

Electronic Textbooks and Technological Equipment in Public Schools

This Act requires the commissioner of education to adopt a list of electronic textbooks and instructional material, including tools, models, and investigative materials designed for use in the foundation curriculum for science in kindergarten through grade five, and it authorizes a school district to select a textbook or material on that list to be funded by the state textbook fund. The bill establishes conditions and criteria for the placement of such textbooks or material on the list, including a requirement for the state board of education to be given an opportunity to comment on the textbook or material before its placement. The bill requires the commissioner to update the list as necessary, sets forth prerequisites for the removal of textbooks or material from the list, and authorizes the provider of an electronic textbook or instructional material to update the textbook's or material's content or related navigational features or management system after notice to the commissioner.

If a school district or open-enrollment charter school selects an electronic textbook or instructional material on the list, the bill requires the state to pay the district or school an amount equal to the cost of the electronic textbook or instructional material plus textbook credits as specified in the bill, times number of such textbooks or materials needed by the district or school.

The bill authorizes a school district or open-enrollment charter school that selects a subscription-based electronic textbook or instructional material on the conforming list or the adopted list to cancel the subscription and subscribe to a new electronic textbook or instructional material before the end of the state contract period if the district or school has used the textbook or material for at least one school year and the state education agency approves the change based on a written request by the district or school that specifies the reasons for the change.

This Act requires school districts and open-enrollment charter schools to certify annually to the state board of education and the commissioner of education that, for each subject in the foundation curriculum and each grade level, the districts provide each student with textbooks, electronic textbooks, or instructional materials that cover all elements of the essential knowledge and skills adopted by the state board of education for that subject and grade level. The bill authorizes a state textbook fund to be used to purchase technological equipment necessary to support the use of electronic textbooks or instructional material included on the adopted list or any textbook or material approved by the state board of education.

The Act requires the commissioner by rule to establish a computer lending pilot program to provide computers to participating public schools that make computers available for use by students and their parents. The bill requires the commissioner to establish administrative procedures, including procedures for distributing to a participating school any surplus or salvage data processing equipment available for distribution under the pilot program or computers donated or purchased for that purpose with funds from any source. A school is eligible to participate if 50 percent or more of its students are educationally disadvantaged and the school operates or agrees to operate a computer lending program that allows students and parents to borrow a computer; includes an option for students and parents to work toward owning a computer initially borrowed under the program, subject to any applicable restrictions on the computer's disposition; provides computer training for students and parents; and operates outside regular school hours, including operation until at least 7 p.m. on at least three days each week. The bill requires the commissioner, not later than January 1 of each year, to submit a report to the legislature regarding the computer lending pilot program.

The bill also establishes criteria for transferring surplus or salvaged data processing equipment between schools and charter schools or the state criminal justice department.

Submitted as:
Texas
[HB 4294](#)
Status: Enacted into law in 2009.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title*.] This Act shall be cited as “An Act Relating to Textbooks,
2 Electronic Textbooks, Instructional Material, and Technological Equipment in Public Schools.”
3

4 Section 2. [*Electronic Textbook and Instructional Material List*.]

5 (a) The [commissioner of education] shall adopt a list of electronic textbooks and
6 instructional material that conveys information to the student or otherwise contributes to the
7 learning process, including tools, models, and investigative materials designed for use as part of
8 the foundation curriculum for science in [kindergarten through grade five].

9 (b) A school district may select an electronic textbook or instructional material on the list
10 adopted under Subsection (a) to be funded by the state [Textbook Fund] under [insert citation].

11 (c) Before the [commissioner] places an electronic textbook or instructional material on
12 the list adopted under Subsection (a), the [state board of education] must be given an opportunity
13 to comment on the electronic textbook or instructional material. An electronic textbook or
14 instructional material placed on the list adopted under Subsection (a):

15 (1) must be reviewed and recommended to the [commissioner] by a panel of
16 recognized experts in the subject area of the electronic textbook or instructional material and
17 experts in education technology;

18 (2) must satisfy criteria adopted for the purpose by [commissioner] rule; and

19 (3) must meet the National Instructional Materials Accessibility Standard, to the
20 extent practicable as determined by the [commissioner].

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

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

24 (2) include coverage of the essential knowledge and skills identified under [insert
25 citation] for the subject for which the electronic textbook or instructional material is intended to
26 be used and identify:

27 (A) each of the essential knowledge and skills for the subject and grade
28 level or levels covered by the electronic textbook or instructional material; and

29 (B) the percentage of the essential knowledge and skills for the subject and
30 grade level or levels covered by the electronic textbook or instructional material; and

31 (3) include appropriate training for teachers.

32 (e) The [commissioner] shall update, as necessary, the list adopted under Subsection (a).
33 Before the [commissioner] places an electronic textbook or instructional material on the updated
34 list, the requirements of Subsection (c) must be met. Before the [commissioner] removes an
35 electronic textbook or instructional material from the updated list, the removal must be
36 recommended by a panel of recognized experts in the subject area of the electronic textbook or
37 instructional material and experts in education technology.

38 (f) After notice to the [commissioner] explaining in detail the changes, the provider of an
39 electronic textbook or instructional material on the list adopted under Subsection (a) may update

40 the navigational features or management system related to the electronic textbook or
41 instructional material.

42 (g) After notice to the [commissioner] and a review by the [commissioner], the provider
43 of an electronic textbook or instructional material on the list adopted under Subsection (a) may
44 update the content of the electronic textbook or instructional material if needed to accurately
45 reflect current knowledge or information.

46 (h) The [commissioner] shall adopt rules as necessary to implement this section. The
47 rules must:

48 (1) be consistent with [insert citation] regarding the duties of publishers and
49 manufacturers, as appropriate, and the imposition of a reasonable administrative penalty; and

50 (2) require public notice of an opportunity for the submission of an electronic
51 textbook or instructional material.

52

53 Section 3. *[Notice to the State Board of Education About Textbooks Selected for the*
54 *Following School Year.]*

55 (a) Each year, during a period established by the [state board of education],
56 the [board of trustees] of each school district and the governing body of each open-enrollment
57 charter school shall:

58 (1) for a subject in the foundation curriculum, notify the [state board of
59 education] of the textbooks selected by the [board of trustees] or governing body for the
60 following school year from among the textbooks on the appropriate conforming or
61 nonconforming list, including the list adopted under Section 2 of this Act; or

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

63 (A) notify the [state board of education] of each textbook selected by the
64 [board of trustees] or governing body for the following school year from among the textbooks on
65 the appropriate conforming or nonconforming list, including the list adopted under Section 2 of
66 this Act; or

67 (B) notify the [state board of education] that the [board of trustees] or
68 governing body has selected a textbook that is not on the conforming or nonconforming list.

69 (b) If a school district or open-enrollment charter school selects for a particular subject or
70 grade level an electronic textbook or instructional material on the list adopted under Section 2 of
71 this Act, the state shall pay the district or school an amount equal to the cost of the electronic
72 textbook or instructional material plus textbook credits under this Act equal to [50 percent] of the
73 difference between that cost and the limitation established under [insert citation] for a textbook
74 for that subject and grade level, multiplied by the number of electronic textbooks or instructional
75 materials the district or school needs for that subject and grade level.

76 (c) A school district or open-enrollment charter school that selects a textbook that is not
77 on the conforming or nonconforming list or that selects an electronic textbook or instructional
78 material that is on the list adopted under Section 2 of this Act:

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

81 (2) may use funds received from the state under Subsection (b), as applicable, for
82 purchasing the textbook, electronic textbook, or instructional material for which the funds were
83 received or supplementing the allotment under [insert citation] to purchase technological
84 equipment according to rules adopted by the [commissioner].

85 (d) Notwithstanding any other provision of this Act, a school district or open-enrollment
86 charter school must purchase a classroom set of textbooks adopted by the [state board of
87 education] under [insert citation] for each subject and grade level in the foundation and
88 enrichment curriculum.

89 (e) A school district or open-enrollment charter school that selects a subscription-based
90 electronic textbook or instructional material on the conforming list under [insert citation] or the
91 list adopted under Section 2 of this Act may cancel the subscription and subscribe to a new
92 electronic textbook or instructional material on the conforming list under [insert citation] or the
93 list adopted under Section 2 of this Act before the end of the state contract period under [insert
94 citation] if:

95 (1) the district or school has used the electronic textbook or instructional material
96 for at least [one school year]; and

97 (2) the agency approves the change based on a written request to the agency by
98 the district or school that specifies the reasons for changing the electronic textbook or
99 instructional material used by the district or school.

100
101 Section 4. [*Applying Textbook Credit.*] [Fifty percent] of the total [textbook credit] of a
102 school district or open-enrollment charter school shall be credited to the state [Textbook Fund],
103 and [fifty percent] of the credit shall be credited to the district or school to apply toward the
104 requisition of:

105 (1) additional textbooks or electronic textbooks that are on the conforming or
106 nonconforming list under [insert citation] or the components of such textbooks, including any
107 electronic components; [or]

108 (2) supplemental textbooks as provided by [insert citation];

109 (3) electronic textbooks or instructional materials on the list adopted under
110 Section 2 of this Act; or

111 (4) technological equipment under Section 2 of this Act.
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113 Section 5. [*Certification of Provision of Textbooks, Electronic Textbooks, and*
114 *Instructional Materials.*] Each school district and open-enrollment charter school shall [annually]
115 certify to the [state board of education] and the [commissioner] that, for each subject in the
116 foundation curriculum and each grade level, the district provides each student with textbooks,
117 electronic textbooks, or instructional materials that cover all elements of the essential knowledge
118 and skills adopted by the [state board of education] for that subject and grade level.
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120 Section 6. [*Accepting Rebate on Textbooks, Electronic Textbooks, Instructional*
121 *Materials, or Technological Equipment.*]

122 (a) A school trustee, administrator, or teacher commits an offense if that person receives
123 any commission or rebate on any textbooks, electronic textbooks, instructional materials, or
124 technological equipment used in the schools with which the person is associated as a trustee,
125 administrator, or teacher.

126 (b) A school trustee, administrator, or teacher commits an offense if the person accepts a
127 gift, favor, or service that:

128 (1) is given to the person or the person's school;

129 (2) might reasonably tend to influence a trustee, administrator, or teacher in the
130 selection of a textbook, electronic textbook, instructional material, or technological equipment;
131 and

132 (3) could not be lawfully purchased with funds from the [state textbook fund].
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134 Section 7. [*Computer Lending Pilot Program.*]

135 (a) The [commissioner] by rule shall establish a computer lending pilot program to
136 provide computers to participating public schools that make computers available for use by
137 students and their parents. The [commissioner] shall establish procedures for the administration

138 of the pilot program, including procedures for distributing to participating public schools:
139 (1) any surplus or salvage data processing equipment available for
140 distribution under the pilot program; or
141 (2) computers donated or purchased for that purpose with funds from any
142 available source, including a foundation, private entity, governmental entity, and institution of
143 higher education.

144 (b) A public school is eligible to participate in the pilot program if:
145 (1) [fifty percent or more] of the students enrolled in the school are educationally
146 disadvantaged; and
147 (2) the school operates or agrees to operate a computer lending program that:
148 (A) allows students and parents to borrow a computer;
149 (B) includes an option for students and parents to work toward owning a
150 computer initially borrowed under the school's lending program, subject to any applicable legal
151 restrictions regarding disposition of the computer involved;
152 (C) provides computer training for students and parents; and
153 (D) operates outside regular school hours, including operation until at least
154 [7 p.m. on at least three days each week].

155 (c) Not later than [January 1] of each year, the [commissioner] shall submit a report to the
156 [legislature] regarding the computer lending pilot program established under this [Act].

157 (d) If a disposition of a state agency's surplus or salvage data processing equipment is not
158 made under [insert citation], the state agency shall make the equipment available to the
159 [commissioner of education] for use in the computer lending pilot program established under this
160 Section of this Act. If the [commissioner of education] declines to take the equipment, the state
161 agency shall transfer the equipment in accordance with [insert citation]. The state agency may
162 not collect a fee or other reimbursement from the [commissioner of education] for the equipment
163 made available under this subsection.

164 (e) If a disposition of the surplus or salvage data processing equipment of a state
165 eleemosynary institution or an institution or agency of higher education is not made under other
166 law, the institution or agency shall make the equipment available to the [commissioner of
167 education] for use in the computer lending pilot program established under this Act. If the
168 [commissioner of education] declines to take the equipment, the institution or agency shall
169 transfer the equipment in accordance with [insert citation]. The state eleemosynary institution or
170 institution or agency of higher education may not collect a fee or other reimbursement from the
171 [commissioner of education] for the equipment made available under this subsection.

172 (f) The computer lending pilot program established under this Section and the related
173 provisions established under subsections (d) and (e) of this Section expire [September 1, 2014].

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Section 8. [*Severability.*] [Insert severability clause.]

Section 9. [*Repealer.*] [Insert repealer clause.]

Section 10. [*Effective Date.*] [Insert effective date.]