
DIGEST

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Hoffmann

HB No. 116

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.

BESE's general role in the textbook selection and distribution process

Present law requires the State Board of Elementary and Secondary Education (BESE) to prescribe and adopt and exercise control and supervision over the distribution and use of free school books and other materials of instruction, including their approval, for use in public schools. Proposed law instead requires BESE to prescribe through rules and regulations the adoption of textbooks and other materials of instruction by the governing authority of each public elementary and secondary school, including special schools. Prohibits BESE from requiring specific textbooks or instructional materials that are to be purchased or used by a public school governing authority to meet or exceed present law standards relative to the La. Competency-Based Education Program and the La. Educational Assessment Program or by a nonpublic school governing authority to meet or exceed present law standards relative to BESE approval of nonpublic schools.

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 repeals present law.

Present constitution requires the legislature to appropriate funds to supply free school books and materials prescribed by BESE.

Recommendation of textbooks by BESE; review of textbooks by state Dept. of Education

Proposed law requires BESE to adopt annually a list of recommended textbooks and other instructional materials that align with state content standards in the subjects of English language arts, math, science, and social studies. Requires the state Dept. of Education (DOE) to offer a review service of textbooks and other instructional materials to evaluate their alignment to these standards in these four subjects. Provides that subject to the availability of funds, BESE and DOE may make recommendations and conduct reviews, respectively, for alignment to state content standards in other subjects.

Proposed law authorizes each public school governing authority to purchase textbooks and other instructional materials that have not been recommended by BESE or reviewed by DOE.

Review and inspection of textbooks by 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 and instead requires public school governing authorities to adopt rules and regulations that ensure that all textbooks and materials of instruction are thoroughly screened and reviewed prior to adoption and requires that such rules provide opportunities for parental and public review and input.

Purchase of textbooks by public school governing authorities; contracts with publishers

Proposed law prohibits BESE from limiting the amount or percentage of state or local funds a public school governing authority may expend on the purchase of textbooks or other instructional materials needed to teach state content standards.

Present law encourages school boards to maximize the availability and accessibility of electronic versions of textbooks and other instructional materials and authorizes their purchase. Prohibits BESE from restricting the amount or percentage of state or local funds a board may expend on them. Proposed law retains present law.

Proposed law provides the following:

- (1) Prohibits a publisher, distributor, wholesaler, or retailer from charging a La. school governing authority a price or fee for a textbook or instructional material that exceeds the lowest price or fee charged for the same in another state; provides that any provision in any agreement that exceeds this limit shall be null and void.
- (2) Requires publishers, distributors, wholesalers, and retailers to sell textbooks and other instructional materials at the same price to all school governing authorities in La. and guarantee constant pricing in each fiscal year.

Present law requires each contract with a publisher for school books to be awarded on a competitive basis. Proposed law repeals present law and exempts the purchase of textbooks and other instructional materials by school governing authorities from the La. Procurement Code, the Public Bid Law, and any other present law requiring public bidding.

Textbook depositories

Present law provides relative to DOE's service as the state depository for school books. Proposed law repeals present law and requires each publisher doing business with a La. school governing authority to maintain, at the publisher's expense, an inventory of textbooks and other instructional materials in sufficient quantities to meet all reasonable and immediate demands at

one or more full-service depositories centrally located in La. and registered with DOE. Authorizes DOE to provide standards for determining whether or not a depository is in good standing.

Sale of school books no longer in use

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 at a fee established by the school board. 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.

Textbooks for home study students

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

Miscellaneous provisions

Present law:

- (1) Requires public school boards that disburse school library books, textbooks, and other instructional materials to nonpublic school students to submit documentation to the state superintendent of education to verify the administrative costs incurred and requires that such verified costs be paid by the state.
- (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.

Proposed law repeals present law in (1) through (4) above.

(Amends R.S. 17:7(4) and 351; Repeals R.S. 17:8 - 8.2, 22(2)(e), 352, 353, 415.1, and 1985)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Adds a provision prohibiting BESE from requiring textbooks or other instructional materials to meet certain standards.
2. Instead of making the requirement that the state Dept. of Education (DOE) offer a service to review textbooks subject to the availability of funds, requires DOE to offer the review service while authorizing it to limit reviews in accordance with funds available for such purpose.
3. Adds a provision requiring public school governing authorities to adopt rules relative to the screening and review of textbooks and instructional materials.
4. Adds that the purchase of textbooks and instructional materials by school governing

authorities is exempt from present law relative to procurement and public bidding.

5. Adds proposed law provisions relative to contracts with publishers and textbook depositories.

House Floor Amendments to the engrossed bill.

1. Adds a requirement that BESE adopt a list of recommended textbooks that align with state content standards in certain specified subjects; specifically authorizes public school governing authorities to purchase textbooks that have not been recommended by BESE.
2. Relative to proposed law requirement that the state Dept. of Education (DOE) offer a review service of textbooks for alignment to state content standards, limits the requirement to review for alignment with standards in specified subjects; deletes the authority granted to DOE to limit the number of reviews in accordance with available funds.
3. Authorizes these BESE recommendations and DOE reviews relative to content standards in other subjects, subject to the availability of funds.