

# Chapter 337

1993 EDITION

## Textbooks

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### CROSS REFERENCES

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**337.010** [Repealed by 1965 c.100 §248 (337.011 enacted in lieu of 337.010)]

**Note:** Section 16, chapter 886, Oregon Laws 1991, provides in part:

**Sec. 16. Effective date of repeal of certain sections.** The amendments to ORS 337.030, 337.050, 337.060, 337.065, 337.075, 337.080, 337.090, 337.100, 337.110, 337.120, 337.141 and 337.260 by sections 3 to 14 of this Act are repealed January 1, 1996. [1991 c.886 §16]

**337.011 State Textbook Commission; qualifications; terms; vacancies.** (1) The State Board of Education shall appoint a State Textbook Commission consisting of seven persons of recognized scholarship and professional standing.

(2) The membership shall consist of:

(a) Three classroom teachers, two of whom are public elementary or secondary school teachers, and one of whom teaches in a community college or university;

(b) Three public school administrators or supervisors; and

(c) One public member.

(3) Commissioners shall be selected from various parts of the state, and must have been residents of the state for a period of three years immediately preceding appointment.

(4) The term of each commissioner is four years. No commissioner shall be eligible to serve more than two full terms consecutively. The state board shall fill all vacancies on the commission. [1965 c.100 §249 (enacted in lieu of 337.010); 1975 c.754 §1]

**Note:** Section 1, chapter 886, Oregon Laws 1991, provides:

**Sec. 1. Commission abolished.** The State Textbook Commission is abolished. On the effective date of this Act [September 29, 1991], the tenure of all members of the commission ends. [1991 c.886 §1]

**Note:** Section 15, chapter 886, Oregon Laws 1991, provides:

**Sec. 15. Operation of certain sections suspended.** The operation of ORS 337.011, 337.020, 337.040 and 337.055 is suspended until January 1, 1996. [1991 c.886 §15]

**337.020 Compensation and expenses of commissioners.** Each member of the State Textbook Commission is entitled to compensation and expenses as provided in ORS 292.495. [Amended by 1953 c.526 §1; 1965 c.100 §250; 1969 c.314 §22]

**Note:** See second note under 337.011.

**337.030 Annual circular to school book publishers.** In each even-numbered year, the Superintendent of Public Instruction shall, under the direction of the State Board of Education, mail a copy of a circular to all the leading school textbook publishers in the United States. The circular shall contain:

(1) The name and post-office address of each member of the State Textbook Commission.

(2) The time and place of meeting of the commission to review and select textbooks.

(3) The general form of the proposal to be followed by publishers in submitting textbooks for review and selection.

(4) The general form of contract to be entered into between the State Board of Education and a publisher whose textbooks may be selected.

(5) The branches of study for which textbooks are to be selected.

(6) The statutory provisions relating to the review and selection of textbooks.

(7) Such additional information as may be considered useful: [Amended by 1965 c.100 §251; 1975 c.754 §5]

**Note:** The amendments to 337.030 by section 3, chapter 886, Oregon Laws 1991, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended, is set forth for the user's convenience.

**337.030** The Superintendent of Public Instruction shall, under the direction of the State Board of Education, mail a copy of a circular to all the leading school textbook publishers in the United States. The circular shall contain:

(1) The name and post-office address of the State Board of Education.

(2) The time and place of meeting of the board to review and adopt textbooks.

(3) The general form of the proposal to be followed by publishers in submitting textbooks for review and adoption.

(4) The general form of contract to be entered into between the board and a publisher whose textbooks may be adopted.

(5) The branches of study for which textbooks are to be adopted.

(6) The statutory provisions relating to the review and adoption of textbooks.

(7) Such additional information as may be considered useful.

**337.035 State board to establish guidelines and criteria for review and selection of textbooks.** The State Board of Education by rule shall establish guidelines and criteria for the review and selection of textbooks to be used in the public elementary and secondary schools in this state. [1975 c.754 §3]

**337.040 Sessions of textbook commission.** (1) The State Textbook Commission shall meet in a public meeting in the state capital on the third Monday of November of each even-numbered year for the purpose of reviewing and selecting textbooks and other instructional materials, and may hold such other meetings as are necessary for proper performance of its duties.

(2) Four commissioners shall constitute a quorum.

(3) The commissioners shall elect a chairman from among their number.

(4) The Superintendent of Public Instruction shall designate a staff member of the

Department of Education to act as secretary. [Amended by 1953 c.526 §2; 1955 c.406 §1; 1965 c.100 §252; 1975 c.754 §6]

Note: See second note under 337.011.

**337.050 Review and selection of books and instructional materials.** (1) The State Textbook Commission shall review and select, for periods established by the State Board of Education, a multiple choice list of textbooks for each grade and subject field in the standard curriculum for which, in its judgment, textbooks are required. The State Board of Education shall consider the best educational interests of the students as well as the most economical method of purchasing textbooks in setting periods for textbook review and selection. The commission shall refrain from selecting any textbook in a subject field, whenever it finds that no textbook can be documented as meeting, to the degree determined by the State Board of Education, the guidelines and criteria established by the State Board of Education for textbooks. The commission may also review and select other instructional material which it considers appropriate for grade and subject fields.

(2) Subsequent to any November biennial selection, the commissioners may approve the request of a publisher to substitute a more recent edition of any officially adopted textbook or item of instructional material in lieu of the edition or item selected by the commission. The commission shall meet to consider alternate selections for any textbook selection which is rejected by the State Board of Education. [Amended by 1953 c.121 §3; 1953 c.526 §3; 1955 c.406 §2; 1965 c.100 §253; 1967 c.370 §1; 1975 c.754 §7; 1983 c.300 §1]

Note: The amendments to 337.050 by section 4, chapter 886, Oregon Laws 1991, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended, is set forth for the user's convenience.

**337.050** (1) The State Board of Education shall review and adopt, for periods established by the board, a multiple choice list of textbooks for each grade and subject field in the standard curriculum for which, in its judgment, textbooks are required. The State Board of Education shall consider the best educational interests of the students as well as the most economical method of purchasing textbooks in setting periods for textbook review and adoption. The board shall refrain from adopting any textbook in a subject field, whenever it finds that no textbook can be documented as meeting, to the degree determined by the board, the guidelines and criteria established by the board for textbooks. The board may also review and adopt other instructional material which it considers appropriate for grade and subject fields.

(2) The board may approve the request of a publisher to substitute a more recent edition of any officially adopted textbook or item of instructional material in lieu of the edition or item adopted by the board.

**337.055 State board to ratify or reject textbook selections.** After the State Textbook Commission submits its list of selected textbooks, the State Board of Education shall

review the selection list and may ratify or reject any textbook selected. The state board shall reject any textbook that the state board finds does not meet, to the degree determined by the State Board of Education, the guidelines and criteria for review and selection established under ORS 337.035. If a textbook is rejected, the state board shall notify the commission within five days of the meeting at which the board rejected the textbook. [1975 c.754 §4]

Note: See second note under 337.011.

**337.060 Submission of proposals by publishers.** (1) The proposals of each publisher shall be submitted to the State Textbook Commission in writing, not later than the third Monday of November of each even-numbered year, and shall be responsive to the requirements of ORS 337.030 (3) and (4), and such other information relating to the terms and conditions under which the publisher proposes to furnish textbooks as the commission or the State Board of Education may require.

(2) In addition to the material required under subsection (1) of this section, the proposal shall include documentation and analysis on each textbook showing how it conforms to the guidelines and criteria adopted by the State Board of Education for the review and selection of textbooks. [Amended by 1965 c.100 §254; 1975 c.754 §8]

Note: The amendments to 337.060 by section 5, chapter 886, Oregon Laws 1991, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended, is set forth for the user's convenience.

**337.060** (1) The proposals of each publisher shall be submitted to the Department of Education in writing and shall be responsive to the requirements of ORS 337.030 (3) and (4), and such other information relating to the terms and conditions under which the publisher proposes to furnish textbooks as the State Board of Education may require.

(2) In addition to the material required under subsection (1) of this section, the proposal shall include documentation and analysis on each textbook showing how it conforms to the guidelines and criteria adopted by the State Board of Education for the review and adoption of textbooks.

**337.065 Publisher fee.** (1) The State Textbook Commission shall collect from each publisher or other supplier who submits a proposal under ORS 337.060 a fee equal to six times the retail price, or \$36, whichever is the lesser, for each textbook title or item of instructional material proposed by the publisher or supplier for review and selection by the State Textbook Commission. Fees are payable prior to commission consideration of the proposal.

(2) The moneys received under subsection (1) of this section shall be paid into the State Treasury and placed to the credit of the General Fund for general governmental purposes. [1967 c.370 §§2, 3; 1975 c.754 §9]

**Note:** The amendments to 337.065 by section 6, chapter 886, Oregon Laws 1991, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended, is set forth for the user's convenience.

**337.065** (1) The Department of Education shall collect from each publisher or other supplier who submits a proposal under ORS 337.060 a fee equal to the retail price, or \$50, whichever is the greater, for each textbook title or item of instructional material proposed by the publisher or supplier for review and adoption by the board. Fees are payable prior to consideration of the proposal.

(2) The moneys received under subsection (1) of this section shall be paid into the State Treasury and placed to the credit of the Department of Education. The moneys are continuously appropriated to meet expenses incurred under this chapter.

**337.070** [Repealed by 1965 c.100 §456]

**337.075 Selection or rejection of proposals.** (1) The State Textbook Commission may select or reject any textbook contained in any proposal. If the terms and conditions for furnishing a textbook in all proposals relating to that textbook are considered by the commission to be unreasonable or the textbook is considered to be unsuitable pursuant to guidelines and criteria established by the State Board of Education, the commission may reject the textbook.

(2) At the same or subsequent sessions, the commission may receive new proposals for a textbook previously rejected and select the textbook in the same manner as other textbooks are required to be selected. No proposal shall be considered unless the publisher has delivered without charge one copy of each textbook contained in the proposal to each commissioner at least 60 days before the meeting. [1965 c.100 §255; 1975 c.754 §10]

**Note:** The amendments to 337.075 by section 7, chapter 886, Oregon Laws 1991, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended, is set forth for the user's convenience.

**337.075** (1) The State Board of Education may adopt or reject any textbook contained in any proposal. If the terms and conditions for furnishing a textbook in all proposals relating to that textbook are considered by the board to be unreasonable or the textbook is considered to be unsuitable pursuant to guidelines and criteria established by the board, the board may reject the textbook.

(2) At the same or subsequent sessions, the board may receive new proposals for a textbook previously rejected and adopt the textbook in the same manner as other textbooks are required to be adopted. No proposal shall be considered unless the publisher has delivered without charge two copies of each textbook contained in the proposal to the Department of Education at least 60 days before the meeting.

**337.080 Report of textbook selections.** The State Textbook Commission shall immediately report the textbooks which have been selected to the State Board of Education. The report shall contain such information as may be required by the state board. The report shall be signed by the chairman of the commission and attested by the secretary. [Amended by 1965 c.100 §256; 1975 c.754 §11]

**Note:** The amendments to 337.080 by section 8, chapter 886, Oregon Laws 1991, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended, is set forth for the user's convenience.

**337.080** The State Board of Education shall immediately report to the public the textbooks which have been adopted. The report shall be signed by the chairman of the board.

**337.090 Contract with publisher; terms; security; breach; remedies.** (1) On receiving the report of the State Textbook Commission, and after taking the action required by ORS 337.055, the State Board of Education, as soon as practicable, shall enter into a written contract with each publisher the textbook of which has been selected by the commission when that selection has been ratified by the state board. The contract shall require the publisher to maintain at least one depository to be designated by the State Board of Education, where such textbooks may be purchased and to furnish such textbooks according to law and the conditions named in the proposal.

(2) The State Board of Education shall take from each publisher entering into a contract a good and sufficient bond, or an irrevocable letter of credit issued by a commercial bank as defined in ORS 706.005, in such sum as stipulated damages as the board may determine, payable to the State of Oregon for the benefit of the Common School Fund, executed by the publisher as obligor together with a surety company authorized to do business in this state as surety and approved by the State Board of Education, for the full and faithful performance of the contract.

(3) If any publisher fails to carry out the provisions of the contract on the part of the publisher, or, with intent to evade the provisions of the contract, sells any of the textbooks in this state at prices higher than specified in the contract of the publisher, the State Board of Education may, on behalf of the state, rescind the contract and notify the publisher thereof, or bring the appropriate action or suit to enforce the provisions of the publisher's bond or letter of credit. [Amended by 1965 c.100 §257; 1975 c.754 §12; 1991 c.331 §57]

**Note:** The amendments to 337.090 by section 9, chapter 886, Oregon Laws 1991, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended, including amendments by section 57, chapter 331, Oregon Laws 1991, is set forth for the user's convenience.

**337.090** (1) The State Board of Education, as soon as practicable, shall enter into a written contract with each publisher the textbook of which has been adopted. The contract shall require the publisher to maintain at least one depository to be designated by the board, where such textbooks may be purchased and to furnish such textbooks according to law and the conditions named in the proposal.

(2) The board shall take from each publisher entering into a contract a good and sufficient bond, or an irrevocable letter of credit issued by a commercial bank

as defined in ORS 706.005, in such sum as stipulated damages as the board may determine, payable to the State of Oregon for the benefit of the Common School Fund, executed by the publisher as obligor together with a surety company authorized to do business in this state as surety and approved by the board, for the full and faithful performance of the contract.

(3) If any publisher fails to carry out the provisions of the contract on the part of the publisher, or, with intent to evade the provisions of the contract, sells any of the textbooks in this state at prices higher than specified in the contract of the publisher, the board may, on behalf of the state, rescind the contract and notify the publisher thereof, or bring the appropriate action or suit to enforce the provisions of the publisher's bond or letter of credit.

**337.100 Circular of approved textbooks.** Prior to February 1 of every odd-numbered year, the Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular giving the full title of each book selected by the State Textbook Commission when the selection was ratified by the state board, with such other information as the state board may consider useful. [Amended by 1965 c.100 §258; 1975 c.754 §13]

**Note:** The amendments to 337.100 by section 10, chapter 886, Oregon Laws 1991, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended, is set forth for the user's convenience.

**337.100** The Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular giving the full title of each book adopted by the board, with such other information as the board may consider useful.

**337.110 Selection of substitute or additional textbooks.** If at any time during the period for which a textbook is on the approved list, it becomes necessary for the State Textbook Commission to select any textbook instead of or in addition to those regularly selected, the chairman of the commission or the Superintendent of Public Instruction may call a special session of the commission. It may, upon convening, select such textbook in the same manner as other textbooks are required to be selected; except the Superintendent of Public Instruction need not in such case cause circulars described in ORS 337.030 to be sent to publishers. [Amended by 1965 c.100 §259; 1967 c.99 §1; 1975 c.754 §14]

**Note:** The amendments to 337.110 by section 11, chapter 886, Oregon Laws 1991, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended, is set forth for the user's convenience.

**337.110** If at any time during the period for which a textbook is on the approved list, it becomes necessary for the State Board of Education to adopt any textbook instead of or in addition to those regularly adopted, the chairman of the board may call a special session of the board. It may, upon convening, adopt such textbook in the same manner as other textbooks are required to be adopted; except the Superintendent of Public Instruction need not in such case cause circulars described in ORS 337.030 to be sent to publishers.

**337.120 School board selection, purchase and use of approved textbooks and**

**instructional materials.** (1) Except as otherwise provided by ORS 337.141, the district school board, with the assistance of teachers and administrators of the district, shall select textbooks and other instructional materials for each grade and subject field from the multiple choice approved list. The district school board may involve citizens in the process.

(2) The board shall cause at least one-half of the books or materials, according to titles, so selected to be used in its schools at the beginning of the next school year following the selection and the remainder thereof at the beginning of the second school year following the selection, except when, pursuant to rules of the State Board of Education, authorized by the Superintendent of Public Instruction to postpone such use for a reasonable period of time. [Amended by 1953 c.121 §3; 1965 c.100 §260; 1967 c.100 §1; 1975 c.754 §15; 1989 c.491 §27]

**Note:** The amendments to 337.120 by section 12, chapter 886, Oregon Laws 1991, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended, is set forth for the user's convenience.

**337.120** (1) Except as otherwise provided by ORS 337.141, the district school board, with the assistance of teachers and administrators of the district, shall adopt textbooks and other instructional materials for each grade and subject field for which instruction is provided by the district school board from the multiple choice approved list. The district school board may involve citizens in the process.

(2) The district school board shall cause the books or materials, according to titles, so adopted to be used in its schools at the beginning of the next school year following the state adoption, except when, pursuant to rules of the State Board of Education, the district school board is authorized by the Superintendent of Public Instruction to postpone such use for a reasonable period of time.

**337.130** [Repealed by 1965 c.100 §456]

**337.140** [Repealed by 1965 c.100 §261 (337.141 enacted in lieu of 337.140)]

**337.141 Textbook adoption by school boards.** (1) With the approval of the State Board of Education, the district school board of any school district having a population of fewer than 15,000 average daily membership may adopt and use textbooks in place of or in addition to those adopted by the State Board of Education provided they meet the guidelines and criteria established by the State Board of Education.

(2) The district school board of any school district having a population of 15,000 or more average daily membership may adopt and use textbooks in place of or in addition to those adopted by the State Board of Education provided they meet the guidelines and criteria established by the State Board of Education. Nothing in this section prohibits employees of a district described in this subsection from serving on the State Textbook Commission or otherwise participating in

textbook selection. [1965 c.100 §262 (enacted in lieu of 337.140); 1975 c.754 §16; 1979 c.273 §2]

**Note:** The amendments to 337.141 by section 13, chapter 886, Oregon Laws 1991, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended, is set forth for the user's convenience.

**337.141** Upon prior notice to the State Board of Education, the district school board of any school district may adopt and use textbooks in place of or in addition to those adopted by the State Board of Education provided they meet the guidelines and criteria established by the State Board of Education.

**337.150 School board duty to provide textbooks.** Subject to ORS 339.155, each district school board shall provide textbooks, prescribed or authorized by law, for free use by all resident public school pupils enrolled in kindergarten through grade 12. [Amended by 1955 c.486 §2; 1957 c.272 §1; 1965 c.100 §263; 1965 c.272 §1; 1979 c.273 §1; 1989 c.130 §1; 1993 c.45 §303]

**337.160** [Amended by 1965 c.100 §264; repealed by 1965 c.272 §2]

**337.170** [Repealed by 1965 c.100 §456]

**337.180** [Repealed by 1965 c.100 §456]

**337.190** [Repealed by 1965 c.100 §456]

**337.200** [Amended by 1955 c.486 §3; repealed by 1965 c.100 §456]

**337.210** [Repealed by 1965 c.100 §456]

**337.220** [Repealed by 1965 c.100 §456]

**337.230** [Repealed by 1965 c.100 §456]

**337.240** [Repealed by 1965 c.100 §456]

**337.250** [Repealed by 1965 c.100 §456]

**337.260 Textbooks on American history and government.** Every board, commission, committee or officer responsible for the selection of textbooks for use in the public schools shall select textbooks on American history and government which adequately stress the services rendered by those who achieved our national independence, who established our form of constitu-

tional government and who preserved our federal union. Respect for all people, regardless of race, color, creed, national origin, age, sex, or disability, and their contributions to our history and system of government shall be reflected in the textbooks adopted by the State Board of Education. [Amended by 1965 c.100 §265; 1975 c.754 §17; 1985 c.388 §2; 1985 c.709 §3; 1993 c.45 §304]

**Note:** The amendments to 337.260 by section 14, chapter 886, Oregon Laws 1991, and section 305, chapter 45, Oregon Laws 1993, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended, is set forth for the user's convenience.

**337.260** Every district school board, the State Board of Education and every committee or officer responsible for the adoption of textbooks for use in the public schools shall adopt textbooks on American history and government which adequately stress the services rendered by those who achieved our national independence, who established our form of constitutional government and who preserved our federal union. Respect for all people, regardless of race, color, creed, national origin, age, sex, or disability, and their contributions to our history and system of government shall be reflected in the textbooks adopted by the State Board of Education.

**337.270** [Repealed by 1965 c.100 §456]

**337.510** [1957 c.642 §1; 1963 c.570 §12; 1965 c.100 §266; repealed by 1989 c.216 §1]

**337.520** [1957 c.642 §2; 1963 c.544 §44; 1965 c.100 §267; 1967 c.67 §7; repealed by 1989 c.216 §1]

**337.530** [1957 c.642 §3; 1963 c.570 §13; 1965 c.100 §268; repealed by 1989 c.216 §1]

**337.540** [1957 c.642 §§5, 6, 7; 1963 c.544 §45; 1963 c.570 §14; 1965 c.100 §269; repealed by 1989 c.216 §1]

**337.550** [1957 c.642 §10; 1963 c.570 §15; repealed by 1989 c.216 §1]

**337.560** [1957 c.642 §§8, 9 (1), (2); 1963 c.544 §46; 1963 c.570 §16; 1965 c.100 §270; repealed by 1989 c.216 §1]

**337.570** [1957 c.642 §9 (3); 1963 c.570 §17; repealed by 1965 c.100 §456]

**337.990** [Repealed by 1965 c.100 §456]

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