

SUBJECT: Available funds for the education technology allotment

COMMITTEE: Public Education — favorable, without amendment

VOTE: 8 ayes — Sadler, Dutton, Culberson, Hernandez, Hochberg, Price, Rhodes, Uher

0 nays

1 absent — Williamson

SENATE VOTE: On final passage, February 5 — 26-4 (Barrientos, Gallegos, Shapleigh, Whitmire); 1 present, not voting (Truan)

WITNESSES: None

BACKGROUND : SB 1, enacted by the 74th Legislature, established a procedure for disbursing a technology allotment to school districts. The allotment was set at \$30 per student in average daily attendance or any higher amount computed by the State Board of Education (SBOE) to be available in the Available School Fund after making allotments for textbooks, technology, training, and amounts set aside for emergency purposes.

HB 1, the general appropriations act for fiscal 1996-97 also enacted by the 74th Legislature, appropriated an amount equal to \$30 per student for the technology allotment. Under the provisions of SB 1, however, funds were available to provide \$55 per student. The SBOE and the Texas Education Agency (TEA) declined to disburse the additional funds and were sued by 89 school districts on the grounds that SB 1 required the disbursement of any additional funds.

On February 6, 1997, State District Judge Scott McCown ruled that the districts were not entitled to the money because SB 1 did not give the SBOE authority to disburse additional funds without an appropriation by the Legislature.

- DIGEST:** SB 297 would repeal the provision requiring the SBOE to determine if an amount higher than \$30 per student was available to fund the technology allotment. Under SB 297, any amount greater than \$30 used to fund the technology allotment to school districts would have to be provided by appropriation.
- SB 297 would take immediate effect if finally passed by a two-thirds record vote of the membership of each house and apply to the 1996-1997 school year. If SB 297 failed to receive a two-thirds record vote of the membership of each house, the bill would take effect September 1, 1997, and apply to the 1997-1998 school year.
- SUPPORTERS SAY:** SB 297 would maintain the supremacy of the appropriations process in determining the expenditure of state money. In order to exert control over state budgeting, all state spending must be decided through the appropriations process. If other legislation could make an appropriation, the state would lose control of the budget. SB 1 was enacted without any intention to allow it to make an appropriation of money for the technology allotment higher than the amount set in the appropriations bill.
- SB 297 would not deprive any school district of money that is owed to it; a state district judge has already ruled that the maximum amount of money that the districts could receive for the 1996-1997 school year is \$30 unless the Legislature makes a higher appropriation this session through the appropriations process. SB 297 would, however, prevent a lawsuit for the next school year.
- OPPONENTS SAY:** The funding of technology in schools is woefully lacking. In SB 1, the 74th Legislature established a way to funnel as much money as was available under the Available School Fund to fund technology improvements to schools. School technology funding will fall even further below the current levels if the amount of money for the technology allotment is limited to what is made available in the appropriations process.

SB 297
House Research Organization
page 3

NOTES: HB 4 by Craddick and Junell, the school finance and property tax proposal that passed the House on April 26, included language identical to SB 297.