
DIGEST

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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.