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HOUSE BILL NO. 742

Offered January 8, 2014

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A BILL to amend and reenact §§ 22.1-241 and 22.1-243 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-243.1, relating to electronic textbooks.

Patrons—Kory and Rasoul

Referred to Committee on Science and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-241 and 22.1-243 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-243.1 as follows:

§ 22.1-241. Contracts with publishers.

A. Local school boards shall either enter into written term contracts or issue purchase orders on an as-needed basis with publishers of textbooks approved by the Board for use in the public schools. Such written contracts or purchase orders for textbooks approved by the Board shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

The contract price shall not exceed the lowest wholesale price at which the textbook or textbooks involved in the contract are currently bid under contract anywhere in the United States.

If, subsequent to the date of any contract entered into by a local school board, the prices of textbooks named in the contract are reduced or the terms of the contract are made more favorable to purchase anywhere in the United States or a special or other edition of any book named in the contract is sold outside of Virginia at a lower price than contracted in the Commonwealth, the publisher shall grant the same reduction or terms to the local school board and give the local school board the option of using such special or other edition adapted for use in Virginia and at the lowest price at which such special edition is sold elsewhere and the contract shall so state.

B. Contracts and purchase orders with publishers of textbooks approved by the Board shall require the publisher to furnish an electronic file of the textbook in the National Instructional Materials Accessibility Standards (NIMAS) format that will then be deposited in the National Instructional Materials Access Center (NIMAC) from which accessible versions of the particular textbook may be produced for students with print disabilities, as defined in 20 U.S.C. § 1474. Publishers shall deliver the NIMAS file of the textbook on or before the date of delivery of the regular text version.

Contracts and purchase orders with publishers of textbooks approved by the Board for use in ~~grades 6-12~~ *kindergarten through grade 12* shall allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook. Each school board shall have the authority to purchase an assortment of textbooks in any of the three forms listed above.

C. Every school board shall order directly from the respective publishers the textbooks needed to supply the public schools in the school division. The publishers shall ship the textbooks to the school board. The purchase price of such textbooks shall be paid directly to the publishers by the school board.

D. With the approval of the local school board and the publisher, any private school within the school division that so requests may purchase from the local school board's contract with the publisher. Such private school shall be fully responsible for ordering, purchasing, and receiving shipments of books to be provided from the publisher pursuant to this section. The local school board shall be immune from any civil liability as a result of a private school purchasing from the local school board's contract.

§ 22.1-243. Distribution of textbooks; charges for loss or damage; consumable materials.

A. Each school board shall provide, free of charge, such textbooks *as defined in §22.1-238* required for courses of instruction for each child attending public schools. However, a local school board may assess a reasonable fee or charge for damages or loss of school property when such property has been provided to students without charge.

B. Consumable materials such as workbooks, writing books, and drawing books may be purchased by school boards and either provided to students at no cost or sold to students at a retail price not to exceed seven percent added to the publisher's price. If sold, the local school board shall develop a policy ensuring that workbooks, writing books, and drawing books are furnished to students who are unable to afford them at a reduced price or free of charge.

C. Nothing in this section shall be construed to authorize a school board to charge fees to students for instructional materials, textbooks, or other materials used by a school board employee that are not directly used by a public school student.

59 § 22.1-243.1. Electronic textbooks; broadband connectivity.

60 For the purpose of aiding each local school board in its decision to purchase electronic textbooks
61 pursuant to § 22.1-241, the Department, in conjunction with the Center for Innovative Technology, shall
62 annually report to the General Assembly on (i) the level of broadband connectivity of each local school
63 division, and (ii) the ability of each student within each school division to access electronic textbooks,
64 both at school and outside of school. The data shall be, in the aggregate, made available through the
65 Commonwealth's broadband availability map for the purpose of aiding each local school board's
66 decision regarding the appropriate use of electronic textbooks.