

By: Shapiro

S.B. No. 6

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the foundation curriculum, the establishment of the  
3 instructional materials allotment, and the adoption, review, and  
4 purchase of instructional materials and technological equipment  
5 for public schools.

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

7 SECTION 1. Chapter 5, Education Code, is amended by adding  
8 Section 5.002 to read as follows:

9 Sec. 5.002. REFERENCES TO TEXTBOOK. In this title, a  
10 reference to a textbook means instructional material, as defined by  
11 Section 31.002.

12 SECTION 2. Section 7.055(b)(28), Education Code, is amended  
13 to read as follows:

14 (28) The commissioner shall perform duties relating to  
15 the funding, adoption, and purchase of instructional materials  
16 [~~textbooks~~] under Chapter 31.

17 SECTION 3. Section 7.056(f), Education Code, is amended to  
18 read as follows:

19 (f) A school district or campus that is required to develop  
20 and implement a student achievement improvement plan under Section  
21 39.102 or 39.103 may receive an exemption or waiver under this  
22 section from any law or rule other than:

23 (1) a prohibition on conduct that constitutes a  
24 criminal offense;

1 (2) a requirement imposed by federal law or rule;

2 (3) a requirement, restriction, or prohibition  
3 imposed by state law or rule relating to:

4 (A) public school accountability as provided by  
5 Subchapters B, C, D, E, and J, Chapter 39; or

6 (B) educator rights and benefits under  
7 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter  
8 A, Chapter 22; or

9 (4) [~~textbook~~] selection of instructional materials  
10 under Chapter 31.

11 SECTION 4. Section 7.102(c)(23), Education Code, is amended  
12 to read as follows:

13 (23) The board shall adopt and purchase or license  
14 instructional materials [~~textbooks~~] as provided by Chapter 31 and  
15 adopt rules required by that chapter.

16 SECTION 5. Sections 7.108(a) and (c), Education Code, are  
17 amended to read as follows:

18 (a) A person interested in selling bonds of any type or a  
19 person engaged in manufacturing, shipping, selling, or advertising  
20 instructional materials [~~textbooks or otherwise connected with the~~  
21 ~~textbook business~~] commits an offense if the person makes or  
22 authorizes a political contribution to or takes part in, directly  
23 or indirectly, the campaign of any person seeking election to or  
24 serving on the board.

25 (c) In this section:

26 (1) "Instructional material" has the meaning assigned  
27 by Section 31.002.

1           (2) "Political contribution" has the meaning assigned  
2 by Section 251.001, Election Code.

3           ~~[(2) "Textbook" has the meaning assigned by Section~~  
4 ~~31.002.]~~

5           SECTION 6. The heading to Section 7.112, Education Code, is  
6 amended to read as follows:

7           Sec. 7.112. REPRESENTATION OF [~~TEXTBOOK~~] PUBLISHER OF  
8 INSTRUCTIONAL MATERIALS BY FORMER MEMBER OF BOARD.

9           SECTION 7. Section 7.112(a), Education Code, is amended to  
10 read as follows:

11           (a) A former member of the State Board of Education who is  
12 employed by or otherwise receives compensation from a [~~textbook~~]  
13 publisher of instructional materials may not, before the second  
14 anniversary of the date on which the person last served as a member  
15 of the State Board of Education:

16           (1) confer with a member of the board of trustees of a  
17 school district concerning instructional materials [~~a textbook~~]  
18 published by that [~~textbook~~] publisher; or

19           (2) appear at a meeting of the board of trustees on  
20 behalf of the [~~textbook~~] publisher.

21           SECTION 8. Section 7.112(c)(2), Education Code, is amended  
22 to read as follows:

23           (2) "Instructional material" and "publisher"  
24 [~~"Publisher" and "textbook"~~] have the meanings assigned by Section  
25 31.002.

26           SECTION 9. Section 11.158(b), Education Code, is amended to  
27 read as follows:

1 (b) The board may not charge fees for:

2 (1) instructional materials [~~textbooks~~], workbooks,  
3 laboratory supplies, or other supplies necessary for participation  
4 in any instructional course except as authorized under this code;

5 (2) field trips required as a part of a basic education  
6 program or course;

7 (3) any specific form of dress necessary for any  
8 required educational program or diplomas;

9 (4) the payment of instructional costs for necessary  
10 school personnel employed in any course or educational program  
11 required for graduation;

12 (5) library materials [~~books~~] required to be used for  
13 any educational course or program, other than fines for lost,  
14 damaged, or overdue materials [~~books~~];

15 (6) admission to any activity the student is required  
16 to attend as a prerequisite to graduation;

17 (7) admission to or examination in any required  
18 educational course or program; or

19 (8) lockers.

20 SECTION 10. Section 11.164(a), Education Code, is amended  
21 to read as follows:

22 (a) The board of trustees of each school district shall  
23 limit redundant requests for information and the number and length  
24 of written reports that a classroom teacher is required to prepare.  
25 A classroom teacher may not be required to prepare any written  
26 information other than:

27 (1) any report concerning the health, safety, or

1 welfare of a student;

2 (2) a report of a student's grade on an assignment or  
3 examination;

4 (3) a report of a student's academic progress in a  
5 class or course;

6 (4) a report of a student's grades at the end of each  
7 grade reporting period;

8 (5) a [~~textbook~~] report on instructional materials;

9 (6) a unit or weekly lesson plan that outlines, in a  
10 brief and general manner, the information to be presented during  
11 each period at the secondary level or in each subject or topic at  
12 the elementary level;

13 (7) an attendance report;

14 (8) any report required for accreditation review;

15 (9) any information required by a school district that  
16 relates to a complaint, grievance, or actual or potential  
17 litigation and that requires the classroom teacher's involvement;  
18 or

19 (10) any information specifically required by law,  
20 rule, or regulation.

21 SECTION 11. Section 19.007(e), Education Code, is amended  
22 to read as follows:

23 (e) The district may participate in the instructional  
24 materials [~~textbook~~] program under Chapter 31.

25 SECTION 12. Sections 26.006(a) and (c), Education Code, are  
26 amended to read as follows:

27 (a) A parent is entitled to:

1 (1) review all teaching materials, instructional  
2 materials [~~textbooks~~], and other teaching aids used in the  
3 classroom of the parent's child; and

4 (2) review each test administered to the parent's  
5 child after the test is administered.

6 (c) A student's parent is entitled to request that the  
7 school district or open-enrollment charter school the student  
8 attends allow the student to take home any instructional materials  
9 [~~textbook~~] used by the student. Subject to the availability of the  
10 instructional materials [~~a textbook~~], the district or school shall  
11 honor the request. A student who takes home instructional  
12 materials [~~a textbook~~] must return the instructional materials  
13 [~~textbook~~] to school at the beginning of the next school day if  
14 requested to do so by the student's teacher. In this subsection,  
15 "instructional material" [~~"textbook"~~] has the meaning assigned by  
16 Section 31.002.

17 SECTION 13. Sections 28.002(a), (c), (h), and (n),  
18 Education Code, are amended to read as follows:

19 (a) Each school district that offers kindergarten through  
20 grade 12 shall offer, as a required curriculum:

- 21 (1) a foundation curriculum that includes:
- 22 (A) English language arts;
  - 23 (B) mathematics;
  - 24 (C) science; and
  - 25 (D) social studies, consisting of Texas, United  
26 States, and world history, government, economics, with emphasis on  
27 the free enterprise system and its benefits, and geography; and

1 (2) an enrichment curriculum that includes:

2 (A) to the extent possible, languages other than  
3 English;

4 (B) health, with emphasis on the importance of  
5 proper nutrition and exercise;

6 (C) physical education;

7 (D) fine arts;

8 (E) ~~[economics, with emphasis on the free  
9 enterprise system and its benefits;~~

10 [~~(F)~~] career and technology education;

11 (F) [~~(C)~~] technology applications; and

12 (G) [~~(H)~~] religious literature, including the  
13 Hebrew Scriptures (Old Testament) and New Testament, and its impact  
14 on history and literature.

15 (c) The State Board of Education, with the direct  
16 participation of educators, parents, business and industry  
17 representatives, and employers shall by rule identify the essential  
18 knowledge and skills of each subject of the required curriculum  
19 that all students should be able to demonstrate and that will be  
20 used in evaluating instructional materials [~~textbooks~~] under  
21 Chapter 31 and addressed on the assessment instruments required  
22 under Subchapter B, Chapter 39. As a condition of accreditation,  
23 the board shall require each district to provide instruction in the  
24 essential knowledge and skills at appropriate grade levels.

25 (h) The State Board of Education and each school district  
26 shall foster the continuation of the tradition of teaching United  
27 States and Texas history and the free enterprise system in regular

1 subject matter and in reading courses and in the adoption of  
2 instructional materials [~~textbooks~~]. A primary purpose of the  
3 public school curriculum is to prepare thoughtful, active citizens  
4 who understand the importance of patriotism and can function  
5 productively in a free enterprise society with appreciation for the  
6 basic democratic values of our state and national heritage.

7 (n) The State Board of Education may by rule develop and  
8 implement a plan designed to incorporate foundation curriculum  
9 requirements into the career and technology education curriculum  
10 under Subsection (a)(2)(E) [~~(a)(2)(F)~~].

11 SECTION 14. Sections 28.0022(a) and (d), Education Code,  
12 are amended to read as follows:

13 (a) Not later than November 1, 2007, the agency shall  
14 establish a panel under this section to:

15 (1) review and recommend revisions to the career and  
16 technical education curriculum under Section 28.002(a)(2)(E)  
17 [~~28.002(a)(2)(F)~~]; and

18 (2) review and recommend revisions for the program in  
19 which high schools and articulated postsecondary institutions  
20 allow high school students to take advanced technical credit  
21 courses.

22 (d) Not later than November 1, 2008, the panel shall:

23 (1) complete the review as required by this section  
24 of:

25 (A) the career and technical education  
26 curriculum; and

27 (B) the program under which high schools and



1 articulated postsecondary institutions allow high school students  
2 to take advanced technical credit courses; and

3 (2) make recommendations to the State Board of  
4 Education as necessary to:

5 (A) increase the academic rigor of the career and  
6 technical education curriculum under Section 28.002(a)(2)(E)  
7 [~~28.002(a)(2)(F)~~]; and

8 (B) improve and increase participation in the  
9 program under which high schools and articulated postsecondary  
10 institutions allow high school students to take advanced technical  
11 credit courses.

12 SECTION 15. Section 28.003(b), Education Code, is amended  
13 to read as follows:

14 (b) In this section, "educational program" means a course or  
15 series of courses in the required curriculum under Section 28.002,  
16 other than a fine arts course under Section 28.002(a)(2)(D) or a  
17 career and technology course under Section 28.002(a)(2)(E)  
18 [~~28.002(a)(2)(F)~~].

19 SECTION 16. Section 28.011(c), Education Code, is amended  
20 to read as follows:

21 (c) A student may not be required to use a specific  
22 translation as the sole text of the Hebrew Scriptures or New  
23 Testament and may use as the basic instructional material  
24 [~~textbook~~] a different translation of the Hebrew Scriptures or New  
25 Testament from that chosen by the board of trustees of the student's  
26 school district or the student's teacher.

27 SECTION 17. The heading to Chapter 31, Education Code, is

1 amended to read as follows:

2 CHAPTER 31. INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]

3 SECTION 18. Section 31.001, Education Code, is amended to  
4 read as follows:

5 Sec. 31.001. FREE INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~].  
6 Instructional materials [~~Textbooks~~] selected for use in the public  
7 schools shall be furnished without cost to the students attending  
8 those schools. Except as provided by Section 31.104(d), a school  
9 district may not charge a student for instructional material or  
10 technological equipment purchased by the district with the  
11 district's instructional materials allotment.

12 SECTION 19. Sections 31.002(1), (1-a), (2), and (4),  
13 Education Code, are amended to read as follows:

14 (1) "Instructional material" [~~"Electronic textbook"~~]  
15 means content that conveys the essential knowledge and skills of a  
16 subject in the public school curriculum through a medium or a  
17 combination of media for conveying information to a student. The  
18 term includes a book, supplementary materials, a combination of a  
19 book, workbook, and supplementary materials, computer software,  
20 [~~interactive videodisc,~~] magnetic media, DVD, CD-ROM, computer  
21 courseware, on-line services, or an electronic medium, or other  
22 means of conveying information to the student or otherwise  
23 contributing to the learning process through electronic means,  
24 including [~~an~~] open-source instructional material [~~textbook~~].

25 (1-a) "Open-source instructional material"  
26 [~~textbook~~] means [~~an~~] electronic instructional material  
27 [~~textbook~~] that is available for downloading from the Internet at

1 no charge to a student and without requiring the purchase of an  
2 unlock code, membership, or other access or use charge, except for a  
3 charge to order an optional printed copy of all or part of the  
4 instructional material [~~textbook~~]. The term includes [~~a~~]  
5 state-developed open-source instructional material [~~textbook~~]  
6 purchased under Subchapter B-1.

7 (2) "Publisher" includes an on-line service or a  
8 developer or distributor of [~~an~~] electronic instructional  
9 materials [~~textbook~~].

10 (4) "Technological equipment" means hardware, a  
11 device, or equipment necessary for:

12 (A) instructional use in the classroom,  
13 including to gain access to or enhance the use of [~~an~~] electronic  
14 instructional materials [~~textbook~~]; or

15 (B) professional use by a classroom teacher.

16 SECTION 20. Subchapter A, Chapter 31, Education Code, is  
17 amended by amending Sections 31.003 and 31.004 and adding Section  
18 31.005 to read as follows:

19 Sec. 31.003. RULES. The State Board of Education may adopt  
20 rules, consistent with this chapter, for the adoption, requisition,  
21 distribution, care, use, and disposal of instructional materials  
22 [~~textbooks~~].

23 Sec. 31.004. CERTIFICATION OF PROVISION OF [~~TEXTBOOKS,~~  
24 ~~ELECTRONIC TEXTBOOKS, AND~~] INSTRUCTIONAL MATERIALS. (a) Each  
25 school district and open-enrollment charter school shall annually  
26 certify to the State Board of Education and the commissioner that,  
27 for each subject in the required curriculum under Section 28.002,

1 other than physical education, and each grade level, the district  
2 provides each student with [~~textbooks, electronic textbooks, or~~]  
3 instructional materials that cover all elements of the essential  
4 knowledge and skills adopted by the State Board of Education for  
5 that subject and grade level.

6 (b) To determine whether each student has instructional  
7 materials that cover all elements of the essential knowledge and  
8 skills as required by Subsection (a), a school district or  
9 open-enrollment charter school may consider:

10 (1) instructional materials adopted by the State Board  
11 of Education;

12 (2) materials adopted or purchased by the commissioner  
13 under Section 31.0231 or Subchapter B-1;

14 (3) open-source instructional materials submitted by  
15 eligible institutions and adopted by the State Board of Education  
16 under Section 31.0241;

17 (4) open-source instructional materials made  
18 available by other public schools; and

19 (5) instructional materials developed or purchased by  
20 the school district or open-enrollment charter school.

21 Sec. 31.005. FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS.  
22 An open-enrollment charter school is entitled to the instructional  
23 materials allotment under this chapter and is subject to this  
24 chapter as if the school were a school district.

25 SECTION 21. The heading to Section 31.021, Education Code,  
26 is amended to read as follows:

27 Sec. 31.021. STATE INSTRUCTIONAL MATERIALS [~~TEXTBOOK~~]

1 FUND.

2 SECTION 22. Section 31.021, Education Code, is amended by  
3 amending Subsections (a) and (d) and adding Subsection (c) to read  
4 as follows:

5 (a) The state instructional materials [~~textbook~~] fund  
6 consists of:

7 (1) an amount set aside by the State Board of Education  
8 from the available school fund, in accordance with Section  
9 43.001(d); and

10 (2) [~~all funds accruing from the state's sale of~~  
11 ~~disused textbooks; and~~

12 [~~(3)~~] all amounts lawfully paid into the fund from any  
13 other source.

14 (c) Money in the state instructional materials fund shall be  
15 used to:

16 (1) fund the instructional materials allotment, as  
17 provided by Section 31.0211;

18 (2) purchase special instructional materials for the  
19 education of blind and visually impaired students in public  
20 schools;

21 (3) pay the expenses associated with the instructional  
22 materials adoption and review process under this chapter;

23 (4) pay the expenses associated with the purchase or  
24 licensing of open-source instructional material, to the extent  
25 authorized by the General Appropriations Act; and

26 (5) pay the expenses associated with the purchase of  
27 instructional material, including intrastate freight and shipping

1 and the insurance expenses associated with intrastate freight and  
2 shipping.

3 (d) Money transferred to the state instructional materials  
4 [~~textbook~~] fund remains in the fund until spent and does not lapse  
5 to the state at the end of the fiscal year.

6 SECTION 23. Subchapter B, Chapter 31, Education Code, is  
7 amended by adding Sections 31.0211, 31.0212, 31.0213, and 31.0214  
8 to read as follows:

9 Sec. 31.0211. INSTRUCTIONAL MATERIALS ALLOTMENT. (a) A  
10 school district is entitled to an annual allotment from the state  
11 instructional materials fund for each student enrolled in the  
12 district on a date during the preceding school year specified by the  
13 commissioner. The commissioner shall determine the amount of the  
14 allotment per student each year on the basis of the amount of money  
15 available in the state instructional materials fund to fund the  
16 allotment. An allotment under this section shall be transferred  
17 from the state instructional materials fund to the credit of the  
18 district's instructional materials account as provided by Section  
19 31.0212.

20 (b) A juvenile justice alternative education program under  
21 Section 37.011 is entitled to an allotment from the state  
22 instructional materials fund in an amount determined by the  
23 commissioner. The program shall use the allotment to purchase  
24 items listed in Subsection (c) for students enrolled in the  
25 program. The commissioner's determination under this subsection is  
26 final and may not be appealed.

27 (c) Subject to Subsection (d), funds allotted under this

1 section may be used to:

2 (1) purchase:

3 (A) materials on the list adopted by the  
4 commissioner, as provided by Section 31.0231;

5 (B) instructional materials, regardless of  
6 whether the instructional materials are on the list adopted under  
7 Section 31.024;

8 (C) consumable instructional materials,  
9 including workbooks;

10 (D) instructional materials for use in bilingual  
11 education classes, as provided by Section 31.029;

12 (E) supplemental instructional materials, as  
13 provided by Section 31.035;

14 (F) state-developed open-source instructional  
15 materials, as provided by Subchapter B-1;

16 (G) instructional materials and technological  
17 equipment under any continuing contracts of the district in effect  
18 on September 1, 2011; and

19 (H) technological equipment necessary to support  
20 the use of materials included on the list adopted by the  
21 commissioner under Section 31.0231 or any instructional materials  
22 purchased with an allotment under this section; and

23 (2) pay:

24 (A) for training educational personnel directly  
25 involved in student learning in the appropriate use of  
26 instructional materials and for providing for access to  
27 technological equipment for instructional use; and

1           (B) the salary and other expenses of an employee  
2 who provides technical support for the use of technological  
3 equipment.

4           (d) Each year a school district shall use the district's  
5 allotment under this section to purchase, in the following order:

6           (1) instructional materials necessary to permit the  
7 district to certify that the district has instructional materials  
8 that cover all elements of the essential knowledge and skills of the  
9 required curriculum, other than physical education, for each grade  
10 level as required by Section 28.002; and

11           (2) any other instructional materials or  
12 technological equipment as determined by the district.

13           (d-1) Notwithstanding Subsection (d), for the state fiscal  
14 biennium beginning September 1, 2011, a school district shall use  
15 an allotment received under this section to purchase instructional  
16 materials that will assist the district in satisfying performance  
17 standards under Section 39.0241, as added by Chapter 895 (H.B. 3),  
18 Acts of the 81st Legislature, Regular Session, 2009, on assessment  
19 instruments adopted under Sections 39.023(a) and (c).

20           (d-2) Subsection (d-1) and this subsection expire August  
21 31, 2013.

22           (e) Not later than May 31 of each school year, a school  
23 district may request that the commissioner adjust the number of  
24 students for which the district is entitled to receive an allotment  
25 under Subsection (a) on the grounds that the number of students  
26 attending school in the district will increase or decrease during  
27 the school year for which the allotment is provided. The



1 commissioner may also adjust the number of students for which a  
2 district is entitled to receive an allotment, without a request by  
3 the district, if the commissioner determines a different number of  
4 students is a more accurate reflection of students who will be  
5 attending school in the district. The commissioner's determination  
6 under this subsection is final.

7 (f) The commissioner may adopt rules as necessary to  
8 implement this section.

9 Sec. 31.0212. INSTRUCTIONAL MATERIALS ACCOUNT. (a) The  
10 commissioner shall maintain an instructional materials account for  
11 each school district. Each school year, the commissioner shall  
12 deposit in the account for each district the amount of the  
13 district's instructional materials allotment under Section  
14 31.0211.

15 (b) The commissioner shall pay the cost of instructional  
16 materials requisitioned by a school district under Section 31.103  
17 using funds from the district's instructional materials account.

18 (c) A school district may also use funds in the district's  
19 account to purchase electronic instructional materials or  
20 technological equipment. The district shall submit to the  
21 commissioner a request for funds for this purpose from the  
22 district's account. The commissioner shall adopt rules regarding  
23 the documentation a school district must submit to receive funds  
24 under this subsection.

25 (d) Money deposited in a school district's instructional  
26 materials account during each state fiscal biennium remains in the  
27 account and available for use by the district for the entire

1 biennium. At the end of each biennium, a district with unused money  
2 in the district's account may carry forward any remaining balance  
3 to the next biennium.

4 (e) The commissioner shall adopt rules as necessary to  
5 implement this section. The rules must include a requirement that a  
6 school district provide the title and publication information for  
7 any instructional materials requisitioned or purchased by the  
8 district with the district's instructional materials allotment.

9 Sec. 31.0213. CERTIFICATION OF USE OF INSTRUCTIONAL  
10 MATERIALS ALLOTMENT. Each school district shall annually certify  
11 to the commissioner that the district's instructional materials  
12 allotment has been used only for expenses allowed by Section  
13 31.0211.

14 Sec. 31.0214. ADJUSTMENT FOR HIGH ENROLLMENT GROWTH  
15 DISTRICTS. (a) Each year the commissioner shall adjust the  
16 instructional materials allotment of school districts experiencing  
17 high enrollment growth. The commissioner shall establish a  
18 procedure for determining high enrollment growth districts  
19 eligible to receive an adjustment under this section and the amount  
20 of the instructional materials allotment those districts will  
21 receive.

22 (b) The commissioner may adopt rules as necessary to  
23 implement this section.

24 SECTION 24. Section 31.022, Education Code, is amended to  
25 read as follows:

26 Sec. 31.022. INSTRUCTIONAL MATERIALS [~~TEXTBOOK~~] REVIEW AND  
27 ADOPTION. (a) The State Board of Education shall adopt a review

1 and adoption cycle for instructional materials [~~textbooks~~] for  
2 elementary grade levels, including prekindergarten, and secondary  
3 grade levels, for each subject in the required curriculum under  
4 Section 28.002. In adopting the cycle, the board:

5 (1) is not required to review and adopt instructional  
6 materials for all grade levels in a single year; and

7 (2) shall give priority to instructional materials in  
8 the following subjects:

9 (A) foundation curriculum subjects for which the  
10 essential knowledge and skills have been substantially revised and  
11 for which assessment instruments are required under Subchapter B,  
12 Chapter 39, including career and technology courses that satisfy  
13 foundation curriculum requirements as provided by Section  
14 28.002(n);

15 (B) foundation curriculum subjects for which the  
16 essential knowledge and skills have been substantially revised,  
17 including career and technology courses that satisfy foundation  
18 curriculum requirements as provided by Section 28.002(n);

19 (C) foundation curriculum subjects not described  
20 by Paragraph (A) or (B), including career and technology courses  
21 that satisfy foundation curriculum requirements as provided by  
22 Section 28.002(n); and

23 (D) enrichment curriculum subjects.

24 (b) The board shall organize the cycle for subjects in the  
25 foundation curriculum so that not more than one-fourth [~~one-sixth~~]  
26 of the instructional materials [~~textbooks~~] for subjects in the  
27 foundation curriculum are reviewed each biennium [~~year~~]. The board

1 shall adopt rules to provide for a full and complete investigation  
2 of instructional materials [~~textbooks~~] for each subject in the  
3 foundation curriculum [~~at least~~] every eight [~~six~~] years. The  
4 adoption of instructional materials [~~textbooks~~] for a subject in  
5 the foundation curriculum may be extended beyond the eight-year  
6 [~~six-year~~] period only if the content of instructional materials  
7 [~~textbooks~~] for a subject is sufficiently current.

8 (b-1) For purposes of the cycle described by Subsection (b),  
9 the State Board of Education is considered to have adopted  
10 instructional materials for English language arts, English as a  
11 second language, and prekindergarten, as included in Proclamation  
12 2011, for the biennium beginning September 1, 2011. This  
13 subsection expires September 1, 2013.

14 (c) The board shall adopt rules to provide for a full and  
15 complete investigation of instructional materials [~~textbooks~~] for  
16 each subject in the enrichment curriculum on a cycle the board  
17 considers appropriate.

18 (d) At least 12 [~~24~~] months before the beginning of the  
19 school year for which instructional materials [~~textbooks~~] for a  
20 particular subject and grade level will be adopted [~~purchased~~]  
21 under the review and adoption cycle [~~adopted by the board~~], the  
22 board shall publish notice of the review and adoption cycle for  
23 those instructional materials [~~textbooks~~]. A request for  
24 production must allow submission of open-source instructional  
25 materials that are available for use by the state without charge on  
26 the same basis as instructional materials offered for sale.

27 (d-1) A notice published under Subsection (d) must state

1 that a publisher of adopted instructional materials for a grade  
2 level other than prekindergarten must submit an electronic sample  
3 of the instructional materials as required by Sections 31.027(a)  
4 and (b) and may not submit a print sample copy.

5 (e) The board shall designate a request for production of  
6 instructional materials [~~textbooks~~] in a subject area and grade  
7 level by the school year in which the instructional materials  
8 [~~textbooks~~] are intended to be made available in classrooms and not  
9 by the school year in which the board makes the request for  
10 production.

11 (f) The board shall amend any request for production issued  
12 for the purchase of instructional materials [~~textbooks~~] to conform  
13 to the instructional materials [~~textbook~~] funding levels provided  
14 by the General Appropriations Act for the year of implementation.

15 SECTION 25. Section 31.0221, Education Code, is amended to  
16 read as follows:

17 Sec. 31.0221. MIDCYCLE REVIEW AND ADOPTION OF INSTRUCTIONAL  
18 MATERIALS [~~TEXTBOOKS~~]. (a) The State Board of Education shall  
19 adopt rules for the midcycle review and adoption of instructional  
20 material [~~a textbook~~] for a subject for which instructional  
21 materials [~~textbooks~~] are not currently under review by the board  
22 under Section 31.022. The rules must require:

23 (1) the publisher of the instructional material  
24 [~~textbook~~] to pay a fee to the board to cover the cost of the  
25 midcycle review and adoption of the instructional material  
26 [~~textbook~~];

27 (2) the publisher of the instructional material

1 ~~[textbook]~~ to enter into a contract with the board concerning the  
2 instructional material ~~[textbook]~~ for a term that ends at the same  
3 time as any contract entered into by the board for other  
4 instructional materials ~~[another textbook]~~ for the same subject and  
5 grade level; and

6 (3) a commitment from the publisher to provide the  
7 instructional material ~~[textbook]~~ to school districts in the manner  
8 specified by the publisher, which may include:

9 (A) providing the instructional material  
10 ~~[textbook]~~ to any district in a regional education service center  
11 area identified by the publisher; or

12 (B) providing a certain maximum number of  
13 instructional materials ~~[textbooks]~~ specified by the publisher.

14 (b) Sections 31.023 and 31.024 apply to instructional  
15 material ~~[a textbook]~~ adopted under this section. Section 31.027  
16 does not apply to instructional material ~~[a textbook]~~ adopted under  
17 this section.

18 SECTION 26. Section 31.023, Education Code, is amended to  
19 read as follows:

20 Sec. 31.023. INSTRUCTIONAL MATERIAL LIST ~~[TEXTBOOK LISTS]~~.

21 (a) For each subject and grade level, the State Board of Education  
22 shall adopt a list ~~[two lists]~~ of instructional materials  
23 ~~[textbooks]~~. The ~~[confirming]~~ list includes each instructional  
24 material ~~[textbook]~~ submitted for the subject and grade level that  
25 meets applicable physical specifications adopted by the State Board  
26 of Education and contains material covering at least half of the  
27 elements ~~[each element]~~ of the essential knowledge and skills of

1 the subject and grade level in the student version of the  
2 instructional material [~~textbook~~], as well as in the teacher  
3 version of the instructional material [~~textbook~~], as determined by  
4 the State Board of Education under Section 28.002 and adopted under  
5 Section 31.024[. ~~The nonconforming list includes each textbook~~  
6 ~~submitted for the subject and grade level that:~~

7           [~~(1) meets applicable physical specifications adopted~~  
8 ~~by the State Board of Education;~~

9           [~~(2) contains material covering at least half, but not~~  
10 ~~all, of the elements of the essential knowledge and skills of the~~  
11 ~~subject and grade level in the student version of the textbook, as~~  
12 ~~well as in the teacher version of the textbook; and~~

13           [~~(3) is adopted under Section 31.024].~~

14           (a-1) The State Board of Education shall determine the  
15 percentage of the elements of the essential knowledge and skills of  
16 the subject and grade level covered by each instructional material  
17 submitted. The board's determination under this subsection is  
18 final.

19           (b) Each instructional material [~~textbook~~] on the [~~a~~  
20 ~~conforming or nonconforming~~] list must be free from factual errors.

21           SECTION 27. Section 31.0231, Education Code, is amended to  
22 read as follows:

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

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

27 and

1           (2) science [~~instructional~~] material that conveys  
2 information to the student or otherwise contributes to the learning  
3 process, including tools, models, and investigative materials  
4 designed for use as part of the foundation curriculum for science in  
5 kindergarten through grade five.

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

10           (c) Before the commissioner places [~~an electronic textbook~~  
11 ~~or instructional~~] material on the list adopted under Subsection  
12 (a), the State Board of Education must be given an opportunity to  
13 comment on the [~~electronic textbook or instructional~~] material. If  
14 the commissioner places material on the list adopted under  
15 Subsection (a), the State Board of Education may, not later than the  
16 90th day after the date the material is placed on the list, require  
17 the commissioner to remove the material from the list. Material [~~An~~  
18 ~~electronic textbook or instructional material~~] placed on the list  
19 adopted under Subsection (a):

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

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

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



1 the commissioner.

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

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

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

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

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

16 (3) include appropriate training for teachers.

17 (e) The commissioner shall update, as necessary, the list  
18 adopted under Subsection (a). Before the commissioner places [~~an~~  
19 ~~electronic textbook or instructional~~] material on the updated list,  
20 the requirements of Subsection (c) must be met. [~~Before the~~  
21 ~~commissioner removes an electronic textbook or instructional~~  
22 ~~material from the updated list, the removal must be recommended by a~~  
23 ~~panel of recognized experts in the subject area of the electronic~~  
24 ~~textbook or instructional material and experts in education~~  
25 ~~technology.~~]

26 (f) After notice to the commissioner explaining in detail  
27 the changes, the provider of [~~an electronic textbook or~~

1 ~~instructional~~] material on the list adopted under Subsection (a)  
2 may update the navigational features or management system related  
3 to the [~~electronic textbook or instructional~~] material.

4 (g) After notice to the commissioner and a review by the  
5 commissioner, the provider of [~~an electronic textbook or~~  
6 ~~instructional~~] material on the list adopted under Subsection (a)  
7 may update the content of the [~~electronic textbook or~~  
8 ~~instructional~~] material if needed to accurately reflect current  
9 knowledge or information.

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

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

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

17 SECTION 28. Section 31.024, Education Code, is amended to  
18 read as follows:

19 Sec. 31.024. ADOPTION BY STATE BOARD OF EDUCATION. (a) By  
20 majority vote, the State Board of Education shall:

21 (1) place each submitted instructional material on the  
22 [~~textbook on a conforming or nonconforming~~] list adopted under  
23 Section 31.023; or

24 (2) reject instructional material [~~a textbook~~]  
25 submitted for placement on that [~~a conforming or nonconforming~~]  
26 list.

27 (b) Not later than December 1 of the year preceding the

1 school year for which the instructional materials [~~textbooks~~] for a  
2 particular subject and grade level will be purchased under the  
3 cycle adopted by the board under Section 31.022, the board shall  
4 provide the list [~~lists~~] of adopted instructional materials  
5 [~~textbooks~~] to each school district. [~~Each nonconforming list must~~  
6 ~~include the reasons an adopted textbook is not eligible for the~~  
7 ~~conforming list.~~]

8 SECTION 29. The heading to Section 31.0241, Education Code,  
9 is amended to read as follows:

10 Sec. 31.0241. ADOPTION OF OPEN-SOURCE INSTRUCTIONAL  
11 MATERIALS [~~TEXTBOOKS~~].

12 SECTION 30. Sections 31.0241(b) and (c), Education Code,  
13 are amended to read as follows:

14 (b) The State Board of Education shall place [~~an~~]  
15 open-source instructional material [~~textbook~~] for a  
16 secondary-level course submitted for adoption by an eligible  
17 institution on the [~~a conforming or nonconforming~~] list adopted  
18 under Section 31.023 if:

19 (1) the instructional material [~~textbook~~] is written,  
20 compiled, or edited primarily by faculty of the eligible  
21 institution who specialize in the subject area of the instructional  
22 material [~~textbook~~];

23 (2) the eligible institution identifies each  
24 contributing author;

25 (3) the appropriate department of the eligible  
26 institution certifies the instructional material [~~textbook~~] for  
27 accuracy; [~~and~~]

1           (4) the eligible institution determines that the  
2 instructional material [~~textbook~~] qualifies for placement on the  
3 [~~conforming or nonconforming~~] list based on the extent to which the  
4 instructional material [~~textbook~~] covers the essential knowledge  
5 and skills identified under Section 28.002 for the subject for  
6 which the instructional material [~~textbook~~] is written and  
7 certifies that:

8                   (A) for instructional material [~~a textbook~~] for a  
9 senior-level course, a student who successfully completes a course  
10 based on the instructional material [~~textbook~~] will be prepared,  
11 without remediation, for entry into the eligible institution's  
12 freshman-level course in that subject; or

13                   (B) for instructional material [~~a textbook~~] for a  
14 junior-level and senior-level course, a student who successfully  
15 completes the junior-level course based on the instructional  
16 material [~~textbook~~] will be prepared for entry into the  
17 senior-level course; and

18                   (5) by not later than the 90th day after the date the  
19 instructional material is submitted and before placement of the  
20 instructional material on the list, the board reviews and comments  
21 on the instructional material.

22           (c) This section does not prohibit an eligible institution  
23 from submitting instructional material [~~a textbook~~] for placement  
24 on the [~~a conforming or nonconforming~~] list adopted under Section  
25 31.023 through any other adoption process provided by this chapter.

26           SECTION 31. Section 31.026, Education Code, is amended to  
27 read as follows:

1           Sec. 31.026. CONTRACT; PRICE. (a) The State Board of  
2 Education shall execute a contract[+]

3                   [~~(1)~~] for the purchase [~~of each adopted textbook other~~  
4 ~~than an electronic textbook, and~~

5                   [~~(2) for the purchase~~] or licensing of each adopted  
6 instructional material [~~electronic textbook~~].

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

11           (c) As applicable, a contract must provide for the purchase  
12 or licensing of instructional material [~~a textbook~~] at a specific  
13 price, which may not exceed the lowest price paid by any other state  
14 or any school or school district. The price must be fixed for the  
15 term of the contract.

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

18           SECTION 32. Section 31.0261, Education Code, is amended to  
19 read as follows:

20           Sec. 31.0261. CONTRACTS FOR PRINTING OF OPEN-SOURCE  
21 INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]. The State Board of Education  
22 may execute a contract for the printing of [~~an~~] open-source  
23 instructional materials placed [~~textbook listed~~] on the  
24 [~~conforming or nonconforming~~] list adopted under Section 31.023.  
25 The contract must allow a school district to requisition printed  
26 copies of [~~an~~] open-source instructional materials [~~textbook~~] as  
27 provided by Section 31.103.

1 SECTION 33. Section 31.027, Education Code, is amended to  
2 read as follows:

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

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

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

16 SECTION 34. Section 31.028, Education Code, is amended to  
17 read as follows:

18 Sec. 31.028. SPECIAL INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~].

19 (a) The commissioner [~~State Board of Education~~] may purchase  
20 special instructional materials [~~textbooks~~] for the education of  
21 blind and visually impaired students in public schools. In  
22 addition, for a teacher who is blind or visually impaired, the  
23 commissioner [~~board~~] shall provide a teacher's edition in Braille  
24 or large type, as requested by the teacher, for each instructional  
25 material [~~textbook~~] the teacher uses in the instruction of  
26 students. The teacher edition must be available at the same time  
27 the student instructional materials [~~textbooks~~] become available.

1 (b) The publisher of [~~an~~] adopted instructional material  
2 [~~textbook~~] shall provide the agency with computerized  
3 instructional material [~~textbook~~] files for the production of  
4 Braille instructional materials [~~textbooks~~] or other versions of  
5 instructional materials [~~textbooks~~] to be used by students with  
6 disabilities, on request of the commissioner [~~State Board of~~  
7 ~~Education~~]. A publisher shall arrange computerized instructional  
8 material [~~textbook~~] files in one of several optional formats  
9 specified by the commissioner [~~State Board of Education~~].

10 (c) The commissioner [~~board~~] may also enter into agreements  
11 providing for the acceptance, requisition, and distribution of  
12 special instructional materials [~~textbooks~~] and instructional aids  
13 pursuant to 20 U.S.C. Section 101 et seq. for use by students  
14 enrolled in:

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

18 (d) In this section:

19 (1) "Blind or visually impaired student" includes any  
20 student whose visual acuity is impaired to the extent that the  
21 student is unable to read the text [~~print~~] in [~~a~~] regularly adopted  
22 instructional material [~~textbook~~] used in the student's class.

23 (2) "Special instructional material [~~textbook~~]" means  
24 instructional material [~~a textbook~~] in Braille, large type or any  
25 other medium or any apparatus that conveys information to a student  
26 or otherwise contributes to the learning process.

27 SECTION 35. Section 31.029, Education Code, is amended to

1 read as follows:

2           Sec. 31.029. BILINGUAL           INSTRUCTIONAL           MATERIALS  
3 ~~[TEXTBOOKS]~~. (a) A school district ~~[The board]~~ shall purchase with  
4 the district's instructional materials allotment or otherwise  
5 acquire instructional materials ~~[textbooks]~~ for use in bilingual  
6 education classes.

7           (b) The commissioner shall adopt rules regarding the  
8 purchase of instructional materials under this section.

9           SECTION 36. Section 31.030, Education Code, is amended to  
10 read as follows:

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

19           SECTION 37. The heading to Section 31.035, Education Code,  
20 is amended to read as follows:

21           Sec. 31.035. SUPPLEMENTAL           INSTRUCTIONAL           MATERIALS  
22 ~~[TEXTBOOKS]~~.

23           SECTION 38. Sections 31.035(a), (b), (c), (d), and (f),  
24 Education Code, are amended to read as follows:

25           (a) Notwithstanding any other provision of this subchapter,  
26 the State Board of Education may adopt supplemental instructional  
27 materials ~~[textbooks]~~ that are not on the ~~[conforming or~~



1 ~~nonconforming~~] list adopted under Section 31.023. The State Board  
2 of Education may adopt [~~a~~] supplemental instructional material  
3 [~~textbook~~] under this section only if the instructional material  
4 [~~textbook~~]:

5 (1) contains material covering one or more primary  
6 focal points or primary topics of a subject in the required  
7 curriculum under Section 28.002, as determined by the State Board  
8 of Education;

9 (2) is not designed to serve as the sole instructional  
10 material [~~textbook~~] for a full course;

11 (3) meets applicable physical specifications adopted  
12 by the State Board of Education; and

13 (4) is free from factual errors.

14 (b) The State Board of Education shall identify the  
15 essential knowledge and skills identified under Section 28.002 that  
16 are covered by [~~a~~] supplemental instructional material [~~textbook~~]  
17 adopted by the board under this section.

18 (c) Supplemental instructional material [~~A supplemental~~  
19 ~~textbook~~] is subject to the review and adoption cycle provisions,  
20 including the midcycle review and adoption cycle provisions, of  
21 this subchapter.

22 (d) A school district or open-enrollment charter school may  
23 requisition [~~a~~] supplemental instructional material [~~textbook~~]  
24 adopted under this section only if the district or school[~~+~~

25 [~~(1) uses textbook credits received under Section~~  
26 ~~31.1011 to purchase the supplemental textbook, or~~

27 [~~(2) instead of requisitioning a textbook on the~~

1 ~~conforming list under Section 31.023 for a course in the foundation~~  
 2 ~~curriculum under Section 28.002,~~] requisitions the supplemental  
 3 instructional material [~~textbook~~] along with other supplemental  
 4 instructional materials [~~textbooks~~] or instructional materials  
 5 [~~textbooks~~] on the [~~nonconforming~~] list adopted under Section  
 6 31.023 that in combination cover each element of the essential  
 7 knowledge and skills for the course for which the district or school  
 8 is requisitioning the supplemental instructional materials  
 9 [~~textbooks~~].

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

20 SECTION 39. The heading to Subchapter B-1, Chapter 31,  
 21 Education Code, is amended to read as follows:

22 SUBCHAPTER B-1. STATE-DEVELOPED OPEN-SOURCE INSTRUCTIONAL  
 23 MATERIALS [~~TEXTBOOKS~~]

24 SECTION 40. Section 31.071, Education Code, is amended to  
 25 read as follows:

26 Sec. 31.071. PURCHASE AUTHORITY. (a) The commissioner may  
 27 purchase state-developed open-source instructional materials

1 ~~[textbooks]~~ in accordance with this subchapter.

2 (b) The commissioner:

3 (1) shall purchase any state-developed open-source  
4 instructional materials ~~[textbooks]~~ through a competitive process;  
5 and

6 (2) may purchase more than one state-developed  
7 open-source instructional material ~~[textbook]~~ for a subject or  
8 grade level.

9 (c) State-developed ~~[A—state-developed]~~ open-source  
10 instructional material ~~[textbook]~~ must be irrevocably owned by or  
11 licensed to the state for use in the applicable subject or grade  
12 level. The state must have unlimited authority to modify, delete,  
13 combine, or add content to the instructional material ~~[textbook]~~  
14 after purchase.

15 (d) The commissioner may issue a request for proposals for  
16 ~~[a]~~ state-developed open-source instructional material ~~[textbook]~~:

17 (1) in accordance with the instructional material  
18 ~~[textbook]~~ review and adoption cycle under Section 31.022; or

19 (2) at any other time the commissioner determines that  
20 a need exists for additional instructional material ~~[textbook]~~  
21 options.

22 (e) The costs of administering this subchapter and  
23 purchasing state-developed open-source instructional materials  
24 ~~[textbooks]~~ shall be paid from the state instructional materials  
25 ~~[textbook]~~ fund, as determined by the commissioner and subject to  
26 Section 31.021.

27 SECTION 41. Sections 31.072(a) and (b), Education Code, are

1 amended to read as follows:

2 (a) State-developed [~~A state-developed~~] open-source  
3 instructional material [~~textbook~~] must:

4 (1) be evaluated by teachers or other experts, as  
5 determined by the commissioner, before purchase; and

6 (2) meet the requirements for inclusion on the  
7 instructional material [~~a conforming or nonconforming textbook~~]  
8 list adopted under Section 31.023.

9 (b) Following a curriculum revision by the State Board of  
10 Education, the commissioner shall require the revision of [~~a~~]  
11 state-developed open-source instructional material [~~textbook~~]  
12 relating to that curriculum. The commissioner may, at any time,  
13 require an additional revision of [~~a~~] state-developed open-source  
14 instructional material [~~textbook~~] or contract for ongoing  
15 revisions of state-developed open-source instructional material [~~a~~  
16 ~~textbook~~] for a period not to exceed the period under Section 31.022  
17 for which instructional material [~~a textbook~~] for that subject and  
18 grade level may be adopted. The commissioner shall use a  
19 competitive process to request proposals to revise [~~a~~]  
20 state-developed open-source instructional material [~~textbook~~]  
21 under this subsection.

22 SECTION 42. The heading to Section 31.073, Education Code,  
23 is amended to read as follows:

24 Sec. 31.073. SELECTION BY SCHOOL DISTRICT [~~COST~~].

25 SECTION 43. Sections 31.073(c) and (d), Education Code, are  
26 amended to read as follows:

27 (c) Notwithstanding Section 31.022, a school district or

1 open-enrollment charter school may adopt [~~a~~] state-developed  
2 open-source instructional material [~~textbook~~] at any time,  
3 regardless of the instructional material [~~textbook~~] review and  
4 adoption cycle under that section.

5 (d) A school district or open-enrollment charter school may  
6 not be charged for selection of [~~a~~] state-developed open-source  
7 instructional material [~~textbook~~] in addition to instructional  
8 material [~~a textbook~~] adopted under Subchapter B.

9 SECTION 44. Section 31.074, Education Code, is amended to  
10 read as follows:

11 Sec. 31.074. DISTRIBUTION. (a) The commissioner shall  
12 provide for the distribution of state-developed open-source  
13 instructional materials [~~textbooks~~] in a manner consistent with  
14 distribution of instructional materials [~~textbooks~~] adopted under  
15 Subchapter B.

16 (b) The commissioner may use a competitive process to  
17 contract for printing or other reproduction of [~~a~~] state-developed  
18 open-source instructional material [~~textbook~~] on behalf of a school  
19 district or open-enrollment charter school. The commissioner may  
20 not require a school district or open-enrollment charter school to  
21 contract with a state-approved provider for the printing or  
22 reproduction of [~~a~~] state-developed open-source instructional  
23 material [~~textbook~~].

24 SECTION 45. Section 31.075, Education Code, is amended to  
25 read as follows:

26 Sec. 31.075. OWNERSHIP; LICENSING. (a) State-developed [~~A~~  
27 ~~state-developed~~] open-source instructional material [~~textbook~~] is

1 the property of the state.

2 (b) The commissioner shall provide a license to each public  
3 school in the state, including a school district, an  
4 open-enrollment charter school, and a state or local agency  
5 educating students in any grade from prekindergarten through high  
6 school, to use and reproduce [~~a~~] state-developed open-source  
7 instructional material [~~textbook~~].

8 (c) The commissioner may provide a license to use [~~a~~]  
9 state-developed open-source instructional material [~~textbook~~] to  
10 an entity not listed in Subsection (b). In determining the cost of  
11 a license under this subsection, the commissioner shall seek, to  
12 the extent feasible, to recover the costs of developing, revising,  
13 and distributing state-developed open-source instructional  
14 materials [~~textbooks~~].

15 SECTION 46. Section 31.076(b), Education Code, is amended  
16 to read as follows:

17 (b) A decision by the commissioner regarding the purchase,  
18 revision, cost, or distribution of [~~a~~] state-developed open-source  
19 instructional material [~~textbook~~] is final and may not be appealed.

20 SECTION 47. Section 31.077, Education Code, is amended to  
21 read as follows:

22 Sec. 31.077. ADOPTION SCHEDULE. The commissioner shall  
23 develop a schedule for the adoption of state-developed open-source  
24 instructional materials [~~textbooks~~] under this subchapter. In  
25 developing the adoption schedule under this section, the  
26 commissioner shall consider:

27 (1) the availability of funds;

1           (2) the existing instructional material [~~textbook~~]  
2 adoption cycles under Subchapter B; and

3           (3) the availability of instructional materials  
4 [~~textbooks~~] for development or purchase by the state.

5           SECTION 48. The heading to Section 31.101, Education Code,  
6 is amended to read as follows:

7           Sec. 31.101. SELECTION AND PURCHASE OF INSTRUCTIONAL  
8 MATERIALS [~~TEXTBOOKS~~] BY SCHOOL DISTRICTS.

9           SECTION 49. Section 31.101, Education Code, is amended by  
10 amending Subsections (a), (d), and (e) and adding Subsection (f) to  
11 read as follows:

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

16           (1) for a subject in the foundation curriculum, notify  
17 the State Board of Education of the instructional materials  
18 [~~textbooks~~] selected by the board of trustees or governing body for  
19 the following school year from [~~among~~] the instructional materials  
20 [~~textbooks on the appropriate conforming or nonconforming~~] list,  
21 including the list adopted under Section 31.0231; or

22           (2) for a subject in the enrichment curriculum:

23           (A) notify the State Board of Education of each  
24 instructional material [~~textbook~~] selected by the board of trustees  
25 or governing body for the following school year from [~~among~~] the  
26 instructional materials [~~textbooks on the appropriate conforming~~  
27 ~~or nonconforming~~] list, including the list adopted under Section

1 31.0231; or

2 (B) notify the State Board of Education that the  
3 board of trustees or governing body has selected instructional  
4 material [~~a textbook~~] that is not on the [~~conforming or~~  
5 ~~nonconforming~~] list.

6 (d) For instructional material [~~a textbook~~] that is not on  
7 the [~~conforming or nonconforming~~] list, a school district or  
8 open-enrollment charter school must use the instructional material  
9 [~~textbook~~] for the period of the review and adoption cycle the State  
10 Board of Education has established for the subject and grade level  
11 for which the instructional material [~~textbook~~] is used.

12 (e) A school district or open-enrollment charter school  
13 that selects [~~a~~] subscription-based [~~electronic textbook or~~]  
14 instructional material on the [~~conforming~~] list adopted under  
15 Section 31.023 or electronic instructional material on the list  
16 adopted by the commissioner under Section 31.0231 may cancel the  
17 subscription and subscribe to [~~a~~] new [~~electronic textbook or~~]  
18 instructional material on the [~~conforming~~] list adopted under  
19 Section 31.023 or electronic instructional material on the list  
20 adopted by the commissioner under Section 31.0231 before the end of  
21 the state contract period under Section 31.026 if:

22 (1) the district or school has used the [~~electronic~~  
23 ~~textbook or~~] instructional material for at least one school year;  
24 and

25 (2) the agency approves the change based on a written  
26 request to the agency by the district or school that specifies the  
27 reasons for changing the [~~electronic textbook or~~] instructional



1 material used by the district or school.

2 (f) The commissioner shall maintain an online requisition  
3 system for school districts to requisition instructional materials  
4 to be purchased with the district's instructional materials  
5 allotment.

6 SECTION 50. Section 31.102, Education Code, is amended to  
7 read as follows:

8 Sec. 31.102. TITLE AND CUSTODY. (a) Each instructional  
9 material [~~textbook~~] purchased as provided by this chapter for a  
10 school district or an open-enrollment charter school is the  
11 property of the district or school [~~this state~~].

12 (b) Subsection (a) applies to [~~an~~] electronic instructional  
13 material [~~textbook~~] only to the extent of any applicable licensing  
14 agreement.

15 (c) The board of trustees of a school district or the  
16 governing body of an open-enrollment charter school [~~is the legal~~  
17 ~~custodian of textbooks purchased as provided by this chapter for~~  
18 ~~the district or school. The board of trustees~~] shall distribute  
19 printed instructional material [~~textbooks~~] to students in the  
20 manner that the board or governing body determines is most  
21 effective and economical.

22 SECTION 51. The heading to Section 31.103, Education Code,  
23 is amended to read as follows:

24 Sec. 31.103. INSTRUCTIONAL MATERIAL [~~TEXTBOOK~~]  
25 REQUISITIONS.

26 SECTION 52. Sections 31.103(b), (c), and (d), Education  
27 Code, are amended to read as follows:

1           (b) ~~[A requisition for textbooks for the following school~~  
2 ~~year shall be based on the maximum attendance reports under~~  
3 ~~Subsection (a), plus an additional 10 percent, except as otherwise~~  
4 ~~provided.]~~ A school district or open-enrollment charter school  
5 shall make a requisition for instructional material using the  
6 online requisition program maintained by ~~[a textbook on the~~  
7 ~~conforming or nonconforming list through]~~ the commissioner ~~[to the~~  
8 ~~state depository designated by the publisher or as provided by~~  
9 ~~State Board of Education rule, as applicable,]~~ not later than June 1  
10 of each year. The ~~[designated state depository or, if the publisher~~  
11 ~~or manufacturer does not have a designated textbook depository in~~  
12 ~~this state under Section 31.151(a)(6)(B), the]~~ publisher or  
13 manufacturer shall fill a requisition approved by the agency ~~[at~~  
14 ~~any other time in the case of an emergency]~~. ~~[As made necessary by~~  
15 ~~available funds, the commissioner shall reduce the additional~~  
16 ~~percentage of attendance for which a district or school may~~  
17 ~~requisition textbooks. The commissioner may, on application of a~~  
18 ~~district or school that is experiencing high enrollment growth,~~  
19 ~~increase the additional percentage of attendance for which the~~  
20 ~~district or school may requisition textbooks.]~~

21           (c) In making a requisition under this section, a school  
22 district or open-enrollment charter school may requisition  
23 instructional materials ~~[textbooks]~~ on the ~~[conforming or~~  
24 ~~nonconforming]~~ list adopted under Section 31.023 for grades above  
25 the grade level in which a student is enrolled~~[, except that the~~  
26 ~~total quantity of textbooks requisitioned under this section may~~  
27 ~~not exceed the limit prescribed by Subsection (b)]~~.

1 (d) A school district or open-enrollment charter school  
2 that selects [~~an~~] open-source instructional material [~~textbook~~]  
3 shall requisition a sufficient number of printed copies for use by  
4 students unable to access the instructional material [~~textbook~~]  
5 electronically unless the district or school provides to each  
6 student:

7 (1) electronic access to the instructional material  
8 [~~textbook~~] at no cost to the student; or

9 (2) printed copies of the portion of the instructional  
10 material [~~textbook~~] that will be used in the course.

11 SECTION 53. Section 31.104, Education Code, is amended to  
12 read as follows:

13 Sec. 31.104. DISTRIBUTION AND HANDLING. (a) The board of  
14 trustees of a school district or the governing body of an  
15 open-enrollment charter school may delegate to an employee the  
16 authority to requisition, distribute, and manage the inventory of  
17 instructional materials [~~textbooks~~] in a manner consistent with  
18 this chapter and rules adopted under this chapter.

19 (b) A school district or open-enrollment charter school may  
20 order replacements for instructional materials [~~textbooks~~] that  
21 have been lost or damaged directly from[+]

22 [~~(1) the textbook depository,~~

23 [~~(2)~~] the [~~textbook~~] publisher of the instructional  
24 materials or [~~manufacturer if the textbook publisher or~~  
25 ~~manufacturer does not have a designated textbook depository in this~~  
26 ~~state under Section 31.151(a)(6)(B); or~~

27 [~~(3)~~] any source for a printed copy of [~~an~~]

1 open-source instructional material [~~textbook~~].

2 (c) [~~Each textbook must state that the textbook is the~~  
3 ~~property of or is licensed to this state, as appropriate. Each~~  
4 ~~textbook, other than an electronic textbook or a printed copy of an~~  
5 ~~open-source textbook, must be covered by the student under the~~  
6 ~~direction of the teacher.~~] Except as provided by Subsection (g), a  
7 student must return all instructional materials [~~textbooks~~] to the  
8 teacher at the end of the school year or when the student withdraws  
9 from school.

10 (d) Each student, or the student's parent or guardian, is  
11 responsible for all instructional materials [~~each textbook,~~  
12 ~~including an electronic textbook,~~] and [~~all~~] technological  
13 equipment not returned in an acceptable condition by the student. A  
14 student who fails to return in an acceptable condition all  
15 instructional materials [~~textbooks, including electronic~~  
16 ~~textbooks,~~] and technological equipment forfeits the right to free  
17 instructional materials [~~textbooks, including electronic~~  
18 ~~textbooks,~~] and technological equipment until all instructional  
19 materials [~~each textbook, including an electronic textbook,~~] and  
20 [~~all~~] technological equipment previously issued but not returned in  
21 an acceptable condition are [~~is~~] paid for by the student, parent, or  
22 guardian. As provided by policy of the board of trustees or  
23 governing body, a school district or open-enrollment charter school  
24 may waive or reduce the payment requirement if the student is from a  
25 low-income family. The district or school shall allow the student  
26 to use instructional materials [~~textbooks, including electronic~~  
27 ~~textbooks,~~] and technological equipment at school during each

1 school day. If instructional materials [~~a textbook, including an~~  
2 ~~electronic textbook,~~] or technological equipment is not returned in  
3 an acceptable condition or paid for, the district or school may  
4 withhold the student's records. A district or school may not,  
5 under this subsection, prevent a student from graduating,  
6 participating in a graduation ceremony, or receiving a diploma.  
7 The commissioner by rule shall adopt criteria for determining  
8 whether instructional materials [~~a textbook, including an~~  
9 ~~electronic textbook,~~] and technological equipment are returned in  
10 an acceptable condition.

11 (e) The board of trustees of a school district may not  
12 require an employee of the district who acts in good faith to pay  
13 for instructional materials [~~a textbook, electronic textbook,~~] or  
14 technological equipment that is damaged, stolen, misplaced, or not  
15 returned. A school district employee may not waive this provision  
16 by contract or any other means, except that a district may enter  
17 into a written agreement with a school employee whereby the  
18 employee assumes financial responsibility for electronic  
19 instructional material [~~textbook~~] or technological equipment usage  
20 off school property or outside of a school-sponsored event in  
21 consideration for the ability of the school employee to use the  
22 electronic instructional material [~~textbook~~] or technological  
23 equipment for personal business. Such a written agreement shall be  
24 separate from the employee's contract of employment, if applicable,  
25 and shall clearly inform the employee of the amount of the financial  
26 responsibility and advise the employee to consider obtaining  
27 appropriate insurance. An employee may not be required to agree to

1 such an agreement as a condition of employment.

2 (g) At the end of the school year for which [~~an~~] open-source  
3 instructional material [~~textbook~~] that a school district or  
4 open-enrollment charter school does not intend to use for another  
5 student is distributed, the printed copy of the open-source  
6 instructional material [~~textbook~~] becomes the property of the  
7 student to whom it is distributed.

8 (h) This section does not apply to an electronic copy of  
9 [~~an~~] open-source instructional material [~~textbook~~].

10 SECTION 54. Section 31.105, Education Code, is amended to  
11 read as follows:

12 Sec. 31.105. SALE OR DISPOSAL OF INSTRUCTIONAL MATERIALS  
13 AND TECHNOLOGICAL EQUIPMENT [~~TEXTBOOKS~~]. (a) The board of  
14 trustees of a school district or governing body of an  
15 open-enrollment charter school may sell printed instructional  
16 materials on the date the instructional material is discontinued  
17 for use in the public schools by the State Board of Education or the  
18 commissioner. The board of trustees or governing body may also sell  
19 electronic instructional materials and technological equipment  
20 owned by the district or school. Any funds received by a district  
21 or school from a sale authorized by this subsection must be used to  
22 purchase instructional materials and technological equipment  
23 allowed under Section 31.0211 [~~textbooks, other than electronic~~  
24 ~~textbooks, to a student or another school at the state contract~~  
25 ~~price. The district shall send money from the sale of textbooks to~~  
26 ~~the commissioner as required by the commissioner. The commissioner~~  
27 ~~shall deposit the money in the state textbook fund~~].

1        (b) The board of trustees of a school district or governing  
2 body of an open-enrollment charter school shall determine how the  
3 district or school will dispose of discontinued printed  
4 instructional materials, electronic instructional materials, and  
5 technological equipment.

6        (c) The board of trustees of a school district or governing  
7 body of an open-enrollment charter school may dispose of printed  
8 instructional material before the date the instructional material  
9 is discontinued for use in the public schools by the State Board of  
10 Education if the board of trustees or governing body determines  
11 that the instructional material is not needed by the district or  
12 school and the board of trustees or governing body does not  
13 reasonably expect that the instructional material will be needed.  
14 A district or school must notify the commissioner of any  
15 instructional material the district or school disposes of under  
16 this subsection.

17        SECTION 55. Section 31.106, Education Code, is amended to  
18 read as follows:

19        Sec. 31.106. USE OF LOCAL FUNDS. In addition to any  
20 instructional material [~~textbook~~] selected under this chapter, a  
21 school district or open-enrollment charter school may use local  
22 funds to purchase any instructional materials [~~textbooks~~].

23        SECTION 56. Section 31.151, Education Code, is amended by  
24 amending Subsections (a) and (d) and adding Subsection (e) to read  
25 as follows:

26        (a) A publisher or manufacturer of instructional materials  
27 [~~textbooks~~]:

1           (1) shall furnish any instructional material  
2 [~~textbook~~] the publisher or manufacturer offers in this state[7] at  
3 a price that does not exceed the lowest price at which the publisher  
4 offers that instructional material [~~textbook~~] for adoption or sale  
5 to any state, public school, or school district in the United  
6 States;

7           (2) shall automatically reduce the price of  
8 instructional material [~~a textbook~~] sold for use in a school  
9 district or open-enrollment charter school to the extent that the  
10 price is reduced elsewhere in the United States;

11           (3) shall provide any instructional material  
12 [~~textbook~~] or ancillary item free of charge in this state to the  
13 same extent that the publisher or manufacturer provides the  
14 instructional material [~~textbook~~] or ancillary item free of charge  
15 to any state, public school, or school district in the United  
16 States;

17           (4) shall guarantee that each copy of instructional  
18 material [~~a textbook~~] sold in this state is at least equal in  
19 quality to copies of that instructional material [~~textbook~~] sold  
20 elsewhere in the United States and is free from factual error;

21           (5) may not become associated or connected with,  
22 directly or indirectly, any combination in restraint of trade in  
23 instructional materials [~~textbooks~~] or enter into any  
24 understanding or combination to control prices or restrict  
25 competition in the sale of instructional materials [~~textbooks~~] for  
26 use in this state;

27           (6) shall[+]



1                   ~~[(A) maintain a depository in this state or~~  
2 ~~arrange with a depository in this state to receive and fill orders~~  
3 ~~for textbooks, other than open-source textbooks, on-line~~  
4 ~~textbooks, or on-line textbook components, consistent with State~~  
5 ~~Board of Education rules; or~~

6                   ~~[(B)]~~ deliver instructional materials  
7 ~~[textbooks]~~ to a school district or open-enrollment charter school  
8 ~~[without a delivery charge to the school district, open-enrollment~~  
9 ~~charter school, or state, if:~~

10                   ~~[(i) the publisher or manufacturer does not~~  
11 ~~maintain or arrange with a depository in this state under Paragraph~~  
12 ~~(A) and the publisher's or manufacturer's textbooks and related~~  
13 ~~products are warehoused or otherwise stored less than 300 miles~~  
14 ~~from a border of this state; or~~

15                   ~~[(ii) the textbooks are open-source~~  
16 ~~textbooks, on-line textbooks, or on-line textbook components];~~

17                   (7) shall, at the time an order for instructional  
18 materials ~~[textbooks]~~ is acknowledged, provide to school districts  
19 or open-enrollment charter schools an accurate shipping date for  
20 instructional materials ~~[textbooks]~~ that are back-ordered;

21                   (8) shall guarantee delivery of instructional  
22 materials ~~[textbooks]~~ at least 10 business days before the opening  
23 day of school of the year for which the instructional materials  
24 ~~[textbooks]~~ are ordered if the instructional materials ~~[textbooks]~~  
25 are ordered by a date specified in the sales contract; and

26                   (9) shall submit to the State Board of Education an  
27 affidavit certifying any instructional material ~~[textbook]~~ the

1 publisher or manufacturer offers in this state to be free of factual  
2 errors at the time the publisher executes the contract required by  
3 Section 31.026.

4 (d) A penalty collected under this section shall be  
5 deposited to the credit of the state instructional materials  
6 ~~[textbook]~~ fund.

7 (e) An eligible institution, as defined by Section  
8 31.0241(a), that offers open-source instructional materials under  
9 Section 31.0241 is not a publisher or manufacturer for purposes of  
10 this section.

11 SECTION 57. The heading to Section 31.152, Education Code,  
12 is amended to read as follows:

13 Sec. 31.152. ACCEPTING REBATE ON ~~[TEXTBOOKS, ELECTRONIC~~  
14 ~~TEXTBOOKS,]~~ INSTRUCTIONAL MATERIALS~~[,]~~ OR TECHNOLOGICAL EQUIPMENT.

15 SECTION 58. Sections 31.152(a), (b), and (d), Education  
16 Code, are amended to read as follows:

17 (a) A school trustee, administrator, or teacher commits an  
18 offense if that person receives any commission or rebate on any  
19 ~~[textbooks, electronic textbooks,]~~ instructional materials~~[,]~~ or  
20 technological equipment used in the schools with which the person  
21 is associated as a trustee, administrator, or teacher.

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

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

25 (2) might reasonably tend to influence a trustee,  
26 administrator, or teacher in the selection of ~~[a textbook,~~  
27 ~~electronic textbook,]~~ instructional material~~[,]~~ or technological

1 equipment; and

2 (3) could not be lawfully purchased with state  
3 instructional materials funds [~~from the state textbook fund~~].

4 (d) In this section, "gift, favor, or service" does not  
5 include:

6 (1) staff development, in-service, or teacher  
7 training; or

8 (2) ancillary [~~instructional~~] materials, such as maps  
9 or worksheets, that convey information to the student or otherwise  
10 contribute to the learning process.

11 SECTION 59. The heading to Section 31.153, Education Code,  
12 is amended to read as follows:

13 Sec. 31.153. VIOLATION OF FREE INSTRUCTIONAL MATERIALS  
14 [~~TEXTBOOK~~] LAW.

15 SECTION 60. Section 31.153(a), Education Code, is amended  
16 to read as follows:

17 (a) A person commits an offense if the person knowingly  
18 violates any law providing for the purchase or distribution of free  
19 instructional materials [~~textbooks~~] for the public schools.

20 SECTION 61. Section 39.303(b), Education Code, is amended  
21 to read as follows:

22 (b) For a student who failed to perform satisfactorily as  
23 determined under either performance standard under Section 39.0241  
24 on an assessment instrument administered under Section 39.023(a),  
25 (c), or (l), the school district shall include in the notice  
26 specific information relating to access to [~~online~~] educational  
27 resources at the appropriate assessment instrument content level,

1 including [~~educational resources described by Section 32.252(b)(2)~~  
2 ~~and~~] assessment instrument questions and answers released under  
3 Section 39.023(e).

4 SECTION 62. Section 41.124(c), Education Code, is amended  
5 to read as follows:

6 (c) A school district that receives tuition for a student  
7 from a school district with a wealth per student that exceeds the  
8 equalized wealth level may not claim attendance for that student  
9 for purposes of Chapters 42 and 46 and the instructional materials  
10 [~~technology~~] allotment under Section 31.0211 [~~31.021(b)(2)~~].

11 SECTION 63. Section 43.001(b), Education Code, as amended  
12 by Chapters 201 (H.B. 3459) and 328 (S.B. 206), Acts of the 78th  
13 Legislature, Regular Session, 2003, is reenacted to read as  
14 follows:

15 (b) The available school fund, which shall be apportioned  
16 annually to each county according to its scholastic population,  
17 consists of:

18 (1) the distributions to the fund from the permanent  
19 school fund as provided by Section 5(a), Article VII, Texas  
20 Constitution;

21 (2) one-fourth of all revenue derived from all state  
22 occupation taxes, exclusive of delinquencies and cost of  
23 collection;

24 (3) one-fourth of revenue derived from state gasoline  
25 and special fuels excise taxes as provided by law; and

26 (4) all other appropriations to the available school  
27 fund made by the legislature for public school purposes.

1 SECTION 64. Section 43.001, Education Code, is amended by  
2 adding Subsections (d) through (g) to read as follows:

3 (d) Each year the State Board of Education shall set aside  
4 an amount equal to 50 percent of the annual distribution for that  
5 year from the permanent school fund to the available school fund as  
6 provided by Section 5(a), Article VII, Texas Constitution, to be  
7 placed, subject to the General Appropriations Act, in the state  
8 instructional materials fund established under Section 31.021.

9 (e) Subsection (d) applies beginning with the state fiscal  
10 biennium beginning September 1, 2013. For the state fiscal  
11 biennium beginning September 1, 2011, each year the State Board of  
12 Education shall set aside an amount equal to 40 percent of the  
13 annual distribution for that year from the permanent school fund to  
14 the available school fund as provided by Section 5(a), Article VII,  
15 Texas Constitution, to be placed, subject to the General  
16 Appropriations Act, in the state instructional materials fund  
17 established under Section 31.021.

18 (f) In calculating the amounts to be set aside as provided  
19 by Subsection (e) for the state fiscal biennium beginning September  
20 1, 2011, the State Board of Education shall consider only the  
21 amounts of the annual distribution of the permanent school fund for  
22 that biennium. The board shall not consider amounts distributed  
23 for the state fiscal biennium beginning September 1, 2009,  
24 regardless of the date on which those amounts were approved for  
25 distribution.

26 (g) Subsections (e) and (f) and this subsection expire  
27 September 1, 2013.

1           SECTION 65. The following provisions of the Education Code  
2 are repealed:

- 3           (1) Section 31.002(3);
- 4           (2) Sections 31.021(b), (e), and (f);
- 5           (3) Section 31.0222;
- 6           (4) Section 31.025;
- 7           (5) Sections 31.035(e) and (g);
- 8           (6) Section 31.072(c);
- 9           (7) Sections 31.073(a) and (b);
- 10          (8) Sections 31.101(b), (b-1), (c), and (c-1);
- 11          (9) Section 31.1011;
- 12          (10) Sections 31.103(a) and (e);
- 13          (11) Section 31.1031;
- 14          (12) Subchapter E, Chapter 31;
- 15          (13) Section 32.005;
- 16          (14) Sections 32.251 through 32.257; and
- 17          (15) Sections 32.259 through 32.263.

18          SECTION 66. Sections 2175.128(a-1) and (b-1), Government  
19 Code, are repealed.

20          SECTION 67. The change in law made by this Act to Section  
21 7.108, Education Code, applies only to an offense committed on or  
22 after the effective date of this Act. An offense committed before  
23 the effective date of this Act is governed by the law in effect when  
24 the offense was committed, and the former law is continued in effect  
25 for that purpose. For purposes of this section, an offense was  
26 committed before the effective date of this Act if any element of  
27 the offense occurred before that date.

1           SECTION 68. This Act takes effect immediately if it  
2 receives a vote of two-thirds of all the members elected to each  
3 house, as provided by Section 39, Article III, Texas Constitution.  
4 If this Act does not receive the vote necessary for immediate  
5 effect, this Act takes effect on the 91st day after the last day of  
6 the legislative session.