# Agenda Item: B

## Date: September 14, 2023

## Title: First and Final Review of Mathematics Standards of Learning Implementation Timeline and Textbook Approval Process Launch

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## Presenter: Dr. Marcey Sorensen, Deputy Superintendent for Teaching and Learning

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## Purpose of Presentation

## Action required by state or federal regulation.

## Executive Summary

Article VIII, Section 5, of the Virginia Constitution gives the Board of Education (“Board”) the authority “to approve textbooks and instructional aids and materials for use in the public schools of the Commonwealth.” The alignment of textbooks and instructional materials with the state's academic standards provides a foundation for student success. With the assistance of experienced classroom teachers and other educators, the Virginia Department of Education (“VDOE”) reviews textbooks and instructional materials for alignment with the Standards of Learning and makes recommendations to the Board of Education on state adoption.

The Board approved the current list of state-approved mathematics textbooks following revisions to the Mathematics Standards of Learning and Curriculum Framework in 2016. The current list of mathematics textbooks was approved by the Board in 2018.

Following the Board’s approval of the 2023 Mathematics Standards of Learning, the VDOE requests permission to begin the process of textbook review for K-12 mathematics textbooks in October 2023, using the timeline indicated in Attachment 1.

The Department of Education proposes to use [*Virginia’s Textbook Review Process*](https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\201\GDoc_DOE_4884_v2.pdf)that was approved March 2011. Following the Board’s approval of the textbook review process for mathematics, the Department will invite publishers to submit textbooks for review. It is the primary responsibility of publishers to ensure the accuracy of textbooks they submit for review. The Department will work to ensure that publishers have accomplished this by establishing the following evaluations for each textbook submitted: 1) an accuracy review based on the Textbook Publisher’s Certification and Agreement; 2) a review for correlation to the Virginia 2023 Mathematics Standards of Learning, content, bias, and suitable instructional planning and support based on the evaluation criteria used by review committees; and 3) a public examination of materials during a public review and comment period.

Local school boards may approve textbooks that are not on the Board-approved list. In accordance with § 22.1-238 of the Code of Virginia, 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.

Local school boards that choose to approve textbooks that are not on the Board-approved list will engage in a process similar to the Board’s new process, where they request certifications of accuracy from publishers.

## Action Requested

Final review: Action requested at this meeting.

## Superintendent’s Recommendation

The Superintendent of Public Instruction recommends that the Board grant approval for the Department of Education to proceed with the review of K-12 Mathematics textbooks beginning in October 2023.

**Rationale for Action**

Local school divisions are expected to fully implement the 2023 Mathematics *Standards of Learning* during the 2024-2025 school year. School divisions are awaiting a Board approved list in order to adopt and purchase necessary resources and materials for full implementation.

## Previous Review or Action

None

## Background Information and Statutory Authority

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

[*Virginia Constitution, Article VIII, Section 5(d)*](https://law.lis.virginia.gov/constitution/article8/section5/)

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](https://law.lis.virginia.gov/vacode/title22.1/chapter13/section22.1-238/)

1. 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.
2. 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.
3. 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.

## [*Code of Virginia* § 22.1-241](https://law.lis.virginia.gov/vacode/title22.1/chapter13/section22.1-241/). Contracts with publishers.

1. Local school boards shall either enter into written term contracts or issue purchase orders on an as-needed basis with publishers of textbooks approved by the Board for use in the public schools. Such written contracts or purchase orders for textbooks approved by the Board shall be exempt from the Virginia Public Procurement Act (§ [2.2-4300](http://law.lis.virginia.gov/vacode/2.2-4300/) et seq.).

The contract price shall not exceed the lowest wholesale price at which the textbook or textbooks involved in the contract are currently bid under contract anywhere in the United States.

If, subsequent to the date of any contract entered into by a local school board, the prices of textbooks named in the contract are reduced or the terms of the contract are made more favorable to purchase anywhere in the United States or a special or other edition of any book named in the contract is sold outside of Virginia at a lower price than contracted in the Commonwealth, the publisher shall grant the same reduction or terms to the local school board and give the local school board the option of using such special or other edition adapted for use in Virginia and at the lowest price at which such special edition is sold elsewhere and the contract shall so state.

1. Contracts and purchase orders with publishers of textbooks approved by the Board shall require the publisher to furnish an electronic file of the textbook in the National Instructional Materials Accessibility Standards (NIMAS) format that will then be deposited in the National Instructional Materials Access Center (NIMAC) from which accessible versions of the particular textbook may be produced for students with print disabilities, as defined in 20 U.S.C. § 1474. Publishers shall deliver the NIMAS file of the textbook on or before the date of delivery of the regular text version.

Contracts and purchase orders with publishers of textbooks approved by the Board 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 school board shall have the authority to purchase an assortment of textbooks in any of the three forms listed above.

1. Every school board shall order directly from the respective publishers the textbooks needed to supply the public schools in the school division. The publishers shall ship the textbooks to the school board. The purchase price of such textbooks shall be paid directly to the publishers by the school board.
2. With the approval of the local school board and the publisher, any private school within the school division that so requests may purchase from the local school board's contract with the publisher. Such private school shall be fully responsible for ordering, purchasing, and receiving shipments of books to be provided from the publisher pursuant to this section. The local school board shall be immune from any civil liability as a result of a private school purchasing from the local school board's contract.

## [*Code of Virginia* § 22.1-242](https://law.lis.virginia.gov/vacode/title22.1/chapter13/section22.1-242/). State Board to adopt regulations.

The Board shall adopt regulations governing (i) the purchase of textbooks approved by it for use in the public schools directly from the publishers by school boards and (ii) the distribution of such textbooks for the use by children attending public schools in Virginia.

On March 24, 2011, the Virginia Board of Education approved [Virginia’s revised textbook approval process](https://www.doe.virginia.gov/home/showpublisheddocument/38236/638061243391270000). The proposed process places primary responsibility on publishers to ensure the accuracy of their textbooks.

## Impact on Fiscal and Human Resources:

The State Approval of Textbooks for K-12 Mathematics revisions can be absorbed by the agency’s existing resources at this time. If the agency is required to absorb additional responsibilities related to this activity, other services may be affected.