

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

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DEC 16 4 28 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va. Constitution, Article XII, §2 and W.Va. Code §18-2A-2

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§29A-3B-1, et seq.; W.Va. Board of Education v. Hechler
180 W.Va. 451; 376 S.E.2d 839 (1988)

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

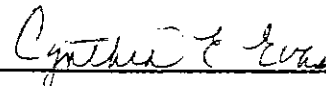
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 36

TITLE OF RULE BEING AMENDED: "Textbook" Adoption: Notice, Request, and
Instructions to Publishers (2445.41)

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS January 15, 1997.



Cynthia E. Evans
Director, Legal Services

Executive Summary

Policy: 2445.41 "Textbook" Adoption: Notice, Request, Ant Instructions To Publishers

Public Comment Period Ended: November 9, 1996 **Adopted:** December 12, 1996

Policy 2445.41 states the requirements for publishers/vendors submitting bids for "textbook," instructional materials, and learning technologies adoption by groupings for required school subjects.

Policy 2445.41 was placed on comment following the October 10, 1996 West Virginia Board of Education meeting. During the comment period five (5) individuals submitted twelve (12) comments.

Three (3) comments were accepted and have been incorporated into the context of the policy. One (1) comment was an edit and two (2) were in the context of item 4.2 *Free and/or Loaned Items*. The one "negative" comment was in reference to the ratio of free teachers' editions/manuals. It is the determination of the West Virginia Instructional Materials Advisory Committee that the 1 to 25 ratio is equitable to provide for the teachers' use and not take advantage of publishers.

This policy material will be discussed again with publisher representatives during the instructional material bidding process.

Execsum

FISCAL NOTE WORKSHEET

(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 2445.41 "Textbook" Adoption: Notice, Request, and Instructions to Publishers FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

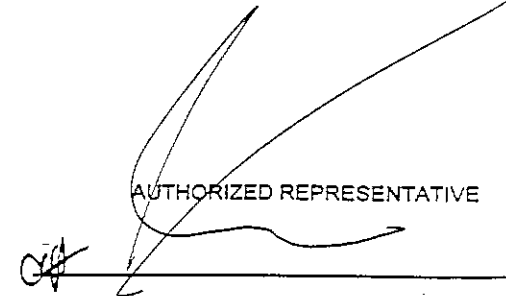
EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$ -0-	\$ -0-	\$ -0-
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No Fiscal Impact Due To Policy Revision.

DATE 10/18/96

AGENCY
Education

AUTHORIZED REPRESENTATIVE


126CSR36

TITLE 126
LEGISLATIVE RULES
BOARD OF EDUCATION

SERIES 36
"TEXTBOOK" ADOPTION: NOTICE, REQUEST, AND
INSTRUCTIONS TO PUBLISHERS (2445.41)

§126-36-1. General.

1.1. Scope. This legislative rule establishes the procedures for notifying publishers of upcoming "textbook" (instructional materials) adoptions by groupings and gives instructions for submitting bids.

1.2. Authority. W.Va. Constitution, Article XII, §2 and W.Va. Code §18-2A-2.

1.3. Filing Date. December 16, 1996.

1.4. Effective Date. January 15, 1997.

1.5. Repeal of former rule. This legislative rule repeals and replaces WV 126CSR36 (Policy 2445.41).

1.6. Summary of policy/legislative/procedural rule. This policy notifies publishers of the requirements for submitting bids for "textbook" (instructional materials) adoption by groupings for required school subjects. Dates and adoption groups vary by year, see Policy 2445.40. Procedures are given that publishers must follow in submitting bids for "textbook" (instructional materials) adoptions.

§126-36-2. Purpose.

2.1. In accordance with W.Va. Code §18-2A-2, all vendors of new/revised textbooks, instructional materials and learning technologies are requested by the West Virginia Board of Education to submit official samples and related instructional materials to members of the West Virginia Instructional Materials Review Committee, as provided by action of the said Board on March (*current day/year inserted*), relating to the REQUIRED PROGRAMS/AREAS OF STUDY AND ADOPTION GROUPS:

2.1.1. Group (*current Group and Program Title inserted*)

2.1.2. Adoption Period: (*current dates inserted*)

2.2. Vendors shall provide to West Virginia schools and counties any financial benefit in the highest amount that has been made available to any other school unit, dealer, county, or depository in any other state. This applies to all services, materials, and equipment as well as loaned or free items for the delivery of any component in the instructional program. (See Section 5.3 Wholesale and Retail Prices.)

§126-36-3. Definition.

3.1. The definition "Textbooks" includes books, instructional materials, learning technologies, and other materials as defined in W.Va. Code §18-2A-1. "Instructional Materials" means and includes systems of instructional materials, or combinations of books and supplementary materials which convey information to the pupil. "Learning Technologies," include, but are not limited to, applications using computer software, computer assisted instruction, interactive videodisc, and other computer courseware and magnetic media. *Free Items* - Any teacher resource materials necessary for the delivery of the program, except for the teacher's edition/manual.

§126-36-4. Applicability.

4.1. Textbooks, instructional materials, learning technologies, or any combination thereof adopted on the state multiple list must substantially cover the required content and skills for the subject as approved by the West Virginia Board of Education as a primary source of instruction. Adopted materials must be current and information presented accurately.

4.2. W.Va. Code §18-2A-2, provides for the request of samples and prices on items deemed appropriate to teach the curriculum. These items must be usable in the public schools as the primary source to deliver the instructional goals and objectives that have been further refined into generic and specific criteria for the respective subject. Bond requirements for these materials shall be \$5,000.00.

4.3. Supplementary and ancillary materials that are *not* a required part of the instructional program may be bid under the category of "Other Instructional Materials" without review by the West Virginia Instructional Materials Review Committee. Bond requirements for these supporting supplementary and ancillary materials shall be \$2,000.00.

§126-36-5. Guidelines.

5.1. *Bids and Bid Deposit* - All vendors are requested by the West Virginia Board of Education to submit signed sealed bids and electronic bids on the subjects hereinbefore set forth for an adoption period beginning July 1, (*current year inserted*) and extended through June 30, (*current years inserted*). Each bidder shall, on or before the closing date for receiving of bids, have deposited with the Assistant Division Chief, Division of Instructional and Student Services, West Virginia Department of Education, 1900 Kanawha Boulevard East, Room B-318, Charleston, WV

25305-0330, a certified check in the sum of One Thousand Dollars (\$1,000) payable to the West Virginia Department of Education. Such deposit shall be forfeited to the general school fund if such bidder shall fail or refuse to make and execute such contract and bond as is required by law in case of acceptance of all or part of the vendor's bid, and otherwise, reimbursement shall be returned to such bidder after the contract has been made. The bids so submitted shall be prepared in a format as illustrated on the attached sample bid, signed, enclosed in a sealed envelope (both hard and disc copies) and have designated thereon "Instructional Materials Bid." The bids are to be in the hands of the State Superintendent of Schools on or before 10:00 a.m., on April (*current day/year inserted*). All bids will be opened in public session in the West Virginia Board of Education Conference Room at the Department of Education at 10:00 a.m. on April (*current day/year inserted*) and may be modified at the invitation of the West Virginia Instructional Materials Advisory Committee or the Superintendent of Schools for West Virginia or the West Virginia Board of Education.

5.2. *Free and/or Loaned Items* - Each vendor shall declare on the bid any/all free and loaned items that will be given to any county or school free of charge upon adoption/purchase. Only teachers' editions identified in Section 5.5 may be both bid and/or given to any county or school free of charge. No changes will be permitted after the vendor hearing date and the declaration shall become part of the contract for the adoption period. Substitutions of revised editions shall not alter the original declaration. (See Section 2.) Wholesale prices for all ancillary materials, listed free the first year of adoption, will be set, for subsequent years, as of the day of approval by the West Virginia Board of Education. This applies to all vendors, including those using the waiver process.

5.2.1. All items to be loaned or given free, supplementary or otherwise, shall be provided during the review/hearing period for committee members to observe.

5.3. *Wholesale and Retail Prices* - All wholesale and retail prices on the bid shall be firm and must be bonded for the period of adoption. (See Section 2. for financial benefits to schools and counties and 5.10 for Substituting Revised Editions.)

5.4. *Exchange Privilege* - Vendors shall arrange for the exchange of items, allowing pupils or boards of education an exchange price as liberal as granted on the same items to any county, school, or state in the United States, like conditions prevailing. The exchange privilege shall extend through one entire school year, either during the initial purchase year of the adopted materials or the year following the end of the adoption period. If the exchange privilege is granted during the initial purchase year, the lowest net wholesale price shall further be reduced by the amount of exchange.

5.5. *Teachers' Editions* - Publishers/vendors are required to provide teacher's editions/manuals and/or Teachers Resource Binders (TRB) which contain the teacher's edition/manual/ curriculum, etc. for counties adopting and purchasing instructional materials at the ratio of one per regular education classroom at the early and middle childhood levels and one per 25 purchased at the adolescent level. Counties, schools, and teachers requesting teachers' editions in excess of this requirement should pay the current bid price.

5.5.1. Any/all item(s) submitted for bid and accepted for inclusion on the state multiple list shall not be given away during the contract period, except for those items defined in Section 7.

5.5.2. Teachers' editions/manuals and/or Teachers' Resource Binders (TRB) which contain the teacher's edition/ manual/curriculum, etc. must be included in the bid for county needs beyond those which are required. The vendor grants each school duplication rights for classroom use only within the limitation(s) of current copyright laws.

5.6. *Permission Statements* - Successful vendors will be required to file permission statements with the American Printing House for the Blind in Louisville, Kentucky within 30 days of adoption by the West Virginia Board of Education. The permission statement shall provide for translating adopted materials into Braille, Large Type Editions, audio-recordings, etc. to enable students with disabilities to have usable instructional materials on the opening day of school.

5.7. *Rejection of Bids and/or Free Items* - The West Virginia Board of Education reserves the right to reject any and all bids or any part of a bid or free item and to accept any part of a bid or free item submitted thereunder.

5.8. *Direct Shipment* - Vendors may ship directly to a county school district, school(s), or dealer appointed by the county, if the county school district or school(s) selects to purchase from a vendor. However, vendors shall make items available to a state approved depository when a county school district or school(s) selects to purchase from a depository. Direct shipment to a county school district, school(s), or county dealers shall require the vendor to bear the costs of shipping, mailing, or transporting, including any other benefit provided to any other county or school in any other state.

5.9. *Depository(ies)* - County school districts and schools have the option to purchase through a depository at the bid price. Vendors will make their product(s) available for distribution through any West Virginia Board of Education approved depository(ies) that is (are) determined to be qualified to warehouse, manage, and distribute such product(s).

5.9.1. Vendors opting to ship materials through any West Virginia Board of Education approved depository(ies) shall assure that the lowest net wholesale, retail, and exchange prices to county school districts/dealers/schools will not exceed the bid price(s). Shipping costs and/or transportation to county school districts/schools/dealers shall be provided without charge and borne by agreement between the vendor and state approved depository(ies).

5.10. *Substituting Revised Editions of Adopted Materials* - As stated in Section 5.3, items must be bonded for the period of adoption (not to exceed eight years). Revised editions of previously adopted materials may be substituted at contract prices. Requests must be filed by February 1 or August 1 of each year.

5.11. *Items Not Manufactured On Time* - Alternative programs and new programs that were not manufactured by the close of the committee's formal evaluation on June (*current day/year inserted*) shall be considered through the waiver process by county school districts and schools desiring to use same and shall be sold at the lowest net wholesale price in the nation on the date of purchase. Any vendor whose programs/materials are being initially considered through the waiver process, have not gone through the adoption process, and are not on the multiple list will have to follow the same bid guidelines and policies as required by those who went through the regular adoption process. All costs associated with a review and adoption of materials submitted through the waiver process will be at the vendors' expense.

5.12. *Special Rule to Update Adoptions* - In order to acquire the latest materials, galley proofs will be accepted by the West Virginia Board of Education by June 1 of the adoption year to assure the content of the program. This special rule carries the requirements that the items will be manufactured 1) prior to August 1 of the adoption year as well as available to schools by July 1 of the implementation year and 2) according to specifications for the respective item. In the event no manufacturing specification exists for the item, the vendor shall attach a warranty statement to the bid guaranteeing durability for the adoption period.

5.12.1. Vendors are advised that the West Virginia Board of Education reserves the option to readopt or acquire new materials.

5.13. *Warranty/Replacement* - All textbooks, instructional materials, and learning technology software/courseware items (excluding abuse and consumables) shall be durable for the adoption period. Replacement will be without cost for years one through three and pro-rated for the remaining period.

§126-36-6. West Virginia Instructional Materials Review Committee Requirements.

6.1. *Reviews and Recommendations* - The West Virginia Instructional Materials Review Committee reviews and recommends only those textbooks, instructional materials, and learning technologies used as the primary source to deliver the instructional goals and objectives. The committee reserves the right to list the items as high or low ability and to request the revision of any bid during the hearing with the respective vendor.

6.2. *Generic and Specific Criteria* - Generic and specific evaluation criteria sheets for the current adoption program(s) will be furnished to each bidder. Vendors are required to provide criteria correlation sheets, including specific locations for each criterion, to the West Virginia Instructional Materials Review Committee prior to July (*current day/year inserted*). Failing to do so could result in a disqualification of product. If the materials do not address required specific criteria, this must be noted on the form as a "NO." These documents shall be used to evaluate instructional materials

that will be considered by the West Virginia Instructional Materials Review Committee and Advisory Committee for recommendation to the West Virginia Board of Education and by county boards of education local selection committees in their selection process.

6.3. *Questionnaire* - Bidding vendors and/or publisher representatives shall complete the required questionnaire(s) and request for information forms (enclosed), and mail same to the designated members of the West Virginia Instructional Materials Review Committee prior to June (*current day/year inserted*). The mailing of questionnaire(s) and request for information forms will be under separate cover (not included with the mailing of official samples). The documents to be completed are Instructional Materials Adoption: Generic Evaluation Criteria and Request for Publication Information.

6.4. *Examination Samples* - The samples submitted to designated committee members June (*current day/year inserted*) for examination and study are to be an exact duplicate of the "Official Copy" filed with the State Superintendent of Schools for West Virginia and clearly marked as to "Grade Levels" (Early and/or Middle Childhood) and "Course Titles" (Adolescent). For clarification, samples *must* bear a label stating the subject matter for which it is bid e.g., English Language Arts Composition K-12. Vendors/Publishers will provide designated committee members an inventory of shipments (samples) under separate mailing.

6.4.1. Vendors are requested to advise designated members of the West Virginia Instructional Materials Review Committee (by letter, with criteria, and prior to June (*current day/year inserted*)) of their intent to recall (at vendors' expense) any/all samples upon completion of the examination. It is further recommended that, where possible, all instructional materials submitted as a series be forwarded to designated committee members in one mailing.

§126-36-7. State Requirements.

7.1. *Official Samples* - The official samples must be filed with the State Superintendent of Schools, West Virginia Department of Education, 1900 Kanawha Boulevard East, Building 6, Room B-318, Charleston, West Virginia 25305-0330, not later than 10:00 a.m., July (*current day/year inserted*). The mailing cartons shall be marked "Official Copy." Each sample must be marked "Official Copy" and will be carefully preserved by the Superintendent as to standards or quality as required by law. Each vendor shall designate the "SUBJECT" and "COURSE TITLES" or "GRADE LEVEL(S)" on the outside front cover of each sample. All samples submitted for bid shall meet the manufacturing specifications for the particular item.

7.2. *Textbooks* - Vendors shall attach a Form B Warranty to the inside cover of each "Official Copy" mailed to the State Superintendent of Schools for West Virginia. Soft covers are generally prohibited above grade 2, unless the hardcover edition accompanies the soft cover edition to give counties a selection option. (Conditions as noted in Section 5.13 must be followed.)

7.3. *Instructional Materials* - Instructional materials (systems of), or combinations of books and supplementary materials, shall meet the warranty/replacement requirements (Section 5.13).

7.4. *Learning Technologies* - Learning technologies shall meet the warranty/replacement requirements (Section 5.13) with exceptions for justifiable circumstances. For example, if a vendor bids a laser disc player as part of the solution package, the normal warranty on the equipment is less than six years, it must be noted.

7.4.1. Learning technology vendors have the option to bid the curriculum solution with and/or without the appropriate hardware needed for utilization. County schools/school districts have the option to purchase courseware with or without the hardware bid.

7.4.2. The vendor must provide the necessary equipment and associated peripherals with the curriculum material for committee members to have adequate time to review product.

7.4.3. During the week of committee hearings, the technology materials and associated equipment must be made operational by the vendor and remain operational during the entire week of hearings.

7.4.4. Vendors may be asked to make technology materials and equipment operational again during the final committee evaluation and deliberations meeting.

7.4.5. When a vendor is completing the Generic and Specific Criteria forms, the following mandatory procedures must be met. Failing to do so could result in disqualification of product.

- a. The vendor must reference where the Generic and Specific Criteria are found.
- b. References must be given in the following manner on the Specific Criteria forms:
 - A. For printed text materials, reference page number, paragraph, etc.
 - B. For Level I videodisc material, reference exact chapters, frame numbers, or time sequences.
 - C. For Level III videodisc material, reference exact chapters, frame numbers or time sequences, and provide step by step "flow chart type" instructions for starting and utilizing the accompanying software, CD-ROM, and/or any other component or material that is necessary to locate the criteria covered.
 - D. The same types of appropriate locations (as above in item "C") must also be noted for other software or courseware.

c. If the material does not address the Specific Criteria, this must also be noted on the forms as a "No."

d. Completed Generic and Specific Criteria forms for primary source materials and the "Instructional Materials Product Inventory" must be sent to the committee members for the review samples. These criteria and inventories are to be sent under separate cover.

7.5. *Liability* - The State of West Virginia shall not be liable in any sum on account of any contract made in pursuance of the provisions hereof.

§126-36-8. Multiple List and Contract Information.

8.1. The selections and approval of the multiple list of Group (*current Group inserted*) shall be made by the West Virginia Board of Education on October (*current day/year inserted*). Within thirty days following publication of the Official State Multiple List, proper contracts shall be executed with the vendors of the selected instructional materials for a period prescribed by the West Virginia Board of Education in accordance with the provisions of W.Va. Code §18-2A-1, unless the law relating hereto during such period be altered, repealed, or amended.

8.2. The Official State Multiple List is scheduled to be forwarded to county boards of education by December of each adoption year.

§126-36-9. Services to Counties and Schools.

9.1. Vendors, dealers, agents and/or depositories shall promptly fill all orders of instructional materials by delivering, within ten days after the receipt of orders, to a common carrier at the point or points of shipment; shall on or before August 1 of each school year sell and cause to be delivered to the dealers, depositories, and/or county boards of education a sufficient number of instructional materials to supply the demand, and any failure or neglect to provide such instructional material at such time and place may cause the forfeiture of the contract. Furthermore, proper and adequate service shall be provided to assist state and local school authorities in making known to teachers and principals the philosophy, use, and best instructional methods and techniques. Vendors shall provide staff development activities to enable teachers to use approved instructional materials effectively and efficiently.

§126-36-10. Explanation of Bid Items (Attached).

10.1. *International Standard Book Number (ISBN)* - Vendors are directed to list on the bid the complete and exact International Standard Book Number (ISBN), including the ten (10) digits and all hyphens or spaces, as it appears on the "Official Copy." Items without ISBN's shall be identified by the order number.

10.2. *Program Designations* - For the convenience of the West Virginia Board of Education, the bids submitted hereunder shall be clearly designated as a GROUP (*current Group*); PERIOD OF ADOPTION (*current period of adoption date*), and SUBJECT (*current Programs of Study*) shall be uniform in that prices for the respective program(s) shall be set up in columns as herein designated:

10.2.1. *COLUMN 1*: Lowest net wholesale price.*

a. Definition: Such price is that which is stated in the bid and will be sold to county schools and/or county school units, the approved depository(ies) and/or the responsible dealers.

10.2.2. *COLUMN 2*: The retail price to patrons (parents).

a. Definition: Such price is the net wholesale price in Column 1 plus a sum not to exceed a fifteen percent (15%) allowable increase to local dealers.

10.2.3. *COLUMN 3*: Lowest net exchange price.**

a. Definition: Such price is the lowest net exchange price a vendor will allow any county schools and/or county school units, depository(ies), and/or responsible dealers, when items correspond in subject, grade level, and in prior legal use in the public schools of West Virginia is returned in exchange. ≡

10.2.4. *COLUMN 4*: The retail exchange price* to patrons (parents).

a. Definition: Such price is the retail price exchanged with the vendor by school patrons (parents) plus a sum not to exceed a ten (10) percent increase has been added to the net exchange price in Column 3, when items correspond in subject, grade level, and prior legal use in West Virginia.

10.2.5. *COLUMN 5*: Additional equipment or materials, needed for product utilization (but not on bid). (If curriculum solution bid is to include equipment, see Section 7.4.)

a. Definition: Each vendor shall enter the equipment, materials, and similar items necessary for product utilization that are not specified anywhere on the bid. This will serve as a signal to potential users of possible additional costs necessary for the delivery of instruction.

*See Section 2.1

**See Section 5.4 for exchange information.

**INSTRUCTIONAL MATERIALS ADOPTION
OFFICIAL BID - WEST VIRGINIA
Group III - Social Studies (K-12)
Adoption Period - July 1, 1998 - June 30, 2004**

Vendor/Publisher _____

Prepared by: _____

Authorized Signature

Received by: _____

International Standard Book Number and/or Name of Book	Grade Level	Copy-right	(1)	(2)	(3)	(4)	(5)
--	-------------	------------	-----	-----	-----	-----	-----

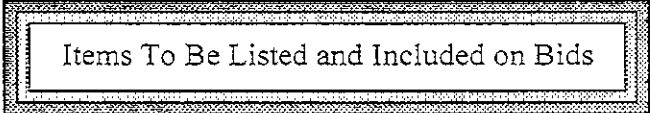
ENGLISH LANGUAGE ARTS

TEXTBOOKS

- Student Textbook
- Teacher Textbook/Manual/Resource Binder
- Other (Explain)

INSTRUCTIONAL MATERIALS

- Student Manual
- Teacher Manual
- Teacher Resource Binder
- Kits (Specify Contents)
 - A. Students
 - B. Teachers
- Manipulative (Explain)
- Student Text
- Other (Explain)



LEARNING TECHNOLOGIES

- Interactive Videodisc
- CD-ROM Disc
- Computer Software
- Student Manual
- Teacher Manual
- Operational Manual
- Hardware (List each item)
- Student Text
- Other (Explain)

TRAINING

- Is training mandatory?
- Who will be trained?
- Length of training (in days)?

OTHER INSTRUCTIONAL MATERIALS

FREE OR LOANED ITEMS

LEGEND

All instructional materials are sold initially through Column 1 (wholesale) and Column 2 (retail) prices. Exchange prices (Columns 3 or 4) shall extend through one entire school year, either following the date of initial purchase or the date of completed use. Proof of exchange required. Vendors' options apply.

Column 1 - **Lowest net wholesale price** to boards of education and responsible dealers.*

Column 2 - **Retail price to patrons** after not exceeding 15% has been added to new wholesale price.

Column 3 - **Lowest net exchange price** to boards of education and responsible dealers.

Column 4 - **Retail exchange price to patrons** when not exceeding 10% has been added to net exchange price.

Column 5 - Additional equipment and materials necessary for the success of instruction, as determined by the vendor.

NOTE: Prices and items submitted for bid are subject to further verification due to the vastness of this state multiple list. In the event any discrepancy exists, the original bid submitted by the vendor would determine any inquiry.

NOTE: On last page of each series bid, the following will be included:

Teachers' Editions will be furnished _____

Additional Teachers' Editions may be purchased at a cost indicated on this bid. Free normal shipments to counties/schools (check one) -- Direct from Vendor -- State Approved Depository. Permission to translate into Braille, Large Type Editions, Audio Recordings, etc. will be filed with the American Printing House for the Blind, Louisville, KY within 30 days of adoption by the West Virginia Board of Education.

*Specify no charge as N/C.

**INSTRUCTIONAL MATERIALS ADOPTION
OFFICIAL BID - WEST VIRGINIA
Group III - Social Studies (K-12)
Adoption Period - July 1, 1998 - June 30, 2004**

Vendor/Publisher _____

Prepared by: _____

Authorized Signature

Received by: _____

International Standard Book Number and/or Name of Book	Grade	Copy- Level	right	(1)	(2)	(3)	(4)	(5)

International Standard Book	Grade	Copy-	(1)	(2)	(3)	(4)	(5)
Number and/or Name of Book	Level	right					

**INTENT FORM
LEARNING TECHNOLOGIES PRODUCT ITEMIZATION**

In order to provide the Instructional Materials Adoption Committee adequate time to review Learning Technologies, the following mandatory and optional procedures must be decided for each vendor.

If Learning Technologies are being submitted for evaluation, the following must occur:

1. This form will be submitted with the vendor letter of intent to bid.
2. Vendors who bid any learning technologies will be notified by the West Virginia Department of Education regarding specific set-up details after receipt of all letters of intent and this form.
3. Vendors who bid any learning technologies must specify minimum hardware requirements.

Vendor: _____ Phone: _____
 Address: _____
 Signature: _____
 Typed Contact Name: _____ Phone: _____
 Subject/Grade: _____

LEARNING TECHNOLOGIES: List all learning technology components by title and type.
(See examples)

Title/Type (Mandatory)	Minimum Hardware Require- ments	Item and Appropriate Hardware (List Hardware)	
		Set-up During Hearings (Mandatory)	Send to Committee Member's Home (Optional)
Examples:			
1. SEE AND LEARN - 1 videodisc	videodisc player	videodisc player monitor	None
2. SPEAK AND WRITE - 12 videodiscs	videodisc player	videodisc player monitor	videodisc player monitor
3. JOHNNY LEARNS - Software & CD-ROM	computer, monitor	IBM Computer	IBM Computer
4. SUE LEARNS - Software & 1 videodisc	computer, monitor, videodisc player	Mac Computer videodisc player monitor	Mac Computer videodisc player monitor

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Vendor: _____ Phone: _____

Address: _____

Signature: _____

Typed Contact Name: _____ Phone: _____

Subject/Grade: _____

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Title/Type (Mandatory)	Minimum Hardware Require- ments	Item and Appropriate Hardware (List Hardware)	
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(See examples)

Title/Type (Mandatory)	Minimum Hardware Requirement	Item and Appropriate Hardware (List Hardware)	
		Set-up During Hearings (Mandatory)	Send to Committee Member's Home (Optional)

INSTRUCTIONAL MATERIALS AND LEARNING TECHNOLOGIES PRODUCT INVENTORY

This inventory must be submitted with the Criteria forms and review samples sent to committee members.

Vendor: _____ Address: _____ Phone: _____

Subject/Grade: _____

Signature: _____ Typed Contact Name: _____ Phone: _____

Specific Criteria Forms Included? _____ (Y/N)

INSTRUCTIONAL MATERIALS AND LEARNING TECHNOLOGIES

(List all components by title and type. See examples.)

Title/Type (Mandatory)	Item and Appropriate Hardware (List Hardware)		All Text Material Sent to Committee Member's Home (Identify Type)
	Set-Up During Hearings (Mandatory) (Optional)	Sent to Committee Member's Home (Mandatory)	
Examples:			
1. SEE AND LEARN - 1 videodisc & text	videodisc player monitor	None	Teacher's Guide
2. SPEAK AND WRITE - 12 videodiscs	videodisc player monitor	videodisc player monitor	None
3. JOHNNY LEARNS - Software & CD-ROM	IBM Computer	IBM Computer	None
4. SUE LEARNS - Software & 1 videodisc	Mac Computer videodisc player monitor	Mac Computer videodisc player monitor	None
5. HELPING SUE LEARN - text/vidcotape	VCR & monitor	videotape	Teacher's Manual Student Text

INSTRUCTIONAL MATERIALS AND LEARNING TECHNOLOGIES PRODUCT INVENTORY

This inventory must be submitted with the Criteria forms and review samples sent to committee members.

Vendor: _____ Address: _____ Phone: _____
 Subject/Grade: _____
 Signature: _____ Typed Contact Name: _____ Phone: _____
 Specific Criteria Forms Included? _____ (Y/N)

INSTRUCTIONAL MATERIALS AND LEARNING TECHNOLOGIES

(List all components by title and type. See examples on sample page.)

Title/Type (Mandatory)	Item and Appropriate Hardware (List Hardware)		All Text Material Sent to Committee Member's Home (Identify Type) (Mandatory)
	Set-Up During Hearings (Mandatory) (Optional)	Sent to Committee Member's Home (Mandatory)	

INSTRUCTIONAL MATERIALS AND LEARNING TECHNOLOGIES

(List all components by title and type. See examples on sample page.)

Title/Type (Mandatory)	Item and Appropriate Hardware (List Hardware)		All Text Material Sent to Committee Member's Home (Identify Type) (Mandatory)
	Set-Up During Hearings (Mandatory) (Optional)	Sent to Committee Member's Home (Optional)	

**SOCIAL STUDIES (K-12)
GROUP III - 1998-2004**

**REQUEST FOR PUBLICATION INFORMATION
1997**

Vendor: _____

Title: _____

Grade Level(s) Submitted for Bid: _____

Copyright Date(s): _____

Purpose: To provide advance information to the West Virginia Instructional Material Advisory/Adoption Committee regarding the program any vendor intends to present at the hearings. Please respond to all questions appropriately. Thank you.

1. Is this a new program? Yes ___ No ___

2. Is this a revised program? Yes ___ No ___

If revised, what is the extent of the revision _____

3. Does the sales representative provide continuous service to the state? Yes ___ No ___

Representative's Name: _____

Address: _____

Telephone Number: _____

4. Are continuous consultant services available to the state? Yes ___ No ___

Does the company's consultant have training and teaching experience in this subject area?

Yes ___ No ___

Enclosed are copies of the specific criteria for selection. Please return this form with the appropriate generic and specific criteria sheets. (See Official Call to Vendors, Sections 5.2 and 5.3).

Comments and Suggestions Log

Policy 2445.41

Grouping For "Textbooks" (Instructional Materials) Adoption

For Early Childhood Education, Middle Childhood Education, And Adolescent Education

Action
 N: No Response - Negative
 NA: Not Accepted + Positive
 A: Accepted • Neutral

Individual | Organization | Received | Section | Comments/Suggestions | Type | Rationale

Section | Received | Organization | Comments/Suggestions | Type | Rationale

General	10/23/96	Allyson Schoenlein Cabell County Schools 620 Twentieth Street Huntington, WV 25709	I find no comment space here about (6+) "Learning Technologies," so my need/change is listed generally. Wording should be included to require vendors to issue <u>site licences</u> for all software, videodiscs, etc. Especially in networked schools with CD Towers, this is a legal issue.	A	
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General	10/28/96	John Ray WV Dept. of Education 1900 Kan. Blvd., E. Charleston, WV 25305	After review of the policy, I would commend your efforts. The policy addresses the issue in a clean and concise manner. The waiver policy does need procedural changes when it is time.	N	
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General	10/30/96	William A. Toussaint WV Dept. of Educa. 1900 Kanawha Blvd., B362 Charleston, WV 25305	Very well written, and it seems to be complete.	N	
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Section 1. Definition	10/30/96	William A. Toussaint WV Dept. of Educa. 1900 Kanawha Blvd., B362 Charleston, WV 25305	2a on the second line should read 2A, as it does read in the next section (Applicability).	A	
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Action
 N: No Response
 NA: Not Accepted
 A: Accepted

Type
 - Negative
 + Positive
 ● Neutral

<u>Section</u>	<u>Received</u>	<u>Individual/ Organization</u>	<u>Comments/Suggestions</u>	<u>Action Type</u>	<u>Rationale</u>
General	11/15/96	Barbara Cox Braxton Co. Schools 411 N. Hill Road Sutton, WV 26601	I feel that textbook companies should bid all grade levels of a program if they plan to bid at the state level. Bidding everything, except kindergarten, for example, means that, in order to use the readiness program of an adopted program--which only makes sense--one must write a waiver each year and conduct an annual assessment. The writing of a waiver should be based on educational reasons. The same should not be required as a result of the way a textbook company elects to bid a program.	N ●	In many instances, the publisher does not fully support a grade level because it is being revised, it is out of date, and/or it is being printed and it was not available.
General	11/15/96	Barbara Cox Braxton Co. Schools 411 N. Hill Road Sutton, WV 26601	This county does not purchase workbooks for programs except for reading. In this subject area, workbooks are pretty essential and need to be required to be bid along with hardback texts.	A+	This is the reason for the section o accepting price on the day o program acceptance.
General	11/15/96	Barbara Cox Braxton Co. Schools 411 N. Hill Road Sutton, WV 26601	I have become aware of agreements between individual counties and textbook companies for fixed prices on non-bid items for a given adoption period. I have called for the same, but get no response from company representatives. I would like for the WVDE to require all such offerings be offered to all counties who purchase the same program from a company.	N ●	Non-bid items are open market. I items are provided free the first year of adoption then not bid items. This again is the reason for getting prices set upon the date of adoption.

Action
 N: No Response
 NA: Not Accepted
 A: Accepted

Type
 - Negative
 + Positive
 ● Neutral

<u>Section</u>	<u>Received</u>	<u>Individual/ Organization</u>	<u>Comments/Suggestions</u>	<u>Action Type</u>	<u>Rationale</u>
General	11/15/96	Barbara Cox Braxton Co. Schools 411 N. Hill Road Sutton, WV 26601	One company placed their reading texts with James and Law for local purchase, but does not plan to do the same with their workbooks for the entirety of the adoption. This past year, I did not receive the workbooks until the end of October. Teachers were mad. The company representative was wonderful, but could not give me books he did not have.	NA	By West Virginia Code publishers are not required to place any of their items in the depository of James & Law except when requested by the counties. Work-books are not items that are usually bid except as part of ancillary materials. The lateness of delivery will be addressed.
Section 2 Definitions	11/20/96	Laura Rockefeller Greg Long Holt, Rinehart & Winston 1120 South Capital of Texas Highway Austin, TX 78746	A) Coordinators/Purchase Directors need to be able to purchase the essential parts of a program from their local depository if they elect to do so. B) Perhaps a penalty should be applied when materials are this late.	NA	Workbooks and other free items the first year of adoption is the subject for section 4.2. These items may be bid or given as free items.
Section 4.2 Free and/or Loaned Items	11/20/96	Laura Rockefeller Greg Long Holt, Rinehart & Winston 1120 South Capital of Texas Highway Austin, TX 78746	The new language regarding ancillary materials implies that they can be bid and given away free of charge, however, the <u>old</u> sentence #2 still states that only teachers may be both bid and given away. Shouldn't this be corrected?	N	This is not a contradiction. It says items may be bid or given as free items the first year. The request for price for years 2 to 6 are outside the original bid.

Action
 N: No Response
 NA: Not Accepted
 A: Accepted

Type
 - Negative
 + Positive
 ● Neutral

<u>Section</u>	<u>Received</u>	<u>Individual/ Organization</u>	<u>Comments/Suggestions</u>	<u>Action Type</u>	<u>Rationale</u>
Section 4.5 Teachers' Editions:	11/20/96	Laura Rockefeller Greg Long Holt, Rinehart & Winston 1420 South Capital of Texas Highway Austin, TX 78746	<ol style="list-style-type: none"> 1. If "adolescent" refers to high school, we feel high school teachers teach several sections of students for one course, therefore, we feel that a ratio of at least one per 50 would be more appropriate. Or it could remain at one per teacher with no specified ratio. 2. "For those items defined in Section 6" - this is a section on Sampling. Is the number reference M correct? Wouldn't free materials fall under that category too? 	NA-	The Instructional Materials Advisory Committee has determined 1 per 25 copies is the most equitable.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000
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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

FILED

JUN 2 10 25 AM '97

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

(Plus all the volunteer
help we can get)

Jim Snyder

TO: VIRGINIA HARRIS

AGENCY: EDUCATION

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: February 13, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 36 TITLE: 126 EDUCATION

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *James F. Snyder*

TITLE OF PERSON SIGNING: *Assistant Division Chief*

DATE: *May 29/1997*

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

* Note: Due to misspelling two items were marked but were correct as presented. No corrections are needed except spacing on page 6.