

**2006 GEORGIA TEXTBOOK/INSTRUCTIONAL MATERIALS  
RECOMMENDATION AGREEMENT**

**K-8 Mathematics**

**Georgia Department of Education  
1754 Twin Towers East  
205 Jesse Hill Jr. Drive, SE  
Atlanta, Georgia 30334-5040  
(404) 656-6865 Fax (404) 656-5744**

This document is intended to serve as an Agreement between:

Publisher name: \_\_\_\_\_  
Publisher address: \_\_\_\_\_  
\_\_\_\_\_

hereinafter known as the "Publisher," and the State Board of Education of the State of Georgia, hereinafter known as "State Board", only upon an affirmative act of approval by the State Board of specific materials submitted by the Publisher. The State Board's approval is indicated by the signature by the State Board's designee on this Agreement indicating such approval of the Publisher's materials.

The State Board is authorized by Georgia law as prescribed in Official Code of Georgia Annotated § 20-2-168(b), and § 20-2-1010 through § 20-2-1014, to recommend textbooks for use in Georgia schools.

The purpose of this agreement is to establish the conditions that must be met for the listing of textbooks/instructional materials on the state recommendation list and the price, terms and conditions for the furnishing of textbooks/instructional materials to the local boards of education, the State Board, or any employees or agents. It does not create an obligation against the State Board in whole or in part. If a submitted textbook or instructional material does not meet all provisions outlined in this Agreement, the State Board in its discretion need not consider the textbook/instructional material for recommendation.

If the Publisher is an approved publisher, the electronic file created by the online submission of the *Official 2006 Textbook/Instructional Materials Submission Form (Form 0221)* and the signed copy of this document by the Publisher and the State Board shall constitute the entire agreement between the State Board and the Publisher.

The period for this agreement is April 1, 2007 through March 31, 2013.

**I. MATERIALS ELIGIBLE FOR RECOMMENDATION**

To be eligible for recommendation consideration, all of the Publisher's materials submitted online and included in Attachment II (Form 0221) must meet the following conditions:

**A. Definition of *Textbook/Instructional Material*:** The materials must meet the definition contained in State Board Rule 160-4-4-.10 (1)(f).

**B. State-Funded Courses:** The materials must be designed for a state-funded Grades K-8 Mathematics course, in accordance with State Board Rule 160-4-2-.03. A list of these courses is included in Attachment I, attached hereto and incorporated herein.

**C. Georgia Performance Standards/Quality Core Curriculum:** The materials must be correlated to the Georgia Performance Standards or Georgia's Quality Core Curriculum (QCC).

**D. Copyright Date:** All materials must be current and have a copyright date of 2002 or later unless the subject matter has not become outdated. If the State Textbook/Instructional Materials Advisory Committee determines that the content is current and accurate, it may recommend at its sole discretion a textbook or instructional material that has a copyright date earlier than 2002. The Publisher represents and warrants that it owns or has rights to the copyright of all textbooks/instructional materials listed in Attachment II (Form 0221).

**E. Manufacturing Standards for Non-consumable Books:** Any non-consumable pupil book submitted as a textbook or as part of a textbook must meet the specific criteria identified in *The Minimum Manufacturing Standards and Specifications for Textbooks* ("Standards") as developed by the National Association of State Textbook Administrators ("NASTA"), in consultation with the Association of American Publishers and the Book Manufacturers' Institute. The NASTA Standards shall be Georgia's official minimum standards and specifications for non-consumable pupil books. The State Textbook/Instructional Materials Advisory Committee may consider for recommendation textbooks that do not meet the NASTA Standards if there are limited materials of quality submitted for a specific state-funded course. NASTA Standards may be obtained from: Book Manufacturers' Institute, 65 William Street, Suite 300, Wellesley, MA 02481, (781) 239-0103.

## II. RECOMMENDATION PROCESS TERMS

To submit textbooks/instructional materials for recommendation consideration, the Publisher must agree to the following:

**A. Deadlines for 2006 State Recommendation:** The Publisher must meet the following deadlines:

**April 21, 2006:** The publisher **must** submit online the data requested in the *Official 2006 Textbook/Instructional Materials Submission Form (Form 0221)*. **Prior to April 21, 2006, publishers may access and make changes to data submitted online in the Official 2006 Textbook/Instructional Materials Submission Form (Form 0221). After April 21, 2006, publishers must contact the state textbook coordinator in order for changes to made and posted to the Official 2006 Textbook/Instructional Materials Submission Form (Form 0221).**

**September 18, 2006:** The publisher must submit five signed and dated copies of the *2006 Georgia Textbook/Instructional Materials Recommendation Agreement*.

**October 16, 2006:** The Department will notify publishers of the State Board approval of the recommended list of textbooks/instructional materials for K-8 Mathematics.

**All materials required to be delivered to the Department must be delivered no later than 5 p.m. (Eastern Standard Time) on any deadline date to:**

Textbook Coordinator  
Georgia Department of Education  
1754 Twin Towers East  
205 Jesse Hill Jr. Drive, SE  
Atlanta, Georgia 30334-5040

**Failure to meet any deadline may result in the exclusion of the Publisher from the current recommendation process or in a non-responsive recommendation from the State Textbook/Instructional Materials Advisory Committee to the State Board.**

**B. Forms to be Submitted:** The Publisher must submit, in accordance with Section II.A above, the online *Official 2006 Textbook/Instructional Materials Submission Form (Form 0221)* as follows:

1. *Official 2006 Textbook/Instructional Materials Submission Form (Form 0221)* The Publisher must use this form to identify the specific information about the textbooks/instructional materials to be submitted for recommendation. See Attachment II, attached hereto and incorporated herein by reference, for detailed instructions.

**C. Interaction with State Textbook/Instructional Materials Advisory Committee:** Publisher and Publisher's representatives shall not contact members of the State Textbook/Instructional Materials Advisory Committee for the purpose of promoting texts/instructional materials submitted for recommendation from the date that the Publisher notifies the Department of its intention to participate in a regular or an interim recommendation cycle until the State Board has acted on the committee's recommendations. No member of the State Textbook/Instructional Materials Advisory Committee shall receive any gift, reward, present or emolument from any author, publisher, producer or distributor of textbooks/instructional materials except for examination copies. Furthermore, no person, publishing house, or corporation may offer, directly or indirectly, to any member or appointee of the State Board (including the State Advisory Committee) any gift, compensation, or remuneration in accordance with O.C.G.A. § 20-2-10. The State Superintendent of Schools shall have the authority to dismiss any committee member who violates these provisions and to remove from consideration the materials of the Publisher. These provisions will be strictly enforced.

### III. TERMS OF RECOMMENDATION

The Publisher must agree to the following terms if the State Board approves the textbook/instructional material:

#### A. Guarantee of Durability:

1. Non-consumable Print Materials: Publishers must guarantee that any non-consumable student print material submitted for recommendation will endure six years of normal use and must agree to replace immediately at no cost to the purchasing school system, including shipping charges, any such components of a textbook that do not stand up to such use.
2. Electronic-based Materials: Publishers must agree to replace immediately at no cost to the purchasing school system, including shipping charges, any electronic-based component of a textbook that is physically defective or develops physical defects not caused by the user at any time during the period of recommendation.

**B. Guarantee of Price:** Publishers must provide the textbook recommended at the prices stipulated on the *Official 2006 Textbook/Instructional Materials Submission Form (Form 0221)* for the period of the agreement to any local school system in Georgia. All prices are to be F.O.B. to the school district's location.

The price for any textbook/instructional material listed on Form 0221 must not exceed the price offered by the Publisher to **any** other school or school authority for substantially the same textbook/instructional material during the same recommendation period. (O.C.G.A. § 20-2-1014). Noncompliance may result in the termination of the agreement and the elimination of the Publisher from textbook/instructional material recommendation cycles and restitution to local school systems of all overpayments.

If at any point during the agreement period the Publisher wishes to lower the price on recommended textbooks/instructional materials, the Publisher must notify the Department of the revised prices by updating Form 0221. If the price is lowered during the first year of the recommendation (i.e., April 1, 2007 - March 31, 2008), the Publisher must agree to pay to any school system which has ordered and paid for texts during this period on which the price has been lowered the difference between the old and new prices.

The Department may also request of the Publisher an extension of this agreement and the price quoted therein for a period to be determined at that time.

**C. Provision of Teacher Editions:** Publishers must agree to furnish each local system, free of charge, **one** teacher's edition for each teacher using classroom quantities of the recommended textbook. *Teacher edition* is defined as "The material that provides the **primary** instruction for the teacher in the use of the textbook." The teacher's edition **must** be listed as Category II in Form 0221 (*Official 2006 Textbook/Instructional Materials Submission Form*) with replacement cost information.

**D. Provision of Ancillary/Supplementary Materials and/or Special Pricing:** Publishers must identify all materials intended to be provided on a "free with order" basis on Form 0221 and must offer the publications listed on Form 0221 to each school district at the same rate as is listed on Form 0221. Publishers must provide at no cost to any school systems recommending a textbook and purchasing classroom sets of the textbook, the free ancillary/supplementary materials identified as Category III in Form 0221. Materials not listed as Category III cannot be given without cost to any school or school system in the state. The Publisher is responsible for updating Form 0221 as changes occur.

**E. Electronic Format Version Required:** In accordance with O.C.G.A. § 20-2-1015, publishers must provide an electronic format version of such textbook. The electronic versions must be available on February 1, 2007, and throughout the entire term of the Agreement. All information about the electronic versions must be submitted online in the *Official 2006 Textbook/Instructional Materials Submission Form (Form 0221)* by September 12, 2006. Instructions for submission are attached hereto and incorporated herein as Attachment III.

**F. Provision of Files for Production of Materials for Students Who are Print Disabled:** In accordance with the requirements of the Individuals with Disabilities Education Improvement Act of 2004 Section 612 (a) (23), Section 613 (a) (6), Section 674 (e) (3) and Title III Section 306 (amendment to the copyright act in 17 USC 121) publishers are required to prepare National Instructional Materials Accessibility Standard (NIMAS) compliant files for all printed textbooks and related printed core materials for K-12 classroom use in content areas in which the NIMAS has been developed. These NIMAS files shall be used without penalty or royalty by authorized users to produce accessible, specialized formats (i.e. braille, audio, digital, large-print or other versions) of materials for students who are blind or who have other print disabilities.

By agreeing to provide the required NIMAS materials in this contract the publisher agrees to prepare and submit, on or before

February 1, 2007 a NIMAS file set of the textbook or related core material to the National Instructional Materials Access Center (NIMAC) that complies with the terms and procedures set forth by the NIMAC. Should the vendor be a distributor of the materials and not the publisher, the distributor agrees to immediately notify the publisher of its obligation to submit the NIMAS file set of the purchased products to NIMAC. Publishers who do not prepare and submit NIMAS files to the NIMAC in accordance with the recommendation process timeline may be removed from the State-Recommended List of Textbooks/Instructional Materials resulting in the termination of the agreement.

All acceptable textbook revisions as defined in section J (1) of this agreement will be incorporated into the NIMAS file for the book and immediately submitted to the NIMAC.

**G. Provision of Files for Production of Materials for Teachers with Disabilities:** Upon request of the Department of Education, or its designee, the Georgia Instructional Materials Center (GIMC), publishers shall cooperate with the GIMC to obtain digital files of teacher editions of adopted textbooks in a mutually agreed upon format.

**H. Warehousing of Recommended Textbooks/Instructional Materials and Teacher Editions:** Publishers must warehouse all recommended items listed as Categories I and II in Form 0221 at a location in the state of Georgia, unless otherwise approved by the Department, for the term of this agreement and must notify the Department of their Georgia distributor on an annual basis by December 1 or immediately if a change in distributor occurs. Publishers that do not warehouse materials in Georgia must ship materials free of shipping charges.

**I. Delivery of Recommended Textbooks/Instructional Materials and Teacher Editions to Ordering School Systems:** Publishers must maintain a sufficient inventory of recommended items listed as Categories I or II in Form 0221 in the state of Georgia to guarantee timely delivery during the agreement period. *Timely delivery* shall mean the receipt of the materials at the local school system delivery address within 30 calendar days of the receipt of the purchase order by the Publisher or the receipt of the materials at the local school system delivery address within 60 calendar days of the receipt of the purchase order by the Publisher for initial orders from school systems of newly recommended materials. The Publisher must communicate "delayed shipment" status with school systems ordering materials.

A written order will be executed by the local system superintendent for quantities of recommended items listed as Categories I and II in Form 0221 as needed and such items shall be shipped in a timely manner as described above by the method identified on the order form. Each local board of education shall have responsibility for payment of invoices for textbooks and instructional materials purchased under these agreement terms.

**J. Submission of Revisions:** Publishers must request approval in writing to substitute a revised textbook for a textbook currently under recommendation. This condition applies to *any change* to the original edition including typographical corrections in the copy. The request must include the revised information, an itemized list of the changes in the revised edition, and one complete set of examination copies of the revised textbook and teacher edition and the currently recommended textbook and teacher edition. The conditions for substituting a revision of a previously recommended text are as follows:

1. **The revised edition must be classroom compatible with the original edition.** The revised edition must be submitted within 45 days after the original edition is recommended by the State Board. *Classroom compatible* means that the revised edition can be used in the same classroom with the earlier edition without detriment to either the student using the revised edition or the teacher having students using both editions. The Department in its sole discretion shall determine if a textbook is classroom compatible. Textbooks that do not meet the requirements for classroom compatibility ***will not*** be considered suitable for substitution. If the revised edition is not classroom compatible, or is not submitted within the 45-day time period, the Department, in its sole discretion, may accept the edition as a substitute, subject to any conditions.
2. **The revised textbook must be substituted at the same price as the currently recommended edition for the remainder of the recommendation period.**

**K. Laws and Regulations:** The Publisher agrees to adhere to all requirements of Georgia law and State Board rules pertaining to textbooks.

**AGREEMENT**

By this signature I acknowledge that I have been notified of and agree to the terms and conditions contained in this *2006 Georgia Textbook/Instructional Materials Recommendation Agreement* and the four attachments. I understand that violation of these provisions by the Publisher or any of its agents or employees may result in the exclusion of the Publisher and/or its materials from consideration for inclusion in the *2006 Georgia Textbooks/Instructional Materials Guide*, the elimination of the Publisher from participation in Georgia state textbook recommendations and the termination of this agreement.

**PUBLISHER**

\_\_\_\_\_

(Signature)

\_\_\_\_\_

Date

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Publisher: \_\_\_\_\_

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ACCEPTED BY THE STATE BOARD OF EDUCATION ON \_\_\_\_\_

The following signature indicates acceptance on behalf of the State Board of Education of the specific materials as marked "Recommended" on Attachment II (Form 0221):

**STATE BOARD OF EDUCATION OF THE STATE OF GEORGIA**

\_\_\_\_\_

(Signature)

\_\_\_\_\_

Date

Scott Austensen  
Deputy Superintendent for Finance and Business

Contract No. 93 \_\_\_\_\_