

RÉSUMÉ DIGEST

ACT 389 (HB 287)

2015 Regular Session

Reynolds

New law significantly revises the procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools as follows:

BESE's Role in the Textbook Selection and Distribution Process

Existing constitution requires the legislature to appropriate funds to supply free school books and other materials of instruction (referred to hereinafter as "textbooks") prescribed by the State Bd. of Elementary and Secondary Education (BESE) to students at the elementary and secondary levels. Existing law provides for BESE's role in the textbook selection and distribution process. Prior law required BESE to prescribe and adopt the textbooks. New law instead requires BESE to prescribe a process for textbook review, adoption, procurement, and distribution.

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

Prior law required the state superintendent of education to prepare the list of textbooks for BESE adoption. New law instead requires him to administer the BESE-prescribed process provided in new law (see below) and to prepare lists of state-reviewed textbooks.

New law requires BESE to establish a process whereby the state Dept. of Education (DOE) shall review textbooks as follows:

- (1) Requires DOE to review textbooks in English language arts, math, 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 textbooks in other subject areas as deemed necessary or upon request of a public school governing authority.
- (3) Requires the review process for textbooks to be conducted entirely online and, at a minimum, to provide for the following:
 - (a) Guidelines and timelines for submission, review, comment, and evaluation.
 - (b) Review panels composed of La. educators and content experts.
 - (c) Evaluation criteria and procedures to determine alignment with standards.
 - (d) Opportunity for parents and the public to view and submit comments.
 - (e) 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) Requirement that all textbooks 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, 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 public school governing authorities with a list of textbooks reviewed indicating the degree to which each aligns with state content standards.

Role and Responsibilities of Public School Governing Authorities

New law requires public school governing authorities to adopt policies and regulations for the adoption and use of textbooks that sufficiently support the needs of all students in meeting state content standards. Requires that such policies and regulations provide for the establishment of review committees for the adoption of textbooks that DOE has not reviewed. Also requires the following:

- (1) When practical, maximum use of electronic materials.
- (2) That parents and the public have 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 new law.

Existing law requires that textbooks 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.

Review and Inspection of Textbooks by the Public

Prior law required that textbooks be made available for public inspection at DOE during regular office hours. Provided 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.

New law instead provides that the public shall have the opportunity to view textbooks under review by DOE and school governing authorities and have the opportunity to submit comments during the review process and prior to final adoption.

Purchase of Textbooks by Public School Governing Authorities; Contracts

Existing law prohibits BESE from restricting the amount or percentage of state or local funds a school board may expend on electronic versions of textbooks. New law broadens this prohibition to apply to restrictions on expenditures for any textbooks, electronic or otherwise.

Existing law requires each contract with a publisher for textbooks to be awarded on a competitive basis. New law provides as follows:

- (1) Requires DOE to support public school governing authorities in achieving cost efficiencies by providing for bulk purchasing through state contracts and encouraging content providers to make instructional materials available through the central depository.
- (2) Authorizes public school governing authorities to purchase textbooks through a state contract or the central depository or to contract directly with a publisher or other content provider.
- (3) Requires each textbook contract to 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

Prior law designated DOE as the state depository for school books and authorized the state superintendent to administer this function, including the authority to contract with a public or private agency to act as the depository. New law instead requires DOE to provide for a central depository for textbooks aligned to state content standards and to facilitate their purchase and distribution.

Miscellaneous Provisions

Existing law authorizes a school board to sell any textbook or library book no longer in use to any person or entity for private use. Prior law required BESE approval and limited the use of funds from such sale to textbook or library book purchases.

Existing law requires BESE to establish rules and procedures for supplying textbooks for children participating in approved home study programs when available. New law specifies that such textbooks shall be supplied through the local public school governing authority.

New law repeals prior law that:

- (1) Authorized local school boards to use state funds to purchase computer hardware.
- (2) Provided relative to the donation and disposal of school books no longer in use.
- (3) Required 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) Required BESE to require publishers to furnish computer diskettes for producing braille versions of textbooks.

Task Force on Textbooks and Instructional Materials

Existing law creates a Task Force on Textbooks and Instructional Materials to review and analyze processes for selecting and approving textbooks. New law provides for a representative of the entity under contract with DOE as the state's textbook depository to be on the task force.

Prior law required the task force have submitted a written report to the House and Senate education committees by Feb. 1, 2014, and provided for task force termination on June 30, 2014. New law instead requires the task force to meet at least once a year to assess the efficiency and effectiveness of the textbook review and adoption process and submit a written report of its findings to such committees by March first of each year; provides for task force termination on June 30, 2017.

Effective July 1, 2015.

(Amends R.S. 17:7(4), 8.3(B), (G), and (H), 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)