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3 SENATE EDUCATION POLICY COMMITTEE SUBSTITUTE FOR SB217
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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 and the State Board of
19 Education to establish additional review criteria,
20 as necessary.

21 This bill would authorize the State
22 Superintendent of Education to convene other
23 instructional materials review committees to review
24 and rate varying instructional materials.

25 This bill would also require the State
26 Superintendent of Education, in consultation with
27 the State Board of Education, to provide

1 recommendations to the Chairs of the House
2 Education Policy Committee and the Senate Education
3 Policy Committee for improving the effectiveness of
4 statewide textbook or other instructional materials
5 reviews.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the State Textbook Committee; to amend
12 Sections 16-36-60, 16-36-60.1, and 16-36-65, Code of Alabama
13 1975; and to add Section 16-36-73 to the Code of Alabama 1975;
14 to provide for publishers to provide evidence of standards
15 correlation on forms provided by the State Department of
16 Education; to authorize the State Superintendent of Education
17 and the State Board of Education to establish additional
18 review criteria; to authorize the State Superintendent of
19 Education to convene other instructional materials review
20 committees to review and rate varying instructional materials;
21 to require the State Superintendent of Education, in
22 consultation with the State Board of Education, to provide
23 recommendations to the Chairs of the House and Senate
24 Education Policy Committees for improving the effectiveness of
25 statewide textbook or other instructional materials reviews;
26 and to make nonsubstantive, technical revisions to update the
27 existing code language to current style.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 16-36-60, 16-36-60.1, and
3 16-36-65 of the Code of Alabama 1975, are amended to read as
4 follows:

5 "§16-36-60.

6 "(a) The State Textbook Committee is created. The
7 committee shall consider the merit of textbooks offered for
8 use in the public elementary and high schools of the state and
9 make recommendations for approval or rejection, or both, to
10 the State Board of Education as hereinafter provided. In
11 making recommendations to the State Board of Education, the
12 State Textbook Committee shall also consider any
13 recommendations made by the State Courses of Study Committee
14 or by the State Superintendent of Education.

15 "(b) The State Textbook Committee shall be composed
16 of 23 members. Four of the members shall be secondary school
17 classroom teachers and four elementary school classroom
18 teachers. One of these eight members shall be appointed from
19 each of the ~~seven United States Congressional Districts, as~~
20 ~~such districts are constituted on July 1, 1998, and one shall~~
21 ~~be appointed statewide~~ eight statewide State Board of
22 Education Districts, as constituted on the effective date of
23 the act adding this language. Four members shall be appointed
24 from the state at large, and these four members may be either
25 classroom teachers or persons actively engaged in the
26 supervisory or administrative capacity in the field of
27 education. Two members of the committee shall be employees of

1 state institutions of higher learning. These 14 members of the
2 State Textbook Committee shall each be appointed by the State
3 Board of Education, upon nominations made by the State
4 Superintendent of Education. Nine members shall be appointed
5 by the Governor, subject to the confirmation of the Senate by
6 April 1 of each year, one from each of the ~~seven congressional~~
7 ~~districts, as such districts are constituted on July 1, 1998~~
8 eight State Board of Education Districts, as constituted on
9 the effective date of the act adding this language, and two
10 one appointed statewide ~~and, these two~~ who shall be ~~members a~~
11 ~~member~~ of a local ~~boards~~ board of education at the time of
12 ~~their~~ appointment. Two of the members appointed from the
13 ~~congressional districts~~ State Board of Education Districts
14 shall be recommended by the State Superintendent of Education.
15 These nine additional members shall have general knowledge of
16 the subject area to be considered for textbook adoption ~~and~~
17 ~~shall have,~~ a demonstrated ability to read and write at a post
18 high school level, ~~and shall~~ not be employed in education.
19 ~~Membership of the State Textbook Committee shall be inclusive~~
20 ~~and shall reflect the racial, gender, geographic, urban/rural,~~
21 ~~and economic diversity of the state~~ All appointing authorities
22 shall coordinate their appointments so that diversity of
23 gender, race, and geographical areas is reflective of the
24 makeup of the State Board of Education District from which
25 appointed.

26 "(c) All members of the State Textbook Committee
27 shall be appointed for terms of one year, beginning at the

1 call of the State Superintendent of Education. The committee
2 shall be subject to recall by the State Superintendent of
3 Education, thereby extending the length of the member's term,
4 until a new committee is appointed for consideration of the
5 same subject area or areas or grade or grades or any
6 combination thereof. Vacancies in the office of any of the
7 committee members shall be filled by the original appointing
8 authority, and the appointee shall hold office for the
9 unexpired term and until his or her successor is appointed and
10 qualified.

11 "(d) In order to qualify as a member of the State
12 Textbook Committee, each person appointed shall prepare an
13 affidavit to be filed with the State Board of Education within
14 10 days after notice of the member's appointment stating each
15 of the following:

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

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

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

25 "(4) The member has no pecuniary interest, directly
26 or indirectly, in the business or profits of any person, firm,

1 or corporation engaged in manufacturing, publishing, or
2 selling textbooks.

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

8 "(6) The member agrees not to reveal to anyone,
9 except to the State Board of Education or the State
10 Superintendent of Education, or both, the findings, ratings,
11 or grading of the State Textbook Committee.

12 "(e) It shall be a Class C misdemeanor for any
13 member of the State Textbook Committee or the secretary of the
14 committee, or for any other person, to disclose ratings and
15 gradings of the committee to anyone except to the State Board
16 of Education or the State Superintendent of Education, or
17 both, until after the contracts are made. ~~Anyone found guilty~~
18 ~~of doing so shall be fined not exceeding five hundred dollars~~
19 ~~(\$500) and also may be imprisoned or sentenced to hard labor~~
20 ~~for a term not exceeding six months~~ Nothing in this section
21 shall prevent the State Board of Education from making an
22 early disclosure of the ratings and gradings of the committee
23 after the State Board of Education has approved the final
24 textbook list.

25 "(f) The organizational meeting of each State
26 Textbook Committee shall be called by the State Superintendent
27 of Education and the committee shall meet thereafter on call

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

12 "(g) The members of the State Textbook Committee
13 shall be paid per diem expenses at the rate provided by state
14 law during the time they are engaged in ~~such~~ the work of
15 the committee and in addition shall receive travel expenses at the
16 rate provided by state law for each mile traveled from home to
17 the place of meeting and return, to be paid out of
18 appropriations made to the State Department of Education. Each
19 member of the committee, before receiving per diem for
20 expenses, shall submit to the State Superintendent of
21 Education a notarized statement of the number of miles
22 traveled and the number of days engaged in ~~such~~ the work of
23 the committee. No member shall be paid for more than ~~25~~ 35
24 days in any school year.

25 "(h) The criteria used by the State Textbook
26 Committee shall be comprised of correlation with the courses
27 of study, instructional planning and support, and other

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

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

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

19 "§16-36-65.

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

1 Education. The State Board of Education may make and enforce
2 regulations for the proper care and accounting for such
3 textbooks.

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

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

26 "(d) The State Board of Education shall have no
27 power or authority to enter into any contract or arrangement

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

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

7 §16-36-73.

8 (a) In addition to the use of textbook materials
9 review committees as provided in subsection (h) of Section
10 16-36-60, the State Superintendent of Education may convene
11 educators and other experts for instructional materials review
12 committees for the purpose of reviewing and rating evidence on
13 the quality and alignment of other specific materials and
14 publishing their findings for educators. Individual
15 appointments to instructional materials review committees
16 shall be subject to the prior approval of the State Board of
17 Education. The State Superintendent of Education may also
18 utilize other methods to conduct reviews, such as contracting
19 or consulting with experts, joining material review
20 consortiums, or using existing committees or task forces. The
21 State Superintendent of Education, as necessary, may develop
22 guidelines for the review of other specific instructional
23 materials pursuant to this section, to support districts and
24 ensure the utilization of state funds for the purchase of high
25 quality materials. The process shall include, but not be
26 limited to, publishing statewide lists of vetted and approved
27 instructional materials.

1 (b) Instructional materials approved by the State
2 Department of Education pursuant to this section, based on a
3 review completed by an instructional materials review
4 committee, may qualify for the State Department of Education
5 to enter a statewide master service agreement designed to
6 streamline the procurement process for schools and school
7 districts that adopt those instructional materials.

8 (c) Subject to appropriations, members appointed to
9 other instructional materials review committees may be paid
10 per diem and travel expenses in the same manner as State
11 Textbook Committee members under subsection (g) of Section
12 13-36-60. Nothing in this section shall limit payment for
13 reviews under State Department of Education contracts or other
14 consulting methods.

15 (d) Guidelines developed for the review of other
16 specific instructional materials by instructional materials
17 review committees pursuant to this section, shall be separate
18 from the formal State Textbook Committee process provided by
19 this article.

20 (e) On or before June 30, 2023, the State
21 Superintendent of Education, in consultation with the State
22 Board of Education, shall provide recommendations to the
23 Chairs of the House Education Policy Committee and the Senate
24 Education Policy Committee on adopting innovative strategies
25 and programming to improve the effectiveness of statewide
26 textbook or other instructional materials reviews.

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