

## Commissioner's Rule Review

Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed							
Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
66AA		I am in favor of the use of Section 508 for compliance with accessibility standards for electronic textbooks. However, without stronger compliance language, I am concerned that publishers and local districts will have little incentive to comply.	<p>Add penalties for not providing access</p> <p>Add requirements for accessibility experts to review electronic texts</p> <p>Strengthen provisions for suitable alternatives for interactive websites</p> <p>Add specifications for accessibility</p> <p>Require publishers to submit information on accessibility</p> <p>Mandate fixed timelines for fixing problems</p>	<p>These rules need enforcement protections, or they will not be enforced or monitored. Students with disabilities, especially those with visual impairments, are at huge risk for falling further behind the digital divide as multimedia electronic textbooks replace brailled editions of print texts. Specialized knowledgeable people must help review proposed textbooks and access must be built into the process up front.</p>	<p>The rules require publishers to comply with Section 508 standards. No changes to the rules are needed.</p>		<p>Publishers must meet the technical standards of the Rehabilitation Act, Section 508.</p>

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66	1001/ 1003/ 1007/ 1017	<p>For students with disabilities, access to electronic textbooks and instructional materials is a civil rights issue.</p> <p>Throughout these rules, Commissioner "exceptions" are stated for requirements related to compliance with NIMAS and §508 of the Rehab Act. Such exceptions are discriminatory against students with disabilities and would cause the State of Texas to be complicit in violating the civil rights of students with disabilities under §504 and the ADA.</p> <p>Even though the language in §508 of the Rehab Act does not include language that is explicit to K12 organizations, §504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA), clearly state that students with disabilities have the right to "equally effective" educational programming. [CONTINUED]</p>	<p>§66.1001. Definitions of (1) Electronic textbook and (2) Instructional materials                      ·Should mention electronic textbooks and instructional materials that meet §508 compliance                      ·Should specify "accessible instructional materials" □</p> <p>§66.1003. Scope of Rules                      ·Should mention electronic textbooks and instructional materials that meet §508 compliance                      ·Should specify "accessible instructional materials" □</p> <p>§66.1007. Manufacturing Standards and Specifications                      ·Language needs to be stronger. REMOVE allowance for an exception.                      ·Establish procedures for a third-party verification with recognized experts in §508 compliance, WCAG Accessibility Guidelines, and NIMAS file sets.                      [CONTINUED]</p>	<p>Eighty-two percent of students with disabilities do not have cognitive disabilities, and yet 60% of schools that don't meet AYP, fail to do so because of their students with disabilities. These statistics tell us that our students with disabilities are capable, but that our curriculum is broken.</p> <p>As a society, we have made great gains in giving students with disabilities, access to the general CLASSROOM. Even so, we have continually failed to provide these same students with equally effective access to the general CURRICULUM.</p> <p>[CONTINUED]</p>	<p>We would suggest that you keep the original language and keep the word exceptions in the rule. This will allow flexibility for future changes as this is a new process. The publishers are required to meet the specific 508 standards. It is not our intention to wave the standards. Exceptions are not requested by the publisher but granted by the Commissioner. TEA has budgeted for 3rd party review for the Request for Supplemental Science.</p>		<p>The intent of the rule is to provide flexibility to the Commissioner to ensure current accessibility standards are in place. Accessibility experts are budgeted for Supplemental Science. State and federal requirements ensure that digital content is accessible.</p>

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		<p>[CONTINUED FROM ISSUE]</p> <p>The §504 regulations make it illegal for school systems running programs to "utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap,[or] (ii) that have the...effect of defeating or substantially impairing accomplishment of the...program with respect to handicapped persons...." The ADA regulations contain a similar ban regarding methods of administration.</p> <p>"Criteria or methods of administration" that limit the opportunities for students with disabilities to receive educational programming that is equally effective to that of students without disabilities constitutes "prohibited discrimination."</p> <p>Allowing Commissioner exceptions to the NIMAS file format and/or compliance with §508 accessibility standards, constitutes "prohibited discrimination" against students with disabilities.</p> <p>Anywhere in these rules where "electronic textbooks," "instructional materials," and "open source" are mentioned, it should be noted that these textbooks and materials MUST, without exception, meet accessible design standards, as outlined in WCAG 2.0, §508 of the Rehab Act, and/or the NIMAS file format. [END]</p>					

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							<p>[CONTINUED FROM DESIRED CHANGE 1]</p> <p>Third-party accessibility verification should be completed during the adoption phase, as well as during any updates/changes to content, software/navigational features, etc. NOTE: Vendors are not sufficiently qualified to certify that materials meet accessible design standards. With third-party verification, bias/conflict of interest would be removed/mitigated.</p> <p>§66.1017. Electronic Textbook and Instructional Materials Review Panels: Appointment. Sections c and d: Language should also include expert in the areas of accessibility evaluation and usability testing/ §508 compliance / NIMAS File Sets, etc.</p> <p>§66.1021. Electronic Textbooks and Instructional Materials Review Panels: Orientation Add: Identification of errors in accessibility/usability (§508 compliance / NIMAS file sets, etc.)</p> <p>§66.1031. Consideration and Adoption of Electronic Textbooks and Instructional Materials (a) 2. compliance with applicable manufacturing standards and specifications and, if applicable, technical requirements of the Rehabilitation Act, §508; Stronger language is needed here. Electronic text and instructional materials MUST meet the requirements of §508; remove “if applicable” from statement. (b) Electronic textbooks and/or instructional materials may be rejected for several reasons. The reasons for rejection include, but are not limited to: (2) failure to meet applicable manufacturing standards and specifications or, if applicable, the technical requirements of the Rehabilitation Act, §508; Stronger language is needed here. Electronic text and instructional materials MUST meet the requirements of §508. REMOVE “if applicable” from statement.</p> <p>§66.1035. Updates to Electronic Textbooks and Instructional Materials. (a)A publisher may submit a request to the commissioner of education for approval to update the content of state-adopted electronic textbooks and instructional materials. A publisher may submit a request to the commissioner to update the navigational features or management system related to the electronic textbooks or instructional materials. A publisher requesting an update shall provide the request in writing, providing a comparison that includes the changes made in the update with the corresponding sections of the state-adopted electronic textbooks and instructional materials along with access to both the updated electronic textbooks and instructional materials and the adopted version. “Publishers must submit, in writing, the results from a re-verification study showing that the updates maintain compliance with accessible design standards, as outline in §508.” (g) A publisher of adopted electronic textbooks and instructional materials may provide alternative formats for use by school districts and open-enrollment charter schools if the cost to the state and schools is equal to or less than the cost of the original product. Add a qualifying statement to this: “Alternative formats MUST be in compliance with accessible design standards, as outlined in §508, the WCAG 2.0, and/or the NIMAS file format.” The phrase “alternative format” should be preceded by “accessible” throughout the rest of the section. “Publishers must submit, in writing, the results from a re-verification study showing that the updates maintain compliance with accessible design standards, as outline in §508.”</p>
							<p>[CONTINUED FROM DESIRED CHANGE 2]</p> <p>(g) A publisher of adopted electronic textbooks and instructional materials may provide alternative formats for use by school districts and open-enrollment charter schools if the cost to the state and schools is equal to or less than the cost of the original product. ·Add a qualifying statement to this: “Alternative formats MUST be in compliance with accessible design standards, as outlined in §508, the WCAG 2.0, and/or the NIMAS file format.” The phrase “alternative format” should be preceded by “accessible” throughout the rest of the section. [END]</p>

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		<p>[CONTINUED FROM RATIONALE]</p> <p>We, as a state, are not powerless to remove barriers to learning. We simply have to have the determination to keep barriers out of our policies and to write our policies in such a way that equally effective access to the curriculum is a guaranteed RIGHT for ALL of our students, including students with disabilities.</p> <p>As more and more curriculum products are being delivered digitally, it is imperative that SEAs and LEAs send a clear and unyielding message to publishers and manufacturers who sell products to K12 entities. That message is this:</p> <p>"We will not buy materials that cannot be equally accessed by all of our students."</p> <p>Publishers and manufacturers will meet the demands of the market. We are the market, and we are also the gatekeepers to learning for all students in this state. We must raise the bar on our demands related to our curriculum materials. When we do so, we will see that publishers will meet or exceed that bar. We will get what we expect from the educational technology industry and from publishers of textbooks and instructional materials. If we give them the freedom to provide materials that are not accessible, that is what they will choose to do. We must take that option off the table.</p> <p>By demanding that publishers comply with accessible design standards, as outlined in WCAG 2.0, §508 of the Rehab Act, and the NIMAS file format, the State of Texas will ensure that students with disabilities have equally effective access to the general curriculum.</p> <p>With the technologies and design standards that are currently available to developers, there is no excuse for producing electronic materials that create access barriers for students with disabilities. Any and all media-rich, interactive, and highly rigorous materials can be provided in an accessible format.</p> <p>The State of Texas must use its purchasing power to bring systematic changes to the educational publishing and technology industries, and to demand fully compliant, accessible materials from those industries.</p> <p>Not only will this result in more students with disabilities being successful, it will impact the entire country and ensure that schools are finally equipped to provide equally effective access to the general curriculum for students with disabilities, as outlined in Federal law.</p> <p>[END]</p>							

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66	1035 (g)/(h) /(i)	(g) A publisher of adopted electronic textbooks and instructional materials may provide alternative formats for use by school districts and open-enrollment charter schools if the cost to the state and schools is equal to or less than the cost of the original product. (h) Alternative formats may be developed and introduced at a time when the subject or grade level is not scheduled in the cycle to be considered for at least two years, in conformance with the procedures for adoption of other state-adopted materials. (i) Publishers must notify the commissioner in writing if they are providing commissioner-approved products in alternative formats.	Alternative formats need to be defined. Individual with knowledge of alternative formats needs to review materials. Alternative formats MUST be developed.	Change would ensure students with disabilities in need of alternative format would receive instructional materials the same time as non-disabled students receive materials.	More guidance is needed to define alternative formats and related costs to the districts.		Agree. Guidance on alternative formats and costs will be provided within our website postings and information sent to our listservs.
66	41	Is there an option to opt out or change after one year?	No change	Increased flexibility for districts	No change is needed in rule.		The rule allows districts to opt out of their subscription based materials after one year of use.
66	041b	Is there an option to opt out or change after one year?	No change	Increased flexibility for districts	No change is needed in rule.	31.0231	The rule allows districts to opt out of their subscription based materials after one year of use.

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66	041a	50% of the difference - for what purposes could districts use this funding?	At the district's discretion based on locally-identified needs	Supplement the cost of the technology to deliver the curriculum, or best provide ways to implement instructional resources.	The Commissioner's rules indicate that textbook credits can be generated if a district adopts electronic textbooks on the Commissioner's list. No changes are required.	31.0231	Allowable expenditures for textbook credits are provided in TAC 66.102.
66		Texas schools have to protect electronic textbooks from unauthorized duplication.	Texas schools will protect electronic textbooks from unauthorized duplication as follows: etc.	Textbooks provided to Texas students and teachers in electronic form must be protected from unauthorized copying (for example, unauthorized publication on the Internet).	The rule states that a district shall not make a copy of their program without the explicit permission of the publisher.		Publishers have protective measures that will prohibit Texas schools from unauthorized duplication of their program.
66	1107	Adoption cycle set by commissioner? Will this be every year, every 10 years?	Clarification - How frequently will the commissioner's list be updated?	Help districts improve their long-range planning.	Language in statute gives the Commissioner the authority to establish an adoption cycle for his electronic textbook process.	31.0231	Commissioner Rules include language to establish an adoption cycle but the Commissioner has yet to establish a cycle.
66	1033	Where are the electronic (web-based) products housed?	Server located outside the school district (state, corporate, etc.)	Minimizes district cost of server space. Increases universal access of curriculum/instructional materials	Digital content must be web based. It is a requirement in rule. Publishers have the option to house content on their server or provide access to download.	31.0231	Publishers will typically house their content on their server to control unauthorized duplication of content.
66	1101	Definition #2 - definition of "instructional materials"	Inclusion of K-5 Science followed by "exception" of K-5 Science is confusing.	Make the definition more easily understood by "lay people".	The definition is outlined in statute and cannot be changed in rule.	31.0231	The definition in statute identifies tools, models and investigative materials designed for Science Grades K-5. The commissioner is authorized to request materials in any subject area.

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66	1001 (2) / 1011 (b) / 1019 (a)	66.1001(2) Issue, only science in kindergarten - grade 5 is included in the description  66.1011(b) / 66.1019(a) No verbage on updating and aligning curriculum as soon as the TEKS for specific courses are updated.	66.1001(2) include all content areas in all grade levels (k-12) including foundation courses and enrichment courses.  66.1011(b) / 66.1019(a) include verbage that curriculum and content need to be aligned and updated as soon as the TEKS are updated.	66.1001(2) Rules need to be include all grade levels and content areas.  66.1011(b) / 66.1019(a) keep curriculum durrent and aligned to the TEKS.	The definition is outlined in statutuue and cannot be changed in rule.  Rules indicate that content experts can remove electronic textbooks from the Commissioner's List. The intent is to keep content aligned, current and error free.	31.0231	The definition in statute identifies tools, models and investigative materials designed for Science Grades K-5. The commissioner is authorized to request materials in any subject area and grade level.  The intent of the rule to remove content is to keep the content current and aligned to the TEKS. No change in rule is required.
66	1001, 1003, 1007, 1017, 1021, 1031	There should not be exceptions to the Commissioner's rules related to electronic textbooks and instructional materials. This violates NIMAS and Sec. 508, and Sec. 504. Section 504 states that students with disabilities have the right to equally effective educational programming. These materials should meet the accessible design standards of WCAG 2.0 in Sec. 508 of the Rehab Act.	66.1001 and 1003- Should mention electronic texts and materials that meet 508 compliance. Should specify accessible instructional materials. 66.1007- Remove exception, establish a third party verification by experts. 66.1017- should include expert in the areas of accessibility 66.021- add identification of error in accessibility/usability 66.1031- Electronic texts and materials must meet requirements of 508. Remove, if applicable.	It would provide equal access to curriculum for all students with disabilities.	We would suggest that you keep the original language and keep the word exceptions in the rule. This will allow flexibility for future changes as this is a new process. The publishers are required to meet the specific 508 standards. It is not our intention to wave the standards. Exceptions are not requested by the publisher but granted by the Commissioner. TEA has budgeted for 3rd party review for the Request for Supplemental Science.		The intent of the rule is to provide flexibility to the Commissioner to ensure current accessibility standards are in place. Accessibility experts are budgeted for Supplemental Science. State and federal requirements ensure that digital content is accessible.

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66	1001 (1)	Interactive videodisc	Physical media	Interactive videodiscs are no longer available	The definition of electronic textbooks is outlined in statute.	31.0231	Statutory change required. Rule changes cannot be modified to eliminate language in statute.
66	1035 (g)/ (h)/(i)	<p>(g) A publisher of adopted electronic textbooks and instructional materials may provide alternative formats for use by school districts and open-enrollment charter schools if the cost to the state and schools is equal to or less than the cost of the original product.</p> <p>(h) Alternative formats may be developed and introduced at a time when the subject or grade level is not scheduled in the cycle to be considered for at least two years, in conformance with the procedures for adoption of other state-adopted materials.</p> <p>(i) Publishers must notify the commissioner in writing if they are providing commissioner-approved products in alternative formats.</p>	Alternative formats need to be defined. Individual with knowledge of alternative formats needs to review materials. Alternative formats MUST be developed.	Change would ensure students with disabilities in need of alternative format would receive instructional materials the same time as non-disabled students receive materials.	More guidance is needed to define alternative formats and related costs to the districts. Publishers will need to provide the materials in a format that districts can use. Formats may vary at the district level.		Agree. Guidance with formats and costs will be provided within our website postings and information sent to our listservs.

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66	1009 a/h1	No administrative penalties for accessibility errors. Procedures governing violation of statutes/administrative penalties.	Define suitable alternative.	Publishers should detail specifications from Section 508. Accessibility requirements ARE REQUIREMENTS not suggestions or informational(amendment of 1998 Rehab Act).	The rules require publishers to comply with Section 508 standards. No changes to the rules are needed.		The rule states that a publisher shall file a statement that instructional materials submitted must meet the technical standards of the Rehabilitation Act, Section 508.
66	1017 (2)	Electronic textbooks need to be reviewed by individuals in the field of accessibility.	Add at least one individual who has knowledge of accessibility.	To provide accuracy in accessibility of materials as per Section 508.	The publishers are required to meet the technical 508 standards. TEA has budgeted for an expert to review for accessibility. TEA expects the next call for digital content for the Commissioner's list will include a review from an accessibility expert.		State and federal requirements ensure that digital content is accessible.

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66	1037 (b)	<p>Accessibility and availability appear to mean the same thing in this rule.</p> <p>(b) Each publisher shall guarantee accessibility of adopted electronic textbooks and instructional materials at least ten business days before the opening day of school of the year for which the electronic textbooks and instructional materials are ordered if the textbooks and materials have been ordered by a date specified in the sales contract.</p>	Textbooks would be available in accessible format to students with disabilities at least 10 days before the opening day of school.	The change would provide for students with disabilities to have access to accessible instructional materials/textbooks at the time non-disabled students receive materials.	More guidance is needed to help differentiate the two types of accessibility. One is the 508 standards and the other is having access to the materials before school starts. It may help to survey schools and see when they would like to have the materials.		Agree. Guidance to address accessibility and availability will be provided within our website postings and information sent to our listservs.
66	1001	<p>Should this definition include PreK Instructional Materials</p> <p>Why just science?</p> <p>Clarify #2</p>	All foundation curriculum	All foundation curriculum	No rule change needed. Keep the definition as outlined in statute.		The definition in statute identifies tools, models and investigative materials designed for Science Grades K-5. The commissioner is authorized to request materials in any subject area.
66	1019	No governance over "no contact" provision	Need absolutely "no contact" during no contact period Reporting or "sanctioning" process	The undue appearance of impropriety from panel members.	No change is required.	31.0231	TEA staff provides training and guidance during the review to ensure the definition of "no contact" is understood and adhered to.

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66		Keep the rule as is. This rule is extremely important for numerous reasons, including providing needed specificity regarding ARD committee membership to address situations which have arisen in the past, providing clear ARD committee procedures for arriving at important decisions about students' individualized education program (IEP), placement, and other functions for which the ARD committee is responsible, providing clear procedures when agreement among ARD committee members cannot be reached, and timelines by which a special education who is transferred to a new school district must be evaluated in order to ensure expeditious provision of services, among many other things.	No change.	Keeping the current rule as is will prevent confusion and repetition of past mistakes in school district provision of special education services. Additionally, the rules were crafted with significant input from relevant stakeholders, representing a balance of all of the different interests involved. Given that special education is governed by a highly complex set of federal and state laws/rules, it is imperative that the Agency provide parents, educators, and other stakeholders as much clarity and detail as possible in order to maneuver appropriately through all of the requirements of these laws/rules. Particularly important are subsections (c)(2) regarding which regular education teacher should serve on the ARD committee [CONTINUED]	Not applicable		No change requested.

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		<p>[CONTINUED FROM RATIONALE]                      (so that it's the one who is actually responsible for implementing a portion of the student's IEP as opposed to someone who is unlikely to ever teach the student); subsection (e) regarding the fact that the written report of the ARD committee must document decisions that the committee makes as well as indicate each member's agreement or disagreement with the decisions (necessary in order to ensure transparency and fairness in a process in which the balance of power is not typically equally shared by participants); subsection (h) regarding the fact that ARD committees must be able to make decisions in a collaborative manner by mutual agreement if possible (again attempting to ensure fairness in the ARD committee process); (h)(5) regarding a process by which ARD committee members who disagree with an ARD committee decision can include a statement of the reasons for their disagreement in the written report; and subsection (f)(1) regarding the requirement that a receiving school district take action to ensure prompt completion of a transferring student's evaluation if the student was in the process of being evaluated in the student's previous school district and promptly provide special education services in a timely manner once student eligibility has been established. [END]</p>					
66		Keep the current rule as is. The rule provides important and necessary details regarding the contents of the IEP, including suitable staff to student ratios appropriate to identified activities as need for the student to achieve social/behavioral progress and professional educator/staff support.	No change.	Keeping the current rule as is helps ensure that due consideration is given to all appropriate educational programming practices in developing the IEP. The rule serves as an invaluable guide to ARD committee members and other stakeholders. Particularly useful is subsection (e).	Not applicable		No change requested.
66		66.1017 - F Recommendations from any TX resident. How will residents know they can make those recommendations and is there a timeline provided for this?	Question for clarification or addition of more information.	Awareness of TX residents as opposed to statement of policy.	More guidance is needed to define recommendations for content experts in Texas.		Agree. Guidance with content reviewer recommendations will be provided within our website postings and information sent to our listservs.

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66		exec director elem ed, YISD - yes asst super., FISD - yes	exec director elem ed, YISD - 66.1009 asst super., FISD - 66.1009	exec director elem ed, YISD - would like to propose 5-10 day time window instead of 30 days. asst super., FISD - cat 3 would like to change from "do not consider serious" to "reviewers do not find consensus"	The 30 day window allows time for programmers to make a thorough review of changes to their electronic textbooks. The content experts determine the extent of the error. No changes in rule are required.		The rules mirror the State Board of Education rules for review of errors and fines.
66		Asst Superintendent for CCR and Curriculum Guidance- SISD. 1001.	Asst Superintendent for CCR and Curriculum Guidance- SISD. 1001.	Asst Superintendent for CCR and Curriculum Guidance- SISD. 1001. Concerned with kindergarten students and the familiarity of technology. Teacher will need to instruct in both the use of technology and use of text book at same time.	The concern is notated but changes in rule are not required to address instruction in the classroom.		If districts selects from the Commissioner's list as an option for electronic textbooks, the local district will need to ensure the teachers are prepared for instruction using digital content.
66		BED Director, ESCR19, - Yes SPED Director, SISD - No	BED Director, ESCR19, - 1003 scope of rules. SPED Director, SISD - No Change	BED Director, ESCR19, - 1003 scope of rules. This chg would help facilitate the reasone.sledkr;wek SPED Director, SISD - No change. this rule supports teacher	The comments indicate support of this rule. No changes are required.		The comments indicate that the rules support the teacher. No changes are requested.

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66	1037 (b)	The current rule does not give districts enough time to review the materials.	Strike ten and add "thirty" in its place. Each publisher shall guarantee accessibility of adopted electronic textbooks and instructional materials at least thirty business days before the opening day of school..."□	This proposed change will provide districts ample time to review and utilize the resources for district-wide instructional planning and professional development initiatives.	More guidance is needed to help differentiate the two types of accessibility. One is the 508 standards and the other is having access to the materials before school starts. It may help to survey schools and see when they would like to have the materials.		Agree. Guidance with accessibility and availability will be provided within our website postings and information sent to our listservs.
66	1013	Public schools in Texas are expected to select and order instructional materials from the state's approved list. This restricts a school's ability to exercise the broadest range of curricular innovation if the textbooks and material that may be integral to that school's innovative design are not on the state-approved list.	To the extent of the commissioner's authority, revise the rule to provide greater opportunities for state funding of instructional materials that are not on the state-approved list.	This change will promote innovation in Texas public schools, one of the main purposes for the creation of open-enrollment charter schools.	The Commissioner's list of electronic textbooks provides greater opportunities and options for school districts, thereby promoting innovation with instruction. No rule change is needed.		The intent of the rule is to allow greater flexibility for options with instructional materials.

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66		<p>None needed.</p> <p>Cycle of adoption.</p> <p>P6 – Review panel- include equal representation on panel –p7 example. □</p> <p>Many comments forthcoming- very controversial – we can pass this, but are we going to provide the electronic devices.</p>	<p>66.1019 – p6 – Review panel – have 2 Educational experts on the committee instead of 1.</p> <p>P7 – Example – should be an instructional piece not just a picture 66.1019(a)1(D)</p>	none	The makeup of the review committee includes a minimum of 3 content experts. They determine the alignment of the Texas Essential Knowledge and Skills which. No changes in rule are required.		The representation of the panel members include content experts in the subject area being reviewed.
66		<p>66.1041A – split the cost of the book do not address cost of electronics/bandwidth to “run” the textbook. □</p> <p>These rules allow SBOE to unduly influence commissioner’s review process.</p>	<p>Don’t charge districts the 50% cost of electronic textbooks.</p> <p>Do not require appointees recommended by member of the board.</p> <p>Access cost of electronic textbooks is troubling for poorer districts. All kids don’t have access to computers.</p> <p>Concerns about using computers to learn to read since kids can’t touch them or highlight parts.</p> <p>Suggest to adopt science textbooks more often as info changes rapidly.</p>	<p>Districts are in funding crisis and cannot bear the burden.</p> <p>Commissioner need to operate without undue influence/pressure from SBOE.</p> <p>This effectively shuts districts out from using electronic textbooks.</p>	<p>The Commissioner rules indicate that textbook credits can be generated if a district adopts electronic textbooks on the Commissioner's list. There is no cost to the district. Change in rule is not required.</p>		<p>Guidance is needed to address how textbook credits are generated and used by districts. Information will be sent out through our listservs.</p>

### Commissioner's Rule Review

Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed							
Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
66		<p>Pg. 7 – D&amp;E: 3 examples need to be evident.</p> <p>Pg.8 b: Percentage of TEKS How often will electronic materials be updates? Yearly?</p>	<p>Clarify this more. What is an example?</p> <p>Actual show how to do a problem? Or just asking a student to solve a problem.</p> <p>All TEKS should be covered.</p>	<p>Self-explanatory.</p> <p>Accurate/more timely data.</p>	<p>Updates to the electronic materials is at the discretion of the publisher. The commissioner has the authority to remove a product from his list by a panel of experts. No rule change is required.</p>		<p>The intent of the rule to remove electronic textbooks from the Commissioner's list is to keep the content current and aligned to the TEKS.</p>
66		<p>Increase penalties for factual errors – no waivers. □</p> <p>State adoption is obsolete and takes excessive resources.</p> <p>Limit schools ability to move forward with innovative curriculum.</p> <p>Not ready for 66AA</p>	<p>If waived – penalties must be publicized.</p> <p>Stop state textbook adoption.</p>	<p>none</p>	<p>Fines for penalties are in line with factual errors.</p> <p>State adoption is in statute and cannot be waived.</p> <p>Rules do not address innovation in curriculum.</p>		<p>Fines for penalties are in line with factual errors.</p>

**Commissioner's Rule Review**

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66		<p>Currently satisfied with list. Concern for students w/o access to electronic imposes on school for cost (i.e.: if hard copy is no longer sent, then the district absorbs the cost of print – consumables).□</p> <p>If there is an error it can be fixed immediately. Great opportunity for assistive tech for VI students but some students may not be able to follow.</p> <p>Should be less to produce electronic versions.</p>	<p>Make black line master interactive (not all vendors are making this available).</p> <p>Add transcript or of what is being said.</p> <p>State should shift funding to electronic devices for equity.</p>	<p>Make comments being given verbally available in transcription.</p> <p>Equity for all.</p>	<p>Comments do not indicate a specific section.</p>		<p>Unable to provide comments because there is not a reference to a specific section.</p>
66		<p>None needed.</p> <p>Adoption cycle.</p> <p>Textbook for special needs students and ELL.</p> <p>More specifically state the adoption process/cycle.</p> <p>Further consideration required since it is new.</p>	<p>Adoption cycles need to b more refrequent. Science &amp; SS particularly.</p> <p>Differentiate textbook – lower lexical levels.</p>	<p>none</p>	<p>Comments indicate that changes in rule are not needed.</p> <p>Electronic textbooks can address special needs students and ELL.</p> <p>The rules give the Commissioner the authority to adopt a cycle.</p>		<p>The electronic textbooks can address special needs students.</p> <p>The commissioner has not adopted a cycle for electronic textbooks but has the authority in rule to do so.</p>

### Commissioner's Rule Review

Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed							
Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
66		66.1115C - split the cost of the book do not address cost of electronics/bandwidth to "run" the textbook□	Don't charge districts the 50% cost of electronic textbooks.	Districts are in funding crisis and cannot bear the burden.	The Commissioner's rules indicate that textbook credits can be generated if a district adopts electronic textbooks on the Commissioner's list. No changes are required.		The district generates textbook credits for requisitioning electronic textbooks and as a result, can use those funds to purchase other instructional materials or technological equipment to access digital content.
66		<p>Pg.3 (e)</p> <p>Pg.4 c-1&amp;2</p> <p>Dual Platform – Mac &amp; PC□</p> <p>Issue – for open source does the rule mean “state developed” or state adopted?”</p> <p>Is it both? Those concepts seem to need clarification in this context.</p>	<p>Pg. 3 (e) remove completely.</p> <p>Pg. 4 c 1&amp;2</p>	<p>Systems should always implemented and acct to in order to provide predictability to districts. The commissioner being able to adopt in “emergency” situations does not allow districts adequate time to plan, thus student performance will be imposed.</p> <p>State should find online resources as they fund text. It is unrealistic to demand cost on districts w/no funds.</p>	<p>Open source has two processes - the SBOE (state adopted) and the Commissioner of Education (state developed).</p> <p>Comments on cost do not reflect a specific citation. Unable to address their comments.</p>		Guidance with open source processes will be provided within our website postings and information sent to our listservs.

**Commissioner's Rule Review**

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66		66.1113C – who controls and make changes.  Textbooks are obsolete. State adoption reduces resources to schools.	Use laptops & IPADS.  Stop state adopted textbooks.  No textbook or electronic textbook state adoptions.  Increase per student allocation for electronic resources.  Decrease time to review materials for faster turn-around.  Implement pilot.	none	The Commissioner is authorized to license the open source content to each district. Policies addressing content changes have not been established.		Policy decisions regarding changes in open source content will be communicated to every district.
66		There is no support so districts will have to pick up cost of any training, management.  How do you know it is quality and had integrity? Is anyone monitoring the quality? Whose responsibility is this?  Should be better b/c aligned w/state standards.	Responsibility for integrity of source.	Fidelity!	Training is required from the publishers for districts that select instructional materials from the Commissioner's list of electronic textbooks.  The quality of the training should be determined by each district depending on their level of technology skills.		Training for electronic textbooks is addressed in rule.

**Commissioner's Rule Review**

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66		<p>Why do we have school report cards &amp; AEIS reports? They measure the same thing.</p> <p>Benefit: provides data &amp; a way to compare like districts. Important for decision making.</p> <p>As a parent, I like to know school ratings.</p> <p>AEIS school report provided by TEA may not be altered/parents can't figure it out/\$ to develop accompanying "explanation" document.</p>	<p>Estimate school report card.</p> <p>Develop a parent/community version using more friendly language and an internal report that included the more technical jargon.</p>	<p>Waste of taxpayer \$.</p> <p>Improved communication of results.</p>	Not applicable		The comments do not appear to be relevant to Chapter 66 rules.
66		<p>Please provide report AEIS in Spanish and English ("school" report card).</p> <p>Waste of paper mailing out to parents x2.</p> <p>Does the report have to be mailed to adult students?</p> <p>Seek ways to reduce costs by distributing the report electronically.</p>	<p>Spanish</p> <p>Move to electronic format with paper copies available on request.</p> <p>(d) add "emailing" <input type="checkbox"/></p> <p>(f) add web (internet)</p> <p>(d) add: "via school/campus website" <input type="checkbox"/></p>	<p>All districts are having to translate these reports, does this information remain the same?</p> <p>(d) Because the district may use that format (email).</p> <p>(f) District may use this format (post on web)</p> <p>(d) cost savings, easy access for parents (save paper).</p>	Not applicable		The comments do not appear to be relevant to Chapter 66 rules.

**Commissioner's Rule Review**

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66		Delete Not very "green" □	Replace with summary, parent friendly version, in more timely manner.	Current quality and content can be overwhelming, confusing.  Information is so late creates issue between community and district to explain why it's late. □	Not applicable		The comments do not appear to be relevant to Chapter 66 rules.
66		No change.  61.1025 – investigate or review means of transferral of PEIMS data b/t districts & b/t districts – higher ed. □ 61.1025 – out dated. □  Align w/NCLB doc to avoid 2 massive mail outs.  Make documents smaller to fit on 2 pages for postage and print consideration.	No change.  61.1025 – improve efficiency & funding to allow data transfer.  Look @ in relation to new proposed system.	No change.  Money for print & postage and parents are confused when receiving multiple school report cards.	Not applicable		No change is requested. The comments do not appear to be relevant to Chapter 66 rules.

**Commissioner's Rule Review**

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66		paying for electronic textbooks	<p>Concerned that the district is responsible for paying the publisher for electronic textbooks. This requires another fund code/budget at the district level, which causes more work for the district. Would suggest that TEA pay the publisher as in the case of the regular textbooks.</p> <p>Adoption cycle – if district is not ready to go to electronic textbook the first year and so order for all students, how long do textbook credits last? Does the electronic version pro-rate with each subsequent year (i.e. four years into cycle, so there are only 3 years left that electronic textbook can be used.)</p> <p>When looking at electronic textbooks, will the number of teacher resources received be based on enrollment or copies ordered?</p> <p>Look at allotment of teacher resources to include more than just regular ed teachers (special ed, content mastery, etc.)</p>	costs, efficiency	<p>Programming costs in EMAT prohibit the Agency from paying the funds directly to the publisher.</p> <p>At this point in time, textbook credits carry over each year. Legislative appropriations may require TEA to review the current practice. Electronic textbooks are not prorated each year. There is a one time cost for each unit for the life of the contract.</p> <p>The number of teacher resources is based on PEIMS enrollment.</p>		<p>This is not an area where rule change address local fund code/budget changes.</p> <p>Legislative mandates or appropriations will be determined during the 82nd legislative session. Changes with textbook credits will be communicated to every school district.</p> <p>Teacher resources are based on PEIMS enrollment.</p>

**Commissioner's Rule Review**

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66		<p>Team membership is not broad enough.</p> <p>We are required to get 25% of kids to college ready students but only 10% get auto acceptance.</p> <p>College readiness vertical team – representation needs to be more balanced between secondary and post-secondary. More secondary representation and responsiveness is needed.</p>	<p>Should include both 2yr and 4yr representation.</p> <p>Post-secondary is not bound by standards the way secondary is – that is a problem.</p>	Different levels of institutions.	Not applicable		The comments do not appear to be relevant to Chapter 66 rules.
66		<p>Need addition – see below. □</p> <p>(3) Who is considered “higher education?” □</p>	<p>Add ESC to (c) (2)</p> <p>(3) give examples.</p> <p>Why does 60% of vertical team need to be from higher ed?</p>	<p>ESCs have knowledge as to who would be good committee appointees.</p> <p>(3) community colleges as well as major University.</p>	Not applicable		The comments do not appear to be relevant to Chapter 66 rules.

**Commissioner's Rule Review**

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66		.1001(3) – 60% college. □  The committees work end in 2011.  No change.  What is the job of the Vert TEAM? Nebulous purpose?	.1001(3) – Should be at least 1/2 ISD & half college.  Committees should be used maintain & update, as necessary.  Develop CR vertical district team.  Refine so direct & specific guidance can be given.  What is done at the college level?	none	Not applicable		The comments do not appear to be relevant to Chapter 66 rules.
66		74.1001 C 4 – needs to be updated.  Process is complete.  Think it is a need – keep. □	Update 74.1001 C4 – out of date □  Delete.	74.1001 C4 – need to reflect current requirements.	Not applicable		The comments do not appear to be relevant to Chapter 66 rules.
66		Section on Head Start (1) Relationship w/local Head Start can be very problematic. If the local Head Start is not willing to relinquish some control over the program, the classroom personnel end up reporting to two bosses in a feely integrated, full-day program.	Early childhood should improve kindergarten.  Delete Financial Literacy Pilot – waste of \$. Keep Math IC Pilot program – love it.  Needs to be aligned to PK guidelines.  We want to offer full-day Pre-K and provide the social services of HS – ISD need control over curriculum & daily schedule	none	Not applicable		The comments do not appear to be relevant to Chapter 66 rules.

**Commissioner's Rule Review**

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66	1001-1117	paying for electronic textbooks	<p>Concerned that the district is responsible for paying the publisher for electronic textbooks. This requires another fund code/budget at the district level, which causes more work for the district. Would suggest that TEA pay the publisher as in the case of the regular textbooks.</p> <p>Adoption cycle – if district is not ready to go to electronic textbook the first year and so order for all students, how long do textbook credits last? Does the electronic version pro-rate with each subsequent year (i.e. four years into cycle, so there are only 3 years left that electronic textbook can be used.)</p> <p>When looking at electronic textbooks, will the number of teacher resources received be based on enrollment or copies ordered?</p> <p>Look at allotment of teacher resources to include more than just regular ed teachers (special ed, content mastery, etc.)</p>	costs, efficiency	<p>Programming costs in EMAT prohibit the Agency from paying the funds directly to the publisher.</p> <p>At this point in time, textbook credits carry over each year. Legislative appropriations may require TEA to review the current practice. Electronic textbooks are not prorated each year. There is a one time cost for each unit for the life of the contract.</p> <p>The number of teacher resources is based on PEIMS enrollment.</p>		<p>This is not an area where rule change address local fund code/budget changes.</p> <p>Legislative mandates or appropriations will be determined during the 82nd legislative session. Changes with textbook credits will be communicated to every school district.</p> <p>Teacher resources are based on PEIMS enrollment.</p>

**Commissioner's Rule Review**

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66		Not revised--just implemented very quickly!	Please expedite this process. With major changes in science TEKS and EOC coming, we need these resources a.s.a.p.	Schools will have to purchase less resources to "fill in" when TEKS change. This will provide up-to-date information for teachers and students in the "language" students learn in.	The comments indicate support of Commissioner rules. No changes are required.	31.0231	No change requested. The comments indicate support of Commissioner rules.
66		(Special Populations) Electronic textbooks/instructional materials should be in other languages as well as English.	Electronic textbooks/instructional materials in other languages (ex: Spanish).	Students with other languages will be included.	The Commissioner has the authority to call for content in any subject area and grade level. No rule changes are needed.		The statute gives the Commissioner the authority to call for any subject area and grade level.
66		The state should go ahead with the adoption of electronic textbooks to reduce the stress and strain of carrying books.	See above.	Ergonomics--reduce the weight of books that students have to carry.	The Commissioner has the authority to call for content in any subject area and grade level. No rule changes are needed.		The statute gives the Commissioner the authority to call for any subject area and grade level.

## Commissioner's Rule Review

Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed							
Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
66		AVIT endorses the use of Section 508 for compliance with accessibility standards for electronic textbooks. However, without stronger compliance language, we are concerned that publishers and local districts will have little incentive to comply.	<p>AVIT recommends the following additions to the language of Chapter 66, Subchapter AA:</p> <p>Add penalties for not providing access</p> <p>Add requirements for accessibility experts to review electronic texts</p> <p>Strengthen provisions for suitable alternatives for interactive websites</p> <p>Add specifications for accessibility</p> <p>Require publishers to submit information on accessibility</p> <p>Mandate fixed timelines for fixing problems</p>	Electronic textbooks are the wave of the future. If they are not made accessible, blind and visually impaired students (as well as others with special access needs, including those with learning disabilities and deafness) will be at yet another significant disadvantage in pursuing a free appropriate education.	<p>The process for the review of products from the Commissioner's list of electronic textbooks includes a review from experts who have knowledge of accessibility.</p> <p>Penalties are not required because if publishers do not comply with 508 standards, they are not included in the list.</p> <p>Rule changes are not required.</p>		The 508 standards are already addressed in rule.
66		Instructional materials need to be reviewed and adopted more often	<p>Up to date information</p> <p>Change may to shall: ...the commissioner of education shall adopt a review cycle...</p> <p>Add a definition of cycle</p>	Keep instructional materials current	Language in statute gives the Commissioner the authority to establish an adoption cycle for his electronic textbook process. No rule change is required.	31.0231	Commissioner rules include language to establish an adoption cycle but the Commissioner has yet to establish a cycle.
66		Clarification needed	Define extenuating circumstances	Gives districts clarification	Comments do not indicate a specific section.		Comments do not indicate a specific section.

### Commissioner's Rule Review

Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed							
Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
66		Review panel make-up	The makeup of the panel should reflect the demographics of the State	The panel will be indicative of the State's demographics	The makeup of the review committee includes a minimum of 3 subject area experts selected from the nominations. The demographics of the state is one of the factors that determine the makeup of the review panels. Rule changes are not required.		The representation of the panel members include content experts in the subject area being reviewed.
66		Clarification is needed	Define "appropriate training" Make sure smaller districts get sufficient training	A clear set of directions for districts	Training is required for districts that select instructional materials from the Commissioner's list of electronic textbooks.  The quality of the training should be determined by each district depending on their level of technology skills.		Training for electronic textbooks is addressed in rule.

### Commissioner's Rule Review

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66		Clarification	Spell out how all resident will be able to have access to review and make comments on electronic textbooks	Could eliminate the security issues and acceptable use if viewing is done at a district	Districts will have the opportunity to view samples. Texas residents will not have access to the electronic textbook samples; however, the districts can report back to Texas residents and indicate their selection and criteria for selection. No rule changes are required.		Samples to school districts are addressed in rule. Districts will have the opportunity to view samples. Texas residents will not have access to the electronic textbook samples; however, the districts can report back to Texas residents and indicate their selection and criteria for selection.
66		Definition	Define alternative formats. These should not be a cost for districts	More clarification for districts and keep the costs down	More guidance is needed to define alternative formats and cost to the districts.		Agree. Guidance on alternative formats and costs will be provided within our website postings and information sent to our listservs.
66		clarification	Payments should not be made from district to publisher	Keeps the state paying the publishers	Programming costs in EMAT prohibit the Agency from paying the funds directly to the publiher.		TEA staff has provided instructions in EMAT on how to requisition electronic textbooks and how payments are provided to the publisher(s) from the district.
66		Non-conforming lists	Eliminate non-conforming list	Non-conforming is a negative connotation for the general public	Non conforming lists provides options for additional instructional materials. Changes in rule are not required.		Nonconforming materials are on the state approved list and does not indicate a negative connotation.
66		Prepare students better for college. Serve multiple languages easier.	Decide to utilize 100%.	More efficient.	Not applicable		The comments do not appear to be relevant to Chapter 66 rules.

### Commissioner's Rule Review

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66	1017	66.1017 - F Recommendations from any TX resident. How will residents know they can make those recommendations and is there a timeline provided for this?	Question for clarification or addition of more information.	Awareness of TX residents as opposed to statement of policy.	More guidance is needed to define recommendations for content experts in Texas.		Agree. Guidance with content reviewer recommendations will be provided within our website postings and information sent to our listservs.
66	1009	yes	No comment	Would like to propose 5-10 day time window instead of 30 days. Would like to change from "do not consider serious" to "reviewers do not find consensus"	The 30 day window allows time for programmers to make a thorough review of changes to their electronic textbooks. The content experts determine the extent of the error. No changes in rules are required.		The rules mirror the State Board of Education rules for review of errors and fines for those errors.
66	1001	No comment	No comment	Concerned with kindergarten students and the familiarity of technology. Teacher will need to instruct in both the use of technology and use of text book at same time.	The concern is notated but changes in rules are not required to address instruction in the classroom.		If districts selects the Commissioner's list as an option for electronic textbooks, the local district will need to ensure the teachers are prepared for instruction using digital content.

**Commissioner's Rule Review**

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66	1019 (a)(1) (D)	<p>None needed.</p> <p>Cycle of adoption.</p> <p>P6 – Review panel- include equal representation on panel –p7 example. □</p> <p>Many comments forthcoming- very controversial – we can pass this, but are we going to provide the electronic devices.</p>	<p>66.1019 – p6 – Review panel – have 2 Educational experts on the committee instead of 1.</p> <p>P7 – Example – should be an instructional piece not just a picture 66.1019(a)1(D)</p>	none	The makeup of the review committee includes a minimum of 3 content experts. They determine the alignment of the Texas Essential Knowledge and Skills which. No changes in rule are required.		The representation of the panel members include content experts in the subject area being reviewed.
66	1041 (A)	<p>66.1041A – split the cost of the book do not address cost of electronics/bandwidth to “run” the textbook. □</p> <p>These rules allow SBOE to unduly influence commissioner’s review process.</p>	<p>Don’t charge districts the 50% cost of electronic textbooks.</p> <p>Do not require appointees recommended by member of the board.</p> <p>Access cost of electronic textbooks is troubling for poorer districts. All kids don’t have access to computers.</p> <p>Concerns about using computers to learn to read since kids can’t touch them or highlight parts.</p> <p>Suggest to adopt science textbooks more often as info changes rapidly.</p>	<p>Districts are in funding crisis and cannot bear the burden.</p> <p>Commissioner need to operate without undue influence/pressure from SBOE.</p> <p>This effectively shuts districts out from using electronic textbooks.</p>	<p>The Commissioner's rules indicate that textbook credits can be generated if a district adopts electronic textbooks on the Commissioner's list. There is no cost to the district. Change in rule is not required.</p> <p>Other comments are notated but not applicable to this process.</p>		The district generates textbook credits for requisitioning electronic textbooks and as a result can use those funds to purchase other instructional materials or technological equipment to access digital content.

### Commissioner's Rule Review

Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed							
Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
66		<p>Pg. 7 – D&amp;E: 3 examples need to be evident.</p> <p>Pg.8 b: Percentage of TEKS How often will electronic materials be updates? Yearly?</p>	<p>Clarify this more. What is an example?</p> <p>Actual show how to do a problem? Or just asking a student to solve a problem.</p> <p>All TEKS should be covered.</p>	<p>Self-explanatory.</p> <p>Accurate/more timely data.</p>	<p>Updates to the electronic materials is at the discretion of the publisher. The commissioner has the authority to remove a product from his list by a panel of experts. No rule change is required.</p>		<p>The intent of the rule to remove electronic textbooks from the Commissioner's list is to keep the content current and aligned to the TEKS.</p>
66		<p>Increase penalties for factual errors – no waivers. □</p> <p>State adoption is obsolete and takes excessive resources.</p> <p>Limit schools ability to move forward with innovative curriculum.</p> <p>Not ready for 66AA</p>	<p>If waived – penalties must be publicized.</p> <p>Stop state textbook adoption.</p>	<p>none</p>	<p>Fines for penalties are in line with factual errors.</p> <p>State adoption is in statute and cannot be waived.</p> <p>Rules do not address innovation in curriculum.</p>		<p>Fines for penalties are in line with factual errors.</p>

**Commissioner's Rule Review**

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66		<p>Currently satisfied with list. Concern for students w/o access to electronic imposes on school for cost (i.e.: if hard copy is no longer sent, then the district absorbs the cost of print – consumables).□</p> <p>If there is an error it can be fixed immediately. Great opportunity for assistive tech for VI students but some students may not be able to follow.</p> <p>Should be less to produce electronic versions.</p>	<p>Make black line master interactive (not all vendors are making this available).</p> <p>Add transcript or of what is being said.</p> <p>State should shift funding to electronic devices for equity.</p>	<p>Make comments being given verbally available in transcription.</p> <p>Equity for all.</p>	<p>Comments do not indicate a specific section.</p>		<p>Unable to provide provide comments because there is not a reference to a specific section.</p>
66		<p>None needed.</p> <p>Adoption cycle.</p> <p>Textbook for special needs students and ELL.</p> <p>More specifically state the adoption process/cycle.</p> <p>Further consideration required since it is new.</p>	<p>Adoption cycles need to b more refrequent. Science &amp; SS particularly.</p> <p>Differentiate textbook – lower lexical levels.</p>	<p>none</p>	<p>Electronic textbooks can address special needs students and ELL.</p> <p>The rules give the commissioner authority to adopt a cycle.</p>		<p>The electronic textbooks can address special needs students.</p> <p>The commissioner has not adopted a cycle for electronic textbooks but has the authority in rule to do so.</p>

### Commissioner's Rule Review

Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed							
Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
66	1115 (c)	66.1115C - split the cost of the book do not address cost of electronics/bandwidth to "run" the textbook□	Don't charge districts the 50% cost of electronic textbooks.	Districts are in funding crisis and cannot bear the burden.	The Commissioner's rules indicate that textbook credits can be generated if a district adopts electronic textbooks on the Commissioner's list. There is no cost to the district. Change in rule is not required.		Agree. Guidance is needed to address how textbook credits are generated and used by the districts. Information will be sent out through our listservs.
66		Pg.3 (e)  Pg.4 c-1&2  Dual Platform – Mac & PC□ Issue – for open source does the rule mean "state developed" or state adopted?" Is it both? Those concepts seem to need clarification in this context.	Pg. 3 (e) remove completely.  Pg. 4 c 1&2	Systems should always implemented and acct to in order to provide predictability to districts. The commissioner being able to adopt in "emergency" situations does not allow districts adequate time to plan, thus student performance will be imposed.  State should find online resources as they fund text. It is unrealistic to demand cost on districts w/no funds.	Open source has two processes - the SBOE (state adopted) and the Commissioner of Education (state developed).  Comments on costs do not reflect a specific citation. Unable to address their comments.		Agree. Guidance with open source processes will be provided within our website postings and information sent to our listservs.

Commissioner's Rule Review

Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed							
Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
66	1113 (c)	66.1113C – who controls and make changes.  Textbooks are obsolete. State adoption reduces resources to schools.	Use laptops & IPADS.  Stop state adopted textbooks.  No textbook or electronic textbook state adoptions.  Increase per student allocation for electronic resources.  Decrease time to review materials for faster turn-around.  Implement pilot.	none	The Commissioner is authorized to license the open source content to each district. Policies addressing content changes have not been established.		Policy decisions regarding changes in open source content will be communicated to every district.
66		There is no support so districts will have to pick up cost of any training, management.  How do you know it is quality and had integrity? Is anyone monitoring the quality? Whose responsibility is this?  Should be better b/c aligned w/state standards.	Responsibility for integrity of source.	Fidelity!	Training is required from the publishers for districts that select instructional materials from the Commissioner's list of electronic textbooks.  The quality of the training should be determined by each district depending on their level of technology skills.		Training for electronic textbooks is addressed in rule.
66	1007	Yes No	ESCR19, - 1003 scope of rules. No Change	ESCR19, - 1003 scope of rules. This chg would help facilitate the reason.sledkr;wek  No change. this rule supports teacher	The comments indicate support of this rule. No changes are required.		Agree. The comments indicate that the rules support the teacher.

### Commissioner's Rule Review

Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed							
Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
66	1011	Instructional materials need to be reviewed and adopted more often	Up to date information Change may to shall: ...the commissioner of education shall adopt a review cycle...  Add a definition of cycle	Keep instructional materials current	Language in statute gives the Commissioner the authority to establish an adoption cycle for his electronic textbook process.	31.0231	Commissioner rules include language to establish an adoption cycle but the Commissioner has yet to establish a cycle.
66	1013d	Clarification needed	Define extenuating circumstances	Gives districts clarification	This rule will allow flexibility for future changes as this is a new process. Exceptions are not requested by the publisher but granted by the Commissioner. Rule changes are not required.		Rule allows the Commissioner greater flexibility in the process.
66	1017	Review panel make-up	The makeup of the panel should reflect the demographics of the State	The panel will be indicative of the State's demographics	The makeup of the review committee includes a minimum of 3 subject area experts selected from the nominations. The demographics of the state is one of the factors to determine the makeup of the review panels. Rule changes are not required.		The representation of the panel members include content experts in the subject area being reviewed.

### Commissioner's Rule Review

Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed							
Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
66	1027	Clarification is needed	Define "appropriate training" Make sure smaller districts get sufficient training	A clear set of directions for districts	Training is required for districts that select instructional materials from the Commissioner's list of electronic textbooks.  The quality of the training should be determined by each district depending on their level of technology skills.		Training for electronic textbooks is addressed in rule.
66	1029	Clarification	Spell out how all resident will be able to have access to review and make comments on electronic textbooks	Could eliminate the security issues and acceptable use if viewing is done at a district	Districts will have the opportunity to view samples. Texas residents will not have access to the electronic textbook samples; however, the districts can report back to Texas residents and indicate their selection and criteria for selection. No rule changes are required.		Samples to school districts are addressed in rule. Districts will have the opportunity to view samples. Texas residents will not have access to the electronic textbook samples; however, the districts can report back to Texas residents and indicate their selection and criteria for selection.
66	1035h	Definition	Define alternative formats. These should not be a cost for districts	More clarification for districts and keep the costs down	More guidance is needed to define alternative formats and cost to the districts.		Agree. Guidance on alternative formats and costs will be provided within our website postings and information sent to our listservs.
66	1037	clarification	Payments should not be made from district to publisher	Keeps the state paying the publishers	Programming costs in EMAT prohibit the Agency from paying the funds directly to the publshier.		TEA staff has provided instructions in EMAT on how to requisition electronic textbooks and how payments are provided to the publisher(s) from the district.

## Commissioner's Rule Review

<b>Chapter 66, Subchapter AA, Commissioners List of Approved Electronic Textbooks and Instructional Materials Proposed</b>							
<b>Chap.</b>	<b>Ext.</b>	<b>Issue</b>	<b>Desired Change</b>	<b>Rationale</b>	<b>Focus Group Comments</b>	<b>TEC</b>	<b>Agency Response</b>
66	1041b	Non-conforming lists	Eliminate non-conforming list	Non-conforming is a negative connotation for the general public	Non conforming lists provides options for additional instructional materials. Changes in rule are not required.		Nonconforming materials are on the state approved list and do not provide negative conotation.