

By: Grusendorf

H.B. No. 62

A BILL TO BE ENTITLED

AN ACT

relating to public school instructional materials and educational technology; making an appropriation.

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

SECTION 1. Subchapter B, Chapter 7, Education Code, is amended by adding Section 7.030 to read as follows:

Sec. 7.030. REVIEW OF STATE-FUNDED AND FEDERALLY FUNDED GRANT PROGRAMS. (a) The agency shall conduct a review of state-funded and federally funded grant programs and incentives designed to improve student academic performance and shall actively determine the full extent to which funds awarded under those programs may be used to enhance or expand the use of technology in public schools. For purposes of removing barriers to and encouraging the use of technology in public schools, the commissioner may, as appropriate, issue a waiver to one or more schools.

(b) Not later than December 1, 2006, the agency shall submit a report regarding the findings of the review conducted under this section to the legislature. The report must include a summary of promising practices for current grant programs that leverage technology. This section expires January 15, 2007.

SECTION 2. Section 7.055(b)(28), Education Code, is amended to read as follows:

(28) The commissioner shall perform duties relating to

1 the funding, adoption, and purchase of instructional materials
2 [~~textbooks~~] under Chapter 31.

3 SECTION 3. Section 7.056(f), Education Code, is amended to
4 read as follows:

5 (f) A school district or campus that is required to develop
6 and implement a student achievement improvement plan under Section
7 39.131 or 39.132 may receive an exemption or waiver under this
8 section from any law or rule other than:

9 (1) a prohibition on conduct that constitutes a
10 criminal offense;

11 (2) a requirement imposed by federal law or rule;

12 (3) a requirement, restriction, or prohibition
13 imposed by state law or rule relating to:

14 (A) public school accountability as provided by
15 Subchapters B, C, D, and G, Chapter 39; or

16 (B) educator rights and benefits under
17 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
18 A, Chapter 22; or

19 (4) [~~textbook~~] selection of instructional materials
20 under Chapter 31.

21 SECTION 4. Section 7.102(c)(23), Education Code, is amended
22 to read as follows:

23 (23) The board shall approve [~~adopt~~] and purchase or
24 license instructional materials [~~textbooks~~] as provided by Chapter
25 31 and adopt rules required by that chapter.

26 SECTION 5. Sections 7.108(a) and (c), Education Code, are
27 amended to read as follows:

1 (a) A person interested in selling bonds of any type or a
2 person engaged in manufacturing, shipping, selling, or advertising
3 instructional materials [~~textbooks~~] or otherwise connected with
4 the instructional material [~~textbook~~] business commits an offense
5 if the person makes or authorizes a political contribution to or
6 takes part in, directly or indirectly, the campaign of any person
7 seeking election to or serving on the board.

8 (c) In this section:

9 (1) "Instructional material" has the meaning assigned
10 by Section 31.002.

11 (2) "Political contribution" has the meaning assigned
12 by Section 251.001, Election Code.

13 [~~(2) "Textbook" has the meaning assigned by Section~~
14 ~~31.002.~~]

15 SECTION 6. The heading to Section 7.112, Education Code, is
16 amended to read as follows:

17 Sec. 7.112. REPRESENTATION OF [~~TEXTBOOK~~] PUBLISHER OF
18 INSTRUCTIONAL MATERIALS BY FORMER MEMBER OF BOARD.

19 SECTION 7. Section 7.112(a), Education Code, is amended to
20 read as follows:

21 (a) A former member of the State Board of Education who is
22 employed by or otherwise receives compensation from a [~~textbook~~]
23 publisher of instructional materials may not, before the second
24 anniversary of the date on which the person last served as a member
25 of the State Board of Education:

26 (1) confer with a member of the board of trustees of a
27 school district concerning instructional materials [~~a textbook~~]

1 published by that [~~textbook~~] publisher; or

2 (2) appear at a meeting of the board of trustees on
3 behalf of the [~~textbook~~] publisher.

4 SECTION 8. Section 7.112(c)(2), Education Code, is amended
5 to read as follows:

6 (2) "Instructional material" and "publisher"
7 [~~"Publisher" and "textbook"~~] have the meanings assigned by Section
8 31.002.

9 SECTION 9. Section 11.158(b), Education Code, is amended to
10 read as follows:

11 (b) The board may not charge fees for:

12 (1) instructional materials [~~textbooks~~], workbooks,
13 laboratory supplies, or other supplies necessary for participation
14 in any instructional course except as authorized under this code;

15 (2) field trips required as a part of a basic education
16 program or course;

17 (3) any specific form of dress necessary for any
18 required educational program or diplomas;

19 (4) the payment of instructional costs for necessary
20 school personnel employed in any course or educational program
21 required for graduation;

22 (5) library materials [~~books~~] required to be used for
23 any educational course or program, other than fines for lost,
24 damaged, or overdue materials [~~books~~];

25 (6) admission to any activity the student is required
26 to attend as a prerequisite to graduation;

27 (7) admission to or examination in any required

1 educational course or program; or

2 (8) lockers.

3 SECTION 10. Section 11.164(a), Education Code, is amended
4 to read as follows:

5 (a) The board of trustees of each school district shall
6 limit redundant requests for information and the number and length
7 of written reports that a classroom teacher is required to prepare.
8 A classroom teacher may not be required to prepare any written
9 information other than:

10 (1) any report concerning the health, safety, or
11 welfare of a student;

12 (2) a report of a student's grade on an assignment or
13 examination;

14 (3) a report of a student's academic progress in a
15 class or course;

16 (4) a report of a student's grades at the end of each
17 grade reporting period;

18 (5) a [~~textbook~~] report on instructional materials;

19 (6) a unit or weekly lesson plan that outlines, in a
20 brief and general manner, the information to be presented during
21 each period at the secondary level or in each subject or topic at
22 the elementary level;

23 (7) an attendance report;

24 (8) any report required for accreditation review;

25 (9) any information required by a school district that
26 relates to a complaint, grievance, or actual or potential
27 litigation and that requires the classroom teacher's involvement;

1 or

2 (10) any information specifically required by law,
3 rule, or regulation.

4 SECTION 11. Section 19.007(e), Education Code, is amended
5 to read as follows:

6 (e) The district may participate in the instructional
7 materials [~~textbook~~] program under Chapter 31.

8 SECTION 12. Sections 26.006(a) and (c), Education Code, are
9 amended to read as follows:

10 (a) A parent is entitled to:

11 (1) review all teaching materials, instructional
12 materials [~~textbooks~~], and other teaching aids used in the
13 classroom of the parent's child; and

14 (2) review each test administered to the parent's
15 child after the test is administered.

16 (c) A student's parent is entitled to request that the
17 public school [~~district or open-enrollment charter school~~] the
18 student attends allow the student to take home any instructional
19 materials [~~textbook~~] used by the student. Subject to the
20 availability of the instructional materials [~~a textbook~~], the
21 [~~district or~~] school shall honor the request. A student who takes
22 home instructional materials [~~a textbook~~] must return the
23 instructional materials [~~textbook~~] to school at the beginning of
24 the next school day if requested to do so by the student's teacher.
25 In this subsection, "instructional material" [~~"textbook"~~] has the
26 meaning assigned by Section 31.002.

27 SECTION 13. Sections 28.002(c) and (h), Education Code, are

1 amended to read as follows:

2 (c) The State Board of Education, with the direct
3 participation of educators, parents, business and industry
4 representatives, and employers shall by rule identify the essential
5 knowledge and skills of each subject of the required curriculum
6 that all students should be able to demonstrate and that will be
7 used in evaluating instructional materials [~~textbooks~~] under
8 Chapter 31 and addressed on the assessment instruments required
9 under Subchapter B, Chapter 39. As a condition of accreditation,
10 the board shall require each district to provide instruction in the
11 essential knowledge and skills at appropriate grade levels.

12 (h) The State Board of Education and each school district
13 shall foster the continuation of the tradition of teaching United
14 States and Texas history and the free enterprise system in regular
15 subject matter and in reading courses and in the adoption of
16 instructional materials [~~textbooks~~]. A primary purpose of the
17 public school curriculum is to prepare thoughtful, active citizens
18 who understand the importance of patriotism and can function
19 productively in a free enterprise society with appreciation for the
20 basic democratic values of our state and national heritage.

21 SECTION 14. The heading to Chapter 31, Education Code, is
22 amended to read as follows:

23 CHAPTER 31. INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]

24 SECTION 15. Section 31.001, Education Code, is amended to
25 read as follows:

26 Sec. 31.001. FREE INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~].
27 Instructional materials [~~Textbooks~~] selected for use in the public

1 schools shall be furnished without cost to the students attending
2 those schools in accordance with Section 3(b), Article VII, Texas
3 Constitution.

4 SECTION 16. Sections 31.002(1), (2), and (4), Education
5 Code, are amended to read as follows:

6 (1) "Instructional material" [~~"Electronic textbook"~~]
7 means a medium or a combination of media for conveying information
8 to a student. The term includes a book, supplementary materials, a
9 combination of a book, workbook, supplementary materials, computer
10 software, [~~interactive videodisc,~~] magnetic media, DVD, CD-ROM,
11 computer courseware, on-line services, or an electronic medium, or
12 other means of conveying information to the student or otherwise
13 contributing to the learning process through electronic means.

14 (2) "Publisher" means a person who prepares
15 instructional materials for sale or distribution to educational
16 institutions. The term includes an on-line service or a developer
17 or distributor of [~~an~~] electronic instructional materials
18 [~~textbook~~].

19 (4) "Technological equipment" means hardware, a
20 device, or equipment necessary for:

21 (A) instructional use in the classroom,
22 including to gain access to or enhance the use of [~~an~~] electronic
23 instructional materials [~~textbook~~]; or

24 (B) professional use by a classroom teacher.

25 SECTION 17. Section 31.003, Education Code, is amended to
26 read as follows:

27 Sec. 31.003. RULES. The State Board of Education shall

1 ~~[may]~~ adopt rules, consistent with this chapter, for the approval
2 ~~[adoption]~~, requisition, distribution, care, use, and disposal of
3 instructional materials ~~[textbooks]~~.

4 SECTION 18. The heading to Subchapter B, Chapter 31,
5 Education Code, is amended to read as follows:

6 SUBCHAPTER B. STATE APPROVAL

7 ~~[FUNDING, ADOPTION, AND PURCHASE]~~

8 SECTION 19. Section 31.021, Education Code, as amended by
9 S.B. No. 151, Acts of the 79th Legislature, Regular Session, 2005,
10 is amended to read as follows:

11 Sec. 31.021. STATE INSTRUCTIONAL MATERIALS ~~[TEXTBOOK]~~

12 FUND. (a) The state instructional materials ~~[textbook]~~ fund
13 consists of:

14 (1) an amount set aside by the State Board of Education
15 from the available school fund, computed in accordance with this
16 section; and

17 (2) ~~[all funds accruing from the state's sale of~~
18 ~~disused textbooks; and~~

19 ~~(3)]~~ all amounts lawfully paid into the fund from any
20 other source.

21 (b) The State Board of Education shall annually set aside
22 out of the available school fund of the state an amount sufficient
23 for the instructional materials allotment to provide public ~~[board,~~
24 ~~school districts, and open-enrollment charter]~~ schools with the
25 funds required to purchase and distribute the necessary
26 instructional materials ~~[textbooks]~~ for the use of the students of
27 this state for the following school year. The board shall determine

1 the amount of the available school fund to set aside for the state
2 instructional materials [~~textbook~~] fund based on the amount of the
3 instructional materials and technology allotment under Section
4 32.005(a). [÷

5 [~~(1) a report by the commissioner issued on July 1 or,~~
6 ~~if that date is a Saturday or Sunday, on the following Monday,~~
7 ~~stating the amount of unobligated money in the fund;~~

8 [~~(2) the commissioner's estimate, based on textbooks~~
9 ~~selected under Section 31.101 and on attendance reports submitted~~
10 ~~under Section 31.103 by school districts and open-enrollment~~
11 ~~charter schools, of the amount of funds, in addition to funds~~
12 ~~reported under Subdivision (1), that will be necessary for purchase~~
13 ~~and distribution of textbooks for the following school year; and~~

14 [~~(3) any amount the board determines should be set~~
15 ~~aside for emergency purposes caused by unexpected increases in~~
16 ~~attendance.]~~

17 (c) This subsection applies only if the pilot project
18 established under Section 54.2161 is implemented[, and expires
19 ~~August 15, 2009~~]. In addition to the amount set aside under
20 Subsection (b), the State Board of Education shall annually set
21 aside out of the available school fund an amount sufficient for each
22 school district with one or more students entitled to free
23 textbooks under the pilot project established under Section 54.2161
24 to pay the costs of those textbooks as required by Section 31.031
25 for the following school year. The board shall determine the amount
26 of the available school fund to set aside for the state
27 instructional materials [~~textbook~~] fund for purposes of this

1 subsection based on the commissioner's estimate of the amount that
2 will be necessary to pay the costs of textbooks as required under
3 Section 31.031. This subsection expires August 31, 2006.

4 (d) Money transferred to the state instructional materials
5 [~~textbook~~] fund remains in the fund until spent and does not lapse
6 to the state at the end of the fiscal year.

7 [~~(c) All necessary expenses incurred under this chapter~~
8 ~~shall be paid from the state textbook fund on invoices approved by~~
9 ~~the commissioner.~~]

10 SECTION 20. Subchapter B, Chapter 31, Education Code, is
11 amended by adding Sections 31.0251, 31.0252, and 31.0253 to read as
12 follows:

13 Sec. 31.0251. SUBMISSION OF INSTRUCTIONAL MATERIALS;
14 REVIEW. (a) A publisher may at any time submit an instructional
15 material to the State Board of Education for approval. As part of a
16 submission, a publisher must include a statement that identifies in
17 writing the essential knowledge and skills for a subject and grade
18 level as determined by the board under Section 28.002 that the
19 instructional material covers.

20 (b) The board shall:

21 (1) review each instructional material submitted for
22 approval as provided by Section 31.0253;

23 (2) determine whether the instructional material
24 covers the essential knowledge and skills identified in the
25 submission; and

26 (3) identify the degree to which the instructional
27 material complies with the essential knowledge and skills.

1 Sec. 31.0252. CORRECTION OF FACTUAL ERRORS. (a) The State
2 Board of Education shall adopt rules authorizing the imposition of
3 an administrative penalty in the manner provided by Section 31.151
4 against a publisher who knowingly fails to promptly correct any
5 factual errors discovered by the board in the instructional
6 materials submitted by the publisher.

7 (b) In setting the amount of any penalty to be imposed under
8 this section, the board shall consider the stage of the
9 instructional materials review and approval process at which the
10 failure occurs and set progressively higher penalties for failures
11 that occur later in the process.

12 Sec. 31.0253. APPROVAL BY STATE BOARD OF EDUCATION. (a)
13 The State Board of Education shall meet biannually to approve
14 instructional materials submitted under Section 31.0251. The board
15 must approve or reject each submitted instructional material not
16 later than the second biannual meeting held for the purpose of
17 approving instructional materials under this section after the date
18 the instructional material was submitted.

19 (b) By majority vote, the board shall approve an
20 instructional material submitted under Section 31.0251 unless the
21 board determines, based on the board's own review, that the
22 instructional material does not contain the essential knowledge and
23 skills identified by the publisher in the submission. The board
24 shall identify the essential knowledge and skills for a subject and
25 grade level that an approved instructional material covers.

26 (c) Each approved instructional material must be free from
27 factual errors.

1 (d) For each subject and grade level, the board shall list
2 the approved instructional materials. The board shall
3 periodically:

4 (1) review each list of approved instructional
5 materials; and

6 (2) by majority vote, remove approved instructional
7 materials that the board determines no longer cover the essential
8 knowledge and skills.

9 SECTION 21. Sections 31.026-31.030, Education Code, are
10 amended to read as follows:

11 Sec. 31.026. CONTRACT; PRICE. (a) The Department of
12 Information Resources may [~~State Board of Education shall~~] execute
13 a contract[+]

14 [~~(1)~~] for the purchase or licensing of each approved
15 instructional material. The commissioner, with the assistance of
16 the Department of Information Resources, the State Board of
17 Education, and the office of the attorney general, shall develop
18 model contracts that may be used by public schools for the purchase
19 or licensing of instructional materials under this chapter [~~adopted~~
20 ~~textbook other than an electronic textbook; and~~

21 [~~(2) for the purchase or licensing of each adopted~~
22 ~~electronic textbook~~].

23 (b) A contract for the purchase or licensing of
24 instructional materials must require the publisher to provide all
25 of the approved instructional materials [~~the number of textbooks~~]
26 required by public schools [~~school districts~~] in this state for the
27 term of the contract[, ~~which must coincide with the board's~~

1 ~~adoption cycle].~~

2 (c) As applicable, a contract must provide for the purchase
3 or licensing of instructional materials [~~a textbook~~] at a
4 [~~specific~~] price determined through negotiation between the
5 publisher and the Department of Information Resources or the public
6 school, as applicable, that does [~~, which may~~] not exceed the lowest
7 price paid by any other state or any school or school district. The
8 price must be fixed for the term of the contract.

9 (d) The Department of Information Resources shall execute a
10 blanket purchase order with the publisher of an approved
11 instructional material. A school district may requisition
12 instructional materials under the purchase order.

13 (e) The agency and the Department of Information Resources
14 shall enter into an interagency contract specifying each agency's
15 duties regarding the purchasing and licensing of instructional
16 materials.

17 (f) The contract may allow the publisher of an approved
18 instructional material to update the material as provided by
19 Section 31.033.

20 Sec. 31.027. INFORMATION TO PUBLIC SCHOOLS [~~SCHOOL~~
21 ~~DISTRICTS~~]; SAMPLE COPIES. (a) A publisher shall provide each
22 public school [~~district and open-enrollment charter school~~] with
23 information that fully describes each of the publisher's approved
24 instructional materials. [~~adopted textbooks. On request of a~~
25 ~~school district, a publisher shall provide a sample copy of an~~
26 ~~adopted textbook.~~]

27 (b) A publisher shall provide at least two sample copies of

1 each approved instructional material [~~adopted textbook~~] to be
2 maintained at each regional education service center.

3 Sec. 31.028. SPECIAL INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~].

4 (a) The State Board of Education may provide for [~~purchase~~] special
5 instructional materials [~~textbooks~~] for the education of blind and
6 visually impaired students in public schools. In addition, for a
7 teacher who is blind or visually impaired, the board shall provide a
8 teacher's edition in Braille or large type, as requested by the
9 teacher, for each printed instructional material [~~textbook~~] the
10 teacher uses in the instruction of students. The printed teacher
11 edition must be available at the same time the printed student
12 instructional materials [~~textbooks~~] become available.

13 (b) The publisher of an approved printed instructional
14 material [~~adopted textbook~~] shall provide the agency with
15 computerized [~~textbook~~] files for the production of Braille
16 instructional materials [~~textbooks~~] or other versions of
17 instructional materials [~~textbooks~~] to be used by students with
18 disabilities, on request of the State Board of Education. A
19 publisher shall arrange the computerized [~~textbook~~] files in one of
20 several optional formats specified by the State Board of Education.

21 (c) The board shall require electronic instructional
22 materials submitted for approval under Section 31.0251 to comply
23 with the standards established under Section 508, Rehabilitation
24 Act of 1973 (29 U.S.C. Section 794d) [~~may also enter into agreements~~
25 ~~providing for the acceptance, requisition, and distribution of~~
26 ~~special textbooks and instructional aids pursuant to 20 U.S.C.~~
27 ~~Section 101 et seq.~~] for use by students enrolled in:

- 1 (1) public schools; or
2 (2) private nonprofit schools, if state funds, other
3 than for administrative costs, are not involved.

4 (d) In this section:

5 (1) "Blind or visually impaired student" includes any
6 student whose visual acuity is impaired to the extent that the
7 student is unable to read the text [~~print~~] in [~~a~~] regularly approved
8 instructional materials [~~adopted textbook~~] used in the student's
9 class.

10 (2) "Special instructional materials" [~~textbook~~]
11 means instructional materials [~~a textbook~~] in Braille, large type
12 or any other medium or any apparatus that conveys information to a
13 student or otherwise contributes to the learning process.

14 Sec. 31.029. BILINGUAL INSTRUCTIONAL MATERIALS
15 [~~TEXTBOOKS~~]. The board shall approve instructional materials
16 [~~purchase or otherwise acquire textbooks~~] for use in bilingual
17 education classes.

18 Sec. 31.030. USED INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]. The
19 State Board of Education shall adopt rules to ensure that used
20 instructional materials [~~textbooks~~] sold to public schools [~~school~~
21 ~~districts and open-enrollment charter schools~~] are not sample
22 copies that contain factual errors. The rules may provide for the
23 imposition of an administrative penalty in accordance with Section
24 31.151 against a seller of used instructional materials [~~textbooks~~]
25 who knowingly violates this section.

26 SECTION 22. Section 31.031(b), Education Code, as added by
27 S.B. No. 151, Acts of the 79th Legislature, Regular Session, 2005,

1 is amended to read as follows:

2 (b) From the amount set aside by the State Board of
3 Education under Section 31.021(c) or allocated to a school district
4 under Section 32.005(c), the school district that a student
5 entitled to free textbooks under the pilot project established by
6 Section 54.2161 attends shall pay the costs of each textbook the
7 student requires for a course described by Section 54.2161(b)(2).

8 SECTION 23. Subchapter B, Chapter 31, Education Code, is
9 amended by adding Sections 31.032 and 31.033 to read as follows:

10 Sec. 31.032. SUBSCRIPTION-BASED ELECTRONIC INSTRUCTIONAL
11 MATERIALS. The publisher of an approved electronic instructional
12 material may offer the material to public schools on an annual
13 subscription basis.

14 Sec. 31.033. UPDATING INSTRUCTIONAL MATERIALS. The
15 publisher of an approved instructional material may, under the
16 terms of a contract under Section 31.026, update the instructional
17 material. The State Board of Education by rule shall provide for an
18 expedited review process to determine the extent to which an
19 updated instructional material:

20 (1) is aligned with the essential knowledge and skills
21 for the subject and grade level; and

22 (2) does not contain factual errors.

23 SECTION 24. Subchapter C, Chapter 31, Education Code, is
24 amended by adding Sections 31.1012 and 31.1013 to read as follows:

25 Sec. 31.1012. LOCAL SELECTION AND PURCHASE. (a) A school
26 district shall:

27 (1) select the instructional materials to be used by

1 the district; and

2 (2) using funds allotted under Section 32.005 or other
3 funds that may be used for the purpose, purchase those materials:

4 (A) directly from the publisher of the materials;

5 or

6 (B) through the Department of Information
7 Resources, if the materials have been approved by the State Board of
8 Education.

9 (b) A school district is not required to select
10 instructional materials that have been approved by the State Board
11 of Education under this chapter.

12 Sec. 31.1013. CERTIFICATION OF PROVISION OF INSTRUCTIONAL
13 MATERIALS. Each school district shall annually certify to the
14 agency that, for each subject in the required curriculum and each
15 grade level, the district provides each student with instructional
16 materials that are aligned with the essential knowledge and skills
17 adopted by the State Board of Education for that subject and grade
18 level.

19 SECTION 25. Section 31.102, Education Code, is amended to
20 read as follows:

21 Sec. 31.102. TITLE AND CUSTODY. (a) Each instructional
22 material [~~textbook~~] purchased as provided by this chapter is the
23 property of this state.

24 (b) Subsection (a) applies to an electronic instructional
25 material [~~textbook~~] only to the extent of any applicable licensing
26 agreement.

27 (c) The board of trustees of a school district [~~or the~~

1 ~~governing body of an open-enrollment charter school~~] is the legal
 2 custodian of instructional materials [~~textbooks~~] purchased as
 3 provided by this chapter for the district [~~or school~~]. The board of
 4 trustees shall distribute instructional materials [~~textbooks~~] to
 5 students in the manner that the board [~~or governing body~~]
 6 determines is most effective and economical.

7 SECTION 26. Sections 31.104-31.106, Education Code, are
 8 amended to read as follows:

9 Sec. 31.104. DISTRIBUTION AND HANDLING. (a) The board of
 10 trustees of a school district [~~or the governing body of an~~
 11 ~~open-enrollment charter school~~] may delegate to an employee the
 12 authority to requisition, distribute, and manage the inventory of
 13 instructional materials [~~textbooks~~] in a manner consistent with
 14 this chapter and rules adopted under this chapter.

15 (b) A school district [~~or open-enrollment charter school~~]
 16 may order replacements for instructional materials [~~textbooks~~]
 17 that have been lost or damaged directly from[+]

18 [~~(1) the textbook depository, or~~
 19 [~~(2)~~] the [~~textbook~~] publisher of the instructional
 20 materials [~~or manufacturer if the textbook publisher or~~
 21 ~~manufacturer does not have a designated textbook depository in this~~
 22 ~~state under Section 31.151(a)(6)(B)]].~~

23 (c) Each instructional material [~~textbook~~] must state that
 24 the instructional material [~~textbook~~] is the property of or is
 25 licensed to this state, as appropriate. The board may require the
 26 publisher of a textbook that must be returned by a student under
 27 Subsection (d) to place a bar code with a unique identifying number

1 on the textbook. Each instructional material [~~textbook~~], other
2 than an electronic instructional material [~~textbook~~], must be
3 covered by the student under the direction of the teacher. A student
4 must return all instructional materials [~~textbooks~~] to the teacher
5 at the end of the school year or when the student withdraws from
6 school.

7 (d) Each student, or the student's parent or guardian, is
8 responsible for each instructional material [~~textbook~~] not
9 returned by the student. A student who fails to return all
10 instructional materials [~~textbooks~~] forfeits the right to free
11 instructional materials [~~textbooks~~] until each instructional
12 material [~~textbook~~] previously issued but not returned is paid for
13 by the student, parent, or guardian. As provided by policy of the
14 board of trustees [~~or governing body~~], a school district [~~or~~
15 ~~open-enrollment charter school~~] may waive or reduce the payment
16 requirement if the student is from a low-income family. The
17 district [~~or school~~] shall allow the student to use instructional
18 materials [~~textbooks~~] at school during each school day. If an
19 instructional material [~~a textbook~~] is not returned or paid for,
20 the district [~~or school~~] may withhold the student's records. A
21 district [~~or school~~] may not, under this subsection, prevent a
22 student from graduating, participating in a graduation ceremony, or
23 receiving a diploma.

24 (e) The board of trustees of a school district may not
25 require an employee of the district to pay for an instructional
26 material [~~a textbook~~] or instructional technology that is stolen,
27 misplaced, or not returned by a student.

1 Sec. 31.105. SALE, EXCHANGE, OR LOAN OF INSTRUCTIONAL
2 MATERIALS [~~TEXTBOOKS~~]. (a) The board of trustees of a school
3 district [~~or governing body of an open-enrollment charter school~~]
4 may sell instructional materials [~~textbooks~~], other than
5 electronic instructional materials [~~textbooks~~], to a student or
6 another school at a [~~the state contract~~] price determined by board
7 rule. Money [~~The district shall send money~~] from the sale of
8 instructional materials may be used only to purchase items that may
9 be purchased lawfully using the allotment provided by Section
10 32.005.

11 (b) Subject to any applicable licensing agreement, the
12 board of trustees of a school district may:

13 (1) exchange instructional materials with another
14 school district; or

15 (2) loan instructional materials to another school
16 district [~~textbooks to the commissioner as required by the~~
17 ~~commissioner. The commissioner shall deposit the money in the~~
18 ~~state textbook fund~~].

19 Sec. 31.106. USE OF LOCAL FUNDS. A [~~In addition to any~~
20 ~~textbook selected under this chapter, a~~] school district [~~or~~
21 ~~open-enrollment charter school~~] may use local funds to purchase any
22 instructional materials [~~textbooks~~].

23 SECTION 27. The heading to Section 31.151, Education Code,
24 is amended to read as follows:

25 Sec. 31.151. DUTIES OF PUBLISHERS [~~AND MANUFACTURERS~~].

26 SECTION 28. Sections 31.151(a), (b), and (d), Education
27 Code, are amended to read as follows:

1 (a) A publisher [~~or manufacturer~~] of instructional
2 materials [~~textbooks~~]:

3 (1) shall furnish any instructional material
4 [~~textbook~~] the publisher [~~or manufacturer~~] offers in this state[7]
5 at a price that does not exceed the lowest price at which the
6 publisher offers that instructional material [~~textbook~~] for
7 adoption or sale to any state, public school, or school district in
8 the United States;

9 (2) shall automatically reduce the price of an
10 instructional material [~~a textbook~~] sold for use in a public school
11 [~~district or open-enrollment charter school~~] to the extent that the
12 price is reduced elsewhere in the United States;

13 (3) shall provide any instructional material
14 [~~textbook~~] or ancillary item free of charge in this state to the
15 same extent that the publisher [~~or manufacturer~~] provides the
16 instructional material [~~textbook~~] or ancillary item free of charge
17 to any state, public school, or school district in the United
18 States;

19 (4) shall guarantee that each copy of an instructional
20 material [~~a textbook~~] sold in this state is at least equal in
21 quality to copies of that instructional material [~~textbook~~] sold
22 elsewhere in the United States and is free from factual error;

23 (5) may not become associated or connected with,
24 directly or indirectly, any combination in restraint of trade in
25 instructional materials [~~textbooks~~] or enter into any
26 understanding or combination to control prices or restrict
27 competition in the sale of instructional materials [~~textbooks~~] for

1 use in this state;

2 (6) shall~~+~~

3 [~~(A) maintain a depository in this state or~~
4 ~~arrange with a depository in this state to receive and fill orders~~
5 ~~for textbooks, other than on-line textbooks or on-line textbook~~
6 ~~components, consistent with State Board of Education rules; or~~

7 [~~(B)~~] deliver instructional materials
8 [~~textbooks~~] to a public school [~~district or open-enrollment charter~~
9 ~~school~~] without a delivery charge to the school [~~district,~~
10 ~~open-enrollment charter school,~~] or state~~, if:~~

11 [~~(i) the publisher or manufacturer does not~~
12 ~~maintain or arrange with a depository in this state under Paragraph~~
13 ~~(A) and the publisher's or manufacturer's textbooks and related~~
14 ~~products are warehoused or otherwise stored less than 300 miles~~
15 ~~from a border of this state; or~~

16 [~~(ii) the textbooks are on-line textbooks~~
17 ~~or on-line textbook components~~];

18 (7) shall, at the time an order for instructional
19 materials [~~textbooks~~] is acknowledged, provide to public [~~school~~
20 ~~districts or open-enrollment charter~~] schools an accurate shipping
21 date for instructional materials [~~textbooks~~] that are
22 back-ordered;

23 (8) shall guarantee delivery of instructional
24 materials [~~textbooks~~] at least 10 business days before the opening
25 day of school of the year for which the instructional materials
26 [~~textbooks~~] are ordered if the instructional materials [~~textbooks~~]
27 are ordered by a date specified in the sales contract; and

1 (9) shall submit to the State Board of Education an
2 affidavit certifying any instructional material [~~textbook~~] the
3 publisher [~~or manufacturer~~] offers in this state to be free of
4 factual errors at the time the publisher executes the contract
5 required by Section 31.026.

6 (b) The State Board of Education may impose a reasonable
7 administrative penalty against a publisher [~~or manufacturer~~] who
8 knowingly violates Subsection (a). The board shall provide for a
9 hearing to be held to determine whether a penalty is to be imposed
10 and, if so, the amount of the penalty. The board shall base the
11 amount of the penalty on:

- 12 (1) the seriousness of the violation;
- 13 (2) any history of a previous violation;
- 14 (3) the amount necessary to deter a future violation;
- 15 (4) any effort to correct the violation; and
- 16 (5) any other matter justice requires.

17 (d) A penalty collected under this section shall be
18 deposited to the credit of the state instructional materials
19 [~~textbook~~] fund.

20 SECTION 29. The heading to Section 31.152, Education Code,
21 is amended to read as follows:

22 Sec. 31.152. ACCEPTING REBATE ON INSTRUCTIONAL MATERIALS
23 [~~TEXTBOOKS~~].

24 SECTION 30. Sections 31.152(a), (b), and (d), Education
25 Code, are amended to read as follows:

26 (a) A school trustee, administrator, or teacher commits an
27 offense if that person receives any commission or rebate on any

1 instructional materials [~~textbooks~~] used in the schools with which
2 the person is associated as a trustee, administrator, or teacher.

3 (b) A school trustee, administrator, or teacher commits an
4 offense if the person accepts a gift, favor, or service that:

5 (1) is given to the person or the person's school;

6 (2) might reasonably tend to influence a trustee,
7 administrator, or teacher in the selection of instructional
8 materials [~~a textbook~~]; and

9 (3) could not be lawfully purchased with state
10 instructional materials funds [~~from the state textbook fund~~].

11 (d) In this section, "gift, favor, or service" does not
12 include:

13 (1) staff development, in-service, or teacher
14 training; or

15 (2) ancillary [~~instructional~~] materials, such as maps
16 or worksheets, that convey information to the student or otherwise
17 contribute to the learning process.

18 SECTION 31. The heading to Section 31.153, Education Code,
19 is amended to read as follows:

20 Sec. 31.153. VIOLATION OF FREE INSTRUCTIONAL MATERIALS
21 [~~TEXTBOOK~~] LAW.

22 SECTION 32. Section 31.153(a), Education Code, is amended
23 to read as follows:

24 (a) A person commits an offense if the person knowingly
25 violates any law providing for the purchase or distribution of free
26 instructional materials [~~textbooks~~] for the public schools.

27 SECTION 33. Subchapter E, Chapter 31, Education Code, is

1 amended to read as follows:

2 SUBCHAPTER E. DISPOSITION OF

3 INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]

4 Sec. 31.201. DISPOSITION OF INSTRUCTIONAL MATERIALS
5 [~~TEXTBOOKS~~]. (a) The commissioner, with the approval of the State
6 Board of Education, may provide for the disposition of:

7 (1) instructional materials [~~textbooks~~], other than
8 electronic instructional materials [~~textbooks~~], that are no longer
9 in acceptable condition to be used for instructional purposes; or

10 (2) discontinued instructional materials [~~textbooks~~],
11 other than electronic instructional materials [~~textbooks~~].

12 (b) The commissioner, as provided by rules adopted by the
13 State Board of Education, shall make available on request copies of
14 discontinued instructional materials [~~textbooks~~], other than
15 electronic instructional materials [~~textbooks~~], for use in
16 libraries maintained in municipal and county jails and facilities
17 of the institutional division of the Texas Department of Criminal
18 Justice and other state agencies.

19 (c) The State Board of Education shall adopt rules under
20 which a public school [~~district or open-enrollment charter school~~]
21 may donate discontinued instructional materials [~~textbooks~~], other
22 than electronic instructional materials [~~textbooks~~], to a student,
23 to an adult education program, or to a nonprofit organization.

24 SECTION 34. Subchapter A, Chapter 32, Education Code, is
25 amended by adding Section 32.0011 to read as follows:

26 Sec. 32.0011. ADVISORY COMMITTEE FOR TECHNOLOGY AND
27 IMPLEMENTATION. (a) An advisory committee for technology and

1 implementation is created to assist the agency and permit the
2 agency to monitor changing technology in business, industry, and
3 education.

4 (b) Members of the advisory committee are appointed as
5 follows:

6 (1) the commissioner, in consultation with the
7 lieutenant governor, the speaker of the house of representatives,
8 and the presiding officers of the standing committees of the senate
9 and the house of representatives with jurisdiction over the agency,
10 shall appoint members from the business and education communities
11 and public members; and

12 (2) the State Board of Education may appoint one
13 member.

14 (c) The advisory committee is subject to Chapters 551 and
15 552, Government Code.

16 SECTION 35. Sections 32.002 and 32.003, Education Code, are
17 amended to read as follows:

18 Sec. 32.002. AUTHORITY OF PUBLIC SCHOOL [~~DISTRICT~~]. A
19 public school [~~district~~] is not required by this subchapter to
20 acquire or use technology that has been approved, selected, or
21 contracted for by the State Board of Education or the commissioner.

22 Sec. 32.003. AUTHORITY OF COMMISSIONER TO CONTRACT. The
23 commissioner may contract with developers of technology to supply
24 technology for use by public schools [~~school districts~~] throughout
25 this state.

26 SECTION 36. Effective September 1, 2006, Section 32.005,
27 Education Code, is amended to read as follows:

1 Sec. 32.005. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
2 ALLOTMENT. (a) Each school district is entitled to an allotment of
3 \$100 [~~\$30~~] for each student in average daily attendance or a
4 different amount for any year provided by appropriation.

5 (a-1) From the funds a school district receives under
6 Subsection (a), the district shall use an amount equal to \$50 for
7 each student in average daily attendance to fund targeted
8 technology programs under Section 32.006. A school district shall
9 use funds for targeted technology programs in a manner that allows
10 each student and teacher assigned to a targeted campus, grade level
11 on a campus, or specific educational program to benefit from a
12 targeted technology program. The commissioner shall adopt rules
13 concerning the use of funds under this subsection. This subsection
14 expires August 31, 2007.

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

16 (1) provide for the purchase by school districts of
17 instructional materials [~~electronic textbooks~~] or technological
18 equipment that contributes to student learning; and

19 (2) pay for training educational personnel directly
20 involved in student learning in the appropriate use of electronic
21 instructional materials [~~textbooks~~] and for providing for access to
22 technological equipment for instructional use.

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

24 (1) the telecommunications infrastructure fund under
25 Subchapter C, Chapter 57, Utilities Code;

26 (2) the available school fund; [~~or~~]

27 (3) the state instructional materials fund under

1 Section 31.021; or

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

5 (d) This subsection applies only if the pilot project
6 established under Section 54.2161 is implemented. In addition to
7 amounts to which the district is entitled under Subsection (a), a
8 school district is entitled to an amount sufficient for the
9 district to pay the costs of textbooks for students participating
10 in the pilot project established under Section 54.2161. This
11 subsection expires August 15, 2009.

12 SECTION 37. Effective September 1, 2007, Section 32.005,
13 Education Code, is amended by amending Subsection (a) and adding
14 Subsection (a-1) to read as follows:

15 (a) Each school district is entitled to an allotment of \$150
16 [~~\$30~~] for each student in average daily attendance or a different
17 amount for any year provided by appropriation.

18 (a-1) From the funds a school district receives under
19 Subsection (a), the district shall use an amount equal to \$60 for
20 each student in average daily attendance to fund targeted
21 technology programs under Section 32.006. A school district shall
22 use funds for targeted technology programs in a manner that allows
23 each student and teacher assigned to a targeted campus, grade level
24 on a campus, or specific educational program to benefit from a
25 targeted technology program. The commissioner shall adopt rules
26 concerning the use of funds under this subsection.

27 SECTION 38. Subchapter A, Chapter 32, Education Code, is

1 amended by adding Section 32.006 to read as follows:

2 Sec. 32.006. TARGETED TECHNOLOGY PROGRAMS. (a) Each
3 school district shall use funds designated for targeted technology
4 programs under Section 32.005(a-1) in accordance with this section
5 and in a manner consistent with the long-range plan developed by the
6 State Board of Education under Section 32.001 and the district's
7 own technology plan. A school district may use funds from other
8 sources, including grants, donations, and state and federal funds,
9 to provide targeted technology programs.

10 (b) A targeted technology program must provide for each
11 student and teacher at a targeted campus or grade level on a
12 targeted campus:

13 (1) the provision of:

14 (A) wireless electronic mobile computing devices
15 or other technology devices that convey instruction;

16 (B) productivity software and hardware,
17 including writing, computation, presentation, printing, and
18 communication tools;

19 (C) electronic learning software aligned with
20 the essential knowledge and skills adopted by the State Board of
21 Education under Section 28.002;

22 (D) library and other research tools;

23 (E) electronic assessment tools;

24 (F) electronic learning tools to improve
25 communications among students, teachers, school administrators,
26 parents, and the community; and

27 (G) classroom management systems;

1 (2) professional development for teachers to
2 integrate the tools and solutions described by Subdivision (1); or
3 (3) the provision of other infrastructure,
4 components, and technologies to support and enhance student
5 performance through individual instruction programs.

6 (c) The Legislative Budget Board shall:

7 (1) conduct a biennial study of the cost of school
8 district targeted technology programs, including the cost of
9 implementing those programs on a statewide basis; and

10 (2) based on the results of the study required by
11 Subdivision (1), make recommendations to the legislature before the
12 beginning of each regular session of the legislature concerning
13 statewide implementation of targeted technology programs.

14 (d) Each biennium, the Legislative Budget Board and the
15 commissioner shall jointly conduct a performance evaluation of
16 school district targeted technology programs.

17 SECTION 39. Subchapter A, Chapter 32, Education Code, is
18 amended by adding Section 32.007 to read as follows:

19 Sec. 32.007. AGREEMENT WITH PUBLIC BROADCASTING STATION.

20 (a) The commissioner may enter into an agreement with a public
21 broadcasting station, or a consortium of public broadcasting
22 stations, under which the station or consortium will provide online
23 instructional content and educational materials.

24 (b) From funds appropriated to the agency, the commissioner
25 may, under an agreement entered into under Subsection (a), make
26 instructional materials available through public broadcasting
27 stations for purposes of instruction and professional development

1 and for use in providing adult-based education.

2 (c) An agreement entered into under Subsection (a) must, to
3 the extent practicable, provide access to instructional materials
4 and online content to persons located in all parts of this state.

5 (d) For purposes of providing high-quality online
6 instructional materials under this section, the commissioner may:

7 (1) use federal funds that may be used for those
8 purposes; or

9 (2) use unexpended balances of funds appropriated to
10 the agency for educational purposes, including adult education.

11 SECTION 40. Subchapter A, Chapter 32, Education Code, is
12 amended by adding Section 32.008 to read as follows:

13 Sec. 32.008. TECHNOLOGY GRANTS. (a) From amounts
14 appropriated for the purpose, the commissioner shall make grants as
15 provided by this section to school districts on behalf of eligible
16 campuses and to eligible open-enrollment charter schools. A grant
17 under this section must be in the amount of \$300 for each student
18 enrolled at an eligible campus or eligible open-enrollment charter
19 school.

20 (b) To be eligible for a grant under this section, a public
21 school must:

22 (1) be identified by the agency as meeting the goals of
23 the long-range plan for technology under Section 32.001; and

24 (2) certify to the commissioner that the school will
25 commit to using, for a purpose specified by Subsection (c), other
26 funds available to the school in an amount equal to \$50 for each
27 student enrolled at the school.

1 (c) A grant under this section may be used only to:

2 (1) provide for the purchase by public schools of:

3 (A) wireless electronic mobile computing devices
4 or other technology devices that convey instruction;

5 (B) productivity software and hardware,
6 including writing, computation, presentation, printing, and
7 communication tools;

8 (C) electronic learning software aligned with
9 the essential knowledge and skills adopted by the State Board of
10 Education under Section 28.002;

11 (D) library and other research tools;

12 (E) electronic assessment tools;

13 (F) electronic learning tools to improve
14 communications among students, teachers, school administrators,
15 parents, and the community; and

16 (G) classroom and school management systems;

17 (2) provide professional development for teachers to
18 integrate the tools and solutions described by Subdivision (1); and

19 (3) acquire other infrastructure, components, and
20 technologies necessary to support and enhance student performance.

21 (d) To receive a grant under this section, a school district
22 or open-enrollment charter school must apply in the time and manner
23 specified by commissioner rule. A grant under this section is for a
24 period of two school years and may be renewed as provided by
25 commissioner rule. The commissioner shall ensure that public
26 schools that are awarded grants under this section reflect the
27 demographic and geographic diversity of this state.

1 SECTION 41. The heading to Section 32.154, Education Code,
2 as added by Chapter 834, Acts of the 78th Legislature, Regular
3 Session, 2003, is amended to read as follows:

4 Sec. 32.154. [~~DISTRICT OR~~] SCHOOL SELECTION.

5 SECTION 42. Section 32.154, Education Code, as added by
6 Chapter 834, Acts of the 78th Legislature, Regular Session, 2003,
7 is amended by adding Subsection (a-1) and amending Subsection (b)
8 to read as follows:

9 (a-1) In addition to school districts and schools selected
10 before September 1, 2005, for participation in the technology
11 immersion pilot project, the agency shall expand the program by
12 selecting for participation in the pilot project for the 2005-2006
13 and subsequent school years each high school to which a school
14 district regularly assigns students who were enrolled in grade
15 eight during the 2004-2005 school year at a district school
16 participating in the pilot project. The agency shall establish
17 criteria for expanding the pilot project under this subsection.

18 (b) Except as provided by Subsection (a-1), the [~~The~~] agency
19 shall select the participating [~~districts and~~] schools for the
20 pilot project based on each [~~district's or~~] school's need for the
21 pilot project. In selecting participants, the agency shall
22 consider the following criteria:

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

26 (2) whether the [~~district or~~] school has the following
27 problems and whether those problems can be mitigated through the

1 use of wireless mobile computing devices and other technologies:

2 (A) documented teacher shortages in critical
3 areas;

4 (B) limited access to advanced placement
5 courses;

6 (C) low rates of satisfactory performance on
7 assessment instruments under Subchapter B, Chapter 39; and

8 (D) high dropout rates;

9 (3) the [~~district's~~ or] school's readiness to
10 incorporate technology into its classrooms;

11 (4) the possibility of obtaining a trained technology
12 support staff and high-speed Internet services for the [~~district~~
13 ~~or~~] school; and

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

17 SECTION 43. Section 32.156, Education Code, as added by
18 Chapter 1216, Acts of the 78th Legislature, Regular Session, 2003,
19 is amended to read as follows:

20 Sec. 32.156. ON-LINE INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~].

21 (a) The agency may develop and adopt strategies for making
22 instructional materials [~~textbooks~~] available through the portal
23 or through other means in an electronic format as an alternative or
24 supplement to traditional instructional materials [~~textbooks~~].

25 (b) In developing and adopting strategies under this
26 section, the agency shall seek to achieve a system under which a
27 student may, in addition to [~~a~~] traditional instructional materials

1 ~~[textbook]~~, be provided with secure Internet access to each
2 instructional material ~~[textbook]~~ used by the student.

3 SECTION 44. Section 32.161(b), Education Code, is amended
4 to read as follows:

5 (b) To the extent possible considering other statutory
6 requirements, the commissioner and agency shall encourage the use
7 of instructional materials ~~[textbook—funds]~~ and technology
8 allotment funds under Section 32.005 ~~[31.021(b)(2)]~~ in a manner
9 that facilitates the development and use of the portal.

10 SECTION 45. Subchapter B, Chapter 39, Education Code, is
11 amended by adding Section 39.0232 to read as follows:

12 Sec. 39.0232. COMPUTER-ADAPTIVE ASSESSMENT. (a) To the
13 extent practicable and appropriate, the agency shall provide for
14 assessment instruments required under Section 39.023 to be designed
15 so that those assessment instruments can be computer-adaptive.

16 (b) To the extent practicable and appropriate, the agency
17 shall require school districts to administer to students the
18 computer-adaptive assessment instruments.

19 (c) The commissioner may adopt rules to implement this
20 section.

21 (d) As necessary to implement this section, the
22 commissioner by rule may delay the release of assessment instrument
23 questions and answer keys under Section 39.023(e).

24 (e) The agency shall implement this section not later than
25 May 1, 2007. This subsection expires September 1, 2007.

26 SECTION 46. Subchapter B, Chapter 44, Education Code, is
27 amended by adding Section 44.046 to read as follows:

1 Sec. 44.046. PURCHASE OF INSTRUCTIONAL MATERIALS.

2 Notwithstanding Section 44.031, a public school may purchase
3 instructional materials, as defined by Section 31.002, under a
4 blanket purchase order executed by the Department of Information
5 Resources under Section 31.026.

6 SECTION 47. Sections 31.002(3), 31.022, 31.023, 31.024,
7 31.025, 31.101, 31.103, and 31.1031, Education Code, and Sections
8 32.154(a) and (c), Education Code, as added by Chapter 834, Acts of
9 the 78th Legislature, Regular Session, 2003, are repealed.

10 SECTION 48. (a) In addition to other amounts appropriated
11 by the 79th Legislature, the following amounts are appropriated
12 from the general revenue fund to the Texas Education Agency for the
13 fiscal year beginning September 1, 2005:

14 (1) \$291,088,189 for the purchase of public school
15 textbooks for those grade levels specified by State Board of
16 Education Proclamation 2002, for the following subjects, and not to
17 exceed the following amounts:

- 18 (A) Languages Other than English - \$40,773,895;
- 19 (B) American Sign Language - \$257,071;
- 20 (C) Health Education - \$107,001,442; and
- 21 (D) Fine Arts - \$143,055,781; and

22 (2) \$35 million for the expansion of the technology
23 immersion project under Subchapter D, Chapter 32, Education Code,
24 as added by Chapter 834, Acts of the 78th Legislature, Regular
25 Session, 2003, in accordance with Section 32.154, Education Code,
26 as added by Chapter 834, Acts of the 78th Legislature, Regular
27 Session, 2003, and as amended by this Act.

1 (b) For the fiscal year beginning September 1, 2006, the
2 unexpended balance of an appropriation made by Subsection (a) of
3 this section is appropriated to the Texas Education Agency for the
4 purpose stated in Subsection (a) of this section.

5 SECTION 49. In addition to other amounts appropriated by
6 the 79th Legislature, the amount of \$300 million is appropriated
7 from the general revenue fund to the Texas Education Agency for the
8 fiscal year beginning September 1, 2006, for the instructional
9 materials and technology allotment under Section 32.005, Education
10 Code, as amended by this Act.

11 SECTION 50. Contingent on the availability of funds
12 appropriated to or in the control of the General Land Office, the
13 amount of \$60 million is appropriated to the Texas Education Agency
14 for the fiscal year beginning September 1, 2005, for the provision
15 of technology grants under Section 32.008, Education Code, as added
16 by this Act, and for the fiscal year beginning September 1, 2006,
17 the unexpended balance of that appropriation is appropriated to the
18 Texas Education Agency for that purpose.

19 SECTION 51. Except as otherwise provided by this Act, this
20 Act takes effect immediately if it receives a vote of two-thirds of
21 all the members elected to each house, as provided by Section 39,
22 Article III, Texas Constitution. If this Act does not receive the
23 vote necessary for immediate effect, this Act takes effect on the
24 91st day after the last day of the legislative session, except as
25 otherwise provided by this Act.