**581-011-0050**

## Generally

1. For purposes of rules adopted by the State Board of Education and for policies established by the Oregon Department of Education,
	1. “instructional material” means any organized system, which constitutes the major instructional vehicle for a given course of study, or any part thereof.
	2. “Open Educational Resources (OER)” are defined as teaching and learning resources that reside in the public domain or have been released under an intellectual property license that permits the free use and repurposing by others.
	3. “Publisher” and/or “supplier” are defined as any person or entity that publishes, manufactures, or distributes instructional materials intended for use in K-12 classrooms.
2. Only basal instructional programs may be adopted by the State Board of Education. A major

instructional vehicle may include such instructional materials as a hardbound or a softbound book or

books, or sets or kits of print and non-print materials, including electronic and internet or web-based

materials or media.

1. Instructional materials cannot include free or gratis equipment such as computer hardware,

technology devices or equipment, which are intended to deliver or display the material but which are

not instructional materials. This includes but is not limited to computers, laptops, handheld devices,

microscopes, CD/DVD players, overhead or LCD projectors, electronic whiteboards,

phone/music/transmitting and listening devices, and cameras.(4) Contract, review, and evaluation process involving digital, electronic, or web-based materials and media shall be the same as print materials.

Stat. Auth.: ORS 337.035

Stats. Implemented: ORS 337.035

Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; ODE 10-2001, f. & cert. ef. 5-15-01; ODE 28-2001, f. & cert. ef. 12-

20-01; ODE 13-2007, f. 4-25-07, cert. ef. 4-27-07; ODE 3-2009, f. & cert. ef. 6-29-09

**581-011-0052**

## Accessible Instructional Materials Required

(1) As part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, the Department of Education shall enter into a written contract with the publisher of the print instructional materials to require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center (NIMAC) electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard (NIMAS).

1. For items of instructional materials that are digital only or include digital components, including open educational resources, the publisher shall conform to the following digital accessibility standards:
	1. Properly formatted headings to structure content;

(b) Use proper markup rather than indentations or images to format lists; (c) Use meaningful text to describe the link when hyperlinking;

1. When using tables, use proper column and row headers, and ensure a proper reading order for those using screen readers;
2. Use sufficient color contrast and do not rely on color alone to convey meaning; (f) Provide alternative (alt) text descriptions for images;

(g) Ensure videos have closed captioning (CC) and a transcript; (h) Design for varying levels of background knowledge; and

(i) Design for equitable representation: language, culture, race/ethnicity, gender, sexual orientation, and disability.

(3) Materials shall be accessible consistent with OAR 581-015-2060, 581-022-2355, 581-022-2350, 581- 022-2360 and compliant with all state or federal laws regarding accessibility.Stat. Auth.: ORS 337.035 Stats. Implemented: ORS 337.035

Hist.: ODE 13-2007, f. 4-25-07, cert. ef. 4-27-07; ODE 3-2009, f. & cert. ef. 6-29-09

**581-011-0055**

## Guidelines for the Selection of Instructional Materials Criteria Committees

1. Instructional materials criteria committees shall be appointed by and work under the supervision of the Oregon Department of Education.
2. A criteria committee in each subject area for which state adoptions are planned shall be appointed the year preceding a state adoption. The committee shall recommend categories and draft criteria to be used in evaluating the instructional materials submitted for basal consideration.
3. Committees shall conduct committee work in time to present the final draft of the criteria to the State Board of Education by the Board's January meeting in the year of the adoption.
4. Each committee shall be chaired by the Department of Education specialist in the particular subject area for which criteria are being developed. In the event that there is not a staff specialist in a particular subject field, the Department shall obtain a specialist to serve as chair.
5. Each committee shall include no less than five members selected from among Oregon classroom teachers, curriculum specialists, and others having experience and expertise in the subject area under consideration.

(6) Travel, lodging, and meal expenses for committee meetings are to be reimbursed in accordance with state policy from review fees collected by the Department of Education from publishers.

Stat. Auth.: ORS 337.035

Stats. Implemented: ORS 337.035

Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 1-1992, f. & cert. ef. 2-21-92; EB 5-

1996, f. & cert. ef. 3-29-96; ODE 3-2009, f. & cert. ef. 6-29-09

**581-011-0060**

## Guidelines for Criteria Development by Committees

Criteria committees shall develop criteria which provide assistance for judgmental determination by evaluation committees and the State Board of Education. These criteria shall include, but not be limited to, the major concepts of the Core Academic Content Standards and Essential Skills established by the State Board of Education for Oregon schools; the criteria shall require instructional materials to provide fair treatment of all people and reflect our multicultural society.

Stat. Auth.: ORS 337

Stats. Implemented: ORS 337.035

Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 1-1992, f. & cert. ef. 2-21-92; ODE 3-

2009, f. & cert. ef. 6-29-09

**581-011-0065**

## Approval of Criteria for Evaluation of Instructional Materials

1. Criteria Committees, under the direction of the Department of Education staff, shall develop criteria to be submitted to the State Board of Education in the fall of the year preceding the adoption year.
2. The State Board of Education shall review the criteria which will be used in the evaluation of instructional materials submitted for adoption. The Board will adopt the criteria no later than its January meeting in the adoption year.

Stat. Auth.: ORS 337.030, 337.035, 337.060, 337.065, 337.075 & 337.260

Stats. Implemented: ORS 337.035

Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 21-1992, f. & cert. ef. 6-23-92; EB 5- 1996, f. & cert. ef. 3-29-96; ODE 10-2001, f. & cert. ef. 5-15-01; ODE 3-2009, f. & cert. ef. 6-29-09

**581-011-0066**

## Appointment of Committees to Evaluate Instructional Materials for State Adoption

(1) ORS 337.050 requires the State Board of Education to adopt a list of instructional materials for each grade and subject field in the standard curriculum for which, in its judgment, such materials are required.

1. The Board, therefore, directs that educators who are knowledgeable of the grade level and subject area of materials to be reviewed be appointed to committees to evaluate instructional materials submitted by publishers, and delegates to the Superintendent of Public Instruction the responsibility for appointment of such committees. No fewer than three-fourths of the membership of each committee shall be comprised of classroom teachers currently employed in Oregon public schools.
2. The committee membership should reflect the size and geographic diversity of school districts throughout Oregon as well as the racial and ethnic diversity of Oregon students and teachers. The committee members shall be chosen from a pool of names solicited from local districts, educational service districts, and other interested organizations including appropriate subject matter professional organizations.
3. The committees shall determine the degree to which the submitted materials meet the Board's criteria as adopted under OAR 581-011-0065. Based on the scores received, the Department of Education will present to the Board a recommended list of basal instructional materials for adoption.
4. The rosters of committee appointees will be available from the Department of Education.

Stat. Auth.: ORS 337.050

Stats. Implemented: ORS 337.035

Hist.: EB 5-1993, f. & cert. ef. 2-11-93; EB 5-1996, f. & cert. ef. 3-29-96; ODE 3-2009, f. & cert. ef. 6-29-09

**581-011-0067**

**Compensation for Evaluators of Submitted Instructional Materials**

1. OAR 581-011-0066 provides for appointment of committees whose task is to evaluate submitted basal instructional materials.
2. Committee members are to receive meal and travel (and lodging where appropriate) reimbursement in accordance with state policies for expenses incurred in attending evaluation sessions at the state level.
3. In addition, an honorarium is to be given each participant who completes all the duties assigned including attending the training sessions, attending the presentations, working on the evaluations, completing the criteria checklists and comment sheets, and participating in any assigned committee meetings for drafting annotations for the adopted list or selecting the list of materials to be recommended to the Board. The honorarium is to be determined based on current Department of Education fees paid for similar tasks.

Stat. Auth.: ORS 337.050

Stats. Implemented: ORS 337.035

Hist.: EB 16-1993, f. & cert. ef. 4-30-93; EB 5-1996, f. & cert. ef. 3-29-96; ODE 3-2009, f. & cert. ef. 6-29- 09

**581-011-0070**

**Adoption Period for Instructional Materials**

1. The State Board of Education shall adopt instructional materials by rule prior to October 31 each year.
2. The adoption period consists of the seven-year period following adoption of an instructional materials list by the State Board of Education in accordance with the provisions of ORS 337.050.

Stat. Auth.: ORS 337.050

Stats. Implemented: ORS 337.035, 337.050 & 337.055

Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 5-1996, f. & cert. ef. 3-29-96; ODE 8-

1998, f. & cert. ef. 6-23-98; ODE 3-2009, f. & cert. ef. 6-29-09

**581-011-0071**

## Instructional Materials Adopted by the State Board of Education

1. The State Board of Education shall adopt a list of basal instructional materials annually in the subject matter cycle adopted by the Board according to the criteria adopted by the Board under OAR 581-011- 0117.
2. The Subject Matter Cycle is the State instructional materials list adoption schedule adopted by the Board as required by ORS 337.035. Pursuant to 337.120, district school boards shall adopt instructional materials for each grade and subject field for which instruction is provided by the district from the approved list except as otherwise provided by 337.141 (Independent Adoption using the State Criteria). As stated in 337.120 and OAR 581-022-1650, a district school board may also postpone adoption for up to two years.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 337.141

Stats. Implemented: ORS 337.050

Hist.: 1EB 1-1983, f. 2-14-83, ef. 2-15-83; 1EB 6-1983, f. 5-10-83, ef. 5-11-83; 1EB 12-1983, f. & ef. 11-3-

83; 1EB 1-1984, f. & ef. 1-20-84; 1EB 9-1984, f. & ef. 4-13-84; EB 1-1989, f. & cert. ef. 1-23-89; EB 14-

1989, f. & cert. ef. 4-19-89; ED 1-1990, f. & cert. ef. 1-19-90; EB 14-1994, f. & cert. ef. 10-3-94; EB 17-

1994, f. & cert. ef. 12-15-94; ODE 23-2007, f. & cert. ef. 10-26-07; ODE 3-2009, f. & cert. ef. 6-29-09

**581-011-0075**

## Proposal (BID) Forms

(1) Instructional materials proposals submitted by publishers must be on forms supplied by the Department of Education. A separate continuation sheet must be used for each subject category on which a proposal is submitted. Proposal forms will be provided by the Department of Education.

Samples submitted and specifications set forth in the proposals shall conform exactly with the instructional materials, which the publisher will be able to deliver.

1. The continuation sheets shall specify the subject, category, and publisher name and shall list the author and exact title of each item of instructional material (including series title, if any), grade level, date of copyrights and prices. Each continuation sheet shall also contain the following explanation of terms which are considered a part of the proposal:
	1. The wholesale (volume discount) price at depository is the price at which the instructional materials will be furnished to the State Board of Education and to school districts at the wholesale depository, or wholesale depositories, maintained in the state;
	2. The retail price (list price) is the price at which the instructional materials will be furnished to the general public;
	3. The publisher’s wholesale price is the price at which the instructional materials will be furnished to the Department of Education, viewing sites, and to school districts f.o.b.;
	4. On both the proposal and contract the wholesale at publisher price and the wholesale at depository price shall be the same thus requiring the publisher to pay the freight to transport the contracted materials to the Oregon depository.
	5. According to ORS 337.060 a publisher or other supplier who submits a proposal under 337.060 is required to pay a fee equal to the retail price expended by a school district during the length of the contract period, or $50, whichever is greater, for each title or item of instructional material proposed by the publishers or supplier for review and adoption by the Board. Bid proposals must include available retail price structures such as per-student, per-computer, subscription and other unit price structures and may include models where the cost is divided over multiple years and paid annually (as opposed to

a single payment). Bid proposal fees are payable prior to consideration of the proposal.

(3) For open educational resources, the continuation sheets shall specify the subject, category, and publisher name and shall list the author and exact title of each item of instructional materials including version numbers/date, grade level, date of licensing, and prices. For open educational resources submitted in their $0 cost, prices must be listed on the continuation sheet as $0.

(4) The bid forms shall contain such other information and requirements as the Department of Education determines are necessary.

Stat. Auth.: ORS 337.030, 337.035, 337.060, 337.065, 337.075 & 337.260

Stats. Implemented: ORS 337.060

Hist.: 1EB 215, f. 1-19-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 21-1992, f. & cert. ef. 6-23-92; ODE 3-

2009, f. & cert. ef. 6-29-09

**581-011-0080**

## Contract Forms and Authority

1. The State Board of Education delegates to the Superintendent of Public Instruction the authority to enter into contracts with publishers.
2. The contract entered into by the superintendent with publishers whose instructional materials have been adopted by the Board shall be on a form furnished by the Department of Education. The contract shall require the publisher to maintain at least one depository to be designated by the superintendent, where such instructional materials may be purchased, and to furnish such instructional materials according to law and the conditions named in the proposal. The contract shall contain such other information and requirements as the Department of Education determines are necessary.
3. The Board authorizes the Department to collect a bond or an irrevocable letter of credit up to

$10,000 from a publisher. The Department may collect a lower bond amount when the following conditions are met:

* 1. The materials under contract are Open Educational Resources as defined under OAR 581-011-0050; and
	2. Are submitted for review in their free ($0 cost to obtain content) format.

**Deleted:** (a)

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**Deleted:** B

(4) Materials that comply with the interoperability standards can be considered for adoption according to ORS 337.075.

**Deleted:** (a)

**Deleted:** A

**Deleted:** B

**Deleted:** (b) As used in this subsection, “Open Educational Resources (OER)” are defined as teaching and learning resources that reside in the public domain or have been released under an open license that permits their free use and re-purposing by others.

**Deleted:** 5

**Deleted:** (a)

**Deleted:** A

**Deleted:** B

(5) In accordance with ORS 337.090, if any publisher fails to carry out the provisions of the contract or with the intent to evade the provisions of the contract, sells any of the materials in this state at prices higher than specified in the contract of the publisher, the Board may, on behalf of the state, rescind the contract and notify the publisher thereof, or bring the appropriate action or suit to enforce the

 provisions of the publisher’s bond or letter of credit, payable to the State of Oregon for the benefit of the Common School Fund.

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**Deleted:** B

**Moved (insertion) [7]**

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**Deleted:** (a)

**Deleted:** A

**Deleted:** B

Stat. Auth.: ORS 337.030, 337.035, 337.060, 337.065, 337.075 & 337.260

Stats. Implemented: ORS 337.090

Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; 1EB 2-1978, f. & ef. 1-20-78; 1EB 1-1984, f. & ef. 1-20-84; EB 21-1992, f. & cert. ef. 6-23-92; ODE 3-2009, f. & cert. ef. 6-29-09; ODE 40-2016, f. &

cert. ef. 7-18-16

**581-011-0086**

## Substitutions of New Editions or Versions of State-Adopted Instructional Materials

**Deleted:** (a)

**Deleted:** A

**Deleted:** B

**Moved (insertion) [4]**

**Deleted:** (5) Materials that comply with the interoperability standards can be considered for adoption according to ORS 337.075.¶

1. The State Board of Education may approve the request of a publisher to substitute a more recent edition of any officially adopted instructional material.
2. In order to meet the qualifications for approval, a new edition of a state-adopted material must:
	1. Be submitted by the publisher to the State Superintendent of Public Instruction, Department of Education, with a letter of request indicating the category of the adopted edition, title, author, copyright and publication dates of substitution edition, and copyright and publication dates of adopted edition. The publisher must state that the materials will be supplied to Oregon schools at the contract price of the originally adopted edition. A list of the nature of the changes between the two editions must be enclosed with the letter.
	2. Be supplied in addition to, rather than in place of, the adopted edition. School districts cannot be required to use a substituted edition or version of a state-adopted material; both editions must be available for distribution in the state. However, in the event the substitution contains only minor copyright revisions or revisions that ensure they are current and accurate, the Board may determine that it is not necessary for the originally adopted edition to be available for distribution.
	3. Be compatible with the previous edition or version in pagination, illustrations, content, etc., to the degree that the materials may be easily used interchangeably in the classroom.
3. Publishers may provide updates to digital, electronic, or web-based materials and media, and open educational resources without prior approval from the State Board of Education. The publisher shall notify the Department of Education of any updates, if any of the following qualifications are met:
	1. Software updates that improve functionality, performance, or accuracy. (b) Open educational resource updates that correct typographical error or errors of fact.
4. Updates or changes made to instructional materials shall not in any way result in a change in how it conforms to the guidelines and criteria adopted by the State Board of Education.
5. New and revised editions or versions must be sold at the same or lower price as those previously approved.

Stat. Auth.: ORS 337.050(2) & 337.141

Stats. Implemented: ORS 337.050

Hist.: EB 30-1991, f. & cert. ef. 12-18-91; EB 5-1996, f. & cert. ef. 3-29-96; ODE 3-2009, f. & cert. ef. 6-29- 09

 **(Repealed) 581-011-0090 Assessment of Submission Fees**

**Moved (insertion) [2]**

**Deleted:** As stated in OAR 581-011-0086, the State Board of Education must approve the request of a p

**Deleted:** to substitute a more recent edition or version of any officially adopted material. However,

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**Deleted:** are allowed if approved by the Department of Education.

**Moved up [1]:** (2) Contract, review, and evaluation process involving digital, electronic, or web-based materials and media shall be the same as print materials.¶

**Moved up [2]:** (3) As stated in OAR 581-011-0086, the State Board of Education must approve the request of a publisher to substitute a more recent edition or version of any officially adopted material. However, software updates that improve functionality, performance, or accuracy are allowed if approved by the Department of Education. New and revised editions or versions must be sold at the same or lower price as those previously approved.¶

**Moved up [3]:** (4) According to ORS 337.060 a publisher or other supplier who submits a proposal under 337.060 is required to pay a fee equal to the retail price expended by a school district during the length of the contract period, or $50, whichever is greater, for each title or item of instructional material proposed by the publishers or supplier for review and adoption by the Board. Bid proposals must include available retail price structures such as per-student, per- computer, subscription and other unit price structures and may include models where the cost is divided over multiple years and paid annually (as opposed to a single payment). Bid proposal fees are payable prior to consideration of the proposal.¶

**Moved up [4]:** (5) Materials that comply with the interoperability standards can be considered for adoption according to ORS 337.075.¶

**Moved up [5]:** (6) Materials shall be accessible consistent with OAR 581-015-2060, 581-022-1640, 581-022-1622, 581-022-1650,

581-011-0052 and compliant with all state or federal laws regarding accessibility.¶

**Deleted: 581-011-0087**

**Moved up [6]:** (7) Materials cannot include free or gratis equipment such as computer hardware, technology devices or equipment, which are intended to deliver or display the material but which are not instructional materials. This includes but is not limited to computers, laptops, handheld devices, microscopes, CD/DVD players, overhead or LCD projectors, electronic whiteboards, phone/music/transmitting and listening devices, and cameras.¶

**Moved up [7]:** (8) In accordance with ORS 337.090, if any publisher fails to carry out the provisions of the contract or with the intent to evade the provisions of the contract, sells any of the materials in this state at prices higher than specified in the contract of the publisher, the Board may, on behalf of the state, rescind the contract and notify the publisher thereof, or bring the appropriate action or suit to enforce the provisions of the publisher’s bond or

**Deleted:** ¶

**Digital, Electronic, or Web-based Materials and Media**¶

**Deleted:** Stat. Auth.: ORS 337.035 Stats. Implemented: ORS 337.035

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. A publisher submitting an item of instructional material meeting the definition of open educational resource, as defined under OAR 581-011-0050, may request a waiver of the submission fee with forms supplied by the Department of Education, as allowed under ORS 337.065(3). The process for requesting a fee waiver is described under OAR 581-011-00XX.
3. 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.
4. 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.

1. 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.

Stat. Auth.: ORS 337.030, 337.035, 337.060, 337.065, 337.075 & 337.260

Stats. Implemented: ORS 337.065

Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 21-1992, f. & cert. ef. 6-23-92; EB 5-

1996, f. & cert. ef. 3-29-96; ODE 3-2009, f. & cert. ef. 6-29-09

**581-011-0095**

## Submission of Instructional Materials

The following rules are in effect between publishers and their representatives and members of the State Board of Education:

1. No materials may be considered by the Board unless delivered at least 60 days prior to the adoption date.
2. All publishers are required to prepare summaries which include documentation and analysis on their submitted instructional materials showing how they conform to the criteria adopted by the State Board of Education for the review and selection of instructional materials. Forms for preparing such summaries are available from the Department of Education. Completed summaries must be submitted to appropriate evaluation committee members and Department of Education staff as directed by the Department of Education.

Stat. Auth.: ORS 337.030, 337.035, 337.060, 337.065, 337.075 & 337.260

Stats. Implemented: ORS 337.065

Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; EB 21-1992, f. & cert. ef. 6-23-92; ODE 3-

2009, f. & cert. ef. 6-29-09

**581-011-0114**

## Instructional Materials Caravan

1. The Oregon Department of Education, in cooperation with Education Service Districts and School Districts throughout the state, may conduct an Instructional Materials Caravan.
	1. Publishers or suppliers whose materials were adopted by the State Board of Education in the Subject Matter Cycle may participate in the Caravan.
	2. The Department may require publishers to pay a fee to participate in the caravan in addition to the bid submission fee charged for review according to ORS 337.065.
2. Publishers shall follow the guidelines of the caravan as established by the Department of Education.
	1. Only Board adopted materials are to be presented, shown, or included in the Caravan.
	2. Pupil editions, teacher editions (samplers included) and ancillaries, in any form can be reviewed by attendees but must be returned at the end of the presentation. No gifts, food items, gadgets, “doohickeys” or sample materials which include media are to be given to participants attending the presentations.
	3. Pamphlets, brochures, catalogues, or two page reports describing the adopted program may be distributed including correlations to the Oregon Standards. Publisher representatives may attach business cards to these items but no personal contact information is to be gathered from caravan participants.
3. Publishers may not participate in any other events involving caravan participants during the caravan period.
4. Violations of caravan guidelines may result in a publisher being removed from the caravan.

Stat. Auth.: ORS 337.035

Stats. Implemented: ORS 337.035 Hist.: ODE 3-2009, f. & cert. ef. 6-29-09

**581-011-0117**

## Criteria for the Selection and Adoption of Instructional Materials

The State Board of Education shall adopt basal instructional materials criteria annually in the subject matter cycle adopted by the Board and described in OAR 581-011-0071.

Stat. Auth.: ORS 337.035

Stats. Implemented: ORS 337.035

Hist.: 1EB 3-1982, f. & ef. 1-26-82; EB 31-1987, f. & ef. 12-10-87; EB 1-1994, f. & cert. ef. 2-4-94; EB 3- 1995, f. & cert. ef. 1-24-95; EB 1-1996, f. & cert. ef. 1-29-96; ODE 3-2009, f. & cert. ef. 6-29-09

**Suggested #: 0090-0095**

581-011-00XX

Fee Waiver of Submission Fees

The following provisions shall govern the fee waiver process for open educational resources (OER) submitted as instructional materials for adoption. These rules are established pursuant to ORS 337.065

1. In order to meet the qualifications for fee waiver, the publisher or supplier must:
	1. Submit an official request on forms supplied by the Department of Education by March 1 each adoption year.
	2. Agree to adhere to the same process as other instructional materials submitted to the adoption process.
2. The Department of Education will determine which OER submission(s) will be given the fee waiver. In order to be eligible for a fee waiver, publishers and/or suppliers must meet the following minimum criteria:

a. Digital accessibility standards; b. Basal instructional programs;

1. Submit only instructional materials that are open educational resources as defined

under OAR 581-011-0050 in their free (no cost to obtain content) format. The submission may not contain any items that have a monetary cost.;

1. 1 iteration (defined as the process of revising an OER that has been used with students as the basal material during the academic year where changes and improvements are made to the OER based on the feedback collected from teachers and students using the materials in the classroom setting); and
2. Other minimum criteria identified by the Department.
3. The Department shall determine the number of fee waivers that can be given in a particular adoption year. With a limited number of fee waivers, the Department shall prioritize requests for fee waiver as follows:
	1. Requests from publishers and/or suppliers within the public school system in Oregon whose OER submission has gone through 2 iterations will be given first priority.
	2. Requests from publishers and/or suppliers within the public school system in Oregon whose OER submission has gone through 1 iteration will be given second priority.
	3. Requests from publishers and/or suppliers within a public school system outside of Oregon whose OER submission has gone through 1 iteration will be given third priority.
	4. Requests from publishers and/or suppliers outside the public school system whose OER submission has gone through 2 iterations will be given fourth priority.
	5. Requests from publishers and/or suppliers outside the public school system whose OER submission has gone through 1 iteration will be given fifth priority.
4. The Deputy Superintendent of Public Instruction shall approve of a list of publishers and/or suppliers receiving the fee waiver by April 30 each adoption year.

Stat. Auth.: ORS 337.065

Stats. Implemented: ORS 337.065

His.: