

1 SB217
2 209282-2
3 By Senator Melson
4 RFD: Education Policy
5 First Read: 10-FEB-21

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.

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, are amended to read as
16 follows:

17 "§16-36-60.

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

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

1 ~~the State Textbook Committee shall be inclusive and shall~~
2 ~~reflect the racial, gender, geographic, urban/rural, and~~
3 ~~economic diversity of the~~ All appointing authorities shall
4 coordinate their appointments so that diversity of gender,
5 race, and geographical areas is reflective of the makeup of
6 this state.

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

19 "(d) In order to qualify as a member of the State
20 Textbook Committee, each person appointed shall prepare an
21 affidavit to be filed with the State Board of Education within
22 10 days after notice of the member's appointment stating each
23 of the following:

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

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

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

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

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

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

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

1 may be imprisoned or sentenced to hard labor for a term not
2 exceeding six months.

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

17 "(g) The members of the State Textbook Committee
18 shall be paid per diem expenses at the rate provided by state
19 law during the time they are engaged in ~~such~~ the work of the
20 committee and in addition shall receive travel expenses at the
21 rate provided by state law for each mile traveled from home to
22 the place of meeting and return, to be paid out of
23 appropriations made to the State Department of Education. Each
24 member of the committee, before receiving per diem for
25 expenses, shall submit to the State Superintendent of
26 Education a notarized statement of the number of miles
27 traveled and the number of days engaged in ~~such~~ the work of

1 the committee. No member shall be paid for more than 25 days
2 in any school year.

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

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

1 Education begins advertisement for bids for textbooks which
2 shall be considered for adoption by the State Board of
3 Education.

4 "§16-36-60.1.

5 "For the purposes of this article, the following
6 words shall have the following meanings:

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

13 "~~(1)~~ (2) QUALIFIED DEPOSITORY FOR TEXTBOOKS or
14 QUALIFIED DEPOSITORY. A facility in the state responsible for
15 receiving orders for, storing of, and distribution of
16 textbooks pursuant to Section 16-36-71.

17 "~~(2)~~ (3) TEXTBOOK. Includes digital textbooks, as
18 defined in Section 16-16B-2. Digital textbooks shall be
19 recommended, adopted, and purchased in the same manner as
20 provided for textbooks under this article.

21 "§16-36-65.

22 "(a) The State Department of Education in
23 conjunction with the state Purchasing Agent shall furnish
24 contracts from which state-adopted textbooks for the pupils
25 and teachers in classrooms and schools operated under the
26 jurisdiction and supervision of the ~~Alabama Department of~~
27 ~~Mental Health~~ can State Department of Education may be

1 purchased. These purchases shall be made from appropriations
2 to the ~~state Department of Mental Health~~ State Department of
3 Education. The State Board of Education may make and enforce
4 regulations for the proper care and accounting for such
5 textbooks.

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

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

1 "(d) The State Board of Education shall have no
2 power or authority to enter into any contract or arrangement
3 for furnishing textbooks or providing a depository for
4 textbooks or delivering textbooks, but shall have the power
5 and authority to enter into any contract or arrangement
6 requiring the use of a qualified depository for textbooks."

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

9 §16-36-73.

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

23 (b) Instructional materials approved by the State
24 Department of Education based on a review completed by an
25 instructional materials review committee, may qualify for a
26 statewide master service agreement designed to streamline the

1 procurement process for schools and school districts that
2 adopt those instructional materials.

3 (c) Subject to appropriations, members appointed to
4 other instructional materials review committees may be paid
5 per diem and travel expenses in the same manner as State
6 Textbook Committee members under subsection (g) of Section
7 13-36-60.

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

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