

By: Taylor of Galveston

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:

23 (1) provide the title and publication information for
24 any instructional materials requisitioned or purchased by the
25 district with the district's instructional materials and
26 technology allotment; and

27 (2) certify that the use of open education resource

1 instructional material was considered as required by Section
2 31.101(b).

3 SECTION 9. Section 31.0213, Education Code, is amended to
4 read as follows:

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

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

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

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

21 Sec. 31.0215. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
22 ~~[MATERIAL]~~ ALLOTMENT PURCHASES.

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

25 (b) The commissioner may allow a school district or
26 open-enrollment charter school to place an order for instructional
27 materials before the beginning of a fiscal biennium and to receive

1 instructional materials before payment. The commissioner shall
2 limit the cost of an order placed under this section to 80 percent
3 of the estimated amount to which a school district or
4 open-enrollment charter school is estimated to be entitled as
5 provided by Subsection (a) and shall first credit any balance in a
6 district or charter school instructional materials and technology
7 account to pay for an order placed under this section.

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

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

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

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

25 SECTION 14. Section 31.022, Education Code, is amended by
26 amending Subsection (d) and adding Subsections (g) and (h) to read
27 as follows:

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

9 (g) In reviewing and adopting instructional materials, the
10 board shall consider a school district's need for technology as
11 well as instructional materials and in any biennium may limit the
12 adoption of instructional materials to provide sufficient
13 resources to purchase technology resources, including digital
14 curriculum.

15 (h) The board shall include information regarding open
16 education resource instructional materials during the adoption
17 cycle, including any cost savings associated with the adoption of
18 open education resource instructional materials.

19 SECTION 15. Section 31.0231(b), Education Code, is amended
20 to read as follows:

21 (b) A school district may select material on the list
22 adopted under Subsection (a) to be funded by the district's
23 instructional materials and technology allotment under Section
24 31.0211.

25 SECTION 16. The heading to Section 31.0241, Education Code,
26 is amended to read as follows:

27 Sec. 31.0241. ADOPTION OF OPEN EDUCATION RESOURCE

1 ~~[OPEN-SOURCE]~~ INSTRUCTIONAL MATERIALS.

2 SECTION 17. Section 31.0241(b), Education Code, is amended
3 to read as follows:

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

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

11 (2) the eligible institution identifies each
12 contributing author;

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

15 (4) the eligible institution determines that the
16 instructional material qualifies for placement on the list based on
17 the extent to which the instructional material covers the essential
18 knowledge and skills identified under Section 28.002 for the
19 subject for which the instructional material is written and
20 certifies that:

21 (A) for instructional material for a
22 senior-level course, a student who successfully completes a course
23 based on the instructional material will be prepared, without
24 remediation, for entry into the eligible institution's
25 freshman-level course in that subject; or

26 (B) for instructional material for a
27 junior-level and senior-level course, a student who successfully

1 completes the junior-level course based on the instructional
2 material will be prepared for entry into the senior-level course.

3 SECTION 18. Section [31.0242](#), Education Code, is amended to
4 read as follows:

5 Sec. 31.0242. REVIEW OF OPEN EDUCATION RESOURCE
6 ~~[OPEN-SOURCE]~~ INSTRUCTIONAL MATERIAL. Not later than the 90th day
7 after the date open education resource ~~[open-source]~~ instructional
8 material is submitted as provided by Section [31.0241](#), the State
9 Board of Education may review the instructional material. The
10 board shall:

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

14 (2) distribute board comments to school districts.

15 SECTION 19. Section [31.026\(d\)](#), Education Code, is amended
16 to read as follows:

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

19 SECTION 20. Section [31.0261](#), Education Code, is amended to
20 read as follows:

21 Sec. 31.0261. CONTRACTS FOR PRINTING OF OPEN EDUCATION
22 RESOURCE ~~[OPEN-SOURCE]~~ INSTRUCTIONAL MATERIALS. The State Board of
23 Education may execute a contract for the printing of open education
24 resource ~~[open-source]~~ instructional materials placed on the list
25 adopted under Section [31.023](#). The contract must allow a school
26 district to requisition printed copies of open education resource
27 ~~[open-source]~~ instructional materials as provided by Section

1 31.103.

2 SECTION 21. Section 31.027(c), Education Code, is amended
3 to read as follows:

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

6 SECTION 22. Section 31.029(a), Education Code, is amended
7 to read as follows:

8 (a) A school district shall purchase with the district's
9 instructional materials and technology allotment or otherwise
10 acquire instructional materials for use in bilingual education
11 classes.

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

14 (a) A school district may purchase with the district's
15 instructional materials and technology allotment or otherwise
16 acquire instructional materials for use in college preparatory
17 courses under Section 28.014.

18 SECTION 24. The heading to Subchapter B-1, Chapter 31,
19 Education Code, is amended to read as follows:

20 SUBCHAPTER B-1. STATE-DEVELOPED OPEN EDUCATION RESOURCE
21 [~~OPEN-SOURCE~~] INSTRUCTIONAL MATERIALS

22 SECTION 25. Sections 31.071 and 31.072, Education Code, are
23 amended to read as follows:

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

27 (b) The commissioner:

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

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

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

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

15 (1) in accordance with the instructional material
16 review and adoption cycle under Section [31.022](#); or

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

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

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

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

27 (2) meet the requirements for inclusion on the

1 instructional material list adopted under Section 31.023.

2 (b) Following a curriculum revision by the State Board of
3 Education, the commissioner shall require the revision of
4 state-developed open education resource [~~open-source~~]
5 instructional material relating to that curriculum. The
6 commissioner may, at any time, require an additional revision of
7 state-developed open education resource [~~open-source~~]
8 instructional material or contract for ongoing revisions of
9 state-developed open education resource [~~open-source~~]
10 instructional material for a period not to exceed the period under
11 Section 31.022 for which instructional material for that subject
12 and grade level may be adopted. The commissioner shall use a
13 competitive process to request proposals to revise state-developed
14 open education resource [~~open-source~~] instructional material under
15 this subsection.

16 SECTION 26. Sections 31.073, 31.074, and 31.075, Education
17 Code, are amended to read as follows:

18 Sec. 31.073. SELECTION BY SCHOOL DISTRICT. (c)
19 Notwithstanding Section 31.022, a school district or
20 open-enrollment charter school may adopt state-developed open
21 education resource [~~open-source~~] instructional material at any
22 time, regardless of the instructional material review and adoption
23 cycle under that section.

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

1 Sec. 31.074. DISTRIBUTION. (a) The commissioner shall
2 provide for the distribution of state-developed open education
3 resource [~~open-source~~] instructional materials in a manner
4 consistent with distribution of instructional materials adopted
5 under Subchapter B.

6 (b) The commissioner may use a competitive process to
7 contract for printing or other reproduction of state-developed open
8 education resource [~~open-source~~] instructional material on behalf
9 of a school district or open-enrollment charter school. The
10 commissioner may not require a school district or open-enrollment
11 charter school to contract with a state-approved provider for the
12 printing or reproduction of state-developed open education
13 resource [~~open-source~~] instructional material.

14 Sec. 31.075. OWNERSHIP; LICENSING. (a) State-developed
15 open education resource [~~open-source~~] instructional material is
16 the property of the state.

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

23 (c) The commissioner may provide a license to use
24 state-developed open education resource [~~open-source~~]
25 instructional material to an entity not listed in Subsection (b).
26 In determining the cost of a license under this subsection, the
27 commissioner shall seek, to the extent feasible, to recover the

1 costs of developing, revising, and distributing state-developed
2 open education resource [~~open-source~~] instructional materials.

3 SECTION 27. Section 31.076(b), Education Code, is amended
4 to read as follows:

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

9 SECTION 28. Section 31.077, Education Code, is amended to
10 read as follows:

11 Sec. 31.077. ADOPTION SCHEDULE. The commissioner shall
12 develop a schedule for the adoption of state-developed open
13 education resource [~~open-source~~] instructional materials under
14 this subchapter. In developing the adoption schedule under this
15 section, the commissioner shall consider:

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

21 SECTION 29. Section 31.101, Education Code, is amended by
22 adding Subsection (b) and amending Subsection (f) to read as
23 follows:

24 (b) In selecting instructional material each year, a school
25 district or open-enrollment charter school must consider the use of
26 open education resource instructional materials and must certify to
27 the State Board of Education that the district considered the

1 selection of open education resource instructional materials.

2 (f) The commissioner shall maintain an online requisition
3 system for school districts to requisition instructional materials
4 to be purchased with the district's instructional materials and
5 technology allotment.

6 SECTION 30. Section 31.103(d), Education Code, is amended
7 to read as follows:

8 (d) A school district or open-enrollment charter school
9 that selects open education resource [~~open-source~~] instructional
10 material shall requisition a sufficient number of printed copies
11 for use by students unable to access the instructional material
12 electronically unless the district or school provides to each
13 student:

14 (1) electronic access to the instructional material at
15 no cost to the student; or

16 (2) printed copies of the portion of the instructional
17 material that will be used in the course.

18 SECTION 31. Sections 31.104(b), (g), and (h), Education
19 Code, are amended to read as follows:

20 (b) A school district or open-enrollment charter school may
21 order replacements for instructional materials that have been lost
22 or damaged directly from the publisher of the instructional
23 materials or any source for a printed copy of open education
24 resource [~~open-source~~] instructional material.

25 (g) At the end of the school year for which open education
26 resource [~~open-source~~] instructional material that a school
27 district or open-enrollment charter school does not intend to use

1 for another student is distributed, the printed copy of the open
2 education resource [~~open-source~~] instructional material becomes
3 the property of the student to whom it is distributed.

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

6 SECTION 32. Sections 31.151(d) and (e), Education Code, are
7 amended to read as follows:

8 (d) A penalty collected under this section shall be
9 deposited to the credit of the state instructional materials and
10 technology fund.

11 (e) An eligible institution, as defined by Section
12 31.0241(a), that offers open education resource [~~open-source~~]
13 instructional materials under Section 31.0241 is not a publisher or
14 manufacturer for purposes of this section.

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

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

20 SECTION 34. Section 41.124(c), Education Code, is amended
21 to read as follows:

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

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

1 to read as follows:

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

9 SECTION 36. Section 403.093(d), Government Code, is amended
10 to read as follows:

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

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