

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 25

HOUSE BILL 2486

AN ACT

AMENDING SECTIONS 15-721, 15-722 AND 15-731, ARIZONA REVISED STATUTES;
RELATING TO TEXTBOOKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-721, Arizona Revised Statutes, is amended to
3 read:

4 15-721. Common schools; course of study; textbooks; definition

5 A. The governing board shall approve for common schools the course of
6 study, the basic textbook for each course and all units recommended for
7 credit under each general subject title prior to implementation of the
8 course.

9 B. If any course does not include a basic textbook, the governing
10 board shall approve all supplemental books used in the course prior to
11 approval of the course.

12 C. If any course includes a basic textbook and uses supplemental
13 books, the governing board may approve all supplemental books and teaching
14 aids, including instructional computer software, THAT ARE used in the course
15 prior to approval of the course.

16 D. If the course includes a basic textbook and uses supplemental books
17 that have not been approved by the governing board at the time of approval of
18 the course, a teacher may use the supplemental books at any time during the
19 school year. Use of the supplemental books shall be brought to the attention
20 of the governing board during the school year in which they are added for
21 ratification.

22 E. Notwithstanding any other law, ~~the provisions of~~ subsections B and
23 C do not apply to supplemental books used in courses or programs instituted
24 pursuant to article 4 of this chapter.

25 F. The governing board shall:

26 1. Enforce the course of study and select all textbooks used in the
27 common schools and purchase the textbooks from the publishers. District
28 school funds may be budgeted and expended by the governing board for teaching
29 aids, including instructional computer software. For courses that do not
30 require that each student have a textbook other than for classroom
31 instruction, the school district need only purchase one textbook for each
32 student in the largest group that would be receiving classroom instruction at
33 any one time.

34 2. Require that all meetings of committees authorized for the purposes
35 of textbook review and selection be open to the public as prescribed in title
36 38, chapter 3, article 3.1.

37 3. Make available at the school district office for review by the
38 public, for a period of sixty days prior to formal selection of textbooks, a
39 copy of each textbook THAT IS being considered for selection.

40 G. FOR THE PURPOSES OF THIS SECTION, "TEXTBOOK" MEANS PRINTED
41 INSTRUCTIONAL MATERIALS OR DIGITAL CONTENT, OR BOTH, AND RELATED PRINTED OR
42 NONPRINTED INSTRUCTIONAL MATERIALS, THAT ARE WRITTEN AND PUBLISHED PRIMARILY
43 FOR USE IN SCHOOL INSTRUCTION AND THAT ARE REQUIRED BY A STATE EDUCATIONAL
44 AGENCY OR A LOCAL EDUCATIONAL AGENCY FOR USE BY PUPILS IN THE CLASSROOM,

1 INCLUDING MATERIALS THAT REQUIRE THE AVAILABILITY OF ELECTRONIC EQUIPMENT IN
2 ORDER TO BE USED AS A LEARNING RESOURCE.

3 Sec. 2. Section 15-722, Arizona Revised Statutes, is amended to read:
4 15-722. High schools; course of study; textbooks; definition

5 A. The governing board shall approve for high schools the course of
6 study, the basic textbook for each course and all units THAT ARE recommended
7 for credit under each general subject title prior to implementation of such
8 course.

9 B. If any course does not include a basic textbook, the governing
10 board shall approve all supplemental books THAT ARE used in such course prior
11 to usage.

12 C. If any course includes a basic textbook and uses supplemental books
13 or instructional computer software, the governing board may approve all
14 supplemental books and instructional computer software THAT ARE used in such
15 course prior to usage.

16 D. If the course includes a basic text and uses supplemental books
17 ~~which~~ THAT have not been approved by the governing board at the time of
18 approval of the course, a teacher may use such supplemental books at any time
19 during the school year. Use of such supplemental books shall be brought to
20 the attention of the governing board during the school year in which they are
21 added for ratification.

22 E. The governing board shall prescribe up to five textbooks for each
23 course and the teacher, with the consent of the governing board, may use any
24 one of the prescribed textbooks for the purposes of ~~his~~ THE TEACHER'S course.

25 F. FOR THE PURPOSES OF THIS SECTION, "TEXTBOOK" MEANS PRINTED
26 INSTRUCTIONAL MATERIALS OR DIGITAL CONTENT, OR BOTH, AND RELATED PRINTED OR
27 NONPRINTED INSTRUCTIONAL MATERIALS, THAT ARE WRITTEN AND PUBLISHED PRIMARILY
28 FOR USE IN SCHOOL INSTRUCTION AND THAT ARE REQUIRED BY A STATE EDUCATIONAL
29 AGENCY OR A LOCAL EDUCATIONAL AGENCY FOR USE BY PUPILS IN THE CLASSROOM,
30 INCLUDING MATERIALS THAT REQUIRE THE AVAILABILITY OF ELECTRONIC EQUIPMENT IN
31 ORDER TO BE USED AS A LEARNING RESOURCE.

32 Sec. 3. Section 15-731, Arizona Revised Statutes, is amended to read:
33 15-731. Definitions

34 In this article, unless the context otherwise requires:

35 1. "Accessible electronic file" means, until a national file format is
36 adopted by the United States department of education, a digital file in a
37 mutually agreed on by the publisher and the local educational agency
38 electronic file format that has been prepared using a markup language that
39 maintains the structural integrity of the information and can be processed by
40 conversion software. If a national file format is adopted by the United
41 States department of education, accessible electronic file means an
42 electronic file conforming to the specifications of the national file format
43 adopted by the United States department of education.

44 2. "~~Available~~ Authorized entity" means an authorized entity, as
45 defined by 17 United States Code section 121, that commonly provides

1 alternative format school materials that are accessible by schools in this
2 state and that has the vendor's authorization to make alternative formats.

3 3. "Child with a disability" means a pupil who is subject to an
4 individualized education plan pursuant to the individuals with disabilities
5 education act of 1997 (20 United States Code sections 1400 through 1415) or a
6 pupil with a section 504 plan, and whose individualized education plan or
7 section 504 plan requires the use of instructional materials in a specialized
8 format.

9 4. "Individualized education plan" has the same meaning prescribed in
10 20 United States Code sections 1401 and 1412 ~~and section 15-761.~~

11 5. "Nonprinted instructional materials" means nonprinted textbooks OR
12 DIGITAL CONTENT, OR BOTH, and related core materials, including those that
13 require the availability of electronic equipment in order to be used as a
14 learning resource, that are written and published primarily for use in
15 elementary school and secondary school instruction and that are required by a
16 state educational agency or a local educational agency for use by pupils in
17 the classroom. These materials shall be available to the extent
18 technologically available and may include software programs and internet
19 based materials.

20 6. "Printed instructional materials" means textbooks OR DIGITAL
21 CONTENT, OR BOTH, and related printed core materials that are written and
22 published primarily for use in elementary school and secondary school
23 instruction and that are required by a state educational agency or a local
24 educational agency for use by pupils in the classroom.

25 7. "Section 504 plan" means a written statement developed for a pupil
26 with a disability that includes the provision of regular or special education
27 and related aids and services, including assistive technology, that is
28 designed to meet individual educational needs in accordance with 34 Code of
29 Federal Regulations part 104.

30 8. "Structural integrity" means the structure of all parts of the
31 printed instructional material ~~are~~ IS kept intact to the extent feasible and
32 as mutually agreed on by the publisher and the local educational agency. If
33 a national file format is adopted by the United States department of
34 education, the national file format's technical specifications for structural
35 integrity are required in the accessible electronic file.

36 9. "Vendor" means a person or entity that offers printed or nonprinted
37 instructional materials for commercial sale to a school district and other
38 public schools.

APPROVED BY THE GOVERNOR MARCH 29, 2006.

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