

By: Branch

H.B. No. 4294

A BILL TO BE ENTITLED

AN ACT

relating to instructional materials and technological equipment in public schools.

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

SECTION 1. Section 31.101, Education Code, is amended by amending Subsection (a), (b), and (c) and adding Subsections (e), (f), (g), (h), and (i) to read as follows:

Section 31.101. SELECTION AND PURCHASE OF TEXTBOOKS BY SCHOOL DISTRICTS. (a) Each year, during a period established by the State Board of Education, the board of trustees of each school district and the governing body of each open-enrollment charter school shall:

(1) for a subject in the foundation curriculum, notify the State Board of Education of the textbooks selected by the board of trustees or governing body for the following school year from among the textbooks on the appropriate conforming or nonconforming list; instructional materials and electronic textbooks identified by the commissioner under 31.101(c)(3); or

(2) for a subject in the enrichment curriculum:

(A) notify the State Board of Education of each textbook selected by the board of trustees or governing body for the following school year from among the textbooks on the appropriate conforming or nonconforming list; instructional materials and electronic textbooks identified by the commissioner under

1 31.101(c)(3); or

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

5 (b) If a school district or open-enrollment charter school
6 selects a textbook for a particular subject in the foundation or
7 enrichment curriculum and grade level that is not on the conforming
8 or nonconforming list, the state shall pay to the district or school
9 an amount equal to the lesser of:

10 (1) 70 percent of the cost to the district of the
11 textbook, multiplied by the number of textbooks the district or
12 school needs for that subject and grade level; or

13 (2) 70 percent of the limitation established under
14 Section 31.025 for a textbook for that subject and grade level,
15 multiplied by the number of textbooks the district or school needs
16 for that subject and grade level.

17 (c) A school district or open-enrollment charter school
18 that selects a textbook that is not on the conforming or
19 nonconforming list:

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

22 (2) may use funds received from the state under
23 Subsection (b) ~~[only]~~ for purchasing the textbook for which the
24 funds were received, or

25 (3) may use funds received from the supplement to the
26 allotment under Section 32.005 according to rules adopted by the
27 commissioner. The state shall pay to the district or school 100

1 percent of the limitation established under Section 31.025 for
2 materials for each subject and grade level, multiplied by the
3 number of instructional materials and electronic textbooks the
4 district or school needs for each subject and grade level.

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

10 (e) The commissioner shall adopt a list of instructional
11 materials and electronic textbooks that may be purchased by a
12 school district and funded under Section 31.101(c)(3).
13 Instructional materials and electronic textbooks placed on the
14 commissioner's list will be reviewed and recommended by a panel of
15 recognized school district experts in content and education
16 technology.

17 (f) The commissioner shall adopt minimum criteria that
18 instructional materials and electronic textbooks must meet to be
19 included on the list adopted by the commissioner. The criteria
20 must:

21 (1) include evidence of alignment with current
22 research in the subject area addressed;

23 (2) include the coverage of the essential knowledge
24 and skills for the subject area and grade level of the instructional
25 materials and electronic textbooks. The panel under subsection (e)
26 must identify:

27 (A) each of the essential knowledge and skills

1 for the subject and grade level covered by the instructional
2 materials and electronic textbooks; and

3 (B) the percentage of the essential knowledge and
4 skills for the subject and grade level covered by the instructional
5 material and electronic textbooks.

6 (3) include training and professional development for
7 teachers.

8 (g) Funds received from the state by school districts and
9 open enrollment charter schools under this section may also be used
10 to:

11 (1) provide for the purchase by school districts of
12 technological equipment needed to provide access to State Board of
13 Education-approved textbooks or commissioner-approved
14 instructional materials or electronic textbooks.

15 (h) Notwithstanding any other provision of this section, a
16 school district or open-enrollment charter school must purchase, at
17 a minimum, a classroom set of State Board of Education-approved
18 textbooks for a subject and grade level in the foundation
19 curriculum.

20 (i) The commissioner shall adopt rules necessary to
21 implement subsections (e), (f), (g), and (h) of this section.

22 SECTION 2. EFFECTIVE DATE. This Act takes effect
23 immediately if it receives a vote of two-thirds of all the members
24 elected to each house, as provided by Section 39, Article III, Texas
25 Constitution. If this Act does not receive the vote necessary for
26 immediate effect, the Act takes effect September 1, 2009.