WEST VIRGINIA CODE: §18-2A-10

§18-2A-10. Transition to system of instructional resources adoption at county board level.

(a) The purpose of this section is to provide for a transition to the county board level of the process for review and adoption of instructional resources required to be used in the schools under the jurisdiction of the county board. Notwithstanding any other provision of this article to the contrary, for instructional resources adopted by a county board for use in the school year beginning July 1, 2019, and successive school years, the provisions of sections one, two, three, four, five, six, seven and eight of this article are repealed to the extent that they are in conflict with the provisions of this section: Provided, That nothing in this section limits or prevents a county board from adopting instructional resources approved and included on the state multiple list under those provisions for the duration of the adoption cycle if they choose to do so.

(b) As used in this section, "instructional resources" means print materials, electronic resources and systems, or combinations of such instructional resources which convey information to a student that covers no less than eighty percent the required content and skills approved by the state board for subjects taught in the public schools of the state.

(c) The state board shall set by rule an adoption cycle for instructional resources.

(d) Any person, firm or corporation desiring to offer instructional resources for use by students in the public schools of West Virginia shall, before the instructional resources may be adopted and purchased by any county board, file with the state superintendent, on or before January 1 of each year, a statement containing and verifying the following information:

(1) The instructional resources to be offered for purchase meet the non-negotiable evaluation criteria established by the state board;

(2) The instructional resources to be offered for purchase by the vendor covers no less than eighty percent of the required content and skills for the subject as approved by the state board;

(3) The list wholesale price to county boards in West Virginia for the specified instructional resource will be no more than the lowest list wholesale price available to school districts in any other state; and

(4) The list wholesale price filed for any specified number of electronic files for any print instructional resources the publisher offers with the print instructional resources does not exceed the list wholesale price for the same number of the printed version of the print

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instructional resources.

(e) The state board shall annually provide to all county boards of education a list of all vendors that have provided a statement in accordance with subsection (d) of this section.

(f) A county board may not adopt or cause to be used in the public schools any instructional resource unless the person, firm or corporation offering the instructional resource for adoption or use has complied with this section, except for the adoption of instructional resources approved and included on the state multiple list as provided in subsection (a) of this section.

(g) If a person, firm or corporation files a statement under subsection (d) of this section and fails or refuses to furnish the instructional resources to any county board in accordance with the terms provided in the statement, the board at once shall notify the state superintendent of the failure or refusal. If the state superintendent finds the failure or refusal to be true, the state superintendent shall disqualify the person, firm or corporation and notify each county board that its instructional resources may not thereafter be adopted and purchased by any county board until the person, firm or corporation is requalified.

(h) This section does not apply to the purchase of supplementary instructional resources, including, but not limited to, reading books, library books, reference books, or any other books. These supplementary instructional resources shall be ordered, received, examined, and paid for in the same manner and by the same persons as other supplies and equipment.

(i) Each county board shall furnish, free of charge, the necessary instructional resources to the students attending the public schools in that county. A county board that chooses to furnish electronic instructional resources to its students shall provide reasonable access to the electronic resources and necessary computer equipment to students required to complete homework assignments that require using the resources and equipment and to teachers providing these homework assignments. All instructional resources furnished as provided in this section shall be the property of the county board and loaned to students on terms as each board prescribes.

(j) Every county board shall adopt a policy regarding the adoption of instructional resources which shall include, at a minimum, the following:

(1) The process for reviewing instructional resources to ensure the resources meet the non-negotiable requirements established by the state board and cover no less than eighty percent of the required content and skills for a subject as approved by the state board: Provided, That a county board may rely on an instructional material review completed by the state department of education to fulfill this requirement;

(2) The composition, duties and responsibilities of the county's instructional resource review committee;

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(3) The process for recommending instructional resources that are proposed for adoption;

(4) At a properly noticed meeting, the county board shall determine by a majority vote of all members elected which instructional resources shall be required in the schools under its control; and

(5) The county board shall provide an annual report of the instructional resources adopted to the state board of education.

(k) A board of education member or employee may not act as sales agent, either directly or indirectly, for any person, firm, or corporation that files an instructional resources statement with the state superintendent.

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