration of online assessment instruments.

3-26 (b) The agency shall implement the transition plan
3-27 beginning on September 1, 2021. [~~In order to ensure legislative~~
3-28 ~~approval of the transition plan, this subsection expires August 31,~~
3-29 ~~2021.~~]

3-30 SECTION 6. (a) Except as provided by Subsection (b) of this
3-31 section, this Act applies beginning with the 2021-2022 school year.

3-32 (b) Section 39.0234, Education Code, as amended by this Act,
3-33 applies beginning with the 2023-2024 school year.

3-34 SECTION 7. This Act takes effect immediately if it receives
3-35 a vote of two-thirds of all the members elected to each house, as
3-36 provided by Section 39, Article III, Texas Constitution. If this
3-37 Act does not receive the vote necessary for immediate effect, this
3-38 Act takes effect September 1, 2021.

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