**Interim Update on a New Process for the Approval of Textbooks and High-Quality Instructional Materials**

**Board of Education**

**October 15, 2020**

The intent of this report is to provide an update on proposed revisions to the process for approving textbooks and high-quality instructional materials (HQIM) for school division and teacher use in Virginia classrooms.

The [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.

**Background and Context**

Virginia develops Standards of Learning (SOL), which define the student expectations for learning and Curriculum Frameworks (CF), which provide greater detail on the expectations of the SOL and drive the development of statewide assessments. School divisions develop their local curricula that are aligned with state SOL and CF. School divisions then select and purchase textbooks and instructional materials that are aligned to the local curricula and state standards. School divisions may select a textbook from the approved textbook list after following the review process with their community or select another based on a local selection process similar to the Board’s process.

**Evolution of the Textbooks and Instructional Materials and Rationale for Change**

Over the past 15 years, teachers have moved from static, less-engaging textbooks to the use of electronic resources easily identified through online search applications. These resources may or may not be aligned to state standards, as many resources in the national collective have been created to align with standards developed by a consortium of states, other state’s standards, or no state’s standards. To address the differentiated needs of their students, teachers create and/or search for resources that support effective practices that may not be reflected in their locally-approved textbook series. The ease of access available by online searches may lead teachers to resources that are not aligned with Virginia standards, may be inaccurate, or from unreliable sources.

*The preponderance of teacher-chosen and teacher-developed materials illustrates the difficulty of measuring impact, as well as the apparent rarity of sequenced study in America’s classrooms. In mathematics, for instance, teachers reported very high use of self-developed and self-selected materials in both mathematics (82 percent of elementary- and 91 percent of secondary-school teachers reporting using their own materials “at least once a week”) and ELA (89 percent of elementaryand 85 percent of secondary-school teachers reporting using their own materials “at least once a week”). (Steiner, 2017)*

School divisions have flexibility to purchase HQIM that meet their local needs. Many have moved closer to a one-to-one ratio of computing devices to students and with less demand from teachers for physical textbooks, many have used the allocated textbook funding to procure instructional resources via annual subscriptions. Per the 2020 Virginia Acts of Assembly, Chapter 1289, [Item 145.C.f](https://www.google.com/url?q=https://budget.lis.virginia.gov/get/budget/4186/HB30/&sa=D&source=hangouts&ust=1601582145064000&usg=AFQjCNEMaFiPG-n7VIby_1i5oFJjMABNcQ) (p. 164), funding is provided for the state share of textbook costs, based on a per-pupil amount of $107.47. “1)...A school division shall appropriate these funds for textbooks or any other instructional expenditure made by the school division.” Further, in section 3), “School divisions may use a portion of this funding to purchase Standards of Learning instructional materials. School divisions may also use these funds to purchase electronic textbooks or other electronic media resources integral to the curriculum and classroom instruction and the technical equipment required to read and access the electronic textbooks and electronic curriculum materials.” In FY21, Virginia provides over [$75 million in direct aid](https://budget.lis.virginia.gov/item/2020/1/HB30/Chapter/1/145/) to school divisions for textbook purchases.

In response to the increasing use of non-textbook based instructional materials, in September 2010, the Board took actions which led to the adoption of language in the *Code of Virginia* that redefined “textbooks” as “print or electronic media for student use that serve as the primary curriculum basis for a grade-level subject or course” and filled in a statutory gap by defining “instructional materials” as “all materials, other than textbooks, used to support instruction in the classroom, including, but not limited to, books, workbooks, and electronic media (emphasis added).” 8 VAC 20-720-10.

In summary, the Board can best support quality instruction for all students by shifting the focus

to the broader scope of HQIM.

**Statutory Authority for Approving Textbooks and Instructional Materials**

The Board of Education’s authority for approving textbooks and other instructional materials is prescribed in the *Constitution of Virginia* and in 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 Governing Local School Boards and School Division*s specify the types of materials that may be approved.

## **8VAC20-720-10. Definitions.**

The following word or term when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

"Textbooks" means print or electronic media for students use that serve as the primary curriculum basis for grade-level subject or course.

## **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.

**Evidence of Efficacy**

Louisiana focused on the identification of high-quality instructional materials and attribute a portion of their successful gains on the 2015 National Assessment for Educational Progress (NAEP) in Reading on the work that provides school divisions with state-vetted, aligned instructional materials. “Louisiana 4th graders showed the highest growth among all states on the 2015 National Assessment of Educational Progress (NAEP) reading test, and the second-highest in math...” (Pondiscio, 2017)

Another state benefitting from a movement towards HQIM is Nebraska. Since joining the Instructional Materials and Professional Development Network (IMPDN) in 2017, they have become a national leader in identifying HQIM and expanding their use across the state. (Nebraska Department of Education, n.d.) Nebraska catalogs their state-level reviews of instructional materials on a publicly-facing website and credits it as contributing to their consistent above national average achievement on NAEP across all subjects/grades (Watt, 2020; NAEP, 2020).

“Research indicates that choosing a high-quality curriculum is an important lever with the potential to increase student achievement and improve teaching practice.” (Partelow and Shapiro, 2018)

**For Consideration**

The Board can best support quality instruction for all students by creating a process to identify instructional resources as HQIM. This may include content submitted from educationally-focused organizations, museums, and companies that develop textbooks and/or supplemental materials. Subsequently, state contract pricing may be negotiated and provided not only for HQIM textbooks, but also for access to HQIM via annual subscriptions.

**Potential Changes to the Standards of Accreditation**

Department staff will work with the Board’s Special Committee to Review the Standards of Accreditation (SOA) to review and propose any necessary revisions to the SOA, as necessary to support the implementation of the updated process to approve HQIM. The most likely changes will be to definitions and specific language used to ensure accuracy and consistency. The Guidelines for Local Textbook Approval may also need to be updated after approval of a revised statewide approval process.

**Key Steps to the HQIM Approval Process Development**

The following processes are necessary in the development of the HQIM approval process:

* Survey school divisions to identify current practices for selecting and purchasing physical and/or electronic textbooks and other instructional materials, commonly used materials, and characteristics of HQIM;
* Convene committees to develop a statewide rubric for identifying HQIM; and
* Convene committees to develop content area rubrics for identifying HQIM.

**Rubric Development**

Evaluation rubrics must be developed to ensure a consistent and thorough review of instructional materials being considered for the HQIM designation. The proposed rubrics and review categories include a statewide rubric and specific content-area rubrics.

* Statewide rubric for HQIM identification - proposed review categories
	+ Alignment to the Virginia Standards of Learning and Progressions
	+ Support for Virginia’s 5 Cs and Process Goals and Skills
	+ Equity and Cultural Relevance
	+ Usability
	+ Evidence of Efficacy
* Content area rubrics for identification of HQIM
	+ English
	+ History/Social Studies
	+ Mathematics
	+ Science

**Potential Timeline for the Development of the HQIM Approval Process**

* **January 2021** - Timeline brought to the BOE in for development and implementation of the HQIM approval process
* **Spring 2021** - Survey school divisions and convene committees to develop the statewide and content area rubrics
* **Summer 2021** - Feedback from stakeholders and HQIM approval process development
* **Fall/Winter 2021-2022** - Board reviews and approves the HQIM approval process
* **Spring 2022** - Implementation of the HQIM approval process

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