

**Midcycle 2010 Proclamation
of the State Board of Education**

QUESTION AND ANSWER DOCUMENT

March 2009



**Texas Education Agency
Austin, Texas**

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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. If we wish to provide materials to the whole state, do we have to serve all ESCs?

Under a midcycle proclamation, publishers are not required to serve every ESC. Publishers have the prerogative to either limit the number of materials they make available or designate which portions of the state they will serve. A publisher that wishes to serve only portions of the state must indicate these portions by ESC region. A publisher that decides to offer materials to the entire state would, by definition, be serving all ESC regions.

2. What is EMAT?

EMAT is an acronym that refers to the state's Educational Materials system. It is the online system whereby districts order their materials.

3. After a program goes through the review process and has been placed on a conforming/nonconforming list, would that program then be placed in the EMAT system?

Yes.

Funding, Fees, and Textbook Credits

4. Can you please explain the fee for participating in this year's midcycle adoption?

Publishers are required to pay a nonrefundable fee in order to participate in the midcycle review and adoption. The fee is designed to cover the expenses related to the review of the instructional materials and is based on a sliding scale, such that the cost per bid is determined by the total number of programs submitted for review. The exact fee, not to exceed \$2000 per program for this adoption, will be determined once all of the Statements of Intent to Bid have been received.

A program is considered a textbook, or system of instructional materials, intended for a certain subject area and grade level.

5. Can you please explain what funding is available for the purchase of materials adopted under the Midcycle 2010 Proclamation?

Currently, there is no specific appropriation for the purchase of materials adopted under the Midcycle 2010 Proclamation. Districts may use textbook credits to order materials adopted in midcycle. We anticipate posting the amount of textbook credits available for each district to the TEA website in early April. Additionally, local authorities have the option to purchase materials with local funds.

6. Is the purchase of materials adopted under a midcycle proclamation restricted to making accommodations for new campuses or increases in enrollment?

No. Though there is language in State Board of Education rule that prevents districts from returning copies of adopted instructional materials in order to exchange them for another program (at state expense), it pertains only to a traditional proclamation. Districts are free to use their textbook credits to order any materials adopted under a midcycle proclamation for any of their students.

Additionally, districts are always permitted to purchase any materials at any time with local funds.

7. If a school wishes to order textbooks under Midcycle, the textbooks can be purchased with textbook credits through the EMAT system?

Yes. Districts that purchase midcycle materials with local funds would not do so through EMAT.

8. When will the TEA release information regarding the amount of textbooks credits available to each school district and open-enrollment charter school?

We anticipate posting this information to the TEA website in early April.

9. Can you please explain the textbook credit system?

H.B. 188, passed by the 80th Texas Legislature, created a statewide program in which districts receive credits for selecting adopted instructional materials priced below maximum cost. This textbook credit program grants a district half of the difference between the price paid for the materials and the maximum cost established by the proclamation.

The statute allows districts to use these credits to purchase either basal or supplemental instructional materials.

10. If a school uses their own local funds, they work directly with the publisher, correct?

Yes.

11. Regarding the funding issue, I understand that there are no funds from the legislature. Can the SBOE request the funds?

The legislature is currently considering funds requested for Proclamation 2010 and continuing contracts. There currently is not a request for additional funding for Midcycle 2010 materials.

12. If a school did not select a health textbook in a past adoption would they be allowed to use those funds for health materials adopted under midcycle?

There were no funds appropriated for health and PE materials so there are no funds available to be used for health materials under midcycle.

13. If a school has not adopted any textbooks in a subject area, they cannot use the funds that were set aside for the first adoption for midcycle purchases, correct?

If a district has not ordered any materials for a funded subject area (e.g. Technology Applications or LOTE) they could select midcycle materials for that subject.

14. The non-refundable fee to participate in the Midcycle 2010 Adoption is determined based on the total submissions by all publishers, all levels, all grades. Correct?

Yes. The nonrefundable fee is based on a sliding scale, such that the cost per bid is determined by the total number of programs submitted for review. The exact fee, not to exceed \$2000 per program for this adoption, will be determined once all of the Statements of Intent to Bid have been received.

15. Regarding fees, if there are several licenses involved, it would be per title of the printed book, correct?

Yes, per subject and grade level. For example, if a publisher has a math program and would like to submit the program for grades for 3, 4, and 5, there would be three separate fees.

16. Regardless of how many licenses we have?

Correct. The fee is based on the total submissions for review and not on how many are ordered after they are adopted. For example, if a publisher submits a program for grades 1-5, that would be \$2,000 per grade, or \$10,000 total.

Content Questions

17. Regarding LOTE programs, LOTEs are not organized by grade level. They are organized by proficiency level. If we submit for 5 languages, each language with grades 1 through 6, how many submissions would this be?

LOTE submissions will be considered by proficiency level, not by grade level. For example, if a publisher submits programs for French Level I, Level II and Level III, the fee would be \$2000 per level, for a total of \$6000, regardless of the number of grades in which the program is used.

18. Since the Midcycle 2010 Proclamation includes a request to bid for LOTE instructional materials, and in Texas, LOTE includes Spanish for Spanish Speakers, can we submit K-12 Spanish for Spanish Speakers instructional materials for this midcycle adoption? If the answer is yes, which grade levels and/or courses will qualify under the Midcycle 2010 Proclamation?

Under the Midcycle 2010 Proclamation Spanish for Spanish Speakers is not eligible for adoption. The LOTE (Languages Other Than English) subject areas that are eligible for adoption under the Midcycle 2010 Proclamation are listed in the proclamation.

19. Since the Midcycle Proclamation includes a request to bid for Art instructional materials, can we submit bilingual (materials published both in English and Spanish) instructional materials for Art K-5 grade levels?

The previous Fine Arts textbook adoption, Proclamation 2002, did not call for Spanish textbooks for Art, Dance, Music, and Theatre. If Fine Arts materials are submitted, they could include both English and Spanish versions as one submission.

Submission Requirements

20. What are the criteria for a company submitting materials for adoption?

Any publisher can submit materials. Adoption of those programs is based on the extent that the program conforms to the TEKS and manufacturing standards.

21. Please explain the difference between subscription-based and print-based.

Subscription-based materials are purchased on a yearly basis. For instance, if a school had 100 students the first year, they order a subscription for those students. If they then have 75 the second year, they order a subscription for 75 students. Technology Applications materials are subscription-based. Publishers are paid the annual subscription price regardless of whether the materials are digital or print. For other subject areas, publishers are paid for print materials the first time they are ordered and materials are not ordered in subsequent years, except for increases in enrollment.

Maximum Cost

22. The maximum cost for technology programs is based on subscription-based, rather than print programs, correct? Therefore, we are to submit subscription-based programs, correct?

Technology Applications maximum costs are based on subscription pricing.

23. Therefore, it would be the same idea that if a school subscribes for 100 subscriptions the first year, they would pay the subscription fee x 100, and if the second year they only have 50 students, the school would only pay for 50 even though they might have submitted a print item, correct?

Yes, that is correct.

24. Regarding subscription-based materials and the fees: maximum cost would be for a two-year period, not 6 years, as is the usual case with proclamations, correct?

Because contracts issued for instructional materials adopted in midcycle will expire at the same time as contracts for currently adopted materials for the same subject and grade level. The length of the contract would depend on when the current contracts are set to expire. Current contracts for Technology Applications materials will expire in August of 2011.