

# Board of Education Agenda Item

Item: G.

Date: September 22, 2011

Topic: Final Review of Proposed *Guidelines for Local Textbook Approval*

Presenter: Dr. Linda Wallinger, Assistant Superintendent for Instruction

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## Origin:

Topic presented for information only (no board action required)

Board review required by

State or federal law or regulation

Board of Education regulation

Other: \_\_\_\_\_

Action requested at this meeting  Action requested at future meeting: \_\_\_\_\_ (date)

## Previous Review/Action:

No previous board review/action

Previous review/action

date June 23, 2011

action First Review of Proposed *Guidelines for Local Textbook Approval*

## Background Information:

The Board of Education's authority for approving textbooks and other instructional materials is prescribed in the *Virginia Constitution* and in the *Code of Virginia*.

### *Virginia Constitution, Article VIII, § 5 (d)*

It [the Board of Education] shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the Commonwealth.

### *Code of Virginia, § 22.1-238*

- A. The Board of Education shall have the authority to approve textbooks suitable for use in the public schools and shall have authority to approve instructional aids and materials for use in the public schools. The Board shall publish a list of all approved textbooks on its website and shall list the publisher and the current lowest wholesale price of such textbooks.
- B. Any school board may use textbooks not approved by the Board provided the school board selects such books in accordance with regulations promulgated by the Board.
- C. For the purposes of this chapter, the term "textbooks" means print or electronic media for student use that serve as the primary curriculum basis for a grade-level subject or course.

On March 24, 2011, the Virginia Board of Education adopted a revised state textbook review process that places primary responsibility on publishers to ensure the accuracy of their textbooks. A publisher must: 1) certify that textbooks it has submitted for review have been thoroughly examined for content accuracy; and 2) agree that if factual or editing errors are identified, it will submit a corrective action plan to the Department of Education for review and approval by the Board of Education or by the superintendent of public instruction for plans not involving significant errors.

On June 23, 2011, the Board accepted for first review proposed *Guidelines for Local Textbook Approval* to assist school divisions as they review and approve textbooks at the local level. The proposed *Guidelines* encourage local school boards that opt to use a textbook that has not been approved by the Board of Education to conduct a local textbook review that includes components similar to the state level review. Such components include a correlation with the Standards of Learning for the particular subject area and a review of strengths and weaknesses in instructional planning and support. Additionally, the publisher of the textbook should certify the accuracy of the content of the textbook and sign an agreement to correct all factual and editing errors found in a textbook, at its expense. Finally, the publisher should certify that the books meet other requirements of the *Code of Virginia* related to textbooks.

The *Guidelines* also apprise school divisions of other requirements related to local textbook selection and approval, including:

- Local school boards may use printed textbooks, printed textbooks with electronic files, electronic textbooks separate and apart from printed versions of the same textbook, or any combination of the three forms listed above.
- Local school boards may purchase textbooks approved by the Board of Education directly from the publishers of the textbooks using either a contract or a purchase order, and these purchases are exempt from the *Virginia Public Procurement Act*.
- If a local school board wishes to purchase textbooks that have not been approved by the Board of Education, it must adhere to the requirements of the *Virginia Public Procurement Act*.
- Local school boards must certify annually to the Department of Education that:
  - All textbooks were selected and purchased in accordance with the Board's regulations; and
  - The price paid for each textbook did not exceed the lowest wholesale price at which the textbook involved in the contract was currently bid under contract in the United States, in accordance with § 22.1-241 of the *Code of Virginia*.

### **Summary of Major Elements:**

Following the Board of Education's acceptance for first review, the proposed *Guidelines for Local Textbook Approval* were posted for a 30-day public comment period that ended on August 1, 2011. Two comments were received. One respondent addressed the Board of Education's state-level textbook approval process rather than the local approval process by suggesting that the Board provide research to demonstrate that each approved textbook would have a positive impact on learning.

The Association of American Publishers, Inc., recommended that the Board emphasize that the state-approved certification and agreement forms embody the quality assurance protections created by the Board and if local boards opt to use the state-approved forms, they would benefit from these same protections. Underlined language to that effect has been added to the *Guidelines* in the section entitled "Selection of Textbooks by Local School Boards.

**Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education approve the proposed *Guidelines for Local Textbook Approval*.

**Impact on Resources:**

This responsibility can be absorbed by the agency's existing resources at this time.

**Timetable for Further Review/Action:**

After the Board of Education approves the proposed *Guidelines*, the Department of Education will make them available to school divisions and post them to the Board of Education's Web site.

# **Proposed Guidelines for Local Textbook Approval**

**Presented to the Virginia Board of Education for Final Review**

**September 22, 2011**

# Proposed Guidelines for Local Textbook Approval

## Introduction

The Board of Education's authority for approving textbooks and other instructional materials is prescribed in the *Virginia Constitution* and in the *Code of Virginia*.

### *Virginia Constitution, Article VIII, § 5 (d)*

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- A. The Board of Education shall have the authority to approve textbooks suitable for use in the public schools and shall have authority to approve instructional aids and materials for use in the public schools. The Board shall publish a list of all approved textbooks on its website and shall list the publisher and the current lowest wholesale price of such textbooks.
- B. Any school board may use textbooks not approved by the Board provided the school board selects such books in accordance with regulations promulgated by the Board.
- C. For the purposes of this chapter, the term "textbooks" means print or electronic media for student use that serve as the primary curriculum basis for a grade-level subject or course.

On March 24, 2011, the Virginia Board of Education adopted a revised state textbook review process that places primary responsibility on publishers to ensure the accuracy of their textbooks. Publishers must: 1) certify that textbooks they have submitted for review have been thoroughly examined for content accuracy; and 2) agree that if factual or editing errors are identified, the publisher will submit a corrective action plan to the Department of Education for review and approval by the Board of Education or by the superintendent of public instruction for plans not involving significant errors. A flow chart outlining the steps in Virginia's state textbook review process is provided in Appendix A. Further details about the Board of Education's textbook review process and the state forms that are used to submit textbooks for review are available on the Virginia Department of Education's Web site at [http://www.doe.virginia.gov/instruction/textbooks/review\\_process/index.shtml](http://www.doe.virginia.gov/instruction/textbooks/review_process/index.shtml)

## Definition of "Textbooks"

Section 22.1-238 of the *Code of Virginia* defines "textbooks" as "print or electronic media for student use that serve as the primary curriculum basis for a grade-level subject or course."

## Selection of Textbooks by Local School Boards

The process used by local school boards to review and approve textbooks should be similar to that used by the Virginia Board of Education. A textbook that has been approved by the Board of

Education has been reviewed using the steps outlined in Appendix A.

The *Code of Virginia* permits local school boards to use textbooks not approved by the Virginia Board of Education. If a local school board opts to use a textbook that has not been approved by the Board of Education, a local textbook review process should be conducted that includes components similar to the state level review. The textbook must be reviewed for correlation with the Standards of Learning for the particular subject area and for strengths and weaknesses in instructional planning and support. Further, the publisher of the textbook should certify the accuracy of the content of the textbook and sign an agreement to correct all factual and editing errors found in a textbook, at its expense. Additionally, the publisher should certify that the books meet other requirements of the *Code of Virginia* related to textbooks.

The publisher's submission forms approved by the Virginia Board of Education for the state textbook approval process are good models for the certification and agreement and embody the quality assurance protections created by the Board. If local boards opt to use the state-approved forms, they would benefit from these same protections. These forms are available electronically at [http://www.doe.virginia.gov/instruction/textbooks/review\\_process/index.shtml](http://www.doe.virginia.gov/instruction/textbooks/review_process/index.shtml). However, the local school board's attorney should also review and approve all certification and agreement forms used for this purpose at the local level.

## **Purchase of Textbooks by Local School Boards**

Local school boards may purchase textbooks approved by the Board of Education directly from the publishers of the textbooks using either a contract or a purchase order, and these purchases are exempt from the *Virginia Public Procurement Act*. If a local school board wishes to purchase textbooks that have not been approved by the Board of Education, it must adhere to the requirements of the [\*Virginia Public Procurement Act\*](#). The local school board's attorney should review and approve all contracts developed for the purpose of purchasing textbooks.

## **Certification of Textbooks to the Virginia Department of Education**

The school division superintendent and the chairperson of the local school board must certify annually to the Virginia Department of Education that:

1. All textbooks were selected and purchased in accordance with the Board's regulations; and
2. The price paid for each textbook did not exceed the lowest wholesale price at which the textbook involved in the contract was currently bid under contract in the United States, in accordance with § 22.1-241 of the *Code of Virginia*.

Additionally, the certification must include a list of all textbooks adopted by the local school board in the subject areas where the Board of Education approves textbooks.

**Overview of Virginia's State Textbook Approval Process**  
**Adopted by the Virginia Board of Education on March 24, 2011**

