

BILL ANALYSIS

C.S.H.B. 4294
By: Branch
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are many educational opportunities available to Texas students via electronic means. Electronic textbooks, educational software, and other technological programs can provide information to students in an efficient and engaging manner. In order to compete with students from other states, Texas needs to embrace the use of these electronic devices.

C.S.H.B. 4294 provides more flexibility for school districts and open-enrollment charter schools to use electronic textbooks, instructional materials, and technological equipment. The bill provides funds to purchase the technology and establishes a process for approving and recommending effective electronic educational material.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 2 and 3 of this bill.

ANALYSIS

C.S.H.B. 4294 amends the Education Code to authorize use of the state textbook fund for the purchase of technological equipment. The bill requires the commissioner of education to adopt a list of electronic textbooks and instructional material that conveys information to the student or otherwise contributes to the learning process. The bill authorizes a school district to select an electronic textbook or instructional material on the commissioner's list to be funded by the state textbook fund.

C.S.H.B. 4294 requires an electronic textbook or instructional material, before its placement on the list by the commissioner, to be reviewed and recommended to the commissioner by a panel of recognized experts in the subject area of the electronic textbook or instructional material and experts in education technology and to satisfy criteria adopted for that purpose by commissioner rule. The bill requires those criteria to include the following:

- evidence of alignment with current research in the subject for which the electronic textbook or instructional material is intended to be used;
- coverage of the essential knowledge and skills for the subject for which the electronic textbook or instructional material is intended to be used, identifying each of the essential knowledge and skills for the subject and grade level covered by the electronic textbook or instructional material and the percentage of the essential knowledge and skills for the subject and grade level covered by the electronic textbook or instructional material; and
- appropriate training for teachers.

C.S.H.B. 4294 requires the commissioner to update, as necessary, the adopted list; requires the above expert panel review and recommendation requirements to be met before the commissioner places an electronic textbook or instructional material on the updated list; and requires a similar review by and recommendation of a panel of experts as described above before the

commissioner removes an electronic textbook or instructional material from the updated list. The bill requires the commissioner to adopt rules as necessary to implement these provisions for adopting and updating the electronic textbook and instructional material list.

C.S.H.B. 4294 requires the board of trustees of each school district and the governing body of each open-enrollment charter school, in addition to notifying the State Board of Education (SBOE) of the textbooks that the board or the governing body has selected for a subject in the foundation curriculum and for a subject in the enrichment curriculum from the appropriate conforming or nonconforming list, to notify the SBOE of electronic textbooks and instructional materials on the commissioner's adopted list described above that the board or governing body has selected for such courses. The bill requires the state, if a school district or open-enrollment charter school selects for a particular subject or grade level an electronic textbook or instructional material on the adopted list, to pay the district or school an amount equal to 100 percent of the limitation set by the SBOE on costs payable from the state text book fund for a textbook for that subject and grade level, multiplied by the number of electronic textbooks or instructional materials the district or school needs for that subject and grade level. The bill makes a school district or open-enrollment charter school that selects an electronic textbook or instructional material that is on the adopted list responsible for the portion of the cost of the textbook that is not paid by the state and authorizes a school district or charter school to use funds received from the state to supplement the technology allotment to purchase technological equipment according to commissioner-adopted rules.

C.S.H.B. 4294 requires a school district or open-enrollment charter school to purchase a classroom set of textbooks adopted by the SBOE under state law for each subject and grade level in the foundation and enrichment curriculum.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4294 adds a provision not in the original authorizing the state textbook fund to be used to purchase technological equipment.

C.S.H.B. 4294 differs from the original by specifying that the instructional material on the commissioner's adopted list is instructional material that conveys information to the student or otherwise contributes to the learning process. The substitute adds a provision not in the original expressly authorizing a school district to select an electronic textbook or instructional material on the commissioner's adopted list to be funded by the state textbook fund, whereas the original refers to a list of instructional materials and electronic textbooks that may be purchased by a school district and funded with the technology allotment.

C.S.H.B. 4294 differs from the original by requiring an electronic textbook or instructional material, before the commissioner of education places an electronic textbook or instructional material on the adopted list, to be reviewed and recommended to the commissioner by a panel of recognized experts in the subject area of the electronic textbook or instructional material and experts in education technology, rather than a panel of recognized school district experts in content and education technology as in the original.

C.S.H.B. 4294 differs from the original by specifying that the criteria for placement of an electronic textbook or instructional material on the commissioner's list are adopted by the commissioner by rule, whereas the original only requires the commissioner to adopt minimum criteria for inclusion on the list. The substitute differs from the original by requiring those criteria to identify each of the essential knowledge and skills for the subject and grade level

covered by the electronic textbook or instructional material and the percentage of the essential knowledge and skills for the subject and grade level covered by the electronic textbook or instructional material, whereas the original requires each panel of experts to identify such matters. The substitute differs from the original by requiring such criteria to include appropriate training for teachers, whereas the original required inclusion of teacher training and professional development.

C.S.H.B. 4294 removes a provision in the original authorizing funds received from the state by school districts and charter schools to be used to provide for the purchase by school districts of technological equipment needed to provide access to SBOE-approved textbooks or commissioner-approved instructional material or electronic textbooks. The substitute adds provisions not in the original requiring the commissioner to update the adopted list as necessary, setting forth requirements for panel review and recommendation to be met before the commissioner places an electronic textbook or instructional material on the updated list or removes an electronic textbook or instructional material from the updated list.

C.S.H.B. 4294 adds a provision not in the original authorizing a school district or charter school that selects an electronic textbook or instructional material on the adopted list to use funds received from the state for supplementing the technology allotment under state law to purchase technological equipment according to commissioner-adopted rules.