

STATE TEXTBOOK COMMISSION AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: David H. Steele

Howard A. Stephenson

Karen Hale

Ron Allen

This act modifies provisions related to the State Textbook Commission by changing its name to the State Instructional Materials Commission. The act expands the scope of materials reviewed by the commission to include workbooks, computer software, laserdiscs or videodiscs, and multiple forms of communications media. The act provides that instructional materials identified as inappropriate by the State Board of Education may not be used in the public schools. The act makes technical changes by replacing "textbooks" with "instructional materials" throughout Chapter 14 of Title 53A. The act extends the existence of the commission through July 1, 2011, under the Legislative Oversight and Sunset Act.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-14-101, as enacted by Chapter 2, Laws of Utah 1988

53A-14-102, as enacted by Chapter 2, Laws of Utah 1988

53A-14-103, as enacted by Chapter 2, Laws of Utah 1988

53A-14-104, as last amended by Chapter 86, Laws of Utah 2000

53A-14-105, as enacted by Chapter 2, Laws of Utah 1988

53A-14-106, as enacted by Chapter 2, Laws of Utah 1988

63-55-253, as last amended by Chapter 59, Laws of Utah 2000

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-14-101** is amended to read:

53A-14-101. Creation of commission -- Powers -- Payment of expenses.

(1) The State Board of Education shall appoint a State [~~Textbook~~] Instructional Materials Commission[~~, which consists~~] consisting of:

(a) the state superintendent of public instruction[;] or the superintendent's designee;

(b) a school district superintendent[;];

- (c) a secondary school principal[;];
- (d) an elementary school principal[;];
- (e) a secondary school teacher[;];
- (f) an elementary school teacher[;];
- (g) five persons not employed in public education[;]; and
- (h) a dean of a school of education of a state college or university.

(2) The commission shall recommend [~~textbooks~~] instructional materials for [~~adoption~~] approval by the board.

(3) As used in this chapter, "instructional materials" means textbooks or materials used as, or in place, of textbooks and which may be used within the state curriculum framework for courses of study by students in public schools to include:

- (a) textbooks;
- (b) workbooks;
- (c) computer software;
- (d) laserdiscs or videodiscs; and
- (e) multiple forms of communications media.

[~~(3)~~] (4) Members shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties shall be paid out of money appropriated to the board.

Section 2. Section **53A-14-102** is amended to read:

53A-14-102. Commission's recommendation of instructional materials -- Approval by the state board.

(1) [~~Each year~~] (a) Semi-annually after reviewing the recommendations of the commission, the board shall [~~adopt textbooks~~] approve instructional materials for [~~mandatory~~] use in the public schools under rules adopted by the board.

(b) The board shall make a rule in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, providing for a process to:

- (i) allow three school districts or more to use or substitute in courses within the state

curriculum framework instructional materials not recommended by the commission; and

(ii) appeal any recommendation of the commission to the board.

(2) The standard [~~adoption~~] approval period [~~is four~~] shall be five years[~~, but the length of the period of adoption of a textbook may be adjusted by the board~~].

(3) An unsatisfactory textbook may be removed from the list of [~~adopted~~] approved textbooks at any time within the period applicable to that book.

[~~(4) Textbooks of outstanding merit may be added to the list at any time.~~]

[~~(5) The board shall stagger adoption schedules so that approximately 1/4 of all textbooks are reviewed each year.~~]

Section 3. Section **53A-14-103** is amended to read:

53A-14-103. Meetings -- Notice.

(1) The commission shall meet at the call of the state superintendent of public instruction or the superintendent's designee.

[~~(2) Meetings called to consider proposals to furnish textbooks shall take place at least three months prior to the expiration of a contract.~~]

[~~(3)~~] (2) Notice of a meeting [~~is~~] shall be given as required under Section 52-4-6.

Section 4. Section **53A-14-104** is amended to read:

53A-14-104. Sealed proposals for instructional materials contracts -- Sample copies -- Price of instructional materials.

(1) As used in this section, the word "sealed" does not preclude acceptance of electronically sealed and submitted bids or proposals in addition to bids or proposals manually sealed and submitted.

(2) A person seeking a contract to furnish [~~textbooks~~] instructional materials for use in the public schools shall submit a sealed proposal to the commission.

(3) Each proposal must:

(a) be accompanied by sample copies of the [~~textbooks proposed to be furnished~~] instructional materials to be reviewed; and

(b) include the wholesale price at which the publisher agrees to furnish [~~each textbook~~] the

instructional materials to districts and schools during the [~~adoption~~] approval period.

Section 5. Section **53A-14-105** is amended to read:

53A-14-105. Awarding instructional materials contracts.

(1) The board shall award contracts for furnishing [~~textbooks~~] instructional materials.

(2) If a satisfactory proposal to furnish [~~textbooks~~] instructional materials is not received, a new request for proposals may be issued.

~~[(3) Adoption of a textbook in use is continued until a satisfactory proposal is accepted by the board.]~~

Section 6. Section **53A-14-106** is amended to read:

53A-14-106. Illegal acts -- Misdemeanor.

It is a misdemeanor for a member of the commission or the board to receive money or other remuneration as an inducement for the recommendation or introduction of [~~textbooks or other school supplies~~] instructional materials into the schools.

Section 7. Section **63-55-253** is amended to read:

63-55-253. Repeal dates, Titles 53A, 53B.

The following provisions of Title 53A are repealed on the following dates:

(1) Title 53A, Chapter 1a, Part 2, Strategic Planning for Public and Higher Education Committee is repealed July 1, 2002.

(2) The State [~~Textbook~~] Instructional Materials Commission, created in Section 53A-14-101, is repealed July 1, [~~2001~~] 2011.

(3) Title 53A, Chapter 20a, Public Education Revenue Bond Act, is repealed July 1, 2007.