Regular Session, 2011

HOUSE BILL NO. 580

BY REPRESENTATIVE HOFFMANN

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

AN ACT

To amend and reenact R.S. 17:8(A) and (B), 8.2, 351, 352(A) and (B), and 353, to enact R.S. 17:3996(B)(13), and to repeal R.S. 17:8(C) through (J) and 415.1, relative to textbooks and other instructional materials; to provide relative to procedures for adoption and purchasing; to provide relative to electronic versions; to provide relative to funding; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:8(A) and (B), 8.2, 351, 352(A) and (B), and 353 are hereby amended and reenacted and R.S. 17:3996(B)(13) is hereby enacted to read as follows:

§8. School books prescribed by board; contracts with publishers

A.(1)~~(a)~~ The board shall ~~prescribe and adopt and shall exercise control and supervision over the distribution and use of free school books and other materials of instruction for use in elementary and secondary schools and special schools, as provided by Part IV of this Chapter, and shall~~ adopt necessary rules and regulations governing ~~their~~ the use of free school books and other materials of instruction by public elementary and secondary schools, ~~parish and city school boards, and parish and city superintendents of education~~. Such rules and regulations shall include but not be limited to a requirement ~~that each parish and city school board shall adopt by not later than the beginning of the 1991-1992 school year procedures~~ permitting any public school student to have use after regular school hours during the week and on

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weekends of any school book used to teach reading. Any public school student using any school book pursuant to the provisions of this Subsection shall be responsible for such school book. These procedures shall not be applicable to basal readers and programs.

(2) The board shall make every effort to ensure that electronic versions are available for every title it approves for placement on the state list of recommended textbooks and instructional materials and shall encourage the use of such electronic versions.

~~(c)~~ (3) The board shall adopt lists of recommended basic textbooks ~~and shall adopt one or more lists thereof.~~ It may authorize and approve revised editions of any school book it adopts, including electronic versions.

~~B. The board shall prescribe and adopt and shall exercise supervision and control over the distribution and use of school books and other learning materials, supplies, and equipment for post-secondary and vocational-technical schools and programs.~~

~~(2)~~ B. The ~~board may authorize the~~ Louisiana School of Math, Science, and the Arts and ~~other parish or city school boards with programs for gifted students~~ the governing authorities of public elementary and secondary schools are authorized to select and purchase textbooks not included on the lists adopted by the board pursuant to the provisions of this Section, provided that such authorization ~~shall be on an ad hoc basis and~~ shall be subject to ~~prior approval~~ the rules and regulations adopted by the board. Such purchases may be made using funds appropriated by the legislature for the purchase of textbooks as provided for herein. The board may disapprove of the use of textbooks not on the state list of recommended textbooks.

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§8.2. Electronic textbooks and instructional materials

A.(1) When exercising its authority to prescribe and adopt free textbooks and other instructional materials for use in the public schools and other programs under its jurisdiction, the State Board of Elementary and Secondary Education shall make

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every effort to ensure that electronic versions are available for every title it approves for placement on the state list of ~~approved~~ recommended textbooks and instructional materials.

(2) Where there is an electronic version available for a printed textbook or instructional material that has been approved by the ~~state board~~ State Board of Elementary and Secondary Education, the electronic version shall also be placed on the state list of textbooks and instructional materials approved for use in public elementary and secondary schools.

B. ~~When inviting publishers to participate in the state textbook adoption process, the state Department of Education shall clearly communicate the state's desire to increase the availability and accessibility of electronic textbooks and instructional materials in the state's public elementary and secondary schools and shall encourage all publishers to provide electronic versions of the products they offer for state adoption, whether in addition to, or in lieu of, the printed version.~~

~~C.~~(1) Each ~~city, parish, and other local public school board~~ governing authority of a public elementary or secondary school is encouraged to maximize the availability and accessibility of electronic textbooks and instructional materials in the public schools under its jurisdiction when developing its local textbook adoption plan.

(2) ~~A local school board that would like the option to~~ The governing authority of a public elementary or secondary school may purchase an electronic version of a textbook or other instructional material on the state ~~approved~~ recommended list ~~for which none is provided, shall submit a request for such to the State Board of Elementary and Secondary Education~~.

~~D.~~ C. (1) The purchase of printed textbooks and other instructional materials by ~~a city, parish, or other local public school board~~ the governing authority of a public elementary or secondary school shall be made in accordance with State Board of Elementary and Secondary Education policy.

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(2) The State Board of Elementary and Secondary Education shall not restrict the amount or percentage of state or local funds the governing authority of a public elementary or secondary school may expend for the purchase of printed textbooks and other instructional materials.

~~E.(1)~~ D.(1) ~~A city, parish, or other local public school board~~ The governing authority of a public elementary or secondary school may purchase electronic textbooks and other instructional materials, media, or content, and their means of distribution or access, as it deems are necessary and appropriate to fulfill their educational mission and to address state content standards and school and district accountability system requirements.

(2) Such purchases shall not be subject to or limited by any textbook adoption cycle established by the State Board of Elementary and Secondary Education, and the state board shall not restrict the amount or percentage of state or local funds ~~a city, parish, or other local public school board~~ the governing authority of a public elementary or secondary school may expend for the purchase of electronic textbooks, instructional materials, or other education related media or content, or their means of distribution or access.

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§351. Free school books and other materials of instruction

A.(1) The State Board of Elementary and Secondary Education shall ~~prescribe~~ recommend and adopt school books and other materials of instruction, which it shall supply without 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 Article VIII, Section 13(A) of the Constitution of Louisiana.

(2) The State Board of Elementary and Secondary Education shall ~~prescribe~~ recommend and adopt those school books and other materials of instruction which accurately reflect the contributions and achievements of people of differing races.

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(3) The State Board of Elementary and Secondary Education shall ~~prescribe~~ recommend and adopt those school books and other materials of instruction which promote an understanding of the history and values of the people of the United States and Louisiana, including the free enterprise system, private property, constitutional liberties, democratic values, and traditional standards of moral values.

B. The board also shall ~~prescribe~~ recommend and supply schoolbooks and other materials of instruction for use by students attending ~~vocational-technical~~ schools and programs under the jurisdiction of the board.

C.(1) The ~~board~~ State Board of Elementary and Secondary Education shall establish rules and procedures for supplying schoolbooks and other materials of instruction ~~approved~~ recommended by the State Board of Elementary and Secondary Education as required by this Section for children participating in any home study program approved by the board when available. Such rules and procedures shall include but not be limited to a requirement that any schoolbooks and other materials of instruction provided pursuant to this Subsection shall be made available only to the child or children of the parent or legal guardian obtaining approval for a home study program.

(2) The ~~board~~ State Board of Elementary and Secondary Education shall provide a copy of such rules and procedures to any parent or legal guardian applying for approval of a home study program.

D. Notwithstanding any law, rule, regulation, or policy to the contrary, ~~a city, parish, or other local public school board~~ the governing authority of a public elementary or secondary school may use state funds to purchase computer hardware.

§352. Books, films, other school materials; screening required

A.~~(1)~~ The State Board of Elementary and Secondary Education or the state Department of Education shall take such action as is necessary to assure that all school books and materials of instruction submitted for state adoption are thoroughly screened, reviewed, and approved as to their content by the State Board of

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Elementary and Secondary Education and the local parish or city school board concerned.

~~(2) The State Board of Elementary and Secondary Education or the state Department of Education shall take such action as is necessary to assure that any state committee or other group responsible for screening, reviewing, and evaluating any materials of instruction and computer and related technological equipment and supplies, including but not limited to any group created pursuant to the provisions of R.S. 17:415.1, shall contain a membership not less than one-third of which are teachers as defined in R.S. 17:415.1.~~

B. The State Board of Elementary and Secondary Education shall maintain a copy of all ~~approved~~ recommended textbooks and teaching materials. Such textbooks and teaching materials shall be maintained in the Department of Education for a period of one year following their initial recommendation. ~~approval and thereafter shall be maintained in the department's book depository during the time they are approved for use in Louisiana's public schools~~. Such textbooks and teaching materials shall be available for public inspection online or during regular office hours.

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§353. Costs of administration; textbooks and instructional material distribution to nonpublic school students

A. ~~Beginning with the 1993-1994 school year, each city and parish school board~~ The governing authority of any public elementary or secondary school which disburses school library books, textbooks, and other materials of instruction to nonpublic school students shall submit to the superintendent of education such documentation as he may require to verify the administrative costs incurred by the school board in the disbursement of such books and instructional materials.

B. The verified costs of administration incurred by ~~each city and parish school board~~ the governing authority of each public elementary or secondary school shall be paid by the state.

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§3996. Charter schools; exemptions

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B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *

(13) Textbooks and other instructional materials, R.S. 17:8, 8.2, 351, 352, 353, and 361.

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Section 2. R.S. 17:8(C) through (J) and 415.1 are hereby repealed in their entirety.

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)]

Hoffmann HB No. 580

Abstract: Provides relative to textbooks and other instructional materials.

Proposed law makes changes to terminology throughout present law to refer to the governing authority of a public elementary or secondary school rather than a city, parish, or other local public school board.

R.S. 17:8:

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 for use in elementary and secondary schools and special schools. Proposed law deletes present law.

Present law requires BESE to adopt necessary rules and regulations governing use of free books and other instruction materials. Proposed law retains present law and additionally requires BESE to make every effort to ensure that electronic versions are available for every title it approves for placement on the state list of recommended textbooks and instructional materials and to encourage the use of such electronic versions.

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Present law requires BESE to adopt lists of basic textbooks and to adopt one or more lists thereof and provides that it may authorize and approve revised editions of any school book it adopts. Proposed law includes electronic versions.

Present law requires BESE to prescribe and adopt and exercise supervision and control over the distribution and use of school books and other learning materials, supplies, and equipment for post-secondary and vocational-technical schools and programs. Proposed law deletes present law.

Present law provides relative to BESE's supervision and control over textbooks and other learning materials, including provisions dealing with contracts with publishers, the state Dept. of Education's serving as the state's depository for school books, and the distribution of such books. Proposed law deletes present law.

R.S. 17:8.2:

Present law requires the state Dept. of Ed, when inviting publishers to participate in the textbook adoption process, to communicate the state's desire to increase the availability and accessibility of electronic textbooks and to encourage publishers to provide electronic versions of the products they offer for state adoption. Proposed law deletes present law.

Present law provides that if a school board would like to purchase an electronic version of a textbook on the state approved list for which none is provided, it may make request to BESE. Proposed law instead authorizes a public school governing authority to purchase an electronic version of a textbook on the state recommended list.

Present law requires the purchase of printed textbooks and other instructional materials by a local public school board to made in accordance with BESE policy. Authorizes a school board to purchase electronic textbooks and other instructional materials as it deems are necessary and appropriate to fulfill their educational mission and to address state content standards and school and district accountability system requirements. Provides that electronic purchases are not subject to or limited by any textbook adoption cycle established by BESE and prohibits BESE from restricting the amount or percentage of state or local funds a board may expend for such purchases. Proposed law applies the same prohibition against restricting the amount or percentage of such funds to purchases of printed textbooks and instructional materials and otherwise retains present law.

R.S. 17:351:

Present law requires BESE to prescribe and adopt school books and instructional materials. Proposed law provides rather BESE shall recommend and adopt such books and materials.

R.S. 17:352:

Present law requires BESE or the state Dept. of Education to assure that any committee or group responsible for screening, reviewing, and evaluating instruction materials to contain a membership not less than one-third of which are teachers. Proposed law deletes present law.

Present law requires that textbooks and instructional materials be maintained in the state Dept. of Education's book depository while they are being approved. Proposed law deletes present law.

Present law requires textbooks and materials to be made available for public inspection during regular office hours. Proposed law adds as an alternative that they be made available for inspection online.

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R.S. 17:415.1:

Present law provides for textbook adoption procedures, including citizen participation, the composition of textbook adoption committees, and the placement of proposed textbooks in various public library branches throughout the state. Proposed law deletes present law.

(Amends R.S. 17:8(A) and (B), 8.2, 351, 352(A) and (B); 353; Adds R.S. 17:3996(B)(13); Repeals R.S. 17:8(C) through (J) and 415.1)

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