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581-011-0090 Assessment of Submission Fees

The following provisions shall govern the payment and collection of submission fees required of publishers who submit instructional materials for adoption. These rules are established pursuant to ORS 337.065.

(1) The fee, the retail price or $50 whichever is greater, will be levied for each title or item of instructional material which is submitted by the publisher for review and possible adoption by the State Board of Education. An "item of instructional material" as used in this subsection is a component, set or kit of instructional materials packaged and sold as a unit. The publisher will indicate on the submission forms and the official proposal forms furnished by the Department of Education only the item(s) proposed for adoption.

(2) No fee will be required for teacher's editions of instructional materials which contain the same textual material as students' content for teacher use even though they may be evaluated in conjunction with the basic instructional program to support its strength. However, in those instances in which a teacher's guide in itself constitutes the basic program, the fee will be charged.

(3) An item of instructional material which is submitted in multiple forms (e.g., hardback, softback, electronic, loose-leaf or broken into several parts which are produced as separate units -- unless these parts are submitted for adoption at separate grade levels) which contain the same content and are evaluated essentially as one item will be assessed only one fee for the most costly format. If the materials are submitted as a set or kit for a continuous sequence of grades, a separate fee will be charged for each grade encompassed. If an item of instructional material is submitted in more than one category, a separate submission form and official proposal form must be completed for each category. A separate fee will be assessed for each category.

(4) Official forms for submission of instructional materials by publishing companies for consideration for adoption shall carry instructions and provide columns for entering the retail price and the fee to be paid for each item. Such fees will be checked for accuracy by the Department of Education on receipt of the forms, and the company will be billed for the amount due. The publisher's materials are approved for evaluation for adoption upon receipt of the correct fee. No fees will be refunded once the evaluation has been completed except in cases of fees miscalculation.

(5)(a) The Department of Education may waive the fee described in subsection (1) of this rule for an item of instructional material if the item is:

(A) A teaching and learning resource that resides in the public domain or that has been released under an intellectual property license that permits the free use and/or repurposing by others of the title or item;

(B) A basal instructional program as defined in OAR 581-011-0050; and

(C) Submitted in the format described in paragraph (A) of this subsection.

(b) The Department of Education may determine the number of waivers each year, no later than 90 days prior to the evaluation, based on the annual fee assessment.

(c) The submitter of instructional materials must request a waiver using forms provided by the Department of Education.

(d) The Department of Education shall prioritize waiver requests for materials described in subsection (5)(a) and for materials created by Oregon educators and school districts.