

By: Howard

H.B. No. 3526

A BILL TO BE ENTITLED

AN ACT

1
2 relating to renaming the instructional materials allotment as the
3 technology and instructional materials allotment and making
4 associated technical changes.

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

6 SECTION 1. Section 31.001, Education Code, is amended to
7 read as follows:

8 Sec. 31.001. FREE INSTRUCTIONAL MATERIALS. Instructional
9 materials selected for use in the public schools shall be furnished
10 without cost to the students attending those schools. Except as
11 provided by Section 31.104(d), a school district may not charge a
12 student for instructional material or technological equipment
13 purchased by the district with the district's technology and
14 instructional materials allotment.

15 SECTION 2. Section 31.005, Education Code, is amended to
16 read as follows:

17 Sec. 31.005. FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS.
18 An open-enrollment charter school is entitled to the technology and
19 instructional materials allotment under this chapter and is subject
20 to this chapter as if the school were a school district.

21 SECTION 3. Section 31.021, Education Code, is amended to
22 read as follows:

23 Sec. 31.021. STATE TECHNOLOGY AND INSTRUCTIONAL MATERIALS
24 FUND. (a) The state technology and instructional materials fund

1 consists of:

2 (1) an amount set aside by the State Board of Education
3 from the available school fund, in accordance with Section
4 43.001(d); and

5 (2) all amounts lawfully paid into the fund from any
6 other source.

7 (c) Money in the state technology and instructional
8 materials fund shall be used to:

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

11 (2) purchase special instructional materials for the
12 education of blind and visually impaired students in public
13 schools;

14 (3) pay the expenses associated with the instructional
15 materials adoption and review process under this chapter;

16 (4) pay the expenses associated with the purchase or
17 licensing of open-source instructional material;

18 (5) pay the expenses associated with the purchase of
19 instructional material, including intrastate freight and shipping
20 and the insurance expenses associated with intrastate freight and
21 shipping; and

22 (6) ~~[fund the technology lending grant program~~
23 ~~established under Section 32.201, and~~

24 ~~[(7)]~~ provide funding to the Texas School for the
25 Blind and Visually Impaired, the Texas School for the Deaf, and the
26 Texas Juvenile Justice Department.

27 (d) Money transferred to the state technology and

1 instructional materials fund remains in the fund until spent and
2 does not lapse to the state at the end of the fiscal year.

3 SECTION 4. The heading to Section 31.0211, Education Code,
4 is amended to read as follows:

5 Sec. 31.0211. TECHNOLOGY AND INSTRUCTIONAL MATERIALS
6 ALLOTMENT.

7 SECTION 5. Sections 31.0211(a) and (b), Education Code, are
8 amended to read as follows:

9 (a) A school district is entitled to an allotment each
10 biennium from the state technology and instructional materials fund
11 for each student enrolled in the district on a date during the last
12 year of the preceding biennium specified by the commissioner. The
13 commissioner shall determine the amount of the allotment per
14 student each biennium on the basis of the amount of money available
15 in the state technology and instructional materials fund to fund
16 the allotment. An allotment under this section shall be
17 transferred from the state technology and instructional materials
18 fund to the credit of the district's technology and instructional
19 materials account as provided by Section 31.0212.

20 (b) A juvenile justice alternative education program under
21 Section 37.011 is entitled to an allotment from the state
22 technology and instructional materials fund in an amount determined
23 by the commissioner. The program shall use the allotment to
24 purchase items listed in Subsection (c) for students enrolled in
25 the program. The commissioner's determination under this
26 subsection is final and may not be appealed.

27 SECTION 6. The heading to Section 31.0212, Education Code,

1 is amended to read as follows:

2 Sec. 31.0212. TECHNOLOGY AND INSTRUCTIONAL MATERIALS
3 ACCOUNT.

4 SECTION 7. Sections 31.0212(a), (b), (d), and (e),
5 Education Code, are amended to read as follows:

6 (a) The commissioner shall maintain a technology and ~~[an]~~
7 instructional materials account for each school district. In the
8 first year of each biennium, the commissioner shall deposit in the
9 account for each district the amount of the district's technology
10 and instructional materials allotment under Section 31.0211.

11 (b) The commissioner shall pay the cost of instructional
12 materials requisitioned by a school district under Section 31.103
13 using funds from the district's technology and instructional
14 materials account.

15 (d) Money deposited in a school district's technology and
16 instructional materials account during each state fiscal biennium
17 remains in the account and available for use by the district for the
18 entire biennium. At the end of each biennium, a district with
19 unused money in the district's account may carry forward any
20 remaining balance to the next biennium.

21 (e) The commissioner shall adopt rules as necessary to
22 implement this section. The rules must include a requirement that
23 a school district provide the title and publication information for
24 any instructional materials requisitioned or purchased by the
25 district with the district's technology and instructional
26 materials allotment.

27 SECTION 8. Section 31.0213, Education Code, is amended to

1 read as follows:

2 Sec. 31.0213. CERTIFICATION OF USE OF TECHNOLOGY AND
3 INSTRUCTIONAL MATERIALS ALLOTMENT. Each school district shall
4 annually certify to the commissioner that the district's technology
5 and instructional materials allotment has been used only for
6 expenses allowed by Section 31.0211.

7 SECTION 9. Section 31.0214(a), Education Code, is amended
8 to read as follows:

9 (a) Each year the commissioner shall adjust the technology
10 and instructional materials allotment of school districts
11 experiencing high enrollment growth. The commissioner shall
12 establish a procedure for determining high enrollment growth
13 districts eligible to receive an adjustment under this section and
14 the amount of the technology and instructional materials allotment
15 those districts will receive.

16 SECTION 10. The heading to Section 31.0215, Education Code,
17 is amended to read as follows:

18 Sec. 31.0215. TECHNOLOGY AND INSTRUCTIONAL MATERIALS
19 [~~MATERIAL~~] ALLOTMENT PURCHASES.

20 SECTION 11. Sections 31.0215(b) and (c), Education Code,
21 are amended to read as follows:

22 (b) The commissioner may allow a school district or
23 open-enrollment charter school to place an order for instructional
24 materials before the beginning of a fiscal biennium and to receive
25 instructional materials before payment. The commissioner shall
26 limit the cost of an order placed under this section to 80 percent
27 of the estimated amount to which a school district or

1 open-enrollment charter school is estimated to be entitled as
2 provided by Subsection (a) and shall first credit any balance in a
3 district or charter school technology and instructional materials
4 account to pay for an order placed under this section.

5 (c) The commissioner shall make payments for orders placed
6 under this section as funds become available to the technology and
7 instructional materials fund and shall prioritize payment of orders
8 placed under this section over reimbursement of purchases made
9 directly by a school district or open-enrollment charter school.

10 SECTION 12. Section 31.0231(b), Education Code, is amended
11 to read as follows:

12 (b) A school district may select material on the list
13 adopted under Subsection (a) to be funded by the district's
14 technology and instructional materials allotment under Section
15 31.0211.

16 SECTION 13. Section 31.029(a), Education Code, is amended
17 to read as follows:

18 (a) A school district shall purchase with the district's
19 technology and instructional materials allotment or otherwise
20 acquire instructional materials for use in bilingual education
21 classes.

22 SECTION 14. Section 31.031(a), Education Code, is amended
23 to read as follows:

24 (a) A school district may purchase with the district's
25 technology and instructional materials allotment or otherwise
26 acquire instructional materials for use in college preparatory
27 courses under Section 28.014.

1 SECTION 15. Section 31.071(e), Education Code, is amended
2 to read as follows:

3 (e) The costs of administering this subchapter and
4 purchasing state-developed open-source instructional materials
5 shall be paid from the state technology and instructional materials
6 fund, as determined by the commissioner.

7 SECTION 16. Section 31.101(f), Education Code, is amended
8 to read as follows:

9 (f) The commissioner shall maintain an online requisition
10 system for school districts to requisition instructional materials
11 to be purchased with the district's technology and instructional
12 materials allotment.

13 SECTION 17. Section 31.151(d), Education Code, is amended
14 to read as follows:

15 (d) A penalty collected under this section shall be
16 deposited to the credit of the state technology and instructional
17 materials fund.

18 SECTION 18. Section 41.124(c), Education Code, is amended
19 to read as follows:

20 (c) A school district that receives tuition for a student
21 from a school district with a wealth per student that exceeds the
22 equalized wealth level may not claim attendance for that student
23 for purposes of Chapters 42 and 46 and the technology and
24 instructional materials allotment under Section 31.0211.

25 SECTION 19. Section 43.001(d), Education Code, is amended
26 to read as follows:

27 (d) Each biennium the State Board of Education shall set

1 aside an amount equal to 50 percent of the distribution for that
2 biennium from the permanent school fund to the available school
3 fund as provided by Section 5(a), Article VII, Texas Constitution,
4 to be placed, subject to the General Appropriations Act, in the
5 state technology and instructional materials fund established
6 under Section 31.021.

7 SECTION 20. Section 403.093(d), Government Code, is amended
8 to read as follows:

9 (d) The comptroller shall transfer from the general revenue
10 fund to the foundation school fund an amount of money necessary to
11 fund the foundation school program as provided by Chapter 42,
12 Education Code. The comptroller shall make the transfers in
13 installments as necessary to comply with Section 42.259, Education
14 Code, and permit the Texas Education Agency, to the extent
15 authorized by the General Appropriations Act, to make temporary
16 transfers from the foundation school fund for payment of the
17 technology and instructional materials allotment under Section
18 31.0211, Education Code. Unless an earlier date is necessary for
19 purposes of temporary transfers for payment of the technology and
20 instructional materials allotment, an installment must be made not
21 earlier than two days before the date an installment to school
22 districts is required by Section 42.259, Education Code, and must
23 not exceed the amount necessary for that payment and any temporary
24 transfers for payment of the technology and instructional materials
25 allotment.

26 SECTION 21. This Act takes effect immediately if it
27 receives a vote of two-thirds of all the members elected to each

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1 house, as provided by Section 39, Article III, Texas Constitution.
2 If this Act does not receive the vote necessary for immediate
3 effect, this Act takes effect September 1, 2017.