

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION __. Section 28.002, Education Code, is amended by adding Subsection (c-1) to read as follows:
(c-1) In cooperation with the State Board of Education and with the participation of educators, the agency shall develop written materials that provide additional specific guidance regarding the essential knowledge and skills identified in accordance with Subsection (c). The materials must include appropriate clarifiers such as exemplar activities and qualifying statements.

No equivalent provision.

SECTION __. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.016 to read as follows:
Sec. 28.016. CURRICULUM MANAGEMENT SYSTEMS. (a) In this section, "curriculum management system" means a comprehensive, fully integrated online computer-based system that:
(1) links and aligns all teaching, learning, and assessment components of student academic achievement; and
(2) may include components such as curriculum, instructional resources, assessments, a data warehouse, and a reporting feature capable of being customized to meet specific school district needs.
(b) As a resource for school districts, the agency shall:
(1) evaluate curriculum management systems available in this state, including systems developed by school districts, regional education service centers, and regional

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

education service center cooperatives; and
(2) compile a list of curriculum management systems
that conform to the essential knowledge and skills of the
required curriculum identified under Section 28.002.

No equivalent provision.

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 foundation 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 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

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.

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

No equivalent provision.

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

SENATE VERSION

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

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

SECTION 4. 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)

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, including tools, models, and investigative materials designed for use as part of the foundation curriculum for science in kindergarten through grade five.

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

CONFERENCE

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

SENATE VERSION

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

(c) Before the commissioner places an electronic textbook or instructional material on the list adopted under Subsection (a), the State Board of Education must be given an opportunity to comment on the electronic textbook or instructional material. An electronic textbook or instructional material placed on the list adopted under Subsection (a):

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

(2) must satisfy criteria adopted for the purpose by commissioner rule; and

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

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

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

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

CONFERENCE

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(A) each of the essential knowledge and skills for the subject and grade level or levels covered by the electronic textbook or instructional material; and
(B) the percentage of the essential knowledge and skills for the subject and grade level or levels covered by the electronic textbook or instructional material; and
(3) include appropriate training for teachers.
(e) The commissioner shall update, as necessary, the list adopted under Subsection (a). Before the commissioner places an electronic textbook or instructional material on the updated list, the requirements of Subsection (c) must be met. Before the commissioner removes an electronic textbook or instructional material from the updated list, the removal must be recommended by a panel of recognized experts in the subject area of the electronic textbook or instructional material and experts in education technology.
(f) After notice to the commissioner explaining in detail the changes, the provider of an electronic textbook or instructional material on the list adopted under Subsection (a) may update the navigational features or management system related to the electronic textbook or instructional material.
(g) After notice to the commissioner and a review by the commissioner, the provider of an electronic textbook or instructional material on the list adopted under Subsection (a) may update the content of the electronic textbook or instructional material if needed to accurately reflect current knowledge or information.

SENATE VERSION

(A) each of the essential knowledge and skills for the subject and grade level or levels covered by the electronic textbook or instructional material; and
(B) the percentage of the essential knowledge and skills for the subject and grade level or levels covered by the electronic textbook or instructional material; and
(3) include appropriate training for teachers.
(e) The commissioner shall update, as necessary, the list adopted under Subsection (a). Before the commissioner places an electronic textbook or instructional material on the updated list, the requirements of Subsection (c) must be met. Before the commissioner removes an electronic textbook or instructional material from the updated list, the removal must be recommended by a panel of recognized experts in the subject area of the electronic textbook or instructional material and experts in education technology.
(f) After notice to the commissioner explaining in detail the changes, the provider of an electronic textbook or instructional material on the list adopted under Subsection (a) may update the navigational features or management system related to the electronic textbook or instructional material.
(g) After notice to the commissioner and a review by the commissioner, the provider of an electronic textbook or instructional material on the list adopted under Subsection (a) may update the content of the electronic textbook or instructional material if needed to accurately reflect current knowledge or information.

CONFERENCE

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

(2) for a subject in the enrichment curriculum:

(A) notify the State Board of Education of each textbook selected by the board of trustees or governing body for the following school year from among the textbooks on

SENATE VERSION

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

(1) be consistent with Section 31.151 regarding the duties of publishers and manufacturers, as appropriate, and the imposition of a reasonable administrative penalty; and

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

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

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

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

(2) for a subject in the enrichment curriculum:

(A) notify the State Board of Education of each textbook selected by the board of trustees or governing body for the following school year from among the textbooks on

CONFERENCE

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

the appropriate conforming or nonconforming list, including the list adopted under Section 31.0231; or

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

(b-1) If a school district or open-enrollment charter school selects for a particular subject or grade level an electronic textbook or instructional material on the list adopted under Section 31.0231, the state shall pay the district or school an amount equal to the cost of the textbook

plus textbook credits under Section 31.1011, equal to 50 percent of the difference between that cost and the limitation established under Section 31.025 for a textbook for that subject and grade level, multiplied by the number of electronic textbooks or instructional materials the district or school needs for that subject and grade level.

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

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

(2) may use funds received from the state under Subsection (b) or (b-1), as applicable, [~~only~~] for purchasing the textbook

SENATE VERSION

the appropriate conforming or nonconforming list, including the list adopted under Section 31.0231; or

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

(b-1) If a school district or open-enrollment charter school selects for a particular subject or grade level an electronic textbook or instructional material on the list adopted under Section 31.0231, the state shall pay the district or school an amount equal to the cost of the **electronic textbook or instructional material**

plus textbook credits under Section 31.1011 equal to 50 percent of the difference between that cost and the limitation established under Section 31.025 for a textbook for that subject and grade level, multiplied by the number of electronic textbooks or instructional materials the district or school needs for that subject and grade level.

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

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

(2) may use funds received from the state under Subsection (b) or (b-1), as applicable, [~~only~~] for purchasing the textbook,

CONFERENCE

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

for which the funds were received or supplementing the allotment under Section 32.005 to purchase technological equipment according to rules adopted by the commissioner.

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

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

- (1) the district or school has used the electronic textbook or instructional material for at least one school year; and
- (2) the agency approves the change based on a written request to the agency by the district or school that specifies the reasons for changing the electronic textbook or instructional material used by the district or school.

SECTION 4. Section 31.1011(c), Education Code, is

SENATE VERSION

electronic textbook, or instructional material for which the funds were received or supplementing the allotment under Section 32.005 to purchase technological equipment according to rules adopted by the commissioner.

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

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

- (1) the district or school has used the electronic textbook or instructional material for at least one school year; and
- (2) the agency approves the change based on a written request to the agency by the district or school that specifies the reasons for changing the electronic textbook or instructional material used by the district or school.

SECTION 6. Section 31.1011(c), Education Code, is

CONFERENCE

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

amended to read as follows:

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

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

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

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

No equivalent provision.

No equivalent provision.

SENATE VERSION

amended to read as follows:

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

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

(2) supplemental textbooks as provided by Section 31.035;

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

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

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

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

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

(a) A school trustee, administrator, or teacher commits an offense if that person receives any commission or

CONFERENCE

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

rebate on any textbooks, electronic textbooks, instructional materials, or technological equipment used in the schools with which the person is associated as a trustee, administrator, or teacher.

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

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

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

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

SECTION __. Chapter 32, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. COMPUTER LENDING PILOT PROGRAM

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

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

No equivalent provision.

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

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

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

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

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

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

(B) includes an option for students and parents to work toward owning a computer initially borrowed under the school's lending program, subject to any applicable legal restrictions regarding disposition of the computer involved;

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

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

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

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

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

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

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

(b-1) Notwithstanding Subsection (b), if a disposition of the surplus or salvage data processing equipment of a state eleemosynary institution or an institution or agency of higher education is not made under other law, the institution or agency shall make the equipment available to the commissioner of education for use in the computer lending pilot program established under Subchapter H, Chapter 32, Education Code. If the commissioner of education declines to take the equipment, the institution or agency shall transfer the equipment in accordance

House Bill 4294
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

with Subsection (b). The state eleemosynary institution or institution or agency of higher education may not collect a fee or other reimbursement from the commissioner of education for the equipment made available under this subsection. This subsection expires September 1, 2014.

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

SECTION 9. Same as House version.