
 DIGEST

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Appel

SB No. 336

Proposed law significantly revises the procedures established in present law for the adoption, 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

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 by the governing authority of each public elementary and secondary school, including special schools. Authorizes BESE to set and collect fees from publishers and other content providers participating in the process.

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 textbooks and other instructional materials as follows:

- (1) Requires DOE to review textbooks and 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 textbooks and 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 textbooks and other instructional materials submitted to the DOE for review to be conducted entirely online. Provides that every aspect of the digital review process, including the textbooks and instructional materials under review and comments submitted by reviewers, parents and other members of the public, and publishers and other content providers, shall be posted online and readily accessible.
- (4) 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 of textbooks and other instructional materials.

- (b) Establishment of review panels composed of La. public school educators and La. content experts who have knowledge of curriculum and the subject matter under consideration.
 - (c) Evaluation criteria and procedures to determine the extent to which textbooks and instructional materials submitted for review align with state content standards.
 - (d) The opportunity for parents and the public to view and submit comments on textbooks and instructional materials under review and the requirement that a read-only copy of all such textbooks and instructional materials be made readily available online for this purpose.
 - (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 30 days to respond and correct the content before the evaluation is posted online.
 - (f) The requirement that all comments submitted in relation to a reviewed textbook or instructional material be posted online for ready access by any interested party.
 - (g) The requirement that all printed textbooks and 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.
- (5) Requires DOE to provide the governing authority of each public elementary and secondary school with a list of textbooks and other instructional materials reviewed by DOE which includes information indicating the degree to which each aligns with state content standards. Such list shall also be posted online.
 - (6) Requires that the list of reviewed textbooks and other instructional materials prepared by DOE include textbooks and instructional materials for each core subject at each grade level that are fully aligned with state content standards.
 - (7) Provides that any list of reviewed textbooks and other instructional materials prepared by DOE shall contain a statement to the effect that the textbooks and instructional materials contained therein were reviewed for the sole purpose of determining the degree of alignment with state content standards and it is the responsibility of each public school governing authority to determine if their use is appropriate to meet the educational needs of its students.

Proposed law provides that nothing in proposed law shall be construed as prohibiting a public school or school district from purchasing or otherwise acquiring textbooks and instructional materials that are not included in the list of reviewed textbooks and instructional materials prepared by DOE, provided their use is not prohibited by the policies of the governing authority of such school or school district.

Role and responsibilities of public school governing authorities

Proposed law requires the governing authority of each public school to adopt policies and regulations for the adoption and use of textbooks and other instructional materials that sufficiently support the needs of all students in meeting state content standards as follows:

- (1) Require that the purchase and use of electronic textbooks, instructional materials, and other media or content shall be maximized to the greatest extent possible.

- (2) Provide for the establishment of review committees composed of teachers and educators, all of whom shall be employees of La. public schools, parents of students enrolled in La. public schools, and other educational stakeholders in La. who have interest in or knowledge of curriculum and the subject matter under consideration.
- (3) Afford parents and other members of the public the opportunity to review and provide input relative to the textbooks and instructional materials under consideration prior to final adoption. Copies of all textbooks and instructional materials under consideration shall be made available to the public.
- (4) Review committee evaluations and all public comments submitted for each textbook and instructional material under review shall be posted on the school governing authority's website. Allows the removal of such textbooks and materials from the website at the conclusion of the review and adoption process.

Present law requires that textbooks and instructional materials adopted for use in public elementary and secondary 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., including the free enterprise system, private property, constitutional liberties, democratic values, and traditional standards of moral values. Proposed law retains these provisions.

Present law authorizes the La. School for Math, Science, and the Arts, the Louis Armstrong High School for the Arts, and the New Orleans Center for the Creative Arts to prescribe and select textbooks and instructional materials but directs that, wherever practical, each school's board shall select those adopted by BESE. Proposed law deletes the preference for BESE-adopted textbooks and materials.

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 textbooks and 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 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 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 maximum cost efficiencies in the purchase and acquisition of textbooks and other instructional materials by providing for bulk purchasing through state contracts, whenever possible and feasible, and through the central depository.

- (2) Provides that public school governing authorities may purchase textbooks and other instructional materials through a state contract, the central depository, or a school system purchasing cooperative or may contract directly with a publisher or other content provider.
- (3) Provides that each contract between the state, a school system purchasing cooperative, or the governing authority of a public elementary and secondary school and a publisher or other content provider for textbooks and instructional materials shall:
 - (a) Be awarded on a competitive basis in accordance with applicable state 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 for the purchase, lease, or use of a textbook or instructional material that exceeds the lowest price or fee charged to a school governing authority in any other state for the same textbook or instructional material.
 - (c) Require that the publishers or content providers make textbooks and other instructional materials available for purchase 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. Requires the depository to provide for the procurement of textbooks and instructional materials in all formats needed to support student learning, including Braille, large print, digital, and print. Further provides that the ordering system established for the depository shall include the reviews conducted pursuant to proposed law and any comments submitted by parents, the public, and publishers and other content providers.

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. 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. Additionally provides that such rules shall include a requirement that textbooks and instructional materials supplied to a student enrolled in a home study program shall be returned once the student has completed the coursework for which the textbooks and instructional materials were provided. Proposed law specifies that such materials shall be supplied through the local public school governing authority.

Miscellaneous provisions repealed by proposed law

Present law:

- (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.

Proposed law repeals present law in (1) through (4) above.

Proposed law requires BESE to adopt rules and regulations in accordance with the Administrative Procedure Act to implement proposed law.

Task Force on Textbooks and Instructional Materials

Present law provides for the Task Force on Textbooks and Instructional Materials charged with the review and analysis of the processes utilized to select and approve textbooks and other instructional materials for use in the public schools. Requires the task force to submit a written report of its findings and recommendations to the Senate and House education committees not later than Feb. 1, 2014. Further provides that the task force shall terminate on June 30, 2014.

Proposed law retains present law but extends the existence of the task force until June 30, 2016. Requires the task force to meet at least once a year until it terminates to assess the efficiency and effectiveness of the review and adoption process for textbooks and other instructional materials. Requires the task force to submit a written report of its findings to the Senate and House education committees not later than March first of each year.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:7(4), 22(2)(e), 8.3 (G) and (H), 1964(D)(9), 1970.4(D)(2)(i), and 1970.24(E)(1)(h); adds R.S. 17:351.1 and 355; repeals R.S. 17:8 through 8.2, 351, 352, and 415.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Extends the termination date for the Task Force on Textbooks and Instructional Materials from 6/30/14 to 6/30/16. Requires annual report to Senate and House education committees.
2. Requires that textbooks/instructional materials supplied to home study students be returned when the student's coursework is completed.
3. Requires DOE lists of reviewed textbooks/instructional materials to contain a statement noting that textbooks/instructional materials have been reviewed only to determine alignment with state standards.
4. Allows school governing authorities to remove review committees evaluations and public comments received during the textbook/instructional material adoption process from website at the conclusion of the adoption process.
5. Allows school governing authorities to purchase textbooks/instructional materials through school system cooperatives.

Senate Floor Amendments to engrossed bill

1. Technical changes.
2. Gives BESE authority to set and collect fees from publishers and other content providers participating in the process.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the reengrossed bill.

1. Relative to requirement that DOE review textbooks and instructional materials in core subject areas, specifies that this be done at least every six years.
2. Relative to membership of review panels and review committees:
 - (a) Review panels established by DOE: Specifically requires that the educators and content experts be La. public school educators and La. content experts.
 - (b) Review committees established by public school governing authorities: Specifically requires that teachers and educators be employed by La. public schools, that parents be those of students enrolled in La. public schools, and that educational stakeholders be those in La.
3. Allows publishers and other content providers to review evaluations prior to their posting online. Requires that they have 30 days to respond and correct content.
4. Relative to requirement that textbooks and instructional materials be submitted in an electronic format for review, limits this to those that are printed and adds a requirement that such format be consistent with IDEA.
5. Provides that proposed law shall not be construed as prohibiting a school or school district from purchasing textbooks that are not DOE-reviewed unless their use is prohibited by the policies of such school or district's governing authority rather than unless their use is prohibited by law or BESE regulation.
6. Requires DOE to provide for bulk purchasing not only through state contracts but also through the central depository.
7. Additionally, authorizes public school governing authorities to purchase textbooks and instructional materials through the central depository.
8. Requires the publisher or other content provider to make textbooks and other instructional materials available for purchase through the central depository.