

# House Bill 3949

Sponsored by Representatives HUDSON, NERON

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Changes the terms of a contract between the State Board of Education and a publisher of textbooks. (Flesch Readability Score: 60.1).

Prescribes requirements related to contracts entered into between the State Board of Education and a publisher of textbooks and instructional materials.

## A BILL FOR AN ACT

Relating to publisher contracts; creating new provisions; and amending ORS 337.090.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 337.090 is amended to read:

337.090. (1) The State Board of Education, as soon as practicable, shall enter into a written contract with each publisher the textbook **and instructional materials** of which *[has]* **have** 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.]* **The contract must require the publisher to:**

**(a) Make textbooks and instructional materials readily available for purchase and distribution through efficient and equitable methods, including:**

**(A) Electronic or digital formats;**

**(B) Direct shipping to schools and school districts; or**

**(C) Partnerships with statewide distribution networks.**

**(b) For textbooks and instructional materials made available by electronic or digital formats, ensure that the textbooks and instructional materials are:**

**(A) Accessible to students;**

**(B) Compatible with technologies used by schools;**

**(C) Offered at fair and consistent pricing; and**

**(D) Compliant with any guidelines established by the board to ensure equity of accessibility by all school districts.**

**(c) Provide an annual report to the board that describes the methods of distribution used, including physical and digital options, and the accessibility of textbooks and instructional materials for all school districts.**

(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 an insured institution, as defined in ORS 706.008, 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.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

(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 **and instructional materials** 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.

**SECTION 2. The amendments to ORS 337.090 by section 1 of this 2025 Act apply to contracts entered into on or after the effective date of this 2025 Act.**

**SECTION 3. No later than January 1, 2027, the State Board of Education shall:**

**(1) Identify any reductions in costs to publishers as a result of the amendments to ORS 337.090 by section 1 of this 2025 Act; and**

**(2) Offer publishers the opportunity to renegotiate any contracts entered into before the effective date of this 2025 Act.**