

2020 Regular Session

HOUSE BILL NO. 713

BY REPRESENTATIVE EDMONSTON

TEXTBOOKS/MATERIALS: Provides relative to reviews conducted of textbooks and other instructional materials

1 AN ACT

2 To amend and reenact R.S. 17:351.1, relative to textbooks and other instructional materials
3 for use in public schools; to provide relative to the duties, functions, and
4 responsibilities of the State Board of Elementary and Secondary Education, the state
5 Department of Education, and public school governing authorities; to provide
6 relative to the review of textbooks and other instructional materials by committees,
7 which include parents and members of the public and are established by public
8 school governing authorities; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:351.1 is hereby amended and reenacted to read as follows:

11 §351.1. Textbooks and other instructional materials; review; adoption; procurement;
12 distribution

13 A.(1) The State Board of Elementary and Secondary Education shall
14 prescribe a process for the ~~review, adoption, procurement~~, procurement and
15 distribution of free textbooks and other instructional materials, which it shall supply
16 without charge to the children of this state at the elementary and secondary levels out
17 of funds appropriated therefor by the legislature in accordance with the requirements
18 of Article VIII, Section 13(A) of the Constitution of Louisiana.

19 (2) The state board shall also establish rules and procedures whereby public
20 school governing authorities shall supply textbooks and other instructional materials,

1 as available, to children enrolled in a board-approved home study program. Such
2 rules shall include a requirement that textbooks and instructional materials supplied
3 to a student enrolled in a home study program shall be returned when the student has
4 completed the coursework for which the textbooks and instructional materials were
5 provided.

6 ~~(3) The state board shall not limit the amount or percentage of state or local~~
7 ~~funds the governing authority of a public elementary or secondary school may~~
8 ~~expend on the purchase or acquisition of textbooks and other instructional materials.~~
9 Neither the state board, nor the state Department of Education, shall withhold
10 federal, state, or local funds received or prohibit expenditures by the local governing
11 authorities of public elementary and secondary schools related to the purchase or
12 acquisition of textbooks and other instructional materials that meet federal
13 requirements and align with state content standards.

14 (4)(a) The state department may review textbooks and other instructional
15 materials at such times as it deems necessary and appropriate but shall review
16 textbooks and other instructional materials in the core subject areas of English
17 language arts, mathematics, science, and social studies at least every six years.

18 (b) The state department shall provide the governing authority of each public
19 elementary and secondary school with a list of all textbooks and other instructional
20 materials reviewed by the state board which includes information indicating the
21 degree to which each aligns with state content standards. Such list shall also be
22 posted online.

23 (c) The list of reviewed textbooks and other instructional materials shall
24 include evidence-based materials for each core subject at each grade level that are
25 fully aligned with state content standards. The list shall contain a statement to the
26 effect that the materials were reviewed for the sole purpose of determining the
27 degree of alignment with state content standards and federal curriculum
28 requirements.

1 (d) It is the responsibility of each local public school governing authority to
2 determine if the use of textbooks and other instructional materials is appropriate to
3 meet the educational needs of its students.

4 (e) Nothing in this Subsection or any state board or state department rule,
5 regulation, policy, guideline, or guidance shall be construed as prohibiting a public
6 school or school district from purchasing or otherwise acquiring textbooks and
7 instructional materials that are not included in the list prepared by the department.

8 ~~B.(1)(a) The State Board of Elementary and Secondary Education shall~~
9 ~~establish a transparent, digital process whereby the state Department of Education~~
10 ~~shall review~~ The governing authority of each public elementary and secondary
11 ~~school shall adopt policies and regulations for the establishment of a process for the~~
12 ~~review and adoption of~~ textbooks and other instructional materials in the core subject
13 areas of English language arts, mathematics, science, and social studies, ~~and~~
14 ~~determine the degree to which each aligns with state content standards~~ The
15 ~~department governing authority~~ may provide for the review of textbooks and
16 instructional materials in other subject matter areas as it deems necessary ~~or upon~~
17 ~~request of a public school governing authority.~~

18 ~~(b) The department may review textbooks and other instructional materials~~
19 ~~at such times as it deems necessary and appropriate but shall review textbooks and~~
20 ~~other instructional materials in the core subject areas of English language arts,~~
21 ~~mathematics, science, and social studies at least every six years.~~

22 (2) The review process for textbooks and other instructional materials
23 ~~submitted to the department for review~~ shall be conducted ~~entirely online~~ annually.
24 Every aspect of the process, including the textbooks and instructional materials under
25 review and any and all comments submitted by reviewers, parents and other
26 members of the public, and publishers and other content providers, shall be posted
27 online and in each school district office and made readily accessible to all interested
28 parties.

29 (3) The review process shall, at a minimum, provide for the following:

1 (a) Guidelines and timelines for the submission, review, comment, and
2 evaluation of textbooks and other instructional materials.

3 (b) Establishment of review ~~panels~~ committees composed of Louisiana
4 public school educators, some of whom shall be classroom teachers currently
5 employed in ~~schools in the state, and Louisiana~~ district schools, parents of students
6 who attend schools in the district, one of whom shall be a parent of a student with a
7 disability, and content experts who have knowledge of curriculum and the subject
8 matter under consideration. Parent committee members shall constitute no less than
9 one quarter of committee membership. Principals shall make recommendations to
10 the superintendent regarding potential members.

11 (c) Evaluation criteria and procedures to determine the extent to which
12 textbooks and instructional materials submitted for review align with state content
13 standards.

14 (d)(i) The opportunity for parents and other members of the public to view
15 and submit comments on all textbooks and instructional materials under review prior
16 to final adoption and use for instruction in classrooms. A copy of all student edition
17 textbooks and instructional materials under review shall be made readily available
18 ~~online for this purpose~~ in each school district office. Reasonable safeguards against
19 unauthorized use, reproduction, and distribution shall be provided.

20 (ii) The opportunity for publishers and other content providers to submit
21 comments in response to any review committee evaluation. Publishers and content
22 providers shall be given the opportunity to review any evaluation prior to its posting
23 online and shall be given at least ten business days to respond and make any
24 correction to the content that they deem necessary.

25 (iii) All comments submitted in relation to a reviewed textbook or
26 instructional material shall be posted online for ready access by any interested party.

27 (e) A requirement that all print textbooks and print instructional materials
28 submitted for review be supplied in an electronic format that meets the National
29 Instructional Materials Accessibility Standard, is consistent with the Individuals
30 With Disabilities Education Act of 2004 (20 U.S.C. 1474(e)), and can be converted

1 into specialized formats for children with disabilities and from which braille and
2 large-print textbooks can be produced for blind and visually impaired students.

3 ~~(4)(a) The state Department of Education shall provide the governing~~
4 ~~authority of each public elementary and secondary school with a list of all textbooks~~
5 ~~and other instructional materials reviewed by the department which includes~~
6 ~~information indicating the degree to which each aligns with state content standards.~~
7 ~~Such list shall also be posted online.~~

8 ~~(b) The list of reviewed textbooks and other instructional materials shall~~
9 ~~include textbooks and instructional materials for each core subject at each grade~~
10 ~~level that are fully aligned with state content standards.~~

11 ~~(c) Any list of reviewed textbooks and other instructional materials prepared~~
12 ~~by the department shall contain a statement to the effect that the textbooks and~~
13 ~~instructional materials contained therein were reviewed for the sole purpose of~~
14 ~~determining the degree of alignment with state content standards and that it is the~~
15 ~~responsibility of each public school governing authority to determine if their use is~~
16 ~~appropriate to meet the educational needs of its students.~~

17 ~~(d) Nothing in this Section shall be construed as prohibiting a public school~~
18 ~~or school district from purchasing or otherwise acquiring textbooks and instructional~~
19 ~~materials that are not included in the list of reviewed textbooks and instructional~~
20 ~~materials prepared by the state Department of Education, provided the use of such~~
21 ~~textbooks and instructional materials is not prohibited by the policies of the~~
22 ~~governing authority of such school or school district.~~

23 ~~C.(1) The governing authority of each public elementary and secondary~~
24 ~~school shall adopt policies and regulations for the adoption and use of textbooks and~~
25 ~~other instructional materials that sufficiently support the needs of all students in~~
26 ~~meeting state content standards.~~

27 ~~(2) (4)~~ The purchase and use of electronic textbooks, instructional materials,
28 and other media or content shall be maximized to the extent practical.

29 ~~(3)(a) For the adoption of textbooks and instructional materials that have not~~
30 ~~been reviewed by the state Department of Education pursuant to this Section, such~~

1 ~~policies and regulations shall provide for the establishment of review committees~~
2 ~~composed of classroom teachers and other educators, all of whom shall be~~
3 ~~employees of Louisiana public schools, parents of students enrolled in Louisiana~~
4 ~~public schools, and other educational stakeholders in Louisiana who have interest in~~
5 ~~or knowledge of curriculum and the subject matter under consideration.~~

6 ~~(b) Parents and other members of the public shall be afforded the opportunity~~
7 ~~to review and provide input relative to the textbooks and instructional materials~~
8 ~~under consideration prior to final adoption.~~

9 ~~(c) The governing authority of each public elementary and secondary school~~
10 ~~shall include on its website a link to the website on which the state Department of~~
11 ~~Education conducts the online review process pursuant to Paragraph (B)(2) of this~~
12 ~~Section.~~

13 ~~(4)~~ (5) Textbooks and instructional materials adopted for use in public
14 elementary and secondary schools shall accurately reflect the contributions and
15 achievements of people of differing races and promote an understanding of the
16 history and values of the people of the United States and Louisiana, including the
17 free enterprise system, private property, constitutional liberties, democratic values,
18 and traditional standards of moral values.

19 ~~(5)~~ (6) The governing authority of a public elementary or secondary school
20 may establish the price and sell any textbook or library book no longer in use to any
21 person or entity for private use.

22 ~~D.(1)~~ C.(1) The department shall support public school governing authorities
23 in achieving maximum cost efficiencies and reducing regulatory burdens in the
24 purchase and acquisition of textbooks and other instructional materials by providing
25 for bulk purchasing through state contracts, whenever possible and feasible, and by
26 encouraging publishers and other content providers to make their textbooks and other
27 instructional materials available through the central depository.

28 (2) The governing authority of a public elementary or secondary school may
29 purchase textbooks and other instructional materials through a state contract or

1 through the central depository or may contract directly with a publisher or other
2 content provider.

3 (3) Each contract between the state or the governing authority of a public
4 elementary or secondary school and a publisher or other content provider for
5 textbooks and instructional materials shall:

6 (a) Be awarded on a competitive basis in accordance with applicable state
7 law.

8 (b) Provide that the publisher, distributor, wholesaler, or retailer shall not
9 charge the governing authority of a public school a purchase price, rental fee, or
10 other fee for the purchase, lease, or use of a textbook or instructional material that
11 exceeds the lowest price or fee charged to a school governing authority in any other
12 state for the same textbook or instructional material.

13 (c) Provide that upon the request of a public school governing authority, a
14 publisher or other content provider shall allow the governing authority to purchase
15 textbooks and other instructional materials through the central depository.

16 ~~E. D.~~ The department shall provide for a central depository for textbooks and
17 other instructional materials that are aligned to state content standards to facilitate
18 the purchase and distribution of textbooks and instructional materials.

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)]

HB 713 Original

2020 Regular Session

Edmonston

Abstract: Provides relative to review, adoption, procurement, distribution, and use of textbooks and other instructional materials in public schools.

Present law provides for the review, adoption, procurement, and distribution of textbooks and other instructional materials for use in public elementary and secondary schools. Proposed law revises the procedures established in present law for the review and adoption of such materials.

Textbook Procurement and Distribution Process

Present constitution requires the legislature to appropriate funds to supply free school books and other materials of instruction prescribed by the State Board of Elementary and Secondary Education (BESE) to the children of this state at the elementary and secondary levels (Const. Art. VIII, §13(A)).

Present law prohibits BESE from restricting the amount or percentage of state or local funds a school board may expend on textbooks. Proposed law prohibits BESE and the state Dept. of Education (DOE) from withholding any funds and prohibiting expenditures on textbooks that meet federal requirements and align with state content standards.

Present law requires BESE to prescribe a process for textbook review, adoption, procurement and distribution. Proposed law requires BESE to prescribe a process only for procurement and distribution.

State Review Process

Present law requires BESE to establish a process whereby DOE shall review textbooks. Proposed law deletes this requirement.

Present law 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. Proposed law retains present law.

Present law 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. Requires list be posted online. Proposed law retains present law.

Present law requires the review process for textbooks to be conducted entirely online. Proposed law deletes this requirement.

Present law specifies that present law does not prohibit a public school or school district from purchasing materials that are not included in the list prepared by DOE. Proposed law retains present law.

Role of Public School Governing Authorities

Present 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.

Present law provides for the establishment of local review committees for the adoption of textbooks that DOE has not reviewed. Proposed law requires establishment of district review committees for the adoption of all textbooks and other materials in English language arts, math, science, and social studies. Proposed law requires that the review process carried out by local committees shall include essentially the same elements as required by present law for the review by DOE. Specifically, the review process, at a minimum, shall include:

- (1) Guidelines and timelines.
- (2) Evaluation criteria and procedures.
- (3) Opportunity for public comment and opportunity for content providers to respond.
- (4) Materials must meet certain standards regarding conversion to a format for use by students with disabilities.

Purchase of Textbooks by Public School Governing Authorities; Contracts

Present law provides as follows:

- (1) Requires each contract with a publisher for textbooks to be awarded on a competitive basis.
- (2) 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.
- (3) 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.
- (4) 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 materials through the central depository.

Proposed law retains present law.

Textbook Depository

Present law requires DOE to provide for a central depository for textbooks aligned to state content standards and to facilitate their purchase and distribution. Proposed law retains present law.

(Amends R.S. 17:351.1)