

**Discussion of Possible Actions Concerning a Publisher's Decision Not to Provide
Components of Adopted Student Edition Textbooks**

February 9, 2006

**COMMITTEE OF THE WHOLE: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: This item provides board members an opportunity to discuss possible actions to be taken regarding a publisher that has not provided all the materials that were bid and adopted by the board. Several school districts adopted and ordered textbooks from the Goodheart-Willcox Publishing Company. However, the company has not provided workbooks that were listed as part of the student package. Agency staff has made a number of inquiries to the publisher concerning this situation. However, the publisher has indicated in writing that the workbooks are provided for each teacher, not each student. An examination of agency files reveals that the workbooks are needed along with the primary textbooks to meet the Texas Essential Knowledge and Skills (TEKS).

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.102(c)(23); §31.003; §31.023(a); §31.026; §31.151(a)(8), and §31.151(b).

BOARD RESPONSE: This item is presented for review and comment.

PREVIOUS BOARD ACTION: In November 2003, the State Board of Education (SBOE) adopted instructional materials submitted by Goodheart-Willcox Publisher under Proclamation 2001.

FUTURE ACTION EXPECTED: The SBOE is expected to provide guidance on which course of action the staff should pursue. These may include further negotiation with the publisher to find a mutually agreeable solution, recommendation of a fine in accordance with 19 Texas Administrative Code (TAC) Chapter 66, preparation of a request for action by the Attorney General including suit against the publisher, amendment of the contract, termination of the contract or other actions.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: In November 2002, Goodheart-Willcox Publisher filed *Statements of Intent to Bid* in a variety of subjects under Proclamation 2001. For many of these subjects the publisher listed consumable workbooks, student activity guides and laboratory manuals as part of the student materials even though the proclamation did not call for consumable materials in these subjects. The publisher indicated on the *Statements of Intent to Bid* that a workbook would be issued on the basis of one per student. A typical listing of components that Goodheart-Willcox Publisher included on its *Statements of Intent to Bid* is shown at Attachment I. Since the proclamation did not call for consumable materials for students in these subjects, the publisher's inclusion of consumables in the bid means that the publisher would not only include the consumable items with the student materials issued for the first year of the proclamation but also for the second and subsequent years.

In September 2005, the Instructional Materials and Educational Technology Division received a request for assistance from Springtown ISD concerning student activity books that were not sent

for several Goodheart-Wilcox student programs that were adopted under Proclamation 2001. The subject areas for which Springtown ISD had not received activity books were *Technology Education, Manufacturing and Automation Technology, Personal and Family Development, and Nutrition and Food Science*.

In October 2005, the Instructional Materials and Educational Technology Division received a complaint from Sinton ISD stating that the Goodheart-Willcox Publisher did not send workbooks and lab manuals that were listed as components of the programs adopted under Proclamation 2001. Sinton ISD did not receive the workbooks and lab manuals for the following programs: *Modern Welding; Parents and Their Children; Housing Decisions; Nutrition, Food & Fitness; and Children Early Years*.

In November 2005, the agency received a request for assistance from Garland ISD concerning Goodheart-Willcox workbooks that were listed on the publisher's *Statement of Intent to Bid* as part of the student package. Garland ISD indicated that it was told by the publisher that Goodheart-Willcox Publisher did not intend to provide the workbooks on a per student basis; they would only provide one per teacher. Garland ISD textbook staff discussed the problem with the Resolve Depository and with the publisher. The Garland ISD Curriculum Department determined that the workbooks were urgently needed for students to master the courses and felt that Garland ISD should purchase the materials if the publisher would not provide them free of charge.

The Instructional Materials and Educational Technology staff contacted the publisher on two separate occasions; verified that the districts' claims were accurate; explained to the publisher its obligations and requested that the publisher ship the missing components free of charge to school districts that had ordered the various student-edition textbooks. Additionally, staff identified each of the missing components and determined that all of the materials were either needed to meet the TEKS for the subjects involved or were included on the list of ancillaries that the publisher indicated they would provide free with order. A listing of the adopted academic program titles, missing components, and TEKS coverage are provided in Attachment II. Goodheart-Willcox Publisher replied to the agency's inquiries in writing (Attachment III) that it was not its intention to provide a free student guide, lab manual or workbook for each textbook purchased, but instead, it was its intention to allow schools the opportunity to purchase student activity guides, workbooks and teacher resources when they purchased their textbooks. Another attempt to expedite a resolution with the publisher was made in December 2005 by sending a letter that again explained the publisher's responsibility to provide these instructional materials (Attachment IV). This item provides the board an opportunity to discuss possible alternatives for providing students with the missing instructional materials as well as future interaction with the publisher on this issue.

FISCAL IMPACT: There is a range of possible fiscal impacts. If the publisher persists in not providing the consumable workbooks, some districts are likely to suffer financial loss because they will need to purchase the materials from the publisher in order to meet state academic (TEKS) requirements. Some may have already purchased these consumables. If the contract with the publisher is terminated, districts will need to requisition other state adopted instructional materials that fully meet the TEKS. This would result in an additional cost to the state for purchase of these materials. Depending on how the problem of missing instructional materials is addressed, other fiscal impacts are possible as well.

PUBLIC AND STUDENT BENEFIT: Successful resolution of this issue would result in students receiving all of the instructional materials needed to acquire the knowledge and master the skills required by the board in the affected subjected areas.

PROCEDURAL AND REPORTING IMPLICATIONS: None.

PUBLIC COMMENTS: None.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

Respectfully submitted,

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- Attachments:**
- I. [Extract from the listing of Instructional Materials Adopted under Proclamation 2001](#)
 - II. [Chart: Components of Adopted Textbooks from Goodheart-Willcox Publisher That Were Not Provided to School Districts](#)
 - III. [Letter from Goodheart-Willcox, dated September 26, 2005](#)
 - IV. [Letter to Goodheart-Willcox, dated December 19, 2005](#)