

SENATE BILL 1221

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, Part 22, relative to textbooks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 22, is amended by adding the following language as a new, appropriately designated section:

49-6-22__.

(a) The department of education shall submit a report concerning textbook selection to the education committees of the house of representatives and the senate by the second Tuesday in January 2014. The report shall describe:

(1) The process by which textbooks are selected in each of the fifty (50) states, including the composition of state textbook commissions in states having textbook commissions, the means by which those commissions are composed and the correlation, if any, between the different textbook selection processes and academic achievement in each state;

(2) Restrictions on local boards of education on the use of state funding for the purchase of textbooks in each state;

(3) Means and measures of accountability for academic performance if local boards of education or individual teachers are allowed to select their own textbooks;

(4) Current and prospective processes for evaluating the effect of textbooks on academic performance in the classroom by subject area, such as comparing academic performance of schools using different textbooks to one

another and comparing schools using the same textbook to one another, giving due recognition to other relevant factors that might affect student performance;

(5) Policies and practices that may discourage or could encourage smaller, high-quality publishers from competing for the approval or availability of their textbooks;

(6) The effect of publisher pricing policies on textbook selection;

(7) Ways to increase transparency in the textbook evaluation and selection process, and increase accountability of reviewers for the reviews and recommendations made under the state's current process;

(8) The effect of the current adoption cycle on textbook pricing and academic performance and whether the cycle is appropriate for each different subject area based on the degree to which substantive content changes in that subject; and

(9) The impact of technology on textbook selection, including electronic books, and availability and possible means of assuring parental opportunity to evaluate online or electronic materials used in the classroom.

(b) In making its report the department shall:

(1) Conduct public meetings open to members of the general assembly, academicians, publishers, teachers, administrators and the public;

(2) Allow for the submission of reports and testimony from members of the public, academicians, publishers, teachers and administrators;

(3) Develop at least two (2) categories of publishers based on the overall number of books published and sold annually and two (2) categories of publishers based on number of books published in each of the following categories:

(A) Reading;

(B) Mathematics; and

(C) Science;

(4) Solicit in a uniform manner input from at least three (3) publishers in each category in subdivision (b)(3) relative to any or all of the matters to be reported on; and

(5) Make available to the public all reports and written submissions provided to the department in connection with its study and report.

(c) Should the department of education choose, within the bounds of budgetary constraints, it may employ outside assistance and experts for research and evaluation purposes in lieu of no-cost offers for such assistance from others, including pro-bono assistance and reports from qualified, competent citizens, educators, organizations or domestic public service and nonprofit organizations within the bounds of state ethics laws.

(d) This section shall apply to both printed and electronic textbooks as described in § 49-6-2202(d).

SECTION 2. Tennessee Code Annotated, Section 49-6-2202(d), is amended by deleting the subsection in its entirety and substituting instead the following:

(d) As used in this part or elsewhere in this title, "textbook" or "textbooks" includes "electronic textbook", "electronic textbooks", "on-line textbooks" or "e-books" which means computer software, interactive videodisc, magnetic media, CD-ROM, computer courseware, local and remote computer assisted instruction, online service, electronic medium or other means of conveying information to the student or otherwise contributing to the learning process through electronic means. Electronic textbooks may be recommended, adopted and purchased in the same fashion as provided for textbooks in this part.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.