

Representative Gage Froerer proposes the following substitute bill:

PUBLIC SCHOOL TEXTBOOK EVALUATION

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: Howard A. Stephenson

LONG TITLE

General Description:

This bill establishes requirements related to public education instructional materials.

Highlighted Provisions:

This bill:

- ▶ prohibits a school district from purchasing certain instructional materials unless the materials have been evaluated by an independent party for alignment with the core curriculum;

- ▶ requires that the alignment evaluation be made available on a website at no charge; and

- ▶ exempts charter schools from the evaluation requirements.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1a-511, as last amended by Chapter 14, Laws of Utah 2006

ENACTS:



26 **53A-14-107**, Utah Code Annotated 1953



27
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53A-1a-511** is amended to read:

30 **53A-1a-511. Waivers from state board rules -- Application of statutes and rules**
31 **to charter schools.**

32 (1) A charter school shall operate in accordance with its charter and is subject to Title
33 53A, State System of Public Education, and other state laws applicable to public schools,
34 except as otherwise provided in this part.

35 (2) (a) A charter school or any other public school or school district may apply to the
36 State Board of Education for a waiver of any state board rule that inhibits or hinders the school
37 or the school district from accomplishing its mission or educational goals set out in its strategic
38 plan or charter.

39 (b) The state board may grant the waiver, unless:

40 (i) the waiver would cause the school district or the school to be in violation of state or
41 federal law; or

42 (ii) the waiver would threaten the health, safety, or welfare of students in the district or
43 at the school.

44 (c) If the State Board of Education denies the waiver, the reason for the denial shall be
45 provided in writing to the waiver applicant.

46 (3) (a) Except as provided in Subsection (3)(b), State Board of Education rules
47 governing the following do not apply to a charter school:

48 (i) school libraries;

49 (ii) required school administrative and supervisory services; and

50 (iii) required expenditures for instructional supplies.

51 (b) A charter school shall comply with rules implementing statutes that prescribe how
52 state appropriations may be spent.

53 (4) The following provisions of Title 53A, State System of Public Education, and rules
54 adopted under those provisions, do not apply to a charter school:

55 (a) Sections 53A-1a-108 and 53A-1a-108.5, requiring the establishment of a school
56 community council and school improvement plan;

57 (b) Sections 53A-3-413 and 53A-3-414, pertaining to the use of school buildings as
58 civic centers;

59 (c) Section 53A-3-420, requiring the use of activity disclosure statements;

60 (d) Section 53A-12-207, requiring notification of intent to dispose of textbooks;

61 (e) Section 53A-13-107, requiring annual presentations on adoption; [~~and~~]

62 (f) Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal procedures of school
63 districts and local school boards[-]; and

64 (g) Section 53A-14-107, requiring an independent evaluation of instructional materials.

65 (5) For the purposes of Title 63, Chapter 56, Utah Procurement Code, a charter school
66 shall be considered a local public procurement unit.

67 (6) Each charter school shall be subject to:

68 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

69 (b) Title 63, Chapter 2, Government Records Access and Management Act.

70 (7) (a) The State Charter School Board shall, in concert with the charter schools, study
71 existing state law and administrative rules for the purpose of determining from which laws and
72 rules charter schools should be exempt.

73 (b) (i) The State Charter School Board shall present recommendations for exemption to
74 the State Board of Education for consideration.

75 (ii) The State Board of Education shall consider the recommendations of the State
76 Charter School Board and respond within 60 days.

77 (c) Annually, the State Charter School Board shall report the results of its review of
78 state laws and administrative rules, along with the responses received from the State Board of
79 Education, to the Education Interim Committee by October 1.

80 Section 2. Section **53A-14-107** is enacted to read:

81 **53A-14-107. Instructional materials alignment with core curriculum.**

82 (1) A school district may not purchase primary instructional materials unless the
83 primary instructional materials provider:

84 (a) contracts with an independent party to evaluate and map the alignment of the
85 primary instructional materials with the core curriculum adopted under Section 53A-1-402;

86 (b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public
87 website at no charge, for use by teachers and the general public; and

- 88 (c) pays the costs related to the requirements of this Subsection (1).
89 (2) The requirements under Subsection (1) may not be performed by:
90 (a) the State Board of Education;
91 (b) the superintendent of public instruction or the superintendent's staff;
92 (c) the State Instructional Materials Commission appointed pursuant to Section
93 53A-14-101;
94 (d) an employee or board member of a school district; or
95 (e) the instructional materials creator or publisher.

H.B. 364 1st Sub. (Buff) - Public School Textbook Evaluation

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals and local governments. Textbook providers may be impacted due to potential evaluation fees.
