WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 201

(By Mr. McKinley, Mr. Reeder, and Mr. Powell)

PASSED FEBRUARY 25, 1972

In Effect 90 Days From Passage

FILED IN THE OFFICE OF
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-3-72
ENROLLED

Senate Bill No. 201

(By Mr. McCourt, Mr. President, and Mr. Palumbo)

[Passed February 25, 1972; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two, four, five and eight, article two-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to textbook adoption for public elementary schools.

Be it enacted by the Legislature of West Virginia:

That sections one, two, four, five and eight, article two-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2A. TEXTBOOK ADOPTION.

§18-2A-1. Classification of school subjects into adoption groups; adoption schedule.

1 On or before July first, one thousand nine hundred seventy-two, the state board of education shall classify the elementary school subjects now required to be taught in the schools of our state into five adoption groups. The five adoption groups shall be grouped by related subject fields as nearly as possible.

2 The schedule for the periods of adoption shall be as follows:

(a) Adoptions in Group I shall be made in one thousand nine hundred seventy-three for a period of five years.

(b) Adoptions in Group II shall be made in one thousand nine hundred seventy-four for a period of five years.

(c) Adoptions in Group III shall be made in one thousand nine hundred seventy-five for a period of five years.
(d) Adoptions in Group IV shall be made in one thousand nine hundred seventy-six for a period of five years.

(e) Adoptions in Group V shall be made in one thousand nine hundred seventy-seven for a period of five years.

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 textbooks for all the subjects are adopted shall be for a period of five years.

§18-2A-2. Request for samples and bids; deposit by bidder; selection, approval and publication of multiple list.

Prior to each adoption year after the one thousand nine hundred seventy-two adoption, and not later than August 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 the current adoption period.

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, prior to March first of the year in which the multiple adoptions are made by the state board of education, establish a committee of teachers and other educational specialists not to exceed fifteen members and with the aid of said committee, shall on or before December first, prior to county adoptions, 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. If less than five books or series of books in any subject and grade are offered, the state board may list fewer than five. The committee of teachers and other educational specialists shall report their recommendations to the state board on or before November first of the year preceding the adoption by the county board.

§18-2A-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 thirty 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 January first of the year of the county adoption. Such contracts for adoption by the state board of education shall run for five years.

Each publisher awarded a textbook contract by the state 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.

§18-2A-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, shipping charges to be paid by the publisher. County boards may, if they elect to do so, retain the sample books, but shall pay the publishers the lowest wholesale prices for them.

The county board of education shall, upon recommendation of the county superintendent with the aid of a committee of teachers not to exceed five members and not later than April first of the year following that in which the multiple list for the group was made and approved, have the option to select from the state multiple list one or more book(s) or series of books for each subject and grade to be used as exclusive basal textbooks in the county for a period of five years.

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

§18-2A-8. Textbooks must be approved and listed; when
changes of textbooks may be effected.

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 re-
spective county school districts have completed work for
which the adopted book then in use was originally in-
tended. The state board of education may upon request
by a county board of education and upon justification of
that request, and subsequent to the adoption by a county
board of education, approve the adoption of additional
books to meet the needs of specific children which were
not provided for in the original adoption. Nothing in this
section shall apply to the supplementary books that are
needed from time to time.

The state board of education is authorized to make such
rules and regulations as it may deem necessary and
expedient to carry out the provisions of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Russell A. Beene  
Chairman Senate Committee

Philelle Burtedge  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard Barnes  
Clerk of the Senate

C.A. Blankenship  
Clerk of the House of Delegates

Joe Clark  
President of the Senate

Lewis F. Rome  
Speaker House of Delegates

The within approved this the 2nd day of March, 1972.  

Robert F. Homer  
Governor