

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 201

(By Mr. McCoet Mr. President and Mr. Paylum 80

PASSED FEBRUARY 25 1972

In Effect 90 DAYS FROM Passage



201

FILED IN THE OFFICE
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
2 seventy-two, the state board of education shall classify
3 the elementary school subjects now required to be taught
4 in the schools of our state into five adoption groups. The
5 five adoption groups shall be grouped by related subject
6 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 seventy-three for a period of five
11 years.

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

14 (c) Adoptions in Group III shall be made in one thou-
15 sand nine hundred seventy-five for a period of five years.

16 (d) Adoptions in Group IV shall be made in one thou-
17 sand nine hundred seventy-six for a period of five years.

18 (e) Adoptions in Group V shall be made in one thou-
19 sand nine hundred seventy-seven for a period of five
20 years.

21 Upon the expiration of the periods of adoption, as set
22 out in the aforesaid adoption schedule, the period of
23 adoption and contract of each adoption group in which
24 textbooks for all the subjects are adopted shall be for a
25 period of five years.

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

1 Prior to each adoption year after the one thousand nine
2 hundred seventy-two adoption, and not later than August
3 first, the state board by written request or otherwise shall
4 ask the various publishers of textbooks in the United
5 States to submit samples and prices on all textbooks re-
6 quired to be taught in the public elementary schools of
7 the state for the current adoption period.

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

18 All bids shall be opened by the state board in public
19 session. After considering the subject matter, printing,
20 binding, general suitability, and prices of books sub-
21 mitted, the board shall, prior to March first of the year
22 in which the multiple adoptions are made by the state
23 board of education, establish a committee of teachers and
24 other educational specialists not to exceed fifteen mem-
25 bers and with the aid of said committee, shall on or before
26 December first, prior to county adoptions, select, approve

27 and publish a list of at least five books or series of books
28 in each subject and grade in the elementary subjects re-
29 quired to be taught. If less than five books or series of
30 books in any subject and grade are offered, the state
31 board may list fewer than five. The committee of teachers
32 and other educational specialists shall report their recom-
33 mendations to the state board on or before November first
34 of the year preceding the adoption by the county board.

§18-2A-4. Execution of contracts; bond.

1 When the selection and approval of the multiple list
2 have been properly made, it shall be the duty of the state
3 board to execute contracts for the selected books with the
4 publishers within thirty days of the approval and adop-
5 tion of the multiple list, prepare a list of the adopted
6 books on the multiple list and publish same, and send a
7 copy to each county superintendent not later than Janu-
8 ary first of the year of the county adoption. Such con-
9 tracts for adoption by the state board of education shall
10 run for five years.

11 Each publisher awarded a textbook contract by the
12 state shall enter into a bond payable to the state of West
13 Virginia in the penal sum of not less than two thousand
14 dollars and not more than five thousand dollars to be
15 approved by the state board of public works, such bond
16 to be executed as surety by some responsible surety com-
17 pany authorized to carry on its business in West Vir-
18 ginia. Such contract shall be prepared by the attorney
19 general in accordance with the terms and provisions of
20 this article. Such contract shall be executed in duplicate,
21 one copy to be held by the publisher and one by the state
22 board of education.

23 Bonds required of successful publishers shall provide
24 that:

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

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

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

§18-2A-5. Selection by county boards.

1 Textbook publishers, upon requests of county superin-
2 tendents, shall furnish to county boards of education the
3 requested sample copies of books that were selected and
4 placed on the state multiple list of textbooks by the state
5 board of education. The textbook publishers shall ship
6 and bill to the county boards of education at the lowest
7 wholesale prices with shipping charges prepaid. After
8 the counties have made their textbook adoptions and cer-
9 tified them to the state board of education, all sample
10 copies of books may be returned to the publishers from
11 whom obtained, shipping charges to be paid by the pub-
12 lisher. County boards may, if they elect to do so, retain
13 the sample books, but shall pay the publishers the lowest
14 wholesale prices for them.

15 The county board of education shall, upon recommenda-
16 tion of the county superintendent with the aid of a com-
17 mittee of teachers not to exceed five members and not
18 later than April first of the year following that in which
19 the multiple list for the group was made and approved,
20 have the option to select from the state multiple list one
21 or more book(s) or series of books for each subject and
22 grade to be used as exclusive basal textbooks in the
23 county for a period of five years.

24 After the county board of education has adopted the
25 basal textbooks for use in the county, and not later than

26 April fifteenth, the county superintendent shall send to
27 the state board of education and the respective publishers
28 a complete list of books adopted, properly certified by
29 the president of the county board of education, in such
30 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.**

1 No textbook shall be used in any public elementary
2 school in West Virginia as a basal textbook unless it has
3 been approved and listed on the state multiple list of
4 textbooks by the state board of education. Any changes
5 of textbooks made by the state board of education shall
6 not become effective until grades and classes of the re-
7 spective county school districts have completed work for
8 which the adopted book then in use was originally in-
9 tended. The state board of education may upon request
10 by a county board of education and upon justification of
11 that request, and subsequent to the adoption by a county
12 board of education, approve the adoption of additional
13 books to meet the needs of specific children which were
14 not provided for in the original adoption. Nothing in this
15 section shall apply to the supplementary books that are
16 needed from time to time.

17 The state board of education is authorized to make such
18 rules and regulations as it may deem necessary and
19 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 M. Beane

Chairman Senate Committee

Philip J. Ruetledge
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard Johnson

Clerk of the Senate

CA Blankenship

Clerk of the House of Delegates

E. Hancock

President of the Senate

Lewis D. McHenry

Speaker House of Delegates

The within *approved* this the *2nd*

day of *March*, 1972.

Richard S. Royster Jr.

Governor

PRESENTED TO THE
GOVERNOR

Date 2/28/72

Time 3:02 p.m.

MAR 3 4 14 PM '72

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA