

## ARTICLE 9. TEXTBOOK ADOPTIONS

### Rule 1. Adoption Chronology

#### 511 IAC 9-1-0.5 Definitions

Authority: IC 20-19-2-8

Affected: IC 20-19-2-2

Sec. 0.5. The following definitions apply throughout this article:

- (1) "Board" means the Indiana state board of education as established under IC 20-19-2-2.
- (2) "Committee" means the advisory committee on textbook adoptions as established under IC 20-19-2-2.
- (3) "Department" means the Indiana department of education.
- (4) "Official vault sample" means a specimen copy of the textbook which is labeled as "vault sample" with labels provided by the department.
- (5) "Specimen copy" means an accurate and complete copy in format, content, and technical specifications of all materials described in the publisher's textbook bid.
- (6) "Textbook" means systematically organized material designed to provide a specific level of instruction in a subject matter category.

*(Indiana State Board of Education; 511 IAC 9-1-0.5; filed Jan 24, 1986, 10:10 a.m.: 9 IR 1351; filed Oct 5, 1992, 5:00 p.m.: 16 IR 702; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3308; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

#### 511 IAC 9-1-1 Chronology of adoption activities

Authority: IC 20-19-2-8

Affected: IC 20-20-5-9; IC 20-20-5-11

Sec. 1. On or before the first day of every adoption year, the committee shall establish a chronology of textbook adoption activities for that year. The chronology shall include but not be limited to the dates for:

- (1) the committee conducting the public hearings required by IC 20-20-5-9 [*IC 20-20-5 was repealed by P.L.73-2011, SECTION 22, effective July 1, 2011.*] and IC 20-20-5-11 [*IC 20-20-5 was repealed by P.L.73-2011, SECTION 22, effective July 1, 2011.*];
- (2) the board establishing adoption categories;
- (3) the committee distributing adoption materials to publishers;
- (4) the publication of the board's call for bids;
- (5) the opening of public review sites;
- (6) the receipt of bids and samples of textbooks bid;
- (7) the committee's opening of bids;
- (8) the committee's formulation of its adoption recommendation; and
- (9) the board's adoption of textbooks.

*(Indiana State Board of Education; 511 IAC 9-1-1; filed Dec 8, 1982, 9:19 am: 6 IR 112; filed Jan 24, 1986, 10:10 am: 9 IR 1351; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3308; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Transferred from the Commission on Textbook Adoptions (520 IAC 1.1-1-1) to the Indiana State Board of Education (511 IAC 9-1-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

#### 511 IAC 9-1-2 Duties of advisory committee

Authority: IC 20-19-2-8

Affected: IC 20-19-2-2

Sec. 2. The committee shall:

- (1) initiate rules and hold hearings for rules affecting textbook adoption;
- (2) perform the duties required for implementing the chronology adopted under 511 IAC 9-1-1;
- (3) review and authorize or reject substitutions requested under 511 IAC 9-6-2;
- (4) review and authorize or reject waivers requested under IC 20-26-12-28 [*IC 20-26-12-28 was repealed by P.L.73-2011,*

*SECTION 22, effective July 1, 2011.];*

(5) make recommendations regarding adoption of textbooks which were not available during the regular adoption for a category under the provisions of IC 20-20-5-7 [IC 20-20-5 was repealed by P.L.73-2011, SECTION 22, effective July 1, 2011.];

(6) receive and notify school corporations of any price reduction announced by a publisher during an adoption period; and

(7) perform other advisory activities regarding textbook adoption.

*(Indiana State Board of Education; 511 IAC 9-1-2; filed Jan 24, 1986, 10:10 am: 9 IR 1352; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3308; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

## **Rule 2. Adoption Categories**

### **511 IAC 9-2-1 Hearings of advisory committee**

Authority: IC 20-19-2-8

Affected: IC 20-20-5-12

Sec. 1. Prior to recommending adoption categories to the board for any given adoption year, the committee shall hold a public hearing for the purpose of receiving comments from the public regarding the determination of adoption categories and the subsequent evaluation and selection of textbooks in those categories. In conducting this hearing the committee shall encourage presentations of diverse viewpoints but shall not allow open debate. The committee shall accept oral and/or written testimony and may limit oral testimony to a specific length of time. *(Indiana State Board of Education; 511 IAC 9-2-1; filed Dec 8, 1982, 9:19 am: 6 IR 112; filed Jan 24, 1986, 10:10 am: 9 IR 1352; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Transferred from the Commission on Textbook Adoptions (520 IAC 1.1-2-1) to the Indiana State Board of Education (511 IAC 9-2-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

### **511 IAC 9-2-2 Recommendation of categories**

Authority: IC 20-19-2-8

Affected: IC 20-20-5-5

Sec. 2. Subsequent to the public hearing described in 511 IAC 9-2-1, the committee and board shall recommend adoption categories for the adoption year. Categories shall be within the classifications provided by IC 20-20-5-5 [IC 20-20-5 was repealed by P.L.73-2011, SECTION 22, effective July 1, 2011.] in such a manner as to be reflective of the courses and curriculum programs taught in Indiana schools as approved by the board in accordance with 511 IAC 6-2-3 [511 IAC 6-2-3 was repealed filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193.], 511 IAC 6-2-4 [511 IAC 6-2-4 was repealed filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193.], and 511 IAC 6-2-5 [511 IAC 6-2-5 was repealed filed Nov 8, 1990, 3:05 p.m.: 14 IR 663.]. *(Indiana State Board of Education; 511 IAC 9-2-2; filed Dec 8, 1982, 9:19 am: 6 IR 112; filed Jan 24, 1986, 10:10 am: 9 IR 1352; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3308; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Transferred from the Commission on Textbook Adoptions (520 IAC 1.1-2-2) to the Indiana State Board of Education (511 IAC 9-2-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

### **511 IAC 9-2-3 Exempt categories**

Authority: IC 20-19-2-8

Affected: IC 20-20-5

Sec. 3. The committee may recommend and the board may exempt textbook categories in elective courses from being bid if it is determined that to do so would be in the best interests of education. In making this determination, the committee and board shall consider the nature of the category, the nature of the textbooks available or expected to be available for the category, the effect of exemption on the public schools and students of the state and any other pertinent facts. *(Indiana State Board of Education; 511 IAC 9-2-3; filed Dec 8, 1982, 9:19 am: 6 IR 112; filed Jan 24, 1986, 10:10 am: 9 IR 1352; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Transferred from the Commission on Textbook Adoptions (520 IAC 1.1-2-3) to the Indiana State Board of Education (511 IAC 9-2-3) by P.L.20-1984, SECTION 206,*

*effective July 1, 1984.*

**Rule 3. Submission of Bids; Specimen Copies**

**511 IAC 9-3-1 Submission of bids and specimen copies**

Authority: IC 20-19-2-8

Affected: IC 20-20-5

Sec. 1. On or before the published chronology date for submission of bids, publishers who wish to have their textbooks adopted shall submit a sealed bid on the form prescribed by the committee along with an affidavit, other assurances and certificates required in accordance with 511 IAC 9-4-1, and specimen copies of the textbooks to the location(s) designated under 511 IAC 9-3-2. *(Indiana State Board of Education; 511 IAC 9-3-1; filed Dec 8, 1982, 9:19 am: 6 IR 112; filed Jan 24, 1986, 10:10 am: 9 IR 1353; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Transferred from the Commission on Textbook Adoptions (520 IAC 1.1-3-1) to the Indiana State Board of Education (511 IAC 9-3-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 9-3-2 Distribution of specimen copies; delivery of vault sample**

Authority: IC 20-19-2-8

Affected: IC 20-20-5

Sec. 2. Specimen copies as described in 511 IAC 9-1-0.5 shall be delivered to all members of the committee (including the chairman), to all reviewers designated by the committee, and to all public review sites. The official vault sample shall be delivered to the department on or before the date prescribed by the board under the provisions of 511 IAC 9-1-1. *(Indiana State Board of Education; 511 IAC 9-3-2; filed Dec 8, 1982, 9:19 am: 6 IR 113; filed Jan 24, 1986, 10:10 am: 9 IR 1353; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Transferred from the Commission on Textbook Adoptions (520 IAC 1.1-3-2) to the Indiana State Board of Education (511 IAC 9-3-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 9-3-3 Return of specimen copies**

Authority: IC 20-19-2-8

Affected: IC 20-20-5

Sec. 3. (a) All copies of materials not adopted by the board and all copies except the official vault sample of materials adopted by the board may be picked up by the publisher during the thirty (30) day period immediately following the board meeting at which textbooks are adopted; provided, that written request for return of materials is made at the time of their delivery.

(b) Publishers are responsible for making arrangements to pick up all materials for which they have submitted a request for return. Neither the board nor the committee is responsible for the safe return of any materials. *(Indiana State Board of Education; 511 IAC 9-3-3; filed Dec 8, 1982, 9:19 am: 6 IR 113; filed Jan 24, 1986, 10:10 am: 9 IR 1353; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Transferred from the Commission on Textbook Adoptions (520 IAC 1.1-3-3) to the Indiana State Board of Education (511 IAC 9-3-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**Rule 4. Opening of Bids; Acceptance and Rejection Criteria**

**511 IAC 9-4-1 Opening of bids; acceptance criteria**

Authority: IC 20-19-2-8

Affected: IC 20-20-5-13

Sec. 1. At the meeting called for the opening of bids, the committee shall open and examine sealed bids which were submitted by publishers on or before the submission date. The committee shall recommend that the board accept bids that are complete, and proper. Bids shall be considered complete and proper if they meet the following criteria:

(1) The bid must be submitted on a form prescribed by the committee and executed by a person having authority to bind the publisher: the president and secretary of a corporation; a general partner of a partnership; or the proprietor of a sole proprietorship. If a person other than the president and the secretary of corporation executes the bid, proof of authority must be attached, such as a certified resolution of the board of directors or the by-laws of the corporation.

(2) The bid form and affidavit must be complete, notarized, and accompanied by a copy of the notary's certificate of authority or commission if notarized by other than an Indiana notary.

(3) The bid must be accompanied by evidence that the publisher has authority to do business in the state of Indiana.

(4) The bid must be submitted on or before the bid submission date specified in the call for bids.

(5) The bid form must be complete with regard to each textbook submitted.

(6) An affidavit for each textbook submitted that is a revised version of a textbook previously adopted must be included with the bid. The affidavit must indicate whether the revised version varies substantively from the previously adopted textbook.

(7) All specimen copies of each textbook submitted must be properly labeled and delivered to the locations as required in 511 IAC 9-3-2 on or before the date(s) specified in the call for bids.

*(Indiana State Board of Education; 511 IAC 9-4-1; filed Dec 8, 1982, 9:19 am: 6 IR 113; filed Jan 24, 1986, 10:10 am: 9 IR 1353; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

*NOTE: Transferred from the Commission on Textbook Adoptions (520 IAC 1.1-4-1) to the Indiana State Board of Education (511 IAC 9-4-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

#### **511 IAC 9-4-2 Rejection criteria; partial rejection; administrative review**

Authority: IC 20-19-2-8

Affected: IC 4-21.5

Sec. 2. (a) The committee may recommend that the board reject a bid in its entirety if it finds that the bid does not comply with 511 IAC 9-4-1(1) through 511 IAC 9-4-1(4).

(b) The committee may recommend that the board reject a bid as to any specific textbooks if it finds that (1) the bid does comply with 511 IAC 9-4-1(5) through 511 IAC 9-4-1(7).

(c) In rejecting a bid the board shall comply with the provisions of IC 4-22-1 *[Repealed by P.L.18-1986, SECTION 2. See IC 4-21.5.]* *(Indiana State Board of Education; 511 IAC 9-4-2; filed Dec 8, 1982, 9:19 am: 6 IR 113; filed Jan 24, 1986, 10:10 am: 9 IR 1354; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Transferred from the Commission on Textbook Adoptions (520 IAC 1.1-4-2) to the Indiana State Board of Education (511 IAC 9-4-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

### **Rule 5. Adoption Process**

#### **511 IAC 9-5-1 Notice of meeting**

Authority: IC 20-19-2-8

Affected: IC 20-20-5-12

Sec. 1. The board shall give notice at least thirty (30) days prior to the meeting that the committee develops its adoption recommendation. This notice shall include an announcement of the board meeting held to adopt textbooks and to award contracts. This notice shall be published in at least two (2) Indiana newspapers with a paid circulation of not less than eighty-five thousand (85,000). This notice shall include a complete category list of all subjects and grades for which textbooks are to be adopted. *(Indiana State Board of Education; 511 IAC 9-5-1; filed Dec 8, 1982, 9:19 am: 6 IR 113; filed Jan 24, 1986, 10:10 am: 9 IR 1354; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Transferred from the Commission on Textbook Adoptions (520 IAC 1.1-5-1) to the Indiana State Board of Education (511 IAC 9-5-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

#### **511 IAC 9-5-2 Evaluation procedures**

Authority: IC 20-19-2-8

Affected: IC 20-20-5-15

Sec. 2. (a) The committee shall follow the procedure under this section when evaluating textbooks.

(b) Textbook evaluators selected in accordance with IC 20-20-5-15 [*IC 20-20-5 was repealed by P.L. 73-2011, SECTION 22, effective July 1, 2011.*] shall use a review instrument developed by the department and approved by the committee.

(c) Textbook evaluators for the committee shall be selected by each committee member and shall include both educators and lay persons. The department may select additional evaluators to assure that the textbook evaluators represent the needs of all Indiana students. (*Indiana State Board of Education; 511 IAC 9-5-2; filed Jan 24, 1986, 10:10 a.m.: 9 IR 1355; filed Oct 5, 1992, 5:00 p.m.: 16 IR 702; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3308; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

### **511 IAC 9-5-3 Recommendation procedures**

Authority: IC 20-19-2-8

Affected: IC 20-20-5

Sec. 3. Committee recommendations shall be made in accordance with the following:

(1) Each textbook in a category shall be voted upon as to whether it is satisfactory for state adoption.

(2) The chairperson shall announce, by category, those textbooks receiving either a unanimous satisfactory or unsatisfactory vote.

(3) The chairperson shall open discussion, by category, on textbooks not having received a unanimous vote. No textbook that has received a unanimous vote may be discussed.

(4) The committee shall cast ballots on those textbooks not receiving a unanimous vote on the first ballot.

(5) The chairperson shall announce those textbooks not receiving a majority satisfactory vote on the second ballot and the recommended adoptions for that category.

(6) A committee member shall move that textbooks receiving either a unanimous satisfactory vote on the first ballot or a majority satisfactory vote on the second ballot be recommended to the board as the committee's adoption recommendation.

(*Indiana State Board of Education; 511 IAC 9-5-3; filed Jan 24, 1986, 10:10 am: 9 IR 1355; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

### **511 IAC 9-5-4 Continued use recommendations**

Authority: IC 20-19-2-8

Affected: IC 20-20-5-1; IC 20-26-12-28

Sec. 4. The committee shall make recommendations to the board regarding whether a textbook previously adopted in one of the advertised categories is satisfactory for continued use under the provisions of IC 20-20-5-1 [*IC 20-20-5 was repealed by P.L. 73-2011, SECTION 22, effective July 1, 2011.*]. In developing these recommendations, the committee shall consider the recommendations of:

(1) personnel from school corporations currently using the textbooks; and

(2) a panel of seven (7) persons knowledgeable in the subject matter of the adoption category. Each member of the committee shall select one (1) member of the panel.

(*Indiana State Board of Education; 511 IAC 9-5-4; filed Jan 24, 1986, 10:10 am: 9 IR 1355; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3308; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

### **511 IAC 9-5-5 Adoption or continued use approval**

Authority: IC 20-19-2-8

Affected: IC 20-20-5-1; IC 20-26-12-28

Sec. 5. The board may adopt or approve for continued use only those textbooks that:

(1) have been recommended by the committee and receive a majority vote of the board; or

(2) are approved by seven (7) members of the board.

(*Indiana State Board of Education; 511 IAC 9-5-5; filed Jan 24, 1986, 10:10 am: 9 IR 1355; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

**Rule 6. Additions and Substitutions**

**511 IAC 9-6-1 Additions to adoption list**

Authority: IC 20-19-2-8

Affected: IC 20-20-5-7; IC 20-26-12-28

Sec. 1. (a) If a new textbook becomes available in any category during the adoption period for that category, the publisher may submit a bid to have that textbook added to the approved adoption list for that category. The bid must meet all of the bid specifications in 511 IAC 9-4-1.

(b) If the committee finds the new textbook to be satisfactory and the bid to be complete and proper, it shall recommend that the board add the new textbook to the adoption list.

(c) For the purposes of this section, a textbook shall be considered new if any of the following pertain to the textbook:

(1) the title has not been published previously;

(2) a previous edition has not been submitted during the adoption period;

(3) it is a revised edition that does not qualify for substitution under 511 IAC 9-6-2 because of major revisions; or

(4) it is a major revision of a textbook that was initially found unsatisfactory for adoption.

(d) After a waiver is granted under the provisions of IC 20-26-12-28 [*IC 20-26-12-28 was repealed by P.L. 73-2011, SECTION 22, effective July 1, 2011.*] for a textbook not on the adoption list, the publishers may submit a bid to have the textbook added to the list by following the bidding procedures specified for a new textbook under subsection (a).

(e) No additional adoptions provided for in this section will be considered for the last year of the adoption period. (*Indiana State Board of Education; 511 IAC 9-6-1; filed Dec 8, 1982, 9:19 am: 6 IR 114; filed Jan 24, 1986, 10:10 am: 9 IR 1356; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3308; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*) NOTE: Transferred from the Commission on Textbook Adoptions (520 IAC 1.1-6-1) to the Indiana State Board of Education (511 IAC 9-6-1) by P.L. 20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 9-6-2 Substitution of revised edition**

Authority: IC 20-19-2-8

Affected: IC 20-20-5

Sec. 2. (a) The committee may, upon request from a publisher, accept the substitution of a new edition for a textbook previously adopted of the same title provided the price is the same or lower than the price of the original textbook.

(b) In evaluating a revised edition of a textbook proposed for substitution, the committee shall consider whether major changes have occurred in the following areas:

(1) author;

(2) content;

(3) format;

(4) pagination; and

(5) composition of cover and individual pages.

(c) Prior to July 1 of the first year of any adoption period or the delivery of any purchased textbook to school corporations, major changes are acceptable provided the revisions are not so extensive that the revised edition no longer accurately reflects the content and curricular/instructional emphasis of the edition initially adopted.

(d) After July 1 of the first year of the adoption period or the delivery of any of the initially adopted editions to school corporations, changes are considered acceptable provided the revised edition is compatible for concurrent use with the initially adopted textbook.

(e) In requesting the substitution of a revised edition of a previously adopted textbook, the publisher shall submit to the department nine (9) specimen copies of the revised edition along with a document identifying all changes. The nine (9) specimen copies shall include an official vault sample, one (1) copy for each committee member and one (1) review copy for the department.

After approval of the substitution request, local school corporations will be advised that they may purchase the substituted text at the same or lower price as the text previously adopted and use the new edition in lieu of the older edition. School corporations who in good faith have adopted and purchased the older edition may continue to use these materials for the duration of the contract period. (*Indiana State Board of Education; 511 IAC 9-6-2; filed Dec 8, 1982, 9:19 am: 6 IR 114; filed Jan 24, 1986, 10:10 am: 9 IR 1356;*

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