87R16423 MLH-F

By:  Huberty H.B. No. 3261

Substitute the following for H.B. No. 3261:

By:  Dutton C.S.H.B. No. 3261

A BILL TO BE ENTITLED

AN ACT

relating to the electronic administration of certain required assessment instruments, measures to support Internet connectivity for purposes of those assessment instruments, and the adoption and administration of certain optional interim assessment instruments.

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

SECTION 1.  Section 31.0211(c), Education Code, is amended to read as follows:

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

(1)  purchase:

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

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

(C)  consumable instructional materials, including workbooks;

(D)  instructional materials for use in bilingual education classes, as provided by Section 31.029;

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

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

(G)  state-developed open education resource instructional materials, as provided by Subchapter B-1;

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

(I)  technological equipment necessary to support the use of materials included on the list adopted by the commissioner under Section 31.0231 or any instructional materials purchased with an allotment under this section; [~~and~~]

(J)  inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of the instructional materials; and

(K)  services, equipment, and technology infrastructure necessary to ensure Internet connectivity and adequate bandwidth; and

(2)  pay:

(A)  for training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use; [~~and~~]

(B)  for training personnel in the electronic administration of assessment instruments; and

(C)  the salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning.

SECTION 2.  Subchapter B, Chapter 32, Education Code, is amended by adding Section 32.037 to read as follows:

Sec. 32.037.  GRANT PROGRAM FOR TRANSITION TO ELECTRONIC ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) The commissioner may establish a matching grant program to ensure that all school districts and open-enrollment charter schools have the necessary infrastructure to administer assessment instruments electronically in accordance with the transition plan developed under Section 39.02341.

(b)  In establishing the grant program, the commissioner may:

(1)  set eligibility criteria to receive a matching grant under the program; and

(2)  contract with developers of technology as necessary to ensure the most efficient and cost-effective implementation of Internet connectivity infrastructure for electronic administration of assessment instruments.

(c)  This section expires September 1, 2025.

SECTION 3.  Sections 39.023(c-3), (c-8), and (o), Education Code, are amended to read as follows:

(c-3)  Except as provided by Subsection (c-7) or as otherwise provided by this subsection, in adopting a schedule for the administration of assessment instruments under this section, the State Board of Education shall ensure that assessment instruments administered under Subsection (a) or (c) are not administered on the first instructional day of a week. On request by a school district or open-enrollment charter school, the commissioner may allow the district or school to administer an assessment instrument required under Subsection (a) or (c) on the first instructional day of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions.

(c-8)  Beginning with the 2022-2023 school year, not more than 75 percent of the available points on an assessment instrument developed under Subsection (a) or (c) may be attributable to [~~not present more than 75 percent of the~~] questions presented in a multiple choice format.

(o)  The agency shall adopt or develop optional interim assessment instruments for each subject or course for each grade level subject to assessment under this section. A school district or open-enrollment charter school may not be required to administer interim assessment instruments adopted or developed under this subsection. An interim assessment instrument:

(1)  must be:

(A)  when possible, predictive of the assessment instrument for the applicable subject or course for that grade level required under this section; and

(B)  administered electronically; and

(2)  may not be used for accountability purposes.

SECTION 4.  Section 39.0234, Education Code, is amended to read as follows:

Sec. 39.0234.  ELECTRONIC ADMINISTRATION OF ASSESSMENT INSTRUMENTS. Each [~~The agency shall ensure that~~] assessment instrument [~~instruments~~] required under Section 39.023(a), (c), or (l) must be [~~39.023 are capable of being~~] administered electronically, unless otherwise provided by commissioner rule.

SECTION 5.  Sections 39.02341(a) and (b), Education Code, are amended to read as follows:

(a)  The agency, in consultation with the State Board of Education, shall develop a transition plan to administer all assessment instruments required under Sections 39.023(a), (c), and (l) [~~Section 39.023~~] electronically beginning not later than the 2022-2023 school year. The plan must:

(1)  evaluate the availability of Internet access for each school district in this state;

(2)  identify changes to state law or policy necessary to improve the availability of Internet access described by Subdivision (1);

(3)  evaluate the state's experience with administering online assessment instruments, including the occurrence or effects of power outages or other types of disruptions of Internet service, and actions taken by the state to mitigate the occurrence and effect of those disruptions; and

(4)  identify and evaluate actions taken by the state to improve the administration of online assessment instruments.

(b)  The agency shall implement the transition plan beginning on September 1, 2021. [~~In order to ensure legislative approval of the transition plan, this subsection expires August 31, 2021.~~]

SECTION 6.  (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2021-2022 school year.

(b)  Section 39.0234, Education Code, as amended by this Act, applies beginning with the 2023-2024 school year.

SECTION 7.  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, 2021.