

Proclamation 2019

Scheduled to be Issued April 2017

Texas Education Agency

Austin, Texas

DRAFT

Copyright © Notice:

The materials are copyrighted © and trademarked ™ as the property of the Texas Education Agency (TEA) and may not be reproduced without the express written permission of TEA, except under the following conditions:

1. Texas public school districts, charter schools, and education service centers may reproduce and use copies of the Materials and Related Materials for the districts' and schools' educational use without obtaining permission from TEA.
2. Residents of the state of Texas may reproduce and use copies of the Materials and Related Materials for individual personal use only without obtaining written permission of TEA.
3. Any portion reproduced must be reproduced in its entirety and remain unedited, unaltered, and unchanged in any way.
4. No monetary charge can be made for the reproduced materials or any document containing them; however, a reasonable charge to cover only the cost of reproduction and distribution may be charged.

Private entities or persons located in Texas that are **not** Texas public school districts, Texas education service centers, or Texas charter schools or any entity, whether public or private, educational or non-educational, located **outside the state of Texas** *MUST* obtain written approval from TEA and will be required to enter into a license agreement that may involve the payment of a licensing fee or a royalty.

For information contact

Office of Copyrights, Trademarks, License Agreements, and Royalties,
Texas Education Agency,
1701 N. Congress Ave., Austin, TX 78701-1494
phone: (512) 463-9270 or (512) 463-7822
Email: copyrights@tea.texas.gov

Table of Contents

PROCLAMATION 2019

Introduction	1
Schedule of Adoption Procedures	3
Additional Information	10
Accessibility Requirements	11
Deliverables and Other Requirements	13
Student Enrollment and Standards	16

APPENDIX

Accessibility Resources	A-2
Glossary of Proclamation Terms	A-4

DRAFT

Introduction

This proclamation serves as notice to both publishers and the public that the State Board of Education (SBOE) is inviting bids to furnish instructional materials for the following grade levels and courses:

English Language Arts and Reading, kindergarten–grade 8

[Spelling, grades 1–6](#)

[Handwriting, grades K–5](#)

Spanish Language Arts and Reading, kindergarten–grade 6

English Learners Language Arts, grades 7–8

Personal Financial Literacy

To be eligible for adoption, instructional materials submitted in response to this proclamation must cover at least 50% of the Texas Essential Knowledge and Skills (TEKS) for the subject and grade level for which the materials are intended in both the material intended for student use and the material intended for teacher use. All materials submitted must also cover 100% of the applicable English Language Proficiency Standards (ELPS). Additionally, the materials must comply with applicable manufacturing standards and be free from factual errors at the time they are delivered to schools.

Instructional materials submitted in response to this proclamation may be

- new instructional materials developed to align to the TEKS, or
- existing instructional materials that have been aligned to the revised TEKS.*

Publishers with materials on the current adopted list for the grade levels and courses included in this proclamation may also submit supplemental materials to address the new or expanded TEKS.

Instructional materials submitted in response to this proclamation will be reviewed by a state review panel to determine the extent to which the materials meet the required TEKS and ELPS and to identify factual errors. At the completion of the review, the state review panels will report their findings to the commissioner of education.

The panels' findings serve as the basis for the commissioner of education's report to the SBOE regarding instructional material eligible for adoption. The SBOE is scheduled to take action on *Proclamation 2019* materials at its November 2018 meeting. The SBOE's determination is final.

Instructional materials adopted under this proclamation are scheduled to be implemented beginning in the 2019–2020 school year. Adopted materials are eligible for purchase with the instructional materials allotment (IMA) and will be ordered by Texas public schools through the instructional materials ordering [*Publishers that submit new products must also provide new correlations to any currently adopted materials.](#)

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

system known as EMAT. The intrastate freight costs for adopted instructional materials will be paid by the Texas Education Agency (TEA).

This proclamation contains links to the TEKS and ELPS for the subjects, grade levels, and courses for which bids are being invited. It also contains a detailed schedule of adoption procedures, the 2015–2016 enrollment for each grade level or course included in the proclamation, accessibility requirements for electronic materials, specifications for providing electronic files for the production of braille, large-print, and audio versions of adopted print materials, and a glossary of terms. Additional information and specific instructions for addressing the requirements of this proclamation will be made available on the TEA website.

In addition to this proclamation, all interested publishers and other content providers should carefully read and fully understand both the state statutes and the administrative rules that govern the review and adoption of instructional materials.

Chapter 31 of the Texas Education Code (TEC) is available at <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.31.htm>.

Chapter 66 of the Texas Administrative Code (TAC), Title 19, is available at <http://ritter.tea.state.tx.us/rules/tac/chapter066/index.html>.

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

Schedule of Adoption Procedures

2017

January–February 2017 *Proclamation 2019* (for adoption in 2018 and implementation in the 2019–2020 school year) is presented to the State Board of Education (SBOE) for discussion.

February–March 2017 TEA conducts a meeting to discuss *Proclamation 2019* with interested publishers.

April 2017 *Proclamation 2019* is presented to the SBOE for action.

June 2017 The *Proclamation 2019 Question and Answer Document* is presented to the SBOE for approval.

August–September 2017

- TEA releases the *Proclamation 2019 Publisher Handbook*.
- TEA conducts a publisher orientation meeting for parties interested in filing a *Statement of Intent to Bid*.
- TEA posts the *Nomination to State Review Panel* form to the TEA website and publicizes the opportunity to nominate panelists. (The nominations are due to TEA in February 2018.)

***Friday, December 8, 2017** The *Statement of Intent to Bid* and the *Company Information Form* are due from publishers to TEA. Publishers must provide detailed specifications regarding the percentage of TEKS that the publisher believes are sufficiently covered and any hardware or special equipment needed to review any item that will be included in an instructional materials submission. Publishers must file all documents by 5:00 p.m. CST.

Note: Only those who file a Statement of Intent to Bid by 5:00 p.m. CST on Friday, December 8, 2017, will be allowed to participate in the adoption process ([19 TAC §66.28\(b\)](#)).

2018

*Friday, January 26, 2018

- The *Complete Description* for each product is due to TEA by 5:00 p.m. CST.
- Each ESC must have designated the person who will supervise the sample instructional materials, published a schedule specifying hours and dates sample materials may be reviewed by the public, and published a news release notifying area schools about sample instructional

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

*All documents and forms must be submitted in a format approved by the commissioner of education.

materials, the person to be contacted regarding sample instructional materials, and the hours and dates samples will be available for review by the public.

***Friday, February 23, 2018**

- A preliminary *Correlations to Texas Essential Knowledge and Skills and English Language Proficiency Standards* for one course or grade level is due from publishers to TEA by 5:00 p.m. CST.
- Nominations to the state review panel are due. Nominations must be submitted using the *Nomination to State Review Panel* form.

April–May 2018 TEA notifies state review panel candidates of their appointment to a review panel.

Note: Upon initial contact by a representative of TEA, state review panel nominees begin a no-contact period in which they may not have either direct or indirect communication with any person having an interest in the adoption process regarding content of instructional materials under evaluation by the panel.

***Friday, April 6, 2018**

- One complete, electronic, pre-adoption sample copy of instructional materials submitted for English language arts and reading, Spelling, Handwriting, or Personal Financial Literacy including completed *Correlations to the TEKS and the ELPS* is due from publishers to TEA by 5:00 p.m. CDT ([TAC §66.28\(c\)](#)).
- One complete, electronic, pre-adoption sample copy of instructional materials submitted for English language arts and reading, Spelling, Handwriting, or Personal Financial Literacy including completed *Correlations to the TEKS and the ELPS* is due from publishers to each of the twenty ESCs by 5:00 p.m. CDT ([TAC §66.28\(c\)](#)).

Note: Publishers of new (not currently adopted) digital/electronic programs, including online programs, are required to embed the correlations to the TEKS and the ELPS (if applicable) in the program. These correlations must link to the exact locations of the content that the publisher believes sufficiently addresses each student expectation.

- An electronically signed *Affidavit of Authorship or Contribution*, certifying that each individual whose name is listed as an author or contributor of content submitted for English language arts and reading, Spelling, Handwriting, or Personal Financial Literacy contributed to the development of the materials and providing a general description of that contribution, is due from publishers to TEA by 5:00 p.m. CDT ([TAC §66.28\(e\)\(1\)](#)).

***Friday, April 20, 2018** By 5:00 p.m. CDT, ESCs must have notified TEA of any irregularities in electronic samples of English language arts and reading, Spelling, Handwriting, or Personal Financial Literacy materials ([TAC §66.39\(b\)](#)).

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

*All documents and forms must be submitted in a format approved by the commissioner of education.

***Friday, May 4, 2018**

- One complete, electronic, pre-adoption sample copy of instructional materials submitted for Spanish language arts and reading or English Learners Language Arts including completed *Correlations to the TEKS* is due from publishers to TEA by 5:00 p.m. CDT ([TAC §66.28\(c\)](#)).
- One complete, electronic, pre-adoption sample copy of instructional materials submitted for Spanish language arts and reading or English Learners Language Arts including completed *Correlations to the TEKS* is due from publishers to each of the twenty ESCs by 5:00 p.m. CDT ([TAC §66.28\(c\)](#)).

Note: Publishers of new (not currently adopted) digital/electronic programs, including online programs, are required to embed the correlations to the TEKS in the program. These correlations must link to the exact locations of the content that the publisher believes sufficiently addresses each student expectation.

- An electronically signed *Affidavit of Authorship or Contribution*, certifying that each individual whose name is listed as an author or contributor of content submitted for Spanish language arts and reading or English Learners Language Arts contributed to the development of the materials and providing a general description of that contribution, is due from publishers to TEA by 5:00 p.m. CDT ([TAC §66.28\(e\)\(1\)](#)).

***Friday, May 18, 2018** By 5:00 p.m. CDT, ESCs must have notified TEA of any irregularities in electronic samples of Spanish language arts and reading or English Learners Language Arts materials ([TAC §66.39\(b\)](#)).

May 2018 TEA provides details of upcoming state review panel meetings and instructions to publishers for delivery of materials for the state review panels.

Note: Shipments must include samples that contain all content that will be in the final product. The pre-adoption samples must be functional for review purposes and include their correlations to the TEKS and ELPS (as applicable). Shipments of print versions of samples must include only TEKS-bearing components. Ancillary materials are not permitted at the state review panel meetings. Publishers of instructional materials that require hardware or special equipment must provide appropriate hardware or equipment for the review ([TAC §66.28\(c\)](#)).

June–August 2018

- TEA conducts training for the state review panels ([TAC §66.36\(a\)](#)).
- The state review panels evaluate TEKS and ELPS coverage in instructional materials submitted for adoption ([TAC §66.36\(b\)\(1\)](#)).
- TEA releases a preliminary report on instructional materials under consideration for adoption ([TAC §66.63\(a\)](#)).

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

*All documents and forms must be submitted in a format approved by the commissioner of education.

***Friday, August 31, 2018**

- Electronic samples of new content that was provided to and approved by the state review panels during the summer review are due from publishers to TEA by 5:00 p.m. CDT.
- The *Publisher's Identification of Factual Errors and Editorial Changes* either certifying that no corrections or edits are required or listing the corrections and editorial revisions to be made to the instructional materials is due from publishers to TEA by 5:00 p.m. CDT ([TAC §66.28\(c\)\(11\)](#)).
- Alleged factual errors in instructional materials under consideration for adoption identified by Texas residents are due to TEA by 5:00 p.m. CDT.
- Official written comments from Texas residents concerning materials under consideration for adoption are due to TEA by 5:00 p.m. CDT.

Note: Written comments and alleged factual errors received by this deadline will be presented to the SBOE at the September meeting and posted to the TEA website. Comments received after the deadline will be forwarded to the SBOE.

***Friday, September 7, 2018**

- Eligible publishers who elect to protest the preliminary report must file a request for a show-cause hearing by 5:00 p.m. CDT ([TAC §66.63\(d\)](#)).

September 2018

- The SBOE will hold a public hearing on instructional materials under consideration for adoption at the regularly scheduled SBOE meeting. An archived webcast of the hearing will be available through the TEA website ([TAC §66.42\(b\)](#)).
- Prior to the public hearing, TEA will post written comments and lists of alleged factual errors to the agency website and provide details regarding the opportunity to provide public testimony at the hearing ([TAC §66.42\(a\)\(3\)](#)).
- Members of the general public have the opportunity to request to appear at the public hearing; priority will be given to Texas residents ([TAC §66.42\(b\)\(1\)](#)). Not more than ten working days after the close of the public hearing, publishers may file responses to official written comments and public-reported factual errors from Texas residents and to testimony presented at the hearing. Responses must be submitted by 5:00 p.m. CDT.
- Not more than five working days after receiving them, TEA will post copies of responses to written and/or oral testimony on the agency website ([TAC §66.42\(b\)\(4\)](#)).

***Friday, September 28, 2018** Initial bids must be submitted in EMAT by 5:00 p.m. CDT ([TAC §66.28\(d\)](#)).

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

*All documents and forms must be submitted in a format approved by the commissioner of education.

October 2018

- The *Report of Required Corrections of Factual Errors* is posted on the agency website. The report contains errors reported by publishers by the deadline provided in this proclamation and errors reported by the state review panels ([TAC §66.63\(e\)](#)).
- The *List of Instructional Materials Eligible for Adoption Under Proclamation 2019* is posted on the agency website ([TAC §66.63\(e\)](#)).

*Friday, October 19, 2018

- The *Publisher's Certification of Editorial Review and Intent to Correct* is due from publishers to TEA by 5:00 p.m. CDT ([TAC §66.28\(c\)\(11\)](#)). This form affirms that instructional materials have been edited for accuracy, content, and compliance with proclamation requirements and that all required corrections will be made.
- The *Publisher's Disclosure of Campaign Contributions and Gifts*, listing any political contributions made in the preceding four years to a candidate or member of the SBOE, is due from publishers to TEA by 5:00 p.m. CDT ([SBOE Operating Rule 4.3](#)).

***Wednesday, November 7, 2018** Changes to content in materials under consideration for adoption made in response to public comment are due by 5:00 p.m. CST ([TAC §66.43\(b\)](#)).

Friday, November 9, 2018 Content changes received from publishers in response to public comment will be posted on the agency website ([TAC §66.43\(b\)](#)).

***Wednesday, November 14, 2018** Content changes made in response to public testimony provided at the November SBOE meeting are due by 5:00 p.m. CST ([TAC §66.43\(b\)](#)).

November 2018 The SBOE takes action regarding materials submitted under *Proclamation 2019* ([TAC §66.66](#)).

Friday, November 30, 2018 The *List of Instructional Materials Adopted Under Proclamation 2019* is posted on the agency website.

***Friday, December 14, 2018** The *Register of Contact* indicating all visits, meetings, or contact with SBOE members beginning on January 31, 2017, including the date, time, location, and purpose of the communication, is due from publishers to TEA by 5:00 p.m. CST ([TAC §66.4\(b\)](#)).

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

*All documents and forms must be submitted in a format approved by the commissioner of education.

2019

Friday, January 11, 2019 TEA provides the contact information of the designated braille producers to publishers of adopted printed instructional materials.

***Friday, January 25, 2019**

- Three print copies of the adopted student materials, one copy of NIMAS files, and a screen shot from the publisher's copy of the National Instructional Materials Access Center (NIMAC) Validation Wizard showing that the file has successfully passed validation with "0 errors, 0 warnings" for both the XML file and OPF file are due from publishers to the designated braille producer by 5:00 p.m. CST ([TAC §66.27\(g\)\(6\)](#)).
- Three print copies and NIMAS files of blackline masters or any other materials included in the teacher component that are intended for student use are due from publishers to the designated braille producer by 5:00 p.m. CST ([TAC §66.27\(g\)\(6\)](#)).
- Supplemental bids are due. Publishers that wish to submit supplemental bids to add to or replace initial official bid submissions must submit bids in EMAT by 5:00 p.m. CST ([TAC §66.28\(d\)\(4\)](#)).

Friday, April 19, 2019 TEA provides the contact information of the designated large-print and audio producers to publishers of adopted printed instructional materials.

***Friday, May 3, 2019**

- One complete, electronic sample copy that incorporates all required corrections of adopted instructional materials is due from publishers to TEA by 5:00 p.m. CDT. Corrected samples must be identical to the final product that will be sold in EMAT ([TAC §66.28\(c\)\(12\)](#)).
- Publishers providing internet-based instructional materials must supply TEA with all information, including locator information and passwords, required to ensure access to their programs throughout the life of the adoption. Any products for which publishers fail to meet this requirement will be removed from EMAT.
- The signed *Publisher's Affidavit* verifying that all required corrections have been made is due from publishers to TEA by 5:00 p.m. CDT ([TAC §66.28\(c\)\(12\)](#)).
- The *Certification of Compliance with Manufacturing Standards*, providing the physical specifications of the adopted instructional materials and certifying their adherence to prescribed manufacturing standards, are due from publishers to TEA by 5:00 p.m. CDT ([TAC §66.66\(b\)\(2\)](#)).
- A report produced by an independent third party verifying that each electronic component follows Web Content Accessibility Guidelines (WCAG) 2.0 AA standards and technical standards required by the Federal Rehabilitation Act, Section 508, is due from publishers to TEA by 5:00 p.m. CDT ([TAC §66.28\(a\)\(2\)](#)).

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

*All documents and forms must be submitted in a format approved by the commissioner of education.

- Three complete copies of all adopted material intended for student use and one copy of the NIMAS files that incorporate all required corrections are due from publishers to the designated braille producer by 5:00 p.m. CDT. Corrected samples must be identical in content and format to materials that will be provided to school districts after purchase ([TAC §66.27 \(g\)\(6\)](#)).
- One complete copy of all adopted material intended for student use and one copy of the NIMAS files that incorporate all required corrections are due from publishers to the designated large-print producer by 5:00 p.m. CDT. Corrected samples must be identical in content and format to materials that will be provided to school districts after purchase ([TAC §66.27 \(g\)\(6\)](#)).
- One complete copy of all adopted material intended for student use and one copy of the NIMAS files that incorporate all required corrections are due from publishers to the designated audio producer by 5:00 p.m. CDT. Corrected samples must be identical in content and format to materials that will be provided to school districts after purchase ([TAC §66.27 \(g\)\(6\)](#)).
- One copy of the NIMAS files that incorporates all required corrections is due from publishers to TEA by 5:00 p.m. CDT. Corrected samples must be identical in content and format to materials that will be provided to school districts after purchase ([TAC §66.27 \(g\)\(6\)](#)).
- One copy of corrected NIMAS files is due to the NIMAC.
- One complete, electronic copy of adopted instructional materials that incorporates all required corrections is due from publishers to each of the twenty ESCs by 5:00 p.m. CDT. Corrected samples must be identical to the final product that will be sold in EMAT ([TAC §66.39 \(d\)](#)).
- Publishers providing internet-based instructional materials must supply the ESCs with all information, including locator information and passwords, required to ensure access to their programs throughout the life of the adoption.

Note: TEA may require additional corrected samples for use by contracted reviewers, members of the SBOE, the general public, and others.

May 2019 Texas public schools that have funding available can begin submitting orders for new instructional materials through EMAT.

June–August 2019

- Publishers distribute adopted instructional materials to Texas public schools ([TAC §66.73](#)). Each publisher must guarantee delivery of or access to instructional materials at least ten business days before the opening day of the 2019–2020 school year if the materials have been ordered by July 1, 2019.
- TEA conducts an audit of all adopted instructional materials to ensure that publishers have made all corrections on the *Report of Required Corrections of Factual Errors*.

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

*All documents and forms must be submitted in a format approved by the commissioner of education.

Additional Information

- Instructional materials must cover at least 50% of the Texas Essential Knowledge and Skills (TEKS) for the subject and grade level or course in materials intended for student use and materials intended for teacher use. In determining the percentage of the TEKS covered by instructional materials, each student expectation counts as an independent element of the TEKS ([TAC §66.66\(b\)\(1\)](#)).
- Instructional materials must cover the TEKS for the subject area and grade level or course for which the materials are intended as specified in [TAC §66.27\(h\)](#) and as indicated in the correlation documents.
- Instructional materials must cover 100% of the required English Language Proficiency Standards (ELPS) in the materials intended for student use and the materials intended for teacher use.
- If a student expectation is subdivided into constituent parts (called *breakouts*), then each individual breakout must be sufficiently covered in order for the student expectation to be considered covered and counted toward the 50% minimum requirement.
- Instructional materials must be free from factual errors at the time they are delivered to schools ([TAC §66.66\(b\)\(3\)](#)).
- Printed materials intended for use by the student must comply with the standards in the latest edition of *Manufacturing Standards and Specifications for Textbooks*, approved by the Advisory Commission on Textbook Specifications ([TAC §66.66\(b\)\(2\)](#)).
- The submission of open-source materials is welcome under *Proclamation 2019* ([TAC §66.27\(g\)\(9\)](#)).
- All official samples submitted to satisfy the requirements of the proclamation must be provided electronically ([TAC §66.27\(g\)\(2\)](#)).
- Complete, electronic, pre-adoption samples must allow for multiple simultaneous users and be equipped with a word search feature ([TAC §66.27\(g\)\(3\)](#)).
- Publishers participating in the adoption process are responsible for all expenses incurred by their participation. The state does not guarantee return of sample instructional materials ([TAC §66.28\(c\)\(13\)](#)).

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

*All documents and forms must be submitted in a format approved by the commissioner of education.

Accessibility Requirements

Electronic Instructional Materials

- Publishers that offer electronic instructional materials (e.g., CD-ROMs, DVDs, or web-based instructional materials) for adoption are required to offer these materials in an accessible format in accordance with the technical standards of the Federal Rehabilitation Act, Section 508. The standards are available at <http://www.section508.gov/summary-section508-standards>.
- Web content in electronic materials adopted under *Proclamation 2019* must be created to conform to the Web Content Accessibility Guidelines (WCAG) 2.0, Level AA, available at <http://www.w3.org/TR/WCAG20/> (TAC §66.28(a)(2)).
- Electronic instructional materials that are not compliant with technical standards of the Federal Rehabilitation Act, Section 508 and/or do not conform to the Web Content Accessibility Guidelines 2.0, Level AA, will be removed from the EMAT system and will not be available to districts through TEA (TAC §66.28(a)(2)).
- A publisher that provides access to materials to students with disabilities through an alternate format must include a link to that material on the entrance page of the main product.

Printed Instructional Materials

- Every publisher of print materials adopted under *Proclamation 2019* must provide electronic files of its adopted programs in the National Instructional Materials Accessibility Standard (NIMAS) format to facilitate the production of materials in specialized formats (Individuals with Disabilities Education Improvement Act of 2004, §612(a)(23)(A) and §674(e)(4)). The NIMAS *Technical Specifications v1.1* can be found at <http://aem.cast.org/creating/nimas-technical-specification-annotated.html#.WG1HgU3fOrR>. Publishers must adhere to all NIMAS guidelines that have been approved by The National Instructional Materials Access Center (NIMAC) on or before November 30, 2018.
- Publishers must provide three print copies and NIMAS files of blackline masters or any other materials included in the teacher materials that are intended for student use. Should a braille or large-print teacher edition be required by a district, a publisher must provide the agency with two printed teacher editions.
- Publishers must mark up print instructional materials eligible for NIMAS submission that contain mathematical and scientific instructional content by using the latest applicable version of the MathML 3 module of the DAISY/NIMAS Structure Guidelines as posted and maintained at the DAISY Consortium website, available at <http://www.daisy.org/z3986/structure/SG-DAISY3/index.html> (TAC §66.27(g)(6)).

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

- New publishers must email nimac@aph.org to request a publisher account. The NIMAC will provide instructions to set up an account, prepare metadata correctly, and submit files. A new publisher may be required to provide a sample NIMAS file to the NIMAC for review before it can establish an account. Specific information and resources for publishers, including a list of frequently asked questions, can be found at the NIMAC website: <http://www.nimac.us/publishers.html>
- Each publisher participating in *Proclamation 2019* is required to provide the name, telephone number, and email address of the individual responsible for providing the NIMAS files, normally the instructional materials production manager, in the *Company Information Form*. Communication between the Instructional Materials Division (IMD) and the publisher's representative responsible for providing the NIMAS files should begin early in the production process.

DRAFT

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

Deliverables and Other Requirements

Below is a list of requirements that each publisher participating in the review and adoption process under *Proclamation 2019* will be expected to fulfill. The deadline for each requirement is provided in the schedule of adoption procedures, and details about each of these requirements—as well as the forms necessary to fulfill them—will be posted on the TEA website as each becomes available. A publisher’s inability to meet any of the requirements by the deadlines in this proclamation may result in that publisher’s materials being removed from consideration for adoption.

Statement of Intent to Bid Participating publishers must file one *Statement of Intent to Bid* for each product for each grade level or course for which it is submitted. A publisher that does not submit a *Statement of Intent to Bid* by the deadline in the proclamation will not be eligible to participate in the adoption ([TAC §66.28\(b\)](#)).

ISBN Each product, and each component of each product, must have its own 13-digit ISBN or a unique identifying number if the product does not meet ISBN eligibility standards.

Complete Description Participating publishers must submit to TEA a complete description of all items that will be reviewed for TEKS content ([TAC §66.28\(c\)\(5\)](#)).

Pre-Adoption Samples Participating publishers must submit electronic samples of each product. Samples must be sent to TEA, each of the 20 ESCs, and any Texas public school that submits a request. Samples must include all content intended to be in the final product, not just the content identified in the correlations. Electronic instructional materials, including internet-based products, must be complete and functional for review purposes ([TAC §66.28\(c\)](#)). To facilitate public review, the original version of the pre-adoption sample must remain available to the public throughout the entire adoption process even if updated versions also become available.

Pre-Adoption Samples for State Review Panels TEA will provide detailed instructions for submitting required samples to the state review panels. Samples must include all content that will be in the final product, not just the content identified in the correlations. Electronic instructional materials, including internet-based products, must be complete and functional for review purposes. The agency does not guarantee return of these samples ([TAC §66.28\(c\)\(8\)](#)).

Public Access to Samples Participating publishers must supply TEA and ESCs with all information, including locator information and passwords, required to ensure public access to their programs. The access must remain available until final samples are submitted in May 2019. This logon information will be posted on the TEA website along with a link to the sample ([TAC §§66.28\(c\)\(3\)](#) and [66.39\(d\)](#)).

Affidavit of Authorship or Contribution Participating publishers must certify that each individual whose name is listed as an author or contributor of instructional materials contributed to the development of the materials. Publishers must file one signed *Affidavit of Authorship or Contribution* form for each product ([TAC §66.28\(e\)\(1\)](#)).

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

Correlations to the TEKS/ELPS Participating publishers must provide correlations that indicate where in each product they believe the required TEKS and ELPS are addressed. The correlations must be submitted on the form provided by TEA. For electronic products, the correlations must also be included within the product and linked to the exact location where each student expectation is addressed. If a product is submitted for more than one course or grade level, the publisher must file one form for each course or grade level ([TAC §66.28\(c\)\(9\)](#)).

Certification of Editorial Review and Intent to Correct Participating publishers must affirm that all instructional materials have been edited for accuracy, content, and compliance with the requirements of the proclamation. Publishers must file one *Certification of Editorial Review and Intent to Correct* form for each product ([TAC §66.28\(c\)\(11\)](#)).

List of Publisher Corrections Participating publishers must provide a list of all corrections and editorial changes made to each student and teacher component since the pre-adoption samples were submitted. All factual errors must be corrected before adopted materials are delivered to schools ([TAC §66.28\(c\)\(11\)](#)).

Electronic Files for the Production of Braille, Large-Print, and Audio Materials Participating publishers must provide NIMAS-compliant electronic files and agree to allow TEA or its agents to reproduce adopted instructional materials in a format suitable for students and teachers with visual impairments and students with other learning disabilities. Additionally, participants must provide TEA with contact information for each production manager of instructional materials ([TAC §66.27\(g\)\(6\)–\(7\)](#)).

Official Bid Participating publishers must submit at least one *Official Bid* for each product for each course for which it is submitted, listing each component that will be offered and giving the official bid price of the instructional materials. Each package option must have a separate bid. Each instructional material offered as part of a bundle must also be available for purchase individually ([TAC §§66.28\(d\) and 66.28\(e\)\(2\)](#)).

Register of Contact Participating publishers must submit a register to TEA listing all visits, meetings, or contacts with SBOE members between January 31, 2017, and December 14, 2018, including the date, time, location, and purpose of the communication ([TAC §66.4\(b\)](#)).

Affidavit of Corrections Participants that have materials adopted by the SBOE must verify that all corrections required as a condition of adoption have been made. Participants must submit one *Affidavit of Corrections* for each adopted product ([TAC §66.28\(c\)\(12\)](#)).

Post-Adoption Samples Participants that have materials adopted by the SBOE must submit corrected sample copies of adopted instructional materials to TEA, ESCs, the designated braille, large-print, and audio material producers, and each Texas public school that requests one ([TAC §66.28\(c\)\(12\)](#)).

Certification of Compliance with Manufacturing Standards Participating publishers must certify that all materials meet applicable manufacturing standards ([TAC §§66.28\(a\) and 66.66\(b\)\(2\)](#)).

Accessibility Report Publishers that have electronic instructional materials adopted by the SBOE must contract with an independent third party to provide a report for each electronic component that verifies that the components follow Web Content Accessibility Guidelines (WCAG) 2.0 AA standards and
Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

technical standards required by the Federal Rehabilitation Act, Section 508 ([TAC §66.28\(a\)\(2\)](#)). The report must be based on an audit testing the accessibility of the materials to include, at a minimum, the following:

- The home page people use to enter the site
- One randomly selected page with at least one table or form
- One randomly selected page with at least one informative image, for example a diagram, map, or graph
- At least one randomly selected page from each component of the product

The total number of pages to be included in the audit is to be determined by the publisher.

When testing the accessibility of the materials, the third-party tester must conduct the following activities:

- Use automated web-accessibility-evaluation tools to analyze the selected pages and note any problems indicated by the tools
- Manually check the selected pages to determine that form labels and alternative text on images and graphs is appropriate
- Manually check the selected pages with dynamic content, forms, or other applications
- Determine whether page content and controls can be accessed, operated, and reset when necessary using only a keyboard
- Examine the selected pages with graphical user interface (GUI) browser (e.g., internet Explorer, Firefox, Netscape) while listening to the page with screen-reader software
- Employ and include documentation of the experience of real users with disabilities for manual testing

Contract Participants that have materials adopted by the SBOE must enter into a contract to provide the instructional materials to all Texas public schools that order them for an initial contract period of eight years and the possibility of one contract extension for a period of not more than four years. Participants that do not meet this requirement will be removed from the adopted list ([TAC §66.72](#)).

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

Student Enrollment

The enrollment numbers listed below represent the reported course enrollment for the 2015–2016 school year.

English Language Arts and Reading, Grade K	137,684
English Language Arts and Reading, Grade 1	382,156
English Language Arts and Reading, Grade 2	418,318
English Language Arts and Reading, Grade 3	427,056
English Language Arts and Reading, Grade 4	415,042
English Language Arts and Reading, Grade 5	402,871
English Language Arts and Reading, Grade 6	378,535*
English Language Arts and Reading, Grade 7	404,191*
English Language Arts and Reading, Grade 8	379,708*
<u>Spelling, Grade 1</u>	<u>N/A</u>
<u>Spelling, Grade 2</u>	<u>N/A</u>
<u>Spelling, Grade 3</u>	<u>N/A</u>
<u>Spelling, Grade 4</u>	<u>N/A</u>
<u>Spelling, Grade 5</u>	<u>N/A</u>
<u>Spelling, Grade 6</u>	<u>N/A</u>
<u>Handwriting, Grade K</u>	<u>N/A</u>
<u>Handwriting, Grade 1</u>	<u>N/A</u>
<u>Handwriting, Grade 2</u>	<u>N/A</u>
<u>Handwriting, Grade 3</u>	<u>N/A</u>
<u>Handwriting, Grade 4</u>	<u>N/A</u>
<u>Handwriting, Grade 5</u>	<u>N/A</u>
Spanish Language Arts and Reading, Grade K	5,987
Spanish Language Arts and Reading, Grade 1	33,530

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

Spanish Language Arts and Reading, Grade 2	33,696
Spanish Language Arts and Reading, Grade 3	30,083
Spanish Language Arts and Reading, Grade 4	22,696
Spanish Language Arts and Reading, Grade 5	15,869
Spanish Language Arts and Reading, Grade 6	1,354
English Learners Language Arts, Grade 7	N/A**
English Learners Language Arts, Grade 8	N/A**
Personal Financial Literacy	N/A

*Total combined enrollment in English language arts and English language arts and reading.

** Proposed courses

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

Texas Essential Knowledge and Skills

The Texas Essential Knowledge and Skills (TEKS) describe what students should know and be able to do for each grade level and course in the required curriculum.

The tables that follow provide links to the TEKS for the courses included in *Proclamation 2019*.

Chapter 110. Texas Essential Knowledge and Skills for English Language Arts and Reading PLEASE NOTE: The TEKS that are currently found in these courses at http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html are not the new TEKS that <i>Proclamation 2019</i> instructional materials must cover. We will update the proclamation with links to the new TEKS when they are available.
§110.11. English Language Arts and Reading, Kindergarten, Beginning with School Year 2009–2010
§110.12. English Language Arts and Reading, Grade 1, Beginning with School Year 2009–2010
§110.13. English Language Arts and Reading, Grade 2, Beginning with School Year 2009–2010
§110.14. English Language Arts and Reading, Grade 3, Beginning with School Year 2009–2010
§110.15. English Language Arts and Reading, Grade 4, Beginning with School Year 2009–2010
§110.16. English Language Arts and Reading, Grade 5, Beginning with School Year 2009–2010
§110.18. English Language Arts and Reading, Grade 6, Beginning with School Year 2009–2010
§110.19. English Language Arts and Reading, Grade 7, Beginning with School Year 2009–2010
§110.20. English Language Arts and Reading, Grade 8, Beginning with School Year 2009–2010
Spelling, Grade 1
Spelling, Grade 2
Spelling, Grade 3
Spelling, Grade 4

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

Chapter 110. Texas Essential Knowledge and Skills for English Language Arts and Reading

PLEASE NOTE: The TEKS that are currently found in these courses at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html> are **not** the new TEKS that *Proclamation 2019* instructional materials must cover.

We will update the proclamation with links to the new TEKS when they are available.

[Spelling, Grade 5](#)

[Spelling, Grade 6](#)

[Handwriting, Grade K](#)

[Handwriting, Grade 1](#)

[Handwriting, Grade 2](#)

[Handwriting, Grade 3](#)

[Handwriting, Grade 4](#)

[Handwriting, Grade 5](#)

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

Chapter 128. Texas Essential Knowledge and Skills for Spanish Language Arts and Reading

PLEASE NOTE: The TEKS that are currently found in these courses at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html> are **not** the new TEKS that *Proclamation 2019* instructional materials must cover.

We will update the proclamation with links to the new TEKS when they are available.

[§128.11. Spanish Language Arts and Reading, Kindergarten, Beginning with School Year 2009–2010](#)

[§128.12. Spanish Language Arts and Reading, Grade 1, Beginning with School Year 2009–2010](#)

[§128.13. Spanish Language Arts and Reading, Grade 2, Beginning with School Year 2009–2010](#)

[§128.14. Spanish Language Arts and Reading, Grade 3, Beginning with School Year 2009–2010](#)

[§128.15. Spanish Language Arts and Reading, Grade 4, Beginning with School Year 2009–2010](#)

[§128.16. Spanish Language Arts and Reading, Grade 5, Beginning with School Year 2009–2010](#)

[§128.18. Spanish Language Arts and Reading, Grade 6, Beginning with School Year 2009–2010](#)

English Learners Language Arts, Grade 7

English Learners Language Arts, Grade 8

Chapter 113. Texas Essential Knowledge and Skills for Social Studies

§113.49 Personal Financial Literacy (One-Half Credit), Adopted 2016

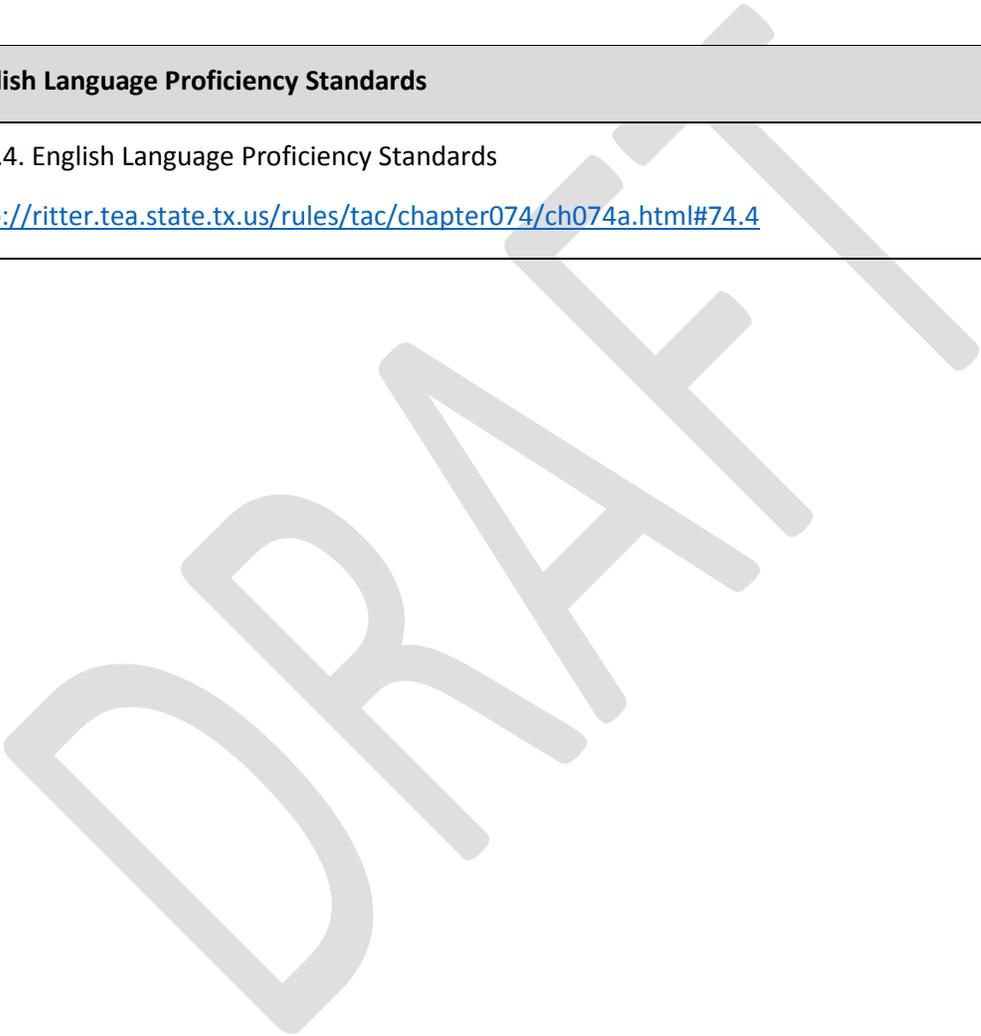
<http://ritter.tea.state.tx.us/rules/tac/chapter113/ch113c.html#113.49>

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

English Language Proficiency Standards

The English Language Proficiency Standards (ELPS) outline English language proficiency level descriptors and student expectations for English language learners (ELLs). In order to be eligible for adoption, instructional materials must meet 100% of the identified ELPS. The table below provides a link to the ELPS.

English Language Proficiency Standards
§74.4. English Language Proficiency Standards http://ritter.tea.state.tx.us/rules/tac/chapter074/ch074a.html#74.4



Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

APPENDIX

DRAFT

Accessibility Resources

Accessibility Resources for Publishers of Electronic Instructional Materials

The following resources offer essential information for publishers that are planning the development of accessible electronic instructional materials.

General

Section 508 <http://www.section508.gov/>

Resources from the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI) <http://www.w3.org/WAI/Resources/>

Web Content Accessibility Guidelines (WCAG) Overview <http://www.w3.org/WAI/intro/wcag.php>

How to Meet WCAG 2.0 <http://www.w3.org/WAI/WCAG20/quickref/>

MathML 3 Resources <http://www.w3.org/Math/>

Accessible Digital Learning Materials-Publisher/Developer Best Practices Guidelines <http://aem.cast.org/creating/best-practices-publishers-software-developers.html#.Wak3D02QK70>

National Center on Accessible Educational Materials <http://aem.cast.org/>

Guidelines for Describing STEM Images for Use within Digital Talking Books and on Web Sites <http://ncam.wgbh.org/about/news/ncam-publishes-guidelines-for->

Electronic and Information Resources Accessibility Policy <https://www.comptroller.texas.gov/about/policies/accessibility.php>

Resources for Designing Accessible Websites

Web Content Accessibility Guidelines (WCAG 2.0)—W3C <http://www.w3.org/TR/WCAG20/>

Accessible Web Authoring Resources and Education (AWARE) Center for the HTML Writers Guild <http://aware.hwg.org/>

Evaluation, Repair, and Transformation Tools for Web Content Accessibility <http://www.w3.org/WAI/ER/tools/>

HTML Kit (editor, validator, Word 2000 cleanup) <http://www.chami.com/html-kit/>

IBM Software Accessibility Checklist for Web and Web-Based Documentation—Version 6.1 http://www-03.ibm.com/able/guidelines/ci162/accessibility_checklist_web.html

WGBH's National Center for Accessible Media <http://ncam.wgbh.org/>

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

Trace Research and Development Center's Unified Web Site Accessibility Guidelines

<http://trace.umd.edu/publications/central-reference-document-version-8-unified-web-site-accessibility-guidelines>

Resources for Closed-Captioning and Audio Description

Media Access Group at WGBH, The Caption Center <http://www.wgbh.org/caption>

National Captioning Institute <http://www.ncicap.org>

VITAC <http://www.vitac.com>

Media Access Group at WGBH, Descriptive Video Service
<http://main.wgbh.org/wgbh/pages/mag/services/description/>

Metropolitan Washington Ear, Inc. <http://www.washear.org>

Narrative Television Network <http://www.narrativetv.com>

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

Glossary of Proclamation Terms

Ancillaries Components that are not reviewed by the state review panel and are not adopted by the SBOE

Affidavit of Authorship or Contribution A signed document by which a publisher certifies that each individual whose name is listed on its materials as an author or contributor of content contributed to the development of the materials

The affidavit also states in general terms the involvement of each author and/or contributor.

Affidavit of Corrections A signed document by which a publisher certifies that all required corrections of factual errors have been made

Breakouts The separate parts of a student expectation

The breakouts are shown on the *Correlations* form and the *Evaluation* form.

Certification of Compliance with Manufacturing Standards A signed statement certifying that all printed books and electronic media submitted for adoption conform in every respect to the *Manufacturing Standards and Specifications for Textbooks (MSST)*

Citation The identification of one occurrence of a specific example of content that covers one element of the Texas Essential Knowledge and Skills (TEKS)

Consumable Any instructional material component that is intended to be written in, depleted, or otherwise consumed during the first year of use

Correlations Form A document provided by TEA on which publishers indicate the locations in their materials where the required Texas Essential Knowledge and Skills (TEKS) and English Language Proficiency Standards (ELPS) are addressed

Publishers of electronic materials must also include electronic correlations as part of their products.

Depository An entity through which publishers receive and fill orders for instructional materials

Depositories must be EMAT and Electronic Data Interchange (EDI) compliant. Publishers are not required to use a depository.

EMAT TEA's statewide electronic instructional materials management system that processes all requisitions and payments for adopted instructional materials

Texas public schools also use EMAT to requisition adopted materials and request disbursements from their instructional materials allotments.

Education Service Centers (ESCs) Public entities created by state statute to provide educational support programs and services to local schools and school districts

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

Each of the 20 ESCs serves districts in a specific geographic area.

Enrichment Subjects Languages other than English, health, physical education, fine arts, career and technical education, technology applications, and religious literature including the Hebrew Scriptures (Old Testament) and New Testament and its impact on history and literature

Error Form Please see *Publisher's Identification of Factual Errors and Editorial Changes* form

Evaluation Form (State Review Panel evaluation) A document that a state review panel completes detailing where the instructional material addresses the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS) and listing any errors that are found by the panel

Exhibit A Please see *Official Bid*

Foundation Subjects English and Spanish language arts and reading, mathematics, science, and social studies

Instructional Materials Allotment (IMA) An annual allocation of money from the instructional materials fund to Texas public schools

The allotment is based on student enrollment, and the per-student amount is determined biennially.

Instructional Materials Fund (IMF) A reserve of capital comprised of an amount set aside by the SBOE from the available school fund and any amounts lawfully paid into the fund from any other source and appropriated by the Legislature

Money from the instructional materials fund is used to finance the instructional materials allotment.

Instructional Materials Content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student

The term includes books, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic medium or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open-source instructional materials.

Instructional Materials Division The division of TEA that coordinates the review and adoption of instructional materials, provides accessible instructional materials for students with disabilities, manages the instructional materials fund, facilitates the distribution of state-approved instructional materials in various media, and provides districts with access to IMA funds for other allowable expenditures

International Standard Book Number (ISBN) A unique number that identifies books and book-like products internationally

Manufacturing Standards and Specifications for Textbooks (MSST) The physical standards of quality and performance for K–12 instructional materials

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

These standards and specifications are developed by the State Instructional Material Review Association, in consultation with the Association of American Publishers and the Book Manufacturers' Institute.

Markup A sequence of characters or other symbols that are inserted at specific places in a text file to indicate how the file is produced when it is printed or displayed or to describe the document's logical structure

The markup indicators are often called "tags."

MathML An XML application that describes mathematical notation and captures structure and content

MathML enables mathematics to be served, received, and processed on the World Wide Web.

National Instructional Materials Accessibility Standard (NIMAS) A technical standard used to produce XML-based source files, from which accessible, student-ready alternate-format versions of textbooks and core materials (e.g., braille, etextbooks, digital talking book, large-print, etc.) can be created and distributed to students with print disabilities

No-Contact Period The time during which state review panel members are not permitted to have either direct or indirect communication with any person having an interest in the adoption process regarding content of instructional materials under evaluation by the panel

The period begins when TEA initially contacts a nominee regarding his or her appointment to review instructional materials and ends after the *Preliminary Report on Instructional Materials Under Consideration for Adoption* is published.

Nonconsumable Any instructional material component that is intended for use during the entire period of the adoption

Official Bid (Exhibit A) The online form with which a publisher makes an official offer to provide specific instructional materials to the state of Texas at a fixed price

The form becomes Exhibit A of the contract.

Publisher's Identification of Factual Errors and Editorial Changes Form A document with which a publisher provides the list of all corrections necessary to each student and teacher component of an instructional materials submission

Proclamation The document issued by the SBOE calling for bids for instructional materials in selected subject areas and/or grade levels

The proclamation identifies the courses, grade levels, and subject areas scheduled for review and provides links to the Texas Essential Knowledge and Skills (TEKS) for those courses and subjects. Proclamations are named for the year in which the materials are intended to be made available in the classroom.

Questions and Answers Document (Q&A) A proclamation-specific document issued by the SBOE that consists of questions presented by publishers and answers provided by TEA

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.

Register of Contacts Form The signed document with which a publisher discloses all contact with members of the SBOE

The disclosure, which is required by state law, must include the time, date, location, and purpose for each communication with a member of the SBOE.

Report of Factual Errors A report presented to the SBOE listing all the factual errors found by the state review panels and those reported by the publishers (who are required to disclose all known factual errors) on or before the deadline established in the proclamation ([TAC §66.63\(e\)](#)).

Schedule of Adoption Procedures The section in the proclamation that lists the specific activities and deadlines related to the review and adoption of instructional materials

Specialized Format Materials Published material converted into an alternative medium, such as braille, large-print, audio, or digital text, which is exclusively for use by persons with print disabilities, as authorized by the *Vocational-Rehabilitation Act* and the *Americans with Disabilities Act*

Statement of Intent to Bid The online form with which a publisher indicates its intention to participate in an adoption under a specific proclamation

The form requires high level information about each product to be submitted.

State Review Panel A group of public school teachers, university professors, parents, business and industry representatives, and other academic experts that reviews instructional materials submitted for adoption to determine the extent to which the Texas Essential Knowledge and Skills (TEKS) and English Language Proficiency Standards (ELPS) are covered and to identify factual errors

Student Component Any instructional material component that is specifically intended for use by the student

Student components may include print and non-print materials such as student editions, workbooks, and online materials.

Supplemental Bid The online form with which a publisher adds to or replaces initial *Official Bid* submissions

Supplemental bids may only be submitted if a correct *Official Bid* was received by the deadline.

Teacher Component Any resource that is specifically intended for use by a teacher

Teacher components may include print and non-print materials such as teacher editions, workbooks, and online materials. Teacher components may also include materials intended for use by students.

Texas Essential Knowledge and Skills (TEKS) The state standards for the foundation and enrichment curriculum, adopted by the SBOE, that identify what students should know and be able to do at the end of each grade level or course

Textbook Please see Instructional Materials

Note: Underlined language in green was added by the State Board of Education at their February 2017 meeting.