

PROCLAMATION 2017

PUBLISHER HANDBOOK

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Texas Education Agency

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Table of Contents

PUBLISHER HANDBOOK

Review and Adoption.....	1
<i>Statement of Intent to Bid</i> and Company Contact Information	6
<i>Complete Description</i>	7
Providing Descriptions of Submitted Instructional Materials to School Districts and Charter Schools	8
Pre-Adoption Sample Instructional Materials	9
<i>Affidavit of Authorship or Contribution</i>	10
Correlation to the Texas Essential Knowledge and Skills	11
Pre-Adoption Samples for State Review Panels	12
Deadlines for New Content and/or New Correlations	13
List of Publisher Corrections and Certification of Editorial Review	14
Show-Cause Hearing Requirements	15
Publisher Participation in Public Hearing and Responses to Written Comments	16
Publisher Requirements for the Production of Accessible Instructional Materials	17
<i>Official Bid (Exhibit A)</i>	19
Publisher Requirements Related to the Error Review Process	20
<i>Register of Contact</i>	21
<i>Form B and Warranty</i> and <i>Form M and Warranty</i>	22
Post-Adoption Corrected Instructional Materials	23
State of Texas Official Publisher Contract	24
Conducting Business with the State of Texas	25
Determining a Shipment Method	26
Publisher’s Responsibility for Back-Ordered Instructional Materials.....	27
References	28

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Texas Education Agency,
1701 N. Congress Ave., Austin, TX 78701-1494;
phone 512-463-9270 or 512-463-9437;
Email: copyrights@tea.texas.gov.

Review and Adoption

Overview

The Texas Constitution, Article VII, Section 3, requires the State Board of Education (SBOE) to set aside sufficient funds 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.

Adoption Cycle Subject areas for which instructional materials are adopted are divided into two categories: the foundation curriculum and the 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 established 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 links to the content requirements (Texas Essential Knowledge and Skills, or TEKS). It also includes information on student enrollment for the courses for which new instructional materials are being requested, a detailed schedule of adoption procedures, and instructions for providing electronic files for the production of braille and large print 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 to develop materials that align with the requirements of the proclamation.

Samples Publishers are required to provide one complete, electronic sample copy of their instructional materials to TEA and one complete, 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, allow for multiple simultaneous users, and be equipped with a word-search feature. Publishers must ensure that all samples are complete versions of the final product. Electronic instructional materials, including online products, must be complete and functional for review purposes. On request of a school district, a publisher must also provide that district with an electronic sample of submitted instructional materials.

State Review Panels The materials submitted for adoption are reviewed by a state review panel to identify the TEKS covered and 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 in coordination with 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 percentage 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, and
- meet manufacturing specifications.

Any materials that do not meet the qualifications are rejected. The commissioner will issue the *List of Instructional Materials Recommended for Adoption under Proclamation 2017* on October 7, 2016.

Errors In addition to the report on the coverage of required TEKS, the commissioner of education presents the SBOE with the *Report of Required Corrections of Factual Errors*. 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 verifiable errors reported to 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 final materials are submitted to TEA in advance of being sent 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 and posted on TEA's website. 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 as a guide, the SBOE determines which materials are adopted or rejected. Following the SBOE's action, 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 TEA, and publishers receive copies of the executed contracts.

Special Instructional Materials TEA contracts for the development of braille, large print, and audio 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>. All websites must follow Web Content Accessibility Guidelines (WCAG) 2.0 AA standards and be tested for accessibility before acceptance by TEA. Resources to assist publishers in meeting this requirement are available on page 28 and in the Appendix in [Proclamation 2017](#).

Local Adoption Local school boards and charter schools set their own policies 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 online with TEA through the educational materials ordering system known as EMAT, which is 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. Districts can also order materials directly from publishers and request a disbursement through EMAT to pay for them.

Audit and Penalties In order to confirm that all factual errors are corrected, TEA conducts an audit of all newly adopted programs. Contracting with Texas public colleges and universities, TEA facilitates a process by which the contracted institutions compare the adopted instructional materials against the *Report of Required Corrections of Factual Errors*. Upon completion of the audit, TEA reports any uncorrected errors and any newly discovered errors to the SBOE for action. The SBOE may assess a penalty for each factual error.

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

Instructional Materials Allotment Created by the 82nd Texas Legislature, 2011, the instructional materials allotment (IMA) is an allocation of funds to which each school district and charter school is entitled. With the passage of House Bill 1474 by the 84th Texas Legislature, 2015, districts and charter schools now receive their allocation of funds at the beginning of each biennium. The commissioner determines the per-student amount for the biennium based on the amount of money available in the IMF. Districts and charter schools may spend their IMA funds on instructional materials, technological equipment, and technology services.

Additional Information

The adoption cycle for foundation and enrichment subjects is available on the TEA website.

<http://tea.texas.gov/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=2147505353&libID=2147505347>

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://ritter.tea.state.tx.us/rules/tac/chapter066/>

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 110–130.

<http://ritter.tea.state.tx.us/rules/tac/index.html>

Statement of Intent to Bid and Company Contact Information

Publishers must file a *Statement of Intent to Bid (SOITB)* 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 its company contact information providing specific staff contact information. It is only necessary to provide the company contact information once, regardless of the number of *SOITBs* a publisher 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.

Publishers will submit the *SOITB* and its company contact information directly into the EMAT system. TEA will only accept the *SOITB* as a publisher's official notice of intent to participate in the adoption.

Deadline

The *SOITBs* and company contact information are due by **5:00 p.m. CST on Friday, December 11, 2015**.

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

Delivery

Publishers must enter one *SOITB* per program, per course in the EMAT system.

Publishers must enter company contact information in the EMAT system.

Complete Description

Publishers must provide descriptions of their submitted instructional materials to TEA. The information provided must include a comprehensive list of components and subcomponents and include ISBNs, replacement prices, and other relevant information as indicated in the instructions included with the form. 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.

Complete Descriptions are due by **5:00 p.m. CST on January 29, 2016.**

Delivery

Publishers must enter *Complete Descriptions* into the EMAT system.

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

Publishers must provide descriptions of their submitted instructional materials to each school district and charter school. The description may be sent in any format but must provide each school district and open-enrollment charter school with information that fully describes instructional materials submitted under *Proclamation 2017*. Identical information must be sent to each school district.

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 by **5:00 p.m. CST on Friday, April 15, 2016**.

Delivery

Descriptions should be sent directly to the districts and charter schools.

Pre-Adoption Sample Instructional Materials

Participating publishers must submit one complete, electronic, pre-adoption sample copy of all instructional materials to TEA and to each of the ESCs. Publishers must ensure that all samples are complete versions of the final product. Samples must include all content intended to be in the final product, not just the content identified in the correlations. Electronic instructional materials, including Internet-based products, must be complete and functional for review purposes. On request of a school district, a publisher must provide that district a complete electronic sample of submitted instructional materials and may also provide print sample copies.

All samples sent to each entity must contain identical instructional materials and must be clearly marked *Sample Instructional Materials: Proclamation 2017*.

Publishers must provide user names and passwords for online materials, CD/DVDs, or PDFs to TEA and to each of the 20 ESCs. Electronic samples must allow for multiple simultaneous users and be equipped with a word search feature.

Publishers providing Internet-based instructional materials must provide all information, including locator information and passwords, required to ensure access to their programs throughout the entire review and adoption process. The access must remain available until final samples are submitted in May 2017.

Deadline

Pre-adoption samples are due by **5:00 p.m. CST on Friday, April 15, 2016**.

Delivery

A list of the ESCs and contact information is available at http://tea.texas.gov/Academics/Instructional_Materials/Review_and_Adoption_Process/Publisher_Portal/

Pre-adoption samples for TEA should be sent to

Review and Adoption
Division of Instructional Materials
Texas Education Agency
1701 North Congress Ave, Room 3-110
Austin, Texas 78701-1494
review.adoption@tea.texas.gov

Note: Only CD/DVD pre-adoption samples should be mailed to TEA and the ESCs. Print samples will not be accepted. It is not necessary to send hard copies of the locator information and passwords.

Affidavit of Authorship or Contribution

Publishers must file an *Affidavit of Authorship or Contribution* form for each instructional materials program submitted for adoption. Publishers must list each course/grade level if an identical program is submitted for more than one course.

The *Affidavit of Authorship or Contribution* form is available on the TEA website at.

Deadline

Publishers must submit a complete, electronic copy of the *Affidavit(s) of Authorship or Contribution* before **5:00 p.m. CDT on Friday, April 15, 2016**.

Delivery

The *Affidavit(s) of Authorship or Contribution* form should be sent to

Review and Adoption
Division of Instructional Materials
review.adoption@tea.texas.gov

Correlation to the Texas Essential Knowledge and Skills

Publishers must submit electronic correlation documents to provide evidence of the alignment of products submitted for adoption to the required TEKS.

The correlations must be in a format approved by the commissioner of education and must be provided to TEA and to each ESC. Correlation templates will be provided by TEA.

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

The correlations should indicate the exact location where the publisher believes each student expectation is addressed (e.g., top of the page, second paragraph). A student expectation must be met at least twice in the components intended for student use as described in 19 TAC §66.36 (a)(1) and at least twice in the components intended for teacher use in order for that student expectation to count toward the 50% requirement for eligibility for adoption.

The *best, most closely aligned* content should be provided in the correlations. Because teachers will have access to both student and teacher material, it is best to provide the same citations for the student material and the teacher material. Providing different citations for the teacher material and the student material can be confusing for review panelists and *should be avoided*.

The state review panels use the publisher-supplied correlations as their primary reference as they review the instructional materials. It is crucial that publishers supply carefully constructed and accurate correlations. Poorly chosen correlations can result in a product's being determined to be ineligible for adoption.

Deadline

Publishers must file electronic correlations by **5:00 p.m. CDT on Friday, April 15, 2016**.

Delivery

A list of the ESCs and contact information is available at

http://tea.texas.gov/Academics/Instructional_Materials/Review_and_Adoption_Process/Publisher_Portal/

Correlation documents for TEA should be sent to

Review and Adoption

Division of Instructional Materials

review.adoption@tea.texas.gov

Pre-Adoption Samples for State Review Panels

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 SBOE-approved procedures for evaluating coverage of the TEKS. 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 who 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 when the list of instructional materials recommended for adoption is posted on TEA's official website.

Publishers must provide sample copies of each component intended for student or teacher use 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 correlations. Publishers with digital/electronic materials must embed correlations within their product. Publishers may provide only those items listed on the *Complete Description* that was due on January 29. No letters, promotional brochures, business cards, ancillaries, or other materials are permitted at the state review panel meetings.

TEA encourages publishers, including members of the editorial staff, to attend the state review panel meetings. A publishers may be asked to respond to questions about its submissions. TEA staff will host a publisher meeting during the onsite state review panel meetings to provide information about the review process and to answer any questions publishers may have.

Deadline

The meetings are planned for the summer of 2016. TEA will provide detailed instructions regarding the delivery deadline for the state review panel pre-adoption samples and correlations after the meeting dates and locations have been set.

Delivery

TEA will provide detailed instructions regarding delivery after the meeting dates and locations have been set.

Deadlines for New Content and/or New Correlations

Once the review of each product is complete, publishers will receive a *TEKS Not Addressed Report*. Publishers who meet the requirements described in 19 TAC §66.79(b) will be given the opportunity to submit new content and/or new correlations in order to address TEKS the panel had determined are not addressed. In order to be eligible to have new content reviewed, an instructional product, upon its initial review, must be identified as meeting at least 75% of the TEKS coverage percentage indicated by the publisher on the correlations submitted for that product and at least 75% of the ELPS designated for the subject and grade for which the product is intended. A publisher must notify TEA of its intent to submit new content and/or new correlations within 24 hours of receiving the *TEKS Not Addressed Report*. Publishers who do not meet the requirements to submit new content have one opportunity to request an additional review. The request must be submitted in writing within 24 hours of receiving the *TEKS Not Addressed Report*. It is in a publisher's best interest to submit new content and/or new correlations or a request for an additional review as quickly as possible and to communicate regularly with TEA.

Upon conclusion of the review, any new content or new correlations that were added during the review and accepted by the review panel must be provided to TEA and each of the 20 ESCs to be added to the original pre-adoption sample. All new content and/or correlations must be submitted in an electronic format.

Deadline

During the review, publishers must submit a written request for an additional review within 24 hours of receiving the *TEKS Not Addressed Report*. A publisher must also notify TEA of its intent to submit new content and/or new correlations within 24 hours of receiving the *TEKS Not Addressed Report*.

Following the review, new content and/or new correlations provided at the review must be submitted to TEA and to each of the 20 ESCs no later than **5:00 p.m. CDT on Friday, September 2, 2016**.

Delivery

A list of the ESCs and contact information is available at

http://tea.texas.gov/Academics/Instructional_Materials/Review_and_Adoption_Process/Publisher_Portal/

New content and/or correlations for TEA should be sent to

Review and Adoption

Division of Instructional Materials

review.adoption@tea.texas.gov.

List of Publisher Corrections and Certification of Editorial Review

Publishers must affirm that instructional materials have been edited for accuracy, content, and compliance with the requirements of the proclamation and provide a complete list of corrections they expect to make to materials submitted for review. The list must itemize the factual errors and any editorial changes. The complete list 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 *Publisher's Identification of Factual Errors and Editorial Changes* form will be provided to participating publishers by TEA.

A publisher that believes that no corrections or editorial changes are necessary must still complete the *Publisher's Identification of Factual Errors and Editorial Changes* form, certify completion of an editorial review, and indicate that no corrections or editorial changes are necessary.

Deadline

Publishers must file one complete electronic copy of the *Publisher's Identification of Factual Errors and Editorial Changes* before **5:00 p.m. CDT on Friday, September 2, 2016**.

Delivery

Publisher's Identification of Factual Errors and Editorial Changes forms should be sent to

Review and Adoption
Division of Instructional Materials
review.adoption@tea.texas.gov

Show-Cause Hearing Requirements

Instructions

Following the state review panel meetings, the commissioner of education will issue preliminary recommendations, based on the reports 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, if eligible. In order to be eligible to request a show-cause hearing, a product must have met the eligibility requirements to submit new content during the review and, upon completion of the final review, be identified as meeting at least 95% of the TEKS coverage percentage indicated by the publisher on the correlation document for that product or less than 50% of the TEKS for the subject and grade for which the product is intended and/or less than 100% of the ELPS designated for the subject and grade for which the product is intended.

Show-cause hearings are held at the Texas Education Agency at 1701 N. Congress Ave., Austin, TX 78701-1494.

Deadline

The deadline for publishers to file a request for a show-cause hearing is **5:00 p.m. CDT on Friday, September 2, 2016.**

Delivery

Show-cause hearing requests should be sent to

Review and Adoption
Division of Instructional Materials
review.adoption@tea.texas.gov

Publisher Participation in Public Hearing and Responses to Written Comments

The SBOE permits the public to submit written comments regarding any instructional materials submitted to be considered for adoption. Written comments may include factual errors found in the instructional materials, which could become part of the *Report of Required Corrections of Factual Errors*. Comments and errors must be submitted in the format approved by the commissioner.

The SBOE will also hold a hearing at which members of the public may provide oral testimony regarding any instructional materials submitted for consideration. Publishers may provide responses to public testimony at this hearing.

Written comments will be available on the IM web page at. An archived webcast of the public hearing will also be available on the TEA website.

Deadline

Written comments must be received by **Friday, September 2, 2016**. Members of the public who would like to provide oral testimony must register in accordance with registration procedures in the SBOE Operating Rules, §2.10 (relating to Oral Public Testimony in Connection with Regular Board and Committee Meetings). Publishers have 10 calendar days after the close of the SBOE meeting to file responses to public written comments or oral testimony.

Delivery

Public comments and publisher responses should be sent to

Review and Adoption
Division of Instructional Materials
review.adoption@tea.texas.gov

Publisher Requirements for the Production of Accessible Instructional Materials

Every publisher of print material adopted under *Proclamation 2017* must provide electronic files of its adopted programs to facilitate the production of braille, large print, 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 Technical Specification v1.1* can be found at http://aem.cast.org/creating/nimas-technical-specification-annotated.html#.VfxEupfN6_M.

New publishers should email nimac@aph.org to request a publisher account. The National Instructional Materials Access Center (NIMAC) will provide instructions on how to set up an account and how to submit files. A new publisher may be required to provide a sample NIMAS file to the NIMAC for review before it establishes an account for the publisher. Specific information and resources for publishers, including a list of frequently asked questions, can be found at the NIMAC web site: <http://www.nimac.us/publishers.html>

Additionally, publishers must provide to TEA an accessibility report, produced by a reputable third party, for each electronic component to verify that it meets the technical standards of the Federal Rehabilitation Act, Section 508, (www.Section508.gov) as well as the Web Content Accessibility (WCAG) 2.0 AA standards available at <http://www.w3.org/standards>.

Page A-2 of the Appendix in *Proclamation 2017* provides additional information regarding the requirements related to accessible instructional materials.

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 Friday, August 5, 2016**.

Following the SBOE's adoption of instructional materials at the November 2016 meeting, publishers must provide three copies of the adopted student materials, one copy of the digital files, 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 by **5:00 p.m. CDT on Friday, January 27, 2017** to the designated braille vendor.

Publishers must also submit three copies of the corrected adopted student materials to each designated large print, audio, and braille vendor, as well as the corrected NIMAS files to both the designated braille vendor and the NIMAC. All materials must be submitted before **5:00 p.m. CDT on Friday, May 5, 2017**. TEA and the NIMAC will coordinate to ensure that a final corrected file is uploaded to the NIMAC.

Finally, publishers must submit the report verifying compliance with WCAG 2.0 AA standards and the technical standards required by the Federal Rehabilitation Act, Section 508, before **5:00 p.m. CDT on Friday, May 5, 2017**.

Delivery

Publishers should send the contact information of the production manager, or other individual responsible for the production of instructional materials submitted for adoption, to

Debbie Gonzales
Distribution and Accessibility
Division of Instructional Materials
debbie.gonzales@tea.texas.gov

The accessibility compliance report should be sent to

Review and Adoption
Division of Instructional Materials
review.adoption@tea.texas.gov

Official Bid (Exhibit A)

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

Information about pricing options and flexibility will be included with the instructions for the *Official Bid*.

Deadline

The initial *Official Bids* are due by **5:00 p.m. CDT on Friday, September 30, 2016**.

Delivery

Official Bids will be submitted electronically using the EMAT system.

Publisher Requirements Related to the Error Review Process

On October 7, 2016, the commissioner of education will issue the *Report of Required Corrections of Factual Errors*, listing all factual errors that must be corrected in the instructional materials under consideration for adoption.

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 verified errors reported to TEA by the public by the September 2, 2016, deadline. 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.

Each publisher must submit the *Publisher's Intent to Correct* by October 21, 2016, indicating its intent to correct all errors in its materials included on the *Report of Required Corrections of Factual Errors*. Publishers must submit one form for each product bid. It is not necessary to submit a separate form for each format of each product (e.g., print version, online version).

Publishers must correct all factual errors and provide the *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 by May 5, 2017.

Publisher's Intent to Correct and *Publisher's Affidavit of Correction* forms will be available on the TEA website at .

In the summer of 2017, TEA will conduct an audit of adopted instructional materials to confirm that all known factual errors have been corrected and will report any uncorrected errors to the SBOE, which may assess penalties.

Deadline

Publishers must submit one signed electronic copy of the *Publisher's Intent to Correct* by **5:00 p.m. on CDT Friday, October 21, 2016**, and one signed electronic copy of the *Publisher's Affidavit of Correction* by **5:00 p.m. CDT on Friday, May 5, 2017**.

Delivery

Publisher's Intent to Correct and *Publisher's Affidavit of Correction* forms must be sent to

Review and Adoption
Division of Instructional Materials
review.adoption@tea.texas.gov

Register of Contact

Texas state 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. The Department of Standards and Programs maintains a ledger in each division reception area to record visits from non-agency personnel.

Additionally, publishers must complete a *Register of Contact* form to record all contact with members of the 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, even if there has been no contact with the SBOE. Only one form is required for publishers who have not had contact with an SBOE member. The form must indicate that no contacts were made and be signed by a company official. If contacts were made, each individual from the publishing company must record his or her contact with members of the SBOE on a separate form.

Register of Contact forms will be available on the TEA website at .

Deadline

Publishers must submit one signed electronic copy of the *Register of Contact* form before **5:00 p.m. CST on Friday, December 16, 2016**.

Delivery

The *Register of Contact* should be sent to

Review and Adoption
Division of Instructional Materials
review.adoption@tea.texas.gov

Form B and Warranty and Form M and Warranty

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 State Instructional Materials Review Association. It is important to understand the standards found in the *MSST* before final copies of instructional materials are produced. Instructional materials that do not meet the standards may not be made available for order through EMAT. To get a copy of the *MSST*, please visit <http://www.bmibook.org/acts/msst/>.

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

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

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

All forms will be available on the TEA website at

Deadline

Publishers must submit signed electronic copies of the *Form B and Warranty* and *Form M and Warranty* by **5:00 p.m. CDT on Friday, May 5, 2017**.

Delivery

Form B and Warranty and *Form M and Warranty* forms shall be sent to

Review and Adoption
Division of Instructional Materials
review.adoption@tea.texas.gov

Post-Adoption Corrected Instructional Materials

Publishers must submit one complete electronic, sample copy of all adopted instructional materials to TEA and the 20 regional ESCs. These materials must incorporate all corrections required by the 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 to that district.

Any package containing corrected instructional materials sent to TEA or ESCs should be clearly marked *Corrected Copies: Proclamation 2017*.

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, including locator information and passwords, required to ensure access to their programs. Access to the instructional materials must be valid for the entire adoption period. It is the publisher's responsibility to notify TEA and each of the ESCs if the logon information changes.

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

Deadline

Post-adoption samples are due by **5:00 p.m. CDT on Friday, May 5, 2017**.

Delivery

A list of the ESCs and contact information is available at

Post-adoption samples for TEA should be sent to

Review and Adoption
Division of Instructional Materials
Texas Education Agency
1701 North Congress Ave, Room 3-110
Austin, Texas 78701-1494
review.adoption@tea.texas.gov

Note: Only CD/DVD post-adoption samples should be mailed to TEA and the ESCs. Print samples will not be accepted. It is not necessary to send hard copies of the locator information and passwords.

State of Texas Official Publisher Contract

Following the November 2016 meeting, the SBOE will offer an eight-year contract to each publisher of adopted instructional materials. Each publisher will receive one contract that covers all of its adopted programs. The contract will provide for the purchase or licensing of adopted instructional materials at a specific price. The price is determined by the *Official Bid* 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 to be available to districts through EMAT.

The contracts must be signed by an authorized representative, and publishers must provide proof of the signer's authority when returning a 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 TEA; complete electronic copies will be sent to publishers.

Deadline

Publishers must return the signed contract by the date specified on the cover letter.

Delivery

Contracts shall be sent to

Review and Adoption
Division of Instructional Materials
Texas Education Agency
1701 North Congress Ave, Room 3-110
Austin, Texas 78701-1494

Conducting Business with the State of Texas

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 the EMAT system and the Centralized Accounting and Payroll/Personnel System (CAPPS). This information is required to conduct business with the State of Texas.

Following the November 2016 SBOE meeting, TEA will contact each publisher of adopted instructional material to coordinate the submission of information. Upon request, TEA will also provide instructions for obtaining detailed information regarding each subsequent payment.

Promptly notify 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 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 TEA receives all necessary information by **5:00 p.m. CDT on Friday, March 3, 2017.**

Contact

For information about payments to publishers, please contact

Cassandra Pignato
Review and Adoption
Division of Instructional Materials
(512) 463-9601
review.adoption@tea.texas.gov

Determining a Shipment Method

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 IM web page at http://tea.texas.gov/IMET/Ordering_Instructional_Materials/

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

The intrastate (within the state of Texas) freight, shipping, and expenses associated with delivering the adopted instructional materials 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 use a Texas depository must deliver items directly to districts and charter schools at the publisher's expense if shipping from outside of Texas.

Contact

For information about depositories, EMAT, and EDI compliance contact

Janet Warren
Distribution Coordinator
Division of Instructional Materials
(512) 463-9601
janet.warren@tea.texas.gov

Publisher's Responsibility for Back-Ordered Instructional Materials

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 TEA.

All reports of backorders are presented to the SBOE for possible penalties.

Contact

For information about back-orders contact

Janet Warren, Distribution Coordinator
Division of Instructional Materials
(512) 463-9601
janet.warren@tea.texas.gov

References

Proclamation 2017

<http://tea.texas.gov/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=25769820944&libID=25769821045>

Questions and Answers

<http://tea.texas.gov/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=25769822094&libID=25769822193>

Texas Essential Knowledge and Skills

<http://tea.texas.gov/curriculum/teks/>

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/acts/msst/>

NIMAS 1.1 The Technical Standard

http://nimas.cast.org/about/proposal/spec-v1_1_anno

Texas Education Agency Curriculum Staff

http://tea.texas.gov/Academics/Curriculum_Staff_Directory/

Texas Education Agency Instructional Materials Staff

http://tea.texas.gov/Academics/Instructional_Materials/Instructional_Materials_and_Educational_Technology_Staff/

Instructional Materials Website

http://tea.texas.gov/Academics/Instructional_Materials/

