

BILL ANALYSIS

Senate Research Center
80R6908 SLO-F

H.B. 188
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the State Board of Education (SBOE) uses the same cycle for purchasing textbooks for particular subjects as it uses for making revisions in those subjects' curriculum. Some publishers wish to have extra opportunities to sell materials to school districts at other times. Publishers may have supplemental or niche materials that do not cover a subject's entire curriculum or the publisher may have materials that were not ready or available when the subject's textbooks were purchased.

Additionally, the state pays for most public school textbooks. SBOE adopts the textbooks and sets the maximum price that the state will pay for the textbooks. Since SBOE sets the maximum price and pays the publisher directly, there is no market incentive for textbook publishers to set lower prices. Therefore, most textbooks cost the maximum amount. The 77th Legislature, Regular Session, 2001, established a textbook credit program to determine if market forces would drive down the cost of textbooks. Participating school districts did achieve some savings, but the limited scope of the pilot program limited its benefits. A statewide program with participation by all school districts could achieve even more savings for the state and school districts.

H.B. 188 authorizes SBOE to adopt textbooks during mid-cycle. This bill also expands the textbook credit program statewide.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board of Education in SECTION 2 (Section 31.0221, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Provides that 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. Amends Subchapter B, Chapter 31, Education Code, by adding Section 31.0221, as follows:

Sec. 31.0221. MIDCYCLE REVIEW AND ADOPTION OF TEXTBOOKS. (a) Requires the State Board of Education (SBOE) to adopt rules for the midcycle review and adoption of a textbook for a subject for which textbooks are not currently under review by SBOE under Section 31.022 (Textbook Review and Adoption). Requires the rules to include certain requirements.

(b) Provides that Sections 31.023 (Textbook Lists) and 31.024 (Adoption by State Board of Education) apply to a textbook adopted under this section and Section 31.027 (Information to School District; Sample Copies) does not apply to a textbook adopted under this section.

SECTION 3. Amends Subchapter C, Chapter 31, Education Code, by adding Section 31.1011, as follows:

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

(b) Sets forth the calculation for this credit.

(c) Requires 50 percent of the total textbook credit of a school district or open-enrollment charter school to be credited to the state textbook fund, and requires 50 percent of the credit to 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 components.

SECTION 4. Makes application of Section 31.1011, Education Code, as added by this Act, prospective to the 2007-2008 school year.

SECTION 5. Effective date: upon passage or September 1, 2007.