May 16, 2014

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: Purchasing Proclamation 2014 Instructional Materials with IMA Disbursements

Several publishers of Proclamation 2014 instructional materials adopted by the State Board of Education are offering customized bundles of their adopted products directly to districts and asking districts to request an Instructional Materials Allotment (IMA) disbursement to purchase these materials, rather than ordering them through a requisition in EMAT.

These customized bundles are allowable IMA expenditures, and districts may request a disbursement to take advantage of these offers. However, Section 31.206(c) of the Texas Education Code (TEC) requires that all adopted materials be available to all Texas public schools at the lowest price paid by any other school district. Customized bundles or other special pricing must be made available to all Texas school districts and charters. The State Board of Education has authority to impose penalties on a publisher that violates this requirement. Purchases of State Board-adopted instructional materials are not subject to the competitive purchase requirements of TEC §44.031.

A number of districts have asked about the appropriate procedures for purchasing of instructional materials that are not adopted by the SBOE. Any purchase of instructional materials that are not adopted by the State Board and valued at $50,000 or more during a 12-month period should be consistent with local purchasing policies and procedures and the provisions of Texas Education Code §44.031. Districts must still meet the certification requirements of TEC §31.004 and may be required to provide supporting documentation describing the instructional materials on which the certification is based.

The agency has been approving and continues to approve disbursement requests as they are submitted. As a result of the volume and complexity of orders and requests related to Proclamation 2014, requests for disbursements may not be approved as quickly as in previous years. Agency staff expects to process requests within 15 days of receipt unless there is a need for additional information or clarification.

If you have any questions regarding purchasing Proclamation 2014 instructional materials with an IMA disbursement, please contact the Instructional Materials and Educational Technology Division by email at instructional.materials@tea.state.tx.us or by phone at (512) 463-9601.

Sincerely,

Monica G. Martinez
Associate Commissioner
Standards and Programs