

2015 Regular Session

HOUSE BILL NO. 287

BY REPRESENTATIVE REYNOLDS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TEXTBOOKS/MATERIALS: Provides relative to textbooks and other instructional materials

1 AN ACT

2 To amend and reenact R.S. 17:7(4), 22(2)(e), 1964(D)(9), 1970.4(D)(2)(I), and

3 1970.24(E)(1)(h), to enact R.S. 17:351.1 and 356, and to repeal R.S. 17:8 through

4 8.2, 351, 352, and 415.1, relative to textbooks and other instructional materials for

5 use in elementary and secondary schools; to provide relative to the duties, functions,

6 and responsibilities of the State Board of Elementary and Secondary Education, the

7 state Department of Education, and public school governing authorities; to provide

8 relative to funding; to provide relative to the review of textbooks and other

9 instructional materials by the state Department of Education, parents, and the public;

10 to provide relative to contracts with publishers for the purchase, lease, and use of

11 textbooks and other instructional materials; to provide relative to depositories for

12 textbooks and other instructional materials; to provide relative to rules and

13 regulations; to provide relative to the Task Force on Textbooks and Instructional

14 Materials; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 17:7(4), 22(2)(e), 1964(D)(9), 1970.4(D)(2)(I), and 1970.24(E)(1)(h)

17 are hereby amended and reenacted and R.S. 17:351.1 and 356 are hereby enacted to read as

18 follows:

1 §7. Duties, functions, and responsibilities of board

2 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and  
3 responsibilities vested by any other applicable laws, the board shall:

4 \* \* \*

5 (4) ~~Prescribe and adopt free school books~~ a process for the review, adoption,  
6 procurement, and distribution of free textbooks and other materials of instruction for  
7 the children of this state at the elementary and secondary levels and at all other  
8 schools and programs under its jurisdiction for which the legislature provides funds,  
9 in accordance with law.

10 \* \* \*

11 §22. Superintendent; functions and duties

12 The superintendent shall:

13 \* \* \*

14 (2) Provide the staff services for the board. In that regard the superintendent  
15 shall:

16 \* \* \*

17 (e) ~~Prepare the list of free school books and other materials of instruction for~~  
18 ~~adoption by the board~~ Administer the process prescribed by the board for the review,  
19 adoption, procurement, and distribution of free textbooks and other instructional  
20 materials and prepare lists of state reviewed textbooks and instructional materials.

21 \* \* \*

22 §351.1. Textbooks and other instructional materials; review; adoption; procurement;  
23 distribution

24 A.(1) The State Board of Elementary and Secondary Education shall  
25 prescribe a process for the review, adoption, procurement, and distribution of free  
26 textbooks and other instructional materials, which it shall supply without charge to  
27 the children of this state at the elementary and secondary levels out of funds  
28 appropriated therefor by the legislature in accordance with the requirements of  
29 Article VIII, Section 13(A) of the Constitution of Louisiana.

1           (2) The state board shall also establish rules and procedures whereby public  
2           school governing authorities shall supply textbooks and other instructional materials,  
3           as available, to children enrolled in a board-approved home study program. Such  
4           rules shall include a requirement that textbooks and instructional materials supplied  
5           to a student enrolled in a home study program shall be returned when the student has  
6           completed the coursework for which the textbooks and instructional materials were  
7           provided.

8           (3) The state board shall not limit the amount or percentage of state or local  
9           funds the governing authority of a public elementary or secondary school may  
10          expend on the purchase or acquisition of textbooks and other instructional materials.

11          B.(1)(a) The State Board of Elementary and Secondary Education shall  
12          establish a transparent, digital process whereby the state Department of Education  
13          shall review textbooks and other instructional materials in the core subject areas of  
14          English language arts, mathematics, science, and social studies and determine the  
15          degree to which each aligns with state content standards. The department may review  
16          textbooks and instructional materials in other subject matter areas as it deems  
17          necessary or upon request of a public school governing authority.

18          (b) The department may review textbooks and other instructional materials  
19          at such times as it deems necessary and appropriate but shall review textbooks and  
20          other instructional materials in the core subject areas of English language arts,  
21          mathematics, science, and social studies at least every six years.

22          (2) The review process for textbooks and other instructional materials  
23          submitted to the department for review shall be conducted entirely online. Every  
24          aspect of the process, including the textbooks and instructional materials under  
25          review and any and all comments submitted by reviewers, parents and other  
26          members of the public, and publishers and other content providers, shall be posted  
27          online and made readily accessible to all interested parties.

28          (3) The review process shall, at a minimum, provide for the following:

1           (a) Guidelines and timelines for the submission, review, comment, and  
2           evaluation of textbooks and other instructional materials.

3           (b) Establishment of review panels composed of Louisiana public school  
4           educators, some of whom shall be classroom teachers currently employed in schools  
5           in the state, and Louisiana content experts who have knowledge of curriculum and  
6           the subject matter under consideration.

7           (c) Evaluation criteria and procedures to determine the extent to which  
8           textbooks and instructional materials submitted for review align with state content  
9           standards.

10          (d)(i) The opportunity for parents and the public to view and submit  
11          comments on all textbooks and instructional materials under review. A copy of all  
12          textbooks and instructional materials under review shall be made readily available  
13          online for this purpose. Reasonable safeguards against unauthorized use,  
14          reproduction, and distribution shall be provided.

15          (ii) The opportunity for publishers and other content providers to submit  
16          comments in response to any review committee evaluation. Publishers and content  
17          providers shall be given the opportunity to review any evaluation prior to its posting  
18          online and shall be given at least ten business days to respond and make any  
19          correction to the content that they deem necessary.

20          (iii) All comments submitted in relation to a reviewed textbook or  
21          instructional material shall be posted online for ready access by any interested party.

22          (e) A requirement that all print textbooks and print instructional materials  
23          submitted for review be supplied in an electronic format that meets the National  
24          Instructional Materials Accessibility Standard, as consistent with the Individuals  
25          With Disabilities Education Act of 2004 (20 U.S.C. 1474(e)), and can be converted  
26          into specialized formats for children with disabilities and from which braille and  
27          large-print textbooks can be produced for blind and visually impaired students.

28          (4)(a) The state Department of Education shall provide the governing  
29          authority of each public elementary and secondary school with a list of all textbooks

1 and other instructional materials reviewed by the department which includes  
2 information indicating the degree to which each aligns with state content standards.  
3 Such list shall also be posted online.

4 (b) The list of reviewed textbooks and other instructional materials shall  
5 include textbooks and instructional materials for each core subject at each grade  
6 level that are fully aligned with state content standards.

7 (c) Any list of reviewed textbooks and other instructional materials prepared  
8 by the department shall contain a statement to the effect that the textbooks and  
9 instructional materials contained therein were reviewed for the sole purpose of  
10 determining the degree of alignment with state content standards and that it is the  
11 responsibility of each public school governing authority to determine if their use is  
12 appropriate to meet the educational needs of its students.

13 (d) Nothing in this Section shall be construed as prohibiting a public school  
14 or school district from purchasing or otherwise acquiring textbooks and instructional  
15 materials that are not included in the list of reviewed textbooks and instructional  
16 materials prepared by the state Department of Education, provided the use of such  
17 textbooks and instructional materials is not prohibited by the policies of the  
18 governing authority of such school or school district.

19 C.(1) The governing authority of each public elementary and secondary  
20 school may adopt policies and regulations for the adoption and use of textbooks and  
21 other instructional materials other than those available through the state board.

22 (2) The purchase and use of electronic textbooks, instructional materials, and  
23 other media or content shall be maximized to the extent practical.

24 (3)(a) Such policies and regulations shall provide for the establishment of  
25 review committees composed of classroom teachers and other educators, all of whom  
26 shall be employees of Louisiana public schools, parents of students enrolled in  
27 Louisiana public schools, and other educational stakeholders in Louisiana who have  
28 interest in or knowledge of curriculum and the subject matter under consideration.

1           (b) Parents and other members of the public shall be afforded the opportunity  
2           to review and provide input relative to the textbooks and instructional materials  
3           under consideration prior to final adoption.

4           (c) The governing authority of each public elementary and secondary school  
5           shall include on its website a link to the website on which the state Department of  
6           Education conducts the online review process pursuant to Paragraph (B)(2) of this  
7           Section.

8           (4) Textbooks and instructional materials adopted for use in public  
9           elementary and secondary schools shall accurately reflect the contributions and  
10          achievements of people of differing races and promote an understanding of the  
11          history and values of the people of the United States and Louisiana, including the  
12          free enterprise system, private property, constitutional liberties, democratic values,  
13          and traditional standards of moral values.

14          (5) The governing authority of a public elementary or secondary school may  
15          establish the price and sell any textbook or library book no longer in use to any  
16          person or entity for private use.

17          D.(1) The state Department of Education shall support public school  
18          governing authorities in achieving maximum cost efficiencies and reducing  
19          regulatory burdens in the purchase and acquisition of textbooks and other  
20          instructional materials by providing for bulk purchasing through state contracts,  
21          whenever possible and feasible, and by encouraging publishers and other content  
22          providers to make their textbooks and other instructional materials available through  
23          the central depository.

24          (2) The governing authority of a public elementary or secondary school may  
25          purchase textbooks and other instructional materials through a state contract or  
26          through the central depository or may contract directly with a publisher or other  
27          content provider.

1           (3) Each contract between the state or the governing authority of a public  
2           elementary or secondary school and a publisher or other content provider for  
3           textbooks and instructional materials shall:

4           (a) Be awarded on a competitive basis in accordance with applicable state  
5           law.

6           (b) Provide that the publisher, distributor, wholesaler, or retailer shall not  
7           charge the governing authority of a public school a purchase price, rental fee, or  
8           other fee for the purchase, lease, or use of a textbook or instructional material that  
9           exceeds the lowest price or fee charged to a school governing authority in any other  
10           state for the same textbook or instructional material.

11           (c) Provide that upon the request of a public school governing authority, a  
12           publisher or other content provider shall allow the governing authority to purchase  
13           textbooks and other instructional materials through the central depository.

14           E. The state Department of Education shall provide for a central depository  
15           for textbooks and other instructional materials that are aligned to state content  
16           standards to facilitate the purchase and distribution of textbooks and instructional  
17           materials.

18                                   \*       \*       \*

19           §356. Rules

20           The State Board of Elementary and Secondary Education shall promulgate  
21           rules and regulations to implement the provisions of this Part in accordance with the  
22           Administrative Procedure Act.

23                                   \*       \*       \*

24           §1964. Board of directors; creation; membership; terms; powers, duties, and  
25           functions; voting; compensation

26                                   \*       \*       \*

27           D. In addition to the authorities granted herein and any powers, duties, and  
28           responsibilities vested by any other applicable laws, the board shall:

29                                   \*       \*       \*





1 its jurisdiction for which the legislature provides funds. ~~Wherever practical, the~~  
2 ~~board shall select the same school books and other materials of instruction as are~~  
3 ~~adopted by the state board.~~

4 \* \* \*

5 Section 2. R.S. 17:8 through 8.2, 351, 352, and 415.1 are hereby repealed in their  
6 entirety.

7 Section 3. This Act shall become effective upon signature by the governor or, if not  
8 signed by the governor, upon expiration of the time for bills to become law without signature  
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
11 effective on the day following such approval.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 287 Engrossed                      2015 Regular Session                      Reynolds

**Abstract:** Provides relative to textbooks and other instructional materials for elementary and secondary schools; shifts responsibility for selecting textbooks from the state to the local level.

Proposed law significantly revises the procedures established in present law for the adoption, procurement, and distribution of textbooks and other instructional materials (herein after "instructional materials" includes textbooks) for use in elementary and secondary schools as follows:

BESE's Role in the Textbook Selection and Distribution Process

Present law requires the State Board of Elementary and Secondary Education (BESE) to prescribe and adopt school books and other materials of instruction, which it shall supply free of charge to the children of this state at the elementary and secondary levels out of funds appropriated therefor by the legislature in accordance with the requirements of present constitution (Art. VIII, §13(A)).

Proposed law deletes the requirement that BESE adopt textbooks and instructional materials for use in the public schools and instead requires BESE to prescribe a process for the review, adoption, procurement, and distribution of free textbooks and other materials of instruction and otherwise retains present law.

Role of the State Dept. of Education in Preparation of Lists and Reviews of Textbooks

Present law requires the state superintendent of education to prepare the list of free school books and other materials of instruction for BESE adoption. Proposed law deletes this requirement and instead requires the state superintendent to administer the process

prescribed by BESE for the review, adoption, procurement, and distribution of free textbooks and other instructional materials and to prepare lists of state reviewed textbooks and instructional materials.

Proposed law requires BESE to establish a transparent, digital process whereby the state Dept. of Education (DOE) shall review instructional materials as follows:

- (1) Requires DOE to review instructional materials in the core subject areas of English language arts, mathematics, science, and social studies at least every six years and determine the degree to which each aligns with state content standards.
- (2) Authorizes DOE to review instructional materials in other subject areas as deemed necessary or upon request of a public school governing authority.
- (3) Requires the digital review process for instructional materials submitted to the DOE for review to be conducted entirely online. Provides that the digital review process shall, at a minimum, provide for the following:
  - (a) Guidelines and timelines for the submission, review, comment, and evaluation.
  - (b) Establishment of review panels composed of La. educators and content experts.
  - (c) Evaluation criteria and procedures to determine alignment with state content standards.
  - (d) The opportunity for parents and the public to view and submit comments.
  - (e) The opportunity for publishers and other content providers to submit comments in response to any review committee evaluation and to review any evaluation prior to its posting online; they shall have at least 10 business days to respond and correct the content before the evaluation is posted online.
  - (f) The requirement that all instructional materials submitted for review be supplied in an electronic format that meets the National Instructional Materials Accessibility Standard, is consistent with the Individuals With Disabilities Education Act (IDEA), and can be converted into specialized formats for children with disabilities and from which braille and large-print textbooks can be produced for blind and visually impaired students.
- (4) Requires DOE to provide the governing authority of each public school with a list of instructional materials reviewed indicating the degree to which each aligns with state content standards.

#### Role and Responsibilities of Public School Governing Authorities

Proposed law authorizes the governing authority of each public school to adopt policies and regulations for the adoption and use of textbooks and other instructional materials other than those available through BESE. Requires that such policies and regulations provide for the establishment of review committees.

Proposed law requires the following:

- (1) When practical, maximum use of electronic materials.
- (2) That parents and other members of the public be afforded the opportunity to review and provide input relative to textbooks under consideration for adoption.

- (3) That each public school governing authority post on its website a link to the website where DOE conducts the online review process required by proposed law.

Present law requires that instructional materials adopted for use in public schools accurately reflect the contributions and achievements of people of differing races and promote an understanding of the history and values of the people of the U.S. and La. Proposed law retains these provisions.

#### Review and Inspection of Textbooks by the Public

Present law requires that textbooks and materials be made available for public inspection at DOE during regular office hours. Provides for textbook review procedures, including citizen participation, the composition of textbook committees, and the placement of proposed textbooks in various public library branches throughout the state.

Proposed law repeals present law but provides that the public shall have the opportunity to view instructional materials under review by DOE and school governing authorities and be afforded the opportunity to submit comments during the review process and prior to final adoption for use by a public school governing authority.

#### Purchase of Textbooks by Public School Governing Authorities; Contracts with Publishers

Present law prohibits BESE from restricting the amount or percentage of state or local funds a board may expend on electronic versions of textbooks and other instructional materials. Proposed law essentially retains present law and prohibits BESE from restricting the amount or percentage of state or local funds a public school governing authority may expend on the purchase or acquisition of textbooks and instructional materials in general.

Present law requires each contract with a publisher for school books to be awarded on a competitive basis and provides that such contracts contain specific provisions relative to termination rights, price controls, and stability. Further requires that at least 80% of the books purchased be printed in La., provided 5,000 or more copies of such book are purchased in a single year. Proposed law retains the requirement in present law for public bids but otherwise repeals present law and instead provides as follows:

- (1) Requires DOE to support public school governing authorities in achieving cost efficiencies in the purchase and acquisition of instructional materials by providing for bulk purchasing through state contracts, and by encouraging content providers to make their instructional materials available through the central depository.
- (2) Provides that public school governing authorities may purchase instructional materials through a state contract or the central depository or may contract directly with a publisher or other content provider.
- (3) Provides that each contract for instructional materials shall:
  - (a) Be awarded on a competitive basis in accordance with applicable present law.
  - (b) Provide that the publisher, distributor, wholesaler, or retailer shall not charge the governing authority of a public school a purchase price, rental fee, or other fee that exceeds the lowest price or fee charged in any other state.
  - (c) Provide that upon the request of a public school governing authority, a publisher or other content provider shall allow the governing authority to purchase instructional materials through the central depository.

## Textbook Depository

Present law designates DOE as the state depository for school books and authorizes the state superintendent to administer this function, including the authority to contract with a public or private agency to act as the depository. Proposed law repeals present law and instead requires DOE to provide for a central depository for textbooks and other instructional materials which are aligned to state content standards to facilitate their purchase and distribution.

## Miscellaneous Provisions

Present law authorizes a school board, with prior BESE approval, to sell any textbook or library book no longer in use to any person or entity for private use. Limits use of funds from such sale to textbook or library book purchases. Proposed law deletes requirement for prior BESE approval and the limitation on the specific use of sale funds.

Present law requires BESE to establish rules and procedures for supplying materials of instruction for children participating in approved home study programs when available. Requires that such materials be returned. Proposed law specifies that such materials shall be supplied through the local public school governing authority.

Proposed law repeals present law that:

- (1) Authorizes local school boards to use state funds to purchase computer hardware.
- (2) Provides relative to the donation and disposal of school books no longer in use.
- (3) Requires BESE to prescribe and adopt and exercise supervision and control over school books and other learning materials for postsecondary and vocational-technical schools and programs.
- (4) Requires BESE to require publishers to furnish computer diskettes for producing braille versions of textbooks.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:7(4), 22(2)(e), 1964(D)(9), 1970.4(D)(2)(I), and 1970.24(E)(1)(h); Adds R.S. 17:351.1 and 356; Repeals R.S. 17:8-8.2, 351, 352, and 415.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Authorize public school governing authorities to adopt policies and regulations for the adoption and use of textbooks other than those available through BESE instead of requiring them to adopt policies and regulations that sufficiently support the needs of students in meeting state content standards.
2. Instead of requiring that public school governing authorities post review committee evaluations and public comments on their websites, require that they post a link to the website where DOE conducts the online review process.