

**TEXAS STATE BOARD OF EDUCATION
LEGISLATION PASSED THIS LEGISLATIVE SESSION
2011**

An estimated \$60 million was allocated for the purchase of supplemental science instructional materials requested by the State Board of Education (SBOE) in May 2010

An estimated \$39 million was allocated for the purchase of prekindergarten systems as requested by the State Board of Education under Proclamation 2011.

The SBOE districts were re-drawn this legislative session, as were those of state house districts, state senate districts and congressional districts. A copy of the new SBOE districts is attached.

The Texas Legislature added several laws that SBOE will implement:

- A constitutional amendment was passed that, if the voters approve in November, will require the total amount distributed from the permanent school fund to the available school fund each year must be an amount that is not more than six percent of the average of the market value of the permanent school fund, including discretionary real assets investments and cash in the state treasury derived from property belonging to the fund. The General Land Office may distribute to the available school fund each year, revenue derived during that year from the land, not to exceed \$300 million each year. The temporary provision is added to the Constitution to provide for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund. This expires December 1, 2015.
- Develop essential knowledge and skills for a personal financial literacy requirement to be included in mathematics courses and to be required for graduation
- Allow an exemption from the PE credit for a student with a disability or illness
- In consultation with the Texas School Safety Center, develop essential knowledge and skills to address awareness, prevention, identification, self-defense in response to, resolution of and intervention in bullying
- Require a publisher of an adopted textbook for a grade level other than pre-kindergarten to submit, if requested by a school district, an electronic sample of the textbook. Publishers may no longer submit a print sample copy.
- Establish a process for reviewing and approving STEM courses as substitutions for mathematics and science curriculum requirements under the recommended high school program during students' fourth year of mathematics or science course work. Details are provided that establish standards that an applied STEM course must meet to be eligible for substitution. Students enrolled in such courses as

substitutions for courses that had end-of-course assessments shall be assessed using an assessment instrument developed for the applied STEM course by a recognized national or international business and industry group that created the applied STEM course curriculum. The SBOE may only approve a course to substitute for a mathematics course taken after successfully completing Algebra I and geometry and Algebra II; and may only approve a course to substitute for a science taken after successfully completing biology and chemistry as well as physics. The SBOE must work with institutions of higher education to ensure that credit for an applied STEM course may be applied to relevant degree programs.

- S.B. 6, a major piece of legislation affecting the textbook allotment was passed. It does the following:
 - Merges separate funds for textbooks, electronic textbooks, and technology into one new allotment called the "Instructional Materials Allotment" (IMA).
 - Creates a new funding formula that requires the SBOE to set aside 50 percent of the annual distribution from the Permanent School Fund to the Available School Fund to be placed in the IMA beginning September 1, 2013. For the biennium beginning September 1, 2011 the SBOE would set aside 40 percent.
 - Requires the commissioner to maintain an "instructional materials account" for each district, and to deposit in the account, an annual allotment from the IMA for each enrolled student.
 - Requires the commissioner to annually adjust the IMA allotment of districts that are experiencing high enrollment growth.
 - Authorizes districts to keep through the biennium the IMA deposited each year to their instructional materials account, and to carry forward any remaining balance in their account to the next biennium.
 - Allows IMA funds to be used to purchase a variety of instructional materials, and technological equipment needed to support use of the materials. Allows IMA funds to pay for training educators in the appropriate use of technological equipment for instructional purposes, or to pay for the salary of employees who provide technical support in the use of the equipment.
 - Requires that districts for the biennium beginning September 1, 2011 use their IMA to purchase materials that will help students meet the performance standards on state assessments (STAAR).
 - Requires that districts after the biennium beginning September 1, 2011 use their IMA to purchase, in the following order: 1) instructional materials that permit the district to certify that students have materials that cover the TEKS for the required curriculum; and 2) any other material or technological equipment as determined by the district.
 - Replaces "textbook" references with "instructional materials" and defines instructional materials to include a book; supplementary materials; a combination of a book, workbook, and supplementary materials; computer software; magnetic media; DVD; CD-ROM; computer courseware; on-line services; or an electronic medium, or other means of conveying information through electronic means, including open-source instructional materials.

- Requires SBOE to adopt a review and adoption cycle for instructional materials. Would not require the cycle to include materials for every grade level in a single year, and priority would be given to certain subject areas e.g., foundation subject areas that have recently revised TEKS that are subject to state assessments.
- Replaces SBOE's list of conforming and nonconforming materials with a single list of instructional materials. Requires that materials on the list contain at least half of the TEKS for the applicable subject area or grade level. Authorizes the SBOE to determine the percentage of TEKS covered by each instructional material submitted, with their decision being final.
- Maintains commissioner's list of electronic materials.
- Permits SBOE to require the commissioner to remove materials from the list, no later than the 90th day after material has been placed on the list.
- Allows districts to consider a variety of materials when annually certifying to the SBOE and commissioner that the district has provided each student with instructional materials that cover all of the TEKS for the required curriculum, other than physical education, at each grade level.
- Moves high school economics course from the enrichment curriculum to the foundation curriculum so that the course would be available as an option for social studies graduation credit.
- Removes ownership of instructional materials from the state, and give property rights to the purchasing district or school.
- Gives school boards decision-making authority over the sale or disposal of instructional materials and technological equipment.