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HOUSE BILL NO. 354

Offered January 9, 2008

Prefiled January 4, 2008

A BILL to amend and reenact § 22.1-241 of the Code of Virginia, relating to contracts with publishers for textbooks.

Patron—Cole

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-241 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-241. Contracts with publishers.

A. The Board of Education shall enter into written contracts with publishers of textbooks approved by it for use in the public schools *and, subject to subsection F, for purchase and use in any accredited private school in Virginia requesting inclusion as a co-party to such written contracts.*

B. The contract price shall not exceed the lowest wholesale price free on board publisher at which the book or books involved in the contract are currently bid under contract anywhere in the United States. The Board shall stipulate the price at which school boards may sell the book or books, which price shall in no case exceed fifteen percent added to the wholesale price.

C. If, subsequent to the date of any contract entered into by the Board, the prices of books 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 bid in this Commonwealth, the publisher shall, in the discretion of the Board of Education, grant the same reduction or terms to the Board and give the 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.

D. The publisher shall furnish sample copies of all books mentioned in the contract with the Board of Education and shall guarantee that the books bid in the contract are equal in all respects to such sample copies.

E. When such technology is available or by January 1, 1998, whichever is earlier, contracts with publishers of textbooks adopted by the Board shall require the publisher to furnish electronic text from which Braille versions of the particular textbook may be produced.

F. The Board's contracts with publishers of textbooks shall include the listing of all private schools as co-parties to the contract, upon the written request of such private schools for inclusion and agreement to the terms of such contracts. Such private schools shall be fully responsible for the purchase of such textbooks and other materials from the publisher to be provided pursuant to this section. The Board shall be immune from any civil liability as a result of a private school breaching the terms of such contracts.

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