

Chapter 714

1 AN ACT

2 relating to the technology demonstration sites project and to a  
3 computer lending pilot program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Subchapter D, Chapter 32,  
6 Education Code, is amended to read as follows:

7 SUBCHAPTER D. TECHNOLOGY DEMONSTRATION SITES [~~IMMERSION PILOT~~]  
8 PROJECT

9 SECTION 2. Sections 32.151, 32.152, 32.153, and 32.154,  
10 Education Code, are amended to read as follows:

11 Sec. 32.151. ESTABLISHMENT OF [~~PILOT~~] PROJECT. (a) The  
12 agency may by rule establish the technology demonstration sites  
13 [~~immersion pilot~~] project to:

14 (1) demonstrate the use of technology for improving  
15 teaching and learning;

16 (2) use digital tools and resources to extend learning  
17 opportunities from school to home; and

18 (3) exemplify instructional practices and lessons  
19 that support academic learning in the classroom and at home.

20 (b) The project shall use existing home electronic devices  
21 or provide access through electronic [~~a wireless mobile computing~~]  
22 device checkout options to extend learning at home. The project  
23 shall make electronic devices available to each student in a  
24 participating school to allow students, at school and at home, to

1 ~~[and implement the]~~ use ~~[of]~~ software, on-line courses, and other  
2 appropriate learning technologies that have been shown to improve  
3 academic achievement and the progress measures listed in Section  
4 32.155(e).

5       Sec. 32.152. ~~[PILOT]~~ PROJECT ADMINISTRATION. If the agency  
6 establishes the ~~[pilot]~~ project under Section 32.151, the agency  
7 shall establish a procedure and develop criteria for the  
8 administration of the ~~[pilot]~~ project. In administering the  
9 ~~[pilot]~~ project, the agency shall:

- 10               (1) select participating school districts or schools;
- 11               (2) define the conditions for the distribution and use  
12 of electronic devices not currently available to all students  
13 ~~[computer equipment and other technologies]~~;
- 14               (3) develop guidelines for a distribution and checkout  
15 plan for home use of electronic devices ~~[purchase and distribute~~  
16 ~~computer equipment and other technologies]~~;
- 17               (4) ~~[enter into contracts as necessary to implement~~  
18 ~~the pilot project,~~
- 19               ~~[-5-]~~ monitor local ~~[pilot]~~ project implementation;
- 20 and
- 21               (5) review the progress made through each  
22 demonstration site included in the project
- 23               ~~[-6- conduct a final evaluation of the pilot project].~~

24       Sec. 32.153. ~~[PILOT]~~ PROJECT FUNDING. (a) To implement  
25 the ~~[pilot]~~ project, the agency may use any gift, grant, or donation  
26 given for the ~~[pilot]~~ project. The agency may solicit and accept a  
27 gift, grant, or donation of any kind from any source, including from

1 a foundation, private entity, governmental entity, and institution  
2 of higher education, for the implementation of the [~~pilot~~]  
3 project. The agency may use only undedicated and unobligated money  
4 from the general revenue fund for purposes of the [~~pilot~~] project.

5 (b) Funds for the [~~pilot~~] project may not be used for the  
6 construction of a building or other facility.

7 (c) The participating school districts and schools [~~agency~~]  
8 shall use [~~pilot~~] project funds for:

9 (1) the purchase of electronic [~~wireless mobile~~  
10 ~~computing~~] devices so that each student in a participating  
11 classroom has an electronic [~~a wireless mobile computing~~]  
12 device for use at school and at home;

13 (2) the purchase of other equipment, including  
14 [~~additional~~] computer hardware and software;

15 (3) the hiring of pedagogical and technical support  
16 staff for school districts or schools participating in the [~~pilot~~]  
17 project; and

18 (4) the purchase of technology-based learning  
19 materials and resources.

20 (e) The [~~pilot~~] project may be implemented only if  
21 sufficient funds are available under this section for that purpose.

22 Sec. 32.154. DISTRICT OR SCHOOL SELECTION. (a) A school  
23 district may apply to the agency for the establishment of a  
24 technology demonstration sites [~~immersion pilot~~] project for the  
25 entire district or for a particular school or group of schools in  
26 the district.

27 (b) The agency shall select the participating districts and

1 schools for the [~~pilot~~] project based on each district's or school's  
2 need and technological readiness for the [~~pilot~~] project. [~~In~~  
3 ~~selecting participants, the agency shall consider the following~~  
4 ~~criteria:~~

5 [~~(1) whether the district or school has limited access~~  
6 ~~to educational resources that could be improved through the use of~~  
7 ~~wireless mobile computing devices and other technologies;~~

8 [~~(2) whether the district or school has the following~~  
9 ~~problems and whether those problems can be mitigated through the~~  
10 ~~use of wireless mobile computing devices and other technologies:~~

11 [~~(A) documented teacher shortages in critical~~  
12 ~~areas;~~

13 [~~(B) limited access to advanced placement~~  
14 ~~courses;~~

15 [~~(C) low rates of satisfactory performance on~~  
16 ~~assessment instruments under Subchapter B, Chapter 39, and~~

17 [~~(D) high dropout rates;~~

18 [~~(3) the district's or school's readiness to~~  
19 ~~incorporate technology into its classrooms;~~

20 [~~(4) the possibility of obtaining a trained technology~~  
21 ~~support staff and high-speed Internet services for the district or~~  
22 ~~school; and~~

23 [~~(5) the methods the district or school will use to~~  
24 ~~measure the progress of the pilot project in the district or school~~  
25 ~~in accordance with Section 32.155(e).]~~

26 (c) The agency shall [~~if possible~~] select at least five  
27 school districts [~~schools~~] to participate in the [~~pilot~~] project.

1 At least one demonstration site included in the [~~pilot~~] project  
2 should include students in grades 6-12. The agency may select at  
3 least one [~~entire~~] school district in which each school in the  
4 district participates [~~and at least one entire school in a second~~  
5 ~~district to participate~~] in the [~~pilot~~] project.

6 SECTION 3. Sections 32.155(a), (c), (d), and (e), Education  
7 Code, are amended to read as follows:

8 (a) Each participating school district or school shall  
9 establish a community educational pipeline progress team to assist  
10 in developing and implementing the technology demonstration sites  
11 [~~immersion pilot~~] project.

12 (c) The team shall develop an academic improvement plan that  
13 details how the [~~pilot~~] project should be implemented in the  
14 participating district or school. In developing the academic  
15 improvement plan, the team shall consider:

16 (1) the educational problems in the district or school  
17 that could be mitigated through the implementation of the [~~pilot~~]  
18 project; and

19 (2) the technological and nontechnological resources  
20 that are necessary to ensure the successful implementation of the  
21 [~~pilot~~] project.

22 (d) The team shall recommend to the board of trustees how  
23 the [~~pilot~~] project funds should be used to implement the academic  
24 improvement plan developed under Subsection (c). The team may  
25 recommend annually any necessary changes in the academic  
26 improvement plan to the board. The agency must approve the academic  
27 improvement plan, or any changes in the academic improvement plan,

1 before disbursing [~~pilot~~] project funds to the board.

2 (e) The board of trustees of each district participating in  
3 the [~~pilot~~] project shall send an annual progress report to the  
4 agency not later than August 1 of each year that the district is  
5 participating in the [~~pilot~~] project. The report must state in  
6 detail the type of plan being used in the district or school and the  
7 effect of the [~~pilot~~] project on the district or school, including:

8 (1) the academic progress of students who are  
9 participating in a [~~pilot~~] project, as measured by performance on  
10 assessment instruments;

11 (2) if applicable, a comparison of student progress in  
12 a school or classroom that is participating in the [~~pilot~~] project  
13 as compared with student progress in the schools or classrooms in  
14 the district that are not participating in the [~~pilot~~] project;

15 (3) any elements of the [~~pilot~~] project that  
16 contribute to improved student performance on assessment  
17 instruments administered under Section 39.023 or any other  
18 assessment instrument required by the agency;

19 (4) any cost savings and improved efficiency relating  
20 to school personnel and the maintenance of facilities;

21 (5) any effect on student dropout and attendance  
22 rates;

23 (6) any effect on student enrollment in higher  
24 education;

25 (7) any effect on teacher performance and retention;

26 (8) any improvement in communications among students,  
27 teachers, parents, and administrators;

1           (9) any improvement in parent involvement in the  
2 education of the parent's child;

3           (10) any effect on community involvement and support  
4 for the district or school; and

5           (11) any increased student proficiency in  
6 technologies that will help prepare the student for becoming a  
7 member of the workforce.

8           SECTION 4. Sections 32.156 and 32.157, Education Code, are  
9 amended to read as follows:

10           Sec. 32.156. ELECTRONIC DEVICE [~~COMPUTER~~] RETENTION. Each  
11 student participating in the [~~pilot~~] project may retain the  
12 electronic [~~wireless mobile computing~~] device provided under the  
13 [~~pilot~~] project as long as the student is enrolled in a school in a  
14 participating school district. [~~The student may retain the~~  
15 ~~wireless mobile computing device after the expiration of the pilot~~  
16 ~~project.~~]

17           Sec. 32.157. [~~PILOT~~] PROJECT EVALUATION; EXPIRATION.  
18 (a) After the expiration of the [~~pilot~~] project, the agency may  
19 review the [~~pilot~~] project based on the annual reports the agency  
20 receives from the board of trustees of participating school  
21 districts. The agency may include the review of the [~~pilot~~]  
22 project in the comprehensive annual report required under Section  
23 39.182 that covers the 2012-2013 [~~2010-2011~~] school year.

24           (b) This subchapter expires August 31, 2013 [~~2011~~].

25           SECTION 5. Chapter 32, Education Code, is amended by adding  
26 Subchapter H to read as follows:

1           SUBCHAPTER H. COMPUTER LENDING PILOT PROGRAM

2           Sec. 32.351. ESTABLISHMENT OF PILOT PROGRAM.       The  
3 commissioner by rule shall establish a computer lending pilot  
4 program to provide computers to participating public schools that  
5 make computers available for use by students and their parents.

6           Sec. 32.352. PILOT PROGRAM ADMINISTRATION.       The  
7 commissioner shall establish procedures for the administration of  
8 the pilot program, including procedures for distributing to  
9 participating public schools:

10           (1) any surplus or salvage data processing equipment  
11 available for distribution under the pilot program; or

12           (2) computers donated or purchased for that purpose  
13 with funds from any available source, including a foundation,  
14 private entity, governmental entity, and institution of higher  
15 education.

16           Sec. 32.353. ELIGIBLE SCHOOLS. A public school is eligible  
17 to participate in the pilot program if:

18           (1) 50 percent or more of the students enrolled in the  
19 school are educationally disadvantaged; and

20           (2) the school operates or agrees to operate a  
21 computer lending program that:

22           (A) allows students and parents to borrow a  
23 computer;

24           (B) includes an option for students and parents  
25 to work toward owning a computer initially borrowed under the  
26 school's lending program, subject to any applicable legal  
27 restrictions regarding disposition of the computer involved;



1                    (C) provides computer training for students and  
2 parents; and

3                    (D) operates outside regular school hours,  
4 including operation until at least 7 p.m. on at least three days  
5 each week.

6            Sec. 32.354. ANNUAL REPORT. Not later than January 1 of  
7 each year, the commissioner shall submit a report to the  
8 legislature regarding the computer lending pilot program  
9 established under this subchapter.

10           Sec. 32.355. EXPIRATION. This subchapter expires September  
11 1, 2014.

12           SECTION 6. Section 2175.128, Government Code, is amended by  
13 adding Subsections (a-1) and (b-1) to read as follows:

14           (a-1) Notwithstanding Subsection (a), if a disposition of a  
15 state agency's surplus or salvage data processing equipment is not  
16 made under Section 2175.125 or 2175.184, the state agency shall  
17 make the equipment available to the commissioner of education for  
18 use in the computer lending pilot program established under  
19 Subchapter H, Chapter 32, Education Code. If the commissioner of  
20 education declines to take the equipment, the state agency shall  
21 transfer the equipment in accordance with Subsection (a). The  
22 state agency may not collect a fee or other reimbursement from the  
23 commissioner of education for the equipment made available under  
24 this subsection. This subsection expires September 1, 2014.

25           (b-1) Notwithstanding Subsection (b), if a disposition of  
26 the surplus or salvage data processing equipment of a state  
27 eleemosynary institution or an institution or agency of higher

1 education is not made under other law, the institution or agency  
2 shall make the equipment available to the commissioner of education  
3 for use in the computer lending pilot program established under  
4 Subchapter H, Chapter 32, Education Code. If the commissioner of  
5 education declines to take the equipment, the institution or agency  
6 shall transfer the equipment in accordance with Subsection (b).  
7 The state eleemosynary institution or institution or agency of  
8 higher education may not collect a fee or other reimbursement from  
9 the commissioner of education for the equipment made available  
10 under this subsection. This subsection expires September 1, 2014.

11 SECTION 7. This Act takes effect September 1, 2009.

Rand Newkirk

President of the Senate

Jim Strawn

Speaker of the House

I certify that H.B. No. 2893 was passed by the House on April 30, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2893 on May 23, 2009, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2893 was passed by the Senate, with amendments, on May 20, 2009, by the following vote: Yeas 29, Nays 0.

Aetsy Sauer

Secretary of the Senate

APPROVED: 19 JUN '09

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

JUN 19 2009

Coly Shuter III