

By: Seliger, et al.

S.B. No. 2275

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the adoption of the public school curriculum and
3 textbooks; transferring authority from the State Board of Education
4 to the commissioner of education.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 28.001, Education Code, is amended to
7 read as follows:

8 Sec. 28.001. PURPOSE. It is the intent of the legislature
9 that the essential knowledge and skills developed by the
10 commissioner [~~State Board of Education~~] under this subchapter shall
11 require all students to demonstrate the knowledge and skills
12 necessary to read, write, compute, problem solve, think critically,
13 apply technology, and communicate across all subject areas. The
14 essential knowledge and skills shall also prepare and enable all
15 students to continue to learn in postsecondary educational,
16 training, or employment settings.

17 SECTION 2. Subsections (b), (c), (f), (g), (h), (i), (j),
18 (k), (l-3), (n), and (p), Section 28.002, Education Code, are
19 amended to read as follows:

20 (b) The commissioner [~~State Board of Education~~] by rule
21 shall designate subjects constituting a well-balanced curriculum
22 to be offered by a school district that does not offer kindergarten
23 through grade 12.

24 (c) The commissioner [~~State Board of Education~~], with the

1 direct participation of educators, parents, business and industry
2 representatives, and employers shall by rule identify the essential
3 knowledge and skills of each subject of the required curriculum
4 that all students should be able to demonstrate and that will be
5 used in evaluating textbooks under Chapter 31 and addressed on the
6 assessment instruments required under Subchapter B, Chapter 39. As
7 a condition of accreditation, the commissioner [~~board~~] shall
8 require each district to provide instruction in the essential
9 knowledge and skills at appropriate grade levels.

10 (f) A school district may offer courses for local credit in
11 addition to those in the required curriculum. The commissioner
12 [~~State Board of Education~~] shall be flexible in approving a course
13 for credit for high school graduation under this subsection.

14 (g) A local instructional plan may draw on state curriculum
15 frameworks and program standards as appropriate. Each district is
16 encouraged to exceed minimum requirements of law and commissioner
17 [~~State Board of Education~~] rule. Each district shall ensure that
18 all children in the district participate actively in a balanced
19 curriculum designed to meet individual needs.

20 (h) The commissioner [~~State Board of Education~~] and each
21 school district shall foster the continuation of the tradition of
22 teaching United States and Texas history and the free enterprise
23 system in regular subject matter and in reading courses and in the
24 adoption of textbooks. A primary purpose of the public school
25 curriculum is to prepare thoughtful, active citizens who understand
26 the importance of patriotism and can function productively in a
27 free enterprise society with appreciation for the basic democratic

1 values of our state and national heritage.

2 (i) The commissioner [~~State Board of Education~~] shall adopt
3 rules for the implementation of this subchapter. Except as
4 provided by Subsection (j), the commissioner [~~board~~] may not adopt
5 rules that designate the methodology used by a teacher or the time
6 spent by a teacher or a student on a particular task or subject.

7 (j) The commissioner [~~State Board of Education~~] by rule may
8 require laboratory instruction in secondary science courses and may
9 require a specific amount or percentage of time in a secondary
10 science course that must be laboratory instruction.

11 (k) The commissioner [~~State Board of Education~~], in
12 consultation with the Department of State Health Services and the
13 Texas Diabetes Council, shall develop a diabetes education program
14 that a school district may use in the health curriculum under
15 Subsection (a)(2)(B).

16 (l-3)(1) This subsection may be cited as "Lauren's Law."

17 (2) The commissioner [~~State Board of Education~~], the
18 Department of State Health Services, or a school district may not
19 adopt any rule, policy, or program under Subsections (a), (k), (l),
20 (l-1), or (l-2) that would prohibit a parent or grandparent of a
21 student from providing any food product of the parent's or
22 grandparent's choice to:

23 (A) children in the classroom of the child of the
24 parent or grandparent on the occasion of the child's birthday; or

25 (B) children at a school-designated function.

26 (n) The commissioner [~~State Board of Education~~] may by rule
27 develop and implement a plan designed to incorporate foundation

1 curriculum requirements into the career and technology education
2 curriculum under Subsection (a)(2)(F).

3 (p) The commissioner [~~State Board of Education~~], in
4 conjunction with the office of the attorney general, shall develop
5 a parenting and paternity awareness program that a school district
6 shall use in the district's high school health curriculum. The
7 program must:

8 (1) address parenting skills and responsibilities,
9 including child support and other legal rights and responsibilities
10 that come with parenthood;

11 (2) address relationship skills, including money
12 management, communication skills, and marriage preparation; and

13 (3) in district high schools that do not have a family
14 violence prevention program, address skills relating to the
15 prevention of family violence.

16 SECTION 3. Subsection (e), Section 28.0022, Education Code,
17 is amended to read as follows:

18 (e) Not later than September 1, 2009, the commissioner
19 [~~State Board of Education~~] by rule shall revise the essential
20 knowledge and skills of the career and technical education
21 curriculum as provided by Section 28.002(c) based on the
22 recommendations of the panel under Subsection (d). The
23 commissioner [~~State Board of Education~~] shall require school
24 districts to provide instruction in the career and technical
25 education curriculum, as revised under this subsection, beginning
26 with the 2010-2011 school year.

27 SECTION 4. Subsections (b) and (c), Section 28.0023,

1 Education Code, are amended to read as follows:

2 (b) The commissioner [~~State Board of Education~~] by rule
3 shall include elements relating to instruction in cardiopulmonary
4 resuscitation and the use of an automated external defibrillator as
5 part of the essential knowledge and skills of the health curriculum
6 under Section 28.002(a)(2)(B).

7 (c) This subsection applies only to a private school that
8 receives an automated external defibrillator from the agency or
9 receives funding from the agency to purchase or lease an automated
10 external defibrillator. A private school shall provide instruction
11 to students in cardiopulmonary resuscitation and the use of an
12 automated external defibrillator in a manner consistent with the
13 requirements of this section and commissioner [~~State Board of~~
14 ~~Education~~] rules adopted under this section.

15 SECTION 5. Subchapter A, Chapter 28, Education Code, is
16 amended by adding Section 28.0024 to read as follows:

17 Sec. 28.0024. EDUCATOR TEAMS ON CURRICULUM AND TEXTBOOKS.

18 (a) For each subject area undergoing a Texas essential knowledge
19 and skills review for the adoption of a curriculum and textbooks,
20 the commissioner shall appoint a team of educators, with each
21 education region of the state represented by one member on the team.
22 The commissioner shall make the appointments from among persons
23 nominated by each regional education service center.

24 (b) Each member appointed to a team must have experience in
25 the subject area under review and have at least a bachelor's degree
26 in that subject area, so that the teams are always composed of
27 educators who are experts in that subject.

1 (c) A team shall conduct reviews as prescribed by Subsection
2 (e) and make recommendations to the commissioner on the curriculum
3 and textbooks to be adopted for the subject area under review.

4 (d) The commissioner shall make decisions on the adoption of
5 curriculum and textbooks based on recommendations from the team
6 appointed for the subject area under review.

7 (e) The schedule of reviews under this section shall follow
8 the same review cycle as that provided for the Texas essential
9 knowledge and skills.

10 SECTION 6. Subsections (d), (d-1), (e), and (f), Section
11 28.008, Education Code, are amended to read as follows:

12 (d) The commissioner [~~State Board of Education~~] shall
13 incorporate college readiness standards and expectations approved
14 by the commissioner of education and the Texas Higher Education
15 Coordinating Board under Subsection (b) into the essential
16 knowledge and skills identified by the commissioner [~~board~~] under
17 Section 28.002(c).

18 (d-1) Beginning with the 2008-2009 school year, the
19 commissioner [~~State Board of Education~~] shall incorporate college
20 readiness standards and expectations into the essential knowledge
21 and skills of the foundation curriculum under Section 28.002(a)(1)
22 for courses in which students in grades nine through 12 generally
23 enroll, as determined by commissioner [~~board~~] rule. This
24 subsection expires December 1, 2012.

25 (e) Notwithstanding any other provision of this section,
26 the commissioner [~~State Board of Education~~] retains its authority
27 under Section 28.002 concerning the required curriculum.

1 (f) Not later than September 1, 2011, the vertical teams
2 shall complete the development of or establish minimum standards
3 for the curricula and related materials under Subsection (b)(5).
4 The vertical teams shall develop or establish minimum standards for
5 the English language arts curricula and materials first, followed
6 by mathematics, science, and social studies, respectively. The
7 vertical teams shall complete the development of or establish
8 minimum standards for the English language arts curricula and
9 materials for approval by the commissioner [~~State Board of~~
10 ~~Education~~] not later than June 1, 2009. The English language arts
11 curricula and online materials must be made available to high
12 school students beginning with the 2009 fall semester, with the
13 mathematics, science, and social studies curricula and online
14 materials respectively becoming available each subsequent fall
15 semester. This subsection expires December 1, 2012.

16 SECTION 7. Subdivision (2), Subsection (d), Section 28.009,
17 Education Code, is amended to read as follows:

18 (2) "Sequence of courses" means career and technical
19 education courses approved by the commissioner [~~State Board of~~
20 ~~Education~~], innovative courses approved by the commissioner [~~State~~
21 ~~Board of Education~~] that are provided for local credit, or a
22 tech-prep program of study under Section 61.852.

23 SECTION 8. Subsection (e), Section 28.011, Education Code,
24 is amended to read as follows:

25 (e) Before adopting rules identifying the essential
26 knowledge and skills of a course offered under this section, the
27 commissioner [~~State Board of Education~~] shall submit the proposed

1 essential knowledge and skills to the attorney general. The
2 attorney general shall review the proposed essential knowledge and
3 skills to ensure that the course complies with the First Amendment
4 to the United States Constitution, and the commissioner [~~board~~] may
5 not adopt rules identifying the essential knowledge and skills of a
6 course offered under this section without the attorney general's
7 approval under this subsection.

8 SECTION 9. Subsections (a) and (b), Section 28.013,
9 Education Code, are amended to read as follows:

10 (a) The commissioner [~~State Board of Education~~] shall
11 assist in developing a nature science curriculum, in accordance
12 with this section, the following entities, acting jointly:

13 (1) the Outdoor School at Texas Tech University Center
14 at Junction;

15 (2) the Texas Science, Technology, Engineering, and
16 Math (T-STEM) Center of Texas Tech University; and

17 (3) South Llano River State Park.

18 (b) The nature science curriculum must:

19 (1) be designed for instruction of students in grades
20 six through 12;

21 (2) provide for grade-level appropriate instruction
22 in essential knowledge and skills identified by the commissioner
23 [~~State Board of Education~~] under Section 28.002 for:

24 (A) science; and

25 (B) mathematics, social studies, and language
26 arts, to the extent practicable and relevant to nature science
27 studies;

1 (3) through participation in outdoor experiential
2 learning projects in state parks, provide for the scientific study
3 by students of:

4 (A) conservation, wildlife or aquatic biology,
5 range ecology, or other areas of nature science; and

6 (B) problems affecting nature, such as threats to
7 the watershed, and possible solutions to those problems; and

8 (4) be designed to:

9 (A) be capable of implementation in any state
10 park;

11 (B) use state park resources in providing
12 instruction; and

13 (C) be presented by classroom teachers and state
14 park employees.

15 SECTION 10. Subsections (a), (c), (e), and (f), Section
16 28.014, Education Code, are amended to read as follows:

17 (a) The commissioner of education and the commissioner of
18 higher education shall develop and recommend to the commissioner
19 [~~State Board of Education~~] for adoption under Section 28.002 the
20 essential knowledge and skills of courses in college preparatory
21 mathematics, science, social studies, and English language arts.
22 The courses must be designed:

23 (1) for students at the 12th grade level who do not
24 meet college readiness standards on an end-of-course assessment
25 instrument required under Section 39.023(c); and

26 (2) to prepare students for success in entry-level
27 college courses.

1 (c) The agency, in consultation with the Texas Higher
2 Education Coordinating Board, shall adopt an end-of-course
3 assessment instrument for each course developed under this section
4 to ensure the rigor of the course. A school district shall, in
5 accordance with commissioner [~~State Board of Education~~] rules,
6 administer the end-of-course assessment instrument to a student
7 enrolled in a course developed under this section. Each school
8 district shall adopt a policy that requires a student's performance
9 on the end-of-course assessment instrument to account for 15
10 percent of the student's final grade for the course. A student's
11 performance on an end-of-course assessment instrument administered
12 under this subsection may be used, on a scale of 0-40, in
13 calculating whether the student satisfies the graduation
14 requirements established under Section 39.025.

15 (e) The commissioner [~~State Board of Education~~] shall adopt
16 instructional materials for a course developed under this section
17 in accordance with Chapter 31. The instructional materials must
18 include technology resources that enhance the effectiveness of the
19 course and draw on established best practices.

20 (f) To the extent applicable, the commissioner shall draw
21 from curricula and instructional materials developed under
22 Sections 28.008 and 61.0763 in developing a course and related
23 instructional materials under this section. Not later than
24 September 1, 2010, the commissioner [~~State Board of Education~~]
25 shall adopt essential knowledge and skills for each course
26 developed under this section. The commissioner [~~State Board of~~
27 ~~Education~~] shall make each course developed under this section and

1 the related instructional materials available to school districts
2 not later than the 2014-2015 school year. As required by Subsection
3 (c), a school district shall adopt a policy requiring a student's
4 performance on an end-of-course assessment instrument administered
5 under that subsection to account for 15 percent of the student's
6 grade for a course developed under this section not later than the
7 2014-2015 school year. This subsection expires September 1, 2015.

8 SECTION 11. Section 28.023, Education Code, is amended to
9 read as follows:

10 Sec. 28.023. CREDIT BY EXAMINATION. (a) Using guidelines
11 established by the commissioner [~~State Board of Education~~], a
12 school district shall develop or select for commissioner [~~board~~]
13 review examinations for acceleration for each primary school grade
14 level and for credit for secondary school academic subjects. The
15 guidelines must provide for the examinations to thoroughly test
16 comprehension of the information presented in the applicable grade
17 level or subject. The commissioner [~~board~~] shall approve
18 examinations that satisfy commissioner [~~board~~] guidelines.

19 (b) A school district shall give a student in a primary
20 grade level credit for a grade level and advance the student one
21 grade level on the basis of a commissioner-approved
22 [~~board-approved~~] examination for acceleration if:

23 (1) the student scores in the 90th percentile or above
24 on each section of the examination;

25 (2) a district representative recommends that the
26 student be advanced; and

27 (3) the student's parent or guardian gives written

1 approval of the advancement.

2 (c) A school district shall give a student in grade level
3 six or above credit for a subject on the basis of a
4 commissioner-approved [~~board-approved~~] examination for credit in
5 the subject if the student scores in the 90th percentile or above on
6 the examination. If a student is given credit in a subject on the
7 basis of an examination, the district shall enter the examination
8 score on the student's transcript.

9 (d) Each district shall administer each examination not
10 less than once a year, at times to be determined by the commissioner
11 [~~State Board of Education~~].

12 SECTION 12. Subsections (a), (b), (b-1), (b-2), (c), (d),
13 and (e), Section 28.025, Education Code, are amended to read as
14 follows:

15 (a) The commissioner [~~State Board of Education~~] by rule
16 shall determine curriculum requirements for the minimum,
17 recommended, and advanced high school programs that are consistent
18 with the required curriculum under Section 28.002.

19 (b) A school district shall ensure that each student enrolls
20 in the courses necessary to complete the curriculum requirements
21 identified by the commissioner [~~State Board of Education~~] under
22 Subsection (a) for the recommended or advanced high school program
23 unless the student, the student's parent or other person standing
24 in parental relation to the student, and a school counselor or
25 school administrator agree that the student should be permitted to
26 take courses under the minimum high school program.

27 (b-1) The commissioner [~~State Board of Education~~] by rule

1 shall require that:

2 (1) except as provided by Subsection (b-2), the
3 curriculum requirements for the recommended and advanced high
4 school programs under Subsection (a) include a requirement that
5 students successfully complete four courses in each subject of the
6 foundation curriculum under Section 28.002(a)(1); and

7 (2) one or more courses offered in the required
8 curriculum for the recommended and advanced high school programs
9 include a research writing component.

10 (b-2) In adopting rules under Subsection (b-1), the
11 commissioner [~~State Board of Education~~] shall allow a student to
12 comply with the curriculum requirements for a mathematics course
13 under Subsection (b-1)(1) taken after the successful completion of
14 an Algebra II course or science course under Subsection (b-1)(1)
15 taken after the successful completion of a physics course by
16 successfully completing an advanced career and technical course
17 designated by the commissioner [~~State Board of Education~~] as
18 containing substantively similar and rigorous academic content. A
19 student may use the option provided by this subsection for not more
20 than two courses.

21 (c) A person may receive a diploma if the person is eligible
22 for a diploma under Section 28.0251. In other cases, a student may
23 graduate and receive a diploma only if:

24 (1) the student successfully completes the curriculum
25 requirements identified by the commissioner [~~State Board of~~
26 ~~Education~~] under Subsection (a) and complies with Section 39.025;
27 or

1 (2) the student successfully completes an
2 individualized education program developed under Section 29.005.

3 (d) A school district may issue a certificate of coursework
4 completion to a student who successfully completes the curriculum
5 requirements identified by the commissioner [~~State Board of~~
6 ~~Education~~] under Subsection (a) but who fails to comply with
7 Section 39.025. A school district may allow a student who receives
8 a certificate to participate in a graduation ceremony with students
9 receiving high school diplomas.

10 (e) Each school district shall report the academic
11 achievement record of students who have completed a minimum,
12 recommended, or advanced high school program on transcript forms
13 adopted by the commissioner [~~State Board of Education~~]. The
14 transcript forms adopted by the commissioner [~~board~~] must be
15 designed to clearly differentiate between each of the high school
16 programs and identify whether a student received a diploma or a
17 certificate of coursework completion.

18 SECTION 13. Subdivision (2), Section 28.051, Education
19 Code, is amended to read as follows:

20 (2) "College advanced placement course" means a
21 commissioner-approved [~~board-approved~~] high-school-level
22 preparatory course for a college advanced placement test that
23 incorporates all topics specified by the college board on its
24 standard syllabus for a given subject area.

25 SECTION 14. Section 28.054, Education Code, is amended to
26 read as follows:

27 Sec. 28.054. SUBSIDIES FOR COLLEGE ADVANCED PLACEMENT TEST

1 OR INTERNATIONAL BACCALAUREATE EXAMINATION. (a) A student is
2 entitled to a subsidy for a fee paid by the student to take a college
3 advanced placement test or an international baccalaureate
4 examination if the student demonstrates financial need. The
5 commissioner [~~board~~] shall adopt guidelines for determining
6 financial need consistent with the definition of financial need
7 adopted by the college board or the International Baccalaureate
8 Organization.

9 (b) To obtain a subsidy under this section, a student must:

10 (1) pay the fee for each test or examination for which
11 the student seeks a subsidy; and

12 (2) submit to the commissioner [~~board~~] through the
13 student's guidance counselor a written application on a form
14 prescribed by the commissioner demonstrating financial need and the
15 amount of the fee paid by the student for each test or examination.

16 (c) On approval by the commissioner [~~board~~], the agency may
17 pay each eligible applicant an equal amount, not to exceed \$25 for
18 each applicant.

19 SECTION 15. Subsection (b), Section 28.055, Education Code,
20 is amended to read as follows:

21 (b) To obtain an award under the program, a school must
22 submit to the commissioner [~~board~~] a written application in a form,
23 manner, and time prescribed by the commissioner.

24 SECTION 16. Section 28.056, Education Code, is amended to
25 read as follows:

26 Sec. 28.056. APPLICATION FOR TEACHER AWARDS AND
27 REIMBURSEMENTS. To obtain an award or reimbursement for training

1 expenses under the program, a teacher must submit to the
2 commissioner [~~board~~] a written application in a form, manner, and
3 time prescribed by the commissioner.

4 SECTION 17. Section 31.003, Education Code, is amended to
5 read as follows:

6 Sec. 31.003. RULES. The commissioner [~~State Board of~~
7 ~~Education~~] may adopt rules, consistent with this chapter, for the
8 adoption, requisition, distribution, care, use, and disposal of
9 textbooks.

10 SECTION 18. Section 31.022, Education Code, is amended to
11 read as follows:

12 Sec. 31.022. TEXTBOOK REVIEW AND ADOPTION. (a) The
13 commissioner [~~State Board of Education~~] shall adopt a review and
14 adoption cycle for textbooks for elementary grade levels, including
15 prekindergarten, and secondary grade levels, for each subject in
16 the required curriculum under Section 28.002.

17 (b) The commissioner [~~board~~] shall organize the cycle for
18 subjects in the foundation curriculum so that not more than
19 one-sixth of the textbooks for subjects in the foundation
20 curriculum are reviewed each year. The commissioner [~~board~~] shall
21 adopt rules to provide for a full and complete investigation of
22 textbooks for each subject in the foundation curriculum at least
23 every six years. The adoption of textbooks for a subject in the
24 foundation curriculum may be extended beyond the six-year period
25 only if the content of textbooks for a subject is sufficiently
26 current.

27 (c) The commissioner [~~board~~] shall adopt rules to provide

1 for a full and complete investigation of textbooks for each subject
2 in the enrichment curriculum on a cycle the commissioner [~~board~~]
3 considers appropriate.

4 (d) At least 24 months before the beginning of the school
5 year for which textbooks for a particular subject and grade level
6 will be purchased under the review and adoption cycle adopted by the
7 commissioner [~~board~~], the commissioner [~~board~~] shall publish
8 notice of the review and adoption cycle for those textbooks.

9 (e) The commissioner [~~board~~] shall designate a request for
10 production of textbooks in a subject area and grade level by the
11 school year in which the textbooks are intended to be made available
12 in classrooms and not by the school year in which the commissioner
13 [~~board~~] makes the request for production.

14 SECTION 19. Subsection (a), Section 31.0221, Education
15 Code, is amended to read as follows:

16 (a) The commissioner [~~State Board of Education~~] shall adopt
17 rules for the midcycle review and adoption of a textbook for a
18 subject for which textbooks are not currently under review by the
19 commissioner [~~board~~] under Section 31.022. The rules must require:

20 (1) the publisher of the textbook to pay a fee to the
21 commissioner [~~board~~] to cover the cost of the midcycle review and
22 adoption of the textbook;

23 (2) the publisher of the textbook to enter into a
24 contract with the commissioner [~~board~~] concerning the textbook for
25 a term that ends at the same time as any contract entered into by the
26 commissioner [~~board~~] for another textbook for the same subject and
27 grade level; and

1 (3) a commitment from the publisher to provide the
2 textbook to school districts in the manner specified by the
3 publisher, which may include:

4 (A) providing the textbook to any district in a
5 regional education service center area identified by the publisher;
6 or

7 (B) providing a certain maximum number of
8 textbooks specified by the publisher.

9 SECTION 20. Section 31.0222, Education Code, is amended to
10 read as follows:

11 Sec. 31.0222. BUDGET-BALANCED CYCLE. In determining the
12 review and adoption cycle of textbooks under Section 31.022, the
13 commissioner [~~State Board of Education~~] shall:

14 (1) consult with the Legislative Budget Board and the
15 governor's office of budget, planning, and policy before approving
16 and publishing any notice or amendment of a cycle;

17 (2) review and consider:

18 (A) historic average funding levels for
19 textbooks purchased in previous bienniums;

20 (B) expected average costs of future textbook
21 purchases;

22 (C) anticipated student enrollment in future
23 years;

24 (D) scheduled revisions to curriculum; and

25 (E) the impact on the state budget of the
26 adoption of textbooks in all or some grade levels in a subject area;
27 and

1 (3) limit the cycle to subject areas for which
2 textbooks can be purchased with the funding anticipated to be
3 available in the state textbook fund for the school year in which
4 the textbooks are to be adopted.

5 SECTION 21. Subsection (a), Section 31.023, Education Code,
6 is amended to read as follows:

7 (a) For each subject and grade level, the commissioner
8 [~~State Board of Education~~] shall adopt two lists of textbooks. The
9 conforming list includes each textbook submitted for the subject
10 and grade level that meets applicable physical specifications
11 adopted by the commissioner [~~State Board of Education~~] and contains
12 material covering each element of the essential knowledge and
13 skills of the subject and grade level in the student version of the
14 textbook, as well as in the teacher version of the textbook, as
15 determined by the commissioner [~~State Board of Education~~] under
16 Section 28.002 and adopted under Section 31.024. The nonconforming
17 list includes each textbook submitted for the subject and grade
18 level that:

19 (1) meets applicable physical specifications adopted
20 by the commissioner [~~State Board of Education~~];

21 (2) contains material covering at least half, but not
22 all, of the elements of the essential knowledge and skills of the
23 subject and grade level in the student version of the textbook, as
24 well as in the teacher version of the textbook; and

25 (3) is adopted under Section 31.024.

26 SECTION 22. Section 31.024, Education Code, is amended to
27 read as follows:

1 Sec. 31.024. ADOPTION BY COMMISSIONER [~~STATE BOARD OF~~
2 ~~EDUCATION~~]. (a) By majority vote, the commissioner [~~State Board~~
3 ~~of Education~~] shall:

4 (1) place each submitted textbook on a conforming or
5 nonconforming list; or

6 (2) reject a textbook submitted for placement on a
7 conforming or nonconforming list.

8 (b) Not later than December 1 of the year preceding the
9 school year for which the textbooks for a particular subject and
10 grade level will be purchased under the cycle adopted by the board
11 under Section 31.022, the commissioner [~~board~~] shall provide the
12 lists of adopted textbooks to each school district. Each
13 nonconforming list must include the reasons an adopted textbook is
14 not eligible for the conforming list.

15 SECTION 23. Subsection (a), Section 31.025, Education Code,
16 is amended to read as follows:

17 (a) The commissioner [~~State Board of Education~~] shall set a
18 limit on the cost that may be paid from the state textbook fund for a
19 textbook placed on the conforming or nonconforming list for a
20 particular subject and grade level. The commissioner [~~board~~] may
21 not reject a textbook for placement on the conforming or
22 nonconforming list because the textbook's price exceeds the limit
23 established under this subsection.

24 SECTION 24. Subsections (a) and (b), Section 31.026,
25 Education Code, are amended to read as follows:

26 (a) The commissioner [~~State Board of Education~~] shall
27 execute a contract:

1 (1) for the purchase of each adopted textbook other
2 than an electronic textbook; and

3 (2) for the purchase or licensing of each adopted
4 electronic textbook.

5 (b) A contract must require the publisher to provide the
6 number of textbooks required by school districts in this state for
7 the term of the contract, which must coincide with the
8 commissioner's [~~board's~~] adoption cycle.

9 SECTION 25. Subsections (a), (b), and (c), Section 31.028,
10 Education Code, are amended to read as follows:

11 (a) The commissioner [~~State Board of Education~~] may
12 purchase special textbooks for the education of blind and visually
13 impaired students in public schools. In addition, for a teacher who
14 is blind or visually impaired, the commissioner [~~board~~] shall
15 provide a teacher's edition in Braille or large type, as requested
16 by the teacher, for each textbook the teacher uses in the
17 instruction of students. The teacher edition must be available at
18 the same time the student textbooks become available.

19 (b) The publisher of an adopted textbook shall provide the
20 agency with computerized textbook files for the production of
21 Braille textbooks or other versions of textbooks to be used by
22 students with disabilities, on request of the commissioner [~~State
23 Board of Education~~]. A publisher shall arrange computerized
24 textbook files in one of several optional formats specified by the
25 commissioner [~~State Board of Education~~].

26 (c) The commissioner [~~board~~] may also enter into agreements
27 providing for the acceptance, requisition, and distribution of

1 special textbooks and instructional aids pursuant to 20 U.S.C.
2 Section 101 et seq. for use by students enrolled in:

- 3 (1) public schools; or
4 (2) private nonprofit schools, if state funds, other
5 than for administrative costs, are not involved.

6 SECTION 26. Section 31.029, Education Code, is amended to
7 read as follows:

8 Sec. 31.029. BILINGUAL TEXTBOOKS. The commissioner [~~board~~]
9 shall purchase or otherwise acquire textbooks for use in bilingual
10 education classes.

11 SECTION 27. Section 31.030, Education Code, is amended to
12 read as follows:

13 Sec. 31.030. USED TEXTBOOKS. The commissioner [~~State Board~~
14 ~~of Education~~] shall adopt rules to ensure that used textbooks sold
15 to school districts and open-enrollment charter schools are not
16 sample copies that contain factual errors. The rules may provide
17 for the imposition of an administrative penalty in accordance with
18 Section 31.151 against a seller of used textbooks who knowingly
19 violates this section.

20 SECTION 28. Subsections (a), (b), and (f), Section 31.035,
21 Education Code, are amended to read as follows:

22 (a) Notwithstanding any other provision of this subchapter,
23 the commissioner [~~State Board of Education~~] may adopt supplemental
24 textbooks that are not on the conforming or nonconforming list
25 under Section 31.023. The commissioner [~~State Board of Education~~]
26 may adopt a supplemental textbook under this section only if the
27 textbook:

1 (1) contains material covering one or more primary
2 focal points or primary topics of a subject in the required
3 curriculum under Section 28.002, as determined by the commissioner
4 [~~State Board of Education~~];

5 (2) is not designed to serve as the sole textbook for a
6 full course;

7 (3) meets applicable physical specifications adopted
8 by the commissioner [~~State Board of Education~~]; and

9 (4) is free from factual errors.

10 (b) The commissioner [~~State Board of Education~~] shall
11 identify the essential knowledge and skills identified under
12 Section 28.002 that are covered by a supplemental textbook adopted
13 by the commissioner [~~board~~] under this section.

14 (f) A school district or open-enrollment charter school
15 that requisitions supplemental textbooks under Subsection (d)(2)
16 shall certify to the agency that the supplemental textbooks, in
17 combination with any other textbooks or supplemental textbooks used
18 by the district or school, cover the essential knowledge and skills
19 identified under Section 28.002 by the commissioner [~~State Board of~~
20 ~~Education~~] for the subject and grade level for which the district or
21 school is requisitioning the supplemental textbooks.

22 SECTION 29. Subdivision (1), Section 28.051, Education
23 Code, is repealed.

24 SECTION 30. A rule adopted by the State Board of Education
25 that relates to the adoption of a curriculum under Chapter 28,
26 Education Code, as amended by this Act, or the adoption of a
27 textbook under Subchapter B, Chapter 31, Education Code, as amended

1 by this Act, is a rule of the commissioner of education and remains
2 in effect until the rule is changed by the commissioner of
3 education.

4 SECTION 31. The changes in law made by this Act apply
5 beginning with the 2009-2010 school year.

6 SECTION 32. This Act takes effect immediately if it
7 receives a vote of two-thirds of all the members elected to each
8 house, as provided by Section 39, Article III, Texas Constitution.
9 If this Act does not receive the vote necessary for immediate
10 effect, this Act takes effect September 1, 2009.