

Guidelines for Local Textbook Approval

Approved by the Virginia Board of Education

September 22, 2011*

* Updated to comply with [SB4 \(2014\) Chapter 440 § 1](#) Uncodified Act of the General Assembly

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)

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.

SB4 (2014) Chapter 440 § 1 was passed as an Uncodified Act of the General Assembly
Be it enacted by the General Assembly of Virginia:

1. § 1. That all textbooks approved by the Board of Education pursuant to § 22.1-238 of the Code of Virginia, when referring to the Sea of Japan, shall note that it is also referred to as the East Sea.
2. That the provisions of this act shall not affect any textbook approved by the Board of Education prior to July 1, 2014.

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

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. 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**

