

BILL ANALYSIS

Senate Research Center
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S.B. 259
By: West
Education
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DIGEST AND PURPOSE

Currently, the Texas Education Agency (TEA) operates and manages the State Textbook Depository which purchases and provides for the distribution of public school textbooks. As proposed, S.B. 259 eliminates the State Textbook Depository's role in purchasing and distributing textbooks to public schools. This bill allows schools to order and purchase textbooks directly from the publisher through TEA's Internet-based electronic material system (EMAT).

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 5 (Section 31.104(e), Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 31A, Education Code, by adding Section 31.004, as follows:

Sec. 31.004. USE OF TEXTBOOK MANAGEMENT SYSTEM. Requires the State Board of Education and the commissioner of education (commissioner) to rely on the technological capacity of the Internet and a statewide textbook management system to the greatest extent possible, in providing for the requisition, distribution, and disposal of textbooks.

SECTION 2. Amends Section 31.028, Education Code, by adding Subsection (c-1), to require a school district or open-enrollment charter school to return surplus special textbooks to the regional education service center or other location designated by the commissioner.

SECTION 3. Amends Section 31.103(b), Education Code, to change a reference to Section 31.151(a)(6)(B) to 31.151(a)(6) relating to a designated state textbook depository.

SECTION 4. Amends Section 31.1031, Education Code, to add the phrase "maintained or designated by the textbook publisher or manufacturer" in reference to copies of a textbook. Amends Subdivision 31.1031(2) to change the word "return" to "exchange" and provide that copies of textbooks be exchanged, if available from another district or open-enrollment charter school.

SECTION 5. Amends Section 31.104, Education Code, by amending Subsection (b) and adding Subsection (e), as follows:

(b) Authorizes a school district or open-enrollment charter school to order replacements for textbooks that have been lost or damaged directly from another district or open-enrollment charter school that has surplus copies of the textbook, in accordance with procedures adopted by the commissioner, in addition to certain other entities. Makes conforming changes.

(e) Requires a school district or open-enrollment charter school to provide for the storage and disposition of its surplus textbooks in accordance with rules adopted by the commissioner. Authorizes the rules to require school districts and open-enrollment

charter schools to return surplus textbooks directly to the textbook publisher or manufacturer or to the textbook depository maintained or designated by the textbook publisher or manufacturer or make surplus textbooks available to other school districts and open-enrollment charter schools.

SECTION 6. Amends Sections 31.201(b) and (c), Education Code, as follows:

(b) Authorizes the commissioner to require a school district or open-enrollment charter school to ship discontinued textbooks directly to a correctional facility authorized by this subsection to receive them.

(c) Requires the rules to require a district or open-enrollment charter school to prepare a list of available discontinued textbooks and to distribute the list to local adult education programs or nonprofit organizations and, on request, to a student.

SECTION 7. (a) Provides that the state textbook depository is abolished.

(b) Requires the commissioner to take all action necessary to provide for disposition of the assets of the state textbook depository.

SECTION 8. Effective date: September 1, 2004.