

EDUCATION CODE CHAPTER 32. COMPUTERS AND COMPUTER-RELATED
EQUIPMENT

EDUCATION CODE

TITLE 2. PUBLIC EDUCATION

SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES

CHAPTER 32. COMPUTERS AND COMPUTER-RELATED EQUIPMENT

SUBCHAPTER A. POWERS AND DUTIES OF STATE BOARD OF EDUCATION

RELATING TO ELECTRONIC INSTRUCTIONAL TECHNOLOGY AND

COMPUTER-RELATED EQUIPMENT

Sec. 32.001. DEVELOPMENT OF LONG-RANGE PLAN. (a) The State Board of Education shall develop a long-range plan for:

(1) acquiring and using technology in the public school system;

(2) fostering professional development related to the use of technology for educators and others associated with child development;

(3) fostering computer literacy among public school students so that by the year 2000 each high school graduate in this state has computer-related skills that meet standards adopted by the board; and

(4) identifying and, through regional education service centers, distributing information on emerging technology for use in the public schools.

(b) The State Board of Education shall update as necessary the plan developed under Subsection (a).

(c) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board and other public agencies and institutions the State Board of Education considers appropriate, shall propose legislation and funding necessary to implement the plan developed under Subsection (a).

(d) In developing the plan, the State Board of Education must consider accessibility of technology to students with disabilities.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 32.002. AUTHORITY OF SCHOOL DISTRICT. A school district is not required by this subchapter to acquire or use technology that has been approved, selected, or contracted for by the State Board of Education or the commissioner.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 32.003. AUTHORITY OF COMMISSIONER TO CONTRACT. The commissioner may contract with developers of technology to supply technology for use by school districts throughout this state.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 32.004. FEES. The State Board of Education, on the commissioner's recommendation, may establish a reasonable fee for services provided under this chapter.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 32.005. TECHNOLOGY ALLOTMENT. (a) Each school district is entitled to an allotment of \$30 for each student in average daily attendance or a different amount for any year provided by appropriation.

(b) An allotment under this section may be used only to:

(1) provide for the purchase by school districts of electronic textbooks or technological equipment that contributes to student learning; and

(2) pay for training educational personnel directly involved in student learning in the appropriate use of electronic textbooks and for providing for access to technological equipment for instructional use.

(c) The allotment under this section may be paid from:

(1) the available school fund; or

(2) any other fund that may be used for that purpose and that is identified in the General Appropriations Act as the source of payment of the allotment.

Added by Acts 2003, 78th Leg., ch. 201, Sec. 22, eff. June 10, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 831, Sec. 3, eff. September 1, 2008.

SUBCHAPTER B. STATEWIDE DEVELOPMENT OF TECHNOLOGY AND
TELECOMMUNICATIONS

Sec. 32.031. PURPOSE. To prepare students for the 21st century, it is the policy of this state that a superior education should be available to all students under a thorough and efficient system of public education. Educational resources shall be devoted to the maximum extent possible to the instruction of students. To accomplish those purposes, public education must use, in a comprehensive manner, appropriate, accessible technology in all aspects of instruction, administration, and communication.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 32.032. ELECTRONIC INFORMATION SYSTEM. (a) The agency shall establish and maintain an accessible electronic information transfer system, as provided by State Board of Education policy, that is capable of transmitting information among school districts, regional education service centers, and other education-related entities and state agencies.

(b) The commissioner may contract with suppliers of computer hardware, software, or communications equipment or services to provide accessible goods or services to school districts, regional education service centers, or the agency. The State Board of Education by rule shall adopt standards for hardware, software, and communications equipment, training, and services supplied through contract under this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 32.033. INTEGRATED TELECOMMUNICATIONS SYSTEM. (a) The agency, in coordination with institutions of higher education and other public or private entities, may maintain and expand, as needed, the telecommunications capabilities of school districts and regional education service centers. The agency shall design and implement a telecommunications system for distance learning throughout the state.

(b) To the extent necessary, the State Board of Education

shall conduct feasibility studies related to accessible telecommunications capabilities of school districts and regional education service centers.

(c) According to priorities determined by the State Board of Education, the commissioner may contract with a public broadcasting system or another supplier of telecommunications equipment, programming, training, or services to provide equipment, programming, training, or services to school districts, regional education service centers, or the agency.

(d) In providing additional telecommunications capabilities under Subsection (a), the agency shall give priority to school districts with limited financial resources.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.
Amended by Acts 2003, 78th Leg., ch. 201, Sec. 23, eff. Sept. 1, 2003.

Sec. 32.034. CENTER FOR EDUCATIONAL TECHNOLOGY. (a) The commissioner, as provided by State Board of Education policy, 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 purpose of the center is to improve the quality and efficiency of the educational process through research, development, or site evaluation of:

(1) existing and new applications of technology specifically designed for educational applications; and

(2) educational applications of technology originally developed for commercial or other purposes.

(c) The membership of the center shall consist of public school educators, regional education service centers, institutions of higher education, nonprofit organizations, and private sector representatives. The State Board of Education shall establish membership policies for the center.

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

(1) representatives of the center, including members

of the public education system;

(2) a representative of each sponsoring institution of higher education; and

(3) the commissioner or the commissioner's representative.

(e) The board of directors shall:

(1) employ a director for the center;

(2) establish priorities for the center's activities; and

(3) report annually on the operation, projects, and fiscal affairs of the center to the State Board of Education and the membership of the center.

(f) The director is responsible for the center's activities.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 32.035. DEMONSTRATION PROGRAMS. (a) The agency shall establish demonstration programs to:

(1) investigate the uses, effectiveness, and feasibility of technologies for education; and

(2) provide models for effective education using technology.

(b) The agency may design programs under Subsection (a) to encourage participation by and collaboration among school campuses, school districts, regional education service centers, the private sector, state and federal agencies, nonprofit organizations, and institutions of higher education.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 32.036. PREVIEW CENTERS AND TRAINING PROGRAMS. The agency may establish and provide for the operation of a technology preview center and training program in each regional education service center to assist district and campus personnel in developing and maintaining the comprehensive use of appropriate technology in all aspects of instruction, administration, and communications.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

SUBCHAPTER C. TRANSFER OF DATA PROCESSING EQUIPMENT TO STUDENTS

Sec. 32.101. DEFINITION. In this subchapter, "data processing" has the meaning assigned by Section 2054.003, Government Code.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 6.01, eff. June 15, 2001.

Sec. 32.102. AUTHORITY. (a) As provided by this subchapter, a school district or open-enrollment charter school may transfer to a student enrolled in the district or school:

(1) any data processing equipment donated to the district or school, including equipment donated by:

(A) a private donor; or

(B) a state eleemosynary institution or a state agency under Section 2175.128, Government Code;

(2) any equipment purchased by the district or school, to the extent consistent with Section 32.105; and

(3) any surplus or salvage equipment owned by the district or school.

(b) A school district or open-enrollment charter school may accept:

(1) donations of data processing equipment for transfer under this subchapter; and

(2) any gifts, grants, or donations of money or services to purchase, refurbish, or repair data processing equipment under this subchapter.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 6.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 9.020(f), eff. Sept. 1, 2003.

Sec. 32.103. ELIGIBILITY; PREFERENCE. (a) A student is eligible to receive data processing equipment under this subchapter only if the student does not otherwise have home access to data processing equipment, as determined by the student's school district or open-enrollment charter school.

(b) In transferring data processing equipment to students, a school district or open-enrollment charter school shall give preference to educationally disadvantaged students.
Added by Acts 2001, 77th Leg., ch. 1272, Sec. 6.01, eff. June 15, 2001.

Sec. 32.104. REQUIREMENTS FOR TRANSFER. Before transferring data processing equipment to a student, a school district or open-enrollment charter school must:

(1) adopt rules governing transfers under this subchapter, including provisions for technical assistance to the student by the district or school;

(2) determine that the transfer serves a public purpose and benefits the district or school; and

(3) remove from the equipment any offensive, confidential, or proprietary information, as determined by the district or school.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 6.01, eff. June 15, 2001.

Sec. 32.105. EXPENDITURE OF PUBLIC FUNDS. A school district or open-enrollment charter school may spend public funds to:

(1) purchase, refurbish, or repair any data processing equipment transferred to a student under this subchapter; and

(2) store, transport, or transfer data processing equipment under this subchapter.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 6.01, eff. June 15, 2001.

Sec. 32.106. RETURN OF EQUIPMENT. (a) Except as provided by Subsection (b), a student who receives data processing equipment from a school district or open-enrollment charter school under this subchapter shall return the equipment to the district or school not later than the earliest of:

(1) five years after the date the student receives the equipment;

(2) the date the student graduates;

(3) the date the student transfers to another school district or open-enrollment charter school; or

(4) the date the student withdraws from school.

(b) Subsection (a) does not apply if, at the time the student is required to return the data processing equipment under that subsection, the district or school determines that the equipment has no marketable value.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 6.01, eff. June 15, 2001.

SUBCHAPTER D. TECHNOLOGY DEMONSTRATION SITES PROJECT

Sec. 32.151. ESTABLISHMENT OF PROJECT. (a) The agency may by rule establish the technology demonstration sites project to:

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

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

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

(b) The project shall use existing home electronic devices or provide access through electronic device checkout options to extend learning at home. The project shall make electronic devices available to each student in a participating school to allow students, at school and at home, to use software, on-line courses, and other appropriate learning technologies that have been shown to improve academic achievement and the progress measures listed in Section 32.155(e).

Added by Acts 2003, 78th Leg., ch. 834, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 714, Sec. 2, eff. September 1, 2009.

Sec. 32.152. PROJECT ADMINISTRATION. If the agency establishes the project under Section 32.151, the agency shall establish a procedure and develop criteria for the administration

of the project. In administering the project, the agency shall:

- (1) select participating school districts or schools;
- (2) define the conditions for the distribution and use of electronic devices not currently available to all students;
- (3) develop guidelines for a distribution and checkout plan for home use of electronic devices;
- (4) monitor local project implementation; and
- (5) review the progress made through each demonstration site included in the project.

Added by Acts 2003, 78th Leg., ch. 834, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 714, Sec. 2, eff. September 1, 2009.

Sec. 32.153. PROJECT FUNDING. (a) To implement the project, the agency may use any gift, grant, or donation given for the project. The agency may solicit and accept a gift, grant, or donation of any kind from any source, including from a foundation, private entity, governmental entity, and institution of higher education, for the implementation of the project. The agency may use only undedicated and unobligated money from the general revenue fund for purposes of the project.

(b) Funds for the project may not be used for the construction of a building or other facility.

(c) The participating school districts and schools shall use project funds for:

(1) the purchase of electronic devices so that each student in a participating classroom has an electronic device for use at school and at home;

(2) the purchase of other equipment, including computer hardware and software;

(3) the hiring of pedagogical and technical support staff for school districts or schools participating in the project; and

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

(e) The project may be implemented only if sufficient funds

are available under this section for that purpose.

Added by Acts 2003, 78th Leg., ch. 834, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 14.01, eff. May 31, 2006.

Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 14.03, eff. May 31, 2006.

Acts 2009, 81st Leg., R.S., Ch. 714, Sec. 2, eff. September 1, 2009.

Sec. 32.154. DISTRICT OR SCHOOL SELECTION. (a) A school district may apply to the agency for the establishment of a technology demonstration sites project for the entire district or for a particular school or group of schools in the district.

(b) The agency shall select the participating districts and schools for the project based on each district's or school's need and technological readiness for the project.

(c) The agency shall select at least five school districts to participate in the project. At least one demonstration site included in the project should include students in grades 6-12. The agency may select at least one school district in which each school in the district participates in the project.

Added by Acts 2003, 78th Leg., ch. 834, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 714, Sec. 2, eff. September 1, 2009.

Sec. 32.155. COMMUNITY EDUCATIONAL PIPELINE PROGRESS TEAM. (a) Each participating school district or school shall establish a community educational pipeline progress team to assist in developing and implementing the technology demonstration sites project.

(b) The board of trustees of a participating school district, or of a district in which a participating school is located, shall appoint individuals to the team. The team may be composed of:

- (1) educators;

(2) district-level administrators;

(3) community leaders;

(4) parents of students who attend a participating school; and

(5) any other individual the board finds appropriate.

(c) The team shall develop an academic improvement plan that details how the project should be implemented in the participating district or school. In developing the academic improvement plan, the team shall consider:

(1) the educational problems in the district or school that could be mitigated through the implementation of the project; and

(2) the technological and nontechnological resources that are necessary to ensure the successful implementation of the project.

(d) The team shall recommend to the board of trustees how the project funds should be used to implement the academic improvement plan developed under Subsection (c). The team may recommend annually any necessary changes in the academic improvement plan to the board. The agency must approve the academic improvement plan, or any changes in the academic improvement plan, before disbursing project funds to the board.

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

(1) the academic progress of students who are participating in a project, as measured by performance on assessment instruments;

(2) if applicable, a comparison of student progress in a school or classroom that is participating in the project as compared with student progress in the schools or classrooms in the district that are not participating in the project;

(3) any elements of the project that contribute to improved student performance on assessment instruments

administered under Section 39.023 or any other assessment instrument required by the agency;

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

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

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

(7) any effect on teacher performance and retention;

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

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

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

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

Added by Acts 2003, 78th Leg., ch. 834, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 714, Sec. 3, eff. September 1, 2009.

Sec. 32.156. ELECTRONIC DEVICE RETENTION. Each student participating in the project may retain the electronic device provided under the project as long as the student is enrolled in a school in a participating school district.

Added by Acts 2003, 78th Leg., ch. 834, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 714, Sec. 4, eff. September 1, 2009.

Sec. 32.157. PROJECT EVALUATION; EXPIRATION. (a) After the expiration of the project, the agency may review the project based on the annual reports the agency receives from the board of trustees of participating school districts. The agency may include the review of the project in the comprehensive annual

report required under Section 39.332 that covers the 2012-2013 school year.

(b) This subchapter expires August 31, 2013.

Added by Acts 2003, 78th Leg., ch. 834, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 14.02, eff. May 31, 2006.

Acts 2009, 81st Leg., R.S., Ch. 714, Sec. 4, eff. September 1, 2009.

SUBCHAPTER F. EDUCATION INTERNET PORTAL

Sec. 32.251. DEFINITION. In this subchapter, "portal" means the education Internet portal required by this subchapter.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20, 2003.

Renumbered from Education Code, Section 32.151 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

Sec. 32.252. EDUCATION INTERNET PORTAL; GENERAL PURPOSES.

(a) The agency, with assistance from the Department of Information Resources and with participation by the Texas Higher Education Coordinating Board, interested school districts, and interested persons in the private sector, shall establish and maintain an education Internet portal for use by school districts, teachers, parents, and students.

(b) The portal must serve as a single point of access to educational resources other than student assessment data accessible through the student assessment data portal under Section 32.258. In addition to any other purpose specified by this subchapter or any other educational purpose, the portal may be used to:

(1) alleviate inequities in access to educational resources by providing access to on-line courses;

(2) improve student academic performance by providing access to tutorial materials, instructional materials that have been shown to improve academic performance, and other interactive

materials, including materials that assess an individual student's knowledge and prepare the student for the administration of a standardized assessment instrument, including an assessment instrument administered under Section 39.023;

(3) provide school districts with access to administrative software and other electronic tools designed to promote administrative efficiency and intra-district communication; or

(4) provide links to appropriate educational resources and experts available through the Internet.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20, 2003.

Renumbered from Education Code, Section 32.152 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 48, eff. June 19, 2009.

Sec. 32.253. ADMINISTRATION. (a) The agency has responsibility for general administration and oversight of the portal and for approving the content of all information made available through the portal.

(b) The Department of Information Resources shall:

(1) host the portal through the project known as TexasOnline;

(2) organize the portal in a manner that simplifies portal use and administration;

(3) provide any necessary technical advice to the agency, including advice relating to equipment required in connection with the portal;

(4) provide a method for maintaining the information made available through the portal; and

(5) cooperate with the agency in linking the agency's Internet site to the portal.

(c) The Department of Information Resources may assist the agency with technical advice regarding contracting with vendors for services in connection with the portal.

(d) The P-16 Council established under Section 61.076 shall serve in an advisory capacity to the agency and the Department of Information Resources in connection with functions relating to the portal.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 4.007, eff. September 1, 2007.

Renumbered from Education Code, Section 32.153 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

Sec. 32.254. ON-LINE COURSES. (a) The agency may coordinate the identification and development of on-line courses made available through the portal. A course may not be made available through the portal unless the course is reviewed by the agency and approved by the commissioner.

(b) In coordinating, developing, and reviewing courses to be made available through the portal, the agency shall give priority to any course that is not readily available to students throughout the state and for which there is a critical need.

(c) A course made available through the portal must be aligned with state curriculum requirements under Section 28.002 and the essential knowledge and skills identified under that section.

(d) The agency may develop quality assurance criteria to be used by the agency in developing and reviewing courses made available through the portal. The criteria must include components relating to:

- (1) course content;
- (2) instructor qualifications;
- (3) validity of assessment procedures;
- (4) security features; and
- (5) degree of interactivity.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20, 2003.

Renumbered from Education Code, Section 32.154 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

Sec. 32.255. ON-LINE COURSE SCHOLARSHIPS. (a) Using funds available for that purpose, the agency may award a scholarship for the costs of an on-line course to a student who demonstrates that:

(1) the student has inequitable access to the course; and

(2) access to the course would improve the likelihood of the student's academic success.

(b) The commissioner may adopt criteria to be used in awarding scholarships under this section. The criteria must limit the availability of scholarships to students who:

(1) are enrolled in a public school on a full-time basis; or

(2) were enrolled in a public school on a full-time basis for at least three months during the preceding school year and indicate an intent to enroll in a public school on a full-time basis for at least three months during the school year for which the scholarship is offered.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20, 2003.

Renumbered from Education Code, Section 32.155 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

Sec. 32.256. ON-LINE TEXTBOOKS. (a) The agency may develop and adopt strategies for making textbooks available through the portal or through other means in an electronic format as an alternative or supplement to traditional textbooks.

(b) In developing and adopting strategies under this section, the agency shall seek to achieve a system under which a student may, in addition to a traditional textbook, be provided with secure Internet access to each textbook used by the student.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20, 2003.

Renumbered from Education Code, Section 32.156 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

Sec. 32.257. SCHOOL DISTRICT ADMINISTRATIVE SOFTWARE AND ELECTRONIC TOOLS. (a) The agency may:

(1) identify effective Internet-based administrative software and other electronic tools that may be used by school districts to improve district administrative functions; and

(2) pursue efforts to make that software and other electronic tools available through the portal for use by school districts on a voluntary basis.

(b) The agency may assist school districts in identifying sources of funding that may be used by districts to pay any costs associated with using administrative software and other electronic tools available through the portal. To the extent that funds are available to the agency, the agency may provide administrative software and other electronic tools through the portal at no cost to specific school districts selected by the agency based on demonstrated need.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20, 2003.

Renumbered from Education Code, Section 32.157 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

Sec. 32.258. STUDENT ASSESSMENT DATA; DATA PORTAL.

(a) The agency shall establish and maintain a student assessment data portal for use by school districts, teachers, parents, students, and public institutions of higher education. The agency shall establish a secure, interoperable system to be implemented through the portal under which:

(1) a student or the student's parent or other person standing in parental relationship can easily access the student's individual assessment data;

(2) an authorized employee of a school district, including a district teacher, can readily access individual assessment data of district students for use in developing strategies for improving student performance; and

(3) an authorized employee of a public institution of higher education can readily access individual assessment data of students applying for admission for use in developing strategies

for improving student performance.

(b) The system established under Subsection (a) shall provide a means for a student or the student's parent or other person standing in parental relationship to track the student's progress on assessment instrument requirements for graduation.

(c) The agency shall establish an interoperable system to be implemented through the portal under which general student assessment data is easily accessible to the public.

(d) Student assessment data provided under this section must:

(1) be available on or before the first instructional day of the school year following the year in which the data is collected; and

(2) include student performance data on assessment instruments over multiple years, beginning with the 2007-2008 school year, including any data indicating progress in student achievement.

(e) Each system established under this section must permit comparisons of student performance information at the classroom, campus, district, and state levels.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20, 2003.

Renumbered from Education Code, Section 32.158 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 49, eff. June 19, 2009.

Sec. 32.259. FEES. (a) The agency may charge school districts, teachers, parents, students, and other persons a reasonable fee for services or information provided through the portal.

(b) The total amount of fees charged under this section may not exceed the amount necessary to pay costs associated with the development, administration, and maintenance of the portal.

(c) An individual fee charged to a person under this section for a service or information may not exceed the amount that the

person would be required to pay to obtain the service or information from a commercial source or through another means of access other than the portal.

(d) To the extent possible, the agency shall make services and information available through the portal at no cost to school districts, teachers, parents, students, and other persons.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20, 2003.

Renumbered from Education Code, Section 32.159 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

Sec. 32.260. VENDOR PARTICIPATION. (a) The agency may seek proposals from private vendors for providing on-line courses or other materials or services through the portal in accordance with this subchapter. A vendor may not provide an on-line course or other material or service through the portal without approval by the agency.

(b) The agency may require a vendor, as a condition of approval of the vendor's proposal, to:

(1) pay:

(A) all or part of the costs of providing the on-line course or other material or service;

(B) an access fee to be used by the agency in paying the general costs of maintaining the portal; or

(C) both the amounts described by Paragraphs (A) and (B); and

(2) if applicable, provide on-line course scholarships to students in accordance with criteria adopted by the commissioner.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20, 2003.

Renumbered from Education Code, Section 32.160 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

Sec. 32.261. FUNDING. (a) The agency may not use general revenue funds to pay the costs of developing, administering, and maintaining the portal. The agency may use amounts available to

the agency from:

- (1) gifts, grants, or donations;
- (2) vendor payments described by Section 32.260(b); or
- (3) arrangements with nonprofit or private entities

approved by the agency.

(b) To the extent possible considering other statutory requirements, the commissioner and agency shall encourage the use of textbook funds and technology allotment funds under Section 31.021(b)(2) in a manner that facilitates the development and use of the portal.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20, 2003.

Renumbered from Education Code, Section 32.161 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.002(2), eff. September 1, 2007.

Sec. 32.262. STATEWIDE LICENSING AND CONTRACTING. As appropriate to promote the availability through the portal of services and information specified by this subchapter at no cost to users or at a reasonable cost, the agency may negotiate statewide licenses or discounts with software vendors and other persons offering applications that are suitable for use through the portal.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20, 2003.

Renumbered from Education Code, Section 32.162 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

Sec. 32.263. OUTREACH AND TRAINING. (a) The agency may conduct outreach activities to provide information regarding the portal to school districts, teachers, parents, and students.

(b) The agency may provide training to school districts and teachers in use of the portal. Training in use of the portal may be made available to parents and students by the agency or school districts, as determined by commissioner rule.

Added by Acts 2003, 78th Leg., ch. 1216, Sec. 16, eff. June 20,

2003.

Renumbered from Education Code, Section 32.163 by Acts 2007, 80th Leg., R.S., Ch. 921, Sec. 17.001(13), eff. September 1, 2007.

SUBCHAPTER H. COMPUTER LENDING PILOT PROGRAM

For expiration of this subchapter, see Section 32.355.

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

Added by Acts 2009, 81st Leg., R.S., Ch. 571, Sec. 1, eff. September 1, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 714, Sec. 5, eff. September 1, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 1407, Sec. 9, eff. June 19, 2009.

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

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

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

Added by Acts 2009, 81st Leg., R.S., Ch. 571, Sec. 1, eff. September 1, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 714, Sec. 5, eff. September 1, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 1407, Sec. 9, eff. June 19, 2009.

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

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

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

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

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

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

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

Added by Acts 2009, 81st Leg., R.S., Ch. 571, Sec. 1, eff. September 1, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 714, Sec. 5, eff. September 1, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 1407, Sec. 9, eff. June 19, 2009.

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

Added by Acts 2009, 81st Leg., R.S., Ch. 571, Sec. 1, eff. September 1, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 714, Sec. 5, eff. September 1, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 1407, Sec. 9, eff. June 19, 2009.

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

Added by Acts 2009, 81st Leg., R.S., Ch. 571, Sec. 1, eff. September 1, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 714, Sec. 5, eff. September 1, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 1407, Sec. 9, eff. June 19, 2009.