

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3261
By: Huberty (Taylor)
Education
5/18/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2019, legislation was enacted to grant the Texas Education Agency (TEA) the authority to develop and administer a statewide assessment program, in line with the STAAR test, to be administered electronically. Initially, TEA was to develop a transition plan, in consultation with the State Board of Education, to administer all required tests electronically, which would expire August 31, 2021. Unfortunately, due to COVID-19 and the associated programmatic changes and additions, additional time has been requested to thoroughly complete this transition plan. H.B. 3261 removes this expiration date and establishes a temporary grant program to aid school districts and charter schools in adapting to this transition.

H.B. 3261 amends current law relating to the electronic administration of certain required assessment instruments, measures to support Internet connectivity for purposes of those assessment instruments, the adoption and administration of certain optional interim assessment instruments, and the review and use of the instructional materials and technology allotment.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 3261 amends current law relating to the electronic administration of certain required assessment instruments, measures to support Internet connectivity for purposes of those assessment instruments, the adoption and administration of certain optional interim assessment instruments, the review and use of the instructional materials and technology allotment, and requests for production of instructional materials.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.0211, Education Code, by amending Subsections (c) and (d) and adding Subsection (d-1), as follows:

(c) Authorizes funds, rather than funds subject to Subsection (d), allotted under Section 31.0211 (Instructional Materials and Technology Allotment) to be used to:

(1) purchase certain items, including services, equipment, and technology infrastructure necessary to ensure Internet connectivity and adequate bandwidth; and

(2) pay for certain services, including for training personnel in the electronic administration of assessment instruments.

Makes nonsubstantive changes.

(d) Requires the commissioner of education (commissioner), each biennium, to assess the technology needs for all school districts and provide an estimate of the cost for these resources to the State Board of Education (SBOE). Deletes existing text requiring a

school district, each biennium, to use the district's allotment under this section to purchase, in the following order, 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 (Required Curriculum), and any other instructional materials or technological equipment as determined by the district.

(d-1) Requires a school district, in purchasing technological equipment, to:

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

(2) consider the long-term cost of ownership and flexibility for innovation.

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

(g) Requires SBOE, 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) (relating to requiring SBOE to, each biennium, set aside a certain amount of the distribution for that biennium from the permanent school fund to the available school fund), to fund the instructional materials and technology allotment under Section 31.0211, to 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. Deletes existing text providing that SBOE is required, in reviewing and adopting instructional materials, to consider a school district's need for technology as well as instructional materials and in any biennium is authorized to limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum.

(i) Prohibits the total projected cost of instructional materials under requests for production issued by SBOE, for any state fiscal biennium, from exceeding 75 percent of the total amount used to fund the instructional materials and technology allotment under Section 31.0211 for that biennium.

SECTION 3. Amends Subchapter B, Chapter 32, Education Code, by adding Section 32.037, as follows:

Sec. 32.037. GRANT PROGRAM FOR TRANSITION TO ELECTRONIC ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) Authorizes the commissioner to establish a matching grant program to ensure that all school districts and open-enrollment charter schools have the necessary infrastructure to administer assessment instruments electronically in accordance with the transition plan developed under Section 39.02341 (Transition to Electronic Administration of Assessment Instruments).

(b) Authorizes the commissioner, in establishing the grant program, to:

(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) Provides that, in awarding grants under the grant program, the commissioner:

(1) is required to 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), is authorized to award grants to applicants seeking funding for annual bandwidth and personnel costs associated with electronic administration of assessment instruments.

(d) Provides that this section expires September 1, 2025.

SECTION 4. Amends Sections 39.023(c-3), (c-8), and (o), Education Code, as follows:

(c-3) Requires SBOE, except as provided by Subsection (c-7) (relating to requiring that a certain assessment instrument include 10 questions randomly selected by TEA from the civics test as part of the naturalization process) or as otherwise provided by this subsection, in adopting a schedule for the administration of assessment instruments under Section 39.023 (Adoption and Administrations of Instruments), to ensure that assessment instruments administered under Subsection (a) (relating to requiring TEA to adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge in certain topic areas) or (c) (relating to requiring TEA to adopt assessment instruments for certain secondary-level courses) are not administered on the first instructional day of a week. Authorizes the commissioner, on request by a school district or open-enrollment charter school, to allow the district or school to administer an assessment instrument required under 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) Provides that 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) is authorized to be attributable to questions presented in a multiple choice format. Deletes existing text providing that beginning with the 2022-2023 school year an assessment instrument developed under Subsection (a) or (c) is prohibited from presenting more than 75 percent of the questions in a multiple choice format.

(o) Requires the Texas Education Agency (TEA) to adopt or develop optional interim assessment instruments for each subject or course for each grade level subject to assessment under this section. Prohibits a school district or open-enrollment charter school from being required to administer interim assessment instruments adopted or developed under this subsection. Requires that an interim assessment instrument be, when possible, predictive of the assessment instrument for the applicable subject or course for that grade level required under this section.

SECTION 5. Amends Section 39.0234, Education Code, as follows:

Sec. 39.0234. ELECTRONIC ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) Creates this subsection from existing text. Requires that each assessment instrument required under Section 39.023(a), (c), or (l) be administered electronically, unless otherwise provided by commissioner rule. Deletes existing text requiring TEA to ensure that assessment instruments required under Section 39.023 are capable of being administered electronically.

(b) Provides that TEA is authorized to recommend, but is prohibited from requiring, 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. Amends Sections 39.02341(a) and (b), Education Code, as follows:

(a) Makes a conforming change to this subsection.

(b) Deletes existing text providing that in order to ensure legislative approval of the transition plan, this subsection expires August 31, 2021.

SECTION 7. (a) Provides that, except as provided by Subsection (b) of this section, this Act applies beginning with the 2021-2022 school year.

(b) Provides that Section 39.0234, Education Code, as amended by this Act, applies beginning with the 2023-2024 school year.

SECTION 8. Effective date: upon passage or September 1, 2021.