

Amend SB 6 (senate committee printing) as follows:

(1) Strike SECTION 27 of the bill, amending Section 31.0231, Education Code (page 10, line 2, through page 11, line 9), and substitute the following:

SECTION 27. (a) If S.B. 290, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, Section 31.0231, Education Code, is amended to read as follows:

Sec. 31.0231. COMMISSIONER'S [~~ELECTRONIC TEXTBOOK AND INSTRUCTIONAL MATERIAL~~] LIST. (a) The commissioner shall adopt a list of:

(1) electronic instructional material [~~textbooks~~]; and

(2) science [~~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 instructional~~] material on the list adopted under Subsection (a) to be funded by the district's instructional materials allotment [~~state textbook fund~~] under Section 31.0211 [~~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. If the commissioner places material on the list adopted under Subsection (a), the State Board of Education may, not later than the 90th day after the date the material is placed on the list, require the commissioner to remove the material from the list. 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:

(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.

(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.

(b) If S.B. 290, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Section 31.0231, Education Code, as effective in June 2011 is amended to read as follows:

Sec. 31.0231. COMMISSIONER'S [~~ELECTRONIC TEXTBOOK AND INSTRUCTIONAL MATERIAL~~] LIST. (a) The commissioner shall adopt a list of:

(1) electronic instructional material [~~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:

(A) science in kindergarten through grade five; and

(B) personal financial literacy in kindergarten through grade eight.

(b) A school district may select [~~an electronic textbook or instructional~~] material on the list adopted under Subsection (a) to be funded by the district's instructional materials allotment [~~state textbook fund~~] under Section 31.0211 [~~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. If the commissioner places material on the list adopted under Subsection (a), the State Board of Education may, not later than the 90th day after the date the material is placed on the list, require the commissioner to remove the material from the list. 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:

(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.

(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.

(2) Strike SECTION 33 of the bill, amending Section 31.027, Education Code (page 12, lines 33-47), and substitute the following:

SECTION 33. (a) If S.B. 391, Acts of the 82nd Legislature, Regular Session, 2011, does not become law or this Act takes effect immediately, Section 31.027, Education Code, is amended to read as follows:

Sec. 31.027. INFORMATION TO SCHOOL DISTRICTS; ELECTRONIC SAMPLE [COPIES]. (a) A publisher shall provide each school district and open-enrollment charter school with information that fully describes each of the publisher's submitted instructional materials [~~adopted textbooks~~]. On request of a school district, a publisher shall provide an electronic [~~a~~] sample [~~copy~~] of submitted instructional material [~~an adopted textbook~~].

(b) A publisher shall provide an electronic [~~at least two~~] sample [~~copies~~] of each submitted instructional material [~~adopted textbook~~] to be maintained at each regional education service center.

(c) [~~(d)~~] This section does not apply to [~~an~~] open-source instructional material [~~textbook~~].

(b) If S.B. 391, Acts of the 82nd Legislature, Regular Session, 2011, becomes law and this Act does not take effect

immediately, Section 31.027, Education Code, as effective September 1, 2011, is amended to read as follows:

Sec. 31.027. INFORMATION TO SCHOOL DISTRICTS; ELECTRONIC SAMPLE. (a) A publisher shall provide each school district and open-enrollment charter school with information that fully describes each of the publisher's submitted instructional materials [~~adopted textbooks~~]. On request of a school district, a publisher shall provide an electronic sample of submitted instructional material [~~an adopted textbook~~].

(b) A publisher shall provide an electronic sample of each submitted instructional material [~~adopted textbook~~] to be maintained at each regional education service center.

(c) [~~(d)~~] This section does not apply to [~~an~~] open-source instructional material [~~textbook~~].

(c) If this Act takes effect immediately, Sections 2 and 3, S.B. 391, Acts of the 82nd Legislature, Regular Session, 2011, have no effect.

(3) Strike SECTION 62 of the bill, amending Section 41.124(c), Education Code (page 21, lines 8-14), and substitute the following:

SECTION 62. Subsection (c), Section 41.124, Education Code, as effective September 1, 2011, is amended to read as follows:

(c) A school district that receives tuition for a student from a school district with a wealth per student that exceeds the equalized wealth level may not claim attendance for that student for purposes of Chapters 42 and 46 and the instructional materials [~~technology~~] allotment under Section 31.0211 [~~32.005~~].

(4) Between SECTIONS 67 and 68 of the bill (page 22, between lines 17 and 18), insert the following SECTION and renumber existing SECTION 68 of the bill accordingly:

SECTION 68. (a) If this Act takes effect immediately, Section 11(a), H.B. 4, Acts of the 82nd Legislature, Regular Session, 2011, has no effect, and the \$184,000,000 described by that subsection is allocated to fund the instructional materials allotment in accordance with the provisions of this Act.

(b) To the extent of any conflict, this Act prevails over the provisions of Section 11(b), H.B. 4, Acts of the 82nd

Legislature, Regular Session, 2011.

(c) If this Act does not take effect immediately, Subsections (a) and (b) of this section have no effect.