

**House Bill 4294 Provisions**

Requires the commissioner of education to adopt a list of

- (1) electronic textbooks; and
- (2) instructional material that conveys information to the student or otherwise contributes to the learning process, including tools, models, and investigative materials designed for use as part of the foundation curriculum for science in kindergarten through grade five.

Electronic textbooks or instructional materials on the list would:

- be reviewed and recommended by a panel of experts in the subject area of the textbook or materials and experts in educational technology;
- be aligned with current research in the subject area of the textbook or materials;
- include coverage of the Texas essential knowledge and skills and indicate the percentage of each essential knowledge and skill covered;
- include appropriate training for teachers;
- satisfy criteria adopted for the purpose by the commissioner; and
- meet the National Instructional Materials Accessibility Standard to the extent practicable as determined by the commissioner.

After notice to the commissioner explaining in detail the changes, the provider of an electronic textbook or instructional material may:

- Update the navigational features or management system
- Update the content if needed to accurately reflect current knowledge or information.

Before the commissioner removes an electronic textbook or instructional material from the updated list, the removal must be recommended by a panel of recognized experts in the subject area of the electronic textbook or instructional material and experts in education technology.

**Current Status**

Request for Qualifications (RFQ) for electronic textbooks released in January that includes subjects and grade levels from Proclamation 2010 and Proclamation 2011.

Proposers' conference January 27, 2010

Responses due March 2, 2010

Discussion item March SBOE agenda

Approved list available April 2010

- Proposed commissioner rules outline the process for submission and review of electronic textbooks
- Agency has issued a request for volunteers with subject area and/or educational technology expertise to review submissions.
- Training will be provided via webinars.
- Reviews will be conducted virtually.

Addressed in proposed commissioner rules.

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Before the commissioner places an electronic textbook or instructional material on the list adopted under Subsection (a), the State Board of Education must be given an opportunity to comment on the electronic textbook or instructional material.

Commissioner rules that must

- Be consistent with Section 31.151 regarding the duties of publishers and manufacturers as appropriate, and the imposition of a reasonable administrative penalty
- Require public notice of an opportunity for the submission of an electronic textbook or instructional material

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.

A school district or open-enrollment charter school that selects a subscription-based electronic textbook or instructional material on the conforming list under Section 31.023 or the list adopted under Section 31.0231 may cancel the subscription and subscribe to a new electronic textbook or instructional material on the conforming list under Section 31.023 or the list adopted under Section 31.0231 before the end of the state contract period under Section 31.026 if:

- the district or school has used the electronic textbook or instructional material for at least one school year; and
- the agency approves the change based on a written request to the agency by the district or school that specifies the reasons for changing the electronic textbook or instructional material used by the district or school.

The state textbook fund may be used to purchase technological equipment necessary to support the use of electronic textbooks or instructional materials included on the list adopted by the commissioner or any textbook or material approved by the State Board of Education.

## Current Status

Addressed in proposed commissioner rules

Proposed rules to be posted in the Texas Register in March. A draft of the proposed rules is posted on the textbook webpage.

Credits will be handled via the EMAT system when districts make selections. Training will be provided to textbook coordinators.

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School districts and open-enrollment charter schools would be required to obtain a classroom set of textbooks for each subject and grade level in the foundation and enrichment curriculum.

School districts and open-enrollment charter schools are required to certify annually to the SBOE and the commissioner that the district or charter school provides each student with textbooks, electronic textbooks, or instructional materials that cover the essential knowledge and skills adopted by the SBOE for that subject and grade level.

Textbook credits may be used for electronic textbooks or instructional materials on the list adopted under Section 31.0231 or technological equipment under Section 31.021(f).

**Current Status**

SBOE rules adopted January 2010.

§66.104. Selection of Instructional Materials by School Districts.

- (r) A school district or open-enrollment charter school that selects from the commissioner's list as specified in TEC, §31.0231, must purchase a classroom set of textbooks adopted by the SBOE under TEC, §31.023 or §31.035, for each subject and grade level in the foundation and enrichment curriculum.
- (s) A classroom set shall be defined as the total count of SBOE adopted textbooks on the conforming or nonconforming list necessary to provide one copy to each student during the class period. A classroom kit that includes materials for every student in the classroom is considered to be a classroom set.
- (t) The classroom set requirement shall be implemented as new textbook adoptions become available and are funded. The classroom set requirement will begin with Proclamation 2010.

Included in Local Board of Trustees Certification that is required in the EMAT system.

Use of textbook credits for electronic textbooks or instructional materials or technological equipment will be handled via the EMAT system as outlined in the proposed commissioner rules.

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Requires the SBOE to amend proclamations issued for the purchase of textbooks to conform to the textbook funding levels provided by the General Appropriations Act for the year of implementation.

## Current Status

The SBOE amended Proclamation 2010 to reduce the maximum cost by 15%.

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The SBOE also amended Proclamation 2011 as follows:

- A publisher that offers digital versions of a print program must bid the versions separately. This requirement is not intended to forbid the inclusion of digital components in a print submission
- All digital programs must be platform-neutral – available for PCs and Macs
- Publishers of electronic programs are to offer a price for a statewide license
- Publishers are to provide a digital version of all teacher materials
- Publishers are to provide ancillaries electronically