WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED

SENATE BILL NO. 710-S
Originating in the
Committee on Education

PASSED April 9, 1981
In Effect July 1, 1981
ENROLLED

Senate Bill No. 710-S
(Originating in the Committee on Education)

[Passed April 9, 1981; in effect July 1, 1981.]

AN ACT to amend and reenact sections one, two, five, seven and eight, article two-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to classification of school subjects into adoption groups and adoption schedules; request for textbook samples and bids; selection and publication of multiple list of textbooks; selection of textbooks by county boards; retail outlets, exchange privilege and use of supplementary books; requiring the approval and listing of textbooks by the state board of education; stating when changes in textbooks may be effected; rules and regulations by the state board of education.

Be it enacted by the Legislature of West Virginia:

That sections one, two, five, seven 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 the first day of July, one thousand nine hundred seventy-two, the state board of education shall
classify the elementary and secondary 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.

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.

Provided, That the adoption of secondary textbooks for Group V shall be made in one thousand nine hundred eighty-one and Groups I through IV respectively in each successive 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 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 after the one thousand nine hundred eighty-one adoption of secondary textbooks, and not later than the first day of August, 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 and secondary 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 the first day of July, one thousand
nine hundred eighty-one, and prior to the first day of March of
each subsequent 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
thirty members and with the aid of said committee, shall on
or before the first day of December, 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 and secondary subjects required to be taught by
said board. 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 the first day of November of the year
preceding the adoption by the county board.

§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 fifteen members and
not later than the first day of May 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 the
fifteenth day of May, 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-7. Retail outlets; exchange privilege; use of
supplementary books.

It shall be the duty of each contractor at his own expense to
place a sufficient number of books to supply the demand in
no less than three locations in the county as designated by the
county board of education. The books shall be available at the
designated locations at least two weeks before the beginning
of each school term. 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 extend through one
entire school year. Nothing in this article is to be construed as
preventing the use of supplementary 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.

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

No textbook shall be used in any public elementary or
secondary school in West Virginia as a basal textbook for
state required courses 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. 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.

R.P. Bayless
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

Saul C. Wise
Clerk of the Senate

D.W. Adams
Clerk of the House of Delegates

John D. Dade, Jr.
President of the Senate

Charles H. Shehee, Jr.
Speaker House of Delegates

The within is approved this the 29 day of April, 1981.

John H. Reagan
Governor