

By: Coleman

H.B. No. 689

A BILL TO BE ENTITLED

AN ACT

relating to the adoption and ownership of mathematics and science textbooks for public grade school students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 31, Education Code, is amended by adding Section 31.0231 to read as follows:

Sec. 31.0231. LOW-COST MATHEMATICS AND SCIENCE TEXTBOOKS FOR GRADES ONE THROUGH SIX. (a) For mathematics and science instruction in grades one through six, each textbook the State Board of Education adopts must have a cost that is low enough to permit a student to keep the book at the end of the school year so that the student may review the core concepts of the essential knowledge and skills as necessary.

(b) Notwithstanding Section 31.023(a), a textbook adopted under this section:

(1) for placement on the conforming list, is not required to contain material covering each element of the essential knowledge and skills of the subject and grade level but must contain material covering each of the core concepts of the essential knowledge and skills;

(2) for placement on the nonconforming list, is not required to contain material covering at least half the elements of the essential knowledge and skills of the subject and grade level but must contain material covering at least half the core concepts

1 of the essential knowledge and skills; and

2 (3) is not required to meet generally applicable
3 physical requirements adopted under Section 31.023(a) but must meet
4 any physical requirements adopted by the board that are consistent
5 with Subsection (a).

6 SECTION 2. Section 31.102(a), Education Code, is amended to
7 read as follows:

8 (a) Each textbook purchased as provided by this chapter is
9 the property of this state, except that a textbook adopted under
10 Section 31.0231 may become the property of the student as provided
11 by Section 31.104(e).

12 SECTION 3. Section 31.104, Education Code, is amended by
13 amending Subsections (c) and (d) and adding Subsection (e) to read
14 as follows:

15 (c) Each textbook must state that the textbook is the
16 property of or is licensed to this state, as appropriate. Each
17 textbook, other than an electronic textbook, must be covered by the
18 student under the direction of the teacher. Except as provided by
19 Subsection (e), a [A] student must return all textbooks to the
20 teacher at the end of the school year or when the student withdraws
21 from school.

22 (d) Each student, or the student's parent or guardian, is
23 responsible for each textbook not returned by the student. Except
24 as provided by Subsection (e), a [A] student who fails to return all
25 textbooks forfeits the right to free textbooks until each textbook
26 previously issued but not returned is paid for by the student,
27 parent, or guardian. As provided by policy of the board of trustees

1 or governing body, a school district or open-enrollment charter
2 school may waive or reduce the payment requirement if the student is
3 from a low-income family. The district or school shall allow the
4 student to use textbooks at school during each school day. Except
5 as provided by Subsection (e), if [~~if~~] a textbook is not returned or
6 paid for, the district or school may withhold the student's
7 records. A district or school may not, under this subsection,
8 prevent a student from graduating, participating in a graduation
9 ceremony, or receiving a diploma.

10 (e) At the end of the school year for which a textbook
11 adopted under Section 31.0231 is distributed, the textbook becomes
12 the property of the student to whom it is distributed. A school
13 district or open-enrollment charter school may not charge a fee
14 under this subsection.

15 SECTION 4. Section 31.105, Education Code, is amended to
16 read as follows:

17 Sec. 31.105. SALE OF TEXTBOOKS. (a) The board of trustees
18 of a school district or governing body of an open-enrollment
19 charter school may sell textbooks[~~, other than electronic~~
20 ~~textbooks,~~] to a student or another school at the state contract
21 price.

22 (b) This section does not apply to:

23 (1) an electronic textbook; or

24 (2) a textbook adopted under Section 31.0231.

25 (c) The district shall send money from the sale of textbooks
26 to the commissioner as required by the commissioner. The
27 commissioner shall deposit the money in the state textbook fund.

1 SECTION 5. Notwithstanding Section 31.022, Education Code,
2 the State Board of Education shall adopt textbooks that comply with
3 Section 31.0231, Education Code, as added by this Act, not later
4 than 60 days before the first date under Section 31.101, Education
5 Code, on which a school district or open-enrollment charter school
6 may select textbooks for the 2004-2005 school year.

7 SECTION 6. This Act takes effect September 1, 2003.