

1 HB336
2 209282-1
3 By Representative Garrett
4 RFD: Education Policy
5 First Read: 04-FEB-21

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8 SYNOPSIS: Existing law provides for a State Textbook
9 Committee process to consider the merit of
10 textbooks offered for use in the public elementary
11 and high schools of the state and make
12 recommendations for approval or rejection to the
13 State Board of Education.

14 This bill would provide for publishers to
15 provide evidence of standards correlation on forms
16 provided by the State Department of Education.

17 This bill would authorize the State
18 Superintendent of Education to convene other
19 instructional materials review committees to review
20 and rate varying instructional materials.

21 This bill would also authorize the State
22 Superintendent of Education to establish evaluation
23 criteria to be used by other instructional
24 materials review committees.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 Relating to the State Textbook Committee; to amend
4 Sections 16-36-60, 16-36-60.1, and 16-36-65, Code of Alabama
5 1975; and to add Section 16-36-73 to the Code of Alabama 1975;
6 to provide for publishers to provide evidence of standards
7 correlation on forms provided by the State Department of
8 Education; to authorize the State Superintendent of Education
9 to convene other instructional materials review committees to
10 review and rate varying instructional materials; and to make
11 nonsubstantive, technical revisions to update the existing
12 code language to current style.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 16-36-60, 16-36-60.1, and
15 16-36-65 of the Code of Alabama 1975.

16 "§16-36-60.

17 "(a) The State Textbook Committee is created. The
18 committee shall consider the merit of textbooks offered for
19 use in the public elementary and high schools of the state and
20 make recommendations for approval or rejection, or both, to
21 the State Board of Education as hereinafter provided. In
22 making recommendations to the State Board of Education, the
23 State Textbook Committee shall also consider any
24 recommendations made by the State Courses of Study Committee
25 or by the State Superintendent of Education.

26 "(b) The State Textbook Committee shall be composed
27 of 23 members. Four of the members shall be secondary school

1 classroom teachers and four elementary school classroom
2 teachers. One of these eight members shall be appointed from
3 each of the seven United States Congressional Districts, as
4 ~~such~~ those districts ~~are~~ were constituted on July 1, 1998, and
5 one shall be appointed statewide. Four members shall be
6 appointed from the state at large, and these four members may
7 be either classroom teachers or persons actively engaged in
8 the supervisory or administrative capacity in the field of
9 education. Two members of the committee shall be employees of
10 state institutions of higher learning. These 14 members of the
11 State Textbook Committee shall each be appointed by the State
12 Board of Education, upon nominations made by the State
13 Superintendent of Education. Nine members shall be appointed
14 by the Governor, subject to the confirmation of the Senate by
15 April 1 of each year, one from each of the seven congressional
16 districts, as ~~such~~ those districts ~~are~~ were constituted on
17 July 1, 1998, and two appointed statewide and, these two shall
18 be members of local boards of education at the time of their
19 appointment. Two of the members appointed from the
20 congressional districts shall be recommended by the State
21 Superintendent of Education. These nine additional members
22 shall have general knowledge of the subject area to be
23 considered for textbook adoption ~~and shall have,~~ a
24 demonstrated ability to read and write at a post high school
25 level, ~~and shall~~ not be employed in education. ~~Membership of~~
26 ~~the State Textbook Committee shall be inclusive and shall~~
27 ~~reflect the racial, gender, geographic, urban/rural, and~~

1 ~~economic diversity of the~~ All appointing authorities shall
2 coordinate their appointments so that diversity of gender,
3 race, and geographical areas is reflective of the makeup of
4 this state.

5 "(c) All members of the State Textbook Committee
6 shall be appointed for terms of one year, beginning at the
7 call of the State Superintendent of Education. The committee
8 shall be subject to recall by the State Superintendent of
9 Education, thereby extending the length of the member's term,
10 until a new committee is appointed for consideration of the
11 same subject area or areas or grade or grades or any
12 combination thereof. Vacancies in the office of any of the
13 committee members shall be filled by the original appointing
14 authority, and the appointee shall hold office for the
15 unexpired term and until his or her successor is appointed and
16 qualified.

17 "(d) In order to qualify as a member of the State
18 Textbook Committee, each person appointed shall prepare an
19 affidavit to be filed with the State Board of Education within
20 10 days after notice of the member's appointment stating each
21 of the following:

22 "(1) The member agrees to discharge faithfully all
23 the duties imposed upon him or her as a member of the State
24 Textbook Committee.

25 "(2) The member has no interest, directly or
26 indirectly, in any contract that may be made under this
27 article.

1 "(3) The member has no interest as author, as
2 associate author, as publisher, or as a representative of the
3 author or publisher of any textbook.

4 "(4) The member has no pecuniary interest, directly
5 or indirectly, in the business or profits of any person, firm,
6 or corporation engaged in manufacturing, publishing, or
7 selling textbooks.

8 "(5) The member agrees not to accept any emolument
9 or promise of future reward of any kind from any publisher of
10 textbooks, the publisher's agents, or anyone interested in or
11 intending to bias the member's judgment in any way in the
12 selection of any textbook up for adoption.

13 "(6) The member agrees not to reveal to anyone,
14 except to the State Board of Education or the State
15 Superintendent of Education, or both, the findings, ratings,
16 or grading of the State Textbook Committee.

17 "(e) It shall be a misdemeanor for any member of the
18 State Textbook Committee or the secretary of the committee, or
19 for any other person, to disclose ratings and gradings of the
20 committee to anyone except to the State Board of Education or
21 the State Superintendent of Education, or both, until after
22 the contracts are made. Anyone found guilty of doing so shall
23 be fined not exceeding five hundred dollars (\$500) and also
24 may be imprisoned or sentenced to hard labor for a term not
25 exceeding six months.

26 "(f) The organizational meeting of each State
27 Textbook Committee shall be called by the State Superintendent

1 of Education and the committee shall meet thereafter on call
2 of the ~~chairperson~~ chair of the committee or of the State
3 Superintendent of Education. At the organizational meeting,
4 the State Textbook Committee shall elect one of its members to
5 act as ~~chairperson~~ chair of the committee and one of its
6 members as secretary of the committee. Other necessary
7 meetings shall be held as determined by the State Textbook
8 Committee or upon the call of the ~~chairperson~~ chair or the
9 State Superintendent of Education. The State Superintendent of
10 Education shall notify the members of the committee of each
11 meeting ~~by registered or certified mail~~ prior to the time of
12 the meeting.

13 "(g) The members of the State Textbook Committee
14 shall be paid per diem expenses at the rate provided by state
15 law during the time they are engaged in ~~such~~ the work of the
16 committee and in addition shall receive travel expenses at the
17 rate provided by state law for each mile traveled from home to
18 the place of meeting and return, to be paid out of
19 appropriations made to the State Department of Education. Each
20 member of the committee, before receiving per diem for
21 expenses, shall submit to the State Superintendent of
22 Education a notarized statement of the number of miles
23 traveled and the number of days engaged in ~~such~~ the work of
24 the committee. No member shall be paid for more than 25 days
25 in any school year.

26 "(h) The criteria used by the State Textbook
27 Committee shall be comprised of correlation with the courses

1 of study, instructional planning and support, and other
2 criteria, as determined by the State Superintendent of
3 Education. Publishers shall be provided with correlation forms
4 that list all of the standards in the course of study for the
5 subject area being reviewed and shall provide specific
6 evidence of how and where the standards are addressed in the
7 textbook. The committees may use the correlation forms to
8 determine the degree to which content found in each textbook
9 is correlated in thoroughness and accuracy to the standards
10 and may comment on content accuracy, bias, or other concerns
11 resulting from their reviews.

12 "~~(h)~~(i) The State Textbook Committee shall make
13 textbook recommendations to the State Board of Education in
14 writing, and both recommendations for approval or rejection,
15 or both, and any dissents therefrom shall be filed with the
16 State Board of Education and shall be made available for
17 public inspection upon filing. The State Textbook Committee
18 may recommend any new material which has been properly bid
19 pursuant to this article, which supports the Alabama course of
20 study for the specific subject, and which is defined as a
21 textbook as prescribed in the rules and regulations of the
22 State Board of Education. New material is defined as material
23 published within three years from the date the State Board of
24 Education begins advertisement for bids for textbooks which
25 shall be considered for adoption by the State Board of
26 Education.

27 "§16-36-60.1.

1 "For the purposes of this article, the following
2 words shall have the following meanings:

3 "(1) INSTRUCTIONAL MATERIALS. Educational resources
4 that provide curriculum and instructional experiences for
5 public school students. The term includes any instructional
6 and related or supportive material, including materials using
7 advanced learning technology, in any area that is designed to
8 strengthen the academic foundation.

9 "~~(1)~~ (2) QUALIFIED DEPOSITORY FOR TEXTBOOKS or
10 QUALIFIED DEPOSITORY. A facility in the state responsible for
11 receiving orders for, storing of, and distribution of
12 textbooks pursuant to Section 16-36-71.

13 "~~(2)~~ (3) TEXTBOOK. Includes digital textbooks, as
14 defined in Section 16-16B-2. Digital textbooks shall be
15 recommended, adopted, and purchased in the same manner as
16 provided for textbooks under this article.

17 "§16-36-65.

18 "(a) The State Department of Education in
19 conjunction with the state Purchasing Agent shall furnish
20 contracts from which state-adopted textbooks for the pupils
21 and teachers in classrooms and schools operated under the
22 jurisdiction and supervision of the ~~Alabama Department of~~
23 ~~Mental Health can~~ State Department of Education may be
24 purchased. These purchases shall be made from appropriations
25 to the ~~state Department of Mental Health~~ State Department of
26 Education. The State Board of Education may make and enforce

1 regulations for the proper care and accounting for such
2 textbooks.

3 "(b) The State Department of Education in
4 conjunction with the state Purchasing Agent shall furnish
5 contracts from which state-adopted textbooks for the pupils
6 and teachers in classrooms and schools operated under the
7 jurisdiction of the Alabama Institute for Deaf and Blind ~~can~~
8 may be purchased. These purchases shall be made from
9 appropriations to the Alabama Institute for Deaf and Blind.
10 The State Board of Education may make and enforce regulations
11 for the proper care and accounting for these textbooks and
12 shall not be required to purchase and furnish special books or
13 materials for the deaf and blind.

14 "(c) The State Department of Education in
15 conjunction with the state Purchasing Agent shall furnish
16 contracts from which state-adopted textbooks for the pupils
17 and teachers in classrooms and schools operated by the
18 Department of Youth Services ~~can~~ may be purchased. The cost of
19 the textbooks provided herein shall be paid from
20 appropriations to the Department of Youth Services. The State
21 Board of Education may make and enforce regulations for the
22 proper care and accounting for these textbooks and shall not
23 be required to purchase and furnish any special books or
24 materials under this section.

25 "(d) The State Board of Education shall have no
26 power or authority to enter into any contract or arrangement
27 for furnishing textbooks or providing a depository for

1 textbooks or delivering textbooks, but shall have the power
2 and authority to enter into any contract or arrangement
3 requiring the use of a qualified depository for textbooks."

4 Section 2. Section 16-36-73 is added to the Code of
5 Alabama 1975, to read as follows:

6 §16-36-73.

7 (a) In addition to the use of curriculum materials
8 review committees for the review of textbooks as provided in
9 subsection (h) of Section 16-36-60, the State Superintendent
10 of Education may convene teachers and other experts for
11 instructional materials review committees for the purpose of
12 reviewing and rating evidence on the quality and alignment of
13 other specific materials and publishing their findings for
14 educators. The State Superintendent of Education, as
15 necessary, may develop guidelines for the review of other
16 specific instructional materials pursuant to this section, to
17 support districts and ensure the utilization of state funds
18 for the purchase of high quality materials. The process shall
19 include, but not be limited to, publishing statewide lists of
20 vetted and approved instructional materials.

21 (b) Instructional materials approved by the State
22 Department of Education based on a review completed by an
23 instructional materials review committee, may qualify for a
24 statewide master service agreement designed to streamline the
25 procurement process for schools and school districts that
26 adopt those instructional materials.

1 (c) Subject to appropriations, members appointed to
2 other instructional materials review committees may be paid
3 per diem and travel expenses in the same manner as State
4 Textbook Committee members under subsection (g) of Section
5 13-36-60.

6 (d) Guidelines developed for the review of other
7 specific instructional materials by instructional materials
8 review committees pursuant to this section, shall be separate
9 from the formal State Textbook Committee process provided by
10 this article.

11 Section 3. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.