

Regular Session, 2012

HOUSE BILL NO. 277

BY REPRESENTATIVE HOFFMANN

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

1 AN ACT

2 To enact R.S. 17:8.3, 8.4, and 3996(B)(30) and to repeal R.S. 17:8 through 8.2, 351 through
3 353, and 415.1, relative to textbooks and other instructional materials; to provide
4 relative to procedures for recommendation and purchasing; to provide relative to
5 contracts with publishers; to provide relative to electronic versions; to provide
6 relative to funding; to provide for rules and regulations; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:8.3, 8.4, and 3996(B)(30) are hereby enacted to read as follows:

10 §8.3. School books prescribed by board

11 A. The State Board of Elementary and Secondary Education shall prescribe
12 through rules and regulations the recommendation, distribution, and use of free
13 school books and other materials of instruction by the governing authority of each
14 public elementary and secondary school, including special schools. Such school
15 books and materials of instruction shall be supplied to the children of this state at the
16 elementary and secondary levels, without charge, out of funds appropriated therefor
17 by the legislature in accordance with the requirements of Article VIII, Section 13(A)
18 of the Constitution of Louisiana.

19 B. The State Board of Elementary and Secondary Education shall require the
20 governing authority of each public elementary and secondary school to adopt

1 procedures permitting any public school student to have use, after regular school
2 hours during the week and on weekends, of any free school book. Any public school
3 student using any school book pursuant to the provisions of this Subsection shall be
4 responsible for such school book. These procedures shall not be applicable to basal
5 readers and programs.

6 C. The State Board of Elementary and Secondary Education shall ensure that
7 school books and materials of instruction accurately reflect the contributions and
8 achievements of people of differing races and promote an understanding of the
9 history and values of the people of the United States and Louisiana, including the
10 free enterprise system, private property, constitutional liberties, democratic values,
11 and traditional standards of moral values.

12 D. The State Board of Elementary and Secondary Education shall require
13 that all school books and other materials of instruction adhere to curriculum
14 standards adopted pursuant to R.S. 17:24.4(E).

15 E. The State Board of Elementary and Secondary Education shall encourage
16 the governing authority of each public elementary and secondary school to maximize
17 the availability and accessibility of electronic textbooks and instructional materials
18 in any school under its jurisdiction. Each such governing authority may purchase
19 electronic textbooks and other instructional materials, media, or content and their
20 means of distribution or access as it deems necessary and appropriate to fulfill its
21 educational mission and to address state curriculum standards and school and district
22 accountability system requirements.

23 F. The State Board of Elementary and Secondary Education shall not restrict
24 the amount or percentage of state or local funds a public school governing authority
25 may expend for the purchase of printed or electronic textbooks, instructional
26 materials, or other education-related media or content or their means of distribution
27 or access whether or not they are on the state list of recommended textbooks and
28 other instructional materials.

1 G. The State Board of Elementary and Secondary Education shall establish
2 rules and procedures for supplying school books and other materials of instruction
3 for children participating in any home study program approved by the board when
4 available. Such rules and procedures shall include but not be limited to a
5 requirement that school books and other materials of instruction provided pursuant
6 to this Subsection shall be made available only to the child or children of the parent
7 or legal guardian obtaining approval for a home study program. The board shall
8 provide a copy of such rules and procedures to any parent or legal guardian applying
9 for approval of a home study program.

10 H. The governing authority of each public elementary and secondary school
11 that disburses school library books, textbooks, and other materials of instruction to
12 nonpublic school students shall submit to the state superintendent of education such
13 documentation as required to verify the administrative costs incurred by the
14 governing authority in the disbursement of such books and instructional materials.
15 The verified costs of administration incurred by each governing authority shall be
16 paid by the state.

17 I. The State Board of Elementary and Secondary Education shall adopt
18 necessary rules and regulations in accordance with the Administrative Procedure Act
19 to implement the provisions of this Section.

20 §8.4. Contracts with publishers; reviewing school books and materials of instruction

21 A. The State Board of Elementary and Secondary Education shall award
22 contracts with publishers of school books on a competitive basis for a term to be
23 determined by the board. Each contract shall be made so as to authorize the board
24 to terminate it upon ninety days notice. The procedure for examining books and
25 awarding contracts shall be under the control of the board and in accordance with
26 any applicable law. The board shall have authority to set and collect fees from
27 publishers participating in state school book contracting procedures.

28 B. Each contract shall stipulate that the publisher shall automatically reduce
29 the net cost of textbooks in the state when the net cost of the publisher for books

1 covered by the contract are reduced anywhere in the United States, so that no edition
2 of that textbook shall at any time be sold in this state at a higher net cost than that
3 received for that book elsewhere in the United States.

4 C. Each contract with a publisher shall stipulate that the book or books
5 covered by the contract to be sold in this state shall be identical with the official
6 samples filed with the board with respect to size, paper, binding, print, illustrations,
7 subject matter, and all other particulars which may affect the value of the books;
8 however, during the period of the contract, the board may approve revised editions
9 of a textbook or service at the bid price, which will authorize a publisher to provide
10 such revisions.

11 D. Each contract with a publisher shall stipulate that whenever five thousand
12 or more copies of a textbook of a single title and edition are to be purchased by the
13 state from a single publisher during a twelve-month period, which shall be
14 established by the board by rule, not less than eighty percent of the total number of
15 copies of such book purchased by the state shall be printed and bound by a printer
16 licensed to do business and doing business within the state, provided that the
17 publisher receives a timely bid made according to the publisher's bid-making
18 requirements from such a printer and provided that the printer is able to print and
19 bind such book in accordance with the manufacturer's specifications and at a cost
20 equal to or less than the unit cost per book for the same number of books made by
21 any out-of-state printer bidding on the same work. Whenever two or more printers
22 in this state submit bids which would qualify all of them to print and bind textbooks
23 pursuant to this Section and one such printer is a minority-owned business as defined
24 in R.S. 39:1952(15), the minority-owned business shall be awarded not less than ten
25 percent of the printing and binding required by this Section to be done in this state.

26 E. The State Board of Elementary and Secondary Education shall make
27 every effort to increase the availability and accessibility of electronic textbooks and
28 instructional materials in the state's public elementary and secondary schools and

1 shall encourage all publishers to provide electronic versions of the products they
2 offer, whether in addition to, or in lieu of the printed version.

3 F. The state Department of Education shall be the depository in the state for
4 books for the schools. The state superintendent of education may do all things
5 necessary and proper for the department to function as such depository, including but
6 not limited to providing for the power to enter into contracts or agreements and to
7 acquire property, through lease or purchase, in which the depository is to be located,
8 and to determine the location or locations of the depository. The superintendent may
9 require publishers to maintain a depository in the state or may contract, in
10 accordance with the procedures for the letting of contracts set forth in applicable
11 provisions of the Louisiana Procurement Code, particularly R.S. 39:1593, with any
12 other public or private agency to act as the depository.

13 G. The state Department of Education shall require any depository with
14 which the department does business to provide the department a written summary of
15 all purchase orders for textbooks received by the depository from the department.
16 The depository shall transmit such summary within three business days whenever the
17 department requests it to do so, and the department shall make such a request upon
18 the written request of any printer licensed to and actually doing business in
19 Louisiana. Such a summary shall be a public record. The summary shall itemize the
20 total number of copies of each book which is the subject of a purchase order, the unit
21 price of each book, the commissions paid to or the discounts received by the
22 depository, and the publisher of each book.

23 H. The books shall be distributed to the governing authority of each public
24 elementary and secondary school from the depository on requisition of the state
25 superintendent of education.

26 I. The State Board of Elementary and Secondary Education shall establish
27 a procedure enabling each governing authority of a public elementary or secondary
28 school to order and receive textbooks. The procedure shall include but not be limited
29 to permitting a public elementary or secondary school governing authority to

1 contract with a textbook publisher and receive any applicable publisher's discount;
2 however, any textbook purchased under the provisions of this Subsection shall be
3 purchased at the same price or a lower price than such textbook can be purchased
4 from any source other than the publisher.

5 J. The State Board of Elementary and Secondary Education shall take such
6 action as is necessary to assure that all school books and materials of instruction
7 included in state publisher contracts are thoroughly screened, reviewed, and
8 approved as to their alignment with content standards adopted pursuant to R.S.
9 17:24.4(E).

10 K. The State Board of Elementary and Secondary Education shall take such
11 action as is necessary to assure that any state committee or other group responsible
12 for screening, reviewing, and evaluating any materials of instruction and computer
13 and related technological equipment and supplies, other than the governing authority
14 of a public elementary or secondary school, shall contain a membership not less than
15 one-third of which are teachers. For the purposes of this Section, the term "teacher"
16 shall mean any person employed by a city or parish school board who, as a condition
17 of employment, is required to hold a valid teaching certificate issued by the state
18 Department of Education. Not less than one-third of such committee or group shall
19 be parents who have a child currently attending public school, or had a child attend
20 public school in the past ten years, and who are not public educators. Meetings of
21 such committee or group shall be open to the public, and any member of the public
22 may attend and file written or make oral objections to any textbook under
23 consideration. The board shall adopt a form whereby any member of the public may
24 file written objections to any textbook being considered for inclusion in a contract.

25 L. The State Board of Elementary and Secondary Education shall maintain
26 a copy of all recommended textbooks and instructional materials. Such textbooks
27 and materials shall be maintained at the state Department of Education for a period
28 of one year following their initial recommendation. Such textbooks and materials
29 shall be available for public inspection online or during regular office hours.

1 Chapter and its approved charter and the school's officers and employees shall be
2 exempt from all statutory mandates or other statutory requirements that are
3 applicable to public schools and to public school officers and employees except for
4 the following laws otherwise applicable to public schools with the same grades:

5 * * *

6 (30) Textbooks and other instructional materials, R.S. 17:8.3 and 8.4.

7 * * *

8 Section 2. R.S. 17:8 through 8.2, 351 through 353, and 415.1 are hereby repealed
9 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. 277

Abstract: Provides relative to textbooks and other instructional materials for elementary and secondary schools; shifts responsibility for selecting textbooks from BESE to the local school board or other school governing authority. Authorizes BESE to recommend textbooks.

Proposed law makes changes to terminology throughout present law to refer to the governing authority of a public elementary or secondary school rather than a city, parish, or other local public school board.

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 for use in elementary and secondary schools and special schools. Proposed law instead requires BESE to prescribe through rules and regulations the recommendation, distribution, and use of such books and materials. Further requires BESE to require that all such books and materials adhere to curriculum standards adopted by BESE (also known as grade-level expectations or GLEs).

Funding of textbooks and other instructional materials

Present law prohibits BESE from restricting the amount or percentage of state or local funds a board may expend for electronic versions of textbooks and materials. Proposed law broadens the application of this prohibition to provide that there shall be no such restriction with respect to the purchase of electronic or printed textbooks or instructional materials, regardless of whether they are on the state list of recommended textbooks and materials.

Review and inspection of textbooks

Present law requires that textbooks and materials be made available for public inspection at the state Dept. of Education during regular office hours. Proposed law adds as an alternative that they be made available for inspection online.

Present law provides for textbook review procedures, including citizen participation, the composition of textbook review committees (not less than 1/3 of membership shall be teachers and not less than 1/3 of membership shall be parents who are not public educators), and the placement of proposed textbooks in various public library branches throughout the state. Proposed law retains present law but provides that copies are only required to be placed throughout the state when electronic versions are not available online. Relative to the textbook review committee, proposed law requires that parents have a child in public school or have had a child in public school in the past 10 years.

Miscellaneous provisions

Proposed law requires BESE to adopt necessary rules and regulations in accordance with the APA to implement proposed law.

Present law:

- (1) Requires BESE to establish rules and procedures for supplying school books and other materials of instruction for children participating in approved home study programs.
- (2) Provides relative to contracts with publishers for school books and for the state Dept. of Education's service as the state depository for school books.
- (3) Encourages school boards to maximize the availability and accessibility of electronic versions of textbooks and other instructional materials and authorizes a school board to purchase them as it deems necessary and appropriate.
- (4) Requires public school boards that disburse school library books, textbooks, and other instructional materials to nonpublic school students to submit to the state superintendent of education documentation to verify the administrative costs incurred and provides that such verified costs shall be paid by the state.

Proposed law retains present law.

Present law:

- (1) Provides relative to the disposition of school books no longer in use, including provisions dealing with their sale, donation, and disposal.
- (2) Requires BESE to prescribe and adopt and exercise supervision and control over the distribution and use of school books and other learning materials, supplies, and equipment for postsecondary and vocational-technical schools and programs.

Proposed law deletes present law.

(Adds R.S. 17:8.3, 8.4, and 3996(B)(30); Repeals R.S. 17:8-8.2, 351-353, and 415.1)