

SUBJECT: Establishing standards for purchasing online library resources for schools

COMMITTEE: Culture, Recreation and Tourism — favorable, without amendment

VOTE: 5 ayes — Cyrier, Martinez, Holland, Morrison, Toth

0 nays

4 absent — Bucy, Gervin-Hawkins, Jarvis Johnson, Kacal

WITNESSES: For — Beverly Roberts, Concerned Women for America; Jennifer Fleck; Anne Newman; Deborah Simmons; (*Registered, but did not testify*: Jill Glover, Denton County Republican Party; Walter West, Republican Party of Texas; and 13 individuals)

Against — Wendy Woodland, Texas Library Association; (*Registered, but did not testify*: Amanda Helms; Shiloh Sosa)

On — (*Registered, but did not testify*: Gerald Stoneham Jr.)

BACKGROUND: Government Code sec. 441.222 authorizes the Texas Library and Archives Commission to establish and maintain the TexShare consortium, a resource-sharing consortium program for libraries at institutions of higher education, public libraries, and other types of libraries.

Under sec. 441.224, membership in the consortium is open to all institutions of higher education, all public libraries that are members of the state library system, and all libraries of nonprofit corporations. The commission by rule can admit other types of libraries, including libraries operated by a public school district, to the consortium, and can assess different fees for different categories of consortium services.

47 U.S.C. sec. 254(h)(5) establishes federal requirements for schools with computers that have internet access, including that elementary or secondary schools offering access to such computers enforce a policy of internet safety for minors and operate technology protection measures.

Interested parties have raised concerns over certain inappropriate images that have been discovered on public school online library resources and the ability of students to access these images.

DIGEST:

HB 3730 would require the Texas Library and Archives Commission to use appropriated funds or consortium service fees collected from school districts to purchase online library resources for primary and secondary schools that had adopted internet safety policies and technology protection measures in line with certain federal requirements.

The commission could purchase such resources only if the vendor providing a resource certified that the resource complied with federal requirements for schools with computers that offered internet access.

If the Legislature found that a vendor was failing to comply with the federal requirements, the commission could withhold further payments to the vendor pending verification of compliance with federal law. If the vendor failed to timely verify that the vendor was in compliance, the commission could consider the vendor's act of noncompliance as a breach of contract.

The commission would have to submit a report on issues related to vendor compliance with federal technology protection measures to the Legislative Budget Board and the Office of the Governor by December 1 of each fiscal year.

The bill would take effect September 1, 2019.