

ATTACHMENT  
Text of Proposed Amendment to 19 TAC

**Chapter 66. State Adoption and Distribution of Instructional Materials**

**Subchapter B. State Adoption of Instructional Materials**

**§66.28. Requirements for Publisher Participation (excerpt).**

- (d) ~~(e)~~ A publisher that ~~[who]~~ intends to offer instructional materials for review shall comply with the following requirements for providing pre-adoption samples.
- (1) Complete electronic samples of student and teacher components of instructional materials shall be provided to the TEA and the 20 regional education service centers (ESCs) on or before the date specified in the schedule of adoption procedures in a proclamation. Samples submitted for review shall be complete versions of the final product and must include all content intended to be in the final product, not just the content identified in the correlations. Samples of electronic products must be fully functional for review purposes and meet any other specifications identified in the proclamation. The original sample submission must remain unchanged through the entire review and adoption process, though updated samples can be added to the publisher's submission. These samples are copyrighted by the publisher and are not to be downloaded for use in classrooms or for any purpose other than public review.
  - ~~(2) A publisher of prekindergarten materials is not required to submit electronic samples of submitted prekindergarten instructional materials. Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering. ~~[Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering.]~~~~
  - ~~(3) Electronic samples must be free of sales or marketing materials.~~
  - ~~(4) ~~(2)~~ ~~[The TEA may request additional samples if they are needed.]~~ These samples shall be made available electronically for public review. Publishers of instructional content accessed electronically ~~[through the internet]~~ shall provide all necessary ~~[appropriate]~~ information, such as locator and login information and passwords, required to ensure public access to their programs throughout the review period.~~
  - ~~(5) ~~(3)~~ If the commissioner ~~[of education]~~ determines that good cause exists, the commissioner 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 supplied to the ESCs, the TEA, or SBOE members.~~
  - ~~(6) ~~(4)~~ A publisher shall provide a complete description of all student and teacher components of an instructional materials submission [along with the required electronic sample] .~~
  - ~~(7) ~~(5)~~ On request of a school district, a publisher shall provide an electronic sample of submitted instructional materials and may also provide print sample copies. ~~[A publisher of prekindergarten materials is not required to submit electronic samples of adopted prekindergarten instructional materials.]~~ [Samples of adopted prekindergarten materials must match the format of the products to be provided to schools upon ordering.]~~
  - ~~(6) A publisher of prekindergarten materials is not required to submit electronic samples of submitted prekindergarten instructional materials. Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering.~~
  - ~~(8) ~~(7)~~ One sample copy of each student and teacher component of an instructional materials submission shall be provided for each member of the appropriate state review panel in accordance with instructions provided by the TEA. Samples for review must be as free from factual and editorial error as possible and reflect the quality of the final product intended to go into classrooms. Publishers have the option to provide reviewers with ~~[file with the TEA]~~ print samples, electronic~~

samples in an open file format or closed format, or galley proofs. An electronic sample of print instructional materials must be offered in a format that simulates the print or "view only" version and that does not contain links to external sources. 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. The state does not guarantee return of sample instructional materials.

- ~~[(8) On or before the deadline established in the schedule of adoption procedures, publishers shall submit correlations of instructional materials submitted for review with essential knowledge and skills required by the proclamation. Correlations shall be provided for materials designed for student use and materials designed for teacher use and must identify evidence of each student expectation addressed in the ways specified in §66.27(h) of this title. Correlations shall be submitted in a format designated by the commissioner of education.]~~
- (9) The TEA, ESCs, and participating 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. Participating publishers may be required to lend 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.
- (10) Electronic samples must allow for multiple, simultaneous user access and be equipped with a word-search feature.
- ~~[(10) A publisher shall provide a list of all corrections required to be made to each student and teacher component of an instructional materials submission to bring them into compliance with applicable laws, rules, or the proclamation. 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 statement to that effect in a format designated by the commissioner of education 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.]~~
- ~~[(11) 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.]~~
- ~~[(12) 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.]~~