

By: Taylor of Galveston  
(Bohac)

S.B. No. 1481

Substitute the following for S.B. No. 1481:

By: Bohac

C.S.S.B. No. 1481

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the instructional materials and technology allotment,  
3 open education resource instructional materials, and the State  
4 Board of Education long-range technology plan.

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 instructional  
14 materials and technology allotment.

15 SECTION 2. Sections 31.002(1) and (1-a), Education Code,  
16 are amended to read as follows:

17 (1) "Instructional material" means content that  
18 conveys the essential knowledge and skills of a subject in the  
19 public school curriculum through a medium or a combination of media  
20 for conveying information to a student. The term includes a book,  
21 supplementary materials, a combination of a book, workbook, and  
22 supplementary materials, computer software, magnetic media, DVD,  
23 CD-ROM, computer courseware, on-line services, or an electronic  
24 medium, or other means of conveying information to the student or

1 otherwise contributing to the learning process through electronic  
2 means, including open education resource [~~open-source~~]  
3 instructional material.

4 (1-a) "Open education resource [~~Open-source~~]  
5 instructional material" means teaching, learning, and research  
6 resources that reside in the public domain or have been released  
7 under an intellectual property license that allows for free use,  
8 reuse, modification, and sharing with others, including full  
9 courses, course materials, modules, textbooks, streaming videos,  
10 tests, software, and any other tools, materials, or techniques used  
11 to support access to knowledge [~~electronic instructional material~~  
12 ~~that is available for downloading from the Internet at no charge to~~  
13 ~~a student and without requiring the purchase of an unlock code,~~  
14 ~~membership, or other access or use charge, except for a charge to~~  
15 ~~order an optional printed copy of all or part of the instructional~~  
16 ~~material~~]. The term includes state-developed open education  
17 resource [~~open-source~~] instructional material purchased under  
18 Subchapter B-1.

19 SECTION 3. Section 31.004(b), Education Code, is amended to  
20 read as follows:

21 (b) To determine whether each student has instructional  
22 materials that cover all elements of the essential knowledge and  
23 skills as required by Subsection (a), a school district or  
24 open-enrollment charter school may consider:

25 (1) instructional materials adopted by the State Board  
26 of Education;

27 (2) materials adopted or purchased by the commissioner

1 under Section 31.0231 or Subchapter B-1;

2 (3) open education resource [~~open-source~~]  
3 instructional materials submitted by eligible institutions and  
4 adopted by the State Board of Education under Section 31.0241;

5 (4) open education resource [~~open-source~~]  
6 instructional materials made available by other public schools; and

7 (5) instructional materials developed or purchased by  
8 the school district or open-enrollment charter school.

9 SECTION 4. Sections 31.005 and 31.021, Education Code, are  
10 amended to read as follows:

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

15 Sec. 31.021. STATE INSTRUCTIONAL MATERIALS AND TECHNOLOGY  
16 FUND. (a) The state instructional materials and technology fund  
17 consists of:

18 (1) an amount set aside by the State Board of Education  
19 from the available school fund, in accordance with Section  
20 43.001(d); and

21 (2) all amounts lawfully paid into the fund from any  
22 other source.

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

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

27 (2) purchase special instructional materials for the

1 education of blind and visually impaired students in public  
2 schools;

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

5 (4) pay the expenses associated with the purchase or  
6 licensing of open education resource [~~open-source~~] instructional  
7 material;

8 (5) pay the expenses associated with the purchase of  
9 instructional material, including intrastate freight and shipping  
10 and the insurance expenses associated with intrastate freight and  
11 shipping; and

12 (6) [~~fund the technology lending grant program~~  
13 ~~established under Section 32.201; and~~

14 [~~(7)~~] provide funding to the Texas School for the  
15 Blind and Visually Impaired, the Texas School for the Deaf, and the  
16 Texas Juvenile Justice Department.

17 (d) Money transferred to the state instructional materials  
18 and technology fund remains in the fund until spent and does not  
19 lapse to the state at the end of the fiscal year.

20 SECTION 5. The heading to Section [31.0211](#), Education Code,  
21 is amended to read as follows:

22 Sec. 31.0211. INSTRUCTIONAL MATERIALS AND TECHNOLOGY  
23 ALLOTMENT.

24 SECTION 6. Sections [31.0211](#)(a), (b), and (c), Education  
25 Code, are amended to read as follows:

26 (a) A school district is entitled to an allotment each  
27 biennium from the state instructional materials and technology fund

1 for each student enrolled in the district on a date during the last  
2 year of the preceding biennium specified by the commissioner. The  
3 commissioner shall determine the amount of the allotment per  
4 student each biennium on the basis of the amount of money available  
5 in the state instructional materials and technology fund to fund  
6 the allotment. An allotment under this section shall be  
7 transferred from the state instructional materials and technology  
8 fund to the credit of the district's instructional materials and  
9 technology account as provided by Section 31.0212.

10 (b) A juvenile justice alternative education program under  
11 Section 37.011 is entitled to an allotment from the state  
12 instructional materials and technology fund in an amount determined  
13 by the commissioner. The program shall use the allotment to  
14 purchase items listed in Subsection (c) for students enrolled in  
15 the program. The commissioner's determination under this  
16 subsection is final and may not be appealed.

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

19 (1) purchase:

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

22 (B) instructional materials, regardless of  
23 whether the instructional materials are on the list adopted under  
24 Section 31.024;

25 (C) consumable instructional materials,  
26 including workbooks;

27 (D) instructional materials for use in bilingual

1 education classes, as provided by Section 31.029;

2 (E) instructional materials for use in college  
3 preparatory courses under Section 28.014, as provided by Section  
4 31.031;

5 (F) supplemental instructional materials, as  
6 provided by Section 31.035;

7 (G) state-developed open education resource  
8 [~~open-source~~] instructional materials, as provided by Subchapter  
9 B-1;

10 (H) instructional materials and technological  
11 equipment under any continuing contracts of the district in effect  
12 on September 1, 2011; and

13 (I) technological equipment necessary to support  
14 the use of materials included on the list adopted by the  
15 commissioner under Section 31.0231 or any instructional materials  
16 purchased with an allotment under this section; 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) the salary and other expenses of an employee  
23 who provides technical support for the use of technological  
24 equipment directly involved in student learning.

25 SECTION 7. The heading to Section 31.0212, Education Code,  
26 is amended to read as follows:

27 Sec. 31.0212. INSTRUCTIONAL MATERIALS AND TECHNOLOGY

1 ACCOUNT.

2 SECTION 8. Sections 31.0212(a), (b), (d), and (e),  
3 Education Code, are amended to read as follows:

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

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

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

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

26 SECTION 9. Section 31.0213, Education Code, is amended to  
27 read as follows:

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

6           SECTION 10. Section 31.0214(a), Education Code, is amended  
7 to read as follows:

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

15           SECTION 11. The heading to Section 31.0215, Education Code,  
16 is amended to read as follows:

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

19           SECTION 12. Sections 31.0215(b) and (c), Education Code,  
20 are amended to read as follows:

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



1 provided by Subsection (a) and shall first credit any balance in a  
2 district or charter school instructional materials and technology  
3 account to pay for an order placed under this section.

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

10 SECTION 13. Section 31.022, Education Code, is amended by  
11 amending Subsection (d) and adding Subsections (g) and (h) to read  
12 as follows:

13 (d) At least 12 months before the beginning of the school  
14 year for which instructional materials for a particular subject and  
15 grade level will be adopted under the review and adoption cycle, the  
16 board shall publish notice of the review and adoption cycle for  
17 those instructional materials. A request for production must allow  
18 submission of open education resource [~~open-source~~] instructional  
19 materials that are available for use by the state without charge on  
20 the same basis as instructional materials offered for sale.

21 (g) In reviewing and adopting instructional materials, the  
22 board shall consider a school district's need for technology as  
23 well as instructional materials and in any biennium may limit the  
24 adoption of instructional materials to provide sufficient  
25 resources to purchase technology resources, including digital  
26 curriculum.

27 (h) The board shall include information regarding open

1 education resource instructional materials during the adoption  
2 cycle, including any cost savings associated with the adoption of  
3 open education resource instructional materials.

4 SECTION 14. Section 31.0231(b), Education Code, is amended  
5 to read as follows:

6 (b) A school district may select material on the list  
7 adopted under Subsection (a) to be funded by the district's  
8 instructional materials and technology allotment under Section  
9 31.0211.

10 SECTION 15. The heading to Section 31.0241, Education Code,  
11 is amended to read as follows:

12 Sec. 31.0241. ADOPTION OF OPEN EDUCATION RESOURCE  
13 ~~[OPEN-SOURCE]~~ INSTRUCTIONAL MATERIALS.

14 SECTION 16. Section 31.0241(b), Education Code, is amended  
15 to read as follows:

16 (b) The State Board of Education shall place open education  
17 resource ~~[open-source]~~ instructional material for a  
18 secondary-level course submitted for adoption by an eligible  
19 institution on the list adopted under Section 31.023 if:

20 (1) the instructional material is written, compiled,  
21 or edited primarily by faculty of the eligible institution who  
22 specialize in the subject area of the instructional material;

23 (2) the eligible institution identifies each  
24 contributing author;

25 (3) the appropriate department of the eligible  
26 institution certifies the instructional material for accuracy; and

27 (4) the eligible institution determines that the

1 instructional material qualifies for placement on the list based on  
2 the extent to which the instructional material covers the essential  
3 knowledge and skills identified under Section 28.002 for the  
4 subject for which the instructional material is written and  
5 certifies that:

6 (A) for instructional material for a  
7 senior-level course, a student who successfully completes a course  
8 based on the instructional material will be prepared, without  
9 remediation, for entry into the eligible institution's  
10 freshman-level course in that subject; or

11 (B) for instructional material for a  
12 junior-level and senior-level course, a student who successfully  
13 completes the junior-level course based on the instructional  
14 material will be prepared for entry into the senior-level course.

15 SECTION 17. Section 31.0242, Education Code, is amended to  
16 read as follows:

17 Sec. 31.0242. REVIEW OF OPEN EDUCATION RESOURCE  
18 [~~OPEN-SOURCE~~] INSTRUCTIONAL MATERIAL. Not later than the 90th day  
19 after the date open education resource [~~open-source~~] instructional  
20 material is submitted as provided by Section 31.0241, the State  
21 Board of Education may review the instructional material. The  
22 board shall:

23 (1) post with the list adopted under Section 31.023  
24 comments made by the board regarding the open education resource  
25 [~~open-source~~] instructional material placed on the list; and

26 (2) distribute board comments to school districts.

27 SECTION 18. Section 31.026(d), Education Code, is amended

1 to read as follows:

2 (d) This section does not apply to open education resource  
3 [~~open-source~~] instructional material.

4 SECTION 19. Section 31.0261, Education Code, is amended to  
5 read as follows:

6 Sec. 31.0261. CONTRACTS FOR PRINTING OF OPEN EDUCATION  
7 RESOURCE [~~OPEN-SOURCE~~] INSTRUCTIONAL MATERIALS. The State Board of  
8 Education may execute a contract for the printing of open education  
9 resource [~~open-source~~] instructional materials placed on the list  
10 adopted under Section 31.023. The contract must allow a school  
11 district to requisition printed copies of open education resource  
12 [~~open-source~~] instructional materials as provided by Section  
13 31.103.

14 SECTION 20. Section 31.027(c), Education Code, is amended  
15 to read as follows:

16 (c) This section does not apply to open education resource  
17 [~~open-source~~] instructional material.

18 SECTION 21. Section 31.029(a), Education Code, is amended  
19 to read as follows:

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

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

26 (a) A school district may purchase with the district's  
27 instructional materials and technology allotment or otherwise

1 acquire instructional materials for use in college preparatory  
2 courses under Section 28.014.

3 SECTION 23. The heading to Subchapter B-1, Chapter 31,  
4 Education Code, is amended to read as follows:

5 SUBCHAPTER B-1. STATE-DEVELOPED OPEN EDUCATION RESOURCE

6 [~~OPEN-SOURCE~~] INSTRUCTIONAL MATERIALS

7 SECTION 24. Sections 31.071 and 31.072, Education Code, are  
8 amended to read as follows:

9 Sec. 31.071. PURCHASE AUTHORITY. (a) The commissioner may  
10 purchase state-developed open education resource [~~open-source~~]  
11 instructional materials in accordance with this subchapter.

12 (b) The commissioner:

13 (1) shall purchase any state-developed open education  
14 resource [~~open-source~~] instructional materials through a  
15 competitive process; and

16 (2) may purchase more than one state-developed open  
17 education resource [~~open-source~~] instructional material for a  
18 subject or grade level.

19 (c) State-developed open education resource [~~open-source~~]  
20 instructional material must be irrevocably owned by or licensed to  
21 the state for use in the applicable subject or grade level. The  
22 state must have unlimited authority to modify, delete, combine, or  
23 add content to the instructional material after purchase.

24 (d) The commissioner may issue a request for proposals for  
25 state-developed open education resource [~~open-source~~]  
26 instructional material:

27 (1) in accordance with the instructional material

1 review and adoption cycle under Section [31.022](#); or

2 (2) at any other time the commissioner determines that  
3 a need exists for additional instructional material options.

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

8 Sec. 31.072. CONTENT REQUIREMENTS. (a) State-developed  
9 open education resource [~~open-source~~] instructional material must:

10 (1) be evaluated by teachers or other experts, as  
11 determined by the commissioner, before purchase; and

12 (2) meet the requirements for inclusion on the  
13 instructional material list adopted under Section [31.023](#).

14 (b) Following a curriculum revision by the State Board of  
15 Education, the commissioner shall require the revision of  
16 state-developed open education resource [~~open-source~~]  
17 instructional material relating to that curriculum. The  
18 commissioner may, at any time, require an additional revision of  
19 state-developed open education resource [~~open-source~~]  
20 instructional material or contract for ongoing revisions of  
21 state-developed open education resource [~~open-source~~]  
22 instructional material for a period not to exceed the period under  
23 Section [31.022](#) for which instructional material for that subject  
24 and grade level may be adopted. The commissioner shall use a  
25 competitive process to request proposals to revise state-developed  
26 open education resource [~~open-source~~] instructional material under  
27 this subsection.

1 SECTION 25. Sections 31.073, 31.074, and 31.075, Education  
2 Code, are amended to read as follows:

3 Sec. 31.073. SELECTION BY SCHOOL DISTRICT.

4 (c) Notwithstanding Section 31.022, a school district or  
5 open-enrollment charter school may adopt state-developed open  
6 education resource [~~open-source~~] instructional material at any  
7 time, regardless of the instructional material review and adoption  
8 cycle under that section.

9 (d) A school district or open-enrollment charter school may  
10 not be charged for selection of state-developed open education  
11 resource [~~open-source~~] instructional material in addition to  
12 instructional material adopted under Subchapter B.

13 Sec. 31.074. DISTRIBUTION. (a) The commissioner shall  
14 provide for the distribution of state-developed open education  
15 resource [~~open-source~~] instructional materials in a manner  
16 consistent with distribution of instructional materials adopted  
17 under Subchapter B.

18 (b) The commissioner may use a competitive process to  
19 contract for printing or other reproduction of state-developed open  
20 education resource [~~open-source~~] instructional material on behalf  
21 of a school district or open-enrollment charter school. The  
22 commissioner may not require a school district or open-enrollment  
23 charter school to contract with a state-approved provider for the  
24 printing or reproduction of state-developed open education  
25 resource [~~open-source~~] instructional material.

26 Sec. 31.075. OWNERSHIP; LICENSING. (a) State-developed  
27 open education resource [~~open-source~~] instructional material is

1 the property of the state.

2 (b) The commissioner shall provide a license to each public  
3 school in the state, including a school district, an  
4 open-enrollment charter school, and a state or local agency  
5 educating students in any grade from prekindergarten through high  
6 school, to use and reproduce state-developed open education  
7 resource [~~open-source~~] instructional material.

8 (c) The commissioner may provide a license to use  
9 state-developed open education resource [~~open-source~~]  
10 instructional material to an entity not listed in Subsection (b).  
11 In determining the cost of a license under this subsection, the  
12 commissioner shall seek, to the extent feasible, to recover the  
13 costs of developing, revising, and distributing state-developed  
14 open education resource [~~open-source~~] instructional materials.

15 SECTION 26. Section 31.076(b), Education Code, is amended  
16 to read as follows:

17 (b) A decision by the commissioner regarding the purchase,  
18 revision, cost, or distribution of state-developed open education  
19 resource [~~open-source~~] instructional material is final and may not  
20 be appealed.

21 SECTION 27. Section 31.077, Education Code, is amended to  
22 read as follows:

23 Sec. 31.077. ADOPTION SCHEDULE. The commissioner shall  
24 develop a schedule for the adoption of state-developed open  
25 education resource [~~open-source~~] instructional materials under  
26 this subchapter. In developing the adoption schedule under this  
27 section, the commissioner shall consider:



- 1 (1) the availability of funds;
- 2 (2) the existing instructional material adoption
- 3 cycles under Subchapter B; and
- 4 (3) the availability of instructional materials for
- 5 development or purchase by the state.

6 SECTION 28. Section 31.101, Education Code, is amended by

7 adding Subsection (b) and amending Subsection (f) to read as

8 follows:

9 (b) In selecting instructional material each year, a school

10 district or open-enrollment charter school may consider the use of

11 open education resource instructional materials.

12 (f) The commissioner shall maintain an online requisition

13 system for school districts to requisition instructional materials

14 to be purchased with the district's instructional materials and

15 technology allotment.

16 SECTION 29. Section 31.103(d), Education Code, is amended

17 to read as follows:

18 (d) A school district or open-enrollment charter school

19 that selects open education resource [~~open-source~~] instructional

20 material shall requisition a sufficient number of printed copies

21 for use by students unable to access the instructional material

22 electronically unless the district or school provides to each

23 student:

24 (1) electronic access to the instructional material at

25 no cost to the student; or

26 (2) printed copies of the portion of the instructional

27 material that will be used in the course.

1 SECTION 30. Sections 31.104(b), (g), and (h), Education  
2 Code, are amended to read as follows:

3 (b) A school district or open-enrollment charter school may  
4 order replacements for instructional materials that have been lost  
5 or damaged directly from the publisher of the instructional  
6 materials or any source for a printed copy of open education  
7 resource [~~open-source~~] instructional material.

8 (g) At the end of the school year for which open education  
9 resource [~~open-source~~] instructional material that a school  
10 district or open-enrollment charter school does not intend to use  
11 for another student is distributed, the printed copy of the open  
12 education resource [~~open-source~~] instructional material becomes  
13 the property of the student to whom it is distributed.

14 (h) This section does not apply to an electronic copy of  
15 open education resource [~~open-source~~] instructional material.

16 SECTION 31. Sections 31.151(d) and (e), Education Code, are  
17 amended to read as follows:

18 (d) A penalty collected under this section shall be  
19 deposited to the credit of the state instructional materials and  
20 technology fund.

21 (e) An eligible institution, as defined by Section  
22 31.0241(a), that offers open education resource [~~open-source~~]  
23 instructional materials under Section 31.0241 is not a publisher or  
24 manufacturer for purposes of this section.

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

27 (b) The State Board of Education shall update [~~as necessary~~]

1 the plan developed under Subsection (a) at least every five years.

2 SECTION 33. Section 41.124(c), Education Code, is amended  
3 to read as follows:

4 (c) A school district that receives tuition for a student  
5 from a school district with a wealth per student that exceeds the  
6 equalized wealth level may not claim attendance for that student  
7 for purposes of Chapters 42 and 46 and the instructional materials  
8 and technology allotment under Section 31.0211.

9 SECTION 34. Section 43.001(d), Education Code, is amended  
10 to read as follows:

11 (d) Each biennium the State Board of Education shall set  
12 aside an amount equal to 50 percent of the distribution for that  
13 biennium from the permanent school fund to the available school  
14 fund as provided by Section 5(a), Article VII, Texas Constitution,  
15 to be placed, subject to the General Appropriations Act, in the  
16 state instructional materials and technology fund established  
17 under Section 31.021.

18 SECTION 35. Section 403.093(d), Government Code, is amended  
19 to read as follows:

20 (d) The comptroller shall transfer from the general revenue  
21 fund to the foundation school fund an amount of money necessary to  
22 fund the foundation school program as provided by Chapter 42,  
23 Education Code. The comptroller shall make the transfers in  
24 installments as necessary to comply with Section 42.259, Education  
25 Code, and permit the Texas Education Agency, to the extent  
26 authorized by the General Appropriations Act, to make temporary  
27 transfers from the foundation school fund for payment of the

1 instructional materials and technology allotment under Section  
2 31.0211, Education Code. Unless an earlier date is necessary for  
3 purposes of temporary transfers for payment of the instructional  
4 materials and technology allotment, an installment must be made not  
5 earlier than two days before the date an installment to school  
6 districts is required by Section 42.259, Education Code, and must  
7 not exceed the amount necessary for that payment and any temporary  
8 transfers for payment of the instructional materials and technology  
9 allotment.

10 SECTION 36. This Act takes effect immediately if it  
11 receives a vote of two-thirds of all the members elected to each  
12 house, as provided by Section 39, Article III, Texas Constitution.  
13 If this Act does not receive the vote necessary for immediate  
14 effect, this Act takes effect September 1, 2017.