

1-1 By: Creighton, et al. S.B. No. 2565
 1-2 (In the Senate - Filed March 10, 2023; March 23, 2023, read
 1-3 first time and referred to Committee on Education; April 17, 2023,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 9, Nays 1; April 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | X | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | | | X | |
| 1-12 | X | | | |
| 1-13 | | | X | |
| 1-14 | X | | | |
| 1-15 | | X | | |
| 1-16 | X | | | |
| 1-17 | X | | | |
| 1-18 | X | | | |
| 1-19 | | | X | |
| 1-20 | X | | | |

1-21 COMMITTEE SUBSTITUTE FOR S.B. No. 2565 By: Paxton

1-22 A BILL TO BE ENTITLED
 1-23 AN ACT

1-24 relating to instructional material and technology, the adoption of
 1-25 essential knowledge and skills for certain public school foundation
 1-26 curriculum subjects, and creating allotments for the procurement of
 1-27 certain instructional materials under the Foundation School
 1-28 Program; authorizing a fee.

1-29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-30 SECTION 1. Section 11.164, Education Code, is amended by
 1-31 amending Subsection (a) and adding Subsection (a-1) to read as
 1-32 follows:

1-33 (a) The board of trustees of each school district shall
 1-34 limit redundant requests for information and the number and length
 1-35 of written reports that a classroom teacher is required to prepare.
 1-36 A classroom teacher may not be required to prepare any written
 1-37 information other than:

1-38 (1) any report concerning the health, safety, or
 1-39 welfare of a student;

1-40 (2) a report of a student's grade on an assignment or
 1-41 examination;

1-42 (3) a report of a student's academic progress in a
 1-43 class or course;

1-44 (4) a report of a student's grades at the end of each
 1-45 grade reporting period;

1-46 (5) a report on instructional materials;

1-47 (6) subject to Subsection (a-1), a unit or weekly
 1-48 lesson plan that outlines, in a brief and general manner, the
 1-49 information to be presented during each period at the secondary
 1-50 level or in each subject or topic at the elementary level;

1-51 (7) an attendance report;

1-52 (8) any report required for accreditation review;

1-53 (9) any information required by a school district that
 1-54 relates to a complaint, grievance, or actual or potential
 1-55 litigation and that requires the classroom teacher's involvement;
 1-56 or

1-57 (10) any information specifically required by law,
 1-58 rule, or regulation.

1-59 (a-1) A unit or weekly lesson plan that is included in
 1-60 instructional material, as defined by Section 31.002, and adopted

2-1 by the board of trustees of the school district at which a teacher
2-2 is employed is sufficient to satisfy a requirement to prepare
2-3 written information described by Subsection (a)(6).

2-4 SECTION 2. Section 21.044(a-1), Education Code, is amended
2-5 to read as follows:

2-6 (a-1) Any training requirements for a certificate specified
2-7 under Subsection (a) must require that the person demonstrate:

2-8 (1) basic knowledge of:

2-9 (A) each disability category under the
2-10 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
2-11 et seq.) and how each category can affect student learning and
2-12 development; and

2-13 (B) conditions that may be considered a
2-14 disability under Section 504, Rehabilitation Act of 1973 (29 U.S.C.
2-15 Section 794), and how a condition covered by that section can affect
2-16 student learning and development;

2-17 (2) competence in the use of proactive instructional
2-18 planning techniques that:

2-19 (A) provide flexibility in the ways:

2-20 (i) information is presented;

2-21 (ii) students respond or demonstrate
2-22 knowledge and skills; and

2-23 (iii) students are engaged;

2-24 (B) reduce barriers in instruction;

2-25 (C) provide appropriate accommodations,
2-26 supports, and challenges; and

2-27 (D) maintain high achievement expectations for
2-28 all students, including students with disabilities and students of
2-29 limited English proficiency; ~~and~~

2-30 (3) competence in the use of evidence-based inclusive
2-31 instructional practices, including:

2-32 (A) general and special education collaborative
2-33 and co-teaching models and approaches;

2-34 (B) multitiered systems of support, including
2-35 response to intervention strategies, classroom and school level
2-36 data-based collaborative structures, and evidence-based strategies
2-37 for intervention and progress monitoring systems in academic areas;

2-38 (C) classroom management techniques using
2-39 evidence-based behavioral intervention strategies and supports;
2-40 and

2-41 (D) appropriate adaptation strategies, including
2-42 accommodations, modifications, and instruction in the use of
2-43 assistive technology for instruction; and

2-44 (4) thorough understanding of and competence in the
2-45 use of open education resource instructional materials included on
2-46 the list of approved instructional materials maintained by the
2-47 State Board of Education under Section 31.022 in each subject area
2-48 and grade level covered by the person's certificate.

2-49 SECTION 3. Subchapter I, Chapter 21, Education Code, is
2-50 amended by adding Section 21.4045 to read as follows:

2-51 Sec. 21.4045. PLANNING AND NONINSTRUCTIONAL DUTIES OF
2-52 TEACHERS. (a) A school district may permit, but may not require, a
2-53 classroom teacher for a foundation curriculum course to spend
2-54 planning and preparation time to which the teacher is entitled
2-55 under Section 21.404 creating or selecting instructional materials
2-56 to cover the applicable essential knowledge and skills for the
2-57 course unless the contract under which the teacher is employed
2-58 explicitly states that the teacher is responsible for duties
2-59 relating to lesson plan design or instructional material selection.

2-60 (b) A contract between a school district and a classroom
2-61 teacher under which a teacher is assigned responsibility for duties
2-62 unrelated to providing instruction and that requires the teacher to
2-63 work a greater number of hours than the number of hours worked by
2-64 other full-time teachers of the same grade level in the district
2-65 must explicitly state each of the teacher's duties unrelated to
2-66 providing instruction.

2-67 SECTION 4. Subchapter B, Chapter 22, Education Code, is
2-68 amended by adding Section 22.05125 to read as follows:

2-69 Sec. 22.05125. IMMUNITY FROM DISCIPLINARY PROCEEDINGS FOR

3-1 CLASSROOM TEACHERS. (a) In this section, "disciplinary
3-2 proceeding" has the meaning assigned by Section 22.0512.

3-3 (b) A classroom teacher employed by a school district may
3-4 not be subject to disciplinary proceedings for an allegation that
3-5 the teacher violated Section 28.0022, the Establishment Clause of
3-6 the First Amendment of the United States Constitution, or a related
3-7 state or federal law if:

3-8 (1) the teacher used only instructional material
3-9 included on the list of approved instructional material maintained
3-10 by the State Board of Education under Section 31.022 and adopted by
3-11 the district; and

3-12 (2) the allegation does not dispute that the teacher
3-13 delivered instruction from instructional material described by
3-14 Subdivision (1) with fidelity.

3-15 (c) The immunity provided by Subsection (b) is in addition
3-16 to any other immunity provided by law. This section may not be
3-17 construed to interfere with any other immunity provided by law.

3-18 SECTION 5. Section 26.006, Education Code, is amended by
3-19 amending Subsection (b) and adding Subsections (b-1) and (f) to
3-20 read as follows:

3-21 (b) A school district shall make teaching materials and
3-22 tests readily available for review by parents both in person and, if
3-23 applicable and subject to denial under Section 31.154(e), through
3-24 an instructional materials parent portal established under Section
3-25 31.154. In providing access to instructional materials to a
3-26 student's parent under this section, the district shall:

3-27 (1) allow access beginning not later than 30 days
3-28 before the school year begins and concluding not earlier than 30
3-29 days after the school year ends; and

3-30 (2) include, for the entire period specified in
3-31 Subdivision (1), access to all instructional materials that pertain
3-32 to each subject area in the grade level in which the student is
3-33 enrolled, except for:

3-34 (A) tests or exams that have not yet been
3-35 administered to the student; and

3-36 (B) the student's graded assignments.

3-37 (b-1) The district may specify reasonable hours for
3-38 in-person review.

3-39 (f) A school district that denies a parent access to an
3-40 instructional materials parent portal under Section 31.154(e) must
3-41 permit the parent to appeal the denial to the board of trustees of
3-42 the school district.

3-43 SECTION 6. Chapter 26, Education Code, is amended by adding
3-44 Section 26.0061 to read as follows:

3-45 Sec. 26.0061. RIGHT TO REQUEST INSTRUCTIONAL MATERIAL
3-46 REVIEW. (a) The board of trustees of each school district shall
3-47 establish a process by which a parent of a student, as indicated on
3-48 the student registration form at the student's campus, may request
3-49 an instructional material review under Section 31.0252 for a
3-50 subject area in the grade level in which the student is enrolled.

3-51 (b) A process established under Subsection (a):

3-52 (1) may not require more than one parent of a student
3-53 to make the request;

3-54 (2) must provide for the board of trustees of the
3-55 school district to determine if the request will be granted, either
3-56 originally or through an appeal process; and

3-57 (3) may permit the requesting parent to review the
3-58 instructional material directly before the district conducts an
3-59 instructional material review under Section 31.0252.

3-60 (c) If the parents of at least 25 percent of the students
3-61 enrolled at a campus present to the board of trustees of the school
3-62 district in which the campus is located a petition for the board to
3-63 conduct an instructional material review under Section 31.0252, the
3-64 board shall, subject to Subsection (d), conduct the review, unless,
3-65 by a majority vote, the board denies the request. A review
3-66 conducted under this subsection shall include a review of
3-67 instructional materials for each subject area or grade level
3-68 specified in the petition.

3-69 (d) The board of trustees of a school district is required

4-1 to conduct a review under this section of a specific subject area or
 4-2 grade level at a specific district campus only once per school year.

4-3 (e) The commissioner may adopt rules to implement this
 4-4 section.

4-5 SECTION 7. Section 28.002, Education Code, is amended by
 4-6 adding Subsections (c-4) and (c-5) to read as follows:

4-7 (c-4) In adopting essential knowledge and skills for
 4-8 English language arts under Subsection (a)(1)(A), the State Board
 4-9 of Education shall specify a list of required vocabulary and at
 4-10 least one literary work to be taught in each grade level. The
 4-11 vocabulary specified by the board must support the essential
 4-12 knowledge and skills adopted for other courses offered under the
 4-13 foundation curriculum under Subsection (a)(1).

4-14 (c-5) The State Board of Education shall initiate the
 4-15 process of specifying an initial list of vocabulary and literary
 4-16 works as required by Subsection (c-4) not later than February 1,
 4-17 2024. The State Board of Education shall request from the agency
 4-18 recommendations regarding the list, and that request for
 4-19 recommendations may be considered an initiation of the process.
 4-20 This subsection expires September 1, 2025.

4-21 SECTION 8. The heading to Section 28.0027, Education Code,
 4-22 is amended to read as follows:

4-23 Sec. 28.0027. DISTRICT CURRICULUM SCOPE, [AND] SEQUENCE,
 4-24 AND INSTRUCTIONAL MATERIAL.

4-25 SECTION 9. Sections 28.0027(a) and (b), Education Code, are
 4-26 amended to read as follows:

4-27 (a) In adopting a recommended or designated scope and
 4-28 sequence or instructional materials for a subject in the required
 4-29 curriculum under Section 28.002(a) in a particular grade level, a
 4-30 school district shall ensure sufficient time is provided for
 4-31 teachers to teach and students to learn the essential knowledge and
 4-32 skills for that subject and grade level.

4-33 (b) Except as provided by Subsection (c), a school district
 4-34 may not penalize a teacher who does not follow the pacing of [a]
 4-35 recommended or designated instructional materials or the pacing of
 4-36 the recommended or designated scope and sequence for a subject in
 4-37 the required curriculum under Section 28.002(a) in a particular
 4-38 grade level based on the teacher's determination that the teacher's
 4-39 students need more or less time in a specific area to demonstrate
 4-40 proficiency in the essential knowledge and skills for that subject
 4-41 and grade level.

4-42 SECTION 10. The heading to Chapter 31, Education Code, is
 4-43 amended to read as follows:

4-44 CHAPTER 31. INSTRUCTIONAL MATERIALS AND TECHNOLOGY

4-45 SECTION 11. Section 31.002, Education Code, is amended by
 4-46 amending Subdivisions (1) and (1-a) and adding Subdivisions (1-b),
 4-47 (1-c), and (3) to read as follows:

4-48 (1) "Full subject tier one instructional material"
 4-49 means instructional material designed to, if implemented as
 4-50 designed, provide a student with mastery of the essential knowledge
 4-51 and skills adopted by the board for a certain subject and grade
 4-52 level in the required curriculum under Section 28.002 or for
 4-53 prekindergarten without the need for supplementation.

4-54 (1-a) "Instructional material" means content that
 4-55 conveys the essential knowledge and skills of a subject in the
 4-56 public school curriculum through a medium or a combination of media
 4-57 for conveying information to a student. The term includes:

4-58 (A) material used by a teacher, including a
 4-59 lesson plan, answer key, grading rubric, or unit plan;

4-60 (B) material used by a principal or campus
 4-61 instructional leader to support instruction; and

4-62 (C) material used by a student, including a book,
 4-63 supplementary materials, a combination of a book, workbook, and
 4-64 supplementary materials, computer software, magnetic media, DVD,
 4-65 CD-ROM, computer courseware, on-line services, or an electronic
 4-66 medium, or other means of conveying information to the student or
 4-67 otherwise contributing to the learning process through electronic
 4-68 means, including open education resource instructional material.

4-69 (1-b) [(1-a)] "Open education resource instructional

5-1 material" means teaching, learning, and research resources that
 5-2 reside in the public domain or have been released under an
 5-3 intellectual property license that allows for free use, reuse,
 5-4 modification, and sharing with others, including full courses,
 5-5 course materials, modules, textbooks, streaming videos, tests,
 5-6 software, and any other tools, materials, or techniques used to
 5-7 support access to knowledge. [~~The term includes state-developed~~
 5-8 ~~open education resource instructional material purchased under~~
 5-9 ~~Subchapter B-1.~~]

5-10 (1-c) "Partial subject tier one instructional
 5-11 material" means instructional material designed to, if implemented
 5-12 as designed, provide a student with mastery in a portion of the
 5-13 essential knowledge and skills adopted by the State Board of
 5-14 Education for a certain subject and grade level in the required
 5-15 curriculum under Section 28.002 or for prekindergarten without the
 5-16 need for supplementation in the essential knowledge and skills
 5-17 covered.

5-18 (3) "Supplemental instructional material" means
 5-19 instructional material designed to assist in the instruction of one
 5-20 or more of the essential knowledge and skills adopted by the State
 5-21 Board of Education for a subject in the required curriculum under
 5-22 Section 28.002 or for prekindergarten.

5-23 SECTION 12. Section 31.003, Education Code, is amended to
 5-24 read as follows:

5-25 Sec. 31.003. RULES. (a) The State Board of Education may
 5-26 adopt rules, consistent with this chapter, for the adoption,
 5-27 requisition, distribution, care, use, and disposal of
 5-28 instructional materials.

5-29 (b) The commissioner may adopt rules, consistent with this
 5-30 chapter, as necessary to implement any provision of this chapter.

5-31 SECTION 13. Subchapter A, Chapter 31, Education Code, is
 5-32 amended by adding Section 31.006 to read as follows:

5-33 Sec. 31.006. ADVISORY COMMITTEE. The agency may form an
 5-34 advisory committee to comply with the provisions of this chapter.
 5-35 Chapter 2110, Government Code, does not apply to an advisory
 5-36 committee formed under this section.

5-37 SECTION 14. Chapter 31, Education Code, is amended by
 5-38 adding Subchapter A-1, and a heading is added to that subchapter to
 5-39 read as follows:

5-40 SUBCHAPTER A-1. STATE FUNDING FOR INSTRUCTIONAL MATERIALS AND
 5-41 TECHNOLOGY

5-42 SECTION 15. Section 31.005, Education Code, is transferred
 5-43 to Subchapter A-1, Chapter 31, Education Code, as added by this Act,
 5-44 and redesignated as Section 31.0205 to read as follows:

5-45 Sec. 31.0205 [~~31.005~~]. FUNDING FOR OPEN-ENROLLMENT
 5-46 CHARTER SCHOOLS. An open-enrollment charter school is entitled to
 5-47 the instructional materials and technology allotment under this
 5-48 chapter and is subject to this chapter as if the school were a
 5-49 school district.

5-50 SECTION 16. Sections 31.021, 31.0212, 31.0214, and 31.0215,
 5-51 Education Code, are transferred to Subchapter A-1, Chapter 31,
 5-52 Education Code, as added by this Act, and amended to read as
 5-53 follows:

5-54 Sec. 31.021. STATE INSTRUCTIONAL MATERIALS AND TECHNOLOGY
 5-55 FUND. (a) The state instructional materials and technology fund
 5-56 consists of:

5-57 (1) an amount set aside by the State Board of Education
 5-58 from the available school fund, in accordance with Section
 5-59 43.001(d); and

5-60 (2) all amounts lawfully paid into the fund from any
 5-61 other source.

5-62 (c) Money in the state instructional materials and
 5-63 technology fund shall be used to:

5-64 (1) fund the instructional materials and technology
 5-65 allotment, as provided by Section 31.0211;

5-66 (2) purchase special instructional materials for the
 5-67 education of blind and visually impaired students in public
 5-68 schools;

5-69 (3) pay the expenses associated with the instructional

6-1 materials adoption and review process and Internet website
 6-2 maintained under this chapter;
 6-3 (4) pay the expenses associated with the purchase,
 6-4 [~~or~~] licensing, printing, or other reproduction of open education
 6-5 resource instructional material;
 6-6 (5) pay the expenses associated with the purchase of
 6-7 instructional material, including freight and shipping and the
 6-8 insurance expenses associated with freight and shipping;
 6-9 (6) fund the technology lending grant program
 6-10 established under Section 32.301; and
 6-11 (7) provide funding to the Texas School for the Blind
 6-12 and Visually Impaired, the Texas School for the Deaf, and the Texas
 6-13 Juvenile Justice Department [~~, and~~
 6-14 [~~(8) pay the expenses associated with the~~
 6-15 ~~instructional materials web portal developed under Section~~
 6-16 ~~31.081~~].
 6-17 (d) Money transferred to the state instructional materials
 6-18 and technology fund remains in the fund until spent and does not
 6-19 lapse to the state at the end of the fiscal year.
 6-20 Sec. 31.0212. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
 6-21 ACCOUNT. (a) The commissioner shall maintain an instructional
 6-22 materials and technology account for each school district. In the
 6-23 first year of each biennium, the commissioner shall deposit in the
 6-24 account for each district the amount of the district's
 6-25 instructional materials and technology allotment under Section
 6-26 31.0211.
 6-27 (b) The commissioner shall pay the cost of instructional
 6-28 materials requisitioned by a school district under Section 31.103
 6-29 using funds from the district's instructional materials and
 6-30 technology account.
 6-31 (c) [~~A school district may also use funds in the district's~~
 6-32 ~~account to purchase electronic instructional materials or~~
 6-33 ~~technological equipment. The district shall submit to the~~
 6-34 ~~commissioner a request for funds for this purpose from the~~
 6-35 ~~district's account. The commissioner shall adopt rules regarding~~
 6-36 ~~the documentation a school district must submit to receive funds~~
 6-37 ~~under this subsection.~~
 6-38 [~~(d)~~] Money deposited in a school district's instructional
 6-39 materials and technology account during each state fiscal biennium
 6-40 remains in the account and available for use by the district for the
 6-41 entire biennium. At the end of each biennium, a district with
 6-42 unused money in the district's account may carry forward any
 6-43 remaining balance to the next biennium.
 6-44 (d) A [~~(e)~~] ~~The commissioner shall adopt rules as necessary~~
 6-45 ~~to implement this section. The rules must include a requirement~~
 6-46 ~~that a] school district shall provide to the agency the title and~~
 6-47 ~~publication information for any instructional materials~~
 6-48 ~~requisitioned or purchased by the district with the district's~~
 6-49 ~~instructional materials and technology allotment.~~
 6-50 (e) The agency shall provide for the development and
 6-51 maintenance of an online requisition and disbursement system for
 6-52 each school district's instructional materials and technology
 6-53 account.
 6-54 Sec. 31.0214. ADJUSTMENT FOR HIGH ENROLLMENT GROWTH
 6-55 DISTRICTS. [~~(a)~~] Each year the commissioner shall adjust the
 6-56 instructional materials and technology allotment of school
 6-57 districts experiencing high enrollment growth. The commissioner
 6-58 shall establish a procedure for determining high enrollment growth
 6-59 districts eligible to receive an adjustment under this section and
 6-60 the amount of the instructional materials and technology allotment
 6-61 those districts will receive.
 6-62 [~~(b)~~] ~~The commissioner may adopt rules as necessary to~~
 6-63 ~~implement this section.]~~
 6-64 Sec. 31.0215. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
 6-65 ALLOTMENT PURCHASES. (a) The commissioner shall, as early as
 6-66 practicable during each biennium, notify each school district and
 6-67 open-enrollment charter school of the estimated amount to which the
 6-68 district or charter school will be entitled under Section 31.0211
 6-69 during the next fiscal biennium.

7-1 (b) The commissioner shall ~~[may]~~ allow a school district or
 7-2 open-enrollment charter school to place an order for instructional
 7-3 materials before the beginning of a fiscal biennium and to receive
 7-4 instructional materials before payment. The commissioner shall
 7-5 limit the cost of an order placed under this section to 80 percent
 7-6 of the estimated amount to which a school district or
 7-7 open-enrollment charter school is estimated to be entitled as
 7-8 provided by Subsection (a) and shall first credit any balance in a
 7-9 district or charter school instructional materials and technology
 7-10 account to pay for an order placed under this section.

7-11 (c) The commissioner shall make payments for orders placed
 7-12 under this section as funds become available to the instructional
 7-13 materials and technology fund and shall prioritize payment of
 7-14 orders placed under this section over reimbursement of purchases
 7-15 made directly by a school district or open-enrollment charter
 7-16 school.

7-17 (d) The commissioner shall ensure that publishers of
 7-18 instructional materials are informed of any potential delay in
 7-19 payment and that payment is subject to the availability of
 7-20 appropriated funds. A publisher may decline to accept an order
 7-21 placed under this section.

7-22 (e) Chapter 2251, Government Code, does not apply to
 7-23 purchases of instructional materials under this section.

7-24 ~~[(f) The commissioner may adopt rules to implement this~~
 7-25 ~~section.]~~

7-26 SECTION 17. Section 31.0211, Education Code, as amended by
 7-27 Chapters 806 (H.B. 1525) and 1003 (H.B. 3261), Acts of the 87th
 7-28 Legislature, Regular Session, 2021, is transferred to Subchapter
 7-29 A-1, Chapter 31, Education Code, as added by this Act, reenacted,
 7-30 and amended to read as follows:

7-31 Sec. 31.0211. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
 7-32 ALLOTMENT. (a) A school district is entitled to an allotment each
 7-33 biennium from the state instructional materials and technology fund
 7-34 for each student enrolled in the district on a date during the last
 7-35 year of the preceding biennium specified by the commissioner. The
 7-36 commissioner shall determine the amount of the allotment per
 7-37 student each biennium on the basis of the amount of money available
 7-38 in the state instructional materials and technology fund to fund
 7-39 the allotment. An allotment under this section shall be
 7-40 transferred from the state instructional materials and technology
 7-41 fund to the credit of the district's instructional materials and
 7-42 technology account as provided by Section 31.0212.

7-43 (b) A juvenile justice alternative education program under
 7-44 Section 37.011 is entitled to an allotment from the state
 7-45 instructional materials and technology fund in an amount determined
 7-46 by the commissioner. The program shall use the allotment to
 7-47 purchase items listed in Subsection (c) for students enrolled in
 7-48 the program. The commissioner's determination under this
 7-49 subsection is final and may not be appealed.

7-50 (c) Funds allotted under this section may be used to:

7-51 (1) purchase:

7-52 (A) ~~[materials on the list adopted by the~~
 7-53 ~~commissioner, as provided by Section 31.0231,~~

7-54 ~~[(B)]~~ instructional materials, regardless of
 7-55 whether the instructional materials are on the list of approved
 7-56 instructional materials maintained by the State Board of Education
 7-57 under Section 31.022 [adopted under Section 31.024];

7-58 (B) ~~[(C)]~~ consumable instructional materials,
 7-59 including workbooks;

7-60 (C) ~~[(D)]~~ instructional materials for use in
 7-61 bilingual education classes, as provided by Section 31.029;

7-62 (D) ~~[(E)]~~ instructional materials for use in
 7-63 college preparatory courses under Section 28.014, as provided by
 7-64 Section 31.031;

7-65 (E) ~~[(F)]~~ supplemental instructional materials
 7-66 ~~[, as provided by Section 31.035];~~

7-67 (F) ~~[(G) state-developed]~~ open education
 7-68 resource instructional materials, as provided by Subchapter B-1;

7-69 (G) ~~[(H)]~~ instructional materials and

8-1 technological equipment under any continuing contracts of the
8-2 district in effect on September 1, 2011;

8-3 (H) [~~(I)~~] technological equipment necessary to
8-4 support the use of ~~[materials included on the list adopted by the~~
8-5 ~~commissioner under Section 31.0231 or]~~ any instructional materials
8-6 purchased with an allotment under this section;

8-7 (I) [~~(J)~~] inventory software or systems for
8-8 storing, managing, and accessing instructional materials and
8-9 analyzing the usage and effectiveness of the instructional
8-10 materials; and

8-11 (J) [~~(K)~~] services, equipment, and technology
8-12 infrastructure necessary to ensure Internet connectivity and
8-13 adequate bandwidth; and

8-14 (2) pay:

8-15 (A) for training educational personnel directly
8-16 involved in student learning in the appropriate use of
8-17 instructional materials and for providing for access to
8-18 technological equipment for instructional use;

8-19 (B) for training personnel in the electronic
8-20 administration of assessment instruments; ~~and]~~

8-21 (C) the salary and other expenses of an employee
8-22 who provides technical support for the use of technological
8-23 equipment directly involved in student learning; and

8-24 (D) [~~(E)~~] for costs associated with distance
8-25 learning, including Wi-Fi, Internet access hotspots, wireless
8-26 network service, broadband service, and other services and
8-27 technological equipment necessary to facilitate Internet access.

8-28 (d) ~~[Each biennium the commissioner shall assess the~~
8-29 ~~technology needs for all school districts and provide an estimate~~
8-30 ~~of the cost for these resources to the State Board of Education.~~

8-31 [~~(d-1)~~] In purchasing technological equipment, a school
8-32 district shall:

8-33 (1) secure technological solutions that meet the
8-34 varying and unique needs of students and teachers in the district;
8-35 and

8-36 (2) consider:

8-37 (A) the long-term cost of ownership; and

8-38 (B) flexibility for innovation.

8-39 (e) Not later than May 31 of each school year, a school
8-40 district may request that the commissioner adjust the number of
8-41 students for which the district is entitled to receive an allotment
8-42 under Subsection (a) on the grounds that the number of students
8-43 attending school in the district will increase or decrease during
8-44 the school year for which the allotment is provided. The
8-45 commissioner may also adjust the number of students for which a
8-46 district is entitled to receive an allotment, without a request by
8-47 the district, if the commissioner determines a different number of
8-48 students is a more accurate reflection of students who will be
8-49 attending school in the district. The commissioner's determination
8-50 under this subsection is final.

8-51 [~~(f) The commissioner may adopt rules as necessary to~~
8-52 ~~implement this section.]~~

8-53 SECTION 18. Subchapter A-1, Chapter 31, Education Code, as
8-54 added by this Act, is amended by adding Section 31.0216 to read as
8-55 follows:

8-56 Sec. 31.0216. AGENCY PURCHASE OF INSTRUCTIONAL MATERIALS
8-57 AND TECHNOLOGY. (a) From funds appropriated for the purpose, the
8-58 agency may contract directly, including by extending a contract,
8-59 for the purchase of instructional materials and technology for use
8-60 by school districts.

8-61 (b) The provisions of Chapter 2157, Government Code,
8-62 requiring a state agency to use a contract or contract terms
8-63 developed or preapproved by the Department of Information Resources
8-64 do not apply to a contract entered into under this section, but the
8-65 agency may participate in a program authorized by that chapter.

8-66 SECTION 19. The heading to Subchapter B, Chapter 31,
8-67 Education Code, is amended to read as follows:

8-68 SUBCHAPTER B. STATE REVIEW AND [FUNDING,] ADOPTION [~~AND~~
8-69 PURCHASE]

9-1 SECTION 20. The heading to Section 31.022, Education Code,
9-2 is amended to read as follows:

9-3 Sec. 31.022. STATE BOARD OF EDUCATION INSTRUCTIONAL
9-4 MATERIALS REVIEW AND APPROVAL [ADOPTION].

9-5 SECTION 21. Section 31.022, Education Code, is amended by
9-6 amending Subsections (a), (b), (c), and (d) and adding Subsection
9-7 (c-1) to read as follows:

9-8 (a) The State Board of Education shall ~~[adopt a]~~ review ~~[and~~
9-9 ~~adoption cycle for]~~ instructional materials provided to the board
9-10 by the agency under Section 31.023. Before approving instructional
9-11 material, the board must determine that the material is free from
9-12 factual error and suitable for the subject and grade level for which
9-13 the material is designed. The board shall add each material
9-14 approved under this section to a list of approved instructional
9-15 materials and may add a material not approved under this section to
9-16 a list of rejected instructional materials [for elementary grade
9-17 levels, including prekindergarten, and secondary grade levels, for
9-18 each subject in the required curriculum under Section 28.002. In
9-19 adopting the cycle, the board:

9-20 ~~[(1) is not required to review and adopt instructional~~
9-21 ~~materials for all grade levels in a single year, and~~

9-22 ~~[(2) shall give priority to instructional materials in~~
9-23 ~~the following subjects:~~

9-24 ~~[(A) foundation curriculum subjects for which~~
9-25 ~~the essential knowledge and skills have been substantially revised~~
9-26 ~~and for which assessment instruments are required under Subchapter~~
9-27 ~~B, Chapter 39, including career and technology courses that satisfy~~
9-28 ~~foundation curriculum requirements as provided by Section~~
9-29 ~~28.002(n);~~

9-30 ~~[(B) foundation curriculum subjects for which~~
9-31 ~~the essential knowledge and skills have been substantially revised,~~
9-32 ~~including career and technology courses that satisfy foundation~~
9-33 ~~curriculum requirements as provided by Section 28.002(n);~~

9-34 ~~[(C) foundation curriculum subjects not~~
9-35 ~~described by Paragraph (A) or (B), including career and technology~~
9-36 ~~courses that satisfy foundation curriculum requirements as~~
9-37 ~~provided by Section 28.002(n); and~~

9-38 ~~[(D) enrichment curriculum subjects].~~

9-39 (b) ~~[The board shall organize the cycle for subjects in the~~
9-40 ~~foundation curriculum so that not more than one-fourth of the~~
9-41 ~~instructional materials for subjects in the foundation curriculum~~
9-42 ~~are reviewed each biennium.]~~ The State Board of Education may adopt
9-43 criteria necessary for approval of instructional material under
9-44 Subsection (a) and may require:

9-45 (1) all instructional material submitted as full
9-46 subject tier one instructional material to cover a minimum
9-47 percentage, as determined by the board, of the essential knowledge
9-48 and skills adopted for the subject and grade level for which the
9-49 material is designed;

9-50 (2) electronic samples of the material; and

9-51 (3) certain physical specifications [board shall
9-52 adopt rules to provide for a full and complete investigation of
9-53 instructional materials for each subject in the foundation
9-54 curriculum every eight years. The adoption of instructional
9-55 materials for a subject in the foundation curriculum may be
9-56 extended beyond the eight-year period only if the content of
9-57 instructional materials for a subject is sufficiently current].

9-58 (c) The State Board of Education may remove instructional
9-59 material from the list of approved instructional materials under
9-60 this section if the essential knowledge and skills intended to be
9-61 covered by the material are revised or the material is revised
9-62 without the approval of the board ~~[board shall adopt rules to~~
9-63 ~~provide for a full and complete investigation of instructional~~
9-64 ~~materials for each subject in the enrichment curriculum on a cycle~~
9-65 ~~the board considers appropriate].~~

9-66 (c-1) If the State Board of Education intends to remove an
9-67 instructional material from the list of approved instructional
9-68 materials under Subsection (c), not later than December 1 of the
9-69 year preceding the school year for which the revision will take

10-1 effect, the board shall provide to each school district the updated
10-2 list of approved instructional materials for the relevant subject
10-3 or grade level.

10-4 (d) The State Board of Education shall indicate whether each
10-5 instructional material reviewed under Subsection (a) is capable of
10-6 being made available through an instructional materials parent
10-7 portal established under Section 31.154 [At least 12 months before
10-8 the beginning of the school year for which instructional materials
10-9 for a particular subject and grade level will be adopted under the
10-10 review and adoption cycle, the board shall publish notice of the
10-11 review and adoption cycle for those instructional materials. A
10-12 request for production must allow submission of open education
10-13 resource instructional materials that are available for use by the
10-14 state without charge on the same basis as instructional materials
10-15 offered for sale].

10-16 SECTION 22. Section 31.023, Education Code, is amended to
10-17 read as follows:

10-18 Sec. 31.023. INSTRUCTIONAL MATERIAL REVIEW [LIST]. (a)
10-19 The commissioner shall establish, with the approval of the State
10-20 Board of Education, a process for the annual review of
10-21 instructional materials by the agency. The process established
10-22 under this subsection must:

10-23 (1) establish a process for the agency to select
10-24 instructional materials for review that includes:

10-25 (A) evaluating requests for review of
10-26 instructional materials submitted to the agency by:

10-27 (i) a school district;
10-28 (ii) a majority of the members of the State

10-29 Board of Education; or
10-30 (iii) a publisher of instructional
10-31 material;

10-32 (B) reviewing instructional materials
10-33 requisitioned or purchased under Section 31.0212; and

10-34 (C) reviewing instructional materials using a
10-35 time frame appropriate for updating the list of approved
10-36 instructional materials under Section 31.022 to address revisions
10-37 made by the State Board of Education to the essential knowledge and
10-38 skills for a particular subject or grade level;

10-39 (2) describe the types of instructional materials the
10-40 agency may review, including:

10-41 (A) partial subject tier one instructional
10-42 material, including those designed for use in the phonics
10-43 curriculum required under Section 28.0062(a)(1);

10-44 (B) open education resource instructional
10-45 material;

10-46 (C) instructional materials developed by a
10-47 school district and submitted to the agency by the district for
10-48 review; and

10-49 (D) commercially available full subject tier one
10-50 instructional material;

10-51 (3) establish procedures for the agency to conduct
10-52 reviews of instructional materials, including:

10-53 (A) the use of a rubric approved under Subsection
10-54 (b); and

10-55 (B) consultation with classroom teachers and
10-56 other curriculum experts for the appropriate subject and grade
10-57 level; and

10-58 (4) ensure the procedures for review allow the agency
10-59 to review at least 200 individual instructional materials each year
10-60 [For each subject and grade level, the State Board of Education
10-61 shall adopt a list of instructional materials. The list includes
10-62 each instructional material submitted for the subject and grade
10-63 level that meets applicable physical specifications adopted by the
10-64 State Board of Education and contains material covering at least
10-65 half of the elements of the essential knowledge and skills of the
10-66 subject and grade level in the student version of the instructional
10-67 material, as well as in the teacher version of the instructional
10-68 material, as determined by the State Board of Education under
10-69 Section 28.002 and adopted under Section 31.024].

~~11-1 [(a-1) The State Board of Education shall determine the
11-2 percentage of the elements of the essential knowledge and skills of
11-3 the subject and grade level covered by each instructional material
11-4 submitted. The board's determination under this subsection is
11-5 final.]~~

11-6 (b) In conducting a review under this section, the agency
11-7 must use a rubric developed by the agency and approved by the State
11-8 Board of Education that includes, with respect to the instructional
11-9 material being reviewed, a determination of:

11-10 (1) whether the material is free from factual error
11-11 and satisfies the criteria adopted by the board under Section
11-12 31.022;

11-13 (2) the quality of the material; and

11-14 (3) the essential knowledge and skills for the subject
11-15 and grade level for which the material was developed that are
11-16 covered by the material, including identification of:

11-17 (A) each essential knowledge and skill covered by
11-18 the material;

11-19 (B) for a full subject tier one instructional
11-20 material, the percentage of the essential knowledge and skills
11-21 adopted for the subject and grade level covered by the material; and

11-22 (C) for a partial subject tier one instructional
11-23 material, the percentage of the essential knowledge and skills for
11-24 the relevant portion of the subject and grade level covered by the
11-25 material ~~[Each instructional material on the list must be:~~

11-26 ~~[(1) free from factual errors;~~

11-27 ~~[(2) suitable for the subject and grade level for
11-28 which the instructional material was submitted; and~~

11-29 ~~[(3) reviewed by academic experts in the subject and
11-30 grade level for which the instructional material was submitted].~~

11-31 (c) After completing a review under this section, the agency
11-32 shall provide the results of the review and any related
11-33 recommendations to the State Board of Education for approval or
11-34 rejection of the instructional material and the inclusion of the
11-35 instructional material on a list maintained by the State Board of
11-36 Education under Section 31.022.

11-37 (d) The agency shall use funds appropriated to the agency
11-38 for the purposes of reviewing instructional material or available
11-39 in the state instructional materials and technology fund for
11-40 purposes of implementing this section.

11-41 (e) A process established under Subsection (a) or a rubric
11-42 developed under Subsection (b) is automatically approved by the
11-43 State Board of Education if not rejected by the board before the
11-44 91st day after the date the agency submits the item to the board.

11-45 SECTION 23. Subchapter B, Chapter 31, Education Code, is
11-46 amended by adding Sections 31.025, 31.0251, and 31.0252 to read as
11-47 follows:

11-48 Sec. 31.025. INSTRUCTIONAL MATERIAL INTERNET WEBSITE. (a)
11-49 The agency shall develop and maintain an instructional material
11-50 Internet website to assist school districts in locating and
11-51 selecting instructional material.

11-52 (b) For each instructional material included, the Internet
11-53 website developed and maintained under this section shall provide:

11-54 (1) the price of the material;

11-55 (2) the technological requirements needed to use the
11-56 material;

11-57 (3) the results of an agency review of the material
11-58 conducted under Section 31.023;

11-59 (4) a statement of whether the material is included on
11-60 the list of approved instructional materials maintained by the
11-61 State Board of Education under Section 31.022 or has been rejected
11-62 by the board; and

11-63 (5) any other information the agency determines
11-64 relevant to a school district's selection of instructional
11-65 material.

11-66 (c) The Internet website developed and maintained under
11-67 this section must include the repository of open education resource
11-68 instructional material required by Section 31.0722.

11-69 (d) The agency shall use funds appropriated to the agency

12-1 for the purposes of reviewing instructional material or available
 12-2 in the state instructional materials and technology fund for
 12-3 purposes of implementing this section.

12-4 Sec. 31.0251. INSTRUCTIONAL MATERIAL SUPPORT. (a) On
 12-5 request of a school district, the agency shall provide the district
 12-6 assistance in evaluating, adopting, or using instructional
 12-7 materials.

12-8 (b) Except as otherwise provided, the agency may not require
 12-9 a school district to adopt or otherwise use instructional material
 12-10 reviewed by the agency under Section 31.023 or included on the list
 12-11 of approved instructional materials maintained by the State Board
 12-12 of Education under Section 31.022.

12-13 Sec. 31.0252. LOCAL REVIEW OF CLASSROOM INSTRUCTIONAL
 12-14 MATERIAL. (a) The agency shall develop standards in consultation
 12-15 with stakeholders, including educators, by which a school district
 12-16 may conduct a review of instructional materials used by a classroom
 12-17 teacher in a foundation curriculum course under Section
 12-18 28.002(a)(1) to determine the degree to which the material:

12-19 (1) corresponds with the instructional materials
 12-20 adopted by the school district or district campus; and

12-21 (2) meets the level of rigor of the essential
 12-22 knowledge and skills adopted under Section 28.002 for the grade
 12-23 level in which it is being used.

12-24 (b) The agency shall develop a rubric, approved by the State
 12-25 Board of Education, to determine if reviewed instructional material
 12-26 complies with the rigor requirements described by Subsection
 12-27 (a)(2).

12-28 (c) The agency, in developing standards under Subsection
 12-29 (a):

12-30 (1) shall minimize, to the extent possible, the time a
 12-31 classroom teacher is required to spend complying with a review
 12-32 conducted under this section;

12-33 (2) may not, unless unavoidable, require a teacher to
 12-34 spend more than 30 minutes on a single review conducted under this
 12-35 section; and

12-36 (3) may not authorize the review of instructional
 12-37 materials used by a classroom teacher for a specific subject or
 12-38 grade level at a specific school district campus more than once per
 12-39 school year.

12-40 (d) The agency shall permit a regional education service
 12-41 center or a curriculum review service provider approved by the
 12-42 agency to conduct the review for a school district under this
 12-43 section and provide to approved centers and providers training
 12-44 relating to appropriately conducting the review.

12-45 (e) The agency shall award grants to assist school districts
 12-46 in conducting reviews under this section.

12-47 SECTION 24. Sections 31.026(a) and (b), Education Code, are
 12-48 amended to read as follows:

12-49 (a) The State Board of Education may ~~shall~~ execute a
 12-50 contract for the purchase or licensing of each adopted
 12-51 instructional material.

12-52 (b) A contract must require the publisher to provide the
 12-53 number of instructional materials required by school districts in
 12-54 this state for the term of the contract~~[, which must coincide with~~
 12-55 ~~the board's adoption cycle]~~.

12-56 SECTION 25. The heading to Subchapter B-1, Chapter 31,
 12-57 Education Code, is amended to read as follows:

12-58 SUBCHAPTER B-1. ~~[STATE-DEVELOPED]~~ OPEN EDUCATION RESOURCE
 12-59 INSTRUCTIONAL MATERIALS

12-60 SECTION 26. Subchapter B-1, Chapter 31, Education Code, is
 12-61 amended by adding Section 31.0701 to read as follows:

12-62 Sec. 31.0701. REFERENCES TO STATE-DEVELOPED OPEN EDUCATION
 12-63 RESOURCE INSTRUCTIONAL MATERIAL. In this chapter, a reference to a
 12-64 state-developed open education resource instructional material
 12-65 means an open education resource instructional material, as defined
 12-66 by Section 31.002.

12-67 SECTION 27. Section 31.071, Education Code, is amended to
 12-68 read as follows:

12-69 Sec. 31.071. AVAILABILITY OF OPEN EDUCATION RESOURCE

13-1 INSTRUCTIONAL MATERIAL [PURCHASE AUTHORITY]. (a) The commissioner
13-2 shall ensure that [may purchase state-developed] open education
13-3 resource instructional materials are available for use by school
13-4 districts in accordance with this subchapter.

13-5 (b) To ensure the availability of open education resource
13-6 instructional materials under Subsection (a), the [The]
13-7 commissioner may:

13-8 (1) purchase a license authorizing the use of [shall
13-9 purchase any state-developed] open education resource
13-10 instructional materials [through a competitive process];

13-11 (2) purchase or otherwise acquire ownership of open
13-12 education resource instructional materials;

13-13 (3) develop open education resource instructional
13-14 materials;

13-15 (4) adopt open education resource instructional
13-16 materials; or

13-17 (5) use any combination of the methods described by
13-18 Subdivisions (1), (2), (3), and (4) to acquire open education
13-19 resource instructional materials.

13-20 (b-1) The commissioner [and
13-21 [~~(2)~~] may make available [purchase] more than one
13-22 [state-developed] open education resource instructional material
13-23 for a subject or grade level.

13-24 (b-2) The commissioner shall:

13-25 (1) to the extent practicable, ensure full subject
13-26 tier one instructional materials are available as open education
13-27 resource instructional material for:

13-28 (A) English language arts and mathematics
13-29 courses in kindergarten through grade eight;

13-30 (B) prekindergarten, in subject areas related to
13-31 English language arts and mathematics; and

13-32 (C) all foundation curriculum courses in
13-33 kindergarten through grade five in a manner that permits the
13-34 instruction of the content to be provided:

13-35 (i) in an integrated manner; and

13-36 (ii) for approximately 240 minutes of
13-37 instructional time per day, including time needed each day for
13-38 accelerated instruction under Section 28.0211; and

13-39 (2) ensure open education resource instructional
13-40 materials are available to all students, parents, classroom
13-41 teachers, and school districts in this state free of charge, except
13-42 for a fee for the printing or shipping of the material.

13-43 (c) Except as provided by Section 31.0711, an [a
13-44 state-developed] open education resource instructional material
13-45 must be licensed to this state under an intellectual property
13-46 license that allows for free use, reuse, modification, or sharing
13-47 with others as described by Section 31.07101 [irrevocably owned by
13-48 the state. The state must have unlimited authority to modify,
13-49 delete, combine, or add content to the instructional material after
13-50 purchase].

13-51 (d) [The commissioner may issue a request for proposals for
13-52 state-developed open education resource instructional material:

13-53 (1) in accordance with the instructional material
13-54 review and adoption cycle under Section 31.022; or

13-55 (2) at any other time the commissioner determines
13-56 that a need exists for additional instructional material options.

13-57 [(e)] The costs of administering this subchapter and
13-58 ensuring the availability of [purchasing state-developed] open
13-59 education resource instructional materials shall be paid from funds
13-60 appropriated for the purpose and the state instructional materials
13-61 and technology fund, as determined by the commissioner.

13-62 SECTION 28. Subchapter B-1, Chapter 31, Education Code, is
13-63 amended by adding Section 31.07101 to read as follows:

13-64 Sec. 31.07101. FREE USE, REUSE, MODIFICATION, OR SHARING
13-65 LICENSE. (a) Instructional material is licensed to this state
13-66 under an intellectual property license that allows for free use,
13-67 reuse, modification, or sharing with others if the license:

13-68 (1) is irrevocable and perpetual;

13-69 (2) permits the state to sublicense the material;

14-1 (3) authorizes the use of the material by any person in
 14-2 any location permitted by the terms of the original license, if
 14-3 applicable;

14-4 (4) authorizes access, use, transmission, adaptation,
 14-5 public display, public performance, public distribution, and
 14-6 copying of the material; and

14-7 (5) authorizes the creation of derivative works as
 14-8 permitted by the terms of the original license, if applicable.

14-9 (b) Instructional material licensed to this state under an
 14-10 intellectual property license that is restricted to noncommercial
 14-11 or educational use qualifies under this subchapter as instructional
 14-12 material licensed to this state under a license that allows for free
 14-13 use, reuse, modification, or sharing with others.

14-14 SECTION 29. Section 31.0711, Education Code, is amended to
 14-15 read as follows:

14-16 Sec. 31.0711. CONTENT NOT OWNED BY STATE. Open education
 14-17 resource instructional [~~Instructional~~] material made available
 14-18 [purchased] under this subchapter may include content not owned by
 14-19 the state and for which preexisting rights may exist if the content:

14-20 (1) is in the public domain;

14-21 (2) may be used under a limitation or exception to
 14-22 copyright law, including a limitation under Section 107, Copyright
 14-23 Act of 1976 (17 U.S.C. Section 107); [~~or~~]

14-24 (3) has been made available by the copyright owner
 14-25 under a Creative Commons license or another intellectual property
 14-26 license that allows for free use, reuse, modification, or sharing
 14-27 as described by Section 31.07101; or

14-28 (4) is licensed to the state under another [~~a~~] license
 14-29 that:

14-30 (A) grants access to and allows for use of the
 14-31 material by students, teachers, educators, and other education
 14-32 professionals [~~the state unlimited authority to modify, delete,~~
 14-33 ~~combine, or add content~~];

14-34 (B) permits access, use, public display, public
 14-35 performance, public distribution, and copying of the material for
 14-36 noncommercial or educational purposes [~~the free use and repurposing~~
 14-37 ~~of the material by any person or entity~~]; and

14-38 (C) is for a term of use acceptable to the
 14-39 commissioner to ensure a useful life of the material.

14-40 SECTION 30. Subchapter B-1, Chapter 31, Education Code, is
 14-41 amended by adding Section 31.0712 to read as follows:

14-42 Sec. 31.0712. OPEN EDUCATION RESOURCE ADVISORY BOARD. The
 14-43 agency shall establish an open education resource advisory board to
 14-44 ensure that open education resource instructional materials made
 14-45 available under this subchapter are:

14-46 (1) of the highest quality;

14-47 (2) aligned with the essential knowledge and skills
 14-48 adopted by the State Board of Education under Section 28.002 for the
 14-49 applicable subject and grade level;

14-50 (3) suitable for the age of students at the grade level
 14-51 for which the materials are developed;

14-52 (4) free from bias and factual error; and

14-53 (5) in compliance with Section 28.0022.

14-54 SECTION 31. Section 31.072, Education Code, is amended to
 14-55 read as follows:

14-56 Sec. 31.072. CONTENT REQUIREMENTS. (a) Before being made
 14-57 available under this subchapter, [~~State-developed~~] open education
 14-58 resource instructional material must [~~+~~

14-59 [~~1~~] be evaluated by:

14-60 (1) teachers or other experts, as determined by the
 14-61 commissioner [~~, before purchase~~]; and

14-62 (2) parents of students in this state [~~meet the~~
 14-63 ~~requirements for inclusion on the instructional material list~~
 14-64 ~~adopted under Section 31.023~~].

14-65 (b) Based on feedback received by the agency from teachers,
 14-66 parents, and other experts regarding open education resource
 14-67 instructional materials made available under this subchapter, the
 14-68 [~~Following a curriculum revision by the State Board of Education,~~
 14-69 ~~the commissioner shall require the revision of state-developed open~~

15-1 ~~education resource instructional material relating to that~~
 15-2 ~~curriculum. The] commissioner may, at any time, require an~~
 15-3 ~~additional revision of the [state-developed open education~~
 15-4 ~~resource instructional] material [or contract for ongoing~~
 15-5 ~~revisions of state-developed open education resource instructional~~
 15-6 ~~material for a period not to exceed the period under Section 31.022~~
 15-7 ~~for which instructional material for that subject and grade level~~
 15-8 ~~may be adopted. The commissioner shall use a competitive process to~~
 15-9 ~~request proposals to revise state-developed open education~~
 15-10 ~~resource instructional material under this subsection].~~

15-11 SECTION 32. Subchapter B-1, Chapter 31, Education Code, is
 15-12 amended by adding Section 31.0721 to read as follows:

15-13 Sec. 31.0721. REVIEW AND RELEASE OF OPEN EDUCATION RESOURCE
 15-14 INSTRUCTIONAL MATERIAL. (a) Except as provided by Subsection (b),
 15-15 open education resource instructional material may not be made
 15-16 available under this subchapter to students, teachers, educators,
 15-17 or other education professionals before being reviewed by the
 15-18 agency under Section 31.023 and included on the list of approved
 15-19 instructional materials maintained by the State Board of Education
 15-20 under Section 31.022.

15-21 (b) The agency may make open education resource
 15-22 instructional material available to a limited number of classroom
 15-23 teachers for a limited time before the material is reviewed by the
 15-24 agency under Section 31.023 and included on the list of approved
 15-25 instructional materials maintained by the State Board of Education
 15-26 under Section 31.022 to assist in developing or testing the quality
 15-27 of the material. A school district may only use unreviewed material
 15-28 made available under this subsection in a grade level in which the
 15-29 material has not been used previously if:

15-30 (1) the board of trustees of the district approves the
 15-31 use of the unreviewed material; and

15-32 (2) the district provides evidence to the agency
 15-33 showing that classroom teachers support the use of the material.

15-34 SECTION 33. Section 31.083, Education Code, is transferred
 15-35 to Subchapter B-1, Chapter 31, Education Code, redesignated as
 15-36 Section 31.0722, Education Code, and amended to read as follows:

15-37 Sec. 31.0722 [31.083]. OPEN EDUCATION RESOURCE
 15-38 INSTRUCTIONAL MATERIALS REPOSITORY. (a) The commissioner shall
 15-39 include in the Internet website [web portal] developed under
 15-40 Section 31.025 [31.081] a repository of open education resource
 15-41 instructional materials, including open education resource
 15-42 instructional materials made available under Section 31.0721(b),
 15-43 and other electronic instructional materials that school districts
 15-44 and open-enrollment charter schools may access at no cost.

15-45 (b) The repository under Subsection (a) must:

15-46 (1) comply with the requirements of Section 31.154;
 15-47 and

15-48 (2) allow a person to provide comments on open
 15-49 education resource instructional material contained in the
 15-50 repository to assist the agency in improving and updating the
 15-51 material.

15-52 (c) The agency shall ensure that a person may order a print
 15-53 copy of any open education resource instructional material included
 15-54 in the repository that is reducible to print [A publisher may submit
 15-55 instructional materials for inclusion in the repository].

15-56 SECTION 34. Sections 31.073 and 31.074, Education Code, are
 15-57 amended to read as follows:

15-58 Sec. 31.073. SELECTION BY SCHOOL DISTRICT. (a) Except as
 15-59 otherwise provided by this code, the commissioner may not require a
 15-60 school district or open-enrollment charter school to adopt or use
 15-61 an open education resource instructional material.

15-62 (c) A [Notwithstanding Section 31.022, a] school district
 15-63 or open-enrollment charter school may adopt [state-developed] open
 15-64 education resource instructional material at any time[, regardless
 15-65 of the instructional material review and adoption cycle under that
 15-66 section].

15-67 (d) A school district or open-enrollment charter school may
 15-68 not be charged for a cost associated with the selection of an
 15-69 [state-developed] open education resource instructional material,

16-1 except for the cost of printing copies of the material ~~[in addition~~
 16-2 ~~to instructional material adopted under Subchapter B]~~.

16-3 Sec. 31.074. DISTRIBUTION. (a) The commissioner shall
 16-4 provide for the distribution of ~~[state-developed]~~ open education
 16-5 resource instructional materials in a manner consistent with
 16-6 distribution of instructional materials approved ~~[adopted]~~ under
 16-7 Subchapter B.

16-8 (b) The commissioner may use a competitive process to
 16-9 contract for printing, ~~[or]~~ other reproduction, or storage of
 16-10 ~~[state-developed]~~ open education resource instructional material
 16-11 on behalf of a school district or open-enrollment charter school.
 16-12 The commissioner may not require a school district or
 16-13 open-enrollment charter school to contract with a state-approved
 16-14 provider for the printing, ~~[or]~~ reproduction, or storage of
 16-15 ~~[state-developed]~~ open education resource instructional material.

16-16 (c) The agency is not required to comply with Subchapters C
 16-17 and D, Chapter 2052, Government Code, with regard to the printing or
 16-18 reproduction of an open education resource instructional material
 16-19 made available under this subchapter.

16-20 SECTION 35. The heading to Section 31.075, Education Code,
 16-21 is amended to read as follows:

16-22 Sec. 31.075. STATE OWNERSHIP; LICENSING.

16-23 SECTION 36. Sections 31.075(a), (b), (c), (d), and (e),
 16-24 Education Code, are amended to read as follows:

16-25 (a) Except as otherwise provided by this subchapter,
 16-26 ~~[State-developed]~~ open education resource instructional material
 16-27 is the property of the state.

16-28 (b) To encourage the use of instructional material
 16-29 purchased by the state under this subchapter by school districts
 16-30 and open-enrollment charter schools, the commissioner may ~~[shall]~~
 16-31 provide a license for the instructional material that ~~[allows for~~
 16-32 ~~the free use, reuse, modification, or sharing of the material by any~~
 16-33 ~~person or entity.~~

16-34 ~~[(c) The terms of a license provided by the commissioner~~
 16-35 ~~under this section]:~~

16-36 (1) requires ~~[shall require]~~ that a user who
 16-37 reproduces the instructional material in any manner:

16-38 (A) except as provided by Subdivision (2)(A),
 16-39 must keep all copyright notices for the material intact;

16-40 (B) except as provided by Subdivision (2)(A),
 16-41 must attribute the authorship of the material to the agency or
 16-42 another person specified by the commissioner;

16-43 (C) must indicate if the user has modified the
 16-44 material;

16-45 (D) may not assert or imply any connection with
 16-46 or sponsorship or endorsement by the agency or this state, unless
 16-47 authorized by the commissioner; and

16-48 (E) to the extent reasonably practicable, must
 16-49 provide in any product or derivative material a uniform resource
 16-50 identifier or hyperlink through which a person may obtain the
 16-51 material free of charge;

16-52 (2) provides ~~[must provide]~~ that:

16-53 (A) the commissioner may request that a user
 16-54 remove a copyright notice or attribution from the material and that
 16-55 a user must comply with the request to the extent reasonably
 16-56 practicable; and

16-57 (B) the rights granted under the license to a
 16-58 user are automatically terminated if the user fails to comply with
 16-59 the terms of the license; and

16-60 (3) includes ~~[may include]~~ any additional terms
 16-61 determined by the commissioner.

16-62 (d) The commissioner may exempt a license under this section
 16-63 from including one or more of the requirements under Subsection
 16-64 (b)(1) ~~[(c)(1)]~~.

16-65 (e) The commissioner shall determine what is considered
 16-66 reasonably practicable for purposes of Subsections (b)(1)(E)
 16-67 ~~[(c)(1)(E)]~~ and (b)(2)(A) ~~[(c)(2)(A)]~~.

16-68 SECTION 37. Subchapter B-1, Chapter 31, Education Code, is
 16-69 amended by adding Sections 31.0751, 31.0752, and 31.0753 to read as

17-1 follows:

17-2 Sec. 31.0751. OPEN EDUCATION RESOURCE INSTRUCTIONAL
 17-3 MATERIAL TRANSITION PLAN. (a) Except as provided by Subsection
 17-4 (c), to qualify for an allotment under Section 48.158 the board of
 17-5 trustees of a school district must adopt an open education resource
 17-6 instructional material transition plan to assist classroom
 17-7 teachers in the district who will be using an open education
 17-8 resource instructional material in a specific subject or grade
 17-9 level for which the teacher has not previously used an open
 17-10 education resource instructional material.

17-11 (b) A plan adopted under this section must ensure that open
 17-12 education resource instructional materials are used in a manner
 17-13 that maintains the instructional flexibility of a classroom teacher
 17-14 to address the needs of each student.

17-15 (c) A school district that participates in the program
 17-16 developed and maintained by the agency under Section 31.0752 is not
 17-17 required to adopt a transition plan under this section.

17-18 Sec. 31.0752. OPEN EDUCATION RESOURCE INSTRUCTIONAL
 17-19 MATERIAL SUPPORT PROGRAM. The agency shall develop and maintain a
 17-20 program to assist school districts and open-enrollment charter
 17-21 schools in adopting and using open education resource instructional
 17-22 material made available under this subchapter, including by
 17-23 assisting districts and schools to:

17-24 (1) maintain the instructional flexibility of
 17-25 classroom teachers to address the needs of each student; and

17-26 (2) schedule instructional periods in a manner that
 17-27 allows classroom teachers sufficient time to effectively prepare
 17-28 and present instructional material within the teacher's normal work
 17-29 day.

17-30 Sec. 31.0753. TEACHER CANDIDATE ACCESS AND SUPPORT PROGRAM.
 17-31 The agency shall develop and maintain a program to assist educator
 17-32 preparation programs in implementing Section 21.044(a-1)(4).

17-33 SECTION 38. Section 31.076(b), Education Code, is amended
 17-34 to read as follows:

17-35 (b) A decision made by the commissioner under this
 17-36 subchapter [regarding the purchase, revision, cost, licensing, or
 17-37 distribution of state-developed open education resource
 17-38 instructional material] is final and may not be appealed.

17-39 SECTION 39. Section 31.004, Education Code, is transferred
 17-40 to Subchapter C, Chapter 31, Education Code, redesignated as
 17-41 Section 31.1011, Education Code, and amended to read as follows:

17-42 Sec. 31.1011 [31.004]. CERTIFICATION OF PROVISION OF
 17-43 INSTRUCTIONAL MATERIALS. (a) Each school district and
 17-44 open-enrollment charter school shall annually certify to the State
 17-45 Board of Education and the commissioner that:

17-46 (1) [✓] for each subject in the required curriculum
 17-47 under Section 28.002, other than physical education, and each grade
 17-48 level, the district or school:

17-49 (A) provides each student with instructional
 17-50 materials that cover all elements of the essential knowledge and
 17-51 skills adopted by the State Board of Education for that subject and
 17-52 grade level; and

17-53 (B) in the provision of instructional materials,
 17-54 protects students from obscene or harmful content as necessary for
 17-55 compliance with the Children's Internet Protection Act (Pub. L.
 17-56 No. 106-554); and

17-57 (2) the district or school used money allocated to the
 17-58 district or school under the instructional materials and technology
 17-59 allotment only for purposes allowed under Section 31.0211.

17-60 (b) To determine whether each student has instructional
 17-61 materials that cover all elements of the essential knowledge and
 17-62 skills as required by Subsection (a), a school district or
 17-63 open-enrollment charter school may consider:

17-64 (1) instructional materials adopted by the State Board
 17-65 of Education;

17-66 (2) [materials adopted or purchased by the
 17-67 commissioner under Section 31.0231 or Subchapter B-1;

17-68 [(-3) open education resource instructional materials
 17-69 submitted by eligible institutions and adopted by the State Board

18-1 ~~of Education under Section 31.0241;~~
 18-2 ~~[(4) open education resource instructional materials~~
 18-3 ~~made available by other public schools;~~
 18-4 ~~[(5)] instructional materials developed, [or]~~
 18-5 ~~purchased, or otherwise acquired~~ by the school district or
 18-6 open-enrollment charter school; and
 18-7 (3) ~~[(6)]~~ open education resource instructional
 18-8 materials and other electronic instructional materials included in
 18-9 the repository under Section 31.0722 [~~31.083~~].

18-10 SECTION 40. Subchapter C, Chapter 31, Education Code, is
 18-11 amended by adding Section 31.1012 to read as follows:

18-12 Sec. 31.1012. REPORT TO AGENCY. Each school district shall
 18-13 annually report to the agency information regarding the
 18-14 instructional materials used by the district during the previous
 18-15 school year, including the cost of each material, to assist the
 18-16 agency in ensuring compliance with Section 31.151(a).

18-17 SECTION 41. The heading to Section 31.102, Education Code,
 18-18 is amended to read as follows:

18-19 Sec. 31.102. TITLE AND CUSTODY; SCHOOL DISTRICT PURCHASES.

18-20 SECTION 42. Section 31.102, Education Code, is amended by
 18-21 adding Subsection (d) to read as follows:

18-22 (d) A school district is not required to use a method
 18-23 provided by Section 44.031(a) to purchase instructional materials
 18-24 that have been reviewed by the agency under Section 31.023 and
 18-25 included on the list of approved instructional materials maintained
 18-26 by the State Board of Education under Section 31.022.

18-27 SECTION 43. Section 31.103(c), Education Code, is amended
 18-28 to read as follows:

18-29 (c) In making a requisition under this section, a school
 18-30 district or open-enrollment charter school may requisition
 18-31 instructional materials on the list of approved instructional
 18-32 materials adopted under Section 31.022 [~~31.023~~] for grades above
 18-33 the grade level in which a student is enrolled.

18-34 SECTION 44. Section 31.151, Education Code, is amended by
 18-35 amending Subsection (a) and adding Subsection (a-1) to read as
 18-36 follows:

18-37 (a) A publisher or manufacturer of instructional materials:

18-38 (1) shall furnish any instructional material the
 18-39 publisher or manufacturer offers in this state at a price that does
 18-40 not exceed the lowest price at which the publisher offers that
 18-41 instructional material for adoption or sale to any state, public
 18-42 school, or school district in the United States;

18-43 (2) shall automatically reduce the price of
 18-44 instructional material sold for use in a school district or
 18-45 open-enrollment charter school to the extent that the price is
 18-46 reduced elsewhere in the United States;

18-47 (3) shall provide any instructional material or
 18-48 ancillary item free of charge in this state to the same extent that
 18-49 the publisher or manufacturer provides the instructional material
 18-50 or ancillary item free of charge to any state, public school, or
 18-51 school district in the United States;

18-52 (4) shall guarantee that each copy of instructional
 18-53 material sold in this state is at least equal in quality to copies
 18-54 of that instructional material sold elsewhere in the United States
 18-55 and is free from factual error;

18-56 (5) may not become associated or connected with,
 18-57 directly or indirectly, any combination in restraint of trade in
 18-58 instructional materials or enter into any understanding or
 18-59 combination to control prices or restrict competition in the sale
 18-60 of instructional materials for use in this state;

18-61 (6) shall deliver instructional materials to a
 18-62 school district or open-enrollment charter school;

18-63 (7) shall, at the time an order for instructional
 18-64 materials is acknowledged, provide to school districts or
 18-65 open-enrollment charter schools an accurate shipping date for
 18-66 instructional materials that are back-ordered;

18-67 (8) shall guarantee delivery of instructional
 18-68 materials at least 10 business days before the opening day of school
 18-69 of the year for which the instructional materials are ordered if the

19-1 instructional materials are ordered by a date specified in the
19-2 sales contract; ~~and~~

19-3 (9) shall submit to the State Board of Education an
19-4 affidavit certifying any instructional material the publisher or
19-5 manufacturer offers in this state to be free of factual errors at
19-6 the time the publisher executes the contract required by Section
19-7 31.026; and

19-8 (10) shall comply with all other standard terms and
19-9 conditions adopted by the State Board of Education for use in
19-10 contracts for the procurement of instructional materials under
19-11 Subsection (a-1).

19-12 (a-1) The State Board of Education shall adopt standard
19-13 terms and conditions for use in contracts for the procurement of
19-14 instructional materials from publishers and manufacturers under
19-15 this section.

19-16 SECTION 45. Subchapter D, Chapter 31, Education Code, is
19-17 amended by adding Section 31.154 to read as follows:

19-18 Sec. 31.154. INSTRUCTIONAL MATERIALS PARENT PORTAL. (a)
19-19 The agency shall adopt standards for entities that supply
19-20 instructional materials reviewed by the agency under Section 31.023
19-21 to make instructional materials supplied by the entity available on
19-22 a parent portal hosted by the entity.

19-23 (b) An instructional materials parent portal must:

19-24 (1) provide to each parent of a student enrolled in a
19-25 school district or open-enrollment charter school access to
19-26 instructional material that is included in the portal and used by
19-27 the district or school;

19-28 (2) organize instructional material by unit and in the
19-29 order in which the material is designed to be used;

19-30 (3) be capable of being searched by key word; and

19-31 (4) for instructional material not available in a
19-32 digital format, contain sufficient information to allow a parent to
19-33 locate a physical copy of the material.

19-34 (c) Standards adopted under Subsection (a) may not require a
19-35 classroom teacher to submit instructional materials developed by
19-36 the teacher for inclusion in an instructional materials parent
19-37 portal.

19-38 (d) To comply with an intellectual property license or other
19-39 restrictions placed on an instructional material and to maintain
19-40 security of the information contained in an instructional materials
19-41 parent portal under this section, a parent may be required, before
19-42 accessing the portal, to:

19-43 (1) enter a password;

19-44 (2) comply with other user access verification
19-45 procedures; and

19-46 (3) accept user terms and conditions, including a
19-47 condition that the instructional material cannot be shared.

19-48 (e) A parent's access to an instructional materials parent
19-49 portal under this section may be temporarily denied if the parent
19-50 fails or refuses to comply with a restriction under Subsection (d).

19-51 (f) An entity that hosts an instructional materials parent
19-52 portal must comply with requests regarding parental access to the
19-53 portal made by a school district in compliance with this section or
19-54 Section 26.006.

19-55 SECTION 46. Section 33.004(b), Education Code, is amended
19-56 to read as follows:

19-57 (b) Each school, before implementing a comprehensive school
19-58 counseling program under Section 33.005, shall annually conduct a
19-59 preview of the program for parents and guardians. All materials,
19-60 including curriculum to be used during the year that is not
19-61 available digitally through an instructional materials parent
19-62 portal under Section 31.154, must be available for a parent or
19-63 guardian to preview during school hours. Materials or curriculum
19-64 not included in the materials on an instructional materials parent
19-65 portal or available on the campus for preview may not be used.

19-66 SECTION 47. Subchapter D, Chapter 48, Education Code, is
19-67 amended by adding Sections 48.157 and 48.158 to read as follows:

19-68 Sec. 48.157. ALLOTMENT FOR STATE-APPROVED INSTRUCTIONAL
19-69 MATERIALS. (a) A school district is entitled to an allotment equal

20-1 to \$40, or a greater amount provided by appropriation, for each
 20-2 student enrolled in the district to reimburse the district for the
 20-3 costs incurred to procure instructional material that has been:

20-4 (1) reviewed by the agency under Section 31.023;
 20-5 (2) placed on the list of approved instructional
 20-6 materials maintained by the State Board of Education under Section
 20-7 31.022;

20-8 (3) designated by the State Board of Education under
 20-9 Section 31.022 as being included or capable of being included in an
 20-10 instructional materials parent portal under Section 31.154; and

20-11 (4) acquired from a publisher, manufacturer, or other
 20-12 entity that has never been found to violate Section 31.151.

20-13 (b) Except as provided by Subsection (c), funds allotted
 20-14 under this section shall be deposited to the credit of the
 20-15 district's instructional materials and technology account
 20-16 maintained by the commissioner under Section 31.0212.

20-17 (c) This subsection applies to a school district that is
 20-18 required to reduce the district's local revenue level under Section
 20-19 48.257 or that does not receive state aid under this chapter in an
 20-20 amount sufficient for the full amount of funds allotted to the
 20-21 district under this section to be deposited to the credit of the
 20-22 district's instructional materials and technology account under
 20-23 Subsection (b). The commissioner shall adopt a process to permit a
 20-24 school district to which this subsection applies to deposit funds
 20-25 described by Section 48.251(c)(2) retained by the district due to
 20-26 the district's entitlement under this section to the credit of the
 20-27 state instructional materials and technology fund under Section
 20-28 31.021 for use by the district. Funds deposited under this
 20-29 subsection are subject to all restrictions on spending applicable
 20-30 to funds allocated to the district under the instructional
 20-31 materials and technology allotment under Chapter 31.

20-32 (d) If the commissioner determines that a school district
 20-33 that deposits funds in accordance with the process adopted under
 20-34 Subsection (c) should have received additional state aid that
 20-35 should have been deposited to the credit of the district's
 20-36 instructional materials and technology account under Subsection
 20-37 (b), the district is entitled to additional state aid in the amount
 20-38 necessary to compensate the district for the amount of funds
 20-39 described by Section 48.251(c)(2) deposited by the district for
 20-40 which the district was entitled to state aid.

20-41 Sec. 48.158. ALLOTMENT FOR OPEN EDUCATION RESOURCE
 20-42 INSTRUCTIONAL MATERIAL. (a) Subject to Section 31.0751, a school
 20-43 district is entitled to an annual allotment in an amount not to
 20-44 exceed \$20 for each student to reimburse the district for the costs
 20-45 incurred by the district during the school year in which the
 20-46 allotment is provided for the printing and shipping of open
 20-47 education resource instructional material made available under
 20-48 Subchapter B-1, Chapter 31.

20-49 (b) Except as provided by Subsection (c), funds allotted
 20-50 under this section shall be deposited to the credit of the
 20-51 district's instructional materials and technology account
 20-52 maintained by the commissioner under Section 31.0212.

20-53 (c) This subsection applies to a school district that is
 20-54 required to reduce the district's local revenue level under Section
 20-55 48.257 or that does not receive state aid under this chapter in an
 20-56 amount sufficient for the full amount of funds allotted to the
 20-57 district under this section to be deposited to the credit of the
 20-58 district's instructional materials and technology account under
 20-59 Subsection (b). The commissioner shall adopt a process to permit a
 20-60 school district to which this subsection applies to deposit funds
 20-61 described by Section 48.251(c)(2) retained by the district due to
 20-62 the district's entitlement under this section to the credit of the
 20-63 state instructional materials and technology fund under Section
 20-64 31.021 for use by the district. Funds deposited under this
 20-65 subsection are subject to all restrictions on spending applicable
 20-66 to funds allocated to the district under the instructional
 20-67 materials and technology allotment under Chapter 31.

20-68 (d) If the commissioner determines that a school district
 20-69 that deposits funds in accordance with the process adopted under

21-1 Subsection (c) should have received additional state aid that
21-2 should have been deposited to the credit of the district's
21-3 instructional materials and technology account under Subsection
21-4 (b), the district is entitled to additional state aid in the amount
21-5 necessary to compensate the district for the amount of funds
21-6 described by Section 48.251(c)(2) deposited by the district for
21-7 which the district was entitled to state aid.

21-8 SECTION 48. The following provisions of the Education Code
21-9 are repealed:

- 21-10 (1) Section 31.0213;
- 21-11 (2) Sections 31.022(d-1), (e), (f), (g), (h), and (i);
- 21-12 (3) Section 31.0221;
- 21-13 (4) Section 31.0231;
- 21-14 (5) Section 31.024;
- 21-15 (6) Section 31.0241;
- 21-16 (7) Section 31.0242;
- 21-17 (8) Section 31.0261;
- 21-18 (9) Section 31.035;
- 21-19 (10) the heading to Subchapter B-2, Chapter 31;
- 21-20 (11) Section 31.081;
- 21-21 (12) Section 31.082;
- 21-22 (13) Section 31.084;
- 21-23 (14) Section 31.101; and
- 21-24 (15) Section 31.151(e).

21-25 SECTION 49. To the extent of any conflict, this Act prevails
21-26 over another Act of the 88th Legislature, Regular Session, 2023,
21-27 relating to nonsubstantive additions to and corrections in enacted
21-28 codes.

21-29 SECTION 50. (a) A contract entered into under Section
21-30 31.026 or 31.151, Education Code, as amended by this Act, before the
21-31 effective date of this Act is governed by the law in effect on the
21-32 date the contract was entered into, and the former law is continued
21-33 in effect for that purpose.

21-34 (b) A contract entered into under Section 31.026 or 31.151,
21-35 Education Code, as amended by this Act, after the effective date of
21-36 this Act for a program called for by the State Board of Education
21-37 under Proclamation 2024 is governed by the law in effect on the date
21-38 the proclamation was issued, and the former law is continued in
21-39 effect for that purpose.

21-40 SECTION 51. This Act applies beginning with the 2023-2024
21-41 school year.

21-42 SECTION 52. (a) Except as provided by Subsection (b) of
21-43 this section, this Act takes effect immediately if it receives a
21-44 vote of two-thirds of all the members elected to each house, as
21-45 provided by Section 39, Article III, Texas Constitution. If this
21-46 Act does not receive the vote necessary for immediate effect, this
21-47 Act takes effect September 1, 2023.

21-48 (b) Sections 48.157 and 48.158, Education Code, as added by
21-49 this Act, take effect September 1, 2023.

21-50 * * * * *