

BILL ANALYSIS

C.S.S.B. 1481
By: Taylor, Larry
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note certain concerns regarding public education technology spending. C.S.S.B. 1481 seeks to address these concerns by ensuring that public school districts maintain the flexibility to purchase instructional materials that best serve the needs of their students and empowering districts to consider strategically how to use technology to support teaching and learning.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1481 amends the Education Code to rename the instructional materials allotment as the instructional materials and technology allotment, to rename the state instructional materials fund as the state instructional materials and technology fund, and to change as a purpose for which money in the fund is required to be used the payment of expenses associated with the purchase or licensing of open-source instructional material to the payment of such expenses concerning open education resource instructional material.

C.S.S.B. 1481 removes the definition of "open-source instructional material" as it relates to statutory provisions relating to instructional materials, transfers the applicability of provisions relating to open-source instructional material to open education resource instructional material, and defines "open education resource instructional material" as teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

C.S.S.B. 1481 authorizes a public school district or open-enrollment charter school, in selecting instructional materials each year, to consider the use of open education resource instructional materials. The bill changes the instructional materials account the commissioner is required to maintain for each district to the instructional materials and technology account.

C.S.S.B. 1481 requires the State Board of Education (SBOE), in reviewing and adopting instructional materials for elementary and secondary grade levels for each subject in the required curriculum, to consider a district's need for technology as well as instructional materials and

authorizes the SBOE in any biennium to limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum. The bill requires the SBOE to include information regarding open education resource instructional materials during the adoption cycle, including any cost savings associated with the adoption of open education resource instructional materials.

C.S.S.B. 1481 changes the frequency with which the SBOE is required to update the long-range technology-related plan from an update as necessary to an update at least every five years.

C.S.S.B. 1481 amends the Government Code to make a conforming change.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1481 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 31.001, Education Code, is amended.	SECTION 1. Same as engrossed version.
SECTION 2. Sections 31.002(1) and (1-a), Education Code, are amended.	SECTION 2. Same as engrossed version.
SECTION 3. Section 31.004(b), Education Code, is amended.	SECTION 3. Same as engrossed version.
SECTION 4. Sections 31.005 and 31.021, Education Code, are amended.	SECTION 4. Same as engrossed version.
SECTION 5. The heading to Section 31.0211, Education Code, is amended.	SECTION 5. Same as engrossed version.
SECTION 6. Sections 31.0211(a), (b), and (c), Education Code, are amended.	SECTION 6. Same as engrossed version.
SECTION 7. The heading to Section 31.0212, Education Code, is amended.	SECTION 7. Same as engrossed version.
SECTION 8. Sections 31.0212(a), (b), (d), and (e), Education Code, are amended to read as follows: (a) The commissioner shall maintain an instructional materials <u>and technology</u> account for each school district. In the first year of each biennium, the commissioner shall deposit in the account for each district the amount of the district's instructional materials <u>and technology</u> allotment under Section 31.0211.	SECTION 8. Sections 31.0212(a), (b), (d), and (e), Education Code, are amended to read as follows: (a) The commissioner shall maintain an instructional materials <u>and technology</u> account for each school district. In the first year of each biennium, the commissioner shall deposit in the account for each district the amount of the district's instructional materials <u>and technology</u> allotment under Section 31.0211.

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

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

(e) The commissioner shall adopt rules as necessary to implement this section. The rules must include a requirement that a school district;

(1) provide the title and publication information for any instructional materials requisitioned or purchased by the district with the district's instructional materials and technology allotment; and

(2) certify that the use of open education resource instructional material was considered as required by Section 31.101(b).

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

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

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

SECTION 9. Section 31.0213, Education Code, is amended.

SECTION 9. Same as engrossed version.

SECTION 10. Section 31.0214(a), Education Code, is amended.

SECTION 10. Same as engrossed version.

SECTION 11. The heading to Section 31.0215, Education Code, is amended.

SECTION 11. Same as engrossed version.

SECTION 12. Sections 31.0215(b) and (c), Education Code, are amended.

SECTION 12. Same as engrossed version.

SECTION 13. Section 31.022, Education Code, is amended.

SECTION 13. Same as engrossed version.

SECTION 14. Section 31.0231(b), Education Code, is amended.

SECTION 14. Same as engrossed version.

SECTION 15. The heading to Section 31.0241, Education Code, is amended.

SECTION 15. Same as engrossed version.

SECTION 16. Section 31.0241(b), Education Code, is amended.

SECTION 16. Same as engrossed version.

SECTION 17. Section 31.0242, Education Code, is amended.

SECTION 17. Same as engrossed version.

SECTION 18. Section 31.026(d), Education

SECTION 18. Same as engrossed version.

Code, is amended.

SECTION 19. Section 31.0261, Education Code, is amended.

SECTION 20. Section 31.027(c), Education Code, is amended.

SECTION 21. Section 31.029(a), Education Code, is amended.

SECTION 22. Section 31.031(a), Education Code, is amended.

SECTION 23. The heading to Subchapter B-1, Chapter 31, Education Code, is amended.

SECTION 24. Sections 31.071 and 31.072, Education Code, are amended.

SECTION 25. Sections 31.073, 31.074, and 31.075, Education Code, are amended.

SECTION 26. Section 31.076(b), Education Code, is amended.

SECTION 27. Section 31.077, Education Code, is amended.

SECTION 28. Section 31.101, Education Code, is amended by adding Subsection (b) and amending Subsection (f) to read as follows:

(b) In selecting instructional material each year, a school district or open-enrollment charter school must consider the use of open education resource instructional materials and must certify to the State Board of Education that the district considered the selection of open education resource instructional materials.

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

SECTION 29. Section 31.103(d), Education Code, is amended.

SECTION 30. Sections 31.104(b), (g), and (h), Education Code, are amended.

SECTION 19. Same as engrossed version.

SECTION 20. Same as engrossed version.

SECTION 21. Same as engrossed version.

SECTION 22. Same as engrossed version.

SECTION 23. Same as engrossed version.

SECTION 24. Same as engrossed version.

SECTION 25. Same as engrossed version.

SECTION 26. Same as engrossed version.

SECTION 27. Same as engrossed version.

SECTION 28. Section 31.101, Education Code, is amended by adding Subsection (b) and amending Subsection (f) to read as follows:

(b) In selecting instructional material each year, a school district or open-enrollment charter school may consider the use of open education resource instructional materials.

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

SECTION 29. Same as engrossed version.

SECTION 30. Same as engrossed version.

SECTION 31. Sections 31.151(d) and (e), Education Code, are amended.

SECTION 31. Same as engrossed version.

SECTION 32. Section 32.001(b), Education Code, is amended.

SECTION 32. Same as engrossed version.

SECTION 33. Section 41.124(c), Education Code, is amended.

SECTION 33. Same as engrossed version.

SECTION 34. Section 43.001(d), Education Code, is amended.

SECTION 34. Same as engrossed version.

SECTION 35. Section 403.093(d), Government Code, is amended.

SECTION 35. Same as engrossed version.

SECTION 36. 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, 2017.

SECTION 36. Same as engrossed version.