

State K12 Procurement Case Studies: Spotlight on Digital Instructional Materials Acquisition



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ABOUT THIS REPORT

About SETDA

Founded in 2001, the State Educational Technology Directors Association (SETDA) is the principal nonprofit membership association representing US state and territorial educational technology leaders. Our mission is to build and increase the capacity of state and national leaders to improve education through technology policy and practice. For more information, please visit: [setda.org](http://www.setda.org).



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About this Report

With support from the Bill and Melinda Gates Foundation, this report was launched under the leadership of Christine Fox, SETDA's Deputy Executive Director, with guidance from SETDA's State Action Committee, membership and private sector partners to provide a comprehensive overview of state practices related to the selection and procurement of digital instructional materials. As part of the research, SETDA interviewed instructional materials leaders from the four states highlighted, conducted independent research and met with educational leaders from a variety of states to ensure that the content is relevant for state leaders across the nation.

To access the full report please visit:

<http://www.setda.org/priorities/digital-content/procurement/>

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SETDA Resources

Launched in 2012 with SETDA's [Out of Print](#) research, SETDA continues to provide comprehensive resources to support digital learning opportunities including the implementation of quality digital instructional materials. Below are SETDA's most recent publications related to digital instructional materials.



Navigating the Shift II

A report with a focus on living and learning in the digital age. In this second publication, stakeholders will learn about states' guidance and policies around the implementation of digital instructional materials, as well as best practices. Specifically, this report: identifies the essential conditions for teaching and learning in a digital environment, highlights the on-going shifts in policies, provides an update on acquisition policies and practices, reports on funding options, suggests tips for the selection and curation of digital instructional materials and offers guidance on accessibility policies and practices. http://www.setda.org/priorities/digital-content/navigating-the-digital-shiftii_2017/



DMAPS

Updated in 2017, [Digital Instructional Materials Acquisition Policies for States](http://dmmaps.setda.org) (DMAPS) online portal. As part of the process, new data elements regarding accessibility, curation and funding were added. To gather this information, SETDA conducted independent research, surveyed states and interviewed state leaders. In this report, stakeholders will learn about states' guidance and policies around the implementation of digital instructional materials, as well as best practices. <http://dmmaps.setda.org>



Guide to Quality Instructional Materials

[From Print to Digital: Guide to Quality Instructional Materials](http://qualitycontent.setda.org) – This toolkit helps state leaders establish state level review processes and to provide guidance to their districts on the selection of quality instructional materials that are aligned to standards, address educational goals and are accessible for all students. Key considerations, questions and helpful hints are included throughout the guide. Additionally, the guide includes best practice examples from states and districts and national, state and local resources to consider when selecting quality instructional materials. <http://qualitycontent.setda.org>



Online Community

SETDA hosts an online community of practice to provide policy makers, school administrators, leaders and educators with a better understanding of policies and practices related to digital instructional materials. [Essential Elements for Digital Content](https://www.edweb.net/digitalcontent), is free and open to the public. The community provides opportunity for dialogue regarding the shift to digital including the vetting process, accessibility, professional learning, OER, procurement, implementation and infrastructure. <https://www.edweb.net/digitalcontent>.

EXECUTIVE SUMMARY

SETDA continues to serve as a national leader in providing information and resources to support learning in the digital age. This set of case studies expands upon SETDA's [Navigating the Digital Shift II: Implementing Digital Instructional Materials for Learning](#) (2017) publication and the [Digital Materials Acquisition Policies for States \(DMAPS\)](#) portal to dive in-depth into the procurement process for digital instructional materials. While there is no “one-size fits all” approach to the procurement process for instructional materials, this report includes state procurement implementation strategies that can be adapted based on individual state policies and practices. Whether examining procurement of instructional materials in an adoption state, or in a local control state where all decisions are made at the local level, the complexity of the procurement process can potentially present obstacles for both administrators and publishers. No one state or locality follows the exact same procedures for procurement. In fact, some states have a procurement office within the state education agency (SEA), whereas, other states have state level procurement offices outside of the SEA and may use statewide purchasing as a standard. Other states may use a combination of SEA and statewide purchasing offices. This report takes a deeper dive into these processes to provide transparency for those seeking to better understand the procurement process and takes an in-depth look at the procurement and acquisition processes in four states.



Procurement Planning

Planning for the procurement of digital devices and instructional materials requires a focus on the digital learning plan to ensure that these acquisitions support the district and school vision for teaching and learning. Planning includes considerations related to budget, quality of materials, types of materials, accessibility for all learners and equitable access to the content.

Procurement Practices

The complexity of the procurement process results in highly diverse procurement practices at the state, district and school levels. This publication highlights some of these diverse procurement models that include district, state and multi-state RFPs and regional consortia options.

Guidance

Guidance for schools, districts and publishers varies across states. Multiple states provide specific guidance for the schools and districts related to the acquisition of *digital* instructional materials that support implementation: California, Louisiana, Florida, Georgia, Kentucky, New York, Virginia and West Virginia. Although publishers report that it is difficult to navigate the procurement process as it varies considerably among states, districts, and schools, more [states \(27\)](#) are providing guidelines for publishers interested in selling instructional materials.

Challenges and Considerations

This publication highlights some of the challenges and considerations related to the procurement process. Key areas include leadership, funding, effectiveness and policies. Each key area includes multiple considerations with examples to support implementation.

Case Studies

The highlighted states: California, Indiana, Louisiana and Utah are all leaders in the implementation of digital learning in their districts and schools despite very different approaches to the process. These in-depth studies provide roadmaps for other states that are moving forward to implement digital learning materials policies and procedures. The following table highlights some of the commonalities among states.

	California	Indiana	Louisiana	Utah
Adoption	✓		✓	✓
Guidance – Textbook Definition Includes Digital	✓	✓	✓	✓
Guidance – Acquisition of Materials	✓		✓	✓
Guidance – Publishers	✓		✓	✓
Post Instructional Materials	✓		✓	✓
Master Contract	✓		✓	
Negotiated Pricing	✓		✓	✓
Local Control	✓	✓	✓	✓

Overview

This publication highlights state level procurement practices and case studies sharing how states have effectively implemented policies and practices for the procurement of high quality instructional materials and devices. As the process for the acquisition and implementation varies widely from state to state, this publication offers detailed information about the procurement process in states. The in-depth reviews of California, Indiana, Louisiana and Utah provide roadmaps for other states that are moving forward to implement digital learning materials policies and procedures. There is no “one-size fits all” approach for the procurement process; however, this report provides implementation strategies that can be adapted based on individual state policies and practices.

Background and Procurement Planning

As the education field transitions to teaching and learning in the digital age, there is a shift in learning models towards student-centered, personalized learning. In the [National Education Technology Plan 2017](#), experts in the field advocate for personalized learning experiences that put students at the center of learning and empower them to take control of their own learning through flexibility and choice. Devices and digital instructional materials can maximize personalized learning experiences. When planning for the procurement of digital devices and instructional materials, states and districts should

review their digital learning plan to ensure that these acquisitions support the district and school vision for teaching and learning. Budget and funding options are also important as they impact the types of materials available—from textbooks to free resources to subscription services plus the technology tools and educator expertise required to curate and access the content. Beginning with the end in mind, the evaluation and selection of quality instructional materials should factor significantly in the procurement process to ensure that the materials align to state standards and meet quality criteria. Decision makers also must ensure that the materials are accessible for all students including those with disabilities and that all students have access to the materials both in and outside of school.

Standalone technology plans that do not directly tie to district and school goals should not be used as a basis for the procurement of digital instructional materials and technology.

- Ken Klau, Massachusetts

Budget and Funding

Procurement planning that takes place in tandem with funding cycles allows for greater alignment of the digital learning plan with the budget---creating desirable opportunities for consolidated procurement options across departments and economies of scale. When planning for the procurement of digital instructional materials, devices, applications and other technology, states and districts should have a basic understanding of the integrated budget across programs for these materials and not focus on specific funding streams for each item. A state or district may have a line item in the budget for instructional materials; however, other ancillary costs should also be considered, such as the delivery platform, licensing fees, maintenance and professional learning.

Sustainability is another key factor in procurement planning. States and districts ought to consider the length of time that funds are available and how they will address future costs such as license renewals, updates and maintenance. As instructional and technology requirements evolve, some states and districts are moving the costs for instructional materials and devices from the capital budget to the operating budget. The outdated practice of budgeting for instructional materials based on the traditional textbook procurement cycle of seven to ten years is quickly fading in the digital age.

Types of Instructional Materials

States, districts and schools purchase instructional materials in a variety of configurations and formats for instructional needs. Some resources are purchased individually, some companies offer subscription

Type	Cost	Licensing	Flexibility
Individually Purchased Digital Instructional Materials	Varies	Copyright	Copyright: Owner has the right to control the copying and dissemination of an original work.
Subscription Digital Instructional Materials	Varies	Copyright and Open Licensing	The service provider may include materials from a variety of companies and different content providers may have different types of licensing. Flexibility depends upon the type of resource.
Free Digital Learning Resources	Free	Copyright	Copyright: Owner has the right to control the copying and dissemination of an original work.
Open Educational Resources	Free or minimal cost (non-electronic print costs)	Open Licensing (Creative Commons or other)	License that permits the free use and re-purposing of the content by others. (some restrictions may apply). Digital or print format.
State Digital Learning Repository	Free (some states require state credentials for access)	Open Licensing or Copyright	Many state repositories include both open and copyrighted materials. Flexibility depends upon the type of resource.

services on a per pupil basis for one specific resource, whereas others offer learning resource library subscriptions with vetted resources aligned to state standards for a variety of subject areas and grade levels. Free digital learning resources, such as Smithsonian Education and Library of Congress, are available for districts, schools and teachers to use; however, the organization maintains the right to control

copying and dissemination. [Open Educational Resources\(OER\)](#) are defined as any type of educational materials, print or digital, that are in the public domain or introduced with an open license and anyone can legally and freely copy, use, adapt, and re-share them.

Quality

Developing a process for the review and selection of quality instructional materials is more important than ever with the growing number of available resources for both core courses and supplemental materials. Many factors contribute to high quality instructional materials. Though definitions may vary somewhat from one professional organization to the next, all agree that quality materials should be robust materials aligned to learning standards, accessible for all students regardless of whether the materials are print or digital, full course materials or supplemental materials, open or all rights reserved copyright. For comprehensive information on selecting quality materials, visit the online tool, [Guide to Quality Instructional Materials](#).

Key Characteristics

- ✓ Content-rich materials
- ✓ Aligned to standards
- ✓ Fully accessible
- ✓ Free from bias
- ✓ Support sound pedagogy
- ✓ Include balanced assessments

Accessibility

Providing accessibility for all students is a requirement when procuring and implementing digital instructional materials. State and local educators should take advantage of the technical assistance available at the [Accessible Educational Materials Center](#) to ensure that accessibility requirements are included in material and technology procurements. [Accessible materials](#) contain curricular content designed or enhanced in a way that makes them usable by the widest possible range of learner variability regardless of format (e.g., print, digital, graphical, audio, video). [Accessible technology](#) is hardware or software that delivers material in a way that is usable by learners with a wide range of abilities and disabilities, and is interoperable with adaptive or specialized technology used by students with disabilities.

Accessible

A person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use (Office for Civil Rights Compliance Review No.11-11-6002).

Equity

Both high-speed broadband and device access, in and outside of school, are critical to fully implementing digital instructional materials that support college and career goals. When purchasing digital instructional materials, education leaders must consider equity of access to digital devices and such materials outside of school for all students. States are beginning to address the need for access to digital instructional materials outside of the classroom. Seven states and the District of Columbia provide guidance to districts in the use of digital instructional materials outside the classroom (Alabama, California, Delaware, Maine, Massachusetts, New York, Virginia). Delaware hosts [UDLibSEARCH](#), a virtual library of online resources for all K-12 public schools in Delaware and this is available for home use. Through the [Alabama Learning Exchange \(ALEX\)](#) digital content is available to parents, students, and teachers for use outside the school. Out of school device access is provided for all middle and high school students participating in the [Maine Learning Technology Initiative \(MLTI\)](#). The state policy requires that schools establish a take home policy and the state encourages the MLTI devices be used by other family members as a learning tool. Internet connectivity at home for students is also an essential component of a 21st century education—not something merely nice to have. Some schools and districts are working to support out of school internet access via school provided hot spots. There are multiple discount options for families on free and reduced lunch as well. For more details about home access review [SETDA's Broadband Imperative II: Equitable Access for Learning](#).

Complexity of the Procurement Process

Whether an instructional materials adoption state or a local control state where all decisions are made at the local level, the complexity of the procurement process often presents obstacles for both administrators and the vendors selling devices and digital instructional materials. The buying and selling of merchandise and services, whether it is furniture, technology equipment, paper, broadband connectivity, devices or instructional materials, typically requires following some level of state or local procurement laws. Some states might have specific policies for obtaining office furniture, but not for the acquisition of instructional resources. Other states may have policies for textbook adoption, but not for acquiring digital devices. Regardless of policies, no one state or locality follows the exact same procedures for procurement. Some states have a procurement office within the state education agency (SEA), whereas, other states have state level procurement offices outside of the SEA and may use statewide purchasing as a standard and still other states may use a combination of SEA and statewide purchasing offices. For example, in Washington the procurement of infrastructure is handled by the

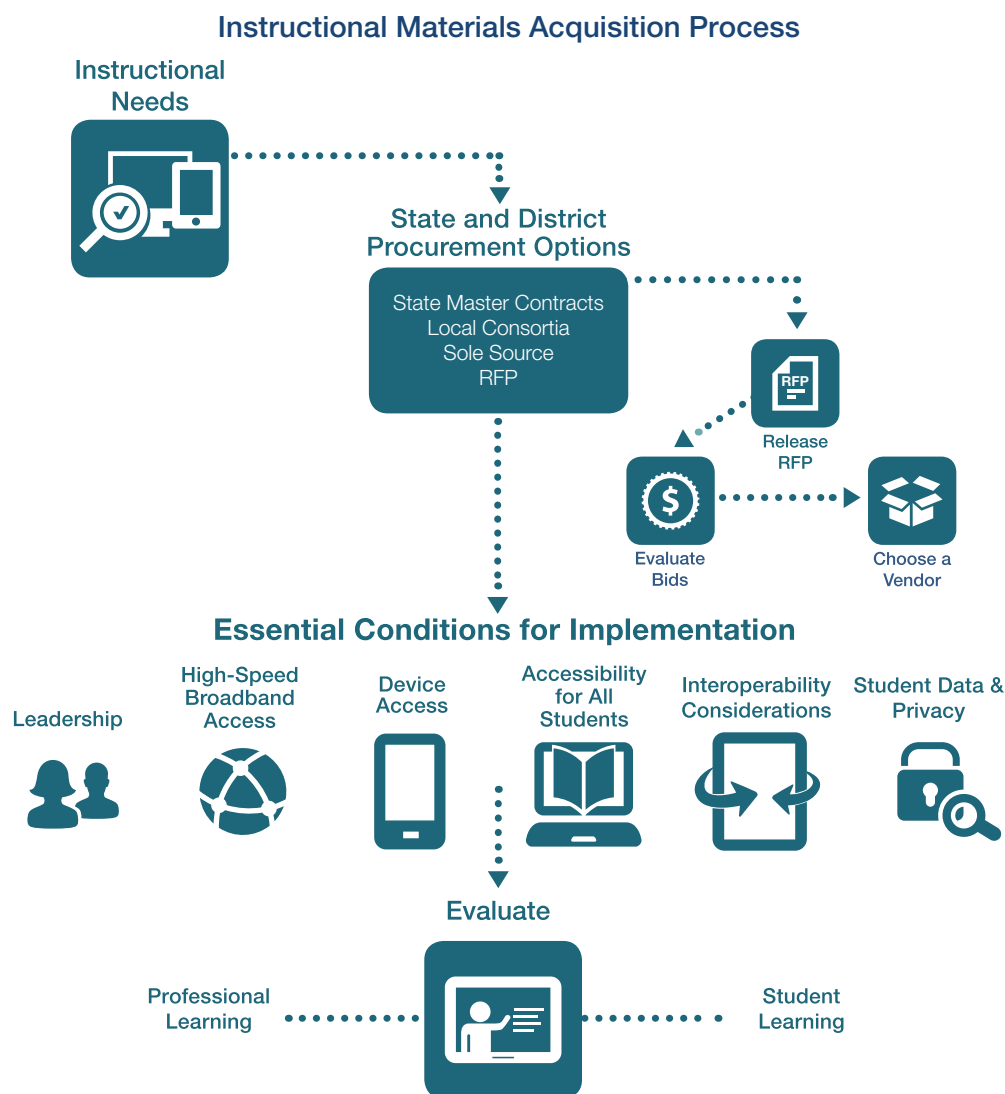
state procurement office—Department of Enterprise Services. However, educational entities such as educational service districts administer the procurement of devices and instructional materials that are specifically for K-12 education. Conversely, other states may have minimal regulations and leave all decision making to regional consortia, individual local education agencies (LEAs), groups of LEAs, or one LEA acting as an intermediate service agency.

Another area of complexity is that some states have multiple organizations that handle procurements for similar audiences. For example, in Massachusetts, the Operational Services Division is the state’s official procurement office and higher education, cities and towns and K-12 may purchase items through this office. Additionally, K-12 education agencies can also make purchases through the Massachusetts Higher Education Consortium (MHEC). In this instance, vendors will need to be aware that there are multiple entities within the state where they can do business. Consequently, whether an adoption state or under local, navigating the procurement process is often challenging.

Questions about Your State?

[National Association of State Procurement Officials \(NASPO\)](#)

publishes a state map with information about that state’s State Procurement Official, the procurement staff in their office, select procurement programs and a guide of how to do business with that state.



Guidance for the Acquisition and Procurement of Instructional Materials

SETDA's [Digital Instructional Materials Acquisition Policies for States \(DMAPS\)](#) online portal provides information and resources around state policies and practices related to the acquisition and procurement of digital instructional materials. Key topics include: guidance and policies; procurement; digital learning resources; funding; vetting and state education technology practices. Stakeholders can learn about definitions for instructional materials including digital and OER, state statutes, state adoption policies and accessibility policies in the guidance section. The procurement topic area includes information on state and/or regional contracts; guidance for the acquisition of digital instructional materials and devices; and publisher requirements. Currently, eight states provide specific guidance for the acquisition of digital instructional materials: California, Louisiana, Florida, Georgia, Kentucky, New York, Virginia and West Virginia.

- Georgia Senate Bill 89, the [Digital Classroom Act](#), requires instructional materials and content to be in digital or electronic format and requires local boards of education to provide wireless electronic devices for students to access instructional materials and content. The legislation strongly encourages districts to purchase all instructional materials and content in digital or electronic format; and provide a laptop, tablet, or other wireless electronic device to students in grades three and higher or allow students to provide their own for use by 2020.
- Kentucky's [Digital Learning Guidelines](#) provides guidance for schools, districts, and digital providers when selecting or creating developmentally appropriate digital learning resources for instruction, as well as online and blended learning courses. During the adoption process, digital content is included as part of electronic media for publisher submission in print or digital format
- In West Virginia, the [adoption process](#) specifically includes the review of instructional resources in both print and electronic format. The state requires that instructional resources approved for adoption and listed on the state multiple list shall substantially cover the required content and skills for the subject as approved by the state board. The instructional resources shall be current and the information shall be presented accurately. The instructional resources may consist of a single resource, print or electronic, or a compilation of resources, print or electronic, that together cover the required criteria established for approval as a primary instructional resource. The resources may be updated or otherwise changed and improved on an ongoing basis to ensure that they are current and accurate. Districts may purchase software and electronic magazines, newspapers, periodicals and other licensed or subscription-based instructional resources if they are supplementary to materials on the state adopted list without following state adoption procedures.

For specific details on each state's procurement and policies and practices, leverage the [DMAPS online portal](#). On this site, users can view national data sets and/or review details for each state on topics related to Guidelines and Policies, Procurement, Funding, Digital Learning Resources and Vetting.

DMAPS Procurement Topics

Show which states/territories:

Select One Or More Topics

clear all selections
download all topics for all states

GUIDANCE AND POLICIES

PROCUREMENT

- ☐ Guidance - Acquisition of Accessible Instructional Materials (25)
- ☐ Guidance - Acquisition of Accessible Technologies (25)
- ☐ Guidance - Acquisition of Digital Devices (8)
- ☐ Guidance - Acquisition of Digital Instructional Materials (8)
- ☐ Guidance - Publisher Requirements (27)
- ☐ Guidance - Publisher Requirements - Accessibility Features (18)
- ☐ Manage Regional Purchasing Consortia (3)
- ☐ Master Contracts for Digital Devices (8)
- ☐ Master Contracts for Instructional Materials (7)
- ☐ Post Adopted Instructional Materials (21)
- ☐ Post Instructional Materials Submitted for Bid (13)

DIGITAL LEARNING RESOURCES

FUNDING

VETTING

STATE ED TECH PRACTICES

Guidance for Publishers

Publishers report that it is difficult to navigate the procurement process as it varies considerably among states, districts and schools. It is also difficult to determine who to approach—the state, district or school. However, more [states \(27\)](#) provide guidelines for publishers interested in selling instructional materials than in prior years. Some states provide general guidance regarding the state procurement office and other states provide more specific guidance for the procurement of instructional materials. For example, South Carolina and Iowa provide general guidance—South Carolina requires publishers to register with the [State Department of Education](#) and Iowa requires publishers to register with the Iowa Department of Administrative Services. Whereas, Utah provides prospective publishers with detailed guidance through the [Program Guidebook](#). Publishers interested in providing

instructional materials in Utah must adhere to

the requirements

outlined in the guidebook, including submitting an intent to bid, a formal bid, alignment to standards, accessibility features and a signed contract that includes the lowest available pricing. Louisiana provides a [Publisher's User Guide](#) that walks through each step of online state review process and includes hyperlinks to key components of the state contract process and filings needed in order to do business in the state.



Challenges

Companies reported that it is difficult to navigate the procurement process since it is different in each state, district and school.

Nearly two-thirds of companies say that product development is directly influenced by procurement rules and not necessarily by innovative solutions.

—Source: [Improving Ed-Tech Purchasing](#)

Procurement Practices

The complexity of the procurement process, coupled with the absence of guidance for the acquisition of digital instructional materials and guidance for publishers interested in selling instructional materials, results in highly diverse procurement practices at the state, district and school level. This section presents some of the procurement models identified during interviews with state leaders and independent research.

Request for Proposal

Some states issue a request for proposal (RFP) for publishers to submit instructional materials for review and adoption. State RFPs are typically posted on either the department of education, state budget or procurement office websites. States generally require broad dissemination of the RFP to current and potential vendors, and include a feedback process. Regardless of the laws and regulations, the process must be fair and open for all interested parties.

Adoption of State RFP

Texas issued [Proclamation 2018](#), an RFP for instructional materials for social studies. Texas conducts an orientation meeting for publishers interested in bidding. The adoption process takes approximately 18 months and adopted materials are eligible for purchase by districts with the state instructional materials allotment.

Utah posts request for proposals twice a year on the [Utah Division of Purchasing and General Services](#) website and an official announcement of Utah's intent to adopt instructional materials is sent to publishers in May and October. Utah often awards contracts to multiple vendors, which includes negotiated pricing. Districts and schools may purchase instructional materials from the adopted list of materials but they are not required to.



Louisiana requires a competitive bid process for the review and selection of instructional materials. Louisiana's [Publisher's User Guide](#) provides detailed information about the process. Louisiana negotiates the pricing with publishers and posts the vendor price list on the [Instructional Materials Review Contract Pricing](#) portion of the website. Districts may purchase from the statewide contract but are not required to.

Non-Adoption State RFP

On behalf of districts, some states engage in either request for information (RFI) or RFPs for the acquisition of instructional materials. For example, in Colorado, the state conducts a proposal and awards contracts to multiple vendors for instructional materials. Districts are free to select these materials or conduct their own procurement process. Colorado views this service as a benefit to districts in both cost savings as well as relieving the burden of conducting a local procurement.

Non-Adoption State, No Cost RFP/RFI

Some states use a Non-Adoption State, No Cost RFP/RFI process even when they are not awarding contracts to vendors. For example, Vermont issued an RFI to solicit publishers to participate in a [Personalized Learning Plan \(PLP\) Platform "Fair"](#). This event, similar to a showcase, allows schools and districts to view the various products available for cataloging, organizing, and assessing PLPs platforms and is open to all interested vendors. Districts may use this information to help with the selection of a platform. Districts contract directly with the vendor for these services..

Multi-State RFP

States have the option to collaborate via the [National Association of State Procurement Officials \(NASPO\)](#) to coordinate multi-state RFPs which provide multiple states the opportunities to participate and benefit from collaboration. For example, in 2012, the Maine State Department of Education led a multi-state effort to undertake the procurement process for equipment and services to empower wireless student-centered, digital learning environments that provided students with learning technology on a 1:1 basis, ([Maine Learning Technology Initiative \(MLTI\)](#)). The multi-state effort was carried out in coordination with all the participating NASPO members, on an as-requested basis, at various locations throughout the geographic regions of all participating NASPO members. The multi-state group (including Hawaii, Maine, Montana and Vermont), also offered the opportunity for other states to participate after the awards were announced. [Learn more.](#)

Regional Opportunities

Regional organizations such as educational service districts, intermediate units, board of cooperative educational services (BOCES) facilitate partnerships, cooperatives and state and federal grants to help districts leverage resources for cost savings and program efficiencies. [Educational Service District 112 \(ESD 112\)](#), in the state of Washington, serves as an educational partner providing services to districts and schools in southwest Washington. ESD 112 helps districts leverage resources to achieve program efficiency and cost savings. For example, the [Educational Service District 112 Digital Edge](#) program provides contracts for digital tools, school safety solutions, wireless devices and audio-visual equipment. These contracts are competitively bid and available to K-12 public and private schools, colleges and universities, regional service agencies and state departments of education in twelve states.

Maryland created the [MDK12 Digital Library](#), a statewide purchasing consortium serving all 24 school districts and approximately 100 non-public schools. For the 2017-18 school year consortium members have access to negotiated pricing for digital content from over 25 publishers. To date, Maryland estimates that this statewide purchasing consortium results in saving over \$1.5 million. The MDK12 Digital Library also works with public libraries through the Maryland Library Consortium (MLC) and formed a larger purchasing consortium. Through this consortium, students have access to EBSCO databases.

To date, Maryland estimates that this statewide purchasing consortium results in saving over \$1.5 million.



Challenges and Considerations

This section presents some of the challenges and considerations related to the procurement process identified during interviews with state leaders and independent research.

Leadership

Leveraging State RFP



Lack of specific procurement requirements for a particular state in a multi-state contract can cause challenges for adopting RFPs developed nationally or by another state. For example, if the RFPs are negotiated based upon the procurement rules of the originating states and the vendors will not make modifications, it will be difficult to use the multi-state contract or another state's contract. The more an individual state's procurement rules differ from the originating states, the more difficult it will be for states to sign onto multi-state RFPs. Regardless of challenges or the ability to sign onto another state's or national RFP, states should leverage other state and national RFPs as examples to develop their RFPs for similar products/services.

Collaboration



Product specifications determined by districts can present a challenge to collaborating on the procurement process. For example, in Massachusetts, even though the state offers competitive pricing, some districts have their own preferences or requirements for devices--type, manufacturer, or capabilities—and choose to purchase devices on their own.

Decision Makers



Within the state or district, coordination of the procurement process is an essential consideration. It is important to have all decision makers at the table from the inception. Consider including all or some of the following offices in the procurement process:

- Procurement
- Governor
- Education
- Budget
- Auditors
- Regional education
- District
- Stakeholders

Partnership Sustainability



At times, states or districts will partner with vendors for free or minimal fees to access resources or content and then later these partnerships may be terminated leaving schools without replacement options. For example, from 2013- 2015, Indiana partnered with My Big Campus, a learning management system and content repository that was available for all districts free of charge. My Big Campus hosted instructional content created by Indiana teachers. In 2015, My Big Campus went out of business and Indiana did not have a state platform to host the content or a budget to begin to host the content with a paid provider. Teachers were frustrated that they had spent time and effort to create and curate content that they could no longer access.

Funding

Funding Sustainability



State legislatures may provide funding through a special allocation for one or more years and then districts may not budget for these resources. If the legislature eliminates the funding, schools/districts may encounter sustainability problems. For example, in Utah, the state legislature is providing funding through a special allocation for each district to utilize the UEN learning management system. Since it is a special allocation, the state requests this funding annually. Many districts do not have funds set-aside if the legislature eliminates this funding.

Economies of Scale



Some states establish prices with each publisher for instructional materials that is valid throughout the adoption period. The negotiation of these contracts results in economies of scale and the prices are guaranteed for the length of the contract. For example, Louisiana offers districts the option to purchase materials from the state adopted list at negotiated pricing rates. Louisiana posts the vendor price list on the [Instructional Materials Review Contract Pricing](#) portion of the website.

Public Partnerships



Some states do not have state master purchasing contracts available for districts and schools to purchase instructional materials or devices. However, some states enter into partnerships to support districts in the selection, implementation and curation of digital instructional materials for teaching and learning. For example, in 2015, Indiana formed a partnership with [Amazon Inspire](#) to house their digital content repository, including the content created and curated by the [Rockstars of Curation](#). Amazon Inspire offers all Indiana teachers a free place to look for high quality vetted resources by keyword or Indiana state standard.

Effectiveness

High-Quality Materials



With open processes in many places, concerns about quality materials is an issue. Many states, even those without adoption policies, provide a review process to help support the implementation of quality materials. [SETDA's Guide to Quality Instructional Materials](#) provides examples from seven states describing the process for selecting quality instructional materials. For example, in Utah, districts can easily search for instructional materials that have been through a rigorous review process and recommended by the state. The [Recommended Instructional Materials System \(RIMS\)](#) database is an excellent resource, especially for smaller districts that don't have the staffing to conduct intensive reviews.

Crowdsourcing Instructional Materials Effectiveness



Some states are implementing crowdsourcing as one of the steps in the procurement process. One approach is for states to conduct an RFI for its districts to discover what digital instructional materials districts are using and their effectiveness. Based in part on this RFI, states can demonstrate demand for the product, enhancing their ability to obtain better vendor pricing for their districts.

Publisher Feedback



When states enter into a contract for instructional materials, they often provide feedback to the publisher based on district evaluations of the product. Districts that select the instructional materials from the state may be expected to provide feedback to the state and publishers. For example, when Utah enters into a contract for instructional materials, it provides feedback to the publisher based on district evaluations of the product.

Policies

Digital Equivalent



Shifting to digital is a fast-growing trend that is evidenced by the number of states with [statutes and adoption policies](#) that require the implementation and integration of digital instructional materials for student learning. For example, in California, as of 2014, a publisher that submits a printed instructional material for adoption by the state board, or a school district governing board, or for use by the governing board of a school district, must ensure that the printed instructional material is also available in an equivalent digital format during the entire adoption term. The shift to digital should not just be a digital format of a textbook. Digital content should be interactive and engaging including features such as videos, practice activities, word banks, dictionaries, and note taking tools. <http://qualitycontent.setda.org/planning/#from-print-to-digital>.

Home Access



States are beginning to address the need for access to digital instructional materials outside of the classroom. Eight states provide guidance to districts in the use of digital instructional materials outside the classroom. For example, California law (Section 60119) requires districts to provide instructional materials in the four primary subject areas both in the classroom and to take home. The law applies to both print and digital materials. For more information about home access review <http://www.setda.org/priorities/equity-of-access/broadband-imperativeii-2016/>.

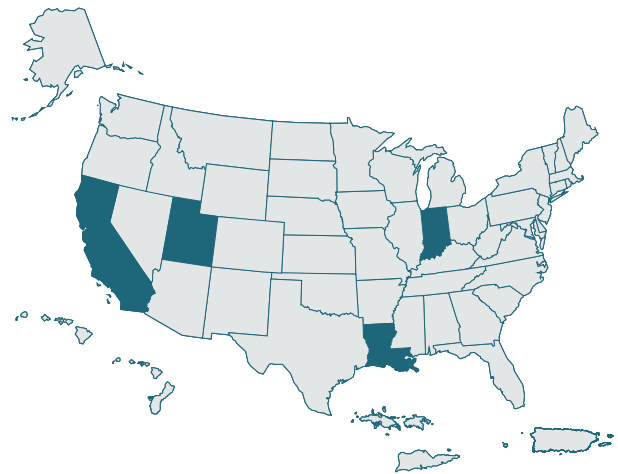
Guidelines for Local Review Process



In most states, including adoption states, local school districts make the decision on the review and selection of instructional materials. Some states provide requirements and /or guidance on the process. For example, in Louisiana, if a school system conducts a local review and adoption process, they must follow certain requirements. They must establish a local review committee, develop evaluation criteria, and provide opportunities for parental and public input prior to the final adoption of instructional materials.

CASE STUDIES

The process for the acquisition and implementation of digital instructional materials and devices varies widely from state to state. This section highlights state level procurement case studies sharing how states have effectively established and implemented policies for the procurement of high quality instructional materials and devices. The highlighted states, California, Indiana, Louisiana and Utah are leaders in the implementation of digital learning in their districts and schools. In addition to providing detailed information about the process in each state, SETDA identifies challenges and considerations in each state. These in-depth studies provide roadmaps for other states that are moving forward to implement digital learning materials policies and procedures. There is no “one-size fits all” for the procurement process; however, this information provides implementation strategies that can be adapted based on individual state policies and practices. The following table highlights some of the commonalities among states.



	California	Indiana	Louisiana	Utah
Adoption	✓		✓	✓
Guidance – Textbook Definition Includes Digital	✓	✓	✓	✓
Guidance – Acquisition of Materials	✓		✓	✓
Guidance – Publishers	✓		✓	✓
Post Instructional Materials	✓		✓	✓
Master Contract	✓		✓	
Negotiated Pricing	✓		✓	✓
Local Control	✓	✓	✓	✓

California

California, an adoption state, reviews and adopts instructional materials for grades K-8. The [State Board of Education](#) only adopts full course/core instructional materials for language arts, math, history/social science, science, health, visual and performing arts, and world languages. California considers print and digital formats for instructional materials. California employs an eight-year adoption cycle per subject. Instructional materials must meet 100% of adopted state standards in addition to other evaluation criteria. Districts are not required to adopt instructional materials reviewed by the state--it is incumbent upon districts to determine their own local needs. Districts can adopt and implement instructional materials in the format they choose, print, digital, or some combination. For transitional kindergarten and grades 9-12, local districts are responsible for adopting instructional materials. Districts must follow [California Education Code \(EC\) Section 60119](#), which requires instructional materials to be aligned to the state adopted academic content standards in the four subjects of English language arts/English language development; history/social science; mathematics; and science and for all instructional materials to be consistent with the cycles of the State Board adopted curriculum frameworks.



California encourages school districts, county offices of education, and charter schools to use technology to improve instruction, student learning, and teacher professional development. California defines [technology-based instructional materials](#) as “basic or supplemental instructional materials that are designed for use by pupils and teachers as learning resources and that require the availability of electronic equipment in order to be used as a learning resource. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audiotapes, lesson plans, and databases. Technology-based materials do not include the electronic equipment required to make use of those materials, unless that equipment is to be used by pupils and teachers as a learning resource”.

The State Board of Education shall adopt textbooks for use in grades one through eight throughout the State, to be furnished without cost as provided by statute.

- California State Constitution, Article 9,
SEC. 7.5

Publisher Requirements

As of 2014, a publisher or manufacturer that submits a printed instructional material for adoption by the state board, or a school district governing board, or for use by the governing board of a school district, must ensure that the printed instructional material is also available in an equivalent digital format during the entire adoption term. The printed instructional material equivalent digital format shall conform to the most current, ratified standards under the federal Rehabilitation Act of 1973, and the Web Content Accessibility Guidelines – World Wide Web Consortium for accessibility. The state requires the publishers of full-course programs to provide digital files in RTF and PDFs of state-adopted instructional materials. The [Clearinghouse for Specialized Media & Translations \(CSTM\)](#) uses the digital files to create large print, braille and audio files for students with visual impairments to use.

Publishers may not alter or amend content after it is submitted for review and adopted by the state, including content in digital format. California conducts a formal revision process for state-adopted materials once every two years in which adopted publishers may choose to participate. However, upgrades of technology-based materials that do not contain content changes (e.g., software or platform upgrades) can be made by publishers without state approval.

California law regulates the pricing for instructional materials and requires that the publisher offer instructional materials at a price that does not exceed the lowest price the publisher offers to any other state or territory. This practice includes free materials. If a publisher offers materials for free to another state or district, they must offer those materials to California for free. However, districts or county offices of education can negotiate lower prices for instructional materials in either print or digital format, provided they follow state guidelines. These provisions apply to all instructional materials and not just state adopted instructional materials. Publishers may increase prices on state adopted materials once every two years.

Funding

Districts may use [Local Control Funding Formula](#) funds to purchase instructional materials or Proposition 20 lottery funds.

Process

The [Curriculum Frameworks Adoption Process – CalEdFacts](#) provides detailed information about the instructional materials evaluation and adoption process. California strives to ensure broad public participation in the adoption process and involves three concurrent steps:

- Social content review—Instructional materials may not contain any matter that reflects adversely upon persons because of their race, color, creed, national origin, ancestry, sex, handicap, or occupation and any religious doctrine contrary to state law.
- Public review and comment—The public can review samples of materials at the Learning Resources Display Centers located throughout the state. The public may submit written comments to the IQC and the SBE for consideration. The state holds three public hearings before adoption.
- Education content review—Reviewers evaluate instructional materials based upon the state adopted framework and content standards.

The [Instructional Quality Commission\(IQC\)](#) supervises the instructional materials reviews. The IQC recommends and the state board appoints panels of reviewers that include:

- Instructional materials reviewers (teachers, administrators, parents) who evaluate materials based on all categories of criteria.
- Content review experts (subject matter experts) who review materials to ensure that they are aligned to [state content standards](#) and [curriculum frameworks](#).

The review panels work together throughout the process and formulate a recommendation for each submission. The IQC considers the recommendations of the panel, conducts their own individual and independent reviews and then makes recommendations to the state board of education. The state board considers the recommendations and public comments before adopting materials. California posts the [Price List of Adopted Materials](#) that is searchable by subject and grade level. Districts purchase adopted instructional materials directly from publishers.

Local Process

Districts are not required to adopt materials from the state list and may select instructional materials on their own. These materials must be aligned to the state content standards. Districts must engage in a review process to ensure that the instructional materials meet state content standards. California law requires that the majority of reviewers selected for the evaluation process are classroom teachers assigned to the subject area or grade level of the materials.

Equity

California law (Section 60119) requires districts to provide instructional materials in the four primary subject areas both in the classroom and to take home. The law applies to both print and digital materials.

Challenges and Considerations

This section presents some of the challenges and considerations for conducting procurements identified during interviews with state leaders and independent research.

Home Access

California law (Section 60119) requires districts to provide instructional materials in the four primary subject areas both in the classroom and to take home. The law applies to both print and digital materials.

Publisher Requirement

As of 2014, a publisher that submits a printed instructional material for adoption by the state board, or a school district governing board, or for use by the governing board of a school district, must ensure that the printed instructional material is also available in an equivalent digital format during the entire term adoption term.

Utilize Technology for Instruction

California encourages school districts, county offices of education, and charter schools to use technology to improve instruction, student learning, and teacher professional development.

Indiana

Indiana does not have an adoption policy for digital instructional materials and does not procure resources for schools or districts on a statewide level. Each school district has the constitutional authority, from state and/or local resources, to procure and use digital resources and innovative educational technologies as they deem appropriate to meet educational goals and requirements. School boards have the statutory authority to determine curricular and instructional materials for their schools and school corporations at the local level. As a matter of law and practice, curriculum and instruction decisions are determined by the local school corporations.



Although Indiana does not directly procure instructional materials for districts, the state offers some guidance and resources that districts may use. For example, Indiana updated their [textbook definition](#) to include digital instructional materials and devices. As districts transition to digital learning, state or local funding that was available for textbooks is now available for digital instructional materials. Additionally, districts are allowed to collect textbook rental fees from parents; these rental fees can now be used for textbooks, online services, subscription services, devices, or anything that supports student learning.

Indiana also provides guidance to districts on accessibility issues. Indiana utilizes [Promoting Technology through Achievement and Instruction for all Students \(PATINS\)](#) to help districts evaluate and acquire instructional materials that meet the [National Instructional Materials Accessibility Standards \(NIMAS\)](#). Indiana provides annual grants to districts through the [AEM Intensive Targeted Assistance Grant program](#). In 2017-18, Indiana awarded grants to eight districts in the state. Indiana does not have guidelines for commercial or OER publishers, developers, or vendors related to accessibility features in products/services.

State Partnerships

Currently, Indiana does not have state master purchasing contracts available for districts and schools to purchase instructional materials or devices. However, Indiana partners with teachers, other states and districts and publishers to provide free resources to districts. Indiana enters into these partnerships to support districts in the selection and implementation of digital instructional materials for teaching and learning. However, districts have full autonomy to choose instructional materials and are not required to use any of these resources.

Partnerships

Indiana supports districts and schools in the selection and implementation of digital instructional materials through partnerships.

For example, Indiana partners with teachers across the state to review quality digital content and curate digital lessons and learning activities to support students and teachers. Known as the [Rockstars of Curation](#), this state level cohort of educators includes K-12 English language arts, science, social studies, and math teachers along with media specialists who are proficient in implementing digital learning in the classroom. Indiana provides cohort members with small grants to compensate them for their time and expertise so that all educators in the state have access to high quality digital instructional materials that are free and OER.

In 2015, Indiana formed a partnership with [Amazon Inspire](#) to house their digital content repository, including the content created and curated by the [Rockstars of Curation](#). Amazon Inspire offers all Indiana teachers a free place to look for high quality vetted resources by keyword or Indiana state standard. Teachers can take content from Amazon Inspire and add it to their own learning management system. Districts across the state vary in their learning management system platforms.

In 2012, the Office of eLearning formed a partnership with [NBC Learn](#) to acquire licenses for all Indiana teachers, students and parents to access thousands of standards-aligned digital resources. All Indiana faculty, staff, students, and parents can access these videos for use in classroom instruction, student projects, and homework.

Indiana is also a founding member of the [#GoOpen movement](#), a partnership between the U.S. Department of Education and states and districts across the country, to encourage the use of OER to change teaching and learning. State leaders are working together with education technology companies and nonprofit organizations to share effective strategies for OER. Currently, there are [20 #GoOpen states](#).

- Adopt/Implement a statewide technology strategy that includes the use of openly licensed resources as a central component.
- Develop and maintain a statewide repository solution for openly licensed resources.
- Develop the technical capability to publish OER to the Learning Registry.
- Participate in a community of practice with other #GoOpen states and districts to share learning resources and professional development resources.
- Create a webpage to share the commitment to #GoOpen and document the state's progress.

Funding

State funds are available for instructional materials via state coordinated competitive grants that include the option to purchase digital instructional materials. General state funds are also available for districts to use for the purchase of devices. In 2009, when the State Board of Education modified the textbook definition to include digital content and devices, districts now have more funding options for acquiring digital content and devices. For purposes of reimbursement, the state issued a waiver and districts could spend all or some of their traditional textbook funds for computers and other data devices, instructional software, internet resources, interactive and magnetic media, and other systematically organized materials. In 2011, this practice became state law.

Textbook Definition

Systematically organized material designed to provide a specific level of instruction in a subject matter category, including: books; hardware; computer software; and digital content.

[Indiana House Bill 1429](#)

Indiana districts have the option to collaborate on the purchase of digital instructional materials and the option to purchase digital instructional materials with local funds. Districts and schools are encouraged to collaborate to lower the cost of acquisition of textbooks, computers and other data devices, and their content. Some districts have been successful in working with the private sector to purchase devices and digital content together. For example, some schools have purchased low cost, content-loaded mini-laptops. The Office of eLearning supports the implementation of digital instructional materials through multiple grants and professional learning opportunities including the Innovation Planning grants for districts to develop a comprehensive plan to implement digital learning.

Challenges and Considerations

This section presents some of the challenges and considerations for conducting procurements identified during interviews with state leaders and independent research.

Sustainability

From 2013- 2015, Indiana partnered with My Big Campus, a learning management system and content repository that was available for all districts free of charge. My Big Campus hosted instructional content created by Indiana teachers. In 2015, My Big Campus went out of business and Indiana did not have a state platform to host the content. Teachers were frustrated that they had spent time and effort to create and curate content that they could no longer access. Some of the lesson learned:

- More intentional about hosting content in multiple places
- Develop a back-up plan for hosting content
- Encourage teachers to utilize multiple content management systems

State Partnerships

Currently, Indiana does not have state master purchasing contracts available for districts and schools to purchase instructional materials or devices. However, Indiana partners with teachers, other states and districts and publishers to provide free resources to districts. Indiana enters into these partnerships to support districts in the selection and implementation of digital instructional materials for teaching and learning. However, districts have full autonomy to choose instructional materials and are not required to use any of these resources.



Louisiana

In Louisiana state leaders are demonstrating leadership in the movement towards digital learning environments as evidenced by the enactment of a state statute encouraging the adoption of digital instructional materials and an updated definition of instructional materials to include digital resources. The statute requires the [State Board of Elementary and Secondary Education](#) to make every effort to ensure that electronic versions are available for every title approved for placement on the state list of approved instructional materials. When inviting publishers to participate in the state adoption process, the state board clearly communicates the state's desire to increase the availability and accessibility of electronic textbooks and instructional materials in the public elementary and secondary schools. Louisiana also requires all publishers to provide electronic versions of the products they offer for state adoption, whether in addition to, or in lieu of, the printed version.



The purchase of electronic textbooks, instructional materials, and other media or content shall be maximized to the extent possible.

– State Statute RS17:351.1.B.4

Louisiana's textbook adoption policy, [Bulletin 741, Section 1703 - Louisiana Handbook for School Administrators, Revised December 2016](#) states that schools shall provide instructional materials for all students; adopt policies and regulations for the adoption and use of instructional materials; and ensure that instructional materials are free from bias.

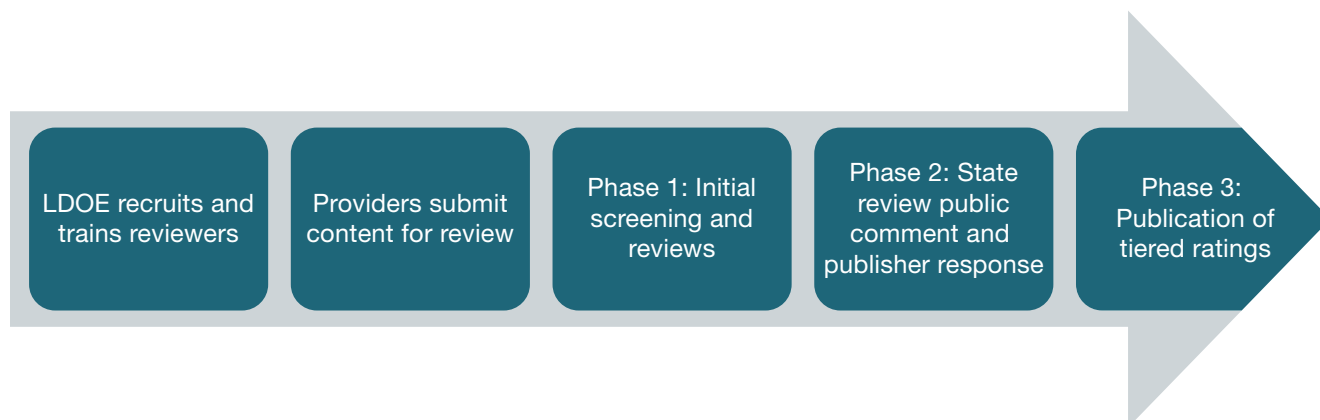
As a local control state, local school systems determine whether instructional materials are appropriate to meet the educational needs of their students. As a service and benefit to school systems, Louisiana reviews publisher submitted instructional materials and negotiates pricing for those materials, awarding state contracts only to products that receive a tier 1 rating, the highest level of standards alignment. School systems may, but are not obligated to, purchase instructional materials from the state contract. Local school systems have three options when adopting textbooks and purchasing instructional materials:

- Select materials evaluated through the state review process, which involves educators and parents;
- Engage in a local review process of materials not reviewed by the state; or
- Adopt a combination of state-reviewed materials and locally reviewed materials.



State Process

In Louisiana, materials are evaluated by a committee of Louisiana educators selected through an annual application process. Any current Louisiana public school educator can apply to be a part of a review committee as a [Teacher Leader Advisor](#). Publishers are invited annually to submit materials for state review, including OER, in all core subjects using a competitive bid process.



Resources that support the three phase state review process are available online 24/7 at the [Online Instructional Materials Reviews](#) website. The [Publisher's User Guide](#) provides detailed information about the instructional materials review and selection process, while the rubrics disclose the criteria that will be examined. The Publisher's User Guide also explains that companies must be licensed to do business in the state and provides a hyperlink to licensing information through the [Secretary of State's Corporate Division](#). Minimum criteria for participation is also found in the Publisher's User Guide and includes the following:

- Copyright date of 2015 or later
- Designed to cover standards as addressed in the latest state rubrics available online in core subject areas
- Available for review online or in digital format
- Student editions or full sample set of benchmark and interim test items and tasks are accessible
- Accessibility standards are disclosed
- Technology requirements to utilize the program are disclosed

Assurance of Accessibility Standards Checklist

- Complies with [WC3](#) for webpages
- Complies with [NCAM](#) for movies, web and multimedia
- Available in [NIMAS](#) standard

Louisiana sets state review priorities in core subject areas and seeks programs that fully align to the state's academic content standards and grade-level expectations. Publishers are encouraged to submit both video and printed "navigational roadmaps" to explain how to access their online content. In order to deal with volume and capacity, a priority review list is based on the following criteria:

- Requests from school systems
- Full course curricula
- Integrated early childhood curricular resources content that is integrated across multiple domains of learning and development
- Curricular resources currently in use
- Benchmark or interim assessments

Louisiana also utilizes a communication plan where providers are emailed throughout the process to confirm the completion of one phase and the initiation of the next. Additional support is provided through the [Louisiana Instructional Materials Review Weekly Report](#). Participation by parents and members of the public is encouraged through the [Public Review](#) portal for a four-week period, where publishers provide secure access to student materials. Upon completion state reviews are organized on a tiered basis based on their quality or alignment to state academic standards:

- **Tier 1** – Exemplifies Quality: Meets all non-negotiable criteria and scored the best possible on all indicators of superior quality.
- **Tier 2** – Approaching Quality: Meets all non-negotiable criteria and some indicators of superior quality.
- **Tier 3** – Not Representing Quality: Does not meet non-negotiable criteria.

Statewide Master Contracts

Louisiana invites publishers of instructional materials with Tier 1 ratings to enter into a statewide contract and complete the online state procurement registration process. Final state reviews are posted on the [Curricular Resources and Annotated Reviews](#) website organized by tier rating and content area. Reviews include the full evaluation, including public and publisher comments. Louisiana negotiates the pricing with publishers and posts the vendor price list on the [Instructional Materials Review Contract Pricing](#) portion of the website. Louisiana also



has state master purchasing contracts available for districts and schools to purchase digital devices for those vendors who meet Tier 1 status. The state provides access to WSCA contracts and negotiates discounted consortium and individual district procurement purchases rates based on these contracts.

Local School Systems Process

Local school systems in Louisiana have three options when adopting and purchasing instructional materials:

- Select materials evaluated through the three-phase state review process
- Select materials evaluated locally that have not been reviewed by the state
- Select a combination of state-and locally-reviewed materials

The [Louisiana Instructional Materials Review Weekly Report](#) can be used to determine the review posting timeline and upcoming reviews. Based on the academic needs of their students, local school systems can use this information to make decisions on whether to select state reviewed materials or engage in a local review process. For school systems interested in conducting a local review, Louisiana's [Guidance for Instructional Materials Review](#) provides guidance on the instructional materials review and selection process. In this guidance, Louisiana emphasizes the importance of selecting high quality instructional materials that are fully aligned to state standards and encourages the use of digital materials whenever practical. School systems can use the information in this document to update their local policies and regulations, including a local adoption timeline. School systems conducting a local review and adoption process must establish a local review committee, develop evaluation criteria, and provide opportunities for parental and public input prior to the final adoption of instructional materials.

Funding

Louisiana provides districts with state and local funding to cover its operational costs through the [Minimum Foundation Program \(MFP\) block grant](#). These funds may be used to purchase textbooks on the state-recommended lists, academically related ancillary materials or computer hardware. School systems interested in purchasing instructional materials from the statewide contract must submit orders to the publisher's depository between March 15 and May 15 for deliveries that are expected to begin on or after July 1. Local school systems may also enter into contracts directly with publishers provided that the local school system conducts a competitive procurement process.



Challenges and Considerations

This section presents some of the challenges and considerations for conducting procurements identified during interviews with state leaders and independent research.

Assurance of Accessibility

Louisiana requires publishers to complete an Assurance of Accessibility Standards Checklist to ensure that instructional materials comply with accessibility requirements, including [WC3](#) for webpages; [NCAM](#) for movies, web and multimedia and that materials are available in [NIMAS](#) standard.

Statewide Master Contracts

Statewide contracts for instructional materials offer districts the option to purchase materials from the list at negotiated pricing rates. Louisiana posts the vendor price list on the [Instructional Materials Review Contract Pricing](#) portion of the website.

Guidelines for Local Review Process

If a school system conducts a local review and adoption process, they must follow certain requirements. They must establish a local review committee, develop evaluation criteria, and provide opportunities for parental and public input prior to the final adoption of instructional materials.

Utah

As an adoption state, Utah has a process for the selection and adoption of instructional materials, including digital instructional materials. [Utah's definition of instructional](#) materials is defined as “systematically arranged content in text or digital format which may be used within the state curriculum framework for courses of study by students in public schools, including textbooks, workbooks, computer software, online or internet courses, CDs or DVDs, and multiple forms of communication media.” This can include, but is not limited to, textbooks, software programs, multimedia programs, and online Internet-based programs. These materials may be used by students or teachers or both as principal

sources of study to cover any portion of the course. The [Utah State Board of Education](#) approves a recommended list of instructional materials twice yearly as a service to districts in the selection of

It's important to establish trust with our districts. We believe there is great value in collaboration.

– Alan Griffin, Utah

instructional materials. Since 1907, this review procedure has been mandated by law; however, districts are free to select materials that are not on the recommended list. While schools and districts are not required to select materials from the [Recommended Instructional Materials System \(RIMS\)](#), most, if not all districts select materials from the list and find it a valuable resource for selecting the highest quality instructional materials at the lowest prices for Utah students.



The adoption process also establishes, by contracting with each publisher, a price for instructional materials to be maintained throughout the adoption period, thus providing equality in cost for each school district. These prices are guaranteed for five years—the length of the contract. The [Favored Nation Status](#) also guarantees district and local education agencies the lowest price offered anywhere in and outside of the state.

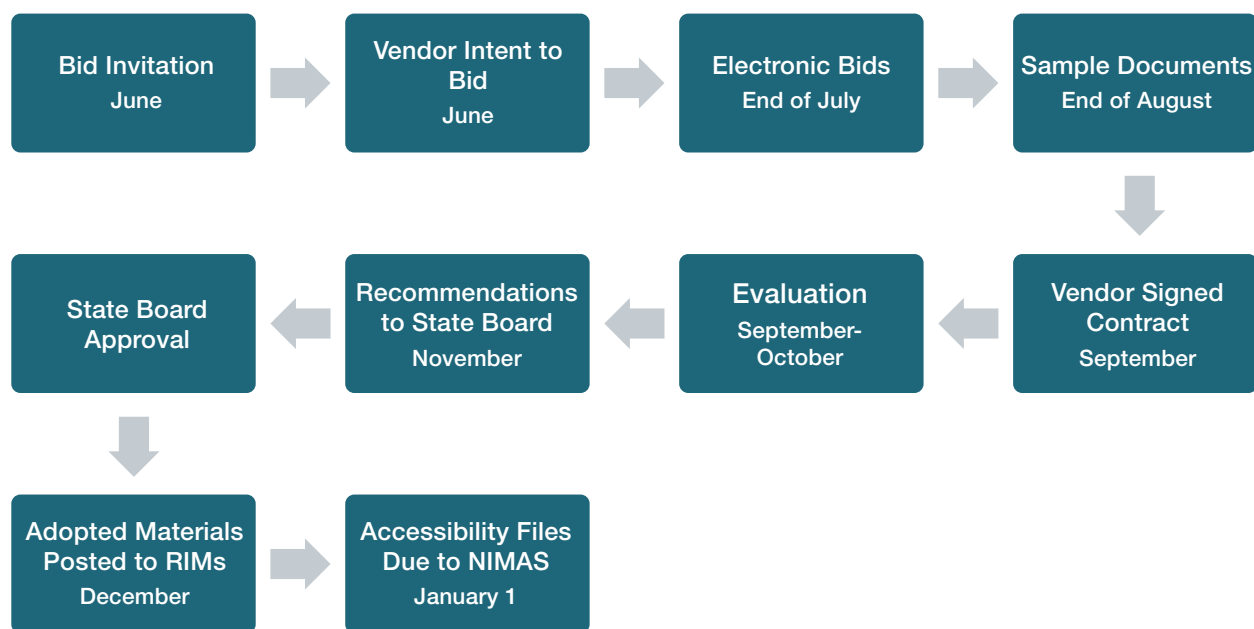
Utah provides prospective vendors with a [Program Guidebook](#) describing the procurement process. Vendors interested in providing instructional materials to the state must adhere to the requirements outlined in the guidebook, including submitting an intent to bid, a formal bid, alignment to standards, accessibility features and a signed contract that includes the lowest available pricing. For instructional materials, including digital and online materials, submitted to be designated as “recommended primary,” publishers must also submit documents detailing alignment to core objectives, standards, and indicators. Sample forms are included in the [Program Guidebook](#). For digital instructional materials, publishers must provide a document stating the technology specifications required for the materials. Utah provides guidance to publishers for submitting digital materials, and requests log-in credentials; log-in instructions; tutorial on how to use the resource; and access to the digital resource during the entire evaluation period. Utah requires vendors to complete a NIMAS agreement that provides for alternate formats for students with disabilities for all adopted materials that are “Recommended Primary” and submit the files to [NIMAC](#). Utah often awards contracts to multiple vendors and in the spring of 2017, Utah awarded contracts to 11 different vendors.

State Contracts

In addition to offering districts instructional materials that have been reviewed and approved with negotiated pricing, Utah also has several statewide contracts. Current statewide contracts include subscription services through the Utah Education Network Subscription Service. The [Utah Online Library](#), a partnership between the [Utah Education Network](#), the [Utah State Board of Education](#) and the [Utah System of Higher Education](#), is available for all districts and schools to use. Other statewide contracts include three major software contracts, allowing districts to purchase software at a significantly reduced rate, and provide special pricing for districts through UEN for a learning management system and math software for the STEM Action Center.

Process

Utah posts requests for proposals twice a year on the [Utah Division of Purchasing and General Services](#) website and an official announcement of Utah's intent to adopt instructional materials is sent to publishers in May and October. Utah considers most curriculum content areas once a year and provides a list of [specific content areas](#) considered for each adoption cycle. Publishers must submit an intent to submit materials and samples of each title to the [Instructional Materials Center](#). These materials are evaluated by the Instructional Materials Advisory Committees and the recommendations of the committees are then sent to the Utah State Instructional Materials Commission during their semiannual adoption meetings. The recommendations are then sent to the State Board of Education for final approval. From start to finish, the adoption process takes approximately six-months and is detailed in the following chart.



Decision Makers

The Utah State Board of Education appoints the members of the Utah State Instructional Materials Commission. Members serve a four-year term and include:

- The state superintendent of public instruction, or the superintendent's designee
- A dean of the college of education of one of the state-owned schools on a rotating basis
- One school district superintendent
- One secondary school principal

- One secondary school teacher
- One elementary school principal
- One elementary school teacher
- Five persons not employed in public education

The Utah State Instructional Materials Commission responsibilities:

- Review instructional materials and make recommendations to the Utah State Board of Education
- Accept bids from publishers
- Appoint Instructional Materials Advisory Committees to evaluate instructional materials
- Recommend policies for instructional materials adoption procedures to the State Board of Education
- Review requests for renegotiation of instructional materials contracts and requests for instructional materials to be removed from contract



The Instructional Materials Advisory Committees evaluates materials using rubrics that focus on alignment to standards, accessibility for all students, and appropriate pedagogy for ideal teaching and learning. Curriculum specialists in the Utah State Office of Education, in cooperation with subject area specialists in districts and schools develop rubrics for the evaluation of instructional materials. The major focus of the rubrics is the core content for the course, but the rubrics also address issues such as equity, material quality and construction, adherence to Utah law, and other issues. The rubrics are designed to help reviewers evaluate instructional materials and guide the narratives for RIMS. During the evaluation process, reviewers categorize each instructional material submitted by the vendors as one of the following:

- **Recommended Primary** – Instructional materials that are in alignment with content, philosophy and instructional strategies of the Core may be used by students as principle sources of study, provide comprehensive coverage of course content, and support current assessment requirements.
- **Recommended Limited** – Instructional materials that may be used or purchased and are in limited alignment with the Core or current assessment requirements, or are narrow or restricted in their scope and sequence. If school districts or schools select and purchase materials recommended under this category, it is recommended that they have a plan for using appropriate supplementary materials assuring coverage of Core requirements.
- **Recommended Teacher Resource** – Instructional materials that may be used or purchased for use as teacher resource material only.
- **Recommended Student Resource** – Instructional materials aligned to the Core that are developmentally appropriate, but not intended to be the primary instructional resource. These materials may provide valuable content information for students.

- **Reviewed, But Not Recommended** – Instructional materials that may not be aligned with the Core; may be inaccurate in content; may include misleading connotations or undesirable presentation; are in conflict with existing law and rules; or are unsuitable for use by students. School districts are strongly cautioned against using these materials.

Challenges and Considerations

This section presents some of the challenges and considerations for conducting procurements identified during interviews with state leaders and independent research.

Sustainability

Currently, the state legislature is providing funding through a special allocation for each district to utilize the UEN learning management system. Since it is a special allocation, the state requests this funding annually. Many districts do not have funds set-aside if the legislature eliminates this funding.

Local Control

Although Utah reviews and adopts instructional materials for districts to use, districts have local control and autonomy in acquiring materials.

High-Quality Materials

Districts can easily search for instructional materials that have been through a rigorous review process and recommended by the state. The Recommended Instructional Materials System (RIMS) database is an excellent resource, especially for smaller districts that don't have the staffing to conduct intensive reviews.

Economies of Scale

Utah establishes a price with each publisher for instructional materials that is valid throughout the adoption period. The negotiation of these contracts results in economies of scale and the prices are guaranteed for five years—the length of the contract. The Favored Nation Status also guarantees district and local education agencies the lowest price offered anywhere in and outside of the state and equality of pricing among districts.

Publisher Feedback

When Utah enters into a contract for instructional materials, it provides feedback to the publisher based on district evaluations of the product. Districts that select the instructional material from the state recommended list are expected to use the resource to its full potential and provide feedback.

REFLECTIONS – STATE LEADERSHIP

States have the opportunity to demonstrate leadership for their schools and LEAs so that funding is used most effectively and efficiently to support digital learning opportunities. For example, some states enter into a multi-state procurement or regional procurement to support districts in the selection and procurement of instructional materials. Other states manage the procurement process from start to finish and require districts to purchase from the state master contract. Still other states conduct a procurement process that includes negotiated pricing for materials to support districts. Most importantly, whether an adoption state or non-adoption state, many states provide varied levels of support for districts in the procurement and acquisition of instructional materials. The following examples highlight a few of these diverse examples of state leadership for procurement.

Adoption State RFP

Texas issued Proclamation 2018, an RFP for instructional materials for social studies. Texas conducts an orientation meeting for publishers interested in bidding. The adoption process takes approximately 18 months and adopted materials are eligible for purchase by districts with the state instructional materials allotment.

Non-Adoption State RFP

In Colorado, the state calls for proposals and awards contracts to multiple vendors for instructional materials. Districts are free to select these materials or conduct their own procurement process. Colorado views this service as a benefit to districts in both cost savings as well as relieving the burden of conducting a local procurement.

Non-Adoption State No Cost RFP/RFI

Vermont issued an RFI to solicit publishers to participate in a Personalized Learning Plan (PLP) Platform “Fair”. This event, similar to a showcase, allows schools and districts to view the various products available for cataloging, organizing, and assessing PLPs platforms and is open to all interested vendors. Districts may

use this information to help with the selection of a platform. Districts contract directly with the vendor for these services.

Multi-State RFP

In 2012, the Maine State Department of Education led a multi-state effort to undertake the procurement process for equipment and services to empower wireless student-centered, digital learning environments that provided students with learning technology on a 1:1 basis, (Maine Learning Technology Initiative (MLTI)). The multi-state group (including Hawaii, Maine, Montana and Vermont), also offered the opportunity for other states to participate after the awards were announced. [Learn more.](#)

Regional Opportunities

Maryland created the MDK12 Digital Library, a statewide purchasing consortium serving all 24 school districts and approximately 100 non-public schools. For the 2017-18 school year consortium members have access to negotiated pricing for digital content from over 25 publishers. To date, Maryland estimates that this statewide purchasing consortium results in saving over \$1.5 million.

These varied approaches exemplify the opportunity for purposeful and productive communication, and the creation of collaborative environments for educational leaders from across state agencies to demonstrate ongoing support for student learning through the implementation of high-quality tools and resources.

APPENDIX A: GLOSSARY

Accessible Educational Materials (AEM): AEM are print-and technology-based educational materials, including printed and electronic textbooks and related core materials that are designed or converted in a way that makes them usable across the widest range of student variability, regardless of format (print, digital, graphic, audio, video).

Accessible Technology: Can be used by people with a wide range of abilities and disabilities. It incorporates the principles of universal design. Each user is able to interact with the technology in ways that work best for him or her. Accessible technology is either directly accessible (usable without assistive technology) or it is compatible with assistive technology. In the same way buildings with ramps and elevators are accessible, products that adhere to accessible design principles are usable by individuals with diverse abilities, needs and preferences. AEM Center Glossary adapted from Accessible Tech.

Assistive Technology Device: In general, the term assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability. Exception: the term does not include a medical device that is surgically implanted, or the replacement of such device. IDEA Section 602.

Buying Consortium: Local, regional, state, or national groups that join together to purchase commodities with the best quality and pricing.

Content Management System(CMS): A CMS is a system that supports the creation and modification of digital content using a simple interface.

Digital Curriculum: The planned interaction of students with digital instructional content, materials, resources, and processes intended to assist them in achieving identified educational goals.

Digital Learning: “Any instructional practice that effectively uses technology to strengthen a student’s learning experience. It emphasizes high-quality instruction and provides access to challenging content, feedback through formative assessment, opportunities for learning anytime and anywhere, and individualized instruction to ensure all students reach their full potential to succeed in college and a career.” all4ed.org/issues/digital-learning/

Digital Devices: Electronic devices that use and process discrete, numerable data for operations. Examples used in education include: tower computers, digital cameras, digital microphones, digital camcorders, tablets, laptops, flash drives, scanners, printers, smartphones, monitors, etc.

Digital Content: This term can have broad application and include everything from snippets of video to full-year textbooks in a digital format along with all the video, audio, text, animation, simulations, and assessments in between. Thus, digital content can consist of smaller “chunks,” such as individual chapters or lessons, allowing for flexibility in creation, purchasing, distribution, and usage. It is blurring the traditional division between “adopted” or “core” content and supplemental content. setda.org/priorities/digital-content/out-of-print/

Digital Instructional Materials (DIM): Instructional materials that are created, viewed, distributed, modified, stored on and accessible with computers or other electronic devices. Examples include:

computer programs, computer software, digital images, digital audio, digital video, websites, databases, electronic books, electronic textbooks, etc.

Digital Learning Resources (DLR): Digital instructional materials that are created to assist students and teachers in the teaching and learning process. Often these materials reside in an electronic repository or digital library for access by educators.

Individuals with Disabilities Education Act (IDEA): Specifically focuses on accessible formats of print instructional materials.

Instructional Materials: Items that are designed to serve as a major tool for assisting in the instruction of a subject or course. These items may consist of such things as textbooks, consumables, learning laboratories, slides, films, filmstrips, recordings, manipulatives, instructional computer programs, online services, compact disks (CD), digital video disk (DVD), etc.

Learning Management System(LMS): A LMS is software for the administration, documentation, tracking, reporting and delivery of electronic educational technology.

Local Education Agency (LEA): District or charter based on the state definition of LEA.

Open Educational Resources (OER): Print materials, e-textbooks, videos, animation, rubrics, simulations, assessments, and any other tools that support teaching and learning and are in the public domain, open, free, and may be used and modified based on open licensing. Specific definitions from the State Educational Technology Directors Association (SETDA), the William and Flora Hewlett Foundation, and United Nations Educational, Scientific and Cultural Organization.

Process/vetting: This is a process states may have implemented or recommend for the review of digital instructional materials and may include outside resources such as Achieve's OER rubrics, EQUIP rubrics or Instructional Materials Evaluation Tool (IMET).

Procurement: Acquisition of appropriate goods, services, or works from an outside source with the best possible cost to meet the needs of the acquirer in terms of quality, quantity, time, and location.

RFP: Request for Proposals

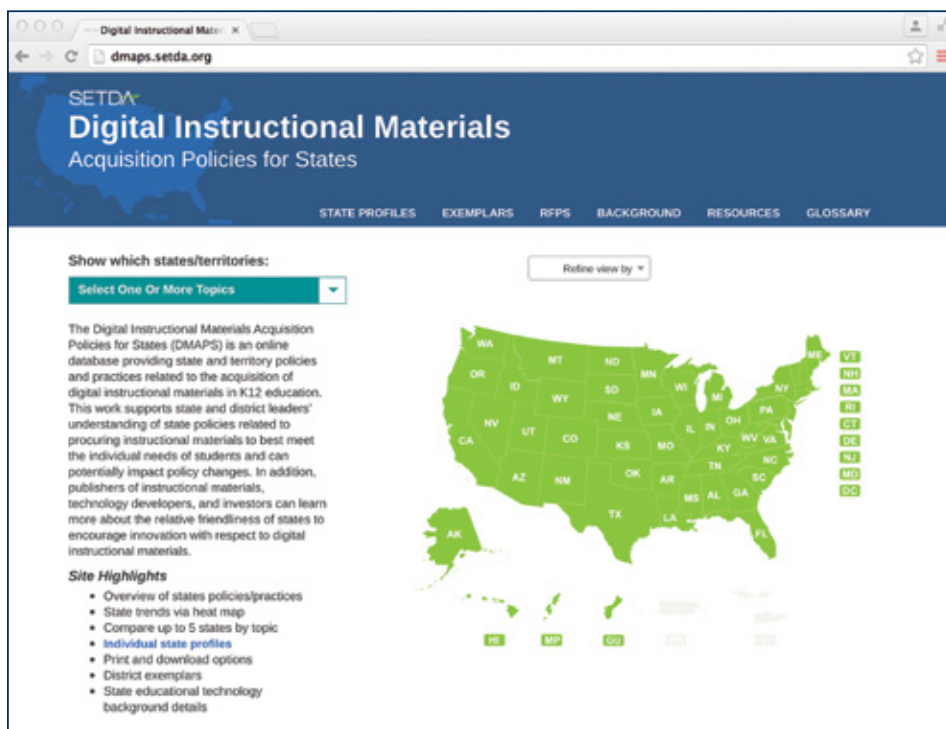
State Adoption Policies: State policies related to the adoption of instructional materials for educational use. Textbook: The term "textbooks" means print or electronic materials for students that serve as the primary curriculum basis for a grade-level subject or course. (Adapted from Virginia's textbook definition)

SEA: State Education Agency

Universal Design for Learning (UDL): A framework to improve and optimize teaching and learning for all people based on scientific insights into how humans learn.

APPENDIX B: DIGITAL INSTRUCTIONAL MATERIALS ACQUISITION POLICIES FOR STATES (DMAPS)

Updated in 2017, [Digital Instructional Materials Acquisition Policies for States \(DMAPS\)](https://dmaps.setda.org) is an online database providing state and territory policies and practices related to the acquisition of digital instructional materials in K-12 education. The tool offers the opportunity to view details regarding individual states and national trends via an interactive map.



The goal of this portal is to deliver a clear picture of each state's instructional materials, policies, and practices to help encourage increased implementation of digital instructional resources. Educators, policymakers, and private sector executives have the ability to review state policies and practices regarding the procurement and implementation of instructional materials in multiple ways, including: the ability to access individual state profiles, to compare up to five states, and to make further comparisons via an interactive map that displays national trends. This work supports state and district leaders' understanding of state policies related to procuring instructional materials (including non-traditional materials, such as digital content) to best meet the individual needs of students and can potentially impact policy changes. In addition, publishers of instructional materials, technology developers, and investors can learn more about the increasingly supportive environment of states with respect to innovation around digital instructional materials.

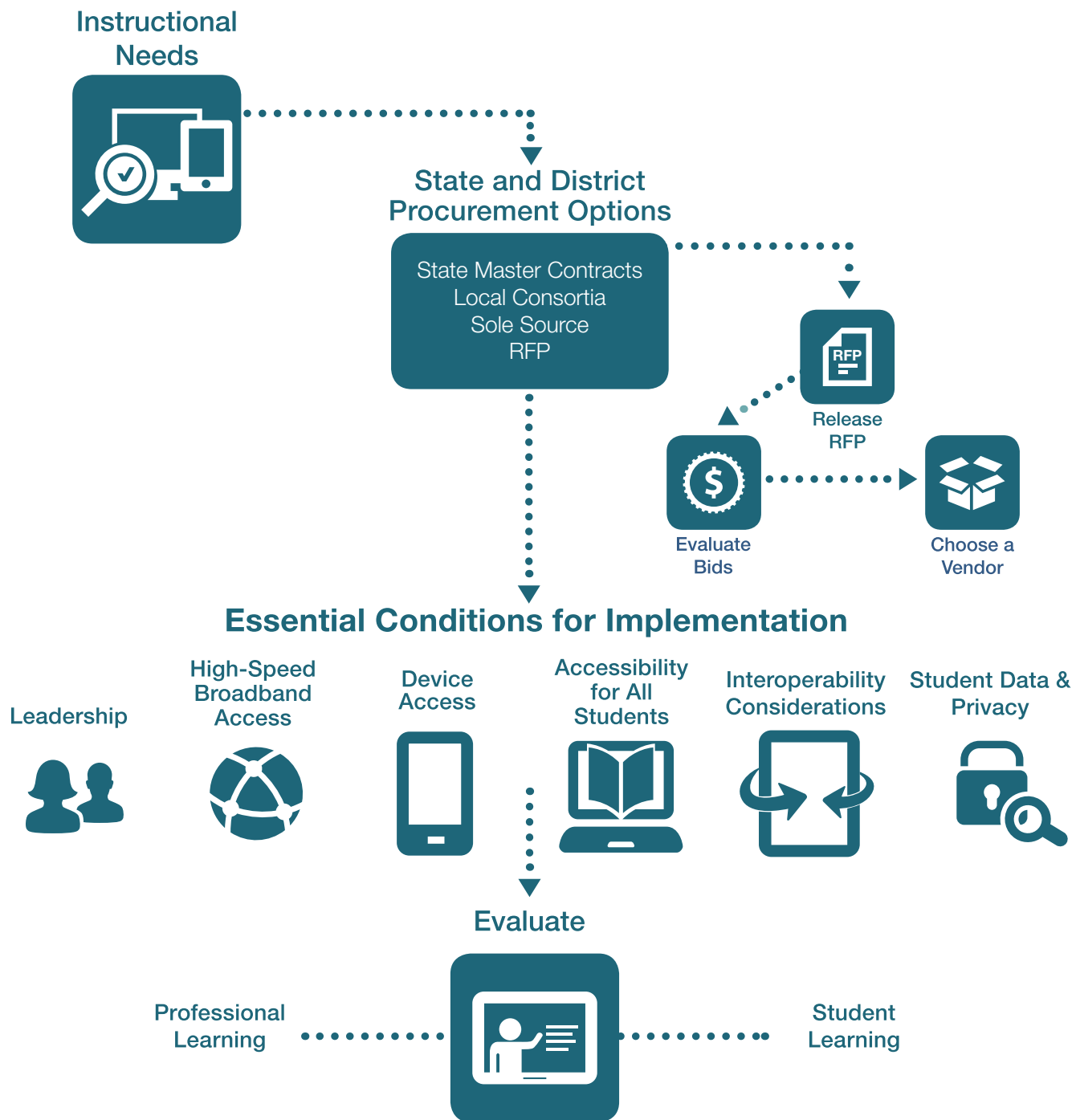
Site Functions

- overview of state policies/practices
- state trends via heat map
- individual state profiles
- compare up to five states by topic
- print individual state profiles
- download spreadsheets by topic
- district exemplars
- state educational technology background details

APPENDIX C: LICENSING FOR DIGITAL RESOURCES CHART

Type	Cost	Licensing	Flexibility
Individually Purchased Digital Instructional Materials	Varies	Copyright	Copyright: Owner has the right to control the copying and dissemination of an original work.
Subscription Digital Instructional Materials	Varies	Copyright and Open Licensing	The service provider may include materials from a variety of companies and different content providers may have different types of licensing. Flexibility depends upon the type of resource.
Free Digital Learning Resources	Free	Copyright	Copyright: Owner has the right to control the copying and dissemination of an original work.
Open Educational Resources	Free or minimal cost (non-electronic print costs)	Open Licensing (Creative Commons or other)	License that permits the free use and re-purposing of the content by others. (some restrictions may apply). Digital or print format.
State Digital Learning Repository	Free (some states require state credentials for access)	Open Licensing or Copyright	Many state repositories include both open and copyrighted materials. Flexibility depends upon the type of resource.

APPENDIX D: K12 INSTRUCTIONAL MATERIALS ACQUISITION PROCESS



APPENDIX E: DMAPS TOPICS CHART

Topics – DMAPS dmaps.setda.org				
Guidelines and Policies	Procurement	Funding	Digital Learning Resources	Vetting
Definition for Accessible Instructional/ Educational Materials	Guidance – Acquisition of Accessible Digital Instructional Materials	Funding for Digital Instructional Materials	Content Management System: State Hosted or State Master Contract	Digital Instructional Materials
Definition for Accessible Technologies	Guidance – Acquisition of Accessible Technologies	Funding for Devices	Learning Management System: State Hosted or State Master Contract	Open Educational Resources
Definition for Digital Instructional Materials	Guidance – Acquisition of Digital Devices	Funding for Special Purposes	Open Educational Resources	
Definition for Instructional Materials/Textbook	Guidance – Acquisition of Digital Instructional Materials		State Resource Repository	
Definition for Open Educational Resources	Guidance – Publishers			
Guidance for Implementation of Accessible Materials	Guidance – Publishers – Accessibility Features			
Guidance Outside of School	Manage Regional Purchasing Consortia			
Policy – Adoption	Master Contract Digital Devices			
Policy – Open Educational Resources	Master Contract Instructional Materials			
Policy – Statute for Implementation	Post Adopted Instructional Materials			
	Post Instructional Materials Submitted for Bid			