| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |
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# Agenda Item: N

## Date: October 15, 2020

### Title: Written Report: Interim Update on a New Process for the Approval of Textbooks and High Quality Instructional Materials

#### Presenter: Michael Bolling, Assistant Superintendent for Learning and Innovation

#### Email: Michael.Bolling@doe.virginia.gov Phone: 804.225.2034

## Purpose of Presentation:

For information only. No action required.

Executive Summary:

This report provides an update on new plans to revise the Virginia’s textbook approval process and broaden the scope to include the review and identification of high-quality instructional materials (HQIM).

## Action Requested:

No action requested.

## Superintendent’s Recommendation: The Superintendent of Public Instruction recommends that the Board of Education accept this written report.

## Previous Review or Action:

No previous review or action.

Background Information and Statutory Authority:
The Virginia Board of Education’s [Virginia Textbook Review Process](http://www.doe.virginia.gov/instruction/textbooks/review_process/va_textbook_review_process.pdf) was last updated and approved by the Virginia Board of Education (Board) in March 2011. Subsequently, [Guidelines for Local Textbook Approval](http://www.doe.virginia.gov/boe/guidance/administration_governance/local_textbook_guidelines.pdf) were approved by the Board in September 2011. The authority to review and approve textbooks lies in the Constitution of Virginia and the *Code of Virginia*.

**Constitution of Virginia, 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.

The Board of Education’s regulations specify the types of materials that may be approved.

**8VAC20-720-170. Textbooks.**

A. Textbook approval.

1. The Board of Education shall have the authority to approve textbooks for use in the public schools of Virginia.

2. In approving basal textbooks for reading in kindergarten and first grade, the Board of Education shall report to local school boards those textbooks with a minimum decodability standard based on words that students can correctly read by properly attaching speech sounds to each letter to formulate the word at 70% or above for such textbooks in accordance with § [22.1-239](https://law.lis.virginia.gov/vacode/22.1-239/) of the *Code of Virginia*.

3. Any local school board may use textbooks not approved by the Board of Education provided the local school board selects such books in accordance with this chapter.

4. Contracts and purchase orders with publishers of textbooks approved by the Board of Education for use in grades 6-12 shall allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook. Each local school board shall have the authority to purchase an assortment of textbooks in any of the three forms listed in this subdivision.

B. Procedures for selection of textbooks by local school boards. Local school boards shall adopt procedures for the selection of textbooks. These procedures shall include, at a minimum, the following:

1. Appointment of evaluation committees by the local school board to review and evaluate textbooks in each of the subject areas.

2. Notice to parents that textbooks under consideration for approval will be listed on the school division's website and made available at designated locations for review by any interested citizens.

3. Opportunities for those reviewing such textbooks to present their comments and observations, if any, to the local school board through locally approved procedures.

4. Procedures to ensure appropriate consideration of citizen comments and observations.

5. Selection criteria.

C. Local school board selection of textbooks other than those approved by the Board of Education.

1. The selection process for non-Board of Education approved textbooks is subject to the procedures outlined in subsection B of this section.

2. The selection process for such textbooks pertaining to Virginia Standards of Learning subjects shall include at the local level a correlation of the content to the Virginia Standards of Learning in the content area and an analysis of strengths and weaknesses of the textbook in terms of instructional planning and support.

3. The publisher of such textbooks shall:

a. Provide to the local school board a certification that the content of the textbook is accurate; and

b. Sign an agreement with the local school board to correct all factual and editing errors found in a textbook at its own expense.

D. Purchasing Board of Education approved textbooks.

1. Local school divisions shall purchase textbooks approved by the Board of Education directly from the publishers of the textbooks by either entering into written term contracts or issuing purchase orders on an as-needed basis in accordance with § [22.1-241](https://law.lis.virginia.gov/vacode/22.1-241/) of the *Code of Virginia*.

2. Such written contracts or purchase orders shall be exempt from the Virginia Public Procurement Act (§ [2.2-4300](https://law.lis.virginia.gov/vacode/2.2-4300/) et seq. of the *Code of Virginia*).

E. Purchasing non-Board of Education approved textbooks. The purchase of textbooks other than those approved by the Board of Education is not exempt from the Virginia Public Procurement Act.

F. Distribution of textbooks. Each local school board shall provide, free of charge, such textbooks required for courses of instruction for each child attending public schools.

G. Certifications.

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

a. All textbooks were selected and purchased in accordance with this chapter; and

b. The price paid for each textbook in accordance with § [22.1-241](https://law.lis.virginia.gov/vacode/22.1-241/) of the Code of Virginia.

2. The certification shall include a list of all textbooks adopted by the local school board.

Timetable for Further Review/Action:
A proposed timeline for the revision of Virginia’s textbook approval process will be brought to the Board for consideration in January 2021.

## Impact on Fiscal and Human Resources:

## No impact on Fiscal and Human Resources.