

## **160-4-4.10 INSTRUCTIONAL MATERIALS SELECTION AND RECOMMENDATION**

### **(1) DEFINITIONS.**

(a) **Agreement** – the document that states a publisher is in compliance with certain specifications and conditions.

(b) **Georgia Learning Resources Guide (state guide)** - those learning resources that have been state-recommended.

(c) **Learning Resources** – instructional materials and content to include but not limited to systematically designed material in any medium, including digital instructional materials and content and any computer hardware, software, and technical equipment necessary to support such instructional materials and content that constitute the principal source of study for a state funded course to be used in the various grades in the public schools of this state, including the elementary grades and high school grades. Learning resources include textbooks, ebooks, software, online materials and programs and specialized formats, i.e., Braille, audio, digital, DVDs, large print or other versions. Instructional resources shall also include any materials previously defined by the State Board as “textbook/instructional materials”. The Board does not intend any change in this rule to have any effect on current or past textbook contracts.

(d) **Learning Resources Recommendation Cycle And Process (recommendation cycle)** - the period of time when state recommendation takes place for each program area in all state-funded courses as specified in Rule 160-4-2-.20 State-Funded K-8 Subjects and 9-12 Courses for Students Entering Ninth Grade in 2008 and Subsequent Years.. In each year of the cycle, state recommendation activities and events take place for a different group of state-funded courses which results in state recommendation and a state guide. These activities and events are contingent upon budget funding.

(e) **State Learning Resources Advisory Committee (state committee)** - individuals recommended by the State Board of Education and the state superintendent of schools and approved by the State Board of Education to examine learning resources and to make recommendations.

(f) **State Learning Resources recommendation (state recommendation)** - the action, taken by the State Board of Education on recommendation from the state committee, that identifies those learning resources that are recommended to local school systems.

## **(2) REQUIREMENTS FOR LOCAL SCHOOL SYSTEMS.**

(a) Each local school system shall update annually and have on file in the superintendent's office an implementation plan for the adoption of leaning resources which is based upon but not limited to the most recent state recommendation for the given subject area(s).

## **(3) INSTRUCTIONAL MATERIALS AND CONTENT**

(a) As used in Code Section 20-2-1017, the term "locally approved instructional materials and content" means instructional materials and content, as defined by the State Board of Education pursuant to Code Section 20-2-1010, which constitute the principal source of study for a state funded course, not including supplementary or ancillary material, which is adopted by a local board of education or used by a local school system. Supplementary or ancillary material includes, but is not limited to, articles, online simulations, worksheets, novels, biographies, speeches, videos, music, and similar resources in any medium, including both physical or digital.

(b) Each local board of education shall establish a review and recommendation process for any locally approved instructional materials and content that are adopted or used by the local school system. Such process shall include notice to parents and guardians by the most practical means, which may be accomplished in the same manner as other notices to parents and guardians, and the opportunity for public comment and parental input prior to the adoption or use of any proposed instructional materials and content. As part of such process, the local board of education shall post in a prominent location on its website, and make available for review in print form upon request, a list of proposed instructional materials and content for public review, including the version or edition number, if applicable; the state funded course number for which the instructional resource will be used, if applicable; and the identification number, in accordance with any guidelines established by the State Board of Education.

(c)(1) Each local board of education shall make all proposed and locally approved instructional materials and content used by the local school system available for review on site upon request. Each local board of education shall make any supplementary or ancillary material used by the local school system at a school available for review upon request by any parent of a student in the school or who will be matriculating to such school. The local board of education may specify reasonable hours for review.

(2) Each local board of education shall designate at least one employee to serve as the contact person for any inquiries related to or requests for review of locally approved instructional materials and content and supplementary or ancillary material and to coordinate its efforts to comply with and carry out its responsibilities under this Code section.

(d) In addition, each local school system and each school which maintains a website shall post in a prominent location on such website a list of the locally approved instructional materials and content that are used by such school system or school. For each locally approved instructional resource, such list shall include the version or edition number, if applicable; the state funded course number for which the instructional resource will be used, if applicable; and the identification number, in accordance with any guidelines established by the State Board of Education.

#### **(4) MINIMUM REQUIREMENTS FOR PUBLISHERS.**

(a) Publishers shall adhere to the terms and conditions set forth in the current year's Georgia Learning Resources Recommendation Agreement.

(b) Publishers shall annually submit required forms to the Department by established deadlines. These forms are available from the Department.

(c) Publishers shall deliver learning resources submitted for review and possible recommendation to specific evaluation sites on dates set by the Department.

(d) Publishers shall guarantee that any non-consumable student learning resource or any electronic medium submitted for recommendation shall withstand normal use during the specified recommendation cycle and shall also agree to replace immediately, at no cost to the ordering school system, any such items that do not stand up to normal use.

(e) Publishers shall guarantee the timely delivery of learning resources to school systems.

(f) Publishers shall sell learning resources to local school systems at the lowest price offered to any state or school district in the United States during the period of the recommendation. Publishers shall also guarantee that prices submitted as part of the agreement shall be the fixed maximum costs for those materials over the period of the recommendation agreement. Publishers shall automatically reduce the price of said learning resources to the State Board of Education and/or any Georgia school system to the extent that reductions are made elsewhere in the United States.

(g) Publishers shall furnish to each local school system purchasing the recommended learning resources those items that are free of charge, such as on teacher's edition for each teacher using classroom sets of the recommended ordered learning resources. If a publisher makes any additional learning resources available at no charge to one school system, it shall make the same learning resources available at no charge to all other school systems purchasing the recommended learning resources.

(h) Publishers, publishing agents or any group or individual with a vested interest in the learning resources being evaluated are prohibited from contacting a state

committee member for the purpose of influencing the evaluation of learning resources by the committee. In the event that such contact is identified, the state committee is authorized to present a recommendation to the State Board of Education that may result in the removal of submitted leaning resources of the publisher from recommendation consideration.

(i) Appeals regarding decision made by the Learning Resources Advisory Committee or the Georgia Department of Education shall be made in writing to the state superintendent of schools within 10 working days of the date of written notification to the publisher of the committee's recommendations. The appeal shall specify the decision being appealed. The state superintendent shall submit the appeal for resolution to the State Board of Education.

1. Prior to making its decision, the State Board of Education may either require submission of additional information from the Learning Resources Advisory Committee or the party submitting the appeal, or it may require reconsideration of the recommendation(s) by the Learning Resources Advisory Committee.

(j) Any publisher desiring to request a waiver of any requirement shall follow procedures established in Rule 160-1-3-.02 Suspension of Rules and Laws (Waiver).

**Authority:** O.C.G.A § 20-2-133; 20-2-168(b); 20-2-1010; 20-2-1011; 20-2-1012; 20-2-103; 20-2-1014; 20-2-1015; 20-2-1017

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