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H.B. No. 4294

A BILL TO BE ENTITLED

AN ACT

relating to textbooks, electronic textbooks, instructional material, and technological equipment in public schools.

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

SECTION 1. Section 31.021, Education Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) The state textbook fund may be used to purchase technological equipment necessary to support the use of electronic textbooks or instructional material included on the list adopted under Section 31.0231 or any textbook or material approved by the State Board of Education.

(g) The commissioner shall adopt rules that require the geographic socioeconomic parity among school districts in the state for the purchase of technological equipment purchased with the state textbook fund.

SECTION 2. Subchapter B, Chapter 31, Education Code, is amended by adding Section 31.0231 to read as follows:

Sec. 31.0231. ELECTRONIC TEXTBOOK AND INSTRUCTIONAL MATERIAL LIST. (a) Notwithstanding any other provision of this chapter, the commissioner shall adopt a list of:

(1) electronic textbooks; and
(2) instructional material that conveys information to the student or otherwise contributes to the learning process.

(b) A school district may select an electronic textbook or

1 instructional material on the list adopted under Subsection (a) to
2 be funded by the state textbook fund under Section 31.021.

3 (c) Before the commissioner places an electronic textbook
4 or instructional material on the list adopted under Subsection (a),
5 the electronic textbook or instructional material:

6 (1) must be reviewed and recommended to the
7 commissioner by a panel of recognized experts in the subject area of
8 the electronic textbook or instructional material and experts in
9 education technology;

10 (2) must be verified by the commissioner as being
11 accessible to blind and visually impaired students; and

12 (3) must satisfy criteria adopted for the purpose by
13 commissioner rule.

14 (d) The criteria adopted under Subsection (c)(3) must:

15 (1) include evidence of alignment with current
16 research in the subject for which the electronic textbook or
17 instructional material is intended to be used;

18 (2) include coverage of the essential knowledge and
19 skills identified under Section 28.002 for the subject for which
20 the electronic textbook or instructional material is intended to be
21 used and identify:

22 (A) each of the essential knowledge and skills
23 for the subject and grade level or levels covered by the electronic
24 textbook or instructional material; and

25 (B) the percentage of the essential knowledge and
26 skills for the subject and grade level or levels covered by the
27 electronic textbook or instructional material; and

1 (3) include appropriate training for teachers.

2 (e) The commissioner shall update, as necessary, the list
3 adopted under Subsection (a). Before the commissioner places an
4 electronic textbook or instructional material on the updated list,
5 the requirements of Subsection (c) must be met. Before the
6 commissioner removes an electronic textbook or instructional
7 material from the updated list, the removal must be recommended by a
8 panel of recognized experts in the subject area of the electronic
9 textbook or instructional material and experts in education
10 technology.

11 (f) After notice to the commissioner explaining in detail
12 the changes, the provider of an electronic textbook or
13 instructional material on the list adopted under Subsection (a) may
14 update the navigational features or management system related to
15 the electronic textbook or instructional material.

16 (g) After notice to the commissioner and a review by the
17 commissioner, the provider of an electronic textbook or
18 instructional material on the list adopted under Subsection (a) may
19 update the content of the electronic textbook or instructional
20 material if needed to accurately reflect current knowledge or
21 information.

22 (h) The commissioner shall adopt rules as necessary to
23 implement this section.

24 SECTION 3. Section 31.101, Education Code, is amended by
25 amending Subsections (a) and (c) and adding Subsections (b-1),
26 (c-1), and (e) to read as follows:

27 (a) Each year, during a period established by the State

1 Board of Education, the board of trustees of each school district
2 and the governing body of each open-enrollment charter school
3 shall:

4 (1) for a subject in the foundation curriculum, notify
5 the State Board of Education of the textbooks selected by the board
6 of trustees or governing body for the following school year from
7 among the textbooks on the appropriate conforming or nonconforming
8 list, including the list adopted under Section 31.0231; or

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

10 (A) notify the State Board of Education of each
11 textbook selected by the board of trustees or governing body for the
12 following school year from among the textbooks on the appropriate
13 conforming or nonconforming list, including the list adopted under
14 Section 31.0231; or

15 (B) notify the State Board of Education that the
16 board of trustees or governing body has selected a textbook that is
17 not on the conforming or nonconforming list.

18 (b-1) If a school district or open-enrollment charter
19 school selects for a particular subject or grade level an
20 electronic textbook or instructional material on the list adopted
21 under Section 31.0231, the state shall pay the district or school an
22 amount equal to the cost of the textbook plus textbook credits under
23 Section 31.1011, equal to 50 percent of the difference between that
24 cost and the limitation established under Section 31.025 for a
25 textbook for that subject and grade level, multiplied by the number
26 of electronic textbooks or instructional materials the district or
27 school needs for that subject and grade level.

1 (c) A school district or open-enrollment charter school
2 that selects a textbook that is not on the conforming or
3 nonconforming list or that selects an electronic textbook or
4 instructional material that is on the list adopted under Section
5 31.0231:

6 (1) is responsible for the portion of the cost of the
7 textbook that is not paid by the state under Subsection (b); and

8 (2) may use funds received from the state under
9 Subsection (b) or (b-1), as applicable, [only] for purchasing the
10 textbook for which the funds were received or supplementing the
11 allotment under Section 32.005 to purchase technological equipment
12 according to rules adopted by the commissioner.

13 (c-1) Notwithstanding any other provision of this chapter,
14 a school district or open-enrollment charter school must purchase a
15 classroom set of textbooks adopted by the State Board of Education
16 under Section 31.023 or 31.035 for each subject and grade level in
17 the foundation and enrichment curriculum.

18 (e) A school district or open-enrollment charter school
19 that selects a subscription-based electronic textbook or
20 instructional material on the conforming list under Section 31.023
21 or the list adopted under Section 31.0231 may cancel the
22 subscription and subscribe to a new electronic textbook or
23 instructional material on the conforming list under Section 31.023
24 or the list adopted under Section 31.0231 before the end of the
25 state contract period under Section 31.026 if:

26 (1) the district or school has used the electronic
27 textbook or instructional material for at least one school year;

1 and

2 (2) the agency approves the change based on a written
3 request to the agency by the district or school that specifies the
4 reasons for changing the electronic textbook or instructional
5 material used by the district or school.

6 SECTION 4. Section 31.1011(c), Education Code, is amended
7 to read as follows:

8 (c) Fifty percent of the total textbook credit of a school
9 district or open-enrollment charter school shall be credited to the
10 state textbook fund, and 50 percent of the credit shall be credited
11 to the district or school to apply toward the requisition of:

12 (1) additional textbooks or electronic textbooks that
13 are on the conforming or nonconforming list under Section 31.023 or
14 the components of such textbooks, including any electronic
15 components; ~~[or]~~

16 (2) supplemental textbooks as provided by Section
17 31.035; or

18 (3) technological equipment under Section 31.021(f).

19 SECTION 5. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.