ATTACHMENT I

Statutory Citations Relating to Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials

Texas Education Code, §7.102, State Board of Education Powers and Duties (excerpt):

(c)(23) The board shall adopt and purchase or license textbooks as provided by Chapter 31 and adopt rules required by that chapter.

Texas Education Code, §31.003, Rules:

The State Board of Education may adopt rules, consistent with this chapter, for the adoption, requisition, distribution, care, use, and disposal of textbooks.

Texas Education Code, §31.004, Certification of Provision of Textbooks, Electronic Textbooks, and Instructional Materials, as added by House Bill 2488, Section 2, 81st Texas Legislature, 2009:

Each school district and open-enrollment charter school shall annually certify to the State Board of Education and the commissioner that, for each subject in the required curriculum and each grade level, the district provides 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.

Texas Education Code, §31.0241, Adoption of Open-Source Textbooks, as added by House Bill 2488, Section 3, 81st Texas Legislature, 2009:

(a) In this section, "eligible institution" means:

(1) a public institution of higher education that is designated as a research university or emerging research university under the higher education coordinating board's accountability system, or a private university located in this state that is a member of the Association of American Universities; or

(2) a public technical institute, as defined by Section 61.003.

(b) The State Board of Education shall place an open-source textbook for a secondary-level course submitted for adoption by an eligible institution on a conforming or nonconforming list if:

(1) the textbook is written, compiled, or edited primarily by faculty of the eligible institution who specialize in the subject area of the textbook;

(2) the eligible institution identifies each contributing author;

(3) the appropriate department of the eligible institution certifies the textbook for accuracy; and

(4) the eligible institution determines that the textbook qualifies for placement on the conforming or nonconforming list based on the extent to which the textbook covers the essential knowledge and skills identified under Section 28.002 for the subject for which the textbook is written and certifies that:

(A) for a textbook for a senior-level course, a student who successfully completes a course based on the textbook will be prepared, without remediation, for entry into the eligible institution's freshman-level course in that subject; or

(B) for a textbook for a junior-level and senior-level course, a student who successfully completes the junior-level course based on the textbook will be prepared for entry into the senior-level course.

(c) This section does not prohibit an eligible institution from submitting a textbook for placement on a conforming or nonconforming list through any other adoption process provided by this chapter.

Texas Education Code, §31.0261, Contracts for Printing of Open-Source Textbooks, as added by House Bill 2488, Section 5, 81st Texas Legislature, 2009:

The State Board of Education may execute a contract for the printing of an open-source textbook listed on the conforming or nonconforming list. The contract must allow a school district to requisition printed copies of an open-source textbook as provided by Section 31.103.

Texas Education Code, §31.0231, Electronic Textbook and Instructional Material List, as added by House Bill 4294, Section 4, 81st Texas Legislature, 2009 (excerpt):

(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.

Texas Education Code, §31.101, Selection and Purchase of Textbooks by School Districts, as amended by House Bill 4294, Section 5, 81st Texas Legislature, 2009 (excerpt):

(c-1) Notwithstanding any other provision of this chapter, a school district or open-enrollment charter school must purchase a classroom set of textbooks adopted by the State Board of Education under Section 31.023 or 31.035 for each subject and grade level in the foundation and enrichment curriculum.