

House Bill 188
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

No equivalent provision.

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

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Same as House version.

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 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

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

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

or

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

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

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

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

or

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

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

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

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

(2) review and consider:

(A) historic average funding levels for textbooks purchased in previous biennia;

(B) expected average costs of future textbook purchases;

(C) anticipated student enrollment in future years;

(D) scheduled revisions to curriculum; and

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

and

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

No equivalent provision.

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

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

- (1) meets applicable physical specifications adopted by the State Board of Education;
- (2) contains material covering at least half, but not all, of the elements of the essential knowledge and skills of the subject and grade level in the student version of the textbook, as well as in the teacher version of the textbook; and
- (3) is adopted under Section 31.024.

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No equivalent provision.

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

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

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

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

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

(4) is free from factual errors.

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

(c) A supplemental textbook is subject to the review and adoption cycle provisions, including the midcycle review and adoption cycle provisions, of this subchapter.

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

(1) uses textbook credits received under Section 31.1011

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

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

(f) A school district or open-enrollment charter school that requisitions supplemental textbooks under Subsection (d)(2) shall certify to the agency that the supplemental textbooks, in combination with any other textbooks or supplemental textbooks used by the district

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or school, cover the essential knowledge and skills identified under Section 28.002 by the State Board of Education for the subject and grade level for which the district or school is requisitioning the supplemental textbooks.

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

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

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

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

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

SECTION 6. Subchapter C, Chapter 31, Education Code, is amended by adding Section 31.1011 to read as follows:

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

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

(c) Fifty percent of the total textbook credit of a school district or open-enrollment charter school shall be credited to the state textbook fund, and 50 percent of the credit shall be credited to the district or school to apply toward the requisition of:

(1) additional textbooks or electronic textbooks that are on the conforming or nonconforming list under Section 31.023 or the components of such textbooks, including

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components.

any electronic components; or
(2) supplemental textbooks as provided by Section 31.035.
(d) The legislature may appropriate funds for the purpose of increasing the number of textbook credits available for distribution to school districts and open-enrollment charter schools under this section. The appropriation may be designated for a particular subject, for the individual elements of a particular subject, or for textbooks for students who need extra assistance. The appropriation must be provided in an equitable manner.

No equivalent provision.

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

No equivalent provision.

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

SECTION 4. Section 31.1011, Education Code, as

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added by this Act, applies beginning with the 2007-2008 school year.

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

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SECTION 10. Same as House version.

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