



The Board of Education's current textbook regulations specify the types of materials that may be adopted.

*Regulations Governing Textbook Adoption, 8 VAC 20-220-30*

Only those materials which are designed to provide basic support for the instructional program of a particular content area at an appropriate level will be adopted.

On September 23, 2010, the Board took final action to adopt revised regulations regarding textbooks that will supersede those currently in effect. The revised regulations are currently undergoing the provisions of the Administrative Process Act (APA) and will become effective at the conclusion of that process. The proposed regulations were approved by the Attorney General's office on November 23, 2010, and by the Department of Planning and Budget on December 6, 2010. They are currently under review by the Secretary of Education's office, and will also need to be reviewed by the Governor's Office. When the new regulations go into effect, they will state:

*Regulations Governing Local School Boards and School Divisions, 8 VAC 20-720 et seq.*

8 VAC 20-720-179. Textbooks

A. Textbook approval

1. The Board of Education shall have the authority to approve textbooks for use in the public schools of Virginia.
2. In approving basal textbooks for reading in kindergarten and first grade, the Board shall report to local school boards those textbooks with a minimum decodability standard based on words that students can correctly read by properly attaching speech sounds to each letter to formulate the word at 70 percent or above for such textbooks, in accordance with § 22.1-239 of the *Code of Virginia*.
3. Any local school board may use textbooks not approved by the Board provided the school board selects such books in accordance with this chapter.
4. Contracts and purchase orders with publishers of textbooks approved by the Board for use in grades 6-12 shall allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook. Each school board shall have the authority to purchase an assortment of textbooks in any of the three forms listed above.

The complete text of the proposed regulations is available in Attachment A.

As a result of significant factual inaccuracies found in two history textbooks on the list of history textbooks the Board of Education approved on January 15, 2010, the Board unanimously approved the following motion at its meeting on January 13, 2011:

MOVED that the Board of Education direct the Superintendent of Public Instruction:

1. To initiate on the Board's behalf a process to consider withdrawal of its approval of the textbooks "Our Virginia: Past and Present" (first edition) and "Our America to 1865" (first edition), published in each case by Five Ponds Press; and
2. To seek remedies from Five Ponds Press to help school divisions which have purchased those textbooks in replacing and/or correcting such textbooks as soon as possible, including pursuing any available assistance from and/or remedies involving the publisher; and
3. To obtain a review by qualified experts of any other textbooks published by Five Ponds Press that have been approved by the Board of Education; and
4. To present to the Board of Education for first review at its February 2011 meeting a detailed proposal to revise the Board's process for approving textbooks for purchase by school divisions to ensure that all textbooks approved are factually accurate, incorporating in such proposal a process for prior certification by publishers that each textbook submitted for approval has been reviewed for factual accuracy by qualified experts in the subject matter, and that the publisher will promptly remedy at its expense any substantial factual errors discovered thereafter.

### **Summary of Major Elements**

On February 17, 2011, the Virginia Board of Education accepted for first review Virginia's Proposed Revised Textbook Review Process. Changes have been proposed as a result of Board and stakeholder input, including comments and suggestions from the Association of American Publishers, Inc., provided in Attachment B. Attachment C notes proposed changes using italics for inserted text and strikethroughs for deleted text.

The proposed process places primary responsibility on publishers to ensure the accuracy of their textbooks. Publishers must certify that textbooks submitted for approval have been thoroughly examined and reviewed by qualified content experts for factual accuracy and must list all authors/editors and their credentials. Publishers must list the professional credentials for at least three content review experts who have thoroughly examined each textbook for content accuracy. Also, the publisher must certify that each textbook has been thoroughly examined and reviewed by qualified editors for typographical errors and errors in grammar, written expression, spelling, formatting, and other substantive elements that may affect student learning. The publishers must also sign an agreement that if factual or editing errors are identified in a publisher's textbook, the publisher must submit a corrective action plan to the Department of Education for review and approval by the Board of Education. All corrective action plans must be approved by the Board of Education, or the Board may delegate the approval of action plans to the superintendent of public instruction. Publishers must execute corrective action plans at their own expense.

Department of Education staff will review all textbook publishers' certifications and agreements. Any concerns will be addressed by Department staff with the appropriate publisher. A certification or agreement that is not completed correctly, is lacking in sufficient information, or is not signed by the appropriate representative, may result in the textbook(s) being removed from consideration for review.

Following final Board action to approve textbooks, the Department will post the list of approved textbooks with prices on its Web site along with information from the textbook publishers' certifications and agreements.

After the textbook approval takes place, the public can provide ongoing feedback to the Department regarding any inaccuracies found in an approved textbook. An electronic mailbox will be established for this purpose. Department staff will inform publishers of any errors identified. Publishers will be given the opportunity to contest the errors and/or propose a corrective action plan for approval by the Board. If numerous and/or significant errors are identified in a textbook on the Board of Education's approved list, the Board may, in its sole discretion, withdraw the textbook from the approved list.

**Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education adopt Virginia's proposed revised textbook review process and that it be used for all future textbooks brought to the Board for approval.

**Impact on Resources:**

This responsibility can be absorbed by the agency's existing resources at this time. If the agency is required to absorb additional responsibilities related to this process, other services will be impacted.

**Timetable for Further Review/Action:**

Upon approval of Virginia's Textbook Review Process, the Department of Education will post it on the Department's Web site, and it will become effective for future textbooks approved by the Board of Education.

## PROPOSED

REGULATIONS GOVERNING  
LOCAL SCHOOL BOARDS AND SCHOOL DIVISIONS**8 VAC 20-720-10. Definitions**

“Instructional materials” means all materials, other than textbooks, used to support instruction in the classroom, including, but not limited to, books, workbooks, and electronic media.

“Textbooks” means print or electronic media for student use that serve as the primary curriculum basis for a grade-level subject or course.

**8 VAC 20-720-160. Instructional materials.**

- A. Local school boards shall be responsible for the selection and utilization of instructional materials.
- B. Local school boards shall adopt policies and criteria for the selection of instructional materials that shall include, at a minimum:
  1. The rights of parents to inspect, upon request, any instructional materials used as part of the educational curriculum for students, and the procedure for granting a request by a parent for such access, in accordance with the *Protection of Pupil Rights Amendment*, 20 U. S. C. § 1232H, and its implementing regulation, 34 CFR 98.
  2. The basis upon which a person may seek reconsideration of the local school board’s selection of instructional materials, including, but not limited to, materials that might be considered sensitive or controversial, and the procedures for doing so.
  3. Pursuant to § 22.1-253.13:7 of the *Code of Virginia*, the policies shall include clear procedures for handling challenged controversial materials.

**8 VAC 20-720-170. Textbooks**

- A. Textbook approval
  1. The Board of Education shall have the authority to approve textbooks for use in the public schools of Virginia.
  2. In approving basal textbooks for reading in kindergarten and first grade, the Board shall report to local school boards those textbooks with a minimum decodability standard based on words that students can correctly read by properly attaching speech sounds to each letter to formulate the word at 70 percent or above for such textbooks, in accordance with § 22.1-239 of the *Code of Virginia*.

3. Any local school board may use textbooks not approved by the Board provided the school board selects such books in accordance with this chapter.
4. Contracts and purchase orders with publishers of textbooks approved by the Board for use in grades 6-12 shall allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook. Each school board shall have the authority to purchase an assortment of textbooks in any of the three forms listed above.

B. Selection of textbooks by local school boards

Local school boards shall adopt procedures for the selection of textbooks. These procedures shall include, at a minimum, the following:

1. Appointment of evaluation committees by the local school board to review and evaluate textbooks in each of the subject areas.
2. Notice to parents that textbooks under consideration for approval will be listed on the school division's Web site and made available at designated locations for review by any interested citizens.
3. Opportunities for those reviewing such textbooks to present their comments and observations, if any, to the school board through locally approved procedures.
4. Procedures to ensure appropriate consideration of citizen comments and observations.
5. Selection criteria.

C. Purchasing Board of Education approved textbooks

1. Local school divisions shall purchase textbooks approved by the Board of Education directly from the publishers of the textbooks by either entering into written term contracts or issuing purchase orders on an as-needed basis in accordance with § 22.1-241 of the *Code of Virginia*.
2. Such written contracts or purchase orders shall be exempt from the *Virginia Public Procurement Act* (§§ 2.2-4300 et seq. of the *Code of Virginia*).

D. Purchasing non-Board of Education approved textbooks

The purchase of textbooks other than those approved by the State Board is not exempt from the *Virginia Public Procurement Act*.

E. Distribution of textbooks

Each school board shall provide, free of charge, such textbooks required for courses of instruction for each child attending public schools.

## F. Certifications

The division superintendent and chairperson of the local school board shall annually certify to the Virginia Department of Education that:

1. All textbooks were selected and purchased in accordance with this chapter; and
2. The price paid for each textbook did not exceed the lowest wholesale price at which the textbook involved in the contract was currently bid under contract in the United States, in accordance with § 22.1-241 of the *Code of Virginia*.

The certification shall include a list of all textbooks adopted by the local school board.

**Association of American Publishers, Inc.**

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455 Massachusetts Ave., 7th Floor  
Washington, D.C. 20001  
Telephone: (202) 347-3375  
Fax: (202) 347-3690  
[www.publishers.org](http://www.publishers.org)

March 8, 2011

Dr. Patricia I. Wright  
Superintendent of Public Instruction  
Virginia Department of Education  
PO Box 2120  
Richmond, VA 23218

Dear Dr. Wright:

On February 17, 2011, the State Board of Education accepted for first review *Virginia's Proposed Revised Textbook Review Process*. These written comments expand upon the oral comments that were made to the Board on behalf of the Association of American Publishers (AAP) at that time.

### **1. Introduction**

The proposed revision of the textbook review process provides a valuable framework for ensuring the accuracy of textbooks and other instructional materials. We agree with the Board's fundamental premise that the burden should be placed upon publishers to guarantee that their texts are free of substantial error or inaccuracy. When there is a problem, it should be the responsibility of the publisher to make things right.

The Association represents the nation's leading developers of instructional materials, technology-based curricula, and assessments. Their goal is to produce instructional materials that enhance student academic achievement. These publishers understand that textbook accuracy is a public trust involving both their integrity and the academic integrity of the school systems they serve. To that end, our textbooks are authored and reviewed by scholars and educators who are recognized experts.

Ensuring textbook accuracy is no small task. Each year, the industry publishes thousands of titles. Each text alone may contain hundreds or thousands of facts, data points, and references that will be checked. However, before a child picks up a textbook to study a lesson, its content has been read and scrutinized by highly respected and knowledgeable authorities in that discipline area. Their reviews and recommendations are incorporated into the manuscripts before publication to ensure the materials are educationally sound, accurate, and aligned with state or local standards. Our members also employ rigorous editorial review to ensure that their materials are free of grammatical, typographical and other errors. Most are then reviewed by classroom teachers before they are made available to Virginia schools.

## **2. Legal and Regulatory Framework**

### Virginia Constitution and Code

Virginia's Constitution and statutes make clear that the authority to approve textbooks lies with the State Board of Education. The Constitution states that the Board "shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the Commonwealth." Article VIII, §5(d). The Code of Virginia reiterates that the "Board of Education shall have the authority to approve textbooks suitable for use in the public school and shall have authority to approve instructional aids and materials for use in the public schools." Virginia Code § 22.1-238(A). While the Code allows localities to purchase textbooks that have not been approved by the Board, localities may do so only if they make such purchases "in accordance with regulations promulgated by the Board." Virginia Code § 22.1-238(B).

### Board's Current Approval Process

Currently, the Board employs a textbook review process that features, among other things, the following requirements:

- textbooks proposed for adoption covering Standards of Learning subjects must have a high correlation with the Standards of Learning;
- textbooks must be accurate and challenging to the learner;
- textbooks must be subject to review by review committees composed of a cross section of principals, teachers, administrators, content specialists and others with relevant expertise; and
- an opportunity must be provided for the public to review and comment upon such textbooks.

*See, Memorandum to Textbook Publishers from Beverly M. Thurston Regarding 2010 Mathematics Textbook and Instructional Materials State Adoption Process (March 19, 2010).*

### Board's Proposed Regulation (2010)

On September 23, 2010, the Board took final action on proposed regulations governing the selection of textbooks and instructional aids and materials. The proposed regulations are pending before the Secretary of Education for review and will then go to the Governor for review and approval. These proposed regulations adopt the Code's definition of "textbooks" as "print or electronic media for student use that serve as the primary curriculum basis for a grade-level subject or course" and fill in a statutory gap by defining "instructional materials" as "all materials, *other than textbooks*, used to support instruction in the classroom, including, but not limited to, books, workbooks, and electronic media (emphasis added)." 8 VAC 20-720-10 (proposed).

The proposed regulations state that "[l]ocal school boards shall be responsible for the selection and utilization of instructional materials" and prescribes requirements for local policies and criteria as well as the rights of parents to review instructional materials and to request the local

school board to reconsider the use of materials that a parent finds objectionable. 8 VAC 20-720-160 (proposed).

With regard to textbooks, the proposed regulations clearly retain textbook approval authority in the Board. Local boards may select non-approved textbooks only if they comply with the procedures contained in the proposed regulations. Those procedures include the appointment of evaluation committees, notice to parents that textbooks are being considered for approval and the opportunity to review and comment on those textbooks, procedures to ensure that public comment is reviewed and considered and adoption by the local board of selection criteria. Purchase by local school boards of textbooks approved by the Board are exempt from the Virginia Public Procurement Act (Va. Code §§ 2.2-4300 et seq.). Purchases of textbooks not approved by the Board are not exempt from the Act. 8 VAC 20-720-170 (proposed).

### **3. Virginia's Proposed Revised Textbook Review Process**

This is the constitutional, statutory and regulatory context in which *Virginia's Proposed Revised Textbook Review Process* was developed. The revised process retains many features of the current process, including use of review committees and opportunities for public review and comment on textbooks proposed for adoption. *See, Virginia's Proposed Revised Textbook Review Process, First Review (February 17, 2011) Sections IV and VI.* The express purpose of the revised process is to bolster the process for assuring that textbooks are substantively accurate and free of error and to increase the responsibility of publishers:

It is the primary responsibility of publishers to ensure the accuracy of their textbooks. Publishers must certify that textbooks submitted for approval have been thoroughly examined and reviewed by qualified content experts for factual accuracy and must list all authors and their credentials. Publishers must list the professional credentials for at least three content review experts who have thoroughly examined each textbook for content accuracy. Also, the publisher must certify that each textbook has been thoroughly examined and reviewed by qualified editors for typographical errors and errors in grammar, written expression, spelling, formatting, and other substantive elements that may affect student learning. The publishers must agree to correct all factual and editing errors found in a textbook, at their expense.

*Board of Education Agenda Item J (February 17, 2011) p.3.*

In the revised process, each publisher will be required to submit one or more forms certifying the publisher's quality control procedures and agreeing to certain remedial measures in the event that errors are identified in its textbooks. In completing the form, publishers will identify textbook authors, at least three content experts, editors and others involved in ensuring that the textbook is accurate and error free. The publisher also will provide a detailed description of its internal quality assurance and workflow to ensure the textbook was produced in a professional manner. The publisher must also describe the "process used to reach consensus on information with divergent interpretations." Where the textbook is available in duplicate formats (e.g., print and

digital), the publisher must vouchsafe that both versions are identical or identify specifically where they differ.

The publisher also agrees to correct any mistakes at its expense. Where errors are found before the textbook is shipped, the textbook must be corrected before it is shipped. Where errors are found after the textbook has been shipped, the publisher shall provide errata sheets within 30 days of notification. If numerous and/or significant errors are identified in a textbook, the Board may withdraw the textbook from the list of approved textbooks. A “significant error” is a factual or editing error that the Board of Education or Department of Education determines within the context of the intended use of the textbook will substantially interfere with student learning.” However, “a change in knowledge that occurs subsequent to publication shall not constitute a significant error.” *Virginia’s Proposed Revised Textbook Review Process, First Review (February 17, 2011) pp. 3-4.*

#### **4. What Other States Have Done**

The “adoption” of instructional programs and materials is a process that occurs at the state and/or local level. During this process, programs and materials are reviewed and approved for use in elementary and secondary public schools.

Twenty-two U.S. states have “state adoptions” administered and implemented by the state board of education and the state department of education. As part of the adoption process, instructional materials are designed and developed in accordance with very specific state criteria. Materials must be carefully aligned with state academic standards. They must also meet criteria regarding content, size, weight, durability, and many other factors.

States select instructional programs in various grades and subject levels. Most programs adopted by states are used for six years. Such programs usually include textbooks, study guides, workbooks, online homework helps, websites, teacher editions, and much more. Once a state adopts an instructional program, school districts may purchase it for use locally.

The 28 non-adoption states are known as “open territories.” In open territories, school districts (not states) adopt and then purchase instructional materials. Even so, the materials generally must reflect state standards and meet local specifications.

In most states, the substantive accuracy of textbooks is a matter of contract and/or express warranty. Textbook publishers warrant the accuracy of their textbooks subject to explicit contractual obligations to correct or replace their textbooks in the event material inaccuracies are identified. Some states also require publishers to certify the professional preparation of their textbooks to provide the public basic assurances of academic integrity.

#### **5. Publisher Best Practices for Developing Instructional Content**

Responsible publishers use best practices to design, research, write, edit and revise their instructional content. Publishing is a highly competitive industry, though, and publishers follow dramatically different approaches in the learning materials they publish. The actual amount of

research and development and refinement, as well investment, that responsible publishers devote to their textbooks is often overlooked.

Responsible publishers employ content and educational experts who start with state and local curriculum standards to determine the broad content of their instructional materials. The publishers conduct exhaustive content research to develop the most competitive instructional content. In many cases, they utilize learner verification studies and focus group studies to inform their pedagogical and editorial decisions. Publishers also rely on the expertise and extensive classroom experience of their authors, development staff, and educator-reviewers to craft content that is accessible to students. Effective content includes the important concepts that all students need to learn, addresses variable learning styles, and incorporates teaching and learning techniques that help ensure student mastery.

Development of instructional content is a team effort that is guided by state curriculum requirements for every subject. Within this framework, authors, scholars, and writers conceive the idea for a book, frame a scholarly approach, and write the manuscript. Publishers direct a team of editors, content experts, and reviewers who evaluate the manuscript for accuracy of content, appropriateness of writing style for grade level, adherence to state curriculum guidelines, and effectiveness of the pedagogy. The development process typically involves hundreds of quality assurance tasks. Below is a general outline of the process:

### **Quality Assurance Process for Instructional Materials**

#### **Step 1 – Determine Content**

- Consult state curriculum committees, authors, independent experts/reviewers, national standards organizations, national advisory groups.
- Study established research base and new research findings.
- Establish plan for customized correlations to state and/or national standards.
- Develop preliminary plan for content.

#### **Step 2 – Research & Planning**

- Identify authors and content experts.
- Survey educators.
- Develop preliminary plan for chapter organization and design.
- Build out plan for customized correlations to state and/or national standards.
- Develop and produce prototype pages.
- Review prototype pages with authors and educators.
- Revise content development plan to reflect input from authors and educators.
- Develop and test new prototype.

#### **Step 3 – Early Development**

- Form editorial team, including authors, content experts and other specialists.
- Begin development of customized correlations to state and/or national standards.
- Develop detailed outlines and make writing assignments.
- Establish project schedule.
- Authors and content area experts write and evaluate first-draft of manuscript.

- Design plan for special features and assign writer teams.
- Create page and cover design for textbooks and all ancillary materials.
- Plan teacher editions and ancillary materials.

#### **Step 4 – Editing and Review**

- Update as necessary customized correlations to state and/or national standards.
- Document all facts from at least two independent sources.
- Edit student and teacher texts as well as ancillary materials.
- Review for accuracy (academic reviewers, independent readers, evaluators, master teachers).
- Copy edit, fact-check, prove formulas and equations, proofread.
- Incorporate changes from authors, editors and reviewers.
- Create pages, develop art, prepare charts and graphs, choose photographs.
- Check revised pages, perform cold read.
- Repeat page checks until all pages are correct.
- Check proofs.
- Produce first version or go to first printing (intended for use only as marketing samples).
- Distribute first printing or digital version.

#### **Step 5 – Quality Reviews of First Version/Printing**

- Send student and teacher editions to independent reviewers for complete content read.
- Solicit comments from teachers and state review committees.
- Research and verify accuracy of error reports through authors and independent content authorities.
- Correct errors and create proof of corrected pages.
- Proofread corrections.
- Repeat process until all corrected pages are accurate.
- Check proofs of final pages.
- Produce second digital version or print second printing (which will be sold for classroom use).

#### **Step 6 – Continuing Quality Reviews**

- Receive and review comments from students, teachers, academics and textbook review committees.
- Correct text, photographs, charts & graphs, art for errors or clarifications.
- Prepare and distribute errata if errors found.

#### **Step 7 – Subsequent Editions**

- Research clarifications, including public comments.
- Hold discussions among authors and editors.
- Complete entire preparation process—productions, documentation, verification, editing.
- Reprint (if edition is print).

In sum, far more work goes into the publication process of an educational textbook than meets the eye and the Board should feel confident about the professionalism underlying the textbooks and other instructional materials that Virginia school children read and study in public school

classrooms. These are the best practices that the Board should demand of all textbooks and instructional materials put before students. And the *Virginia's Proposed Revised Textbook Review Process* should incorporate these best practices into the Board's regular approval process for all textbooks and instructional materials it adopts for use in Virginia schools.

## **6. Suggestions for the Revised Textbook Review Process**

The Association of American Publishers and its members endorse the kinds of best publishing practices outlined above and support the Board's efforts to incorporate them into Virginia's textbook approval process. In reviewing the proposed revised process, we have identified several issues for the Board's consideration, which we share with the Board and the Department as constructive suggestions:

### Publisher Forms

As an initial matter, we recommend that the proposed "Affidavit Agreement" be revised into two forms: (1) a publisher certification and (2) a publisher agreement. The publisher certification should certify the quality-accuracy processes employed by the publisher. The publisher agreement should set forth clear procedures to develop appropriate remedies that will apply in the event that material errors are identified.

### Identifying and Correcting Errors

Where inaccuracies or errors are found in a textbook prior to shipping it is unclear whether the proposed agreement requires the publisher to reprint the entire textbook or to make corrections through errata sheets or to correct the text in some other manner. We would recommend that the proposed agreement be modified to allow both the Board and publishers jointly to craft fact-specific remedies tailored to student needs and to accommodate evolving technologies.

Regarding texts that have already been shipped, the proposed agreement requires publishers to correct any error, no matter how slight, by providing errata sheets within 30 days of notification. As a practical matter, 30 days may not provide sufficient time to print and ship errata sheets. Here again, however, the Board may want to consider developing an approach that provides both sides with flexibility to craft appropriate remedies to fact-specific situations tailored to student needs and to accommodate emerging technologies.

The proposed agreement does not assure the right of the publisher to comment or otherwise be consulted before the Board takes remedial action concerning perceived textbook inaccuracies or errors. This not only raises a question of fairness, but it may also result in the Board not receiving information essential to its decision making process and its determination of an appropriate remedy. Therefore, the Board should consider inserting an intermediate step between the Department's identification of errors and the Department's determination of an appropriate remedy.

In each of the instances identified above, the Board is potentially tying its hands. Where an error is found in a textbook the question is whether the error will impair student learning and what

corrective action by the publisher would serve to enhance student learning. For example, should a textbook contain the statement that “John F. Kennedy was inaugurated in 1962,” it likely would impair student learning and an appropriate remedy would be for the publisher to send errata sheets for insertion in the book. On the other hand, where a 900-page biology textbook contains 3 misplaced commas and two spacing errors, it is doubtful that student learning is impaired and the process of inserting an errata sheet to note the errors may serve to detract from, rather than enhance, student learning. A more appropriate correction may be for the publisher to post a correction on the Department of Education’s web site or simply make the corrections in the next printing of the book.

We would propose a process that, when errors are identified, the burden is on the publisher to propose a corrective action plan. That plan could contain a range of actions, such as correction when the textbook is reprinted, electronic or hardcopy errata sheets, prompt edits to an online product, textbook replacement, or textbook return and refund, depending on the extent to which the error (or errors) to be corrected impairs student learning. The plan would be agreed upon by both the publisher and the Department of Education. Where there is disagreement, the publisher would have a right to meet with the Department of Education and discuss the issue. The ultimate decision, however, would remain within the authority of the Department and the Board. Similarly, where a textbook is being considered for removal from the approval list, the publisher would have a right to be notified in writing beforehand and to respond in writing before such action is taken. We believe that the publisher’s opportunity to be heard is important, not only as a matter of fairness, but also to ensure that the Board’s action is fully informed and the record complete.

The following are suggested revisions to the proposed publishers agreement (new language is in italic, deleted language is shown as struck-through):

*1. In the event that factual or editing errors that impact student learning are identified in a PUBLISHER'S textbook, the PUBLISHER shall be required to submit a corrective action plan to the Department. All corrective actions must be approved by the Board of Education or the Department of Education.*

*Each corrective action plan shall be tailored to the materiality of the factual or editing error identified in a textbook and shall be implemented in the manner most conducive to student learning. Corrective actions include, depending upon the materiality of the error: (i) corrections upon reprinting of a textbook; (ii) corrective edits to an online textbook; (iii) electronic errata sheets posted on the PUBLISHER'S and Department's websites; (iv) print errata sheets provided to schools for insertion into textbooks; (v) replacement of textbooks; (vi) return and refunds for textbooks.*

2. Prior to shipment to any of Virginia’s public schools or school divisions, the PUBLISHER shall *notify the Department of Education in writing of any* ~~correct all~~ factual and editing errors found in the textbook and accompanying instructional materials *and shall submit to the Department of Education a written plan of corrective action. Upon approval of the plan of corrective action, the PUBLISHER shall execute the plan at its own* ~~at their~~ expense.

3. If factual or editing errors are found after textbooks or accompanying instructional materials have been shipped to any of Virginia's public schools or school divisions, the Department Board of Education shall notify the PUBLISHER in writing upon discovery of such errors, or as soon thereafter as possible. The PUBLISHER shall correct them at its expense within 30 calendar days of notification by sending errata sheets to the Department of Education and to all school divisions that have purchased the textbook. The Department of Education will post errata sheets on the Department's *Textbook and Instructional Materials* Web site. These factual and editing errors may have been identified by the Virginia Department of Education, by any Virginia public school division representative, or by the general public review the identified errors. If the PUBLISHER concurs that the identification of error is accurate, the PUBLISHER shall submit a written plan of corrective action to the Department of Education within 30 days of receipt of notice from the Department of Education. Upon approval of the plan of corrective action, the PUBLISHER shall execute the plan at its own expense. If the PUBLISHER disputes that its textbooks or accompanying instructional materials contain factual or editing errors, it shall submit a written statement to that effect to the Department of Education within 30 days of receipt of the notice of error. Upon request, the PUBLISHER shall meet with the Department of Education. The Board of Education reserves to itself the right to make a final determination of whether a textbook or accompanying material contains a factual or editing error.

4. If numerous and/or significant errors are identified in a textbook on the Board of Education's approved list, it may result in the Board of Education withdrawing the textbook from the approved list. A "significant error" is a factual or editing error that the Board of Education or Department of Education determines within the context of the intended use of the textbook will substantially interfere with student learning. A change in knowledge that occurs subsequent to publication shall not constitute a significant error. *The Board of Education shall notify the PUBLISHER in writing before it removes its textbook from the approved list. The PUBLISHER shall have 30 days to respond in writing and the right to meet with the Department of Education before removal.*

5. If the PUBLISHER makes updates/revisions to a primary material in digital media after it has been adopted by the Board of Education, the PUBLISHER ensures that the updated/revised material has been vetted through the same quality assurance process for accuracy and editing outlined in this signed affidavit. The PUBLISHER will notify the Department and any school division that have purchased this primary material of the updates/revisions that have been made.

### Managing Issues of Interpretation

The proposed agreement also requires the publisher to set forth its process for achieving consensus on information subject to different interpretations. Some subjects, such as mathematics, involve few or no questions of interpretation. Other subjects, such as literature,

may involve interpretive questions ranging from the definition of the subject matter area itself (e.g., what is “literature”) to the interpretation of specific works or events and the relative importance of certain individuals in the field (e.g. Shakespeare or lesser known authors). The language proposed by the Department requires publishers to certify that their authors and editors had a thoughtful process for addressing interpretive questions. We believe that in the vast majority of instances where corrective action is appropriate, the issue will involve objective factual errors. However, in the rare instance where an interpretive question is at issue, the process we have recommended would provide a vehicle for developing appropriate solutions.

### Quality Assurance for Students Using Textbooks Chosen by Local School Boards

The quality assurance aspects of the revised process apply only to the Board’s current approval process. The Association of American Publishers endorses this revision as the first step to ensure academic integrity. Going forward, these quality assurance measures should be made applicable to local school boards too, because the purpose of the quality assurance is to ensure academic integrity for Virginia students, regardless of the process by which a textbook or instructional aid is procured. In the future, the Board should consider addition, in 8 VAC 20-720-170(B), of the following requirement of local textbook procurement of a textbook that has not been approved by the Board: *“6. A requirement for the publisher to submit an Affidavit certifying that the textbook has been thoroughly examined and reviewed by qualified content experts for factual accuracy and identifying the identities and credential of at least three such experts as well as a Quality Assurance for Accuracy and Editing Form that provides sufficient information regarding the quality assurance processes undertaken by the publisher, on forms prescribed by the Board.”* Likewise, 8 VAC 20-720-160(B), regarding the procurement of instructional materials, should be revised by a similar addition: *“4. A requirement for the publisher to submit an Affidavit certifying that the textbook has been thoroughly examined and reviewed by qualified content experts for factual accuracy and identifying the identities and credential of at least three such experts as well as a Quality Assurance for Accuracy and Editing Form that provides sufficient information regarding the quality assurance processes undertaken by the publisher, on forms prescribed by the Board.”* As an alternative to a formal rulemaking, the Board and Department should consider providing formal guidance to local school boards to utilize the Board’s certification and agreement forms when procuring textbooks and instructional materials that have not been approved by the Board.

### Authors and Editors

On the publisher’s certification, the Board may wish to request the publisher to identify each “Program Author/Editor” instead of simply requesting “Author” identity. Some books are edited rather than authored.

### Streamlined Procedures

Aspects of the revised process are duplicative of what our members already do. The Board should consider streamlining its process to take advantage of what the industry already is doing to save time, public resources and taxpayer dollars. For example, if a publisher can demonstrate to the Department of Education that it already utilizes a committee review process similar to the

committee review process that the Department intends to utilize, and that such process was objective, then there will be little gained by putting the publisher or its textbook through multiple committee reviews. The Department could conserve its resources in such cases, reducing the fiscal impact of the proposed process.

## **7. Conclusion**

We hope that these proposed changes are helpful. We note, however, that our proposed revisions are intended to achieve policy objectives and should not be construed as a comment on the legal sufficiency of the documents (either in its current form or with our proposed revision) or otherwise to constitute provision of legal advice.

On behalf of the Association of American Publishers, thank you for your time and effort on this issue. We look forward to continued cooperation to ensure the highest quality educational materials for students in Virginia's public schools.

Sincerely,

*Jay Diskey*

Jay Diskey  
Executive Director, School Division  
American Association of Publishers

**Virginia's Proposed Revised Textbook Review Process**

**Final Review  
March 24, 2011**

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## Section I: Introduction

The Board of Education's authority for approving textbooks and other instructional materials is prescribed in the Virginia Constitution and in the *Code of Virginia*.

***Virginia Constitution, Article VIII, § 5 (d)***

*It [the Board of Education] shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the Commonwealth.*

***Code of Virginia, § 22.1-238***

*The Board of Education shall have the authority to approve textbooks suitable for use in the public schools and shall have authority to approve instructional aids and materials for use in the public schools. The Board shall publish a list of all approved textbooks on its website and shall list the publisher and the current lowest wholesale price of such textbooks.*

*Any school board may use textbooks not approved by the Board provided the school board selects such books in accordance with regulations promulgated by the Board.*

*For the purposes of this chapter, the term "textbooks" means print or electronic media for student use that serve as the primary curriculum basis for a grade-level subject or course.*

The Board of Education's current textbook regulations specify the types of materials that may be approved.

***Regulations Governing Textbook Adoption, 8 VAC 20-220-30***

*Only those materials which are designed to provide basic support for the instructional program of a particular content area at an appropriate level will be adopted.*

On September 23, 2010, the Board took final action to adopt revised regulations regarding textbooks that will supersede those currently in effect. The revised regulations are currently undergoing the provisions of the Administrative Process Act (APA) and will become effective at the conclusion of that process. When the proposed new regulations become effective, they will state:

**Regulations Governing Local School Boards and School Divisions, 8 VAC 20-720 et seq.**

*8 VAC 20-720-179. Textbooks*

*A. Textbook approval*

- 1. The Board of Education shall have the authority to approve textbooks for use in the public schools of Virginia.*
- 2. In approving basal textbooks for reading in kindergarten and first grade, the Board shall report to local school boards those textbooks with a minimum decodability standard based on words that students can correctly read by properly attaching speech sounds to each letter to formulate the word at 70 percent or above for such textbooks, in accordance with § 22.1-239 of the Code of Virginia.*
- 3. Any local school board may use textbooks not approved by the Board provided the school board selects such books in accordance with this chapter.*
- 4. Contracts and purchase orders with publishers of textbooks approved by the Board for use in grades 6-12 shall allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook. Each school board shall have the authority to purchase an assortment of textbooks in any of the three forms listed above.*

Textbooks ~~and instructional materials~~ play an important role in helping teachers provide instruction based on the Standards of Learning (SOL) and in helping students achieve the standards. This document provides a comprehensive overview of Virginia's textbook review process including 1) how the review process is initiated; 2) the evaluation procedures used before textbooks are submitted to the Board of Education for first review; 3) the forms publishers must complete, ~~including an affidavit and an agreement~~; 4) the selection of review committee members; 5) a description of state board action; and 6) an ongoing process for public comment on textbooks ~~adopted~~ approved by the Board of Education.

## **Section II: Initiating the Textbook Review Process**

The Board of Education approves the textbook ~~and instructional materials~~ review process and determines the schedule for ~~adoption~~ approval of specific content area textbooks. The Board ~~shall adopt~~ will approve textbooks for, but not limited to, the four core subjects of English, mathematics, science, and history and social science.

The Virginia Department of Education administers the ~~adoption~~ review process on behalf of the Board of Education. A flow chart showing the order of events in Virginia's textbook review process is provided in Appendix A. The Board of Education gives administrative authority to the Department to make necessary technical edits and changes to the process and evaluation criteria based on state or federal statutes or regulations and on the specific needs of each of the subject areas (e.g., kindergarten through grade three English/reading books may necessitate review criteria somewhat different than secondary English textbooks).

### Section III: Evaluation Criteria and Publishers' Submission Forms

Following the Board's approval of the textbook ~~and instructional materials adoption~~ *approval* process for each subject area, the Department invites publishers to submit textbooks for review. It is the primary responsibility of publishers to ensure the accuracy of textbooks they submit for review. The Department will work to ensure that publishers have accomplished this by establishing the following evaluations for each textbook submitted: 1) an accuracy review based on ~~publishers' submission forms: a~~ *the Textbook Publisher's Certification and Agreement Affidavit Agreement and the Quality Assurance for Accuracy and Editing Form*); 2) a review for correlation to the Virginia Standards of Learning, content, bias, and suitable instructional planning and support based on the evaluation criteria used by review committees; and 3) a public examination of materials during a public review and comment period.

1. **Publisher's Submission Forms** (Appendix B): Publishers indicate their intent to submit textbooks ~~and instructional materials~~ for the *adoption approval* process by returning the completed Textbook Publisher's *Certification and Agreement Affidavit and the Quality Assurance for Accuracy and Editing Form*.

The ~~forms~~ *certification* requires each publisher to certify that textbooks have been thoroughly examined and reviewed by qualified content experts for factual accuracy and to list all authors and their credentials. Publishers must also list the professional credentials for at least three content review experts who have thoroughly examined each textbook for content accuracy. ~~In addition, the publisher~~ *They* must certify that each textbook has been thoroughly examined and reviewed by qualified editors for typographical errors and errors in grammar, written expression, spelling, formatting, and other substantive elements that may affect student learning.

*Publishers must also certify that any duplicate version (i.e., print or digital) of the primary material that is available to Virginia school divisions contains at least the same content included in the primary material selected by the publisher for review. Any additional content, above that contained in the primary material reviewed, is accurate and free of errors. If the content of the print and digital versions of the same primary material varies, those variations are outlined in an attachment to the certification affidavit.*

~~The publisher must agree to correct all factual and editing errors found in a textbook, at its expense. The publisher must agree to the following:~~

Publishers must provide a detailed description of the internal process used to ensure accuracy and lack of bias including:

- The quality assurance and workflow steps used to ensure accuracy of content;
- The quality assurance and workflow steps used to eliminate editing and typographical errors, including errors in grammar, written expression, spelling, formatting, and other substantive elements that may affect student learning;
- The fact-back-up guidelines (i.e., what is an acceptable source for a fact and what is not) used by the authors, editors, and outside content experts;

- The review by outside content experts, other than the authors, to verify accuracy and ensure freedom from bias; and
- The process used to reach consensus on information with divergent interpretations.

~~The Publishers must agree~~ *also sign an **agreement*** to correct all factual and editing errors found in a textbook, at ~~its~~ *their* expense. ~~The Publishers must agree to the following:~~

- *If factual or editing errors are identified in a publisher’s textbook, the publisher must submit a corrective action plan to the Department of Education for review and approval by the Board of Education. Based on the materiality of the error, corrective actions may include, but are not limited to: a) corrections upon reprinting of a textbook; b) corrective edits to an online textbook; c) electronic errata sheets posted on the publisher’s and the Department of Education’s Web sites; d) print errata sheets provided to schools for insertion into textbooks; e) replacement books; f) return and refunds for textbooks.*
- *Prior to shipment to any of Virginia’s public schools or school divisions, the publisher ~~shall~~ will notify the Department of Education in writing of any ~~correct all~~ factual and editing errors found in the textbook and ~~accompanying instructional materials~~ will submit to the Department of Education a written plan of corrective action. Upon approval of the plan of corrective action, the publisher will execute the plan at its own expense.*
- *If factual or editing errors are found after textbooks ~~or accompanying instructional materials~~ have been shipped to any Virginia public school or school division, ~~adopted by the Board~~ the Department of Education, will notify the publisher in writing of such errors. The publisher will review the identified errors. If the publisher concurs that the identification of error is accurate, the publisher must submit a written plan of corrective action to the Department of Education within 30 days of receipt of notice from the Department. Upon approval of the plan of corrective action, the publisher must execute the plan at its own expense. If the publisher disputes that its textbooks contain errors, it must submit a written statement to that effect to the Department of Education within 30 days of receipt of the notice of error. Upon request, the publisher may meet with the Department of Education. The Board of Education reserves to itself the right to make a final determination of whether a textbook contains a factual or editing error. ~~shall correct them at its expense within 30~~ calendar days of notification by sending errata sheets to the Department of Education and to all school divisions that have purchased the textbook. ~~The Department of Education will post errata sheets on the Department’s Textbook and Instructional Materials Web site. These factual and editing errors may have been identified by the Virginia Department of Education, by any Virginia public school division representative, or by the general public.~~*
- *If numerous and/or significant errors are identified in a textbook on the Board of Education’s approved list, ~~it may result in~~ the Board of Education may, in its sole discretion, withdrawing the textbook from the approved list. A “significant error” is a factual or editing error that the Board of Education or Department of Education determines within the context of the intended use of the textbook will substantially*

interfere with student learning. A change in knowledge that occurs subsequent to publication shall not constitute a significant error. *The Board of Education must notify the publisher in writing before it removes its textbook from the approved list. The publisher will have 30 days to respond in writing and the right to meet with the Department of Education before removal.*

- If the publisher makes updates/revisions to a primary material in digital media after it has been ~~adopted~~ *approved* by the Board of Education, the publisher *will ensure*s that the updated/revised material has been vetted through the same quality assurance process for accuracy and editing outlined in ~~this~~ *the signed certification affidavit*. The publisher will notify the Department and any school division that has purchased this primary material of the updates/revisions that have been made.

Department of Education staff will review all textbook publishers' *certifications and agreements Affidavit Agreements* to determine if forms have been completed correctly, sufficient information has been provided, and the forms ~~is~~ are signed by an appropriate representative of the publishing company. Any concerns regarding the *certifications or agreements affidavit agreements* will be addressed by Department staff with the appropriate publisher. ~~An agreement~~ *A certification or agreement* that is not completed correctly, is lacking in sufficient information, or is not signed by the appropriate representative, may result in the textbook(s) being removed from consideration for review.

2. **Evaluation Criteria** (Appendix C): The textbook evaluation criteria used by review committees are composed of two sections: 1) correlation with the Standards of Learning (SOL); and 2) instructional planning and support.

In Section I, publishers are provided with correlation forms that list all of the SOL for the subject area being reviewed and are asked to provide specific evidence of how and where the SOL are addressed in the textbook. Review committees use the correlation forms to determine the degree to which content found in the textbook is correlated in thoroughness and accuracy to the SOL. They are also given the opportunity to comment on content accuracy, bias, or other concerns resulting from their reviews.

In Section II, a rubric with *evaluation criteria* is provided for review committees to offer insight on how well the textbook is designed for instructional planning and support. ~~The rubric may vary based on the subject area being reviewed but typically includes criteria relating to~~ *criteria address* the organization of materials, format design, writing style and vocabulary, graphics and illustrations, and instructional strategies. *The Department of Education may establish indicators that are specific to subject areas for each criterion. Additionally, the Department of Education will include as part of the state review, criteria that are required in state statute.*

3. **Public Examination of Materials:** After the Board of Education accepts for first review the list of recommended textbooks, it directs the Department to seek public comment on all textbooks on the recommended list for *approval*. ~~adoption~~. Review copies of all textbooks are available for public examination at various sites around the

Commonwealth. Individuals are invited to examine the proposed textbooks at the examination sites and to submit written comments via mail to the Department or via e-mail to an established electronic mailbox. Department staff review public comments and provide a summary of them to Board members as a part of the final review of the recommended textbooks for *approval*. ~~adoption~~.

#### **Section IV: Review Committees**

As a part of the review process, the Department seeks nominations for qualified educators and content experts to serve on the textbook review committees. Nominations are solicited from division superintendents for teachers, principals, administrators, content specialists, and others who have expertise with the content areas and the standards. Department staff members will also collaborate with community colleges, institutions of higher education, and other sources of subject-matter experts with graduate degrees in the field, to assist with content review. Every attempt will be made to include the following members on each review committee: 1) teachers; 2) a division-level content specialist; and 3) a subject-matter expert who may work across committees. In selecting committee members, Department staff members will attempt to have representation from all regions of the state. Committee members must certify any potential conflict of interests they may have with serving as a member of the review committee before they will be confirmed as a member of the committee.

The Department notifies the publishers of evaluation committee members for the purpose of sending all textbooks under consideration for ~~adoption~~ *approval* to these reviewers. Committee members use the evaluation criteria, including the publisher's SOL correlation forms, to review the textbooks independently for SOL correlations and design for instructional planning and support.

Members of the review committee submit their individual analyses of each textbook to Department staff. The full committee is then convened to reach consensus on their reviews of the submitted textbooks. Following the meeting, consensus evaluations are shared with publishers, and publishers are given an opportunity to respond to committees' reviews and recommendations. Requests by publishers for reconsideration of SOL correlations are examined carefully prior to the list of recommended textbooks being submitted to the Board of Education for first review.

#### **Section V: State Board Action**

The Superintendent of Public Instruction reviews the list of textbooks proposed by the reviewers and makes a recommendation to the Board of Education that it accept for first review the proposed list of textbooks for state *approval*. ~~adoption~~. ~~Copies of Information from the textbook publishers' certifications and agreements Affidavit Agreements and Quality Assurance for Accuracy and Editing Forms are~~ is also included as part of the presentation to the Board. Upon acceptance for first review by the Board, a 30-day public examination period is announced. The public is invited to review copies of the books that have been placed at review sites around the state and to provide public comment to the Board either by mail or to an established electronic mailbox.

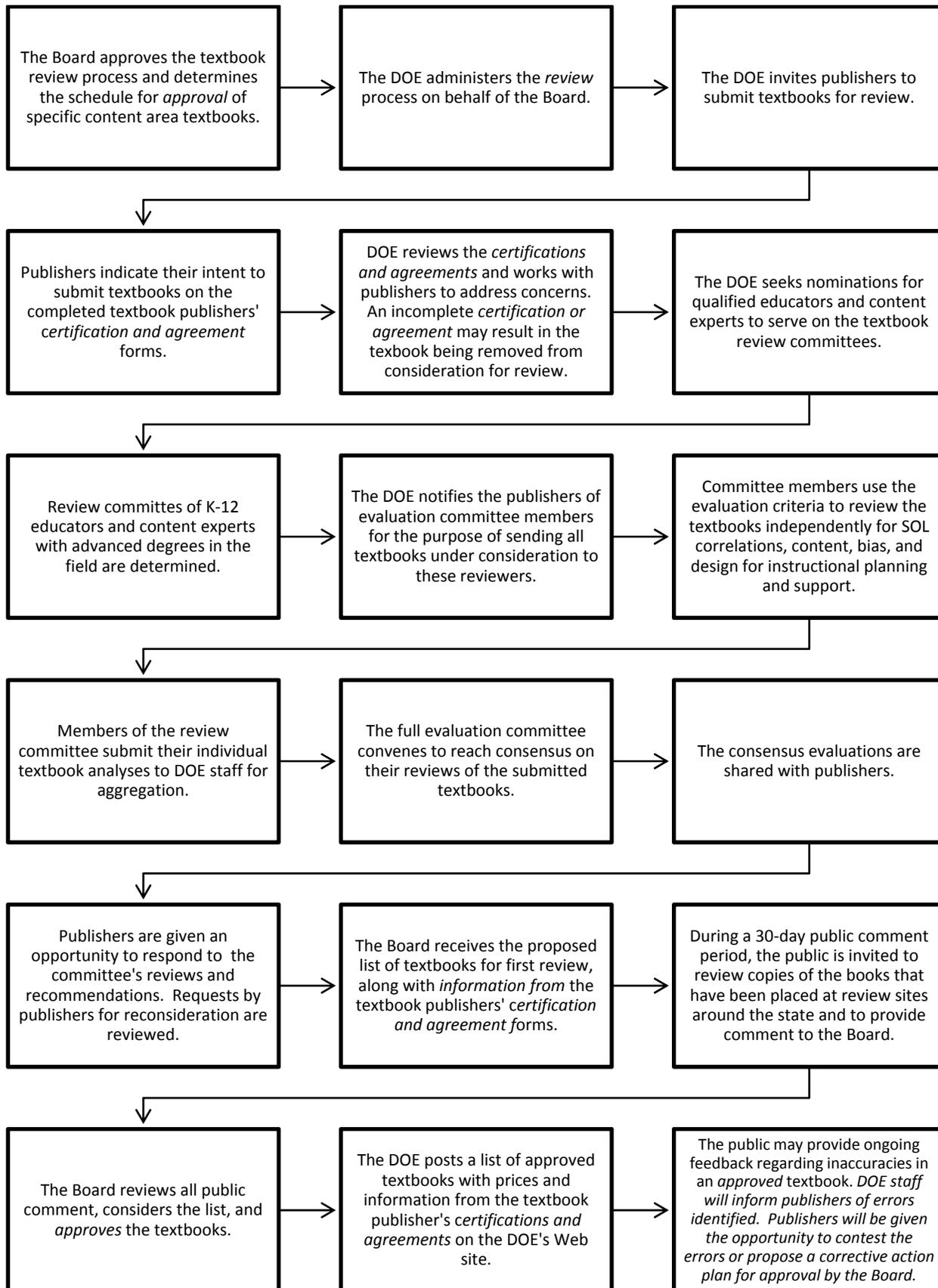
The Board reviews all public comment, considers the list, and ~~adopts~~ approves the textbooks. Following Board action, the Department posts a list of ~~adopted~~ approved textbooks ~~and instructional materials~~ with prices on the Department's Web site under *Textbooks* ~~and Instructional Materials~~. *Information from the textbook publishers' certifications and agreements* ~~Affidavit Agreements~~ will also be posted on the Web site.

## **Section VI: Ongoing Public Comment**

After the textbook *approval* ~~adoption~~ takes place, the public can provide ongoing feedback to the Department regarding any inaccuracies found in an ~~adopted~~ *approved* textbook. An electronic mailbox will be established for this purpose. *Department of Education staff will inform publishers of any errors identified. Publishers will be given the opportunity to contest the errors and/or propose a corrective action plan for approval by the Board. Department staff will forward legitimate factual or editing errors to the appropriate publisher.* If numerous and/or significant errors are identified in a textbook *on the Board of Education's approved list, the Board of Education may, in its sole discretion, withdraw the textbook from the approved list.* ~~further action may be taken to consider removal of the textbook from the Board of Education's approved list.~~

# Appendices

## Virginia's Proposed Revised Textbook ~~Adoption~~ Approval Process



**Proposed Publishers' Submission Forms for  
Virginia's Textbook and Instructional  
Materials Adoption *Approval* Process**

**Final Review**

**March 24, 2011**

## Introduction

The Virginia Board of Education's authority for approving textbooks and other instructional materials is prescribed in the Virginia Constitution and in the *Code of Virginia*.

- *Virginia Constitution, Article VIII, § 5 (d)*  
It [the Board of Education] shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the Commonwealth.
- *Code of Virginia, § 22.1-238*
  - A. The Board of Education shall have the authority to approve textbooks suitable for use in the public schools and shall have authority to approve instructional aids and materials for use in the public schools. The Board shall publish a list of all approved textbooks on its website and shall list the publisher and the current lowest wholesale price of such textbooks.
  - B. Any school board may use textbooks not approved by the Board provided the school board selects such books in accordance with regulations promulgated by the Board.
  - C. For the purposes of this chapter, the term "textbooks" means print or electronic media for student use that serve as the primary curriculum basis for a grade-level subject or course.

This document, including all attachments, provides textbook publishers with the required information and forms for submitting textbooks for review by the Virginia Department of Education (VDOE) and ~~adoption~~ *approval* by the Virginia Board of Education. By submitting textbooks for evaluation, publishers agree to follow the procedures set forth in this document. Failure to comply with all procedures may result in disqualification of the textbook as a part of the review and ~~adoption~~ *approval* process.

### Primary Material Submitted for Review

As noted in Section 22.1-238.C of the *Code of Virginia* above, the term textbook refers to print or electronic media for student use that serves as the primary curriculum basis for a grade-level subject or course.

For the remainder of this document, such instructional media will be referred to as "primary material." Primary material contains the core curriculum that is the basis for the grade-level subject or course. VDOE review committees will review the material selected by the publisher as the "primary material." This is typically the student edition of the textbook or the primary material that students will use to gain access to the content, although there may be exceptions according to the content area and grade level of the textbooks (e.g., teacher's editions may

need to be included in the review at elementary grades for English/reading). Ancillary and supplemental materials will not be considered for review.

Submitting primary material in digital format is encouraged. However, publishers may submit primary material in either digital or print format, or in a format combining both media. VDOE review committees will review only the material selected as the primary material by the publisher. If a print program is submitted as the primary material to be reviewed, a digital version of this material must also be available to students. Any duplicate or similar version of the primary material submitted will not be reviewed by the VDOE review committees as a part of the textbook ~~adoption~~ *approval* process. If a publisher submits digital primary material and this material is also available in print, the review committee will review only the digital version of the primary material. In submitting their materials for review, publishers must provide an explanation of if and how the content in the primary material medium (digital or print) is different from or comparable to that offered in the other medium. Digital primary material may contain items such as embedded video clips or content that is delivered through an interactive format.

### Submission Forms

~~Two submission forms follow:~~

- ~~• Textbook Publisher's Affidavit Agreement~~
- ~~Textbook Publisher's Quality Assurance for Accuracy and Editing~~

Publishers must complete the *Textbook Publisher's Certification and Agreement Affidavit Agreement* listing all primary materials submitted for review consideration at the time it signals intent to submit textbooks for review as part of Virginia's textbook ~~adoption~~ *approval* process. ~~A completed *Quality Assurance for Accuracy and Editing* form must be completed for each primary material submitted.~~



**VIRGINIA DEPARTMENT OF EDUCATION**  
**TEXTBOOK PUBLISHER'S ~~AFFIDAVIT~~ CERTIFICATION AND AGREEMENT**

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factual or editing errors. *The credentials of the author(s) and/or editor(s) and content review experts are provided in Appendix A.*

2. ~~Each textbook and its accompanying instructional materials have~~ has been thoroughly examined and reviewed by qualified editors to identify any typographical errors.
3. Any duplicate version (i.e., print or digital) of the primary material that is available to Virginia school divisions contains at least the same content included in the primary material selected by the publisher for review. Any additional content, above that contained in the primary material reviewed is accurate and free of errors. If the content of the print and digital versions of the same primary material varies, those variations are outlined in an attachment to the *certification. affidavit.*
4. *The Quality Assurance and Editing Process described below was followed for all primary materials submitted by the publisher for review.*

**Quality Assurance and Editing Process:** Please describe, in three pages or less, the internal process used to ensure accuracy and lack of bias including:

- the quality assurance and workflow steps used to ensure accuracy of content;
- the quality assurance and workflow steps used to eliminate editing and typographical errors, including errors in grammar, written expression, spelling, formatting, and other substantive elements that may affect student learning;
- the fact-back-up guidelines (i.e., what is an acceptable source for a fact and what is not) used by the authors, editors, and outside content experts;
- the review by outside content experts, other than the authors, to verify accuracy and ensure freedom from bias; and
- the process used to reach consensus on information with divergent interpretations.

Enter the description here. (Additional information will not be considered or reviewed.)

*(The following items have been moved to the Textbook Publisher's Agreement.)*

3. ~~Prior to shipment to any of Virginia's public schools or school divisions, the PUBLISHER shall correct all factual and editing errors found in the textbook and accompanying instructional materials at their expense.~~
4. ~~If factual or editing errors are found after textbooks or accompanying instructional materials have been adopted by the Board of Education, the PUBLISHER shall correct them at its expense within 30 calendar days of notification by sending errata sheets to the Department of Education and to all school divisions that have purchased the textbook. The Department of Education will post errata sheets on the Department's *Textbook and Instructional Materials* Web site. These factual and editing errors may have been identified by the Virginia Department of Education, by any Virginia public school division representative, or by the general public.~~

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**TEXTBOOK PUBLISHER'S AFFIDAVIT CERTIFICATION AND AGREEMENT**

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5. ~~If numerous and/or significant errors are identified in a textbook on the Board of Education's approved list, it may result in the Board of Education withdrawing the textbook from the approved list. A "significant error" is a factual or editing error that the Board of Education or Department of Education determines within the context of the intended use of the textbook will substantially interfere with student learning. A change in knowledge that occurs subsequent to publication shall not constitute a significant error.~~
7. ~~If the PUBLISHER makes updates/revisions to a primary material in digital media after it has been adopted by the Board of Education, the PUBLISHER ensures that the updated/revised material has been vetted through the same quality assurance process for accuracy and editing outlined in this signed affidavit. The PUBLISHER will notify the Department and any school division that have purchased this primary material of the updates/revisions that have been made.~~

### ***Textbook Publisher's Agreement***

The PUBLISHER agrees to the following:

1. *In the event that factual or editing errors that impact student learning are identified in a PUBLISHER's textbook, the PUBLISHER will be required to submit a corrective action plan to the Department of Education. All corrective action plans must be approved by the Board of Education, or the Board may delegate the approval of action plans to the superintendent of public instruction. Each corrective action plan must be tailored to the materiality of the factual or editing error identified in a textbook and must be implemented in the manner most conducive to and least interruptive of student learning. Based on the materiality of the error, corrective actions may include, but are not limited to: a) corrections upon reprinting of a textbook; b) corrective edits to an online textbook; c) electronic errata sheets posted on the PUBLISHER'S and the Department of Education's Web sites; d) print errata sheets provided to schools for insertion into textbooks; e) replacement books; f) return and refunds for textbooks.*
2. ~~shall~~ *will notify the Department of Education in writing of any correct all factual and editing errors found in the textbook and accompanying instructional materials will submit to the Department of Education a written plan of corrective action. Upon approval of the plan of corrective action, the PUBLISHER will execute the plan at its own expense.*
3. ~~If factual or editing errors are found after textbooks or accompanying instructional materials have been shipped to any Virginia public school or school division, adopted by the Board~~ *the Department of Education will notify the PUBLISHER in writing upon discovery of such errors, or as soon thereafter as possible. The PUBLISHER will review the identified errors. If the PUBLISHER concurs that the identification of error is*

**VIRGINIA DEPARTMENT OF EDUCATION**  
**TEXTBOOK PUBLISHER'S AFFIDAVIT CERTIFICATION AND AGREEMENT**

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*accurate, the PUBLISHER must submit a written plan of corrective action to the Department of Education within 30 days of receipt of notice from the Department. Upon approval of the plan of corrective action, the PUBLISHER must execute the plan at its own expense. If the PUBLISHER disputes that its textbooks contain factual or editing errors, it must submit a written statement to that effect to the Department of Education within 30 days of receipt of the notice of error. Upon request, the PUBLISHER may meet with the Department of Education. The Board of Education reserves to itself the right to make a final determination of whether a textbook contains a factual or editing error. ~~shall correct them at its expense within 30 calendar days of notification by sending errata sheets to the Department of Education and to all school divisions that have purchased the textbook. The Department of Education will post errata sheets on the Department's Textbook and Instructional Materials Web site. These factual and editing errors may have been identified by the Virginia Department of Education, by any Virginia public school division representative, or by the general public.~~*

4. *If numerous and/or significant errors are identified in a textbook on the Board of Education's approved list, ~~it may result in~~ the Board of Education may, in its sole discretion, withdrawing the textbook from the approved list. The Board of Education must notify the PUBLISHER in writing before it removes its textbook from the approved list. The PUBLISHER will have 30 days to respond in writing and the right to meet with the Department of Education before removal. A "significant error" is a factual or editing error that the Board of Education or Department of Education determines within the context of the intended use of the textbook will substantially interfere with student learning. A change in knowledge that occurs subsequent to publication shall not constitute a significant error.*
5. *If the PUBLISHER makes updates/revisions to a primary material in digital media after it has been ~~adopted~~ approved by the Board of Education, the PUBLISHER will ensure that the updated/revised material has been vetted through the same quality assurance process for accuracy and editing outlined in ~~this~~ the signed certification affidavit. The PUBLISHER will notify the Department and any school division that has purchased this primary material of the updates/revisions that have been made.*

*Please check here if this submission includes an attachment that outlines if and how duplicate versions (print or digital) of primary materials vary. (Item #3 in the certification)*

---

(Signature of President of the Company or Designee)

---

(Date)

---

(Name and Title of Person Signing)

**VIRGINIA DEPARTMENT OF EDUCATION  
~~TEXTBOOK PUBLISHER'S AFFIDAVIT~~ **CERTIFICATION AND AGREEMENT****

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**Appendix A**

**Author(s)/Editor(s) and Content Review Expert Information**

~~Section III-~~ *This attachment must be completed for each primary material submitted for review. Please insert additional copies for each primary material.*

**Primary Material (printed book or digital submission)**

Please list name and edition of the textbook, *or series, or instructional resource submitted as a primary material.*

**Publisher:** \_\_\_\_\_  
**Product Name:** \_\_\_\_\_  
**Author(s):** \_\_\_\_\_  
**Edition:** \_\_\_\_\_ **ISBN:** \_\_\_\_\_

**Author/Editor Information**

Please complete the table below. Include each author *and/or editor* associated with the development of the primary material. Please insert copies of the table for additional authors/editors.

<b>Author/Editor:</b>	<b>Role of the author/editor in writing the textbook (include references to specific sections, chapters, pages, etc.)</b>
Education and professional background:	
Related published works:	
Professional qualifications and specific areas of expertise:	
Did the author/editor review the final copy of his/her work before publication? <input type="checkbox"/> Yes <input type="checkbox"/> No	

**VIRGINIA DEPARTMENT OF EDUCATION**  
**TEXTBOOK PUBLISHER'S ~~AFFIDAVIT~~ CERTIFICATION AND AGREEMENT**

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<b>Author/Editor:</b>	<b>Role of the author/<i>editor</i> in writing the textbook (include references to specific sections, chapters, pages, etc.)</b>
Education and professional background:	
Related published works:	
Professional qualifications and specific areas of expertise:	
Did the author/ <i>editor</i> review the final copy of his/her work before publication? <input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Author/Editor:</b>	<b>Role of the author/<i>editor</i> in writing the textbook (include references to specific sections, chapters, pages, etc.)</b>
Education and professional background:	
Related published works:	
Professional qualifications and specific areas of expertise:	
Did the author/ <i>editor</i> review the final copy of his/her work before publication? <input type="checkbox"/> Yes <input type="checkbox"/> No	

**VIRGINIA DEPARTMENT OF EDUCATION**  
**TEXTBOOK PUBLISHER'S ~~AFFIDAVIT~~ CERTIFICATION AND AGREEMENT**

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**Content Review Expert Information**

Please include each content review expert associated with the quality assurance process for accuracy and editing for the primary material listed in Section 4. At least three content review experts must be included with at least 1) two experts with a graduate degree in the content area being reviewed; and 2) at least one teacher with recent experience teaching the content in the appropriate grade level or course. Please insert copies of the table for additional content review experts.

<b>Reviewer:</b>	<b>Role the reviewer had in the review process (entire book or include references to specific sections, chapters, pages, etc.)</b>
Education and professional background:	
Related published works:	
Professional qualifications and specific areas of expertise:	

<b>Reviewer:</b>	<b>Role the reviewer had in the review process (entire book or include references to specific sections, chapters, pages, etc.)</b>
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<b>Reviewer:</b>	<b>Role the reviewer had in the review process (entire book or include references to specific sections, chapters, pages, etc.)</b>
Education and professional background:	
Related published works:	
Professional qualifications and specific areas of expertise:	

Evaluation Criteria Used by Textbook Review Committee  
Section I: Correlation with the Standards of Learning

<p><del>Using the information in the Standards of Learning and the Curriculum Framework for this subject,</del> Determine the degree to which content found in these <i>textbooks instructional materials</i> is correlated <i>with the Standards of Learning and the Curriculum Framework for this subject.</i> <del>in thoroughness and accuracy.</del></p>		
<p><b>Adequate</b> <b>A</b></p>	<p><b>Limited</b> <b>L</b> (Note: Provide examples to support this rating.)</p>	<p><b>No Evidence</b> <b>N</b> (Note: Provide examples to support this rating.)</p>
<p><del>Objectives and</del> Lessons are aligned with the standards.</p> <p>Content <del>is</del> <i>appears</i> accurate, clear, and in sequential order.</p> <p>Most of the essential understandings, knowledge, and skills are supported.</p> <p>Many opportunities are provided for students to practice essential skills.</p>	<p>Limited connections between the standards and the lessons are noted.</p> <p>Content <i>appears to</i> contain some inaccuracies or is not always clear.</p> <p>Essential understandings, knowledge, or skills are not sufficiently addressed.</p> <p>There is limited opportunity for students to practice essential skills.</p>	<p>No correlation between the <del>objectives and lessons</del> and the standards <i>and the lessons</i>.</p> <p>A logical sequence of content cannot be identified and/or <i>there appear to be</i> significant content inaccuracies <del>are noted</del>.</p> <p>Essential understandings, knowledge, or skills are not addressed.</p> <p>Opportunities to practice essential skills are not included.</p>
<p>Comments or concerns related to content accuracy, bias, or editing:</p>		

**Evaluation Criteria Used by Textbook Review Committee**  
**Section II: Rubric for Instructional Design and Support**  
**(Reported and may be used in correlation and ~~adoption~~ approval considerations.)**

Adequate A	Limited L (Note: Provide examples to support this rating.)	No Evidence N (Note: Provide examples to support this rating.)
<b>Criterion 1 - <del>Materials are</del> Textbook is presented in an organized, logical manner and <del>are</del> is appropriate for the age, grade, and maturity of the students.</b>		
<i>Textbook is logically organized and grade/age appropriate for students. Objectives and materials are sequentially developed and aligned with the standards and framework.</i>	<i>Textbook lacks consistency in organization and appropriateness for the grade/age of students. Objectives and materials are inconsistent and aligned with the standards and framework.</i>	<i>Textbook is not reasonably organized and is inappropriate for the grade/age of the students. Objectives and materials are not sequentially developed and aligned with the standards and framework.</i>
<b>Criterion 2 - <del>Materials are</del> Textbook is organized appropriately within and among units of study.</b>		
Scope and sequence is easy to read and understand.	Scope and sequence is confusing and not easy to understand.	Scope and sequence is difficult to read and understand.
<b>Criterion 3 - Format design includes titles, subheadings, and appropriate cross-referencing for ease of use.</b>		
Organizational properties of the <del>materials</del> textbook assist in understanding and processing content.	Organizational properties of the <del>materials</del> textbook offer limited assistance <del>materials assist with limited emphasis</del> in understanding and processing content.	Organizational properties of the <del>materials</del> textbook do not assist in understanding and processing content.
<b>Criterion 4 - Writing style, length of sentences, and syntax, and vocabulary are appropriate.</b>		
<i>Readability is appropriate for the grade level. Writing style and syntax are varied and appropriate to enhance student understanding. Vocabulary consists of both familiar and challenging words.</i>	<i>Readability is may be appropriate but varies is inconsistent throughout the text. Writing style and syntax may be inappropriate or lack variety, offering limited support for student understanding. Vocabulary may be too challenging or too familiar.</i>	<i>Readability is not appropriate for the grade level. Writing style and syntax are often inappropriate and lack variety to enhance student understanding. Vocabulary is too challenging or unfamiliar.</i>
<b>Criterion 5 - Graphics and illustrations are appropriate.</b>		
Visuals are accurate, support the <del>student</del> text, and enhance student understanding.	Visuals are somewhat unclear, <del>have</del> and offer limited support for the <del>student</del> text and student understanding.	Visuals are inaccurate, do not support the <del>student</del> text, and do not enhance student understanding.
<b>Criterion 6 - Sufficient instructional strategies are provided to promote depth of understanding.</b>		
Materials provide students with opportunities to integrate skills and concepts.	Materials provide students with limited opportunities to integrate skills and concepts.	Materials provide students with no opportunities to integrate skills and concepts.

*Note: Any subject area criteria that are required in state statute will be included as part of the state review. The Department of Education may establish criteria indicators that are subject-area specific.*