

By: Hochberg, Branch, et al.

H.B. No. 188

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of textbooks and the use of credits for textbooks or other instructional materials in a school district or open-enrollment charter school.

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

SECTION 1. It is the intent of the legislature that Section 31.1011, Education Code, as enacted by this Act, is reflective of Section 31.1011, Education Code, as enacted by Section 3, Chapter 805, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 2. Subchapter B, Chapter 31, Education Code, is amended by adding Section 31.0221 to read as follows:

Sec. 31.0221. MIDCYCLE REVIEW AND ADOPTION OF TEXTBOOKS.

(a) The State Board of Education shall adopt rules for the midcycle review and adoption of a textbook for a subject for which textbooks are not currently under review by the board under Section 31.022.

The rules must require:

(1) the publisher of the textbook to pay a fee to the board to cover the cost of the midcycle review and adoption of the textbook;

(2) the publisher of the textbook to enter into a contract with the board concerning the textbook for a term that ends at the same time as any contract entered into by the board for another textbook for the same subject and grade level; and

(3) a commitment from the publisher to provide the

1 textbook to school districts in the manner specified by the
2 publisher, which may include:

3 (A) providing the textbook to any district in a
4 regional education service center area identified by the publisher;
5 or

6 (B) providing a certain maximum number of
7 textbooks specified by the publisher.

8 (b) Sections 31.023 and 31.024 apply to a textbook adopted
9 under this section. Section 31.027 does not apply to a textbook
10 adopted under this section.

11 SECTION 3. Subchapter C, Chapter 31, Education Code, is
12 amended by adding Section 31.1011 to read as follows:

13 Sec. 31.1011. TEXTBOOK CREDITS. (a) A school district or
14 open-enrollment charter school is entitled to receive credit for
15 textbooks purchased at a cost below the cost limit established
16 under Section 31.025(a).

17 (b) The credit is an amount equal to the difference between
18 the price paid for a textbook and the cost limit established under
19 Section 31.025(a) for that textbook multiplied by the number of
20 copies of that textbook the school district or open-enrollment
21 charter school purchases.

22 (c) Fifty percent of the total textbook credit of a school
23 district or open-enrollment charter school shall be credited to the
24 state textbook fund, and 50 percent of the credit shall be credited
25 to the district or school to apply toward the requisition of
26 additional textbooks or electronic textbooks that are on the
27 conforming or nonconforming list under Section 31.023 or the

1 components of such textbooks, including any electronic components.

2 SECTION 4. Section 31.1011, Education Code, as added by
3 this Act, applies beginning with the 2007-2008 school year.

4 SECTION 5. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2007.