

By: Menendez

H.B. No. 1235

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to establishing the Legislative Education Board and  
3 transferring to the Legislative Education Board the statutorily  
4 assigned functions and activities of the State Board of Education  
5 and certain functions of the Legislative Budget Board.

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

7 SECTION 1. Chapter 7, Education Code, is amended by adding  
8 Subchapter E to read as follows:

9 SUBCHAPTER E. LEGISLATIVE EDUCATION BOARD

10 Sec. 7.151. COMPOSITION. (a) The Legislative Education  
11 Board is composed of 12 members as follows:

12 (1) the lieutenant governor;

13 (2) the speaker of the house of representatives;

14 (3) five members of the senate, appointed by the  
15 lieutenant governor; and

16 (4) five members of the house, appointed by the  
17 speaker.

18 (b) The lieutenant governor and the speaker are joint chairs  
19 of the board.

20 Sec. 7.152. LEGISLATIVE EDUCATION BOARD POWERS AND DUTIES.

21 (a) The Legislative Education Board may perform only those duties  
22 relating to school districts, open-enrollment charter schools, or  
23 regional education service centers assigned to the board by this  
24 subchapter or another provision of this code.

1       (b) The Legislative Education Board shall carry out the  
2 board's powers and duties with the advice and assistance of the  
3 commissioner.

4       (c) The Legislative Education Board may adopt rules  
5 relating to school districts, open-enrollment charter schools, or  
6 regional education service centers only as required to carry out  
7 the specific duties assigned to the board by this subchapter or  
8 another provision of this code.

9       (d) Except as otherwise provided by this subsection, a rule  
10 adopted by the Legislative Education Board under this section does  
11 not take effect until the beginning of the school year that begins  
12 at least 90 days after the date the rule was adopted. The rule takes  
13 effect earlier if the rule's preamble specifies an earlier  
14 effective date and the reason for that earlier date and:

15           (1) the earlier effective date is a requirement of:

16                   (A) a federal law; or

17                   (B) a state law that specifically refers to this  
18 section and expressly requires the adoption of an earlier effective  
19 date; or

20           (2) on the affirmative vote of two-thirds of the  
21 members of the board, the board makes a finding that an earlier  
22 effective date is necessary.

23       Sec. 7.153. MEETINGS. (a) The Legislative Education Board  
24 shall hold four meetings a year in Austin, Texas, on dates  
25 determined by the chairs and may hold other meetings as may be  
26 called by the chairs.

27       (b) At the Legislative Education Board's first regular

1 meeting after the appointment and qualification of new members, the  
2 board shall organize, adopt rules of procedure, and elect by  
3 separate votes a vice chair and a secretary.

4 Sec. 7.154. PUBLIC TESTIMONY. The Legislative Education  
5 Board shall develop and implement policies that provide the public  
6 with a reasonable opportunity to appear before the board and to  
7 speak on any issue under the jurisdiction of the board.

8 SECTION 2. Sections 7.003 and 7.005, Education Code, are  
9 amended to read as follows:

10 Sec. 7.003. LIMITATION ON AUTHORITY. An educational  
11 function not specifically delegated to the agency or the  
12 Legislative Education Board [~~board~~] under this code or to the State  
13 Board of Education by the constitution of this state is reserved to  
14 and shall be performed by school districts or open-enrollment  
15 charter schools.

16 Sec. 7.005. COOPERATION BETWEEN STATE AGENCIES OF  
17 EDUCATION. The Legislative Education [~~State~~] Board [~~of Education~~]  
18 and the Texas Higher Education Coordinating Board, in conjunction  
19 with other appropriate agencies, shall ensure that long-range plans  
20 and educational programs established by each board provide a  
21 comprehensive education for the students of this state under the  
22 jurisdiction of that board, extending from early childhood  
23 education through postgraduate study. In assuring that programs  
24 are coordinated, the boards shall use the P-16 Council established  
25 under Section 61.076.

26 SECTION 3. Sections 7.009(a) and (b), Education Code, are  
27 amended to read as follows:

1           (a) In coordination with the Legislative Education [~~Budget~~]  
2 Board, the agency shall establish an online clearinghouse of  
3 information relating to best practices of campuses and school  
4 districts regarding instruction, dropout prevention, public school  
5 finance, resource allocation, and business practices. To the  
6 extent practicable, the agency shall ensure that information  
7 provided through the online clearinghouse is specific, actionable  
8 information relating to the best practices of high-performing and  
9 highly efficient campuses and school districts rather than general  
10 guidelines relating to campus and school district operation. The  
11 information must be accessible by campuses, school districts, and  
12 interested members of the public.

13           (b) The agency shall solicit and collect from the  
14 Legislative Education [~~Budget~~] Board, centers for education  
15 research established under Section 1.005, and exemplary or  
16 recognized school districts, campuses, and open-enrollment charter  
17 schools, as rated under Section 39.072, examples of best practices  
18 relating to instruction, dropout prevention, public school  
19 finance, resource allocation, and business practices, including  
20 best practices relating to curriculum, scope and sequence,  
21 compensation and incentive systems, bilingual education and  
22 special language programs, compensatory education programs, and  
23 the effective use of instructional technology, including online  
24 courses.

25           SECTION 4. Section 7.021(c), Education Code, is amended to  
26 read as follows:

27           (c) The agency may enter into an agreement with a federal

1 agency concerning a project related to education, including the  
2 provision of school lunches and the construction of school  
3 buildings. Not later than the 30th day before the date the agency  
4 enters into an agreement under this subsection concerning a new  
5 project or reauthorizing a project, the agency must provide written  
6 notice, including a description of the project, to:

7 (1) the governor;

8 (2) the Legislative Education [~~Budget~~] Board; and

9 (3) the presiding officers of the standing committees  
10 of the senate and of the house of representatives with primary  
11 jurisdiction over the agency.

12 SECTION 5. Sections 7.055(b)(2), (3), (9), (24), and (36),  
13 Education Code, are amended to read as follows:

14 (2) The commissioner shall serve as executive officer  
15 of the agency and as executive secretary of the Legislative  
16 Education Board and the State Board of Education [~~board~~].

17 (3) The commissioner shall carry out [~~the~~] duties that  
18 are imposed on the commissioner by the Legislative Education Board  
19 [~~board~~] or by law or that are necessary to assist the State Board of  
20 Education in implementing the board's duties under the constitution  
21 of this state [~~the legislature~~].

22 (9) The commissioner shall have a manual published at  
23 least once every two years that contains Title 1 and this title, any  
24 other provisions of this code relating specifically to public  
25 primary or secondary education, and an appendix of all other state  
26 laws relating to public primary or secondary education and shall  
27 provide for the distribution of the manual as determined by the

1 Legislative Education Board [~~board~~].

2 (24) The commissioner, with the approval of the  
3 Legislative Education Board [~~board~~], shall develop and implement a  
4 plan for the coordination of services to children with disabilities  
5 as required under Section 30.001.

6 (36) The commissioner shall establish advisory  
7 guidelines relating to the fiscal management of a school district  
8 and report annually to the Legislative Education Board [~~board~~] on  
9 the status of school district fiscal management as required under  
10 Section 44.001.

11 SECTION 6. Section 7.055(c), Education Code, is amended to  
12 read as follows:

13 (c) The budget the commissioner adopts under Subsection (b)  
14 for operating the Foundation School Program must be in accordance  
15 with legislative appropriations and provide funds for the  
16 administration and operation of the agency and any other necessary  
17 expense. The budget must designate any expense of operating the  
18 agency, [~~or~~] operating a program for which the Legislative  
19 Education Board [~~board~~] has responsibility, or carrying out a  
20 function or activity for which the State Board of Education has  
21 responsibility under the constitution of this state if the expense  
22 [~~that~~] is paid from the Foundation School Program. The budget must  
23 designate [~~program~~] expenses that may be paid out of the foundation  
24 school fund, other state funds, fees, federal funds, or funds  
25 earned under interagency contract. Before adopting the budget, the  
26 commissioner must submit the budget to the Legislative Education  
27 Board [~~board~~] for review and, after receiving any comments of the

1 Legislative Education Board [~~board~~], present the operating budget  
2 to the governor and the Legislative Budget Board. The commissioner  
3 shall provide appropriate information on proposed budget  
4 expenditures to the comptroller to assure that all payments are  
5 paid from the appropriate funds in a timely and efficient manner.

6 SECTION 7. Sections 7.056(a) and (g), Education Code, are  
7 amended to read as follows:

8 (a) Except as provided by Subsection (e), a school campus or  
9 district may apply to the commissioner for a waiver of a  
10 requirement, restriction, or prohibition imposed by this code or  
11 rule of the Legislative Education Board [~~board~~] or commissioner.

12 (g) In a manner consistent with waiver authority granted to  
13 the commissioner by the United States Department of Education, the  
14 commissioner may grant a waiver of a state law or rule required by  
15 federal law, including Subchapter A, B, or C, Chapter 29. Before  
16 exercising any waiver authority under this subsection, the  
17 commissioner shall notify the Legislative Education [~~Budget~~] Board  
18 and the office of budget and planning in the governor's office.

19 SECTION 8. Subchapter D, Chapter 7, Education Code, is  
20 amended by adding Section 7.1011 to read as follows:

21 Sec. 7.1011. DEFINITION. In this subchapter, "board" means  
22 the State Board of Education.

23 SECTION 9. Sections 7.102(a) and (d), Education Code, are  
24 amended to read as follows:

25 (a) The board may perform, as provided by this code, only  
26 those duties [~~relating to school districts or regional education~~  
27 ~~service centers~~] assigned to the board by the constitution of this

1 state [~~or by this subchapter or another provision of this code~~].

2 (d) The board may adopt rules [~~relating to school districts~~  
3 ~~or regional education service centers~~] only as required to carry  
4 out the specific duties assigned to the board by the constitution  
5 [~~or under Subsection (c)~~].

6 SECTION 10. Sections 7.108(a) and (c), Education Code, are  
7 amended to read as follows:

8 (a) A person interested in selling bonds of any type [~~or a~~  
9 ~~person engaged in manufacturing, shipping, selling, or advertising~~  
10 ~~textbooks or otherwise connected with the textbook business~~]  
11 commits an offense if the person makes or authorizes a political  
12 contribution to or takes part in, directly or indirectly, the  
13 campaign of any person seeking election to or serving on the board.

14 (c) In this section, "political[+  
15 (1) "Political] contribution" has the meaning  
16 assigned by Section 251.001, Election Code.

17 [~~(2) "Textbook" has the meaning assigned by Section~~  
18 ~~31.002.~~]

19 SECTION 11. Section 7.109, Education Code, is transferred  
20 to Subchapter E, Chapter 7, Education Code, as added by this Act, is  
21 renumbered as Section 7.155, Education Code, and is amended to read  
22 as follows:

23 Sec. 7.155 [~~7.109~~]. DESIGNATION AS STATE BOARD FOR CAREER  
24 AND TECHNOLOGY EDUCATION. (a) The Legislative Education Board  
25 [~~board~~] is also the State Board for Career and Technology  
26 Education.

27 (b) The commissioner is the executive officer through whom



1 the State Board for Career and Technology Education shall carry out  
2 its policies and enforce its rules.

3 (c) The State Board for Career and Technology Education may  
4 contract with the Texas Higher Education Coordinating Board or any  
5 other state agency to assume the leadership role and administrative  
6 responsibility of the State Board for Career and Technology  
7 Education for state level administration of technical-vocational  
8 education programs in public community colleges, public technical  
9 institutes, and other eligible public postsecondary institutions  
10 in this state.

11 (d) The State Board for Career and Technology Education may  
12 allocate funds appropriated to the board by the legislature or  
13 federal funds received by the board under the Carl D. Perkins Career  
14 and Technical [~~Vocational~~] Education Act of 2006 (20 U.S.C. Section  
15 2301 et seq.) or other federal law to an institution or program  
16 approved by the Legislative Education [~~State~~] Board [~~of Education~~],  
17 the Texas Higher Education Coordinating Board, or another state  
18 agency specified by law.

19 SECTION 12. Section 7.111, Education Code, is transferred  
20 to Subchapter E, Chapter 7, Education Code, as added by this Act, is  
21 renumbered as Section 7.156, Education Code, and is amended to read  
22 as follows:

23 Sec. 7.156 [~~7.111~~]. HIGH SCHOOL EQUIVALENCY EXAMINATIONS.

24 (a) The Legislative Education Board [~~board~~] shall provide for the  
25 administration of high school equivalency examinations, including  
26 administration by the adjutant general's department for students  
27 described by Subdivision (2)(C). A person who does not have a high

1 school diploma may take the examination in accordance with rules  
2 adopted by the board if the person is:

3 (1) over 17 years of age;

4 (2) 16 years of age or older and:

5 (A) is enrolled in a Job Corps training program  
6 under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801  
7 et seq.) [~~and its subsequent amendment~~];

8 (B) a public agency providing supervision of the  
9 person or having custody of the person under a court order  
10 recommends that the person take the examination; or

11 (C) is enrolled in the adjutant general's  
12 department's Seaborne Challenge Corps; or

13 (3) required to take the examination under a justice  
14 or municipal court order issued under Article 45.054(a)(1)(C), Code  
15 of Criminal Procedure.

16 (b) The Legislative Education Board [~~board~~] by rule shall  
17 establish and require payment of a fee as a condition to the  
18 issuance of a high school equivalency certificate and a copy of the  
19 scores of the examinations. The fee must be reasonable and designed  
20 to cover the administrative costs of issuing the certificate and a  
21 copy of the scores. The board may not require a waiting period  
22 between the date a person withdraws from school and the date the  
23 person takes the examination unless the period relates to the time  
24 between administrations of the examination.

25 SECTION 13. Section 7.112, Education Code, is amended by  
26 adding Subsection (d) to read as follows:

27 (d) This section expires January 31, 2012.

1 SECTION 14. Section 7.113, Education Code, is transferred  
2 to Subchapter E, Chapter 7, Education Code, as added by this Act, is  
3 renumbered as Section 7.157, Education Code, and is amended to read  
4 as follows:

5 Sec. 7.157 [~~7.113~~]. EMPLOYERS FOR EDUCATION EXCELLENCE  
6 AWARD. (a) The Legislative Education Board [~~board~~] shall create  
7 the Employers for Education Excellence Award to honor employers  
8 that implement a policy to encourage and support employees who  
9 actively participate in activities of schools.

10 (b) An employer that meets the criteria described by this  
11 section may apply for consideration to receive the award.

12 (c) The Legislative Education Board [~~board~~] shall establish  
13 the following levels of recognition for employers:

14 (1) bronze for an employer that implements a policy to  
15 encourage and support employees who attend parent-teacher  
16 conferences;

17 (2) silver for an employer that:

18 (A) meets the requirements of bronze; and

19 (B) implements a policy to encourage and support  
20 employees who volunteer in school activities; and

21 (3) gold for an employer that:

22 (A) meets the requirements of silver; and

23 (B) implements a policy to encourage and support  
24 employees who participate in student mentoring programs in schools.

25 (d) The Legislative Education Board [~~board~~] shall establish  
26 criteria to certify businesses to receive the Employers for  
27 Education Excellence Award at the appropriate level of recognition.

1 The commissioner shall review the applications submitted by  
2 employers under Subsection (b) and make recommendations to the  
3 board regarding businesses that should be recognized and the level  
4 at which a business should be recognized. The board may approve or  
5 modify the commissioner's recommendation.

6 (e) The Legislative Education Board [~~board~~] shall honor the  
7 recipient of an Employers for Education Excellence Award by  
8 presenting the recipient with a suitable certificate that includes  
9 the business's level of recognition and other appropriate  
10 information.

11 SECTION 15. Section 11.351, Education Code, is amended to  
12 read as follows:

13 Sec. 11.351. AUTHORITY TO ESTABLISH SPECIAL-PURPOSE SCHOOL  
14 DISTRICT. (a) On the recommendation of the commissioner and after  
15 consulting with the school districts involved and obtaining the  
16 approval of a majority of those districts in each affected county in  
17 which a proposed school district is located, the Legislative  
18 Education [~~State~~] Board [~~of Education~~] may establish a  
19 special-purpose school district for the education of students in  
20 special situations whose educational needs are not adequately met  
21 by regular school districts. The board may impose duties or  
22 limitations on the school district as necessary for the special  
23 purpose of the district. The board shall exercise the powers as  
24 provided by this section relating to the districts established  
25 under this section.

26 (b) The Legislative Education [~~State~~] Board [~~of Education~~]  
27 shall grant to the districts the right to share in the available

1 school fund apportionment and other privileges as are granted to  
2 independent and common school districts.

3 SECTION 16. Section 12.112, Education Code, is amended to  
4 read as follows:

5 Sec. 12.112. FORM. A charter for an open-enrollment  
6 charter school shall be in the form of a written contract signed by  
7 the chairs [~~chair~~] of the Legislative Education [~~State~~] Board [~~of~~  
8 ~~Education~~] and the chief operating officer of the school.

9 SECTION 17. Section 29.087(d), Education Code, is amended  
10 to read as follows:

11 (d) A student is eligible to participate in a program  
12 authorized by this section if:

13 (1) the student has been ordered by a court under  
14 Article 45.054, Code of Criminal Procedure, [~~as added by Chapter~~  
15 ~~1514, Acts of the 77th Legislature, Regular Session, 2001,~~] or by  
16 the Texas Youth Commission to:

17 (A) participate in a preparatory class for the  
18 high school equivalency examination; or

19 (B) take the high school equivalency examination  
20 administered under Section 7.156 [~~7.111~~]; or

21 (2) the following conditions are satisfied:

22 (A) the student is at least 16 years of age at the  
23 beginning of the school year or semester;

24 (B) the student is a student at risk of dropping  
25 out of school, as defined by Section 29.081;

26 (C) the student and the student's parent or  
27 guardian agree in writing to the student's participation;

1 (D) at least two school years have elapsed since  
2 the student first enrolled in ninth grade and the student has  
3 accumulated less than one third of the credits required to graduate  
4 under the minimum graduation requirements of the district or  
5 school; and

6 (E) any other conditions specified by the  
7 commissioner.

8 SECTION 18. Section 31.003, Education Code, is amended to  
9 read as follows:

10 Sec. 31.003. RULES. The Legislative Education [~~State~~]  
11 Board [~~of Education~~] may adopt rules, consistent with this chapter,  
12 for the adoption, requisition, distribution, care, use, and  
13 disposal of textbooks.

14 SECTION 19. Section 31.021(b), Education Code, is amended  
15 to read as follows:

16 (b) The State Board of Education shall annually set aside  
17 out of the available school fund of the state an amount sufficient  
18 for the Legislative Education Board [~~board~~], school districts, and  
19 open-enrollment charter schools to purchase and distribute the  
20 necessary textbooks for the use of the students of this state for  
21 the following school year. The State Board of Education [~~board~~]  
22 shall determine the amount of the available school fund to set aside  
23 for the state textbook fund based on:

24 (1) a report by the commissioner issued on July 1 or,  
25 if that date is a Saturday or Sunday, on the following Monday,  
26 stating the amount of unobligated money in the fund;

27 (2) the commissioner's estimate, based on textbooks

1 selected under Section 31.101 and on attendance reports submitted  
2 under Section 31.103 by school districts and open-enrollment  
3 charter schools, of the amount of funds, in addition to funds  
4 reported under Subdivision (1), that will be necessary for purchase  
5 and distribution of textbooks for the following school year; and

6 (3) any amount the State Board of Education [~~board~~]  
7 determines should be set aside for emergency purposes caused by  
8 unexpected increases in attendance.

9 SECTION 20. Section 31.022, Education Code, is amended to  
10 read as follows:

11 Sec. 31.022. TEXTBOOK REVIEW AND ADOPTION. (a) The  
12 Legislative Education [~~State~~] Board [~~of Education~~] shall adopt a  
13 review and adoption cycle for textbooks for elementary grade  
14 levels, including prekindergarten, and secondary grade levels, for  
15 each subject in the required curriculum under Section 28.002.

16 (b) The Legislative Education Board [~~board~~] shall organize  
17 the cycle for subjects in the foundation curriculum so that not more  
18 than one-sixth of the textbooks for subjects in the foundation  
19 curriculum are reviewed each year. The board shall adopt rules to  
20 provide for a full and complete investigation of textbooks for each  
21 subject in the foundation curriculum at least every six years. The  
22 adoption of textbooks for a subject in the foundation curriculum  
23 may be extended beyond the six-year period only if the content of  
24 textbooks for a subject is sufficiently current.

25 (c) The Legislative Education Board [~~board~~] shall adopt  
26 rules to provide for a full and complete investigation of textbooks  
27 for each subject in the enrichment curriculum on a cycle the board

1 considers appropriate.

2 (d) At least 24 months before the beginning of the school  
3 year for which textbooks for a particular subject and grade level  
4 will be purchased under the review and adoption cycle adopted by the  
5 Legislative Education Board [~~board~~], the board shall publish notice  
6 of the review and adoption cycle for those textbooks.

7 (e) The Legislative Education Board [~~board~~] shall designate  
8 a request for production of textbooks in a subject area and grade  
9 level by the school year in which the textbooks are intended to be  
10 made available in classrooms and not by the school year in which the  
11 board makes the request for production.

12 SECTION 21. Section 31.0221(a), Education Code, is amended  
13 to read as follows:

14 (a) The Legislative Education [~~State~~] Board [~~of Education~~]  
15 shall adopt rules for the midcycle review and adoption of a textbook  
16 for a subject for which textbooks are not currently under review by  
17 the board under Section 31.022. The rules must require:

18 (1) the publisher of the textbook to pay a fee to the  
19 board to cover the cost of the midcycle review and adoption of the  
20 textbook;

21 (2) the publisher of the textbook to enter into a  
22 contract with the board concerning the textbook for a term that ends  
23 at the same time as any contract entered into by the board for  
24 another textbook for the same subject and grade level; and

25 (3) a commitment from the publisher to provide the  
26 textbook to school districts in the manner specified by the  
27 publisher, which may include:



1 (A) providing the textbook to any district in a  
2 regional education service center area identified by the publisher;  
3 or

4 (B) providing a certain maximum number of  
5 textbooks specified by the publisher.

6 SECTION 22. Section 31.0222, Education Code, is amended to  
7 read as follows:

8 Sec. 31.0222. BUDGET-BALANCED CYCLE. In determining the  
9 review and adoption cycle of textbooks under Section 31.022, the  
10 Legislative Education [~~State~~] Board [~~of Education~~] shall:

11 (1) consult with the Legislative Budget Board and the  
12 governor's office of budget, planning, and policy before approving  
13 and publishing any notice or amendment of a cycle;

14 (2) review and consider:

15 (A) historic average funding levels for  
16 textbooks purchased in previous bienniums;

17 (B) expected average costs of future textbook  
18 purchases;

19 (C) anticipated student enrollment in future  
20 years;

21 (D) scheduled revisions to curriculum; and

22 (E) the impact on the state budget of the  
23 adoption of textbooks in all or some grade levels in a subject area;  
24 and

25 (3) limit the cycle to subject areas for which  
26 textbooks can be purchased with the funding anticipated to be  
27 available in the state textbook fund for the school year in which

1 the textbooks are to be adopted.

2 SECTION 23. Section 31.023(a), Education Code, is amended  
3 to read as follows:

4 (a) For each subject and grade level, the Legislative  
5 Education [~~State~~] Board [~~of Education~~] shall adopt two lists of  
6 textbooks. The conforming list includes each textbook submitted  
7 for the subject and grade level that meets applicable physical  
8 specifications adopted by the board [~~State Board of Education~~] and  
9 contains material covering each element of the essential knowledge  
10 and skills of the subject and grade level in the student version of  
11 the textbook, as well as in the teacher version of the textbook, as  
12 determined by the board [~~State Board of Education~~] under Section  
13 28.002 and adopted under Section 31.024. The nonconforming list  
14 includes each textbook submitted for the subject and grade level  
15 that:

16 (1) meets applicable physical specifications adopted  
17 by the board [~~State Board of Education~~];

18 (2) contains material covering at least half, but not  
19 all, of the elements of the essential knowledge and skills of the  
20 subject and grade level in the student version of the textbook, as  
21 well as in the teacher version of the textbook; and

22 (3) is adopted under Section 31.024.

23 SECTION 24. Section 31.024, Education Code, is amended to  
24 read as follows:

25 Sec. 31.024. ADOPTION BY LEGISLATIVE EDUCATION [~~STATE~~]  
26 BOARD [~~OF EDUCATION~~]. (a) By majority vote, the Legislative  
27 Education [~~State~~] Board [~~of Education~~] shall:

1           (1) place each submitted textbook on a conforming or  
2 nonconforming list; or

3           (2) reject a textbook submitted for placement on a  
4 conforming or nonconforming list.

5           (b) Not later than December 1 of the year preceding the  
6 school year for which the textbooks for a particular subject and  
7 grade level will be purchased under the cycle adopted by the  
8 Legislative Education Board [~~board~~] under Section 31.022, the board  
9 shall provide the lists of adopted textbooks to each school  
10 district. Each nonconforming list must include the reasons an  
11 adopted textbook is not eligible for the conforming list.

12           SECTION 25. Section 31.025(a), Education Code, is amended  
13 to read as follows:

14           (a) The Legislative Education [~~State~~] Board [~~of Education~~]  
15 shall set a limit on the cost that may be paid from the state  
16 textbook fund for a textbook placed on the conforming or  
17 nonconforming list for a particular subject and grade level. The  
18 board may not reject a textbook for placement on the conforming or  
19 nonconforming list because the textbook's price exceeds the limit  
20 established under this subsection.

21           SECTION 26. Sections 31.026(a) and (b), Education Code, are  
22 amended to read as follows:

23           (a) The Legislative Education [~~State~~] Board [~~of Education~~]  
24 shall execute a contract:

25           (1) for the purchase of each adopted textbook other  
26 than an electronic textbook; and

27           (2) for the purchase or licensing of each adopted

1 electronic textbook.

2 (b) A contract must require the publisher to provide the  
3 number of textbooks required by school districts in this state for  
4 the term of the contract, which must coincide with the Legislative  
5 Education Board's [~~board's~~] adoption cycle.

6 SECTION 27. Sections 31.028(a), (b), and (c), Education  
7 Code, are amended to read as follows:

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

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

23 (c) The Legislative Education Board [~~board~~] may also enter  
24 into agreements providing for the acceptance, requisition, and  
25 distribution of special textbooks and instructional aids pursuant  
26 to 20 U.S.C. Section 101 et seq. for use by students enrolled in:

27 (1) public schools; or

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

3 SECTION 28. Section 31.029, Education Code, is amended to  
4 read as follows:

5 Sec. 31.029. BILINGUAL TEXTBOOKS. The Legislative  
6 Education Board [~~board~~] shall purchase or otherwise acquire  
7 textbooks for use in bilingual education classes.

8 SECTION 29. Section 31.030, Education Code, is amended to  
9 read as follows:

10 Sec. 31.030. USED TEXTBOOKS. The Legislative Education  
11 [~~State~~] Board [~~of Education~~] shall adopt rules to ensure that used  
12 textbooks sold to school districts and open-enrollment charter  
13 schools are not sample copies that contain factual errors. The  
14 rules may provide for the imposition of an administrative penalty  
15 in accordance with Section 31.151 against a seller of used  
16 textbooks who knowingly violates this section.

17 SECTION 30. Sections 31.035(a), (b), and (f), Education  
18 Code, are amended to read as follows:

19 (a) Notwithstanding any other provision of this subchapter,  
20 the Legislative Education [~~State~~] Board [~~of Education~~] may adopt  
21 supplemental textbooks that are not on the conforming or  
22 nonconforming list under Section 31.023. The board [~~State Board of~~  
23 ~~Education~~] may adopt a supplemental textbook under this section  
24 only if the textbook:

25 (1) contains material covering one or more primary  
26 focal points or primary topics of a subject in the required  
27 curriculum under Section 28.002, as determined by the board [~~State~~

1 ~~Board of Education~~];

2 (2) is not designed to serve as the sole textbook for a  
3 full course;

4 (3) meets applicable physical specifications adopted  
5 by the board [~~State Board of Education~~]; and

6 (4) is free from factual errors.

7 (b) The Legislative Education [~~State~~] Board [~~of Education~~]  
8 shall identify the essential knowledge and skills identified under  
9 Section 28.002 that are covered by a supplemental textbook adopted  
10 by the board under this section.

11 (f) A school district or open-enrollment charter school  
12 that requisitions supplemental textbooks under Subsection (d)(2)  
13 shall certify to the agency that the supplemental textbooks, in  
14 combination with any other textbooks or supplemental textbooks used  
15 by the district or school, cover the essential knowledge and skills  
16 identified under Section 28.002 by the Legislative Education  
17 [~~State~~] Board [~~of Education~~] for the subject and grade level for  
18 which the district or school is requisitioning the supplemental  
19 textbooks.

20 SECTION 31. Sections 31.101(a) and (d), Education Code, are  
21 amended to read as follows:

22 (a) Each year, during a period established by the  
23 Legislative Education [~~State~~] Board [~~of Education~~], the board of  
24 trustees of each school district and the governing body of each  
25 open-enrollment charter school shall:

26 (1) for a subject in the foundation curriculum, notify  
27 the Legislative Education [~~State~~] Board [~~of Education~~] of the

1 textbooks selected by the board of trustees or governing body for  
2 the following school year from among the textbooks on the  
3 appropriate conforming or nonconforming list; or

4 (2) for a subject in the enrichment curriculum:

5 (A) notify the board [~~State Board of Education~~]  
6 of each textbook selected by the board of trustees or governing body  
7 for the following school year from among the textbooks on the  
8 appropriate conforming or nonconforming list; or

9 (B) notify the board [~~State Board of Education~~]  
10 that the board of trustees or governing body has selected a textbook  
11 that is not on the conforming or nonconforming list.

12 (d) For a textbook that is not on the conforming or  
13 nonconforming list, a school district or open-enrollment charter  
14 school must use the textbook for the period of the review and  
15 adoption cycle the Legislative Education [~~State~~] Board [~~of~~  
16 ~~Education~~] has established for the subject and grade level for  
17 which the textbook is used.

18 SECTION 32. Section 31.103(b), Education Code, is amended  
19 to read as follows:

20 (b) A requisition for textbooks for the following school  
21 year shall be based on the maximum attendance reports under  
22 Subsection (a), plus an additional 10 percent, except as otherwise  
23 provided. A school district or open-enrollment charter school  
24 shall make a requisition for a textbook on the conforming or  
25 nonconforming list through the commissioner to the state depository  
26 designated by the publisher or as provided by Legislative Education  
27 [~~State~~] Board [~~of Education~~] rule, as applicable, not later than

1 June 1 of each year. The designated state depository or, if the  
2 publisher or manufacturer does not have a designated textbook  
3 depository in this state under Section 31.151(a)(6)  
4 [~~31.151(a)(6)(B)~~], the publisher or manufacturer shall fill a  
5 requisition approved by the agency at any other time in the case of  
6 an emergency. As made necessary by available funds, the  
7 commissioner shall reduce the additional percentage of attendance  
8 for which a district or school may requisition textbooks. The  
9 commissioner may, on application of a district or school that is  
10 experiencing high enrollment growth, increase the additional  
11 percentage of attendance for which the district or school may  
12 requisition textbooks.

13 SECTION 33. Section 31.1031, Education Code, is amended to  
14 read as follows:

15 Sec. 31.1031. SHORTAGE OF REQUISITIONED TEXTBOOKS. If a  
16 school district or open-enrollment charter school does not have a  
17 sufficient number of copies of a textbook used by the district or  
18 school for use during the following school year, and a sufficient  
19 number of additional copies will not be available from the  
20 depository or the publisher within the time specified by Section  
21 31.151(a)(8), the district or school is entitled to:

22 (1) be reimbursed from the state textbook fund, at a  
23 rate and in the manner provided by Legislative Education [~~State~~]  
24 Board [~~of Education~~] rule, for the purchase of a sufficient number  
25 of used adopted textbooks; or

26 (2) return currently used textbooks to the  
27 commissioner in exchange for sufficient copies, if available, of



1 other textbooks on the conforming or nonconforming list to be used  
2 during the following school year.

3 SECTION 34. Sections 31.151(a), (b), and (c), Education  
4 Code, are amended to read as follows:

5 (a) A publisher or manufacturer of textbooks:

6 (1) shall furnish any textbook the publisher or  
7 manufacturer offers in this state, at a price that does not exceed  
8 the lowest price at which the publisher offers that textbook for  
9 adoption or sale to any state, public school, or school district in  
10 the United States;

11 (2) shall automatically reduce the price of a textbook  
12 sold for use in a school district or open-enrollment charter school  
13 to the extent that the price is reduced elsewhere in the United  
14 States;

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

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

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

1 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 Legislative Education [~~State~~] Board  
7 [~~of Education~~] rules; or

8 (B) deliver textbooks to a school district or  
9 open-enrollment charter school without a delivery charge to the  
10 school district, 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 or  
17 on-line textbook components;

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

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

26 (9) shall submit to the Legislative Education [~~State~~]  
27 Board [~~of Education~~] an affidavit certifying any textbook the

1 publisher or manufacturer offers in this state to be free of factual  
2 errors at the time the publisher executes the contract required by  
3 Section 31.026.

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

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

15 (c) A hearing under Subsection (b) shall be held according  
16 to rules adopted by the Legislative Education [~~State~~] Board [~~of~~  
17 ~~Education~~].

18 SECTION 35. Section 31.201, Education Code, is amended to  
19 read as follows:

20 Sec. 31.201. DISPOSITION OF TEXTBOOKS. (a) The  
21 commissioner, with the approval of the Legislative Education  
22 [~~State~~] Board [~~of Education~~], may provide for the disposition of:

23 (1) textbooks, other than electronic textbooks, that  
24 are no longer in acceptable condition to be used for instructional  
25 purposes; or

26 (2) discontinued textbooks, other than electronic  
27 textbooks.

1 (b) The commissioner, as provided by rules adopted by the  
2 Legislative Education [~~State~~] Board [~~of Education~~], shall make  
3 available on request copies of discontinued textbooks, other than  
4 electronic textbooks, for use in libraries maintained in municipal  
5 and county jails and facilities of the institutional division of  
6 the Texas Department of Criminal Justice and other state agencies.

7 (c) The Legislative Education [~~State~~] Board [~~of Education~~]  
8 shall adopt rules under which a school district or open-enrollment  
9 charter school may donate discontinued textbooks, other than  
10 electronic textbooks, to a student, to an adult education program,  
11 or to a nonprofit organization.

12 SECTION 36. Sections 33.084(a) and (e), Education Code, are  
13 amended to read as follows:

14 (a) The interscholastic league advisory council is composed  
15 of:

16 (1) a member of the house of representatives who  
17 serves on the Legislative Education Board, appointed by the speaker  
18 of the house;

19 (2) a member of the senate who serves on the  
20 Legislative Education Board, appointed by the lieutenant governor;

21 (3) [~~two members of the State Board of Education~~  
22 ~~appointed by the chair of the board,~~

23 [~~2~~] a member of the house of representatives who  
24 does not serve on the Legislative Education Board, appointed by the  
25 speaker of the house;

26 (4) [~~3~~] a member of the senate who does not serve on  
27 the Legislative Education Board, appointed by the lieutenant

1 governor;

2           (5) [~~(4)~~] two members of the legislative council of  
3 the University Interscholastic League appointed by the chairman of  
4 the council;

5           (6) [~~(5)~~] two public school board members appointed by  
6 the commissioner; and

7           (7) [~~(6)~~] three members of the public appointed by the  
8 commissioner.

9           (e) The advisory council shall review the rules of the  
10 University Interscholastic League and shall make recommendations  
11 relating to the rules to the governor, the legislature, the  
12 legislative council of the University Interscholastic League, and  
13 the Legislative Education [State] Board [~~of Education~~].

14           SECTION 37. Section 105.302(b), Education Code, is amended  
15 to read as follows:

16           (b) Each of the following shall appoint one member to serve  
17 on the advisory board:

18           (1) the commissioner of education [~~chairman of the~~  
19 ~~State Board of Education~~];

20           (2) the commissioner of higher education;

21           (3) the president of the Texas Association of School  
22 Administrators;

23           (4) the president of the Texas Association for the  
24 Gifted and Talented;

25           (5) the governor;

26           (6) the lieutenant governor; and

27           (7) the speaker of the Texas House of Representatives.

1 SECTION 38. Article 45.054(a), Code of Criminal Procedure,  
2 is amended to read as follows:

3 (a) On a finding by a county, justice, or municipal court  
4 that an individual has committed an offense under Section 25.094,  
5 Education Code, the court has jurisdiction to enter an order that  
6 includes one or more of the following provisions requiring that:

7 (1) the individual:

8 (A) attend school without unexcused absences;

9 (B) attend a preparatory class for the high  
10 school equivalency examination administered under Section 7.156  
11 [~~7.111~~], Education Code, if the court determines that the  
12 individual is too old to do well in a formal classroom environment;  
13 or

14 (C) if the individual is at least 16 years of age,  
15 take the high school equivalency examination administered under  
16 Section 7.156 [~~7.111~~], Education Code;

17 (2) the individual attend a special program that the  
18 court determines to be in the best interest of the individual,  
19 including:

20 (A) an alcohol and drug abuse program;

21 (B) a rehabilitation program;

22 (C) a counseling program, including  
23 self-improvement counseling;

24 (D) a program that provides training in  
25 self-esteem and leadership;

26 (E) a work and job skills training program;

27 (F) a program that provides training in

1 parenting, including parental responsibility;

2 (G) a program that provides training in manners;

3 (H) a program that provides training in violence  
4 avoidance;

5 (I) a program that provides sensitivity  
6 training; and

7 (J) a program that provides training in advocacy  
8 and mentoring;

9 (3) the individual and the individual's parent attend  
10 a class for students at risk of dropping out of school designed for  
11 both the individual and the individual's parent;

12 (4) the individual complete reasonable community  
13 service requirements; or

14 (5) for the total number of hours ordered by the court,  
15 the individual participate in a tutorial program covering the  
16 academic subjects in which the student is enrolled provided by the  
17 school the individual attends.

18 SECTION 39. Section 301.041(a), Government Code, is amended  
19 to read as follows:

20 (a) A duly appointed senator's or representative's  
21 membership on the Legislative Budget Board, Legislative Library  
22 Board, Legislative Audit Committee, Legislative Education Board,  
23 or Texas Legislative Council, or any other interim committee,  
24 terminates if the member:

25 (1) resigns the membership;

26 (2) ceases membership in the legislature for any  
27 reason; or

1           (3) fails to be nominated or elected to the  
2 legislature for the next term.

3           SECTION 40. Section 322.013(a), Government Code, is amended  
4 to read as follows:

5           (a) The standing committees of the senate and house of  
6 representatives with primary jurisdiction over the public school  
7 system, in consultation with the Legislative Education Board, shall  
8 oversee and review the implementation of legislative education  
9 policy by state agencies that have the statutory duty to implement  
10 that policy, including policy relating to:

- 11           (1) fiscal matters;
- 12           (2) academic expectations; and
- 13           (3) evaluation of program cost-effectiveness.

14           SECTION 41. Sections 322.015 and 322.016, Government Code,  
15 are transferred to Subchapter E, Chapter 7, Education Code, as  
16 added by this Act, are renumbered as Sections 7.158 and 7.159,  
17 Education Code, and are amended to read as follows:

18           Sec. 7.158 [~~322.015~~].           REVIEW OF INTERSCHOLASTIC  
19 COMPETITION.    The Legislative Education Board [~~board~~] may  
20 periodically review and analyze the effectiveness and efficiency of  
21 the policies, management, fiscal affairs, and operations of an  
22 organization that is a component or part of a state agency or  
23 institution and that sanctions or conducts interscholastic  
24 competition. The board shall report the findings to the governor  
25 and the full legislature. The legislature may consider the board's  
26 reports in connection with the legislative appropriations process.

27           Sec. 7.159 [~~322.016~~].    PERFORMANCE REVIEW OF SCHOOL



1 DISTRICTS. (a) The Legislative Education Board [~~board~~] may  
2 periodically review the effectiveness and efficiency of the  
3 operations of school districts, including a [~~the~~] district's  
4 expenditures for its officers' and employees' travel services. A  
5 review of a [~~school~~] district may be initiated by the board at its  
6 discretion or on the request of the [~~school~~] district. A review may  
7 be initiated by a [~~school~~] district only by resolution adopted by a  
8 majority of the members of the board of trustees of the district.

9 (b) If a review is initiated on the request of the school  
10 district, the district shall pay 25 percent of the cost incurred in  
11 conducting the review.

12 (c) The Legislative Education Board [~~board~~] shall:

13 (1) prepare a report showing the results of each  
14 review conducted under this section;

15 (2) file the report with the school district, the  
16 governor, the lieutenant governor, the speaker of the house of  
17 representatives, the chairs of the standing committees of the  
18 senate and the house of representatives with jurisdiction over  
19 public education, and the commissioner [~~of education~~]; and

20 (3) make the entire report and a summary of the report  
21 available to the public on the Internet.

22 (d) Until the Legislative Education Board [~~board~~] has  
23 completed a review under this section, all information, documentary  
24 or otherwise, prepared or maintained in conducting the review or  
25 preparing the review report, including intra-agency and  
26 interagency communications and drafts of the review report or  
27 portions of those drafts, is excepted from required public

1 disclosure as audit working papers under Section 552.116,  
2 Government Code. This subsection does not affect whether  
3 information described by this subsection is confidential or  
4 excepted from required public disclosure under a law other than  
5 Section 552.116, Government Code.

6 SECTION 42. Section 545.360, Transportation Code, is  
7 amended to read as follows:

8 Sec. 545.360. DUTY OF TEXAS TRANSPORTATION COMMISSION AND  
9 LEGISLATIVE EDUCATION [~~STATE~~] BOARD [~~OF EDUCATION~~] TO PROVIDE  
10 INFORMATION AND ASSISTANCE. The chairman of the Texas  
11 Transportation Commission and the chairs [~~chairman~~] of the  
12 Legislative Education [~~State~~] Board [~~of Education~~] shall provide  
13 assistance and information relevant to consideration of speed  
14 limits to commissioners courts, municipal governing bodies, and  
15 other interested persons.

16 SECTION 43. (a) Effective May 1, 2010, the following  
17 sections of the Education Code are repealed:

18 (1) Section 7.001; and

19 (2) Sections 7.102(b), (c), (e), and (f).

20 (b) Effective May 1, 2010, Section 322.013(b), Government  
21 Code, is repealed.

22 SECTION 44. (a) Effective May 1, 2010:

23 (1) all functions and activities performed by the  
24 State Board of Education immediately before that date, other than  
25 functions and activities assigned to the State Board of Education  
26 by the constitution of this state, are transferred to the  
27 Legislative Education Board;

1           (2) a rule, form, policy, procedure, or decision of  
2 the State Board of Education, other than a rule, form, policy,  
3 procedure, or decision relating to a function or activity assigned  
4 to the State Board of Education by the constitution of this state,  
5 continues in effect as a rule, form, policy, procedure, or decision  
6 of the Legislative Education Board and remains in effect until  
7 amended or replaced by the Legislative Education Board;

8           (3) a rule of the State Board for Educator  
9 Certification approved by the State Board of Education remains in  
10 effect until amended or replaced as provided by law;

11           (4) a reference in law or an administrative rule to the  
12 State Board of Education or to the State Board for Career and  
13 Technology Education means the Legislative Education Board, other  
14 than a reference:

15                   (A) to the State Board of Education relating to a  
16 function or activity assigned to the State Board of Education by the  
17 constitution of this state; or

18                   (B) under Section 86.22 or 133.006(b), Education  
19 Code, or another law similarly referring to a past action taken by  
20 the State Board of Education;

21           (5) all money, contracts, leases, rights, property,  
22 records, and bonds and other obligations of the State Board of  
23 Education are transferred to the Legislative Education Board,  
24 except that money or a contract, lease, right, property, record, or  
25 bond or other obligation relating to a function or activity  
26 assigned to the State Board of Education by the constitution of this  
27 state is not transferred;

1           (6) a court case, administrative proceeding, contract  
2 negotiation, or other proceeding involving the State Board of  
3 Education, other than a proceeding relating to a function or  
4 activity assigned to the State Board of Education by the  
5 constitution of this state, is transferred without change in status  
6 to the Legislative Education Board, and the Legislative Education  
7 Board assumes, without a change in status, the position of the State  
8 Board of Education in a negotiation or proceeding relating to an  
9 activity transferred by this Act to the Legislative Education Board  
10 to which the State Board of Education is a party;

11           (7) an employee of the State Board of Education, other  
12 than an employee whose duties relate solely or primarily to a  
13 function or activity assigned to the State Board of Education by the  
14 constitution of this state, becomes an employee of the Legislative  
15 Education Board; and

16           (8) any unexpended and unobligated balance of money  
17 appropriated by the legislature for the State Board of Education,  
18 other than money appropriated to enable the State Board of  
19 Education to carry out a function or activity assigned by the  
20 constitution of this state, is transferred to the Legislative  
21 Education Board.

22           (b) In the period beginning on January 1, 2010, and ending  
23 on April 30, 2010:

24           (1) the State Board of Education shall continue to  
25 perform functions and activities under the Education Code or other  
26 law as if the law had not been amended or repealed, as applicable,  
27 and the former law is continued in effect for that purpose; and

1           (2) a person who is authorized or required by law to  
2 take an action relating to the State Board of Education or a member  
3 of the State Board of Education shall continue to take that action  
4 under the law as if the law had not been amended or repealed, as  
5 applicable, and the former law is continued in effect for that  
6 purpose.

7           SECTION 45. Before May 1, 2010, the State Board of Education  
8 may agree with the Legislative Education Board to transfer any  
9 property of the State Board of Education to the Legislative  
10 Education Board to implement the transfer required by Section 44 of  
11 this Act.

12           SECTION 46. Section 12.112, Education Code, as amended by  
13 this Act, applies only to the required signatories of a charter for  
14 an open-enrollment charter school in the case of a charter entered  
15 into on or after May 1, 2010. The required signatories of a charter  
16 for an open-enrollment charter school in the case of a charter  
17 entered into before May 1, 2010, are governed by the law in effect  
18 on the date the charter is entered into, and the former law is  
19 continued in effect for that purpose.

20           SECTION 47. This Act does not affect the reference to the  
21 state board of education under Section 143.112(a)(1)(A), Local  
22 Government Code, or a similar reference to the extent that the  
23 reference is to the state board of education of another state.

24           SECTION 48. This Act takes effect January 1, 2010.