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HOUSE BILL NO. 362

Offered January 14, 2026

A BILL to amend and reenact §§ 22.1-1, as it shall become effective, 22.1-238, as it is currently effective, and 22.1-241, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to public elementary and secondary student textbooks; print as primary curriculum basis.

Patron—Dougherty

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-1, as it shall become effective, 22.1-238, as it is currently effective, and 22.1-241, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 22.1-1. (Effective July 1, 2026) Definitions.

As used in this title, unless the context requires a different meaning:

"Board" or "State Board" means the Board of Education.

"Department" means the Department of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Dual enrollment" means the enrollment of a qualified high school student in a postsecondary course that is creditable toward high school completion and a career certificate or an associate or baccalaureate degree at a public institution of higher education. "Dual enrollment" does not include the enrollment of a qualified high school student in a postsecondary course that is not creditable toward high school completion.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades.

"Evidence-based literacy instruction" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence consistent with science-based reading research; (ii) are used in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) have a demonstrated record of success in adequately increasing students' reading competency, vocabulary, oral language, and comprehension and in building mastery of the foundational reading skills of phonological and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency; and (iv) are able to be differentiated in order to meet the individual needs of students. "Evidence-based literacy instruction" does not include practices that instruct students to gain meaning from print through the use of (a) three-cueing, which includes semantic, syntactic, and graphophonic cues; (b) meaning, structure, and visual cues; or (c) visual memory for word recognition.

"Governing body" or "local governing body" means the board of supervisors of a county, council of a city, or council of a town, responsible for appropriating funds for such locality, as the context may require.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"School board" means the school board that governs a school division.

"Science-based reading research" means research that (i) applies rigorous, systematic, and objective observational or experimental procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading and writing difficulties and (ii) explains how proficient reading and writing develop, why some children have difficulties developing key literacy skills, and how schools can best assess and instruct early literacy, including the use of evidence-based literacy instruction practices to promote reading and writing achievement.

"Superintendent" means the Superintendent of Public Instruction.

"Textbooks and other high-quality instructional materials" means systematic print ~~or digital~~ curricula that serve as the primary curriculum basis for a grade-level subject or course *and any systematic digital curricula that serve as the secondary curriculum basis for a grade-level subject or course, except when a student's individualized education program indicates that digital curricula shall serve as the primary curriculum basis,* and that provide (i) adequate content and materials for student mastery of corresponding Standards of Learning; (ii) instructional practices that are aligned with general and discipline-specific research evidence;

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(iii) assessments to monitor student mastery of curriculum content; (iv) guidance for meeting student needs including enrichment for above-grade-level students and intensification for students who are at-risk of not mastering curriculum content, including English language learners and students with disabilities; and (v) resources for teachers that develop content knowledge, support implementation of instructional practices that are based on reliable, trustworthy, and valid evidence and have a demonstrated record of success, and build understanding of the rationale for curricula components.

§ 22.1-238. (Effective until July 1, 2026) Approval of textbooks.

A. The Board of Education shall have the authority to approve textbooks suitable for use in the public schools and shall have authority to approve instructional aids and materials for use in the public schools. The Board shall publish a list of all approved textbooks on its website and shall list the publisher and the current lowest wholesale price of such textbooks.

B. Any school board may use textbooks not approved by the Board provided the school board selects such books in accordance with regulations promulgated by the Board.

C. For the purposes of this chapter, the term "textbooks" means print ~~or electronic~~ media for student use that serve as the primary curriculum basis for a grade-level subject or course *and any electronic media for student use that serve as the secondary curriculum basis for a grade-level subject or course, except when a student's individualized education program indicates that electronic media shall serve as the primary curriculum basis*.

§ 22.1-241. (Effective until July 1, 2026) Contracts with publishers.

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

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

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

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

Contracts and purchase orders with publishers of textbooks approved by the Board for use in grades 6-12 shall allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook~~. Each school board shall have the authority to purchase an assortment of textbooks in any of the three forms listed above~~, *provided that only the printed textbooks shall serve as the primary curriculum basis for the relevant subject or course unless otherwise indicated in a student's individualized education program*.

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

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

§ 22.1-241. (Effective July 1, 2026) Contracts with publishers.

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

The contract price shall not exceed the lowest wholesale price at which the textbooks and other high-quality instructional materials involved in the contract are currently bid under contract anywhere in the United States.

If, subsequent to the date of any contract entered into by a local school board, the prices of textbooks and

other high-quality instructional materials named in the contract are reduced, the terms of the contract are made more favorable to purchase anywhere in the United States, or a special or other edition of any textbook or other high-quality instructional material named in the contract is sold outside of the Commonwealth at a lower price than contracted in the Commonwealth, the publisher shall grant the same reduction or terms to the local school board and give the local school board the option of using such special or other edition adapted for use in the Commonwealth and at the lowest price at which such special edition is sold elsewhere and the contract shall so state.

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

Contracts and purchase orders with publishers of textbooks and other high-quality instructional materials approved by the Board for use in grades 6-12 shall allow for the purchase of printed textbooks and other high-quality instructional materials, printed textbooks and other high-quality instructional materials with electronic files, or electronic textbooks and other high-quality instructional materials separate and apart from printed versions of the same textbooks and other high-quality instructional materials~~. Each school board shall have the authority to purchase an assortment of textbooks and other high-quality instructional materials in any of the three forms listed above~~, *provided that only the printed textbooks and other high-quality instructional materials shall serve as the primary curriculum basis for the relevant subject or course unless otherwise indicated in a student's individualized education program.*

C. Every school board shall order directly from the respective publishers the textbooks and other high-quality instructional materials needed to supply the public schools in the school division. The publishers shall ship the textbooks and other high-quality instructional materials to the school board. The purchase price of such textbooks and other high-quality instructional materials shall be paid directly to the publishers by the school board.

D. With the approval of the local school board and the publisher, any private school within the school division that so requests may purchase from the local school board's contract with the publisher. Such private school shall be fully responsible for ordering, purchasing, and receiving shipments of textbooks and other high-quality instructional materials to be provided from the publisher pursuant to this section. The local school board shall be immune from any civil liability as a result of a private school purchasing from the local school board's contract.