

AMENDED IN SENATE AUGUST 20, 2012

AMENDED IN SENATE JUNE 20, 2012

AMENDED IN ASSEMBLY APRIL 10, 2012

AMENDED IN ASSEMBLY MARCH 7, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1790

**Introduced by Assembly Member Hagman
(Coauthors: Assembly Members Jeffries and Silva)**

February 21, 2012

An act to add Section 60063 to the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1790, as amended, Hagman. Instructional materials: digital format.

Existing law authorizes the State Board of Education and the governing board of each school district maintaining one or more high schools to adopt instructional materials for use in kindergarten and grades 1 to 8, inclusive, and high schools, respectively. Existing law places specified requirements on a publisher or manufacturer of instructional materials offered for adoption. Existing law, until July 1, 2015, exempts school districts from requirements to provide pupils with instructional materials by a specified time period following adoption of those materials by the state board.

This bill would require a publisher or manufacturer submitting a printed instructional material for adoption by the state board or the governing board of a school district to ensure that the printed

instructional material is also available in ~~a~~ *an equivalent* digital format during the entire term of the adoption. The bill would not authorize the use of instructional materials that would constitute an infringement of copyright under specified federal law. The bill would apply these provisions only to adoptions that occur after the exemption time period described above.

The bill would become operative only if SB 1154 of the 2011–12 Regular Session is enacted.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60063 is added to the Education Code,
2 to read:

3 60063. (a) A publisher or manufacturer submitting a printed
4 instructional material for adoption by the state board pursuant to
5 Section 60200 or the governing board of a school district pursuant
6 to Section 60400 shall ensure that the printed instructional material
7 is also available in ~~a~~ *an equivalent* digital format during the entire
8 term of the adoption.

9 (b) This section does not authorize the use of instructional
10 materials that would constitute an infringement of copyright under
11 the federal Copyright Revision Act of 1976, as amended (17 U.S.C.
12 Sec. 101 et seq.).

13 (c) This section shall apply only to instructional material
14 adoptions that occur after the inoperative date established in
15 Section 60049.

16 (d) This section does not require a publisher or manufacturer
17 that submits an instructional material in digital format only for
18 adoption by the state board or the governing board of a school
19 district to offer or submit an equivalent print version of the
20 instructional material in digital format.

21 (e) *This section shall become operative only if Senate Bill 1154*
22 *of the 2011–12 Regular Session is also enacted and takes effect.*

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