

WEST VIRGINIA
SECRETARY OF STATE

BETTY IRELAND

ADMINISTRATIVE LAW DIVISION

Form #2

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FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 11/14/07 12:07
ADMINISTRATIVE LAW DIVISION

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Constitution, Article XII, §2 and W. Va. Code §§18-2-5, 18-2A-1 and 18-2A-2

AMENDMENT TO AN EXISTING RULE: YES 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: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON December 15, 2006 AT 4:00 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Dan Blackwood, Coordinator

THE ISSUES TO BE HEARD WILL BE LIMITED TO THIS PROPOSED RULE.

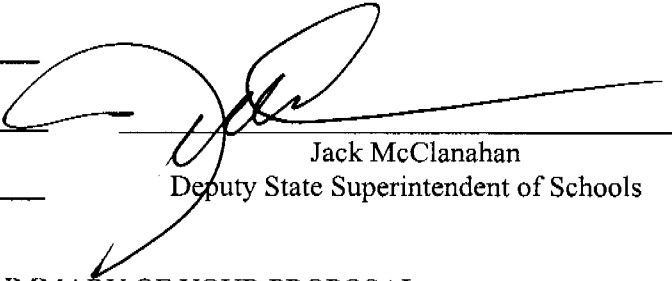
Office of Instruction

West Virginia Department of Education

Capitol Building 6, Room 221

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305-0330


Jack McClanahan
Deputy State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**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, and allows for the creation of an adoption schedule. The resulting policy is 2445.40, Groupings for Textbook Adoption.
- ❑ This policy, 2445.41 provides bidding instructions and rules for vendors to bid products to meet the requirements set forth in Policy 2510.
- ❑ New language in this revision allows for electronic bidding procedures.

Major Revisions or Reasons for New Policy:

- ❑ Revisions are being recommended to revise old language in the existing policy that required yearly “fill in the blank” sections. Instead, the new policy refers to Policy 2445.40 to provide the necessary information.
- ❑ New technology allows us to use electronic bid submission and databases in the bid process. The vendors may access all the material they need online.
- ❑ Office realignment and duty assignments required changes in verbiage.

Impact:

- ❑ The impact of the electronic bid submission will reduce paperwork for both vendors and the department.
- ❑ Revision of the date and subject fields to refer to Policy 2445.40 cleans up language and makes it less confusing.

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 11/14/07 12/07
ADMINISTRATIVE LAW DIVISION

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 §§18-2-5, 18-2A-1 and 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~~ 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 ~~West Virginia Board of Education~~ 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 ~~on March (current day/year inserted), relating to the REQUIRED PROGRAMS/AREAS OF STUDY AND ADOPTION GROUPS:~~ in Appendix A of Policy 2445.40.

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

~~2.1.2. 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~~ WVBE 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 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 ~~\$105,000.00~~.

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~~ WVBE 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);~~ 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 ~~Assistant Division Chief, Division of Instructional and Student Services,~~ Coordinator, Instructional Materials, West Virginia Department of Education, 1900 Kanawha Boulevard East, Capitol Building 6, Room B-318 221, 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)~~ 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 public session in the ~~West Virginia Board of Education WVBE~~ Conference Room at the Department of Education at 10:00 a.m. on ~~April (current day/year inserted)~~ 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>. 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 WVBE~~ .

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 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.

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 ~~Teachers Resource Binders~~ 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 ~~West Virginia Board of Education~~ 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 West Virginia Board of Education~~ 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 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~~ 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 ~~West Virginia Board of Education~~ 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 ~~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.

5.13 ~~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~~ 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 ~~5.12.1.~~ Vendors are advised that the ~~West Virginia Board of Education~~ WVBE reserves the option to readopt or acquire new materials.

5.14 ~~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 content standards ~~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 June 10 of the adoption year ~~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~~ WVBE 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 (download from <http://wvde.state.wv.us/materials>) ~~(enclosed)~~, and mail same to the designated members of the West Virginia Instructional Materials Review Committee prior to June 10 of the adoption year ~~(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 shall be submitted to designated committee members on or before June 10 of the adoption year ~~(current day/year inserted)~~ for examination and study and 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 July 10 of the adoption year ~~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, Curriculum Technology Resource Center, Cedar Lakes Conference Center, Cedar Lakes Road, Ripley, WV 25271 ~~1900 Kanawha Boulevard East, Building 6, Room B 318, Charleston, West Virginia 25305-0330~~, not later than 10:00 a.m., July 1 of the adoption year ~~(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 State Superintendent of Schools for West Virginia 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). (Form M Warranty must be 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 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 multimedia ~~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.~~

C.D. The same types of appropriate locations (as above in item "BC") 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 (~~current Group inserted~~) shall be made by the ~~West Virginia Board of Education WVBE~~ WVBE ~~on October~~ (~~current day/year inserted~~). 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 ~~West Virginia Board of Education WVBE~~ 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 ~~International Standard Book Number (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 ~~West Virginia Board of Education~~

WVBE the bids submitted hereunder shall be clearly designated by the applicable ~~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. * (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 in a paper form. The bid templates and examples shall be downloaded from the West Virginia Department of Education website at <http://wvde.state.wv.us/materials>. Alternatively, vendors may request that the forms be sent to them via email.

~~*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:

_____ Received _____ by:

Authorized Signature

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

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)

Items To Be Listed and Included on Bids

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:

Received by:

Authorized Signature

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

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

(Sample Page)

**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)

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

**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.

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)

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

Title/Type (Mandatory)	Item and Appropriate Hardware (List Hardware) Minimum Hardware Requirement	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	
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 videodisc player monitor	Mae Computer None videodisc player monitor Mae Computer None
5.	HELPING SUE LEARN text/videotape	VCR & monitor videotape Student Text Teacher's Manual



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.)

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

INSTRUCTIONAL MATERIALS AND LEARNING TECHNOLOGIES
 (List all components by title and type. See examples on sample page.)

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

**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).

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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 LONG-RANGE

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

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

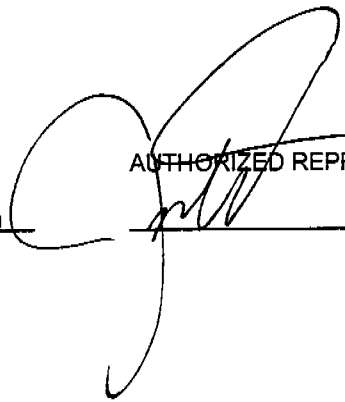
This legislative rule establishes the procedures for notifying publishers of upcoming "textbook" (instructional materials) adoptions and gives instructions for submitting bids.

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

_____ West Virginia Department of Education _____



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POLICY 2445.41: "Textbook" Adoption: Notice, Request, and Instructions to Publishers

COMMENT PERIOD ENDS: December 15, 2006

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2445.41: ("TEXTBOOK" ADOPTION: NOTICE, REQUEST, AND INSTRUCTIONS TO PUBLISHERS). Additional sheets may be attached, if necessary.

Name : _____ Organization: _____

Title: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

COMMENTS/SUGGESTIONS

§126-36-1. General.

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§126-36-2. Purpose.

§126-36-3. Definition.

§126-36-4. Applicability.

§126-36-5. Guidelines.

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

§126-36-7. State Requirements.

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

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

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

Please direct all comments to:

Dan Blackwood, Coordinator, Instructional Materials
Office of Instruction
West Virginia Department of Education
Capitol Building 6, Room 221
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: dblackwo@access.k12.wv.us
Fax No.: (304) 558-3946.