

Proclamation 2011
of the State Board of Education

QUESTIONS AND ANSWERS

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Questions and Answers

The requirements discussed in this Question and Answer document pertain to evaluation procedures and curriculum requirements at the state level. These procedures and requirements do not preclude school districts from using additional criteria for their selection of state-adopted instructional materials.

General Questions

1. What are the important dates in the adoption cycle for Proclamation 2011 materials that publishers must be aware of (i.e. when to file Statement of Intent to Bid, TEA receipt of samples, panel review meetings, etc)?

All of the important dates for Proclamation 2011 are listed in the Schedule of Adoption Procedures (pages 1–8 of the proclamation). Proclamation 2011 is available on the TEA website at <http://ritter.tea.state.tx.us/textbooks/proclamations/index.html>.

2. Does the board limit the number of approved texts? If so, what is that number?

No. The State Board of Education (SBOE) does not limit the number of approved titles or texts.

3. Please clarify whether a publisher of online, web-delivered instructional material is required to secure a schoolbook depository.

Publishers whose products are delivered online are not required to maintain a depository in Texas. See 19 TAC §66.78(a) for more information.

4. In regards to the sampling requirements of an online, web-delivered instructional material, is it correct to understand that a “sample” could be a URL address (password protected for the review period) that permits access to the adopted product? Is it required that the web address provide access to the complete contents of the program versus some subset or sample of the adopted program?

Yes. Samples of web-delivered instructional materials can be a URL address with instructions on how the user accesses the contents. However, the web-delivered instructional materials must be representative of the final product and be completely functional.

5. Can a publisher submit the same book/materials for both middle and high school?

Yes. There is no prohibition against submitting identical materials for middle school and high school. However, in most subject areas, the TEKS for middle school and high school are different.

6. Do the TEKS need to be printed on the student materials?

No. Specifically printing the TEKS is not required, but TEKS coverage is.

7. Does this mean that teacher edition materials don't need to print the TEKS, either?

That is correct. Publishers are not required to specifically print the TEKS or ELPS in either the student or teacher materials. They are, however, required to cover the required TEKS and ELPS in both the teacher and student materials.

8. 19 TAC 66.54(c) states that the Commissioner of Education may “specify a lesser number of samples a publisher must provide.” Will TEA consider requiring fewer than 4 copies to ESCs for the Prekindergarten adoption?

For Proclamation 2011, publishers will be allowed to provide only two sample copies to each ESCs.

Content Questions

TEKS Coverage & Evaluation Criteria

9. Will submissions for high school materials be required to meet the Texas College and Career Readiness Standards?

Submissions for high school materials will be reviewed for their alignment with the Texas College and Career Readiness Standards, but the alignment will not be used to determine whether the materials are conforming, nonconforming, or rejected.

10. TEKS must be covered in the student and teacher materials. We assume that the definition of “student materials” includes materials that will be used by students such as textbooks, picture cards, audio recordings, practice books, online resources, and sound/spelling cards. Under this definition, some student materials, such as textbooks, may be provided for each individual student. Other resources, such as audio recordings and sound/spelling cards, may be provided in the teacher support pack. Please confirm that this definition is accurate.

All TEKS must be covered in the materials identified on the Statement of Intent to Bid as student materials as well as in those identified as teacher materials. The requirement to address TEKS in the student version of the textbook can be met by covering all TEKS in one student edition or by covering the TEKS across several student components.

11. Recent revisions to 19 TAC §66 have changed the requirements for TEKS coverage in instructional materials submitted for adoption. Can you please explain where, and to what extent, each of the TEKS in Proclamation 2011 needs to be covered?

19 TAC §66.36(a)(1) mandates that TEKS be covered in the student version of the textbook, as well as in the teacher version of the textbook.

The requirement to address TEKS in the student version of the textbook can be met by covering all TEKS in one student edition or by covering the TEKS across several student components. The state review panel will review each student component of a submission to determine TEKS coverage. The same is true for the requirement to address the TEKS in the teacher version of the textbook.

19 TAC §66.27(c) mandates that TEKS be covered a certain number of times in the student text narrative in addition to the end-of-section review exercises, end-of-chapter activities, or unit tests.

19 TAC §66.36(a)(1)(E) adds that if a TEKS statement has multiple expectations, at least three examples of each student expectation must be evident to ensure sufficient coverage.

All TEKS in Proclamation 2011 must be covered three times.

12. Do the same rules apply for English and Spanish, in terms of the number of times each standard must be addressed?

Yes. The same rules apply for both English and Spanish materials

13. Regarding addressing the TEKS three times in the SE and three times in the TE, your meaning is that if it is covered three times in the SE, then it is implied that if you have a wrap around TE and you have the SE inside the TE, that would automatically mean coverage of “three times” in the TE, correct?

Correct.

14. If you don't have a wrap around, would it have to be covered three times in the TE in another context and language other than the SE?

If the student version is sufficient to make sure the student has had the opportunity to learn that knowledge and skill, and no teacher interaction is necessary, then perhaps it doesn't have to be different in the TE and could be replicated. But we have to be careful in making a blanket statement as to there being one rule that applies universally across each and every knowledge and skill in each and every subject area in every grade level. For instance, when indicating TEKS in the "student narrative, end of chapter activities, and end of unit tests," that typically is more common at the upper grades. The break out documents will indicate which student expectations must be met in the student materials in each grade level. How each student expectation is covered in the teacher material at each grade level is at the discretion of the publisher.

15. Question on Texas Proclamation 2011, Elementary, Grades 2-5: If in the Teacher Edition sidebars, content includes explicit instruction with practice opportunity that cannot be considered optional and clearly covers a student expectation of a TEKS, will the content be considered for coverage?

If a sidebar constitutes comments and notations that are connected directly to the primary text, then one instance of TEKS coverage would be satisfied.

16. Will the proclamations spell out the review process, as far as not only meeting the TEKS covered three times, but also where they are covered?

No. The proclamation does not specify where the TEKS should be covered. However, 19 TAC §66.27(c) explains that TEKS must be covered a certain number of times in the student text narrative in addition to the end-of-section review exercises, end-of-chapter activities, or unit tests.

17. Is it permissible to use the "TAKS" label on Test Practice questions as long as they are faithful to the format and style of previous TAKS exams?

No. Publishers are not permitted to use the TAKS label on practice exams. Publishers may use the phrase "similar to Texas assessment program questions" to describe items they create.

18. Could purely digital materials, or perhaps mostly digital materials, be deemed acceptable and conforming if they meet the TEKS? Or do you envision a substantial portion of the product be print-based?

Conforming instructional materials can be in print form, electronic form, or both. It is the publisher's discretion as to the relationship of print vs. technology components of the submission.

19. Are publishers required to embed the five strands (reading, writing, research, oral/written conventions, listening/speaking) within a single TE, or can 1 or 2 strands be submitted in a separate TE, as long as the lessons correlate to the main TE?

Because the ELAR adoption will be split across two proclamations, not all the strands will be required in any one program except for grades K-1. It would therefore be unnecessary to embed all strands in one product. Furthermore, there is no requirement that a product have only one teacher component.

20. Do you have a recommendation as to how the instructional materials should be constructed to meet the needs of all children served in regular classroom environments?

No. The TEA does not offer advice or recommendations for developing instructional materials.

21. What are TX expectations in terms of progress in one year? How many proficiency levels do they expect an ELL to progress in a year? Do they expect all students in the same grade to begin the program at the same proficiency level?

For federal accountability related to progress in learning English, Texas expects ELLs to grow by at least one proficiency level a year. For a state accountability measure that is in the planning stages, ELLs are expected to increase in proficiency commensurate with their number of years in U.S. schools (i.e., if in U.S. schools 2 years they need to be at least Intermediate, if 3 years, at least advanced, etc.). Texas does not expect all ELLs in the same grade to start with the same proficiency level. New immigrants enter U.S. schools at different grades with varying amounts of prior exposure to English. For new immigrants with no English, if they make one proficiency level of progress a year, they reach the highest proficiency level by year 4. Studies that have been done in Texas show that ELLs who make progress at this rate have much higher TAKS passing rates in their 4th year in the U.S. than students who progress more slowly.

22. Is TEA looking for ONLY 3 of the best examples as citations or will they accept 5-6 in the event that one is rejected there are others as backup? If they will allow more, will they consider citations 4-6 if they do not think the one or more of the first three are acceptable?

Materials submitted under Proclamation 2011 must address each of the breakouts at least three times in order to be eligible for inclusion on the Conforming List. Publishers can include more citations on the correlation forms if they so choose. If necessary, the state review panel may consult the correlation instrument submitted by publishers as an aid to determine if the materials adequately address the requisite TEKS.

23. Would three different writing prompts in one writing workshop on a particular writing mode (for example, persuasive writing) meet the requirement of addressing the full set of breakouts for that writing mode three times?

As three prompts in one writing workshop generally means that the student has a choice and therefore only one opportunity to practice the skill, this would not satisfy the requirement of addressing the full set of breakouts for that writing mode three times.

24. For writing and grammar, grades 6-12, please confirm our assumptions about “Use and understand”

Recognize/Understand = exercises that ask students to identify or recognize the skill
Use = exercises that ask students to apply the skill, and not simply identify or recognize.

- a. Our assumption is that if a student can use/apply the skill then they also recognize/understand it. Is this correct? Is it sufficient to have the students use/apply the skill?

If a student can “use” a skill correctly such as punctuation marks, then the student’s “understanding” of the skill is evident.

- b. Can you clarify the distinction between these two skills?

Though “use” and “understand” are two discrete skills, a student would have difficulty “using” commas correctly in a nonrestrictive clause, for example, without first “understanding” the need for the comma(s).

25. In 7th grade writing standard 14 C, it states, “revise drafts to ensure internal and external coherence.” Please clarify what the TEA defines as internal and external coherence.

Internal coherence implies that ideas and/or sentences are organized in a logical sequence and with a fluid progression.

External coherence takes a larger view of a written composition. It implies that the major components—introduction, body, conclusion, or, in the case of a multi-paragraph essay, the paragraphs—are

organized in a logical sequence and flow easily, progressing from one idea to another but holding true to the central idea of the composition.

26. Questions for Proclamation 2011 TEKS:

Grade 1

110.12 (22) Oral and Written Conventions/Spelling

Students are expected to use letter-sound patterns to spell

(iii): one-syllable words with consonant blends (e.g., “drop”).

A consonant blend is a sequence of two or more consonant letters that spells (1) either the same sound that one or both of the constituent letters normally spell in isolation or (2) two or more sounds that are the sum of the sounds the constituent letters normally spell in isolation (Cummings, 1988).

Question: Do you consider words with initial consonant clusters gr, sp, sk, fr, pl, sl, gr, sl, sn, pl and cluster -st “consonant blends”?

Yes. A consonant blend is a sequence of two or more consonants (e.g., bl- in black; in Spanish, br- in brazos). [Found in glossary of *Standards for Ensuring Student Success from Kindergarten to College and Career: English and Spanish Language Arts and Reading*]

spell base words with inflectional endings (e.g., adding “s” to make words plural)

Per Ganske (2000), inflectional endings are suffixes that indicate verb tense (ing, ed), adjective and adverb comparisons (er and est), and noun plurals and possessives (s, es, ‘s, and s’).

Question: Does this definition meet the TEKS?

An inflectional ending is defined as letters that combine with a base word to express tense, number, moor, or person (e.g., -s, -ing, and -ed). [Found in glossary of *Standards for Ensuring Student Success from Kindergarten to College and Career: English and Spanish Language Arts and Reading*]

Grade 2

110.13 (23) Oral and Written Conventions/Spelling

(B) Students are expected to spell words with common orthographic patterns

and rules:

(i): complex consonants* (e.g., hard and soft c and g, ck)

Per Ganske (2000), complex consonants are consonant units that include three-consonant clusters, two-consonant units that sound like a single letter, and consonant and vowel units. Complex consonants include digraphs (qu), triple-letter blends (scr, shr, spl, spr, squ, str, thr), sound-alike final consonant patterns ck, ke, k, ch, tch, ge, dge, silent consonants (gn, kn, mb, and wr) and soft c and g.

Question: Does this definition meet the TEKS?

A complex consonant is a cluster or blend of two or more consonants (e.g., scr-, bl-, and -tch). [Found in glossary of *Standards for Ensuring Student Success from Kindergarten to College and Career: English and Spanish Language Arts and Reading*]

spell simple contractions (e.g., isn’t, aren’t, can’t)

Question: Please provide a list of simple contractions?

It is not the policy of the Agency to provide lists unless specified in rule or law. Examples of simple contractions (isn't, aren't, can't) may be found in the 2nd grade TEKS 23 (E). Examples of complex contractions (won't, should've) may be found in the 3rd grade TEKS 24 (F).

Grade 3

110.14(24) Oral and Written Conventions/Spelling?

(B) Students are expected to spell words with more advanced orthographic patterns and rules:

(vi) abstract vowels (e.g., ou as in could, touch, through, bought)

Per Ganske (2000), abstract vowels are vowels other than those influenced by r that are neither long nor short. Most of the patterns consist of vowels that form a diphthong or a digraph.

Question: Does this definition meet the TEKS?

Abstract vowels are commonly defined as those vowels that are neither short nor long.

spell words with common syllable constructions (e.g., closed, open, final stable syllable)?

Closed syllables end in at least one consonant; the vowel is short. Open syllables end in one vowel; the vowel is long. Final stable syllables, also called "consonant-le syllables," have a consonant-l-e combination or a nonphonetic but reliable unit such as -tion. Final stable syllables have unexpected but reliable pronunciations (Adams, 1990; Carreker, 1999a; Chard & Osborn, 1999a, 1999b; Ganske, 2000; Moats, 1995; UTCRLA, 2000b, 2001).

Question: Does this definition meet the TEKS?

Yes

spell complex contractions (e.g., should've, won't)

Question: Please provide a list of complex contractions?

It is not the policy of the Agency to provide lists unless specified in rule or law. Examples of simple contractions (isn't, aren't, can't) may be found in the 2nd grade TEKS 23 (E). Examples of complex contractions (won't, should've) may be found in the 3rd grade TEKS 24 (F).

*Also found in Grade 3 TEKS, 110.14(24) Oral and Written Conventions/Spelling?

(B) Students are expected to spell words with more advanced orthographic patterns and rules:

(v) complex consonants (e.g., scr-, -dge, -tch)

27. Can you clarify for us what is specifically meant by two of the TEKS below?

Grade 2, 110.13 (23) requires students to spell simple contractions (e.g., isn't, aren't, can't).

Grade 3, 110.14 (24) requires students to spell complex contractions (e.g., should've, won't)

Utah defines "simple" contractions as those that use will, am, is, and not.

Nevada defines simple contractions as those that use am, is, are, and not. Also including all not contractions in the simple category, but having are contractions in the simple category instead of will.

The simple contraction is one in which two words become one with minimal change. For example *is* not becomes *isn't*. A complex contraction requires more change and sophistication. For example *will* not becomes *won't*.

28. Any idea how Texas DEFINES "simple" versus "complex" contractions? Some examples are given, but there is no definition.

A simple contraction is one in which two words are combined into one without changing the base word and adding the contracted form of words such as not (i.e. isn't). A complex contraction is one in which two words are combined into one but the base word may change forms or the contracted ending has more than one letter (i.e. should've or won't).

29. For Writing Grade 7, TEKS (14) (C), Please define “internal coherence” and “external coherence”

Please see answer to question 25.

Prekindergarten

30. The Pre-K Guidelines document contains over 30 pages of introductory matter that outline such issues as assessment in early childhood education, strategies for working with children with disabilities and children who are English language learners, and the importance of family involvement.

- a. Will the evaluation criteria developed for this proclamation incorporate the “instructional recommendations” and other suggestions for Prekindergarten programs made in this introduction, or will the criteria focus specifically on the guidelines?

The evaluation criteria will focus specifically on the guidelines only.

- b. For example, page 23 (22) of the guidelines outlines full- and half-day schedules for Prekindergarten programs. Will the evaluation criteria for this adoption evaluate Prekindergarten systems on how well they conform to those schedules?

No.

- c. Given that the progress-monitoring section of the introduction recommends that “effective preschool programs should use multiple forms of assessment,” will assessment systems linked directly to the curriculum be considered part of the Proclamation 2011 Prekindergarten systems adoption and included in the unit price of \$3,870.23?

No, assessment systems are not required to be included in Proclamation 2011. However, publishers are free to configure their products as they deem appropriate. Additionally, in September 2009, the State Board of Education reduced the per-unit maximum cost for Prekindergarten materials to \$3,612.47.

- d. The 2011 Proclamation contains references to curricular material offered electronically. May on-line, subscription-based materials be included in the Prekindergarten systems that are developed? Is the cost of such materials to be included in the unit price of \$3,870.23?

Yes, on-line, subscription-based materials may be included in the Prekindergarten systems. The cost of the six-year subscription must be included in the unit price.

The maximum per-unit costs for Prekindergarten systems in Proclamation 2011 indicates the most that the state will pay for each system. Publishers, though, have the freedom to price their systems as they believe appropriate. School districts and open-enrollment charter schools are responsible for paying any amount in excess of the per-unit maximum cost. If a school district or open-enrollment charter school orders a system offered for less than maximum cost, they will receive textbook credits toward the purchase of additional instructional materials.

In September 2009, the State Board of Education reduced the per-unit maximum cost for Prekindergarten materials to \$3,612.47.

- e. May teacher training on the system be included, and can the cost of such training be included in the unit price of \$3,870.23?

Training can be included in the system and the cost included in the unit price. However, districts will not have the option of selecting the system without the training, whether or not they access the training. Additionally, in September 2009, the State Board of Education reduced the per-unit maximum cost for Prekindergarten materials to \$3,612.47.

- f. The \$3,870.23 unit price is for a system that includes both Spanish and English materials. The initial 2011 Proclamation had separate pricing for English and Spanish systems. Is it no longer an option to produce separate English and Spanish systems? Would it not be more economical to separate out the systems for those programs that may not require Spanish language student materials?

It is no longer an option to produce separate English and Spanish systems. Additionally, in September 2009, the State Board of Education reduced the per-unit maximum cost for Prekindergarten materials to \$3,612.47.

31. Could you clarify if it is required for publishers to provide training included with the price or if it is optional for publishers to provide training included within the price of the Pre-K system?

Teacher training to accompany Pre-K materials submitted under Proclamation 2011 is optional.

32. We are pleased to see that the Prekindergarten Guidelines focus heavily on supporting English language learners and that a major goal of the curriculum adoption process is to improve the quality of materials dedicated to instructing this group of children. The guidelines reference the Texas Administrative Code related to bilingual education and provide instructional recommendations for programs working with English language learners. We have the following questions related to the Texas Administrative Code and instructional recommendations:

- a. In the question and answer document for the 2010 Proclamation released recently, question 101 asked whether publishers are required to submit only student materials in Spanish, or both student and teacher materials. Does the answer—only student materials—apply to the 2011 Proclamation for Prekindergarten systems as well?

Please see answer to question 48

- b. In general, preschool teachers use at least three different types of curriculum resources: (1) teacher materials that introduce the curriculum to teachers, inform best practices for guiding and supporting children's learning, and provide guidance about setting up the Prekindergarten classroom; (2) materials that teachers use in planning for children, e.g., daily plans and activity suggestions; and (3) student books and supporting materials. We are assuming that both (2) and (3) above would need to be provided in Spanish as well as in English. Is this assumption correct?

Yes, your assumption is correct.

33. Providing the Pre-K systems are not required to meet MSST/NASTA specs—would that also mean that publishers will not need to file Form Bs and Ms for components in those systems?

Prekindergarten materials are not required to meet MSST standards. However, publishers of Prekindergarten materials must replace any and all nonconsumable components that fail to last the length of the adoption.

Publishers of Prekindergarten systems will not need to file Forms B and M.

34. In previous Pre-K adoptions, I think the ruling was that MSST specifications did not cover Pre-K materials and therefore we did not need to prepare or reprint any student paperback books at that level to meet MSST/NASTA specifications.

Is that still the case for Proclamation 2011?

Please see answer to previous question.

35. What will the procedure be for the review and evaluation of Pre-K instructional materials?

The procedure for the review of Prekindergarten materials will follow that of the other subject areas. The state textbook review panel members will evaluate the instructional materials submitted for adoption, compile a report on their findings, and make recommendations. The Commissioner of Education will submit recommendations to the State Board of Education (SBOE) for approval. Prekindergarten systems will be given a conforming, nonconforming, or rejected designation using the same criteria that are used for materials for grades K-12. To be eligible for the conforming list, Prekindergarten materials must meet 100% of the required outcomes, be free from factual errors, and meet manufacturing standards. To be eligible for the nonconforming list, Prekindergarten materials must meet at least 50% of the required outcomes, be free from factual errors, and meet manufacturing standards. Materials that do not meet at least 50% of the required outcomes will be rejected.

36. For the Pre-K TEKS, are there any domains that require more than 3 citations (i.e., similar to the Kindergarten beginning reading domain, which requires 5 citations)?

All domains require only 3 citations of each student outcome as indicated in the breakout document.

37. Is there a requirement regarding Pre-K Standards being noted at point of use in the Teacher's Edition? Or is it acceptable to align the Pre-K Standards within the scope and sequence of the Teacher Edition?

The place and method by which the Prekindergarten Outcomes are noted is left to the discretion of each individual publisher.

38. The timeline in Proclamation 2011 indicates that the Prekindergarten kits will have Spanish Components. What exactly does that mean?

Prekindergarten systems must have Spanish components that address the needs of English language learners. The content and composition of those components is left to the publisher's discretion. All components of Pre-K systems are due April 16, 2010.

39. Spanish—The TX Pre-K adoption (2011) notes a call for Pre-K systems (inc. Spanish Components and Teach. Ed.). I'm trying to find more info on what those Spanish components must be. Does this refer to a separate translated Spanish Teacher's Edition?

Please see answer to question 38.

40. In order for a Pre-K program to be considered for adoption, does there need to be equivalent Spanish components?

Yes. Please see answer to question 38.

41. The Texas Prekindergarten Guidelines state that a school district, with an enrollment of 20 or more limited English proficient (LEP) preschool-aged students in the same grade level, must provide a bilingual education program. Please clarify if a bilingual education program is required only in instances in which at least 20 of the LEP students are all proficient in the same non-English language. In other words, if you have 25 LEP students, but only 15 of these students speak the same non-English (Spanish), is the school district still required to implement a Spanish/English bilingual education program?

The Texas Administrative Code (TAC) 19 Title Chapter 89., [Adaptations for Special Populations](#), Subchapter BB. Commissioner's Rules Concerning State Plan for Educating Limited English Proficient Students; states the requirements of the bilingual program in the paragraphs below:

§89.1205. Required Bilingual Education and English as a Second Language Programs.

(a) Each school district which has an enrollment of 20 or more limited English proficient students in any language classification in the same grade level district-wide shall offer a bilingual education program as described in subsection (b) of this section for the limited English proficient students in

prekindergarten through the elementary grades who speak that language. "Elementary grades" shall include at least prekindergarten through Grade 5; sixth grade shall be included when clustered with elementary grades.

(b) A district shall provide a bilingual education program by offering a dual language program in prekindergarten through the elementary grades, as described in §89.1210 of this title (relating to Program Content and Design).

The statement above indicates that the district must have 20 LEP students at one grade level that in their home language survey specified the same language.

42. In a bilingual education program for preschool-aged children, are there expectations regarding:

- a. The amount/intensity of hours of instruction that must occur in a language other than English?
- b. Instruction in languages other than English in specific content areas?

The following excerpt from §89.1210 addresses (a) and (b)

§89.1210. Program Content and Design.

(b) The bilingual education program shall be a full-time program of instruction in which both the students' home language and English shall be used for instruction. The amount of instruction in each language within the bilingual education program shall be commensurate with the students' level of proficiency in each language and their level of academic achievement. The students' level of language proficiency and academic achievement shall be designated by the language proficiency assessment committee. The Texas Education Agency (TEA) shall develop program guidelines to ensure that the programs are developmentally appropriate, that the instruction in each language is appropriate, and that the students are challenged to perform at a level commensurate with their linguistic proficiency and academic potential.

As you can read above, the rule never mandates a specific time allotment. The proficiency of the student in both his/her home language and English needs to be taken into consideration, when making the decision as to intensity and duration of the home language instruction as well as English. The level of academic achievement is also key to this decision. The student's home language requirement is there only if a bilingual program is required to be offered.

43. Similarly, in an English as a Second Language (ESL) program for preschool-aged children, are there expectations regarding:

- a. The amount/intensity of hours of instruction that must occur in a language other than English
- b. Instruction in languages other than English in specific content areas?

§89.1210. Program Content and Design.

(d) English as a second language programs shall be intensive programs of instruction designed to develop proficiency in the comprehension, speaking, reading, and composition in the English language. Instruction in English as a second language shall be commensurate with the student's level of English proficiency and his or her level of academic achievement. In prekindergarten through Grade 8, instruction in English as a second language may vary from the amount of time accorded to instruction in English language arts in the regular program for nonlimited English proficient students to a full-time instructional setting utilizing second language methods. In high school, the English as a second language program shall be consistent with graduation requirements under Chapter 74 of this title (relating to Curriculum Requirements). The language proficiency assessment committee may recommend appropriate services that may include content courses provided through sheltered instructional approaches by trained teachers, enrollment in English as a second language courses, additional state elective English courses, and special assistance provided through locally determined programs.

(e) The English as a second language program shall be an integral part of the regular educational program required under Chapter 74 of this title (relating to Curriculum Requirements). Districts shall use state-adopted English as a second language instructional materials and supplementary materials as curriculum tools. In addition, districts may use other curriculum adaptations which have been developed. The district shall provide for ongoing coordination between the English as a second language program and the regular educational program. The English as a second language program shall address the affective, linguistic, and cognitive needs of limited English proficient students as follows.

(1) Affective. Limited English proficient students shall be provided instruction using second language methods in English to introduce basic concepts of the school environment which instills confidence, self-assurance, and a positive identity with their cultural heritages. The program shall address the history and cultural heritage associated with both the students' home language and the United States.

(2) Linguistic. Limited English proficient students shall be provided intensive instruction to develop proficiency in the comprehension, speaking, reading, and composition of the English language. The instruction in academic content areas shall be structured to ensure that the students master the required essential knowledge and skills and higher order thinking skills.

(3) Cognitive. Limited English proficient students shall be provided instruction in English in mathematics, science, health, and social studies using second language methods. The instruction in academic content areas shall be structured to ensure that the students master the required essential knowledge and skills and higher order thinking skills.

(f) Except in the courses specified in subsection (g) of this section, English as a second language strategies, which may involve the use of the students' home language, may be provided in any of the courses or electives required for promotion or graduation to assist the limited English proficient students to master the essential knowledge and skills for the required subject(s). The use of English as a second language strategies shall not impede the awarding of credit toward meeting promotion or graduation requirements.

(g) In subjects such as art, music, and physical education, the limited English proficient students shall participate with their English-speaking peers in regular classes provided in the subjects. The district shall ensure that students enrolled in bilingual education and English as a second language programs have a meaningful opportunity to participate with other students in all extracurricular activities.

(h) The required bilingual education or English as a second language programs shall be provided to every limited English proficient student with parental approval until such time that the student meets exit criteria as described in §89.1225(h) of this title (relating to Testing and Classification of Students) or graduates from high school.

Source: The provisions of this §89.1210 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective April 18, 2002, 27 TexReg 3107

The rule again, never mandates a **specific** time allotment. It specifically states that it is to be done commensurate to the student's English proficiency. The less proficiency the student has more intensity and duration should take place.

44. Please describe the process by which a preschool-aged child's level of proficiency shall be determined.

The process of identification as LEP, includes the identification of the level of proficiency. As you can read below you will find the specific process. The rule as written for you below, mentions that the evaluation is to be done using the *List of Approved Tests for Assessment of Limited English Proficient (LEP) Students* and the students are to be measured in listening and speaking. The *List of Approved Tests for Assessment of Limited English Proficient (LEP) Students* may be found in the following URL: http://ritter.tea.state.tx.us/curriculum/biling/0809List_of_LEP_Approved_Tests.pdf

§89.1225. Testing and Classification of Students.

(a) For identifying limited English proficient students, districts shall administer to each student who has a language other than English as identified on the home language survey:

(1) in prekindergarten through Grade I, an oral language proficiency test approved by the Texas Education Agency (TEA); and

(2) in Grades 2-12, a TEA-approved oral language proficiency test and the English reading and English language arts sections from a TEA-approved norm-referenced measure, or another test approved by TEA, unless the norm-referenced measure is not valid in accordance with subsection (f)(2)(C) of this section.

(b) Districts which provide a bilingual education program shall administer an oral language proficiency test in the home language of the students who are eligible for being served in the bilingual education program. If the home language of the students is Spanish, the district shall administer the Spanish version of the TEA-approved oral language proficiency test which was administered in English. If the home language of the students is other than Spanish, the district shall determine the students' level of proficiency using informal oral language assessment measures.

(c) All the oral language proficiency testing shall be administered by professionals or paraprofessionals who are proficient in the language of the test and trained in language proficiency testing.

(d) The grade levels and the scores on each test which shall identify a student as limited English proficient shall be established by TEA. The commissioner of education shall review the approved list of tests, grade levels, and scores annually and update the list.

(e) Students with a language other than English shall be administered the required oral language proficiency test within four weeks of their enrollment. Norm-referenced assessment instruments, however, may be administered within the established norming period.

(f) For entry into a bilingual education or English as a second language program, a student shall be identified as limited English proficient using the following criteria.

(1) At prekindergarten through Grade I, the score on the English oral language proficiency test is below the level designated for indicating limited English proficiency under subsection (d) of this section.

<http://ell.tamucc.edu/files/pI-233LPACProcessManual0907.pdf>

45. What are the required credentials/certifications of staff working in classrooms implementing bilingual education models and ESL models?

The teachers must be certified in bilingual education to teach the students required to be offered bilingual education and the ESL certification is required to serve those that are required to receive ESL services. All the details concerning this information may be found in the following URL:

<http://www.sbec.state.tx.us/SBECOnline/default.asp>

46. The Proclamation calendar indicates that the Prekindergarten kits will have a Spanish Component. What exactly is that? Have the Pre-K Guidelines been translated into Spanish? Do we anticipate some of the materials will be written in Spanish even though students in Pre-K most likely are not readers?

Proclamation 2011 calls for Prekindergarten systems including Spanish components and teacher edition. The Spanish components should address the needs of English language learners. The Prekindergarten Guidelines have not been translated into Spanish.

47. Are there people that TEA could recommend, who are experts in Pre-K bilingual education, who could provide input regarding the kinds of changes we would need to make to our program?

The TEA does not provide such recommendations.

48. Is the Spanish Teacher's Edition (equivalent to an English Teacher's Edition) also required for the Pre-K program submissions?

No, a separate Spanish Teacher's Edition is not required. The Spanish components should address the needs of English language learners. The Teacher's Edition should provide guidance for using the Spanish as well as the English components.

49. I understand that we are not required to have the exact verbiage of the Texas Prekindergarten Curriculum guidelines in the teacher guides. It is only required in the Correlation. Is that correct?

In general, publishers are free to make the decision regarding how to summarize or truncate a standard rather than including the full wording on the page. Publishers may document outcomes coverage at their discretion. With this in mind, if a shortened format is used, publishers are strongly cautioned to maintain the integrity and full intent of the original statement. In the case of the Prekindergarten Guidelines, coverage will be based on student outcomes according to the breakout instrument. The student outcomes must be covered in the Teacher's Edition.

50. Will districts be allowed to order only specific parts of a system, or must they order an entire system?

Districts must order the entire system. Districts are permitted to order replacements (at their expense) directly from the publisher for any components that are lost or damaged.

51. There is limited space as we layout the pages for the guide. We would like to make modifications to the guidelines on the teacher guide pages. We will use the full text of the guidelines in all of the other pieces of the program. Is this acceptable?

In general, publishers are free to make the decision regarding how to summarize or truncate a standard rather than including the full wording on the page. Publishers may document outcomes coverage at their discretion. With this in mind, if a shortened format is used, publishers are strongly cautioned to maintain the integrity and full intent of the original statement.

52. What exactly is the requirement for the Spanish version of the Pre-K learning system? Is the requirement that the Spanish version be equivalent to the English version or that it be a direct translation?

There is not a separate Spanish version. English and Spanish components must be submitted within the Pre-K learning systems. The Spanish components must be equivalent to the English. The Spanish version must be of the same level of difficulty and teach the same skills.

53. Regarding the Spanish requirement: How do we define equity?

Equity is not a term that is used in describing the translation of materials from one language to another.

54. Is it preferable to have Spanish translations of the literature and music, or more important to have authentic Spanish literature and music?

This is left to the discretion of each publisher.

55. Is it a requirement that the alphabet knowledge be presented in Spanish?

Yes.

56. Should the sequence of alphabetic knowledge and phonological awareness follow the same plan as the English, or should it be what makes the most sense for the Spanish alphabet? According to the Proclamation 2011 Schedule of Adoption Procedures, Spanish instructional materials do not need to be submitted to the state board until May 21, 2010. Does this date apply to Spanish materials that are part of a Prekindergarten system?

The sequence of alphabetic knowledge and phonological awareness is left to the discretion of the publisher.

The Prekindergarten samples (both English and Spanish components) are due on April 16, 2010.

57. Will an official Spanish translation of the Prekindergarten Guidelines be provided? If so, when will the translation be available?

Currently, there are no plans to translate the Prekindergarten Guidelines.

58. Please confirm the minimal number of times each Prekindergarten Outcome must be covered to be considered conforming.

State review panel members will be asked to find 3 citations of each outcome.

59. Are “such as” statements only suggestions, or are they required?

Statements using “such as” are only suggestions.

60. Will Prekindergarten programs be required to cite coverage of the Examples of Child Behaviors and Examples of Instructional Strategies that accompany each Prekindergarten Outcome? If so, are there a required number of times for each?

No, the examples included under “Child Behaviors” and “Instructional Strategies” are not required to be covered with each outcome. The evaluation criteria will focus specifically on the “outcomes” only.

61. How will the State Review Panel evaluate a Prekindergarten system for compliance with the narrative sections of the Texas Prekindergarten Guidelines?

The state review panel members will not evaluate the narrative sections of the Texas Prekindergarten Guidelines. The evaluation criteria will focus specifically on the “outcomes”.

62. Must the Prekindergarten Outcomes be explicitly printed in the teacher materials submitted for adoption?

Yes

63. The Prekindergarten Guidelines include “specific guidelines for the support of language development of Prekindergarten children whose home language is not English in English-only settings.” Will Prekindergarten programs be required to cover any other English language learner standards, such as a set of English Language Proficiency Standards (ELPS)?

Specific coverage of the English Language Proficiency Standards are not required in addition to the Prekindergarten Guidelines.

64. Are Prekindergarten programs required to provide instruction for the four English language proficiency levels that have been identified—beginning, intermediate, advanced, and advanced high?

Please see answer to previous question.

65. Will publishers be penalized for including material that goes above and beyond the Texas Prekindergarten Outcomes? For example, Texas Prekindergarten Outcome V.A.5 reads “Child counts up to 10 items, and demonstrates that the last count indicates how many items were counted.” Is instruction that requires children to count 15 items acceptable?

Publishers will not be penalized for including material that goes above and beyond the Prekindergarten Outcomes as long as the required outcomes are adequately covered.

66. Is it required that explicit instruction be provided for all outcomes? Some outcomes may be better addressed through modeling and ongoing interaction. For example: I.B.3a Child sustains attention to personally chosen or routine tasks until they are completed. If materials include the Examples of Instructional Strategies for these Outcomes, will the outcomes be considered covered?

It is at the discretion of the publisher to determine the best method of assuring coverage of an outcome. The examples given under “Instructional Strategies” are not required to be covered with each outcome. The strategies given are only suggestions to help clarify the outcome.

67. Texas Prekindergarten Outcome III.B.4. reads “Child combines syllables into words,” but the Examples of Child Behaviors include segmenting activities. Please clarify the intent of this outcome.

As stated above, it is at the discretion of the publisher to determine the best method of assuring coverage of an outcome. The examples given under “Child Behaviors” are not required to be covered with each outcome. The behaviors given are only suggestions to help clarify the outcome.

68. The following Prekindergarten Outcomes refer to specific hardware devices. Can it be assumed that classrooms are equipped with these devices? Please confirm that publishers are not required to provide hardware.

X.A.2 Child uses and names a variety of computer input devices, such as mouse, keyboard, voice/sound recorder, touch screen, CD-ROM.

X.A.3 Child operates voice/sound recorders and touch screens.

Publishers will not be required to provide hardware as part of the system.

69. Outcome X.A.1 states: Child opens and navigates through software programs designed to enhance development of appropriate concepts. Can a publisher assume that such software programs are already available in the classroom or is the expectation that publishers are providing the software programs as part of the kit?

Publishers will not be expected to provide the software programs.

70. Outcome II.D.3. states: Child demonstrates understanding in a variety of ways or knowing the meaning of three to four thousand words*, many more than he or she uses. Should "ways or knowing" be "ways of knowing"?

Yes. It should read “ways of knowing”.

71. Must the Prekindergarten systems include ELL/ESL, Bilingual, Special Ed, and General Ed all in one group? Would we submit our bid for all of it together or is it split into individual categories?

Publishers are free to configure their products as they deem appropriate.

72. We'd like further clarification as to what is required for “each school district” for the December 3, 2010 due date. Will a complete description of an adopted Pre-K system and its ancillary materials that will be provided at no cost meet that district-level requirement?

Yes.

73. Are publishers required to sample a complete Prekindergarten system if a district requests it? Would a sampler and a complete description—rather than a complete system—be acceptable?

Yes. That would be acceptable. Samples of learning systems may be provided in demonstration or representative format. Identical samples must be provided to each school district or open-enrollment charter school that requests samples.

74. Are pre-decodable and/or decodable books desired for the Pre-K adoption?

The TEA cannot offer advice or recommendations for developing instructional materials. Publishers are free to design their programs at their discretion.

75. Are there 29 letters or 30?

There are 29 letters.

76. There is conflicting research on phonological awareness for Spanish. Should we teach down to the individual phonemes or to the syllable?

Both phonemes and syllables must be addressed. The introduction of the Spanish TEKS K-6 in 19 Texas Administrative Code §128.11(a)(2)(A) states:

Spanish, as opposed to English, has a closer letter-sound relationship and clearly defined syllable boundaries. The syllable in Spanish is a more critical unit of phonological awareness than in English because of the consistent phoneme-grapheme correspondence. Syllables are important units for Spanish because of their strong effect in visual word recognition (Carreiras et al., 1993) and their major role in predicting Spanish reading success. In addition, Spanish presents a much higher level of orthographic transparency than English and does not rely on sight words for decoding. This orthographic transparency accelerates the decoding process, and the focus quickly moves to fluency and comprehension. Spanish uses frequency words that are identified by the rate of occurrence in grade appropriate text and used to build on fluency and comprehension. However, in English, "sight" words are used because of words that are not decodable such as "are" or "one." In Spanish, decoding issues are not as prevalent as issues of comprehension. These specific features of the Spanish language will influence reading methodology and development.

77. If the Pre-K system submission is primarily a print format, then is the teacher's guide required to be in an electronic form?

In accordance with the requirements for Proclamation 2011 specified by the SBOE at the September 2009 meeting, publishers are required to provide digital versions of teacher materials. This includes Prekindergarten materials. This requirement does not preclude a publisher from providing the teacher's guide in both print and electronic form.

78. Since the Pre-K call for materials is for a system rather than specific student material, is it correct to assume the guidelines must be covered three times in the materials provided without regard to whether the material is for the student or for the teacher? The Pre-K breakouts do not specifically require that they be covered in a student component or a teacher component. They just imply that the Pre-K Guidelines must be covered in the system. Please confirm this is correct.

That is correct. The Pre-K Outcomes must be covered 3 times, which may occur in only one component or across several different components. The requirement to cover the standards three times in both the teacher and student materials does not apply to Pre-K systems.

79. I believe you indicated that the Spanish and English components all need to be part of the same classroom kit. Is my understanding correct? If so, does the maximum cost of \$3870 need to cover all English and all Spanish components or can each set of components cost a maximum of \$3870?

Yes, English and Spanish components need to be in the same classroom kit. In September 2009, the State Board of Education reduced the per-unit maximum cost for Prekindergarten materials to \$3,612.47 for the entire kit. Publishers may set prices in excess of maximum cost. School districts and open-enrollment charter schools are responsible to cover any amount above the maximum cost.

80. Will the samples of the Spanish components of Pre-K materials be due on the same day as the samples for the English components (April 16, 2010), or will they be due on the date for Spanish samples (May 21, 2010)?

Because the proclamation calls for Spanish components to be included in the Pre-K systems, the samples of the Spanish components will be due on the same day as the samples of English components (April 16, 2010).

81. For Proclamation 2011: Many curricula, especially PreK, don't offer electronic teacher and/or student materials. Is the State Board saying that there must be electronic materials in order for a submission to be considered?

Yes. All materials submitted for Proclamation 2011 must include a digital version of teacher materials. The manner in which the digital teacher materials are provided (e.g., PDF on CD, online version, or other format) is left to the discretion of the publisher.

82. How do free teacher editions & consumables apply to Pre-K programs?

Free teacher editions and consumables apply to Pre-K programs in the same way that they apply to programs for grades K–12. Please see State Board of Education rule [19 TAC, §66.51(a)(3)] for more information regarding the teacher editions, and page 10 of Proclamation 2011 for more information regarding consumables.

83. What is the minimum number of students served required for a district to be able to purchase a Prekindergarten system? If a school has one classroom of 18 students and another classroom of 8, how many systems may they order?

Each Prekindergarten kit should serve between 18–22 students. If one classroom has 18 students and another has 8 students, the school would be eligible to order two systems. A school that has between 22 and 44 Prekindergarten students would be eligible to order 2 systems. A school that has between 44 and 66 Prekindergarten students would be eligible to order 3 systems.

Spanish Requirements/Versions

84. Are Spanish materials considered a separate adoption?

No. Spanish materials are considered part of the same adoption as their corresponding English materials. They are called for in the same Proclamation and are reviewed and adopted at the same time. It is possible, however, for the State Board of Education to adopt Spanish materials without adopting its English counterpart and vice-versa. This is not the case for Prekindergarten materials. Pre-K materials must include Spanish components; the Spanish and English materials are considered part of the same kit.

85. Should the Spanish TEKS practice questions in the Spanish program directly translate the questions in the English program, or should they be different? If different, what sort of changes would the agency like to see in the Spanish version?

The practice questions must be in Spanish. They may be translated from the English or authentic to include aspects of the students' culture. The decision on what to include is up to the publisher.

86. Should a publisher submit ancillaries and technology support in Spanish, or is the core basal program sufficient?

The Proclamation calls for Spanish materials for grades 2-5. State-adopted instructional material has to be comparable in both languages. Ancillaries are not reviewed for coverage of the TEKS nor are they state-adopted. The primary responsibility for publishers with regard to ancillaries is their equitable distribution, as described in Chapter 31 and in 19 TAC Chapter 66.

87. It is a good idea to offer Spanish products that parallel the English materials?

The TEA does not give advice about what types of materials a publisher should offer. In the past, publishers have submitted Spanish versions of their submitted English materials.

88. Please confirm that the requirement that publishers submit electronic files of printed student components includes Spanish versions of student products submitted.

Yes.

89. Is there a place on the TEA web site that lists the Spanish requirements? If so can you give me that web address?

Yes. The URL is: <http://www.tea.state.tx.us/teks/SLATEKS.html>.

90. Do the trade books in the Spanish program need to be the same books that are in the English program?

No. The trade books in Spanish do not need to be the same books as those in English.

91. Is there someone who can explain to us how the transition from Spanish to English needs to be supported (if at all) in the program?

The introduction to the TEKS specifically addresses the transition. It is up to the publisher the depth and breadth this information is addressed.

Texas Administrative Code (TAC) §128.11. Spanish Language Arts and Reading, Kindergarten, Beginning with School Year 2009-2010.

(C) The effective transfer of skills transpires as students develop their metalinguistic skills and as they engage in a contrastive analysis of the Spanish and English languages (Cummins, 2007). Transfer matters occur within fundamentals of language that are common to Spanish and English; within fundamentals that are similar, but not exact in both languages; and in fundamentals specific to each language and not applicable to the other language. The strength of learning through formal instruction in Spanish determines the extent of transfer in English (August, Calderon, & Carlo, 2000; Slavin &

Calderon, 2001; Garcia, 2001). In other words, for transfer to occur, comprehension of the "rules" and the realization of their applicability to the new language specific tasks are necessary.

(D) The concept of transfer necessitates the use of some of both languages in which both (Spanish and English) co-exist with flexibility. As a result of working within two language systems, students' metalinguistic and metacognitive skills are enhanced when they learn about the similarities and differences between languages. This is reliant on the type of bilingual program model being used (See Texas Education Code, §29.066).

ELPS, ELL, ESL

92. ELPS must be addressed three times in a lesson in order for a submission to be considered conforming. Does the standard need to be completely addressed in each instance or can it be addressed cumulatively? If for instance a standard refers to teaching of vowels, does every vowel need to be addressed each of the three times?

Yes. Each vowel must be covered three times. All student expectations—both TEKS and ELPS—must be addressed completely in three separate instances in order to be sufficiently covered.

93. Please confirm that the English Language Proficiency Standards 2, 3, 4 and 5 are the only ELPS that need to be covered in the 2011 proclamation materials. Clarification on the specific requirements for the coverage of the standards in the 2011 proclamation materials is also needed.

In order to be conforming, the Texas Administrative Code (TAC) Chapter 74.4, Subchapter A, of the required curriculum subsections (c)(1)-(5) need to be covered. They include:

- (1) Cross-curricular second language acquisition/learning strategies. (8 student expectations)
- (2) Cross-curricular second language acquisition/listening. (9 student expectations)
- (3) Cross-curricular second language acquisition/speaking. (10 student expectations)
- (4) Cross-curricular second language acquisition/reading. (11 student expectations)
- (5) Cross-curricular second language acquisition/writing. (7 student expectations)

94. Are ELPS required for every subject?

The ELPS must be addressed in each content area as proclamations are issued.

95. Do ELPS need to be cited by name and/or number in the TE and SE? If so, how and where specifically should they be labeled?

Specifically citing the ELPS by name and/or number in the teacher or student material is not required, but ELPS coverage is.

96. How can grades 2-5 ELA instructional materials best address the Limited English Proficient Students (LEP) who are required to receive only ESL services?

The 2-5 ELA instructional materials incorporate the English Language Proficiency Standards, which modify the instruction to make the English Language Arts content area accessible to the English language learners who are receiving only English as a Second Language service.

97. Must each broken out ELPS for each domain (Listening, Speaking, Reading, Writing) be covered for each English proficiency level (Beginning, Intermediate, Advanced, Advanced High)? In other words, must we cover one broken out standard 3 times for Beginning, 3 times for Intermediate, 3 times for Advanced, and 3 times for High Advanced?

It is not required for each of the Proficiency Level Descriptors (PLDs) to be covered within all of the domains. It is the publisher's discretion to present the ELPS, incorporating as many PLDs as they deem necessary to convey the knowledge and skills based on the guidelines stated in the introduction.

98. Are publishers required to embed the ELPS in each daily lesson?

The ELPS as listed in the Texas Administrative Code (TAC) Chapter 74, Subchapter A., Required Curriculum section (c) Cross-curricular second language acquisition essential knowledge and skills subsections (1), (2), (3), (4) and (5) must be included at least three times in the student materials as well as the teacher materials.

99. The English Language Proficiency Standards, Domains 2-5, as shown in Proclamation 2011, are the TEKS for ESL K-8 submissions. Does this mean that they must also be met 3 times in both the student and teacher materials?

Yes. The ELPS as listed in the Texas Administrative Code (TAC) Chapter 74, Subchapter A., Required Curriculum section (c) Cross-curricular second language acquisition essential knowledge and skills subsection (1), (2), (3), (4), and (5) must be included at least three times in both the student and teacher versions.

100. In subjects other than ESL, am I correct in my assumption that the review panels will be evaluating the submissions to ensure that the ELPS are an integral part of the materials, but that they do not have to be covered three times as in the ESL materials?

The ELPS as listed in the Texas Administrative Code (TAC) Chapter 74, Subchapter A., Required Curriculum section (c) Cross-curricular second language acquisition essential knowledge and skills subsection (1), (2), (3), (4), and (5) must be included at least three times and embedded in the non-ESL or ESOL subjects.

101. What is the requirement for the number of times each English Language Proficiency Standards must be covered in materials submitted for Proclamation 2011?

Three times.

102. If we are not submitting ELL materials, do we have to address the specific ELL TEKS?

Yes. The ELPS must be addressed in each content area as proclamations are issued.

103. Am I correct in saying that when developing an ESL K-5 program to bid in Texas that will be conforming, we must meet all the TEKS for ELPS (c)(2)-(5) but not the TEKS for English Language Arts and/or Reading?

In order to be conforming, ESL materials for the SEs must meet 74.4 (c)(1)-(5); ESL materials for TE must meet 74.4 (c)(1)-(5). ESL materials are not required to meet any other ELAR TEKS.

104. We are in the planning stages of developing K-5 and 6-8 English as a Second Language programs designed specifically for Texas. I would like to confirm that the ELPS in section 74.4(c)(2)-(5) are the ESL standards for K-8 ESL programs that the respective review panels will use to determine if a submitted program is conforming under Proclamation 2011. In the past adoption and the high school adoption under Proclamation 2010, there are specific TEKS for ESL programs. The absence of specific TEKS for K-8 ESL in Proclamation 2011 leaves me wondering if I am missing something. We would appreciate your clarification on this matter.

Proclamation 2011 contains the English Language Proficiency Standards (see page 101) which are the ESL standards for K-8 programs. The breakouts—posted online at <http://ritter.tea.state.tx.us/textbooks/proclamations/proc2011/index.html>—indicate which expectations are required for the student materials and which are required for the teacher material.

105. It is my understanding that K-5 and 6-8 ESL need to meet ELPS + the ELAR TEKS. I assume we will also get a breakout for those ELAR TEKS and that column E will be adapted from Proclamation 2010 to address the ESL adoption (but that the actual breakouts remain the same). Is that a correct assumption?

Proclamation 2011 contains the English Language Proficiency Standards, which are the ESL standards for K-8 programs. 19 TAC §74.4(c)(1)-(5) should be covered in the student materials, and 74.4(c)(1)-(5) should be covered in the teacher materials. The breakouts for Proclamation 2011 are posted at <http://ritter.tea.state.tx.us/textbooks/proclamations/proc2011/index.html>.

106. The English as a Second Language TEKS are the ONLY TEKS we need to address in order to be conforming as an ESL text. Is that correct?

Yes. That is correct. The ESL TEKS (which are comprised of the ELPS) are the only required standards for the English as a Second Language materials. The ESL breakouts, which list all of the required standards, are available on the TEA website at:
<http://ritter.tea.state.tx.us/textbooks/proclamations/proc2011/index.html>.

107. Do we need to correlate our Grades 6-8 ESL to the Grade 6, 7, and 8 ELAR TEKS?

The Proclamation 2011 Grades 6-8 ESL materials are not a replacement for the English Language Arts and Reading TEKS. The purpose of the ESL materials is for language acquisition. Students will have access to both the ELAR materials and the ESL materials.

108. Are English Language Proficiency Standards required for Spelling and Handwriting?

No. The English Language Proficiency Standards are not required for Spelling and Handwriting.

109. I researched this in the TX code (see below*) and found some very useful and informative information, but would like to know if there are more specific guidelines that we as the publisher should be aware of when building our lesson pacing guides.

(d) English as a second language programs shall be intensive programs of instruction designed to develop proficiency in the comprehension, speaking, reading, and composition in the English language. Instruction in English as a second language shall be commensurate with the student's level of English proficiency and his or her level of academic achievement. In Prekindergarten through Grade 8, instruction in English as a second language may vary from the amount of time accorded to instruction in English language arts in the regular program for nonlimited English proficient students to a full-time instructional setting utilizing second language methods.

You have the response in the paragraph that you cited. The time the students are required to stay in the ESL program depends on the level of English proficiency. You quoted correctly from the program content and design above "commensurate with the student's level of English proficiency and his or her level of academic achievement."

Also, 19 Texas Administrative Code (TAC) Chapter 74, Subchapter A. Required Curriculum the English Language Proficiency Standards (ELPS) Section 4 (b)(4) in its introduction, it includes the following directive within the school district requirements:

(4) provide intensive and ongoing foundational second language acquisition instruction to ELLs in Grade 3 or higher who are at the beginning or intermediate level of English language proficiency in listening, speaking, reading, and/or writing as determined by the state's English language proficiency assessment system. These ELLs require focused, targeted, and systematic second language acquisition instruction to provide them with the foundation of English language vocabulary, grammar, syntax, and English mechanics necessary to support content-based instruction and accelerated learning of English.

In other words, for the English language learners who are at the beginning and intermediate stages of English language proficiency, more time and effort needs to be expended by the teacher in their English as a Second Language (ESL) acquisition.

The state does not prescribe a specific amount of time but provides guidance through the Commissioner's rules which allows the teacher and the Language Proficiency Assessment Committee (LPAC) to make that determination based on the many assessments including the state proficiency assessments in the form of the Texas English Language Proficiency Assessment System (TELPAS) and Texas Assessment of Knowledge and Skills (TAKS).

110. Can you explain the maximum cost structure for ESL grades 6-8 student materials? Since ESL programs are proficiency-based (verses grade-level specific), a 6th grade teacher could use a higher-level text while an 8th grade teacher could use a lower-level text. How was pricing for ESL determined?

The maximum cost for ESL materials is determined in the same manner as the maximum cost for other materials. That the programs are proficiency-based rather than grade-level specific does not affect how the maximum cost is determined.

Process Related

Submission Requirements

111. How do you define a statewide license?

A statewide license grants the right to use and makes a program submitted for adoption available to every student in the state taking the subject and/or in the grade level for which the material is intended and every teacher in the state teaching the subject and/or grade level for which the materials is intended. For example, a statewide license for a 1st grade mathematics program would grant the right to use and make the program available to every 1st grade student and every 1st grade teacher in the state. A statewide license for an Algebra I program would grant the right to use and make the program available to all students in Texas taking Algebra I and all Algebra I teachers in Texas. The statewide license must provide access to online instructional materials from the school, library or home. Statewide licenses are only applicable to materials delivered electronically.

112. Does the statewide license need to be priced as a per pupil, school, district, or statewide fee? What constitutes ancillaries? Is this just booklets or does this include posters, wall charts, and desk strips?

The statewide license should be priced as a statewide fee.

Ancillaries are defined by State Board of Education rule as materials that are not listed on a publisher's intent to bid statement, but that the publisher plans to provide to districts and open-enrollment charter school free with their order. For more information, please see 19 TAC §66.69.

113. What format does the electronic TE's and ancillaries need to be in? Will PDF meet this requirement.

The manner in which the digital teacher materials and ancillaries are provided (e.g., PDF on CD, online version, or other format.) is left to the discretion of the publisher.

114. Do we submit both print and electronic format of TE's and ancillaries to SBOE, RSC's, state review panels as well a local hearings?

Publishers are to include electronic versions of teacher materials in their bid. Publishers must therefore include the electronic teacher materials with the samples sent to the TEA, ESCs, state review panels, and school districts. Publishers are not required to provide samples of ancillaries.

115. If the teacher's edition is submitted in print form, is it required to be submitted in electronic form under the same submission package? Or does the teacher's edition just have to be available in electronic form?

The digital version of the teacher materials must be included as part of the same bid as the print version, unless the publisher is offering an electronic version of the entire bid separately.

116. May a publisher submit a program that includes a print version and a digital version of the same content, if the publisher also separately submits a program that is an all-digital version?

Yes. A publisher may submit a program that includes print and digital components. If a publisher provides an all-digital version of the content, the publisher must submit a separate bid for the all-digital version.

117. Does an "all-digital version" mean that just the student edition needs to be digital or does the student edition and teacher edition have to be digital?

An all-digital version means that the student materials are digital. Teacher materials may be provided in print, but under Proclamation 2011, publishers are also required to provide a digital version of teacher materials.

118. May a publisher submit a program that is mainly print and includes a few components available only in digital format?
- Yes. The requirement to offer digital and print programs separately is not intended to forbid the inclusion of digital components in a print submission.
119. Will the digital student and teacher versions be required to undergo the state review panel and error correction process?
- Yes. All materials submitted for adoption must undergo a full and complete investigation by the state review panel.
120. Does Proclamation 2011 stipulate that a publisher who submits a teacher's edition needs to also submit the same version of this book electronically?
- Yes. The new requirements added by the State Board of Education at the September 2009 meeting stipulate that publishers are to provide a digital version of teacher materials. This includes the teacher edition. The manner in which the digital teacher materials are provided (e.g., PDF on CD, online version, or other format.) is left to the discretion of the publisher.
121. Related to the above, do consumable workbooks need to be provided electronically?
- Consumable workbooks need to be provided electronically only if they are ancillaries or are part of the teacher materials. The decision whether to provide electronic versions of consumable student materials is left to the discretion of the publisher.
122. Regarding the requirement to bid the electronic version, are you saying if we're bidding it in conjunction with the print we also have to bid it separately, or are you saying if you have it you have to bid it for sale?
- What the board said is if you have a standalone digital component – many times publishers bundle them together such as if you buy the print you get the digital, if you buy the digital you get the print. You can still do that, but the board asks that you bid that digital version separately as well. So that the district has a choice. They can order the version that is both, or they can just order the digital version should they want to do so.
- If you have components of your program that are digital but they are not the whole program and don't stand alone, then you don't have to add them separately – that stays the same as it has been in the past.
123. Please define "standalone" with regard to electronic components that must be separately bid (but may be listed as well in an original bid as a component).
- Proclamation 2011 requires that publishers that offer digital versions of a print program bid the versions separately. This requirement is not intended to forbid the inclusion of digital components in a print submission. If all of the electronic components taken together address all of the required TEKS and ELPS, the components are considered standalone and must be offered together as a separate bid. If all of the electronic components taken together do *not* address all of the required TEKS and ELPS, the publisher is *not* required to offer them together as a separate bid.
124. Regarding criteria for Proclamation 2011, can publishers assume that the breakouts for the ELPS will be the same as the breakouts for Proclamation 2010? Is the required coverage for ELPS in student and teacher materials for Proclamation 2011 also the same as Proclamation 2010?
- The ELPS breakouts for Proclamation 2011 will differ slightly from those of Proclamation 2010 as they have been collapsed in some cases. The breakouts for Proclamation 2011 are posted at <http://ritter.tea.state.tx.us/textbooks/proclamations/proc2011/index.html>.

125. Are there formal state rules that govern publisher requirements for district samples following the state adoption?

Yes. According to 19 TAC, §66.101 (b), publishers are required to provide a complete sample of adopted instructional materials to each school district or open-enrollment charter school upon request. Samples of instructional materials provided to school districts shall be labeled "Sample Copy-Not for Classroom Use."

126. What information will be given to districts regarding samples publishers will provide. What should the response be if districts want and request printed versions of ancillary and supplemental components of adopted programs?

Publishers are required to provide districts with information that fully describes adopted instructional materials. The information provided to each school district or open-enrollment charter school must be identical in content. Publishers are not restricted from sending samples of ancillary and supplemental materials to districts. Publishers shall provide requested samples of any ancillary or supplemental material in digital or web-based format only.

127. What is the requirement for sampling state-adopted programs?

Under Proclamation 2011, publishers must submit two official sample copies of materials submitted for adoption to the TEA and to each of the 20 ESCs by the April 16, 2010 deadline. Following the adoption, publishers must submit two final corrected copies to the TEA and to each of the 20 ESCs by the April 29, 2011 deadline. Additionally, publishers must provide one sample copy of adopted instructional materials to school districts and open-enrollment charter schools upon request. The requirement for providing samples to the TEA, ESCs, and state review panels are found in State Board of Education rule 19 TAC §66.54. The requirement for providing samples to school districts and open-enrollment charter schools is found in State Board of Education rule 19 TAC §66.101.

128. We currently publish a classroom kit of 24 at grades 2-3. In these kits there are multiple copies of each lesson that are put into file folders and stored in bins (all of this is provided with the program). Is Texas requiring per student materials (aka student workbooks) or will classroom kits be allowed?

Classroom kits may be submitted. However, publishers who bid systems rather than student editions which are adopted by the state will be paid by the state on a per unit (student) basis based on the student edition maximum price as called for in Proclamation 2011. For example, if the SBOE establishes a maximum cost of \$50 for a student edition in a given subject, and a publisher bids a \$1,000 system, at least 20 students must be served in order for the publisher to be paid the entire \$1,000. If the district has less than 20 students in the class(es), the publisher will be responsible for collecting a portion of the cost from the district.

129. We'd like to get clarification on the requirements for labeling sample materials provided to school districts. Is the publisher required to label every single item in a submission including manipulatives, charts, and posters?

Yes.

130. Will manipulatives and hands-on materials be considered in either the conforming or non-conforming categories if they are submitted along with an extensive Teacher's Guide that aligns the materials to the TEKS for that grade level?

Yes. If the manipulatives and hands-on materials are required to meet the TEKS coverage, they should be included as part of the Statement of Intent to Bid and submitted for panel review.

131. We would like to attach a packet to the endpaper of a textbook for holding a CD-ROM disc. Would this be allowable under the MSST?

No. Although the MSST (Manufacturing Standards and Specifications for Textbooks) is silent on this possible feature in a textbook, the intent of the specifications would disallow its use for the following

reasons: 1) no instructional material shall be printed or attached on any page of the endsheets unless reproduced elsewhere in the book; 2) by attaching the disc to the endpaper, the disc becomes an integral part of the textbook, but because of its nature, it has to be removed from the book to be used. This subjects it to being lost or damaged, which is contrary to the very reason for the binding specifications, which try to permanently incorporate all instructional material within the covers of the book.

132. In a question about endpapers, part of the response is: "no instructional material shall be printed or attached on any page of the endsheets unless reproduced elsewhere in the books." If instructional content is treated number by number and/or letter by letter within the body of the book can it be repeated on the outside back cover?

Yes.

133. Are soft cover books allowed to be submitted? Does this depend on whether the text is the main student text, a consumable text, or a teacher component?

Yes. Some soft cover textbooks are allowed (consumables, workbooks). Please refer to the Manufacturing Standards and Specifications for Textbooks (MSST) adopted by the SBOE for more details. You can find additional information at www.bmibook.org.

134. Do all submissions need to have a 13 digit ISBN, as per the industry change effective January 1, 2007?

Yes.

135. Can a publisher use a unique reference number instead of the ISBN for the teacher resource system? All products contained in the teacher resource system have assigned ISBN numbers.

No. A publisher may not use a unique reference number instead of an ISBN.

136. Can the same ISBN be bid in both the English and Spanish category if it meets the TEKS?

No. Since they are in different languages, they must carry different ISBNs. While TEKS are the same, the content may be different and the programs are reviewed by different panels.

137. How complete does the product need to be by April 16, 2010?

Samples of student and teacher components of instructional materials submitted for adoption must be complete as to content and representative of finished format. Electronic materials, including Internet-based products, must be representative of the final product and completely functional. If the materials are adopted, any subsequent changes to the content must be approved by the SBOE. Any changes to the format that do not change or affect content must be approved by the Commissioner of Education.

138. For the April submission deadline, is it possible to provide all complete student and teacher content for review along with digital tools in less-than-final form?

No. All samples must be complete as to content and representative of the finished format. Electronic materials, including internet-based products, must be completely functional.

139. Can publishers submit hard bound copies and/or folds of sample materials, as long as they are complete as to content and represent the finished product?

No. All samples must be in their final format. Samples must be bound using the same method that the final products will be bound when they are sent to schools.

140. In Texas for the grade levels being sought, what are the classroom size ratios?

Publishers determine the ratio of teacher materials to student material for their programs. They must indicate the ratio on both the Statement of Intent to Bid and the Instructional Materials Bid. A 22:1 ratio is recommended for elementary grade levels.

141. What is the recommended ratio for middle school and high school?

The recommended ratio for middle and high school is 25:1.

142. Please confirm it is a publisher requirement to provide districts with free teacher edition materials according to ratio. Secondly, please confirm the state will not pay for teacher edition materials or teacher aids unless you specifically call for them as part of the Proclamation.

Yes, both of these are correct.

143. For TEKS that are covered via online activities and referenced in the teacher manual, please confirm that a) online activities are to be listed as part of either the student or teacher component in the bid materials; and b) providing a temporary password and user identification for state review of online activities is acceptable.

The answer for both questions is yes; 19 TAC, §66.54 outlines specific requirements for publishers to follow regarding the submission of sample materials for review as part of the official adoption.

144. Would an exact copy of the teacher edition textbook in PDF qualify as an electronic textbook?

Typically, the teacher edition is not considered the textbook. Student materials in PDF of print materials could be considered an electronic textbook.

145. Would the electronic books need to be on CD/DVD for each student?

The method by which electronic materials are delivered to students is determined by the publisher and must be as indicated on the Statement of Intent to Bid.

146. Could the book be on one CD/DVD and placed on campus/district system?

The method by which electronic materials are delivered to students is determined by the publisher and must be as indicated on the Statement of Intent to Bid.

147. Would the preference be for the publisher to host a website so the textbooks could be viewed online?

The method by which electronic materials are delivered to students is determined by the publisher and must be as indicated on the Statement of Intent to Bid.

148. Can a publisher submit a sample of each type of technological components to be submitted, or do the complete versions of each technological component need to be submitted? Does this depend on whether the component will be an essential part of the program or ancillary materials?

A publisher must submit complete copies for review by the state review panels. Ancillary materials are not submitted for review by the panels. Publishers may send representative samples of state-adopted technology submissions to the school districts. It is up to the publisher to determine configuration of ancillary samples, as long as ancillary samples and the ancillaries themselves are provided in an equitable manner across the state.

149. If we list a component on the SOITB form, are we required or bound to have that component on the official bid? Likewise, are we prohibited from adding any components not listed on the SOITB?

All instructional materials submitted on the SOITB must be included in the official bid except those that are withdrawn. Instructional materials may be withdrawn without SBOE approval on or before May 14, 2010. Withdrawals after this date require SBOE approval. Additions to publisher's SOITB are not accepted after the filing deadline of December 4, 2009. See 19 TAC §66.48(e) for more information.

150. If we include web-based student and teacher materials, do these materials need to remain the same throughout the adoption period? Can we add additional materials during the adoption period?

Once adopted, any revisions involving content must be approved by the State Board of Education. Any revisions regarding form, design, or technological capabilities must be approved by the Commissioner of Education. See 19 TAC §66.75(f) and §66.75(g) for more information.

151. Please confirm that publishers will be required to submit electronic files for braille production of student components only (e.g., files are required for each printed product included in a student component)?

Yes.

152. Are NIMAS files required for handwriting?

The TEA will not require publishers to submit NIMAS file sets to the TEA or the NIMAC for handwriting, as the subject area is not suitable for braille production.

153. Are NIMAS files required for Grade K materials?

The TEA will not require publishers to submit NIMAS file sets to the TEA or the NIMAC for Kindergarten materials, as the materials contained at this grade level are not suitable for reproducing in a braille format.

154. Can you confirm that NIMAS files are not required for any Pre-K materials?

NIMAS files are not required for any Pre-K materials.

155. Regarding the NIMAS requirements, will software products that deaf or blind students will be unable to use pose a problem getting adopted in the State of Texas?

The NIMAS requirements are for print products only. Publishing companies submitting electronic instructional materials are encouraged to comply with the technical standards of the Federal Rehabilitation Act, Section 508 (www.Section508.gov).

156. Please confirm the following publishers' requirements related to production of braille materials: The first requirement related to braille production is to submit a test file to the TEA in October 2010, along with the associated print pages.

This is correct. The test file should consist of at least one chapter and provide a good representation of the various formats used throughout the textbook.

157. The files we submit to Texas for braille production in December 2010 are files for state-adopted student materials only from the A-printing, submitted to TEA in April 2010.

Correct. The A-printing file should exactly match the sample print copies submitted the TEA in April 2010.

158. We are not required to submit files for braille production of ancillary (free-with-order) materials or state-adopted teacher component materials.

Correct. Ancillary materials are not reviewed for errors nor are they state adopted materials and as such are not produced by the state in a braille format. In the event that a Texas teacher who is blind or visually impaired requires a braille version of a teacher edition textbook, we may ask the publisher to provide an electronic file to the state to facilitate production of the braille version.

159. A screen shot of the NIMAC Validation wizard indicating 0 errors and 0 warnings is to be submitted in December 2010 when we submit the files for braille production of state-adopted student materials.

Correct.

160. Publishers must submit final files for braille production to Texas and to NIMAC in April 2011. These files will incorporate all corrections in the student materials.

Correct. The files must also incorporate all SBOE approved changes. braille production is a lengthy process and having the final files on hand will allow the braille transcribers, in some cases, to work from complete files thus reducing the need to manually incorporate changes and corrections.

161. In addition to submitting files to the NIMAC, it is our understanding that we also need to send a copy of the NIMAS file set directly to Texas. Under the rules of the NIMAC, the publisher is protected from any permission/copyright issues provided that we submit all final files to NIMAC, where authorized customers can retrieve them. This copyright protection does not extend to files distributed outside of the NIMAC. Has this copyright/permission question been raised before and how has it been mitigated in the past?

The contract between the TEA and the publisher includes the requirement for the publisher to provide computerized files of instructional materials purchased by the state for production of braille instructional materials or other versions of instructional materials to be used by students with disabilities. The TEA has not encountered any problems with this requirement, nor do we anticipate any problems in the future.

162. Following the requirement described in the above question (submission of NIMAS file sets directly to Texas), we anticipate having 1000+ distinct file sets that would need to be submitted. This represents many gigabytes of data. What would you suggest to be the best method to release these directly to Texas?

NIMAS file sets should be submitted to the designated braille producer on a CD-ROM or a DVD.

163. For a submission in Proclamation 2011, we are planning to include some web-based materials for students and teachers. Will we be required **to provide laptops** for reviewers and ESCs to use in accessing those materials? Or, may we just submit as our sample a URL address and instructions for accessing these materials?

Publishers of electronic instructional materials are required to provide any hardware necessary to access their materials for the state textbook review panels. Publishers are not required to provide hardware to the ESCs, though they must work with the TEA and ESCs to ensure that hardware or special equipment necessary for review of any item included in their submission is available in each ESC.

Consumables

164. How and where do consumable materials have to be marked as consumable?

Consumables must be clearly marked. TAC 19, §66.51(a)(8) states that “Consumable materials included in a student or teacher component of a submission shall be clearly marked as consumable.” The SBOE recommends that each consumable be clearly marked on the lower right corner of the front cover.

165. §66.51(a)(8) requires consumable materials included in a student or teacher component of a submission to be clearly marked as consumable. No information is provided, though, on the required or preferred method to mark the consumables. May we use stickers or other adhesives to mark the consumables, or should the marking be printed on the cover?

We recommend that the marking be printed on the cover. However, non-removable adhesives are allowed.

Ancillaries

166. Are ancillary products reviewed by the SBOE?

No. The only instructional materials reviewed by the state review panel are instructional materials listed in the Statement of Intent to Bid. According to 19 TAC §66.69, “ancillary materials” are defined by the Texas Education Agency (TEA) as materials that are NOT listed on the publisher’s Statement of Intent to Bid but which the publisher plans to provide to districts and open-enrollment charter schools free with order.

Designated ancillaries must be made available to the SBOE upon request. Individual SBOE members are not authorized to act on behalf of the SBOE in requesting changes to ancillary materials.

167. Is a publisher required to submit manipulatives as a part of the core program?

No. Publishers are not required to include manipulatives and may configure a program at their discretion. A publisher may choose to include a manipulative in their Statement of Intent to Bid or a publisher may wish to include the manipulative on the ancillary list as “free with order.”

168. Regarding the SBOE statement that ancillaries must be in digital format:

Does this mean all ancillaries must be in digital format and, therefore, no ancillaries may be in print format?

Yes. That is correct. Ancillaries must be in digital or web-based format only. Print ancillaries will not be permitted.

169. If ancillary materials are consumable, must they be provided in digital only? What if the district specifically asks for the ancillary in print format too?

Ancillaries must be in digital or web-based format only. Print ancillaries will not be permitted.

170. With Texas now requiring ancillaries be provided electronically, what is the expectation of what will be sampled to local districts prior to and during presentations?

Publishers are not required to provide samples of ancillaries.

171. If the rule is that ancillaries can only be provided electronically, can the TEA enforce this and prohibit publishers from sampling all the support materials in a printed format.

At their September 2009 meeting, the State Board of Education amended Proclamation 2011 to add the requirement that ancillaries that accompany an order of instructional materials adopted under Proclamation 2011 shall be provided in digital or web-based format only.

172. If supplemental/ancillary components are prohibited from being sampled, what can prevent publishers from giving away printers and paper?

Supplemental and ancillary components are prohibited from only those samples sent to the TEA, ESC, and state review panels. Samples sent to these entities can only contain the components submitted for adoption. For more information about ancillaries, please see State Board of Education rule 19 TAC §66.69

173. Proclamation 2011, page 9, requires publishers to provide ancillaries electronically. What is the intended scope of this requirement? Can publishers provide a mix of electronic and printed ancillaries? When and how will the review committees be reviewing and verifying this requirement as ancillaries are not to be reviewed?

Under Proclamation 2011, ancillaries must be in digital or web-based format only. Print ancillaries are not permitted.

174. If we include ancillary products that are consumables, would we need to keep those ancillary consumables in stock for 10 years?

The length of for which the ancillaries will be available is at the discretion of the publisher. A publisher must distribute ancillaries equitably to all school districts and open-enrollment charter schools regardless of size.

175. Rule 19 TAC §66.54(e) notes that "publishers shall not provide ancillary materials or descriptions of ancillary materials to state review panel members." In light of this rule, if a specific ancillary product is referenced in a system guide/curriculum that is submitted for review, would it no longer be considered ancillary?

Ancillary materials that are referenced in a component that is submitted for adoption are still considered ancillary materials and will not be reviewed for TEKS coverage. Ancillaries are defined as materials that are not listed on a publisher's intent to bid statement, but that the publisher plans to provide to districts and open-enrollment charter school free with their order.

176. Can you elaborate on electronic format for ancillaries. Is this only content or content/visuals?

Under Proclamation 2011, ancillaries must be in digital or web-based format only. Print ancillaries are not permitted.

177. At that meeting we heard that "Publishers are to provide ancillaries electronically". Does this mean that we cannot have any print ancillaries---and that any "free with order" items may only be delivered electronically?

Under Proclamation 2011, ancillaries must be in digital or web-based format only. Print ancillaries are not permitted.

Maximum Cost

178. Can teachers use replacement cost to purchase items individually? Or can publishers list items on the bid as kits and individual items?

The official bid must include separate prices for each item included in the submission. Publishers must guarantee that individual items included in the student and/or teacher component will 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. When initially purchasing materials following an adoption, a district must order the entire kit.

Substitutions, Revisions, Updates

179. What kinds of upgrades to technology functionality and features are we permitted to make after the April submission date? During the course of the six-year adoption? Are upgrades welcome or discouraged?

Revisions to products submitted for adoption are not permitted during the first year of the adoption unless the Commissioner of Education determines that changes in technology or other reason warrant the update. Accordingly, once the samples are submitted in April, the product cannot be revised until the end of the first year of adoption. Updates to functionality and features are welcome. For more information about updates, please see State Board of Education rule 19 TAC §66.75.

180. Can a company charge the district/state additional fees for updated and/or additional materials (such as CD's, online content, DVD's, etc.)?

The state will purchase the state-adopted product. Ordering the program should not result in additional fees for the district unless the program ordered exceeds the maximum cost that the state pays for products in that subject and grade level. Companies can offer additional optional enhancements as part of their catalog sales, but school districts should not be required to pay for these enhancements in order to operate the state-adopted product.

Additionally, we recognize that some programs have minimum software and hardware requirements in order to function properly (Windows XP; minimum hard drive and memory capacity, etc.). Meeting these hardware and operating system requirements are generally the responsibility of the school district unless offered by the publisher as part of their submission.

181. Can requests for approval of substitutions be granted provided that there will be no additional cost to the state?

Yes. Publishers may submit requests to substitute new copyright year materials or similar items. The request is reviewed by curriculum staff and recommendations submitted to the Commissioner of Education and the SBOE to approve or deny. The substitution materials must be compatible with previously purchased materials.

Chapter §66.75 of the Texas Administrative Code (TAC) describes the rules that apply to electronic textbooks and Internet products, including the allowance of a substitution during the first year that materials are in use, providing the Commissioner of Education determines that changes in technology, curriculum, or other reasons warrant the substitution.

182. We are always enhancing the tools and functionality (like the search engine, download time, etc.) that enable teachers to efficiently use and assess the activities in our program. These changes focus on the functionality and do not impact the content, activities, or standards. We assume that those are changes that are up to the publisher to make and publicize and that they will not warrant any further review by the SBOE. Is that correct?

Changes such as those should not be made between the date of initial submission in April 2010 and the November adoption. Once adopted, changes to instructional materials are subject to rules under Chapter 66 of the Texas Administrative Code, specifically §66.75 which addresses revisions, updates and substitutions.

183. As with the evolution of tools and functionality, our current customers appreciate the fact that we can edit steps of online activities and update content, enabling us to continuously improve existing activities as more teachers use them in their classrooms. We do things like edit steps, add graphics, change graphics, update URLs, etc. How do we implement “slight changes”?

Changes should not be added between the date of initial submission in April 2010 and the November adoption. Once adopted, changes to instructional materials are subject to rules under 19 TAC §66.75.

184. Please confirm that publishers will be allowed to update web-based activities that cover the TEKS throughout the contract period, including during the first year of the contract.

19 TAC §66.75 includes language that allows for substitutions, revisions or updates to the submission of electronic instructional materials within the first year. Publishers may request approval from the Commissioner of Education for electronic design changes and/or updates that improve performance, design, and technology capabilities that enhance the operation and usage for students and teachers but do not include changes to TEKS during the first year of the contract.

Correlations

185. Besides the correlation document to the ELPS, are there any other correlation documents that need to be submitted for ESL 6-8?

The TEA plans to release specific correlation instruments for ESL 6-8. The correlations for the ELPS will be posted at <http://ritter.tea.state.tx.us/textbooks/proclamations/proc2011/index.html>.

186. Will there be parallel documents for Grades 6-8—the breakout doc and ELPS correlations forms for 6-8—OR will the TEA expect us to use those for 2010 and relabeled for 2011?

Separate correlations will be posted for each grade level for Proclamation 2011. The correlations will be posted at <http://ritter.tea.state.tx.us/textbooks/proclamations/proc2011/index.html>.

Errors

187. Please confirm that publishers are required to prepare an error list for every component, including CD-ROMs, submitted for adoption under Proclamation 2011.

Yes. That is correct.

188. Please confirm that the format for the error list document will be in Excel and that the errors for each component will all be listed on the same document.

Yes. The error list will be in an Excel format and the errors for each component will be listed on the same document.

Review Panels

189. I would like to recruit several Texas educators as part of a weekend focus group to review my materials for the ELAR adoption and provide feedback. I am going to provide a meal as part of their participation. Will this be a problem?

Since a meal has a monetary value, it could restrict educators from future consideration as a member of the state review panel. 19 TAC §66.36(b) states, “State review panel members shall not accept meals, entertainment, gifts, or gratuities in any form from publishers, authors, or depositories; agents for publishers, authors, or depositories; any person who holds any official position with publishers, authors, depositories, or agents; or any person or organization interested in influencing the selection of instructional materials.”

It should be understood that each review panel member observes a no-contact period that begins with the initial communication from the Texas Education Agency regarding his or her possible appointment and ends after recommendations have been made to the Commissioner of Education.

190. I understand that the local curriculum chair for reading may be appointed to the state review panel. Is there a problem if I schedule a meeting to discuss my submission with this teacher?

19 TAC §66.45(a) requires that anyone under consideration as a member of the state review panel observe a no-contact period with publishers. During the entire no-contact period, state review panel members must not be contacted either directly or indirectly by any publisher or any other person having an interest in the adoption process, unless directed by TEA staff.