

Senate Bill 89

By: Senators Albers of the 56th, Beach of the 21st, Hufstetler of the 52nd, Black of the 8th, Williams of the 19th and others

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 19 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to textbooks for elementary and secondary education, so as to encourage local boards  
3 of education to provide instructional materials and content to be in digital or electronic  
4 format; to encourage local boards of education to provide wireless electronic devices for  
5 students to access instructional materials and content; to revise provisions for purposes of  
6 conformity; to provide for a short title; to provide for related matters; to repeal conflicting  
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Digital Classroom Act."

11 **SECTION 2.**

12 Article 19 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
13 textbooks for elementary and secondary education, is amended as follows:

14 "ARTICLE 19

15 20-2-1010.

16 (a) The State Board of Education is authorized to prescribe, by regulation, the definition  
17 of the term '~~textbook~~ instructional materials and content' to include but not be limited to  
18 systematically designed material in any medium, ~~whether print, nonprint, or digital~~  
19 including digital instructional materials and content and any computer hardware, software,  
20 and technical equipment necessary to support such ~~material~~ instructional materials and  
21 content, that constitutes the principal source of study for a state funded course ~~and to~~  
22 ~~prescribe the textbooks~~ to be used in the various grades in the public schools of this state,  
23 including the elementary grades and high school grades. The state board may provide, by  
24 regulation, for multiple listings of ~~textbooks~~ instructional materials and content for use in

25 the various grades and may, in its discretion, authorize the local school superintendents to  
 26 exercise a choice as between ~~textbooks~~ various instructional materials and content so listed  
 27 or adopted for any particular grade.

28 (b) Nothing in this Code section shall be construed to exempt computer hardware or  
 29 related equipment acquired by the state from competitive bidding.

30 20-2-1011.

31 The State Board of Education may provide for the selection, acquisition, or ~~and~~ purchase  
 32 of ~~free textbooks~~ instructional materials and content either by multiple listings or uniform  
 33 adoption or by any other method that will enable the acquiring of acceptable ~~books~~  
 34 instructional materials and content at the lowest possible costs, provided such adoption or  
 35 multiple listings shall in no event constitute a binding contract until ratified in writing by  
 36 the state board. None of the ~~books~~ instructional materials and content so purchased shall  
 37 contain anything of a partisan or sectarian nature.

38 20-2-1012.

39 (a) The State Board of Education shall select a committee or committees of educators  
 40 actually engaged in public school work in this state to examine ~~textbooks~~ instructional  
 41 materials and content and make recommendations thereon to the state board. Such  
 42 committee or committees shall consist of such number of educators as the state board may  
 43 deem advisable, not exceeding five in each instance. They shall serve for such time and  
 44 for such duties as the state board may prescribe and shall receive such compensation as  
 45 may be fixed by the state board.

46 (b) In addition to any other method of ~~textbook~~ instructional materials and content  
 47 selection, the State Board of Education shall add to the approved list of ~~textbooks~~  
 48 instructional materials and content for use in the public schools of this state any ~~textbook~~  
 49 ~~or series of textbooks~~ instructional materials and content requested in writing by:

50 (1) The superintendents of five or more different school systems; or

51 (2) Twenty or more teachers from at least 20 different school systems who teach and are  
 52 certified to teach the courses encompassed by the ~~textbook~~ instructional materials and  
 53 content requested,

54 if the requisite number of requests for the specified ~~textbook~~ instructional materials and  
 55 content are received within any 365 day period. ~~A textbook~~ Instructional materials and  
 56 content so required to be added to the approved list shall be added within 30 days following  
 57 the receipt by the state board of the requisite number of requests. No designation shall be  
 58 included upon the approved list which indicates the manner in which any ~~textbook~~ was  
 59 instructional materials and content were added to the list. Other than the selection method,

60 publishers whose ~~textbooks~~ instructional materials and content are added to the approved  
 61 list as provided in this subsection shall be required to comply with the same rules regarding  
 62 ~~textbooks~~ instructional materials and content as other publishers, including but not limited  
 63 to price, durability, accessibility, and availability.

64 20-2-1013.

65 (a) The State Board of Education is authorized and directed to inaugurate and administer  
 66 a system of free ~~textbooks~~ instructional materials and content for the public schools of this  
 67 state. The state board shall have authority to promulgate and enforce such rules and  
 68 regulations as may be necessary for that purpose.

69 (b) All ~~hardbound or softbound textbooks, library books, and media materials~~ instructional  
 70 materials and content and any computer hardware, software, and technical equipment  
 71 necessary to support such digital materials and content purchased by local units of  
 72 administration with state Quality Basic Education Program funds or any other means of  
 73 acquisition ~~shall~~ may remain the property of the local unit purchasing or acquiring them.  
 74 Assistive technology devices ~~and digital versions of textbooks~~ that are acquired may  
 75 remain the property of the student; provided, however, that this shall not be construed to  
 76 violate any contracts or copyright laws. Each local unit of administration shall establish  
 77 such policies as it deems necessary for the care and protection of its ~~textbooks~~ instructional  
 78 materials and content; computer hardware, software, and technical equipment necessary  
 79 to support such materials and content; library books; and media materials as a condition  
 80 to receiving all or part of the state contributed Quality Basic Education Program funds  
 81 allotted to the local unit. Such policies may include any of the following sanctions against  
 82 a pupil who fails or refuses to pay for a any lost or damaged ~~textbook~~, instructional  
 83 materials and content; computer hardware, software, and technical equipment necessary  
 84 to support such materials and content; library book; or media material at the replacement  
 85 cost:

86 (1) Refusal to issue or make available any additional ~~textbooks~~, instructional materials  
 87 and content, any computer hardware, software, and technical equipment necessary to  
 88 support such materials and content, any library books, or any media materials until  
 89 restitution is made; or

90 (2) Withholding of all grade cards, diplomas, or certificates of progress until restitution  
 91 is made.

92 No local unit of administration shall require any pupil or parent to purchase any ~~textbook~~,  
 93 instructional materials and content; computer hardware, software, and technical equipment  
 94 necessary to support such materials and content; library book; or media material except

95 in cases where the pupil damages, loses, or defaces such item either through willful intent  
96 or neglect.

97 20-2-1014.

98 All purchases or contracts for purchases shall be made subject to the condition that the  
99 price paid by the state shall not exceed the price which may be offered by the publisher to  
100 any other school or school authority for substantially the same ~~book~~ instructional materials  
101 and content.

102 20-2-1015.

103 ~~The publisher of a textbook recommended by the State Board of Education shall provide~~  
104 ~~an electronic format version of such textbook, which may include a digital version.~~

105 (a) Local boards of education are strongly encouraged on and after July 1, 2020 to:

106 (1) Purchase all instructional materials and content in digital or electronic format; and

107 (2) Provide a laptop, tablet, or other wireless electronic device to each of its students in  
108 grades three and higher or allow students to provide their own for use as the principal  
109 source of reading or accessing instructional materials and content,

110 (b) The State Board of Education shall annually determine a reasonable level of funding  
111 to assist local boards of education in attaining complete digital access pursuant to this Code  
112 section. Such level of funding shall annually be presented to the General Assembly for its  
113 consideration in including appropriations for such purposes.

114 20-2-2016.

115 This article shall not apply to students in home study programs or virtual courses."

116 **SECTION 3.**

117 All laws and parts of laws in conflict with this Act are repealed.