

By: Averitt

S.B. No. 1700

A BILL TO BE ENTITLED

AN ACT

relating to the use of electronic textbooks in public schools.

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

SECTION 1. Section 31.002, Education Code, is amended by amending Subdivisions (1) and (4) and adding Subdivision (1-a) to read as follows:

(1) "Electronic textbook" means computer software, interactive videodisc, magnetic media, CD-ROM, computer courseware, on-line services, an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including a portable electronic textbook device.

(1-a) "Portable electronic textbook device" means an electronic device that:

(A) is capable of supporting electronic textbook information for each subject taught that uses a textbook and is offered to students enrolled in grades 4 through 12; and

(B) is easily transportable by a student.

(4) "Technological equipment" means hardware, a device, or equipment, other than a portable electronic textbook device, necessary for:

(A) instructional use in the classroom, including to gain access to or enhance the use of an electronic textbook; or

1 (B) professional use by a classroom teacher.

2 SECTION 2. Subchapter A, Chapter 31, Education Code, is  
3 amended by adding Sections 31.004 and 31.005 to read as follows:

4 Sec. 31.004. ELECTRONIC TEXTBOOKS AND DEVICES. (a) Except  
5 as otherwise provided by this section, each textbook in use in  
6 public schools, including teacher's editions, must be available for  
7 purchase as an electronic textbook operated using a portable  
8 electronic textbook device.

9 (b) Each classroom in the district must contain for each  
10 student in the classroom a hard copy of any electronic textbook  
11 operated using a portable electronic textbook device in use in that  
12 classroom. A hard copy may be used only as determined necessary by  
13 the school district.

14 (c) This section does not apply to textbooks purchased under  
15 Section 31.028.

16 Sec. 31.005. STANDARDS FOR CERTAIN ELECTRONIC TEXTBOOKS.  
17 Each electronic textbook operated using a portable electronic  
18 textbook device in public schools and purchased with money from the  
19 state textbook fund must comply with the following standards and  
20 compliance capabilities:

21 (1) an Extensible Markup Language (XML) text format  
22 that defines common data formats used during communication between  
23 disparate electronic systems;

24 (2) a web services protocol developed by the World  
25 Wide Web Consortium that enables electronic systems that are  
26 physically separated but connected to the Internet to be combined  
27 to permit complex operations;

1           (3) Schools Interoperability Framework (SIF)  
2 implementation specifications, updated as necessary to enable  
3 software management systems to communicate with each other,  
4 including communication related to course identifiers, standard  
5 formatting, content formatting, and assessment formatting;

6           (4) the United States Department of Education  
7 Performance-Based Data Management Initiative (PBDMI) data exchange  
8 guidelines, with data elements capable of providing reporting on  
9 federal educational programs; and

10           (5) defined data codes designed to ensure consistent  
11 reporting from school districts, including data codes for course  
12 identifiers, entries, gains, and losses.

13           SECTION 3. Section 31.026, Education Code, is amended by  
14 adding Subsection (d) to read as follows:

15           (d) To the extent practicable, a contract for the purchase  
16 or licensing of an electronic textbook must include the purchase or  
17 licensing of the rights to all text, photos, and other content  
18 contained in the electronic textbook.

19           SECTION 4. Section 31.105, Education Code, is amended to  
20 read as follows:

21           Sec. 31.105. SALE OF TEXTBOOKS. To the extent permitted by  
22 any applicable purchase or licensing contract, the [The] board of  
23 trustees of a school district or governing body of an  
24 open-enrollment charter school may sell textbooks[~~, other than~~  
25 ~~electronic textbooks,~~] to a student or another school at the state  
26 contract price. The district shall send money from the sale of  
27 textbooks to the commissioner as required by the commissioner. The

1 commissioner shall deposit the money in the state textbook fund.

2 SECTION 5. Section 31.201(a), Education Code, is amended to  
3 read as follows:

4 (a) The commissioner, with the approval of the State Board  
5 of Education, may provide for the disposition of:

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

9 (2) discontinued textbooks[~~, other than electronic  
10 textbooks~~].

11 SECTION 6. This Act applies beginning with the 2005-2006  
12 school year.

13 SECTION 7. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2005.