

Suspending limitations on conference committee  
jurisdiction, S.B. No. 6 (Shapiro/Eissler)

By: Eissler

H.R. No. 198

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 82nd Legislature, 1st Called Session, 2011, That House Rule  
3 13, Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on Senate Bill 6 (foundation curriculum,  
6 the establishment of the instructional materials allotment, and the  
7 adoption, review, and purchase of instructional materials and  
8 technological equipment for public schools) to consider and take  
9 action on the following matter:

10 (1) House Rule 13, Sections 9(a)(1) and (3), are suspended  
11 to permit the committee to change and add text on a matter which is  
12 not in disagreement in proposed SECTION 23 of the bill, in added  
13 Section 31.0211(c)(2)(B), Education Code, to read as follows:

14 (B) the salary and other expenses of an employee  
15 who provides technical support for the use of technological  
16 equipment directly involved in student learning.

17 Explanation: The change and addition of text are necessary  
18 to clarify that a school district may use the district's  
19 instructional materials allotment to pay the salary and other  
20 expenses of employees who provide technical support for the use of  
21 technological equipment directly related to student learning.

22 (2) House Rule 13, Sections 9(a)(1) and (2), are suspended  
23 to permit the committee to change and omit text not in disagreement  
24 in proposed SECTION 27 of the bill, amending Section 31.0231,

1 Education Code, to read as follows:

2 SECTION 27. Section 31.0231, Education Code, is amended to  
3 read as follows:

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

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

9 (2) [~~instructional~~] material that conveys information  
10 to the student or otherwise contributes to the learning process,  
11 including tools, models, and investigative materials designed for  
12 use as part of the foundation curriculum for:

13 (A) science in kindergarten through grade five;  
14 and

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

17 (b) A school district may select [~~an electronic textbook or~~  
18 ~~instructional~~] material on the list adopted under Subsection (a) to  
19 be funded by the district's instructional materials allotment  
20 [~~state textbook fund~~] under Section 31.0211 [~~31.021~~].

21 (c) Before the commissioner places [~~an electronic textbook~~  
22 ~~or instructional~~] material on the list adopted under Subsection  
23 (a), the State Board of Education must be given an opportunity to  
24 comment on the [~~electronic textbook or instructional~~] material. If  
25 the commissioner places material on the list adopted under  
26 Subsection (a), the State Board of Education may, not later than the  
27 90th day after the date the material is placed on the list, require

1 the commissioner to remove the material from the list. Material [~~An~~  
2 ~~electronic textbook or instructional material~~] placed on the list  
3 adopted under Subsection (a):

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

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

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

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

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

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

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

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

27 (3) include appropriate training for teachers.

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

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

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

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

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

26                 (2) require public notice of an opportunity for the  
27 submission of [~~an electronic textbook or instructional~~] material.

1 Explanation: The change and omission of text are necessary  
2 to reflect the enactment and becoming law, effective June 17, 2011,  
3 of S.B. No. 290, Acts of the 82nd Legislature, Regular Session,  
4 2011.

5 (3) House Rule 13, Sections 9(a)(1) and (2), are suspended  
6 to permit the committee to change and omit text not in disagreement  
7 in proposed SECTION 34 of the bill, amending Section 31.027,  
8 Education Code, to read as follows:

9 SECTION 34. (a) If this Act takes effect immediately,  
10 Section 31.027, Education Code, is amended to read as follows:

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

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

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

24 (b) If this Act does not take effect immediately, Section  
25 31.027, Education Code, as effective September 1, 2011, is amended  
26 to read as follows:

27 Sec. 31.027. INFORMATION TO SCHOOL DISTRICTS; ELECTRONIC

1 SAMPLE. (a) A publisher shall provide each school district and  
2 open-enrollment charter school with information that fully  
3 describes each of the publisher's submitted instructional  
4 materials [~~adopted textbooks~~]. On request of a school district, a  
5 publisher shall provide an electronic sample of submitted  
6 instructional material [~~an adopted textbook~~].

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

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

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

15 Explanation: The change and omission of text are necessary  
16 to reflect the enactment and becoming law, effective September 1,  
17 2011, of S.B. No. 391, Acts of the 82nd Legislature, Regular  
18 Session, 2011.