

POLICIES AND PROCEDURES
FOR THE
FLORIDA
INSTRUCTIONAL MATERIALS
ADOPTION



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Approved by
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January 29, 2010

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PART I. INTRODUCTION

The following policies and procedures have been approved by the Commissioner of Education pursuant to Sections 1001.10(6)(p), 1006.31, and 1006.34, Florida Statutes, for use by State Instructional Materials Committees who evaluate the instructional materials and publishers who submit instructional materials for adoption.

In Florida, specific courses within selected subject areas are called for adoption on a rotating basis, usually for a period of six years. Florida adopts instructional materials for those specific courses. Subject areas for the current adoption year and the adoption schedule are posted on the Florida Department of Education Instructional Materials Web site.

One to two years prior to each adoption, the Florida Department of Education publishes the Instructional Materials Specifications for the subjects to be adopted. These specifications outline the courses for which materials are being sought, as well as the standards that those materials are expected to meet. Specifications can be downloaded from the Florida Department of Education Instructional Materials Web site.

For purposes of state adoption, the following definitions apply:

"Instructional materials," as provided in Section 1006.29(4), means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. The term does 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.

"Major tool" refers to:

- Materials that provide instructional content and student learning activities for each of the Next Generation Sunshine State Standards (NGSSS) benchmarks that are in the course descriptions for reading, language arts, literature, math, science, social studies, physical education, health, world languages, visual arts, and performing arts;
- Materials that provide instructional content and student learning activities for each of the intended outcomes and/or student performance standards of the Career and Technical Education Curriculum Frameworks;
- Materials that provide instructional content and student learning activities for the course objectives as outlined by the appropriate organizations for Advanced Placement, International Baccalaureate, and Advanced International Certificate of Education.

"Ancillaries" are those items that were designed to work with the major tool and may be priced or free with order.

“Supplementary” materials are defined as supporting materials that do not qualify as the major tool, and are not designed to accompany the specific major tool with which they were submitted, but could be used with any publisher’s materials. Florida does not have a process for the adoption of supplementary materials.

Any materials that are considered during adoption of the major tool, regardless of price, must be provided upon award of the contract.

Each section in this document contains information relative to the duties and responsibilities of each member of the State Instructional Materials Committee and of each publisher who is submitting material for the adoption.

PART II. RELATIONSHIP BETWEEN PUBLISHERS AND MEMBERS OF THE STATE INSTRUCTIONAL MATERIALS COMMITTEE/ DISTRICT SCHOOL OFFICIALS

The relationship between the State Instructional Materials Committee and the publishers shall be in compliance with Section 1006.30, Florida Statutes.

The relationship between district school board officials, including school officers, administrative personnel, and administrative personnel pursuant to Section 1001.01, and the publishers shall be in compliance with Section 1006.32, Florida Statutes.

In the case of any misunderstandings about the issue of piloting instructional materials [Section 1006.32(3), Florida Statutes], the Department offers the following definition of a pilot program: A school or a district accepts instructional materials from a publisher who will bid those materials in the subsequent adoption either on loan, for free, or at a reduced price, within eighteen months prior to the April 1 adoption date.

PART III. STATE INSTRUCTIONAL MATERIALS COMMITTEES

State Instructional Materials Committees are appointed by the Commissioner of Education and are charged with the duties and responsibilities as outlined in Section 1006.29, Section 1006.30, and Section 1006.31, Florida Statutes.

1. COMMITTEE TRAINING

Pursuant to Section 1006.29(5), Florida Statutes, the Department of Education has developed a training program for the State Instructional Materials Committee members. The training for each adoption year must be completed prior to committee members' evaluation of the samples. Details will be posted on the Florida Department of Education Instructional Materials Web site.

2. EVALUATION OF MATERIALS

To complete the evaluation process, committee members will receive the following materials:

Instructional Materials Specifications - This document outlines the courses for which materials are being sought, as well as the standards that those materials are expected to meet. In addition, it contains the research base that outlines what makes effective instructional materials.

Evaluation Forms - The evaluation forms are developed from the research contained in the Instructional Materials Specifications document. The Office of Instructional Materials in the Florida Department of Education will furnish to each committee member copies of the evaluation forms.

Publishers' Evaluation Samples - The deadline for members of State Instructional Materials Committees to receive all evaluation samples is 5:00 p.m. Eastern Daylight Time (EDT) on the fourth Thursday of June. The Florida Department of Education reserves the right to request sample components as necessary, but publishers may not send samples of their materials to the Department unless this request is made.

Committees are required to evaluate all materials submitted as part of the major tool, all ancillary items bid for purchase, and free ancillary items that have been identified by the Office of Instructional Materials.

Committee members are obligated to return evaluation samples if requested by publishers in a manner prescribed by the Florida Department of Education in the Policies and Procedures, Part IV, Instructions to Bidders.

Publisher's Questionnaire - The Publisher's Questionnaire, prepared by the publisher, is due to each member of the State Instructional Materials Committee by 5:00 p.m. (EDT) on the fourth Thursday of June. This questionnaire describes and identifies the components of the program being bid by the publisher.

Written Correlations - The Written Correlations, prepared by the publisher, are due to each member of the State Instructional Materials Committee by 5:00 p.m. (EDT) on the fourth Thursday of June. Written correlations assist instructional materials committees in determining the degree to which submitted materials meet the Next Generation Sunshine State Standards, intended outcomes, and/or objectives of a course.

Publisher's Sample Checklist - This is a list of the sample materials the publisher is sending the State Instructional Materials Committee Member. The details of what is included on this Checklist can be found on page 14 of this document.

Bid List - The Department of Education will furnish to each committee member a list of instructional materials to be evaluated. This list should be checked against the Publisher's Checklist sent to each committee member. Committee members shall notify the Office of Instructional Materials of any materials not received.

3. STATE INSTRUCTIONAL MATERIALS COMMITTEE MEETINGS

Meeting Dates - Committee meetings shall take place during the fall or winter. Actual dates will be posted on the Florida Department of Education Instructional Materials Web site when they become available, and will be announced publicly in the Florida Administrative Weekly at least two weeks prior to convening, pursuant to Section 1006.31(1) Florida Statutes.

General Procedures - All meetings of Instructional Materials Committees are open to the public. [Section 1006.31(1), Florida Statutes]

A quorum of two-thirds of the committee members shall be required to conduct business.

Publisher Presentations - Each publisher, manufacturer, or a representative will be allowed a period of uninterrupted time per submission for presentations during meetings conducted by the State Instructional Materials Committees. Each committee shall set its own time for presentations. The Committee reserves the right to question the publisher after each presentation. A proposed agenda and the order of presentations will be sent to each committee and the participating publishers at least two weeks prior to the meeting. Presentations are not required, and a publisher's decision to decline the opportunity shall not disqualify submitted materials from consideration. The Committee may ask questions of the publishers at the close of their individual presentations. [Section 1006.34, Florida Statutes]

Public Input - The Committee will review any oral or written evaluations and/or recommendations from the general public or special interest groups as specified below.

A designated time will be set to hear from the general public regarding concerns about specific instructional materials being considered for adoption. An individual member of the general public or one representative of each special interest group wishing to speak must register with the Department of Education at least five days prior to the committee meeting. Each speaker must furnish an outline and brief written explanation of concerns and

recommendations which contains specific references with appropriate page numbers of the materials being considered for adoption.

The publisher, manufacturer, or a representative may respond to questions or concerns at the committee meeting.

Members of the general public or one representative of each special interest group wishing to submit written comments should do so at least five days prior to the committee's meeting date. Written comments should be addressed to the Office of Instructional Materials in the Florida Department of Education. All written comments must contain specific references with appropriate page numbers of the materials. The publisher, manufacturer, or representatives may respond at the committee meeting.

Unsolicited correspondence directly related to the adoption of materials submitted for adoption received by any committee member shall be forwarded to the Office of Instructional Materials in the Florida Department of Education. Neither publishers nor their representatives may contact committee members regarding the adoption.

Committee Questionnaire - At the fall/winter committee meetings, each committee will complete a Committee Questionnaire for each submission prior to making any recommendation for adoption.

Voting Procedures - Section 1006.31, Florida Statutes, requires a roll call vote when recommending materials for adoption.

Each committee member shall vote on each submission. Written ballots will be prepared for each committee member. Committee members will vote simultaneously and submit their ballots to the chairperson. The roll call vote will then be taken with the chairperson reading aloud the individual member's votes.

A two-thirds vote of the committee members present is required to recommend a submission for adoption.

In the event that the Commissioner of Education sets a limit on the number of titles that may be recommended in a subject area as authorized by Section 1006.29, Florida Statutes, the following procedure will be followed:

- If the number of submissions receiving a two-thirds vote does not exceed the limit set by the Commissioner of Education, no further balloting shall be necessary.
- If the number of submissions receiving a two-thirds vote does exceed the limit set by the Commissioner of Education, subsequent ballots shall be taken until the committee's recommendations are within the prescribed limit. On each ballot, any submission not receiving a two-thirds vote shall be eliminated from further consideration. Notwithstanding the above, if the recommendations for adoption fall below the limit set by the Commissioner of Education, the committee may, by a two-thirds vote, elect to reconsider those submissions eliminated in the previous ballot in order to raise its recommendations for adoption up to those limits.

- In the event the Committee is unable to determine any significant differences in the quality of those items submitted by publishers for adoption consideration, the Committee may recommend, as appropriate, more than the limit set by the Commissioner of Education. The Committee shall support its recommendation to the Commissioner of Education in writing.

Reports of Committees - After committee meetings have been held, the recommendations shall be compiled and presented in a report to the Commissioner of Education. The Commissioner of Education shall review the report, consider the recommendations of the committees and the costs of the materials, and then approve, reject, or amend the list of materials.

PART IV. INSTRUCTIONS TO BIDDERS/PUBLISHERS

GENERAL INFORMATION

One to two years prior to each adoption, the Florida Department of Education shall publish the Instructional Materials Specifications for the subjects to be adopted.

These specifications refer to Next Generation Sunshine State Standards and/or course descriptions for each course for which instructional materials are to be adopted. In addition, these specifications provide information about the kinds of materials that are desired, the grade levels for which the materials should be designed, and the research findings about what makes instructional materials effective.

Bidders may examine the *Instructional Materials Specifications* to determine whether they have products that cover the Next Generation Sunshine State Standards benchmarks that can be used as a **major tool** for teaching the course as referenced in Part I, Introduction. These specifications may be found on the Florida Department of Education Instructional Materials Web site.

Florida adopts the major tool of instruction, **along with priced ancillary materials that were designed to work with the major tool. The major tool is comprised only of items necessary to meet the standards and benchmarks in the course description of the course or subject for which it is designed and submitted.** Again, a major tool may include a single item, or may include a number of items bundled together, which, when combined, meet the required standards. **Ancillary materials**, while not necessary to meet the course requirements, are designed to enhance the major tool. [Section 1006.29(5), Florida Statutes]

Items not eligible for bid include supplementary materials, professional development, equipment, and supplies. Supplementary materials are defined as supporting materials that do not qualify as the major tool, and are **not** designed to accompany the specific major tool with which they were submitted, but may be used with any publisher's materials. Equipment and supplies refer to anything that does not have intellectual content. Examples of items from previous bids that will be removed from the bid unless offered free are: Word Wall Charts, Hanging Vinyl Charts with Pockets, Writing Folders, Cumulative Folders, Page Protectors, Skills Profile Folders, and Web site Resource Cards. [Section 1006.29(4), Florida Statutes]

Submissions that are comprised of two or more independent, stand-alone programs are not acceptable for adoption consideration.

ACCURACY IN INSTRUCTIONAL MATERIALS

In 2000, the Florida Legislature acted on its concern about errors in textbooks by passing laws to allow the Commissioner of Education to deal with such issues when they arise within the scope of the Florida Instructional Materials Adoption. [Section 1006.35, Florida Statutes]

PROCEDURES FOR SUBMITTING MATERIALS FOR ADOPTION

A submission can be bid for only one course or course category. Materials on a contract that extends beyond the April 1 contract start date for the current adoption year are not eligible for consideration.

If the call is for a series, such as an Elementary Series, Grades K-5, then all levels of the Elementary Series, Grades K-5 materials must be bid as **ONE** submission.

Questions regarding these requirements and all forms and documents required in this process should be addressed to the Office of Instructional Materials in the Florida Department of Education. Contact information is located on the title page of this document.

CHECKLIST FOR BIDDERS/PUBLISHERS

A Checklist for bidders/publishers for the current adoption year will be provided on the Florida Department of Education Instructional Materials Web site. The Checklist is provided as a convenience for the bidder/publisher and in no way substitutes for the Policies and Procedures document.

INTENT TO BID

Publishers must submit an Intent to Bid using the online Instructional Materials Publisher Registration and Bid Process found on the Florida Department of Education Instructional Materials Web site no later than **11:59 p.m. Eastern Standard Time (EST) on the fourth Friday of February of the adoption year.** To be acceptable, all items specified on the Intent to Bid form must be provided. Submission of Intent to Bid in no way obligates the publisher to participate in the adoption process. However, failure to submit an Intent to Bid will prohibit participation. Publishers are encouraged to be as accurate as possible when submitting an Intent to Bid since this information is used to seat the appropriate number of committees for each subject area.

BID FORMS OR PROPOSALS

Sealed bids, including Signature Sheet and Detailed Bid(s), must be received in the Office of Instructional Materials in the Florida Department of Education no later than **5:00 p.m. (EDT) on the first Monday of May of the adoption year.** After the bid deadline, publishers **will not be allowed** to revise their bids except for the reduction of price and/or the addition of free items offered. [Section 1006.38(6-7), Florida Statutes]

The bid must be submitted on the *State of Florida Instructional Materials Bid Form*. The bid must be uploaded and printed using the Instructional Materials Publisher Registration and Bid Process Web site.

To be acceptable, all items of information specified on the Bid Form must be provided.

- The signature page, printed at the Instructional Materials Publisher Registration and Bid Process Web site, must bear the original signature of an authorized company officer. The signature page must clearly list each bid submitted.
- The bid must state the lowest wholesale price at which the materials will be furnished at the contract start date, delivered freight on board (f.o.b.) to the Florida depository of the bidder. **Variations in price based on volume purchase are not acceptable.**
- Materials bid for adoption must be in final form in time for sampling. **If final form will not be ready in time to meet the sampling deadline, the publisher may not submit a bid for those materials.** The publisher may sample the first printing of materials, with the understanding that **the first printing cannot be provided for purchase by districts.**
- Materials bid for adoption must be available for the life of the contract period. Publishers may not specify that an item will only be available for specified years of the contract. For example: "State Specific version available first two years of the contract, national thereafter." [Section 1006.38(12), (13) and (14), Florida Statutes]
- Publishers are required to provide any instructional materials free of charge in Florida to the same extent as that received by any other state or school district in the United States. [Section 1006.38(7), Florida Statutes] These free items must be appropriately identified on the Bid Form.
- Free offers that give the teacher, school, or district a specified dollar amount of items from the publisher's complete catalog will not be accepted.
- **Florida will not accept hardware or equipment as part of the submission, even if offered as free material.** [Section 1006.40(4), Florida Statutes]
- The bid, which includes the Signature Sheet and Detailed Bid(s), must be sealed separately from all other items and must be in an envelope marked "**SEALED BID**" with the **Company Name also clearly marked on the outside of the envelope.**

The sealed bid must be RECEIVED no later than 5:00 p.m. (EDT) on the first Monday of May of the adoption year. Bids received after that time will be rejected and returned to the bidder. The bid deadline will not be extended.

BID OPENING

Bids will be opened within three weeks of the bid deadline. Date, time, and location of the bid opening will be posted on the Florida Department of Education Instructional Materials Web site. Bidders and their representatives may be present, but attendance is optional.

BID DEPOSIT

Florida law requires bidders to place a bid deposit with the Florida Department of Education. The amount of the deposit is \$500 for each submission, with a maximum of \$2,500 for five or more submissions. [Section 1006.33, Florida Statutes] Deposits must be submitted in the form of a Cashier's Check (**drawn on the bank, not the company account**) or Money Order. Checks must be made out to the **Florida Department of**

Education and must reference the Company Name as listed in the Publisher Registration.

Bid deposits must be **received** in the Office of Instructional Materials in the Florida Department of Education no later than **5:00 p.m. (EDT) on the first Monday of May of the adoption year. The bid deposit must be in a separate envelope from the sealed bid.** The mailing address is located on the title page of this document.

The Department reserves the right to reject any bid that fails to comply with the bid deposit requirements or to meet the stated deadline.

RETURN OF BID DEPOSIT

The bid deposit will be returned to successful bidders when the bidder has executed the contract and submitted the required surety bond within thirty (30) calendar days after receipt of the contract. The bid deposit will be returned to unsuccessful bidders as soon as practicable following the meetings of the state instructional materials committees. **In the event a successful bidder fails to execute the contract and/or furnish a surety bond within thirty (30) calendar days after receipt of the contract, the bid deposit will be forfeited to the State of Florida.** [Section 1006.33, Florida Statutes]

PUBLISHER REGISTRATION

The Department of Education requires bidders to register the names and addresses of representatives, agents, or other persons retained for legal or other services to which there will be paid any salary, commission, or royalty for representing the bidder in the State of Florida during the adoption period. The bidder should register these persons by completing the Publisher Registration using the Instructional Materials Publisher Registration and Bid Process Web site.

Publishers should be advised that it is unlawful for any superintendent, school board member, or any person officially connected with the government of or direction of public schools, or teacher thereof, to be involved in the sale or promotion of instructional materials. [Section 1006.32, Florida Statutes]

A hard copy of the *Publisher Registration* printed from the Instructional Materials Publisher Registration and Bid Process Web site must be received in the Office of Instructional Materials in the Florida Department of Education no later than 5:00 p.m. (EDT) on the first Monday of May of the adoption year. The mailing address for the publisher registration is the same as the one for bids.

Publishers are required to keep the online registration up-to-date when changes occur.

PUBLISHER ACKNOWLEDGEMENT

Publishers and their representatives shall submit to the Florida Department of Education a signed form developed by the Florida Department of Education acknowledging Florida's statutes **associated with the instructional materials adoption process**. These forms should be printed for the representatives registered using the Instructional Materials Publisher Registration and Bid Process Web site. These forms must be received in the **Office of Instructional Materials** in the Florida Department of Education no later than **5:00 p.m. (EDT) on the first Monday of May of the adoption year**. The mailing address for the acknowledgements is the same as the one for bids.

If additional representatives are added at any time during the adoption period, the publisher is required to submit signed acknowledgements for these individuals and make changes to the online Publisher Registration.

WARRANTY OF PUBLISHER (Forms B, M, or Master Service Level Agreement)

Warranty Forms are required to be submitted for all major tool items designed for student use.

Bidders submitting textbooks are required to furnish detailed specifications of the physical characteristics of the books and to comply with the stated specifications if the books are adopted and purchased. Form B will be used for books and Form M for electronic media such as video or audiotapes or discs, and computer software on DVD or compact disc. Both forms are provided on the Florida Department of Education Instructional Materials Web site. A Master Service Level Agreement (MSLA) must be submitted for online products.

Pursuant to Rule 6A-7.076, Florida Administrative Code, the State Board of Education has adopted the *Manufacturing Standards and Specifications for Textbooks (MSST)*, developed by the National Association of State Textbook Administrators (NASTA), as the official minimum standards and specifications for Florida. Textbooks and electronic media must meet or exceed these standards and specifications in order to be considered for adoption. **The Department is authorized by law, however, to make an exception for college-level texts that do not meet the MSST for secondary materials, if the publisher guarantees replacement during the term of the contract.**

The *MSST* may be purchased from the Advisory Commission on Textbook Specifications. Ordering information is available at <http://www.nasta.org>. A copy of the *MSST* is open for inspection in the Office of Instructional Materials in the Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida.

Florida requires that a universal ownership label be affixed to the inside front cover of all textbooks furnished under state contract. A sample of the label is included in the *MSST* document.

One copy of each Form B, Form M, or MSLA must be mailed to the Office of Instructional Materials in the Florida Department of Education to be received no later than **5:00 p.m. (EDT) on the first Monday of May of the adoption year. For college texts that do not meet the MSST, a letter guaranteeing replacement during the term of the contract must be attached to Form B.** A second copy of Form B must be on display with the “official samples” at the Fall Committee Meetings. Each of the Forms B, M, and MSLA must have an original signature.

Publishers are encouraged to have their manufacturer or someone else within the company who is familiar with the *MSST* complete the warranty form(s).

Failure to comply with the requirements for furnishing Form B for textbooks, Form M for electronic media, and/or an MSLA for online materials and/or failure to meet the stated deadline shall result in rejection of the bid.

PUBLISHER’S QUESTIONNAIRE

The Publisher’s Questionnaire must be completed for each submission. If the submission is a series, then one Questionnaire must be completed for the entire series. This required document includes a request for a **description** of the submitted program. **This description must include information about the educational approach of the program, and not just a list of the materials submitted.**

The Publisher’s Questionnaire may be prepared and printed using the Instructional Materials Publisher Registration and Bid Process Web site and must include the preparer’s original signature.

- Bidders are required to send the signed and printed hard copy, using the Instructional Materials Publisher Registration and Bid Process Web site, and any attachments to the Office of Instructional Materials in the Department of Education to be received no later than **5:00 p.m. (EDT) on the first Monday of May of the adoption year.** The mailing address is the same as the one for bids.
- Bidders are required to send printed copies of the Publisher’s Questionnaire with the Written Correlations (see below) to each State Committee Member no later than **5:00 p.m. (EDT) on the fourth Thursday of June of the adoption year.** These documents should be bound together and packaged/shipped separately from the evaluation samples. Please clearly mark the package as “Publisher’s Questionnaire and Correlations.” Complete sampling requirements are found later in this document.

WRITTEN CORRELATIONS

Bidders are **required** to provide Written Correlations of submitted materials to Next Generation Sunshine State Standards benchmarks listed in the course descriptions. To determine which Correlations are required for each subject or course and to download the required form(s), refer to the Required Correlations Chart found at the Florida Department of Education Instructional Materials Web site.

Correlations must relate each desired outcome to the page(s) or location(s) in which the material is taught.

- Bidders are required to send one hard copy of the Written Correlations to the Office of Instructional Materials in the Florida Department of Education and electronically submit the Written Correlations no later than **5:00 p.m. (EDT) on the first Monday of May of the adoption year**. The mailing address is the same as the one for bids.
- Bidders are required to send printed copies of both the Publisher's Questionnaire and the Written Correlations to each State Committee Member no later than **5:00 p.m. (EDT) on the fourth Thursday of June of the adoption year**. These documents should be bound together and packaged/shipped separately from the evaluation samples. Please clearly mark the package as "Publisher's Questionnaire and Correlations." Complete sampling requirements are found later in this document.
- Successful bidders are required to provide hardcopy and/or electronic versions of written correlations as a free ancillary item for use by classrooms teachers.

Failure to comply with the requirements for furnishing the Publisher's Questionnaire and Written Correlations according to instructions and/or failure to meet the stated deadlines shall result in rejection of the bid.

PROCEDURES FOR PROVIDING EVALUATION SAMPLES

Publishers and manufacturers of instructional materials, or their representatives, shall deliver sample copies of all instructional materials upon which bids or proposals are based to each member of a State Instructional Materials Committee. [Section 1006.38(2), Florida Statutes]

Failure to comply with these sampling requirements shall result in rejection of the bid.

MATERIALS TO SAMPLE

Publishers **must** sample the following: Major tool, which must include the student edition and the teacher edition, and priced ancillaries.

These samples **must** be in final form.

The only "free" items that **must** be sampled are those that are listed as part of the **major tool**. (Example: Teacher Edition)

Although it is not a requirement, publishers may sample up to five of the Free With Order ancillaries that might be considered essential to the program. Publishers must identify on the bid those free ancillary items that will be sampled. If more than the five items identified on the bid are sampled, the committee members will be instructed to disregard those items and to evaluate **only** the major tool and the priced materials.

CLASSROOM KITS OR LIBRARIES

If a publisher's submission includes a **priced** classroom kit or library with multiple copies of the same materials, or if the kit or library is one of the five free with order ancillaries a publisher chooses to sample, a sampler must be created that would include only **one** copy of each of the items. **If the sample package and/or the items in the package have a different ISBN from the one on the bid form because of packaging, the publisher must indicate that this is a "sampler ISBN" on the checklist sent to the committee member.**

DEADLINE FOR RECEIPT OF SAMPLES

All committee members must receive samples by 5:00 p.m. (EDT) on the fourth Thursday of June of the adoption year.

The Florida Department of Education shall disqualify any materials not received by the appropriate committee members by the stated deadline.

Publishers and manufacturers shall comply with the following instructions for packaging and delivering evaluation samples and related materials to state committee members.

CHECKLIST

The publisher shall prepare a **SEPARATE Master Checklist for each member** of the State Committee using the form provided at the Instructional Materials Publisher Registration and Bid Process Web site. The Checklist shall include the following information:

- Name and address of the committee member.
- Name of Publisher and Program Title. (Must be listed on Master List and separate lists in each box.)
- Publisher's Questionnaire and Correlations.
- A Master List of the exact titles with ISBN's for each item in the shipment. If a sample package or kit has been put together and has an ISBN different from the one listed on the bid form, **this must be indicated.**
- Identification of all items to be returned.
- Instructions for returning the samples.
- The number of boxes in the shipment. (If the exact number of boxes is not known at this time, make an estimate of the number of boxes.)

A copy of the Master Checklist must be placed in the package with the Publisher's Questionnaire and Correlations. Acknowledgment of receipt of the samples by the committee member should not be expected.

A Checklist in each separate box of only those items in that box, with exact titles and ISBNs, is also required of publishers.

The publisher must mail **one completed copy of the Master Checklist** for each program to the Office of Instructional Materials in the Florida Department of Education by **5:00 p.m. (EDT) on the first Monday of May of the adoption year**. The mailing address is the same as the one for bids. The name and address of the committee member will be blank at this time. Publishers will receive committee members' names and shipping information approximately ten days prior to the sampling deadline.

The publisher must also electronically submit a copy of **one actual individual committee member's checklist** and a list of shipment tracking numbers (by committee member) to the Office of Instructional Materials in the Florida Department of Education no later than **5:00 p.m. (EDT) on the fourth Thursday of June of the adoption year**. The *Tracking Numbers* Form is available for download at the Instructional Materials Publisher Registration and Bid Process Web site. The form shall include the following information:

- Publisher Name and Program Title
- Name and tracking number(s) for each committee member

PACKAGING - The publisher shall:

- Package each submission's samples separately. (Example: If a publisher bids two or more submissions that will be sent to a committee member, each submission is to be in a separate package. Two or more packages may be placed in a large box for shipping.)
- Clearly identify each item in the package with its ISBN and identifying title.
- Label each returnable item "To Be Returned."
- Enclose a checklist in each box of a multi-box shipment.
- Package and ship each submission's Written Correlations, Publisher's Questionnaire and Master Checklist separately and clearly marked "Publisher's Questionnaire and Correlations." (Example: If a publisher bids two or more submissions that will be sent to a committee member, each submission is to be in a separate package. Two or more packages may be placed in a large box for shipping.) Send these items in a package separate from the actual samples.

SHIPPING BOXES - The publisher shall:

- Pack samples in durable, reusable boxes. If the samples are to be returned, mark the outside shipping box "To Be Returned" and include a self-addressed label.
- On the outside of each box, clearly indicate the course(s) and grade level(s) for which the enclosed materials are being submitted. **Please remember to include a checklist in each box of only those items in that box.**
- Number the boxes (1 of 3, 2 of 3, 3 of 3, etc.).

DELIVERY - The publisher shall:

Ship the samples by common carrier (FedEx, DHL, UPS, US Postal Service, etc.). Use a service that allows tracking of delivery. Ship all instructional materials related to a submission at the same time. If an item must be shipped separately, a notice to that effect must be in the box with the first shipment. However, the deadline for receipt of all instructional materials by committee members remains **5:00 P.M. (EDT) on the fourth Thursday of June of the adoption year.**

RETURN OF SAMPLES

Committee members are obligated to return samples **if the publisher has so indicated.** Publishers and manufacturers who wish to have their materials returned must comply with the following:

- The publisher or manufacturer shall label each returnable piece of material. The label shall be affixed to the item and shall clearly indicate that the item is to be returned. **In the absence of the labeling of each returnable piece, committee members will assume that the samples are not to be returned.**
- The publisher shall arrange for pickup of materials from the delivery site at the publisher's expense. Materials to be returned shall be shipped in durable, reusable containers with self-addressed labels and detailed instructions for return shipment to the publisher or manufacturer. The outside container shall be clearly marked "To Be Returned." **In the event the publisher or manufacturer fails to provide means for returning the evaluation samples, committee members shall not be liable for return or payment.**

The Florida Department of Education shall disqualify any publisher who does not meet the deadline for providing samples to the committee members with the required materials as outlined in these Policies and Procedures.

OFFICIAL SAMPLES FOR USE AT STATE INSTRUCTIONAL MATERIALS COMMITTEE MEETINGS

At the start of the fall or winter meeting of the appropriate State Instructional Materials Committee, the bidder **must** deliver one complete set of all instructional materials submitted to the location of the meeting. The samples **must not** be shipped to the Department of Education in advance but must be taken to the meeting site and displayed prior to the start of the meeting. Bidders will be notified of the time, date, and place to set up samples.

The bidder must also remove the samples at the close of the meeting.

PUBLISHER PRESENTATIONS AT STATE INSTRUCTIONAL MATERIAL COMMITTEE MEETINGS

Each publisher, manufacturer, or a representative shall be allowed a period of uninterrupted time per submission for presentations during meetings conducted by the State Instructional Materials Committees. Each committee shall set its own time for presentations. The committee reserves the right to question the publisher after each presentation. A proposed agenda and the order of presentations will be sent to each of the participating publishers at least two weeks prior to the meeting. Presentations are not required, and a publisher's decision to decline the opportunity shall not disqualify submitted materials from consideration.

Publishers are reminded that **paid** promotional endorsements of their products by Florida teachers or other persons connected with the government of or direction of public schools are prohibited by Section 1006.32, Florida Statutes.

STATE APPROVAL OF MATERIALS

When all bids or proposals have been carefully considered, the Commissioner of Education shall select and adopt instructional materials from the list of suitable, usable, and desirable instructional materials recommended by the State Instructional Materials Committees. Under law, due consideration is given to the prices which have been quoted and to the reports of the State Committees. The State reserves the right to reject any or all bids or proposals. It may also call for new bids or proposals.

DISQUALIFICATION OF BIDS

Each year, some publishers are disqualified from participation because of failure to comply with the bidding requirements established in this document. It is highly recommended that you review carefully all the Policies and Procedures herein prior to submitting a bid.

The Department of Education may waive minor formalities or irregularities in proposals received where such is merely a matter of form and not substance, and the correction or waiver of which is not substantially prejudicial to other bidders. Minor irregularities are defined as those that do not have an adverse affect on the Department of Education's interest and do not affect the price of the proposal by giving a bidder an advantage or benefit not enjoyed by other bidders.

CONTRACTS

The term of adoption for instructional materials for the current adoption year will be posted on the Florida Department of Education Instructional Materials Web site.

Upon agreement between the Department of Education and the publisher, a contract may be extended or shortened for an additional one or two years, pursuant to Section 1006.34(3) Florida Statutes.

A sample contract is included on the Florida Department of Education Instructional Materials Web site.

SUBSTITUTIONS

Florida State Board of Education Rule 6A-7.0711, Florida Administrative Code, provides that publishers may request permission to substitute editions as follows:

- Publishers and manufacturers of instructional materials currently in adoption in Florida may request permission to substitute for any such instructional materials on a current contract a revised edition which corrects or updates content; provided, that the revised edition can be used satisfactorily with the currently adopted edition simultaneously in the same classroom, is identical, equal, or superior to the physical specifications of the currently adopted edition, and is available at no increase in price.
- Each request shall be accompanied by four copies of the currently adopted edition; four copies of the revised edition; and four copies of a detailed analysis of each change in the revised edition, citing page references. This analysis shall include all changes in content, illustrations, pagination, and manufacturing specifications.
- Each request shall be filed in writing with the Bureau Chief of Curriculum & Instruction, who shall forward it with a recommendation to the Commissioner of Education.
- Any substitution which is approved shall be effective on the date the action is taken by the Commissioner of Education.

Eligibility: Materials may not be substituted within the first six months of the contract.

Procedures: A publisher requesting a substitution should make the request in writing with the required copies of each edition and the analysis of changes. Send all components to the Florida Department of Education, Office of Instructional Materials - Substitutions, 325 W. Gaines Street, Suite 424, Tallahassee, FL 32399-0400. The Instructional Materials Staff will compare the adopted materials and those submitted as a substitution to determine whether the substitution complies with SBEA Rule 6A-7.0711 above. A letter of recommendation will be sent to the Bureau Chief of Curriculum & Instruction who will then make his or her recommendation to the Commissioner of Education. Once the Commissioner of Education has approved a substitution, the Instructional Materials Staff will notify the publisher, and the announcement of the substitution will be posted on the Instructional Materials Web site. Publishers will be notified of rejections when applicable.