

Suspending limitations on conference committee
jurisdiction, S.B. No. 6

By: Shapiro

S.R. No. 107

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 82nd Legislature, 1st Called Session, 2011, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 6 (foundation curriculum, the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools) to consider and take action on the following matter:

(1) Senate Rules 12.03(1) and (4) are suspended to permit the committee to change and add text on a matter which is not in disagreement in proposed SECTION 23 of the bill, in added Section 31.0211(c)(2)(B), Education Code, to read as follows:

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

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

(2) Senate Rules 12.03(1) and (2) are suspended to permit the committee to change and omit text not in disagreement in

proposed SECTION 27 of the bill, amending Section 31.0231, Education Code, to read as follows:

SECTION 27. 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) [~~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.

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

(3) Senate Rules 12.03(1) and (2) are suspended to permit the committee to change and omit text not in disagreement in proposed SECTION 34 of the bill, amending Section 31.027, Education Code, to read as follows:

SECTION 34. (a) If 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 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. No. 391, Acts of the 82nd Legislature, Regular Session, 2011, have no effect.

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

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on June 27, 2011, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate