

STATE TEXTBOOK COMMISSION

AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

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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



28 Commission~~[, which consists]~~ consisting of:

29 (a) the state superintendent of public instruction~~;~~ or the superintendent's designee;

30 (b) a school district superintendent~~;~~;

31 (c) a secondary school principal~~;~~;

32 (d) an elementary school principal~~;~~;

33 (e) a secondary school teacher~~;~~;

34 (f) an elementary school teacher~~;~~;

35 (g) five persons not employed in public education~~;~~; and

36 (h) a dean of a school of education of a state college or university.

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

39 (3) ~~§ [(a)] §~~ As used in this chapter, "instructional materials" means textbooks or materials
39a used

40 as, or in place, of textbooks and which may be used within the state curriculum framework for
41 courses of study by students in public schools to include:

42 ~~§ [(i)] (a) §~~ textbooks;

43 ~~§ [(ii)] (b) §~~ workbooks;

44 ~~§ [(iii)] (c) §~~ computer software;

45 ~~§ [(iv)] (d) §~~ laserdiscs or videodiscs; and

46 ~~§ [(v)] (e) §~~ multiple forms of communications media.

47 ~~§ [(b) Instructional materials also include programs and associated materials on human~~
48 ~~sexuality:] §~~

49 [~~(3)~~] (4) Members shall serve without compensation, but their actual and necessary
50 expenses incurred in the performance of their official duties shall be paid out of money
51 appropriated to the board.

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

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

55 (1) ~~§ (a) §~~ [Each year] ~~§ [Biannually]~~ **SEMI-ANNUALLY** § after reviewing the
55a recommendations of the commission, the

56 board shall [~~adopt textbooks~~] approve instructional materials for [~~mandatory~~] use in the public
57 schools under rules adopted by the board.

57a **§ (b) THE BOARD SHALL MAKE A RULE IN ACCORDANCE WITH TITLE 63, CHAPTER 46a,**
57b **UTAH ADMINISTRATIVE RULEMAKING ACT, PROVIDING FOR A PROCESS TO:**

57c (i) ALLOW § [A] THREE § SCHOOL § [DISTRICT] DISTRICTS OR MORE § TO USE OR

57c1 SUBSTITUTE IN COURSES WITHIN THE STATE

57d CURRICULUM FRAMEWORK INSTRUCTIONAL MATERIALS NOT RECOMMENDED BY THE

57e COMMISSION; AND §

57f (ii) APPEAL ANY RECOMMENDATION OF THE COMMISSION TO THE BOARD. §

58 (2) The standard [~~adoption~~] approval period [~~is~~] shall be § [~~four~~] FIVE § years[~~, but the~~

58a ~~length of the~~

59 period of adoption of a textbook may be adjusted by the board].

60 § ~~[(3) Instructional materials identified as inappropriate shall be placed on a list by the board~~
61 ~~and may not be used in the public schools.]~~ §

62 § ~~[f]~~ (3) ~~[t]~~ ~~[(4)]~~ § An unsatisfactory textbook may be removed from the list of
62a ~~[adopted]~~ approved

63 textbooks at any time within the period applicable to that book.

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

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

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

68 **53A-14-103. Meetings -- Notice.**

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

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

73 ~~[(3)]~~ (2) Notice of a meeting ~~[is]~~ shall be given as required under Section 52-4-6.

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

75 **53A-14-104. Sealed proposals for instructional materials contracts -- Sample copies**
76 **-- Price of instructional materials.**

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

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

82 (3) Each proposal must:

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

85 (b) include the wholesale price at which the publisher agrees to furnish ~~[each textbook]~~
86 the instructional materials to districts and schools during the ~~[adoption]~~ approval period.

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

88 **53A-14-105. Awarding instructional materials contracts.**

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

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

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

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

95 **53A-14-106. Illegal acts -- Misdemeanor.**

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

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

100 **63-55-253. Repeal dates, Titles 53A, 53B.**

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

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

104 (2) The State [~~Textbook~~] Instructional Materials Commission, created in Section
105 53A-14-101, is repealed July 1, [~~2001~~] 2011.

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

Legislative Review Note
as of 11-30-00 3:41 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Education Interim Committee recommended this bill.