Title 28

EDUCATION

Part XXXIII. Bulletin 1794—State Textbook Adoption Policy and Procedure Manual

Chapter 1. Purpose

§101. Introduction

A. The State Board of Elementary and Secondary Education (SBESE), in accordance with Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, Part I, Sections 7 (4), 8(A)(1)(a) and Part IV, Section 351(A)(1), has the responsibility to prescribe, adopt, control and supervise the distribution and use of free school books and other materials of instruction in elementary, secondary, special, post secondary and vocational-technical schools across the state of Louisiana. The Louisiana Legislature appropriates funds in accordance with Article VIII, Section 13(A) of the Constitution for the purpose of providing school books and other materials of instruction free of charge to the children of this state at the elementary and secondary levels.

B. It is hoped that the policies and procedures contained in this bulletin will help local school districts to provide textbooks that will have a significant, positive impact on student achievement, student attitudes and behaviors, and on the interactions in the learning environment for students of all ages, abilities, backgrounds and areas of interest. Any interested citizen may request his or her name be placed on the mailing list for textbook adoption information (R.S. 17:415.1.A) by writing to:

State Department of Education
Division of Educational Improvement and Assistance
P.O. Box 94064
Baton Rouge, LA 70804
Attn: Textbook Adoption Program

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1436 (August 1999), repromulgated LR 26:991 (May 2000), amended LR 32:1030 (June 2006).

Chapter 3. General Provisions

§301. Definitions

Ancillary—materials shall be defined as materials that are intended and designed to be used with a comprehensive basal program submitted by the same publisher and may include materials such as workbooks, puzzles, assessment materials, black line masters, transparencies, etc. Ancillary materials will be added to the publisher's contract after the SBESE's approval of the basal textbook and teacher's edition. These materials shall be limited to *instructional materials* (see definition herein).

Basal—student-based curricular materials (print or non-print) that encompass the SBESE-approved Louisiana Grade-Level Expectations for specified subject areas. These curricular materials are considered a major teacher and student resource for attainment of the state standards and benchmarks and for the locally designed and aligned curriculum and course. These materials shall be limited to *instructional materials* (see definition herein).

Blind Persons or other Persons with Print Disabilities[1]—children served under these regulations who may qualify to receive books and other publications produced in specialized formats in accordance with the Act entitled "An Act to Provide Books for the Adult Blind," approved March 3, 1931, 2 U.S.C. 135a (including footnote)

Core Subject Cycle—refers to the adoption period for English/language arts, science, social studies, and mathematics

Instructional Materials—limited to items having intellectual content that by design assist in the instruction of a subject or course. Instructional Materials may be transmitted via "storage mechanisms" (such as CD-ROMs, DVDs, flash drives, etc.), but "delivery mechanisms" (such as iPods, laptops, whiteboards, etc.) shall not be included in the adopted materials. Instructional Materials may be available in bound, unbound, bundled or package form and may consist of hardbound or softbound textbooks, consumables, manipulatives, electronic media, and computer courseware or software. Instructional Materials do not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.

National Instructional Materials Access Center (NIMAC)—the center established in section 674(e) of the Act, through the American Printing House for the Blind (APH), not later than one year after the date of enactment of IDEA. NIMAC's duties are:

1. to receive and maintain a catalog of print instructional materials prepared in the NIMAS, as established by the secretary, made available to such center by the textbook publishing industry, state educational agencies (SEAs), and LEAs;

2. to provide access to print instructional materials, including textbooks, in accessible media, free of charge, to blind or other persons with print disabilities in elementary schools and secondary schools, in accordance with such terms and procedures as the NIMAC may prescribe;

3. to develop, adopt and publish procedures to protect against copyright infringement, with respect to the print instructional materials provided in Sections 612(a)(23) and 613(a) (6) of the Act.

National Instructional Materials Accessibility Standard (NIMAS)—given that term in Section 674(e)(3)(B) of the Act (NIMAS means the standard established by the secretary to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats).

Print Instructional Materials—to be printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a SEA or LEA for use by students in the classroom.

Specialized Formats—that term in section 674(e)(3)(D) of the Act (*Specialized format* means Braille, audio, or digital text which is exclusively for use by blind or other persons with disabilities; and with respect to print instructional materials, includes large print formats when such materials are distributed exclusively for use by blind or other persons with disabilities).

Teacher's Edition—shall be defined as materials used for informing teachers' instruction and are not designed or intended to be used by students. Teacher's editions may include teacher guides or instructor's manuals.

Textbook—any medium or material (print or non-print), book, or electronic medium that constitutes the principal source for teaching and learning in a specified subject area. A textbook shall be a systematically organized core of stand alone instructional materials (which may be hardbound, softbound, electronic or other media) designed to support the teaching and learning of a curriculum based on the SBESE-approved Grade-Level Expectations or state curricular guides (e.g., home economics, foreign language, health, business education). These materials shall be limited to *instructional materials* (see definition herein).

Timely Manner—at the same time as non-disabled peers.

[1]The Library of Congress regulations (36 CFR 701.6(b)(1)) related to the Act to Provide Books for the Adult Blind (approved March 3, 1931, 2 U.S.C. 135a) provide that "blind persons or other persons with print disabilities" include: (i) Blind persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees. (ii) Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material. (iii) Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations. (iv) Persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner. Competent authority is defined in 36 CFR 701.6(b)(2) as follows: (i) In cases of blindness, visual disability, or physical limitations "competent authority" is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers, and superintendents). (ii) In the case of a reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1436 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 32:1030 (June 2006), LR 33:636 (April 2007), repromulgated LR 34:64 (January 2008), amended LR 35:646 (April 2009).

§303. Textbook Approval

A. The state shall prescribe and adopt free school books and other materials of instruction for use in elementary and secondary schools.

B. The state shall adopt materials that meet the National Instructional Materials Accessibility Standards (NIMAS). The state shall coordinate with the National Instructional Materials Access Center (NIMAC) for preparation and storage of electronic files suitable and use solely for conversion into specialized formats.

C. In carrying out this Section, the state to the maximum extent possible, shall work collaboratively with all agencies responsible for assistive technology programs.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S.17:8(A)(B); R.S. 17: 351(A)(B).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 33:636 (April 2007).

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 33:636 (April 2007).

§305. Textbooks and Materials of Instruction

A. State Screening of Textbooks and Materials of Instruction

1. The state shall assure that all school books, and materials for instruction submitted by state adoption are thoroughly screened, reviewed and approved as to their content by the SBESE and the local parish or city school board. Textbooks and teaching materials shall be available for public inspection at the department's book depository and public libraries during regular office hours.

B. Adequate and Appropriate Instructional Materials

1. Instruction (at the local level) shall be supported with adequate and appropriate instructional materials, equipment, and available community resources that support the stated philosophy and purposes of the school system and state adopted Grade-Level Expectations.

C. Formal Adoption and Implementation of Textbooks

1. Each school district shall make a formal adoption of textbooks within six months from the date of state-level approval by the State Board of Elementary and Secondary Education (SBESE) (Refer to Chapter 5, Local School System Responsibilities).

2. School systems shall implement the latest textbook adoption for core subject areas of English/language arts, science, social studies, and mathematics within a three year period, in accordance with locally determined levels of access to be provided to students (i.e. classroom sets, personal copy) (Refer to Chapter 5, Local School System Representatives).

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 29:124 (February 2003), LR 32:1031 (June 2006).

§307. Louisiana State Adoption Cycle and Time Lines

A. Texts for specific subject areas shall be adopted every seven years. See appendix for adoption cycles.

B. Broad time lines governing the adoption process are listed in §307.C. The Department of Education shall annually specify dates to be followed in each adoption year, per the Invitation Circular Letter to Submit Textbooks and Materials of Instruction for State Adoption, which is issued annually to publishers.

C. Time Lines

Invitation to Submit Textbooks and Materials of Instruction Issued by SDE	Early March
Notice of Publisher's Intent to Participate Due to SDE.	End March
SDE Supplies Submission Packet and Forms to Requesting Publishers	End March
State Committee is Appointed (confidential letter).	April
SDE Informs Participating Publishers of State Committee Names/Publicly Names State Adoption Committee	April
SDE Provides Publishers' Mandatory Orientation Program for Publishers.	April
Submission Forms are Due from Publishers to SDE; Manufacturing Standards on each Book are Due to SDE.	May
Detailed Specifications are Filed by Publishers with SDE Regarding Hardware, Software, and Special Equipment Needed to review to review any items included in the bid.	May
Detailed Correlations to State Content Standards/Curriculum Guides are Due to SDE from Publishers.	May
SDE provides the mandatory State Committee Orientation.	June/July
State Committee Files a List with SDE of Equipment Needed to Review Textbooks	June/July
Publishers Supply Textbooks for Review to Designated Locations.	June/July
State Committee Reviews Textbooks.	June/July - Mid September
Public Reviews Textbooks.	June/July - Mid September
Final Date for State Committee Members to Submit Written Questions to Publishers on Books Under Consideration	Mid September
Final Date for Publishers to Submit Copies to SDE of Answers to Written Questions from State Committee.	October 1
SDE to Forward to State Committee Publishers' Written Answers.	First Week October
SDE to Forward to State Committee All Written Public Comments.	First Week October
State Committee Makes Final Recommendations for Adoption; State Committee Files Affidavit Regarding Contact with or by Publishers.	Mid October
Pub Publishers File Affidavit Regarding Contacts with State Board of Elementary and Secondary Education Members, Textbook And Media Advisory Council and Members of the Statewide Adoption Committee.	End October
SBESE receives the Report on Public Comments by Textbook and Media Advisory Council.	End October
Publishers Submit Final Versions of Texts to Replace Initial Galley Proofs.	End October
SBESE Approval of Textbooks is Recommended for Current Adoption and Contact Affidavits.	End October
SBESE Approves Publisher's Contracts.	November/December
Final Publishers of Adopted Textbooks Comply with SDE Directives on Production of Braille Materials.	End March
Textbook caravan.	November - January
Local Adoption.	November - End March
Local Ordering.	March - Mid May

NOTE: Specific dates and timelines to be specified by SDE each year with Invitation Circular Letter.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351 -353; 361-365; 415.1; 463.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000).

§309. Funding for Textbooks

A. The Constitution provides that the Legislature shall appropriate funds to supply free school books and other materials of instruction prescribed by the State Board of Elementary and Secondary Education (SBESE) to the children of this state at the elementary and secondary levels. The SBESE annually develops and adopts a formula to determine the cost of a minimum foundation program of education. Additional funds for textbooks may be awarded through state grants (e.g., 8g Quality Educators and K-3 Reading) and through federal grants.

B. State funds shall be used for the purchase of textbooks on the SBESE-adopted textbook list and academically related ancillary materials according to state guidelines (Bulletin 741, 3.026.13). Funds may also be used to purchase instructional materials that are manipulative and concrete in nature for grades Kindergarten-3 and appropriate special education classes in order to support the instructional program at these grade levels. Waivers for purchase of non-adopted textbooks/materials that exceed 10 percent of the state allocations may be granted to local school systems in special circumstances.

C. The State Board of Elementary and Secondary Education, at its meeting of June 22, 1989, exercised those powers conferred by the emergency provision of the Administrative Procedure Act, R.S. 49:953 B, and adopted the following guidelines to allow

State textbook funds to be used to purchase instructional materials for Grade K-3 as recommended by the Department of Education.

1. For classes K-3, the school district superintendents are authorized to use textbook funds to purchase textbooks and other materials that can be used to support the instruction in these four elementary grades (K-3).

2. The major emphasis in selecting instructional materials for K-3 should be on manipulative and concrete materials such as blocks, dramatic/housekeeping toys, manipulative (puzzles, legos, etc.), gross motor materials (jump ropes, balls, etc.) and other manipulative materials.

3. The characteristics and needs of the child in grades K-3 should be considered when selecting appropriate materials.

D. The State Board of Elementary and Secondary Education may authorize the Louisiana School of Math, Science and the Arts and other parish or city school boards with programs for gifted students to select and purchase textbooks not included on the lists adopted by the board pursuant to the provisions of this Section, provided that such authorization shall be on an ad hoc basis and shall be subject to prior approval by the board. Such purchases may be made using funds appropriated by the Legislature for the purchase of textbooks as provided for here.

E. Public Schools

1. State and local funding for approved textbooks is generated through the Minimum Foundation Program (MFP) funding formula. The formula determines the minimum cost of total operational expenditures for each school system. Districts receive the state board's share as part of a monthly allotment with provision for local flexibility that allows funds to be used as deemed appropriate by school systems. The amount of funding needed to supply an adequate number of new textbooks for any given adoption can be estimated using the following formula:

October 1

Student Membership X Textbook Unit Price = Estimated Textbook Costs

2. It is required that districts take no more than three years to purchase newly adopted textbooks for core curriculum areas at all grade levels. The following example provides a method for estimating minimum expenditures for any given adoption cycle.

e.g., Mathematics Adoption Cycle

Step 1

October 1	Membership	Unit Price	Estimated Costs	
1,000 (Grades K-6)	*X*	*$30.00*	*= $30,000*	*Full Implementation*
+ 1,000 (Grades 7-12)	*X*	*$40.00*	*= $40,000*	*Full Implementation*
	2,000 (Total)		*= $70,000*	*Full Implementation*

Step 2

$70,000/3	*=*	*$23,333*	*Estimated Minimum First Year*

Math implementation for a school district with student population 2,000

F. Nonpublic Schools

1. Each nonpublic school receives a textbook allocation based on the number of K-12 nonpublic students enrolled in the SBESE and Brumfield-Dodd approved nonpublic schools. Reimbursement will be made to local school districts for purchases of nonsectarian books for nonpublic school students at the rate of $27.02 per student. All books (textbooks, library books, encyclopedias and encyclopedic references) that meet state standards and appropriate guidelines for selection are considered appropriate and may be purchased for nonpublic school students. Orders for textbooks and materials of instruction must be delivered during each fiscal year (i.e., July 1 to June 30) in order to be eligible for reimbursement.

October 1

Student Enrollment X $27.02 = State Nonpublic Textbook Allocation

(Academically and Brumfield-Dodd approved schools)

2. If materials and supplies are included in purchase orders, it will be the responsibility of the local school district to conduct audits to ensure that the materials and supplies are used to provide students with nonsectarian instruction. Furthermore, all textbooks must be purchased and distributed through the local school district for each eligible nonpublic school in its area. It is requested that reimbursement requests be submitted in a timely manner. Payments will be made from invoices only. In no event should these funds be distributed directly to nonpublic schools.

3. Payments for textbooks and textbook administration will be made upon receipt of the completed Nonpublic School Textbook Invoice form provided through the Division of Educational Finance Services.

G. Special Funding For Textbooks

1. 8(g) Quality Education Support Fund

a. School districts and approved nonpublic schools may use 8(g) Quality Education Support Funds to supplement state MFP and local funding for textbooks and materials of instruction. The purpose of these funds is to ensure an adequate supply of superior textbooks, library books, and/or reference materials for these approved schools.

b. Effective with the 1996-97 granting cycle, Consent Judgement 90-880-A enjoins the State Board of Elementary and Secondary Education from making grant awards for library books and/or reference materials to nonpublic agencies that are determined to be pervasively sectarian entities.

c. Guidelines, issued each year by the State Board of Elementary and Secondary Education, should be consulted for specific requirements related to expenditures and for funding allocations.

H. Availability of Prestige License Plates and Applicable Revenues. R.S. 47:463.46, enacted during the 1997 Legislative Session, provides for a prestige license plate to provide special funding for the purchase of textbooks in approved elementary and secondary schools. The plate, bearing the words Helping Schools, is available for purchase from the Department of Public Safety and Corrections at an annual fee of $25, in addition to the regular fee. Revenues must be invested by the State Treasurer, on behalf of the SBESE. Funds must be used solely for the purchase of textbooks.

I. Use of Federal Funds. School districts are encouraged to develop a consolidated plan, using all available funding streams, including federal funds, in order that adequate and appropriate textbooks and materials of instruction are available for students.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1439 (August 1999), repromulgated LR 26:993 (May 2000).

§311. Invitation Circular Letter

A. Specific dates are determined each year and are documented in the Invitation Circular Letter issued to publishers.

B. The Invitation Circular Letter shall be sent to interested publishers from the Office of Student and School Performance (tentatively set for March 1 of each year; refer to specific guidelines issued by the SDE each year). The invitation will announce the subject and disciplines of materials being considered for adoption. Included in the invitation will be written guidelines and instructions covering the adoption process. The review of materials and adoption vote will be limited to the student book (basal) and the teacher's edition. Publishers are also required to list on appropriate forms all ancillary and free materials that will accompany the basal texts. (Refer to §301 for definitions of textbooks, basal, teachers= edition, ancillary, and core subject cycle.)

C. The SDE shall provide specific forms to be used for textbook submissions. Publishers must list each book separately, along with copyright, price, printing edition, and grade/subject area to be considered for adoption, even if the book is only part of a series.

D. No substitutions shall be allowed to the list of textbooks once publishers have submitted the response to Louisiana Textbook (LT) forms. Publishers will not be allowed to discuss upcoming editions or pending revisions of texts at any meetings of the State Textbook Selection Committee.

E. Each book must be evaluated on the basis of its current content. Final bound galley proofs may be submitted under certain circumstances, providing that the final hardbound copy is submitted, received and approved by the SDE prior to the final vote of the State Board of Elementary and Secondary Education. (Refer to specific timelines issued by the SDE for each adoption cycle.) Unbound manuscripts will not be accepted.

F. Publishers must guarantee that textbooks and materials of instruction that are submitted for consideration in the "LT Submission" Form will be made available for duration of a seven-year contract period. Publishers cannot submit materials that cannot be guaranteed for the duration of the contracted period. No substitutions of texts or prices are allowed (unless the price is lowered, per Favored Nations clause) once the Submission Form has been received by the SDE.

G. The Invitation Circular Letter shall also include an Intent to Participate Form, which shall be returned to the SDE by all publishers interested in responding to the Invitation.

H. Any items designated as "free" by publishers must also be submitted on the appropriate "LT Submission" Form(s). Publishers may modify their free offerings by providing a written explanation and a detailed listing of items to be added to their original submission to the Department of Education within 60 days of the original due date. Any additions or offers of free materials or services made to local school systems verbally or in writing that are not included on forms submitted to the department will be considered a violation and may cause the publisher to be disqualified. All free items shall be *instructional materials* (see definitions in §301).

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:995 (May 2000), amended LR 29:124 (February 2003), LR 35:647 (April 2009).

§313. Establish State Textbook Adoption Committee

A. All textbook adoption committees appointed by the Superintendent of Education shall contain a membership of not less than one-third of which are teachers, not less than one-third of which are parents who are not public educators, and the remainder of which are other persons. For purposes of this section, the term teacher shall mean any person employed by a city or parish school board, who, as a condition of employment, is required to hold a valid teaching certificate issued by the Department of Education (R.S. 17:415.1).

B. Nominations for membership may be made by the State Board of Elementary and Secondary Education, local school superintendents, and representatives of the SBESE Nonpublic School Commission, as well as the State Superintendent of Education. The committee shall contain a broad cross section in membership, to include parents, nonpublic educators, special educators, district-level curriculum supervisors, classroom teachers, and others who have interest and or knowledge of curriculum and subject matter under adoption.

C. Potential committee members shall be screened for potential conflict of interest with textbook publishers. Appointed members shall have no direct or indirect contact with publishers nor shall members have any business relationship, previous or planned, with any publisher. Committee members shall receive nothing of value from publishers or representatives in the state textbook adoption procedures, nor shall they accept any gratuity or offer of payment for services or attendance at publisher-sponsored functions. Potential members shall be asked to submit background information, including training and experience, willingness and availability to serve, and also an affidavit attesting that no conflict of interest with textbook publishers exists.

D. Committee members and publishers shall be informed in writing of appointment to the State Selection Committee by the State Superintendent according to the time line specified.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000).

§315. Establish Criteria and Procedure for Evaluation and Selection of Textbooks and Materials of Instruction

A. The following SBESE-approved definition shall serve as a framework for the review of textbooks and materials of instruction which are offered for adoption.

1. A *State-Approved Textbook*↓a systematically organized core of instructional materials (which may be hardbound, softbound, electronic or other media) designed to support the teaching and learning of a curriculum based on the State-approved Grade-Level Expectations and state assessment as approved by the SBESE. This definition includes any medium or material (print or non-print), book, or electronic medium that constitutes the principal source of study for teaching in specified subject areas.

B. At a minimum, the following framework shall guide evaluation.

1. Textbooks and materials of instruction shall align with the standards and benchmarks of the State Grade-Level Expectations, State-approved curriculum guides, and state assessment program.

2. Textbooks and materials of instruction should promote an understanding of the history and values of the people of the United States and Louisiana, including the free enterprise system, private property, constitutional liberties, democratic values, and traditional standards of moral values. (R.S. 17:351).

3. Textbooks and materials of instruction should accurately reflect the contributions and achievements of people of differing races. (R.S. 17:351).

4. Other criteria as specified in the SDE-developed evaluation instrument(s).

NOTE: The SDE shall establish an appropriate evaluation instrument(s) that shall be used by State Textbook Adoption Committee members, and their local subcommittees, as tools for final decision-making. In addition to the above frameworks, additional evaluation criteria shall focus on alignment of proposed textbooks and materials with the SBESE-approved state Grade-Level Expectations/curriculum guides and assessment programs.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000), amended LR 32:1031 (June 2006).

§317. Provide for a Publishers' Orientation

A. The SDE shall schedule an orientation for all interested publishers. Publishers who are interested in submitting textbooks and materials of instruction for consideration are required to have representation at the orientation or be eliminated.

B. Publishers will receive information regarding expectations for content of state-adopted textbooks and materials of instruction. Procedures for submission, review and evaluation, and contracting will be discussed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000).

§319. Establish Procedures for Concerned Citizens' Involvement in the Review Process and a Procedure for Response by Textbook Publishers

A. A minimum of eight public sites shall be established for display and review of all basal textbooks presented for consideration. Sites shall include, at a minimum, three cooperating libraries in New Orleans to be determined by the New Orleans Public Library system, two in cooperating library branches in Baton Rouge, and in cooperating libraries in Covington, Hammond, Metairie, Marrero, Bossier City, Natchitoches, Ruston, DeRidder, New Iberia, Opelousas, Bogalusa, Shreveport, Monroe, Alexandria, Lake Charles, Lafayette, and Houma.

1. A list of public review sites will be posted on the department's website for a minimum of 90 days prior to the adoption of new textbooks.

2. Four copies of each textbook under review will be provided at each participating location, three of which shall be available to check out.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000), amended LR 33:637 (April 2007).

§321. Role and Responsibilities of the State Textbook Adoption Committee

A. Committee members shall receive nothing of value from publishers during the state textbook adoption process, nor shall they accept any gratuity or offer of payment for services or attendance at publisher-sponsored functions. Potential members shall be asked to submit background information, including training and experience, willingness and availability to serve, as well as an affidavit attesting that no conflict of interest with textbook publishers exists.

1. Members shall be informed in writing that they shall have no contact with publishers once formal appointment to the State Adoption Committee has been received. Publishers shall not attempt to influence the deliberations or vote of a committee member, either directly or through third parties. Violations of this requirement may result in immediate disqualification of the publisher and committee member.

2. State committee members shall be provided orientation and training by the Department of Education on purposes of the adoption, criteria for evaluation, use of the evaluation instrument(s), and procedures to be followed if local subcommittees assist in the review process. Staff members of the Department of Education shall serve as consultants on curricular content and adoption procedures during all meetings of the committee.

3. Committee members are required to be in attendance and participate in all scheduled activities of the committee. Members must be in attendance at all scheduled meetings of the committee in order to cast a vote for textbooks under consideration. The committee chair shall verify the attendance of the members.

4. State committee members shall evaluate all titles submitted for adoption using the state-approved evaluation instrument(s). One evaluation form shall be completed by each state committee member on each title reviewed. Evaluation forms are designed to assist the state committee member in formulating a final decision and vote. Forms shall in no way be considered as binding upon the final vote of the committee member. In accordance with public records law, evaluation forms used for decision making will be collected by the SDE.

a. Part of the evaluation allows each state committee member to formulate and prioritize relevant questions to be addressed by publishers on each book. Said questions shall be forwarded to the SDE by each committee member by a date to be specified by the SDE.

b. The committee may elect to move titles of textbooks from one subject area to another if they believe that the publisher placed the book inappropriately in a subject area.

B. Each state committee member may select, with assistance of the local textbook supervisor, a local five-member subcommittee. The department encourages local subcommittees be made up of a broad cross section in membership, that may include parents, nonpublic educators, special educators, district-level curriculum supervisors, classroom teachers, and others who have interest and or knowledge of curriculum and subject matter under adoption to assist in the evaluation process.

1. Each subcommittee should evaluate textbook materials using procedures and instruments that parallel those specified by the Department of Education for the state committee. The evaluation instrument(s) include an area for written questions to be addressed by publishers on specific textbooks. The questions will then be submitted to the state committee member for consideration.

2. Evaluation forms completed by local subcommittees are to assist the state committee member. Only those forms used by the state committee members for decision making will be collected by the SDE.

C. The final vote on each textbook under consideration shall be through a voice roll-call vote, by those seated and present, with written record, which shall be duly recorded by the SDE. The state committee member shall have discretion and final authority in the vote on each textbook under consideration for adoption.

1. Each book must receive a favorable majority (defined as one vote over half of appointed committee members in attendance) of votes of the State Textbook Selection Committee in order to be placed on the state adopted list.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1441 (August 1999), repromulgated LR 26:997 (May 2000).

§325. Adopting Authority

A. The State Board of Elementary and Secondary Education (SBESE) is the official adopting authority in the state of Louisiana. The SBESE will receive the report from the Textbook, Media, and Library Advisory Council regarding public comments on textbooks proposed for adoption.

B. Oral objections shall be limited to those that have been previously filed in writing with the Department of Education following review at the public display sites. Persons choosing to make oral objections shall be allotted a maximum of ten minutes to address the full board.

C. Publishers shall be allowed to provide a written response and or allotted a maximum of ten minutes to present relevant information before the full board.

D. The Textbook, Media, and Library Advisory Council shall be composed of members appointed by the State Board of Elementary and Secondary Education. The council's function is to review relevant legislation and proposed SBESE policy, to hear public comments regarding textbooks and materials of instruction proposed for state adoption, and to report findings to the Student Standards and Assessment Committee.

E. The Student Standards and Assessment Committee is made up of members of the State Board of Elementary and Secondary Education. The committee may hear public comments which have been scheduled as a result of written comments received during the public review period. The committee will in turn make recommendations to the full Board of Elementary and Secondary Education.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1441 (August 1999), repromulgated LR 26:997 (May 2000).

Chapter 5. Local School System Responsibilities

§501. Local Planning

A. Local school systems shall develop a plan for providing adequate and appropriate instructional materials for students. Such plans shall include formal adoptions and appropriate procedures, as well as plans for implementation of policies included in §505. Districts must submit plans to SDE by June 30 of each year.

B. The LEA that chooses to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials must acquire those instructional materials in the same manner, and subject to the same conditions as the state under §303.

1. If an LEA chooses not to coordinate with the NIMAC, the LEA must provide an assurance to the state that instructional materials will be provided to blind persons or other persons with print disabilities in a timely manner.

2. The LEA has a responsibility to ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities in 34 CFR 300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

C. The LEA shall ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities in 34 CFR 300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1442 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 33:637 (April 2007).

§503. Formal Adoption (see also, Bulletin 741, 1.070.03)

A. School systems shall make a formal adoption of textbooks according to the state adoption cycle within six months from the date of formal approval by the State Board of Elementary and Secondary Education (SBESE).

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1442 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 29:124 (February 2003).

§505. Local Implementation

A. Adequate and Appropriate Instructional Materials

1. Textbooks and materials of instruction for all curriculum areas at the local level shall be supported with adequate and appropriate instructional materials, equipment, and available community resources that support the stated philosophy and purposes of the school system (see also, Bulletin 741, 1.070.00).

a. School systems shall make a formal adoption of textbooks within six months from the date of state-level approval by the State Board of Elementary and Secondary Education (SBESE). Local school systems shall provide students with access to current textbooks that conform to minimum standards of quality.

2. Textbooks for Core Curriculum Areas

a. School systems shall implement the latest textbook adoption for core subject areas of English/language arts, science, social studies, and mathematics within a three-year period, in accordance with locally determined levels of access to be provided to students (i.e., classroom sets, personal copy, other specified arrangement).

b. Currency—a school system shall implement the latest textbook adoption for core subject areas within a three-year period. Waivers of this policy shall be approved by the SBESE only upon extenuating circumstances as documented in the local Plan of Implementation to be submitted by June 30 of each year to the Department of Education.

c. Quality—a school system shall annually provide students with textbooks and materials of instruction that are useable and functional. Upon initial adoption, textbooks and materials must conform to the Minimum Manufacturing Standards and Specifications for Textbooks as developed by the National Association of State Textbook Administrators (NASTA) in consultation with the American Publishers and Book Manufacturers› Institute.

d. Access. A school system shall, based on input from local teachers, principals, administrators, and others, determine how access to textbooks in core subject areas will be made available to students. School systems must ensure that each child within the classroom will have equal access to any available instructional materials. School systems shall also inform each parent/guardian in writing at the beginning of each school year of the method of access to textbooks which has been selected for each course or grade level. A contact person and phone number should be provided.

i. Options for providing textbook access for students may include:

(a). textbooks provided for each student to take home;

(b). textbooks provided via a classroom set;

(c). textbooks provided as both a classroom set and take home copy for each student; or

(d). other specified arrangement as deemed appropriate to the subject area by local officials.

3. Textbooks for Areas Other than Core Curriculum

a. Local school systems shall fully implement adoption in subject areas other than core as soon as funds will permit or as programmatic needs dictate. School systems must ensure that each child within the classroom will have equal access to any available instructional materials for non-core subject areas.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172;351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1442 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 32:1031 (June 2006).

§507. Local Adoption Procedures

A. Purpose

1. To assure local public school systems have a defined procedure for textbook adoption.

2. To provide an opportunity for appropriate input in textbook selection.

3. To ensure curriculum content that reflects current national, state, and local standards of instruction.

B. Each local school system will hold a formal textbook adoption. The local textbook adoption process shall focus on those textbooks selected at the state level. After the state committee textbook recommendations have been approved by the State Board of Elementary and Secondary Education, within thirty days local school systems will be provided the list of state-approved textbooks. Additional information regarding cost items included with the basal text, as well as all items to be given at no cost to local school systems, shall also be made available.

C. Local Adoption Procedures

1. An Established Time Line

a. Local school systems must hold textbook adoption each year following SBESE approval of newly adopted texts. Districts are encouraged to hold local adoptions between November and the end of March. Participation in the state Textbook caravan is optional but may be used as a part of the local adoption procedures (see §507.D).

b. The SDE must be notified as to the locally adopted textbooks by June 30 and the school system's Plan for Implementation in the school year of the adoption.

2. Properly Constituted and Trained Local Adoption Committee

a. The local adoption committee will be composed of teachers, parents, and others with equitable representation by race, gender, and ethnic origin. For purposes of this section, the term teacher shall mean any person employed by a city or parish school board, who, as a condition of employment, is required to hold a valid teaching certificate issued by the Department of Education (R.S. 17:415.1).

b. Diverse membership is encouraged to include parents, special educators, district-level curriculum supervisors, classroom teachers, and others who have interest and or knowledge of curriculum and subject matter under adoption.

c. Local adoption committee members are to receive special training in textbook selection criteria (i.e., knowledge of subject area Grade-Level Expectations and assessments), voting procedure, and integrity of interaction with publishers.

D. Participation in State Textbook Caravan

1. School systems are encouraged to participate in the State Textbook caravan as scheduled by the SDE. The State Textbook caravan affords all school systems an equal opportunity to preview all state-adopted textbooks and ancillary materials with onsite availability of publishers to answer questions.

2. All school systems, public, private and parochial, are eligible to participate in the State Textbook caravan.

E. Provision for Publishers= Contacts with Local School District; Optional Requests for Local Presentations

1. Local school systems are strongly encouraged to establish a formal policy regarding the method, time line, and procedure for publishers seeking to have contact with personnel at central offices and local school sites. Such policies may also address the provision of written materials to school and central office personnel as well as attendance of school and central office personnel at functions sponsored by publishers. Local school systems are further encouraged to inform publishers of local policy.

2. Local school systems may use the State Textbook caravan as the single opportunity for publishers' presentations within the city/parish OR as a vehicle for identifying those publishers to be called for a local presentation.

3. *At the district's request, one* additional presentation by a publisher will be permitted at the local level for clarification of information on textbooks under consideration for adoption. However, such follow-up presentation may not occur prior to the conclusion of the State Textbook caravan.

4. Prior to the completion of the State Textbook caravan, any publisher initiated communication with local schools and school systems must be coordinated through the Parish/City Textbook Supervisor or the appropriate Curriculum Supervisor. Publishers may not initiate direct contacts with principals, teachers, or schools until after the completion of the State Textbook caravan.

F. Sampling of Textbooks by Publishers; Violation Will Disqualify Publisher.

1. Publishers are to furnish samples only at the written request of the local school system textbook adoption coordinator after the state committee review.

2. Samples are to be limited to one sample pack per grade/subject per school, plus one additional set per district. Supervisors may request up to two additional teacher editions per grade/subject.

3. Other persons choosing to examine samples must use samples provided by the SDE at predesignated sites for public review.

4. Publishers must notify local school systems, in writing, of the need to have samples returned. If notified by publishers, all samples received by local school systems must be picked up by the publisher within 30 days after the local adoption.

5. Publishers must make all necessary arrangements for sample returns at publisher's expense.

6. The "piloting" of new materials in any school or school system prior to official review by the State Textbook Adoption Committee and final approval by the SBESE is prohibited. Publishers are not to offer school-wide copies or classroom sets of any item or material on a trial or pilot basis.

7. The "piloting" of new materials in any school or school system prior to official review by the State Textbook Adoption Committee and final approval by the SBESE is prohibited. Publishers are not to offer school-wide copies or classroom sets of any item or material on a trial or pilot basis.

G. Local Selection of Textbooks

1. An evaluation instrument must be used by local school districts. Alignment with State-adopted Grade-Level Expectations and state and local curriculum objectives, where applicable, shall be a primary consideration in the evaluation process. Local school districts may model state developed procedures and evaluation instruments.

2. An official summary report of local evaluation results is to be kept on file for a minimum of three years.

3. Local school system officials shall not solicit or accept any free material, item, or service other than those included on official bid submission forms and officially received by the Department of Education. (See Section 311.)

H. Notifying State of Local Textbook Selections

1. Local school districts shall notify the SDE of all textbooks selected by discipline and course via the local Plan of Implementation. Said notification must be made by June 30 in the school year of the state adoption (Refer to §515 Records and Reporting Requirements).

I. Notifying Schools of Locally Selected Textbooks

1. Each school shall be provided a list of all components of the locally adopted basal textbook in each subject area, including those items which may be purchased with textbook funds and those items to be supplied by the publishers at no cost.

2. Local school systems may share with each school a list of the strengths and weakness of all textbooks selected.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1443 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 29:124 (February 2003), LR 32:1031 (June 2006), LR 33:2067 (October 2007).

§509. Ordering

A. All local systems must establish the amount of monies to be used for textbooks, library books, and school supplies from their MFP allocation. This breakdown shall be forwarded to the Office of Student and School Performance with its Plan of Implementation for the purchase of textbooks each year. The Plan of Implementation shall be submitted by June 30 of each year.

B. Once the LEA determines the need of the schools based on the adoption schedule, orders may be placed with the SDE-designated textbook depository or directly with publishers.

C. When placing orders with the depository, the following schedule is suggested for ordering:

1. March 15 - May 15: Initial Ordering
(*suggested time for ordering textbooks to be placed in schools for the first time in the coming school year)

2. May 15 - October 15: Second Ordering
(*suggested time for revising initial order, ordering replacement or additional copies of texts already in use in the schools)

3. School systems may place orders in advance of the starting dates of each cycle.

D. All orders placed with the depository shall be delivered within ninety days of the end of each ordering cycle unless a later delivery date is requested by the LEA. Publishers and/or the state textbook depository may be fined 1 percent of all outstanding balances on orders not delivered within 90 days of the end of each ordering cycle, or within 30 days for orders not placed during the ordering period, based upon complaints of local school districts and follow up review by the SDE. See §1901, Appendix.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1443 (August 1999), repromulgated LR 26:999 (May 2000).

§511. Direct Order of Textbooks

A. Effective January 1, 1998, HB 1057 of the 1997 Regular Session provides that any governing authority of a public elementary or secondary school may order and receive state-adopted textbooks directly from a textbook publisher. Textbooks purchased directly from the publisher must be either the same price or lower than that offered from any other source.

B. Publishers may be fined 1 percent of all outstanding balances on orders not delivered within 90 days of the end of each ordering cycle, based upon complaints of local school districts and follow up review by the SDE. (See §519 and §1901, Appendix.)

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1444 (August 1999), repromulgated LR 26:1000 (May 2000).

§513. Waivers

A. Purchasing Books not on the Approved State List

1. A local school system or school may use up to but not exceed 10 percent of it textbook allotment for the purchase of non-state adopted textbooks and materials of instruction. Approval by the State Board of Elementary and Secondary Education is not required.

B. Special Waiver to Exceed 10 Percent of Textbook Allotment on Non-Adopted State Textbooks and Materials of Instruction

1. A local school system, with the approval of its local school board or chartering authority, may petition in writing the state Department of Education for permission to spend in excess of the 10 percent allowance for non-adopted state textbooks.

2. Requests shall be accepted from March through May 31. Textbook orders may not be processed until waivers have been approved. The last month for action on such waivers shall be June. Any extenuating circumstances shall be handled on an individual basis.

C. Purchase of Instructional Materials for Grades K-3

1. The State Board of Elementary and Secondary Education, at its meeting of June 22, 1989, exercised those powers conferred by the emergency provision of the Administrative Procedure Act, R.S. 49:953 B, and adopted the following guidelines to allow state textbook funds to be used to purchase instructional materials for Grade K-3 as recommended by the Department of Education.

a. For classes K-3, the school district superintendents are authorized to use textbook funds to purchase textbooks and other materials that can be used to support the instruction in these four elementary grades (K-3).

b. The major emphasis in selecting instructional materials for K-3 should be on manipulative and concrete materials, such as blocks, dramatic/housekeeping toys, manipulatives (puzzles, legos, etc.), gross motor materials (jump ropes, balls, etc.) and other manipulative materials.

c. The characteristics and needs of the child in grades K-3 should be considered when selecting appropriate materials.

D. Special Purchase for Gifted Programs

1. The State Board of Elementary and Secondary Education may authorize the Louisiana School of Math, Science and the Arts and other parish or city school boards with programs for gifted students to select and purchase textbooks not included on the lists adopted by the board pursuant to the provisions of this Section, provided that such authorization shall be on an ad hoc basis and shall be subject to prior approval by the board. Such purchases may be made using funds appropriated by the Legislature for the purchase of textbooks as provided for herein.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1444 (August 1999), repromulgated LR 26:1000 (May 2000), amended LR 35:1878 (September 2009).

§515. Records and Reporting Requirements
(see also, Bulletin 741, 1.026.12-13; 3.026.12)

A. School systems shall maintain an inventory system for submitting records and reports as required by the Department of Education and include all textbooks on hand at the beginning of the session, as well as records of those added, worn out and in need of replacement.

1. Local Plan of Implementation

a. Local school systems shall submit an annual Plan of Implementation for textbook adoption to the SDE by June 30 of each year. Such plans shall document local implementation of adequate and appropriate instructional materials. Specific forms for this purpose will be provided by the SDE. In addition, an ongoing textbook inventory system should be used to maintain records for a minimum of three years.

b. The SDE must be notified of all textbook titles selected by discipline/course. This plan must address the number of books to be ordered by subject, course, and grade level. The school system shall indicate which of the following options will be applicable to the latest subject adoption:

i. textbooks will be provided for each student;

ii. textbooks will be provided via a classroom set;

iii textbooks will be provided as both a classroom set and take- home copy for each student;

iv. other specified arrangements as deemed appropriate to subject area by local officials.

2. Textbooks Used By Blind and Visually Impaired Students

a. School systems in need of books and materials for use by blind and visually-impaired students should begin by contacting the school district's special education supervisor to ensure the student has an approved Individualized Educational Plan (IEP) that states the need for Braille or large print materials. The local Textbook Implementation Plan submitted to the State Textbook Administrator each year should include a statement of need and a plan for securing textbooks for students who are blind or visually impaired. This plan should include the following:

i. procedures for requesting/ordering from Louisiana Learning Resource System (LLRS);

ii. procedures for securing textbooks not available from LLRS;

iii. number of students included on the census of students with visual impairments compiled by LLRS school code;

iv. number of students reported visually impaired and or blind to the Student Information System (SIS) at each school code.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1444 (August 1999), repromulgated LR 26:1000 (May 2000).

§517. Textbooks for Home Study Program

A. The following procedures shall be used for ordering of textbooks to be used in approved home study programs. Parents and or guardians must proceed through the following steps in order to access textbooks for students in home study:

1. submit an application to the SDE and obtain approval for participation in the Home Study Program;

2. present a copy of the approved Home-Study application form to the local Textbook Supervisor or designee at local school board office;

3. select the textbooks and/or materials needed from the listing provided by the textbook personnel at each local school board office (only materials approved by the SBESE and adopted by local school districts are provided, when available);

4. provide a deposit equal to 100 percent of the replacement cost. Such deposit will be returned when the books are returned. If books are not returned or paid for, the parent or legal guardian shall not be eligible to continue participation in the textbook rental program until all textbooks debts have been cleared.

NOTE: Only one grade level set of texts per child per subject is available at any single time.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13 (A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236-236.1; 351-353; 361-365; 415.1; 463.46.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1445 (August 1999), repromulgated LR 26:1001 (May 2000), amended LR 30:780 (April 2004).

§519. Report on Status of Local Ordering—Late Delivery by Publishers

A. LEAs shall inform the SDE of any publisher who fails to provide textbooks within 90 days of the end of each ordering cycle, or within 30 days for orders not placed during the ordering period. Such notice shall be on forms prescribed by the SDE. (See §1901, Appendix).

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1445 (August 1999), repromulgated LR 26:1001 (May 2000).

§521. Sale of Textbooks No Longer in Use

A. LEAs shall request permission of the SDE to dispose, sell, or donate out-of-date or unuseable or unsaleable textbooks. Limitation: Textbooks no longer in use may not be sold to anyone whose intent is to resell them.

B. In order to obtain the greatest utility from out-of-use textbooks and to assist local school districts and schools, the following options are available to local school districts.

1. If a textbook or library book has been out of use for over six months, or upon replacement by a new edition of books, a parish or city school board may, with the approval of the [state] board, donate said book to any public hospital, any jail or prison, or any public institution, or to any individual for private use free of charge.

a. Any textbook or library book which a parish or city school board is unable to sell or donate after being out of use in excess of six months, or upon replacement by a new edition of books, or any textbook or library book which is deemed by said board to be unusable or unsaleable, shall be disposed of in an appropriate manner.

b. A parish or city school board, with the prior approval of the State Board of Elementary and Secondary Education, may by the debinding and shredding method, dispose of any textbook or library book that has not been sold or donated and has been out of use parish wide in excess of six months. If the debinding and shredding method is chosen, the following procedures are to be followed.

i. The local district shall submit request(s) to the SDE between March-June 30 of each year;

ii. upon submission of request(s), the local school districts shall notify all SBESE and Brumfield-Dodd approved non-public schools within their district of the availability of these textbooks by disciplines, giving them three weeks to express their interest in securing any of these textbooks;

iii. the local school district may select a vendor and enter into a contract for the debinding and shredding of those books no longer in use;

iv. the local school district shall maintain appropriate records for three years;

v. the local school district shall derive all funds from the debinding. Funds derived from such sale shall be used by the parish or city school board solely for textbook or library book purchases.

c. The reproduction of any textbook or library book no longer in use by a parish or city school system and the use of multiple copies of such books by organized groups or by an educational agency or entity is prohibited, per R.S. 17:8.1.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1445 (August 1999), repromulgated LR 26:1001 (May 2000).

§523. Reasonable and Proper Care for and Control over Textbooks and Other Materials of Instruction

NOTE: This policy shall also be applicable to instructional materials, supplies, and equipment. (See also *Bulletin 741*)

A. The SDE recommends that Student Handbooks, issued to students at the beginning of each school year, include a policy statement that stipulates responsibility for proper use and control over textbooks and other materials of instruction that are on loan to the students during the school year. Signature lines should be included for both students' and parent/legal guardians'

acknowledgement of responsibility. In addition, a contact name and phone number should be provided. Payment plans for restitution by parents/guardians may be specified.

B. Each school system, as part of its responsibility to ensure proper care and control of textbooks, shall adopt procedures that hold students and parents/guardians responsible for exercising reasonable and proper care of textbooks and materials of instruction.

C. Such procedures may provide that parents and/or legal guardians may be required to compensate the school district for lost, destroyed, or unnecessarily damaged books and materials, and for any books which are not returned to the proper schools at the end of each school year or upon withdrawal of their dependent child. Under no circumstances may a student of school age be held financially responsible for fees associated with textbook replacement.

D. Compensation by parents or guardians may be in the form of monetary fees or community/school service activities, as determined by the school governing authority. In the case of monetary fees, fines shall be limited to no more than the replacement cost of the textbook or material, but may, at the discretion of the governing authority, be adjusted according to the physical condition of the lost or destroyed textbook. A school system may waive or reduce the payment required if the student is from a family of low income and may provide for a method of payment other than lump-sum payment.

E. In lieu of monetary payments, both school systems and parents/guardians may elect to have students perform school/community service activities, provided that such are arranged sop as not to conflict with school instructional time; these activities shall be properly supervised by school staff and shall be suitable to the age of the child.

F. Under no circumstances may a school or school district refuse the parent/guardian the right to inspect relevant grades or records pertaining to the child; nor may the school or school district refuse to transfer promptly the records of any child withdrawing or transferring from the school, per requirements of the Federal Family Educational rights and Privacy Act. Transfer of records shall not exceed 45 days from the date of request, except for requests from any educational facility operated within any correctional or health facility. The transfer of such records shall not exceed 10 business days from the date of receipt of the written request.

G. Under no circumstances may a school or school district deny a student promotional opportunities, as a result of his/her failure to compensate the school district for lost or damaged textbooks. Students shall not be denied continual enrollment each grading period nor re-entry in succeeding school years as a result of lost or damaged books.

H. Students shall not be denied the use of a textbook during school hours each day. Each school system shall annually inform parents and/or legal guardians of the locally adopted procedures pursuant to state law and regulation, regarding reasonable and proper control of textbooks (See also *Bulletin 741—Louisiana Handbook for School Administrators* (Revised, 1997) for policy regarding this legislation).

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1446 (August 1999), repromulgated LR 26:1001 (May 2000), amended LR 28:2329 (November 2002).

§525. Ongoing Inventory System

A. Schools are required to develop and maintain an ongoing textbook inventory system. Records should be kept on file a minimum of three years. Data elements should include those requested for the district's Plan of Implementation.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1446 (August 1999), repromulgated LR 26:1002 (May 2000).

Chapter 7. Publishers' Responsibilities

§701. Requirements for Publishers' Participation in State Textbook Adoption

A. Publishers are required to follow the procedures below in order to be eligible to participate in any state textbook adoption process. Publishers must provide the required information to the Department of Education by the specified time each year in order for submissions to be accepted for consideration.

B. An Intent to Participate form shall be mailed during each adoption year to publishers whose names and addresses are on file in the Department of Education.

C. Publishers are required to file an Intent to Participate form with the SDE by the assigned date in March each year in order to receive a full textbook submission packet.

D. Publishers are required to provide proof of registration with the Louisiana Secretary of State's Office in order for contracts to be legally negotiated. It is the responsibility of the publisher to ensure that proper forms have been completed and that the company is registered according to state laws and regulations.

E. Publishers are encouraged to submit such documentation along with the return of the Intent to Participate form. However, publishers may submit the verification at a later date, but no later than October 1 of each year. Under no circumstances will a contract be negotiated with a publisher without such documentation.

F. Publishers are required to provide the name, address, telephone, fax number, and electronic mail address, if applicable, of one local representative and one corporate representative of the company. The designated representatives should be those officials who are authorized to speak on behalf of the company within the State of Louisiana and who, at the corporate level, are authorized to enter into contract agreements with the Department of Education/SBESE. Such information shall be submitted with the Notice of Intent to Participate form to be submitted each year by interested publishers.

G. Publishers are required to provide written notification to the Office of Student and School Performance of changes in agents or representatives, addresses or phone numbers. No more than two names and addresses may be designated to receive information at any one time for any one person, firm, corporation or organization.

H. Publishers who are interested in submitting textbooks and materials of instruction for consideration are required to have representation at the orientation to be scheduled annually by the SDE. Failure to have representation will result in disqualification of the publisher.

I. Awareness sessions or any similar activities are strictly prohibited. Publishers shall not contact teachers, principals, or other school system employees, provide meals, materials, trips, or any other free items in conjunction with a preview or overview of materials being considered for adoption. This does not prohibit publishers from displaying at conferences materials being considered for adoption.

I. Upon request by school personnel at conferences, publishers may provide examination copies if the materials are to be used for the benefit of Louisiana students.

J. Publishers who have materials recommended by the state committee and approved by the SBESE shall participate in the state textbook caravan.

K. Publishers shall not offer or provide any free material, item, or service other than those included on official bid submission forms and properly forwarded to the Department of Education. (See Section 311.)

L. The "piloting" of new materials in any school or school system prior to official review by the State Textbook Adoption Committee and final approval by the SBESE is prohibited. Publishers are not to offer school-wide copies or classroom sets of any item or material on a trial or pilot basis.

1. The term *piloting* refers to product testing and research in any school or school system in Louisiana by any company and/or its parent affiliate.

M. Publishers are to furnish sample materials only at the written request of the local school system textbook adoption coordinator after the state committee review.

1. Samples are to be limited to one sample pack per grade/subject per school, plus one additional set per district. Supervisors may request up to two additional teacher editions per grade/subject.

N. Consequences for policy violations will be imposed.

1. Complaints of possible policy violations shall be in writing. The party against whom the complaint is made will be afforded an opportunity to respond in writing. After consideration, the agency shall take appropriate action which may include a formal written letter of warning to the publishing company home office, its local representative, the Louisiana Association of Publishers.

2. Repeated violations will be reported to the state Board of Elementary and Secondary Education with department recommendation to dismiss the publisher from current and/or future adoption.

3. Reported violations may also result in delay of or negate contract negotiations.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1446 (August 1999), repromulgated LR 26:1002 (May 2000), amended LR 29:125 (February 2003), LR 32:1031 (June 2006), LR 33:2067 (October 2007).

§703. Publishers› Formal State Textbook and Materials of Instruction Submission

A. Publishers shall submit a formal response on SDE developed forms.

1. State Submission Forms for Textbooks and Materials of Instruction

a. Publishers must submit the Intent to Participate form by the prescribed deadline each year in order to receive the Invitation Circular Letter and accompanying SDE textbook submission packet.

b. All SDE forms must be fully and accurately completed. A publisher's submission form must clearly state each book or series of books the publishing company intends to offer in the appropriate subject area and for the appropriate grade level.

c. All submissions must be received in the Office of Student and School Performance, Department of Education building by 4:30 p.m. on the date specified each year. There will be no exceptions.

d. Failure to complete all required information on the submission form may result in disqualification of the publisher.

e. Publishers are required to submit detailed manufacturing standards on each book listed on the state submission forms. Manufacturing standards must be submitted along with the submission forms.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1447 (August 1999), repromulgated LR 26:1003 (May 2000).

§705. Notification of Required Hardware, Software, Special Equipment Needed by State Textbook Adoption Committee Members to Review Textbooks and Materials Submitted by Publishers

A. Publishers are required to submit in writing to the SDE by the designated time each year a detailed list of hardware, software, and any special equipment which may be needed by State Textbook Adoption Committee members for review of textbooks and materials of instruction.

B. Publishers will be responsible for costs associated with rental of needed equipment by state committee members, if other means are not available to the member. Publishers will be billed by the SDE for rental of such equipment.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1447 (August 1999), repromulgated LR 26:1003 (May 2000).

§707. Submission of Correlations to State-Approved Content Standards/Curriculum Guides

A. Publishers are required to submit in writing detailed correlations to *State Grade-Level Expectations/Curriculum Guides* for subject/content areas under adoption by the specified time each year.

B. Specific requirements shall be issued by the SDE regarding the format and methods to be used in preparing and reporting of correlations.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1447 (August 1999), repromulgated LR 26:1003 (May 2000), amended LR 32:1032 (June 2006).

§709. Textbook Samples for Review by State Textbook Adoption Committee Members and State Citizens

A. Publishers are required to place a fixed label on the outside of each book to be mailed to committee members or to public review sites. Each label shall clearly identify the following, in this order:

1. traditional; non-traditional; thematic;

2. subject area which corresponds to the state submission form;

3. applicable grade level;

4. title;

5. teacher or student edition;

6. publisher; and copyright date.

B. A checklist of titles should be enclosed with each box.

1. The checklist should include the following, in this order:

a. book title;

b. corresponding state adoption subject area;

c. applicable grade level;

d. teacher or student edition;

e. publisher; and

f. copyright date.

2. In addition, a list of all textbooks submitted for state adoption is required in order to determine whether total shipments from the publisher have arrived.

C. Publishers shall not provide any item of value, no matter how insignificant, to state committee members (i.e., no mugs, book bags, pens, or other token of appreciation) when samples are distributed. No brochures or marketing information shall be included with shipments.

D. Publishers shall send appropriately labeled samples of all basal and teachers' editions listed on submission forms to location(s) designated by the Department of Education.

E. Publishers should obtain a returned signed receipt as verification that all titles submitted for State Textbook Adoption Committee review have been received at designated location(s). Publishers shall be responsible for ensuring that books are received at designated location(s) for subsequent review by State Textbook Adoption Committee members. A summary check list that corresponds with materials submitted for review is required in addition to individual packing lists.

F. If samples are not received by the SDE-specified deadline, or are not of sufficient quantity for distribution, the book shall be disqualified from the adoption process.

G. The publisher will have the responsibility of making arrangements to have materials picked up from the committee members at the conclusion of the voting process. If the publisher fails to make the necessary arrangements within thirty days after the adoption, the materials will become the property of the committee members.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1447 (August 1999), repromulgated LR 26:1003 (May 2000).

§711. Submission of Galley Proofs

A. Galley proofs may be submitted to designated location(s) as samples for review by state committee members provided that the finished books will be available by the date specified by the SDE each year.

B. A galley proof shall be defined as the final bound manuscript set in type with all corrections made and the elements of the pages arranged in their final form [i.e., only book binding required for completion].

C. In the case of galley submissions, publishers must also submit detailed manufacturing standards that will be used when the final book is published.

D. Publishers shall pick up galleys from the designated public review sites and replace them with finished books prior to the state caravan.

E. Any new or updated editions of the originally adopted book must be provided to the SDE at the same price and terms as stipulated in the submission form and state contract. Updated editions or additions to complete a series previously adopted must be submitted to the SDE for review and recommendation to the SBESE by the specified time each year.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1448 (August 1999), repromulgated LR 26:1004 (May 2000).

§713. Samples for Public Review

A. Publishers are required to supply an adequate quantity of textbooks/materials of instruction for placement at the public review sites.

B. The SDE shall arrange sites for public display of proposed textbooks and shall provide a written form for public comment. Copies of basal textbooks being considered for adoption shall be placed in cooperating public libraries in those cities named in R.S. 17:415.1: New Orleans, Baton Rouge, Shreveport, Monroe, Alexandria, Lake Charles, Lafayette and Houma. Public libraries must be contacted initially for use of their facilities for public display; and if they are unable to accommodate the display, the State Department of Education may select an alternate site.

C. Publishers shall pick up galleys from the designated regional library/ public review sites and replace them with finished books prior to the state caravan.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1448 (August 1999), repromulgated LR 26:1004 (May 2000).

§715. Role of the Publisher During State Committee Review

A. The SDE shall inform all publishers submitting an Intent to Participate form of the names of appointed state committee members. Publishers shall have no personal contact with the state committee members once names of committee members have been released by the SDE and until such time as the state adoption process has been completed.

B. Personal contact shall be defined as any one-on-one, written, or third parties contact, other than the presentation of materials or provision of SDE requested materials at state-requested or conducted textbook adoption proceedings.

C. Publishers shall not attempt to influence the deliberations or vote of a committee member, either directly or through third parties. Violations of this requirement will result in immediate disqualification of the publisher.

D. Publishers shall provide nothing of value to any committee member at any time during, or after the adoption process.

E. Publishers shall be required to file written affidavits regarding any contact with state Textbook Adoption committee members and with State Board of Elementary and Secondary Education members.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1448 (August 1999), repromulgated LR 26:1004 (May 2000).

§717. Written Questions and Responses to Questions Regarding Textbooks Under Consideration

A. Each State Textbook Adoption Committee member may formulate and prioritize relevant questions to be addressed by publishers on each book under consideration for adoption. Questions shall be forwarded to the SDE by each committee member on forms prescribed for such purpose by a date to be determined by the SDE.

B. Questions may address the physical characteristics and layout; factual content of the book; relationship to State content standards and assessment; organization, presentation and sequencing of content; and any other area specified for evaluation on the state evaluation form. Questions may not address items contained on the Ancillary Materials Submission Form, Free Materials Submission Form, including in-service offerings. Questions will be forwarded to publishers.

C. Questions may address the physical characteristics and layout; factual content of the book; relationship to State Grade-Level Expectations and assessment; organization, presentation and sequencing of content; and any other area specified for evaluation on the state evaluation form. Questions may not address items contained on the Ancillary Materials Submission Form, Free Materials Submission Form, including in-service offerings. Questions will be forwarded to publishers.

D. Responses by publishers may not address items contained on the Ancillary Materials Submission Form, Free Materials Submission Form, including in-service offerings.

E. Sufficient copies of the written responses shall be forwarded to the SDE by respective publishers according to the specified time each year. The SDE shall be responsible for forwarding copies of the written responses to state committee members.

F. All meetings of the State Textbook Adoption Committees shall be open to the public. The SDE shall post official public notice of all meetings of the committee.

G. Each publisher shall be invited to a question/answer session during which time state committee members may seek further clarification to written responses provided by publishers or may pose additional questions for publishers' response. Publishers shall be allowed to discuss how their basal and teacher's editions align with the state Grade-Level Expectations and assessment program. Publishers may not address ancillary or free materials proposed for addition after SBESE approval of the basals.

H. Publishers shall be allocated a maximum time period for the question/answer session, as specified by the SDE .

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1448 (August 1999), repromulgated LR 26:1004 (May 2000), amended LR 32:1032 (June 2006).

§719. Publisher Conduct During the State Caravan

A. Publishers shall not provide any item of value, no matter how insignificant to local committee members (i.e., no mugs, book bags, pens, or other tokens of appreciation) when samples are distributed.

B. Publishers shall not solicit names or make requests related to samples.

C. No sample books are to be removed from the caravan.

D. Publisher fees will be collected to cover costs of refreshments at each location.

E. Folders of related product information may be offered.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.
HISTORICAL NOTE: Promulgated by the state Board of Elementary and Secondary Education, LR 25:1449 (August 1999), repromulgated LR 26:1005 (May 2000).

§721. Obligations to Provide Textbooks and Materials of Instruction within Prescribed Time Periods

A. Publishers must ensure that textbooks are delivered to local school systems within ninety days of the end of the appropriate ordering cycle as specified. The SDE may authorize fines on textbook publishers who fail to deliver ordered materials within the ninety day time line. Said fine shall equal 1 percent of the outstanding balance for any order that has not been received by the local school system within ninety days after the closing date of the appropriate ordering cycle.

1. State Contract for Adopted Textbooks and Materials of Instruction

a. The state Board of Elementary and Secondary Education, at its meeting of June 28, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and approved the following amendments to textbook adoption procedures, effective June 28, 1990.

NOTE: In the 1990-91 adoption and all other adoptions thereafter, all titles approved through the State textbook adoption process will carry a definite contract not to exceed seven years.

b. The state textbook adoption process shall be limited to basal textbooks and Teacher's Editions only. Ancillary materials will carry a fixed cost for the life of the contract. Free materials included in the formal submission by publishers must clearly indicate period of availability, if other than the seven-year contractual period.

c. Publishers with materials under contract with the state of Louisiana may add materials during the specified time each year. The addition can be only textbooks that complete an adopted series, ancillary materials that accompany an adopted basal program, or a new copyright edition of an adopted textbook. If a new copyright edition is requested for addition it, must be priced as the same cost of the copyright edition under contract. At any time during the life of this contract, if the publisher should charge less to others for materials under contract, the publisher must agree to reduce the price to the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1449 (August 1999), repromulgated LR 26:1005 (May 2000).

§723. Braille Accessibility
(R.S. 17:1985; SCR 15 of 1997; SCR 149 of 1997)

A. SCR15 of the 1997 Regular Session requires the State Board of Elementary and Secondary Education (SBESE) to coordinate a statewide system of providing Braille books to visually-impaired students by tracking Braille books already available and supplying funds for those needed. In addition, SCR 149 of the 1997 Regular Session provides for access and use of technology by blind and visually impaired students.

B. Publishers shall furnish, within 90 days of state adoption, to the National Instructional Materials Access Center electronic files containing contents of the print instruction materials using the NIMAS.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1449 (August 1999), repromulgated LR 26:1005 (May 2000), amended LR 33:637 (April 2007).

Chapter 9. Appendix A

NOTE: Forms contained in the Appendix are subject to revision by SDE.

§901. Adoption Cycle

A. Louisiana State Textbook Adoption Cycle: Core Subject Areas are Adopted Every Seven Years

State Textbook Adoption Cycle			
2006-2007	2007-2008	2008-2009	2009-2010
Social Studies K-12	Reading and Literature K-12	Language Arts K-12	Career and Technical Education

2010-2011	2011-2012	2012-2013
Science K-12	Foreign Language	Mathematics K-12
Health and Physical Education	Handwriting	
Computer Education	Music and Fine Arts	

NOTE: Adoption schedule may follow current cycle (listed above) with changes made to follow and align with any planned revisions to state content standards, Grade-Level Expectations, and/or state assessment content.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1450 (August 1999), repromulgated LR 26:1005 (May 2000), amended LR 32:1032 (June 2006).

Chapter 11. Appendix B

§1101. Publisher Affidavit

State of Louisiana
Department of Education
State Textbook Adoption
PUBLISHER'S AFFIDAVIT

I,_____(printed name), an authorized representative of the publishing company (printed name), do hereby certify the following:

A) No representative of my company or affiliate company will try to influence the vote of a State _____Adoption Committee member, either directly or through a third party.

B) No item of value, no matter how insignificant, will be given to any state committee member by my company after the State Department of Education (SDE) publicly discloses the names of the state committee members. Items of value shall include money, trips, meals, mugs, book bags, pens, and any other item of value or token of appreciation.

In the event that my company has within the last year given any item of value to a person named as a state committee member, I shall immediately (within ten days of the naming of the State _____ Adoption Committee) inform the SDE in writing of such gift. The written correspondence shall describe the nature of such gift and shall be mailed to the SDE Textbook Administrator.

C) I assure that my company has no affiliation or business arrangement with any State Adoption Committee member.

In the event that my company has within the last year had an affiliation with or any business arrangement with a person named as a state committee member, I shall immediately [(within ten days) of the naming of the State _____Adoption Committee] inform the SDE in writing of such relationship. The written correspondence shall describe the nature of the business arrangement or affiliation and will be mailed to the LDE Textbook Administrator.

D) I assure that I will comply with all directives of the State Board of Elementary and Secondary Education and the SDE regarding materials to be provided and procedures to be followed during the state _____ adoption process.

_____
Signature of Authorized Local Representative
Date _____

*Note: REQUIRED FORM – Must be returned to SDE by*_____

Date _____

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1451 (August 1999), repromulgated LR 26:1006 (May 2000).

Chapter 13. Appendix C

§1301. State Adoption Committee Affidavit

State of Louisiana
Department of Education
State Textbook Adoption
STATE ADOPTION COMMITTEE MEMBER'S AFFIDAVIT

I, (printed name), do hereby certify the following:

A) No representative from any publisher or affiliated company will influence my vote, either directly or through a third party.

B) No item of value, no matter how insignificant, will be accepted from publishers or affiliated companies once the Louisiana Department of Education (SDE) discloses the names of the state committee members. Items of value shall include money, trips, meals, mugs, book bags, pens and any other item of value or token of appreciation.

In the event that I have within the last year taken any item of value from a publisher submitting materials for adoption, I shall immediately [(within ten days) of naming the State Textbook Adoption Committee] inform the SDE of such gift. The written correspondence shall describe the nature of the gift and shall be mailed to the SDE Textbook Administrator.

C) I assure the department that I have no affiliation or business arrangement with any publisher or its affiliated company. In the event that I have within the last year had an affiliation with or any business arrangement with a publisher submitting materials for adoption, I shall immediately [within ten days of naming the State Textbook Adoption Committee] inform the SDE in writing of such relationship. The written correspondence shall describe the nature of the business arrangement or affiliation and shall be mailed to the SDE Textbook Administrator.

D) I assure that I will comply with all directives of the State Board of Elementary and Secondary Education and the LDE regarding materials to be provided and procedures to be followed during the state textbook adoption process.

E) I assure the department that I will attend two mandatory meetings, the orientation to be held _____(date) and full committee review _____(date).

_____Signature of State Adoption Subcommittee Member

Date_____

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1452 (August 1999), repromulgated LR 26:1007 (May 2000).

Chapter. 15. Appendix

§1501. Local Adoption Subcommittee Affidavit

State of Louisiana
Department of Education
State Textbook Adoption

LOCAL ADOPTION SUBCOMMITTEE MEMBER'S AFFIDAVIT

I, _____ (printed name), do hereby certify the following:

A) No representative from any publisher or affiliated company will influence my vote, either directly or through a third party.

B) No item of value, no matter how insignificant, will be accepted from publishers or affiliated companies once selected by the State Adoption Committee Member. Items of value shall include money, trips, meals, mugs, book bags, pens and any other item of value or token of appreciation.

In the event that I have within the last year taken any item of value from a publisher submitting materials for adoption, I shall immediately (within ten days) inform the State Adoption Committee member in writing of such gift. The written correspondence shall describe the nature of the gift and shall be mailed to the LDE Textbook Administrator.

C) I assure the department that I have no affiliation or business arrangement with any Publisher or its affiliated company.

In the event that I have within the last year had an affiliation with or any business arrangement with a publisher submitting materials for adoption, I shall immediately (within ten days) inform the State Adoption Committee member in writing of such relationship. The written correspondence shall describe the nature of the business arrangement or affiliation and shall be mailed to the LDE Textbook Administrator.

D) I assure that I will comply with all directives of the State Board of Elementary and Secondary Education and the SDE regarding materials to be provided and procedures to be followed during the state textbook adoption process.

_____Signature of Local Adoption Subcommittee Member

Date_____

NOTE: REQUIRED FORM: -- To be collected by State Committee Member

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1453 (August 1999), repromulgated LR 26:1008 (May 2000).

Chapter 17. Appendix E

§1701. Public Comment Form

State of Louisiana
Department of Education
Division of School Standards, Accountability, and Assistance
_____ State Textbook Adoption

PUBLIC COMMENT FORM

Forms must be typed or neatly printed. A separate form should be completed for each textbook.

The State is currently considering textbooks and materials of instruction for _____classrooms, grades _____ This form is intended to allow Louisiana citizens to make comments regarding those textbooks under consideration.

Publisher: _____ Subject Area: _____
Title: _____ Author: _____
Grade Level: _____ Copyright: _____ Name of person making comment: _____
Address: _____ Area Code/Telephone No.: Home ( ) _____ Work: ( ) _____
Parish of Residence: _____

Do you represent: ☐Yourself ☐An Organization (Name): _____
Do you have children of school age? ☐Yes ☐No;
If yes, what type of school do they attend? ☐Public ☐Non-Public (Receive State Funds) ☐Non-Public (Does not Receive State Funds)
☐I would like to present my comments in the form of an oral presentation before the State Committee(s) involved with adoption.
The following information must be completed:
I object to the following materials in this textbook. Please be specific: i.e., cite passages, pages, ideas, pictures, chart, copyright, etc.
(Please use additional sheets if needed.)

Have you personally reviewed the material in its entirety? ☐Yes ☐No ☐Segments Only
Is your objection to this material based upon: ☐Personal exposure? ☐Reports you have heard? ☐Both?
Are you in anyway affiliated with a publishing company presenting material for adoption? ☐Yes ☐No
Would the publication have merit if the objectionable pages were removed? Explain

_____ Signature _____ Date

Form must be returned by 4:30 p.m. MMDDYY, to Jackie Bobbett, State Textbook Administrator
Division of School Standards, Accountability, and Assistance Louisiana Department of Education
P. O. Box 94064
Baton Rouge, LA 70804-9064
FAX: (225) 342-5736

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1453 (August 1999), repromulgated LR 26:1009 (May 2000).

Chapter 19. Appendix F

§1901. Notice of Publisher's Failure to Deliver

STATE OF LOUISIANA
DEPARTMENT OF EDUCATION
NOTICE OF PUBLISHER'S FAILURE TO DELIVER
STATE ADOPTED TEXTBOOKS AND MATERIALS
OF INSTRUCTION IN ACCORDANCE WITH
STATE CONTRACTS

School districts should complete the following form and submit an original signed copy to the State Textbook Administrator in the event that state-adopted textbooks and materials of instruction are not delivered within ninety days of the last ordering cycle. Upon approval by the State Department of Education, local school systems may fine a publisher 1 percent of the outstanding balance of delinquent order. State contracts stipulate that failure to deliver textbooks and materials of instruction within ninety days of the last ordering cycle may render state contracts null and void.

Date _____
Name of School District _____
Name of Publisher _____
ISBN No. _____
Title of Book _____

_____ (Mo/Day/Year)
Date order was placed (attach copy of invoice)

Briefly explain the steps taken to date to trace/recover state adopted textbook order:

_____
Signature District Superintendent

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1454 (August 1999), repromulgated LR 26:1010 (May 2000).

Chapter 20. Appendix G

§2001. National Instructional Materials Accessibility Standard (NIMAS)

National Instructional Materials Accessibility Standard (NIMAS)

I. TECHNICAL SPECIFICATIONS—THE BASELINE ELEMENT SET

A. The Baseline Element Set details the minimum requirement that must be delivered to fulfill the NIMAS. It is the responsibility of publishers to provide this NIMAS-conformant XML content file, a package file (OPF), a PDF-format copy of the title page (or whichever page(s) contain(s) ISBN and copyright information), and a full set of the content's images. All of the images included within a work must be provided in a folder and placeholders entered in the relevant XML document indicating their location (all images must be included). The preferred image type is SVG, next is either PNG or JPG format. Images should be rendered in the same size/proportion as their originals at 300 dpi. Images should be named with relative path filenames in XML files (example:). NIMAS-conformant content must be valid to the NIMAS 1.1 [see ANSI/NISO Z39.86-2005 or subsequent revisions]. In addition, files are required to use the tags from the Baseline Element Set when such tags are appropriate. Publishers are encouraged to augment the required Baseline Element Set with tags from the Optional Element Set (elements not included in the standard) as applicable. For the purposes of NIMAS, appropriate usage of elements, both baseline and optional, is defined by the DAISY Structure Guidelines. Files that do not follow these guidelines in the selection and application of tags are not conformant to this standard. Both optional elements and appropriate structure guidelines may be located within Z39.86-2002 and Z39.86-2005 available from http://www.daisy.org/z3986/. Use of the most current standard is recommended.

The Baseline Element Set Document-level tags

Element	Description
dtbook	The root element in the Digital Talking Book DTD. <dtbook> contains metadata in <head> and the contents itself in <book>.
head	Contains metainformation about the book but no actual content of the book itself, which is placed in <book>. This information is consonant with the <head> information in xhtml, see [XHTML1STRICT]. Other miscellaneous elements can occur before and after the required <title>. By convention <title> should occur first.
book	Surrounds the actual content of the document, which is divided into <frontmatter>, <bodymatter>, and <rearmatter>. <head>, which contains metadata, precedes <book>.
meta	Indicates metadata about the book. It is an empty element that may appear repeatedly only in <head>.
title	Contains the title of the book but is used only as metainformation in <head>. Use <doctitle> within <book> for the actual book title, which will usually be the same.

Structure and Hierarchy

Element	Description
frontmatter	Usually contains <doctitle> and <docauthor>, as well as preliminary material that is often enclosed in appropriate <level> or <level1> etc. Content may include a copyright notice, a foreword, an acknowledgements section, a table of contents, etc. <frontmatter> serves as a guide to the content and nature of a <book>.
bodymatter	Consists of the text proper of a book, as contrasted with preliminary material <frontmatter> or supplementary information in <rearmatter>.
rearmatter	Contains supplementary material such as appendices, glossaries, bibliographies, and indices. It follows the <bodymatter> of the book.
level1	The highest-level container of major divisions of a book. Used in <frontmatter>, <bodymatter>, and <rearmatter> to mark the largest divisions of the book (usually parts or chapters), inside which level2 subdivisions (often sections) may nest. The class attribute identifies the actual name (e.g., part, chapter) of the structure it marks. Contrast with <level>.
level2	Contains subdivisions that nest within <level1> divisions. The class attribute identifies the actual name (e.g., subpart, chapter, subsection) of the structure it marks.
level3	Contains sub-subdivisions that nest within <level2> subdivisions (e.g., sub-subsections within subsections). The class attribute identifies the actual name (e.g., section, subpart, subsubsection) of the subordinate structure it marks.
level4	Contains further subdivisions that nest within <level3> subdivisions. The class attribute identifies the actual name of the subordinate structure it marks.
level5	Contains further subdivisions that nest within <level4> subdivisions. The class attribute identifies the actual name of the subordinate structure it marks.
level6	Contains further subdivisions that nest within <level5> subdivisions. The class attribute identifies the actual name of the subordinate structure it marks.
h1	Contains the text of the heading for a <level1> structure.
h2	Contains the text of the heading for a <level2> structure.
h3	Contains the text of the heading for a <level3> structure.
h4	Contains the text of the heading for a <level4> structure.
h5	Contains the text of the heading for a <level5> structure.
h6	Contains the text of the heading for a <level6> structure.

Block Elements

Element	Description
author	Identifies the writer of a work other than this one. Contrast with <docauthor>, which identifies the author of this work. <author> typically occurs within <blockquote>.

Element	Description
blockquote	Indicates a block of quoted content that is set off from the surrounding text by paragraph breaks. Compare with <q>, which marks short, inline quotations.
list	Contains some form of list, ordered or unordered. The list may have intermixed heading <hd> (generally only one, possibly with <prodnote>) and an intermixture of list items and <pagenum>. If bullets and outline enumerations are part of the print content, they are expected to prefix those list items in content, rather than be implicitly generated.
li	Marks each list item in a <list>. content may be either inline or block and may include other nested lists. Alternatively it may contain a sequence of list item components, <lic>, that identify regularly occurring content, such as the heading and page number of each entry in a table of contents.
hd	Marks the text of a heading in a <list> or <sidebar>.
note	Marks a footnote, endnote, etc. Any local reference to <note id="yyy"> is by <noteref idref="#yyy">. [Attribute id]
p	Contains a paragraph, which may contain subsidiary <list> or <dl>.
sidebar	Contains information supplementary to the main text and/or narrative flow and is often boxed and printed apart from the main text block on a page. It may have a heading <hd>
cite	Marks a reference (or citation) to another document.
dd	Marks a definition of the preceding term <dt> within a definition list <dl>. A definition without a preceding <dt> has no semantic interpretation, but is visually presented aligned with other <dd>.
dl	Contains a definition list, usually consisting of pairs of terms <dt> and definitions <dd>. Any definition can contain another definition list.
dt	Marks a term in a definition list <dl> for which a definition <dd> follows.

Inline Elements

Element	Description
em	Indicates emphasis. Usually is rendered in italics. Compare with .
q	Contains a short, inline quotation. Compare with <blockquote>, which marks a longer quotation set off from the surrounding text.
strong	Marks stronger emphasis than . Visually is usually rendered bold.
sub	Indicates a subscript character (printed below a character's normal baseline). Can be used recursively and/or intermixed with <sup>.
sup	Marks a superscript character (printed above a character's normal baseline). Can be used recursively and/or intermixed with <sub>.
br	Marks a forced line break.
line	Marks a single logical line of text. Often used in conjunction with <linenum> in documents with numbered lines. [Include in baseline element set. Use only when line breaks must be preserved to capture meaning (e.g., poems, legal texts).]
linenum	Contains a line number, for example in legal text. [Include in baseline element set. Use only when <line> is used, and only for lines numbered in print book.]
pagenum	Contains one page number as it appears from the print document, usually inserted at the point within the file immediately preceding the first item of content on a new page. [NB: Only valid when includes id attribute].
noteref	Marks one or more characters that reference a footnote or endnote <note>. Contrast with <annoref>. <noteref> and <note> are independently skippable.

Tables

Element	Description
table	Contains cells of tabular data arranged in rows and columns. A <table> may have a <caption>. It may have descriptions of the columns in <col>s or groupings of several <col> in <colgroup>. A simple <table> may be made up of just rows <tr>. A long table crossing several pages of the print book should have separate <pagenum> values for each of the pages containing that <table> indicated on the page where it starts. Note the logical order of optional <thead>, optional <tfoot>, then one or more of either <tbody> or just rows <tr>. This order accommodates simple or large, complex tables. The <thead> and <tfoot> information usually helps identify content of the <tbody> rows. For a multiple-page print <table> the <thead> and <tfoot> are repeated on each page, but not redundantly tagged.
td	Indicates a table cell containing data.
tr	Marks one row of a <table> containing <th> or <td> cells.

Images

Element	Description
imggroup	Provides a container for one or more <img> and associated

Element	Description
	<caption>(s) and <prodnote>(s). A <prodnote> may contain a description of the image. The content model allows: 1) multiple <img> if they share a caption, with the ids of each <img> in the <caption imgref="id1 id2 ...">, 2) multiple <caption> if several captions refer to a single <img id="xxx"> where each caption has the same <caption imgref="xxx">, 3) multiple <prodnote> if different versions are needed for different media (e.g., large print, Braille, or print). If several <prodnote> refer to a single <img id="xxx">, each prodnote has the same <prodnote imgref="xxx">.
caption	Describes a <table> or <img>. If used with <table> it must follow immediately after the <table> start tag. If used with <img> or <imggroup> it is not so constrained.

B. The Optional Elements and Guidelines for Use

1. Publishers are encouraged to apply markup beyond the baseline (required) elements. The complete DTBook Element Set reflects the tags necessary to create the six types of Digital Talking Books and Braille output. Because of the present necessity to subdivide the creation of alternate format materials into distinct phases, the Panel determined that baseline elements would be provided by publishers, and optional elements would be added to the NIMAS conformant files by third party conversion entities. In both circumstances the protocols for tagging digital files should conform to the most current ANSI/NISO Z39.86 specification. Content converters are directed to the most current DAISY Structure Guidelines (http://www.daisy.org/z3986/) for guidance on their use. Since the publication of the original National File Format report from which the NIMAS technical specifications were derived, ANSI/NISO Z39.86-2002 was updated and is now ANSI/NISO Z39.86-2005. It may be best to avoid using the following optional elements which are no longer included in ANSI/NISO Z39.86-2005: style, notice, hr, and levelhd. Also, the following new elements were introduced by ANSI/NISO Z39.86-2005 and should be considered optional elements for the NIMAS: bridgehead, byline, covertitle, dateline, epigraph, linegroup, and poem. Please refer to ANSI/NISO Z39.86-2005 for additional information regarding these elements. To access the ANSI/NISO Z39.86-2005 specification, go to http://www.daisy.org/z3986/.

2. Package File

(a). A package file describes a publication. It identifies all other files in the publication and provides descriptive and access information about them. A publication must include a package file conforming to the NIMAS. The package file is based on the Open eBook Publication Structure 1.2 package file specification (For most recent detail please see http://www.openebook.org/oebps/oebps1.2/download/oeb12-xhtml.htm#sec2).

(b). A NIMAS package file must be an XML-valid OeB PS 1.2 package file instance and must meet the following additional standards:

(i) The NIMAS Package File must include the following Dublin Core (dc:)metadata:

dc:Title.
dc:Creator (if applicable).
dc:Publisher.
dc:Date (Date of NIMAS-compliant file creation—yyyy-mm-dd).
dc:Format (="NIMAS 1.0").
dc:Identifier (a unique identifier for the NIMAS-compliant digital publication, e.g., print ISBN + "- NIMAS"—exact format to be determined).
dc:Language (one instance, or multiple in the case of a foreign language textbook, etc.).
dc:Rights (details to be determined).
dc:Source (ISBN of print version of textbook).

(ii). And the following x-metadata items:

nimas-SourceEdition (the edition of the print textbook).
nimas-SourceDate (date of publication of the print textbook).

(iii). The following metadata were proposed also as a means of facilitating recordkeeping, storage and file retrieval:

dc:Subject (Lang Arts, Soc Studies, etc.).
nimas-grade (specific grade level of the print textbook, e.g.; Grade 6).
nimas gradeRange (specific grade range of the print textbook, e.g.; Grades 4–5).

(iv). An additional suggestion references the use of: dc:audience:educationl.evel (for the grade and gradeRange identifiers, noting that Dublin Core recommends using educationl.evel with an appropriate controlled vocabulary for context, and recommends the U.S. Department of Education's Level of Education vocabulary online at http://www.ed.gov/admin/reference/index.jsp. Using education Level obviates the need for a separate field for grade Range since dc elements can repeat more than once. A book used in more than one grade would therefore have two elements, one with value "Grade 4" and another with value "Grade 5."

Note: A final determination as to which of these specific metadata elements to use needs to be clarified in practice. The package manifest must list all provided files (text, images, etc.). (Note: For purposes of continuity and to minimize errors in transformation and processing, the NIMAS compliant digital text should be provided as a single document.)

3. Modular Extensions

(a). The most current DAISY/NISO standard, formally the ANSI/NISO Z39.86, Specifications for the Digital Talking Book defines a comprehensive system for creating Digital Talking Books. A part of this standard is DTBook, an XML vocabulary that provides a core set of elements needed to produce most types of books. However, DTBook is not intended to be an exhaustive vocabulary for all types of books.

NOTE: Guidelines for the correct approach to extend the DAISY/NISO standard have been established. Mathematics, video support, testing, workbooks, music, dictionaries, chemistry, and searching are some of the extensions that have been discussed. Visit http://www.daisy.org/z3986/ to learn more about modular extensions.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:637 (April 2005).

Chapter 21. Appendix, State Laws

§2101. Free School Books

A. The legislature shall appropriate funds to supply free school books and other materials of instruction prescribed by the State Board of Elementary and Secondary Education to the children of this state at the elementary and secondary levels. [Article VIII, Section 13(A) of the Louisiana Constitution of 1984]

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1454 (August 1999), repromulgated LR 26:1010 (May 2000).

§2103. Duties, Functions, and Responsibilities of Board [R.S. 17:7(4)]

A. The board shall prescribe and adopt free school books and other materials of instruction for the children of this state at the elementary and secondary levels and all other schools and programs under its jurisdiction for which the legislature provides funds, in accordance with law.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1455 (August 1999), repromulgated LR 26:1010 (May 2000).

§2105. School Books Prescribed By Board; Contracts with Publishers [R.S. 17:8]

A.1.a. The board shall prescribe and adopt and shall 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, as provided by Part IV of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, and shall adopt necessary rules and regulations governing their use by schools, parish and city school boards, and parish and city superintendents of education. Such rules and regulations shall include but not be limited to a requirement that each parish and city school board shall adopt by not later than the beginning of the 1991-1992 school year procedures permitting any public school student to have use after regular school hours during the week and on weekends of any school book used to teach reading. Any public school student using any school book pursuant to the provisions of this Subsection shall be responsible for such school book. These procedures shall not be applicable to basal readers and programs.

b.i. All school students and persons responsible for a student's school attendance shall be accountable for exercising reasonable and proper care for and control over school books and other instructional materials, supplies, and equipment.

ii. Notwithstanding any law or rule or regulation to the contrary, the governing authority of an elementary or secondary school may withhold the grades of a student who does not reimburse the school or school system for the student's failure to exercise reasonable and proper care for and control over school books or other instructional materials, supplies, and equipment.

iii. In accordance with the authority granted to the State Board of Elementary and Secondary Education by the provisions of this Subsection, the board shall formulate, develop, adopt, and provide for implementation by not later than January 1, 1998, by each governing authority of a public elementary or secondary school of appropriate policies and procedures consistent with the provisions of this Subparagraph, including meaningful sanctions and penalties, to enable school administrators to hold public school students and persons responsible for a student's school attendance accountable for failing to exercise reasonable and proper care for and control over any public school book or other instructional materials, supplies, and equipment.

c. The board shall adopt lists of basic textbooks and shall adopt one or more lists thereof. It may authorize and approve revised editions of any school book it adopts.

2. The board may authorize the Louisiana School of Math, Science and the Arts and other parish or city school boards with programs for gifted students to select and purchase textbooks not included on the lists adopted by the board pursuant to the provisions of this Section, provided that such authorization shall be on an ad hoc basis and shall be subject to prior approval by the board. Such purchases may be made using funds appropriated by the legislature for the purchase of textbooks as provided for herein.

B. The board shall prescribe and adopt and shall exercise supervision and control over the distribution and use of school books and other learning materials, supplies, and equipment for post secondary and vocational-technical schools and programs.

C. Each contract with a publisher for school books shall be awarded on a competitive basis. Each such contract shall be made for a term to be determined by the State Board of Elementary and Secondary Education. Each contract shall be so made as to authorize the board to terminate it upon ninety days notice. The procedure for the announcement of school book adoptions, examining books, and awarding contracts shall be under the control of the board and in accordance with any applicable law. The board shall have authority to set and collect fees from publishers participating in the state school book adoption procedures.

D. Each contract shall stipulate that the publisher shall automatically reduce the net cost of textbooks in the state when the net cost of the publisher for books covered by the contract are reduced anywhere in the United States, so that no edition of that textbook shall at any time be sold in this state at a higher net cost than that received for that book elsewhere in the United States.

E. Each contract with a publisher shall stipulate that the book or books covered by the contract to be sold in this state shall be identical with the official samples filed with the board with respect to size, paper, binding, print, illustrations, subject matter, and all other particulars which may affect the value of said books. However, during the period of the contract, the board may approve revised editions of an adopted textbook or service at the bid price, which will authorize a publisher to provide such revisions.

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

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

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

I. The books shall be distributed to the several parish and city school boards from the depository on requisition of the superintendent of education for public elementary and secondary education.

J.1. The board shall establish a procedure enabling any governing authority of a public elementary or secondary school, effective January 1, 1998, and thereafter, to order and receive textbooks approved by the board directly from textbook publishers. The procedure shall include but not be limited to permitting a public elementary or secondary school governing authority to contract with a textbook publisher and receive any applicable publisher's discount. However, any textbook purchased under the provision of this Paragraph shall be purchased at the same or lower price than such textbook can be purchased from any source other than the publisher.

2. The board shall adopt necessary rules and regulations in accordance with the Administrative Procedure Act to implement the provision of the Subsection.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1455 (August 1999), repromulgated LR 26:1010 (May 2000).

§2107. Sale of Schoolbooks No Longer in Use [R.S. 17.8.]

A. A parish or city school board with the prior approval of the State Board of Elementary and Secondary Education may sell any textbook or library book no longer in use in the school system to any person or entity for private use at a fee established by the parish or city school board. Funds derived from such sale shall be used by the parish or city school board solely for textbook or library book purchases.

B. If a textbook or library book has been out of use for over six months, or upon replacement by a new edition of any such books, a parish or city school board may, with the approval of the [state] board, donate said book to any public hospital, any jail or prison, or any public institution, or to any individual for private use free of charge.

C. Any textbook or library book which a parish or city school board is unable to sell or donate after being out of use in excess of six months, or upon replacement by a new edition of any such book, or any textbook or library book which is deemed by said board to be unuseable or unsaleable, shall be disposed of in an appropriate manner. The reproduction of any textbook or library book no longer in use by a parish or city school system and the use of multiple copies of such books by organized groups or by an educational agency or entity is prohibited.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1011 (May 2000).

§2109. Operation of Public Elementary and Secondary Schools in Accordance with State Law or Policy: Penalties for Violation [R.S. 17:172]

A. No free school books or other school supplies shall be furnished nor shall any state funds for the operation of school lunch programs, or any other school funds be furnished or given to any elementary or secondary school which violates the provision of this Section.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1012 (May 2000).

§2111. Free School Books and other Materials of Instruction [R.S. 17:351]

A.1.The State Board of Elementary and Secondary Education shall prescribe and adopt school books and other materials of instruction, which it shall supply without charge to the children of this state at the elementary and secondary levels out of funds appropriated therefore by the legislature in accordance with the requirements of Article VIII, Section 13(A) of the Constitution of Louisiana.

2. The State Board of Elementary and Secondary Education shall prescribe and adopt those school books and other materials of instruction which accurately reflect the contributions and achievements of people of differing races.

3. The State Board of Elementary and Secondary Education shall prescribe and adopt those school books and other materials of instruction which promote an understanding of the history and values of the people of the United States and Louisiana, including the free enterprise system, private property, constitutional liberties values, and traditional standards of moral values.

B. The board also shall prescribe and supply school books and other materials of instruction for use by students attending vocational-technical schools and programs under the jurisdiction of the board.

C.1.The board shall establish rules and procedures for supplying schoolbooks and other materials of instruction approved by the State Board of Elementary and Secondary Education as required by this Section for children participating in any home-study program approved by the board when available. Such rules and procedures shall include but not be limited to a requirement that any school books and other materials of instruction provided pursuant to this Subsection shall be made available only to the child or children of the parent or legal guardian obtaining approval for a home study program.

2. The board shall provide a copy of such rules and procedures to any parent or legal guardian applying for approval of a home study program.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1012 (May 2000).

§2113. Books, Films, Other School Materials; Screening Required [R.S. 17:352]

A.1.The State Board of Elementary and Secondary Education, the State Department of Education or either of these shall take such action as is necessary to assure that all school books and materials of instruction submitted for state adoption are thoroughly screened, reviewed and approved as to their content by the State Board of Elementary and Secondary Education and the local parish or city school board concerned.

2. The State Board of Elementary and Secondary Education or the State Department of Education shall take such action as is necessary to assure that any state committee or other group responsible for screening, reviewing, and evaluating any materials of instruction and computer and related technological equipment and supplies, including but not limited to any group created pursuant to the provision of R.S.17:415.1, shall contain a membership not less than one-third of which are teachers as defined in R.S. 17:415.1.

B. The State Board of Elementary and Secondary Education shall maintain a copy of all approved textbooks and teaching materials. Such textbooks and teaching materials shall be maintained in the Department of Education for a period of one year following their initial approval and thereafter shall be maintained in the department's book depository during the time they are approved for use in Louisiana's public schools. Such textbooks or teaching materials shall be available for public inspection during regular office hours.

C. The State Board of Elementary and Secondary Education shall adopt rules and regulations to carry out the provisions of this Section.

D. Whoever intentionally violates any provision of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars or by imprisonment for not to exceed six months, or both.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1;172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1012 (May 2000).

§2115. Costs of Administration; Textbooks and Instructional Material Distribution to Nonpublic School Students [R.S. 17:353]

A. Beginning with the 1993-1994 school year, each city and parish school board which disburses school library books, textbooks, and other materials of instruction to nonpublic school students shall submit to the Superintendent of Education such documentation as he may require to verify the administrative costs incurred by the school board in the disbursement of such books and instructional materials.

B. The verified costs of administration incurred by each city and parish school board shall be paid by the state.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1013 (May 2000).

§2117. Required Reports and Records; Cost Reimbursement to Approved Nonpublic Schools (Reimbursement of Required Costs) [R.S. 17:361]

A. The Superintendent of Education, in accordance with rules and regulations adopted by the State Board of Elementary and Secondary Education, shall annually reimburse each approved nonpublic school, for each school year beginning on and after July, 1979, an amount equal to the actual cost incurred by each such school during the preceding school year for providing school services, maintaining records and completing and filing reports required by law, regulation or requirement of a state department, state agency, or local school board to be rendered to the state, including but not limited to any forms, reports or records relative to school approval or evaluation, public attendance, pupil health and pupil health testing, transportation of pupils, federally-funded educational programs including school lunch and breakfast programs, school textbooks and supplies, library books, pupil appraisal, pupil progress, transfer of pupils, teacher certification, teacher continuing education programs, unemployment, annual school data, and any other education-related data which are not or hereafter shall be required of such nonpublic school by law, regulation or requirement of a state department, state agency, or local school board.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000).

§2119. Applications for Reimbursement [R.S. 17:362]

A. Each school which seeks reimbursement pursuant to this Part shall submit to the superintendent an application therefore, together with such additional reports and documents as the superintendent may require, at such times, in such form, and containing such information as the superintendent may prescribe in order to carry out the purposes of this Part.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of State Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000).

§2121. Maintenance of Records [R.S. 17:363]

A. Each school which seeks reimbursement pursuant to this Part shall maintain a separate account or system of accounts for the expenses incurred in rendering the required services for which reimbursement is authorized by R. S. 17:361. Such records and accounts shall contain such information and be maintained in accordance with regulations adopted by the board, but for expenditures made in the school year 1979-1980, the application for reimbursement made in 1980, pursuant to R.S. 17:361 shall be supported by such reports and documents as the superintendent shall require. In promulgating such regulations concerning records and accounts and in requiring supportive documents with respect to expenditures incurred in the school year 1979-1980, the Superintendent shall implement the audit procedures provided in

R.S. 17:365. The records and accounts supporting reimbursement for each school year shall be preserved at the school until the completion of such audit procedures.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 72; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000).

§2123. Payment [R.S. 17:364]

A. No payment to a school shall be made pursuant to this Part until the superintendent has approved the application submitted pursuant to R.S. 17:362.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000).

§2125. Audit [R.S. 17:365]

A. No application for reimbursement under this Part shall be approved except upon such audit of vouchers or other documents by the superintendent as is necessary to insure that such payment is lawful and proper.

B. The legislative auditor may from time to time examine, in accordance with the provision of R.S. 24:513, any and all accounts and records of a school which have been maintained pursuant to this Part in support of an application for reimbursement for the purpose of determining the cost to such school of rendering the services referred to in R.S. 17:361. If after such audit it is determined that any school has received funds in excess of the actual cost of providing such services, such school shall immediately reimburse the state in such excess amount.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000).

§2127. Materials; Adoption Procedures [R.S. 17:415.1]

A. Any interested citizen may request that his name be included on the mailing list for textbook adoption information by writing to the Director of the Bureau of Materials of Instruction and Textbooks; State Department of Education; Capitol Station; Baton Rouge, Louisiana. Any person who has made this request shall be timely notified of the name and address of each member of all textbook adoption committees and the Textbook and Media Advisory Council; the times, places, and agenda of all committee and council meetings; and the titles, authors, and publishers of all textbooks proposed for adoption.

B.1. All textbook adoption committees appointed by the superintendents of elementary and secondary education shall contain a membership not less than one-third of which are teachers, not less than one-third of which are parents who are not public educators, and the remainder of which are other persons. All meetings of textbook adoption committees and the Textbook and Media Advisory Council shall be open to the public. Any member of the public may attend and file written or make oral objections to any textbook under consideration. The State Board of Elementary and Secondary Education shall adopt a form whereby any member of the public may file written objections to any textbook being considered for adoption.

2. For purposes of this Subsection, the term "teacher" shall mean any persons employed by a city or parish school board who, as a condition of employment, is required to hold a valid teaching certificate issued by the Department of Education.

C. The State Department of Education shall ensure that, all textbooks being considered for state adoption are placed prior to state adoption and for a period of at least 60 days in a cooperating public library in New Orleans, Baton Rouge, Shreveport, Monroe, Alexandria, Lake Charles, Lafayette, Houma, and any other city designated by the Superintendent of Elementary and Secondary Education. Any interested person may inspect and review the books during the period when they are on display.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000).

§2129. SCR 15 of 1997, Regular Session

A. The Legislature of Louisiana urges and requests the State Board of Elementary and Secondary Education to coordinate a statewide system of providing Braille books to visually impaired students by tracking the Braille books already available and providing funding for those books which are needed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1014 (May 2000).

§2131. SCR 149 of 1997, Regular Session

A. The Legislature of Louisiana hereby urges and requests that information technology programs and activities of the state which are supported in whole or in part by public funds incorporate aspects which facilitate access to and use of such technology by the blind and visually impaired. In addition, the Louisiana Data Base Commission and other state entities involved in the development of information technology adopt guidelines which shall ensure the following, to the extent feasible.

1. That information technology, equipment, or software used by employees or program participants who are blind or visually impaired can present information for effective, interactive control and use by both visual and non-visual means; is compatible with equipment and software used by other individual with whom the blind or visually impaired must interact; and can be integrated into the network or networks used to share communications among employees or program participants.

2. That information technology used in the dissemination of services to the public provides blind or visually impaired individuals with access, including interactive use of equipment and services, which is equivalent to that provided to individuals who are not blind or visually impaired; and that such information technology is designed to present information, including prompts used for interactive communications, in formats intended for both visual and non-visual use.

3. That the procurement of information technology, whether through contract or agreement, shall be accomplished so as to provide equivalent access for effective use by both visual and non-visual use; and can be integrated into networks for obtaining, retrieving, and disseminating information used by individual who are not blind or visually impaired.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of State Elementary and Secondary Education, LR 25:1458 (August 1999), repromulgated LR 26:1014 (May 2000).

§2132. R.S. 39:1615 Multi-Year Contracts

NOTE: This Section refers to R.S. 39:1615(D).

A. Educational Institutions Excepted

1. An educational institution may enter into a multiyear nonexclusive contract, not to exceed ten years, with a vendor who has made a gift to the institution of equipment utilized for promoting products and university activities at a cost to the vendor in excess of $50,000. Further, for this exception to be applicable, the contract shall cover products for resale within the institution.

2. The State Superintendent of Education may enter into a multiyear contract, not to exceed 10 years, with any public or private agency to act as the depository in the state for school books.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of State Elementary and Secondary Education, LR 26:1014 (May 2000).

§2133. Books for School; Special Plates [R.S. 47:463.46]

A. The Secretary of the Department of Public Safety and Corrections shall establish a prestige license plate for motor vehicles, restricted to passenger cars, pickup trucks, and vans for the purpose of promoting support for elementary and secondary education. The secretary shall determine the design of the special prestige license plate issues under the provisions of this Section, provided such design shall bear the words "Helping Schools" and include a logo which is a symbol for reading programs in education.

B. The prestige plate shall be issued upon application to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

C. The charge for this special license plate shall be $25 annually in addition to the regular fee charged under the provisions of R.S. 47:463.

D. The revenue from the additional $25 fee imposed by Subsection C of this Section, shall be deposited immediately upon receipt into the state treasury. After compliance with the requirements of Article 7, Section 9(B) of the Constitution of Louisiana relative to the Bond, Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited shall be credited to the State Board of Elementary and Secondary Education and shall be used solely for the purchase of textbooks to be used in approved elementary and secondary schools of the state. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund.

E. The Superintendent of the Department of Education shall promulgate rules and regulations as necessary to implement the provisions of this Subsection relative to the purchase and distribution of textbooks.

F. The secretary shall promulgate rules and regulations to implement the provisions of Subsections A, B, C and D of this Section.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1458 (August 1999), repromulgated LR 26:1014 (May 2000)