

1-1 By: Eissler, et al. (Senate Sponsor - Shapiro) H.B. No. 6
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 26, 2011, read first time and referred to Committee on
1-4 Education; May 6, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 6, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 6 By: Shapiro

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the foundation curriculum, the establishment of the
1-11 instructional materials allotment, and the adoption, review, and
1-12 purchase of instructional materials and technological equipment
1-13 for public schools.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subdivision (28), Subsection (b), Section 7.055,
1-16 Education Code, is amended to read as follows:

1-17 (28) The commissioner shall perform duties relating to
1-18 the funding, adoption, and purchase of instructional materials
1-19 [~~textbooks~~] under Chapter 31.

1-20 SECTION 2. Subsection (f), Section 7.056, Education Code,
1-21 is amended to read as follows:

1-22 (f) A school district or campus that is required to develop
1-23 and implement a student achievement improvement plan under Section
1-24 39.102 or 39.103 may receive an exemption or waiver under this
1-25 section from any law or rule other than:

1-26 (1) a prohibition on conduct that constitutes a
1-27 criminal offense;

1-28 (2) a requirement imposed by federal law or rule;

1-29 (3) a requirement, restriction, or prohibition
1-30 imposed by state law or rule relating to:

1-31 (A) public school accountability as provided by
1-32 Subchapters B, C, D, E, and J, Chapter 39; or

1-33 (B) educator rights and benefits under
1-34 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
1-35 A, Chapter 22; or

1-36 (4) [~~textbook~~] selection of instructional materials
1-37 under Chapter 31.

1-38 SECTION 3. Subdivision (23), Subsection (c), Section 7.102,
1-39 Education Code, is amended to read as follows:

1-40 (23) The board shall adopt and purchase or license
1-41 instructional materials [~~textbooks~~] as provided by Chapter 31 and
1-42 adopt rules required by that chapter.

1-43 SECTION 4. Subsections (a) and (c), Section 7.108,
1-44 Education Code, are amended to read as follows:

1-45 (a) A person interested in selling bonds of any type or a
1-46 person engaged in manufacturing, shipping, selling, or advertising
1-47 instructional materials [~~textbooks~~] or otherwise connected with
1-48 the instructional material [~~textbook~~] business commits an offense
1-49 if the person makes or authorizes a political contribution to or
1-50 takes part in, directly or indirectly, the campaign of any person
1-51 seeking election to or serving on the board.

1-52 (c) In this section:

1-53 (1) "Instructional material" has the meaning assigned
1-54 by Section 31.002.

1-55 (2) "Political contribution" has the meaning assigned
1-56 by Section 251.001, Election Code.

1-57 [~~(2) "Textbook" has the meaning assigned by Section~~
1-58 ~~31.002.]~~

1-59 SECTION 5. The heading to Section 7.112, Education Code, is
1-60 amended to read as follows:

1-61 Sec. 7.112. REPRESENTATION OF [~~TEXTBOOK~~] PUBLISHER OF
1-62 INSTRUCTIONAL MATERIALS BY FORMER MEMBER OF BOARD.

1-63 SECTION 6. Subsection (a), Section 7.112, Education Code,

2-1 is amended to read as follows:

2-2 (a) A former member of the State Board of Education who is
 2-3 employed by or otherwise receives compensation from a [~~textbook~~]
 2-4 publisher of instructional materials may not, before the second
 2-5 anniversary of the date on which the person last served as a member
 2-6 of the State Board of Education:

2-7 (1) confer with a member of the board of trustees of a
 2-8 school district concerning instructional materials [~~a textbook~~]
 2-9 published by that [~~textbook~~] publisher; or

2-10 (2) appear at a meeting of the board of trustees on
 2-11 behalf of the [~~textbook~~] publisher.

2-12 SECTION 7. Subdivision (2), Subsection (c), Section 7.112,
 2-13 Education Code, is amended to read as follows:

2-14 (2) "Instructional material" and "publisher"
 2-15 [~~"Publisher" and "textbook"~~] have the meanings assigned by Section
 2-16 31.002.

2-17 SECTION 8. Subsection (b), Section 11.158, Education Code,
 2-18 is amended to read as follows:

2-19 (b) The board may not charge fees for:

2-20 (1) instructional materials [~~textbooks~~], workbooks,
 2-21 laboratory supplies, or other supplies necessary for participation
 2-22 in any instructional course except as authorized under this code;

2-23 (2) field trips required as a part of a basic education
 2-24 program or course;

2-25 (3) any specific form of dress necessary for any
 2-26 required educational program or diplomas;

2-27 (4) the payment of instructional costs for necessary
 2-28 school personnel employed in any course or educational program
 2-29 required for graduation;

2-30 (5) library materials [~~books~~] required to be used for
 2-31 any educational course or program, other than fines for lost,
 2-32 damaged, or overdue materials [~~books~~];

2-33 (6) admission to any activity the student is required
 2-34 to attend as a prerequisite to graduation;

2-35 (7) admission to or examination in any required
 2-36 educational course or program; or

2-37 (8) lockers.

2-38 SECTION 9. Subsection (a), Section 11.164, Education Code,
 2-39 is amended to read as follows:

2-40 (a) The board of trustees of each school district shall
 2-41 limit redundant requests for information and the number and length
 2-42 of written reports that a classroom teacher is required to prepare.
 2-43 A classroom teacher may not be required to prepare any written
 2-44 information other than:

2-45 (1) any report concerning the health, safety, or
 2-46 welfare of a student;

2-47 (2) a report of a student's grade on an assignment or
 2-48 examination;

2-49 (3) a report of a student's academic progress in a
 2-50 class or course;

2-51 (4) a report of a student's grades at the end of each
 2-52 grade reporting period;

2-53 (5) a [~~textbook~~] report on instructional materials;

2-54 (6) a unit or weekly lesson plan that outlines, in a
 2-55 brief and general manner, the information to be presented during
 2-56 each period at the secondary level or in each subject or topic at
 2-57 the elementary level;

2-58 (7) an attendance report;

2-59 (8) any report required for accreditation review;

2-60 (9) any information required by a school district that
 2-61 relates to a complaint, grievance, or actual or potential
 2-62 litigation and that requires the classroom teacher's involvement;
 2-63 or

2-64 (10) any information specifically required by law,
 2-65 rule, or regulation.

2-66 SECTION 10. Subsection (e), Section 19.007, Education Code,
 2-67 is amended to read as follows:

2-68 (e) The district may participate in the instructional
 2-69 materials [~~textbook~~] program under Chapter 31.

3-1 SECTION 11. Subsections (a) and (c), Section 26.006,
3-2 Education Code, are amended to read as follows:

3-3 (a) A parent is entitled to:

3-4 (1) review all teaching materials, instructional
3-5 materials [~~textbooks~~], and other teaching aids used in the
3-6 classroom of the parent's child; and

3-7 (2) review each test administered to the parent's
3-8 child after the test is administered.

3-9 (c) A student's parent is entitled to request that the
3-10 school district or open-enrollment charter school the student
3-11 attends allow the student to take home any instructional materials
3-12 [~~textbook~~] used by the student. Subject to the availability of the
3-13 instructional materials [~~a textbook~~], the district or school shall
3-14 honor the request. A student who takes home instructional
3-15 materials [~~a textbook~~] must return the instructional materials
3-16 [~~textbook~~] to school at the beginning of the next school day if
3-17 requested to do so by the student's teacher. In this subsection,
3-18 "instructional material" [~~"textbook"~~] has the meaning assigned by
3-19 Section 31.002.

3-20 SECTION 12. Subsections (a), (c), (h), and (n), Section
3-21 28.002, Education Code, are amended to read as follows:

3-22 (a) Each school district that offers kindergarten through
3-23 grade 12 shall offer, as a required curriculum:

3-24 (1) a foundation curriculum that includes:

3-25 (A) English language arts;

3-26 (B) mathematics;

3-27 (C) science; and

3-28 (D) social studies, consisting of Texas, United
3-29 States, and world history, government, economics, with emphasis on
3-30 the free enterprise system and its benefits, and geography; and

3-31 (2) an enrichment curriculum that includes:

3-32 (A) to the extent possible, languages other than
3-33 English;

3-34 (B) health, with emphasis on the importance of
3-35 proper nutrition and exercise;

3-36 (C) physical education;

3-37 (D) fine arts;

3-38 (E) [~~economics, with emphasis on the free~~
3-39 ~~enterprise system and its benefits~~;

3-40 [~~(F)~~] career and technology education;

3-41 (F) [~~(G)~~] technology applications; and

3-42 (G) [~~(H)~~] religious literature, including the
3-43 Hebrew Scriptures (Old Testament) and New Testament, and its impact
3-44 on history and literature.

3-45 (c) The State Board of Education, with the direct
3-46 participation of educators, parents, business and industry
3-47 representatives, and employers shall by rule identify the essential
3-48 knowledge and skills of each subject of the required curriculum
3-49 that all students should be able to demonstrate and that will be
3-50 used in evaluating instructional materials [~~textbooks~~] under
3-51 Chapter 31 and addressed on the assessment instruments required
3-52 under Subchapter B, Chapter 39. As a condition of accreditation,
3-53 the board shall require each district to provide instruction in the
3-54 essential knowledge and skills at appropriate grade levels.

3-55 (h) The State Board of Education and each school district
3-56 shall foster the continuation of the tradition of teaching United
3-57 States and Texas history and the free enterprise system in regular
3-58 subject matter and in reading courses and in the adoption of
3-59 instructional materials [~~textbooks~~]. A primary purpose of the
3-60 public school curriculum is to prepare thoughtful, active citizens
3-61 who understand the importance of patriotism and can function
3-62 productively in a free enterprise society with appreciation for the
3-63 basic democratic values of our state and national heritage.

3-64 (n) The State Board of Education may by rule develop and
3-65 implement a plan designed to incorporate foundation curriculum
3-66 requirements into the career and technology education curriculum
3-67 under Subsection (a)(2)(E) [~~(a)(2)(F)~~].

3-68 SECTION 13. Subsections (a) and (d), Section 28.0022,
3-69 Education Code, are amended to read as follows:

4-1 (a) Not later than November 1, 2007, the agency shall
4-2 establish a panel under this section to:

4-3 (1) review and recommend revisions to the career and
4-4 technical education curriculum under Section 28.002(a)(2)(E)
4-5 [~~28.002(a)(2)(F)~~]; and

4-6 (2) review and recommend revisions for the program in
4-7 which high schools and articulated postsecondary institutions
4-8 allow high school students to take advanced technical credit
4-9 courses.

4-10 (d) Not later than November 1, 2008, the panel shall:

4-11 (1) complete the review as required by this section
4-12 of:

4-13 (A) the career and technical education
4-14 curriculum; and

4-15 (B) the program under which high schools and
4-16 articulated postsecondary institutions allow high school students
4-17 to take advanced technical credit courses; and

4-18 (2) make recommendations to the State Board of
4-19 Education as necessary to:

4-20 (A) increase the academic rigor of the career and
4-21 technical education curriculum under Section 28.002(a)(2)(E)
4-22 [~~28.002(a)(2)(F)~~]; and

4-23 (B) improve and increase participation in the
4-24 program under which high schools and articulated postsecondary
4-25 institutions allow high school students to take advanced technical
4-26 credit courses.

4-27 SECTION 14. Subsection (b), Section 28.003, Education Code,
4-28 is amended to read as follows:

4-29 (b) In this section, "educational program" means a course or
4-30 series of courses in the required curriculum under Section 28.002,
4-31 other than a fine arts course under Section 28.002(a)(2)(D) or a
4-32 career and technology course under Section 28.002(a)(2)(E)
4-33 [~~28.002(a)(2)(F)~~].

4-34 SECTION 15. Subsection (c), Section 28.011, Education Code,
4-35 is amended to read as follows:

4-36 (c) A student may not be required to use a specific
4-37 translation as the sole text of the Hebrew Scriptures or New
4-38 Testament and may use as the basic instructional material
4-39 [~~textbook~~] a different translation of the Hebrew Scriptures or New
4-40 Testament from that chosen by the board of trustees of the student's
4-41 school district or the student's teacher.

4-42 SECTION 16. The heading to Chapter 31, Education Code, is
4-43 amended to read as follows:

4-44 CHAPTER 31. INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]

4-45 SECTION 17. Section 31.001, Education Code, is amended to
4-46 read as follows:

4-47 Sec. 31.001. FREE INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~].
4-48 Instructional materials [~~Textbooks~~] selected for use in the public
4-49 schools shall be furnished without cost to the students attending
4-50 those schools. Except as provided by Section 31.104(d), a school
4-51 district may not charge a student for instructional material or
4-52 technological equipment purchased by the district with the
4-53 district's instructional materials allotment.

4-54 SECTION 18. Subdivisions (1), (1-a), (2), and (4), Section
4-55 31.002, Education Code, are amended to read as follows:

4-56 (1) "Instructional material" [~~"Electronic textbook"~~]
4-57 means content that conveys the essential knowledge and skills of a
4-58 subject in the public school curriculum through a medium or a
4-59 combination of media for conveying information to a student. The
4-60 term includes a book, supplementary materials, a combination of a
4-61 book, workbook, and supplementary materials, computer software,
4-62 [~~interactive videodisc,~~] magnetic media, DVD, CD-ROM, computer
4-63 courseware, on-line services, or an electronic medium, or other
4-64 means of conveying information to the student or otherwise
4-65 contributing to the learning process through electronic means,
4-66 including [an] open-source instructional material [~~textbook~~].

4-67 (1-a) "Open-source instructional material"
4-68 [~~textbook~~] means [an] electronic instructional material
4-69 [~~textbook~~] that is available for downloading from the Internet at

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

5-7 (2) "Publisher" includes an on-line service or a
 5-8 developer or distributor of [~~an~~] electronic instructional
 5-9 materials [~~textbook~~].

5-10 (4) "Technological equipment" means hardware, a
 5-11 device, or equipment necessary for:

5-12 (A) instructional use in the classroom,
 5-13 including to gain access to or enhance the use of [~~an~~] electronic
 5-14 instructional materials [~~textbook~~]; or

5-15 (B) professional use by a classroom teacher.

5-16 SECTION 19. Subchapter A, Chapter 31, Education Code, is
 5-17 amended by amending Sections 31.003 and 31.004 and adding Section
 5-18 31.005 to read as follows:

5-19 Sec. 31.003. RULES. The State Board of Education may adopt
 5-20 rules, consistent with this chapter, for the adoption, requisition,
 5-21 distribution, care, use, and disposal of instructional materials
 5-22 [~~textbooks~~].

5-23 Sec. 31.004. CERTIFICATION OF PROVISION OF [~~TEXTBOOKS,~~
 5-24 ~~ELECTRONIC TEXTBOOKS, AND~~] INSTRUCTIONAL MATERIALS. Each school
 5-25 district and open-enrollment charter school shall annually certify
 5-26 to the State Board of Education and the commissioner that, for each
 5-27 subject in the required curriculum under Section 28.002 and each
 5-28 grade level, the district provides each student with [~~textbooks,~~
 5-29 ~~electronic textbooks, or~~] instructional materials that cover all
 5-30 elements of the essential knowledge and skills adopted by the State
 5-31 Board of Education for that subject and grade level.

5-32 Sec. 31.005. FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS.
 5-33 An open-enrollment charter school is entitled to the instructional
 5-34 materials allotment under this chapter and is subject to this
 5-35 chapter as if the school were a school district.

5-36 SECTION 20. The heading to Section 31.021, Education Code,
 5-37 is amended to read as follows:

5-38 Sec. 31.021. STATE INSTRUCTIONAL MATERIALS [~~TEXTBOOK~~]
 5-39 FUND.

5-40 SECTION 21. Section 31.021, Education Code, is amended by
 5-41 amending Subsections (a) and (d) and adding Subsection (c) to read
 5-42 as follows:

5-43 (a) The state instructional materials [~~textbook~~] fund
 5-44 consists of:

5-45 (1) an amount set aside by the State Board of Education
 5-46 from the available school fund, in accordance with Section
 5-47 43.001(d); and

5-48 (2) [~~all funds accruing from the state's sale of~~
 5-49 ~~disused textbooks, and~~

5-50 [~~(3)~~] all amounts lawfully paid into the fund from any
 5-51 other source.

5-52 (c) Money in the state instructional materials fund shall be
 5-53 used to:

5-54 (1) fund the instructional materials allotment, as
 5-55 provided by Section 31.0211;

5-56 (2) purchase special instructional materials for the
 5-57 education of blind and visually impaired students in public
 5-58 schools;

5-59 (3) pay the expenses associated with the instructional
 5-60 materials adoption and review process under this chapter;

5-61 (4) pay the expenses associated with the purchase or
 5-62 licensing of open-source instructional material, to the extent
 5-63 authorized by the General Appropriations Act; and

5-64 (5) pay the expenses associated with the purchase of
 5-65 instructional material, including freight, shipping, and insurance
 5-66 expenses.

5-67 (d) Money transferred to the state instructional materials
 5-68 [~~textbook~~] fund remains in the fund until spent and does not lapse
 5-69 to the state at the end of the fiscal year.

6-1 SECTION 22. Subchapter B, Chapter 31, Education Code, is
 6-2 amended by adding Sections 31.0211, 31.0212, 31.0213, and 31.0214
 6-3 to read as follows:

6-4 Sec. 31.0211. INSTRUCTIONAL MATERIALS ALLOTMENT. (a) A
 6-5 school district is entitled to an annual allotment from the state
 6-6 instructional materials fund for each student enrolled in the
 6-7 district on a date during the preceding school year specified by the
 6-8 commissioner. The commissioner shall determine the amount of the
 6-9 allotment per student each year on the basis of the amount of money
 6-10 available in the state instructional materials fund to fund the
 6-11 allotment. An allotment under this section shall be transferred
 6-12 from the state instructional materials fund to the credit of the
 6-13 district's instructional materials account as provided by Section
 6-14 31.0212.

6-15 (b) A juvenile justice alternative education program under
 6-16 Section 37.011 is entitled to an allotment from the state
 6-17 instructional materials fund in an amount determined by the
 6-18 commissioner. The program shall use the allotment to purchase
 6-19 items listed in Subsection (c) for students enrolled in the
 6-20 program. The commissioner's determination under this subsection is
 6-21 final and may not be appealed.

6-22 (c) Subject to Subsection (d), funds allotted under this
 6-23 section may be used to:

6-24 (1) purchase:

6-25 (A) materials on the list adopted by the
 6-26 commissioner, as provided by Section 31.0231;

6-27 (B) instructional materials, regardless of
 6-28 whether the instructional materials are on the conforming or
 6-29 nonconforming list, as provided by Section 31.024;

6-30 (C) consumable instructional materials,
 6-31 including workbooks;

6-32 (D) instructional materials for use in bilingual
 6-33 education classes, as provided by Section 31.029;

6-34 (E) supplemental instructional materials, as
 6-35 provided by Section 31.035;

6-36 (F) state-developed open-source instructional
 6-37 materials, as provided by Subchapter B-1;

6-38 (G) instructional materials and technological
 6-39 equipment under any continuing contracts of the district in effect
 6-40 on September 1, 2011; and

6-41 (H) technological equipment necessary to support
 6-42 the use of materials included on the list adopted by the
 6-43 commissioner under Section 31.0231 or any instructional materials
 6-44 purchased with an allotment under this section; and

6-45 (2) pay for training educational personnel directly
 6-46 involved in student learning in the appropriate use of
 6-47 instructional materials and for providing for access to
 6-48 technological equipment for instructional use.

6-49 (d) Each year a school district shall use the district's
 6-50 allotment under this section to purchase, in the following order:

6-51 (1) instructional materials necessary to permit the
 6-52 district to certify that the district has instructional materials
 6-53 that cover all elements of the essential knowledge and skills of the
 6-54 required curriculum for each grade level as required by Section
 6-55 28.002; and

6-56 (2) any other instructional materials or
 6-57 technological equipment as determined by the district.

6-58 (d-1) Notwithstanding Subsection (d), for the state fiscal
 6-59 biennium beginning September 1, 2011, a school district shall use
 6-60 an allotment received under this section to purchase instructional
 6-61 materials that will assist the district in satisfying performance
 6-62 standards under Section 39.0241, as added by Chapter 895 (H.B. 3),
 6-63 Acts of the 81st Legislature, Regular Session, 2009, on assessment
 6-64 instruments adopted under Sections 39.023(a) and (c).

6-65 (d-2) Subsection (d-1) and this subsection expire August
 6-66 31, 2013.

6-67 (e) Not later than May 31 of each school year, a school
 6-68 district may request that the commissioner adjust the number of
 6-69 students for which the district is entitled to receive an allotment

7-1 under Subsection (a) on the grounds that the number of students
 7-2 attending school in the district will increase or decrease during
 7-3 the school year for which the allotment is provided. The
 7-4 commissioner may also adjust the number of students for which a
 7-5 district is entitled to receive an allotment, without a request by
 7-6 the district, if the commissioner determines that a different
 7-7 number of students is a more accurate reflection of students who
 7-8 will be attending school in the district. The commissioner's
 7-9 determination under this subsection is final.

7-10 (f) The commissioner may adopt rules as necessary to
 7-11 implement this section.

7-12 Sec. 31.0212. INSTRUCTIONAL MATERIALS ACCOUNT. (a) The
 7-13 commissioner shall maintain an instructional materials account for
 7-14 each school district. Each school year, the commissioner shall
 7-15 deposit in the account for each district the amount of the
 7-16 district's instructional materials allotment under Section
 7-17 31.0211.

7-18 (b) The commissioner shall pay the cost of instructional
 7-19 materials requisitioned by a school district under Section 31.103
 7-20 using funds from the district's instructional materials account.

7-21 (c) A school district may also use funds in the district's
 7-22 account to purchase electronic instructional materials or
 7-23 technological equipment. The district shall submit to the
 7-24 commissioner a request for funds for this purpose from the
 7-25 district's account. The commissioner shall adopt rules regarding
 7-26 the documentation a school district must submit to receive funds
 7-27 under this subsection.

7-28 (d) Money deposited in a school district's instructional
 7-29 materials account during each state fiscal biennium remains in the
 7-30 account and available for use by the district for the entire
 7-31 biennium. At the end of each biennium, a district with unused money
 7-32 in the district's account may carry forward any remaining balance
 7-33 to the next biennium.

7-34 (e) The commissioner may adopt rules as necessary to
 7-35 implement this section.

7-36 Sec. 31.0213. CERTIFICATION OF USE OF INSTRUCTIONAL
 7-37 MATERIALS ALLOTMENT. Each school district shall annually certify
 7-38 to the commissioner that the district's instructional materials
 7-39 allotment has been used only for expenses allowed by Section
 7-40 31.0211.

7-41 Sec. 31.0214. ADJUSTMENT FOR HIGH ENROLLMENT GROWTH
 7-42 DISTRICTS. (a) Each year the commissioner shall adjust the
 7-43 instructional materials allotment of school districts experiencing
 7-44 high enrollment growth. The commissioner shall establish a
 7-45 procedure for determining high enrollment growth districts
 7-46 eligible to receive an adjustment under this section and the amount
 7-47 of the instructional materials allotment those districts will
 7-48 receive.

7-49 (b) The commissioner may adopt rules as necessary to
 7-50 implement this section.

7-51 SECTION 23. The heading to Section 31.022, Education Code,
 7-52 is amended to read as follows:

7-53 Sec. 31.022. INSTRUCTIONAL MATERIALS [TEXTBOOK] REVIEW AND
 7-54 ADOPTION.

7-55 SECTION 24. Subsections (a), (b), (c), (e), and (f),
 7-56 Section 31.022, Education Code, are amended to read as follows:

7-57 (a) The State Board of Education shall adopt a review and
 7-58 adoption cycle for instructional materials [~~textbooks~~] for
 7-59 elementary grade levels, including prekindergarten, and secondary
 7-60 grade levels, for each subject in the required curriculum under
 7-61 Section 28.002. In adopting the cycle, the board:

7-62 (1) is not required to review and adopt instructional
 7-63 materials for all grade levels in a single year; and

7-64 (2) shall give priority to instructional materials in
 7-65 the following subjects:

7-66 (A) foundation curriculum subjects for which the
 7-67 essential knowledge and skills have been substantially revised and
 7-68 for which assessment instruments are required under Subchapter B,
 7-69 Chapter 39, including career and technology courses that satisfy

8-1 foundation curriculum requirements as provided by Section
 8-2 28.002(n);

8-3 (B) foundation curriculum subjects for which the
 8-4 essential knowledge and skills have been substantially revised,
 8-5 including career and technology courses that satisfy foundation
 8-6 curriculum requirements as provided by Section 28.002(n);

8-7 (C) foundation curriculum subjects not described
 8-8 by Paragraph (A) or (B), including career and technology courses
 8-9 that satisfy foundation curriculum requirements as provided by
 8-10 Section 28.002(n); and

8-11 (D) enrichment curriculum subjects.

8-12 (b) The board shall organize the cycle for subjects in the
 8-13 foundation curriculum so that not more than one-fourth [~~one-sixth~~]
 8-14 of the instructional materials [~~textbooks~~] for subjects in the
 8-15 foundation curriculum are reviewed each biennium [~~year~~]. The board
 8-16 shall adopt rules to provide for a full and complete investigation
 8-17 of instructional materials [~~textbooks~~] for each subject in the
 8-18 foundation curriculum [~~at least~~] every eight [~~six~~] years. The
 8-19 adoption of instructional materials [~~textbooks~~] for a subject in
 8-20 the foundation curriculum may be extended beyond the eight-year
 8-21 [~~six-year~~] period only if the content of instructional materials
 8-22 [~~textbooks~~] for a subject is sufficiently current.

8-23 (c) The board shall adopt rules to provide for a full and
 8-24 complete investigation of instructional materials [~~textbooks~~] for
 8-25 each subject in the enrichment curriculum on a cycle the board
 8-26 considers appropriate.

8-27 (e) The board shall designate a request for production of
 8-28 instructional materials [~~textbooks~~] in a subject area and grade
 8-29 level by the school year in which the instructional materials
 8-30 [~~textbooks~~] are intended to be made available in classrooms and not
 8-31 by the school year in which the board makes the request for
 8-32 production.

8-33 (f) The board shall amend any request for production issued
 8-34 for the purchase of instructional materials [~~textbooks~~] to conform
 8-35 to the instructional materials [~~textbook~~] funding levels provided
 8-36 by the General Appropriations Act for the year of implementation.

8-37 SECTION 25. Section 31.0221, Education Code, is amended to
 8-38 read as follows:

8-39 Sec. 31.0221. MIDCYCLE REVIEW AND ADOPTION OF INSTRUCTIONAL
 8-40 MATERIALS [~~TEXTBOOKS~~]. (a) The State Board of Education shall
 8-41 adopt rules for the midcycle review and adoption of instructional
 8-42 material [~~a textbook~~] for a subject for which instructional
 8-43 materials [~~textbooks~~] are not currently under review by the board
 8-44 under Section 31.022. The rules must require:

8-45 (1) the publisher of the instructional material
 8-46 [~~textbook~~] to pay a fee to the board to cover the cost of the
 8-47 midcycle review and adoption of the instructional material
 8-48 [~~textbook~~];

8-49 (2) the publisher of the instructional material
 8-50 [~~textbook~~] to enter into a contract with the board concerning the
 8-51 instructional material [~~textbook~~] for a term that ends at the same
 8-52 time as any contract entered into by the board for other
 8-53 instructional materials [~~another textbook~~] for the same subject and
 8-54 grade level; and

8-55 (3) a commitment from the publisher to provide the
 8-56 instructional material [~~textbook~~] to school districts in the manner
 8-57 specified by the publisher, which may include:

8-58 (A) providing the instructional material
 8-59 [~~textbook~~] to any district in a regional education service center
 8-60 area identified by the publisher; or

8-61 (B) providing a certain maximum number of
 8-62 instructional materials [~~textbooks~~] specified by the publisher.

8-63 (b) Sections 31.023 and 31.024 apply to instructional
 8-64 material [~~a textbook~~] adopted under this section. Section 31.027
 8-65 does not apply to instructional material [~~a textbook~~] adopted under
 8-66 this section.

8-67 SECTION 26. Section 31.023, Education Code, is amended to
 8-68 read as follows:

8-69 Sec. 31.023. INSTRUCTIONAL MATERIAL [~~TEXTBOOK~~] LISTS.

9-1 (a) For each subject and grade level, the State Board of Education
 9-2 shall adopt two lists of instructional materials [~~textbooks~~]. The
 9-3 conforming list includes each instructional material [~~textbook~~]
 9-4 submitted for the subject and grade level that meets applicable
 9-5 physical specifications adopted by the State Board of Education and
 9-6 contains material covering each element of the essential knowledge
 9-7 and skills of the subject and grade level in the student version of
 9-8 the instructional material [~~textbook~~], as well as in the teacher
 9-9 version of the instructional material [~~textbook~~], as determined by
 9-10 the State Board of Education under Section 28.002 and adopted under
 9-11 Section 31.024. The nonconforming list includes each instructional
 9-12 material [~~textbook~~] submitted for the subject and grade level that:

9-13 (1) meets applicable physical specifications adopted
 9-14 by the State Board of Education;

9-15 (2) contains material covering at least half, but not
 9-16 all, of the elements of the essential knowledge and skills of the
 9-17 subject and grade level in the student version of the instructional
 9-18 material [~~textbook~~], as well as in the teacher version of the
 9-19 instructional material [~~textbook~~]; and

9-20 (3) is adopted under Section 31.024.

9-21 (b) Each instructional material [~~textbook~~] on a conforming
 9-22 or nonconforming list must be free from factual errors.

9-23 SECTION 27. Section 31.0231, Education Code, is amended to
 9-24 read as follows:

9-25 Sec. 31.0231. COMMISSIONER'S [~~ELECTRONIC TEXTBOOK AND~~
 9-26 ~~INSTRUCTIONAL MATERIAL~~] LIST. (a) The commissioner shall adopt a
 9-27 list of:

9-28 (1) electronic instructional material [~~textbooks~~];
 9-29 and

9-30 (2) science [~~instructional~~] material that conveys
 9-31 information to the student or otherwise contributes to the learning
 9-32 process, including tools, models, and investigative materials
 9-33 designed for use as part of the foundation curriculum for science in
 9-34 kindergarten through grade five.

9-35 (b) A school district may select [~~an electronic textbook or~~
 9-36 ~~instructional~~] material on the list adopted under Subsection (a) to
 9-37 be funded by the district's instructional materials allotment
 9-38 [~~state textbook fund~~] under Section 31.0211 [~~31.021~~].

9-39 (c) Before the commissioner places [~~an electronic textbook~~
 9-40 ~~or instructional~~] material on the list adopted under Subsection
 9-41 (a), the State Board of Education must be given an opportunity to
 9-42 comment on the [~~electronic textbook or instructional~~] material.
 9-43 Material [~~An electronic textbook or instructional material~~] placed
 9-44 on the list adopted under Subsection (a):

9-45 (1) must be reviewed and recommended to the
 9-46 commissioner by a panel of recognized experts in the subject area of
 9-47 the [~~electronic textbook or instructional~~] material and experts in
 9-48 education technology;

9-49 (2) must satisfy criteria adopted for the purpose by
 9-50 commissioner rule; and

9-51 (3) must meet the National Instructional Materials
 9-52 Accessibility Standard, to the extent practicable as determined by
 9-53 the commissioner.

9-54 (d) The criteria adopted under Subsection (c)(2) must:

9-55 (1) include evidence of alignment with current
 9-56 research in the subject for which the [~~electronic textbook or~~
 9-57 ~~instructional~~] material is intended to be used;

9-58 (2) include coverage of the essential knowledge and
 9-59 skills identified under Section 28.002 for the subject for which
 9-60 the [~~electronic textbook or instructional~~] material is intended to
 9-61 be used and identify:

9-62 (A) each of the essential knowledge and skills
 9-63 for the subject and grade level or levels covered by the [~~electronic~~
 9-64 ~~textbook or instructional~~] material; and

9-65 (B) the percentage of the essential knowledge and
 9-66 skills for the subject and grade level or levels covered by the
 9-67 [~~electronic textbook or instructional~~] material; and

9-68 (3) include appropriate training for teachers.

9-69 (e) The commissioner shall update, as necessary, the list

10-1 adopted under Subsection (a). Before the commissioner places [~~an~~
10-2 ~~electronic textbook or instructional~~] material on the updated list,
10-3 the requirements of Subsection (c) must be met. [~~Before the~~
10-4 ~~commissioner removes an electronic textbook or instructional~~
10-5 ~~material from the updated list, the removal must be recommended by a~~
10-6 ~~panel of recognized experts in the subject area of the electronic~~
10-7 ~~textbook or instructional material and experts in education~~
10-8 ~~technology.~~]

10-9 (f) After notice to the commissioner explaining in detail
10-10 the changes, the provider of [~~an electronic textbook or~~
10-11 ~~instructional~~] material on the list adopted under Subsection (a)
10-12 may update the navigational features or management system related
10-13 to the [~~electronic textbook or instructional~~] material.

10-14 (g) After notice to the commissioner and a review by the
10-15 commissioner, the provider of [~~an electronic textbook or~~
10-16 ~~instructional~~] material on the list adopted under Subsection (a)
10-17 may update the content of the [~~electronic textbook or~~
10-18 ~~instructional~~] material if needed to accurately reflect current
10-19 knowledge or information.

10-20 (h) The commissioner shall adopt rules as necessary to
10-21 implement this section. The rules must:

10-22 (1) be consistent with Section 31.151 regarding the
10-23 duties of publishers and manufacturers, as appropriate, and the
10-24 imposition of a reasonable administrative penalty; and

10-25 (2) require public notice of an opportunity for the
10-26 submission of [~~an electronic textbook or instructional~~] material.

10-27 SECTION 28. Section 31.024, Education Code, is amended to
10-28 read as follows:

10-29 Sec. 31.024. ADOPTION BY STATE BOARD OF EDUCATION. (a) By
10-30 majority vote, the State Board of Education shall:

10-31 (1) place each submitted instructional material
10-32 [~~textbook~~] on a conforming or nonconforming list; or

10-33 (2) reject instructional material [~~a textbook~~]
10-34 submitted for placement on a conforming or nonconforming list.

10-35 (b) Not later than December 1 of the year preceding the
10-36 school year for which the instructional materials [~~textbooks~~] for a
10-37 particular subject and grade level will be purchased under the
10-38 cycle adopted by the board under Section 31.022, the board shall
10-39 provide the lists of adopted instructional materials [~~textbooks~~] to
10-40 each school district. Each nonconforming list must include the
10-41 reasons [~~an~~] adopted instructional material [~~textbook~~] is not
10-42 eligible for the conforming list.

10-43 SECTION 29. The heading to Section 31.0241, Education Code,
10-44 is amended to read as follows:

10-45 Sec. 31.0241. ADOPTION OF OPEN-SOURCE INSTRUCTIONAL
10-46 MATERIALS [~~TEXTBOOKS~~].

10-47 SECTION 30. Subsections (b) and (c), Section 31.0241,
10-48 Education Code, are amended to read as follows:

10-49 (b) The State Board of Education shall place [~~an~~]
10-50 open-source instructional material [~~textbook~~] for a
10-51 secondary-level course submitted for adoption by an eligible
10-52 institution on a conforming or nonconforming list if:

10-53 (1) the instructional material [~~textbook~~] is written,
10-54 compiled, or edited primarily by faculty of the eligible
10-55 institution who specialize in the subject area of the instructional
10-56 material [~~textbook~~];

10-57 (2) the eligible institution identifies each
10-58 contributing author;

10-59 (3) the appropriate department of the eligible
10-60 institution certifies the instructional material [~~textbook~~] for
10-61 accuracy; and

10-62 (4) the eligible institution determines that the
10-63 instructional material [~~textbook~~] qualifies for placement on the
10-64 conforming or nonconforming list based on the extent to which the
10-65 instructional material [~~textbook~~] covers the essential knowledge
10-66 and skills identified under Section 28.002 for the subject for
10-67 which the instructional material [~~textbook~~] is written and
10-68 certifies that:

10-69 (A) for instructional material [~~a textbook~~] for a

11-1 senior-level course, a student who successfully completes a course
 11-2 based on the instructional material [~~textbook~~] will be prepared,
 11-3 without remediation, for entry into the eligible institution's
 11-4 freshman-level course in that subject; or

11-5 (B) for instructional material [~~a textbook~~] for a
 11-6 junior-level and senior-level course, a student who successfully
 11-7 completes the junior-level course based on the instructional
 11-8 material [~~textbook~~] will be prepared for entry into the
 11-9 senior-level course.

11-10 (c) This section does not prohibit an eligible institution
 11-11 from submitting instructional material [~~a textbook~~] for placement
 11-12 on a conforming or nonconforming list through any other adoption
 11-13 process provided by this chapter.

11-14 SECTION 31. Section 31.026, Education Code, is amended to
 11-15 read as follows:

11-16 Sec. 31.026. CONTRACT; PRICE. (a) The State Board of
 11-17 Education shall execute a contract[+]

11-18 [~~(1)~~] for the purchase [~~of each adopted textbook other~~
 11-19 ~~than an electronic textbook, and~~

11-20 [~~(2) for the purchase~~] or licensing of each adopted
 11-21 instructional material [~~electronic textbook~~].

11-22 (b) A contract must require the publisher to provide the
 11-23 number of instructional materials [~~textbooks~~] required by school
 11-24 districts in this state for the term of the contract, which must
 11-25 coincide with the board's adoption cycle.

11-26 (c) As applicable, a contract must provide for the purchase
 11-27 or licensing of instructional material [~~a textbook~~] at a specific
 11-28 price, which may not exceed the lowest price paid by any other state
 11-29 or any school or school district. The price must be fixed for the
 11-30 term of the contract.

11-31 (d) [~~(e)~~] This section does not apply to [~~an~~] open-source
 11-32 instructional material [~~textbook~~].

11-33 SECTION 32. Section 31.0261, Education Code, is amended to
 11-34 read as follows:

11-35 Sec. 31.0261. CONTRACTS FOR PRINTING OF OPEN-SOURCE
 11-36 INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]. The State Board of Education
 11-37 may execute a contract for the printing of [~~an~~] open-source
 11-38 instructional materials [~~textbook~~] listed on the conforming or
 11-39 nonconforming list. The contract must allow a school district to
 11-40 requisition printed copies of [~~an~~] open-source instructional
 11-41 materials [~~textbook~~] as provided by Section 31.103.

11-42 SECTION 33. Section 31.027, Education Code, is amended to
 11-43 read as follows:

11-44 Sec. 31.027. INFORMATION TO SCHOOL DISTRICTS; SAMPLE
 11-45 COPIES. (a) A publisher shall provide each school district and
 11-46 open-enrollment charter school with information that fully
 11-47 describes each of the publisher's submitted instructional
 11-48 materials [~~adopted textbooks~~]. On request of a school district, a
 11-49 publisher shall provide a sample copy in digital format of
 11-50 submitted instructional material [~~an adopted textbook~~].

11-51 (b) A publisher shall provide at least two sample copies in
 11-52 digital format of each submitted instructional material [~~adopted~~
 11-53 ~~textbook~~] to be maintained at each regional education service
 11-54 center.

11-55 (c) [~~(d)~~] This section does not apply to [~~an~~] open-source
 11-56 instructional material [~~textbook~~].

11-57 SECTION 34. Section 31.028, Education Code, is amended to
 11-58 read as follows:

11-59 Sec. 31.028. SPECIAL INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~].

11-60 (a) The commissioner [~~State Board of Education~~] may purchase
 11-61 special instructional materials [~~textbooks~~] for the education of
 11-62 blind and visually impaired students in public schools. In
 11-63 addition, for a teacher who is blind or visually impaired, the
 11-64 commissioner [~~board~~] shall provide a teacher's edition in Braille
 11-65 or large type, as requested by the teacher, for each instructional
 11-66 material [~~textbook~~] the teacher uses in the instruction of
 11-67 students. The teacher edition must be available at the same time
 11-68 the student instructional materials [~~textbooks~~] become available.

11-69 (b) The publisher of [~~an~~] adopted instructional material

12-1 [~~textbook~~] shall provide the agency with computerized
 12-2 instructional material [~~textbook~~] files for the production of
 12-3 Braille instructional materials [~~textbooks~~] or other versions of
 12-4 instructional materials [~~textbooks~~] to be used by students with
 12-5 disabilities, on request of the commissioner [~~State Board of~~
 12-6 ~~Education~~]. A publisher shall arrange computerized instructional
 12-7 material [~~textbook~~] files in one of several optional formats
 12-8 specified by the commissioner [~~State Board of Education~~].

12-9 (c) The commissioner [~~board~~] may also enter into agreements
 12-10 providing for the acceptance, requisition, and distribution of
 12-11 special instructional materials [~~textbooks~~] and instructional aids
 12-12 pursuant to 20 U.S.C. Section 101 et seq. for use by students
 12-13 enrolled in:

- 12-14 (1) public schools; or
- 12-15 (2) private nonprofit schools, if state funds, other
 12-16 than for administrative costs, are not involved.

12-17 (d) In this section:

12-18 (1) "Blind or visually impaired student" includes any
 12-19 student whose visual acuity is impaired to the extent that the
 12-20 student is unable to read the text [~~print~~] in [~~a~~] regularly adopted
 12-21 instructional material [~~textbook~~] used in the student's class.

12-22 (2) "Special instructional material [~~textbook~~]" means
 12-23 instructional material [~~a textbook~~] in Braille, large type or any
 12-24 other medium or any apparatus that conveys information to a student
 12-25 or otherwise contributes to the learning process.

12-26 SECTION 35. Section 31.029, Education Code, is amended to
 12-27 read as follows:

12-28 Sec. 31.029. BILINGUAL INSTRUCTIONAL MATERIALS
 12-29 [~~TEXTBOOKS~~]. (a) A school district [~~The board~~] shall purchase
 12-30 with the district's instructional materials allotment or otherwise
 12-31 acquire instructional materials [~~textbooks~~] for use in bilingual
 12-32 education classes.

12-33 (b) The commissioner shall adopt rules regarding the
 12-34 purchase of instructional materials under this section.

12-35 SECTION 36. Section 31.030, Education Code, is amended to
 12-36 read as follows:

12-37 Sec. 31.030. USED INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]. The
 12-38 State Board of Education shall adopt rules to ensure that used
 12-39 instructional materials [~~textbooks~~] sold to school districts and
 12-40 open-enrollment charter schools are not sample copies that contain
 12-41 factual errors. The rules may provide for the imposition of an
 12-42 administrative penalty in accordance with Section 31.151 against a
 12-43 seller of used instructional materials [~~textbooks~~] who knowingly
 12-44 violates this section.

12-45 SECTION 37. The heading to Section 31.035, Education Code,
 12-46 is amended to read as follows:

12-47 Sec. 31.035. SUPPLEMENTAL INSTRUCTIONAL MATERIALS
 12-48 [~~TEXTBOOKS~~].

12-49 SECTION 38. Subsections (a) through (d) and (f), Section
 12-50 31.035, Education Code, are amended to read as follows:

12-51 (a) Notwithstanding any other provision of this subchapter,
 12-52 the State Board of Education may adopt supplemental instructional
 12-53 materials [~~textbooks~~] that are not on the conforming or
 12-54 nonconforming list under Section 31.023. The State Board of
 12-55 Education may adopt [~~a~~] supplemental instructional material
 12-56 [~~textbook~~] under this section only if the instructional material
 12-57 [~~textbook~~]:

12-58 (1) contains material covering one or more primary
 12-59 focal points or primary topics of a subject in the required
 12-60 curriculum under Section 28.002, as determined by the State Board
 12-61 of Education;

12-62 (2) is not designed to serve as the sole instructional
 12-63 material [~~textbook~~] for a full course;

12-64 (3) meets applicable physical specifications adopted
 12-65 by the State Board of Education; and

12-66 (4) is free from factual errors.

12-67 (b) The State Board of Education shall identify the
 12-68 essential knowledge and skills identified under Section 28.002 that
 12-69 are covered by [~~a~~] supplemental instructional material [~~textbook~~]

13-1 adopted by the board under this section.

13-2 (c) Supplemental instructional material [~~A supplemental~~
13-3 ~~textbook~~] is subject to the review and adoption cycle provisions,
13-4 including the midcycle review and adoption cycle provisions, of
13-5 this subchapter.

13-6 (d) A school district or open-enrollment charter school may
13-7 requisition ~~[a]~~ supplemental instructional material [~~textbook~~]
13-8 adopted under this section only if the district or school, ~~[+~~

13-9 [~~(1) uses textbook credits received under Section~~
13-10 ~~31.1011 to purchase the supplemental textbook, or~~

13-11 [~~(2)~~] instead of requisitioning instructional
13-12 material [~~a textbook~~] on the conforming list under Section 31.023
13-13 for a course in the foundation curriculum under Section 28.002,
13-14 requisitions the supplemental instructional material [~~textbook~~]
13-15 along with other supplemental instructional materials [~~textbooks~~]
13-16 or instructional materials [~~textbooks~~] on the nonconforming list
13-17 under Section 31.023 that in combination cover each element of the
13-18 essential knowledge and skills for the course for which the
13-19 district or school is requisitioning the supplemental
13-20 instructional materials [~~textbooks~~].

13-21 (f) A school district or open-enrollment charter school
13-22 that requisitions supplemental instructional materials [~~textbooks~~
13-23 ~~under Subsection (d)(2)~~] shall certify to the agency that the
13-24 supplemental instructional materials [~~textbooks~~], in combination
13-25 with any other instructional materials [~~textbooks~~] or supplemental
13-26 instructional materials [~~textbooks~~] used by the district or school,
13-27 cover the essential knowledge and skills identified under Section
13-28 28.002 by the State Board of Education for the subject and grade
13-29 level for which the district or school is requisitioning the
13-30 supplemental instructional materials [~~textbooks~~].

13-31 SECTION 39. The heading to Subchapter B-1, Chapter 31,
13-32 Education Code, is amended to read as follows:

13-33 SUBCHAPTER B-1. STATE-DEVELOPED OPEN-SOURCE INSTRUCTIONAL
13-34 MATERIALS [~~TEXTBOOKS~~]

13-35 SECTION 40. Section 31.071, Education Code, is amended to
13-36 read as follows:

13-37 Sec. 31.071. PURCHASE AUTHORITY. (a) The commissioner may
13-38 purchase state-developed open-source instructional materials
13-39 [~~textbooks~~] in accordance with this subchapter.

13-40 (b) The commissioner:

13-41 (1) shall purchase any state-developed open-source
13-42 instructional materials [~~textbooks~~] through a competitive process;
13-43 and

13-44 (2) may purchase more than one state-developed
13-45 open-source instructional material [~~textbook~~] for a subject or
13-46 grade level.

13-47 (c) State-developed [~~A state-developed~~] open-source
13-48 instructional material [~~textbook~~] must be irrevocably owned by or
13-49 licensed to the state for use in the applicable subject or grade
13-50 level. The state must have unlimited authority to modify, delete,
13-51 combine, or add content to the instructional material [~~textbook~~]
13-52 after purchase.

13-53 (d) The commissioner may issue a request for proposals for
13-54 ~~[a]~~ state-developed open-source instructional material [~~textbook~~]:

13-55 (1) in accordance with the instructional material
13-56 [~~textbook~~] review and adoption cycle under Section 31.022; or

13-57 (2) at any other time the commissioner determines that
13-58 a need exists for additional instructional material [~~textbook~~]
13-59 options.

13-60 (e) The costs of administering this subchapter and
13-61 purchasing state-developed open-source instructional materials
13-62 [~~textbooks~~] shall be paid from the state instructional materials
13-63 [~~textbook~~] fund, as determined by the commissioner and subject to
13-64 Section 31.021.

13-65 SECTION 41. Subsections (a) and (b), Section 31.072,
13-66 Education Code, are amended to read as follows:

13-67 (a) State-developed [~~A state-developed~~] open-source
13-68 instructional material [~~textbook~~] must:

13-69 (1) be evaluated by teachers or other experts, as

14-1 determined by the commissioner, before purchase; and
 14-2 (2) meet the requirements for inclusion on a
 14-3 conforming or nonconforming instructional material [~~textbook~~] list
 14-4 under Section 31.023.

14-5 (b) Following a curriculum revision by the State Board of
 14-6 Education, the commissioner shall require the revision of [~~a~~]
 14-7 state-developed open-source instructional material [~~textbook~~]
 14-8 relating to that curriculum. The commissioner may, at any time,
 14-9 require an additional revision of [~~a~~] state-developed open-source
 14-10 instructional material [~~textbook~~] or contract for ongoing
 14-11 revisions of state-developed instructional material [~~a textbook~~]
 14-12 for a period not to exceed the period under Section 31.022 for which
 14-13 instructional material [~~a textbook~~] for that subject and grade
 14-14 level may be adopted. The commissioner shall use a competitive
 14-15 process to request proposals to revise [~~a~~] state-developed
 14-16 open-source instructional material [~~textbook~~] under this
 14-17 subsection.

14-18 SECTION 42. The heading to Section 31.073, Education Code,
 14-19 is amended to read as follows:

14-20 Sec. 31.073. SELECTION BY SCHOOL DISTRICT [~~COST~~].

14-21 SECTION 43. Subsections (c) and (d), Section 31.073,
 14-22 Education Code, are amended to read as follows:

14-23 (c) Notwithstanding Section 31.022, a school district or
 14-24 open-enrollment charter school may adopt [~~a~~] state-developed
 14-25 open-source instructional material [~~textbook~~] at any time,
 14-26 regardless of the instructional material [~~textbook~~] review and
 14-27 adoption cycle under that section.

14-28 (d) A school district or open-enrollment charter school may
 14-29 not be charged for selection of [~~a~~] state-developed open-source
 14-30 instructional material [~~textbook~~] in addition to instructional
 14-31 material [~~a textbook~~] adopted under Subchapter B.

14-32 SECTION 44. Section 31.074, Education Code, is amended to
 14-33 read as follows:

14-34 Sec. 31.074. DISTRIBUTION. (a) The commissioner shall
 14-35 provide for the distribution of state-developed open-source
 14-36 instructional materials [~~textbooks~~] in a manner consistent with
 14-37 distribution of instructional materials [~~textbooks~~] adopted under
 14-38 Subchapter B.

14-39 (b) The commissioner may use a competitive process to
 14-40 contract for printing or other reproduction of [~~a~~] state-developed
 14-41 open-source instructional material [~~textbook~~] on behalf of a school
 14-42 district or open-enrollment charter school. The commissioner may
 14-43 not require a school district or open-enrollment charter school to
 14-44 contract with a state-approved provider for the printing or
 14-45 reproduction of [~~a~~] state-developed open-source instructional
 14-46 material [~~textbook~~].

14-47 SECTION 45. Section 31.075, Education Code, is amended to
 14-48 read as follows:

14-49 Sec. 31.075. OWNERSHIP; LICENSING. (a) State-developed
 14-50 [~~A state-developed~~] open-source instructional material [~~textbook~~]
 14-51 is the property of the state.

14-52 (b) The commissioner shall provide a license to each public
 14-53 school in the state, including a school district, an
 14-54 open-enrollment charter school, and a state or local agency
 14-55 educating students in any grade from prekindergarten through high
 14-56 school, to use and reproduce [~~a~~] state-developed open-source
 14-57 instructional material [~~textbook~~].

14-58 (c) The commissioner may provide a license to use [~~a~~]
 14-59 state-developed open-source instructional material [~~textbook~~] to
 14-60 an entity not listed in Subsection (b). In determining the cost of
 14-61 a license under this subsection, the commissioner shall seek, to
 14-62 the extent feasible, to recover the costs of developing, revising,
 14-63 and distributing state-developed open-source instructional
 14-64 materials [~~textbooks~~].

14-65 SECTION 46. Subsection (b), Section 31.076, Education Code,
 14-66 is amended to read as follows:

14-67 (b) A decision by the commissioner regarding the purchase,
 14-68 revision, cost, or distribution of [~~a~~] state-developed open-source
 14-69 instructional material [~~textbook~~] is final and may not be appealed.

15-1 SECTION 47. Section 31.077, Education Code, is amended to
 15-2 read as follows:

15-3 Sec. 31.077. ADOPTION SCHEDULE. The commissioner shall
 15-4 develop a schedule for the adoption of state-developed open-source
 15-5 instructional materials [~~textbooks~~] under this subchapter. In
 15-6 developing the adoption schedule under this section, the
 15-7 commissioner shall consider:

15-8 (1) the availability of funds;

15-9 (2) the existing instructional material [~~textbook~~]
 15-10 adoption cycles under Subchapter B; and

15-11 (3) the availability of instructional materials
 15-12 [~~textbooks~~] for development or purchase by the state.

15-13 SECTION 48. The heading to Section 31.101, Education Code,
 15-14 is amended to read as follows:

15-15 Sec. 31.101. SELECTION AND PURCHASE OF INSTRUCTIONAL
 15-16 MATERIALS [~~TEXTBOOKS~~] BY SCHOOL DISTRICTS.

15-17 SECTION 49. Section 31.101, Education Code, is amended by
 15-18 amending Subsections (a), (d), and (e) and adding Subsection (f) to
 15-19 read as follows:

15-20 (a) Each year, during a period established by the State
 15-21 Board of Education, the board of trustees of each school district
 15-22 and the governing body of each open-enrollment charter school
 15-23 shall:

15-24 (1) for a subject in the foundation curriculum, notify
 15-25 the State Board of Education of the instructional materials
 15-26 [~~textbooks~~] selected by the board of trustees or governing body for
 15-27 the following school year from among the instructional materials
 15-28 [~~textbooks~~] on the appropriate conforming or nonconforming list,
 15-29 including the list adopted under Section 31.0231; or

15-30 (2) for a subject in the enrichment curriculum:

15-31 (A) notify the State Board of Education of each
 15-32 instructional material [~~textbook~~] selected by the board of trustees
 15-33 or governing body for the following school year from among the
 15-34 instructional materials [~~textbooks~~] on the appropriate conforming
 15-35 or nonconforming list, including the list adopted under Section
 15-36 31.0231; or

15-37 (B) notify the State Board of Education that the
 15-38 board of trustees or governing body has selected instructional
 15-39 material [~~a textbook~~] that is not on the conforming or
 15-40 nonconforming list.

15-41 (d) For instructional material [~~a textbook~~] that is not on
 15-42 the conforming or nonconforming list, a school district or
 15-43 open-enrollment charter school must use the instructional material
 15-44 [~~textbook~~] for the period of the review and adoption cycle the State
 15-45 Board of Education has established for the subject and grade level
 15-46 for which the instructional material [~~textbook~~] is used.

15-47 (e) A school district or open-enrollment charter school
 15-48 that selects [~~a~~] subscription-based [~~electronic textbook or~~]
 15-49 instructional material on the conforming list under Section 31.023
 15-50 or electronic instructional material on the list adopted by the
 15-51 commissioner under Section 31.0231 may cancel the subscription and
 15-52 subscribe to [~~a~~] new [~~electronic textbook or~~] instructional
 15-53 material on the conforming list under Section 31.023 or electronic
 15-54 instructional material on the list adopted by the commissioner
 15-55 under Section 31.0231 before the end of the state contract period
 15-56 under Section 31.026 if:

15-57 (1) the district or school has used the [~~electronic~~
 15-58 ~~textbook or~~] instructional material for at least one school year;
 15-59 and

15-60 (2) the agency approves the change based on a written
 15-61 request to the agency by the district or school that specifies the
 15-62 reasons for changing the [~~electronic textbook or~~] instructional
 15-63 material used by the district or school.

15-64 (f) The commissioner shall maintain an online requisition
 15-65 system for school districts to requisition instructional materials
 15-66 to be purchased with the district's instructional materials
 15-67 allotment.

15-68 SECTION 50. Section 31.102, Education Code, is amended to
 15-69 read as follows:

16-1 Sec. 31.102. TITLE AND CUSTODY. (a) Except as provided by
 16-2 Subsection (d), printed instructional material [Each textbook]
 16-3 purchased as provided by this chapter is the property of this state.
 16-4 Any electronic instructional material or technological equipment
 16-5 purchased with a school district's instructional materials
 16-6 allotment is the property of the school district.

16-7 (b) Subsection (a) applies to ~~[an]~~ electronic instructional
 16-8 material [textbook] only to the extent of any applicable licensing
 16-9 agreement.

16-10 (c) The board of trustees of a school district or the
 16-11 governing body of an open-enrollment charter school is the legal
 16-12 custodian of printed instructional materials [textbooks] purchased
 16-13 as provided by this chapter for the district or school. The board
 16-14 of trustees shall distribute printed instructional materials
 16-15 [textbooks] to students in the manner that the board or governing
 16-16 body determines is most effective and economical.

16-17 (d) Printed instructional material purchased with a school
 16-18 district's instructional materials allotment becomes the property
 16-19 of the district on the date the printed instructional material is
 16-20 discontinued for use in the public schools by the State Board of
 16-21 Education or the commissioner.

16-22 SECTION 51. The heading to Section 31.103, Education Code,
 16-23 is amended to read as follows:

16-24 Sec. 31.103. INSTRUCTIONAL MATERIAL [~~TEXTBOOK~~]
 16-25 REQUISITIONS.

16-26 SECTION 52. Subsections (b), (c), and (d), Section 31.103,
 16-27 Education Code, are amended to read as follows:

16-28 (b) ~~[A requisition for textbooks for the following school~~
 16-29 ~~year shall be based on the maximum attendance reports under~~
 16-30 ~~Subsection (a), plus an additional 10 percent, except as otherwise~~
 16-31 ~~provided.] A school district or open-enrollment charter school~~
 16-32 ~~shall make a requisition for instructional material using the~~
 16-33 ~~online requisition program maintained by [a textbook on the~~
 16-34 ~~conforming or nonconforming list through] the commissioner [to the~~
 16-35 ~~state depository designated by the publisher or as provided by~~
 16-36 ~~State Board of Education rule, as applicable,] not later than June 1~~
 16-37 ~~of each year. The [designated state depository or, if the publisher~~
 16-38 ~~or manufacturer does not have a designated textbook depository in~~
 16-39 ~~this state under Section 31.151(a)(6)(B), the] publisher or~~
 16-40 ~~manufacturer shall fill a requisition approved by the agency [at~~
 16-41 ~~any other time in the case of an emergency]. [As made necessary by~~
 16-42 ~~available funds, the commissioner shall reduce the additional~~
 16-43 ~~percentage of attendance for which a district or school may~~
 16-44 ~~requisition textbooks. The commissioner may, on application of a~~
 16-45 ~~district or school that is experiencing high enrollment growth,~~
 16-46 ~~increase the additional percentage of attendance for which the~~
 16-47 ~~district or school may requisition textbooks.]~~

16-48 (c) In making a requisition under this section, a school
 16-49 district or open-enrollment charter school may requisition
 16-50 instructional materials [textbooks] on the conforming or
 16-51 nonconforming list for grades above the grade level in which a
 16-52 student is enrolled~~[, except that the total quantity of textbooks~~
 16-53 ~~requisitioned under this section may not exceed the limit~~
 16-54 ~~prescribed by Subsection (b)].~~

16-55 (d) A school district or open-enrollment charter school
 16-56 that selects ~~[an]~~ open-source instructional material [textbook]
 16-57 shall requisition a sufficient number of printed copies for use by
 16-58 students unable to access the instructional material [textbook]
 16-59 electronically unless the district or school provides to each
 16-60 student:

16-61 (1) electronic access to the instructional material
 16-62 [textbook] at no cost to the student; or

16-63 (2) printed copies of the portion of the instructional
 16-64 material [textbook] that will be used in the course.

16-65 SECTION 53. Section 31.1031, Education Code, is amended to
 16-66 read as follows:

16-67 Sec. 31.1031. SHORTAGE OF REQUISITIONED PRINTED
 16-68 INSTRUCTIONAL MATERIALS [TEXTBOOKS]. If a school district or
 16-69 open-enrollment charter school does not have a sufficient number of

17-1 copies of printed instructional materials [~~a textbook~~] used by the
 17-2 district or school for use during the following school year, and a
 17-3 sufficient number of additional copies will not be available from
 17-4 the [~~depository or the~~] publisher within the time specified by
 17-5 Section 31.151(a)(8), the district or school is entitled to[+

17-6 [~~(1) be reimbursed from the state textbook fund, at a~~
 17-7 ~~rate and in the manner provided by State Board of Education rule,~~
 17-8 ~~for the purchase of a sufficient number of used adopted textbooks,~~
 17-9 ~~or~~

17-10 [~~(2)~~] return currently used printed instructional
 17-11 materials [~~textbooks~~] to the commissioner in exchange for
 17-12 sufficient copies, if available, of other printed instructional
 17-13 materials [~~textbooks~~] on the conforming or nonconforming list to be
 17-14 used during the following school year.

17-15 SECTION 54. Section 31.104, Education Code, is amended to
 17-16 read as follows:

17-17 Sec. 31.104. DISTRIBUTION AND HANDLING. (a) The board of
 17-18 trustees of a school district or the governing body of an
 17-19 open-enrollment charter school may delegate to an employee the
 17-20 authority to requisition, distribute, and manage the inventory of
 17-21 instructional materials [~~textbooks~~] in a manner consistent with
 17-22 this chapter and rules adopted under this chapter.

17-23 (b) A school district or open-enrollment charter school may
 17-24 order replacements for instructional materials [~~textbooks~~] that
 17-25 have been lost or damaged directly from[+

17-26 [~~(1) the textbook depository,~~
 17-27 [~~(2)~~] the [~~textbook~~] publisher of the instructional
 17-28 materials or [~~manufacturer if the textbook publisher or~~
 17-29 ~~manufacturer does not have a designated textbook depository in this~~
 17-30 ~~state under Section 31.151(a)(6)(B); or~~

17-31 [~~(3)~~] any source for a printed copy of [~~an~~]
 17-32 open-source instructional material [~~textbook~~].

17-33 (c) Each instructional material [~~textbook~~] must state that
 17-34 the instructional material [~~textbook~~] is the property of or is
 17-35 licensed to this state or the school district, as appropriate. Each
 17-36 instructional material [~~textbook~~], other than [~~an~~] electronic
 17-37 instructional material [~~textbook~~] or a printed copy of [~~an~~]
 17-38 open-source instructional material [~~textbook~~], must be covered by
 17-39 the student under the direction of the teacher. Except as provided
 17-40 by Subsection (g), a student must return all instructional
 17-41 materials [~~textbooks~~] to the teacher at the end of the school year
 17-42 or when the student withdraws from school.

17-43 (d) Each student, or the student's parent or guardian, is
 17-44 responsible for all instructional materials [~~each textbook,~~
 17-45 ~~including an electronic textbook,~~] and [~~all~~] technological
 17-46 equipment not returned in an acceptable condition by the
 17-47 student. A student who fails to return in an acceptable condition
 17-48 all instructional materials [~~textbooks, including electronic~~
 17-49 ~~textbooks,~~] and technological equipment forfeits the right to free
 17-50 instructional materials [~~textbooks, including electronic~~
 17-51 ~~textbooks,~~] and technological equipment until all instructional
 17-52 materials [~~each textbook, including an electronic textbook,~~] and
 17-53 [~~all~~] technological equipment previously issued but not returned in
 17-54 an acceptable condition are [~~is~~] paid for by the student, parent, or
 17-55 guardian. As provided by policy of the board of trustees or
 17-56 governing body, a school district or open-enrollment charter school
 17-57 may waive or reduce the payment requirement if the student is from a
 17-58 low-income family. The district or school shall allow the student
 17-59 to use instructional materials [~~textbooks, including electronic~~
 17-60 ~~textbooks,~~] and technological equipment at school during each
 17-61 school day. If instructional materials [~~a textbook, including an~~
 17-62 ~~electronic textbook,~~] or technological equipment is not returned in
 17-63 an acceptable condition or paid for, the district or school may
 17-64 withhold the student's records. A district or school may not, under
 17-65 this subsection, prevent a student from graduating, participating
 17-66 in a graduation ceremony, or receiving a diploma. The commissioner
 17-67 by rule shall adopt criteria for determining whether instructional
 17-68 materials [~~a textbook, including an electronic textbook,~~] and
 17-69 technological equipment are returned in an acceptable condition.

18-1 (e) The board of trustees of a school district may not
 18-2 require an employee of the district who acts in good faith to pay
 18-3 for instructional materials [~~a textbook, electronic textbook,~~] or
 18-4 technological equipment that is damaged, stolen, misplaced, or not
 18-5 returned. A school district employee may not waive this provision
 18-6 by contract or any other means, except that a district may enter
 18-7 into a written agreement with a school employee whereby the
 18-8 employee assumes financial responsibility for electronic
 18-9 instructional material [~~textbook~~] or technological equipment usage
 18-10 off school property or outside of a school-sponsored event in
 18-11 consideration for the ability of the school employee to use the
 18-12 electronic instructional material [~~textbook~~] or technological
 18-13 equipment for personal business. Such a written agreement shall be
 18-14 separate from the employee's contract of employment, if applicable,
 18-15 and shall clearly inform the employee of the amount of the financial
 18-16 responsibility and advise the employee to consider obtaining
 18-17 appropriate insurance. An employee may not be required to agree to
 18-18 such an agreement as a condition of employment.

18-19 (g) At the end of the school year for which [~~an~~] open-source
 18-20 instructional material [~~textbook~~] that a school district or
 18-21 open-enrollment charter school does not intend to use for another
 18-22 student is distributed, the printed copy of the open-source
 18-23 instructional material [~~textbook~~] becomes the property of the
 18-24 student to whom it is distributed.

18-25 (h) This section does not apply to an electronic copy of
 18-26 [~~an~~] open-source instructional material [~~textbook~~].

18-27 SECTION 55. Section 31.105, Education Code, is amended to
 18-28 read as follows:

18-29 Sec. 31.105. SALE OR DISPOSAL OF INSTRUCTIONAL MATERIALS
 18-30 AND TECHNOLOGICAL EQUIPMENT [~~TEXTBOOKS~~]. (a) The board of
 18-31 trustees of a school district or governing body of an
 18-32 open-enrollment charter school may sell printed instructional
 18-33 materials on the date the instructional material is discontinued
 18-34 for use in the public schools by the State Board of Education or the
 18-35 commissioner. The board of trustees or governing body may also sell
 18-36 electronic instructional materials and technological equipment
 18-37 owned by the district or school. Any funds received by a district
 18-38 or school from a sale authorized by this subsection must be used to
 18-39 purchase instructional materials and technological equipment
 18-40 allowed under Section 31.0211 [~~textbooks, other than electronic~~
 18-41 ~~textbooks, to a student or another school at the state contract~~
 18-42 ~~price. The district shall send money from the sale of textbooks to~~
 18-43 ~~the commissioner as required by the commissioner. The commissioner~~
 18-44 ~~shall deposit the money in the state textbook fund].~~

18-45 (b) The board of trustees of a school district or the
 18-46 governing body of an open-enrollment charter school shall determine
 18-47 how the district or school will dispose of discontinued printed
 18-48 instructional materials, electronic instructional materials, and
 18-49 technological equipment.

18-50 (c) The board of trustees of a school district or the
 18-51 governing body of an open-enrollment charter school shall notify
 18-52 the commissioner that the district or school intends to sell or
 18-53 otherwise dispose of instructional material as authorized by this
 18-54 section.

18-55 SECTION 56. Section 31.106, Education Code, is amended to
 18-56 read as follows:

18-57 Sec. 31.106. USE OF LOCAL FUNDS. In addition to any
 18-58 instructional material [~~textbook~~] selected under this chapter, a
 18-59 school district or open-enrollment charter school may use local
 18-60 funds to purchase any instructional materials [~~textbooks~~].

18-61 SECTION 57. Subsections (a) and (d), Section 31.151,
 18-62 Education Code, are amended to read as follows:

18-63 (a) A publisher or manufacturer of instructional materials
 18-64 [~~textbooks~~]:

18-65 (1) shall furnish any instructional material
 18-66 [~~textbook~~] the publisher or manufacturer offers in this state[7] at
 18-67 a price that does not exceed the lowest price at which the publisher
 18-68 offers that instructional material [~~textbook~~] for adoption or sale
 18-69 to any state, public school, or school district in the United

19-1 States;

19-2 (2) shall automatically reduce the price of
19-3 instructional material [~~a textbook~~] sold for use in a school
19-4 district or open-enrollment charter school to the extent that the
19-5 price is reduced elsewhere in the United States;

19-6 (3) shall provide any instructional material
19-7 [~~textbook~~] or ancillary item free of charge in this state to the
19-8 same extent that the publisher or manufacturer provides the
19-9 instructional material [~~textbook~~] or ancillary item free of charge
19-10 to any state, public school, or school district in the United
19-11 States;

19-12 (4) shall guarantee that each copy of instructional
19-13 material [~~a textbook~~] sold in this state is at least equal in
19-14 quality to copies of that instructional material [~~textbook~~] sold
19-15 elsewhere in the United States and is free from factual error;

19-16 (5) may not become associated or connected with,
19-17 directly or indirectly, any combination in restraint of trade in
19-18 instructional materials [~~textbooks~~] or enter into any
19-19 understanding or combination to control prices or restrict
19-20 competition in the sale of instructional materials [~~textbooks~~] for
19-21 use in this state;

19-22 (6) shall[+]

19-23 [~~(A) maintain a depository in this state or~~
19-24 ~~arrange with a depository in this state to receive and fill orders~~
19-25 ~~for textbooks, other than open-source textbooks, on-line~~
19-26 ~~textbooks, or on-line textbook components, consistent with State~~
19-27 ~~Board of Education rules; or~~

19-28 [~~(B)~~] deliver instructional materials
19-29 [~~textbooks~~] to a school district or open-enrollment charter school
19-30 without a delivery charge to the school district, open-enrollment
19-31 charter school, or state[, if:]

19-32 [(i) ~~the publisher or manufacturer does not~~
19-33 ~~maintain or arrange with a depository in this state under Paragraph~~
19-34 ~~(A) and the publisher's or manufacturer's textbooks and related~~
19-35 ~~products are warehoused or otherwise stored less than 300 miles~~
19-36 ~~from a border of this state; or~~

19-37 [(ii) ~~the textbooks are open-source~~
19-38 ~~textbooks, on-line textbooks, or on-line textbook components];~~

19-39 (7) shall, at the time an order for instructional
19-40 materials [~~textbooks~~] is acknowledged, provide to school districts
19-41 or open-enrollment charter schools an accurate shipping date for
19-42 instructional materials [~~textbooks~~] that are back-ordered;

19-43 (8) shall guarantee delivery of instructional
19-44 materials [~~textbooks~~] at least 10 business days before the opening
19-45 day of school of the year for which the instructional materials
19-46 [~~textbooks~~] are ordered if the instructional materials [~~textbooks~~]
19-47 are ordered by a date specified in the sales contract; and

19-48 (9) shall submit to the State Board of Education an
19-49 affidavit certifying any instructional material [~~textbook~~] the
19-50 publisher or manufacturer offers in this state to be free of factual
19-51 errors at the time the publisher executes the contract required by
19-52 Section 31.026.

19-53 (d) A penalty collected under this section shall be
19-54 deposited to the credit of the state instructional materials
19-55 [~~textbook~~] fund.

19-56 SECTION 58. The heading to Section 31.152, Education Code,
19-57 is amended to read as follows:

19-58 Sec. 31.152. ACCEPTING REBATE ON [~~TEXTBOOKS, ELECTRONIC~~
19-59 ~~TEXTBOOKS,~~] INSTRUCTIONAL MATERIALS[7] OR TECHNOLOGICAL EQUIPMENT.

19-60 SECTION 59. Subsections (a), (b), and (d), Section 31.152,
19-61 Education Code, are amended to read as follows:

19-62 (a) A school trustee, administrator, or teacher commits an
19-63 offense if that person receives any commission or rebate on any
19-64 [~~textbooks, electronic textbooks,~~] instructional materials[7] or
19-65 technological equipment used in the schools with which the person
19-66 is associated as a trustee, administrator, or teacher.

19-67 (b) A school trustee, administrator, or teacher commits an
19-68 offense if the person accepts a gift, favor, or service that:

19-69 (1) is given to the person or the person's school;

20-1 (2) might reasonably tend to influence a trustee,
 20-2 administrator, or teacher in the selection of [~~a textbook,~~
 20-3 ~~electronic textbook,~~] instructional material[~~7~~] or technological
 20-4 equipment; and

20-5 (3) could not be lawfully purchased with state
 20-6 instructional materials funds [~~from the state textbook fund~~].

20-7 (d) In this section, "gift, favor, or service" does not
 20-8 include:

20-9 (1) staff development, in-service, or teacher
 20-10 training; or

20-11 (2) ancillary [~~instructional~~] materials, such as maps
 20-12 or worksheets, that convey information to the student or otherwise
 20-13 contribute to the learning process.

20-14 SECTION 60. The heading to Section 31.153, Education Code,
 20-15 is amended to read as follows:

20-16 Sec. 31.153. VIOLATION OF FREE INSTRUCTIONAL MATERIALS
 20-17 [~~TEXTBOOK~~] LAW.

20-18 SECTION 61. Subsection (a), Section 31.153, Education Code,
 20-19 is amended to read as follows:

20-20 (a) A person commits an offense if the person knowingly
 20-21 violates any law providing for the purchase or distribution of free
 20-22 instructional materials [~~textbooks~~] for the public schools.

20-23 SECTION 62. Subsection (b), Section 39.303, Education Code,
 20-24 is amended to read as follows:

20-25 (b) For a student who failed to perform satisfactorily as
 20-26 determined under either performance standard under Section 39.0241
 20-27 on an assessment instrument administered under Section 39.023(a),
 20-28 (c), or (l), the school district shall include in the notice
 20-29 specific information relating to access to [~~online~~] educational
 20-30 resources at the appropriate assessment instrument content level,
 20-31 including [~~educational resources described by Section 32.252(b)(2)~~
 20-32 ~~and~~] assessment instrument questions and answers released under
 20-33 Section 39.023(e).

20-34 SECTION 63. Subsection (c), Section 41.124, Education Code,
 20-35 is amended to read as follows:

20-36 (c) A school district that receives tuition for a student
 20-37 from a school district with a wealth per student that exceeds the
 20-38 equalized wealth level may not claim attendance for that student
 20-39 for purposes of Chapters 42 and 46 and the instructional materials
 20-40 [~~technology~~] allotment under Section 31.0211 [~~31.021(b)(2)~~].

20-41 SECTION 64. Subsection (b), Section 43.001, Education Code,
 20-42 as amended by Chapters 201 (H.B. 3459) and 328 (S.B. 206), Acts of
 20-43 the 78th Legislature, Regular Session, 2003, is reenacted to read
 20-44 as follows:

20-45 (b) The available school fund, which shall be apportioned
 20-46 annually to each county according to its scholastic population,
 20-47 consists of:

20-48 (1) the distributions to the fund from the permanent
 20-49 school fund as provided by Section 5(a), Article VII, Texas
 20-50 Constitution;

20-51 (2) one-fourth of all revenue derived from all state
 20-52 occupation taxes, exclusive of delinquencies and cost of
 20-53 collection;

20-54 (3) one-fourth of revenue derived from state gasoline
 20-55 and special fuels excise taxes as provided by law; and

20-56 (4) all other appropriations to the available school
 20-57 fund made by the legislature for public school purposes.

20-58 SECTION 65. Section 43.001, Education Code, is amended by
 20-59 adding Subsections (d) through (g) to read as follows:

20-60 (d) Each year the State Board of Education shall set aside
 20-61 an amount equal to 50 percent of the annual distribution for that
 20-62 year from the permanent school fund to the available school fund as
 20-63 provided by Section 5(a), Article VII, Texas Constitution, to be
 20-64 placed, subject to the General Appropriations Act, in the state
 20-65 instructional materials fund established under Section 31.021.

20-66 (e) Subsection (d) applies beginning with the state fiscal
 20-67 biennium beginning September 1, 2013. For the state fiscal
 20-68 biennium beginning September 1, 2011, each year the State Board of
 20-69 Education shall set aside an amount equal to 40 percent of the

21-1 annual distribution for that year from the permanent school fund to
21-2 the available school fund as provided by Section 5(a), Article VII,
21-3 Texas Constitution, to be placed, subject to the General
21-4 Appropriations Act, in the state instructional materials fund
21-5 established under Section 31.021.

21-6 (f) In calculating the amounts to be set aside as provided
21-7 by Subsection (e) for the state fiscal biennium beginning September
21-8 1, 2011, the State Board of Education shall consider only the
21-9 amounts of the annual distribution of the permanent school fund for
21-10 that biennium. The board shall not consider amounts distributed
21-11 for the state fiscal biennium beginning September 1, 2009,
21-12 regardless of the date on which those amounts were approved for
21-13 distribution.

21-14 (g) Subsections (e) and (f) and this subsection expire
21-15 September 1, 2013.

21-16 SECTION 66. The following provisions of the Education Code
21-17 are repealed:

- 21-18 (1) Subdivision (3), Section 31.002;
- 21-19 (2) Subsections (b), (e), and (f), Section 31.021;
- 21-20 (3) Subsection (d), Section 31.022;
- 21-21 (4) Section 31.0222;
- 21-22 (5) Section 31.025;
- 21-23 (6) Subsections (e) and (g), Section 31.035;
- 21-24 (7) Subsection (c), Section 31.072;
- 21-25 (8) Subsections (a) and (b), Section 31.073;
- 21-26 (9) Subsections (b), (b-1), (c), and (c-1), Section
- 21-27 31.101;
- 21-28 (10) Section 31.1011;
- 21-29 (11) Subsections (a) and (e), Section 31.103;
- 21-30 (12) Subchapter E, Chapter 31;
- 21-31 (13) Section 32.005;
- 21-32 (14) Sections 32.251 through 32.257; and
- 21-33 (15) Sections 32.259 through 32.263.

21-34 SECTION 67. This Act takes effect September 1, 2011.

21-35 * * * * *