

1 SB217  
2 211027-3  
3 By Senator Melson  
4 RFD: Education Policy  
5 First Read: 10-FEB-21

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4 ENGROSSED

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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; to provide for publishers to provide evidence of  
14 standards correlation on forms provided by the State  
15 Department of Education; to authorize the State Superintendent  
16 of Education and the State Board of Education to establish  
17 additional review criteria; and to make nonsubstantive,  
18 technical revisions to update the existing code language to  
19 current style.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 16-36-60, 16-36-60.1, and  
22 16-36-65 of the Code of Alabama 1975, are amended to read as  
23 follows:

24 "§16-36-60.

25 "(a) The State Textbook Committee is created. The  
26 committee shall consider the merit of textbooks offered for  
27 use in the public elementary and high schools of the state and

1 make recommendations for approval or rejection, or both, to  
2 the State Board of Education as hereinafter provided. In  
3 making recommendations to the State Board of Education, the  
4 State Textbook Committee shall also consider any  
5 recommendations made by the State Courses of Study Committee  
6 or by the State Superintendent of Education.

7 " (b) The State Textbook Committee shall be composed  
8 of 23 members. Four of the members shall be secondary school  
9 classroom teachers and four elementary school classroom  
10 teachers. One of these eight members shall be appointed from  
11 each of the ~~seven United States Congressional Districts, as~~  
12 ~~such districts are constituted on July 1, 1998, and one shall~~  
13 ~~be appointed statewide~~ eight statewide State Board of  
14 Education Districts, as constituted on the effective date of  
15 the act adding this language. Four members shall be appointed  
16 from the state at large, and these four members may be either  
17 classroom teachers or persons actively engaged in the  
18 supervisory or administrative capacity in the field of  
19 education. Two members of the committee shall be employees of  
20 state institutions of higher learning. These 14 members of the  
21 State Textbook Committee shall each be appointed by the State  
22 Board of Education, upon nominations made by the State  
23 Superintendent of Education. Nine members shall be appointed  
24 by the Governor, subject to the confirmation of the Senate by  
25 April 1 of each year, one from each of the ~~seven congressional~~  
26 ~~districts, as such districts are constituted on July 1, 1998~~  
27 eight State Board of Education Districts, as constituted on

1 the effective date of the act adding this language, and two  
2 one appointed statewide ~~and, these two~~ who shall be ~~members~~ a  
3 member of a local ~~boards~~ board of education at the time of  
4 ~~their~~ appointment. Two of the members appointed from the  
5 ~~congressional districts~~ State Board of Education Districts  
6 shall be recommended by the State Superintendent of Education.  
7 These nine additional members shall have general knowledge of  
8 the subject area to be considered for textbook adoption ~~and~~  
9 ~~shall have,~~ a demonstrated ability to read and write at a post  
10 high school level, and shall not be employed in education.  
11 ~~Membership of the State Textbook Committee shall be inclusive~~  
12 ~~and shall reflect the racial, gender, geographic, urban/rural,~~  
13 ~~and economic diversity of the state~~ All appointing authorities  
14 shall coordinate their appointments so that diversity of  
15 gender, race, and geographical areas is reflective of the  
16 makeup of the State Board of Education District from which  
17 appointed.

18 "(c) All members of the State Textbook Committee  
19 shall be appointed for terms of one year, beginning at the  
20 call of the State Superintendent of Education. The committee  
21 shall be subject to recall by the State Superintendent of  
22 Education, thereby extending the length of the member's term,  
23 until a new committee is appointed for consideration of the  
24 same subject area or areas or grade or grades or any  
25 combination thereof. Vacancies in the office of any of the  
26 committee members shall be filled by the original appointing  
27 authority, and the appointee shall hold office for the

1 unexpired term and until his or her successor is appointed and  
2 qualified.

3 "(d) In order to qualify as a member of the State  
4 Textbook Committee, each person appointed shall prepare an  
5 affidavit to be filed with the State Board of Education within  
6 10 days after notice of the member's appointment stating each  
7 of the following:

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

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

14 "(3) The member has no interest as author, as  
15 associate author, as publisher, or as a representative of the  
16 author or publisher of any textbook.

17 "(4) The member has no pecuniary interest, directly  
18 or indirectly, in the business or profits of any person, firm,  
19 or corporation engaged in manufacturing, publishing, or  
20 selling textbooks.

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

26 "(6) The member agrees not to reveal to anyone,  
27 except to the State Board of Education or the State

1 Superintendent of Education, or both, the findings, ratings,  
2 or grading of the State Textbook Committee.

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

16 "(f) The organizational meeting of each State  
17 Textbook Committee shall be called by the State Superintendent  
18 of Education and the committee shall meet thereafter on call  
19 of the ~~chairperson~~ chair of the committee or of the State  
20 Superintendent of Education. At the organizational meeting,  
21 the State Textbook Committee shall elect one of its members to  
22 act as ~~chairperson~~ chair of the committee and one of its  
23 members as secretary of the committee. Other necessary  
24 meetings shall be held as determined by the State Textbook  
25 Committee or upon the call of the ~~chairperson~~ chair or the  
26 State Superintendent of Education. The State Superintendent of  
27 Education shall notify the members of the committee of each

1 meeting ~~by registered or certified mail~~ prior to the time of  
2 the meeting.

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

16 "(h) The criteria used by the State Textbook  
17 Committee shall be comprised of correlation with the courses  
18 of study, instructional planning and support, and other  
19 criteria, as determined by the State Superintendent of  
20 Education and the State Board of Education. Publishers shall  
21 be provided with correlation forms that list all of the  
22 standards in the course of study for the subject area being  
23 reviewed and shall provide specific evidence of how and where  
24 the standards are addressed in the textbook. The committees  
25 may use the correlation forms to determine the degree to which  
26 content found in each textbook is correlated in thoroughness  
27 and accuracy to the standards and may comment on content

1 accuracy, bias, price, or other concerns resulting from their  
2 reviews.

3 ~~"(h)(i)~~ The State Textbook Committee shall make  
4 textbook recommendations to the State Board of Education in  
5 writing, and both recommendations for approval or rejection,  
6 or both, and any dissents therefrom shall be filed with the  
7 State Board of Education and shall be made available for  
8 public inspection upon filing. The State Textbook Committee  
9 may recommend any new material which has been properly bid  
10 pursuant to this article, which supports the Alabama course of  
11 study for the specific subject, and which is defined as a  
12 textbook as prescribed in the rules and regulations of the  
13 State Board of Education. New material is defined as material  
14 published within three years from the date the State Board of  
15 Education begins advertisement for bids for textbooks which  
16 shall be considered for adoption by the State Board of  
17 Education.

18 "§16-36-60.1.

19 "For the purposes of this article, the following  
20 words shall have the following meanings:

21 ~~"(1)~~ (1) 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.

25 ~~"(2)~~ (2) TEXTBOOK. Includes digital textbooks, as  
26 defined in Section 16-16B-2. Digital textbooks shall be



1 recommended, adopted, and purchased in the same manner as  
2 provided for textbooks under this article.

3 "§16-36-65.

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

15 "(b) 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 under the  
19 jurisdiction of the Alabama Institute for Deaf and Blind ~~can~~  
20 may be purchased. These purchases shall be made from  
21 appropriations to the Alabama Institute for Deaf and Blind.  
22 The State Board of Education may make and enforce regulations  
23 for the proper care and accounting for these textbooks and  
24 shall not be required to purchase and furnish special books or  
25 materials for the deaf and blind.

26 "(c) The State Department of Education in  
27 conjunction with the state Purchasing Agent shall furnish

1 contracts from which state-adopted textbooks for the pupils  
2 and teachers in classrooms and schools operated by the  
3 Department of Youth Services ~~can~~ may be purchased. The cost of  
4 the textbooks provided herein shall be paid from  
5 appropriations to the Department of Youth Services. The State  
6 Board of Education may make and enforce regulations for the  
7 proper care and accounting for these textbooks and shall not  
8 be required to purchase and furnish any special books or  
9 materials under this section.

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

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

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Senate

Read for the first time and referred to the Senate  
committee on Education Policy..... 10-FEB-21

Read for the second time and placed on the calen-  
dar with 1 substitute and..... 03-MAR-21

Read for the third time and passed as amended .... 16-MAR-21

Yeas 28  
Nays 0

Patrick Harris,  
Secretary.