

By: Coleman

H.B. No. 2959

A BILL TO BE ENTITLED

1 AN ACT
2 relating to adoption and ownership of mathematics and science
3 textbooks for public school students.

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

5 SECTION 1. Section 31.022, Education Code, is amended by
6 adding Subsection (f) to read as follows:

7 (f) This section does not apply to a textbook whose contents
8 are submitted under Section 31.036.

9 SECTION 2. Section 31.0221, Education Code, is amended by
10 adding Subsection (c) to read as follows:

11 (c) This section does not apply to a textbook whose contents
12 are submitted under Section 31.036.

13 SECTION 3. Subchapter B, Chapter 31, Education Code, is
14 amended by adding Section 31.0251 to read as follows:

15 Sec. 31.0251. LIMITATIONS ON ROYALTIES. The State Board of
16 Education shall set limits on royalties that may be paid from the
17 state textbook fund for a textbook whose contents are submitted
18 under Section 31.036. Royalty limits may depend on subject, grade
19 level, and number of copies printed and distributed to students who
20 reside in this state.

21 SECTION 4. Section 31.026, Education Code, is amended by
22 adding Subsection (d) to read as follows:

23 (d) For each textbook whose contents are submitted under
24 Section 31.036, the State Board of Education shall execute a

1 contract that would forever permit this state to print and
2 distribute as many copies as are needed for students who reside in
3 this state.

4 SECTION 5. Section 31.027, Education Code, is amended by
5 adding Subsection (c) to read as follows:

6 (c) This section does not apply to a textbook whose contents
7 are submitted under Section 31.036.

8 SECTION 6. Subchapter B, Chapter 31, Education Code, is
9 amended by adding Section 31.0271 to read as follows:

10 Sec. 31.0271. INFORMATION ON LOW COST MATHEMATICS AND
11 SCIENCE TEXTBOOKS. (a) For a textbook whose contents are submitted
12 under Section 31.036, the public shall be allowed to view, free of
13 charge:

14 (1) the table of contents and contact information of
15 content providers on the Texas Education Agency's website; and

16 (2) the entire contents at regional education service
17 centers and at other locations as provided for by the State Board of
18 Education.

19 (b) On request of a school district, the State Board of
20 Education shall provide a copy of the contents of a textbook adopted
21 under Section 31.037(b).

22 SECTION 7. Subchapter B, Chapter 31, Education Code, is
23 amended by adding Section 31.036 to read as follows:

24 Sec. 31.036. SUBMISSION OF CONTENTS FOR LOW COST
25 MATHEMATICS AND SCIENCE TEXTBOOKS. Submission of contents for a
26 low cost mathematics or science textbook shall consist of:

27 (1) delivery of the contents to the commissioner in a

1 form that meets physical and format standards set by the State Board
2 of Education;

3 (2) optional delivery to the commissioner of
4 translations of the contents into other languages or other formats
5 [for example, Spanish, Braille];

6 (3) execution by the copyright owners of a contract
7 that would:

8 (A) permit this state to arrange for translation
9 of the contents into languages and formats not delivered; and

10 (B) permit this state to forever print and
11 distribute as many copies of the contents as are needed for students
12 who reside in this state; and

13 (4) payment of a submission fee.

14 SECTION 8. Subchapter B, Chapter 31, Education Code, is
15 amended by adding Section 31.037 to read as follows:

16 Sec. 31.037. REVIEW AND ADOPTION OF LOW COST TEXTBOOKS BY
17 STATE BOARD OF EDUCATION. (a) The State Board of Education shall
18 adopt rules for the review and adoption of textbooks whose contents
19 are submitted under Section 31.036. The board may select textbooks
20 for review according to rules that involve requests by school
21 districts and open-enrollment charter schools submitted under
22 Section 31.1001.

23 (b) For a textbook reviewed by the board under Subsection
24 (a), by majority vote, the board shall:

25 (1) place the textbook on a conforming or
26 nonconforming list; or

27 (2) reject the textbook for placement on a conforming

1 or nonconforming list.

2 (c) A textbook placed on a conforming or nonconforming list
3 under subsection (b) shall remain on the list until removed from the
4 list by majority vote of the board.

5 (d) Within one month of placement of a textbook on, or
6 removal of a textbook from, a conforming or nonconforming list, the
7 board shall provide an updated list of adopted textbooks to each
8 school district. Each nonconforming list must include the reasons
9 an adopted textbook is not eligible for the conforming list.

10 SECTION 9. Subchapter B, Chapter 31, Education Code, is
11 amended by adding Section 31.038 to read as follows:

12 Sec. 31.038. COMPETITIVE BID TO PRINT, BIND, AND DELIVER
13 LOW COST TEXTBOOKS. (a) The State Board of Education shall adopt
14 rules under which textbooks adopted under Section 31.037(b)(1) are
15 printed, bound, and delivered to depositories in this state at
16 costs determined by competitive bid within cost limits set by the
17 board.

18 (b) A textbook printed and bound under Subsection (a) is not
19 required to meet generally applicable physical requirements
20 adopted under Section 31.023(a) but must meet any physical
21 requirements adopted by the board.

22 (c) Bidders must agree to meet physical standards and
23 delivery dates set by the board.

24 (d) The board may provide for the disregard of a bid by a
25 bidder who:

26 (1) fails to show sufficient evidence of ability to
27 deliver on the bid; or

1 (2) failed to deliver on a previously accepted bid.

2 SECTION 10. Subchapter B, Chapter 31, Education Code, is
3 amended by adding Section 31.039 to read as follows:

4 Sec. 31.039. ERRATA LISTS TO CORRECT FACTUAL ERRORS. (a)
5 For a textbook on a conforming or nonconforming list, an errata list
6 shall be made available on the Texas Education Agency's website and
7 updated periodically as factual errors are found.

8 (b) A textbook shall not be excluded from a conforming or
9 nonconforming list due to a factual error that is corrected on an
10 errata list to be inserted into each copy of the textbook to be
11 distributed by school districts and open-enrollment charter
12 schools.

13 SECTION 11. Subchapter C, Chapter 31, Education Code, is
14 amended by adding Section 31.1001 to read as follows:

15 Sec. 31.1001. REQUEST FOR THE STATE BOARD OF EDUCATION TO
16 REVIEW A LOW COST MATHEMATICS OR SCIENCE TEXTBOOK. (a) For a
17 textbook whose contents are submitted under Section 31.036, a
18 school district or open-enrollment charter school may request for
19 the State Board of Education to review the book for possible
20 placement on a conforming or nonconforming list. The request
21 shall:

22 (1) state the subject and grade level for which the
23 book is intended to be used;

24 (2) state the number of students in the district or
25 school who attend classes that use the book;

26 (3) state the estimated number of copies that the
27 district or school would requisition per year if the book were to be

1 placed on a conforming or nonconforming list;

2 (4) describe the extent of the district's or school's
3 review of the book and list those district or school employees
4 responsible for the review;

5 (5) list any factual errors that may have been found.

6 (b) A request shall remain valid until retracted by the
7 district or school or until the district or school submits a
8 subsequent request for the State Board of Education to review
9 another textbook for the same subject and grade level.

10 SECTION 12. Section 31.102(a), Education Code, is amended
11 to read as follows:

12 (a) Each textbook purchased as provided by this chapter is
13 the property of this state , except that a textbook adopted under
14 Section 31.037(b) may become the property of the student as
15 provided by Section 31.104(f).

16 SECTION 13. Section 31.104, Education Code, is amended by
17 amending Subsections (c) and (d) and adding Subsection (f) to read
18 as follows:

19 (c) Each textbook must state that the textbook is the
20 property of or is licensed to this state, as appropriate. Each
21 textbook, other than a textbook whose contents are submitted under
22 Section 31.036 or an electronic textbook, must be covered by the
23 student under the direction of the teacher. Except as provided by
24 Subsection (f), a [A] student must return all textbooks to the
25 teacher at the end of the school year or when the student withdraws
26 from school.

27 (d) Each student, or the student's parent or guardian, is

1 responsible for each textbook not returned by the student. Except
2 as provided by Subsection (f), a [A] student who fails to return all
3 textbooks forfeits the right to free textbooks until each textbook
4 previously issued but not returned is paid for by the student,
5 parent, or guardian. As provided by policy of the board of trustees
6 or governing body, a school district or open-enrollment charter
7 school may waive or reduce the payment requirement if the student is
8 from a low-income family. The district or school shall allow the
9 student to use textbooks at school during each school day. Except
10 as provided by Subsection (f), if [~~IF~~] a textbook is not returned or
11 paid for, the district or school may withhold the student's
12 records. A district or school may not, under this subsection,
13 prevent a student from graduating, participating in a graduation
14 ceremony, or receiving a diploma.

15 (f) At the end of the school year for which a textbook
16 adopted under Section 31.037(b) is distributed, the textbook
17 becomes the property of the student to whom it is distributed. A
18 school district or open-enrollment charter school may not charge a
19 fee under this subsection.

20 SECTION 14. Section 31.105, Education Code, is amended to
21 read as follows:

22 Sec. 31.105. SALE OF TEXTBOOKS. The board of trustees of a
23 school district or governing body of an open-enrollment charter
24 school may sell textbooks, other than textbooks whose contents are
25 submitted under Section 31.036 and electronic textbooks, to a
26 student or another school at the state contract price. The district
27 shall send money from the sale of textbooks to the commissioner as

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1 required by the commissioner. The commissioner shall deposit the
2 money in the state textbook fund.

3 SECTION 15. This Act takes effect September 1, 2009.