WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

Comm. Sue. for
HOUSE BILL No. 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 hundred eighty-three, 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 six adoption groups.
The six 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 eighty-nine for a period of six years.

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

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

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

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

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

§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 six 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 a 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 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 six years unless as provided for elsewhere in this article.

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-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 sec-
ondary 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 grant permis-
sion to county boards of education for the continued use of pre-
viously adopted textbooks that are listed on the most recently
expired multiple list appropriate for the subject category under consideration. The continued use shall not exceed a period of six years. The state board may 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.

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