WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1953

ENROLLED

SENATE BILL NO. 159

(By Mr. Taylor of Mingo)

PASSED March 12, 1953

In Effect Thirty days from Passage
ENROLLED

Senate Bill No. 159

(By Mr. Taylor, of Mingo)

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

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 first, one thousand nine hundred fifty-six, the state board of education shall classify the elementary school subjects now required to be taught in the schools of our state into four adoption groups. The four adoption groups shall be grouped by related subject fields as nearly as possible. The schedule for the periods of adoption shall be as follows:

(a) Adoptions in Group I shall be made in one thousand nine hundred fifty-seven for a period of four years.
(b) Adoptions in Group II shall be made in one thousand nine hundred fifty-seven for a period of three years.
(c) Adoptions in Group III shall be made in one thousand nine hundred fifty-seven for a period of two years.
(d) Adoptions in Group IV shall be made in one thousand nine hundred fifty-seven for a period of one year.

Upon the expiration of the periods of adoption as set out in the aforesaid adoption schedule the period of adoption and contract of each adoption group in which text-
books for all the subjects are adopted shall be for a period
of four years.

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

All bids or proposals shall be under seal, and each
bidder shall deposit in the state treasury such sum of
money as the state board may designate, such deposit
to be not less than one thousand dollars and not more
than three thousand dollars; and such deposit shall be
forfeited to the general school fund if such bidder shall
fail or refuse to make and execute such contract and bond as are herein required in case of acceptance of all or part of his bid, and otherwise shall be returned to such bidder after the contract has been made.

All bids shall be opened by the state board in public session. After considering the subject matter, printing, binding, general suitableness, and prices of books submitted, the board shall, with the aid of a committee of teachers not to exceed fifteen members, on or before July first, prior to any adoption year, select, approve and publish a list of at least five books or series of books in each subject and grade in the elementary subjects required to be taught. Not more than two books for any subject and grade so listed shall be from the same publisher. If less than five books or series of books in any subject and grade are offered, the state board may list fewer than five.

Sec. 3. Disposition of Samples.—Sample books submitted to the state board for examination shall remain the property of the publisher submitting them if claimed within thirty days after adoption of the multiple list.
If not claimed within that period the books shall be sold by the state board and the money credited to the general school fund.

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

Each publisher awarded a textbook contract by the state board shall enter into a bond payable to the state of West Virginia in the penal sum of not less than two thousand dollars and not more than five thousand dollars to be approved by the state board of public works such bond to be executed as surety by some responsible surety
company, authorized to carry on its business in West Virginia. Such contract shall be prepared by the attorney general in accordance with the terms and provisions of this article. Such contract shall be executed in duplicate one copy to be held by the publisher and one by the state board of education.

Bonds required of successful publishers shall provide that:

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

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

(c) All books sold in West Virginia will be identical
with the official samples filed with the state board of education as regards size, paper, binding, print, illustrations, subject matter, and other particulars which may affect the value of the books. The state board of education, may, however, during the period of the contract approve revised editions of an adopted book or series, which will authorize a publisher to furnish such revisions.

Sec. 5. Selection by County Boards.—Textbook publishers upon requests of county superintendents shall furnish to county boards of education the requested sample copies of books that were selected and placed on the state multiple list of textbooks by the state board of education. The textbook publishers shall ship and bill to the county boards of education at the lowest wholesale prices with shipping charges prepaid. After the counties have made their textbook adoptions and certified them to the state board of education, all sample copies of books may be returned to the publishers from whom obtained by May first, shipping charges to be paid by the publisher. County boards may, if they elect to do so, retain the
Enr. S. B. No. 159]

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

Sec. 7. Retail Outlets.—It shall be the duty of each
contractor at his own expense to place with responsible
dealers, in no fewer than three magisterial districts in
each county, at least two weeks before the beginning of
school in any district in the county where such books
are used, a sufficient number of books to supply the de-
mand. He shall also arrange for the exchange of books
at such places, allowing pupils or boards of education
an exchange price as liberal as granted on the same books
to any city, county, or state in the United States, like
conditions prevailing. The exchange privilege shall ex-
tend through one entire school year. Nothing in this
article is to be construed as preventing the use of supple-
mentary books, provided they do not displace the adopted
books, nor the use of more advanced books in such schools
as may be ready for the same.

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

Sec. 9. Gifts and Bribes to Influence Adoption of Text-
books; Penalties.—Any member of the state board of
education, any county superintendent, any member of a
county board of education or any other person who shall
receive, solicit, or accept any gift, present, or thing of
value to influence him in his vote for the adoption of books, or any person who shall either directly or indirectly give or offer to give any such gift, present, or thing of value to any person to influence him in voting for the adoption of books, shall be guilty of a felony, and, upon conviction thereof, shall be punished by confinement in the penitentiary for not less than one year nor more than three years.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect ________ day from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ________ day of ________, 1953.

Governor.

MAR 16 1953
D. Pitt O'Brien,
Secretary of State