

By: Howard

H.B. No. 3526

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to renaming the instructional materials allotment as the  
3 technology and instructional materials allotment and making  
4 associated technical changes.

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 technology and  
14 instructional materials allotment.

15 SECTION 2. Section 31.005, Education Code, is amended to  
16 read as follows:

17 Sec. 31.005. FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS.  
18 An open-enrollment charter school is entitled to the technology and  
19 instructional materials allotment under this chapter and is subject  
20 to this chapter as if the school were a school district.

21 SECTION 3. Section 31.021, Education Code, is amended to  
22 read as follows:

23 Sec. 31.021. STATE TECHNOLOGY AND INSTRUCTIONAL MATERIALS  
24 FUND. (a) The state technology and instructional materials fund

1 consists of:

2 (1) an amount set aside by the State Board of Education  
3 from the available school fund, in accordance with Section  
4 43.001(d); and

5 (2) all amounts lawfully paid into the fund from any  
6 other source.

7 (c) Money in the state technology and instructional  
8 materials fund shall be used to:

9 (1) fund the technology and instructional materials  
10 allotment, as provided by Section 31.0211;

11 (2) purchase special instructional materials for the  
12 education of blind and visually impaired students in public  
13 schools;

14 (3) pay the expenses associated with the instructional  
15 materials adoption and review process under this chapter;

16 (4) pay the expenses associated with the purchase or  
17 licensing of open-source instructional material;

18 (5) pay the expenses associated with the purchase of  
19 instructional material, including intrastate freight and shipping  
20 and the insurance expenses associated with intrastate freight and  
21 shipping;

22 (6) fund the technology lending grant program  
23 established under Section 32.201; and

24 (7) provide funding to the Texas School for the Blind  
25 and Visually Impaired, the Texas School for the Deaf, and the Texas  
26 Juvenile Justice Department.

27 (d) Money transferred to the state technology and

1 instructional materials fund remains in the fund until spent and  
2 does not lapse to the state at the end of the fiscal year.

3 SECTION 4. The heading to Section 31.0211, Education Code,  
4 is amended to read as follows:

5 Sec. 31.0211. TECHNOLOGY AND INSTRUCTIONAL MATERIALS  
6 ALLOTMENT.

7 SECTION 5. Sections 31.0211(a) and (b), Education Code, are  
8 amended to read as follows:

9 (a) A school district is entitled to an allotment each  
10 biennium from the state technology and instructional materials fund  
11 for each student enrolled in the district on a date during the last  
12 year of the preceding biennium specified by the commissioner. The  
13 commissioner shall determine the amount of the allotment per  
14 student each biennium on the basis of the amount of money available  
15 in the state technology and instructional materials fund to fund  
16 the allotment. An allotment under this section shall be  
17 transferred from the state technology and instructional materials  
18 fund to the credit of the district's technology and instructional  
19 materials account as provided by Section 31.0212.

20 (b) A juvenile justice alternative education program under  
21 Section 37.011 is entitled to an allotment from the state  
22 technology and instructional materials fund in an amount determined  
23 by the commissioner. The program shall use the allotment to  
24 purchase items listed in Subsection (c) for students enrolled in  
25 the program. The commissioner's determination under this  
26 subsection is final and may not be appealed.

27 SECTION 6. The heading to Section 31.0212, Education Code,

1 is amended to read as follows:

2           Sec. 31.0212. TECHNOLOGY AND INSTRUCTIONAL MATERIALS  
3 ACCOUNT.

4           SECTION 7. Sections 31.0212(a), (b), (d), and (e),  
5 Education Code, are amended to read as follows:

6           (a) The commissioner shall maintain a technology and ~~[an]~~  
7 instructional materials account for each school district. In the  
8 first year of each biennium, the commissioner shall deposit in the  
9 account for each district the amount of the district's technology  
10 and instructional materials allotment under Section 31.0211.

11           (b) The commissioner shall pay the cost of instructional  
12 materials requisitioned by a school district under Section 31.103  
13 using funds from the district's technology and instructional  
14 materials account.

15           (d) Money deposited in a school district's technology and  
16 instructional materials account during each state fiscal biennium  
17 remains in the account and available for use by the district for the  
18 entire biennium. At the end of each biennium, a district with  
19 unused money in the district's account may carry forward any  
20 remaining balance to the next biennium.

21           (e) The commissioner shall adopt rules as necessary to  
22 implement this section. The rules must include a requirement that  
23 a school district provide the title and publication information for  
24 any instructional materials requisitioned or purchased by the  
25 district with the district's technology and instructional  
26 materials allotment.

27           SECTION 8. Section 31.0213, Education Code, is amended to

1 read as follows:

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

7           SECTION 9. Section 31.0214(a), Education Code, is amended  
8 to read as follows:

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

16           SECTION 10. The heading to Section 31.0215, Education Code,  
17 is amended to read as follows:

18           Sec. 31.0215. TECHNOLOGY AND INSTRUCTIONAL MATERIALS  
19 [~~MATERIAL~~] ALLOTMENT PURCHASES.

20           SECTION 11. Sections 31.0215(b) and (c), Education Code,  
21 are amended to read as follows:

22           (b) The commissioner may allow a school district or  
23 open-enrollment charter school to place an order for instructional  
24 materials before the beginning of a fiscal biennium and to receive  
25 instructional materials before payment. The commissioner shall  
26 limit the cost of an order placed under this section to 80 percent  
27 of the estimated amount to which a school district or

1 open-enrollment charter school is estimated to be entitled as  
2 provided by Subsection (a) and shall first credit any balance in a  
3 district or charter school technology and instructional materials  
4 account to pay for an order placed under this section.

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

10 SECTION 12. Section 31.0231(b), Education Code, is amended  
11 to read as follows:

12 (b) A school district may select material on the list  
13 adopted under Subsection (a) to be funded by the district's  
14 technology and instructional materials allotment under Section  
15 31.0211.

16 SECTION 13. Section 31.029(a), Education Code, is amended  
17 to read as follows:

18 (a) A school district shall purchase with the district's  
19 technology and instructional materials allotment or otherwise  
20 acquire instructional materials for use in bilingual education  
21 classes.

22 SECTION 14. Section 31.031(a), Education Code, is amended  
23 to read as follows:

24 (a) A school district may purchase with the district's  
25 technology and instructional materials allotment or otherwise  
26 acquire instructional materials for use in college preparatory  
27 courses under Section 28.014.

1 SECTION 15. Section 31.071(e), Education Code, is amended  
2 to read as follows:

3 (e) The costs of administering this subchapter and  
4 purchasing state-developed open-source instructional materials  
5 shall be paid from the state technology and instructional materials  
6 fund, as determined by the commissioner.

7 SECTION 16. Section 31.101(f), Education Code, is amended  
8 to read as follows:

9 (f) The commissioner shall maintain an online requisition  
10 system for school districts to requisition instructional materials  
11 to be purchased with the district's technology and instructional  
12 materials allotment.

13 SECTION 17. Section 31.151(d), Education Code, is amended  
14 to read as follows:

15 (d) A penalty collected under this section shall be  
16 deposited to the credit of the state technology and instructional  
17 materials fund.

18 SECTION 18. Section 41.124(c), Education Code, is amended  
19 to read as follows:

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

25 SECTION 19. Section 43.001(d), Education Code, is amended  
26 to read as follows:

27 (d) Each biennium the State Board of Education shall set

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

7 SECTION 20. Section 403.093(d), Government Code, is amended  
8 to read as follows:

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

26 SECTION 21. This Act takes effect immediately if it  
27 receives a vote of two-thirds of all the members elected to each

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1 house, as provided by Section 39, Article III, Texas Constitution.  
2 If this Act does not receive the vote necessary for immediate  
3 effect, this Act takes effect September 1, 2017.