

SENATE AMENDMENTS

2nd Printing

By: Branch, Eissler, Strama, Oliveira,
Aycock, et al.

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.

ADOPTED

MAY 23 2009

Atalay Spauld
Secretary of the Senate

By: *Francis Rojas*

H.B. No. 4294

Substitute the following for H.B. No. 4294:

By: *Francis Rojas*

C.S. H.B. No. 4294

A BILL TO BE ENTITLED

AN ACT

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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. Subchapter A, Chapter 31, Education Code, is amended by adding Section 31.004 to read as follows:

Sec. 31.004. CERTIFICATION OF PROVISION OF TEXTBOOKS, ELECTRONIC TEXTBOOKS, AND INSTRUCTIONAL MATERIALS. Each school district and open-enrollment charter school shall annually certify to the State Board of Education and the commissioner that, for each subject in the required curriculum and each grade level, the district provides each student with textbooks, electronic textbooks, or instructional materials that cover all elements of the essential knowledge and skills adopted by the State Board of Education for that subject and grade level.

SECTION 2. Section 31.021, Education Code, is amended by adding Subsection (f) 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.

SECTION 3. Section 31.022, Education Code, is amended by adding Subsection (f) to read as follows:

1 (f) The board shall amend any request for production issued
2 for the purchase of textbooks to conform to the textbook funding
3 levels provided by the General Appropriations Act for the year of
4 implementation.

5 SECTION 4. Subchapter B, Chapter 31, Education Code, is
6 amended by adding Section 31.0231 to read as follows:

7 Sec. 31.0231. ELECTRONIC TEXTBOOK AND INSTRUCTIONAL
8 MATERIAL LIST. (a) The commissioner shall adopt a list of:

9 (1) electronic textbooks; and

10 (2) instructional material that conveys information
11 to the student or otherwise contributes to the learning process,
12 including tools, models, and investigative materials designed for
13 use as part of the foundation curriculum for science in
14 kindergarten through grade five.

15 (b) A school district may select an electronic textbook or
16 instructional material on the list adopted under Subsection (a) to
17 be funded by the state textbook fund under Section 31.021.

18 (c) Before the commissioner places an electronic textbook
19 or instructional material on the list adopted under Subsection (a),
20 the electronic textbook or instructional material:

21 (1) must be reviewed and recommended to the
22 commissioner by a panel of recognized experts in the subject area of
23 the electronic textbook or instructional material and experts in
24 education technology; and

25 (2) must satisfy criteria adopted for the purpose by
26 commissioner rule.

27 (d) The criteria adopted under Subsection (c)(2) must:

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

4 (2) include coverage of the essential knowledge and
5 skills identified under Section 28.002 for the subject for which
6 the electronic textbook or instructional material is intended to be
7 used and identify:

8 (A) each of the essential knowledge and skills
9 for the subject and grade level or levels covered by the electronic
10 textbook or instructional material; and

11 (B) the percentage of the essential knowledge and
12 skills for the subject and grade level or levels covered by the
13 electronic textbook or instructional material; and

14 (3) include appropriate training for teachers.

15 (e) The commissioner shall update, as necessary, the list
16 adopted under Subsection (a). Before the commissioner places an
17 electronic textbook or instructional material on the updated list,
18 the requirements of Subsection (c) must be met. Before the
19 commissioner removes an electronic textbook or instructional
20 material from the updated list, the removal must be recommended by a
21 panel of recognized experts in the subject area of the electronic
22 textbook or instructional material and experts in education
23 technology.

24 (f) After notice to the commissioner explaining in detail
25 the changes, the provider of an electronic textbook or
26 instructional material on the list adopted under Subsection (a) may
27 update the navigational features or management system related to

1 the electronic textbook or instructional material.

2 (g) After notice to the commissioner and a review by the
3 commissioner, the provider of an electronic textbook or
4 instructional material on the list adopted under Subsection (a) may
5 update the content of the electronic textbook or instructional
6 material if needed to accurately reflect current knowledge or
7 information.

8 (h) The commissioner shall adopt rules as necessary to
9 implement this section. The rules must:

10 (1) be consistent with Section 31.151 regarding the
11 duties of publishers and manufacturers and the imposition of a
12 reasonable administrative penalty; and

13 (2) require public notice of an opportunity for the
14 submission of an electronic textbook or instructional material.

15 SECTION 5. Section 31.101, Education Code, is amended by
16 amending Subsections (a) and (c) and adding Subsections (b-1),
17 (c-1), and (e) to read as follows:

18 (a) Each year, during a period established by the State
19 Board of Education, the board of trustees of each school district
20 and the governing body of each open-enrollment charter school
21 shall:

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

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

1 (A) notify the State Board of Education of each
2 textbook selected by the board of trustees or governing body for the
3 following school year from among the textbooks on the appropriate
4 conforming or nonconforming list, including the list adopted under
5 Section 31.0231; or

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

9 (b-1) If a school district or open-enrollment charter
10 school selects for a particular subject or grade level an
11 electronic textbook or instructional material on the list adopted
12 under Section 31.0231, the state shall pay the district or school an
13 amount equal to the cost of the electronic textbook or
14 instructional material plus textbook credits under Section 31.1011
15 equal to 50 percent of the difference between that cost and the
16 limitation established under Section 31.025 for a textbook for that
17 subject and grade level, multiplied by the number of electronic
18 textbooks or instructional materials the district or school needs
19 for that subject and grade level.

20 (c) A school district or open-enrollment charter school
21 that selects a textbook that is not on the conforming or
22 nonconforming list or that selects an electronic textbook or
23 instructional material that is on the list adopted under Section
24 31.0231:

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

27 (2) may use funds received from the state under

1 Subsection (b) or (b-1), as applicable, [only] for purchasing the
2 textbook, electronic textbook, or instructional material for which
3 the funds were received or supplementing the allotment under
4 Section 32.005 to purchase technological equipment according to
5 rules adopted by the commissioner.

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

11 (e) A school district or open-enrollment charter school
12 that selects a subscription-based electronic textbook or
13 instructional material on the conforming list under Section 31.023
14 or the list adopted under Section 31.0231 may cancel the
15 subscription and subscribe to a new electronic textbook or
16 instructional material on the conforming list under Section 31.023
17 or the list adopted under Section 31.0231 before the end of the
18 state contract period under Section 31.026 if:

19 (1) the district or school has used the electronic
20 textbook or instructional material for at least one school year;
21 and

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

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

1 (c) Fifty percent of the total textbook credit of a school
2 district or open-enrollment charter school shall be credited to the
3 state textbook fund, and 50 percent of the credit shall be credited
4 to the district or school to apply toward the requisition of:

5 (1) additional textbooks or electronic textbooks that
6 are on the conforming or nonconforming list under Section 31.023 or
7 the components of such textbooks, including any electronic
8 components; [~~or~~]

9 (2) supplemental textbooks as provided by Section
10 31.035;

11 (3) electronic textbooks or instructional materials
12 on the list adopted under Section 31.0231; or

13 (4) technological equipment under Section 31.021(f).

14 SECTION 7. The heading to Section 31.152, Education Code,
15 is amended to read as follows:

16 Sec. 31.152. ACCEPTING REBATE ON TEXTBOOKS, ELECTRONIC
17 TEXTBOOKS, INSTRUCTIONAL MATERIALS, OR TECHNOLOGICAL EQUIPMENT.

18 SECTION 8. Sections 31.152(a) and (b), Education Code, are
19 amended to read as follows:

20 (a) A school trustee, administrator, or teacher commits an
21 offense if that person receives any commission or rebate on any
22 textbooks, electronic textbooks, instructional materials, or
23 technological equipment used in the schools with which the person
24 is associated as a trustee, administrator, or teacher.

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

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

1 (2) might reasonably tend to influence a trustee,
2 administrator, or teacher in the selection of a textbook,
3 electronic textbook, instructional material, or technological
4 equipment; and

5 (3) could not be lawfully purchased with funds from
6 the state textbook fund.

7 SECTION 9. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.

ADOPTED

MAY 23 2009

Lately Spaul
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *Steven Rajewski*

1 Amend C.S.H.B. No. 4294 (senate committee printing) as
2 follows:

3 (1) In SECTION 1 of the bill, adding Section 31.004,
4 Education Code (page 1, line 19), strike "required" and substitute
5 "foundation".

6 (2) In SECTION 4 of the bill, adding Section 31.0231(c),
7 Education Code (page 1, line 52), between "the" and "electronic",
8 insert "State Board of Education must be given an opportunity to
9 comment on the electronic textbook or instructional material. An".

10 (3) In SECTION 4 of the bill, adding Section 31.0231(c),
11 Education Code (page 1, line 52), between "material" and the colon,
12 insert "placed on the list adopted under Subsection (a)".

13 (4) In SECTION 4 of the bill, adding Section 31.0231(c)(1),
14 Education Code (page 1, line 56), strike "and".

15 (5) In SECTION 4 of the bill, adding Section 31.0231(c)(2),
16 Education Code (page 1, line 58), strike the period and substitute
17 "; and".

18 (6) In SECTION 4 of the bill, add a new Subdivision (3) to
19 added Section 31.0231(c), Education Code (page 1, between lines 58
20 and 59), to read as follows:

21 (3) must meet the National Instructional Materials
22 Accessibility Standard, to the extent practicable as determined by
23 the commissioner.

24 (7) In SECTION 4 of the bill, adding Section 31.0231(h)(1),
25 Education Code (page 2, line 34), between "manufacturers" and "and
26 the", insert ", as appropriate,".

ADOPTED

MAY 23 2009

FLOOR AMENDMENT NO. 3

Atty. Gen.
Secretary of the Senate

BY:

Elit Shopleigh

1 Amend C.S.H.B. No. 4294 (senate committee report) by adding
2 the following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION ____ Chapter 32, Education Code, is amended by
5 adding Subchapter H to read as follows:

6 SUBCHAPTER H. COMPUTER LENDING PILOT PROGRAM

7 Sec. 32.351. ESTABLISHMENT OF PILOT PROGRAM. The
8 commissioner by rule shall establish a computer lending pilot
9 program to provide computers to participating public schools that
10 make computers available for use by students and their parents.

11 Sec. 32.352. PILOT PROGRAM ADMINISTRATION. The
12 commissioner shall establish procedures for the administration of
13 the pilot program, including procedures for distributing to
14 participating public schools:

15 (1) any surplus or salvage data processing equipment
16 available for distribution under the pilot program; or

17 (2) computers donated or purchased for that purpose
18 with funds from any available source, including a foundation,
19 private entity, governmental entity, and institution of higher
20 education.

21 Sec. 32.353. ELIGIBLE SCHOOLS. A public school is eligible
22 to participate in the pilot program if:

23 (1) 50 percent or more of the students enrolled in the
24 school are educationally disadvantaged; and

25 (2) the school operates or agrees to operate a
26 computer lending program that:

27 (A) allows students and parents to borrow a
28 computer;

29 (B) includes an option for students and parents

1 to work toward owning a computer initially borrowed under the
2 school's lending program, subject to any applicable legal
3 restrictions regarding disposition of the computer involved;

4 (C) provides computer training for students and
5 parents; and

6 (D) operates outside regular school hours,
7 including operation until at least 7 p.m. on at least three days
8 each week.

9 Sec. 32.354. ANNUAL REPORT. Not later than January 1 of
10 each year, the commissioner shall submit a report to the
11 legislature regarding the computer lending pilot program
12 established under this subchapter.

13 Sec. 32.355. EXPIRATION. This subchapter expires September
14 1, 2014.

15 SECTION _____. Section 2175.128, Government Code, is amended
16 by adding Subsections (a-1) and (b-1) to read as follows:

17 (a-1) Notwithstanding Subsection (a), if a disposition of a
18 state agency's surplus or salvage data processing equipment is not
19 made under Section 2175.125 or 2175.184, the state agency shall
20 make the equipment available to the commissioner of education for
21 use in the computer lending pilot program established under
22 Subchapter H, Chapter 32, Education Code. If the commissioner of
23 education declines to take the equipment, the state agency shall
24 transfer the equipment in accordance with Subsection (a). The
25 state agency may not collect a fee or other reimbursement from the
26 commissioner of education for the equipment made available under
27 this subsection. This subsection expires September 1, 2014.

28 (b-1) Notwithstanding Subsection (b), if a disposition of
29 the surplus or salvage data processing equipment of a state
30 eleemosynary institution or an institution or agency of higher
31 education is not made under other law, the institution or agency

1 shall make the equipment available to the commissioner of education
2 for use in the computer lending pilot program established under
3 Subchapter H, Chapter 32, Education Code. If the commissioner of
4 education declines to take the equipment, the institution or agency
5 shall transfer the equipment in accordance with Subsection (b).
6 The state eleemosynary institution or institution or agency of
7 higher education may not collect a fee or other reimbursement from
8 the commissioner of education for the equipment made available
9 under this subsection. This subsection expires September 1, 2014.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4294 by Branch (relating to textbooks, electronic textbooks, instructional material, and technological equipment in public schools.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require school districts and open-enrollment charter schools to certify annually to the State Board of Education (SBOE) that the district or charter school provides textbooks, electronic textbooks, or instructional materials that cover the essential knowledge and skills for each subject and grade level.

The bill would allow expenditure of state textbook funds for technological equipment necessary to utilize electronic textbooks and instructional materials on the list adopted by the Commissioner under the provisions of the bill.

The bill would require the Commissioner of Education to adopt a list of instructional materials, electronic textbooks, and tools, models, and materials intended for use for science in grades Kindergarten through five that meet certain requirements regarding content.

The bill would allow districts to select instructional materials and electronic textbooks from a list adopted by the Commissioner in addition to traditional textbooks for foundation or enrichment courses.

The bill would entitle school districts that select electronic textbooks from the approved list to funding equal to the cost of the electronic textbook for the relevant course plus any textbook credits that would have accrued based on the selection of the textbook multiplied by the number of electronic textbooks required. These funds could be used for the purchase of textbooks or electronic textbooks or to supplement the district's technology allotment in order to purchase technological equipment to be used to provide access to approved instructional materials and electronic textbooks.

The bill would require school districts to purchase at a minimum a classroom set of textbooks for courses in the foundation curriculum.

The Texas Education Agency (TEA) estimates that 2.5 FTEs would be required to implement the provisions of the bill, primarily for the purpose of implementing structural changes to the current textbook review and adoption process. In addition, TEA would need to modify the Educational Materials Management System (EMAT) system to implement the provisions of the bill. Associated costs are not anticipated to be significant.

In addition, the bill would create a computer lending pilot program. It would require the commissioner of education to establish a pilot program to provide computers to participating public schools that make computers available for use by students and parents.

The bill would require the commissioner of education to implement procedures for distributing to participating schools any surplus or salvage data processing equipment made available to the program or computers donated or purchased for that purpose with funds from any available source. The bill

would require the commissioner, by January 1 of each year, to submit to the legislature a report regarding the program.

The bill stipulates that if a state agency's surplus or salvage data processing equipment is not transferred to another entity, the state agency would make the equipment available to the commissioner of education for use in the computer lending pilot program. The bill would require that if the surplus or salvage data processing equipment of a state charity organization or an institution or agency of higher education is not disposed of under other law, the entity make the equipment available to the commissioner of education for use in the computer lending pilot program.

The pilot program and its enabling legislation would expire September 1, 2014.

According to the Texas Education Agency, implementation would require one additional Program Specialist VI position, including approximately \$68,500 in salary and benefits, to assist with establishing procedures to administer the pilot program and preparing the required annual report. The position would also be responsible for writing commissioner rules for the program, tracking inventory of computer-based equipment at the state level, and providing technical assistance. Other operating costs, for a cubicle, a PC, a phone, and supplies for the new position, would be \$16,000 in fiscal year 2010. Other operating costs would be \$8,000 annually in subsequent fiscal years.

Local Government Impact

School districts and open-enrollment charter schools would be required to certify to the SBOE that the district or charter school provides textbooks, electronic textbooks, or instructional materials that cover the essential knowledge and skills for each foundation subject and grade level.

School districts and open-enrollment charter schools could adopt instructional materials or electronic textbooks for foundation or enrichment courses, and would receive state funds equal to the cost of the electronic textbook plus any applicable textbook credits. School districts would be permitted to use these state funds to purchase the electronic textbooks or to purchase technology needed to allow the use of electronic and online materials from a supplement to the technology allotment.

School districts and open-enrollment charter schools would be required to purchase a classroom set of SBOE-approved textbooks for a subject and grade level in the foundation curriculum. School districts and open-enrollment charter schools may or may not currently use classroom sets.

Participating schools would incur costs to operate computer lending programs and to develop these programs if they did not already operate them. Costs would vary depending on the size of the program a school chose to operate.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JGM, JSc

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4294 by Branch (relating to textbooks, electronic textbooks, instructional material, and technological equipment in public schools.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require school districts and open-enrollment charter schools to certify annually to the State Board of Education (SBOE) that the district or charter school provides textbooks, electronic textbooks, or instructional materials that cover the essential knowledge and skills for each subject and grade level.

The bill would allow expenditure of state textbook funds for technological equipment necessary to utilize electronic textbooks and instructional materials on the list adopted by the Commissioner under the provisions of the bill.

The bill would require the Commissioner of Education to adopt a list of instructional materials, electronic textbooks, and tools, models, and materials intended for use for science in grades Kindergarten through five that meet certain requirements regarding content.

The bill would allow districts to select instructional materials and electronic textbooks from a list adopted by the Commissioner in addition to traditional textbooks for foundation or enrichment courses.

The bill would entitle school districts that select electronic textbooks from the approved list to funding equal to the cost of the electronic textbook for the relevant course plus any textbook credits that would have accrued based on the selection of the textbook multiplied by the number of electronic textbooks required. These funds could be used for the purchase of textbooks or electronic textbooks or to supplement the district's technology allotment in order to purchase technological equipment to be used to provide access to approved instructional materials and electronic textbooks.

The bill would require school districts to purchase at a minimum a classroom set of textbooks for courses in the foundation curriculum.

The Texas Education Agency (TEA) estimates that 2.5 FTEs would be required to implement the provisions of the bill, primarily for the purpose of implementing structural changes to the current textbook review and adoption process. In addition, TEA would need to modify the Educational Materials Management System (EMAT) system to implement the provisions of the bill. Associated costs are not anticipated to be significant.

Local Government Impact

School districts and open-enrollment charter schools would be required to certify to the SBOE that the district or charter school provides textbooks, electronic textbooks, or instructional materials that cover the essential knowledge and skills for each subject and grade level.

School districts and open-enrollment charter schools could adopt instructional materials or electronic

textbooks for foundation or enrichment courses, and would receive state funds equal to the cost of the electronic textbook plus any applicable textbook credits. School districts would be permitted to use these state funds to purchase the electronic textbooks or to purchase technology needed to allow the use of electronic and online materials from a supplement to the technology allotment.

School districts and open-enrollment charter schools would be required to purchase a classroom set of SBOE-approved textbooks for a subject and grade level in the foundation curriculum. School districts and open-enrollment charter schools may or may not currently use classroom sets.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JGM, JSc

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 14, 2009

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4294 by Branch (Relating to textbooks, electronic textbooks, instructional material, and technological equipment in public schools.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would allow expenditure of state textbook funds for technological equipment necessary to utilize electronic textbooks and instructional materials on the list adopted by the Commissioner under the provisions of the bill.

The bill would require the Commissioner of Education to adopt a list of instructional materials and electronic textbooks that meet certain requirements regarding content.

The bill would allow districts to select instructional materials and electronic textbooks from a list adopted by the Commissioner in addition to traditional textbooks for foundation or enrichment courses.

The bill would entitle school districts that select electronic textbooks from the approved list to funding equal to the cost of the electronic textbook for the relevant course plus any textbook credits that would have accrued based on the selection of the textbook multiplied by the number of electronic textbooks required. These funds could be used for the purchase of electronic textbooks or to supplement the district's technology allotment in order to purchase technological equipment to be used to provide access to approved instructional materials and electronic textbooks.

The bill would require school districts to purchase at a minimum a classroom set of textbooks for courses in the foundation curriculum.

The Texas Education Agency (TEA) estimates that 2.5 FTEs would be required to implement the provisions of the bill, primarily for the purpose of implementing structural changes to the current textbook review and adoption process. In addition, TEA would need to modify the Educational Materials Management System (EMAT) system to implement the provisions of the bill. Associated costs are not anticipated to be significant.

Local Government Impact

School districts and open-enrollment charter schools could adopt instructional materials or electronic textbooks for foundation or enrichment courses, and would receive state funds equal to the cost of the electronic textbook plus any applicable textbook credits. School districts would be permitted to use these state funds to purchase the electronic textbooks or to purchase technology needed to allow the use of electronic and online materials from a supplement to the technology allotment.

School districts and open-enrollment charter schools would be required to purchase a classroom set of SBOE-approved textbooks for a subject and grade level in the foundation curriculum. School districts and open-enrollment charter schools may or may not currently use classroom sets.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JGM, JSc

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 16, 2009

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4294 by Branch (relating to textbooks, electronic textbooks, instructional material, and technological equipment in public schools.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require the Commissioner of Education to adopt a list of instructional materials and electronic textbooks that meet certain requirements regarding content.

The bill would allow districts to select instructional materials and electronic textbooks from a list adopted by the Commissioner in addition to traditional textbooks for foundation or enrichment courses.

The bill would permit school districts to purchase instructional materials and electronic textbooks with funds provided from a supplement to the technology allotment. The bill would allow expenditure of any funds received through a supplement to the technology allotment or for the purchase of electronic textbooks for technological equipment to be used to provide access to approved instructional materials and electronic textbooks. The bill does not provide for a supplement to the technology allotment.

The bill would require school districts to purchase at a minimum a classroom set of textbooks for courses in the foundation curriculum.

The Texas Education Agency (TEA) estimates that 2.5 FTEs would be required to implement the provisions of the bill, primarily for the purpose of implementing structural changes to the current textbook review and adoption process. In addition, TEA would need to modify the Educational Materials Management System (EMAT) system to implement the provisions of the bill. Associated costs are not anticipated to be significant.

Local Government Impact

School districts and open-enrollment charter schools could adopt instructional materials or electronic textbooks for foundation or enrichment courses and would be authorized to use a supplement to the technology allotment to pay costs for these materials. School districts would be permitted to purchase technology needed to allow the use of electronic and online materials from a supplement to the technology allotment or from state textbook funds.

School districts and open-enrollment charter schools would be required to purchase a classroom set of SBOE-approved textbooks for a subject and grade level in the foundation curriculum. School districts and open-enrollment charter schools may or may not currently use classroom sets.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JGM, JSc

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 6, 2009

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4294 by Branch (Relating to instructional materials and technological equipment in public schools.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would allow districts to select instructional materials and electronic textbooks from a list adopted by the Commissioner of Education in addition to traditional textbooks for foundation or enrichment courses.

The bill would permit school districts to purchase instructional materials and electronic textbooks with funds provided from a supplement to the technology allotment. The bill would allow expenditure of any funds received through a supplement to the technology allotment for technological equipment to be used to provide access to approved instructional materials and electronic textbooks. The bill does not provide for a supplement to the technology allotment.

The bill would require the Commissioner to adopt a list of instructional materials and electronic textbooks that meet certain requirements regarding content.

The bill would require school districts to purchase at a minimum a classroom set of textbooks for courses in the foundation curriculum.

The Texas Education Agency (TEA) estimates that 2.5 FTEs would be required to implement the provisions of the bill, primarily for the purpose of implementing structural changes to the current textbook review and adoption process. In addition, TEA would need to modify the Educational Materials Management System (EMAT) system to implement the provisions of the bill. Associated costs are not anticipated to be significant.

Local Government Impact

School districts and open-enrollment charter schools could adopt instructional materials or electronic textbooks for foundation or enrichment courses and would be authorized to use a supplement to the technology allotment to pay costs for these materials. School districts would be permitted to purchase technology needed to allow the use of electronic and online materials from a supplement to the technology allotment.

School districts and open-enrollment charter schools would be required to purchase a classroom set of SBOE-approved textbooks for a subject and grade level in the foundation curriculum. School districts and open-enrollment charter schools may or may not currently use classroom sets.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JGM, JSc

