

NOTICE OF INTENT

Board of Elementary and Secondary Education

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

(LAC 28: CXV.1703 and 1707)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 741—Louisiana Handbook for School Administrators* §1703.Textbooks, and §1707.Disposal of Library Books and Textbooks. The proposed policy revisions are required to implement Act 389 of the 2015 Regular Legislative Session which revises procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools.

Title 28 EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 17. Instructional Support

§1703. Textbooks

A. ...

B. The governing authority of each public elementary and secondary school shall adopt policies and regulations for the adoption and use of textbooks and other instructional materials that sufficiently support the needs of all students in meeting state content standards.

1. The LDE shall utilize a transparent process to review textbooks and other instructional materials in the core subjects of English language arts, mathematics, science, and social studies to determine the degree to which each aligns with state content standards.

a. The state review process shall be conducted entirely online and every aspect of the review process including the textbooks and instructional materials under review and any comments submitted by reviewers, parents and other members of the public, and publishers and other content providers, shall be posted online and made readily accessible to all interested parties.

b. All print textbooks and print instructional materials purchased shall be supplied in an electronic format that meets federal requirements consistent with the Individuals with Disabilities Education Act (IDEA), and can be converted in to specialized formats for children with disabilities.

c. The LDE shall provide each school governing authority with a list of all textbooks and other instructional materials reviewed by LDE which includes information indicating the degree to which each aligns with state content standards.

2. For the adoption of textbooks and other instructional materials that have not been reviewed by the LDE, the policy of the school governing authority shall provide for the establishment of review committees composed of classroom teachers and other educators, all of whom shall be employees of Louisiana public schools, parents of students enrolled in Louisiana public schools, and other educational stakeholders in Louisiana who have interest in or knowledge of curriculum and the subject matter under consideration.

3. Parents and other members of the public shall be afforded the opportunity to review and provide input relative to the textbooks and instructional materials under review prior to final adoption.

4. The purchase of electronic textbooks, instructional materials, and other media or content shall be maximized to the extent possible.

5. Each school governing authority may purchase textbooks and other instructional materials through a state contract or through the central depository or may contract directly with a publisher or other content provider.

C. Textbooks and instructional materials adopted for use in public schools shall accurately reflect the contributions and achievements of people of differing races and promote and 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 value and traditional standards of moral values.

D. Each school governing authority shall provide textbooks and other instructional materials, as available, to students enrolled in a state-approved home study program. The following procedures shall be used for loaning textbooks to be used in approved home study programs. Parents or guardians must proceed through the following steps in order to access textbooks for students in home study:

1. submit an application to the LDE and obtain approval for participation in the Home Study Program;
2. present a copy of the approved Home-Study application form to the LEA Textbook Supervisor or designee;
3. select the textbooks and/or materials needed from the listing as available, from the LEA; and

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 textbook debts have been cleared.

E. Each LEA may establish the price and sell any textbook or library book no longer in use to any person or entity for private use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(4), R.S. 17:8.3, R.S. 17:22, R.S. 17:351 et seq, R.S. 17:356, R.S. 1970.4, and R.S. 17:1970.24.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005), amended LR 37:1141 (April 2011), LR 38:2365 (September 2012), LR 39:2212 (August 2013), LR 42:.

§1707. Disposal of Library Books and Textbooks

Repeal

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:8.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005), and repealed LR 42:.

**STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
FAMILY IMPACT STATEMENT
(LA R.S. 49:953 and 972)**

Person Preparing Statement: Nancy Beben
Phone: 225-342-4991
Division: Policy Office
Rule Title: Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?
 No
 Yes
 Lacks sufficient information to determine
2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?
 No
 Yes
 Lacks sufficient information to determine.
3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?
 No
 Yes
 Lacks sufficient information to determine
4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?
 No
 Yes
 Lacks sufficient information to determine
5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?
 No
 Yes
 Lacks sufficient information to determine
6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?
 No
 Yes
 Lacks sufficient information to determine

Signature of Contact Person: Nancy Beben

Date Submitted: 12/2/13

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
POVERTY IMPACT STATEMENT
(LA R.S. 49:973)

Person Preparing Statement: Nancy Beben

Phone: 225-342-4991

Division: Policy Office

Rule Title: Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below one hundred percent of the federal poverty line.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL SECURITY?

- No
 Yes
 Lacks sufficient information to determine

2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?

- No
 Yes
 Lacks sufficient information to determine

3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?

- No
 Yes
 Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?

- No
 Yes
 Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?

- No
 Yes
 Lacks sufficient information to determine

Signature of Contact Person: Nancy Beben
Date Submitted: 12/2/15

Small Business Statement

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

*rev'd from LDE 1/5/16
to LFO 1/5/16
back from LFO 1/7/16*

Person
Preparing
Statement:

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Dept.:

LA Department of Education
Board of Elementary &
Secondary Education

Phone:

(225) 342-4991

Office:

Policy

Return
Address:

P. O. Box 94064
Baton Rouge, LA

Rule

Title:

Part CXV. Bulletin 741—Louisiana
Handbook for School Administrators

Date Rule

Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

The proposed policy revisions are required to implement Act 389 of the 2015 Regular Legislative Session which revises procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools.

The proposed policy revision will likely result in savings to state or local governmental units. The current policy requires the Department of Education to use committees of volunteers to review instructional materials and to provide a caravan of publishers going to every section of the state to present the approved instructional materials. The current process costs the state approximately \$200,000 each year. The proposed policy which involves online review of instructional materials will cost the state approximately \$20,000 per content area reviewed each year. It is estimated that two or three content areas will be reviewed each year based on available funds. School districts may use online reviews or continue with their usual process for adopting instructional materials.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

This policy will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed policy may result in savings for textbook companies who will no longer be required to attend trainings and review meetings, and to travel the state unless requested to do so by school districts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux
Signature of Agency Head or Designee

Evan Brassfield, staff director
Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance
Typed Name and Title of Agency Head or Designee

1/5/16
Date of Signature

1/6/16
Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed policy revisions are required to implement Act 389 of the 2015 Regular Legislative Session which revises procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools.

- B. Summarize the circumstances that require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The revisions are required by Act 389 of the 2015 Regular Legislative Session.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session.

1. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No

2. If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) _____ NO. If no, provide justification as to why this rule change should be published at this time.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY15-16	FY16-17	FY17-18
PERSONAL SERVICES			
OPERATING EXPENSES		-----decrease-----	
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
MAJOR REPAIR & CONSTR.			
POSITIONS (#)			
TOTAL		-----decrease-----	

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed policy revision will likely result in savings to state or local governmental units. The current policy requires the Department of Education to use committees of volunteers to review instructional materials and to provide a caravan of publishers going to every section of the state to present the approved instructional materials. The process costs the state approximately \$200,000 each year. This amount is based on the cost in previous years and involves the travel costs for the committees to spend one week in Baton Rouge for the textbook review, the travel costs for staff for the textbook caravan, and other expenses. The proposed policy which involves online review of instructional materials will cost the state approximately \$20,000 per content area reviewed each year. There are three committees of three teacher leaders who are paid \$2,000 through a contract which covers their travel and other expenses. It is estimated that two or three content areas will be reviewed each year based on available funds. School districts may use online reviews or continue with their usual process for adopting instructional materials.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY15-16	FY16-17	FY17-18
STATE GENERAL FUND			
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	-0-	-0-	-0-

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The Department has the necessary funds to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed policy revision may result in savings to local governmental units. School districts may use online reviews or continue with their usual process for adopting instructional materials.

2. Indicate the sources of funding of the local governmental unit that will be affected by these costs or savings.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

This proposed action will have no effect on revenue collection.

REVENUE INCREASE/DECREASE	FY15-16	FY16-17	FY17-18
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL	-0-	-0-	-0-

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This proposed action will have no effect on revenue collection.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed policy may result in savings for textbook companies who will no longer be required to attend trainings and review meetings, and to travel the state unless requested to do so by school districts.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No impact on income is anticipated as a result of this rule change.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The policy will have no effect on competition and employment.

COMPARISON DOCUMENT

Title 28 EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 17. Instructional Support

§1703. Textbooks

A. ...

B. State funds appropriated through the MFP may be used to buy books on the state-adopted textbook lists and academically-related ancillary materials or computer hardware according to the state guidelines. The governing authority of each public elementary and secondary school shall adopt policies and regulations for the adoption and use of textbooks and other instructional materials that sufficiently support the needs of all students in meeting state content standards.

1. The annual appropriation for the purchase of instructional materials and supplies (state-approved textbooks) is defined in the MFP appropriation bill on a per-pupil amount. In order to facilitate the purchase and receipt of these textbooks each year, LEAs are required to submit state textbook orders to the publisher's depository, centrally located within the state, between March 15 and May 15. The LDE shall utilize a transparent process to review textbooks and other instructional materials in the core subjects of English language arts, mathematics, science, and social studies to determine the degree to which each aligns with state content standards.

a. The state review process shall be conducted entirely online and every aspect of the review process including the textbooks and instructional materials under review; and any comments submitted by reviewers, parents and other members of the public, and publishers and other content providers, shall be posted online and made readily accessible to all interested parties.

b. All print textbooks and print instructional materials purchased shall be supplied in an electronic format that meets federal requirements consistent with the Individuals with Disabilities Education Act (IDEA), and can be converted in to specialized formats for children with disabilities.

c. The LDE shall provide each school governing authority with a list of all textbooks and other instructional materials reviewed by LDE which includes information indicating the degree to which each aligns with state content standards.

2. LEAs may use state MFP dollars for the purchase of non-adopted instructional materials. For the adoption of textbooks and other instructional materials that have not been reviewed by the LDE, the policy of the school governing authority shall provide for the establishment of review committees composed of classroom teachers and other educators, all of whom shall be employees of Louisiana public schools, parents of students enrolled in Louisiana public schools, and other educational stakeholders in Louisiana who have interest in or knowledge of curriculum and the subject matter under consideration.

3. Parents and other members of the public shall be afforded the opportunity to review and provide input relative to the textbooks and instructional materials under review prior to final adoption.

4. The purchase of electronic textbooks, instructional materials, and other media or content shall be maximized to the extent possible.

5. Each school governing authority may purchase textbooks and other instructional materials through a state contract or through the central depository or may contract directly with a publisher or other content provider.

C. Textbooks and instructional materials adopted for use in public schools shall accurately reflect the contributions and achievements of people of differing races and promote and 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 value and traditional standards of moral values.

D. Each school governing authority shall provide textbooks and other instructional materials, as available, to students enrolled in a state-approved home study program. The following procedures shall be used for loaning textbooks to be used in approved home study programs. Parents or guardians must proceed through the following steps in order to access textbooks for students in home study:

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

2. present a copy of the approved Home-Study application form to the LEA Textbook Supervisor or designee;

3. select the textbooks and/or materials needed from the listing as available, from the LEA; and

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.

E. Each LEA may establish the price and sell any textbook or library book no longer in use to any person or entity for private use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(4), R.S. 17:8, R.S. 17:22, and R.S. 17:351 et seq, R.S. 17:356, R.S. 1970.4, and R.S. 17:1970.24.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005), amended LR 37:1141 (April 2011), LR 38:2365 (September 2012), LR 39:2212 (August 2013), LR 42:

§1707. Disposal of Library Books and Textbooks

Repeal

~~A.—An LEA may sell any textbooks or library books no longer in use in the school system to any person or entity for private use at a fee established by the LEA. Funds derived from such sale shall be used by the LEA 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 book, an LEA may 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 an LEA 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 the LEA to be unusable or unsalable, shall be disposed of in an appropriate manner.~~

~~D.—The reproduction of any textbook or library book no longer in use by an LEA and the use of multiple copies of such books by organized groups or by any educational agency or entity is prohibited.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:8.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005), and repealed LR 42: