

House Bill 739 (COMMITTEE SUBSTITUTE)

By: Representatives Tanner of the 9th, Dudgeon of the 25th, Brockway of the 102nd, Rice of the 95th, Harrell of the 106th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide that the state recommendation process for instructional materials and content is optional; to require a review and recommendation process for locally approved instructional materials and content; to provide for public review of proposed and approved instructional materials and content; to provide for the designation of a school system coordinator; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising Code Section 20-2-1012, relating to committee recommendations on instructional materials and content and additions to approved lists, as follows:

"20-2-1012.

(a)(1) The State Board of Education ~~shall~~ may select a committee or committees of educators actually engaged in public school work in this state to examine instructional materials and content and make recommendations thereon to the state board. Such committee or committees ~~shall~~ may consist of such number of educators as the state board may deem advisable, ~~not exceeding five in each instance~~. They ~~shall~~ may serve for such time and for such duties as the state board may prescribe and ~~shall~~ may receive such compensation as may be fixed by the state board.

(2) In the event that it elects to provide for state approved instructional materials and content, the State Board of Education shall establish a review and recommendation process in accordance with this paragraph. Such process shall include the opportunity for public comment and parental input prior to the adoption of any proposed instructional materials and content. As part of such process, the State Board of Education shall post

H. B. 739 (SUB)

in a prominent location on its website a list of proposed instructional materials and content for public review, including the version or edition number, if applicable; the state funded course number for which the instructional resource will be used; and the identification number, in accordance with any guidelines established by the State Board of Education. The State Board of Education shall make all state approved instructional materials and content available for review upon request and may specify reasonable hours for review. If state instructional materials and content are approved, the state board shall designate at least one employee to serve as the contact person for any inquiries related to or requests for review of state approved instructional materials and content and to coordinate its efforts to comply with and carry out its responsibilities under this subsection.

(b) In addition to any other method of instructional materials and content selection, the State Board of Education ~~shall~~ may add to the approved list of instructional materials and content for use in the public schools of this state any instructional materials and content requested in writing by:

(1) The superintendents of five or more different school systems; or

(2) Twenty or more teachers from at least 20 different school systems who teach and are certified to teach the courses encompassed by the instructional materials and content requested,

if the requisite number of requests for the specified instructional materials and content are received within any 365 day period. Instructional materials and content so ~~required to be~~ added to the approved list ~~shall~~ may be added within 30 days following the receipt by the state board of the requisite number of requests. No designation ~~shall~~ may be included upon the approved list which indicates the manner in which any instructional materials and content were added to the list. Other than the selection method, publishers whose instructional materials and content are added to the approved list as provided in this subsection shall be required to comply with the same rules regarding instructional materials and content as other publishers, including but not limited to price, durability, accessibility, and availability."

SECTION 2.

Said chapter is further amended by adding a new Code section to read as follows:

"20-2-1017.

(a) As used in this Code section, the term 'locally approved instructional materials and content' means instructional materials and content, as defined by the State Board of Education pursuant to Code Section 20-2-1010, which constitute the principal source of study for a state funded course, not including supplementary or ancillary material, which

is adopted by a local board of education or used by a local school system. Supplementary or ancillary material includes, but is not limited to, articles, online simulations, worksheets, novels, biographies, speeches, videos, music, and similar resources in any medium, including both physical or digital.

(b) Each local board of education shall establish a review and recommendation process for any locally approved instructional materials and content that are adopted or used by the local school system. Such process shall include notice to parents and guardians by the most practical means, which may be accomplished in the same manner as other notices to parents and guardians, and the opportunity for public comment and parental input prior to the adoption or use of any proposed instructional materials and content. As part of such process, the local board of education shall post in a prominent location on its website, and make available for review in print form upon request, a list of proposed instructional materials and content for public review, including the version or edition number, if applicable; the state funded course number for which the instructional resource will be used, if applicable; and the identification number, in accordance with any guidelines established by the State Board of Education.

(c)(1) Each local board of education shall make all proposed and locally approved instructional materials and content used by the local school system available for review on site upon request. Each local board of education shall make any supplementary or ancillary material used by the local school system at a school available for review upon request by any parent of a student in the school or who will be matriculating to such school. The local board of education may specify reasonable hours for review.

(2) Each local board of education shall designate at least one employee to serve as the contact person for any inquiries related to or requests for review of locally approved instructional materials and content and supplementary or ancillary material and to coordinate its efforts to comply with and carry out its responsibilities under this Code section.

(d) In addition, each local school system and each school which maintains a website shall post in a prominent location on such website a list of the locally approved instructional materials and content that are used by such school system or school. For each locally approved instructional resource, such list shall include the version or edition number, if applicable; the state funded course number for which the instructional resource will be used, if applicable; and the identification number, in accordance with any guidelines established by the State Board of Education.

(e) This Code section shall be effective July 1, 2017, and shall apply beginning with the 2017-2018 school year and thereafter."

99

SECTION 3.

100 Said chapter is further amended by revising paragraph (3) of subsection (b) of Code Section
101 20-2-168, relating to distribution of federal funds, combined purchase of supplies and
102 equipment, minimum school year, summer school programs, and year-round operation, as
103 follows:

104 "(3) Local units of administration may obtain competitive bids from vendors on such
105 standard items of school equipment, supplies, services, or other expenses based upon
106 uniform specifications established for such items by the state board and may purchase
107 such items from the vendor submitting the best bid to the local unit, whether or not the
108 bid price of such vendor is greater or less than the state bid price on such items; provided,
109 however, that whenever a local unit purchases such standard items at a price in excess of
110 the state bid price for such items, the state board shall, when computing standard costs
111 for allotment of state funds, disallow the excess costs paid for such items by the local
112 unit; ~~provided, further, that local units of administration shall implement textbook~~
113 ~~adoptions from textbook listings prescribed by the state board pursuant to Article 19 of~~
114 ~~this chapter within 18 months of the time said textbook listings are provided by the state~~
115 ~~board.~~ The state board shall prescribe regulations necessary for implementation and
116 enforcement of this subsection and is authorized to establish standards and uniform
117 standard specifications and procedures for the purchase, distribution, use, and
118 maintenance, as the case may be, of school equipment, supplies, services, and other
119 expenses, as may be designated by the state board, whether or not state bid prices are
120 obtained on such items."

121

SECTION 4.

122 All laws and parts of laws in conflict with this Act are repealed.