

State and Local Adoption of Instructional Materials Overview

Introduction

Texas is one of 22 states with a process for approval or adoption of instructional materials. The Texas Constitution, Article VII, Section 3, requires that the State Board of Education (SBOE) set aside sufficient money to provide free textbooks for children attending the public schools in the state. Selection of new instructional materials for use in the state is a process that begins when the SBOE issues a proclamation calling for bids in selected subject areas and/or grade levels. The adoption process is complete with the selection and shipment of new instructional materials to school districts.

State Law and Administrative Rules

Current education laws and other statutes pertaining to the operation of the public schools of the State of Texas are codified in the Texas Education Code. The law concerning adoption and distribution of instructional materials appears in Title 2, Chapter 31. All rules of the SBOE are codified in Title 19 of the Texas Administrative Code. The rules concerning state-level adoption and distribution appear in Title 19, Chapter 66, State Adoption and Distribution of Instructional Materials.

Definitions

The Texas Education Code, Section 31.002, establishes the following definitions: “Electronic textbook” means computer software, interactive videodisc, magnetic media, CD-ROM, computer courseware, on-line services, an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means. “Publisher” includes an on-line service or a developer or distributor of an electronic textbook. “Textbook” means a book, a system of instructional materials, or a combination of a book and supplementary instructional materials that conveys information to the student or otherwise contributes to the learning process, or an electronic textbook. “Technological equipment” means hardware, a device, or equipment necessary for (A) instructional use in the classroom, including to gain access to or enhance the use of an electronic textbook; or (B) professional use by a classroom teacher.

Adoption Cycle

The Texas Education Code, Chapter 31, specifies that the SBOE adopt different cycles for subjects in the foundation and enrichment curricula. Subjects in the foundation curriculum are defined as English language arts; mathematics; science; and social studies, consisting of Texas, United States, and world history, government and geography. Subjects in the enrichment curriculum are languages other than English, health, physical education, fine arts, economics,

career and technology education, and technology applications. Chapter 31 also specifies that the SBOE shall purchase or otherwise acquire textbooks for use in bilingual education classes.

Chapter 31 requires that the SBOE adopt a cycle providing for a full and complete investigation of instructional materials in foundation subjects at least every six years. In addition, no more than one-sixth of the subjects in the foundation curriculum may be reviewed each year. Instructional materials in the enrichment curriculum shall be reviewed according to a cycle that the SBOE considers appropriate. In the current proclamation, the SBOE approved a cycle for adoption of new instructional materials for foundation and enrichment subjects.

Requests For Bids On New Instructional Materials

Bids for new instructional materials from the publishing industry are solicited by means of a proclamation issued by the SBOE approximately 24 months prior to scheduled adoption of new materials. The proclamation identifies subject areas scheduled for review in a given year and contains content requirements based on the Texas Essential Knowledge and Skills adopted by the SBOE, maximum costs to the state for adopted materials, an estimated number of units to be purchased during the first contract year for each of the subject areas and/or grade levels, and a detailed calendar of adoption procedures. In addition, specifications for providing computerized files to produce Braille versions of adopted materials and a schedule for the adoption process are contained in the proclamation. Proclamations do not specify the type or configuration of instructional materials to be submitted for review. Submissions of traditional textbooks or electronic media are allowed in all subjects in any combination of media.

Submission of Instructional Materials For Adoption

Publishers who plan to offer instructional materials for adoption in the state must complete and file a Statement of Intent to Bid on or before the deadline established in the proclamation. Instructional materials may be withdrawn from the process after an intent to bid is filed, but no materials may be added after the deadline, except as allowed in the schedule of adoption activities. Publishers later provide finished-format review samples of materials to the Texas Education Agency, each of the 20 regional education service centers, and each member of the appropriate state review panels. In most cases, instructional materials filed by publishers are pre-publication samples, and participating publishers file lists of editorial corrections which will be made in materials adopted by the SBOE prior to distribution to school districts.

Conforming and Nonconforming Instructional Materials

The Texas Education Code, Chapter 31, provides for adoption of two separate lists of instructional materials. The "conforming" list is to consist of instructional materials submitted that meet manufacturing standards adopted by the SBOE, contain material covering each element of essential knowledge and skills, and are free of factual errors. The "nonconforming" list is to consist of instructional materials submitted that meet manufacturing standards adopted by the SBOE, contain material covering at least half, but not all, of the elements of essential knowledge and skills, and are free of factual errors. Both conforming and nonconforming adopted instructional materials are eligible for purchase by the state.

Evaluation and Recommendation of Instructional Materials

In accordance with 19 Texas Administrative Code, Chapter 66, the commissioner of education appoints members of state review panels. Nominations are solicited from the SBOE, school districts and open-enrollment charter schools, and educational organizations throughout the state. Members of state review panels are charged with evaluating instructional materials to determine coverage of essential knowledge and skills and with identifying factual errors.

Public Hearings and Comments

Samples of all materials under consideration for adoption are provided to each of the regional education service centers for public review. Texas residents are allowed to file written comments regarding instructional materials submitted for adoption. At least one public hearing will be held before the SBOE scheduled adoption. Publishers will be given the opportunity to respond orally or in writing to any comments made by the public.

Adoption by the State Board of Education

After consideration of evaluations submitted by state review panel members, information provided by publishers, and staff recommendations, the commissioner of education will submit a final report to the SBOE recommending that instructional materials submitted be placed on the conforming list, placed on the nonconforming list, or rejected. A report detailing factual errors to be corrected in instructional materials will also be submitted to the SBOE for action.

Local Selection

Publishers are required to provide descriptions of newly adopted instructional materials to all school districts and open-enrollment charter schools; however, a district retains the option of requesting one complete official sample. Publishers are responsible for all aspects of the shipment and retrieval of sample materials and bear all costs of the sampling process.

Each local board of trustees is responsible for determining appropriate local policy for selecting instructional materials. However, with the exception detailed in the following paragraph, only state-adopted instructional materials ratified by a school district's board of trustees will be purchased by the state for districts.

In enrichment subjects, school districts will be allowed to select non-adopted instructional materials. The state will pay the district the lesser of: (1) 70% of the cost of the materials to the district based on the applicable quota for adopted materials in the subject; or (2) 70% of the maximum cost to the state established in the proclamation for the subject based on the applicable quota for adopted materials in the subject. School districts electing to order non-adopted instructional materials will be responsible for the remainder of the cost. It should also be noted that the Texas Education Code, Chapter 31, does not allow the SBOE to reject an instructional material submission because the bid price exceeds the limit established in the proclamation. If instructional materials are adopted that exceed the maximum cost, the state's payment to the publisher will not exceed the maximum cost. School districts electing to order instructional

materials with prices that exceed the maximum cost to the state will bear responsibility for the portion of the cost that exceeds the state maximum.

Ancillary Materials

Most publishers also provide free "ancillary" materials to school districts that select their adopted materials. However, ancillary materials are not part of a publisher's bid or contract, and are not purchased by the state. Therefore, these items are not reviewed at the state level, and are not adopted or sanctioned by the SBOE. Decisions regarding selection and use of free ancillary materials are entirely the province of local boards of trustees, as is the decision to purchase non-adopted instructional materials with local funds.

Distribution of State-Adopted Materials

Orders for new instructional materials are placed using the agency's Educational Materials (EMAT) Online System. Local adoption, requisition, and membership data are entered into an Internet-based system for verification based on the enrollment of the district and the distribution quota for the course or subject.

State-approved instructional materials are shipped from one or more of the textbook depositories. Publishers are required to have adopted materials in stock in an approved depository available for immediate shipment to districts. Publishers who ship from a facility within 300 miles of the Texas border or who provide an on-line product are not required to maintain a depository in Texas. Shipments are made to school districts throughout the summer based on the district's preferred shipment date. After the first day of school, requisitions are processed within one day of receipt and depositories are instructed to ship materials as soon as the orders are received from the agency. Districts are allowed to submit orders throughout the school year, as necessary. Instructional materials are usually shipped within seven days of receipt of a requisition.

Braille, Large Type and Audiotape Instructional Materials

The SBOE is authorized to acquire, purchase, and contract for free instructional materials for the education of blind and visually impaired public school students. Publishers are required to provide the agency with computerized files for rapid production of adopted Braille instructional materials whenever such files are requested by the SBOE. Local school districts submit orders for Braille and large type materials to the agency, which manages acquisition from producers. Teachers who are blind or visually impaired are provided with Braille or large type teacher materials to accompany materials the teacher uses in the instruction of students.