

House Bill 4294

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 May and July 2010 SBOE meetings

Approved list available Fall 2010

- Proposed commissioner rules outline the process for submission and review of electronic textbooks
- Agency issued a request for volunteers with subject area and/or educational technology expertise to review submissions.
- Training provided via webinars
- Review took longer than anticipated, additional training and Q&A
- Review complete Fall 2010
- Contracts sent to publishers
- EMAT updated
- Letter to Administrators
- Information shared via email to various groups
- Training for textbook coordinators

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
Discussion item May and July 2010 SBOE meetings
Access information provided to SBOE members

Proposed rules posted in the *Texas Register* in May.
A draft of the proposed rules is posted on the textbook webpage.
Comments discussed with focus group on Commissioner's Rule Review Process
Final rules to be posted in the Texas Register in November

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

Proclamation 2011 materials scheduled for adoption by the SBOE November 2010

Funding for Proclamation 2011 was not included in the agency's August 30, 2010 Legislative Appropriations Request. A supplemental request is anticipated after SBOE action on the PSF in November 2010.

House Bill 2488

House Bill 2488 Provisions

Definition of an electronic textbook was expanded to include an open-source textbook.

“Open-source textbook” means an electronic textbook that is available for downloading from the Internet at no charge to a student and without requiring the purchase of an unlock code, membership, or other access or use charge, except for a charge to order an optional printed copy of all or part of the textbook

Commissioner may purchase state-developed open-source textbooks through a competitive process

- May purchase more than one state-developed open-source textbook for a subject or grade level
- A state-developed open source textbook will be reviewed by teachers or other experts as determined by the commissioner
- Costs shall be paid from the state textbook fund
- A state-developed open-source textbook must be irrevocably owned by or licensed by the state for use in the applicable subject or grade level
- The state must have unlimited authority to modify, delete, combine or add content to the textbook after purchase
- The commissioner shall provide a license to each public school in the state, including a school district, an open-enrollment charter school, and a state or local agency educating students in any grade from prekindergarten through high school to use and reproduce a state-developed open-source textbook
- Districts and charter schools must annually certify to the SBOE and the commissioner that each subject area selected will cover all elements of the essential knowledge and skills
- The commissioner shall determine the cost to a district or charter school of the state-developed open-source textbook to cover state expenses associated with the textbook

Current Status

- Request for Offer (RFO) for open-source textbooks was released in January 2010 for Literature I-IV and English as a Second Language I and II. The content would be reviewed for alignment with the Texas Essential Knowledge and Skills
- Proposers' conference January 2010
- Responses due March 2010
- One response was received indicating the proposer would develop the content over an 18-month period. The proposal did not meet the requirements of the RFO and was disqualified
- The agency is currently developing a new RFO to incorporate the needed timelines for development of open-source content to meet the specific needs of the state. The content areas to be addressed and the timeline for the release of the RFO have not been determined

- Proposed commissioner rules address state-owned open source textbooks

House Bill 2488

- A textbook credit can be generated if a school district or open-enrollment charter school selects a state-developed open-source textbook instead of another textbook adopted by the SBOE. The difference between the cost determined by the commissioner and the maximum cost for a textbook in the same subject area as determined by the SBOE shall be allocated as 50% credited to the state textbook fund and 50% credited to the school district or open-enrollment charter school

University developed open-source textbooks submitted would have to:

- be written, compiled, or edited primarily by faculty of the institution specializing in the subject area of the textbook;
- identify each contributing author;
- be certified for accuracy by the appropriate department in the institution; and
- have been determined by the institution to qualify for placement on the conforming or nonconforming list.

The institution certifies that a textbook for a senior-level course would prepare a student, without remediation, for that institution's freshman-level course in that subject and that a textbook for a junior-level course would prepare a student for the senior-level course in that subject.

Eligible institutions include a public institution of higher education that is designated as a research university or a private university that is a member of the Association of American Universities.

- SBOE updated Chapter 66 rules to address university developed open-source textbooks