

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time _____

NO: 710-S

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 ~~Passage~~



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
- 2 hundred seventy-two, the state board of education shall

3 classify the elementary and secondary school subjects now
4 required to be taught in the schools of our state into five
5 adoption groups. The five adoption groups shall be grouped
6 by related subject fields as nearly as possible.

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

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

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

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

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

16 (e) Adoptions in Group V shall be made in one thousand
17 nine hundred seventy-seven for a period of five years:
18 *Provided*, That the adoption of secondary textbooks for
19 Group V shall be made in one thousand nine hundred
20 eighty-one and Groups I through IV respectively in each
21 successive year.

22 Upon the expiration of the periods of adoption, as set out in
23 the aforesaid adoption schedule, the period of adoption and
24 contract of each adoption group in which textbooks for all the
25 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.**

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

10 All bids or proposals shall be under seal, and each bidder
11 shall deposit in the state treasury such sum of money as the
12 state board may designate, such deposit to be not less than
13 one thousand dollars, and not more than three thousand
14 dollars; and such deposit shall be forfeited to the general
15 school fund if such bidder shall fail or refuse to make and
16 execute such contract and bond as are herein required in case

17 of acceptance of all or part of his bid, and otherwise shall be
18 returned to such bidder after the contract has been made.

19 All bids shall be opened by the state board in public
20 session. After considering the subject matter, printing,
21 binding, general suitability, and prices of books submitted,
22 the board shall, prior to the first day of July, one thousand
23 nine hundred eighty-one, and prior to the first day of March of
24 each subsequent year in which the multiple adoptions are
25 made by the state board of education, establish a committee
26 of teachers and other educational specialists not to exceed
27 thirty members and with the aid of said committee, shall on
28 or before the first day of December, prior to county
29 adoptions, select, approve and publish a list of at least five
30 books or series of books in each subject and grade in the
31 elementary and secondary subjects required to be taught by
32 said board. If less than five books or series of books in any
33 subject and grade are offered, the state board may list fewer
34 than five. The committee of teachers and other educational
35 specialists shall report their recommendations to the state
36 board on or before the first day of November of the year
37 preceding the adoption by the county board.

§18-2A-5. Selection by county boards.

1 Textbook publishers, upon requests of county
2 superintendents, shall furnish to county boards of education
3 the 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 and
6 bill to the county boards of education at the lowest wholesale
7 prices with shipping charges prepaid. After the counties have
8 made their textbook adoptions and certified them to the state
9 board of education, all sample copies of books may be
10 returned to the publishers from whom obtained, shipping
11 charges to be paid by the publisher. County boards may, if
12 they elect to do so, retain the sample books, but shall pay the
13 publishers the lowest wholesale prices for them.

14 The county board of education shall, upon
15 recommendation of the county superintendent with the aid of
16 a committee of teachers not to exceed fifteen members and
17 not later than the first day of May of the year following that in
18 which the multiple list for the group was made and approved,
19 have the option to select from the state multiple list one or

20 more book(s) or series of books for each subject and grade to
21 be used as exclusive basal textbooks in the county for a
22 period of five years.

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

**§18-2A-7. Retail outlets; exchange privilege; use of
supplementary books.**

1 It shall be the duty of each contractor at his own expense to
2 place a sufficient number of books to supply the demand in
3 no less than three locations in the county as designated by the
4 county board of education. The books shall be available at the
5 designated locations at least two weeks before the beginning
6 of each school term. He shall also arrange for the exchange of
7 books at such places, allowing pupils or boards of education
8 an exchange price as liberal as granted on the same books to
9 any city, county, or state in the United States, like conditions
10 prevailing. The exchange privilege shall extend through one
11 entire school year. Nothing in this article is to be construed as
12 preventing the use of supplementary books, provided they do
13 not displace the adopted books, nor the use of more advanced
14 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.**

1 No textbook shall be used in any public elementary or
2 secondary school in West Virginia as a basal textbook for
3 state required courses unless it has been approved and listed
4 on the state multiple list of textbooks by the state board of
5 education. Any changes of textbooks made by the state board
6 of education shall not become effective until grades and
7 classes of the respective county school districts have
8 completed work for which the adopted book then in use was
9 originally intended. The state board of education may upon
10 request by a county board of education and upon justification
11 of that request, and subsequent to the adoption by a county
12 board of education, approve the adoption of additional books

13 to meet the needs of specific children which were not
14 provided for in the original adoption. Nothing in this section
15 shall apply to the supplementary books that are needed from
16 time to time.

17 The state board of education is authorized to make such
18 rules and regulations as it may deem necessary and expedient
19 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. Baylor
Chairman Senate Committee

Tommy E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

Todd C. Wills
Clerk of the Senate

V. Blankenship
Clerk of the House of Delegates

Walter B. Jones
President of the Senate

Hugh H. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *29*

day of *April*, 1981.

J. B. Royce
Governor

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OFFICE OF THE GOVERNOR

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SECY. OF STATE