

By: Branch, Eissler, Strama, Oliveira,
et al.

H.B. No. 4294

Substitute the following for H.B. No. 4294:

By: Hochberg

C.S.H.B. No. 4294

A BILL TO BE ENTITLED

AN ACT

relating to textbooks, electronic textbooks, instructional material, and technological equipment in public schools.

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

SECTION 1. Section 31.021, Education Code, is amended by adding Subsection (f) to read as follows:

(f) The state textbook fund may be used to purchase technological equipment.

SECTION 2. Subchapter B, Chapter 31, Education Code, is amended by adding Section 31.0231 to read as follows:

Sec. 31.0231. ELECTRONIC TEXTBOOK AND INSTRUCTIONAL MATERIAL LIST. (a) Notwithstanding any other provision of this chapter, the commissioner shall adopt a list of:

(1) electronic textbooks; and

(2) instructional material that conveys information to the student or otherwise contributes to the learning process.

(b) A school district may select an electronic textbook or instructional material on the list adopted under Subsection (a) to be funded by the state textbook fund under Section 31.021.

(c) Before the commissioner places an electronic textbook or instructional material on the list adopted under Subsection (a), the electronic textbook or instructional material:

(1) must be reviewed and recommended to the commissioner by a panel of recognized experts in the subject area of

1 the electronic textbook or instructional material and experts in
2 education technology; and

3 (2) must satisfy criteria adopted for the purpose by
4 commissioner rule.

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

6 (1) include evidence of alignment with current
7 research in the subject for which the electronic textbook or
8 instructional material is intended to be used;

9 (2) include coverage of the essential knowledge and
10 skills identified under Section 28.002 for the subject for which
11 the electronic textbook or instructional material is intended to be
12 used and identify:

13 (A) each of the essential knowledge and skills
14 for the subject and grade level covered by the electronic textbook
15 or instructional material; and

16 (B) the percentage of the essential knowledge and
17 skills for the subject and grade level covered by the electronic
18 textbook or instructional material; and

19 (3) include appropriate training for teachers.

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

1 technology.

2 (f) The commissioner shall adopt rules as necessary to
3 implement this section.

4 SECTION 3. Section 31.101, Education Code, is amended by
5 amending Subsections (a) and (c) and adding Subsections (b-1) and
6 (c-1) to read as follows:

7 (a) Each year, during a period established by the State
8 Board of Education, the board of trustees of each school district
9 and the governing body of each open-enrollment charter school
10 shall:

11 (1) for a subject in the foundation curriculum, notify
12 the State Board of Education of the textbooks selected by the board
13 of trustees or governing body for the following school year from
14 among the textbooks on the appropriate conforming or nonconforming
15 list, including the list adopted under Section 31.0231; or

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

17 (A) notify the State Board of Education of each
18 textbook selected by the board of trustees or governing body for the
19 following school year from among the textbooks on the appropriate
20 conforming or nonconforming list, including the list adopted under
21 Section 31.0231; or

22 (B) notify the State Board of Education that the
23 board of trustees or governing body has selected a textbook that is
24 not on the conforming or nonconforming list.

25 (b-1) If a school district or open-enrollment charter
26 school selects for a particular subject or grade level an
27 electronic textbook or instructional material on the list adopted

1 under Section 31.0231, the state shall pay the district or school an
2 amount equal to 100 percent of the limitation established under
3 Section 31.025 for a textbook for that subject and grade level,
4 multiplied by the number of electronic textbooks or instructional
5 materials the district or school needs for that subject and grade
6 level.

7 (c) A school district or open-enrollment charter school
8 that selects a textbook that is not on the conforming or
9 nonconforming list or that selects an electronic textbook or
10 instructional material that is on the list adopted under Section
11 31.0231:

12 (1) is responsible for the portion of the cost of the
13 textbook that is not paid by the state under Subsection (b); and

14 (2) may use funds received from the state under
15 Subsection (b) or (b-1), as applicable, [only] for purchasing the
16 textbook for which the funds were received or supplementing the
17 allotment under Section 32.005 to purchase technological equipment
18 according to rules adopted by the commissioner.

19 (c-1) Notwithstanding any other provision of this chapter,
20 a school district or open-enrollment charter school must purchase a
21 classroom set of textbooks adopted by the State Board of Education
22 under Section 31.023 or 31.035 for each subject and grade level in
23 the foundation and enrichment curriculum.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2009.