

## **BILL ANALYSIS**

C.S.H.B. 188  
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Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The State Board of Education (SBOE) has a cycle for purchasing textbooks in particular subjects, and the textbook cycle follows the SBOE's cycle for making revisions in those subjects' curriculum. Some publishers wish to have extra opportunities to sell materials to school districts at times other than the SBOE's cycle for purchasing textbooks in particular subjects. For example, publishers may have supplemental or niche materials that do not cover a subject's entire curriculum or the publisher may have materials that were not ready or available when the subject's textbooks were purchased. C.S.H.B. 188 allows for mid-cycle textbook adoption.

In addition, the state pays for most public school textbooks. The SBOE adopts the textbooks and sets the maximum price that the state will pay. Since the SBOE sets the maximum price and pays the publisher directly, there is no market incentive for textbook publishers to set lower prices. Therefore, most textbooks cost the maximum amount. During the 77th 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 statewide program with participation by all school districts will achieve even more savings for the state and the school districts. C.S.H.B. 188 expands the textbook credit program statewide.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the State Board of Education in SECTION 2 of this bill.

### **ANALYSIS**

This bill establishes a program for the midcycle review and adoption of textbooks for a subject for which textbooks are not currently under review. The bill directs the State Board of Education to adopt rules for the program relating to:

- fees to be paid by publishers to cover the cost of midcycle review and adoption of textbooks;
- contracts with publishers with terms that end at the same time as contracts for other textbooks for the same grade and subject level;
- commitments from publishers to provide textbooks to school districts in the manner specified by publishers.

The bill also identifies certain provisions of the Education Code that are applicable and/or inapplicable to textbooks adopted under the provisions of this bill.

The bill also includes provisions for textbook credits. School districts and open-enrollment charter schools are entitled to receive credits for textbooks purchased at a cost below the cost limit established under Section 31.025(a), Education Code. The bill includes provisions for calculating the amount of the credit, for sharing the credit between the state textbook fund and a school district or open-enrollment charter school, and for how the credit may be used by a district or school to apply toward the requisition of additional textbooks, electronic textbooks, or components of either. The provisions of the bill relating to textbook credits apply with the beginning of the 2007-2008 school year.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute adds the provisions of the bill described in the analysis section above which relate to midcycle review and adoption of textbooks. The original bill did not include such provisions.

The substitute also makes certain minor or nonsubstantive changes in format or content (e.g., effective date) to the original bill in conformance with Legislative Council drafting guidelines.