

SECTION 7.02. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed the Senate on March 14, 1989, by the following vote: Yeas 29, Nays 0; May 25, 1989, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 1989, House granted request of the Senate; May 29, 1989, Senate adopted Conference Committee Report by a viva-voce vote; passed the House, with amendments, on May 25, 1989, by a non-record vote; May 27, 1989, House granted request of the Senate for appointment of Conference Committee; May 29, 1989, House adopted Conference Committee Report by a non-record vote.

Approved June 16, 1989.

Effective Sept. 1, 1989, except § 2.13 of this Act eff. June 1, 1993; §§ 4.14, 4.34, 7.01, 7.02 of this Act eff. Aug. 28, 1989, 90 days after date of adjournment; §§ 6.12 to 6.17 of this Act eff. Sept. 1, 1991; and as additionally provided in § 7.01.

CHAPTER 814

S.B. No. 650

AN ACT

relating to use of technology and telecommunications in public education.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 14, Education Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. STATEWIDE DEVELOPMENT OF TECHNOLOGY AND TELECOMMUNICATIONS

Sec. 14.041. PURPOSE. In designing an education system to prepare students for the 21st century, it is the policy of the State of Texas that a quality education system should be available to all students under a thorough and efficient system of education. Under this system, every student must have access to a comprehensive curriculum designed to provide the basis for quality education. Teachers must be provided technical resources and training to guide the instruction of their students. The conduct and management of the system must be performed in an efficient and economical manner. Educational resources must be devoted to the maximum extent possible to the instruction of students. To accomplish these purposes, public education must utilize in a comprehensive manner appropriate technology in all aspects of instruction, administration, and communication.

Sec. 14.042. ELECTRONIC INFORMATION SYSTEM. (a) The State Board of Education shall establish and maintain an electronic information transfer system that is capable of transmitting information, according to criteria established by the board, among school districts, regional education service centers, the Central Education Agency, and other state and education entities the board considers appropriate for participation in the system.

(b) The board may contract with suppliers of computer hardware, software, or communications equipment and services to provide hardware, software, or communications equipment, training, and services to school districts, regional education service centers, and the Central Education Agency. The board shall adopt standards and qualifications for hardware, software, and communications equipment, training, and services supplied through contract under this section.

Sec. 14.043. INTEGRATED TELECOMMUNICATIONS SYSTEM. (a) The State Board of Education, in coordination with institutions of higher education and other public agencies, shall maintain and expand as needed the telecommunications capabilities of school districts, regional education service centers, and the Central Education Agency to provide comprehensive delivery of:

- (1) curricula and inservice training;*
- (2) technical assistance;*
- (3) instructional software; and*
- (4) other text, graphics, or audio, video, or digitized communications equipment and services.*

(b) The board shall conduct feasibility studies related to the provision of telecommunications capabilities including the capabilities of public broadcasting systems under Subsection (a) of this section and shall adopt criteria for the provision and maintenance of those capabilities.

(c) The board may contract with public broadcasting systems and other suppliers of telecommunications equipment, programming, training, and services to provide equipment, programming, training, and services, according to priorities determined by the board, to districts, regional education service centers, and the Central Education Agency.

(d) In providing additional telecommunications capabilities, the board shall give priority attention to those school districts with limited financial resources.

Sec. 14.044. CENTER FOR EDUCATIONAL TECHNOLOGY. (a) The State Board of Education may enter into an interagency contract with a public institution of higher education or a consortium of public institutions of higher education in this state to sponsor a center for educational technology under this section.

(b) The membership of the center shall consist of public school educators, universities, and private companies engaged in the development of computer software and hardware, educational materials, tests, and other related products. The State Board of Education shall adopt policies for the admission and withdrawal of members from the center.

(c) The governing board of the center shall be appointed by the State Board of Education and shall consist of:

- (1) representatives of participating companies;*
- (2) a representative of each sponsoring institution of higher education, nominated by the president of the institution;*
- (3) representatives of the public education system; and*
- (4) the commissioner of education or his representative.*

(d) The State Board of Education shall adopt specific policies to permit small companies access to participation in the center.

(e) The governing board shall:

- (1) employ an executive director for the center;*
- (2) adopt rules, subject to the approval of the State Board of Education, for administration, operation, and management of the center; and*
- (3) report annually on the operation, projects, and fiscal affairs of the center to the governor's office, the Legislative Education Board, and the State Board of Education.*

(f) The activities of the center shall include the development of:

- (1) new applications of technology specifically designed for education purposes;*
- (2) prototype educational applications of a technology originally developed for commercial or other purposes;*
- (3) prototypes of technological devices for handicapped students and teachers;*
- (4) computer-based methods for diagnosing students' learning methods; and*

(5) other applications of educational technology designed to improve the quality and efficiency of the educational process.

(g) The executive director shall manage the center's activities. The members of the center shall engage in the activities on a project-by-project basis. The activities may involve interdisciplinary university research teams and public educators. Prototype products may be tested at public school campuses that volunteer to participate in the testing.

(h) The advisory committee on technology standards, established under Section 14.047 of this code, shall recommend standards for products produced by the center to the State Board of Education.

(i) The legislature shall provide funds for the initial development of the center. However, no unrestricted general revenue funds shall be directly appropriated for the continued operation of the center after the first three years of operation. In addition, the General Revenue Fund shall be reimbursed for the initial appropriations from any royalties or other income of the center. Additional support for the center may include:

- (1) annual membership dues for the private members;
- (2) research services donated by members;
- (3) facilities provided by each sponsoring institution of higher education;
- (4) public and private grants; and
- (5) royalties or licensing fees from marketed products produced by the center.

(j) The State Board of Education shall:

- (1) adopt rules governing the voting power of members;
- (2) approve rules adopted by the governing board for administration, operation, and management of the center; and
- (3) establish priorities for the center's activities.

Sec. 14.045. DEMONSTRATION PROGRAMS. (a) The State Board of Education shall establish technology demonstration programs in education settings throughout the state to demonstrate and investigate the uses and effects of technology. The programs shall apply technologies to instructional or management tasks involving various student populations, content areas, and school district types and sizes, according to priorities established by the board.

(b) The board may adopt procedures for the selection of demonstration sites.

(c) The board may contract with vendors, including the Center for Educational Technology, for the purchase, lease, or loan of technology and software, courseware, programs, or other materials for the demonstration programs.

(d) The board may temporarily suspend for the duration of a program at a particular site a requirement or prohibition imposed by state law other than class-size limitations that hinders the application of the technology or is made unnecessary by the use of the technology.

(e) To be approved under this section, a demonstration program must:

- (1) focus on improvements in educational productivity, efficiency, and accountability;
- (2) preserve to the satisfaction of the board the rights of students, parents, and teachers granted by law; and
- (3) provide specific procedures for the evaluation of the program.

(f) A school district's application for approval of a program under this section must include substantial evidence that the district has adequately planned the program.

(g) A demonstration program approved under this section may not result in an increase in the amount of state funds allocated to the district or a decrease in the amount allocated to any other district.

(h) If a demonstration program proposes a deviation from a requirement or prohibition imposed by state law or rule, final approval of the program by the State Board of Education constitutes a waiver of the requirement or prohibition for the duration of the program. A prohibition on conduct that constitutes a criminal offense may not be waived.

Sec. 14.046. EDUCATION SERVICE CENTERS. The State Board of Education may provide for the establishment and operation of a technology preview center at each regional education service center in the state for training school district faculty and staff, demonstrating technology applications, and reviewing technologies.

Sec. 14.047. STANDARDS FOR SERVICES AND EQUIPMENT. (a) The State Board of Education shall adopt guidelines or standards for the quality, technical specifications, functions, security, and other features of hardware, software, courseware, training, and other technology-related products and services provided to school districts under this subchapter and other provisions of the Education Code.

(b) The board shall establish an advisory committee on technology standards to advise the board on standards or guidelines adopted under this section.

(c) The standards or guidelines approved by the State Board of Education shall be prepared in concert with the State Purchasing and General Services Commission and the Automated Information and Telecommunications Council.

SECTION 2. Section 14.021, Education Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The board, in coordination with the Texas Higher Education Coordinating Board and other public agencies and institutions the board considers appropriate, shall propose legislation and funding necessary to implement the plan, including legislation relating to textbook adoption, a well-balanced curriculum, or standards for teacher certification.

(d) The Central Education Agency shall take actions necessary to implement the long-range plan for technology.

(e) The board shall biennially report to the governor and the legislature on:

(1) the equity of the distribution and use of technology under this chapter; and

(2) the implementation of and revisions to the long-range plan for technology.

SECTION 3. Section 12.62, Education Code, is amended by adding Subsection (f) to read as follows:

(f) Computer courseware and other electronic instructional materials shall be distributed on the basis of equal access for each pupil enrolled in a subject for which the courseware or other materials are adopted.

SECTION 4. The State Board of Education shall prepare a comprehensive inventory of technology systems, including instructional television, in use in the public schools of Texas. Utilizing the 1988–2000 Long-Range Plan for Technology as a standard, the board shall develop a comprehensive financing plan designed to provide equitable and adequate access to quality technology systems, including instructional television, by all students no later than the year 2000. This inventory and plan shall be incorporated into a separate facilities inventory and plan if a facilities plan is required by the legislature. The financing plan shall provide for the acquisition of technological hardware and software and the modification or renovation of facilities to improve the integration of technology.

SECTION 5. Subsection (f), Section 21.901, Education Code, is amended to read as follows:

(f) The board of trustees of a school district may acquire ~~[purchase for the district]~~ computers and computer-related equipment, including computer software, through the State Purchasing and General Services Commission under contracts entered into in accordance with the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes). Before issuing an invitation for bids, the commission shall consult with the Central Education Agency concerning the computer and computer-related equipment needs of school districts. To the extent possible the

~~resulting contract shall provide for such needs [without submitting the purchase contract to competitive bidding if the computer or equipment is on a list of approved equipment prepared by the State Purchasing and General Services Commission following competitive bids, and if the bid reference number supplied by the commission accompanies all documentation of the purchase. Based on recommendations made by the Central Education Agency, the commission shall include on the list of approved equipment computers suitable for use in public schools].~~

SECTION 6. The State Board of Education shall establish one or more pilot projects to investigate the effective utilization of technology for the purpose of implementing the teacher induction year established in Section 13.038, Education Code. For the purpose of implementing this section the State Board of Education may develop a demonstration program as established in Section 14.045 of this code. The State Board of Education and the Texas Higher Education Coordinating Board shall prepare a report with recommendations to the 72nd Legislature.

SECTION 7. This Act takes effect immediately, except Section 5 of this Act takes effect January 1, 1991.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 4, 1989, by the following vote: Yeas 28, Nays 0; and that the Senate concurred in House amendments on May 23, 1989, by the following vote: Yeas 31, Nays 0; passed the House, with amendments, on May 20, 1989, by the following vote: Yeas 123, Nays 7, one present not voting.

Approved June 16, 1989.

Effective June 16, 1989, except § 5 of the Act effective January 1, 1991.

CHAPTER 815

S.B. No. 951

AN ACT

relating to the funding of aid to school districts for the acquisition, construction, renovation, and improvement of instructional facilities and capital assets; providing for the issuance of bonds.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The Public School Facilities Funding Act is hereby adopted to read as follows:

Sec. 1. SHORT TITLE. This Act may be cited as the Public School Facilities Funding Act.

Sec. 2. DEFINITIONS. As used in this Act:

(1) "Aid" means the making of loans to a qualifying district or purchasing bonds issued by a qualifying district.

(2) "Board" means the bond review board created by Chapter 1078, Acts of the 70th Legislature, Regular Session, 1987 (Article 717k-7, Vernon's Texas Civil Statutes).

(3) "Capital assets" means permanent fixtures, mechanical or electrical equipment, or other tangible property that becomes a permanent improvement to an instructional facility or furnishings, other than computers, for an instructional facility that have a life at least equal to the term of the district's loan under this Act or the district's bonds purchased under this Act.

(4) "Fund" means the school facilities aid fund created by Section 6 of this Act, including any accounts created within it.