

BILL ANALYSIS

C.S.H.B. 4140
By: Bohac
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note certain concerns regarding public education technology spending. C.S.H.B. 4140 seeks to address these concerns by ensuring that public school districts maintain the flexibility to purchase instructional materials that best serve the needs of their students and empowering districts to consider strategically how to use technology to support teaching and learning.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4140 amends the Education Code to rename the instructional materials allotment as the instructional materials and technology allotment, to rename the state instructional materials fund as the state instructional materials and technology fund, and to change as a purpose for which money in the fund is required to be used the payment of expenses associated with the purchase or licensing of open-source instructional material to the payment of such expenses concerning open education resource instructional material.

C.S.H.B. 4140 removes the definition of "open-source instructional material" as it relates to statutory provisions relating to instructional materials, transfers the applicability of provisions relating to open-source instructional material to open education resource instructional material, and defines "open education resource instructional material" as teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

C.S.H.B. 4140 requires a public school district or open-enrollment charter school, in selecting instructional materials each year, to consider the use of open education resource instructional materials and to certify to the State Board of Education (SBOE) that the district considered the selection of open education resource instructional materials. The bill changes the instructional materials account the commissioner is required to maintain for each school district to the instructional materials and technology account and requires the commissioner's rules related to that account to include a requirement that a district certify that the use of open education resource instructional material was considered, as required by the bill.

C.S.H.B. 4140 requires the SBOE, in reviewing and adopting instructional materials for elementary and secondary grade levels for each subject in the required curriculum, to consider a district's need for technology as well as instructional materials and authorizes the SBOE in any biennium to limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum. The bill requires the SBOE to include information regarding open education resource instructional materials during the adoption cycle, including any cost savings associated with the adoption of open education resource instructional materials.

C.S.H.B. 4140 changes the frequency at which the SBOE is required to update the long-range technology-related plan from an update as necessary to an update at least every five years.

C.S.H.B. 4140 amends the Government Code to make a conforming change.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4140 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 31.001, Education Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Sections 31.002(1) and (1-a), Education Code, are amended.	SECTION 2. Same as introduced version.
SECTION 3. Section 31.004(b), Education Code, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Sections 31.005 and 31.021, Education Code, are amended.	SECTION 4. Same as introduced version.
SECTION 5. The heading to Section 31.0211, Education Code, is amended.	SECTION 5. Same as introduced version.
SECTION 6. Sections 31.0211(a), (b), and (c), Education Code, are amended.	SECTION 6. Same as introduced version.
SECTION 7. The heading to Section 31.0212, Education Code, is amended.	SECTION 7. Same as introduced version.
SECTION 8. Sections 31.0212(a), (b), (d), and (e), Education Code, are amended.	SECTION 8. Same as introduced version.
SECTION 9. Section 31.0213, Education Code, is amended.	SECTION 9. Same as introduced version.
SECTION 10. Section 31.0214(a),	SECTION 10. Same as introduced version.

Education Code, is amended.

SECTION 11. The heading to Section 31.0215, Education Code, is amended.

SECTION 11. Same as introduced version.

SECTION 12. Sections 31.0215(b) and (c), Education Code, are amended.

SECTION 12. Same as introduced version.

SECTION 13. Subchapter B, Chapter 31, Education Code, is amended by adding Section 31.0216 to read as follows:

No equivalent provision.

Sec. 31.0216. PEER REVIEW CERTIFICATION. (a) Payments may not be made using amounts in a school district's instructional materials and technology account until the district has submitted and obtained peer review certification for a district technology plan based on the recommendations contained in the plan adopted by the State Board of Education under Section 32.001.

(b) The commissioner shall adopt rules as necessary to create a peer review process to certify a school district's technology plan required by Subsection (a).

SECTION 14. Section 31.022, Education Code, is amended.

SECTION 13. Same as introduced version.

SECTION 15. Section 31.0231(b), Education Code, is amended.

SECTION 14. Same as introduced version.

SECTION 16. The heading to Section 31.0241, Education Code, is amended.

SECTION 15. Same as introduced version.

SECTION 17. Section 31.0241(b), Education Code, is amended.

SECTION 16. Same as introduced version.

SECTION 18. Section 31.0242, Education Code, is amended.

SECTION 17. Same as introduced version.

SECTION 19. Section 31.026(d), Education Code, is amended.

SECTION 18. Same as introduced version.

SECTION 20. Section 31.0261, Education Code, is amended.

SECTION 19. Same as introduced version.

SECTION 21. Section 31.027(c), Education Code, is amended.

SECTION 20. Same as introduced version.

SECTION 22. Section 31.029(a), Education Code, is amended.

SECTION 21. Same as introduced version.

SECTION 23. Section 31.031(a), Education

SECTION 22. Same as introduced version.

Code, is amended.

SECTION 24. The heading to Subchapter B-1, Chapter 31, Education Code, is amended.

SECTION 25. Sections 31.071 and 31.072, Education Code, are amended.

SECTION 26. Sections 31.073, 31.074, and 31.075, Education Code, are amended.

SECTION 27. Section 31.076(b), Education Code, is amended.

SECTION 28. Section 31.077, Education Code, is amended.

SECTION 29. Section 31.101, Education Code, is amended.

SECTION 30. Section 31.103(d), Education Code, is amended.

SECTION 31. Sections 31.104(b), (g), and (h), Education Code, are amended.

SECTION 32. Sections 31.151(d) and (e), Education Code, are amended.

SECTION 33. Section 32.001(b), Education Code, is amended to read as follows:

(b) The State Board of Education shall update ~~[as necessary]~~ the plan developed under Subsection (a) not more frequently than every five years.

SECTION 34. Section 41.124(c), Education Code, is amended.

SECTION 35. Section 43.001(d), Education Code, is amended.

SECTION 36. Section 403.093(d), Government Code, is amended.

SECTION 37. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 23. Same as introduced version.

SECTION 24. Same as introduced version.

SECTION 25. Same as introduced version.

SECTION 26. Same as introduced version.

SECTION 27. Same as introduced version.

SECTION 28. Same as introduced version.

SECTION 29. Same as introduced version.

SECTION 30. Same as introduced version.

SECTION 31. Same as introduced version.

SECTION 32. Section 32.001(b), Education Code, is amended to read as follows:

(b) The State Board of Education shall update ~~[as necessary]~~ the plan developed under Subsection (a) at least every five years.

SECTION 33. Same as introduced version.

SECTION 34. Same as introduced version.

SECTION 35. Same as introduced version.

SECTION 36. Same as introduced version.