ATTACHMENT

Statutory Citations Relating to Report and Recommendations from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under Midcycle 2011 Proclamation

Texas Education Code, §31.022, Textbook Review and Adoption, as amended by House Bill 4294, Section 3, 81st Texas Legislature, 2009:

(a) The State Board of Education shall adopt a review and adoption cycle for textbooks for elementary grade levels, including prekindergarten, and secondary grade levels, for each subject in the required curriculum under Section 28.002.

(b) The board shall organize the cycle for subjects in the foundation curriculum so that not more than one-sixth of the textbooks for subjects in the foundation curriculum are reviewed each year. The board shall adopt rules to provide for a full and complete investigation of textbooks for each subject in the foundation curriculum at least every six years. The adoption of textbooks for a subject in the foundation curriculum may be extended beyond the six-year period only if the content of textbooks for a subject is sufficiently current.

(c) The board shall adopt rules to provide for a full and complete investigation of textbooks for each subject in the enrichment curriculum on a cycle the board considers appropriate.

(d) At least 24 months before the beginning of the school year for which textbooks for a particular subject and grade level will be purchased under the review and adoption cycle adopted by the board, the board shall publish notice of the review and adoption cycle for those textbooks.

(e) The board shall designate a request for production of textbooks in a subject area and grade level by the school year in which the textbooks are intended to be made available in classrooms and not by the school year in which the board makes the request for production.

(f) The board shall amend any request for production issued for the purchase of textbooks to conform to the textbook funding levels provided by the General Appropriations Act for the year of implementation.

Texas Education Code, §31.0221, Midcycle Review and Adoption of Textbooks:

(a) The State Board of Education shall adopt rules for the midcycle review and adoption of a textbook for a subject for which textbooks are not currently under review by the board under Section 31.022. The rules must require:

(1) the publisher of the textbook to pay a fee to the board to cover the cost of the midcycle review and adoption of the textbook;

(2) the publisher of the textbook to enter into a contract with the board concerning the textbook for a term that ends at the same time as any contract entered into by the board for another textbook for the same subject and grade level; and

(3) a commitment from the publisher to provide the textbook to school districts in the manner specified by the publisher, which may include:

(A) providing the textbook to any district in a regional education service center area identified by the publisher; or

(B) providing a certain maximum number of textbooks specified by the publisher.

(b) Sections 31.023 and 31.024 apply to a textbook adopted under this section. Section 31.027 does not apply to a textbook adopted under this section.

Texas Education Code, §31.023, Textbook Lists:

(a) For each subject and grade level, the State Board of Education shall adopt two lists of textbooks. The conforming list includes each textbook submitted for the subject and grade level that meets applicable physical specifications adopted by the State Board of Education and contains material covering each element of the essential knowledge and skills of the subject and grade level in the student version of the textbook, as well as in the teacher version of the textbook, as determined by the State Board of Education under Section 28.002 and adopted under Section 31.024. The nonconforming list includes each textbook submitted for the subject and grade level that:

(1) meets applicable physical specifications adopted by the State Board of Education;

(2) contains material covering at least half, but not all, of the elements of the essential knowledge and skills of the subject and grade level in the student version of the textbook, as well as in the teacher version of the textbook; and

(3) is adopted under Section 31.024.

(b) Each textbook on a conforming or nonconforming list must be free from factual errors.

Texas Education Code, §31.024, Adoption by State Board of Education:

(a) By majority vote, the State Board of Education shall:

(1) place each submitted textbook on a conforming or nonconforming list; or

(2) reject a textbook submitted for placement on a conforming or nonconforming list.

(b) Not later than December 1 of the year preceding the school year for which the textbooks for a particular subject and grade level will be purchased under the cycle adopted by the board under Section 31.022, the board shall provide the lists of adopted textbooks to each school district. Each nonconforming list must include the reasons an adopted textbook is not eligible for the conforming list.