

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 623
By: Hochberg (Bivins)
Education
5/3/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

The Texas Education Agency pays for and distributes most of the textbooks used in public schools in this state. Current law is designed to ensure that textbooks can be ordered with relative ease and arrive at their intended school districts before the beginning of the school year. C.S.H.B. 623 amends provisions regarding the purchase and distribution of textbooks for public schools.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board of Education in SECTION 2 (Section 31.030, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.006, Education Code, by adding Subsection (c), to provide that a student's parent is entitled to request that the school district or open-enrollment charter school the student attends allow the student to take home any textbook used by the student. Requires the district or school, subject to the availability of a textbook, to honor the request. Requires a student who takes home a textbook to return the textbook to school at the beginning of the next school day if requested to do so by the student's teacher. Provides that in this subsection, "textbook" has the meaning assigned by Section 31.002.

SECTION 2. Amends Chapter 31B, Education Code, by adding Section 31.030, as follows:

Sec. 31.030. USED TEXTBOOKS. Requires the State Board of Education (board) to adopt rules to ensure that used textbooks sold to school districts and open-enrollment charter schools are not sample copies that contain factual errors. Authorizes the rules to provide for the imposition of an administrative penalty in accordance with Section 31.151 against a seller of used textbooks who knowingly violates this section.

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

Sec. 31.1011. TEXTBOOK CREDITS. (a) Requires the commissioner of education (commissioner) to implement a program to study the use of credits for textbooks. Requires the program to be designed to allow a participating 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).

(b) Provides that 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 participating school district or open-enrollment charter school purchases.

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

credit to be credited to the participating district or school to apply toward the requisition of additional textbooks or electronic textbooks on the conforming or nonconforming list.

(d) Requires the commissioner to prepare a report relating to the use of the textbook credit system and deliver the report to the 79th Legislature.

(e) Provides that this section expires September 1, 2005.

SECTION 4. Amends Section 31.103, Education Code, by adding Subsection (c), to authorize a school district or open-enrollment charter school, in making a requisition under this section, to requisition textbooks on the conforming or nonconforming list for grades above the grade level in which a student is enrolled, except that the total quantity of textbooks requisitioned under this section is prohibited from exceeding the limit prescribed by Subsection (b).

SECTION 5. Amends Chapter 31C, Education Code, by adding Section 31.1031, as follows:

Sec. 31.1031. SHORTAGE OF REQUISITIONED TEXTBOOKS. Provides that if a school district or open-enrollment charter school does not have a sufficient number of copies of a textbook used by the district or school for use during the following school year, and a sufficient number of additional copies will not be available from the depository or the publisher within the time specified by Section 31.151(a)(8), the district or school is entitled to certain benefits.

SECTION 6. Amends Section 31.104(c), Education Code, to delete text regarding a school district. Deletes text regarding allowing a student to take home a textbook.

SECTION 7. Amends Section 31.151(a), Education Code, to provide that a publisher or manufacturer of textbooks is required to take certain actions.

SECTION 8. Amends Section 31.152, Education Code, as follows:

(b) Provides that certain persons commit an offense by accepting certain benefits.

(d) Provides that “gift, favor, or service” does not include certain items.

SECTION 9. (a) Makes application of Section 8 prospective.

(b) Makes application of this Act prospective.

SECTION 10. (a) Provides that except as provided by Subsection (b) of this section, this Act takes effect upon passage or September 1, 2001.

(b) Provides that Section 8 of this Act takes effect September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 2. Amends As Filed H.B. 623 by adding new proposed Chapter 31B, Section 31.030, Education Code (USED TEXTBOOKS).

Renumbers As Filed SECTIONS 5-9.

SECTION 5. Adds new proposed language.

Adds new SECTION 9.

SECTION 10. Amends Subsection (b).