

BILL ANALYSIS

C.S.H.B. 451
By: Hochberg
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The state pays for most public school textbooks. The State Board of Education adopts the textbooks and sets the maximum price that the state will pay. The 76th Legislature passed legislation to streamline and improve the adoption and purchase process; however there are still inefficiencies.

Many high schools offer advanced course work for their students through Advanced Placement (AP), International Baccalaureate (IB), and dual credit programs. The state has encouraged such programs by subsidizing the AP and IB test fee for students, providing awards to teachers for training, and allowing junior colleges to waive tuition fees for high school students enrolled in dual credit courses. Yet, unlike other textbooks, the state does not pay for textbooks for these courses if there is not a corresponding course in the required curriculum.

Since the State Board of Education sets the maximum price the state will pay for textbooks and pays the publisher directly, there is no market incentive for textbook publishers to set lower prices. Therefore, most textbooks cost the maximum amount. Last session, a textbook credit program was established to determine if market forces will drive down the cost of textbooks. Participating school district did achieve some savings, but the limited scope of the pilot limited its benefits. A broader pilot with more participants could achieve even more savings for the state and the school districts.

C.S.H.B. 451 addresses these inefficiencies in the textbook purchasing process by providing for the state to reimburse school districts and open-enrollment charter schools for textbooks for advanced placement, international baccalaureate, and dual credit courses and by extending the textbook credit pilot program.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Board of Education in SECTION 1 (Section 31.101(f), Education Code) of this bill.

ANALYSIS

C.S.H.B. 451 amends the Education Code to provide that if a school district or open-enrollment charter school purchases a textbook for an advanced placement, international baccalaureate, or dual credit course that does not have an adopted textbook list, the state is required to reimburse the district or school. The bill stipulates that the district be reimbursed if there is a similar subject and grade level for which the State Board of Education (SBOE) has adopted a textbook, the lesser of the limit on cost set by the SBOE for that subject and grade level or the actual cost of the book, multiplied by the number of textbooks needed for the course; or if there is no similar subject or grade level for which the SBOE has adopted a textbook the actual cost of the textbook, multiplied by the number of textbooks needed for the course.

The bill authorizes the SBOE to adopt rules as necessary for the administration of Section 31.101, Education Code, on the selection and purchase of textbooks by school districts.

The bill requires the commissioner of education to allow any school district or open-enrollment charter school to participate in the textbook credit program. The bill extends the length of the program by two years, until September 1, 2007.

The bill specifies that the authority of a school district or open-enrollment charter school to requisition textbooks on the conforming or nonconforming list for grades above the grade level in which the student is enrolled includes college-level textbooks.

The bill provides that SECTIONS 1 and 3 of the Act apply beginning with the 2003-2004 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF THE ORIGINAL TO THE SUBSTITUTE

C.S.H.B. 451 modifies the original version by requiring the commissioner to allow any school district or open-enrollment charter school to participate in the textbook credit program and by extending the length of the program by two years, until September 1, 2007.