# Publishers Invitation to Submit Instructional Materials for California’s 2021 Arts Education Instructional Materials Adoption

Prepared by

Curriculum Frameworks and Instructional Resources Division

California Department of Education

1430 N Street, Suite 3207

Sacramento, CA 95814

Page 1

Table of Contents

[Introduction 3](#_Toc58929021)

[Legal Authority 4](#_Toc58929022)

[2021 Arts Education Instructional Materials Adoption 5](#_Toc58929023)

[Overview of Content Requirements and Review Procedures 6](#_Toc58929024)

[Changes to Submitted Instructional Materials 6](#_Toc58929025)

[Technology-Based Materials 7](#_Toc58929026)

[Student Privacy 7](#_Toc58929027)

[Submission Instructions for Publishers 7](#_Toc58929028)

[Intent to Submit Form 8](#_Toc58929029)

[Publisher Fees 8](#_Toc58929030)

[Submission Form and Program Description 9](#_Toc58929031)

[ISBN, DOI, or other Unique Identifier Requirements 10](#_Toc58929032)

[Online Price List of Adopted Instructional Materials 10](#_Toc58929033)

[Price Increases 10](#_Toc58929034)

[Virtual Training Session and Publisher Presentations 11](#_Toc58929035)

[Review Panels 11](#_Toc58929036)

[Contact with Reviewers, Facilitators, and Commissioners 12](#_Toc58929037)

[Distribution of Sample Instructional Materials 12](#_Toc58929038)

[Packaging Instructions 15](#_Toc58929039)

[Shipping and Item Label Examples 15](#_Toc58929040)

[Example Shipping label (All Programs) 15](#_Toc58929041)

[Example Item label (All Programs) 16](#_Toc58929042)

[Shipment Instructions 16](#_Toc58929043)

[Shipment Verification 16](#_Toc58929044)

[Withdrawal from the Adoption 17](#_Toc58929045)

[Evaluation of Instructional Materials 17](#_Toc58929046)

[Educational Content Review 17](#_Toc58929047)

[Social Content Reviews 18](#_Toc58929048)

[Virtual Deliberations Session 18](#_Toc58929049)

[Use of Report of Findings 19](#_Toc58929050)

[Instructional Quality Commission Actions 19](#_Toc58929051)

[State Board of Education Action 20](#_Toc58929052)

[Edits and Corrections Definitions and Procedures 20](#_Toc58929053)

[Accessible Materials 21](#_Toc58929054)

[School District Acquisitions of Instructional Materials 22](#_Toc58929055)

[Funding for Instructional Materials 23](#_Toc58929056)

[Free Instructional Materials 23](#_Toc58929057)

[Materials Development Credit 24](#_Toc58929058)

[Manufacturing Standards and Specifications 24](#_Toc58929059)

[Textbook Weight Standards 24](#_Toc58929060)

[Discontinued Instructional Materials 25](#_Toc58929061)

[Requirements, Publishers and Manufacturers 25](#_Toc58929062)

[Alternate Formats 25](#_Toc58929063)

[New Edition Substitutions and Technology Upgrades 26](#_Toc58929064)

[CDE Contacts for Questions 27](#_Toc58929065)

## 

## Introduction

This Publishers Invitation to Submit Instructional Materials (ITS) document invites publishers of arts education instructional materials to submit their programs for consideration of adoption by the California State Board of Education (SBE). Participation is open to all interested publishers. This adoption will consider full-course programs (content for one complete grade level) for kindergarten through grade eight (K–8). This ITS document incorporates applicable statutes, regulations, SBE policies, and elements of the evaluation criteria published in the SBE-adopted 2020 *California Arts Education Framework for Public Schools, Transitional Kindergarten Through Grade Twelve* (*Arts Framework*). However, this ITS document is not a comprehensive guide; participating publishers must thoroughly review the *Arts Framework* in its entirety (see <https://www.cde.ca.gov/ci/vp/cf/>), all online resources linked via this ITS document, and all arts adoption-related guidance issued by the California Department of Education (CDE), including published correspondence and frequently asked questions (see <https://www.cde.ca.gov/ci/vp/im/>).

## Legal Authority

The SBE adopts instructional materials under the authority of Article IX, Section 7.5, of the California Constitution (see <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CONS&sectionNum=SEC.%207.5.&article=IX>) and in accordance with the applicable provisions of the California *Education Code* (*EC*) and the *California Code of Regulations, Title* 5 (5 *CCR*). State law describes the process for the adoption of K–8 instructional materials and the requirement that submitted materials be evaluated for consistency with the SBE-adopted academic content standards and evaluation criteria (see *EC* sections 60200–60206, <http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=33.&chapter=2.&article=1>). State regulations, which have the force of law, provide detail for the enactment of relevant law (see 5 *CCR* sections 9500–9530, <https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IA9F2F2A0D47F11DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)>).

Instructional materials must adhere to all applicable laws and regulations. Changes in statutes, regulations, or SBE policies that occur after the distribution of this document may affect the processes and procedures specified herein as well as the specific content or format of publications. Publishers must comply with any changes to state laws, regulations, or SBE policies if they participate in the adoption process. Inquiries relating to the 2021 Arts Education Adoption should be directed to the Curriculum Frameworks and Instructional Resources Division (CFIRD) (see the final page of this document for contacts).

The SBE previously adopted K–8 arts education instructional materials in 2006. The instructional materials the SBE adopts in November 2021 will replace the 2006 list of SBE-adopted materials. The new materials adopted by the SBE must be eligible for purchase until such time as the SBE adopts arts education instructional materials based on a new or revised curriculum framework (see *EC* Section 60200[h], <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60200.&lawCode=EDC>).

## 2021 Arts Education Instructional Materials Adoption

**SBE-Adopted Schedule of Significant Events**

| **Event** | **Date** |
| --- | --- |
| Instructional Quality Commission (IQC) recommends the Schedule of Significant Events and online reviewer application | January 15–16, 2020 |
| IQC recommends evaluation criteria map and standards maps | May 13–14, 2020 |
| State Board of Education (SBE) adoption of the *Arts Framework*, including the instructional materials adoption evaluation criteria.  SBE approves the Schedule of Significant Events and online reviewer application  SBE approves evaluation criteria map and standards maps. | July 8–9, 2020 |
| Reviewer application period open | July–September 2020 |
| Small publisher fee waiver requests due | November 6, 2020 |
| IQC recommends reviewers | November 18–19, 2020 |
| SBE appoints reviewers  SBE approves small publisher fee waiver requests | January 13–14, 2021 |
| Publisher Invitation to Submit meeting | January 27, 2021 |
| Publisher intent to submit forms due | February 11, 2021 |
| Publisher submission forms due | March 9, 2021 |
| Publisher fees due | March 25, 2021 |
| Reviewer training week | April 12–16, 2021 |
| Publisher complete instructional programs due | May 7, 2021 |
| Reviewer deliberations week; review panels make program adoption recommendations | July 12–16, 2021 |
| IQC holds public meeting to receive comment | August 17, 2021 |
| IQC makes program adoption recommendations | September 22–23, 2021 |
| SBE holds public meeting to receive comment  SBE takes action on program recommendations | November 3–4, 2021 |

## Overview of Content Requirements and Review Procedures

In California’s 2021 Arts Education Instructional Materials Adoption process, the SBE will consider adopting arts education instructional programs for use in California’s K–8 classrooms. The SBE will arrive at its decision after considering recommendation reports from appointed review panels and the IQC, public comments, and its own member reviews.

The criteria by which the state-appointed reviewers and officials will review publisher-submitted materials are found in chapter 10 of the *Arts Framework* which includes the incorporation of the SBE-adopted arts education content standards and the entire *Arts Framework* itself. In order to be successful, publisher-submitted instructional materials must adhere to this evaluation criteria, including complete alignment with the appropriate grade-level content standards. Additionally, all aspects of instructional materials programs must be accurate, including not only matters of content but the use of terminology and instruction (see *Arts Framework*, chapter 10, at the following CDE website: <https://www.cde.ca.gov/ci/vp/cf/>).

Publishers may include in their instructional materials submitted for this adoption only content standards approved by the SBE as specified in the evaluation criteria and must exclude references to national standards or standards from other states. (See *EC* Section 60005[b], <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60005.&lawCode=EDC> and 5 *CCR* Section 9517[h], <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

## Changes to Submitted Instructional Materials

Publishers must not change or modify instructional materials after May 7, 2021, which is the date specified for delivery of instructional materials to reviewers, officials, and Learning Resource Display Centers (LRDC), except for during the edits and corrections process discussed later in this document. After the delivery date, any changes or modifications made to instructional materials shall result in disqualification of the instructional materials from consideration in the adoption, unless the changes or modifications are made pursuant to the SBE direction regarding content or social content reviews (see 5 *CCR* Section 9517[k], <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1>).

Following the SBE adoption of an instructional materials program, a publisher may revise their instructional materials only during a formal, fee-based revision process which occurs approximately every two years (see 5 *CCR* Section 9526, <https://govt.westlaw.com/calregs/Document/IFD8630E18D4D4B999C9F528C8AF23E4F?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

The CDE does not need to approve upgrades of technology-based materials that do not contain content changes unless the upgraded materials receive a new ISBN or identifier.

## Technology-Based Materials

California law defines instructional materials as printed or non-printed, including textbooks, technology-based materials, and other educational materials; therefore, publishers may submit materials in any media format (see *EC* Section 60010, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60010.&lawCode=EDC>).

## Student Privacy

Publishers must observe carefully all laws regarding student privacy. State law is very restrictive in the collection, storage, management, and use of student data. Publishers must work closely with school districts to ensure compliance with all associated laws. (see *EC* sections 49073–49079.7, <http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=27.&chapter=6.5.&article=5>; also see Business and Professions Code sections 22584–22585, <http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=8.&title=&part=&chapter=22.2.&article>).

## Submission Instructions for Publishers

To participate in this adoption process, publishers must make various submissions in accordance to a specific timeline (see 5 *CCR* Section 9517, <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

This section, beginning with the following initial deliverables table, includes participation requirements and timelines.

| **Due Date** | **Items Due** | **Note** |
| --- | --- | --- |
| February 11, 2021 | Intent to Submit Form | See instructions and form. The CDE will invoice publishers based upon information supplied in the Intent to Submit Form |
| March 9, 2021 | Submission Form with component listing and Program Description | See instructions and form |
| March 25, 2021 | Payment of Fees | CDE will invoice |
| April 16, 2021 | Publisher presentation to assigned review panel | Last day of reviewer training week |
| May 7, 2021 | Delivery of programs and online posting | The CDE will provide a list of specific shipping destinations |

## Intent to Submit Form

Participating publishers must submit the Intent to Submit Form no later than 5 p.m. PST February 11, 2021. The CDE will not consider late submissions. Publishers must deliver this form as an email attachment to the CDE’s 2021 Arts Education Adoption address at [vapa@cde.ca.gov](mailto:vapa@cde.ca.gov). The CDE will acknowledge all submissions upon receipt. If you do not receive an acknowledgement, contact David Almquist, Publisher Liaison, by email at [dalmquis@cde.ca.gov](mailto:dalmquis@cde.ca.gov). The form, which includes instructions, is available at the following CDE website: [https://www.cde.ca.gov/ci/vp/im/](https://www.cde.ca.gov/ci/vp/im/" \o "Intent to Submit Form).

## Publisher Fees

The CDE will assess participating publishers a fee based upon information provided on the Intent to Submit Form and send an invoice to each publisher within a few days following the due date of the form. The fee for participation is $8,000 per grade level for each program a publisher submits (unless otherwise reduced for small business status by the State Board of Education) (see *EC* Section 60213, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60213.&lawCode=EDC> and 5 *CCR* Section 9517.3, <https://govt.westlaw.com/calregs/Document/I2E92D60C2ADF43AB95AD093D3E7C6C47?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>.

Publishers must deliver a check payable to the “California Department of Education” no later than 5 p.m. on March 25, 2021. The CDE may extend that deadline briefly on written request from the publisher. Failure to pay the fee will result in disqualification from the adoption process.

Note that California will not refund publisher participation fees for any reason (See *EC* Section 60213, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60213.&lawCode=EDC>.

Questions related to the participation fee should be directed to David Almquist, Publisher Liaison, by email at [dalmquis@cde.ca.gov](mailto:dalmquis@cde.ca.gov).

## Submission Form and Program Description

Participating publishers must complete and deliver the Submission Form and Program Description no later than 5 p.m. PST March 9, 2021. The CDE will not consider late submissions. Publishers must deliver these documents as email attachments to the CDE’s 2021 Arts Education Adoption address at [vapa@cde.ca.gov](mailto:vapa@cde.ca.gov). All submissions will be acknowledged upon receipt. If you do not receive an acknowledgement, contact David Almquist, Publisher Liaison, by email at [dalmquis@cde.ca.gov](mailto:dalmquis@cde.ca.gov). The form is available at the following CDE website: <https://www.cde.ca.gov/ci/vp/im/>.

The Submission Form is a Microsoft Excel file. The first spreadsheet contains instructions for the use of the form; the second and third spreadsheets request publisher information, including contact information and a brief description of the exact physical format of the publisher’s later sample materials shipment; the fourth spreadsheet requests detailed information for every component of the publisher’s program. Publishers should submit separate submission forms for each distinct program.

State law requires that publishers make all print components of an instructional program available in an equivalent digital format; therefore, for any hardcopy print format component, the spreadsheet must identify an equivalent digital version (cross-referenced with the hardcopy print version). Additionally, publishers must make all components available as unbundled elements to enable digital materials or printed materials to be purchased separately from other components; therefore, any items identified within a bundle must also be identified as a separate, individual item (see *EC* sections 60063–60063.5, <http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=33.&chapter=1.&article=4>).

While the submission form includes a column for pricing, which must include the final shipping cost but not applicable taxes, publishers may choose to keep this column blank at the time of submission. If the publisher leaves this column for pricing blank, the CDE will return the form to the publisher in August 2021, at which time the publisher may finalize pricing and return the form to the CDE no later than August 27, 2021. This pricing must remain in effect, with the exception of lowering a price, for two years (see “Price Increases” below). Publishers may not add or subtract any components after May 7, 2021. Note that regardless of when the publisher provides this information, reviewers will not have access to pricing during the course of their review.

Publishers must also submit a Program Description along with the Submission Form. The purpose of this description is to help reviewers get a quick overview understanding of the general format and layout of a program. Ideally, the description will help the reviewer navigate the program and its components in their review process. While there is no associated CDE form, the Program Description must not exceed six pages, single spaced.

State Regulations provide specific detail for this submission requirement (see 5 *CCR* Section 9517, <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

California State law makes various requirements of publishers offering instructional materials for adoption or sale in California, including pricing restrictions and requiring an in-state business presence (see *EC* sections 60063–60063.5, <http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=33.&chapter=1.&article=4>).

## ISBN, DOI, or other Unique Identifier Requirements

Publishers must identify each component of their program with an ISBN, Digital Object Identifier (DOI), or other unique identifier to facilitate the identification of each component. For information regarding assignment and use of identifier codes for both print and online electronic resources, visit the U.S. ISBN Agency at the following website: <http://www.isbn.org/>.

Programs or separate program components that do not meet ISBN eligibility criteria and/or have not been assigned ISBN codes (only 13-digit) should be identified by some other unique number/letter combination. Publishers should limit this identifier to no more than 13 characters (not including hyphens, if included). Publishers may find information about such identifiers at the International DOI Foundation website: <http://www.doi.org/index.html>.

## Online Price List of Adopted Instructional Materials

Once a program has been adopted by the SBE, the CDE will use the publisher’s Submission Form to add the program components to the CDE’s online Price List of Adopted Instructional Materials, a searchable database that identifies all current state-adopted instructional materials. This database is available at the following CDE website: <https://www.cde.ca.gov/ci/cr/cf/ap1/plsearch.asp>.

## Price Increases

Following the price submission due date, publishers may not increase the price of any submitted materials until the next scheduled biennial price update (see *EC* Section 60201, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60201.&lawCode=EDC> and *EC* Section 60223, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60223.&lawCode=EDC>). However, after the SBE adopts programs and the CDE posts all components to the online price list, publishers may log into the Price List to lower prices at any time. The log-in for publishers can be found at <http://www3.cde.ca.gov/impricelist/logon.aspx>.

For pricing update questions and/or password inquiries, please contact Ashley Mitchell, Staff Services Analyst, Instructional Resources Unit, by email at [amitchell@cde.ca.gov](mailto:amitchell@cde.ca.gov).

## Virtual Training Session and Publisher Presentations

During the week of April 12–16, 2021, CDE staff and members of the IQC will conduct a mandatory virtual training session for all individuals selected to review publisher submitted instructional materials programs. The CDE will assign individuals to review panels, each of which will review one or more programs. The CDE strongly recommends that all participating publishers view all days of the training in order to understand fully the review process. The first day of training is for facilitator training alone while the remaining days consist of training for both facilitators and reviewers. On the final day of training, the CDE will provide an opportunity for each publisher to make a presentation to the panel responsible for reviewing their submitted program. (If a publisher submits multiple programs, it is possible that separate panels will review each program.) The CDE will provide additional information regarding these presentations, including connection information, format, and time constraints, in a future publisher bulletin.

The training session is open to the public. At least once a day, the CDE will provide an opportunity for public comment during the virtual meeting.

## Review Panels

Each review panel will consist of individuals serving in the following roles:

* **Instructional Materials Reviewers (IMRs):** A majority of IMRs shall be teachers who teach students in kindergarten or grades 1–12, have a professional credential under California law, and who have experience with, and expertise in, standards-based educational programs and practices in the content field under consideration. At least one such teacher shall have experience in providing instruction to English learners, and at least one such teacher shall have experience in providing instruction to students with disabilities. Other IMRs may be administrators, parents, local school board members, teachers not described above, and members of the public (see 5 *CCR* Section 9512[c–d], <https://govt.westlaw.com/calregs/Document/I05ACE7A459BE4DA48BDD060A65F0520C?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).
* **Content Review Experts (CREs):** CREs are required to hold a master’s degree or higher in the field of visual/performing arts and have five or more years of experience with, and expertise in, standards-based educational programs and practices in that field. CREs review the submitted instructional materials alongside the IMRs but offer additional knowledge as subject-matter experts (see 5 *CCR* Section 9512[e], <https://govt.westlaw.com/calregs/Document/I05ACE7A459BE4DA48BDD060A65F0520C?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).
* **Facilitators:** Facilitators help each IMR/CRE review panel organize and reach consensus during deliberations. The SBE must approve the participation of any facilitator who is not a current member of the IQC. Facilitators are trained by CDE staff, IQC members, SBE members, and/or other parties approved by the SBE during publicly-noticed meetings prior to deliberations (see 5 *CCR* Section 9510[k], <https://govt.westlaw.com/calregs/Document/ICA97BF3FDBCC49DB92DF89648F17AC99?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

Following the training session, publishers will ship copies of their programs to reviewers and others identified by the CDE as described elsewhere in this document.

## Contact with Reviewers, Facilitators, and Commissioners

State regulations stipulate that publishers and their representatives may not communicate with reviewers or facilitators about anything related to the evaluation or adoption of instructional materials submitted for adoption, other than when publishers are making presentations or public comment in open publicly-noticed meetings, from January through November 2021. Reviewers must report any inappropriate contact to the CDE. Such inappropriate contact may lead to corrective action, “including disqualification of the publisher, facilitator and IMR/CRE from further participation in the adoption” (see 5 *CCR* Section 9514[a], <https://govt.westlaw.com/calregs/Document/I0BCE225042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

Further, publishers or their representatives may not communicate with Commissioners about anything related to the evaluation or adoption of instructional materials, other than during the times for public comment in open publicly-noticed meetings or through written submissions addressed to all Commissioners in care of the Executive Director of the Commission, from May through November 2021 (see 5 *CCR* Section 9514[b], <https://govt.westlaw.com/calregs/Document/I0BCE225042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

The only exceptions to the above provisions are that facilitators, reviewers, and Commissioners may contact publishers for technical assistance in using electronic instructional materials; and publishers may communicate with the chairperson, or designee, of the Commission or the chairperson, or designee, of the IQC Subject Matter Committee involved in the adoption during the time set forth for deliberations (see 5 *CCR* Section 9514[c–d], <https://govt.westlaw.com/calregs/Document/I0BCE225042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

## Distribution of Sample Instructional Materials

Following the reviewer training session, and pursuant to the Schedule of Significant Events, publishers must deliver a complete copy of their instructional materials programs, and other identified items below, to reviewers and other CDE-identified parties. The due date for this delivery is on or before 5 p.m. PDT May 7, 2021.

The CDE will provide participating publishers with a list of all recipients (via emailed Microsoft Excel spreadsheet) by the final day of the training session. The list of recipients will include the following: review panel members; select members of the IQC; select members of the SBE; the CDE; and select LRDC. Note that unless otherwise indicated, recipients may keep these materials.

There are 20 LRDC located around the state, housed at university libraries or County Offices of Education (see the following CDE website: <https://www.cde.ca.gov/ci/cr/cf/lrdc.asp>). Typically, 10 locations receive the initial shipment of submitted materials, while the additional 10 wait to receive only programs adopted by the SBE. These sites help fulfill the requirements of state law and regulations regarding the public display of materials (see *EC* Section 60202, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60202.&lawCode=EDC> and 5 *CCR* Section 9523, <https://govt.westlaw.com/calregs/Document/IB3100440D47F11DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)>).

Publishers must deliver the following:

* 1. A complete copy of the instructional materials program: The program may be in physical (print) format, digital, or a combination of both. If in digital format, it may be preloaded on hardware (iPad, Chromebook, laptop, etc.), or the publisher may simply provide information to access an online site.

Note that publishers must submit all instructional materials in the same physical form that will be offered for purchase during the adoption period with the following exceptions:

(1) Audio recordings may be submitted in manuscript form; (2) Artwork may appear in black and white that will ultimately appear in color in the instructional materials offered for purchase during the adoption period (see 5 *CCR* Section 9517[j], <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

* 1. Optional Computer Hardware: Publishers may provide computer hardware needed to access the digital components of their submitted instructional materials program (iPad, Chromebook, laptop, etc.). Publishers of programs with a large digital component may want to submit a device with their program preinstalled to avoid potential technical issues with the review of their materials. Note that unlike regular program samples, which are kept by the reviewer, any computer hardware must be returned to the publisher once the review is complete. Publishers must arrange for free return shipping of any distributed hardware following deliberations week. Note that LRDC need continued access to digital programs for at least two years following an SBE adoption.
  2. Inventory list: The list should include each shipped component title and ISBN, DOI, or other identifying number. The inventory list may not necessarily include all items listed on the submission list (for example, duplicate items within bundles) and should not include any pricing (see 5 *CCR* Section 9517[c][1], <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)>).
  3. Program Description: This document (the same submitted along with the March 9, 2021, Submission Form) should be a brief narrative description about the program (six pages or less, single spaced), designed to help the reviewer understand the basics of the program and how to navigate its components (see 5 *CCR* Section 9517[c][2], <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)>.
  4. Evaluation Criteria Map: Publishers must complete and provide an evaluation criteria map in digital format (flash drive, CD-ROM, etc.) in Microsoft Word (not PDF) and in hard copy for each submitted program. The Evaluation Criteria Map is essentially a document table wherein all evaluation criteria are listed, each criteria upon an individual row. The publisher will list next to each criterion statement citations to where in their submitted program coverage of that relevant content may be found. Reviewers will review programs utilizing this tool. The CDE will train publishers and reviewers in the creation and use of this map (see 5 *CCR* Section 9517[e], [https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1](https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1))). The map and instructions are available at the following CDE website: <https://www.cde.ca.gov/ci/vp/im/>.
  5. Standards Maps: Publishers must complete and provide Standards Maps in digital format (flash drive, CD-ROM, etc.) in Microsoft Word (not PDF) and in hardcopy for each grade level of each submitted program. The Standards Maps are essentially document tables at each grade level wherein all standards are listed, each standard upon an individual row. The publisher will list next to each grade-level standard citations to where in their submitted program coverage of that relevant content may be found. Reviewers will review programs utilizing this tool. The CDE will train publishers and reviewers in the creation and use of these maps (see 5 *CCR* Section 9517[e], <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)>. The maps and instructions are available at the following CDE website: <https://www.cde.ca.gov/ci/vp/im/>.
  6. All student materials posted online: To the CDE alone, the publisher must provide a URL to their website where all student materials (i.e., anything not expressly for teachers alone) submitted for consideration of adoption will be posted and available for free public review until SBE adoption action in November 2021 (see 5 *CCR* Section 9523[b], <https://govt.westlaw.com/calregs/Document/IB3100440D47F11DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>). Publishers may exclude student assessments and third-party copyrighted images. Publishers may watermark posted materials and/or require users to sign in; however, publishers may not restrict access—access must be available to anyone.

## Packaging Instructions

Publishers should label every program component to be distributed (see the example below).

Reviewers will use the labels for inventory purposes and to accurately identify each item in conjunction with the publisher-supplied Evaluation Criteria Map and Standards Maps. The LRDC use the information on the label to identify easily where items are to be appropriately shelved and/or to locate elements contained in a digital submission.

Place labels in easily visible locations (e.g., bottom of the back of a book, next to the spine, on the disc label, etc.). Do not place labels on shipping packages, shrink-wrap, or other items that may be discarded.

Please limit packaging materials, cardboard display units, and the like.

## Shipping and Item Label Examples

Label each shipping box “2021 Arts Education Adoption,” and indicate how many boxes are included in the full program (see the example below). Affix labels to one or more side surfaces so that the label is readable when the boxes are stacked. Include your company name, program title, and grade level(s). Include the complete packing list in the first box.

## Example Shipping label (All Programs)

2021 Arts Education Adoption

ABC Publishing

Crayons for All Program

Grades K–5

Box 2 of 6

## Example Item label (All Programs)

2021 Arts Education Adoption

ABC Publishing

Crayons for All Program

Grade: x

Item Title: Student Edition

ISBN: 1234567891011

Copyright: 2020

## Shipment Instructions

The CDE will provide publishers with a list of addresses for the initial distribution of instructional materials via email by the end of the reviewer training session. This list will include any special delivery instructions for each site. Publishers should be prepared to send up to 50 sets of instructional materials.

Publishers must ship all materials completely free of charge (see 5 *CCR* Section 9517[g], <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1>).

It is the responsibility of publishers to ensure that materials are delivered to, and off-loaded at, the designated address within the specified time period. Publishers must instruct delivery agents not to leave materials on loading docks or on pallets unless so authorized (see 5 *CCR* Section 9517[f], <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1>).

## Shipment Verification

Shortly after the shipping deadline, all recipients will inventory their deliveries. The CDE will notify publishers of missing materials, and publishers must remedy any problems.

Major distribution errors or failure to respond on a timely basis to the CDE distribution requirements or request for corrective shipments may result in disqualification of a submission (see 5 *CCR* Section 9517[f], <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1>). Neither the CDE nor any other recipient of instructional materials will be held responsible for materials that are not appropriately labeled.

## Withdrawal from the Adoption

State regulations discourage publishers from withdrawing their instructional materials from the adoption review process after the materials have been submitted (see 5 *CCR* Section 9517[m], <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)>).

Note that publisher participation fees are non-refundable (see *EC* Section 60213, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60213.&lawCode=EDC>.

Additionally, once a publisher has delivered sample materials, all aspects of the review will proceed regardless of publisher withdrawal.

## Evaluation of Instructional Materials

The basic overall review process proceeds as follows:

* Facilitator/Reviewer Training session takes place.
* Publishers ship their programs to reviewers.
* Reviewers conduct an independent review of the programs.
* Reviewers gather with their review panels for the deliberation session, come to a consensus regarding the programs, and develop a recommendation report.
* The CDE provides the report to publishers and posts it online.
* The IQC takes additional public comment at a dedicated meeting.
* At another later meeting, the IQC comes to a consensus regarding each program and develops a recommendation report which the CDE posts online.
* The SBE considers the recommendation reports of the review panels and the IQC, and any public comment submitted, and decides whether or not to adopt programs

## Educational Content Review

Instructional materials submitted for the 2021 Arts Education Adoption will be evaluated using the *Arts Framework*, the evaluation criteria, and the content standards. Reviewers will utilize the Evaluation Criteria Map and the Standards Maps developed for this review. The Arts Education Adoption frequently asked questions provide additional guidance. All of these documents are available at the following CDE website: <https://www.cde.ca.gov/ci/vp/im/>.

## Social Content Reviews

The review panels will also conduct social content reviews of the materials, and any citations will be handled as part of the later Edits and Corrections procedures as publishers may correct social content issues in their materials (see 5 *CCR* Section 9525, <https://govt.westlaw.com/calregs/Document/I0F55C27042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)> and 5 *CCR* sections 9810–9830, <https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IBF11E650D47F11DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)>).

Issues of social content are addressed in *EC* sections 60040–60050 and 60200–60200.2 (see <http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=EDC&tocTitle=+Education+Code+-+EDC>) and in the SBE guidelines document Standards for Evaluating Instructional Materials for Social Content, available at the following CDE website: <https://www.cde.ca.gov/ci/cr/cf/lc.asp>.

In the event that the SBE does not adopt a program that has passed the social content aspect of the overall review, the CDE will add the program components to the approved Social Content Review database that is posted on the following CDE Social Content Review website: <https://www.cde.ca.gov/ci/cr/cf/ap2/search.aspx>.

Publishers whose materials have passed only a social content review must not represent their materials as having been adopted by the SBE. Such misrepresentation may result in removal of their materials from the CDE Social Content Review database (see 5 *CCR* Section 9820[g], <https://govt.westlaw.com/calregs/Document/IBFC816F0D47F11DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

## Virtual Deliberations Session

The IMRs and CREs will reconvene with their review panels, each in a dedicated virtual meeting room, during the deliberations session (July 12–16, 2021), to determine a panel consensus for their review and prepare a Report of Findings, which serves as the review panel’s recommendation for a program (see 5 *CCR* Section 9519, <https://govt.westlaw.com/calregs/Document/I0D67FC3042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))>.

The deliberations session is open to the public. At least once a day, the CDE will provide an opportunity for public comment within each review panel meeting.

Additionally, by the end of the first day of deliberations, the CDE will provide publishers with a few detailed questions in writing developed by the panels on the first day. The CDE will schedule a specific time for publishers to respond to the panel with a formal presentation on the second day.

Reports of Findings will state outright whether or not the panel recommends each grade level of the program for SBE adoption. It will continue by identifying each evaluation criteria category and identify example citations to the publishers’ materials to support the “met” or “not met” finding for each category. The report will conclude with a list of edits and corrections to be made by the publisher as a condition of adoption, should the SBE so act. These edits and corrections are described later in this document.

On the final day of deliberations, the CDE will provide each publisher with a copy of the Report of Findings concerning their program, and in the days following the deliberations, the CDE will post each report online.

## Use of Report of Findings

State regulations prohibit publishers’ use of any Report of Findings, IQC advisory reports, or the SBE adoption report for the marketing of instructional materials. This restriction includes publicizing reports regarding other publishers’ programs (see 5 *CCR* Section 9517[n], <https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1>).

## Instructional Quality Commission Actions

On August 17, 2021, the IQC will conduct a meeting for the sole purpose of collecting public comment on the materials submitted by publishers for the adoption. At this meeting, anyone may address the commission, including publishers receiving a less-than-favorable Report of Findings.

On September 22–23, 2021, the IQC will conduct another meeting for the purpose of determining a commission member consensus on each of the programs. To this end, the IQC will consider each review panel’s Reports of Findings, any public comment, and Commissioners’ own independent reviews of the programs. The final IQC action on the adoption process will be to create a Commission Advisory Report which the IQC will send to the SBE for consideration (see 5 *CCR* Section 9519[i], <https://govt.westlaw.com/calregs/Document/I0D67FC3042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>, and 5 *CCR* Section 9524[a][1–5], <https://govt.westlaw.com/calregs/Document/I0F035CB042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1>).

## State Board of Education Action

On November 3–4, 2021, the SBE will conduct a public hearing where anyone may present comments orally and/or in writing before the SBE takes action to adopt or to not adopt the instructional materials. The SBE also will consider the reports of the review panels and the IQC (see *EC* Section 60203, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60203.&lawCode=EDC>). Note that at public hearings the chairperson may set time limits for oral presentations.

Following its adoption action, the SBE will direct the CDE to post online information regarding the adopted programs (see *EC* Section 60200[h], <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60200.&lawCode=EDC>).

## Edits and Corrections Definitions and Procedures

The Report of Findings may list minor edits and corrections that reviewers identified during the review process. The actions by the IQC and the SBE may confirm that these minor edits and corrections must be addressed satisfactorily in order for the instructional materials to be adopted. The CDE will work with publishers to resolve issues and may schedule meetings with publishers to discuss publisher contested edits and corrections.

“Edits and corrections” as defined in regulations are changes that must be made to submitted instructional materials to meet the social content standards, to ensure accuracy or achieve clarity, that are minimal in number, and include, but are not limited to: misquoted content standards; imprecise definitions; mislabeled pictures or objects; grammatical errors or misspellings; simple factual errors; computational errors.

“Rewrites” are not allowable and are defined in regulations as extensive changes that would need to be made to instructional materials in order for them to meet the content standards, curriculum frameworks, evaluation criteria, or social content standards and include, but are not limited to: revising a section, chapter, or entire page; adding new content; moving materials from one grade level to another (see 5 *CCR* Section 9510, <https://govt.westlaw.com/calregs/Document/ICA97BF3FDBCC49DB92DF89648F17AC99?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

Following the SBE adoption action, CDE staff will notify publishers of any edits and corrections that must be made.

Within 60 days of the SBE adoption action, publishers must provide to the CDE copies of revised instructional materials or relevant portions thereof that reflect all edits and corrections required by the SBE. Publishers will need to provide the CDE with digital copies of before/after pages for clear verification. The CDE will provide adopted publishers with detailed relevant information following the SBE action.

Upon completion of this evaluation, the CDE will notify each publisher whether the revised instructional materials comply with the SBE action or whether additional revisions need to be made. Within 60 days of this notification, publishers must provide copies of final instructional materials that reflect all edits and corrections required by the SBE.

The CDE recommends that publishers not go to final print with their materials until the edits and corrections process is complete.

(See 5 *CCR* Section 9525, <https://govt.westlaw.com/calregs/Document/I0F55C27042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

## Accessible Materials

The Clearinghouse for Specialized Media and Technology (CSMT), a unit within the CFIRD, creates accessible formats of print-based SBE-adopted instructional materials for students with disabilities. If instructional materials adopted by the SBE are not fully accessible, the CSMT reproduces the materials in a variety of formats, including braille, large print, audio recordings, and other media as required, ensuring students with disabilities have access to the general curriculum.

In order to fulfill this mission, the CDE will require, and the SBE-adopted publisher must provide, all of their adopted printed student materials in all of the following formats within 30 days of request:

* Portable Document Format (PDF) with graphics (not to exceed 500 MB per file)
* Book cover images in Joint Photographic Experts Group (JPG) file format
* Five print copies of each student component

Print copies should be delivered to Susan Hardesty at 1430 N Street, Suite 3207; Sacramento, CA 95814. Files should be delivered to Cyndi Reimer. Any file questions may be directed to Cyndi Reimer by email at [creimer@cde.ca.gov](mailto:creimer@cde.ca.gov).

Note that for each electronic format listed above, files must be delivered to the CDE unlocked and not protected by passwords so as to enable the CDE to manipulate the files for production of the accessible format copies. Please use the 13-digit ISBN format, without dashes.

For the PDF submission, if more than one file is required to meet the size limit, please use the ISBN plus file number as the naming convention (e.g., 9781201632655 f01; 9781201632655 f02).

The CSMT also strongly recommends publishers submit their electronic files to the National Instructional Materials Access Center (NIMAC), a federal repository for National Instructional Materials Accessibility Standard (NIMAS), where the files are stored. For more information, visit [http://www.nimac.us](http://www.nimac.us/).

State law imposes significant monetary penalties for violations of certain aspects of these sections (see *EC* Section 60061, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60061.&lawCode=EDC>).

Despite this service of the CSMT, publishers must apply universal design strategies when creating learning resources because the range of performance and ability of all students varies greatly. Learning resources, both print and digital, must be designed to accommodate a full array of individuals, including students with disabilities (see *EC* Section 60061.8, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60061.8.&lawCode=EDC> and see *EC* Section 60063, [https://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?lawCode=EDC&sectionNum=60063](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=60063.)).

For any other questions related to the CSMT, please contact Jen Buzolich, Administrator, at [jbuzolich@cde.ca.gov](mailto:jbuzolich@cde.ca.gov) or visit [https://www.cde.ca.gov/re/pn/sm/.](https://www.cde.ca.gov/re/pn/sm/)

## School District Acquisitions of Instructional Materials

School districts purchase instructional materials directly from publishers. Note that the law states that publishers shall not offer, and local school officials shall not accept, “any emolument, money, or other valuable thing,” that influences the adoption or purchase of any instructional material (see *EC* sections 60070–60076, <http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=33.&chapter=1.&article=5>).

Every publisher of instructional materials offered for adoption or sale in California must furnish the instructional materials offered by the publisher at a price in this state that, including all costs of transportation to that place, does not exceed the lowest price at which the publisher offers those same instructional materials for adoption or sale to any other state within, or territory of, the United States (see *EC* sections 60060–60063.5, <http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=33.&chapter=1.&article=4>).

In negotiating purchase agreements with publishers to ensure timely delivery of materials, districts may levy fines on publishers for late deliveries. Publishers must guarantee delivery of textbooks and instructional materials prior to the opening of school in the year in which the textbooks and instructional materials are to be used if they are ordered by a date or dates specified in the contract with the district (see *EC* Section 60061.5, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60061.5.&lawCode=EDC>).

Without violating any copyright law or contract between a school district and a publisher, a school district may use instructional materials in digital format that were purchased by the school district to create a districtwide online digital database for classroom use consistent with an online security system that is mutually agreed on by the publisher and the school district (see *EC* sections 60063–60063.5, <http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=33.&chapter=1.&article=4>).

School districts are not mandated to purchase SBE-adopted instructional materials and may conduct their own local reviews (see *EC* Section 60210, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60210.&lawCode=EDC>).

## Funding for Instructional Materials

School districts receive state funding primarily through the Local Control Funding Formula (LCFF). The authorized use of these funds includes the acquisition of instructional materials. For more information, please visit the following CDE LCFF web page: <https://www.cde.ca.gov/fg/aa/lc/>. In addition, school districts may also use California Lottery Funds for education (Proposition 20) to purchase instructional materials. For more information on Proposition 20, please visit the following CDE Lottery website:<https://www.cde.ca.gov/fg/aa/lo/>.

## Free Instructional Materials

Free instructional materials refers to instructional materials provided at no cost by publishers to a county office of education, district board, elementary school, middle school, or high school (see 5 *CCR* Section 9510[l], <https://govt.westlaw.com/calregs/Document/ICA97BF3FDBCC49DB92DF89648F17AC99?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

State law requires that publishers must provide any instructional materials free of charge in this state to the same extent as that received by any state or school district in the United States (see *EC* Section 60061[a][3], <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60061.&lawCode=EDC>).

Electronic hardware may be defined as technology-based materials, and thus available for consideration as potential free instructional materials, if the hardware is to be used as a learning resource to access the content of the instructional materials program (see *EC* Section 60010[m], <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60010.&lawCode=EDC>).

To publicize such free materials, publishers of SBE-adopted materials must supply the CDE with a URL to their lists of products available free with purchase. Additionally, once a new agreement for free materials is made, the publisher must add the materials to their free materials website within 10 days and maintain this free status until the next CDE biennial price update (see 5 *CCR* Section 9527, <https://govt.westlaw.com/calregs/Document/IB50B5F10D47F11DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

State law imposes significant monetary penalties for violations of certain aspects of these sections (see *EC* Section 60061, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60061.&lawCode=EDC>).

## Materials Development Credit

Publishers may include in the teacher's edition and/or in the student's edition submitted for adoption, only authors, reviewers, consultants, advisors, field test teachers, and others who actually contributed to the development of the materials and the capacity in which they served (see 5 *CCR* Section 9517[i], [https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)](https://govt.westlaw.com/calregs/Document/I0C7D752042E811E18A56DC6C1CBABDCA?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)))).

## Manufacturing Standards and Specifications

California mandates standards of quality for instructional materials offered for its classrooms, including standards for print, video, digital and accessible formats (see *EC* Section 60061.8, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=60061.8>).

At the request of any LEA, a publisher must provide a copy of any manufacturing standards and specifications for the instructional materials with which the publisher is currently in compliance (5 *CCR* Section 9530[b], <https://govt.westlaw.com/calregs/Document/IB6E50110D47F11DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

Instructional materials furnished and delivered to local educational agencies (LEAs) by publishers shall conform to and be of at least the same quality of workmanship as the copies of the instructional materials submitted to the CDE (see 5 *CCR* Section 9530[a], <https://govt.westlaw.com/calregs/Document/IB6E50110D47F11DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

## Textbook Weight Standards

California has maximum weight standards for textbooks as follows: grades K–4: three pounds; grades 5–8: four pounds; grades 9–12: five pounds. If a textbook exceeds these standards, the publisher must identify and make available a lesser weight alternative format. The digital equivalent of any print materials identified on the Submission Form will satisfy this requirement. (See 5 *CCR* Section 9517.2, <https://govt.westlaw.com/calregs/Document/IB0D1AD00D47F11DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))>.

## Discontinued Instructional Materials

Once the SBE adopts instructional materials, those materials remain on the state-adopted list until such time as the SBE adopts a new list of materials for the same subject. Accordingly, school districts count on the availability of these materials. Should a publisher discontinue and not make available any materials on the SBE-adopted list, the publisher must buy back from the school district all of the instructional materials discontinued and any instructional materials designed to be used with the discontinued instructional material at cost, upon request by a purchasing district (see 5 *CCR* Section 9530, <https://govt.westlaw.com/calregs/Document/IB6E50110D47F11DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>.

## Requirements, Publishers and Manufacturers

Every publisher must adhere to state laws regarding product quality, pricing, trade and competition, state-based representation, user feedback, and digital materials (see *EC* sections 60060–60063.5, <http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=33.&chapter=1.&article=4>).

State law imposes significant monetary penalties for violations of certain aspects of these sections (see *EC* Section 60061, <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60061.&lawCode=EDC>).

## Alternate Formats

Publishers may submit alternate formats of adopted instructional materials to the CDE for approval at any time during the period of adoption. Alternate formats may include a different physical format of the materials or a translation into another language. The CDE will provide publishers with a submission form and instructions following the SBE adoption action (see 5 *CCR* Section 9528, <https://govt.westlaw.com/calregs/Document/IB5B49760D47F11DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

## New Edition Substitutions and Technology Upgrades

Upon written request by a publisher, the CDE may approve a new edition of an adopted instructional material to replace the original adopted edition, provided that the changes in the new edition add no new content and are so minimal that both the new and original adopted editions may be used together in a classroom. The price of the new edition must be equal to or lower than the price of the original adopted edition.

Any subsequent additional components, such as workbooks, teacher guides, or supplemental literature, may not be portrayed as part of the SBE-adopted program. However, publishers may submit additional materials for Social Content Review. For more information regarding this review, please visit the following CDE web page: [https://www.cde.ca.gov/ci/cr/cf/lc.asp.](https://www.cde.ca.gov/ci/cr/cf/lc.asp)

The CDE does not need to approve upgrades of technology-based materials that do not contain content changes, unless the upgraded materials receive a new ISBN or identifier (see 5 *CCR* Section 9529, <https://govt.westlaw.com/calregs/Document/I80CAF6A6F3E24F1DBB56DFDB71CC4161?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)>).

## CDE Contacts for Questions

Publishers should direct questions about the 2021 Arts Education Adoption to:

* **David Almquist, Publisher Liaison**

[dalmquis@cde.ca.gov](mailto:dalmquis@cde.ca.gov)

Additional Contacts include the following:

* **Shanine Coats, Director**

Curriculum Frameworks and Instructional Resources Division

[scoats@cde.ca.gov](mailto:scoats@cde.ca.gov)

* **Cliff Rudnick, Administrator**

Instructional Resources Unit

[crudnick@cde.ca.gov](mailto:crudnick@cde.ca.gov)

* **Kyle Petty, Education Programs Consultant**

Lead Consultant for Arts Education Adoption

[kpetty@cde.ca.gov](mailto:kpetty@cde.ca.gov)

* **Ashley Mitchell, Staff Services Analyst**

Submission Lists/Price Quotes

[amitchell@cde.ca.gov](mailto:amitchell@cde.ca.gov)

California Department of Education, December 2020