

By: Nevárez

H.B. No. 2564

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting a publisher or manufacturer from requiring a school district or open-enrollment charter school to place a minimum order of instructional materials.

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

SECTION 1. Section 31.151(a), Education Code, is amended to read as follows:

(a) A publisher or manufacturer of instructional materials:

(1) shall furnish any instructional material the publisher or manufacturer offers in this state at a price that does not exceed the lowest price at which the publisher offers that instructional material for adoption or sale to any state, public school, or school district in the United States;

(2) shall automatically reduce the price of instructional material sold for use in a school district or open-enrollment charter school to the extent that the price is reduced elsewhere in the United States;

(3) shall provide any instructional material or ancillary item free of charge in this state to the same extent that the publisher or manufacturer provides the instructional material or ancillary item free of charge to any state, public school, or school district in the United States;

(4) shall guarantee that each copy of instructional material sold in this state is at least equal in quality to copies

1 of that instructional material sold elsewhere in the United States
2 and is free from factual error;

3 (5) may not become associated or connected with,
4 directly or indirectly, any combination in restraint of trade in
5 instructional materials or enter into any understanding or
6 combination to control prices or restrict competition in the sale
7 of instructional materials for use in this state;

8 (6) shall deliver instructional materials to a
9 school district or open-enrollment charter school;

10 (7) shall, at the time an order for instructional
11 materials is acknowledged, provide to school districts or
12 open-enrollment charter schools an accurate shipping date for
13 instructional materials that are back-ordered;

14 (8) shall guarantee delivery of instructional
15 materials at least 10 business days before the opening day of school
16 of the year for which the instructional materials are ordered if the
17 instructional materials are ordered by a date specified in the
18 sales contract; ~~and~~

19 (9) shall submit to the State Board of Education an
20 affidavit certifying any instructional material the publisher or
21 manufacturer offers in this state to be free of factual errors at
22 the time the publisher executes the contract required by Section
23 [31.026](#); and

24 (10) may not require a school district or
25 open-enrollment charter school to place a minimum order of
26 instructional materials.

27 SECTION 2. This Act takes effect immediately if it receives

H.B. No. 2564

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2015.