

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the state textbook depository and distribution and  
3 handling of textbooks.

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

5 SECTION 1. Subchapter A, Chapter 31, Education Code, is  
6 amended by adding Section 31.004 to read as follows:

7 Sec. 31.004. USE OF TEXTBOOK MANAGEMENT SYSTEM. In  
8 providing for the requisition, distribution, and disposal of  
9 textbooks, the State Board of Education and commissioner shall rely  
10 on the technological capacity of the Internet and a statewide  
11 textbook management system to the greatest extent possible.

12 SECTION 2. Section 31.028, Education Code, is amended by  
13 adding Subsection (c-1) to read as follows:

14 (c-1) A school district or open-enrollment charter school  
15 shall return surplus special textbooks to the regional education  
16 service center or other location designated by the commissioner.

17 SECTION 3. Section 31.103(b), Education Code, is amended to  
18 read as follows:

19 (b) A requisition for textbooks for the following school  
20 year shall be based on the maximum attendance reports under  
21 Subsection (a), plus an additional 10 percent, except as otherwise  
22 provided. A school district or open-enrollment charter school  
23 shall make a requisition for a textbook on the conforming or  
24 nonconforming list through the commissioner to the state depository

1 designated by the publisher or as provided by State Board of  
2 Education rule, as applicable, not later than June 1 of each year.  
3 The designated state depository or, if the publisher or  
4 manufacturer does not have a designated textbook depository in this  
5 state under Section 31.151(a)(6) [~~31.151(a)(6)(B)~~], the publisher  
6 or manufacturer shall fill a requisition approved by the agency at  
7 any other time in the case of an emergency.

8 SECTION 4. Section 31.1031, Education Code, is amended to  
9 read as follows:

10 Sec. 31.1031. SHORTAGE OF REQUISITIONED TEXTBOOKS. If a  
11 school district or open-enrollment charter school does not have a  
12 sufficient number of copies of a textbook used by the district or  
13 school for use during the following school year, and a sufficient  
14 number of additional copies will not be available from the  
15 depository maintained or designated by the textbook publisher or  
16 manufacturer or from the publisher within the time specified by  
17 Section 31.151(a)(8), the district or school is entitled to:

18 (1) be reimbursed from the state textbook fund, at a  
19 rate and in the manner provided by State Board of Education rule,  
20 for the purchase of a sufficient number of used adopted textbooks;  
21 or

22 (2) exchange [~~return~~] currently used textbooks [~~to the~~  
23 ~~commissioner in exchange~~] for sufficient copies, if available from  
24 another district or open-enrollment charter school, of other  
25 textbooks on the conforming or nonconforming list to be used during  
26 the following school year.

27 SECTION 5. Section 31.104, Education Code, is amended by

1 amending Subsection (b) and adding Subsection (e) to read as  
2 follows:

3 (b) A school district or open-enrollment charter school may  
4 order replacements for textbooks that have been lost or damaged  
5 directly from:

6 (1) the textbook depository maintained or designated  
7 by the textbook publisher or manufacturer; [~~or~~]

8 (2) the textbook publisher or manufacturer if the  
9 textbook publisher or manufacturer does not maintain a textbook  
10 depository or have a designated textbook depository in this state  
11 under Section 31.151(a)(6); or

12 (3) another district or open-enrollment charter  
13 school that has surplus copies of the textbook, in accordance with  
14 procedures adopted by the commissioner [~~31.151(a)(6)(B)].~~

15 (e) A school district or open-enrollment charter school  
16 shall provide for the storage and disposition of its surplus  
17 textbooks in accordance with rules adopted by the commissioner.  
18 The rules may require school districts and open-enrollment charter  
19 schools to:

20 (1) return surplus textbooks directly to the textbook  
21 publisher or manufacturer or to the textbook depository maintained  
22 or designated by the textbook publisher or manufacturer; or

23 (2) make surplus textbooks available to other school  
24 districts and open-enrollment charter schools.

25 SECTION 6. Sections 31.201(b) and (c), Education Code, are  
26 amended to read as follows:

27 (b) The commissioner, as provided by rules adopted by the

1 State Board of Education, shall make available on request copies of  
2 discontinued textbooks, other than electronic textbooks, for use in  
3 libraries maintained in municipal and county jails and facilities  
4 of the institutional division of the Texas Department of Criminal  
5 Justice and other state agencies. The commissioner may require a  
6 school district or open-enrollment charter school to ship  
7 discontinued textbooks directly to a recipient authorized by this  
8 subsection.

9 (c) The State Board of Education shall adopt rules under  
10 which a school district or open-enrollment charter school may  
11 donate discontinued textbooks, other than electronic textbooks, to  
12 a student, to an adult education program, or to a nonprofit  
13 organization. The rules must require a district or open-enrollment  
14 charter school to prepare a list of available discontinued  
15 textbooks and to distribute the list to local adult education  
16 programs or nonprofit organizations and, on request, to a student.

17 SECTION 7. (a) The state textbook depository is abolished.

18 (b) The commissioner of education shall take all action  
19 necessary to provide for disposition of the assets of the state  
20 textbook depository.

21 SECTION 8. This Act takes effect September 1, 2004.