

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 22.1-241 of the Code of Virginia and to amend the Code of Virginia by
2 adding a section numbered 22.1-241.1, relating to access to electronic textbooks.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 22.1-241 of the Code of Virginia is amended and reenacted and that the Code of**
5 **Virginia is amended by adding a section numbered 22.1-241.1 as follows:**

6 **§ 22.1-241. Contracts with publishers.**

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

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

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

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

26 Contracts and purchase orders with publishers of textbooks approved by the Board for use in
27 grades ~~6-12~~ six through 12 shall allow for the purchase of printed textbooks, printed textbooks with
28 electronic files, or electronic textbooks separate and apart from printed versions of the same textbook.
29 Each school board shall have the authority to purchase an assortment of textbooks in any of the three
30 forms listed above, subject to the provisions of § 22.1-241.1.

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

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

40 **§ 22.1-241.1. Access to electronic textbooks.**

41 A. It is the policy of the Commonwealth that all textbooks approved by the Board for use in
42 grades six through 12 shall be equally accessible to all students at school and in their residence.

43 B. No school board shall make electronic textbooks available for use by students in their
44 residence or residences unless the school board adopts a plan to ensure that on or before July 1, 2017 (i)
45 each student in the local school division will have actual access in his residence or residences to at least
46 one personal computing device not shared with another student that contains an operating system and
47 hardware necessary to support the format of each electronic textbook that the school board seeks to
48 purchase and (ii) each student in the local school division will have Internet connection service capable
49 of transmitting information at a rate that is not less than 256 kilobits per second installed in his residence
50 or residences.

51 C. The Board shall annually develop, update, and distribute to each local school division a list of
52 personal computing devices that comply with this section.

53 D. Notwithstanding subsection B, a local school board may establish a pilot program for the use
54 of electronic textbooks at any secondary school in the local school division provided that (i) each student
55 at the secondary school has actual access in his residence or residences to at least one personal
56 computing device not shared with another student that contains an operating system and hardware
57 necessary to support the format of each electronic textbook that the school board seeks to purchase, (ii)
58 each student at the secondary school has Internet connection service capable of transmitting information
59 at a rate that is not less than 256 kilobits per second installed in his residence or residences, and (iii) the
60 secondary school is receiving federal funds pursuant to Title I of the federal Elementary and Secondary
61 Education Act of 1965, P.L. 89-10, as amended, or no more than 5% of the students in the local school
62 division or 300 children, whichever is greater, participate in the pilot program.

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