

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Huberty

H.B. No. 3261

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the electronic administration of certain required  
3 assessment instruments, measures to support Internet connectivity  
4 for purposes of those assessment instruments, the adoption and  
5 administration of certain optional interim assessment instruments,  
6 and the review and use of the instructional materials and  
7 technology allotment.

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

9 SECTION 1. Section 31.0211, Education Code, is amended by  
10 amending Subsections (c) and (d) and adding Subsection (d-1) to  
11 read as follows:

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

14 (1) purchase:

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

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

20 (C) consumable instructional materials,  
21 including workbooks;

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

24 (E) instructional materials for use in college

1 preparatory courses under Section 28.014, as provided by Section  
2 31.031;

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

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

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

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

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

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

20 (2) pay:

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

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

27 (C) the salary and other expenses of an employee

1 who provides technical support for the use of technological  
2 equipment directly involved in student learning.

3 (d) Each biennium the commissioner shall assess the  
4 technology needs for all school districts and provide an estimate  
5 of the cost for these resources to the State Board of Education [~~a~~  
6 ~~school district shall use the district's allotment under this~~  
7 ~~section to purchase, in the following order:~~

8 [~~(1) instructional materials necessary to permit the~~  
9 ~~district to certify that the district has instructional materials~~  
10 ~~that cover all elements of the essential knowledge and skills of the~~  
11 ~~required curriculum, other than physical education, for each grade~~  
12 ~~level as required by Section 28.002; and~~

13 [~~(2) any other instructional materials or~~  
14 ~~technological equipment as determined by the district].~~

15 (d-1) In purchasing technological equipment, a school  
16 district shall:

17 (1) secure technological solutions that meet the  
18 varying and unique needs of students and teachers in the district;  
19 and

20 (2) consider:

21 (A) the long-term cost of ownership; and

22 (B) flexibility for innovation.

23 SECTION 2. Section 31.022, Education Code, is amended by  
24 amending Subsection (g) and adding Subsection (i) to read as  
25 follows:

26 (g) In determining the disbursement of money to the  
27 available school fund and the amount of that disbursement that will

1 be used, in accordance with Section 43.001(d), to fund the  
2 instructional materials and technology allotment under Section  
3 31.0211, the board must consider the cost of all district  
4 technology requirements, as reported by the commissioner, and  
5 instructional materials for that state fiscal biennium. [~~In~~  
6 ~~reviewing and adopting instructional materials, the board shall~~  
7 ~~consider a school district's need for technology as well as~~  
8 ~~instructional materials and in any biennium may limit the adoption~~  
9 ~~of instructional materials to provide sufficient resources to~~  
10 ~~purchase technology resources, including digital curriculum.]~~

11 (i) For any state fiscal biennium, the board may only issue  
12 proclamations for instructional materials in which the total  
13 projected cost of instructional materials under the proclamations  
14 does not exceed 75 percent of the total amount used to fund the  
15 instructional materials and technology allotment under Section  
16 31.0211 for that biennium.

17 SECTION 3. Subchapter B, Chapter 32, Education Code, is  
18 amended by adding Section 32.037 to read as follows:

19 Sec. 32.037. GRANT PROGRAM FOR TRANSITION TO ELECTRONIC  
20 ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) The commissioner  
21 may establish a matching grant program to ensure that all school  
22 districts and open-enrollment charter schools have the necessary  
23 infrastructure to administer assessment instruments electronically  
24 in accordance with the transition plan developed under Section  
25 39.02341.

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

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

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

7           (c) This section expires September 1, 2025.

8           SECTION 4. Sections 39.023(c-3), (c-8), and (o), Education  
9 Code, are amended to read as follows:

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

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

27           (o) The agency shall adopt or develop optional interim

1 assessment instruments for each subject or course for each grade  
2 level subject to assessment under this section. A school district  
3 or open-enrollment charter school may not be required to administer  
4 interim assessment instruments adopted or developed under this  
5 subsection. An interim assessment instrument:

6 (1) must be:

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

10 (B) administered electronically; and

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

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

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

19 (b) The agency may recommend, but may not require, that a  
20 school district make external keyboards available for student use  
21 with tablet devices for the electronic administration of an  
22 assessment instrument, including any portion of an assessment  
23 instrument that contains constructed response or essay items.

24 SECTION 6. Sections 39.02341(a) and (b), Education Code,  
25 are amended to read as follows:

26 (a) The agency, in consultation with the State Board of  
27 Education, shall develop a transition plan to administer all

1 assessment instruments required under Sections 39.023(a), (c), and  
2 (1) [Section 39.023] electronically beginning not later than the  
3 2022-2023 school year. The plan must:

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

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

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

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

16 (b) The agency shall implement the transition plan  
17 beginning on September 1, 2021. [~~In order to ensure legislative~~  
18 ~~approval of the transition plan, this subsection expires August 31,~~  
19 ~~2021.~~]

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

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

24 SECTION 8. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 3261

1 Act takes effect September 1, 2021.



**ADOPTED**

**MAY 22 2021**

By: Huberty/Taylor

*Lacey Law*  
Secretary of the Senate

H.B. No. 3261

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

By: \_\_\_\_\_

C.S.H.B. No. 3261

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, the adoption and  
5 administration of certain optional interim assessment instruments,  
6 the review and use of the instructional materials and technology  
7 allotment, and requests for production of instructional materials.

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

9 SECTION 1. Section 31.0211, Education Code, is amended by  
10 amending Subsections (c) and (d) and adding Subsection (d-1) to  
11 read as follows:

12 (c) Funds [~~Subject to Subsection (d), funds~~] allotted under  
13 this section may be used to:

14 (1) purchase:

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

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

20 (C) consumable instructional materials,  
21 including workbooks;

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

24 (E) instructional materials for use in college

1 preparatory courses under Section 28.014, as provided by Section  
2 31.031;

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

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

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

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

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

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

20 (2) pay:

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

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

27 (C) the salary and other expenses of an employee

1 who provides technical support for the use of technological  
2 equipment directly involved in student learning.

3 (d) Each biennium the commissioner shall assess the  
4 technology needs for all school districts and provide an estimate  
5 of the cost for these resources to the State Board of Education [~~a~~  
6 ~~school district shall use the district's allotment under this~~  
7 ~~section to purchase, in the following order:~~

8 [~~(1) instructional materials necessary to permit the~~  
9 ~~district to certify that the district has instructional materials~~  
10 ~~that cover all elements of the essential knowledge and skills of the~~  
11 ~~required curriculum, other than physical education, for each grade~~  
12 ~~level as required by Section 28.002, and~~

13 [~~(2) any other instructional materials or~~  
14 ~~technological equipment as determined by the district].~~

15 (d-1) In purchasing technological equipment, a school  
16 district shall:

17 (1) secure technological solutions that meet the  
18 varying and unique needs of students and teachers in the district;  
19 and

20 (2) consider:

21 (A) the long-term cost of ownership; and

22 (B) flexibility for innovation.

23 SECTION 2. Section 31.022, Education Code, is amended by  
24 amending Subsection (g) and adding Subsection (i) to read as  
25 follows:

26 (g) In determining the disbursement of money to the  
27 available school fund and the amount of that disbursement that will

1 be used, in accordance with Section 43.001(d), to fund the  
2 instructional materials and technology allotment under Section  
3 31.0211, the board must consider the cost of all district  
4 technology requirements, as estimated by the commissioner under  
5 Section 31.0211(d), and instructional materials for that state  
6 fiscal biennium. [~~In reviewing and adopting instructional~~  
7 materials, the board shall consider a school district's need for  
8 technology as well as instructional materials and in any biennium  
9 may limit the adoption of instructional materials to provide  
10 sufficient resources to purchase technology resources, including  
11 digital curriculum.]

12 (i) For any state fiscal biennium, the total projected cost  
13 of instructional materials under requests for production issued by  
14 the board may not exceed 75 percent of the total amount used to fund  
15 the instructional materials and technology allotment under Section  
16 31.0211 for that biennium.

17 SECTION 3. Subchapter B, Chapter 32, Education Code, is  
18 amended by adding Section 32.037 to read as follows:

19 Sec. 32.037. GRANT PROGRAM FOR TRANSITION TO ELECTRONIC  
20 ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) The commissioner  
21 may establish a matching grant program to ensure that all school  
22 districts and open-enrollment charter schools have the necessary  
23 infrastructure to administer assessment instruments electronically  
24 in accordance with the transition plan developed under Section  
25 39.02341.

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

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

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

7           (c) In awarding grants under the grant program, the  
8 commissioner:

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

11           (2) if funds are available after grants are awarded to  
12 each eligible applicant described by Subdivision (1), may award  
13 grants to applicants seeking funding for annual bandwidth and  
14 personnel costs associated with electronic administration of  
15 assessment instruments.

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

17           SECTION 4. Sections 39.023(c-3), (c-8), and (o), Education  
18 Code, are amended to read as follows:

19           (c-3) Except as provided by Subsection (c-7) or as otherwise  
20 provided by this subsection, in adopting a schedule for the  
21 administration of assessment instruments under this section, the  
22 State Board of Education shall ensure that assessment instruments  
23 administered under Subsection (a) or (c) are not administered on  
24 the first instructional day of a week. On request by a school  
25 district or open-enrollment charter school, the commissioner may  
26 allow the district or school to administer an assessment instrument  
27 required under Subsection (a) or (c) on the first instructional day

1 of a week if administering the assessment instrument on another  
2 instructional day would result in a significant administrative  
3 burden due to specific local conditions.

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

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

15 (1) must be:

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

19 (B) administered electronically; and

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

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

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

1        (b) The agency may recommend, but may not require, that a  
2 school district make external keyboards available for student use  
3 with tablet devices for the electronic administration of an  
4 assessment instrument, including any portion of an assessment  
5 instrument that contains constructed response or essay items.

6        SECTION 6. Sections 39.02341(a) and (b), Education Code,  
7 are amended to read as follows:

8        (a) The agency, in consultation with the State Board of  
9 Education, shall develop a transition plan to administer all  
10 assessment instruments required under Sections 39.023(a), (c), and  
11 (1) [Section 39.023] electronically beginning not later than the  
12 2022-2023 school year. The plan must:

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

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

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

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

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

1 ~~2021.~~]

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

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

6 SECTION 8. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2021.



**ADOPTED**

MAY 22 2021

*Lately Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: Taylor

1 Amend C.S.H.B. No. 3261 (senate committee printing) as  
2 follows:

3 (1) In SECTION 2 of the bill, in added Section 31.022(i),  
4 Education Code (page 2, line 51), strike "For any state fiscal  
5 biennium" and substitute "During any state fiscal biennium  
6 beginning on or after September 1, 2023".

7 (2) In SECTION 7(b) of the bill (page 4, line 14), strike  
8 "2023-2024" and substitute "2022-2023".

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 24, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3261** by Huberty (Relating to the electronic administration of certain required assessment instruments, measures to support Internet connectivity for purposes of those assessment instruments, the adoption and administration of certain optional interim assessment instruments, the review and use of the instructional materials and technology allotment, and requests for production of instructional materials.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3261, As Passed 2nd House : a negative impact of (\$4,200,000) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five- Year Impact:**

<i>Fiscal Year</i>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2022	(\$4,000,000)
2023	(\$200,000)
2024	\$0
2025	(\$200,000)
2026	\$0

**All Funds, Five-Year Impact:**

<i>Fiscal Year</i>	<b>Probable (Cost) from General Revenue Fund 1</b>
2022	(\$4,000,000)
2023	(\$200,000)
2024	\$0
2025	(\$200,000)
2026	\$0

**Fiscal Analysis**

The bill would add services, equipment, and infrastructure necessary to ensure Internet connectivity to the list of allowable local education agency (LEA) expenditures of funds from the Instructional Materials and Technology Allotment.

The bill would also authorize the Commissioner of Education to establish a matching grant program to ensure

that all LEAs have the necessary infrastructure to administer assessment instruments electronically. The bill would require the commissioner to prioritize applicants seeking funding for one-time investments in broadband network infrastructure. If funds are available after grants are awarded to each eligible applicant the commissioner would be authorized to award grants to applicants seeking funding for annual bandwidth and personnel costs associated with electronic administration of assessment instruments.

The grant program would expire at the end of the 2025 fiscal year.

### **Methodology**

The Texas Education Agency estimates that there would be a \$4.0 million cost associated with one-time network infrastructure upgrades for LEAs in fiscal year 2022. Aside from costs associated with the grant program itself, this analysis assumes that TEA could implement the bill using existing resources.

The agency estimates that there would be a cost of \$200,000 each biennium to assess the technology needs for all school districts and provide an estimate of the cost for these resources to the State Board of Education.

### **Local Government Impact**

According to the Texas Education Agency, LEAs may see additional costs to prepare for the administration of online assessments, although those costs could be partially offset by the matching grant program and through the broadened use of Technology and Instructional Materials Allotment funds.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** JMc, LBO, AH, THO, SL

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 19, 2021**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3261** by Huberty (relating to the electronic administration of certain required assessment instruments, measures to support Internet connectivity for purposes of those assessment instruments, the adoption and administration of certain optional interim assessment instruments, the review and use of the instructional materials and technology allotment, and requests for production of instructional materials.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3261, Committee Report 2nd House, Substituted : a negative impact of (\$4,200,000) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five- Year Impact:**

<i>Fiscal Year</i>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2022	(\$4,000,000)
2023	(\$200,000)
2024	\$0
2025	(\$200,000)
2026	\$0

**All Funds, Five-Year Impact:**

<i>Fiscal Year</i>	<b>Probable (Cost) from General Revenue Fund</b>
2022	(\$4,000,000)
2023	(\$200,000)
2024	\$0
2025	(\$200,000)
2026	\$0

**Fiscal Analysis**

The bill would add services, equipment, and infrastructure necessary to ensure Internet connectivity to the list of allowable local education agency (LEA) expenditures of funds from the Instructional Materials and Technology Allotment.

The bill would also authorize the Commissioner of Education to establish a matching grant program to ensure

that all LEAs have the necessary infrastructure to administer assessment instruments electronically. The bill would require the commissioner to prioritize applicants seeking funding for one-time investments in broadband network infrastructure. If funds are available after grants are awarded to each eligible applicant the commissioner would be authorized to award grants to applicants seeking funding for annual bandwidth and personnel costs associated with electronic administration of assessment instruments.

The grant program would expire at the end of the 2025 fiscal year.

### **Methodology**

The Texas Education Agency estimates that there would be a \$4.0 million cost associated with one-time network infrastructure upgrades for LEAs in fiscal year 2022. Aside from costs associated with the grant program itself, this analysis assumes that TEA could implement the bill using existing resources.

The agency estimates that there would be a cost of \$200,000 each biennium to assess the technology needs for all school districts and provide an estimate of the cost for these resources to the State Board of Education.

### **Local Government Impact**

According to the Texas Education Agency, LEAs may see additional costs to prepare for the administration of online assessments, although those costs could be partially offset by the matching grant program and through the broadened use of Technology and Instructional Materials Allotment funds.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** JMc, SL, AH, THO

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 17, 2021**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3261** by Huberty (Relating to the electronic administration of certain required assessment instruments, measures to support Internet connectivity for purposes of those assessment instruments, the adoption and administration of certain optional interim assessment instruments, and the review and use of the instructional materials and technology allotment.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3261, As Engrossed : a negative impact of (\$30,216,702) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five- Year Impact:**

<i>Fiscal Year</i>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2022	(\$17,110,351)
2023	(\$13,106,351)
2024	(\$13,106,351)
2025	(\$13,106,351)
2026	\$0

**All Funds, Five-Year Impact:**

<i>Fiscal Year</i>	<b>Probable (Cost) from General Revenue Fund 1</b>	<b>Change in Number of State Employees from FY 2021</b>
2022	(\$17,110,351)	1.0
2023	(\$13,106,351)	1.0
2024	(\$13,106,351)	1.0
2025	(\$13,106,351)	1.0
2026	\$0	0.0

**Fiscal Analysis**

The bill would add services, equipment, and infrastructure necessary to ensure Internet connectivity to the list of allowable local education agency (LEA) expenditures of funds from the Instructional Materials and Technology Allotment. The bill would also authorize the Commissioner of Education to establish a matching grant program to ensure that all LEAs have the necessary infrastructure to administer assessment instruments electronically. The grant program would expire at the end of the 2025 fiscal year.

## **Methodology**

The Texas Education Agency estimates that there would be a \$4.0 million cost associated with one-time network infrastructure upgrades for LEAs in fiscal year 2022 and a \$13.1 million cost associated with increased bandwidth and personnel costs. While the network infrastructure upgrades would only exist in fiscal year 2022, the other costs would occur through fiscal year 2025

The agency estimates that one FTE would be required to administer the grant program through fiscal year 2025.

## **Local Government Impact**

According to the Texas Education Agency, LEAs may see additional costs to prepare for the administration of online assessments, although those costs could be partially offset by the matching grant program and through the broadened use of Technology and Instructional Materials Allotment funds.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** JMc, SL, AH, THO

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 21, 2021**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3261** by Huberty (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.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3261, Committee Report 1st House, Substituted : a negative impact of (\$30,216,702) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five- Year Impact:**

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2022	(\$17,110,351)
2023	(\$13,106,351)
2024	(\$13,106,351)
2025	(\$13,106,351)
2026	\$0

**All Funds, Five-Year Impact:**

<i>Fiscal Year</i>	Probable (Cost) from <i>General Revenue Fund</i> 1	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$17,110,351)	1.0
2023	(\$13,106,351)	1.0
2024	(\$13,106,351)	1.0
2025	(\$13,106,351)	1.0
2026	\$0	0.0

**Fiscal Analysis**

The bill would add services, equipment, and infrastructure necessary to ensure Internet connectivity to the list of allowable local education agency (LEA) expenditures of funds from the Instructional Materials and Technology Allotment. The bill would also authorize the Commissioner of Education to establish a matching grant program to ensure that all LEAs have the necessary infrastructure to administer assessment instruments electronically. The grant program would expire at the end of the 2025 fiscal year.



## **Methodology**

The Texas Education Agency estimates that there would be a \$4.0 million cost associated with one-time network infrastructure upgrades for LEAs in fiscal year 2022 and a \$13.1 million cost associated with increased bandwidth and personnel costs. While the network infrastructure upgrades would only exist in fiscal year 2022, the other costs would occur through fiscal year 2025

The agency estimates that one FTE would be required to administer the grant program through fiscal year 2025.

## **Local Government Impact**

According to the Texas Education Agency, LEAs may see additional costs to prepare for the administration of online assessments, although those costs could be partially offset by the matching grant program and through the broadened use of Technology and Instructional Materials Allotment funds.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** JMc, SL, AH, THO

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 3, 2021**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3261** by Huberty (Relating to the electronic administration of assessment instruments in public schools and to certain measures to support Internet connectivity for purposes of those assessment instruments.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3261, As Introduced : a negative impact of (\$30,216,702) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five- Year Impact:**

<i>Fiscal Year</i>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2022	(\$17,110,351)
2023	(\$13,106,351)
2024	\$0
2025	\$0
2026	\$0

**All Funds, Five-Year Impact:**

<i>Fiscal Year</i>	<b>Probable (Cost) from General Revenue Fund 1</b>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$17,110,351)	1.0
2023	(\$13,106,351)	1.0
2024	\$0	0.0
2025	\$0	0.0
2026	\$0	0.0

**Fiscal Analysis**

The bill would add services, equipment, and infrastructure necessary to ensure Internet connectivity to the list of allowable local education agency (LEA) expenditures of funds from the Instructional Materials and Technology Allotment. The bill would also authorize the Commissioner of Education to establish a matching grant program to ensure that all LEAs have the necessary infrastructure to administer assessment instruments electronically. The grant program would expire at the end of the 2023 fiscal year.

**Methodology**

The Texas Education Agency estimates that there would be a \$4.0 million cost associated with one-time network infrastructure upgrades for LEAs in fiscal year 2022 and a \$13.1 million cost associated with increased bandwidth and personnel costs. While the network infrastructure upgrades would only exist in fiscal year 2022, the other costs would occur in fiscal years 2022 and 2023.

The agency estimates that one FTE would be required to administer the grant program in fiscal years 2022 and 2023.

### **Local Government Impact**

According to the Texas Education Agency, LEAs may see additional costs to prepare for the administration of online assessments, although those costs could be partially offset by the matching grant program and through the broadened use of Technology and Instructional Materials Allotment funds.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** JMc, SL, AH, THO