

House Bill 3261
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 31.0211, Education Code, is amended by amending Subsections (c) and (d) and adding Subsection (d-1) 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

SENATE VERSION (IE)

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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.

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

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

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

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

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

(2) consider:

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

(B) flexibility for innovation.

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(2) pay:

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

(g) In determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), to fund the instructional materials and technology allotment under Section 31.0211, the board must consider the cost of all district technology requirements, as reported by the commissioner, and instructional materials for that state fiscal biennium. [~~In reviewing and adopting instructional materials, the board shall consider a school district's need for technology as well as instructional materials and in any biennium may limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum.~~]

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

SECTION 3. 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

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

(g) In determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), to fund the instructional materials and technology allotment under Section 31.0211, the board must consider the cost of all district technology requirements, as estimated by the commissioner under Section 31.0211(d), and instructional materials for that state fiscal biennium. [~~In reviewing and adopting instructional materials, the board shall consider a school district's need for technology as well as instructional materials and in any biennium may limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum.~~]

(i) During any state fiscal biennium beginning on or after September 1, 2023, the total projected cost of instructional materials under requests for production issued by the board may not exceed 75 percent of the total amount used to fund the instructional materials and technology allotment under Section 31.0211 for that biennium. [FA1(1)]

SECTION 3. 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

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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 4. 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

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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) In awarding grants under the grant program, the commissioner:

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

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

(d) This section expires September 1, 2025.

SECTION 4. Same as House version.

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

Sec. 39.0234. ELECTRONIC ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) 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.

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SECTION 5. Same as House version.

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

SECTION 6. 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 (1) ~~[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.]~~

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SECTION 7. (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 8. 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.

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SECTION 7. (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 2022-2023 school year.
[FA1(2)]

SECTION 8. Same as House version.

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