

House Bill 739 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED  
AN ACT

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

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

14 "20-2-1012.

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

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

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

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

- 42 (1) The superintendents of five or more different school systems; or  
 43 (2) Twenty or more teachers from at least 20 different school systems who teach and are  
 44 certified to teach the courses encompassed by the instructional materials and content  
 45 requested,

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

56 **SECTION 2.**

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

58 "20-2-1017.

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

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

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

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

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

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

97 (e) This Code section shall be effective July 1, 2017, and shall apply beginning with the  
98 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.