

By: Taylor
(Huberty)

S.B. No. 1171

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the electronic administration of certain required
3 assessment instruments, measures to support Internet connectivity
4 for purposes of those assessment instruments, and the adoption and
5 administration of certain optional interim assessment instruments.

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

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

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

11 (1) purchase:

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

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

17 (C) consumable instructional materials,
18 including workbooks;

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

21 (E) instructional materials for use in college
22 preparatory courses under Section 28.014, as provided by Section
23 31.031;

24 (F) supplemental instructional materials, as

1 provided by Section 31.035;

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

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

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

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

14 (K) services, equipment, and technology
15 infrastructure necessary to ensure Internet connectivity and
16 adequate bandwidth; 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) for training personnel in the electronic
23 administration of assessment instruments; and

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

27 SECTION 2. Subchapter B, Chapter 32, Education Code, is

1 amended by adding Section 32.037 to read as follows:

2 Sec. 32.037. GRANT PROGRAM FOR TRANSITION TO ELECTRONIC
3 ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) The commissioner
4 may establish a matching grant program to ensure that all school
5 districts and open-enrollment charter schools have the necessary
6 infrastructure to administer assessment instruments electronically
7 in accordance with the transition plan developed under Section
8 39.02341.

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

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

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

17 (c) In awarding grants under the grant program, the
18 commissioner:

19 (1) shall prioritize applicants seeking funding for
20 one-time investments in broadband network infrastructure; and

21 (2) if funds are available after grants are awarded to
22 each eligible applicant described by Subdivision (1), may award
23 grants to applicants seeking funding for annual bandwidth and
24 personnel costs associated with electronic administration of
25 assessment instruments.

26 (d) This section expires September 1, 2025.

27 SECTION 3. Sections 39.023(c-3), (c-8), and (o), Education

1 Code, are amended to read as follows:

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

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

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

25 (1) must be:

26 (A) when possible, predictive of the assessment
27 instrument for the applicable subject or course for that grade

1 level required under this section; and

2 (B) administered electronically; and

3 (2) may not be used for accountability purposes.

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

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

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

13 (a) The agency, in consultation with the State Board of
14 Education, shall develop a transition plan to administer all
15 assessment instruments required under Sections 39.023(a), (c), and
16 (1) [~~Section 39.023~~] electronically beginning not later than the
17 2022-2023 school year. The plan must:

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

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

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

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

3 (b) The agency shall implement the transition plan
4 beginning on September 1, 2021. [~~In order to ensure legislative
5 approval of the transition plan, this subsection expires August 31,
6 2021.~~]

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

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

11 SECTION 7. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section [39](#), Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2021.