

Regular Session, 2013

HOUSE BILL NO. 116

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 for elementary and secondary schools

1 AN ACT

2 To amend and reenact R.S. 17:7(4) and 351 and to repeal R.S. 17:8 through 8.2, 22(2)(e),
3 352, 353, 415.1, and 1985, relative to textbooks and other instructional materials for
4 elementary and secondary schools; to provide relative to the duties, functions, and
5 responsibilities of the State Board of Elementary and Secondary Education; to
6 provide relative to the authority of public school governing authorities to purchase
7 textbooks and other instructional materials; to provide relative to funding; to provide
8 relative to the review of textbooks and other instructional materials by the state
9 Department of Education; to provide relative to rules and regulations; and to provide
10 for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:7(4) and 351 are hereby amended and reenacted to read as
13 follows:

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

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

17 * * *

18 (4) Prescribe ~~and adopt~~ through rules and regulations the adoption and use
19 of free school books textbooks and other materials of instruction for the children of
20 this state at the elementary and secondary levels and all other schools and programs

1 under its jurisdiction for which the legislature provides funds, in accordance with
2 law.

3 * * *

4 §351. Free school books and other materials of instruction

5 A.(1) The State Board of Elementary and Secondary Education shall
6 prescribe ~~and adopt~~ through rules and regulations the adoption of school books
7 textbooks and other materials of instruction by the governing authority of each public
8 elementary and secondary school, including special schools, and the use of such
9 materials. ~~which it~~ Such textbooks and other materials of instruction shall supply be
10 supplied without charge to the children of this state at the elementary and secondary
11 levels out of funds appropriated therefor by the legislature in accordance with the
12 requirements of Article VIII, Section 13(A) of the Constitution of Louisiana.

13 (2) The state Department of Education, subject to the availability of funds,
14 shall offer a review service of textbooks and other instructional materials to evaluate
15 their alignment to state content standards. All reviews shall be made publicly
16 available through the department's website. The governing authority of each public
17 elementary and secondary school may purchase textbooks and other instructional
18 materials that have not been reviewed by the department.

19 (3) The State Board of Elementary and Secondary Education shall not limit
20 the amount or percentage of state or local funds the governing authority of a public
21 elementary or secondary school may expend on the purchase of textbooks and other
22 instructional materials needed to teach state content standards.

23 ~~(2) The State Board of Elementary and Secondary Education~~ (4) The
24 governing authority of each public elementary and secondary school shall prescribe
25 ~~and adopt those school books~~ adopt and use textbooks and other materials of
26 instruction ~~which~~ that accurately reflect the contributions and achievements of
27 people of differing races:

28 ~~(3) The State Board of Elementary and Secondary Education shall prescribe~~
29 ~~and adopt those school books and other materials of instruction which~~ and that

1 promote an understanding of the history and values of the people of the United States
2 and Louisiana, including the free enterprise system, private property, constitutional
3 liberties, democratic values, and traditional standards of moral values.

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

7 ~~C.~~ (1) ~~The board~~ State Board of Elementary and Secondary Education shall
8 establish rules and procedures for supplying, through the local public school
9 governing authority, schoolbooks textbooks and other materials of instruction
10 ~~approved by the State Board of Elementary and Secondary Education as required by~~
11 ~~this Section~~ for children participating in any home study program approved by the
12 board when available. Such rules and procedures shall include but not be limited to
13 a requirement that ~~any schoolbooks~~ textbooks and other materials of instruction
14 provided pursuant to this Subsection shall be made available only to the child or
15 children of the parent or legal guardian obtaining approval for a home study
16 program.

17 (2) The state board shall provide a copy of such rules and procedures to any
18 parent or legal guardian applying for approval of a home study program.

19 C.(1) The governing authority of each public elementary and secondary
20 school may purchase electronic textbooks and other instructional materials, media,
21 or content and their means of distribution or access as it deems necessary and
22 appropriate to fulfill its educational mission and to address state content standards
23 and school and district accountability system requirements. Each public school
24 governing authority is encouraged to maximize the availability and accessibility of
25 electronic textbooks and instructional materials.

26 (2) The State Board of Elementary and Secondary Education shall not limit
27 the amount or percentage of state or local funds the governing authority of a public
28 elementary or secondary school may expend for the purchase of electronic textbooks,

1 instructional materials, or other education-related media or content or their means
2 of distribution or access.

3 D. ~~Notwithstanding any law, rule, regulation, or policy to the contrary, a~~
4 ~~city, parish, or other local public school board may use state funds to purchase~~
5 ~~computer hardware. The governing authority of a public elementary or secondary~~
6 ~~school may sell any textbook or library book no longer in use to any person or entity~~
7 ~~for private use at a fee established by the governing authority.~~

8 Section 2. R.S. 17:8 through 8.2, 22(2)(e), 352, 353, 415.1, and 1985 are hereby
9 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. 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.

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.

Proposed law prohibits BESE from limiting the amount or percentage of state or local funds the local governing authority may spend on textbooks and materials.

Review of textbooks by state Dept. of Education

Proposed law requires the state Dept. of Education (DOE), subject to the availability of funds, to offer a review service of textbooks and other instructional materials for alignment to state content standards. Requires that reviews be made publicly available through the DOE website.

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.

Purchase of textbooks by public school governing authorities

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.

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 provisionsPresent 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 contracts with publishers for school books and for DOE's service as the state depository for school books.
- (3) Provides relative to the donation and disposal of school books no longer in use.
- (4) 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.
- (5) Requires BESE to require publishers to furnish computer diskettes for producing braille versions of textbooks.

Proposed law repeals present law in (1) through (5) 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)