STATE BOARD OF EDUCATION

PUBLISHER HANDBOOK

Proclamation 2015

Texas Education Agency
Austin, Texas

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PUBLISHER HANDBOOK

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Office of Copyrights, Trademarks, License Agreements, and Royalties,
Texas Education Agency,
1701 N. Congress Ave., Austin, TX 78701-1494;
phone 512-463-9270 or 512-463-9437;
Email: copyrights@tea.state.tx.us.

Review and Adoption

Definition and Purpose

The Texas Education Agency (TEA) facilitates and enhances learning by providing leadership and governance for the process by which instructional materials are purchased with state funds and by coordinating the requisition and distribution of these instructional materials. The processes managed by the agency help each school district and charter school obtain the tools necessary to impart learning and ensure that the instructional materials purchased with state funds contain the appropriate content necessary to allow students to meet the state's rigorous educational requirements.

Overview

The Texas Constitution, Article VII, Section 3, requires the State Board of Education (SBOE) to set aside sufficient money to provide free instructional materials for all children attending public schools in the state. In accordance with this requirement, the SBOE allocates a portion of the Available School Fund, which comprises money set aside by the state from various revenue sources for the support of the public school system. The Texas Legislature appropriates the funds for instructional materials. The review and adoption process determines the instructional materials eligible for adoption by the SBOE, which can then be purchased through this appropriation.

Adoption Cycle Subject areas for which instructional materials are adopted are divided into two categories: Foundation Curriculum and Enrichment Curriculum.

Foundation Curriculum:

- English Language Arts
- Mathematics
- Science
- Social Studies

Enrichment Curriculum:

- Languages Other Than English
- Health
- Physical Education
- Fine Arts
- Career and Technology Education
- Technology Applications

The SBOE organizes an adoption cycle for subjects in the Foundation Curriculum to ensure that materials for each subject are reviewed at least once every eight years. The cycle for the review of materials for subjects in the Enrichment Curriculum may extend beyond the eight-year period and is at the discretion of the SBOE.

Proclamations The SBOE solicits bids for new instructional materials by issuing a proclamation. The proclamation identifies the subject areas scheduled for review and contains the content requirements (Texas Essential Knowledge and Skills, or TEKS). It also includes student enrollment for the courses for which new instructional materials are being adopted, a detailed schedule of adoption procedures, and instructions for providing electronic files for the production of Braille and large-type materials. Proclamations are named for the year in which the materials are intended to be made available in the classroom, and are typically issued 18 months before the scheduled adoption.

Development and Submission After each proclamation is issued, publishers are required to submit a *Statement of Intent to Bid* (SOITB), indicating their interest in submitting materials. Typically, they will have 12 months between the issuance of the proclamation and the deadline to submit samples to develop materials that align with the requirements of the proclamation.

Samples Publishers are required to provide one electronic sample copy of their instructional materials to the TEA and one electronic sample copy to each of the 20 regional Education Service Centers (ESCs). Electronic samples may be in an open file format or closed format. Samples of student and teacher components of instructional materials must be complete as to content. Electronic instructional materials, including online products, must be representative of the final product and functional for review purposes. On request of a school district, a publisher shall provide an electronic sample of submitted instructional materials and, at their discretion or upon request may also provide print sample copies.

State Review Panels The materials submitted for adoption undergo a full and complete investigation by a state review panel to identify the TEKS covered and identify factual errors. These panels are composed of university professors, public school teachers, parents, business and industry representatives, and other subject matter experts. Individuals are nominated to serve on the panels by SBOE members, school districts and charter schools, educational organizations, and Texas residents. From these nominations, the commissioner of education appoints the panel members with the advice and consent of the SBOE. At the completion of the review, the panels' findings are reported to the commissioner of education.

Instructional Materials Lists After considering the evaluations of the state review panel members, the commissioner of education recommends that the instructional materials be either placed on the Adopted List or rejected, based on the number of TEKS covered.

To be eligible for the Adopted List, instructional materials must:

- Meet at least 50% of the required TEKS
- Be free from factual error
- Meet manufacturing specifications

Any materials that do not meet the qualifications of Adopted List are rejected.

Errors In addition to the report on the coverage of required TEKS, the commissioner of education presents the SBOE with the *Report of the Commissioner of Education Concerning Required Corrections of Factual Errors,* listing all factual errors discovered in the instructional materials. The report is a compilation of the errors found by the state review panels, those reported by the publishers (who are required to disclose all known factual errors), and any reported to the TEA by the general public or third-party organizations. Publishers are required to correct all factual errors, and provide an affidavit attesting that they have done so, before the corrected copies are submitted to the TEA in advance of sending the materials to schools.

Public Comment Any resident of Texas may submit written comments about instructional materials submitted for adoption. Copies of written comments will be provided to the SBOE, participating publishers, ESCs, and persons who have filed written requests. Additionally, the SBOE holds a public hearing to afford citizens the opportunity to provide oral testimony regarding instructional materials submitted for adoption. Representatives of publishing companies may make oral responses to testimony at the hearing.

State Adoption Using the commissioner of education's reports and recommendation as a guide, the SBOE determines which materials are adopted or rejected. Following the SBOE's action, the TEA sends contracts to publishers of adopted materials for signature. Contracts signed and returned by the publishers are signed by the chair of the SBOE and attested to by the commissioner of education. Original contracts are filed with the TEA, and publishers receive copies of the executed contracts.

Special Instructional Materials The TEA contracts for the development of braille, large-type, and recorded versions of adopted instructional materials. Following the adoption, and to facilitate the timely delivery of print instructional materials in accessible formats, publishers submit specialized digital files to a designated braille producer. These files must conform to the National Instructional Materials Accessibility Standard (NIMAS). After all required corrections and editorial changes have been made to both the print version and the digital files, publishers must also submit updated digital files to the National Instructional Materials Access Center (NIMAC). Publishers of state adopted electronic instructional materials are also required to comply with the technical standards of the Federal Rehabilitation Act, Section 508, and the web-based standards at http://www.w3.org/standards.

Local Adoption Local authorities for each school district and charter school set their own policy for selecting the most appropriate instructional materials for their students.

Ordering and Fulfillment Upon making their decisions, school districts and charter schools place their orders with the TEA through the Educational Materials (EMAT) online system, a statewide electronic instructional materials management tool that processes all orders and payments for adopted instructional materials. Once the orders are received and verified, the materials are shipped to the districts from the publishers or privately owned depositories.

Audit and Penalties Each year, in order to confirm that all factual errors are corrected before materials are shipped to schools, the TEA oversees an audit of all newly adopted programs. Contracting with Texas public colleges and universities, the TEA facilitates a process by which the contracted institutions compare the adopted instructional materials against the *Report of the Commissioner of Education Concerning Required Corrections of Factual Errors* presented to the SBOE by the commissioner of education. Upon completion of the audit, the TEA reports any uncorrected errors, or any new errors discovered, to the SBOE for action. The SBOE may assess a penalty for each factual error.

Instructional Materials Allotment Created by the 82nd Texas Legislature, the Instructional Materials Allotment (IMA) is an annual allocation of funds to which each school district and charter school is entitled. The commissioner determines the per-student amount each year based on the amount of money available in the Instructional Materials Fund (IMF). Districts and charter schools may spend their IMA funds on instructional materials, technological equipment, and technology services.

Instructional Materials Fund Created by the 82nd Texas Legislature, this fund is comprised of an amount set aside by the State Board of Education from the available school fund and any amounts lawfully paid into the fund from any other source. Money from the instructional materials fund is used to finance the IMA.

Additional Information

The adoption cycle for Foundation and Enrichment subjects is available on the TEA website.
http://www.tea.state.tx.us/WorkArea/DownloadAsset.aspx?id=2147505353

Statutory authority for the review and adoption of instructional materials is Texas Education Code, Title 2, Chapter 31.
http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.31.htm#31.001

State Board of Education rule governing the review and adoption of instructional materials is Texas Administrative Code, Title 19, Part II, Chapter 66.
http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=19&pt=2&ch=66

Statutory requirements for courses of study are located in Texas Education Code, Title 2, Chapter 28.
http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.28.htm

State Board of Education rule governing curriculum requirements is Texas Administrative Code, Title 19, Part II, Chapters 74 and 110–128.
http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=3&ti=19&pt=2

Statement of Intent to Bid

Rule

19 TAC §66.48 (a) Each publisher who intends to offer instructional materials for adoption shall submit a statement of intent to bid and preliminary price information on or before the date specified in the schedule of adoption procedures. The statement of intent with preliminary price information shall be accompanied by publisher's data submitted in a form approved by the commissioner of education.

19 TAC §66.48 (d) Additions to a publisher's submission shall not be accepted after the deadline for filing statements of intent, except as allowed in the schedule of adoption procedures included in the proclamation. A publisher who wishes to withdraw an instructional materials submission after having filed a statement of intent to bid shall notify the commissioner of education in writing on or before the date specified in the schedule of adoption procedures.

Instructions

Publishers must file a *Statement of Intent to Bid* (SOITB) form for each program and course bid. For example, a publisher that submits two different programs in the same course must file two SOITBs. A publisher that submits the same program in two different courses must also file two SOITBs.

Along with the SOITB, each publisher must also submit one *Publisher Contact Form*, providing specific staff contact information. Each publisher should submit only one *Publisher Contact Form*, regardless of the number of SOITBs it submits.

The SOITB must include the program name, preliminary prices, TEKS coverage percentage, and other relevant information as indicated in the instructions included with the form provided by the Texas Education Agency (TEA).

Publishers will be able to download the forms and instructions at http://www.tea.state.tx.us/index2.aspx?id=25769804190. The TEA will accept only this form as a publisher's official notice of intent to participate in the adoption.

Deadline

Publishers must file one signed print copy of the SOITB and one electronic copy of the SOITBs along with one *Publisher Contact Form* by **5:00 P.M. CST** on **December 6, 2013.**

Note: Only those publishers that file SOITBs by the deadline will be allowed to participate in the adoption.

Delivery

Please send all materials to:

Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.463.9601
review.adoption@tea.state.tx.us

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Providing Descriptions of Submitted Instructional Materials to School Districts and Charter Schools

Rule

19 TAC §66.101 (a) *According to the schedule of adoption procedures, a publisher shall provide each school district and open-enrollment charter school with information that fully describes instructional materials submitted for adoption. Descriptive information provided to each school district or open-enrollment charter school shall be identical.*

Instructions

Publishers must provide descriptions of their submitted instructional materials to the Texas Education Agency (TEA), as well as each school district and charter school.

The information provided to the TEA must include a comprehensive list of components and subcomponents and include ISBN, replacement prices, and other relevant information as indicated in the instructions included with the form provided by the TEA. The description should list each component that the publisher intends to submit to the state review panel. The description should not include ancillaries or any other components that the publisher does not intend to submit to the state review panels.

Description of Instructional Materials Submission form will be available on the TEA website at http://www.tea.state.tx.us/index2.aspx?id=25769804190.

In addition, publishers must provide each school district and open-enrollment charter school with information that fully describes instructional materials submitted under *Proclamation 2015*. There is no specific form for this deliverable. Publishers may choose how to present the information. Identical information must be sent to each school district directly.

Contact information for each school district and open-enrollment charter school is available on the TEA website at http://mansfield.tea.state.tx.us/tea.askted.web/Forms/Home.aspx.

Deadline

Publishers must provide descriptions to the TEA by **5:00 P.M. CST** on **January 31, 2014.** Publishers must provide descriptions to each district and charter school by **5:00 P.M. CST** on **April 18, 2014.**

Delivery

Please send all materials for districts and charter schools directly to the districts and charter schools. Please send all materials for the TEA to:

Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.463.9601
review.adoption@tea.state.tx.us

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Pre-Adoption Sample Instructional Materials

Rule

19 TAC §66.54 (a) Samples of student and teacher components of instructional materials submitted for adoption shall be complete as to content and functional for review purposes.

19 TAC §66.54 (c) One electronic sample copy in an open file format or closed format of the student and teacher components of each instructional materials submission shall be filed with each of the 20 regional education service centers (ESCs) on or before the date specified in the schedule of adoption procedures. The TEA may request additional samples if they are needed. These samples shall be available for public review. Publishers of Internet-based instructional content submitted for review shall provide the ESCs with appropriate information, such as locator and login information and passwords, required to ensure public access to their programs throughout the review period. Samples to ESCs are not required for instructional materials submitted for midcycle review, as specified in §66.22(f) of this title (relating Midcycle Review and Adoption).

19 TAC §66.54 (d) If it is determined that good cause exists, the commissioner of education may extend the deadline for filing samples with ESCs. At its discretion, the SBOE may remove from consideration any materials proposed for adoption that were not properly deposited with the ESCs, the TEA, or members of the state review panel.

19 TAC §66.54 (e) One electronic sample copy in an open file format or closed format of each student and teacher component of an instructional materials submission shall be filed with the TEA on or before the date specified in the schedule of adoption procedures. The TEA may request additional samples if they are needed. In addition, the publisher shall provide a complete description of all items included in a student and teacher component of an instructional materials submission.

19 TAC §66.54 (g) One sample copy of each student and teacher component of an instructional materials submission shall be filed with each member of the appropriate state review panel in accordance with instructions provided by the TEA. Publishers have the option to file with the state review panels print samples, electronic samples in an open file format or closed format, or galley proofs. To ensure that the evaluations of state review panel members are limited to student and teacher components submitted for adoption, publishers shall not provide ancillary materials or descriptions of ancillary materials to state review panel members. Texas Education Code, §31.002, defines instructional materials as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, on-line services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open-source instructional material.

19 TAC §66.54 (l) Publishers participating in the adoption process are responsible for all expenses incurred by their participation. The state does not guarantee return of sample instructional materials.

Instructions

Under Proclamation 2015, participating publishers must submit one complete, electronic, pre-adoption sample copy of all instructional materials to the Texas Education Agency (TEA) and each of the regional Educational Service Centers (ESCs).

In addition, one sample copy of each student and teacher component of an instructional material submission must also be filed with each member of the state review panel. For the state review panels, publishers have the option to file print samples, electronic samples (in an open file or closed format), or galley proofs.

On request of a school district, a publisher must provide an electronic sample of submitted instructional materials and, at their discretion or upon request, may also provide print sample copies.

All samples sent to each entity must contain identical instructional materials. All sample instructional materials should be clearly marked *Sample Instructional Materials: Proclamation 2015*.

Electronic Samples can be provided either online or by CD/DVD.

Publishers of electronic materials must provide all necessary locator information, user IDs, and passwords to ensure access to their programs throughout the entire review and adoption process.

Deadline and Delivery

Please see chart below for deadlines and delivery locations.

Deliver to:	Number of Copies	Delivery Location	Deadline
Texas Education Agency	1	Review and Adoption Instructional Materials and Educational Technology Texas Education Agency 1701 North Congress Ave, Room 3-110 Austin, Texas 78701-1494	April 18, 2014 by 5:00 P.M. CDT
Education Service Centers	1	A list of education service centers and their contacts will be available on the TEA website.	
State Review Panel Members	TBD	Publishers will be notified where to send sample materials.	TBD

Affidavit of Authorship or Contribution

Rule

19 TAC §66.51 (5) Publishers shall submit to the TEA a signed affidavit certifying that each individual whose name is listed as an author or contributor of the instructional materials contributed to the development of the instructional materials. The affidavit shall also state in general terms each author's involvement in the development of the instructional materials.

Instructions

Publishers must file a signed and notarized *Affidavit of Authorship or Contribution* form for each instructional materials program submitted for adoption.

Publishers must submit a separate affidavit for each program. For example, a publisher that submits a program for each grade level, 2–5 English and 2–5 Spanish, would complete 8 separate affidavits. For identical programs submitted for more than one course, only one *Affidavit of Authorship or Contribution* is required.

Affidavit of Authorship or Contribution forms will be available on the Texas Education Agency (TEA) website at http://www.tea.state.tx.us/index2.aspx?id=25769804190.

Deadline

Publishers must submit one signed and notarized print copy and one electronic copy of the *Affidavit(s) of Authorship or Contribution* before **5:00 P.M. CDT** on **April 18, 2014**.

Delivery

Please send all materials to:

Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.463.9601
review.adoption@tea.state.tx.us

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Correlation to the Texas Essential Knowledge and Skills

Rule

19 TAC §66.51 (7) On or before the deadline established in the schedule of adoption procedures, publishers shall submit correlations of instructional materials submitted for adoption with essential knowledge and skills required by the proclamation. These correlations shall include essential knowledge and skills covered at least once in the student text narrative or its electronic equivalent and once in either an end-of-section review exercise, an end-of-chapter activity, or a unit test or their electronic equivalents. Correlations shall be submitted in a format approved by the commissioner of education.

Instructions

Publishers must submit correlation documents to provide evidence of the alignment of products submitted for adoption to the required Texas Essential Knowledge and Skills (TEKS).

The correlations must be in the format approved by the commissioner of education and must be provided to the Texas Education Agency (TEA) and to each of the regional Education Service Centers (ESCs). Correlation templates will be provided by the TEA.

Publishers of digital/electronic programs are required to embed the correlations in the program. These correlations must link to the exact locations of the content that the publisher understands sufficiently addresses the student expectations.

The correlations should indicate the exact location where the publisher believes each Texas Essential Knowledge and Skills (TEKS) is addressed. A student expectation must be met at least twice in the student version of the instructional materials as described in 19 TAC §66.36 (a)(1) and at least twice in the teacher version of the instructional materials in order for that student expectation to count toward the 50% requirement for eligibility for adoption.

Deadline

Publishers must file correlations by **5:00 P.M. CDT** on **April 18, 2014.**

Delivery

A list of the ESCs and contact information will be available on the TEA website.

Please send all materials intended for the TEA to:

Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.463.9601
review.adoption@tea.state.tx.us

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State Review Panels

Rule

19 TAC §66.33 (a) The commissioner of education shall determine the number of review panels needed to review instructional materials under consideration for adoption, determine the number of persons to serve on each panel, and determine the criteria for selecting panel members.

19 TAC §66.45 (a) State review panel members shall observe a no-contact period that shall begin with the initial communication regarding possible appointment to a state review panel and end after recommendations have been made to the commissioner of education . . . During this period, state review panel members shall not be contacted either directly or indirectly by any person having an interest in the adoption process regarding content of instructional materials under evaluation by the panel.

19 TAC §66.54 (g) One sample copy of each student and teacher component of an instructional materials submission shall be filed with each member of the appropriate state review panel in accordance with instructions provided by the TEA. Publishers have the option to file with the state review panels print samples, electronic samples in an open file format or closed format, or galley proofs. To ensure that the evaluations of state review panel members are limited to student and teacher components submitted for adoption, publishers shall not provide ancillary materials or descriptions of ancillary materials to state review panel members. Texas Education Code, §31.002, defines instructional materials as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, on-line services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open-source instructional material.

19 TAC §66.54 (f) The TEA, ESCs, and affected publishing companies shall work together to ensure that hardware or special equipment necessary for review of any item included in a student and/or teacher component of an instructional materials submission is available in each ESC. Affected publishers may be required to loan such hardware or special equipment to any member of a state review panel who does not have access to the necessary hardware or special equipment.

Instructions

The commissioner of education will appoint a state review panel to perform a full and complete investigation of the instructional materials submitted for adoption. Usually, three to five panel members will review each submission. Panel members will use State Board of Education (SBOE) approved procedures for evaluating coverage of the Texas Essential Knowledge and Skills (TEKS). The Texas Education Agency (TEA) encourages publishers, including members of their editorial staff, to attend the panel review meetings. Publishers may be asked to respond to questions about their submission. The commissioner's recommendation that the instructional materials under consideration be placed on the Adopted List or rejected is based primarily on the findings of the state review panel.

Publishers must not contact, directly or indirectly, any person who has been appointed to serve on the state review panel, or is being considered for appointment to the state review panel. This "no-contact" period begins with the TEA's initial communication to prospective panel review members regarding a possible appointment and ends after the SBOE adopts the instructional materials. Upon acceptance of the appointment, panel members will be required to sign a "no-contact" agreement.

Deadline and Delivery

Publishers must provide sample copies of each student and teacher component of instructional materials submitted for adoption, along with their correlations to each member of the state review panel. Publishers have the option to provide print samples, electronic samples in an open file format or closed format, or galley proofs. Publishers of print materials must provide hard copies of the correlation. Publishers with digital/electronic materials must embed correlations within their product. Publishers may provide only those items listed on the description of their submission due on January 31. No letters, promotional brochures, business cards, ancillaries, or other materials are permitted at the state panel review meetings. The TEA will provide detailed instructions regarding the delivery time and location for these materials.

The meetings are tentatively planned for **summer of 2014**.

Certification of Editorial Review

Rule

19 TAC §66.54 (i) A publisher shall provide a list of all corrections necessary to each student and teacher component of an instructional materials submission. The list must be in a format designated by the commissioner of education and filed on or before the deadline specified in the schedule for the adoption process. If no corrections are necessary, the publisher shall file a letter stating this on or before the deadline in the schedule for submitting the list of corrections. On or before the deadline for submitting lists of corrections, publishers shall submit certification that all instructional materials have been edited for accuracy, content, and compliance with requirements of the proclamation.

Instructions

Publishers must submit a *Publisher's Certification of Editorial Review* affirming that their instructional materials have been edited for accuracy, content, and compliance with requirements of the proclamation.

Publishers will submit one signed and notarized print copy and one electronic version for each instructional materials bid.

Publisher's Certification of Editorial Review forms will be available on the Texas Education Agency (TEA) website at http://www.tea.state.tx.us/index2.aspx?id=25769804190.

Deadline

Publishers are required to file one signed print copy and one electronic copy of the *Publisher's Certification of Editorial Review* by **5:00 P.M. CDT** on **August 1, 2014.**

Delivery

Please send all materials to:

Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.463.9601
review.adoption@tea.state.tx.us

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List of Publisher Corrections

Rule

19 TAC §66.54 (i) A publisher shall provide a list of all corrections necessary to each student and teacher component of an instructional materials submission. The list must be in a format designated by the commissioner of education and filed on or before the deadline specified in the schedule of adoption procedures. If no corrections are necessary, the publisher shall file a letter stating this on or before the deadline in the schedule for submitting the list of corrections. On or before the deadline for submitting lists of corrections, publishers shall submit certification that all instructional materials have been edited for accuracy, content, and compliance with requirements of the proclamation.

Instructions

Publishers must provide two separate lists of corrections they expect to make to materials submitted for adoption: one itemizing the factual errors, and the other itemizing editorial changes that are not corrections of factual errors. Together, both lists must be a comprehensive itemization of all changes that the publisher intends to make to the materials prior to submission of the post-adoption corrected copies.

The *Identification of Factual Errors by Publisher* and the *Identification of Editorial Changes by Publisher* forms will be provided by the TEA.

A publisher that believes that no corrections and or editorial changes are necessary must still complete the *Identification of Factual Errors by Publisher* and *Identification of Editorial Changes by Publisher* forms and indicate that no corrections or editorial changes are necessary.

Deadline

Publishers must file one completed electronic copy of the *Identification of Factual Errors by Publisher* before **5:00 P.M. CDT** on **August 1, 2014**. Publishers must also file one electronic copy of the *Identification of Editorial Changes by Publisher* by **5:00 P.M. CDT** on **February 13, 2015**.

Delivery

Please send all materials to:

Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.463.9601
review.adoption@tea.state.tx.us

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The Error Review Process

Rule

19 TAC §66.63 (a) The commissioner of education shall review all instructional materials submitted for consideration for adoption. The commissioner's review shall include the following:

(3) recommended corrections of factual errors identified by state review panels;

19 TAC §66.63 (d) The commissioner of education shall submit for SBOE approval a report on corrections of factual errors that should be required in instructional materials submitted for consideration. The report on recommended corrections shall be sent to the SBOE, affected publishers, regional education service centers (ESCs), and other persons, such as braillists, needing immediate access to the information. The commissioner shall obtain written confirmation from publishers that they would be willing to make all identified corrections should they be required by the SBOE.

Instructions

On October 3, 2014, the commissioner of education will issue the *Report of the Commissioner of Education Concerning Required Corrections of Factual Errors*, listing all factual errors that must be corrected in the instructional materials under consideration for adoption. The commissioner of education will release the report to the State Board of Education (SBOE), affected publishers, each of the 20 regional Education Service Centers (ESCs), and other persons, such as braillists, needing immediate access to the information.

The report is a compilation of the errors found by the state review panels, those reported by the publishers (who are required to disclose all known factual errors), and any reported to the Texas Education Agency (TEA) by the public. Publishers will have an opportunity to review and dispute the errors reported by the state review panels and the public before these errors are included in the final report.

Prior to the November 2014 SBOE meeting, each publisher must submit *Publisher's Intent to Correct* indicating their intent to correct all errors in their materials included on the *Report of the Commissioner of Education Concerning Required Corrections of Factual Errors*. Publishers must submit one form for each product bid.

Publishers must correct all factual errors and provide *Publisher's Affidavit of Correction* attesting that they have done so prior to sending the adopted instructional materials to schools. Publishers must submit one form for each product bid.

Publisher's Intent to Correct and *Publisher's Affidavit of Correction* forms will be available on the Texas Education Agency (TEA) website at http://www.tea.state.tx.us/index2.aspx?id=25769804190.

The TEA will oversee an audit of adopted instructional materials to confirm that all known factual errors have been corrected. The TEA will report any uncorrected errors to the SBOE, which may assess penalties.

Deadline

Publishers must submit one signed print copy and one electronic copy of the *Publisher's Intent to Correct* by **5:00 P.M.** on **CDT October 17, 2014** and one signed print copy and one electronic copy of the *Publisher's Affidavit of Correction* by **5:00 P.M. CDT** on **May 1, 2015**.

Delivery

Please send all materials to:

Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.463.9601
review.adoption@tea.state.tx.us

The Commissioner's Preliminary Recommendations

Rule

19 TAC §66.63 (a) The commissioner of education shall review all instructional materials submitted for consideration for adoption. The commissioner's review shall include the following:

(1) evaluations of instructional materials prepared by state review panel members, including recommendations that instructional materials be placed on the adopted list or rejected . To be adopted, instructional materials must cover at least 50% of the essential knowledge and skills as required by the proclamation at least once in the student text narrative or its electronic equivalent and once in either an end-of-section review exercise , an end-of-chapter activity , or a unit test or their electronic equivalents;

(2) compliance with established manufacturing standards and specifications;

(3) recommended corrections of factual errors identified by state review panels;

(4) prices of instructional materials submitted for adoption; and

(5) whether instructional materials are offered by a publisher who refuses to rebid instructional materials according to §66.24 of this title (relating to Review and Renewal of Contracts).

19 TAC §66.63 (b) Based on the review specified in subsection (a) of this section, the commissioner of education shall prepare preliminary recommendations that instructional materials under consideration be placed on the adopted list or rejected. According to the schedule of adoption procedures, a publisher shall be given an opportunity for a show-cause hearing if the publisher elects to protest the commissioner's preliminary recommendation.

Instructions

Following the state review panel meetings, the commissioner of education will issue preliminary recommendations, based on the recommendations of the state review panels, that each instructional material be placed on the Adopted List or rejected. A publisher that is not satisfied with the preliminary recommendation, may request a show-cause hearing.

Deadline

The deadline for publishers to file a request for a show-cause hearing is **5:00 P.M. CDT** on **September 5, 2014.**

Delivery

Please send all materials to:

Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.463.9601
review.adoption@tea.state.tx.us

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Commissioner's Final Recommendations

Rule

19 TAC §66.63 (c) The commissioner of education shall submit to the State Board of Education (SBOE) final recommendations that instructional materials under consideration be placed on the adopted list or rejected.

Background

On October 3, 2014, the commissioner of education will issue the final recommendations that instructional materials be placed on the Adopted List or rejected. The final recommendations are based on all information compiled during the evaluation process: original evaluations and recommendations by state review panel members, public comments, documentation provided by publishers to indicate coverage of the Texas Essential Knowledge and Skills (TEKS) in original submissions, and results of any show-cause hearings. The State Board of Education (SBOE) will consider the commissioner of education's final recommendations at their November 2014 meeting.

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Public Hearing and Written Comments

Rule

19 TAC §66.60 (a) (1) Any resident of Texas may submit written comments for, against, or about any instructional materials submitted for adoption.

(2) Written comments and lists of factual errors shall be submitted to the commissioner of education on or before the deadlines specified in the schedule for the adoption procedures.

(3) Copies of written comments and lists of factual errors shall be provided to the State Board of Education (SBOE), participating publishers, regional education service centers (ESCs), and persons who have filed written requests.

19 TAC §66.60 (b) (1) Testimony at the hearing shall be accepted from Texas residents and non-residents with priority given to Texas residents. Copies of testimony made at the hearing may be distributed to SBOE members. No other written material may be distributed during the hearings. Persons who wish to testify must notify the commissioner of education on or before the date specified in the schedule for the adoption procedures. The notice must identify the subject areas and titles about which testimony will be presented. The SBOE may limit the time available for each person to testify.

(2) Oral responses to testimony at the hearing may be made by official representatives of publishing companies who have requested time to present responses on or before the date specified in the schedule for the adoption procedures.

(3) The commissioner of education shall have a complete record of the hearing. The recorded hearing or transcript of the hearing shall be provided to the SBOE, ESCs, participating publishers, and persons who have filed written requests. The official record shall be held open for ten business days after the close of the hearings. During this period, any person who participated in a hearing before the SBOE and any official representative of a publishing company may submit a written response to written comments and/or oral testimony presented at the hearing.

(4) Within ten business days after the record is closed, the commissioner shall send copies of responses to written and/or oral testimony to members of the SBOE, ESCs, participating publishers, and persons who have filed written requests.

19 TAC §66.60 (c) Public comment on instructional materials not adopted on schedule. Public comment on instructional materials not adopted by the SBOE on the date specified in the schedule for the adoption procedures shall be accepted according to the SBOE Operating Rules, §2.10 (relating to Public Testimony).

Instructions

The State Board of Education (SBOE) permits the public to submit written comments regarding any instructional materials submitted for adoption. Written comments may include factual errors found in the instructional materials, which could become part of the *Report of the Commissioner of Education Concerning Required Corrections of Factual Errors.*

The SBOE will also hold a hearing at which members of the public may provide oral testimony regarding any instructional materials submitted for adoption. Publishers may provide responses to public testimony at this hearing. The official record of written comments will be held open for 10 business days following the close of the September 2014 SBOE meeting. During this period, publishers may submit a written response to the oral testimony and/or written comments presented to the SBOE.

The official record of written comments will be available on the Instructional Materials and Educational Technology Division (IMET) web page of the Texas Education Agency (TEA) website: http://www.tea.state.tx.us/IMET. An archived webcast of the public hearing will also be available on the TEA website.

Deadline

Written comments must be received by **September 5, 2014**. Members of the public who would like to provide oral testimony must request to appear prior to the September 2014 meeting. Publishers have 14 calendar days after the close of the SBOE meeting to file responses to public written comments or oral testimony.

Delivery

Please send all materials to:

Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.463.9601
review.adoption@tea.state.tx.us

Requirements for the Production of Instructional Materials for the Visually Impaired

Rule

19 TAC §66.1311 (c) Publishers shall grant permission to the state to have adopted instructional materials transcribed into Braille, large type, and audiotape without penalty or royalty.

19 TAC §66.1311 (d) On or before the deadline specified in the schedule for the adoption procedures, each publisher of newly adopted instructional materials shall provide computerized files as specified in the proclamation to be used for producing Braille or other versions of materials to be used by students with disabilities. All information contained in adopted instructional materials shall be included on the computerized files. Computerized files may be copied and distributed to a school district, upon request, for instructional use with a student with a disability who requires the use of computerized instructional materials, pursuant to an individualized plan developed for the student under the Rehabilitation Act, §504; the Americans with Disabilities Act; or the Individuals with Disabilities Education Act.

Instructions

Every publisher of print material adopted under Proclamation 2015 must provide electronic files of its adopted programs to facilitate the production of Braille, large-type, and audio versions. The electronic files must conform to the National Instructional Materials Accessibility Standard (NIMAS), the purpose of which is to help increase the availability and timely delivery of print instructional materials in accessible formats to students with visual impairments. The *NIMAS 1.1 The Technical Standard* can be found at http://nimas.cast.org/about/proposal/spec-v1_1_anno.

New publishers should email nimac@aph.org to request a publisher account. The National Instructional Materials Access Center (NIMAC) will provide instructions regarding how to set up an account, as well as complete documentation regarding submission procedures and how to prepare metadata correctly. A new publisher may be required to provide a sample NIMAS file to the NIMAC for review before they establish an account for the publisher. Specific information and resources for publishers, including a list of frequently asked questions (FAQ), can be found at the NIMAC web site: http://www.nimac.us/publishers.html.

Additionally, publishers of *electronic* instructional materials adopted under Proclamation 2015 must meet the technical standards of the Federal Rehabilitation Act, Section 508, www.Section508.gov, as well as the web-based standards available at http://www.w3.org/standards.

Deadline

Publishers must provide the contact information of the production manager, or other individual responsible for the production of instructional materials submitted for adoption, by **5:00 P.M. CDT** on **September 12, 2014**.

Following the SBOE's adoption of instructional materials at the November 2014 meeting, publishers must provide three print copies of all print student materials, one copy of the NIMAS file and a screen shot from the publisher's copy of the NIMAC Validation Wizard showing that the file has successfully passed validation with "0 errors, 0 warnings" for both the XML file and OPF file to the designated braille producer by **5:00 P.M. CST on January 16, 2015**. Publishers are not required to provide printed copies or NIMAS files of materials that are designed for use by teachers. If a teacher who is visually impaired requires a braille version during the adoption period, a publisher will be asked to provide the agency with two printed teacher editions, if applicable. **Publishers**

should provide two print copies and NIMAS files of blackline masters or other materials included in the teacher component that are clearly intended for student use.

Finally, publishers must also submit three print copies of the corrected student materials to the designated braille producer, as well as the corrected NIMAS files to both the designated braille producer and the NIMAC. Publishers must also submit one copy of the corrected student materials and one set of corrected NIMAS files to each, the designated large type and designated audio producer. A set of corrected NIMAS files must also be submitted to TEA. All materials must be submitted before **5:00 P.M. CDT** on **May 1, 2015**. The Texas Education Agency (TEA) and the NIMAC will coordinate to ensure that a final corrected file has been uploaded to the NIMAC.

Delivery

Please send all materials to:

Kelly Griffin
Distribution and Accessibility
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.475.3255
kelly.griffin@tea.state.tx.us

Official Bid Form (Exhibit A)

Rule

19 TAC §66.51 *(2)* *The official bid price of an instructional material submission may exceed the price included with the statement of intent to bid filed under §66.48 of this title (relating to Statement of Intent to Bid Instructional Materials).*

19 TAC §66.51 *(4)* *The official bid filed by a publisher shall include separate prices for each item included in an instructional material submission. The publisher shall guarantee that individual items included in the student and/or teacher component shall be available for local purchase at the individual prices listed for the entire contract period. (Individual component prices are listed to show school districts the replacement costs of components and not to reflect publisher's bid prices for these components.)*

19 TAC §66.51 *(6)* *Student materials offered for adoption may include consumable components in subjects and grade levels in which consumable materials are not specifically called for in the proclamation. In such cases, publishers must meet the following conditions.*

19 TAC §66.66 *(a)* *Publishers shall file three copies of the official bid form with the commissioner of education according to the schedule for the adoption procedures.*

Background

By submitting the Official Bid Form (Exhibit A), a publisher is making an offer to provide a specific instructional materials package to the state of Texas at a stated price. The Official Bid Form will become Exhibit A of the Official Texas Instructional Materials Contract.

Recent changes to state statute and administrative rule provide publishers greater flexibility in pricing and bundling their products. Information about pricing options and flexibility will be included with the instructions for the Official Bid Form.

Instructions

The Division of Instructional Materials and Educational Technology (IMET) will provide individualized Official Bid Forms to each publisher.

Deadline

Publishers must submit one signed print copy with original signatures and one electronic copy of the Official Bid Forms (Exhibit A) by **5:00 P.M. CDT** on **September 26, 2014.**

Delivery

Please send all materials to:

Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.463.9601
review.adoption@tea.state.tx.us

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Ancillary Materials

Background

Ancillaries are materials that are not listed on a publisher's bid, but that the publisher plans to provide to districts and charter schools with each order. Ancillaries are not reviewed or adopted by the State Board of Education (SBOE). Ancillary materials are provided to the districts and charter schools at the publisher's discretion.

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Requirements for Register of Contact

Rule

19 TAC §66.4 *(a)* *A register shall be kept by the commissioner of education and appropriate staff of the Texas Education Agency (TEA) to record all personal contacts with publishers, their representatives, agents, authors, consultants, editors, depositories, or any other person who has received or expects to receive any money, thing of value, or financial benefit for an appearance; or contact regarding any instructional materials submitted and being considered for State Board of Education (SBOE) approval.*

19 TAC §66.4 *(b)* *Publishers shall file with the commissioner of education, on or before a date specified in the schedule for the adoption procedures, a register indicating all visits, meetings, or contacts with SBOE members, including the date, time, location, and purpose of the communication.*

Instructions

Law requires all state agencies to maintain a record of in-person contacts made with an employee of a state agency on behalf of any individual, firm, partnership, corporation, or association about a matter before that agency. Both the Division of Instructional Materials and Educational Technology (IMET) and the Division of Curriculum maintain a ledger in their reception areas for publishers to record visits with IMET and Curriculum staff.

Additionally, publishers must complete a *Register of Contact* form to record all contact with members of the State Board of Education (SBOE). Publishers must disclose the time, date, location and purpose for each communication with a member of the SBOE.

All publishers participating in the adoption must submit this form. Only one form is required for Publishers who have not had contact with an SBOE member and should indicate so by checking the appropriate box on the form. Each individual from the publishing company must record his or her contact with members of the SBOE.

Register of Contact forms will be available on the Texas Education Agency (TEA) website at http://www.tea.state.tx.us/index2.aspx?id=25769804190.

Deadline

Publishers must submit one signed print copy and one electronic copy of the *Register of Contact* forms before **5:00 P.M. CST** on **December 19, 2014**.

Delivery

Please send all materials to:

Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.463.9601
review.adoption@tea.state.tx.us

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Forms B, M, and Warranty

Rule

19 TAC §66.7 (a) Instructional materials adopted by the State Board of Education (SBOE) shall comply with the standards in the latest edition of Manufacturing Standards and Specifications for Textbooks approved by the national Advisory Commission on Textbook Specifications. If it is determined that good cause exists, the commissioner of education may recommend that the SBOE grant an exception to this requirement.

19 TAC §66.7 (b) If no standards exist for a particular media submitted for adoption, the instructional material is eligible for adoption.

19 TAC §66.7 (c) A publisher shall file a statement certifying instructional materials submitted for consideration will meet minimum manufacturing standards if adopted. Each statement must be made on a form provided by the commissioner of education, signed by a company official, and filed on or before the deadline specified in the schedule for the adoption procedures.

19 TAC §66.7 (d) If, during the contract period, the commissioner of education determines that any adopted instructional materials have faulty manufacturing characteristics or are made of inferior materials, the materials shall be replaced by the publisher without cost to the state.

Instructions

Publishers must ensure that all instructional materials comply with the standards set forth in the latest edition of *Manufacturing Standards and Specifications for Textbooks* (MSST) developed by the National Association of State Textbook Administrators (NASTA). To get a copy of the MSST, please visit www.bmibook.org.

To certify that all materials meet minimum manufacturing standards, publishers must submit the following forms:

Print Programs: *Form B & Warranty* must be submitted for each student component in a program.

Electronic Media: *Form M & Warranty* must be submitted for each piece of electronic media.

All forms will be available on the TEA website at
http://www.tea.state.tx.us/index2.aspx?id=25769804190.

Deadline

Publishers must submit one signed print copy and one electronic copy of *Forms B, M,* and *Warranty* by **5:00 P.M. CDT** on **May 1, 2015.**

Delivery

Please send all materials to:

Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.463.9601
review.adoption@tea.state.tx.us

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Post-Adoption Corrected Instructional Materials

Rule

19 TAC §66.54 (j) *One complete electronic sample copy in an open file format or closed format of each student and teacher component of adopted instructional materials that incorporate all corrections required by the SBOE shall be filed with the commissioner of education on or before the date specified in the schedule of adoption procedures. The complete sample copies filed with the TEA must be representative of the final program. In addition, each publisher shall file an affidavit signed by an official of the company verifying that all corrections required by the commissioner of education and SBOE have been made.*

19 TAC §66.101 (b) *Upon request by the instructional materials coordinator of a school district or open-enrollment charter school, a publisher shall provide one complete electronic sample in an open file format or closed format of adopted instructional materials. Samples of learning systems and electronic, visual, or auditory media may be provided in demonstration or representative format. Samples of instructional materials provided to school districts shall be labeled, "Sample Copy - Not for Classroom Use." Samples to schools are not required for materials submitted for midcycle review, as specified in §66.22(f) of this title (relating Midcycle Review and Adoption).*

19 TAC §66.101 (c) *Samples supplied to school districts shall be provided and distributed at the expense of the publisher. No state or local funds shall be expended to purchase, distribute, or ship sample materials. Publishers may make arrangements with school districts or open-enrollment charter schools to retrieve samples after local selections are completed, but the state does not guarantee return of sample instructional materials.*

Instructions

Publishers must submit one complete electronic, sample copy of all adopted instructional materials to the Texas Education Agency (TEA) and regional Educational Service Centers (ESC). These materials must incorporate all corrections required by the State Board of Education (SBOE) as a result of the review process and must be representative of the materials that will be provided to school districts after purchase. Corrected copies may be provided in an open file format or closed format. On request of a school district, a publisher shall provide an electronic sample of adopted instructional materials and, at their discretion or upon request, may also provide print sample copies.

Any package containing corrected instructional materials sent to the TEA or ESCs should be clearly marked: *Corrected Copies: Proclamation 2015*.

Sample corrected copies provided to school districts or charter schools must be labeled: *Sample Copy—Not for Classroom Use.*

Publishers of online instructional materials must provide all necessary information, such as locator information and passwords, required to ensure access to their programs.

The TEA may also require publishers to send corrected copies of their adopted instructional materials to contracted reviewers, members of the SBOE, and others. The TEA will provide delivery instructions and deadlines for each individual request.

Deadline and Delivery

Please see chart below for deadlines and delivery locations.

Deliver to:	Number of Copies	Delivery Location	Deadline
Texas Education Agency	1	Review and Adoption Instructional Materials and Educational Technology Texas Education Agency 1701 North Congress Ave, Room 3-110 Austin, Texas 78701-1494	May 1, 2015 by 5:00 P.M. CDT
Education Service Centers	1	A list of education service centers and their contacts will be available on the TEA website.	
School Districts or Charter Schools	1	Publishers will be notified where to send sample materials.	TBD

State of Texas Official Publisher Contract

Rule

19 TAC §66.24 (c) Publishers awarded new contracts shall be prepared to make the adopted instructional materials available for at least one extended contract period of not more than four years at prices the commissioner of education approves. The SBOE may consider refusing to award future contracts to a publisher who, after receiving written notice to do so, refuses to rebid instructional materials at least one time. Failure of a publisher to negotiate an acceptable price for an extended contract shall not be considered failure to rebid instructional materials.

19 TAC §66.72 (a) The state contract form shall not be changed or modified without approval of the Texas Education Agency's (TEA) legal counsel.

19 TAC §66.72 (b) Contract forms shall be sent to the publishers for signature. Signed contracts returned by the publishers shall be signed by the chair of the State Board of Education (SBOE) and attested to by the commissioner of education. Properly signed and attested contracts shall be filed with the TEA.

Instructions

Following the November 2014 meeting, the State Board of Education (SBOE) will offer an eight-year contract to each publisher of adopted instructional materials. Each publisher will receive one contract that covers all of their adopted programs. The contract will provide for the purchase or licensing of adopted instructional materials at a stated price. The price is determined by the *Official Bid Form (Exhibit A)* and may not be higher than the lowest price offered to any other state, school, or school district. Publishers must agree to the terms of the contract in order for the state to purchase their materials.

The contracts must be signed by an authorized representative, and publishers must provide proof of the signer's authority when returning the contract. Signed and returned contracts will be signed by the Chair of the SBOE and attested to by the commissioner of education. Original contracts are filed with the Texas Education Agency (TEA); official copies will be sent to publishers.

Deadline

Publishers must return the signed contract within 15 calendar days of the date on the cover letter.

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Payments to Publishers

Rule

19 TAC §66.78 (d) Payments from the Texas Education Agency (TEA) for adopted instructional materials shall be made directly to the publisher or to any agent or trustee designated in writing by the publisher.

Background

In order to process payments for instructional materials, the State of Texas must have specific information, such as Tax Identification Numbers and routing numbers for financial institutions, to establish the requisite entries in both EMAT (Electronic Materials and Textbooks) and ISAS (Integrated Statewide Administrative System). This information is required to conduct business with the State of Texas.

Instructions

Following the November 2014 State Board of Education (SBOE) meeting, the Texas Education Agency (TEA) will contact each publisher of adopted instructional material to coordinate the submission of information. Upon request, the TEA will also provide instructions for obtaining detailed information regarding each subsequent payment.

Promptly notify the TEA of any changes in the information provided to establish payments; this includes organizational name changes, mergers or divestitures, or change in financial institution. Please provide the TEA with at least 45-60 days' notice when closing an account to which payments are made.

Deadline

To avoid a delay in payment for instructional materials, please make sure the TEA receives all necessary information by **5:00 P.M. CDT** on **March 2, 2015.**

Contact

For information about payments to publishers, please contact:

Katie Oster
Review and Adoption
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.475.0102
katie.oster@tea.state.tx.us

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Depositories

Rule

19 TAC §66.78 (d) Payments from the Texas Education Agency (TEA) for adopted instructional materials shall be made directly to the publisher or to any agent or trustee designated in writing by the publisher.

19 TAC §66.78 (e) Any publisher, at its discretion, and at least 60 days after notifying the TEA in writing, may change from one depository to another approved depository, except with respect to newly adopted instructional materials in the first year of adoption, when at least 120 days written notice to the TEA is required.

Instructions

Recent changes to both state statute and administrative rule have removed the requirement that publishers maintain a depository. However, a publisher that still wishes to maintain a depository, or arrange with a depository for the fulfillment of its orders, is welcome to do so.

A list of depositories and their contact information is available on the Division of Instructional Materials and Educational Technology (IMET) web page at http://www.tea.state.tx.us/index2.aspx?id=2147502832.

A publisher that chooses not to use a depository must use the EMAT (Educational Materials system) and/or have an EDI (Electronic Data Interchange) compliant system to receive and fill orders.

For adopted instructional materials that are shipped from a depository within the state, the intrastate freight, shipping, and expenses associated with delivering the materials from the depositories to the districts and charter schools will be paid by the state, subject to the requirements of the instructional materials contract. A publisher that does not maintain or arrange to use a depository in accordance with the instructional materials contract, it must deliver items directly to districts and charter schools, at publisher's expense.

Contact

For information about depositories, EMAT, and EDI compliance contact:

Kelly Griffin
Distribution and Accessibility
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.475.3255
kelly.griffin@tea.state.tx.us

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Back-Ordered Instructional Materials

Rule

19 TAC §66.10 (e) Penalties for failure to deliver adopted instructional materials, including teacher components, in a timely manner or in the quantities the school district or open-enrollment charter school is eligible to receive as specified in the publisher's bid. The SBOE may assess penalties as allowed by law against publishers who fail to deliver adopted instructional materials, including teacher components, in accordance with provisions in the contracts.

19 TAC §66.78 (a) Each publisher is required to have adopted instructional materials in stock and available for distribution to school districts throughout the entire adoption period. A back order is defined as adopted instructional material not in stock when ordered and not available for delivery to school districts or open-enrollment charter schools on the specified shipment date. The commissioner of education shall report the number of back-ordered materials by publisher to the State Board of Education (SBOE).

19 TAC §66.78 (b) Each publisher shall guarantee delivery of instructional materials at least ten business days before the opening day of school of the year for which the instructional materials are ordered if the instructional materials have been ordered by a date specified in the sales contract.

19 TAC §66.78 (c) Each publisher with instructional materials on back order shall notify affected school districts of the expected ship dates for each title on back order.

Instructions

Publishers begin distributing adopted instructional materials to school districts and charter schools between June and August following each adoption. Publishers must ensure that adopted instructional materials are in stock and available for distribution to school districts and charter schools for the life of the adoption. Every publisher that places instructional materials on back-order must notify the affected school districts of the expected ship date for each title and report the number of back-ordered materials to the Texas Education Agency (TEA).

All reports of back-orders are presented to the State Board of Education (SBOE) for possible penalties.

Contact

For information about back-orders contact:

Kelly Griffin
Distribution and Accessibility
Division of Instructional Materials and Educational Technology
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494
512.475.3255
kelly.griffin@tea.state.tx.us

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References

Proclamation 2015
http://www.tea.state.tx.us/index2.aspx?id=25769804190

Question and Answer Document
http://www.tea.state.tx.us/index2.aspx?id=25769804190

Texas Essential Knowledge and Skills
http://www.tea.state.tx.us/index2.aspx?id=6148

Texas Administrative Code, Chapter 66
http://ritter.tea.state.tx.us/rules/tac/chapter066/index.html

Texas Education Code, Chapter 31
http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.31.htm#31.001

Web-Based Publishing Standards
http://www.w3.org/standards/

Federal Rehabilitation Act, Section 508
http://www.section508.gov/

Manufacturing Standards and Specifications for Textbooks
http://www.bmibook.org/

NIMAS 1.1 The Technical Standard
http://nimas.cast.org/about/proposal/spec-v1_1_anno

Texas Education Agency Curriculum Staff
http://www.tea.state.tx.us/index2.aspx?id=5983

Texas Education Agency Instructional Materials Staff
http://www.tea.state.tx.us/index2.aspx?id=3374

Instructional Materials and Educational Technology Website
http://www.tea.state.tx.us/imet/

State Depository List
http://www.tea.state.tx.us/index2.aspx?id=2147502832