

**ACT No. 389**

HOUSE BILL NO. 287

BY REPRESENTATIVES REYNOLDS, WESLEY BISHOP, BOUIE, CARTER, COX,  
HAZEL, HOWARD, MIKE JOHNSON, LEBAS, NORTON, PIERRE, POPE,  
PRICE, SEABAUGH, AND ST. GERMAIN

1 AN ACT

2 To amend and reenact R.S. 17:7(4), 8.3(B), (G), and (H), 22(2)(e), 1964(D)(9),  
3 1970.4(D)(2)(i), and 1970.24(E)(1)(h), to enact R.S. 17:351.1 and 356, and to repeal  
4 R.S. 17:8 through 8.2, 351, 352, and 415.1, relative to textbooks and other  
5 instructional materials for use in elementary and secondary schools; to provide  
6 relative to the duties, functions, and responsibilities of the State Board of Elementary  
7 and Secondary Education, the state Department of Education, and public school  
8 governing authorities; to provide relative to funding; to provide relative to the review  
9 of textbooks and other instructional materials by the state Department of Education,  
10 parents, and the public; to provide relative to contracts with publishers for the  
11 purchase, lease, and use of textbooks and other instructional materials; to provide  
12 relative to depositories for textbooks and other instructional materials; to provide  
13 relative to rules and regulations; to provide relative to the Task Force on Textbooks  
14 and Instructional Materials; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 17:7(4), 8.3(B), (G), and (H), 22(2)(e), 1964(D)(9), 1970.4(D)(2)(i),  
17 and 1970.24(E)(1)(h) are hereby amended and reenacted and R.S. 17:351.1 and 356 are  
18 hereby enacted to read as follows:

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

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

22 \* \* \*

1                   (4) ~~Prescribe and adopt free school books~~ a process for the review, adoption,  
 2                   procurement, and distribution of free textbooks and other materials of instruction for  
 3                   the children of this state at the elementary and secondary levels and at all other  
 4                   schools and programs under its jurisdiction for which the legislature provides funds,  
 5                   in accordance with law.

6   \*           \*           \*

7                   §8.3. Task Force on Textbooks and Instructional Materials

8   \*           \*           \*

9                   B. The task force shall be composed of ~~eighteen~~ nineteen members as  
 10                  follows:

11   \*           \*           \*

12                  (15) A representative of the entity under contract with the state Department  
 13                  of Education to act as the state's depository for textbooks, as provided in R.S.  
 14                  17:8(G).

15   \*           \*           \*

16                  G.(1) The task force shall submit a written report of its findings and  
 17                  recommendations for related policy and statutory changes to the Senate Committee  
 18                  on Education and the House Committee on Education not later than February 1,  
 19                  2014.

20                  (2) The task force shall meet at least once a year thereafter to assess the  
 21                  efficiency and effectiveness of the review and adoption process for textbooks and  
 22                  other instructional materials and shall submit a written report of its findings to the  
 23                  Senate Committee on Education and the House Committee on Education, not later  
 24                  than March first of each year.

25                  H. The task force shall terminate and all authority for its existence shall end  
 26                  June 30, ~~2014~~ 2017.

27   \*           \*           \*

28                  §22. Superintendent; functions and duties

29                  The superintendent shall:

30   \*           \*           \*

1 (2) Provide the staff services for the board. In that regard the superintendent  
2 shall:

3 \* \* \*

4 (e) ~~Prepare the list of free school books and other materials of instruction for~~  
5 ~~adoption by the board~~ Administer the process prescribed by the board for the review,  
6 adoption, procurement, and distribution of free textbooks and other instructional  
7 materials and prepare lists of state reviewed textbooks and instructional materials.

8 \* \* \*

9 §351.1. Textbooks and other instructional materials; review; adoption; procurement;  
10 distribution

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

17 (2) The state board shall also establish rules and procedures whereby public  
18 school governing authorities shall supply textbooks and other instructional materials,  
19 as available, to children enrolled in a board-approved home study program. Such  
20 rules shall include a requirement that textbooks and instructional materials supplied  
21 to a student enrolled in a home study program shall be returned when the student has  
22 completed the coursework for which the textbooks and instructional materials were  
23 provided.

24 (3) The state board shall not limit the amount or percentage of state or local  
25 funds the governing authority of a public elementary or secondary school may  
26 expend on the purchase or acquisition of textbooks and other instructional materials.

27 B.(1)(a) The State Board of Elementary and Secondary Education shall  
28 establish a transparent, digital process whereby the state Department of Education  
29 shall review textbooks and other instructional materials in the core subject areas of  
30 English language arts, mathematics, science, and social studies and determine the

1 degree to which each aligns with state content standards. The department may review  
2 textbooks and instructional materials in other subject matter areas as it deems  
3 necessary or upon request of a public school governing authority.

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

8 (2) The review process for textbooks and other instructional materials  
9 submitted to the department for review shall be conducted entirely online. Every  
10 aspect of the process, including the textbooks and instructional materials under  
11 review and any and all comments submitted by reviewers, parents and other  
12 members of the public, and publishers and other content providers, shall be posted  
13 online and made readily accessible to all interested parties.

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

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

17 (b) Establishment of review panels composed of Louisiana public school  
18 educators, some of whom shall be classroom teachers currently employed in schools  
19 in the state, and Louisiana content experts who have knowledge of curriculum and  
20 the subject matter under consideration.

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

24 (d)(i) The opportunity for parents and the public to view and submit  
25 comments on all textbooks and instructional materials under review. A copy of all  
26 student edition textbooks and instructional materials under review shall be made  
27 readily available online for this purpose. Reasonable safeguards against unauthorized  
28 use, reproduction, and distribution shall be provided.

29 (ii) The opportunity for publishers and other content providers to submit  
30 comments in response to any review committee evaluation. Publishers and content

1 providers shall be given the opportunity to review any evaluation prior to its posting  
2 online and shall be given at least ten business days to respond and make any  
3 correction to the content that they deem necessary.

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

6 (e) A requirement that all print textbooks and print instructional materials  
7 submitted for review be supplied in an electronic format that meets the National  
8 Instructional Materials Accessibility Standard, as consistent with the Individuals  
9 With Disabilities Education Act of 2004 (20 U.S.C. 1474(e)), and can be converted  
10 into specialized formats for children with disabilities and from which braille and  
11 large-print textbooks can be produced for blind and visually impaired students.

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

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

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

26 (d) Nothing in this Section shall be construed as prohibiting a public school  
27 or school district from purchasing or otherwise acquiring textbooks and instructional  
28 materials that are not included in the list of reviewed textbooks and instructional  
29 materials prepared by the state Department of Education, provided the use of such

1 textbooks and instructional materials is not prohibited by the policies of the  
2 governing authority of such school or school district.

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

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

9 (3)(a) For the adoption of textbooks and instructional materials that have not  
10 been reviewed by the state Department of Education pursuant to this Section, such  
11 policies and regulations shall provide for the establishment of review committees  
12 composed of classroom teachers and other educators, all of whom shall be  
13 employees of Louisiana public schools, parents of students enrolled in Louisiana  
14 public schools, and other educational stakeholders in Louisiana who have interest in  
15 or knowledge of curriculum and the subject matter under consideration.

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

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

23 (4) Textbooks and instructional materials adopted for use in public  
24 elementary and secondary schools shall accurately reflect the contributions and  
25 achievements of people of differing races and promote an understanding of the  
26 history and values of the people of the United States and Louisiana, including the  
27 free enterprise system, private property, constitutional liberties, democratic values,  
28 and traditional standards of moral values.

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

4           D.(1) The state Department of Education shall support public school  
5           governing authorities in achieving maximum cost efficiencies and reducing  
6           regulatory burdens in the purchase and acquisition of textbooks and other  
7           instructional materials by providing for bulk purchasing through state contracts,  
8           whenever possible and feasible, and by encouraging publishers and other content  
9           providers to make their textbooks and other instructional materials available through  
10          the central depository.

11          (2) The governing authority of a public elementary or secondary school may  
12          purchase textbooks and other instructional materials through a state contract or  
13          through the central depository or may contract directly with a publisher or other  
14          content provider.

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

18               (a) Be awarded on a competitive basis in accordance with applicable state  
19               law.

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

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

28               E. The state Department of Education shall provide for a central depository  
29               for textbooks and other instructional materials that are aligned to state content

1           standards to facilitate the purchase and distribution of textbooks and instructional  
2           materials.

3   \*       \*       \*

4           §356. Rules

5                           The State Board of Elementary and Secondary Education shall promulgate  
6           rules and regulations to implement the provisions of this Part in accordance with the  
7           Administrative Procedure Act.

8   \*       \*       \*

9           §1964. Board of directors; creation; membership; terms; powers, duties, and  
10                           functions; voting; compensation

11   \*       \*       \*

12                           D. In addition to the authorities granted herein and any powers, duties, and  
13           responsibilities vested by any other applicable laws, the board shall:

14   \*       \*       \*

15                           (9) Prescribe and select for use in the school free ~~school books~~ textbooks and  
16           other materials of instruction for children enrolled in the school and programs under  
17           its jurisdiction for which the legislature provides funds. ~~Wherever practical, the~~  
18           ~~board shall select the same school books and other materials of instruction as are~~  
19           ~~adopted by the state board.~~

20   \*       \*       \*

21           §1970.4. School board; creation; membership; terms; powers and duties; voting;  
22                           compensation

23   \*       \*       \*

24                           D.

25   \*       \*       \*

26                           (2) The board shall:

27   \*       \*       \*

28                           ~~(i)~~ (i) Prescribe and select for use in the ~~school books~~ textbooks and other  
29           materials of instruction for children enrolled in the school and programs under its  
30           jurisdiction for which the legislature provides funds. ~~Wherever practical, the board~~



1           ~~shall select the same school books and other materials of instruction as are adopted~~  
2           ~~by the state board.~~

3   \*       \*       \*

4           §1970.24. Board of directors; creation; membership; terms; powers and duties;  
5   voting; compensation

6   \*       \*       \*

7   E.(1) The board shall perform or direct the performance of all of the  
8           following in compliance with the provisions of this Part, including the expression of  
9           the intentions of the legislature:

10   \*       \*       \*

11   (h) Prescribe and select for use in the center free ~~school books~~ textbooks and  
12           other materials of instruction for children enrolled in the center and programs under  
13           its jurisdiction for which the legislature provides funds. ~~Wherever practical, the~~  
14           ~~board shall select the same school books and other materials of instruction as are~~  
15           ~~adopted by the state board.~~

16   \*       \*       \*

17           Section 2. R.S. 17:8 through 8.2, 351, 352, and 415.1 are hereby repealed in their  
18           entirety.

19           Section 3. This Act shall become effective upon signature by the governor or, if not  
20           signed by the governor, upon expiration of the time for bills to become law without signature  
21           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
22           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
23           effective on the day following such approval.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_