

No: 1009

APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1009

(By Mr. Murphy)

— ● —

Passed March 12, 1983

In Effect From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1009

(By MR. MURPHY)

[Passed March 12, 1983; in effect from passage.]

AN ACT to amend and reenact sections one, 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 the classification of school subjects into adoption groups; extending the adoption schedule to six years; creating a new adoption group; and authorizing the state board of education to grant permission to county boards of education to continue use for a period not to exceed six years.

Be it enacted by the Legislature of West Virginia:

That sections one, 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 the first day of July, one thousand nine hun-
2 dred eighty-three, the state board of education shall classify
3 the elementary and secondary school subjects now required to
4 be taught in the schools of our state into six adoption groups.

5 The six 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 follows:

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

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

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

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

16 (e) Adoptions in Group V shall be made in one thousand
17 nine hundred eighty-seven for a period of six years.

18 (f) Adoptions in Group VI shall be made in one thousand
19 nine hundred eighty-eight for a period of six years.

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

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

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

10 Each publisher awarded a textbook contract by the state
11 shall enter into a bond payable to the state of West Virginia
12 in the penal sum of not less than two thousand dollars and
13 not more than five thousand dollars to be approved by the
14 state board of public works, such bond to be executed as
15 surety by some responsible surety company authorized to

16 carry on its business in West Virginia. Such contract shall
17 be prepared by the attorney general in accordance with the
18 terms and provisions of this article. Such contract shall be
19 executed in duplicate, one copy to be held by the publisher
20 and one by the state board of education.

21 Bonds required of successful publishers shall provide that:

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

27 (b) The publisher will automatically reduce such prices in
28 West Virginia when prices are reduced anywhere in the United
29 States, so that no such book shall at any time be sold in
30 West Virginia at a higher wholesale price than received for
31 that book elsewhere in the United States, like conditions pre-
32 vailing;

33 (c) All books sold in West Virginia will be identical with
34 the official samples filed with the state board of education as
35 regards size, paper, binding, print, illustrations, subject matter,
36 and other particulars which may affect the value of the books.
37 The state board of education may, however, during the period
38 of the contract approve revised editions of an adopted book
39 or series, which will authorize a publisher to furnish such
40 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 re-
3 quested sample copies of books that were selected and placed
4 on the state multiple list of textbooks by the state board of
5 education. The textbook publishers shall ship and bill to the
6 county boards of education at the lowest wholesale prices
7 with shipping charges prepaid. After the counties have made
8 their textbook adoptions and certified them to the state board
9 of education, all sample copies of books may be returned to
10 the publishers from whom obtained, shipping charges to be
11 paid by the publisher. County boards may, if they elect to

12 do so, retain the sample books, but shall pay the publishers
13 the lowest wholesale prices for them.

14 The county board of education shall, upon recommendation
15 of the county superintendent with the aid of a committee of
16 teachers not to exceed fifteen members and not later than the
17 first day of May of the year following that in which the
18 multiple list for the group was made and approved, have the
19 option to select from the state multiple list one or more
20 book(s) or series of books for each subject and grade to be
21 used as exclusive basal textbooks in the county for a period
22 of six years unless as provided for elsewhere in this article.

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

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

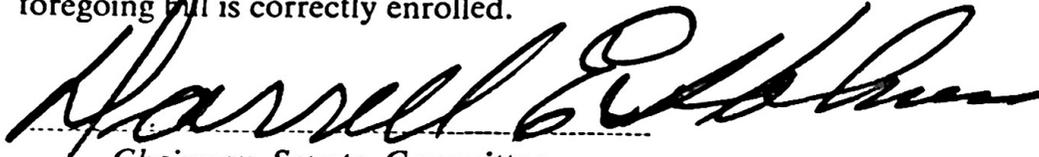
1 No textbook shall be used in any public elementary or sec-
2 ondary school in West Virginia as a basal textbook for state
3 required courses unless it has been approved and listed on
4 the state multiple list of textbooks by the state board of
5 education. Any changes of textbooks made by the state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

16 The state board of education is authorized to grant permis-
17 sion to county boards of education for the continued use of pre-
18 viously adopted textbooks that are listed on the most recently

19 expired multiple list appropriate for the subject category under
20 consideration. The continued use shall not exceed a period of
21 six years. The state board may make such rules and regula-
22 tions as it may deem necessary and expedient to carry out the
23 provisions of this article.

Enr. Com. Sub. for H. B. 1009] 6

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originating in the House.

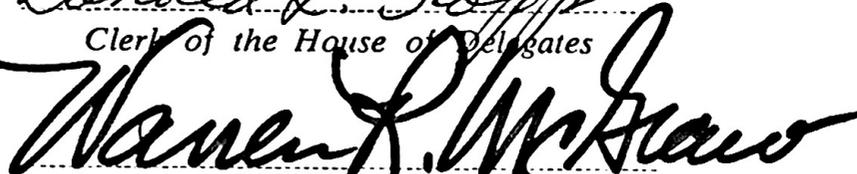
Takes effect from passage.



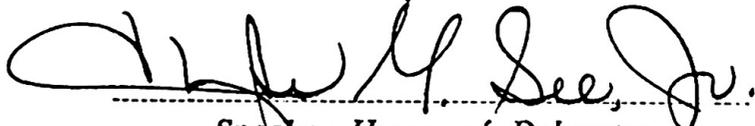
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

The within is approved this the 29
day of March, 1983.



Governor

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