

**National Association of State Textbook Administrators**  
**2010 STATES' REPORT**  
**Statute and Policy regarding State Requirements for Digital Adoptions**

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The following documents were contributed by participating state administrators. They are collated alphabetically by state name. For additional information please use the contact information provided.

**Georgia**

Administrator: Randall Lee email: rlee@doe.k12.ga.us

**I. LEARNING RESOURCES ELIGIBLE FOR RECOMMENDATION**

**A. Definition of *Learning Resource Material*:** The Learning Resources must meet the definition contained in State Board Rule 160-4-4-.10 (1)(f).

**160-4-4-.10 LEARNING RESOURCES SELECTION AND RECOMMENDATION**

**(1) DEFINITIONS.**

(a) **Agreement** – the document that states a publisher is in compliance with certain specifications and conditions.

(b) **Georgia Learning Resources Guide** (state guide) - those learning resources that have been state-recommended.

(c) **Learning Resources** – systematically designed material in any medium, print, or non-print, or digital including any computer hardware, software, and technical equipment necessary to support such material that constitutes the principal source of study for the instruction of a state funded course. Learning resources include textbooks, software, online materials and programs and specialized formats, i.e., Braille, audio, digital, large print or other versions. Instructional resources shall also include any materials previously defined by the State Board as “textbook/instructional materials”. The Board does not intend any change in this rule to have any effect on current or past textbook contracts.

## Idaho

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Idaho Statute: <http://legislature.idaho.gov/idstat/Title33/T33CH1SECT33-118A.htm>

TITLE 33  
EDUCATION  
CHAPTER 1  
STATE BOARD OF EDUCATION

33-118A.CURRICULAR MATERIALS -- ADOPTION PROCEDURES. All curricular materials adoption committees appointed by the state board of education shall contain at least two (2) persons who are not public educators or school trustees. All meetings of curricular materials adoption committees shall be open to the public. Any member of the public may attend such meetings and file written or make oral objections to any curricular materials under consideration. A complete and cataloged library of all curricular materials adopted in the immediately preceding three (3) years and used in Idaho public schools, and all electronically available curricular materials used in Idaho public schools are to be maintained at the state department of education at all times and open to the public.

"Curricular materials" is defined as textbook and instructional media including software, audio/visual media and internet resources.

## Kentucky

Administrator: Kathy Mansfield email: kathy.mansfield@education.ky.gov

**Kentucky** definition for "instructional resource" in statutes and regulations for Textbook Adoption:

(2) "Instructional resource" means any print, non-print, or **electronic** medium of instruction designed to assist students.

Other references to electronic/digital:

Section 11. (1) A request to substitute revised editions of textbooks, updated technology, or other instructional resources under contract shall be considered at the first regular meeting of the calendar year of the State Textbook Commission to be held on or before May 1.

Section 14. (1) A school may use state instructional resource funds for the purchase of recommended instructional resources in any combination based on identified pupil needs. Purchases may include the following:

(2) Instructional resources not subject to state review but eligible for purchase shall include the following:

(a) Reference books, trade books, pamphlets, periodicals, and other supplemental print material for student use;

(b) Supplementary videotapes, slides, and recordings;

(c) Graphic materials, transparencies, globes, maps, music material, math and science manipulatives, calculators, and similar material;

(d) Supplementary electronic instructional materials; and

(e) Individualized learning programs.

## Louisiana

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Louisiana *BULLETIN 1794-State Textbook Adoption Policy and Procedure Manual*

<http://www.doa.louisiana.gov/osr/lac/28v33/28v33.doc>

### Chapter 3. General Provisions

#### §301. Definitions

*Textbook*—any medium or material (print or non-print), book, or electronic medium that constitutes the principal source for teaching and learning in a specified subject area. A textbook shall be a systematically organized core of stand alone instructional materials (which may be hardbound, softbound, electronic or other media) designed to support the teaching and learning of a curriculum based on the SBESE-approved Grade-Level Expectations or state curricular guides (e.g., home economics, foreign language, health, business education). These materials shall be limited to *instructional materials* (see definition herein).

*Instructional Materials*—limited to items having intellectual content that by design assist in the instruction of a subject or course. Instructional Materials may be transmitted via "storage mechanisms" (such as CD-ROMs, DVDs, flash drives, etc.), but "delivery mechanisms" (such as iPods, laptops, whiteboards, etc.) shall not be included in the adopted materials. Instructional Materials may be available in bound, unbound, bundled or package form and may consist of

hardbound or softbound textbooks, consumables, manipulatives, electronic media, and computer courseware or software. Instructional Materials do not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.

### Recent legislation

During the 2010 Regular Legislative Session, Senate Bill 533 was passed, which required SBESE to make every effort to ensure that electronic versions are available for every title it approves in the textbook adoption process.

## Nevada

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### GENERAL PROVISIONS

NRS 390.005 Definitions. As used in this chapter, unless the context requires otherwise:

1. “Basic textbook” or “textbook” means any medium or manual of instruction, including, without limitation, software for computers, containing a presentation of the principles of a subject and used as a basis of instruction.

2. “Supplemental textbook” means any medium or material, including, without limitation, software for computers, used to reinforce or extend a basic program of instruction.

3. A basic or supplemental textbook becomes “unserviceable” when 4 years have elapsed since its removal from the adopted list.

(Added to NRS by 1967, 168; A 1981, 413; 1999, 3388)

### SELECTION AND PURCHASE OF TEXTBOOKS

NRS 390.140 Final selection by State Board; exception for charter schools; accurate portrayal of cultural and racial diversity of society.

1. The State Board shall make the final selection of all textbooks to be used in the public schools in this State, except for charter schools. If a textbook proposed for selection is in a subject area for which standards of content have been established by the Council to Establish Academic Standards for Public Schools pursuant to

NRS 389.520, the State Board shall not select the textbook unless the State Board determines that the textbook adequately supports the standards for that subject area.

2. A textbook must not be selected by the State Board pursuant to subsection 1 for use in the public schools in classes in literature, history or social sciences unless it accurately portrays the cultural and racial diversity of our society, including lessons on the contributions made to our society by men and women from various racial and ethnic backgrounds.

[313:32:1956]—(NRS A 1967, 171; 1981, 413; 1989, 2102; 1997, 1871; 1999, 3389)

NRS 390.160 Contracts by State Board for purchase; provisions of contracts.

1. The State Board may make such contracts for the purchase and use of textbooks in the name of the State as it deems necessary for the interests of the public schools.

2. Contracts must:

(a) Set forth the introductory, exchange and retail price of each textbook, which must not exceed the lowest price the publisher has charged for the same textbook anywhere in the continental United States for similar quantities exclusive of shipping costs.

(b) Guarantee that there is no subversive or sectarian doctrine, as determined by the laws of Nevada and the United States, in any of the textbooks covered by the contract.

[315:32:1956]—(NRS A 1967, 171; 1981, 413)

## **New Mexico**

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### **Excerpts from 6.75.2.7**

#### **DEFINITIONS:**

C. “Alternative format” means the exact duplicate version of the title submission in a format or language other than the original version; examples of alternative formats include

CD-ROM, software, online or web based, DVD, compact video or audio disc, video or audio tape.

N. “Digital direct instruction course/program” means computer based instruction in which courses use software as the primary delivery method of instruction. The digital instructor provides direct instruction to the student. The classroom instructor primarily provides support rather than instruction. A text book may or may not be required. These courses will be accepted as supplemental material only; they will not be accepted as core/basal material for the review process.

O. “Digital learning content” means technology application information incorporated within the content of the core/basal instructional material for the purpose of supporting development of technological knowledge and skills that students can then apply to all curriculum areas.

P. “Distribution” means transporting to the schools those items of instructional material on the multiple list requisitioned by a particular school or school district.

Q. “Educational media” means print, digital, or electronic material providing or conveying information to the student or otherwise containing intellectual content and contributing to the learning process. Educational courseware or programming that is the primary provider of instruction as well as of information is not included in this definition.

R. “Educational digital media” means a digital system of instructional material, computer software, interactive videodisc, magnetic media, CD-ROM, DVD, computer courseware, online services, electronic media, or other means of conveying information to the student or otherwise containing intellectual content that contributes to the learning process. Educational courseware or programming that is the primary provider of instruction as well as of information is not included in this definition.

JJ. “Online course/program” means computer based instruction in which courses use the internet as the primary delivery method of information. A text book is required and all other materials, as well as, instructional support provided by an on-site instructor.

KK. “Online direct instruction course/program” means computer based instruction in which courses use the internet as the primary delivery method of instruction. The cyber instructor provides direct instruction to the student. The classroom instructor primarily provides support rather than instruction. A text book may or may not be required. These courses will be accepted as supplemental submissions only; they will not be accepted as core/basal submissions for the review process.

#### **6.75.2.8**

#### **REQUIREMENTS: RESPONSIBILITIES OF THE DEPARTMENT**

A. Annual adoption. There shall be one (1) annual adoption, provided however, that the department may allow other adoptions upon a finding that an emergency is determined to exist.

B. Material shall be adopted for a period of six years. The subject area of each annual adoption shall consist of those subject areas whose adoption period expires at the end of the year during which the adoption is conducted.

O. Educational digital media. The contract, review, and evaluation process and standards involving digital, electronic, or web-based materials and media shall be the same as print materials, with these qualifications.

(1) Educational digital media shall comply with current interoperability standards; and any other specifications deemed necessary by the chief for an appropriate and effective review of educational digital media.

(2) Equipment such as computer hardware, technology devices or equipment intended to deliver or display the material but which are not instructional materials shall not be offered free or at reduced prices with instructional materials. This includes but is not limited to computers, laptops, handheld devices, microscopes, CD/DVD players, overhead or LCD projectors, electronic whiteboards, phone/music/transmitting and listening devices, and cameras.

(3) Publishers are required to provide to the instructional material bureau at the time of the review any hardware, software, or special equipment which may be needed for a review of instructional material.

(4) Publishers will be responsible for costs associated with the provision of needed hardware, software or special equipment.

(5) Materials requiring proprietary equipment provided by or through the publisher will not be considered for adoption.

## Oklahoma

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### STATE TEXTBOOK COMMITTEE RULES 720:1-1-1.



STC Rules.docx

I attached our rules in their entirety. We don't have one single statute that addresses digital materials. They are mentioned throughout. Here is the actual description of what may be bid:

(n)~~~~Instructional computer software, including, but not limited to applications using computer assisted instruction, interactive videodisc, other computer courseware, and magnetic media, shall include comprehensive teacher materials listing special requirements for the respective subject or course along with (1)~~~~instructions on how to use the instructional computer software; (2)~~~~an inventory of the components of the instructional computer software system; (3)~~~~specifications for the hardware necessary to operate the system; (4)~~~~technical support via at least a 15-hour toll-free telephone line.

## Oregon

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### **OAR 581-011-0087 - Digital, Electronic, or Web-based Materials and Media**

(1) As indicated in OAR 581-011-0050(1) and (2), Instructional materials are defined as any organized system which constitutes the major instructional vehicle for a given course of study, or any part thereof. Instructional Material may include digital content or software in a format such as electronic and internet or web-based materials or media.

(2) Contract, review, and evaluation process involving digital, electronic, or web-based materials and media shall be the same as print materials.

(3) As stated in OAR 581-011-0086, the State Board of Education must approve the request of a publisher to substitute a more recent edition or version of any officially adopted material.

However, software updates that improve functionality, performance, or accuracy are allowed if approved by the Department of Education. New and revised editions or versions must be sold at the same or lower price as those previously approved.



(4) According to ORS 337.060 a publisher or other supplier who submits a proposal under 337.060 is required to pay a fee equal to the retail price expended by a school district during the length of the contract period, or \$50, whichever is greater, for each title or item of instructional material proposed by the publishers or supplier for review and adoption by the Board. Bid proposals must include available retail price structures such as per-student, per-computer, subscription and other unit price structures and may include models where the cost is divided over multiple years and paid annually (as opposed to a single payment). Bid proposal fees are payable prior to consideration of the proposal.

(5) Materials that comply with the interoperability standards can be considered for adoption according to ORS 337.075.

(6) Materials shall be accessible consistent with OAR 581-015-2060, 581-022-1640, 581-022-1622, 581-022-1650, 581-011-0052 and compliant with all state or federal laws regarding accessibility.

(7) Materials cannot include free or gratis equipment such as computer hardware, technology devices or equipment, which are intended to deliver or display the material but which are not instructional materials. This includes but is not limited to computers, laptops, handheld devices, microscopes, CD/DVD players, overhead or LCD projectors, electronic whiteboards, phone/music/transmitting and listening devices, and cameras.

(8) In accordance with ORS 337.090, if any publisher fails to carry out the provisions of the contract or with the intent to evade the provisions of the contract, sells any of the materials in this state at prices higher than specified in the contract of the publisher, the Board may, on behalf of the state, rescind the contract and notify the publisher thereof, or bring the appropriate action or suit to enforce the provisions of the publisher's bond or letter of credit, payable to the State of Oregon for the benefit of the Common School Fund.

Stat. Auth.: ORS 337.035

Stats. Implemented: ORS 337.035

Hist.: ODE 3-2009, f. & cert. ef. 6-29-09; ODE 1-2010, f. & cert. ef. 2-8-10

### **South Carolina**

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SC has no statute requirement for digital adoptions.

## Utah

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### R277-469-1 Definitions

G. "Instructional materials" means systematically arranged content in text or digital format which may be used within the state curriculum framework for courses of study by students in public schools, including textbooks, workbooks, computer software, online or internet courses, CDs or DVDs, and multiple forms of communication media. Such materials may be used by students or teachers or both as principal sources of study to cover any portion of the course. These materials:

- (1) shall be designed for student use; and
- (2) may be accompanied by or contain teaching guides and study helps;
- (3) shall include all textbooks, workbooks and student materials and supplements necessary for a student to fully participate in coursework; and
- (4) shall be high quality, research-based and proven to be effective in supporting student learning.

## West Virginia

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### ARTICLE 2A. ADOPTION OF INSTRUCTIONAL RESOURCES.

#### §18-2A-1. Definition; adoption groups; adoption schedule.

(a) "Instructional Resources" include print materials, electronic resources and systems, or combinations of such instructional resources which convey information to the pupil.

(b) Instructional resources approved for adoption and listed on the state multiple list shall substantially cover the required content and skills for the subject as approved by the state board . The instructional resources shall be current and the information shall be presented accurately. **The instructional resources may consist of a single resource, print or electronic, or a compilation of resources, print or electronic, that together cover the required criteria established for approval as a primary instructional resource. The resources may be updated or otherwise changed and improved on an ongoing basis to ensure that they are current and accurate.**

(c) On or before July 1 of each year, the state board shall classify the elementary and secondary school subjects required to be taught in the schools of our state into adoption groups by related subject fields as nearly as possible. A schedule for the periods of adoption, not to exceed six years, shall be determined by the state board. However, **during the school year beginning on July 1, 2010, the state board shall develop a method by which newly developed and**

**substantially revised instructional materials submitted by vendors or available as open resources may be reviewed for compliance with established criteria. When an instructional resource is found to be in compliance with established criteria, it may be added to the official multiple list and thereafter be available for adoption by a county board.** County board instructional resources adoption committees may request a waiver of the adoption cycles from the state board. **Software, print and electronic magazines, print and electronic newspapers and other print and electronic periodicals and other licensed or subscription-based instructional resources may be purchased county board for classroom use to supplement those items adopted on the state multiple list without having to comply with the adoption procedures provided in this article.**

**(d) Software, print and electronic magazines, print and electronic newspapers and print and electronic periodicals are considered to be instructional resources for purposes of special excess levies subject to the provisions of section sixteen, article eight, chapter eleven of this code when the described purpose under that section is for textbooks or instructional resources.**

**(e) A county board that selects an electronic instructional resource may, subject to the approval by the state board of its request to do so, choose not to renew that option before the end of the established contract period and select a new or different instructional resource from the official multiple listing before the end of the established contract period.**

**(f) The vendor of an adopted electronic resource, after notice of explanation to the state board, may offer an update to the navigational features or management system, or both, related to the learning technology and may update the content of the learning technology as needed to accurately reflect current knowledge or information without charge. Vendor changes to the electronic resources may not require the purchase of a new operating system during the established contract period. Vendors shall continue to provide support for the version adopted.**

**(g) The state board shall adopt guidelines and procedures for updates and changes to electronic instructional resources submitted by vendors.**

**§18-2A-3. Disposition of and requests for samples.**

**(d) ... In the case of electronic instructional resources, it is sufficient for vendors to provide access for the purpose of reviewing the resources via a user name and password to a web-based resource or through on-line file transfer or download.**

**§18-2A-5. Selection by county boards; school curriculum teams.**

(a) Vendors, upon requests of county superintendents, shall furnish to county boards the requested sample copies of resources that were selected and placed on the state multiple list by the state board in accordance with the provisions of section three of this article. **In the case of electronic instructional resources, it is sufficient for vendors to provide access for the purpose of reviewing the resources via a web-hosted online format.**

(d) **County boards adopting electronic instructional resources shall ensure equity of access for all students at school and shall have a plan to provide equity of access at home if necessary through alternate avenues including, but not limited to, print, software, and hardware support.**