

- SUBJECT:** Adoption and use of open-source textbooks for high school students
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 7 ayes — Eissler, Farias, Jackson, Olivo, Patrick, Shelton, Weber
0 nays
4 absent — Hochberg, Allen, Aycock, Dutton
- WITNESSES:** For — (*Registered, but did not testify:* David Anthony, Cypress-Fairbanks ISD; Amy Beneski, Texas Association of School Administrators; Portia Bosse, Texas State Texas Association; David Duty, Texas Association of Community Schools, Harley Eckhart, Texas Elementary Principals and Supervisors, Monty Exter, Association of Texas Professional Educators; Dominic Giarratani, Texas Association of School Boards; Lonnie Hollingsworth, Texas Classroom Teachers Association; Martin Pena, South Texas Association of Schools)

Against — None
- BACKGROUND:** The State Board of Education (SBOE) places instructional materials on the conforming, nonconforming, or rejected list after considering state textbook review panel member evaluations, information provided by publishers, and recommendations of the commissioner of education. Materials from the conforming or nonconforming lists may be purchased by the state for school districts and open-enrollment charter schools. The conforming list includes instructional materials that meet the manufacturing standards adopted by the SBOE, contain material covering each element of the Texas essential knowledge and skills, and are free of factual errors. The nonconforming list includes instructional materials that meet the manufacturing standards adopted by the SBOE, contain material covering at least half of the Texas essential knowledge and skills, and are free of factual errors.
- DIGEST:** CSHB 2488 would require the SBOE to place on the conforming or nonconforming instructional materials list an open-source textbook for a secondary-level course submitted by a public, private, or independent college or university that spent at least \$75 million per year on research or

two public technical institutes, Texas Lamar Institute of Technology and the Texas State Technical College System. An open-source textbook would be an electronic textbook that could be downloaded free from the Internet.

Open-source textbooks submitted by these institutions 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 would have to certify 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.

School districts and open-enrollment charter schools would have to purchase printed copies of the open-source textbooks for students lacking the technology to access the open-source materials, unless the district provided electronic access at no cost to the student or printed copies of the portion of the book to be used in the course.

The SBOE could contract for the printing of an open-source textbook if the contract allowed the district to purchase printed copies for students as necessary. A student could retain the student's printed copy of the textbook if the school district or charter school did not intend to use it for another student.

This bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 2488 would provide a cost-effective method of giving students access to the most recent information, improving the quality of their education. To the extent that open-source textbooks were selected by districts in place of traditional textbooks, the lower cost of these materials could result in overall state savings.

CSHB 2488 would facilitate feedback between public schools and higher education institutions to assess and improve college readiness standards. The bill would increase the number of students meeting college readiness standards because the students' instructional materials would be developed by the institutions they were preparing to attend. It also would streamline the curriculum between high schools and institutions of higher education.

**OPPONENTS
SAY:**

CSHB 2488 would limit authority expressly provided to the State Board of Education. Open-source textbooks should not have a different adoption process than other instructional materials, including textbooks authored by university faculty or electronic textbooks, both of which are subject to the standard adoption process.

NOTES:

The substitute is a Legislative Council draft that does not differ substantially from the original bill as filed.

According to the Research Expenditures report released by the Texas Higher Education Coordinating Board in June 2008, three institutions of higher education report at least \$75 million in research expenditures each year — the University of Texas at Austin, Texas A&M University, and the University of Houston.