

Amend CSHB 5 (Senate Committee Printing) by adding the following SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 31.0215, Education Code. INSTRUCTIONAL MATERIAL ALLOTMENT PURCHASES.

(a) The commissioner shall, as soon as practicable, notify each school district and open-enrollment charter of an estimated amount to which the district or charter would be entitled under Section 31.0211 during the next fiscal year.

(b) The commissioner may allow school districts and open enrollment charter schools to place orders for instructional materials prior to the beginning of a fiscal year and to receive instructional materials prior to payment. The commissioner shall limit orders placed under this section to eighty per cent of the estimated amount to which a district or open-enrollment charter would be entitled and shall first credit any balance in a district or charter school instructional materials account to pay for orders under this section. The commissioner shall make payments of orders placed under this section as funds become available to the instructional materials fund and shall prioritize orders placed under this section over reimbursement of purchases made directly by a district or charter.

(c) The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. A publisher may decline to accept an order placed under this section.

(d) The commissioner may make rules to implement this section. Chapter 2251, Government Code, does not apply to purchases of instructional materials under this section.