

BILL ANALYSIS

Senate Research Center

H.B. 2488
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Education
5/18/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill requires the State Board of Education to adopt open-source textbooks for secondary courses submitted by certain institutions of higher education or public technical institutes in Texas. The institutions that submit open-source textbooks are required to certify that high school students who successfully complete courses based on their materials will be prepared for postsecondary-level course work without remediation.

For students who do not have access to a computer, the bill requires school districts and charter schools to provide printed copies of the textbooks or to provide electronic access to the textbooks at no cost to the students.

H.B. 2488 amends current law relating to open-source textbooks for public schools.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.002, Education Code, by amending Subdivision (1) and adding Subdivision (1-a), to redefine "electronic textbook" and to define "open-source textbook."

SECTION 2. Amends Subchapter B, Chapter 31, Education Code, by adding Section 31.0241, as follows:

Sec. 31.0241. ADOPTION OF OPEN-SOURCE TEXTBOOKS. (a) Defines "eligible institution."

(b) Requires the State Board of Education (SBOE) to place an open-source textbook for a secondary-level course submitted for adoption by an eligible institution on a conforming or nonconforming list if:

- (1) the textbook is written, compiled, or edited primarily by faculty of the eligible institution who specialize in the subject area of the textbook;
- (2) the eligible institution identifies each contributing author;
- (3) the appropriate department of the eligible institution certifies the textbook for accuracy; and
- (4) the eligible institution determines that the textbook qualifies for placement on the conforming or nonconforming list based on the extent to which the textbook covers the essential knowledge and skills identified under Section 28.002 (Required Curriculum) for the subject for which the textbook is written and certifies that for a textbook for a senior-level course, a student who successfully completes a course based on the textbook will be prepared, without remediation, for entry into the eligible institution's freshman-level course in that subject; or for a textbook for a junior-level and senior-level course, a student who successfully completes

the junior-level course based on the textbook will be prepared for entry into the senior-level course.

(c) Provides that this section does not prohibit an eligible institution from submitting a textbook for placement on a conforming or nonconforming list through any other adoption process provided by this chapter.

SECTION 3. Amends Section 31.026, Education Code, by adding Subsection (e) to provide that this section does not apply to an open-source textbook.

SECTION 4. Amends Subchapter B, Chapter 31, Education Code, by adding Section 31.0261, as follows:

Sec. 31.0261. CONTRACTS FOR PRINTING OF OPEN-SOURCE TEXTBOOKS. Authorizes SBOE to execute a contract for the printing of an open-source textbook listed on the conforming or nonconforming list. Requires that the contract allow a school district to requisition printed copies of an open-source textbook as provided by Section 31.103 (Textbook Requisitions).

SECTION 5. Amends Section 31.027, Education Code, by adding Subsection (d) to provide that this section does not apply to an open-source textbook.

SECTION 6. Amends Section 31.103, Education Code, by adding Subsection (d), to require a school district or open-enrollment charter school that selects an open-source textbook to requisition a sufficient number of printed copies for use by students unable to access the textbook electronically unless the district or school provides to each student electronic access to the textbook at no cost to the student or printed copies of the portion of the textbook that will be used in the course.

SECTION 7. Amends Section 31.104, Education Code, by amending Subsections (b) and (c) and adding Subsections (g) and (h), as follows:

(b) Authorizes a school district or open-enrollment charter school to order replacements for textbooks that have been lost or damaged directly from any source for a printed copy of an open-source textbook. Makes nonsubstantive changes.

(c) Requires each textbook, other than an electronic textbook or a printed copy of an open-source textbook, to be covered by the student under the direction of the teacher. Creates an exception under Subsection (g). Makes a nonsubstantive change.

(g) Provides that at the end of the school year for which an open-source textbook that a school district or open-enrollment charter school does not intend to use for another student is distributed, the printed copy of the open-source textbook becomes the property of the student to whom it is distributed.

(h) Provides that this section does not apply to an electronic copy of an open-source textbook.

SECTION 8. Amends Section 31.151(a), Education Code, to provide that a publisher or manufacturer of textbooks is required to maintain a depository in this state or arrange with a depository in this state to receive and fill orders for textbooks, other than open-source textbooks, on-line textbooks, or on-line textbook components, consistent with SBOE rules. Makes a conforming and nonsubstantive change.

SECTION 9. Effective date: September 1, 2009.