

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. Section 31.022, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The board shall designate a request for production of textbooks in a subject area and grade level by the school year in which the textbooks are intended to be made available in classrooms and not by the school year in which the board makes the request for production.

SECTION 3. Subchapter B, Chapter 31, Education Code, is amended by adding Sections 31.0221 and 31.0222 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

1 board to cover the cost of the midcycle review and adoption of the
2 textbook;

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

7 (3) a commitment from the publisher to provide the
8 textbook to school districts in the manner specified by the
9 publisher, which may include:

10 (A) providing the textbook to any district in a
11 regional education service center area identified by the publisher;
12 or

13 (B) providing a certain maximum number of
14 textbooks specified by the publisher.

15 (b) Sections 31.023 and 31.024 apply to a textbook adopted
16 under this section. Section 31.027 does not apply to a textbook
17 adopted under this section.

18 Sec. 31.0222. BUDGET-BALANCED CYCLE. In determining the
19 review and adoption cycle of textbooks under Section 31.022, the
20 State Board of Education shall:

21 (1) consult with the Legislative Budget Board and the
22 governor's office of budget, planning, and policy before approving
23 and publishing any notice or amendment of a cycle;

24 (2) review and consider:

25 (A) historic average funding levels for
26 textbooks purchased in previous bienniums;

27 (B) expected average costs of future textbook

1 purchases;

2 (C) anticipated student enrollment in future
3 years;

4 (D) scheduled revisions to curriculum; and

5 (E) the impact on the state budget of the
6 adoption of textbooks in all or some grade levels in a subject area;
7 and

8 (3) limit the cycle to subject areas for which
9 textbooks can be purchased with the funding anticipated to be
10 available in the state textbook fund for the school year in which
11 the textbooks are to be adopted.

12 SECTION 4. Section 31.023(a), Education Code, is amended to
13 read as follows:

14 (a) For each subject and grade level, the State Board of
15 Education shall adopt two lists of textbooks. The conforming list
16 includes each textbook submitted for the subject and grade level
17 that meets applicable physical specifications adopted by the State
18 Board of Education and contains material covering each element of
19 the essential knowledge and skills of the subject and grade level in
20 the student version of the textbook, as well as in the teacher
21 version of the textbook, as determined by the State Board of
22 Education under Section 28.002 and adopted under Section 31.024.
23 The nonconforming list includes each textbook submitted for the
24 subject and grade level that:

25 (1) meets applicable physical specifications adopted
26 by the State Board of Education;

27 (2) contains material covering at least half, but not

1 all, of the elements of the essential knowledge and skills of the
2 subject and grade level in the student version of the textbook, as
3 well as in the teacher version of the textbook; and

4 (3) is adopted under Section 31.024.

5 SECTION 5. Subchapter B, Chapter 31, Education Code, is
6 amended by adding Section 31.035 to read as follows:

7 Sec. 31.035. SUPPLEMENTAL TEXTBOOKS. (a) Notwithstanding
8 any other provision of this subchapter, the State Board of
9 Education may adopt supplemental textbooks that are not on the
10 conforming or nonconforming list under Section 31.023. The State
11 Board of Education may adopt a supplemental textbook under this
12 section only if the textbook:

13 (1) contains material covering one or more primary
14 focal points or primary topics of a subject in the required
15 curriculum under Section 28.002, as determined by the State Board
16 of Education;

17 (2) is not designed to serve as the sole textbook for a
18 full course;

19 (3) meets applicable physical specifications adopted
20 by the State Board of Education; and

21 (4) is free from factual errors.

22 (b) The State Board of Education shall identify the
23 essential knowledge and skills identified under Section 28.002 that
24 are covered by a supplemental textbook adopted by the board under
25 this section.

26 (c) A supplemental textbook is subject to the review and
27 adoption cycle provisions, including the midcycle review and

1 adoption cycle provisions, of this subchapter.

2 (d) A school district or open-enrollment charter school may
3 requisition a supplemental textbook adopted under this section only
4 if the district or school:

5 (1) uses textbook credits received under Section
6 31.1011 to purchase the supplemental textbook; or

7 (2) instead of requisitioning a textbook on the
8 conforming list under Section 31.023 for a course in the foundation
9 curriculum under Section 28.002, requisitions the supplemental
10 textbook along with other supplemental textbooks or textbooks on
11 the nonconforming list under Section 31.023 that in combination
12 cover each element of the essential knowledge and skills for the
13 course for which the district or school is requisitioning the
14 supplemental textbooks.

15 (e) If the total cost for the supplemental textbooks
16 requisitioned by a school district or open-enrollment charter
17 school under Subsection (d)(2) for a course is less than the limit
18 on the cost under Section 31.025(a) for a single textbook on the
19 conforming list for the course, the district or school is entitled
20 to receive credit under Section 31.1011 in the same manner as if the
21 single textbook were selected. If the total cost for the
22 supplemental textbooks requisitioned by a school district or
23 open-enrollment charter school under Subsection (d)(2) for a course
24 is greater than the limit on the cost under Section 31.025(a) for a
25 single textbook on the conforming list for the course, the district
26 or school may apply credits received under Section 31.1011 toward
27 the difference for the supplemental textbooks.

1 (f) A school district or open-enrollment charter school
2 that requisitions supplemental textbooks under Subsection (d)(2)
3 shall certify to the agency that the supplemental textbooks, in
4 combination with any other textbooks or supplemental textbooks used
5 by the district or school, cover the essential knowledge and skills
6 identified under Section 28.002 by the State Board of Education for
7 the subject and grade level for which the district or school is
8 requisitioning the supplemental textbooks.

9 (g) Sections 31.101(b) and (c) do not apply to supplemental
10 textbooks requisitioned under this section.

11 SECTION 6. 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 (1) additional textbooks or electronic textbooks that
27 are on the conforming or nonconforming list under Section 31.023 or

1 the components of such textbooks, including any electronic
2 components; or

3 (2) supplemental textbooks as provided by Section
4 31.035.

5 (d) The legislature may appropriate funds for the purpose of
6 increasing the number of textbook credits available for
7 distribution to school districts and open-enrollment charter
8 schools under this section. The appropriation may be designated
9 for a particular subject, for the individual elements of a
10 particular subject, or for textbooks for students who need extra
11 assistance. The appropriation must be provided in an equitable
12 manner.

13 SECTION 7. Section 13.04, Chapter 5, Acts of the 79th
14 Legislature, 3rd Called Session, 2006, is repealed.

15 SECTION 8. Section 31.023, Education Code, as amended by
16 this Act, applies only to a textbook for which the State Board of
17 Education issues a proclamation under Subchapter B, Chapter 31,
18 Education Code, on or after the effective date of this Act. A
19 textbook for which the State Board of Education issues a
20 proclamation before the effective date of this Act is governed by
21 the law in effect when the proclamation was issued, and the former
22 law is continued in effect for that purpose.

23 SECTION 9. Section 31.1011, Education Code, as added by
24 this Act, applies beginning with the 2007-2008 school year.

25 SECTION 10. This Act takes effect immediately if it
26 receives a vote of two-thirds of all the members elected to each
27 house, as provided by Section 39, Article III, Texas Constitution.

H.B. No. 188

1 If this Act does not receive the vote necessary for immediate
2 effect, this Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 188 was passed by the House on March 22, 2007, by the following vote: Yeas 145, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 188 on May 21, 2007, by the following vote: Yeas 137, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 188 was passed by the Senate, with amendments, on May 17, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor