

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1953**

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**ENROLLED**

**SENATE BILL NO. 159**

(By Mr. Taylor, of Mingo)

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PASSED March 12 1953

In Effect immediately upon Passage

159

**ENROLLED**

**Senate Bill No. 159**

(By MR. TAYLOR, of Mingo)

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[Passed March 12, 1953; in effect ninety days from passage.]

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AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by repealing sections ten, ten-a and eleven, article two thereof, and by adding thereto a new article, to be designated article two-a, relating to the adoption of textbooks for use in the public schools.

*Be it enacted by the Legislature of West Virginia:*

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by repealing sections ten, ten-a and eleven, article two thereof, and by adding thereto a new article, to be designated article two-a, to read as follows:

**Article 2-A. Textbook Adoption.**

Section 1. *Adoption by Groups.*—On or before January  
2 first, one thousand nine hundred fifty-six, the state board  
3 of education shall classify the elementary school subjects  
4 now required to be taught in the schools of our state into  
5 four adoption groups. The four adoption groups shall  
6 be grouped by related subject fields as nearly as possible.  
7 The schedule for the periods of adoption shall be as  
8 follows:

9 (a) Adoptions in Group I shall be made in one thou-  
10 sand nine hundred fifty-seven for a period of four years.

11 (b) Adoptions in Group II shall be made in one thou-  
12 sand nine hundred fifty-seven for a period of three years.

13 (c) Adoptions in Group III shall be made in one thou-  
14 sand nine hundred fifty-seven for a period of two years.

15 (d) Adoptions in Group IV shall be made in one thou-  
16 sand nine hundred fifty-seven for a period of one year.

17 Upon the expiration of the periods of adoption as set  
18 out in the aforesaid adoption schedule the period of adop-  
19 tion and contract of each adoption group in which text-

20 books for all the subjects are adopted shall be for a period  
21 of four years.

Sec. 2. *Request for Samples and Bids.*—Not later than  
2 April first, one thousand nine hundred fifty-six, the state  
3 board by written request or otherwise shall ask the vari-  
4 ous publishers of textbooks in the United States to sub-  
5 mit samples and prices on all textbooks required to be  
6 taught in the public elementary schools of the state. Prior  
7 to each adoption year after the one thousand nine hun-  
8 dred fifty-seven adoption, and not later than April first,  
9 the state board by written request or otherwise shall ask  
10 the various publishers of textbooks in the United States  
11 to submit samples and prices on all textbooks required  
12 to be taught in the public elementary schools of the state  
13 for which adoptions will be made.

14 All bids or proposals shall be under seal, and each  
15 bidder shall deposit in the state treasury such sum of  
16 money as the state board may designate, such deposit  
17 to be not less than one thousand dollars and not more  
18 than three thousand dollars; and such deposit shall be  
19 forfeited to the general school fund if such bidder shall

20 fail or refuse to make and execute such contract and bond  
21 as are herein required in case of acceptance of all or part  
22 of his bid, and otherwise shall be returned to such bidder  
23 after the contract has been made.

24 All bids shall be opened by the state board in public  
25 session. After considering the subject matter, printing,  
26 binding, general suitableness, and prices of books sub-  
27 mitted, the board shall, with the aid of a committee of  
28 teachers not to exceed fifteen members, on or before  
29 July first, prior to any adoption year, select, approve and  
30 publish a list of at least five books or series of books in  
31 each subject and grade in the elementary subjects re-  
32 quired to be taught. Not more than two books for any  
33 subject and grade so listed shall be from the same pub-  
34 lisher. If less than five books or series of books in any  
35 subject and grade are offered, the state board may list  
36 fewer than five.

Sec. 3. *Disposition of Samples.*—Sample books sub-  
2 mitted to the state board for examination shall remain  
3 the property of the publisher submitting them if claimed  
4 within thirty days after adoption of the multiple list.

5 If not claimed within that period the books shall be  
6 sold by the state board and the money credited to the  
7 general school fund.

Sec. 4. *Execution of Contracts; Bond.*—When the selec-  
2 tion and approval of the multiple list have been properly  
3 made, it shall be the duty of the state board to execute  
4 contracts for the selected books with the publishers  
5 within twenty days of the approval and adoption of the  
6 multiple list, prepare a list of the adopted books on the  
7 multiple list and publish same, and send a copy to each  
8 county superintendent not later than September fifteenth  
9 of the year preceding the adoption. Such contracts for  
10 adoption, except for the introductory period in making  
11 the transition to a staggered adoption plan, shall run for  
12 four years.

13 Each publisher awarded a textbook contract by the  
14 state board shall enter into a bond payable to the state  
15 of West Virginia in the penal sum of not less than two  
16 thousand dollars and not more than five thousand dollars  
17 to be approved by the state board of public works such  
18 bond to be executed as surety by some responsible surety

19 company, authorized to carry on its business in West Vir-  
20 ginia. Such contract shall be prepared by the attorney  
21 general in accordance with the terms and provisions of  
22 this article. Such contract shall be executed in duplicate  
23 one copy to be held by the publisher and one by the state  
24 board of education.

25 Bonds required of successful publishers shall provide  
26 that:

27 (a) The publisher will furnish any of the books on the  
28 multiple list which he publishes for the period of the  
29 adoption, from the date of the bond, to any county school  
30 unit, or to a dealer appointed by the county, at the lowest  
31 wholesale price contained in the bid, f.o.b. publisher's  
32 nearest shipping point.

33 (b) The publisher will automatically reduce such prices  
34 in West Virginia when prices are reduced anywhere in  
35 the United States, so that no such book shall at any time  
36 be sold in West Virginia at a higher wholesale price  
37 than received for that book elsewhere in the United  
38 States, like conditions prevailing.

39 (c) All books sold in West Virginia will be identical

40 with the official samples filed with the state board of  
41 education as regards size, paper, binding, print, illustra-  
42 tions, subject matter, and other particulars which may  
43 affect the value of the books. The state board of educa-  
44 tion, may, however, during the period of the contract  
45 approve revised editions of an adopted book or series,  
46 which will authorize a publisher to furnish such revi-  
47 sions.

Sec. 5. *Selection by County Boards.*—Textbook pub-  
2 lishers upon requests of county superintendents shall  
3 furnish to county boards of education the requested sam-  
4 ple copies of books that were selected and placed on  
5 the state multiple list of textbooks by the state board  
6 of education. The textbook publishers shall ship and bill  
7 to the county boards of education at the lowest wholesale  
8 prices with shipping charges prepaid. After the counties  
9 have made their textbook adoptions and certified them  
10 to the state board of education, all sample copies of books  
11 may be returned to the publishers from whom obtained  
12 by May first, shipping charges to be paid by the publisher.  
13 County boards may, if they elect to do so, retain the

14 sample books but shall pay the publishers the lowest  
15 wholesale prices for them.

16 The county board of education shall, upon recommen-  
17 dation of the county superintendent with the aid of a  
18 committee of teachers not to exceed five members and not  
19 later than April first of any adoption year, select from  
20 the state multiple list one book or series of books for each  
21 subject and grade to be used as exclusive basal in the  
22 county for a period of four years, except however for the  
23 one thousand nine hundred fifty-seven adoptions which  
24 shall be made as provided in this article.

25 After the county board of education has adopted the  
26 basal textbooks for use in the county, and not later than  
27 April fifteenth, the county superintendent shall send to  
28 the state board of education a complete list of books  
29 adopted, properly certified by the president of the county  
30 board of education, in such form as the state board of  
31 education shall prescribe.

Sec. 6. *Retail Prices.*—It shall be the duty of the state  
2 board of education to fix prices at which the various  
3 books adopted shall be sold to patrons, the excess of

4 which above contract price shall represent the profit to  
5 the retailer; but in no case shall such profit exceed twenty  
6 percent of the contract price. The state board of educa-  
7 tion shall notify each county superintendent of the list  
8 of books adopted on the state multiple list and the prices  
9 at which they are to be sold, and any person selling such  
10 books at a higher price than that fixed by the state board  
11 of education shall be guilty of a misdemeanor, and, upon  
12 conviction thereof, shall be fined not less than ten nor  
13 more than fifty dollars.

Sec. 7. *Retail Outlets.*—It shall be the duty of each  
2 contractor at his own expense to place with responsible  
3 dealers, in no fewer than three magisterial districts in  
4 each county, at least two weeks before the beginning of  
5 school in any district in the county where such books  
6 are used, a sufficient number of books to supply the de-  
7 mand. He shall also arrange for the exchange of books  
8 at such places, allowing pupils or boards of education  
9 an exchange price as liberal as granted on the same books  
10 to any city, county, or state in the United States, like  
11 conditions prevailing. The exchange privilege shall ex-

12 tend through one entire school year. Nothing in this  
13 article is to be construed as preventing the use of supple-  
14 mentary books, provided they do not displace the adopted  
15 books, nor the use of more advanced books in such schools  
16 as may be ready for the same.

Sec. 8. *General Provisions.*—No textbook shall be used  
2 in any public elementary school in West Virginia as a  
3 basal textbook unless it has been approved and listed on  
4 the state multiple list of textbooks by the state board of  
5 education. Any changes of textbooks made by the state  
6 board of education shall not become effective until grades  
7 and classes of the respective county school districts have  
8 completed work for which the adopted book then in use  
9 was originally intended. Nothing in this section shall  
10 apply to the supplementary books that are needed from  
11 time to time.

Sec. 9. *Gifts and Bribes to Influence Adoption of Text-*  
2 *books; Penalties.*—Any member of the state board of  
3 education, any county superintendent, any member of a  
4 county board of education or any other person who shall  
5 receive, solicit, or accept any gift, present, or thing of

6 value to influence him in his vote for the adoption of  
7 books, or any person who shall either directly or in-  
8 directly give or offer to give any such gift, present, or  
9 thing of value to any person to influence him in voting  
10 for the adoption of books, shall be guilty of a felony, and,  
11 upon conviction thereof, shall be punished by confine-  
12 ment in the penitentiary for not less than one year nor  
13 more than three years.



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

*H. M. Kinley*  
Chairman Senate Committee

*C. H. Amblers*  
Chairman House Committee

Originated in the Senate.

Takes effect thirty days from passage.

*Howard Myers*  
Clerk of the Senate

*J. R. Stiff*  
Clerk of the House of Delegates

*Paul J. Brown*  
President of the Senate

*W. C. Coker*  
Speaker House of Delegates

The within approved this the 16th day of March, 1953.

*William C. Marland*  
Governor.



FILED IN THE OFFICE OF THE SECRETARY OF STATE  
of West Virginia **MAR 16 1953**  
**D. PITT O'BRIEN,**  
SECRETARY OF STATE