

INSTRUCTIONAL MATERIALS ADOPTION APPEAL PROCESS FOR VENDORS

PURPOSE

The appeals process is a procedure by which a vendor having grievances stemming from the West Virginia instructional materials adoption process may have a hearing of these grievances. This appeal filing process outlines procedures to be followed.

The West Virginia Instructional Materials Adoption Committee conducts official hearings for all instructional materials submitted for bid by vendors. The hearing provides an open forum for the West Virginia Instructional Materials Advisory Committee to receive instructional material presentations conducted by vendors and their respective consultants. The intent of the hearing is to provide vendors an opportunity to address concerns of the Committee regarding instructional materials, bids, and other items to be considered for inclusion on the Official State Multiple List of Instructional Materials recommended to the State Superintendent of Schools for consideration by the West Virginia Board of Education.

DEFINITIONS

1. Appeal - The procedure whereby a vendor contests the findings and decisions of the West Virginia Instructional Materials Adoption Committee by requesting that the State Superintendent of Schools conduct a review of the findings and recommendations of the West Virginia Instructional Materials Advisory Committee.
2. Appeal Bases - A vendor may base an appeal on any of the following errors the West Virginia Instructional Materials Advisory Committee is alleged to have made during the hearing and/or evaluation meetings.
 - a. Hearing Meetings - The vendor contends that errors in communications and discussions during the hearing meeting occurred between the West Virginia Instructional Materials Advisory Committee and the vendor or the vendor's representative.
 - b. Evaluation Meeting - The vendor contends that errors in data collection, interpretations of data, conclusions and/or recommendations by the West Virginia Instructional Materials Advisory Committee resulted in the West Virginia Instructional Materials Advisory Committee's recommendation to exclude the vendor's instructional materials from the Official State Multiple List of Instructional Materials.
3. First Level: Appeal to Advisory Committee - Upon receiving notification from the State Superintendent of Schools that a vendor has filed an appeal warranting a hearing, the Advisory Committee of the West Virginia Instructional Materials Adoption Committee will convene to review the appeal relative to the Appeal Bases and to provide a recommendation to the State Superintendent of Schools.

4. Second Level: Appeal Board - A three member board, appointed by the State Superintendent of Schools, establishes the process for investigating appeals by vendors relative to the actions of the West Virginia Instructional Materials Adoption Committee and its Advisory Committee. The Appeal Board shall consist of three members, which include the following:
 - a former member of the West Virginia Instructional Materials Advisory Committee,
 - a public school teacher or administrator, and
 - a staff member of the West Virginia Department of Education, exclusive of the Division of Instructional and Student Services.
5. Criteria for the Adoption of Instructional Materials - The School Laws of West Virginia and policies of the West Virginia Board of Education related to instructional materials provide the criteria for state level adoption of instructional materials.

APPEAL PROCEDURE

1. Submitting an Appeal
 - a. The decision of the West Virginia Instructional Materials Advisory Committee to exclude a vendor's instructional materials, bid or any accompanying materials from the Official State Multiple List of Instructional Materials will be transmitted by phone and mailed to the vendor by the West Virginia Department of Education.
 - b. A vendor wishing to contest the decision to exclude the instructional materials from the Official State Multiple List of Instructional Materials may file a letter of appeal requesting an appeal hearing.
 - c. The letter of appeal will be sent by the vendor via certified mail or hand carried to the office of State Superintendent of Schools.
 - d. The letter of appeal must be received by the State Superintendent of Schools within ten working days of the notice to exclude the vendor's materials from the Official State Multiple List of Instructional Materials.
 - e. Failure to file an appeal within the ten working days of the notification to exclude the vendor's instructional materials shall be considered a forfeiture of the right to appeal.
2. Appeal Format - A vendor will identify in writing to the State Superintendent of Schools each condition relative to the Appeal Bases upon which the appeal is based. The vendor will provide evidence to support contentions relative to the Appeal Bases.
3. The Initiation of the Appeal - The State Superintendent of Schools will receive the vendor's request for an appeal hearing and will accept or reject the request not later than five working days following the receipt of the appeal.

4. Appeals Based Upon Hearing and Evaluation Meetings

- a. The State Superintendent of Schools will inform the Division of Instructional and Student Services that an investigation is required.
- b. The Division of Instructional and Student Services will assist the Advisory Committee of the West Virginia Instructional Materials Adoption Committee in a review of the appeal.
- c. The results of the review will be submitted to the State Superintendent of Schools for consideration.
- d. The Superintendent will accept or reject the recommendation of the Advisory Committee and refer the appeal to an Appeal Board.
- e. The results of the findings of the Advisory Committee of the West Virginia Instructional Materials Adoption Committee or the Appeal Board will be submitted to the State Superintendent of Schools for a recommendation to the West Virginia Board of Education.
- f. The decision of the West Virginia Board of Education will be reported to the vendor and the West Virginia Instructional Materials Adoption Committee.

The Appeals Procedure, once initiated by a vendor, is to be conducted in a reasonable time frame so that the final decision regarding the appeal will be rendered before the presentation of the State Superintendent's recommendation of the Official State Multiple List of Instructional Materials to the West Virginia Board of Education.

5. The Letter of Appeal

The Letter of Appeal will include at least the following information:

- Name of vendor,
- Mailing address/zip code of vendor,
- Telephone of vendor,
- Specification of the instructional materials being appealed, and
- Specification of alleged errors related to Appeal Bases and supporting data.

6. Notification Not To List - The Division of Instructional and Student Services will notify the vendor by telephone and certified letter of the West Virginia Instructional Materials Adoption Committee's intent to exclude the instructional materials of a vendor from the Official State Multiple List of Instructional Materials. The reasons for the exclusion of the instructional materials will be communicated to the vendor.
7. Communications - The Division of Instructional and Student Services is responsible for keeping all parties informed and maintaining records regarding the various stages of the appeal process.