ATTACHMENT

Statutory Citation Relating to Update on Commissioner's List of Electronic Textbooks

Texas Education Code, §31.0231, Electronic Textbook and Instructional Material List, as added by HB 4294, Section 4, 81st Texas Legislature, 2009:

§31.0231. Electronic Textbook and Instructional Material List

(a) 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, including tools, models, and investigative materials designed for use as part of the foundation curriculum for science in kindergarten through grade five.

(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 State Board of Education must be given an opportunity to comment on the electronic textbook or instructional material. An electronic textbook or instructional material placed on the list adopted under Subsection (a):

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

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

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

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

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

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

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

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

(3) include appropriate training for teachers.

(e) The commissioner shall update, as necessary, the list adopted under Subsection (a). Before the commissioner places an electronic textbook or instructional material on the updated list, the requirements of Subsection (c) must be met. 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.

(f) After notice to the commissioner explaining in detail the changes, the provider of an electronic textbook or instructional material on the list adopted under Subsection (a) may update the navigational features or management system related to the electronic textbook or instructional material.

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

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

(1) be consistent with Section 31.151 regarding the duties of publishers and manufacturers, as appropriate, and the imposition of a reasonable administrative penalty; and

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