

**Proclamation 2011**  
**of the State Board of Education**

**PUBLISHER HANDBOOK**

**October 2009**

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**Texas Education Agency**

**Austin, Texas**



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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](mailto:copyrights@tea.state.tx.us).

# Review and Adoption

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## Definition and Purpose

The Texas Education Agency (TEA) facilitates and enhances learning by providing leadership and governance for the process by which textbooks are approved for state purchase and by coordinating the requisition and distribution of these instructional materials. The processes managed by the agency ensure that each school district and open-enrollment charter school has the tools necessary to impart learning and that the instructional materials purchased by the state 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 textbooks 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 purchase through this appropriation.

**Adoption Cycle** Subject areas for which textbooks 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
- Economics
- 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 six years. The review of materials for subjects in the Enrichment Curriculum may be extended beyond the six-year period and is at the discretion of the SBOE.

**Proclamations** Each year, 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 contains the maximum per-student costs for adopted materials, an estimated number of textbooks to be purchased during the first contract year for each subject area and grade level, 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.

**Development and Submission** After each proclamation is issued, publishers are required to submit a *Statement of Intent to Bid* (SOITB), indicating their interest in participating in the review and adoption cycle. Typically, they have two years to develop materials that align with the requirements of the proclamation.

**Samples** Publishers are required to provide two sample copies of their instructional materials to the TEA and four sample copies to each of the 20 regional Education Service Centers (ESCs). Samples of student and teacher components of instructional materials must be complete as to content and representative of finished format. Electronic materials, including online products, must be representative of the final product and completely functional.

**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, and other subject matter experts. Individuals are nominated to serve on the panels by SBOE members, school districts and open-enrollment charter schools, educational organizations, and Texas residents. From these nominations, the Commissioner of Education (COE) 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 COE.

**Instructional Materials Lists** After considering the evaluations of the state review panel members and TEA staff recommendations, the COE recommends that the instructional materials be placed on either the Conforming list or the Nonconforming list, based on the number of TEKS covered.

**Conforming List:**

- Meets 100% of the required TEKS
- Is free from factual error
- Meets manufacturing specifications

**Nonconforming List:**

- Meets at least 50%, but less than 100%, of the required TEKS
- Is free from factual error
- Meets manufacturing specifications

Any materials that do not meet the qualifications of either the Conforming or Nonconforming lists are rejected. The state will pay up to the maximum per-student cost, as defined in the proclamation, for materials on the Conforming List. For materials on the Nonconforming List, the state will pay a percentage of the maximum cost equal to the percentage of TEKS addressed in the materials. Local authorities are responsible for the costs of the instructional materials not covered by the state.

**Errors** In addition to the report on the coverage of required TEKS, the COE 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 also 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 COE's reports and recommendations as a guide, the SBOE determines which materials are adopted (placed on either the Conforming list or Nonconforming list) or rejected. Following the SBOE's action, the TEA sends contract forms 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 COE. Original contracts are filed with the TEA.

**Special Instructional Materials** The TEA contracts for the development of braille, large type and recorded versions of adopted instructional materials. To facilitate the timely delivery of print instructional materials in accessible formats, publishers submit digital files that conform to the National Instructional Materials Accessibility Standard (NIMAS) to a designated braille producer following the adoption. 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 encouraged to comply with the technical standards of the Federal Rehabilitation Act, Section 508.

**Local Adoption** Local authorities for each school district or open-enrollment charter school set their own policy for selecting the most appropriate instructional materials for their students. For subjects in the Foundation Curriculum, they must choose from either the Conforming or Nonconforming list in order to have the materials purchased by the state. It is within their prerogative to choose non-adopted instructional materials for the Foundation subjects and purchase them with local funds. For subjects in the Enrichment Curriculum, the state will purchase either adopted or non-adopted materials. However, the state will pay only either 70% of the cost of the instructional materials, or 70% of the maximum cost, whichever is less.

**Ordering and Fulfillment** Upon making their decisions, school districts and open-enrollment charter schools place their orders with the TEA through the Educational Materials and Textbooks (EMAT) online system, a statewide electronic instructional materials management tool that processes all Texas public education instructional material requests, orders, payments, and deliveries. Once the orders are received and verified, the materials are shipped to the districts from 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 COE. 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.

## **Additional Information**

The adoption cycle for Foundation and Enrichment subjects is available on the TEA website.

<http://www.tea.state.tx.us/textbooks/adoptprocess/adoptioncycle.pdf>

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://www.tea.state.tx.us/rules/tac/chapter066/index.html>

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

# Statement of Intent to Bid

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## 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 for the adoption process. 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.*
- (c) *If a student or teacher component of a submission consists of more than one item, a publisher shall provide complete and correct titles of each item included in the student and/or teacher component at the time the statement of intent is filed.*
- (e) *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 activities 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 for the adoption process.*

## Instructions

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

The SOITB must include the program name, components, subcomponents, prices and other relevant information as indicated in the instructions included with the form provided by the Texas Education Agency (TEA). Publishers may download the form and instructions at <http://ritter.tea.state.tx.us/textbooks/proclamations/proc2011>.

The TEA will accept only this form as a publisher's official notice of intent to participate in the adoption. Publishers must file two signed copies and one electronic copy.

A sample of the SOITB, as well as instructions for completing the form, is provided in the Appendix.

## Deadline

Under Proclamation 2011, publishers must file SOITBs by **5:00 P.M. CST on December 4, 2009**.

**Note:** Only those who 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](mailto:review.adoption@tea.state.tx.us)



# Pre-Adoption Sample Instructional Materials

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## 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 representative of finished format. Electronic textbooks submitted for adoption, including Internet-based products, must be representative of the final product and completely functional.*
- 19 TAC §66.54(b) *Four sample copies 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 for the adoption process. 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 information and passwords, required to ensure public access to their programs throughout the review period.*
- 19 TAC §66.54(c) *If it is determined that good cause exists, the commissioner of education may extend the deadline for filing samples with ESCs or specify a lesser number of samples a publisher must provide. At its discretion, the State Board of Education (SBOE) may remove from consideration any materials proposed for adoption that were not properly deposited with ESCs, the Texas Education Agency (TEA), or members of the state review panel.*
- 19 TAC §66.54(d) *Two official sample copies 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 for the adoption process. 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 (e) *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. 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.*
- 19 TAC §66.54(i) *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

Prior to the Proclamation 2011 adoption of instructional materials, participating publishers must submit samples of all instructional materials to the Texas Education Agency (TEA), the regional Educational Service Centers (ESCs), and the state review panel members. Samples must be complete as to content and representative of the finished format. Electronic programs must be completely functional.

All samples sent to each entity must contain identical instructional materials. Each box of sample instructional materials should be clearly marked *Sample Instructional Materials: Proclamation 2011*.

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

## Deadline and Delivery

Please see chart below for deadlines and delivery locations.

<b>Deliver to:</b>	<b>Number of Copies</b>	<b>Delivery Location</b>	<b>Deadline</b>
Texas Education Agency	2	Review and Adoption Instructional Materials and Educational Technology Texas Education Agency 1701 North Congress Ave, Room 3-110 Austin, Texas 78701-1494	English instructional materials: April 16, 2010 by 5:00 P.M. CDT  Spanish instructional materials: May 21, 2010 by 5:00 P.M. CDT
Education Service Centers	2	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

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## Rule

19 TAC §66.51(7) *Publishers shall submit to the TEA a signed affidavit certifying that each individual whose name is listed as an author or contributor of a textbook contributed to the development of the textbook. The affidavit shall also state in general terms each author's involvement in the development of the textbook.*

## Instructions

Publishers must file a signed and notarized *Affidavit of Authorship or Contribution* form for each instructional materials program submitted for adoption. For identical programs submitted for more than one course, only one *Affidavit of Authorship or Contribution* is required.

Publishers must submit a separate affidavit for each program. For example, a publisher who submits one program for each grade level, 2–5 English and 2–5 Spanish, would complete 8 separate affidavits.

*Affidavit of Authorship or Contribution* forms are available on the Texas Education Agency (TEA) website at <http://www.tea.state.tx.us/textbooks/proclamations/proc2011>.

## Deadline

Under Proclamation 2011, publishers must submit *Affidavit(s) of Authorship or Contribution* before **5:00 P.M. CDT on April 16, 2010**.

## 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](mailto:review.adoption@tea.state.tx.us)



# Correlation to the Texas Essential Knowledge and Skills

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## Rule

19 TAC §66.51(a) (10) *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 in the student text narrative in addition to end-of-section review exercises, end-of-chapter activities, or unit tests as required in the proclamation. Correlations shall be submitted in a format approved by the commissioner of education.*

## Instructions

Publishers must provide correlations to the Texas Education Agency (TEA) and to each of the regional Education Service Centers (ESCs), for each program they submit for adoption. The correlations must be in the format approved by the Commissioner of Education. Publishers may download the approved forms from

<http://www.tea.state.tx.us/textbooks/proclamations/proc2011>.

The correlations should cite occasions in the submitted materials where each Texas Essential Knowledge and Skills (TEKS) is addressed. All TEKS in Proclamation 2011 must be covered three times with the exception of the College Readiness Standards which will not be included in the breakouts; they are provided in the proclamation for reference only. The breakout documents provided by the TEA will indicate if coverage should appear only in teacher materials or in both student and teacher materials.

Publishers must submit two completed printed correlations and one electronic version to the TEA and four completed printed correlations to each of the ESCs.

A sample of the correlation instrument, as well as instructions for completing the form, is provided in the Appendix.

## Deadline

Under Proclamation 2011, publishers must file correlations for English materials by **5:00 P.M. CDT on April 16, 2010**. For Spanish materials, publishers must file correlations by **5:00 P.M. CDT on May 21, 2010**.

## Delivery

A list of the ESCs and contact information will be available on the TEA website at a later date.

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](mailto:review.adoption@tea.state.tx.us)



# Manufacturing Standards and Specifications

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## 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 process.*
- 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](http://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. It is not necessary to complete a form for teacher's editions.

**Electronic Media:** *Form M & Warranty* must be submitted for each piece of electronic media. It is not necessary to complete a form for teacher's editions.

All forms are available on the Texas Education Agency (TEA) website at <http://www.tea.state.tx.us/textbooks/proclamations/proc2011>.

## Deadline

Publishers must submit forms for English materials by **5:00 P.M. CDT on April 16, 2010**. For Spanish materials, publishers must submit forms by **5:00 P.M. CDT on May 21, 2010**.

## Delivery

Please send all materials to:

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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](mailto:review.adoption@tea.state.tx.us)



# State Review Panels

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## 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(e) *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. 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(3), defines a textbook as a book, a system of instructional materials, a combination of a book and supplementary instructional materials that conveys information to the student or otherwise contributes to the learning process, or an electronic textbook.*
- 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 (COE) 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 Commissioner's recommendation that the instructional materials under consideration be placed on the Conforming list, placed on the Nonconforming list, or rejected, is based primarily on the findings of this state review panel.

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. 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.

## Deadline and Delivery

Publishers must provide copies of instructional materials, along with a hard copy of the correlation citing in the submitted materials where each TEKS is addressed. Publishers may provide only those items listed on the *Statement of Intent to Bid* (SOITB). 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 **June and July, 2010**.



# Certification of Editorial Review

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## Rule

19 TAC §66.54(g) *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 print copy and one electronic version for each instructional materials bid.

*Publisher's Certification of Editorial Review* forms are available on the Texas Education Agency (TEA) website at <http://www.tea.state.tx.us/textbooks/proclamations/proc2011>.

## Deadline

Under Proclamation 2011, publishers are required to file *Publisher's Certification of Editorial Review* by 5:00 P.M. CDT on July 30, 2010.

## 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](mailto:review.adoption@tea.state.tx.us)



# List of Publisher Corrections

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## Rule

19 TAC §66.54(g) *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

Under Proclamation 2011, publishers must provide one list of all corrections necessary for each instructional material bid they submit for adoption. The list must include changes (both factual errors and editorial changes) that the publisher intends to make to the materials prior to submission of the corrected copies.

*Identification of Error and Changes by Publisher* form is available on the Texas Education Agency (TEA) website at <http://www.tea.state.tx.us/textbooks/proclamations/proc2011>.

A publisher who believes that no corrections are necessary must submit a letter—in both print and electronic form—stating such to the TEA.

Once the materials are adopted by the State Board of Education (SBOE), publishers may make only the changes listed on the *Identification of Error and Changes by Publisher*. Any additional revisions to adopted instructional materials must be approved in advance by the Commissioner of Education (COE) or the SBOE.

## Deadline

Under Proclamation 2011, publishers must file completed corrections lists or a letter stating that no corrections are necessary by **5:00 P.M. CDT July 30, 2010**.

## 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](mailto:review.adoption@tea.state.tx.us)



# The Error Review Process

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## 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 8, 2010, the Commissioner of Education (COE) 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 COE 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 2010 SBOE meeting, each publisher must submit a form 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 correct all factual errors and provide an affidavit attesting that they have done so prior to submitting the corrected copies to the TEA in advance of sending the materials to schools.

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



# The Commissioner's Preliminary Recommendations

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## 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 conforming list, placed on the nonconforming list, or rejected (To be conforming, instructional materials must cover all essential knowledge and skills as required by the proclamation in the student text narrative in addition to end-of-section review exercises, end-of-chapter activities, or unit tests.);*
  - (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).*
- (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 conforming list, placed on the nonconforming list, or rejected. According to the schedule for the adoption process, a publisher shall be given an opportunity for a show-cause hearing if the publisher elects to protest the commissioner's preliminary recommendation.*

## Instructions

In July 2010, the Commissioner of Education (COE) will issue preliminary recommendations, based on the recommendations of the state review panels, that each instructional material be placed on the Conforming List, Nonconforming List, or rejected. After reviewing the reports, publishers may (1) agree with the recommendations, (2) disagree with the recommendations and provide documentation of coverage of Texas Essential Knowledge and Skills (TEKS) in the original submission, (3) submit new content to cover TEKS considered not addressed in the original submission, or (4) any combination of the previous options. During the state review panel meeting, Texas Education Agency (TEA) staff will distribute detailed instructions regarding submitting new content. If the publisher is still not satisfied with the ensuing preliminary recommendation, the publisher may request a show-cause hearing.

## Deadline

Under Proclamation 2011, the deadline for publishers to submit new content to address missing TEKS or documentation disputing the findings of the state review panels is 10 working days following distribution of the preliminary report to publishers. The deadline for publishers to file a request for a show-cause hearing is **5:00 P.M. CDT on August 27, 2010.**

## 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](mailto:review.adoption@tea.state.tx.us)



# Commissioner's Final Recommendations

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## Rule

19 TAC §66.6 (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 conforming list, placed on the nonconforming list, or rejected.*

## Background

On October 8, 2010, the Commissioner of Education (COE) will issue the final recommendations that instructional materials be placed on the Conforming list, Nonconforming 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, evaluations of new content submitted after the preliminary report, and results of show-cause hearings. The State Board of Education (SBOE) will consider the COE's final recommendations at their November 2010 meeting. The SBOE is expected to adopt all or some portion of the materials listed on the final recommendation report.



# Public Hearing and Written Comments

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## 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 process.*
  - (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 speeches 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 process. 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 process.*
  - (3) *The commissioner of education shall have a complete record of the hearing made and transcribed. The 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 14 calendar 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 10 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 specified in the schedule for the adoption process 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 hearing will be transcribed, and the official transcribed record, along with the official record of written comments, will be held open for 14 calendar days following the close of the September 2010 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 transcribed record and 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://ritter.tea.state.tx.us/imet>.

## **Deadline**

Interested citizens are to submit written comments by August 27, 2010. Members of the public and publishers who would like to provide oral testimony must request to appear prior to the September 2010 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](mailto:review.adoption@tea.state.tx.us)

# Requirements for the Production of Instructional Materials for the Visually Impaired

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## Rule

19 TAC §66.121(b) *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 §66.121(c) *On or before the deadline specified in the schedule for the adoption process, 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 disabilities 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 2011 must provide electronic files of their adopted programs to facilitate the production of braille 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 blind or other persons with print disabilities in elementary and secondary schools. The *NIMAS 1.1 The Technical Standard* can be found at [http://nimas.cast.org/about/proposal/spec-v1\\_1\\_anno](http://nimas.cast.org/about/proposal/spec-v1_1_anno).

New publishers should email [nimac@aph.org](mailto: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 2011 are encouraged to offer these programs in an accessible format in accordance with the technical standards of the Federal Rehabilitation Act, Section 508. [www.Section508.gov](http://www.Section508.gov)

## Deadline

Publishers must provide the contact information of the production manager, or other individual responsible for the production of textbooks submitted for adoption, by **5:00 P.M. CDT on September 10, 2010**. In addition, publishers must submit a test file and associated print pages by **5:00 P.M. CDT on October 08, 2010**.

Following the SBOE's adoption of instructional materials at the November 2010 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. CST on December 3, 2010**. Finally, publishers must also submit three copies of the corrected adopted student materials and the corrected NIMAS files to the designated braille producer, as well as a copy of the corrected NIMAS files to the NIMAC, by **5:00 P.M. CDT on April 29, 2011**. The Texas Education Agency (TEA) and the NIMAC will coordinate to ensure that a final corrected file is uploaded to the NIMAC.

## **Delivery**

Please send all materials to:

Pat Hatcher

Division of Instructional Materials and Educational Technology

Texas Education Agency

1701 N. Congress Ave.

Austin, TX 78701-1494

(512) 463-9832

[pat.hatcher@tea.state.tx.us](mailto:pat.hatcher@tea.state.tx.us)

# Official Bid Form (Exhibit A)

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## Rule

- 19 TAC §66.51(a)(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(a)(3) *A teacher's component submitted to accompany student instructional materials under consideration for adoption shall be part of the publisher's official bid and shall be provided for the duration of the original contract and any contract extensions at no cost to the school district or open-enrollment charter school as specified in the publisher's bid.*
- 19 TAC §66.51(a)(4) *Under the Texas Education Code, §31.025, the official bid price for an instructional material submission may exceed the maximum cost to the state that is established in the proclamation. The state shall only be responsible for payment to the publisher in an amount equal to the maximum cost. A school district ordering instructional materials is responsible for the portion of the cost that exceeds the state maximum.*
- 19 TAC §66.51(a)(5) *Any discounts offered for volume purchases of adopted instructional materials shall be included in price information submitted with statement of intent to bid and in the official bid.*
- 19 TAC §66.51(a)(6) *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(a)(9) *Student materials offered for adoption may include consumable components in subjects and grade levels in which consumable are not specifically called for in the proclamation. In such cases, publishers must meet the following conditions.*
- (A) *The per student price of the materials must include the cost of the replacement copies of consumable student components for the full term of the adoption and contract, including any extensions of the contract terms, but for no more than nine years. The offer must be set forth in the publisher's official bid.*
- (B) *The publisher's official bid shall contain clear explanation of the terms of the sale, including the publisher's agreement to supply consumable student materials for the duration of the contract and extensions as noted in subparagraph (A) of this paragraph.*
- 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 process.*

## Background

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

## Instructions

Prior to the deadline for submitting the forms, the Division of Instructional Materials and Educational Technology (IMET) will provide individualized Official Bid Forms to publishers electronically. Publishers may make any changes to components prices if needed. No other changes to the form will be permitted.

Each publisher participating in the adoption must submit three signed copies of the Official Bid Form (Exhibit A) for each program. Each copy must contain original signatures.

## **Deadline**

Under Proclamation 2011, publishers must submit the Official Bid Forms (Exhibit A) by **5:00 P.M. CDT on September 24, 2010.**

## **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](mailto:review.adoption@tea.state.tx.us)

# Publisher's Intent to Correct

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## 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.*

## Background

On October 8, 2010 the Commissioner of Education (COE) will issue the *Report of the Commissioner of Education Concerning Required Corrections of Factual Errors*, listing all factual errors discovered in the instructional materials considered for adoption. For the materials adopted by the State Board of Education (SBOE), errors in the final version of this report must be corrected as a condition of adoption.

## Instructions

Publishers must file written confirmation of their intent to make all corrections listed in the COE's report as required by the SBOE. The written confirmation can be submitted in the form of a letter. The letter must indicate each of the programs (by subject, grade, and title) and must be submitted both electronically and in hardcopy. The hardcopy should be signed by an official of the company.

## Deadline

Under Proclamation 2011, publishers must file written *Confirmation of Intent to Correct* by **5:00 P.M. CDT on October 15, 2010**.

## 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](mailto:review.adoption@tea.state.tx.us)



# Ancillary Materials

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## Rule

- 19 TAC §66.69. (a) *"Ancillary materials" are defined by the Texas Education Agency (TEA) as materials that are not listed on the publisher's intent to bid statement but which the publisher plans to provide to districts and open-enrollment charter schools free with their order. A publisher of adopted instructional materials shall provide any ancillary item free of charge or at the same price discount to the same extent that the publisher provides the item free of charge or at a price discount to any state, public school, or school district in the United States. Free or discounted price ancillary items will be distributed equitably to all school districts and open-enrollment charter schools regardless of size. The title of each ancillary item that a publisher will make available to school districts and open-enrollment charter schools at no charge and the ratio at which each item shall be supplied shall be filed with the TEA according to the schedule contained in the proclamation. A publisher must notify TEA of any ancillaries provided to school districts and open-enrollment charter schools that are not listed with TEA. All packages of ancillary materials shipped to school districts and open-enrollment charter schools shall be labeled, "Ancillary Materials -- Not Reviewed by the State Board of Education."*
- 19 TAC §66.69. (b) *Designated ancillaries shall be made available to the State Board of Education (SBOE) upon request. Individual SBOE members are not authorized to act on behalf of the SBOE in requesting and making changes to supplemental or ancillary materials.*

## Instructions

A publisher who provides ancillary material to any state, public school, or school district in the United States must provide the same materials in the same ratio to all districts in Texas who order the associated program. Each publisher is required to submit a list of these ancillary materials to the Texas Education Agency (TEA) and must notify the TEA of any changes to the list. The list must be comprehensive and include the ratios at which each item will be supplied. Publishers are prohibited from giving away items not included in the ancillary list.

Publishers must label all packages of ancillary materials shipped to school districts and open enrollment charter schools: *Ancillary Materials – Not Reviewed by the State Board of Education.*

## Deadline

Under Proclamation 2011, publishers must submit the lists of ancillary materials by **5:00 P.M. CDT on September 24, 2010.**

## Delivery

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](mailto:review.adoption@tea.state.tx.us)



# Providing Descriptions of Adopted Instructional Materials to School Districts and Open-Enrollment Charter Schools

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## Rule

*19 TAC §66.101(a) A publisher shall provide each school district and open-enrollment charter school with information that fully describes adopted instructional material. Descriptive information provided to each school district or open-enrollment charter school shall be identical.*

## Instructions

Publishers must provide descriptions of their adopted instructional materials to each school district and open-enrollment charter school. The information must include a comprehensive list of ancillary materials that will be provided and the ratios at which they will be provided.

The Texas Education Agency (TEA) does not prescribe a specific format for the description other than requiring that identical information be provided to each school district and open-enrollment charter school.

## Deadline

Under Proclamation 2011, publishers must provide the descriptions by **5:00 P.M. CST on December 3, 2010.**

## Delivery

Please contact the individual districts for delivery requirements.



# Requirements for Register of Contact

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## 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 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 process, 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. The Division of Instructional Materials and Educational Technology (IMET) maintains a ledger in the reception area for publishers to record visits with IMET 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. Publishers who have not had contact with an SBOE member should indicate so by checking the appropriate box on the form.

*Register of Contact* forms are available on the Texas Education Agency (TEA) website at <http://www.tea.state.tx.us/textbooks/proclamations/proc2011>.

## Deadline

Under Proclamation 2011, publishers must submit completed *Register of Contact* forms before **5:00 P.M. CST on December 17, 2010**.

## 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](mailto:review.adoption@tea.state.tx.us)



# Publisher's Affidavit of Corrections

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## Rule

19 TAC §66.54 (b) *Two complete sample copies 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 for the adoption process. 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. Corrected samples shall be identical to materials that will be provided to school districts after purchase.*

## Instructions

Publishers must file a signed and notarized affidavit verifying that all corrections included in the *Commissioner's Report Concerning Required Corrections* have been made.

Publishers must complete a separate affidavit for each instructional material bid. For example, a publisher who submits one program for each grade level 2–5 English and 2–5 Spanish, would complete 8 separate affidavits. Publishers that have no required corrections must submit one letter to that effect per instructional materials bid.

*Affidavit of Correction* forms are available on the Texas Education Agency (TEA) website at: <http://www.tea.state.tx.us/textbooks/proclamations/proc2011>.

## Deadline

Under Proclamation 2011, publishers must submit *Affidavits of Corrections*, or the required letter before **5:00 P.M. CDT on April 29, 2011**.

## 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](mailto:review.adoption@tea.state.tx.us)



# Post-Adoption Corrected Instructional Materials

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## Rule

- 19 TAC §66.54 (b) *Two complete sample copies 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 for the adoption process. 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. Corrected samples shall be identical to materials that will be provided to school districts after purchase.*
- 19 TAC §66.101 (b) *Upon request by the textbook coordinator of a school district or open-enrollment charter school, a publisher shall provide one complete sample of adopted instructional materials. Samples of learning systems and electronic, visual, or auditory media may be provided in demonstration or representative format, provided that identical samples are provided to each school district or open-enrollment charter school. 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 to 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

Prior to sending adopted instructional materials to schools for classroom use, publishers must submit corrected copies of all adopted instructional materials to the Texas Education Agency (TEA), the regional Educational Service Centers (ESC), and upon request, to school districts and open-enrollment charter schools. These corrected instructional materials must incorporate all corrections required by the State Board of Education (SBOE) as a result of the review process and must be identical to materials that will be provided to school districts after purchase.

Each box of corrected instructional materials sent to the TEA and ESCs should be clearly marked: *Corrected Copies: Proclamation 2011.*

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

Publishers of online instructional materials must provide the appropriate 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.

<b>Deliver to:</b>	<b>Number of Copies</b>	<b>Delivery Location</b>	<b>Deadline</b>
Texas Education Agency	2	Review and Adoption Instructional Materials and Educational Technology Texas Education Agency 1701 North Congress Ave, Room 3-110 Austin, Texas 78701-1494	April 29, 2011 by 5:00 P.M. CDT
Education Service Centers	2	A list of education service centers and their contacts will be available on the TEA website.	
School Districts or Open-Enrollment Charter Schools	1	Publishers will be notified where to send sample materials.	TBD

# State of Texas Official Publisher Contract

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## 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 2011 meeting, the State Board of Education (SBOE) will offer a six-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 fixed 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 (COE). Original contracts are filed with the Texas Education Agency (TEA); official copies will be sent to publishers.

To ensure that the TEA has the correct company information for the contracts, all publishers of adopted instructional materials must also submit an updated *Request for Publisher Information* form.

## Deadline

Publishers must return the signed contract within 10 calendar days of the date on the cover letter.

## 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](mailto:review.adoption@tea.state.tx.us)



# Payments to Publishers

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## Rule

19 TAC §66.78(e) *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 2010 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 April 1, 2011.**

## Contact

For information about payments to publishers, please contact:

Pat Pinkston

Division of Instructional Materials and Educational Technology

Texas Education Agency

1701 N. Congress Ave.

Austin, TX 78701-1494

512.463.9608

[pat.pinkston@tea.state.tx.us](mailto:pat.pinkston@tea.state.tx.us)



# Depositories

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## Rule

- 19 TAC §66.78(a) *Under the Texas Education Code, §31.151, each publisher of adopted instructional materials is required to maintain a depository in this state or arrange with a depository in this state to receive and fill orders for textbooks. Publishers whose products are delivered on-line or are warehoused and shipped from a facility less than 300 miles from the Texas border are not required to maintain a depository in Texas. Publishers who do not maintain a depository in Texas in accordance with TEC §31.151 must deliver textbooks to a school district or open-enrollment charter school without a delivery charge to the school district, open-enrollment charter school, or state.*
- 19 TAC §66.68(e) *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(f) *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.*
- 19 TAC §66.78(g) *Any request to establish a new depository shall be submitted to the commissioner of education by September 1. The effective date for any new depository shall be April 1 of the year following approval. Each party requesting authority to establish a new depository shall:*
- (1) present evidence of financial viability adequate to ensure performance of obligations under all contracts on an annual basis;*
  - (2) provide specifications for the warehouse; equipment; as appropriate, evidence of a climate-controlled environment for storage of electronic media; plans for staffing of the proposed depository; and computer capability to receive and process orders and communicate in the automated format specified by the TEA;*
  - (3) submit assurances that a proper stock of instructional materials is available; and*
  - (4) submit a list of publishers under contract with the request.*

## Instructions

Publishers must either maintain an EMAT (Educational Materials and Textbooks system) and EDI (Electronic Data Interchange) compliant depository or arrange with an EMAT and EDI compliant depository to receive and fill orders. All depositories must be within 300 miles of the Texas state line. Publishers are not required to fulfill orders for online instructional materials through a depository.

A list of depositories and their contact information is available on the Division of Instructional Materials and Educational Technology (IMET) web page at <http://ritter.tea.state.tx.us/textbooks/depositories/index.html>.

## Contact

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

Deanna Marotz

Division of Instructional Materials and Educational Technology

Texas Education Agency

1701 N. Congress Ave.

Austin, TX 78701-1494

512.463.9612

[deanna.marotz@tea.state.tx.us](mailto:deanna.marotz@tea.state.tx.us)



# Back-Ordered Instructional Materials

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## Rule

- 19 TAC §66.10(g) *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 specified by §66.51(a)(3) of this title (relating to Instructional Materials Purchased by the State), in accordance with provisions in the contracts.*
- 19 TAC §66.78(b) *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(c) *Each publisher shall guarantee delivery of textbooks at least 10 business days before the opening day of school of the year for which the textbooks are ordered if the textbooks have been ordered by a date specified in the sales contract.*
- 19 TAC §66.78(d) *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

Depositories distribute adopted instructional materials to school districts and open-enrollment charter schools between June and August following each adoption. Publishers must ensure that depositories have adopted instructional materials in stock and available for distribution to school districts and open-enrollment 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:

Deanna Marotz  
Division of Instructional Materials and Educational Technology  
Texas Education Agency  
1701 N. Congress Ave.  
Austin, TX 78701-1494  
512.463.9612  
[deanna.marotz@tea.state.tx.us](mailto:deanna.marotz@tea.state.tx.us)



# **APPENDIX**



## References

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### **Proclamation 2011**

<http://www.tea.state.tx.us/textbooks/proclamations/proc2011/>

### **Question and Answer Document**

<http://www.tea.state.tx.us/textbooks/proclamations/proc2011/>

### **Texas Essential Knowledge and Skills**

<http://www.tea.state.tx.us/index2.aspx?id=6148>

### **Texas Administrative Code, Chapter 66**

<http://www.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>

### **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](http://nimas.cast.org/about/proposal/spec-v1_1_anno)

### **Texas Education Agency Curriculum Staff**

<http://www.tea.state.tx.us/curriculum/staffdir.html>

### **Texas Education Agency Instructional Materials Staff**

<http://www.tea.state.tx.us/imet/staff.html>

### **Instructional Materials and Educational Technology Website**

<http://www.tea.state.tx.us/imet/>

### **Education Service Center List**

<http://mansfield.tea.state.tx.us/TEA.AskTED.Web/Forms/ESCSearchScreen.aspx>

### **State Depository List**

<http://www.tea.state.tx.us/textbooks/depositories/index.html>



# Glossary of Terms

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**Ancillaries** Those materials not listed on the publisher's [Statement of Intent to Bid \(SOITB\)](#), but that the publisher plans to provide to districts and open-enrollment charter schools free with their order. These are not part of a publisher's bid or contract, and are not purchased by the state. Ancillaries are not reviewed by panel members at the state level and are not adopted nor sanctioned by the State Board of Education (SBOE).

**Affidavit of Authorship or Contribution** A signed and notarized document by which a publisher certifies that each individual whose name is listed on their materials as an author or contributor of content was engaged in the development of the materials. The affidavit also states in general terms the involvement of each author and/or contributor.

**Affidavit of Corrections** A signed and notarized document by which a publisher certifies that all corrections included in the [Commissioner's Report Concerning Required Corrections Errors](#) have been made.

**Breakouts** The result of parsing the [Texas Essential Knowledge and Skills \(TEKS\)](#) into constituent parts. The breakouts are enumerated on the [Correlation Form](#) and the [Evaluation Form](#). Materials submitted for review must address each breakout the specific number of times required by the governing proclamation in order to be eligible for the Conforming List.

**Citation** The identification of either one occurrence of a factual error, editorial error, or a specific example of content that covers one of the Texas Essential Knowledge and Skills (TEKS). Citations are recorded by component [ISBN](#), [page](#) number and location on the [Correlation Form](#), [Identification of Errors and Changes by Publisher](#), and [Evaluation Form](#).

**Commissioner's Report Concerning Required Corrections Errors** A report prepared by the Commissioner of Education (COE) and presented to the State Board of Education (SBOE) listing all factual errors discovered in instructional materials being considered for adoption. This 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 general public or third-party organizations. Publishers are required to correct all factual errors as a condition of adoption. Publishers are also required to file written confirmation of their intent to make all corrections and provide an affidavit attesting that they have done so (see [Affidavit of Corrections](#)) before the corrected copies are submitted to the TEA in advance of sending the adopted instructional materials to schools.

**Conforming** The designation given to adopted instructional materials that 1) cover 100% of the required [Texas Essential Knowledge and Skills \(TEKS\)](#) for the subject and/or grade level, 2) are free from factual errors, and 3) meet applicable physical [Manufacturing Standards and Specifications for Textbooks\(MSST\)](#) specifications.

**Consumable** Instructional material that is intended to be written in, depleted, or otherwise consumed during the first year of use. Publishers who submit consumable materials for adoption must agree to supply them to school districts for the duration of the six-year contract period.

**Correlations Form** A document, provided by the TEA, on which publishers indicate the locations in their materials where the required [Texas Essential Knowledge and Skills \(TEKS\)](#) are addressed. Publishers must provide the component [ISBN](#), [page](#) and location on the page for each citation.

**Depository** A entity through which publishers receive and fill orders for instructional materials. Depositories must be EMAT and Electronic Data Interchange (EDI) compliant. Publishers are required to maintain a depository in Texas or arrange with a depository in Texas to receive and fill order for textbooks, unless the products are delivered on-line or are warehoused and shipped from an EMAT, EDI compliant, facility less than 300 miles from the Texas border. A list of depositories in Texas list is provided at <http://www.tea.state.tx.us/textbooks/depositories/index.html>.

**Electronic Textbook** Computer software, interactive videodisc, magnetic media, CD-ROM, computer courseware, on-line services, an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means.

**Educational Materials and Textbook System (EMAT)** A statewide electronic instructional materials management system that processes all requests, orders, and payments for, as well as deliveries of, adopted instructional materials.

**Education Service Centers (ESCs)** See [Regional Education Service Centers \(RESCs\)](#).

**EMAT** See [Educational Materials and Textbook System \(EMAT\)](#).

**Enrichment Subjects** Those subjects, other than the [foundation subjects](#), that public schools in Texas may offer to their students. The subjects are: languages other than English, health, physical education, fine arts, economics, career and technology education, technology applications, and religious literature.

**Error Form** See [Identification of Errors and Changes by Publisher \(IDECPUBL\) Form](#).

**ESCs** See [Regional Education Service Centers](#).

**Evaluation (State Review Panel evaluation)** A form that the [State Review Panel](#) teams submit detailing where the instructional material addresses the [Texas Essential Knowledge and Skills \(TEKS\)](#). The evaluation form includes all of the TEKS items listed in the [breakouts](#).

**Exhibit “A”** See [Official Bid Form \(Exhibit “A”\)](#).

**Extensible Markup Language (XML)** A general-purpose specification developed by the World Wide Web Consortium (W3C) for creating custom markup languages whereby the meaning of text can be understood directly from its context within the file. [NIMAS](#) is an example of an XML language.

**Form B and Warranty of Publisher** A signed statement certifying that the printed books submitted for adoption conform in every respect to the [Manufacturing Standards and Specifications for Textbooks \(MSST\)](#) in the State of Texas.

**Form M and Warranty of Publisher** A signed statement certifying that the electronic media submitted for adoption conforms in every respect to the [Manufacturing Standards and Specifications for Textbooks \(MSST\)](#).

**Foundation Subjects** The required curriculum prescribed by state law. The subjects are English language arts, mathematics, science, and social studies.

**Identification of Errors and Changes by Publisher (IDECPUBL) Form** The instrument with which a publisher provides the list of all corrections necessary to each student and teacher component of an instructional materials submission. Errors that are collected on these forms and deemed to be factual by Curriculum staff are included in the [Commissioner's Report Concerning Required Corrections Errors](#).

**IMET** See [Instructional Materials and Educational Technology \(IMET\)](#).

**Instructional Materials** See [Textbook](#).

**Instructional Materials and Educational Technology (IMET)** The division within the Texas Education Agency (TEA) that provides vision and leadership to transform learning by coordinating the acquisition of state approved instructional materials in various media and implementing and supporting educational technology to prepare Texas public school students and educators for success in the 21st century.

**International Standard Book Number (ISBN)** A unique 13-digit number that identifies books and book-like products internationally. Each component listed on a [Statement of Intent to Bid](#) must have a unique ISBN.

**ISBN** See [International Standard Book Number \(ISBN\)](#).

**Item Type** The classification of a program component that describes format (print or online) and intended audience (teacher or student).

**Manufacturing Standards and Specifications for Textbooks(MSST)** The physical standards of quality and performance for K-12 instructional materials. The MSST is published by the National Association of State Textbook Administrators (NASTA). Instructional materials must comply with the standards in the latest edition of the MSST as a condition of adoption. For more information can be found at [www.bmibook.org](http://www.bmibook.org).

**Maximum Cost** The per-unit ceiling on the price that the state will pay for instructional materials. It is established by the State Board of Education (SBOE) for each subject and grade level and published in the [Proclamation](#). The total maximum cost for any subject and grade level is determined by the per unit maximum cost multiplied by the number of projected units.

**MSST** See [Manufacturing Standards and Specifications for Textbooks\(MSST\)](#).

**National Instructional Materials Accessibility Standard (NIMAS)** NIMAS refers to a technical standard used to produce [XML](#)-based source files. From source files, accessible, student-ready alternate-format versions of textbooks and core materials (e.g., Braille, e-text, Digital Talking Book, large print, etc.) can be created and distributed to students with print disabilities. NIMAS files are not student-ready versions. Individuals with Disabilities Education Act (IDEA) 2004, P.L. 108-446, establishes the NIMAS as a national standard and requires states and local districts to adopt the NIMAS for providing textbooks and instructional materials to students who are blind or print-disabled. Source: NIMAS at Center for Applied Special Technology (CAST), NIMAS/NIMAC Glossary.

**NIMAS** See [National Instructional Materials Accessibility Standard \(NIMAS\)](#).

**No-Contact Period** The time during which potential state review panel members are not permitted to have either direct or indirect contact regarding content of instructional materials under evaluation by the panel with any person having an interest in the adoption process. The period begins when the Texas Education Agency (TEA) initially contacts a nominee regarding his or her possible appointment and ends after the State Board of Education (SBOE) adopts the instructional materials.

**Nonconforming** The designation given to adopted instructional materials that 1) cover at least 50%, but less than 100%, of the elements of the [Texas Essential Knowledge and Skills \(TEKS\)](#) for the subject and/or grade level, 2) are free from factual errors, 3) meet applicable physical [Manufacturing Standards and Specifications for Textbooks\(MSST\)](#) specifications.

**Nonconsumable** Components that are considered self-sufficient for the entire period of the adoption. A publisher must replace, at no cost to the state, any nonconsumable materials that fail to last the length of the adoption.

**Official Bid (Exhibit “A”)** The document with which a publisher makes an official offer to provide specific instructional materials to the state of Texas at a fixed price. The form is based on the [Statement of Intent to Bid \(SOITB\)](#), and becomes Exhibit A of the contract.

**Page** A descriptor used to specify where in the instructional materials a certain [citation](#) occurs. For print materials, it indicates the printed page number; for electronic media, it indicates the name of the activity or section that specifically identifies the screen the user is viewing.

**Product Type** The classification of a program component that describes its nature (e.g. blackline masters, lab manual, CD-ROM/floppy).

**Proclamation** The document issued by the State Board of Education (SBOE) calling for bids for instructional materials in selected subject areas and/or grade levels. The proclamation identifies the subject areas scheduled for review and contains the content requirements [Texas Essential Knowledge and Skills \(TEKS\)](#). It also contains the maximum per-student costs for adopted materials, an estimated number of textbooks to be purchased during the first contract year for each subject area and grade level, 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.

**Q&A** See [Question and Answer Document \(Q&A\)](#).

**Question and Answer Document (Q&A)** A proclamation-specific periodical issued by the State Board of Education (SBOE) that consist of questions presented by publishers and answers provided by the Texas Education Agency (TEA).

**Regional Education Service Centers (ESCs)** Public entities created by state statute to provide educational support programs and services to local schools and school districts. Each of the 20 ESCs serves all districts in a specific geographic area.

**Register of Contacts Form** The document with which a publisher discloses all contact with members of the State Board of Education (SBOE). The disclosure, which is required by state law, must include the time, date, location and purpose for each communication with a member of the SBOE

**RESCs** See [Regional Education Service Centers \(ESCs\)](#).

**Schedule of Adoption Procedures** The section in the [Proclamation](#) that lists the specific activities and deadlines related to the review and adoption of instructional materials.

**SOITB** See [Statement of Intent to Bid \(SOITB\)](#).

**Specific Location** A descriptor indicating the specific place on the screen or printed page where a [citation](#) occurs (e.g. third paragraph, second column, animation at top right.)

**Statement of Intent to Bid (SOITB)** The document with which a publisher indicates their intention to participate in an adoption under a specific proclamation. The form requires detailed information about the instructional materials to be submitted. Publishers must file a *Statement of Intent to Bid* (SOITB) form for each program and course bid (e.g., a publisher who submits two different programs in the same course must file two SOITBs; a publisher who submits the same program in two different courses must also file two SOITBs.).

**State Review Panel** A group of individuals who execute a full and complete investigation of the instructional materials submitted for adoption to identify the [Texas Essential Knowledge and Skills \(TEKS\)](#) covered and identify factual errors. These panels are composed of university professors, public school teachers, and other subject matter experts. Individuals are nominated to serve on the panels by SBOE members, school districts and open-enrollment charter schools, educational organizations, and Texas residents. From these nominations, the Commissioner of Education (COE) appoints the panel members with the advice and consent of the SBOE. The Commissioner's recommendation that instructional materials be placed on the Conforming List, placed on the Nonconforming List, or rejected, is based primarily on the findings of the state review panel.

**Student Component** Any instructional materials that are specifically intended for use by the student. The student components may include print and non print materials such as student editions, workbooks, and online editions.

**Teacher's component** Any resources that are specifically intended for use by a teacher. Teacher components that are submitted to accompany student instructional materials under consideration for adoption shall be part of the publisher's [Official Bid](#) and shall be provided for the duration of the contract, and any extensions, at no additional cost.

**TEKS** See [Texas Essential Knowledge and Skills \(TEKS\)](#).

**Texas Essential Knowledge and Skills (TEKS)** The curriculum framework adopted by the State Board of Education (SBOE) for Texas schools which identifies the student expectations for every course and grade level in the [Foundation](#) and [Enrichment](#) Curriculum.

**Textbook** A book, a system of instructional materials, or a combination of a book and supplementary instructional materials that conveys information to the student or otherwise contributes to the learning process, or an electronic textbook. The terms *textbook* and *instructional materials* are often used interchangeably.



# Correlation Instrument

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## General Information

The correlation forms are used by publishers to indicate the locations in the instructional materials where the requisite Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards are addressed. The following instructions provide information regarding this process.

- Correlation forms for the TEKS and ELPS may be found at: <http://www.tea.state.tx.us/textbooks/proclamations/proc2011>.
- There is a single ELPS form that is to be used for all programs. The course for which the program is submitted must be selected on the form by clicking in the “Course” field and selecting from the drop-down list that appears.
- Only the approved files located at the above link will be accepted.
- Publishers should be aware that these forms are subject to the Public Information Act.
- With the exception of those programs submitted for Prekindergarten, Spanish Language Arts, English as a Second Language, Spelling, and Handwriting, all programs must address the required TEKS and ELPS in both the Teacher and Student Materials.
- Programs submitted for Spanish Language Arts, English as a Second Language, Spelling, and Handwriting must address the required TEKS in both the Teacher and Student Materials.
- Programs submitted for Prekindergarten must address the required outcomes in the Teacher Materials.
- Each form, in MS Excel format, has one worksheet for “Teacher Components” and another worksheet for “Student Components”. Publishers are to enter the locations where the TEKS are addressed in the teacher component on the “Teacher Components” worksheet and the locations where the TEKS is addressed in the student components on the “Student Components” worksheet. In the case of English as a Second Language, publishers must complete a separate file for the teacher materials and student materials.
- The correlation instruments itemize all individual portions of the TEKS that must be covered for the Student Expectation to be addressed. The individual, itemized portions of the TEKS are called “breakouts”.
- The breakouts are the same for both the teacher and student worksheets.
- In some instances, the breakout and data entry fields on the student component worksheet have been grayed out and locked. Publishers are not required to address these breakouts in the student components, but ARE required to do so in the teacher components.
- Each worksheet has a “#” column showing the number of times each TEKS breakout must be addressed to be considered covered. For Proclamation 2011, all breakouts must be addressed 3 times to be considered covered.
- The percent of TEKS addressed is based on the number of student expectations that are covered.

- If the members of a state review panel are unable to find the minimum number of locations where the TEKS is addressed, they will refer to the correlations to see where the publisher believes the TEKS is addressed.
- If a program does not address a breakout the number of times noted in the “#” column, then the breakout and the entire student expectation are considered not covered.
- Publishers will enter where the program addresses the English Language Proficiency Standards (ELPS) in a similar fashion (two worksheets with “#” of times must be addressed column).
- With the exception of those programs submitted for PreKindergarten, Spanish Language Arts, English as a Second Language, Spelling, and Handwriting, publishers must complete and return two correlations, one for the subject area TEKS and one for the ELPS for each bid they have submitted. Otherwise, publishers need only submit the TEKS correlation for the respective course.
- Each correlation is divided into two sections: a header section, where information pertaining to the program as whole is entered, and a body section, where information pertaining to each breakout is entered.
- **Publishers using MS Word to draft their correlations should be aware that pasting from MS Word into the MS Excel form will cause the cells to lock. In MS Excel, this can be avoided by using Excel’s “Paste Special” feature. After copying the information from MS Word, go to Excel and select the “Edit” menu, then “Paste Special” and choose “As: Text”.**
- Publishers who submit new content at the state review panel meeting are not required to submit updated correlation instruments.
- Return all correlations as an attachment(s) in one email to [review.adoption@tea.state.tx.us](mailto:review.adoption@tea.state.tx.us). Publishers may attach a single compressed file including all of their correlations.
- The subject line of the email should include “Proclamation 2011 Correlations Submission”.
- There is no required naming convention for the MS Excel files or a compressed file.

## Header Information

Enter the following information exactly as it is entered on the Statement of Intent to Bid: Publisher, Title, and the thirteen-digit ISBN (with no dashes).

## Body Information

- The left-hand columns of the form list the TEKS, Student Expectation, Breakout, Element and Sub-element. In some instances no information may be listed in the Breakout, Element or Sub-element fields.
- Breakouts and how they are addressed should be considered within the context of the Knowledge and Skills statement.
- If a program addresses a breakout in multiple components, then place each component on its own line(s) on the Component ISBN, Page and Specific Location columns. (See “Sample Correlation”, page A-4) (Simultaneously hold down the “ALT” key and press “ENTER” to create a line-break in Excel.)

- Separate each reference within a component using a comma. (See “Sample Correlation”, page A-14) References are “associated” across a row.
- For each TEKS, enter citations where the TEKS is addressed including for each citation the “Component ISBN”, “Page(s)”, and “Specific location on the page/display/screen (paragraph, etc.)”.
- For software, web-base or video media, in the “Page(s)” section enter the name of the section or activity name where the citation is located.
- For video, if available, enter the time code.
- If a TEKS expectation is not addressed by the material, note in the Page Number column – “Not Addressed”.
- “Component ISBN” and “Page(s)” entries are limited to a maximum of 255 characters.
- “Location...” entries are limited to a maximum of 400 characters.
- Entries may not exceed these character limits. Publishers should keep in mind, when entering information that exceeds these limits, 1) the “#” of times addressed column, character limits, and that other opportunities will be available to provide the State Review Panel additional citations at the summer meetings.
- Characters such as “ñ”, “í” or “π” may be entered using the Microsoft Windows Character Map.
- Component ISBN      The International Standard Book Number of the component; components listed on the *Statement of Intent to Bid* for the program with an “Item Type” of “student edition” or “teacher/student material” may be entered on the “Student Component” worksheet; components listed on the *Statement of Intent to Bid* for the program with an “Item Type” of “teacher edition” or “teacher/student material” may be entered on the “Teacher Component” worksheet.
- Page(s)                      The page where the breakout is addressed.
- Location                      The location where the breakout is addressed.



# Publisher's List of Corrections

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## General Information

Publishers use the *Identification of Error and Changes by Publisher (IDECPUBL)* form to submit the required list of publisher corrections. On the form, publishers will note where in the program bid the instructional material exhibits a factual error or the publisher intends to make an editorial change. Forms that do not abide by the following rules will not be accepted. The following appendix provides information regarding this process.

- The *Identification of Error and Changes by Publisher* form may be found at: <http://www.tea.state.tx.us/textbooks/proclamations/proc2011>.
- Only the approved file (MS Excel) located at the above link will be accepted. The file is password protected. Any form that is received without the original password will be returned as invalid.
- Publishers should be aware that these forms are subject to the Public Information Act.
- Publishers must file **one IDECPUBL form** for each program and course bid (e.g., a publisher who submits two different programs in the same course must file two forms; a publisher who submits the same program in two different courses must also file two forms.)
- If a publisher discovers neither factual errors nor editorial changes for a program, the publisher must complete and submit the form, including in the first row of the form in the Description column, "No errors found". (See the "List of Publisher Corrections" section of this document for more information.)
- Publishers must include the errors for all components of one and only one program on the same form.
- If some components of a program have errors or changes and other components do not, for the components with no errors and changes the publisher must include a row on the IDECPUBL listing that component's ISBN and in the Description column, "No errors found".
- In order to enable auditors to confirm that each error has been corrected and each change has been made, publishers must itemize the errors and editorial changes to be made in their programs by entering each location where a factual error or editorial change occurs in a program's components on the form on its own row. For instance, the same factual error found in both the student and teacher edition in the same location **MUST** be listed **TWICE** (i.e. on two separate lines) once for the error in the student edition and once for the error in the teacher edition. Blanket statements are **NOT** allowed.
- Instructional Materials and Educational Technology (IMET) issues similar error and changes forms to the state review panels, Curriculum, contractors, and the public.
- In the case of the state review panel, the Public and Contractor/Curriculum forms, IMET sends forms to publishers who will note in one space "Yes" or "No" the publisher contests the error and in a second space a clarifying comment that they agree to correct the error or why the citation is not an error. Publisher comments on these forms are limited to 900 characters or less.
- To ensure consistency, some features of the MS Excel file have been disabled.

- Publishers using MS Word to draft their forms should be aware that pasting from MS Word into the MS Excel form will cause the cells to lock. In MS Excel, this can be avoided by using Excel’s “Paste Special” feature. In Excel, go “Edit”, then “Paste Special” and select “As:Text”.
- The form contains MS Excel macros. See the “Header Information” below for more information and “Figure 2. A Sample Identification of Errors and Changes by Publisher Form with Macros Menu” below.
- Return all forms as an attachment(s) via email to [review.adoption@tea.state.tx.us](mailto:review.adoption@tea.state.tx.us). (See the “List of Publisher Corrections” section of this document for further details regarding delivery.) A compression program may be used.
- The subject line of the IDECPUBL submission email should include “Proclamation 2011 Publisher Corrections Submission from” + {an abbreviation for your company}, ex. “Proclamation 2011 Publisher Corrections Submission from ACMEPB”
- When returning files that require publisher responses, do not change the name of each excel file.
- As the subject line of the publisher response’s message – enter “Publisher Response to” then the name of the form and an abbreviation for your company, ex. “Publisher Response to Identification of Errors by state review panel from ACMEPB”
- Name each IDECPUBL form in the following manner.  
“2011idecpubl-”+ {an abbreviation for your company} + {an abbreviation for the course}  
Quotes and plus signs are not included), ex. “2011idecpubl-acmepb-A1106Read4.xls”

Publishers bidding more than one instructional material for a course, must add numbers in sequence for each instructional material after the course abbreviation, for example:

2011idecpubl-acmepb-A1106Read41.xls,  
2011idecpubl-acmepb-A1106Read42.xls,  
2011idecpubl-acmepb-A1106Read43.xls.

## Header Information

Note: the file may take a brief moment to open.

In the header of the form, do not enter Chapter or Subchapter (they will be filled in automatically); select the appropriate Course and Publisher (what is listed as “Publisher-Contract Vendor” on the statement of intent to bid; then enter (exactly as they are listed on the statement of intent to bid the Title and ISBN for the instructional material

- To use the included macros, “Get ISBNs”, “Check Spelling”, “Insert Row”, “Delete Row”, and “Sort”, the user must “Enable Macros” when the file is opened
- To receive the “Enable Macros” message MS Excel must have a Macro Security setting of “Medium” or “Low”. In MS Excel go to “Tools” then “Macro” and select “Security”, to set Security to “Medium” or “Low”, and then open the IDECPUBL In order to use the macros in Microsoft Excel 2007, in Excel click the Add-Ins Menu and the Corrections Menu will appear; click the Corrections Menu select a macro.

- **Get ISBNs:** To ensure the component ISBNs listed on the form correspond to the component ISBN's listed on the statement of intent to bid, the Get ISBN macro must be used. The macro imports a completed statement of intent to bid and then populates the required "Component ISBN" drop down menu with the component ISBNs listed on the statement of intent to bid.
- To use "Get ISBN": open the IDBCPUBL form, open the statement of intent to bid, select the statement of intent to bid worksheet, click the "Corrections" menu and "Get ISBN" from the menu, then close the statement of intent to bid file.

**Warning:** After getting one set of ISBNs, getting a second statement of intent to bid form, may produce errors in the "Item Type" column if the ISBNs on statement of intent to bid do not match those already on the IDECPUBL form. IMET recommends that publishers use "Get ISBNs" only after submitting their final statements of intent to bid in December of 2008.

- The "Get ISBN" macro only needs to be run once for each IDECPUBL form.
- **Insert Row:** Click on a row and then the "Corrections" menu and select "Insert Row". MS Excel will insert a row ABOVE the selected row. Publishers may use insert row to add an error or a change they discovered as they work on the form.
- **Delete Row:** Click on a row and then the "Corrections" menu and select "Delete Row". MS Excel will delete the selected row.
- **Sort:** Will sort all corrections in the body of the document. Select any cell then from the "Corrections" menu select "Sort", when the Sort window appears select "By which column do you want to sort" from the drop down box, and then click "Sort".
- You may sort by either "Item Type", "Page Number", "ISBN", or "Type of Correction".
- You may sort by multiple columns by repeating the process and selecting a different column to sort by each time.
- If you wish to sort in descending order check the "Descending" box.
- Publishers may use this feature to group their corrections.
- **Check Spelling:** IMET expects publishers to spell-check their own documents and has included a spell-check feature in the file. Select "Check Spelling" from the "Corrections" menu. The Spell Check window will open and publishers may correct the spelling on the body of the document. Click "Cancel" to close the Spell Check window without running spell check and return to the form.
- Click in the Course and Publisher fields and select from the drop-down list. Enter (exactly as it is listed on the Statement of Intent to Bid) Title and the thirteen-digit ISBN for the program.

## Body Information

For each error or change, enter the 13-digit "Component ISBN", "Page(s)", "Specific Location on Page/Display/Screen", "Type of Correction" (Factual Error or Editorial Change), a brief "Description of Error", stating what correction is to be made (e.g., "Change 'catt' to 'cat'").

- **Component ISBN:** Select the ISBN of the component from the drop down list in the Component ISBN fields.

- **Product Type/Item Type:** After selecting a component ISBN from the “Component ISBN” from the drop down list, the product type and item type will populate automatically.
- **Page** The page where the factual error or editorial change occurs. For software, web-base or video media, in the “Page(s)” section enter the name of the section or activity name where the citation is located.  
For video, if available, enter the time code.
- **Location** The location on the page or screen where the error occurs or the editorial change will be made.
- **Type of correction** Select either “Factual Error” or “Editorial Change” from the drop down menu.
- **Description of Error** A brief description of what the error is, and to what it will be changed (e.g., change “catt”, to “cat”).

## Samples

Identification of Errors and Changes by Publisher (IDECPUBL)					
<b>Chapter</b>	Chapter 110. English Language Arts and Reading.				
<b>Subchapter</b>	Subchapter A. Elementary				
<b>Course</b>	§110.13 English Language Arts, Grade 2				
<b>Publisher</b>	Acme Publishing, Inc				
<b>Program Title</b>	Running the Race for Reading				
<b>ISBN</b>	0123456789123				
<b>Correction Totals</b>	<b>Factual Errors=3</b>		<b>Editorial Changes=1</b>		<b>GRAND TOTAL=4</b>
<b>Component ISBN</b>	<b>Item Type</b>	<b>Page</b>	<b>Spec location on page/display/screen</b>	<b>Type of correction</b>	<b>Description of Error</b>
9780618827114	teacher edition	23	first paragraph	Factual Error	Change "brickk" to "brick".
9780618827190	teacher edition	56	left column	Editorial Change	Change "Red Fish" in italics to bold.
9780618827114	teacher edition	89	right column	Factual Error	Change "train treck" to "train track"
9780618827282	teacher edition	92	2nd paragraph from bottom of page	Factual Error	Change "help" to "hello".

Figure 1. Sample Identification of Errors and Changes by Publisher Form

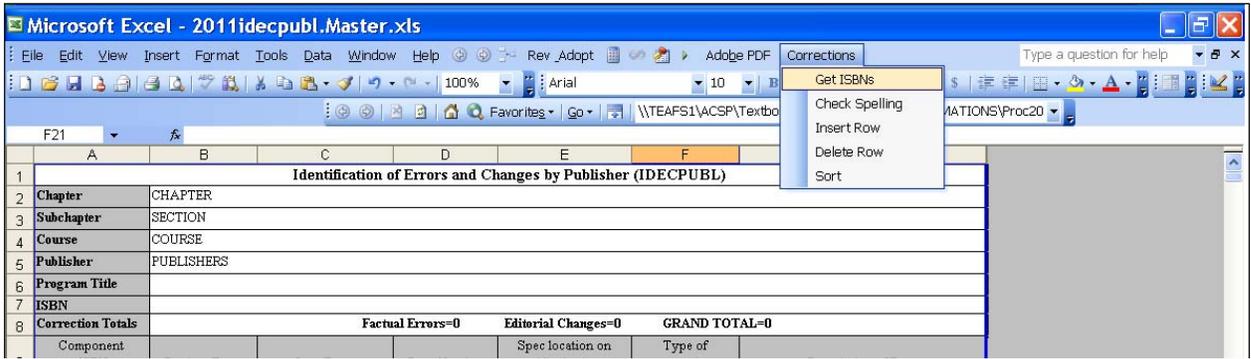


Figure 2. A Sample Identification of Errors and Changes by Publisher Form with Macros Menu

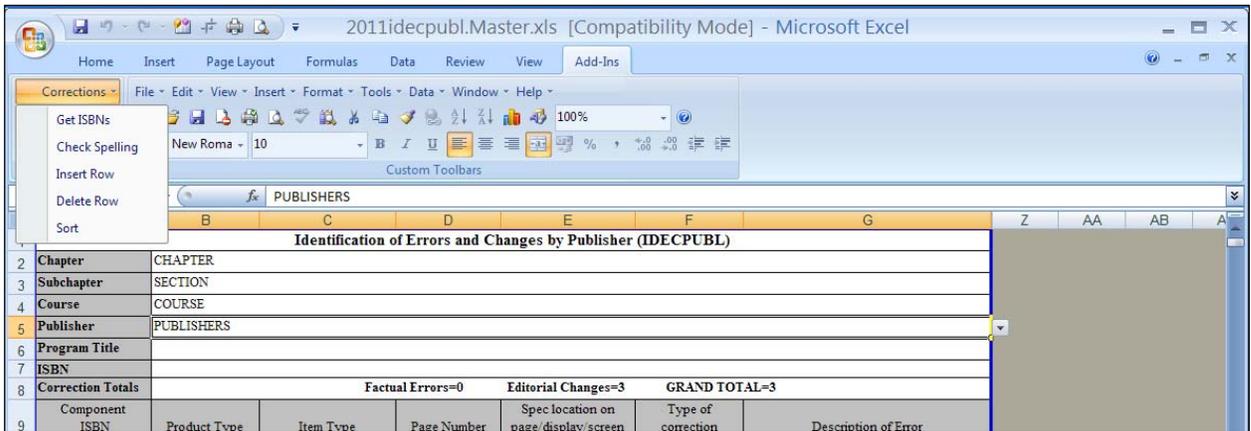


Figure 3. The Macros Menu in Microsoft Excel 2007.

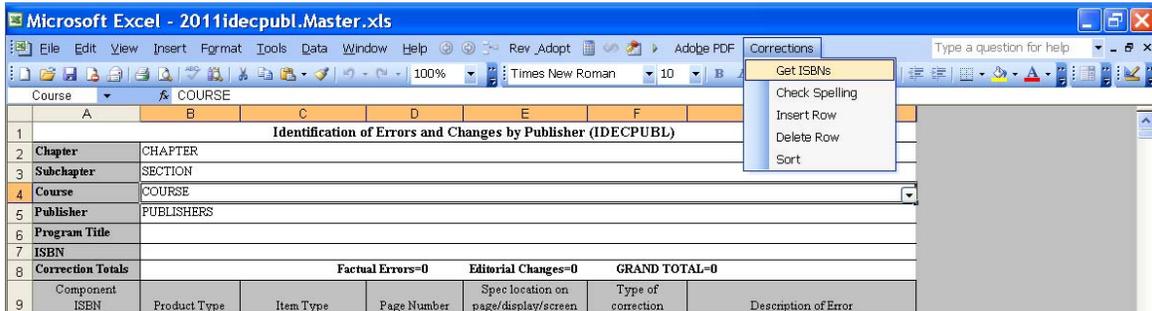


Figure 4. The Macros Menu in Microsoft Excel 2003.