

1 SB15
2 216846-4
3 By Senator Melson
4 RFD: Education Policy
5 First Read: 11-JAN-22
6 PFD: 12/07/2021

1 SB15

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4 ENROLLED, An Act,

5 Relating to the State Textbook Committee; to amend
6 Sections 16-36-60, 16-36-60.1, and 16-36-65, Code of Alabama
7 1975; and to add Section 16-36-73 to the Code of Alabama 1975;
8 to provide for appointees from each State Board of Education
9 District; to require publishers to provide evidence of
10 alignment correlation on forms provided by the State
11 Department of Education; to authorize the State Superintendent
12 of Education and the State Board of Education to establish
13 additional review criteria; to provide for other instructional
14 materials review committees to review and rate varying
15 instructional materials; to make nonsubstantive, technical
16 revisions to update the existing code language to current
17 style; and to amend Section 16-13B-2, Code of Alabama 1975, as
18 amended by Act 2021-485, 2021 Regular Session, to exempt the
19 purchase of certain instructional materials by the State
20 Department of Education; and in connection therewith to have
21 as its purpose or effect the requirement of a new or increased
22 expenditure of local funds within the meaning of Amendment 621
23 of the Constitution of Alabama of 1901, as amended by
24 Amendment 890, now appearing as Section 111.05 of the Official

1 Recompilation of the Constitution of Alabama of 1901, as amended.
2 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§16-36-60.

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

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

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

1 membership is inclusive and reflects the racial, gender,
2 geographic, urban, rural, and economic diversity of the state.

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

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

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

23 "(2) The member has no interest, directly or
24 indirectly, in any contract that may be made under this
25 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 Class C misdemeanor for any
18 member of the State Textbook Committee or the secretary of the
19 committee, or for any other person, to disclose ratings and
20 gradings of the committee to anyone except to the State Board
21 of Education or the State Superintendent of Education, or
22 both, until after the contracts are made. ~~Anyone found guilty~~
23 ~~of doing so shall be fined not exceeding five hundred dollars~~
24 ~~(\$500) and also may be imprisoned or sentenced to hard labor~~
25 ~~for a term not exceeding six months~~ Nothing in this section

1 shall prevent the State Board of Education from making an
2 early disclosure of the ratings and gradings of the committee
3 after the State Board of Education has approved the final
4 textbook list.

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

19 "(g) The members of the State Textbook Committee, at
20 a minimum, shall be paid per diem expenses at the rate
21 provided by state law during the time they are engaged in ~~such~~
22 the work of the committee and in addition shall receive travel
23 expenses at the rate provided by state law for each mile
24 traveled from home to the place of meeting and return, to be
25 paid out of appropriations made to the State Department of

1 Education. Each member of the committee, before receiving per
2 diem for expenses, shall submit to the State Superintendent of
3 Education a notarized statement of the number of miles
4 traveled and the number of days engaged in ~~such~~ the work of
5 the committee. No member shall be paid for more than ~~25~~ 35
6 days in any school year.

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

21 "~~(h)~~ (i) The State Textbook Committee shall make
22 textbook recommendations to the State Board of Education in
23 writing, and both recommendations for approval or rejection,
24 or both, and any dissents therefrom shall be filed with the
25 State Board of Education and shall be made available for

1 public inspection upon filing. The State Textbook Committee
2 may recommend any ~~new~~ material which has been properly bid
3 pursuant to this article, which supports the Alabama course of
4 study for the specific subject, and which is defined as a
5 textbook as prescribed in the rules and regulations of the
6 State Board of Education. ~~New material is defined as material~~
7 ~~published within three years from the date the State Board of~~
8 ~~Education begins advertisement for bids for textbooks which~~
9 ~~shall be considered for adoption by the State Board of~~
10 ~~Education~~ Final ratings and reviews shall be made available to
11 the public on the State Department of Education website.

12 "§16-36-60.1.

13 "For the purposes of this article, the following
14 words shall have the following meanings:

15 "(1) INSTRUCTIONAL MATERIALS. Educational resources
16 that provide curriculum and instructional experiences for
17 public school students. The term includes any instructional
18 and related or supportive material, including materials using
19 advanced learning technology, in any area that is designed to
20 strengthen the academic foundation.

21 "~~(1)~~ (2) QUALIFIED DEPOSITORY FOR TEXTBOOKS or
22 QUALIFIED DEPOSITORY. A facility in the state responsible for
23 receiving orders for, storing of, and distribution of
24 textbooks pursuant to Section 16-36-71.

1 "~~(2)~~(3) TEXTBOOK. Includes digital textbooks, as
 2 defined in Section 16-16B-2. Digital textbooks shall be
 3 recommended, adopted, and purchased in the same manner as
 4 provided for textbooks under this article.

5 "§16-36-65.

6 "(a) 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 and supervision of the ~~Alabama Department of~~
 11 ~~Mental Health can~~ State Department of Education may be
 12 purchased. These purchases shall be made from appropriations
 13 to the ~~state Department of Mental Health~~ State Department of
 14 Education. The State Board of Education may make and enforce
 15 regulations for the proper care and accounting for such
 16 textbooks.

17 "(b) 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 under the
 21 jurisdiction of the Alabama Institute for Deaf and Blind ~~can~~
 22 may be purchased. These purchases shall be made from
 23 appropriations to the Alabama Institute for Deaf and Blind.
 24 The State Board of Education may make and enforce regulations
 25 for the proper care and accounting for these textbooks and

1 shall not be required to purchase and furnish special books or
2 materials for the deaf and blind.

3 "(c) 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 by the
7 Department of Youth Services ~~can~~ may be purchased. The cost of
8 the textbooks provided herein shall be paid from
9 appropriations to the Department of Youth Services. The State
10 Board of Education may make and enforce regulations for the
11 proper care and accounting for these textbooks and shall not
12 be required to purchase and furnish any special books or
13 materials under this section.

14 "(d) The State Board of Education shall have no
15 power or authority to enter into any contract or arrangement
16 for furnishing textbooks or providing a depository for
17 textbooks or delivering textbooks, but shall have the power
18 and authority to enter into any contract or arrangement
19 requiring the use of a qualified depository for textbooks.

20 "(e) Subject to appropriations from the Legislature,
21 the State Board of Education may pay a portion of a negotiated
22 textbook price in any contract with a publisher or a qualified
23 depository pursuant to this article or grant additional
24 textbook funds to local boards of education, who purchase high

1 quality textbooks, as determined by the State Board of
2 Education."

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

5 §16-36-73.

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

23 (b) Instructional materials approved by the State
24 Department of Education pursuant to this section, based on a
25 review completed by an instructional materials review

1 committee, may qualify for the State Department of Education
2 to enter a statewide master service agreement designed to
3 streamline the procurement process for schools and school
4 districts that adopt those instructional materials.

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

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

17 Section 3. Section 16-13B-2 of the Code of Alabama
18 1975, is amended to read as follows:

19 "§16-13B-2.

20 "(a) Competitive bids shall not be required for
21 utility services for county or city boards of education, the
22 rates for which are fixed by law, regulation, or ordinance,
23 and the competitive bidding requirements of this chapter shall
24 not apply to:

25 "(1) The purchase of insurance.

1 "(2) Contracts for securing services of attorneys,
2 physicians, architects, teachers, superintendents of
3 construction, artists, appraisers, engineers, consultants,
4 certified public accountants, public accountants, or other
5 individuals possessing a high degree of professional skill
6 where the personality of the individual plays a decisive part.

7 "(3) Contracts of employment in the regular civil
8 service.

9 "(4) Contracts for fiscal or financial advice or
10 services.

11 "(5) Purchases of products made or manufactured by
12 blind or visually impaired individuals under the direction or
13 supervision of the Alabama Institute for Deaf and Blind in
14 accordance with Sections 21-2-1 to 21-2-4, inclusive.

15 "(6) Purchases of maps or photographs from any
16 federal agency.

17 "(7) Purchases of manuscripts, books, instructional
18 materials, maps, pamphlets, or periodicals, or the electronic
19 version thereof. The exemption for the purchase of
20 instructional materials shall only include those purchases
21 from a current vetted and approved list published by the State
22 Department of Education.

23 "(8) The selection of paying agents and trustees for
24 any security issued by a public body.

1 "(9) Existing contracts up for renewal for
2 sanitation or solid waste collection, recycling, or disposal
3 and those providing the service.

4 "(10) Purchases of computer and word processing
5 hardware when the hardware is the only type that is compatible
6 with hardware already owned by the entity taking bids and
7 custom software.

8 "(11) Contractual services and purchases of
9 commodities for which there is only one vendor or supplier and
10 contractual services and purchases of personal property which
11 by their very nature are impossible to award by competitive
12 bidding.

13 "(12) Contractual services and purchases of products
14 related to, or having an impact upon, security plans,
15 procedures, assessments, measures, or systems, or the security
16 or safety of persons, structures, facilities, or
17 infrastructures.

18 "(13) Purchases, leases, or lease/purchases of goods
19 or services, other than voice or data wireless communication
20 services, made as a part of any purchasing cooperative
21 sponsored by the National Association of Counties, its
22 successor organization, or any other national or regional
23 governmental cooperative purchasing program. The purchases,
24 leases, or lease/purchases may only be made if all of the
25 following occur:

1 "a. The goods or services being purchased, including
2 those purchased through a lease/purchase agreement, or leased
3 are available as a result of a competitive bid process
4 approved by the Department of Examiners of Public Accounts for
5 each bid.

6 "b. The goods or services are either not at the time
7 available to local boards of education on the state purchasing
8 program or are available at a price equal to or less than that
9 on the state purchasing program.

10 "c. The purchase, lease, or lease/purchase is made
11 through a participating Alabama vendor holding an Alabama
12 business license if such a vendor exists.

13 "(14) Purchases of unprocessed agricultural products
14 as defined in subsection (b) of Section 16-1-46 and the cost
15 of the food purchased is equal to or less than the federal
16 simplified acquisition threshold set in 2 C.F.R. § 200.88.

17 "(15) Purchase of goods or services, other than
18 voice or data wireless communication services, from vendors
19 that have been awarded a current and valid general services
20 administration contract. Prices paid for the goods or services
21 may not exceed the lowest competitively bid price for these
22 goods or services, other than voice or data wireless
23 communication services, and may not exceed the price on an
24 existing state purchasing program.

25 "(b) This chapter shall not apply to:

1 "(1) Any purchases of products where the price of
2 the products is already regulated and established by state
3 law.

4 "(2) Purchases made by individual schools of the
5 county or municipal public school systems from ~~moneys~~ monies
6 other than those raised by taxation or received through
7 appropriations from state or county sources.

8 "(c) The city and county boards of education shall
9 establish and maintain the purchasing facilities and
10 procedures as may be necessary to carry out the intent and
11 purpose of this chapter by complying with the requirements for
12 competitive bidding in the operation and management of each
13 city and county board of education.

14 "(d) Contracts entered into in violation of this
15 chapter shall be void, and any person who violates this
16 chapter shall be guilty of a Class C felony."

17 Section 4. Although this bill would have as its
18 purpose or effect the requirement of a new or increased
19 expenditure of local funds, the bill is excluded from further
20 requirements and application under Amendment 621, as amended
21 by Amendment 890, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of Alabama of 1901,
23 as amended, because the bill defines a new crime or amends the
24 definition of an existing crime.

1 Section 5. 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.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB15
Senate 09-FEB-22
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 03-MAR-22

By: Senator Melson