CHAPTER 390 - TEXTBOOKS

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GENERAL PROVISIONS

NRS 390.005 Definitions. As used in this chapter, unless the context requires otherwise:

1. "Basic textbook" or "textbook" means any medium or manual of instruction, including, without limitation, software for computers, containing a presentation of the principles of a subject and used as a basis of instruction.

2. "Supplemental textbook" means any medium or material, including, without limitation, software for computers, used to reinforce or extend a basic program of instruction.

3. A basic or supplemental textbook becomes "unserviceable" when 4 years have elapsed since its removal from the adopted list.

NRS 390.140 Final selection by State Board; exception for charter schools; accurate portrayal of cultural and racial diversity of society.

1. The State Board shall make the final selection of all textbooks to be used in the public schools in this state, except for charter schools. If a textbook proposed for selection is in a subject area for which standards of content have been established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520, the State Board shall not select the textbook unless the State Board determines that the textbook adequately supports the standards for that subject area.

2. A textbook must not be selected by the State Board pursuant to subsection 1 for use in the public schools in classes in literature, history or social sciences unless it accurately portrays the cultural and racial diversity of our society, including lessons on the contributions made to our society by men and women from various racial and ethnic backgrounds.

NRS 390.160 Contracts by State Board for purchase; provisions of contracts.

1. The State Board may make such contracts for the purchase and use of textbooks in the name of the State as it deems necessary for the interests of the public schools.

2. Contracts must:
   (a) Set forth the introductory, exchange and retail price of each textbook, which must not exceed the lowest price the publisher has charged for the same textbook anywhere in the continental United States for similar quantities exclusive of shipping costs.
   (b) Guarantee that there is no subversive or sectarian doctrine, as determined by the laws of Nevada and the United States, in any of the textbooks covered by the contract.

NRS 390.220 Enforcement by board of trustees of use of prescribed textbooks; exception for charter schools.
Boards of trustees of school districts in this state shall enforce in the public schools, excluding charter schools, the use of textbooks prescribed and adopted by the State Board.

[NRS 390.230 Use of prescribed textbooks; exceptions; penalty.]

1. Except as otherwise provided in subsection 2, the textbooks adopted by the State Board must be used in the public schools in this state, and no other books may be used as basic textbooks.

2. This section does not prohibit:
   (a) The continued use of such textbooks previously approved until they become unserviceable.
   (b) The use of supplemental textbooks purchased by a school district with the approval of the Superintendent of Public Instruction.
   (c) After approval by the State Board, the temporary use of textbooks for tryout purposes.
   (d) A charter school from using textbooks other than those adopted for use by the State Board.

3. Any school officer or teacher who violates the provisions of this chapter, or knowingly fails to follow the regulations of the State Board relating to use of textbooks shall be punished by a fine of not more than $250.

4. All superintendents, principals, teachers and school officers are charged with the execution of this section.

[NRS 390.230 Use of prescribed textbooks; exceptions; penalty.]
CHAPTER 390 - TEXTBOOKS AND ELECTRONIC MEDIA

ADOPTION AND USE OF TEXTBOOKS AND ELECTRONIC MEDIA

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ADOPTION AND USE OF TEXTBOOKS AND ELECTRONIC MEDIA

NAC 390.005 “Electronic media” defined. (NRS 385.080, 390.140) As used in NAC 390.005 to 390.070, inclusive, unless the context otherwise requires, “electronic media” means any electronic medium that is used as the primary basis of instruction pursuant to which information is conveyed to a pupil or that otherwise contributes to the learning process, including, without limitation:

1. Computers, whether stationary or portable, and the hardware and software necessary for the operation of those computers;
2. Interactive videodiscs or other optical discs;
3. Magnetic media, including, without limitation, computer discs, audiotape and videotape; and
4. Services pursuant to which a subscriber may access the Internet or use an electronic mail address, or both.

(Added to NAC by Bd. of Education by R026-01, eff. 11-1-2001)

NAC 390.010 Committees to evaluate and recommend textbooks and electronic media: Appointment; membership. (NRS 385.080, 390.140) The superintendent of a school district must appoint a committee to evaluate and recommend textbooks and electronic media to be used in public schools before the district may forward any such recommendations to the State Board of Education for adoption. The committee must consist of:

1. A teacher or teachers who are licensed to teach:
   (a) The subject areas of the textbooks or electronic media being considered if the textbooks or electronic media are for use in secondary grades; or
   (b) Elementary education if the textbooks or electronic media being considered are for use in elementary grades;
2. An administrator or a specialist in curriculum who is employed by the school district;
3. A parent of a pupil who is enrolled in the school district; and
4. Any other member or members the superintendent deems necessary to serve on the committee.

(Added to NAC by Bd. of Education, eff. 4-1-92; A by R026-01, 11-1-2001)

NAC 390.020 Committee evaluation of textbooks. A committee established pursuant to NAC 390.010 shall review textbooks and submit to the Department of Education in the form prescribed by
the Department an evaluation of any textbooks being recommended for adoption. The evaluation must include:

1. A comparison of the textbook with the courses of study offered in this state and the goals and objectives of the school district that the committee is representing.
2. A summary of the organization and presentation of material in the textbook.
3. A statement of the quality of production of the textbook, including the cover, binding and print.
4. An analysis of the accuracy of the information contained in the textbook.
5. A statement of the appropriateness of any materials of support or references provided with the textbook.
6. An analysis of the ability of the textbook to stimulate interest in pupils.
7. A reasonable assurance that the textbook complies with the requirements of subsection 2 of NRS 390.140.
8. A list of the times and locations that parents of pupils enrolled in the district and other members of the community were afforded an opportunity to review the textbook and to submit written comments to the committee before the final recommendations were made.

(Added to NAC by Bd. of Education, eff. 4-1-92)

NAC 390.025 Electronic media: Notification to use; committee evaluation. (NRS 385.080, 390.140)

1. A school district shall notify the Department of Education of its intent to use electronic media as the primary basis of instruction.
2. In addition to the duties set forth in NAC 390.020, a committee established pursuant to NAC 390.010 shall review electronic media and submit to the Department of Education an evaluation of any electronic media being selected for use as the primary basis of instruction. The evaluation must include:
   (a) A comparison of the electronic media with the courses of study offered in this state and the goals and objectives of the school district that the committee is representing.
   (b) A summary of the organization and presentation of the information contained in the electronic media.
   (c) A statement of the quality of production of the electronic media.
   (d) An analysis of the accuracy of the information contained in the electronic media.
   (e) A statement of the appropriateness of the information contained in the electronic media.
   (f) An analysis of the ability of the electronic media to stimulate interest in pupils.
   (g) A reasonable assurance that the electronic media complies with the requirements of subsection 2 of NRS 390.140.
   (h) A list of the times and locations that parents of pupils enrolled in the school district and other members of the community were afforded an opportunity to review the electronic media and to submit written comments to the committee before the final recommendations were made.

(Added to NAC by Bd. of Education by R026-01, eff. 11-1-2001)

NAC 390.030 Provision of opportunity for members of community to review textbooks and electronic media and submit comments. (NRS 385.080, 390.140) If a textbook or electronic media adopted by the State Board of Education has not been evaluated by a committee appointed by the superintendent of a local school district pursuant to NAC 390.010, the superintendent of that school district shall afford the parents of pupils enrolled in the district and other members of the community an opportunity to review the textbook or electronic media and submit written comments to the school district.

(Added to NAC by Bd. of Education, eff. 4-1-92; A by R026-01, 11-1-2001)

NAC 390.040 Recommendations for adoption of textbooks or electronic media: Time for submission; effect of incorrect or inaccurate evaluation. (NRS 385.080, 390.140)

1. A recommendation for the adoption of a textbook or electronic media must be submitted to the Department of Education in December, March or April to be considered by the State Board of Education. The State Board may grant exceptions to this requirement if a school district can demonstrate compelling circumstances why the recommendation was not submitted in December, March or April.
Recommendations submitted after June 30 will not be considered by the State Board.

2. The Department of Education may delay the consideration of a recommendation for the adoption of a textbook or electronic media if it finds that any of the information required by NAC 390.020 or 390.025, as applicable, is incorrect or inaccurate.

(Added to NAC by Bd. of Education, eff. 4-1-92; A 10-8-93; R026-01, 11-1-2001)

NAC 390.050 Compliance with schedule for adoption of textbooks and electronic media. (NRS 385.080, 390.140) A textbook and electronic media will be adopted for use in public schools according to the schedule for adoption prescribed by the Department of Education, unless the State Board of Education grants an exception to this requirement.

(Added to NAC by Bd. of Education, eff. 4-1-92; A by R026-01, 11-1-2001)

NAC 390.060 Use of textbook or electronic media on experimental basis. (NRS 385.080, 390.140) A textbook or electronic media may be used on an experimental basis by a school district for not more than 1 year before the textbook or electronic media is given a final evaluation. A request to use a textbook or electronic media in this manner must be submitted to the Department of Education in the form prescribed by the Department.

(Added to NAC by Bd. of Education, eff. 4-1-92; A by R026-01, 11-1-2001)

NAC 390.070 Use of revised editions of adopted textbooks or electronic media. (NRS 385.080, 390.140) A revision of an adopted textbook or electronic media may be used by a school district if the revision does not add to, subtract from or change the areas of content in the textbook or electronic media. The period during which the revised textbook or electronic media may be used is the same as the period of use for the textbook or electronic media in its original form. A school district shall notify the Department of Education of its intent to use a revised edition of an approved textbook or electronic media before purchasing the revised edition.

(Added to NAC by Bd. of Education, eff. 4-1-92; A by R026-01, 11-1-2001)

SELECTION OF SUPPLEMENTAL TEXTBOOKS AND RESOURCES FOR MEDIA CENTERS

NAC 390.100 Definitions. As used in this chapter, unless the context otherwise requires:

1. “Media center” means a centralized collection of educational resources located within the library of a public school.
2. “Supplemental textbook” means any medium or material used to reinforce or extend a basic program of instruction.

(Added to NAC by Bd. of Education, eff. 4-22-93)

NAC 390.110 Procedures for selection: Establishment and approval; effect of compliance.

1. The board of trustees of a local school district shall establish written procedures for the selection of supplemental textbooks and the resources to be used in a media center.
2. The initial set of written procedures required by subsection 1 must be submitted to the Superintendent of Public Instruction for his approval. Materials selected in accordance with written procedures that have been so approved shall be deemed to satisfy the requirements of paragraph (b) of subsection 2 of NRS 390.230.
3. Thereafter, the written procedures for selection must be submitted to the Superintendent of Public Instruction for approval at least once every 5 years, and whenever subsequent modification is proposed by the board of trustees.

(Added to NAC by Bd. of Education, eff. 4-22-93)

NAC 390.120 Procedures for selection: Parameters for development. In developing the written procedures, the board of trustees shall adhere to and incorporate the following parameters:

1. Employees of the school district and employees of each media center share the primary responsibility for the selection of resources to be used in the media center.
2. Teachers have the primary responsibility for the selection of supplemental textbooks.
3. The supplemental textbooks and resources for use in a media center that have been selected for...
use in a school are subject to the approval of the principal of that school.

4. School administrators, librarians, teachers, parents, pupils and other members of the community must be allowed to:
   (a) Review the selected materials; and
   (b) Request reconsideration of the selected materials pursuant to NAC 390.140.
   (Added to NAC by Bd. of Education, eff. 4-22-93)

NAC 390.130 Procedures for selection: Contents. The written procedure for the selection of supplemental textbooks and the resources to be used in media centers must:

1. Provide for the selection of:
   (a) Materials that enrich and support the school district’s philosophies and goals, taking into consideration the varied interests, abilities and maturity levels of the pupils served;
   (b) Materials that encourage growth in knowledge and contribute to the development of literary, cultural and aesthetic appreciation;
   (c) Informational materials that encourage and enable pupils to think independently, to develop ethical standards and to make intelligent judgments in their daily lives; and
   (d) Materials that are representative of many religious, ethnic, and cultural groups and their contributions to American heritage.

2. Require:
   (a) That the selector, in choosing the materials, place principle above personal opinion and reason above prejudice to form a balanced collection of materials that is appropriate for the intended users of these materials;
   (b) That the materials selected reflect support for the principles of freedom of speech which are inherent in the First Amendment of the United States Constitution, and which are expressed in the Library Bill of Rights and the Freedom to Read Statement disseminated by the American Library Association;
   (c) That the materials selected be in harmony with the constitutions and the laws of the United States and this state; and
   (d) That the materials be selected after reference to standard sources of critical reviews, including, but not limited to, the School Library Journal, Booklist, The Elementary School Library Collection, and the Wilson series of library catalogs.
   (Added to NAC by Bd. of Education, eff. 4-22-93)

NAC 390.140 Review and reconsideration of selection of materials that are challenged.

1. Each school district shall include in its written procedures for the selection of supplemental textbooks and the resources to be used in media centers a procedure for reviewing and reconsidering the selection of materials that are challenged. Except as otherwise provided in subsection 6, such a procedure must provide that the complainant first submit the complaint to the principal of the school for which the challenged materials have been selected. Upon receipt of such a complaint, the principal shall:
   (a) Explain to the complainant the school district’s procedures and criteria for the selection of materials;
   (b) Attempt to resolve the issue informally;
   (c) Inform the complainant of his right to file with the school district a formal request for reconsideration on a form developed and distributed by the Superintendent of Public Instruction; and
   (d) Forward a copy of the complaint to the superintendent of the local school district.

2. The materials so challenged may remain in use by the school until a review is completed by a committee selected by the board of trustees. The committee:
   (a) Must be comprised of at least one teacher, librarian, representative of school administrators, pupil and parent;
   (b) May be expanded to include other interested members of the community as members also; and
   (c) May be appointed as a standing committee to serve for the school year.

3. The members of the committee shall consider the challenged material in its entirety with both the specific objections and the context of the objections in mind. They shall also consult reviews of the materials from the standard sources of reviews referenced in paragraph (d) of subsection 2 of NAC 390.130.
4. In reviewing the challenged material, the committee shall consider:
   (a) The best interests of the pupils;
   (b) The requirements of the curriculum; and
   (c) The principles of freedom of speech and the right to a redress of grievances inherent in the First
       Amendment of the United States Constitution and expressed in the Library Bill of Rights and the
       Freedom to Read Statement as disseminated by the American Library Association.

5. The committee shall, within 30 school days after the complainant submits the request for
   reconsideration, render a decision and report the decision publicly.

6. If:
   (a) The complaint is based upon noncompliance by a school district with its written procedures; and
   (b) All administrative remedies have been exhausted at the school district level,
      the complainant may appeal directly to the Superintendent of Public Instruction.

(Added to NAC by Bd. of Education, eff. 4-22-93)