

1-1 By: Howard (Senate Sponsor - Taylor of Galveston) H.B. No. 3526  
 1-2 (In the Senate - Received from the House May 10, 2017;  
 1-3 May 12, 2017, read first time and referred to Committee on  
 1-4 Education; May 22, 2017, reported favorably by the following vote:  
 1-5 Yeas 9, Nays 0; May 22, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Hall			X	
1-12 Huffines	X			
1-13 Hughes	X			
1-14 Seliger	X			
1-15 Taylor of Collin	X			
1-16 Uresti	X			
1-17 West			X	

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to renaming the instructional materials allotment as the  
 1-22 technology and instructional materials allotment and making  
 1-23 associated technical changes.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 31.001, Education Code, is amended to  
 1-26 read as follows:

1-27 Sec. 31.001. FREE INSTRUCTIONAL MATERIALS. Instructional  
 1-28 materials selected for use in the public schools shall be furnished  
 1-29 without cost to the students attending those schools. Except as  
 1-30 provided by Section 31.104(d), a school district may not charge a  
 1-31 student for instructional material or technological equipment  
 1-32 purchased by the district with the district's technology and  
 1-33 instructional materials allotment.

1-34 SECTION 2. Section 31.005, Education Code, is amended to  
 1-35 read as follows:

1-36 Sec. 31.005. FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS.  
 1-37 An open-enrollment charter school is entitled to the technology and  
 1-38 instructional materials allotment under this chapter and is subject  
 1-39 to this chapter as if the school were a school district.

1-40 SECTION 3. Section 31.021, Education Code, is amended to  
 1-41 read as follows:

1-42 Sec. 31.021. STATE TECHNOLOGY AND INSTRUCTIONAL MATERIALS  
 1-43 FUND. (a) The state technology and instructional materials fund  
 1-44 consists of:

1-45 (1) an amount set aside by the State Board of Education  
 1-46 from the available school fund, in accordance with Section  
 1-47 43.001(d); and

1-48 (2) all amounts lawfully paid into the fund from any  
 1-49 other source.

1-50 (c) Money in the state technology and instructional  
 1-51 materials fund shall be used to:

1-52 (1) fund the technology and instructional materials  
 1-53 allotment, as provided by Section 31.0211;

1-54 (2) purchase special instructional materials for the  
 1-55 education of blind and visually impaired students in public  
 1-56 schools;

1-57 (3) pay the expenses associated with the instructional  
 1-58 materials adoption and review process under this chapter;

1-59 (4) pay the expenses associated with the purchase or  
 1-60 licensing of open-source instructional material;

1-61 (5) pay the expenses associated with the purchase of

2-1 instructional material, including intrastate freight and shipping  
 2-2 and the insurance expenses associated with intrastate freight and  
 2-3 shipping;

2-4 (6) fund the technology lending grant program  
 2-5 established under Section 32.201; and

2-6 (7) provide funding to the Texas School for the Blind  
 2-7 and Visually Impaired, the Texas School for the Deaf, and the Texas  
 2-8 Juvenile Justice Department.

2-9 (d) Money transferred to the state technology and  
 2-10 instructional materials fund remains in the fund until spent and  
 2-11 does not lapse to the state at the end of the fiscal year.

2-12 SECTION 4. The heading to Section 31.0211, Education Code,  
 2-13 is amended to read as follows:

2-14 Sec. 31.0211. TECHNOLOGY AND INSTRUCTIONAL MATERIALS  
 2-15 ALLOTMENT.

2-16 SECTION 5. Sections 31.0211(a) and (b), Education Code, are  
 2-17 amended to read as follows:

2-18 (a) A school district is entitled to an allotment each  
 2-19 biennium from the state technology and instructional materials fund  
 2-20 for each student enrolled in the district on a date during the last  
 2-21 year of the preceding biennium specified by the commissioner. The  
 2-22 commissioner shall determine the amount of the allotment per  
 2-23 student each biennium on the basis of the amount of money available  
 2-24 in the state technology and instructional materials fund to fund  
 2-25 the allotment. An allotment under this section shall be  
 2-26 transferred from the state technology and instructional materials  
 2-27 fund to the credit of the district's technology and instructional  
 2-28 materials account as provided by Section 31.0212.

2-29 (b) A juvenile justice alternative education program under  
 2-30 Section 37.011 is entitled to an allotment from the state  
 2-31 technology and instructional materials fund in an amount determined  
 2-32 by the commissioner. The program shall use the allotment to  
 2-33 purchase items listed in Subsection (c) for students enrolled in  
 2-34 the program. The commissioner's determination under this  
 2-35 subsection is final and may not be appealed.

2-36 SECTION 6. The heading to Section 31.0212, Education Code,  
 2-37 is amended to read as follows:

2-38 Sec. 31.0212. TECHNOLOGY AND INSTRUCTIONAL MATERIALS  
 2-39 ACCOUNT.

2-40 SECTION 7. Sections 31.0212(a), (b), (d), and (e),  
 2-41 Education Code, are amended to read as follows:

2-42 (a) The commissioner shall maintain a technology and ~~[an]~~  
 2-43 instructional materials account for each school district. In the  
 2-44 first year of each biennium, the commissioner shall deposit in the  
 2-45 account for each district the amount of the district's technology  
 2-46 and instructional materials allotment under Section 31.0211.

2-47 (b) The commissioner shall pay the cost of instructional  
 2-48 materials requisitioned by a school district under Section 31.103  
 2-49 using funds from the district's technology and instructional  
 2-50 materials account.

2-51 (d) Money deposited in a school district's technology and  
 2-52 instructional materials account during each state fiscal biennium  
 2-53 remains in the account and available for use by the district for the  
 2-54 entire biennium. At the end of each biennium, a district with  
 2-55 unused money in the district's account may carry forward any  
 2-56 remaining balance to the next biennium.

2-57 (e) The commissioner shall adopt rules as necessary to  
 2-58 implement this section. The rules must include a requirement that  
 2-59 a school district provide the title and publication information for  
 2-60 any instructional materials requisitioned or purchased by the  
 2-61 district with the district's technology and instructional  
 2-62 materials allotment.

2-63 SECTION 8. Section 31.0213, Education Code, is amended to  
 2-64 read as follows:

2-65 Sec. 31.0213. CERTIFICATION OF USE OF TECHNOLOGY AND  
 2-66 INSTRUCTIONAL MATERIALS ALLOTMENT. Each school district shall  
 2-67 annually certify to the commissioner that the district's technology  
 2-68 and instructional materials allotment has been used only for  
 2-69 expenses allowed by Section 31.0211.

3-1 SECTION 9. Section 31.0214(a), Education Code, is amended  
3-2 to read as follows:

3-3 (a) Each year the commissioner shall adjust the technology  
3-4 and instructional materials allotment of school districts  
3-5 experiencing high enrollment growth. The commissioner shall  
3-6 establish a procedure for determining high enrollment growth  
3-7 districts eligible to receive an adjustment under this section and  
3-8 the amount of the technology and instructional materials allotment  
3-9 those districts will receive.

3-10 SECTION 10. The heading to Section 31.0215, Education Code,  
3-11 is amended to read as follows:

3-12 Sec. 31.0215. TECHNOLOGY AND INSTRUCTIONAL MATERIALS  
3-13 [MATERIAL] ALLOTMENT PURCHASES.

3-14 SECTION 11. Sections 31.0215(b) and (c), Education Code,  
3-15 are amended to read as follows:

3-16 (b) The commissioner may allow a school district or  
3-17 open-enrollment charter school to place an order for instructional  
3-18 materials before the beginning of a fiscal biennium and to receive  
3-19 instructional materials before payment. The commissioner shall  
3-20 limit the cost of an order placed under this section to 80 percent  
3-21 of the estimated amount to which a school district or  
3-22 open-enrollment charter school is estimated to be entitled as  
3-23 provided by Subsection (a) and shall first credit any balance in a  
3-24 district or charter school technology and instructional materials  
3-25 account to pay for an order placed under this section.

3-26 (c) The commissioner shall make payments for orders placed  
3-27 under this section as funds become available to the technology and  
3-28 instructional materials fund and shall prioritize payment of orders  
3-29 placed under this section over reimbursement of purchases made  
3-30 directly by a school district or open-enrollment charter school.

3-31 SECTION 12. Section 31.0231(b), Education Code, is amended  
3-32 to read as follows:

3-33 (b) A school district may select material on the list  
3-34 adopted under Subsection (a) to be funded by the district's  
3-35 technology and instructional materials allotment under Section  
3-36 31.0211.

3-37 SECTION 13. Section 31.029(a), Education Code, is amended  
3-38 to read as follows:

3-39 (a) A school district shall purchase with the district's  
3-40 technology and instructional materials allotment or otherwise  
3-41 acquire instructional materials for use in bilingual education  
3-42 classes.

3-43 SECTION 14. Section 31.031(a), Education Code, is amended  
3-44 to read as follows:

3-45 (a) A school district may purchase with the district's  
3-46 technology and instructional materials allotment or otherwise  
3-47 acquire instructional materials for use in college preparatory  
3-48 courses under Section 28.014.

3-49 SECTION 15. Section 31.071(e), Education Code, is amended  
3-50 to read as follows:

3-51 (e) The costs of administering this subchapter and  
3-52 purchasing state-developed open-source instructional materials  
3-53 shall be paid from the state technology and instructional materials  
3-54 fund, as determined by the commissioner.

3-55 SECTION 16. Section 31.101(f), Education Code, is amended  
3-56 to read as follows:

3-57 (f) The commissioner shall maintain an online requisition  
3-58 system for school districts to requisition instructional materials  
3-59 to be purchased with the district's technology and instructional  
3-60 materials allotment.

3-61 SECTION 17. Section 31.151(d), Education Code, is amended  
3-62 to read as follows:

3-63 (d) A penalty collected under this section shall be  
3-64 deposited to the credit of the state technology and instructional  
3-65 materials fund.

3-66 SECTION 18. Section 41.124(c), Education Code, is amended  
3-67 to read as follows:

3-68 (c) A school district that receives tuition for a student  
3-69 from a school district with a wealth per student that exceeds the

4-1 equalized wealth level may not claim attendance for that student  
4-2 for purposes of Chapters 42 and 46 and the technology and  
4-3 instructional materials allotment under Section 31.0211.

4-4 SECTION 19. Section 43.001(d), Education Code, is amended  
4-5 to read as follows:

4-6 (d) Each biennium the State Board of Education shall set  
4-7 aside an amount equal to 50 percent of the distribution for that  
4-8 biennium from the permanent school fund to the available school  
4-9 fund as provided by Section 5(a), Article VII, Texas Constitution,  
4-10 to be placed, subject to the General Appropriations Act, in the  
4-11 state technology and instructional materials fund established  
4-12 under Section 31.021.

4-13 SECTION 20. Section 403.093(d), Government Code, is amended  
4-14 to read as follows:

4-15 (d) The comptroller shall transfer from the general revenue  
4-16 fund to the foundation school fund an amount of money necessary to  
4-17 fund the foundation school program as provided by Chapter 42,  
4-18 Education Code. The comptroller shall make the transfers in  
4-19 installments as necessary to comply with Section 42.259, Education  
4-20 Code, and permit the Texas Education Agency, to the extent  
4-21 authorized by the General Appropriations Act, to make temporary  
4-22 transfers from the foundation school fund for payment of the  
4-23 technology and instructional materials allotment under Section  
4-24 31.0211, Education Code. Unless an earlier date is necessary for  
4-25 purposes of temporary transfers for payment of the technology and  
4-26 instructional materials allotment, an installment must be made not  
4-27 earlier than two days before the date an installment to school  
4-28 districts is required by Section 42.259, Education Code, and must  
4-29 not exceed the amount necessary for that payment and any temporary  
4-30 transfers for payment of the technology and instructional materials  
4-31 allotment.

4-32 SECTION 21. This Act takes effect immediately if it  
4-33 receives a vote of two-thirds of all the members elected to each  
4-34 house, as provided by Section 39, Article III, Texas Constitution.  
4-35 If this Act does not receive the vote necessary for immediate  
4-36 effect, this Act takes effect September 1, 2017.

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