

WEST VIRGINIA
SECRETARY OF STATE

BETTY IRELAND

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 11/14/06 12:07 *je*
ADMINISTRATIVE LAW DIVISION

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W. Va. Const., Article XII, §2 and W. Va. Code §18-2-5 and §18-2A-1

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education
v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES X NO _____

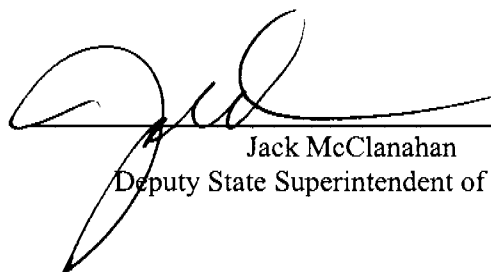
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 35

TITLE OF RULE BEING AMENDED: Groupings for Textbook Adoption for Early
Childhood Education, Middle Childhood Education, and Adolescent Education (2445.40)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS December 15, 2006.



Jack McClanahan
Deputy State Superintendent of Schools

Executive Summary

Policy 2445.40 Grouping For “Textbooks” (Instructional Materials) Adoption For Early Childhood Education, Middle Childhood Education, And Adolescent Education

Background:

West Virginia Code 18-2A-1 designates that the West Virginia Board of Education shall classify elementary and secondary school subjects into adoption groups and that a schedule of instructional materials adoption shall be determined. The groupings and adoption schedule was first placed into policy in 1955 and has periodically been revised to maintain consistency with code changes and correct adoption schedules.

Purpose:

The purpose for revising Policy 2445.40 is to assure consistency of language and intent with the West Virginia Code, re-establish subject area groupings for elementary and secondary schools, and prescribe the schedule for adopting instructional materials through the year 2015.

Contents:

The attached Policy 2445.40 Groupings for Textbook Adoption for Early Childhood Education, Middle Childhood Education, and Adolescent Education contains new language that is consistent with West Virginia Code 18-2A-1 and identifies the revised adoption periods. Strike-through language is being replaced and underlined language is proposed. Strike-through language will be deleted after approval by the West Virginia Board of Education.

Impact:

The impact of policy changes will bring the policy language into alignment with the current West Virginia Code 18-2A-1 and establish adoption periods for instructional materials by content area. The schedule of adoption will provide county school district administrators information for the development of annual budgets and the purchase of instructional materials. As an adoption state, West Virginia benefits from set bid prices for the periods of the adoptions and any price reductions during the adoption.

Comments/Suggestions Received:

TBA

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 11/14/06 12:07 *je*
ADMINISTRATIVE LAW DIVISION

SERIES 35

Groupings for Textbook Adoption for Early Childhood Education, Middle Childhood Education, and Adolescent Education (2445.40)

§126-35-1. General.

1.1. Scope. - This legislative rule sets the adoption period for textbook groupings I-VI for the required subjects taught in early childhood education, middle childhood education, and adolescent education.

1.2. Authority. - W. Va. Constitution, Article XII, §2 and W. Va. Code §18-2A-1 and §18-2-5.

1.3. Filing Date. - November 14, 2006.

1.4. Effective Date. - December 15, 2006.

1.5. Repeal of Former Rules. - This rule amends W. Va. 126CSR35 "Groupings for Textbook Adoption for Early Childhood Education, and Adolescent Education (2445.40)," filed July 14, 2000 and effective August 14, 2000.

§126-35-2. Purpose.

2.1. The purpose of this policy is to establish and classify the elementary and secondary school subjects required to be taught in the schools of West Virginia into adoption groups. The A schedule for periods of adoption is found in Appendix A of this rule.

§126-35-3. Implementation.

3.1. The classification of required subjects to be taught will be early childhood education, middle childhood education, and adolescent education and will be grouped by adoption periods I-VI.

3.2. These groupings replace the periods of adoption indicated in W. Va. Code §18-2A-1, "Definition; adoption groups; adoption schedule."

3.3. The West Virginia Instructional Materials Review/Advisory Committee, acting as a total body, shall select "Textbooks" as defined in W. Va. Code §18-2A-1, for each group by grade and subject for recommendation to the West Virginia Board of Education to be approved and published in the yearly *Official State Multiple List of Instructional Materials*.

126CSR35

3.4. The adoption period is based on the fiscal year (July 1 to June 30) and, unless otherwise noted, is established for six (6) years.

3.5. Groupings I-VI are found in Appendix A along with eight (8) adoption periods for each group from 2007-2021.

3.6. The required subjects, as applicable, are listed under classifications of early childhood education, middle childhood education, and adolescent education.

3.7. The West Virginia Instructional Materials Review/Advisory Committee begins its “textbook” review process approximately one year prior to the group adoption period beginning date found in Appendix A.

126CSR35

Appendix A

**GROUPINGS FOR TEXTBOOK (INSTRUCTIONAL MATERIALS) ADOPTION
FOR
EARLY CHILDHOOD EDUCATION, MIDDLE CHILDHOOD EDUCATION,
AND ADOLESCENT EDUCATION**

The establishment of groupings and periods of adoption complies with W. Va. Code §18-2A-1, Adoption of Textbooks, Instructional Materials and Learning Technologies. The West Virginia Instructional Materials Review/Advisory Committee, acting as a total body, is expected to select "textbooks" (instructional materials) for each group for recommendation to be approved and published in the yearly Official State Multiple List of Instructional Materials.

ADOPTION PERIOD* July 1 - June 30	GROUP	SUBJECTS	
		Required subjects, as applicable, in Early Childhood Education, Middle Childhood Education, and Adolescent Education, unless otherwise indicated.	
		Early and Middle Childhood Education	Adolescent Education
2008 to 2014	II	English Language Arts (Composition, Grammar, Handwriting, Journalism and Speech)	English Language Arts (Composition, Grammar, Handwriting, Journalism and Speech)
2008 to 2015		Music Visual Art	Music Visual Art
2009 to 2015	VI	Foreign Language	Foreign Language Driver Education Dance Theatre Vocational Agriculture Family & Consumer Science
2010 to 2016	IV	Mathematics	Mathematics
2011 to 2017	III	Social Studies	Social Studies
2012 to 2018	V	Science Health	Science Health
2013 to 2019	I	English Language Arts (Reading)	English Language Arts (Literature)
2014 to 2020	II	English Language Arts (Composition, Grammar, Handwriting, Journalism and Speech)	English Language Arts (Composition, Grammar, Handwriting, Journalism and Speech)

126CSR35

2015 to 2021	VI	Foreign Language Music Visual Art	Foreign Language Dance Theatre Driver Education Vocational Agriculture Family & Consumer Science Music Visual Art
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The West Virginia Instructional Materials Review/Advisory Committee commences its studies approximately one year prior to the beginning date identified above.

*The adoption period is based on the fiscal year and is established for six years unless otherwise indicated. The date on the *left* marks the *beginning* of the adoption; the one on the *right* indicates the *end* of the adoption. Adopted December 12, 1955; revised December 5, 1957; revised December 12, 1962; revised June 13, 1967; revised May 26, 1969; revised September 19, 1969; revised June 26, 1970; revised September 10, 1970; revised April 18, 1972; revised April 12, 1974; revised June 12, 1981; revised April 2, 1982; revised May 13, 1983; revised June 14, 1985; revised April 18, 1992; revised April 11, 1996; revised August 14, 2000; revised November 14, 2006

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 2445.40: Groupings for Textbook Adoption FUND STEP 7

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE

EFFECT OF PROPOSAL	ANNUAL	
	INCREASE	DECREASE
1. ESTIMATED TOTAL COST	\$	\$
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$
2. ESTIMATED TOTAL REVENUES	\$	\$

FISCAL YEAR		
CURRENT	NEXT	THEREAFTER
\$	\$ See Below	\$ See Below
\$	\$	\$
\$	\$	\$

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

The following details expenses associated with the changes to Policy 2445.40: Groupings for Textbook Adoption. Realignment of cycles will not incur any net additional costs, however earlier adoption of Music and Art will require that funding to be used one year earlier.

Approximate cost transferred from 2009 to 2008 for Music and Art instructional materials to counties is \$700,000. There is no cost to the department. Reversal of Social Studies and Math adoption cycles will result in no significant change financially.

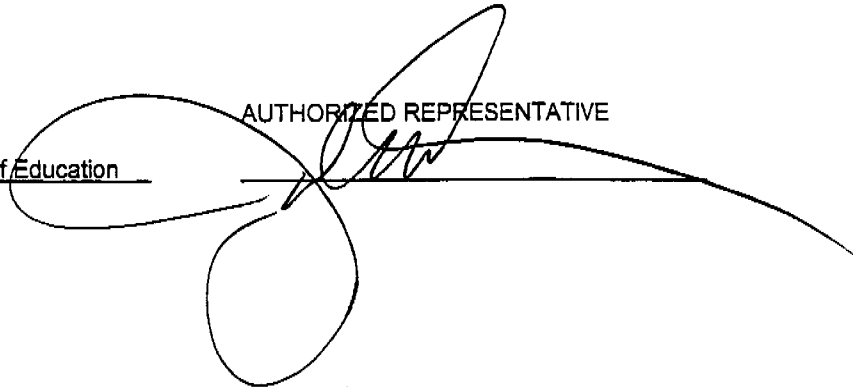
DATE

8/29/06

AGENCY

West Virginia Department of Education

AUTHORIZED REPRESENTATIVE



**Policy 2445.40: Name of Policy
Comment Log**

Beginning & Ending Date of Comment Period

Action Type
 N: No Response - Negative
 NA: Not Accepted + Positive
 A: Accepted o Neutral

DATE	INDIVIDUAL ORGANIZATION	COMMENTS	ACTION/TYPE	RATIONALE
§126-35-1 General				
10-02	Marty Soltis Coordinator Career and Tech Ed. msoltis@access.k12.wv.us Jefferson Co. Schools 110 Mordington Ave Charles Town WV 25414	To include Business Ed. into the textbook adoption cycle.	NA	West Virginia adopts instructional material for courses required to be taught in State Board Policy. Business Education courses are not required to be taught, therefore materials are not required to be adopted. Also, by not adopting statewide materials it gives the business teacher the flexibility to work with the local business community to tailor programs to meet locals needs and to choose material that is appropriate.
10-04	Jackie Gore Business Instructor jbgore@access.k12.wv.us Jefferson High School 4141 Flowing Springs Road Shenandoah Junction WV 25442	Why is Business & Marketing not included in the cycle for textbook adoption?	NA	West Virginia adopts instructional material for courses required to be taught in State Board Policy. Business Education courses are not required to be taught, therefore materials are not required to be adopted. Also, by not adopting statewide materials it gives the business teacher the flexibility to work with the local business community to tailor programs to meet locals needs and to choose material that is appropriate.

§126-35-2 Purpose	
<p>Marty Soltis Coordinator Career and Tech Ed. msoltis@access.k12.wv.us Jefferson Co. Schools 110 Mordington Ave Charles Town WV 25414</p>	<p>If we as a state are truly "Open for business" we must provide our students which have enrolled into business courses the most up to date materials possible. To not include them in the textbook adoption cycle sends not only sends the wrong message to our students but also to any business interested in relocating to our state.</p>
10-02	NA
§126-35-3 Implementation	
<p>3.5 Groupings The sub-heading English Language Arts is used for Reading/Literature and Composition, Grammar, Handwriting, Journalism, Speech. It seems confusing to have all areas listed under English Language Arts. Could there not be two different sub-headings----one for reading and one for the "language" areas?</p>	<p>West Virginia adopts instructional material for courses required to be taught in State Board Policy. Business Education courses are not required to be taught, therefore materials are not required to be adopted. Also, by not adopting statewide materials it gives the business teacher the flexibility to work with the local business community to tailor programs to meet locals needs and to choose material that is appropriate.</p>
09-29	N
Anonymous comment, unable to respond.	

10-02	<p>Marty Soltis Coordinator Career and Tech Ed. msoltis@access.k12.wv.us Jefferson Co. Schools 110 Mordington Ave Charles Town WV 25414</p>	<p>Include into the cycle which already has (Vocational) Agriculture and Family & Consumer Science, 2009-2015.</p>	NA	<p>West Virginia adopts instructional material for courses required to be taught in State Board Policy. Business Education courses are not required to be taught, therefore materials are not required to be adopted. Also, by not adopting statewide materials it gives the business teacher the flexibility to work with the local business community to tailor programs to meet locals needs and to choose material that is appropriate.</p>
10-16	<p>Cindy Daniel Asst. Superintendent cdaniel@access.k12.wv.us Kanawha County Schools 200 Elizabeth Street Charleston WV 25311</p>	<p>Changing the cycle for music and art will impact our county financially. Also, the switch in math and social studies will have a significant impact financially. We received a waiver for our elementary math adoption, meaning we will only have our adoption for four years. We spent 3 million + on this adoption. Why the switch?</p>	NA	<p>Music and Art materials have not been adopted for nine years. Manufacturing specifications for instructional materials are designed for six year cycles. Music and Art books are wearing out and must be replaced. State law requires adoption on eight year cycle maximum, except for Health and Science, which must be adopted at a maximum of six year cycles. Due to an error in the previous adoption cycle revision, the Music and Art were placed on a ten year rotation. When this was discovered last year it was too late in the cycle to add them, so the new revision this year was adjusted.</p>

Dan Blackwood

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, September 29, 2006 2:35 PM
To: fibanez@wvde.state.wv.us; dblackwo@access.k12.wv.us
Subject: Comment Received for Policy 2445.40 (2006-09-29 14:34:46)

Please save this email in a "Comments Received Online" folder. Your folder will be a backup. All comments are saved in our database. The Complete Comments Report from the database can be found here: <http://129.71.2.32/r.html?id=abdb7164c503a63373b8dce5a53e2e16> This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2445.40

#####

Name:
Organization:
Email:
Title:
Address1:
Address2:
City/State/Zip: ,
Role:
Posted: 2006-09-29 14:34:46
Posted from IP: 168.216.39.61

Comments for section 126-35-1 General

Comments for section 126-35-2 Purpose

Comments for section 126-35-3 Implementation

3.5 Groupings

The sub-heading English Language Arts is used for Reading/Literature and Composition, Grammar, Handwriting, Journalism, Speech. It seems confusing to have all areas listed under English Language Arts. Could there not be two different sub-headings----one for reading and one for the "language" areas?

Dan Blackwood

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, October 02, 2006 10:47 AM
To: fibanez@wvde.state.wv.us; dblackwo@access.k12.wv.us
Subject: Comment Received for Policy 2445.40 (2006-10-02 10:46:45)

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The Complete Comments Report from the database can be found here:
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This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2445.40

Name: Marty Soltis
Organization: Jefferson Co. Schools
Email: msoltis@access.k12.wv.us
Title: Coordinator Career and Tech Ed.
Address1: 110 Mordington Ave
Address2:
City/State/Zip: Charles Town , WV 25414
Role: School System Staff
Posted: 2006-10-02 10:46:45
Posted from IP: 168.216.158.24

Comments for section 126-35-1 General

To include Business Ed. into the textbok adoption cycle.

Comments for section 126-35-2 Purpose

If we as a state are truly "Open for business" we must provide our students which have enrolled into business courses the most up to date materials possible. To not include them in the textbook adoption cycle sends not only sends the wrong message to our students but also to any business interested in relocating to our state.

Comments for section 126-35-3 Implementation

Include into the cycle which already has (Vocational) Agriculture and Family & Comsumer Science, 2009-2015.

Dan Blackwood

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, October 04, 2006 2:22 PM
To: fibanez@wvde.state.wv.us; dblackwo@access.k12.wv.us
Subject: Comment Received for Policy 2445.40 (2006-10-04 14:22:00)

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The Complete Comments Report from the database can be found here:
<http://129.71.2.32/r.html?id=abdb7164c503a63373b8dce5a53e2e16>
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2445.40

Name: Jackie Gore
Organization: Jefferson High School
Email: jbgore@access.k12.wv.us
Title: Business Instructor
Address1: 4141 Flowing Springs Road
Address2:
City/State/Zip: Shenandoah Junction, WV 25442
Role: Teacher
Posted: 2006-10-04 14:22:00
Posted from IP: 168.216.162.100

Comments for section 126-35-1 General

Why is Business & Marketing not included in the cycle for textbook adoption?

Comments for section 126-35-2 Purpose

Comments for section 126-35-3 Implementation

Dan Blackwood

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, October 16, 2006 2:06 PM
To: fibanez@wvde.state.wv.us; dblackwo@access.k12.wv.us
Subject: Comment Received for Policy 2445.40 (2006-10-16 14:06:20)

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This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2445.40

#####

Name: Cindy Daniel
Organization: Kanawha County Schools
Email: cldaniel@access.k12.wv.us
Title: Asst. Superintendent
Address1: 200 Elizabeth Street
Address2:
City/State/Zip: Charleston, WV 25311
Role: School System Staff
Posted: 2006-10-16 14:06:20
Posted from IP: 168.216.74.186

Comments for section 126-35-1 General

Comments for section 126-35-2 Purpose

Comments for section 126-35-3 Implementation

Changing the cycle for music and art will impact our county financially. Also, the switch in math and social studies will have a significant impact financially. We received a waiver for our elementary math adoption, meaning we will only have our adoption for four years. We spent 3 million + on this adoption. Why the switch?

Dan Blackwood

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, October 31, 2006 8:35 PM
To: fibanez@wvde.state.wv.us; dblackwo@access.k12.wv.us
Subject: Comment Received for Policy 2445.40 (2006-10-31 20:34:32)

Please save this email in a "Comments Received Online" folder.
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The Complete Comments Report from the database can be found here:
<http://129.71.2.32/r.html?id=abdb7164c503a63373b8dce5a53e2e16>
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2445.40

Name: compact refrigerator
Organization: None
Email: bill@gmail.com
Title: compact refrigerator
Address1: None
Address2: None
City/State/Zip: New York, SC 29578
Role: Superintendent
Posted: 2006-10-31 20:34:32
Posted from IP: 222.119.58.85

Comments for section 126-35-1 General

<http://compact-refrigerator.allthanksgiving.com> <a href=<http://compact-refrigerator.allthanksgiving.com>>compact refrigerator [url=<http://compact-refrigerator.allthanksgiving.com>]compact refrigerator[/url]

Comments for section 126-35-2 Purpose

<http://compact-refrigerator.allthanksgiving.com> <a href=<http://compact-refrigerator.allthanksgiving.com>>compact refrigerator [url=<http://compact-refrigerator.allthanksgiving.com>]compact refrigerator[/url]

Comments for section 126-35-3 Implementation

<http://compact-refrigerator.allthanksgiving.com> <a href=<http://compact-refrigerator.allthanksgiving.com>>compact refrigerator [url=<http://compact-refrigerator.allthanksgiving.com>]compact refrigerator[/url]