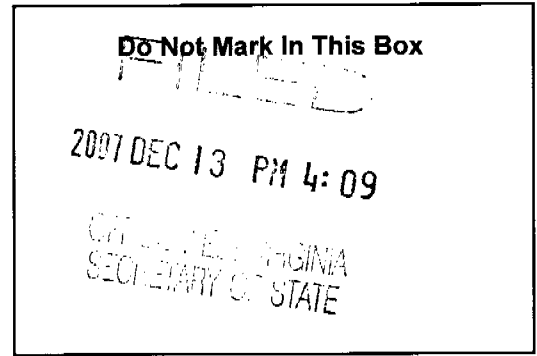


**WEST VIRGINIA
SECRETARY OF STATE**

BETTY IRELAND

ADMINISTRATIVE LAW DIVISION

Form #5



**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, W. Va. Code §§18-2-5, 18-2A-1 and 18-2A-2

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

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 _____

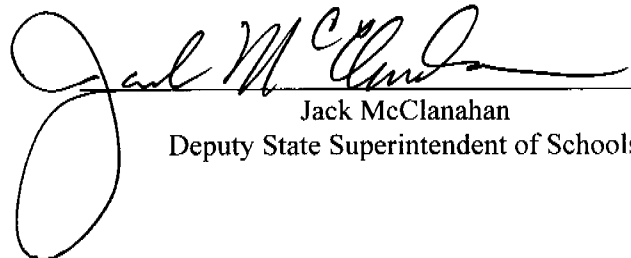
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 36

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

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

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS January 14, 2008.



Jack McClanahan
Deputy State Superintendent of Schools

**EXECUTIVE SUMMARY
AND
Professional Development Brief
FOR
WEST VIRGINIA BOARD OF EDUCATION POLICY**

Policy Number and Title:

Policy 2445.41 "Textbooks" Adoption: Notice, Request, and Instructions to Publishers

Background:

West Virginia Code §18-2A provides for the adoption of instructional materials classified into groups by subject area and grade level. It allows for the creation of an adoption schedule. The resulting policy is 2445.40, Groupings for Textbook Adoption. This policy, 2445.41, provides the bidding instructions and guidelines for vendors to use in order to bid products to meet the requirements set forth in WVBE Policy 2510.

The West Virginia Instructional Materials Advisory Committee and West Virginia Department of Education staff have discussed and developed these recommended policy changes in a series of meetings.

Proposals:

Revisions are being proposed to restrict vendors from submitting bids utilizing floppy (A) discs. It allows for an electronic submission of bids.

Revisions are being proposed to remove the requirement of storage of an official state sample. Language has been revised to allow the WVDE to request an official sample when necessary during the contract period.

Revisions are being proposed to remove the requirement of the bids being opened in "public session" in the WVBE conference room. Currently, this is not the practice and policy needs to reflect this.

Revisions are being proposed to remove the requirement of free supplementary materials from being reviewed by the Advisory Committee. The committee currently is not required to review non-primary materials; therefore this language should be removed.

Other language has been changed to align the policy with current WVDE Instructional Materials contact information.

Impact:

By removing the requirement of an official state sample, materials will not be stored for 6 years, unusable. WVDE will reserve the right to receive an official sample should the need exist. Members of the Advisory and Review committee members receive the materials during the review process. It is not necessary to pay for storage of such materials for a six year period.

By removing the phrase, "in public session" from the opening of bid section, WVDE will be in compliance with policy and procedures. It is time consuming for the WVBE to open all bids

during a regular session.

Response to Comments:

A comment log for sections affected by this proposal is attached to this Executive Summary. Only one comment was received during the comment period. As a result, one change was made to the policy.

The comment requested clarification on the copyright date allowable on instructional materials being bid for the adoption cycle. Previously, there was no clarification included in the policy. Therefore, language was included to provide a guideline for publishers. The statement, "Copyright dates of instructional materials being bid must not be more than five years prior to the adoption period."

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 36
“TEXTBOOK” ADOPTION: NOTICE, REQUEST,
AND INSTRUCTIONS TO PUBLISHERS (2445.41)**

FILED
2007 DEC 13 PM 4:09

OFFICE OF THE CLERK
WEST VIRGINIA
SECRETARY OF STATE

§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 §18-2-5, 18-2A-1 and 18-2A-2.

1.3. Filing Date. - December 13, 2007.

1.4. Effective Date. – January 14, 2008.

1.5. Repeal of former rule. This legislative rule amends W. Va. 126CSR36, West Virginia Board of Education Policy 2445.41, “Textbook” Adoption: Notice, Request, and Instructions to Publishers (hereinafter 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 W. Va. 126CSR35, West Virginia Board of Education (hereinafter WVBE) Policy 2445.40, Groupings for Textbook Adoption for Early Childhood Education, Middle Childhood Education, and Adolescent Education (hereinafter 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 WVBE 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 in Appendix A of Policy 2445.40.

2.1.1. The notices, requests and instructions set forth herein apply to each program area for each adoption cycle as specified in Appendix A of Policy 2445.40.

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 WVBE as a primary source of instruction. Adopted materials must be current and information presented accurately. Copyright dates of instructional materials being bid must not be more than five years prior to the adoption period.

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 content standards and objectives that have been further refined into generic and specific criteria for the respective subject. Bond requirements for these materials shall be \$10,000.00.

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 WVBE to submit signed sealed bids and electronic bids on the subjects hereinbefore set forth for an adoption period as specified in Appendix A of Policy 2445.40 beginning on July 1 and ending on June 30 at the conclusion of the period. Each bidder shall, on or before the closing date for receiving of bids, have deposited with the Coordinator, Instructional Materials, West Virginia Department of Education, 1900 Kanawha Boulevard East, Capitol Building 6, Room 608, 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 made available on the West Virginia Department of Education website at <http://wvde.state.wv.us/materials>, signed, enclosed in a sealed envelope 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 a date in April of the adoption year as set annually by the Coordinator of Instructional Materials and listed in the bid packet and on the West Virginia Department of Education website at <http://wvde.state.wv.us/materials>. All bids will be opened in the WVBE Conference Room at the Department of Education at 10:00 a.m. on a date in April of the adoption year as set annually by the Coordinator of Instructional Materials and listed in the bid packet and on the West Virginia Department of Education website at <http://wvde.state.wv.us/materials>.

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 WVBE. 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 if requested by the Advisory Committee.

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 Section 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 (hereinafter 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 TRBs 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 National Instructional Materials Accessibility Center (NIMAC), located at the American Printing House for the Blind in Louisville, Kentucky within 30 days of adoption by the WVBE. 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. The files shall be provided in the National Instructional Materials Accessibility Standard format (NIMAS) for all materials produced after August 18, 2006.

5.7. Rejection of Bids and/or Free Items - The WVBE 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 hereunder.

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 WVBE 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 WVBE 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. Contract Price - Beginning the first day of the contract period, the Publisher agrees to

supply the public schools of the State of West Virginia with the specific instructional materials at the contract prices hereinafter stated for said instructional materials delivered to the purchaser either directly from the publisher or from the state approved depository. Contractor agrees to: (a) furnish and make available for sale at all times throughout the terms of this agreement, sufficient quantities of the adopted instructional materials to supply the needs of the districts, and (b) pay a delay of delivery charge at the rate of one percent (1%) per day of the undelivered portion of the purchase order that includes major tools, teacher's editions, and any ancillary items included in the contract, if the Contractor fails to deliver within 45 days of the date the purchase order was received by either the publisher or the state approved depository. For those ancillary items that do not have an initial purchase price, the liquidated damages will be assessed based on the replacement value for that item.

5.12 . Items Not Manufactured On Time - Alternative programs and new programs that were not manufactured by the close of the committee's formal evaluation 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.

5.13. Special Rule to Update Adoptions - In order to acquire the latest materials, galley proofs will be accepted by the WVBE 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.

5.13.1. Vendors are advised that the WVBE reserves the option to readopt or acquire new materials.

5.14. 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 year 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 content standards 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 June 10 of the adoption year. 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 WVBE and by county boards of education local selection committees in their selection process.

6.3. Examination Samples - The samples shall be submitted to designated committee members on or before June 10 of the adoption year for examination and study and are to be an exact duplicate of the "Official Bid" 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.

6.3.1. Vendors are requested to advise designated members of the West Virginia Instructional Materials Review Committee (by letter, with criteria, and prior to July 10 of the adoption year 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 West Virginia Department of Education reserves the right to request an official state sample (to be reviewed by the West Virginia Board of Education) at any time during the contract period, not to exceed eight years. If requested, the mailing cartons shall be marked "Official Copy." Each sample item must be marked "Official Copy." 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 mail a Form B Warranty for each instructional material to the Coordinator of Instructional Materials. 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). (Form M Warranty must be mailed to the Coordinator of Instructional Materials attached).

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 DVD 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 multimedia 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.

- C. The same types of appropriate locations (as above in item "B") 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 the applicable Group as specified in Appendix A of Policy 2445.40 shall be made by the WVBE. Within thirty (30) 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 WVBE 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 (hereinafter ISBN) - Vendors are directed to list on the bid the complete and exact ISBN, including the ten (10) or thirteen (13) 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 WVBE the bids submitted hereunder shall be clearly designated by the applicable GROUP, PERIOD OF ADOPTION, SUBJECT and GRADE LEVEL and/or COURSE. Prices for the respective program(s) shall be set up in columns as herein designated:

10.2.1. COLUMN 1: Lowest net wholesale price. (See Section 2.1.)

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. (See Section 5.4 for exchange information.)

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 (see Section 2.1) 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.

10.3. Bid Forms: All bids must be submitted electronically and a paper form, including the official signature, must be mailed to the West Virginia Department of Education, Instructional Materials Coordinator. The bid templates and examples shall be available on the West Virginia Department of Education website at <http://wvde.state.wv.us/materials>. Alternatively, vendors may request that the link to the online bid template be sent to them via email.

FISCAL NOTE WORKSHEET

(Submit 4 Copies)

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

SUBJECT Policy 2445.41: 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 LOONG-RANGE

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

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

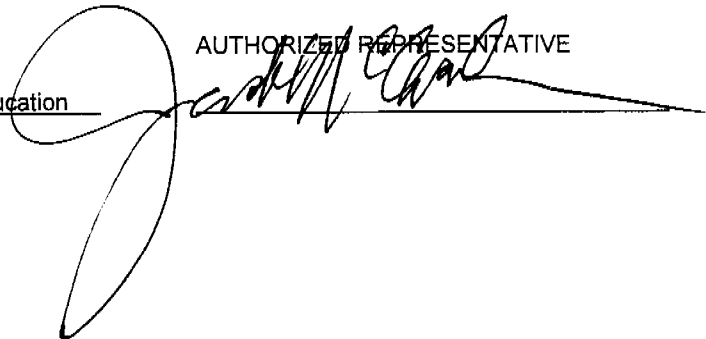
This legislative rule establishes the procedures for notifying publishers of upcoming "textbook" (instructional materials) adoptions and gives instructions for submitting bids.

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

September 28, 2007 West Virginia Department of Education



Monica Beane

To: Leah Ames
Subject: RE: Test

From: Leah Ames [mailto:lames@stepup4learning.com]
Sent: Wednesday, October 31, 2007 4:52 PM
To: mbeane@access.k12.wv.us
Subject: RE: Test

Monica,

Could you please provide clarification in the policy in regards to the copyright date requirements? For instance, how old can a copyright be and still be included in the bid for an adoption cycle?

Thanks!

Leah Ames
Perfection Learning Corporation
Product Manager - Technology and Language Arts
Ph: 515-278-0133, Ext. 220
Toll Free Ph: 800-762-2999, Ext. 220
Cell: 620-874-4397
Fax: 515-278-2980
www.perfectionlearning.com

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Who dares to teach must never cease to learn. ~ John Cotton Dana