

BILL ANALYSIS

Senate Research Center
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S.B. 1481
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1481 builds upon the measures in S.B. 6 from the 82nd Legislature by clarifying and updating language to align with industry usage and practice while also clearly communicating the intent and purpose behind the creation of the instructional materials allotment (IMA) by adding the word "technology" to the name of the IMA and by replacing "open source" with the more accurate and applicable "open education resource" to identify these educational resources.

S.B. 1481 suggests measures to take advantage of the free resources developed through the Texas Education Agency and other districts and thereby stretch their IMA allotment dollars to do more by asking districts to certify that, where applicable, open education resources were considered in the adoption process. Furthermore, S.B. 1481 suggests that the Texas State Board of Education (SBOE) consider the technology needs of districts when planning the adoption process and proclamation schedule as well as providing information on OER to districts as part of the adoption process. Both measures will assist districts in more effectively and responsibly planning for curriculum procurement under the IMA.

Lastly, S.B. 1481 calls for SBOE's long-range technology plan, which has not been updated in over a decade, to be updated at least every five years.

As proposed, S.B. 1481 amends current law relating to the instructional materials and technology allotment, open education resource instructional materials, and the State Board of Education long-range technology plan.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education (commissioner) is modified in SECTION 8 (Section 31.0212, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner in SECTION 13 (Section 31.0216, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.001, Education Code, to prohibit a school district, except as provided by Section 31.104(d) (relating to the student's or parents' responsibility for all instructional material and technological equipment not returned in an acceptable condition by the student), from charging a student for instructional material or technological equipment purchased by the district with the district's instructional materials and technology allotment, rather than with the district's instructional materials allotment.

SECTION 2. Amends Sections 31.002(1) and (1-a), Education Code, to redefine "instructional material," define "open education resource instructional material," and delete the existing definition of "open-source instructional material."

SECTION 3. Amends Section 31.004(b), Education Code, to change references to open-source instructional materials to open education resource instructional material.

SECTION 4. Amends Sections 31.005 and 31.021, Education Code, as follows:

Sec. 31.005. FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS. Changes references to instructional materials allotment to instructional materials and technology allotment.

Sec. 31.021. New heading: STATE INSTRUCTIONAL MATERIALS AND TECHNOLOGY FUND. (a) Makes a conforming change.

(c) Makes conforming changes. Deletes existing text requiring money in the state instructional materials and technology fund to be used to fund the technology lending grant program. Redesignates existing Subdivision (7) as Subdivision (6).

(d) Provides that money transferred to the state instructional materials and technology fund remains in the fund until spent and does not lapse to the state at the end of the fiscal year.

SECTION 5. Amends the heading to Section 31.0211, Education Code, to read as follows:

Sec. 31.0211. INSTRUCTIONAL MATERIALS AND TECHNOLOGY ALLOTMENT.

SECTION 6. Amends Sections 31.0211(a), (b), and (c), Education Code, as follows:

(a) Changes reference to state instructional materials fund to state instructional materials and technology fund. Requires an allotment under this section to be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology accounts as provided by Section 31.0212.

(b) and (c) Makes conforming changes.

SECTION 7. Amends the heading to Section 31.0212, Education Code, to read as follows:

Sec. 31.0212. INSTRUCTIONAL MATERIALS AND TECHNOLOGY ACCOUNT.

SECTION 8. Amends Sections 31.0212(a), (b), (d), and (e), Education Code, as follows:

(a) Requires the commissioner of education (commissioner) to maintain an instructional materials and technology account for each school district. Makes a conforming change.

(b) and (d) Makes conforming changes.

(e) Requires the commissioner's rules to 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). Makes nonsubstantive changes.

SECTION 9. Amends Section 31.0213, Education Code, to change references to instructional materials allotment to instructional materials and technology allotment.

SECTION 10. Amends Section 31.0214(a), Education Code, to require the commissioner, each year, to adjust the instructional materials and technology allotment of school districts experiencing high enrollment growth and makes a conforming change.

SECTION 11. Amends the heading to Section 31.0215, Education Code, to read as follows:

Sec. 31.0215. INSTRUCTIONAL MATERIALS AND TECHNOLOGY ALLOTMENT PURCHASES.

SECTION 12. Amends Sections 31.0215(b) and (c), Education Code, as follows:

(a) Requires the commissioner to place certain cost limits on an order placed under this section and to first credit any balance in a district or charter school instructional materials and technology account to pay for an order placed under this section.

(c) Makes a conforming change.

SECTION 13. Amends Subchapter B, Chapter 31, Education Code, by adding Section 31.0216, as follows:

Sec. 31.0216. PEER REVIEW CERTIFICATION. (a) Prohibits payments from being made using amounts in a school district's instructional materials and technology account until the district has submitted and obtained peer review certification for a district technology plan based on the recommendations contained in the plan adopted by the State Board of Education (SBOE) under Section 32.001 (Development of Long-Range Plan).

(b) Requires the commissioner to adopt rules as necessary to create a peer review process to certify a school district's technology plan required by Subsection (a).

SECTION 14. Amends Section 31.022, Education Code, by amending Subsection (d) and adding Subsections (g) and (h), as follows:

(d) Changes reference to open-source instructional materials to open education resource instructional material.

(g) Requires SBOE, in reviewing and adopting instructional materials, to consider a school district's need for technology as well as instructional materials and authorizes SBOE in any biennium to limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum.

(h) Requires 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.

SECTION 15. Amends Section 31.0231(b), Education Code, to change reference to instructional materials allotment to instructional materials and technology allotment.

SECTION 16. Amends the heading to Section 31.0241, Education Code, to read as follows:

Sec. 31.0241. ADOPTION OF OPEN EDUCATION RESOURCE INSTRUCTIONAL MATERIALS.

SECTION 17. Amends Section 31.0241(b), Education Code, to require SBOE to place open education resource instructional material for a certain course on the list adopted under Section 31.023 (Instructional Material List) if certain conditions are met.

SECTION 18. Amends Section 31.0242, Education Code, as follows:

Sec. 31.0242. New heading: REVIEW OF OPEN EDUCATION RESOURCE INSTRUCTIONAL MATERIAL. Authorizes SBOE to review the instructional material not later than the 90th day after the date open education resource instructional material is submitted. Makes conforming changes.

SECTION 19. Amends Section 31.026(d), Education Code, to provide that this section does not apply to open education resource instructional material.

SECTION 20. Amends Section 31.0261, Education Code, as follows:

Sec. 31.0261. New heading: CONTRACTS FOR PRINTING OF OPEN EDUCATION RESOURCE INSTRUCTIONAL MATERIALS. Authorizes SBOE to execute a contract for printing of open education resource instructional materials. Makes a conforming change.

SECTION 21. Amends Section 31.027(c), Education Code, to provide that this section does not apply to open education resource instructional material.

SECTION 22. Amends Section 31.029(a), Education Code, to change a reference to instructional materials allotment to instructional materials and technology allotment.

SECTION 23. Amends Section 31.031(a), Education Code, to change a reference to instructional materials allotment to instructional materials and technology allotment.

SECTION 24. Amends the heading to Subchapter B-1, Chapter 31, Education Code, to read as follows:

SUBCHAPTER B-1. STATE-DEVELOPED OPEN EDUCATION RESOURCE
INSTRUCTIONAL MATERIALS

SECTION 25. Amends Sections 31.071 and 31.072, Education Code, as follows:

Sec. 31.071. PURCHASE AUTHORITY. (a) Authorizes the commissioner to purchase state-developed open education resource instructional materials, rather than state-developed open-source instructional materials in accordance with this subchapter.

(b) to (e) Makes conforming changes.

Sec. 31.072. CONTENT REQUIREMENTS. Makes conforming changes.

SECTION 26. Amends Sections 31.073, 31.074, and 31.075, Education Code, to change references to open-source instructional material to open education resource instructional material.

SECTION 27. Amends Section 31.076(b), Education Code, to change reference to open-source instructional material to open education resource instructional material.

SECTION 28. Amends Section 31.077, Education Code, to change reference to open-source instructional materials to open education resource instructional materials.

SECTION 29. Amends Section 31.101, Education Code, by adding Subsection (b) and amending Subsection (f), as follows:

(b) Requires a school district or open-enrollment charter school, in selecting instructional material each year, to consider the use of open education resource instructional materials and to certify to SBOE that the district considered the selection of open education resource instructional materials.

(f) Requires the commissioner to maintain an online requisition system for school districts to requisition instructional materials to be purchased with the instructional materials and technology allotment.

SECTION 30. Amends Section 31.103(d), Education Code, to make a conforming change.

SECTION 31. Amends Sections 31.104(b), (g), and (h), Education Code, to make conforming changes.

SECTION 32. Amends Sections 31.151(d) and (e), Education Code, as follows:

(d) Requires a penalty collected under this section to be deposited to the credit of the state instructional materials and technology fund.

(e) Provides that an eligible institution that offers open education resource instructional materials is not a publisher or manufacturer for purposes of this section.

SECTION 33. Amends Section 32.001(b), Education Code, to require SBOE to update the plan developed under Subsection (a) (relating to requiring SBOE to develop a certain long-range plan) not more frequently than every five years, rather than as necessary.

SECTION 34. Amends Section 41.124(c), Education Code, to change a reference to instructional materials allotment to instructional materials and technology allotment.

SECTION 35. Amends Section 43.001(d), Education Code, to change a reference to state instructional materials fund to state instructional materials and technology fund.

SECTION 36. Amends Section 403.093(d), Government Code, to require the Texas comptroller of public accounts to permit the Texas Education Agency, to the extent authorized by the General Appropriations Act, to make temporary transfers from the foundation school fund for payment of the instructional materials and technology allotment, rather than the instructional materials allotment under Section 31.0211, Education Code, and makes conforming changes.

SECTION 37. Effective date: upon passage or September 1, 2017.