



**THE ATTORNEY GENERAL
OF TEXAS
AUSTIN, TEXAS**

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October 28, 1947

Hon. L. A. Woods
State Superintendent of Public Instruction
Department of Education
Austin, Texas

Opinion No. V-417

Re: Authority of State Text-
book Committee to recom-
mend books submitted for
adoption according to
their teachable value.

Dear Sir:

We refer to your letter of October 15, re-
questing an opinion on certain textbook matters, from
which letter we quote as follows:

"A letter from the President of the Texas Association of School Administrators has been received requesting that I ask your office for an opinion as to whether or not the State Textbook Committee is a free agency with respect to the preparation of its report of recommendations on textbooks offered for adoption. The letter requests also that it be determined whether or not the Committee has authority under the Statutes to rank the textbooks offered for adoption in the order of the Committee's preference. . . .

"In compliance with the request of the Chairman of the Texas Association of School Administrators, I am submitting the following questions for consideration:

"(1) Is the State Textbook Committee authorized under the statutes to arrange its report according to its own plan to the State Board of Education concerning the teachable value of the books offered for adoption?

"(2) May the State Textbook Committee in the preparation of its report to the State Board of Education concerning the teachable value of the books offered for adoption rank these books in the order of the Committee's preference indicating the book receiving the highest rating, the book receiving the second highest rating, and the book receiving the third highest rating, et cetera?"

Article 2675b-5, Subsection (f), V.C.S., as amended by S. B. 148, 49th Legislature, R.S., Acts 1945, reads in part as follows:

"The State Board of Education shall appoint annually a Textbook Committee to be composed of nine members, each of whom shall be an experienced and active educator engaged in teaching in the public schools of Texas. At least a majority of the members of the Committee shall be classroom teachers and all members shall be appointed because of unusual backgrounds of training and recognized ability as teachers in the subject fields for which adoptions are to be made each year.

"It shall be the duty of the Committee to examine all books submitted for adoption and make its recommendations in writing to the State Board of Education relative to the teachable value of the books in the grades and subjects for which they have been submitted.

"The Textbook Committee shall hold its meetings where and when the State Board of Education shall determine, and shall receive the same compensation as members of the State Board of Education as provided for in Section 10 of this Act."

Clearly, this statute vests authority in the State Textbook Committee to examine books submitted for adoption for their teachable value in those grades and subjects for which they were submitted, and, further, to make its written recommendations concerning their teachable value to the State Board of Education. A. G. Opinion No. 0-6056. So long as the recommendations of the

Committee are confined to or are based upon the teachable value of the books they have been authorized to examine, it is our opinion that broad discretionary power lies in said Committee in making its recommendations, and that the Committee may determine or adopt any reasonable plan or method it deems best to employ in the submission of its recommendations. The authority granted herein to make recommendations, unhampered as it is by restrictions or limitations, would imply and include the power to rate or rank books according to their teachable value.

Accordingly, our answers to the two submitted questions are in the affirmative.

SUMMARY

The State Textbook Committee acting in accordance with Article 2675b-5, Subsection (f), V.C.S., as amended, in the exercise of its broad discretionary power granted thereunder, may determine or adopt any reasonable method or plan it deems best to employ in the submission of its written recommendation concerning the teachable value of books submitted for its examination, and may rate or rank such books according to their teachable value as determined by their evaluation and consideration.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Chester E. Ollison*

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APPROVED:

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