

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941



ENROLLED

COMMITTEE SUBSTITUTE FOR
HOUSE BILL No. 99

Originating in the Committee On
(By Mr. Education)



PASSED March 8, 1941

In Effect July 1, 1941 Passage

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COMMITTEE SUBSTITUTE FOR

House Bill No. 99

[Originating in the House Committee on Education.]

[Passed March 8, 1941; in effect July 1, 1941.]

AN ACT to amend article five, chapter eighteen of the code of West Virginia, by amending and reenacting section twenty-one of that article, as amended and reenacted by chapter fifty-two, acts of the Legislature, one thousand nine hundred thirty-nine, and by adding five new sections to that article, to be respectively designated as sections twenty-one-a, twenty-one-b, twenty-one-c, twenty-one-d and twenty-one-e, which said five new sections amend and reenact chapter fifty-one of the acts of the Legislature, one thousand nine hundred thirty-nine, all relating to free textbooks for use in the schools of the state.

Be it enacted by the Legislature of West Virginia:

That article five, chapter eighteen of the code of West Virginia be amended by amending and reenacting section twenty-one of that article, as amended and reenacted by chapter fifty-

Enr. Com. Sub. for H. B. No. 99] 2

two, acts of the Legislature, one thousand nine hundred thirty-nine, and by adding five new sections to that article, to be respectively designated as sections twenty-one-a, twenty-one-b, twenty-one-c, twenty-one-d and twenty-one-e, which said five new sections amend and reenact chapter fifty-one of the acts of the Legislature, one thousand nine hundred thirty-nine, all to read as follows:

Section 21. The board of education of every county
2 may purchase the necessary textbooks to be used in the
3 free schools by the pupils thereof. All textbooks so pur-
4 chased shall be kept in charge by the county superin-
5 tendent and furnished to the pupils of the free schools of
6 the county as hereinafter provided. All such books shall
7 be furnished by the county board as prescribed by law,
8 and purchased at the net wholesale price.
9 In such case, at the commencement of every term, the
10 county superintendent shall deliver to the teachers of the
11 various schools the textbooks necessary for the use of the
12 several pupils enrolled therein for the ensuing term of
13 school and shall take from them receipts showing the
14 number and kind of textbooks so received. It shall be the

15 duty of the teachers to take charge of such textbooks and
16 to distribute them among the pupils of their schools as
17 needed; and said teachers shall have and exercise general
18 control of all such textbooks, and at the close of the
19 school term, and before receiving an order for salary for
20 the last month of such term, shall collect and gather to-
21 gether all textbooks so used and deliver them to the
22 county superintendent.

23 If any of the textbooks delivered to any pupils shall be
24 unnecessarily injured or destroyed, they shall be replaced
25 by the pupils who injured or destroyed them.

26 Sec. 21-a. The board of education of every county shall
2 provide the textbooks to be used in the free schools for
3 the pupils whose parents, in the judgment of the board,
4 are unable to provide the same; such textbooks shall be
5 those adopted by the state board of education.

6 Sec. 21-b. The board of education of every county upon
2 application of the proper authorities of any private school
3 may likewise provide state adopted textbooks for use of
4 the pupils enrolled therein whose parents, in the judg-
5 ment of the board, are unable to provide same.

Sec. 21-c. In accordance with the provisions of this act,
2 the state superintendent of schools shall distribute among
3 the several counties of the state each year such amounts
4 of free textbook money as the Legislature may provide
5 for such distribution. The amount of money that a
6 county shall so receive shall be determined as follows:

7 (1) Each county shall share in state aid for the pur-
8 chase of state adopted textbooks according to the ratio
9 which its total net enrollment in public schools, grades
10 one to eight inclusive, for the preceding school year,
11 bears to the total net enrollment in public schools for the
12 state as a whole, grades one to eight inclusive, for the
13 preceding year.

Sec. 21-d. The money allocated to a county board of
2 education under this act shall be kept by such county
3 board in a separate account to be known as the Free
4 Textbook Account and may be used for no other pur-
5 pose except as otherwise provided by this section. Any
6 balances being held in the Textbook Aid Account, as
7 provided by law, are by this act authorized and di-
8 rected to be transferred to said Free Textbook Account

9 to be used in accordance with the provisions of this
10 act.

11 After complying with section twenty-one-a and twenty-
12 one-b of this article, the county board of education shall
13 use any proceeds remaining in the "Free Textbook Ac-
14 count" for the purchase (including replacement and re-
15 pair) of textbooks for all pupils enrolled in the public
16 schools of the county, grades one to eight inclusive, who
17 are not provided with free textbooks under the require-
18 ments of sections 21a and 21b of said article. Such text-
19 books shall be those adopted by the state board of educa-
20 tion for the elementary schools of the state.

21 The order of preference used in providing free text-
22 books for such pupils shall be either by grade preference
23 in accordance with the plan as stated in subsection one
24 below, or by subject preference in accordance with the
25 plan as stated in subsection two below. The county board
26 of education shall be required to adopt the one of these
27 plans considered preferable for the county, and shall so
28 advise the state superintendent of schools in writing
29 before the plan so chosen is made operative through the

30 requisition or purchase of textbooks in accordance there-
31 with.

32 (1) In furnishing free textbooks by grade prefer-
33 ence, the order of such preference shall be to begin with
34 grade one and to continue by consecutive grades to and
35 including grade eight.

36 (2) In furnishing free textbooks by subject prefer-
37 ence, the order of such preference shall be to begin
38 with the lowest grade and to continue by consecutive
39 grades through grade eight as follows: Reading, arith-
40 metic, history, health and elementary science, music,
41 english, geography, writing, spelling, civics: *Provided*,
42 That the order of subject preference as specified in
43 subsection two above may be changed with prior approval
44 of the state board of education, upon written application
45 of any county stating reasons for wishing to make such
46 change.

47 In any county in which the provisions of sections
48 twenty-one-a, twenty-one-b, and twenty-one-d of this
49 article shall have been fully complied with, any pro-
50 ceeds yet available in the "Free Textbook Account"

51 shall be used for the purchase of approved library books
52 and other supplementary materials for grades one to
53 eight: *Provided*, That such purchase shall have the prior
54 approval of the state board of education.

55 In providing free textbooks to pupils under the pro-
56 visions of this act, the county board of education shall
57 have authority to purchase state adopted textbooks
58 from pupils who own them, or from their parents, at a
59 price commensurate with the usable value of said
60 books at the time, but in no case to exceed one half the
61 original purchase price of the textbook to the pupil as
62 determined by reference to the official contract price
63 entered into between the publisher and the state board
64 of education at the time of adoption of said textbook.
65 All such purchases shall conform to the order of prefer-
66 ence, either by grade or by subject, adopted by the county
67 board of education under the provisions of subsection
68 one and two above of this section for furnishing free
69 textbooks to the pupils of said county.

70 Nothing in this act shall be construed to prevent a
71 county board of education from supplementing its Free

72 Textbook Account with county school funds available for
73 that purpose and so approved in the annual school budget.

Sec. 21-c. The state board of education shall have
2 authority to prescribe rules and regulations governing the
3 care, distribution and use of free textbooks provided
4 under this act, including their rebinding and recondition-
5 ing, replacement, and return, storage facilities, and such
6 other measures as may be necessary for the most efficient
7 and economical administration of this act; *Provided, how-*
8 *ever,* That no used textbooks shall be transferred from
9 white schools to negro schools, or from negro schools to
10 white schools.

11 The state board of education is further authorized to
12 prescribe and require reports to be made by the various
13 county boards of education concerning the expenditures
14 and distributions and conditions of inventories at such
15 time and in such form as the board may require.

16 The state superintendent of schools is authorized by
17 this act to withhold the state allotment of free textbook
18 money from any county for violation of the rules and
19 regulations herein authorized.

20 If any provisions of this act are declared unconstitu-
21 tional or the applicability thereof to any person or cir-
22 cumstances is held invalid, the constitutionality of the
23 remainder of the act and the applicability thereof to other
24 persons and circumstances shall not be effected thereby.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. L. M. Koun
Chairman Senate Committee

Leon Rice
Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1941 passage.

Alfred Watkins
Clerk of the Senate

J. R. Kliff
Clerk of the House of Delegates

Byron B. Randolph
President of the Senate

Malcolm R. Gordon
Speaker House of Delegates

The within approved this the 14th
day of March, 1941.

Matthew M. Neely,
Governor.

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Filed in the office of the Secretary of State
of West Virginia. MAR 17 1941
Wm. S. O'BRIEN,
Secretary of State