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COMMITTEE REPORT

April 11, 2013

**S. 362**

Introduced by Senators Hayes, Rankin, Cleary and Hembree

S. Printed 4/11/13--S.

Read the first time February 12, 2013.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 362) to amend Section 59‑20‑20, Code of Laws of South Carolina, 1976, relating to definitions in the Education Finance Act of 1977, so as to define, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words, and inserting:

/ SECTION 1. Article 1, Chapter 31, Title 59 of the 1976 Code is amended by adding:

“Section 59‑31‑47. (A) Districts may request that the State Board of Education review digital instructional materials for inclusion on the state adopted textbook list when the material has been reviewed by the district and received approval by the local board of trustees for use in its district. The request must be submitted using current Department of Education instructional material forms and agreements with supporting documents to show that the requested materials:

(1) reflect the substance and level of performance outlined in the grade specific educational standards adopted by the state board pursuant to Section 59‑18‑700;

(2) contain current content information; and

(3) are cost effective.

(B) Upon receiving a request from a school district, the State Department of Education must have thirty days from receipt of the materials to review the instructional materials requested. Upon completion of the review, the department shall make a recommendation to the State Board of Education for approval or disapproval of the district’s request. This recommendation must appear as an action item on the next regularly scheduled meeting of the State Board of Education. In the case of an affirmative decision by the board, the publisher of the materials must agree to comply with the same provisions as other publishers including, but not limited to, price, durability, and availability before being placed on the state textbook adoption list.

(C) Upon approval of the district’s request and confirmation of publisher compliance, the requested item must be included on the state textbook adoption list in the priority listing designated for the subject area of the materials if the request is for a subject included in the state assessment program as defined in Section 59‑18‑310. If approval is given for instructional materials for a subject not assessed as defined in Section 59‑18‑310, the board shall determine the placement of the materials on the state textbook adoption priority list.

(D) Upon disapproval of the district’s request, a district may seek inclusion of digital instructional materials on the list of approved vendor‑submitted products pursuant to procedures outlined in Section 59‑31‑45. No designation may be included upon the approved list if the designation indicates the manner in which any textbook or digital curriculum was added to the list.

(E) The State Board shall promulgate regulations necessary to implement the provisions of this section.”

SECTION 2. This act takes place upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

JOHN E. COURSON GERALD MALLOY

For Majority. For Minority.

**A** **BILL**

TO AMEND SECTION 59‑20‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE EDUCATION FINANCE ACT OF 1977, SO AS TO DEFINE “INSTRUCTIONAL RESOURCE”; AND TO AMEND SECTION 59‑31‑210, RELATING TO A REQUIREMENT THAT THE STATE BOARD OF EDUCATION PROVIDE TEXTBOOKS TO PUBLIC SCHOOLS BY MEANS OF A RENTAL SYSTEM, SO AS TO PROVIDE THAT A SCHOOL DISTRICT MAY OPT OUT OF THE STATE TEXTBOOK RENTAL SYSTEM AND INSTEAD PURCHASE THE DIGITAL EQUIVALENT OF A TEXTBOOK AND SUPPORT EQUIPMENT DIRECTLY FROM VENDOR CONTRACTS APPROVED BY THE STATE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑20‑20(2) of the 1976 Code is amended to read:

“(2) ‘Educational programs or elements of programs not included in the foundation program’ means:

(a) ‘Transportation’, ~~which shall mean~~ means transportation to and from public schools for the students of South Carolina’s public schools provided by state, local or federal funds, or a combination thereof.

(b) ‘Capital outlay’, ~~which shall mean~~ means those funds used for the construction, improving, equipping, renovating or major repairing of school buildings or other school facilities, or the cost of acquisition of land whereon to construct or establish such school facilities in accordance with the definition provided in Section 59‑21‑310.

(c) ‘Pilot programs’, ~~which shall mean~~ means programs of a pilot or experimental nature usually designed for special purposes and for a specified period of time other than those included in the foundation program.

(d) ‘Adult education’, ~~which shall mean~~ means public education dealing primarily with students above eighteen years of age not enrolled as full time public school students and not classified as students of technical schools, colleges or universities of the State.

(e) ‘Text books’, ~~which shall mean~~ means books distributed under that system of rental and free text books now operated by the Department of Education.

(f) ‘Instructional resource’, means any type of print or nonprint resource that:

(a) is read, listened to, manipulated, observed, or experienced by students; and

(b) includes, but is not limited to:

( i) printed materials such as text books, library books, newspapers;

( ii) technology‑based materials such as e‑books, interactive programs, and interactive curricula; and

(iii) other nonprint materials such as recordings, digital materials, pictures, exhibits, slides, online resources, speakers, and other similar resources.

(g) ‘Food service programs’, ~~which shall mean~~ means those programs dealing directly with the nutritional welfare of the student, such as the school lunch and school breakfast programs.

~~(g)~~(h) ‘Employee benefits’, ~~which shall mean~~ means those benefits received by employees of the state public school systems and paid at least in part by the State, such as retirement, social security and health insurance.”

SECTION 2. Section 59‑31‑210 of the 1976 Code is amended to read:

“Section 59‑31‑210. The State Board of Education ~~shall~~ may provide all the textbooks for use in the public schools of the State on a rental system whereby the pupils in the public schools will pay an annual rental in an amount to be fixed by the State Board of Education, in its discretion, graduated as to grades, sufficient to pay all the costs of the administration of this article and the purchase of any books necessary to be acquired by the State Board of Education. But the Board shall not be required to furnish materials which shall be consumed or rendered worthless in any one year, such as pencils, tablets, workbooks, drawing materials and other similar articles. A school district that wishes to purchase digital equivalent textbooks or support digital devices may opt out of the state rental purchase system and purchase directly from a vendor who has an approved state contract.”

SECTION 3. This act takes effect upon approval by the Governor.

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