

STATE BOARD OF EDUCATION

PROCLAMATION 2022

QUESTIONS AND ANSWERS

Issued September 2020

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Questions and Answers

General Questions

- Question** If a publisher is interested in printing TEKS standards within a program, does it need permission from TEA?

Answer Since the TEKS are in the public domain, publishers do not need permission to print them in products.
- Question** Will there be separate committees that review each course?

Answer Committees will be formed based on the number of products submitted for each course. It is possible that a single committee could review products for various courses if the members of the committee are qualified to do so.
- Question** If a product is available digitally and in print, is there a requirement that every student have a print copy?

Answer No. Schools must provide each student with instructional materials that cover 100% of the TEKS (Texas Administrative Code [TAC], Title 19, [§66.105](#)). Each district establishes a local policy that determines whether materials are physically issued to students and whether materials are available in print or digitally.
- Question** What options do publishers have to protect copyrighted material during the review?

Answer Publishers are encouraged to add a draft watermark across pre-adoption samples to protect copyrighted materials.
- Question** How should the TEKS be cited in instructional materials?

Answer Identify standards and parts of standards by referencing the appropriate rule from the TAC.

Examples: *Students understand that personal health decisions and behaviors affect health throughout the life span. Students are expected to: describe and practice activities that enhance individual health such as enough sleep, nutrition, and exercise (TAC §115(b)(1)(A)).*

Or, if the grade level or course is clear from the context: *Biology (c)(1)(a) requires students to demonstrate safe practices during laboratory and field investigations.*
- Question** What are machine-readable TEKS and what is the purpose of this requirement?

Answer TEKS are currently published in HTML and a static PDF document. A machine-readable version provides standards in an IMS Global CASE-Certified format. When publishers use the machine-readable TEKS to tag the content that addresses the TEKS, districts have a clear and consistent way to search resources from different sources by TEKS and keywords.
- Question** How are publishers expected to incorporate machine-readable TEKS?

Answer The machine-readable TEKS must be used to tag content in all electronic instructional materials. They are available at <https://teks.texasgateway.org/>. Publishers can view guidance and training materials for using machine-readable TEKS on the Texas Gateway.

8. **Question** *Proclamation 2022* states that publishers who submit new products must also provide new correlations to any currently adopted materials if they plan to continue selling those materials. Can we assume that currently adopted materials will continue to be available for purchase in EMAT as long as a new correlation to the revised TEKS is submitted?
- Answer** Yes, if the state review panel determines that the currently adopted materials meet the eligibility requirements for adoption and the materials are adopted by the SBOE under *Proclamation 2022*.
9. **Question** What is the *Report of Interoperability and Ease of Use* due on Friday, April 5, 2021?
- Answer** The report gathers information from publishers regarding their program’s ability to work in different operating systems. The *Report of Interoperability and Ease of Use* form is available on the *Required Proclamation Forms* list on the [Publisher Portal](#). This information will be provided to the SBOE and districts.
10. **Question** Regarding the *Report on Interoperability and Ease of Use*, which standards of interoperability does this requirement refer to, or are we simply required to document whether our product(s) are capable of integrating with other software?
- Answer** There are currently no specific interoperability standards with which products must comply. Publishers are simply being asked to provide information related to interoperability.
11. **Question** Will health and physical education materials be reviewed for quality with the Texas Resource Review?
- Answer** We do not have plans to review health and physical education materials for quality at this time, as there is currently not a TRR quality rubric for these subjects.

Correlations and Breakouts

12. **Question** How do you expect correlated content for digital course submissions to be referenced on the correlation document?
- Answer** Publishers must provide the component ISBN, page number, description of the content’s location on the page, and a hyperlink that directs users to the exact locations of the content that the publisher believes sufficiently addresses the breakouts of the student expectations (SE). The correlations of online products must also be embedded in the product.
13. **Question** When you say that publishers must embed correlations, do you mean that the correlations must be on our native site, that we must put a direct link on the correlation document, or both?
- Answer** Both. Links are required on the correlation document, but providing them does not meet the embedding requirement unless the document is integrated into the digital program. Publishers can choose how they embed the correlations.

14. **Question** Does the state review panel use the publisher-supplied correlation document as its primary references for locating coverage of the TEKS, or is the publisher correlation only a secondary aid?
- Answer** The state review panels use the publisher-supplied correlation document as their primary references as they review the instructional materials. The importance of carefully constructed and accurate correlations cannot be overstated. If the publisher-supplied correlations are vague or confusing, reviewers may not be able to locate the content and may reject the citations.
15. **Question** If an SE has eight individual breakouts, then does that mean you must have 16 citations (two for each breakout) for that one original SE?
- Answer** Yes. SEs must be covered in their entirety two times in the material intended for student use and two times in the material intended for teacher use. However, the citations provided for the material intended for student use can be used to satisfy the requirement for the material intended for teacher use.
16. **Question** Can the same citation be provided for more than one breakout and/or SE?
- Answer** Yes. The breakouts are created to make the review of materials easier for state review panels. They are not intended to imply that individual breakouts or even individual SEs require unique content.
17. **Question** Can the same citation be provided for both the teacher materials and the student materials?
- Answer** Yes. The best, most closely aligned content should be provided in both sets of correlations for each breakout. Providing different citations for the material intended for teacher use and the material intended for student use can be confusing for review panelists and should be avoided.

Texas Essential Knowledge and Skills Coverage

18. **Question** Can content in material intended for teacher use be used to meet the requirement to address the TEKS in the material intended for student use?
- Answer** Yes, in certain circumstances. If there is content that is intended for use primarily by the student, and the publisher chooses to offer that content in the material intended for teacher use (e.g., digital teacher product with pages intended to be shared with students), then that content may be used to meet the requirement to address the TEKS in the material intended for student use. State review panels have the discretion to determine whether content is intended primarily for student use.
19. **Question** Can content in the material intended for student use be used to meet the requirement to address the TEKS in the material intended for teacher use?
- Answer** Yes, the teacher has access to content that is intended for teacher use, content that is intended for student use, and content that is intended for both. Therefore, citations for content in materials intended for student use may meet the requirement to address the TEKS in the teacher materials.

20. **Question** Will the state review panels accept products that are not assembled in a specific scope or sequence?
- Answer** There is no scope and sequence requirement in the SBOE adoption process.
21. **Question** Can you please define the term *student text narrative*?
- Answer** The *student text narrative* is the part of the instructional material that instructs the student or provides an opportunity for the student to acquire knowledge or learn a skill. Any content in the instructional material that is both intended for use by the student and provides an opportunity for the student to acquire knowledge or learn a skill could be considered *student text narrative*.
22. **Question** Please define material intended for student use and the material intended for teacher use.
- Answer** The material intended for student use encompasses all the components of an instructional materials submission that are intended for use by the student (e.g., workbooks, reading passages, lessons). The material intended for teacher use encompasses all the components of an instructional materials submission that are intended for use by the teacher (e.g., teacher guide, lesson plans, unit guides) and can include material intended for use by the student (e.g., assessments, workbooks, student texts).
23. **Question** Are the terms *student text narrative*, *student version*, and *student component* synonymous?
- Answer** No. The term *student text narrative* describes the part of the instructional material that instructs the student or provides an opportunity for the student to acquire knowledge or learn a skill. This contrasts with the part of the instructional material that checks for understanding or asks a student to demonstrate knowledge or practice a skill. The term *student version* encompasses all the components of an instructional materials submission that are intended for use by the student. Material intended for student use can be comprised of several student components. An instructional material submission that includes only a student textbook has a student version comprised of one student component. An instructional materials submission that includes a student textbook, a student workbook, and a digital resource for the student has material intended for student use comprised of three student components. Another way to understand the three terms is as follows: student text narrative is specific content within a student component. A student component is a specific element (workbook, textbook, website, etc.) of the student version of a product.
24. **Question** Should coverage of an SE be only in the printed content or can one be covered by accessing a companion website or other digital resource?
- Answer** TEKS coverage may occur in any component of a submission, including a companion website or other digital resource. Links to outside resources should be direct, and the content should be easy for users to access.
- Before including links to outside web resources, publishers should remember that, if the product is adopted, they will be required to sign a contract that requires the content to be available for at least eight years. They should also be aware of other website restrictions found in 19 TAC §[66.29](#).

25. **Question** 19 TAC §[66.27](#)(h) requires a content SE to be covered “once in the student text narrative and once in an end-of-section review exercise, an end-of-chapter activity, or a unit test.” 19 TAC §[66.36](#)(b)(1)(c) says, “Student expectations are not considered covered if only included in side bars, captions, or questions at the end of a section or chapter.” Please confirm and/or clarify: Questions at the end of a section or chapter *will* count for this second instance of coverage?
- Answer** Yes, but they cannot be the only kind of citation provided. To be considered covered, the SE must also be adequately addressed in the student text narrative.
26. **Question** Are we required to print the TEKS on any student materials or on any teacher materials?
- Answer** No. Printing the actual text of the TEKS is not required in student or teacher materials.
27. **Question** Regarding the nature of the content coverage in teacher and student instructional materials: Instructional materials must meet at least 50% of TEKS in the materials intended for student use and 50% of TEKS in the materials intended for teacher use; does it have to be the same 50% (i.e., coverage for some TEKS standards only appears in the materials intended for teacher use, coverage for some TEKS standards only appears in the materials intended for student use, but both student and teacher versions are covering at least 50%)?
- Answer** Yes. To determine eligibility for adoption, only those SEs that are addressed in both the student and teacher materials can be considered; however, the SBOE called for teacher materials for physical education. Those materials must cover at least 50% of the TEKS in the teacher materials.
28. **Question** May the correlation for the student version and the correlation for the teacher version have different TEKS percentages if they are both over 50% (e.g., correlation says student version meets 80%, teacher version meets 100%), or must there be coverage in both student and teacher version to meet a given TEKS standard?
- Answer** To determine eligibility for adoption, only those SEs that are addressed in both the student and teacher materials will be considered. Once a product has met the requirement of at least 50% coverage of the same SEs in both the teacher materials and the student materials, additional citations can be provided for one or the other or both sets and the final TEKS coverage for each may be different. The TEKS coverage percentage that will be published in EMAT will be the percentage of coverage in the student materials.
29. **Question** Is it correct that if a publisher misses one breakout of an SE that has several breakouts, the whole SE is considered “not met,” and even the breakouts that *were* met are discounted and do not count toward the 50%?
- Answer** That is correct. The 50% requirement refers to SEs, not breakouts. The purpose of parsing each SE into breakouts is to ensure that each portion of an SE is addressed. Accordingly, if all the breakouts of an SE are not sufficiently covered, then the entire SE is considered not addressed and does not count toward the 50%.

30. **Question** Each of the TEKS is comprised of a knowledge and skills statement and SEs. Must each of the SEs in a given standard (related to the same knowledge and skills statement) be addressed for the other SEs within the same standard to be considered addressed?
- Answer** No. Each SE is considered addressed or not addressed individually, without respect to any other SEs. The 50% requirement refers to SEs, not knowledge and skills statements. For example, if a standard has a knowledge and skills statement and three SEs, and a product addresses all the breakouts in two of those SEs (essentially meeting only two of the three SEs), those two SEs will still count toward the 50% requirement for eligibility for adoption.
31. **Question** How is it determined that a submitted product is at least 50% compliant with the TEKS? Does a book need to reach 50% compliance in each strand, or can the percentages vary from strand to strand, if they add up to 50%?
- Answer** A product does not need to meet 50% of the SEs in each strand. A product only needs to meet 50% of all the SEs. The percentage of coverage within each strand will not be calculated as part of this process.
32. **Question** Please confirm that the requirement to address TEKS in the student text narrative can be met through a variety of instructional materials that students work with, not just by reading a passage in a student textbook narrative (or e-textbook narrative), including, for example, by
- a. conducting or participating in a hands-on investigation/experiment;
 - b. reading and/or completing a student copy master/worksheet;
 - c. participating in a classroom discussion;
 - d. completing an electronic interactive activity or simulation; or
 - e. viewing and discussing a video.
- Answer** Any instructional material that is both intended for use by the student and provides an opportunity for the student to acquire knowledge or learn a skill *could* be considered student text narrative. Content in a student textbook, student workbook, or digital resource for the student could be considered part of the student text narrative. Whether specific examples such as those provided in the question above will be accepted as part of the student text narrative will be determined by the state review panel.
33. **Question** If a publisher submits both online and print materials as a package, does the TEKS coverage percentage have to be identical? Will the evaluators look at each product separately? For example, if our online curriculum covers 100%, does our printed material included in the package have to cover 100%?
- Answer** Online and print materials are not required to have identical TEKS coverage. If both online and print materials are submitted as a package in one *Complete Description*, the TEKS coverage percentage will reflect the entire product rather than the print and online portions individually. If print and online materials are submitted separately and the publisher indicates that the content in each version is different, the materials can be reviewed for TEKS coverage individually.

34. **Question** If an instructional material contains only one instance of a breakout, should that instance be recorded on the correlation form?
- Answer** An SE must be met at least twice in the material intended for student use—as described in 19 TAC §[66.27\(h\)](#)—and at least twice in the material intended for teacher use in order for that SE to count toward the 50% requirement for eligibility for adoption. If, in its correlations, a publisher only lists a narrative or activity citation or no citations for a breakout, the associated SE will not be met.
35. **Question** If there is an activity, must it come at the end of the chapter, or can it be included at the point where the material is covered?
- Answer** Activities can be included at any point the publisher deems is most instructionally appropriate.
36. **Question** Given that “Any instructional material that is intended for use by the student and provides an opportunity for the student to acquire knowledge or learn a skill could be considered student text narrative,” it seems logical to assume that any material in a student text that imparts knowledge—such as introductions, essays on specific topics, appendices that provide information—are considered student text narrative. Is that correct?
- Answer** Subject to the findings of the state review panels, content in introductions and essays on specific topics could be used to satisfy the requirement for TEKS coverage in the student text narrative. However, content in the table of contents, appendices, or other front- or end-matter is not considered part of the student text narrative, and, therefore, cannot be used to satisfy the requirements for TEKS coverage.
37. **Question** If a publisher inserts questions for the students in photo and art captions and those questions address TEKS breakouts, will those questions count toward meeting TEKS requirements?
- Answer** No. A question in an art illustration or photo caption cannot count toward meeting the required coverage of the content standards.
38. **Question** Can content in a photo/art caption or a sidebar be used to address the TEKS?
- Answer** No, content in a caption or sidebar cannot be used to satisfy the requirements for coverage of the content standards. Art, photo captions, and sidebars are not considered student text narrative, nor are they considered end-of-section review exercises, end-of-chapter activities, or unit tests.
39. **Question** What constitutes a citation? The mention of the word on a page? What about a definition followed by two examples? Can that count as three citations even though it is all on one page?
- Answer** The proclamation defines citation as “The identification of one specific example of content that covers one element of the TEKS.” To be an example of content that covers one of the TEKS, the content must provide 1) an opportunity for the teacher to teach the knowledge or skill, 2) an opportunity for the student to learn the knowledge or skill, or 3) an opportunity for the student to demonstrate the knowledge or practice the skill. It is permissible to have more than one citation on a page or screen. The mention of a word on a page does not constitute coverage.

40. **Question** Does a definition of the word in the glossary count in either the student or teacher edition?
- Answer** No. Content in the table of contents, appendices, including glossaries, or other front- or end-matter is not considered part of the student text narrative, an end-of-section review exercise, an end-of-chapter activity, or a unit test and, therefore, cannot be used to satisfy the requirements for TEKS coverage.
41. **Question** If a publisher provides a print textbook and an eBook, as well as additional digital materials, do all TEKS need to be met both in the print textbook and the eBook, or can some standards be met in the print materials and some in the eBook if they are all available to the student and cited accordingly in the correlations?
- Answer** If the print textbook and eBook are both included on the *Complete Description* and the publisher cites each one accordingly in the correlations, they do not each need to meet the same TEKS. The publisher must include both on all bids. If the publisher wishes to sell the print textbook and eBook separately, each should be submitted on a separate *Complete Description* and correlated individually.

Bids and Pricing

42. **Question** Are teacher materials required to be included with submissions?
- Answer** Teacher-only materials are not required for health education; however, the SBOE issued a call for teacher-only materials for physical education.
43. **Question** Are publishers required to submit bid packages that serve a specific number of students and teachers?
- Answer** No; however, to improve transparency for districts, it is recommended that each publisher provide a bid for each package (e.g., base, premium, silver, gold, etc.) that serves 22 students and one teacher for all subjects and courses excluding physical education. If physical education materials include student materials, it is recommended that each publisher provide a bid for each package that serves 45 students and one teacher.
44. **Question** How will a publisher be notified when a district purchases an adopted material?
- Answer** How a publisher is notified when a district purchases one of its materials is directly related to how the publisher plans to process its orders. A publisher may process orders manually through the EMAT system, through a depository, or in EMAT through an Electronic Data Interchange (EDI) system. If a publisher chooses not to use a depository, it must use EMAT. Publishers are required to complete the *Order Processing Information Form* prior to submitting their *Official Bids*.

45. **Question** There is no mention of a printed teacher edition in the “Adoption Timeline.” Are publishers not required to provide teachers with printed teacher editions (in cases where printed texts exist)? If not required, may publishers provide teachers with printed teacher editions if publishers so desire?
- Answer** Publishers are not required to provide a printed teacher edition for the purposes of the state review panel. However, should a braille or large-print teacher edition be required by a district, publishers must provide TEA with two printed teacher editions. Publishers may choose the specific media formats of each component.
46. **Question** Will annual renewals on online licenses be allowed, or must districts purchase the materials for the life of the adoption all at once?
- Answer** Annual renewals of online licenses are allowed.
47. **Question** In previous adoptions replacement consumable materials were required to be provided for free throughout the life of the adoption. Will this be a requirement of *Proclamation 2022*?
- Answer** *Proclamation 2022* did not call for consumables, but if the pricing option includes consumables, the bid price must include the price of the consumable for the term of the contract.
48. **Question** Is it permissible to bid the same program in multiple courses across the same subject area in *Proclamation 2022*?
- Answer** Yes. It is permissible to submit one program in multiple subjects, courses, and/or grade levels. In such cases, the publisher should submit a separate *Statement of Intent to Bid, Complete Description*, and correlation for each course, and the product will be reviewed against each set of TEKS. The SBOE’s adoption of the product in one subject or course does not guarantee adoption in any other subject, course, or grade level.
49. **Question** Must each product have its own unique ISBN?
- Answer** Yes. Each product and each component must have its own unique ISBN or ISSN. These numbers are used to track the products as they progress through the review and adoption process. Following the adoption, districts use these numbers to order the products in the EMAT system.
50. **Question** If a publisher submits an updated version of a bid, can it add components to those listed in the previous version of a bid?
- Answer** Yes, as long as the components that were reviewed are also on the bid. If the additional component is a print student component that was not previously bid, publishers also must submit NIMAS files. It may take longer to get new print components listed in EMAT because of the requirement to have accessible materials enter the classroom at the same time as materials intended for use by students without visual impairments.

51. **Question** *Proclamation 2022* lists Monday, September 20, 2021, as the deadline for submitting initial *Official Bids*. Can you please explain what is meant by the word *initial*? Must publishers submit bids by this deadline?
- Answer** Submitting *Official Bids* by the September 20th deadline is required. Bids for adopted products that are submitted by the initial deadline of September 20th will be incorporated into contracts and put into EMAT by the time EMAT opens for the 2022–23 school year. Publishers who miss the initial deadline will not be eligible for adoption by the SBOE. After the September 20th deadline, a publisher can add additional bids, and TEA will work as quickly as internal processes allow to get the products incorporated into contracts and into EMAT, but TEA may not have those products in EMAT when EMAT opens for the 2022–23 school year. Meeting the initial bid deadline will permit TEA to begin working to produce accessible materials, develop contracts, and get products into EMAT by the time it opens for the new school year. The option to submit additional bids by the additional bid deadline of Monday, December 6, 2021, allows publishers to respond to the needs of districts. The prices listed in the additional bids may not exceed those that were provided in the initial bids.
52. **Question** Can a publisher submit additional bids by the Monday, December 6, 2021, deadline if it did not submit *Official Bids* by the Monday, September 20, 2021, deadline?
- Answer** No.
53. **Question** Can you please explain the concept of “core content” as it relates to submitting a *Complete Description* for *Proclamation 2022*?
- Answer** Core content—sometimes referred to as TEKS-bearing content—refers to the components of a product that a publisher indicates will be used during the review to meet the required TEKS. A publisher may choose to provide additional components on a bid, but the component(s) used to provide required TEKS coverage must always be included.
54. **Question** When will publishers be required to provide information about the components that will be sold to districts and are not part of the core content?
- Answer** Publishers are required to provide information about the components that are not part of the core content when they submit *Official Bids* in September 2021. The *Official Bids* require publishers to provide information about each component the publisher intends to sell in EMAT. Publishers must submit one bid for each pricing option and/or product offering, and each *Official Bid* must include the core content.
55. **Question** How will bids that include an eight-year pricing option be handled if a district chooses to order the eight-year option after the first year of adoption?
- Answer** Publishers are required to include the subscription length of programs using “through school year” rather than indicating a specific number of years in the program title of bids for eight-year options. For example, an eight-year program title could be *Texas Health I, (Through SY 2029–30)*. Publishers are given the opportunity to lower prices after the first year of adoption. If publishers cannot change the number of subscription years and price associated with an ISBN, they can provide a post-contractual bid for a seven-year subscription.

56. **Question** What is a *component requisition*?
- Answer** In accordance with 19 TAC §66.28, publishers are required to allow individual purchase of each component included in their programs. The individual components must be available for the entire contract period. Districts complete a component requisition in the EMAT system to purchase an individual item.
57. **Question** Using a publisher submitting a print product as the scenario, can you please describe the process of submitting these forms?
- Answer** A publisher with an adopted product that contains a student book and a teacher book that comprise the core content, along with several additional resources and other options, could submit the information as follows:
- i. By Monday, December 7, 2020, the publisher submits one *Statement of Intent to Bid* that provides only general product information, such as the name of the publisher, name of the product, system requirements, media formats, and preliminary price information.
 - ii. By Monday, January 11, 2021, the publisher submits one *Complete Description* of the product that provides specific information about the student book and the teacher book (core content) only.
 - iii. By Monday, September 20, 2021, the publisher submits its *Official Bids*. The number of *Official Bids* this publisher submits depends on the number of different ways it would like to offer or “bundle” the core content with any additional resources. For instance, the publisher could offer simply the core content at one price and offer the core content with certain additional components at a different price. Each of these offerings requires a separate *Official Bid*, and each *Official Bid* must include the core content.
58. **Question** Using a publisher submitting a subscription-based online product as the scenario, can you please describe the process for submitting these forms?
- Answer** A publisher that would like to submit an online product with different options for subscriptions could submit the information as follows:
- i. By Monday, December 7, 2020, the publisher submits one *Statement of Intent to Bid* that provides only general product information, such as the name of the publisher, name of the product, system requirements, media formats, and preliminary price information.
 - ii. By Monday, January 11, 2021, the publisher submits one *Complete Description* of the product that provides specific information about the digital student and teacher components that comprise the core content only.
 - iii. By Monday, September 20, 2021, the publisher submits its *Official Bids*. The number of *Official Bids* this publisher submits depends on the number of different ways it would like to offer or “bundle” the core content with any additional resources. For instance, the publisher could offer an eight-year subscription, a four-year subscription, a two-year subscription, and a one-year subscription—each with its own price. The publisher could offer even more options if it chooses to bundle the subscriptions with a tablet, laptop, or other equipment. Each of these options requires a separate *Official Bid*, and each *Official Bid* must include the core content.

Samples

59. **Question** Are there specific technical requirements for the pre-adoption samples?
- Answer** Yes. If the sample is provided as a PDF, the PDF must meet the requirements of the [Web Content Accessibility Guidelines \(WCAG\) 2.1 AA](#). Publishers can find more information about PDF accessibility on the [World Wide Web Consortium \(W3C\)](#) and [Adobe](#) websites. If the sample will be hosted on a website, the website may not contain any sales or marketing content, including links to such content. In addition, publishers may not require users to provide any identifying information (e.g., name, email address, phone number) prior to accessing the pre-adoption sample, the correlations must be embedded, and the sample must include a word search feature.
60. **Question** Are there any system requirements for the platform or media types used by publishers for digital delivery?
- Answer** Instructional materials delivered digitally must meet the technical standards of the Federal Rehabilitation Act, Section 508, and all materials delivered online must meet minimum web-based standards, available at <https://www.w3.org/TR/WCAG21/>. Aside from these standards, there are no specific system requirements for the platform of electronically delivered instructional materials. However, on the *Statement of Intent to Bid and Complete Description*, a publisher must disclose the system requirements of the product.
61. **Question** Is it permissible to provide third-party software with an instructional materials submission?
- Answer** There is no restriction on including third party software in an instructional materials submission. However, a publisher of adopted products is required to sign a contract agreeing to make its product available for an initial eight-year contract period. In signing the contract, publishers affirm that the state's or a district's use of the product will not infringe on any third-party rights for the full eight-year period. Additionally, publishers may not change any content in an instructional materials submission without prior approval.
62. **Question** May we submit materials that require Flash (i.e., electronic materials that are not necessarily compatible with all mobile devices)?
- Answer** No. Official support for Flash is ending in December 2020. Publishers may submit materials that work on only certain devices. There are no specific platform requirements at the state level. However, school districts or charter schools may have different expectations for local adoption. On the *Statement of Intent to Bid*, publishers must indicate the specific system requirements or technology needed to make full use of the program.

63. **Question** *Proclamation 2022* includes the requirement to provide an electronic copy of all new content reviewed and approved by the state review panel. Can you explain the purpose of this requirement?
- Answer** The purpose of this requirement is to ensure the transparency of the review and adoption process by allowing members of the public to review the content changes that publishers make in response to feedback from the state review panels. In addition to the new content, the public must also have access to the original version of the pre-adoption sample. Publishers should not make content changes to their submitted pre-adoption samples. Changes in content must be provided separately.
64. **Question** What are the requirements for the word search feature that must be included in digital samples?
- Answer** Each digital pre-adoption sample must be equipped with a word search feature that allows users to search for specific words, such as important terms, within the text.
65. **Question** What is the extent to which the word search feature must function in the digital sample? Must each component be searchable individually or must the word search span all the products and components we have submitted in a subject area across grade levels?
- Answer** Each component must be searchable individually.
66. **Question** Is the need for a word search feature specifically for the state review panels or should the word search be customer facing? If it must be customer facing, must the word search feature be included in both teacher and student materials?
- Answer** The word search feature requirement is specific to pre-adoption samples, which are made available to the public through TEA's website. The feature is used to search for specific words and phrases within the student and teacher materials. Publishers are strongly encouraged to include the word search feature in the final version of teacher materials.
67. **Question** Do videos need to be included in the word search feature?
- Answer** Yes, a specific phrase or word search should yield all applicable results that contain the content, including videos.
68. **Question** Will various formats, e.g., print, software, and/or a combination of both, be permitted in *Proclamation 2022*?
- Answer** Yes. Publishers may submit print materials, digital materials, or a combination of print and digital materials.
69. **Question** For adopted electronic materials, how will TEA and/or school districts assist publishers in preventing digital piracy, or unauthorized copying of proprietary materials and posting them on the Internet with open access?
- Answer** Preventing the unauthorized use of instructional materials in schools is the responsibility of each district or charter school and the publisher of the materials. TEA encourages both districts/charters and publishers to take a proactive approach to protect their proprietary materials against piracy.

70. **Question** When the content is identical in the digital and print versions of the instructional materials submitted for adoption, can the layout of the content be different? For example, if a two-column format is deemed most efficient and readable for a printed text, but a one-column format is considered most effective for online reading, could a publisher provide the exact same content in different layout formats in the printed and electronic versions of the instructional material?
- Answer** Yes, a publisher may provide the exact same content in different layouts in the printed and electronic versions. The publisher should list all available formats when submitting its *Statement of Intent to Bid*.
71. **Question** The first mention of printed student materials in the *Proclamation 2022 Adoption Timeline* is in the deadline for Monday, February 7, 2022. Is this the first time that publishers are required to submit printed copies of their instructional materials?
- Answer** Yes. These printed copies are to aid in the production of braille and large-print materials.
72. **Question** Please confirm that the publisher can select the platform/media type used for the submission of the pre-adoption electronic sample due on Monday, April 5, 2021.
- Answer** Yes. The publisher can select the platform/media type used for the submission of the pre-adoption electronic samples. If the sample will be hosted on a website, the website may not contain any sales or marketing content, including links to such content. To meet the requirements of the adoption process, a publisher must submit electronic samples (in either an open or closed format) to TEA, each of the 20 education service centers (ESCs), and to a school district or charter school that requests a sample.
73. **Question** What information should the “complete description of all items included in a product” include?
- Answer** The complete description of all items included in a product should include every component included in an instructional materials submission being used to address the TEKS. It should specify for whose use each component is intended (student, teacher, or both), the media type (print, online, etc.) of each component, the system requirements for each component if different from the overall product, and whether each component is consumable. This information will be submitted using a specific format provided by TEA.
74. **Question** What format is required for the state review panel samples?
- Answer** In accordance with 19 TAC §[66.28\(d\)\(8\)](#), publishers have the option to provide print samples, electronic samples in an open or closed format, or galley proofs to the state review panels. If the sample will be hosted on a website, the website may not contain any sales or marketing content, including links to such content.

75. **Question** Can you please define *galley proof*?
- Answer** Yes. A *galley proof* is a complete (as to content), print sample that is bound (e.g., in a 3-ring binder or as a spiral). It is representative of the final pagination, layout, and organization of the product. A galley proof shows the actual size of the product (either by the trim size of the galley pages or with crop marks), resembles an advance reading copy of the final material rather than a proofreading or copyediting copy, and provides the state review panel an accurate depiction of what the final bound or online product will look like. For example, color laser proofs of final files to be used for “A-printing” that are bound in a 3-ring binder are acceptable as galley proofs. Printed signatures (also called “folds and gathers”) that are bound together in a spiral binding is another example of an acceptable galley proof. A galley proof is not simply a raw or edited manuscript. The option to provide galley proofs is specific to samples for the state review panels.
76. **Question** “Electronic instructional materials, including internet-based products, must be completely functional.” Does this pertain only to digital-only materials as opposed to a website that accompanies a textbook program?
- Answer** This requirement applies to all electronic instructional materials including websites.
77. **Question** Are there any rules surrounding district sampling?
- Answer** At the request of a school district, a publisher must provide an electronic sample of instructional materials submitted for adoption. These samples must be complete as to content and functional for review purposes and may be in an open or closed format.
- Once this requirement has been met, upon request of a school district or charter school and at the publisher’s discretion, a publisher may also provide print sample copies. Print samples provided to districts must be clearly labeled *Sample Copy—Not for Classroom Use*. Samples must be provided at no charge.
78. **Question** Must district samples be provided electronically?
- Answer** Yes.
79. **Question** Are we required to provide districts with print samples?
- Answer** No. Publishers are only required to provide districts with electronic samples but can also provide print samples at their discretion. Print samples provided to districts must be clearly labeled *Sample Copy—Not for Classroom Use*. Samples are provided and distributed at the publisher’s expense.
80. **Question** Some classroom kits include several components like game boards, card sets, manipulatives, or posters. We do not believe any of these are necessary for evaluating the merits of the curriculum. Would it be acceptable to present photos of these materials, preferably on our website, rather than sending them to the state or ESCs?
- Answer** Participants submitting instructional materials for adoption must submit electronic samples of each product bid. The format by which the electronic samples are submitted is at the discretion of each individual publisher. Publishers may submit photos of manipulatives or links to images but should keep in mind that providing only an image of a manipulative may make determining TEKS coverage more difficult for the state review panel.

81. **Question** Should all submissions of instructional material be in full color or black and white?
- Answer** The samples must be fully representative of the final product. A black and white sample would only be acceptable if the final product will be black and white.
82. **Question** If *Proclamation 2022* materials are submitted in print format, is there a requirement to have an electronic version for any reason, e.g., sampling?
- Answer** Yes. Participants submitting instructional materials for adoption must submit electronic samples of each product bid. Electronic samples may be in either an open or closed format.
83. **Question** Can you please define *open-file* and *closed-file format*?
- Answer** Open-file formats are published and free to be used by anyone. Examples of open-file formats are HTML and PDF. Closed formats require the user to download and install proprietary software. If samples are provided in a closed-file format, users must be able to download all necessary files for free.
84. **Question** Are galley proofs the only option with respect to print samples (i.e., please confirm that we cannot provide final format print samples to the state, review panels, and 20 ESCs, only galley proofs)?
- Answer** Publishers may provide final-format print samples to the state review panels. Publishers may not provide final-format print samples to TEA or ESCs. The acceptable format of samples is dependent on the recipient of the samples.

The table below indicates the sampling options.

	Pre-Adoption Samples	Post-Adoption Samples
Texas Education Agency	Electronic samples in open or closed format	Electronic samples in open or closed format
Education Service Centers	Electronic samples in open or closed format	Electronic samples in open or closed format
School Districts*	<ul style="list-style-type: none"> • Electronic samples in open or closed format • Print Samples* 	<ul style="list-style-type: none"> • Electronic samples in open or closed format* • Print Samples*
State Review Panels	<ul style="list-style-type: none"> • Electronic samples in open or closed format • Print Samples • Galley Proofs 	N/A
SBOE Members*	<ul style="list-style-type: none"> • Electronic samples in open or closed format • Print Samples* 	<ul style="list-style-type: none"> • Electronic samples in open or closed format*

		• Print Samples*
*Samples are provided to Texas public schools and SBOE members upon request; they must be electronic. If a district or SBOE members also requests a print sample, the publisher may choose to provide it as well.		

85. **Question** Are we allowed to require reviewers (including state review panel members, districts, general public, etc.) to register in order to view our online samples?

Answer Yes. However, it is not permissible for publishers to require users to provide personal information (including name, address, phone number, district or school name, and email address) to view online samples, and publishers must not gather personal information from those viewing the samples. A publisher may require a user to choose a username and password to register, but the publisher cannot require that the username be an email address.

Ancillaries

86. **Question** If print ancillaries are not allowed for submission, are online ancillaries acceptable?

Answer Ancillaries are defined as materials that are not included in the review and are not adopted but that publishers intend to provide along with adopted products. There is no restriction on print or online ancillaries for *Proclamation 2022*.

87. **Question** Will TEA require publishers to provide any free materials with program bids (e.g., free teacher editions)?

Answer No. There are no requirements that publishers provide free materials with program bids. If free materials are included in program bids, those materials must also be available for individual purchase.

Updates to Adopted Instructional Materials

88. **Question** 19 TAC §66.29(f) states, in part, “The publisher may not add any internet links to the materials without the approval of the commissioner of education, [and] will not redirect any user accessing the web-based or online instructional materials to other internet or electronic sites that are not directly related to the content, and may not collect any information about the user or computer accessing the materials that would allow determination of personal information, including email addresses.” Would a product violate this condition if it includes links from the support section of the product which direct users to outside educational resources or links for research purposes that send users to reputable .edu/.gov/.org websites that are free?

Answer No. Products submitted for adoption may have links to outside resources and redirect users to other internet or electronic sites. Once the materials are adopted, publishers may not *add* new internet links or redirect users without the approval of the commissioner of education. Publishers may not make any changes to content in adopted instructional materials without the prior approval of the commissioner or the SBOE.

89. **Question** Will publishers be allowed to revise and update content? Will the publisher be able to add new content? If updates either to functionality of the digital product or to content are allowed, will changes have to be submitted to TEA for approval before being implemented in the product?
- Answer** In accordance with 19 TAC §§[66.75](#) and [66.76](#), all requests for updates involving content in state-adopted instructional materials must be submitted to TEA. If the change impacts TEKS coverage, it must be approved by the SBOE prior to its introduction into state-adopted instructional materials. In accordance with 19 TAC §[66.29](#)(d), publishers must agree that their electronic, web-based, or online instructional adopted materials will not be altered in any way that removes content or that changes content without prior SBOE approval. Publishers, however, are permitted to make changes to functionality or interactivity without first seeking the approval of the commissioner or the SBOE.
90. **Question** Regarding program interactivity, is it permissible to embed blogging and synchronous communication exchange between users of the program or does the curriculum have to be static?
- Answer** It is permissible to embed blogging and synchronous communication exchange between users. Publishers are encouraged to pay special attention to 19 TAC §[66.29](#) regarding the maintenance requirements for web-based materials.
91. **Question** Once a digital product has been approved and adopted, will publishers be allowed to update functionality and interactivity over the lifetime of the contract?
- Answer** Yes.
92. **Question** When can I change the content or add new content in an adopted material?
- Answer** Publishers can only make content changes following adoption by the SBOE if they follow the established procedure. All content changes must be submitted to TEA and approved prior to it being introduced into the adopted program. Failure to obtain approval first can result in financial penalties and contract termination by the SBOE. Publishers should review 19 TAC §§[66.75](#) and [66.76](#).
93. **Question** Can I update my TEKS coverage percentage after the materials have been adopted?
- Answer** Yes. Publishers with adopted materials will be given an opportunity to increase their TEKS percentage the summer following adoption by the SBOE. Those publishers eligible will be notified by TEA several months prior to the summer standards alignment review.

Accessibility Requirements and Manufacturing Standards

94. **Question** *Proclamation 2022*: “Instructional materials delivered electronically must meet the technical standards of the Federal Rehabilitation Act, Section 508.” Please confirm that this does not apply to electronic pre-adoption samples of print products.
- Answer** Although pre-adoption electronic samples are not required to comply with specific technical standards, the samples provided to TEA, ESCs, and state review panels should be accessible to individuals with disabilities. Publishers are strongly encouraged to develop their products with the required accessibility in place rather

than attempting to bring a fully developed product into compliance with accessibility standards.

95. **Question** Regarding the electronic format of the instructional materials, does Texas outline a set of technical requirements that publishers are required to meet and/or do districts each have their own set of technical requirements?

Answer The format in which the electronic instructional materials are submitted is determined by each individual publisher. However, to be eligible for state adoption, materials must meet Section 508 Refresh standards, published on January 17, 2018. These standards and WCAG 2.1 now apply to not only web-based content, but to all electronic content. Each district or charter school may have its own additional requirements.

96. **Question** Most curricula now have online and print components which are comprised of essentially the same content, e.g., printed teacher's guides and almost identical online versions. For the purposes of interpreting the code and regulations, do these programs need to meet both sets of requirements and expectations (print and electronic) or do they generally fall under the print category?

Answer Printed materials intended for use by the student must comply with the standards in the latest edition of *MSST*, approved by the Advisory Commission on Textbook Specifications. Instructional materials delivered electronically must meet Section 508 Refresh standards, published on January 17, 2018, and WCAG 2.1, Level AA. Including both print and online components with identical content does not exempt a publisher from these requirements.

97. **Question** Is 508 and W3C compliance required of *all* student components included on a bid, even if the component is provided simply for extra practice (i.e., not the primary mode of instruction)?

Answer Yes. Just as all print student components included in a bid must meet *MSST*, all electronic components included in a bid must meet the 508 and W3C standards.

98. **Question** *Proclamation 2022* states that instructional materials delivered electronically must meet the technical standards of the Federal Rehabilitation Act, Section 508, and that materials delivered online must conform to WCAG 2.1, Level AA, available at <https://www.w3.org/TR/WCAG21/>.

The W3C standards contain 7 broad categories of standards:

- a. Web Design and Applications
- b. Web Architecture
- c. Semantic Web
- d. XML Technology
- e. Web of Services
- f. Web of Devices
- g. Browsers and Authoring Tools

Within these broad categories, there are over 100 different technologies listed, and within the different technologies, there are even more standards. It is our understanding that TEA is looking for publishers to document conformance around

the accessibility of the content within the product, not over all the different standards. In particular, there is a Web Content Accessibility Guideline in the W3C. Is this the guideline that we should be focused on?

Answer To fulfill this requirement, a publisher’s product must meet the standards that are applicable to the product. If the product is electronic, it must meet the Federal Rehabilitation Act, Section 508 Refresh standards, published on January 17, 2018, and WCAG 2.1, Level AA.

99. **Question** What information needs to be included in the accessibility report due on Monday, March 28, 2022?

Answer Publishers with electronic instructional materials are required to complete the *Accessibility Compliance* form and provide a report for each electronic component included in their program that verifies the components follow WCAG 2.1 AA standards and Section 508. The report must, at a minimum, include the following:

- Third-party vendor cover page that includes the publisher name, program title, program ISBN, subject area, and course/grade level of adopted material
- Third-party vendor contact information
- Date report was started and completed
- Total number of pages tested, including the home page used 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, such as a map or graph, one randomly selected page of each different type of electronic component, and at least one page from each component within the program
- List of issues identified (if any) and how publisher is working toward correcting them
- Confirmation from publisher that the third-party vendor conducted the activities outlined on pages 14–15 of *Proclamation 2022*

100. **Question** How soon should we get started on the accessibility report due on Monday, March 28, 2022?

Answer Publishers of electronic instructional materials should build accessibility into their programs from the beginning. Third-party vendors typically take at least 3 to 4 weeks to complete an accessibility report. Publishers are encouraged to begin searching for a third-party vendor to complete their report at least 2 to 3 months prior to the deadline. Publishers that fail to provide the accessibility report that verifies the required accessibility standards have been met by the deadline will have their products removed from the adopted list.

101. **Question** What if my accessibility report lists components that are not compliant?

Answer Materials that are found to not be compliant with required accessibility standards will result in that product’s removal from the adopted list. Publishers should work to correct accessibility issues as soon as possible, complete a second accessibility report, and certify that the product meets the required accessibility standards. Products will be returned to the adopted list and EMAT once the report and certification has been submitted to TEA. If the product remains out of compliance for an unreasonable amount of time, the publisher’s contract may be presented to the SBOE for

termination.

102. **Question** Please explain the NIMAS files requirement.

Answer NIMAS files are required for all student print components included on the *Official Bid* to facilitate the production of braille, large-print, and audio versions. NIMAS files, along with three print copies of the adopted student material must be submitted to the designated braille producer by Monday, February 7, 2022. Corrected samples and updated NIMAS files must be submitted to the braille producer by Monday, March 28, 2022. If no changes are necessary to a publisher's NIMAS files, publishers are required to notify the braille producer and TEA by the deadline.

NIMAS files must be submitted to the designated large-print and audio producers by Monday, March 28, 2022, along with corrected samples of adopted materials. Failure to provide any of these deliverables will result in the product's removal from the adopted list.

TEA will inform publishers of the specific contact information for each of the designated producers after contracts have been finalized.

Glossary of Acronyms

EDI – Electronic Data Interchange

ESC – education service center

ISBN – International Standard Book Number

ISSN – International Standard Serial Number

MSST – Manufacturing Standards and Specifications for Textbooks

NIMAS – National Instructional Materials Accessibility Standard

SBOE – State Board of Education

TEA – Texas Education Agency

TEKS – Texas Essential Knowledge and Skills

WCAG – Web Content Accessibility Guidelines

W3C – World Wide Web Consortium