

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In this Box

FILED

JUL 16 2 39 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**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. Code §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 ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August 15, 1996.



Cynthia E. Evans
Director, Legal Services

Executive Summary

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

Public Comment Period Ends: June 18, 1996

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. This policy has been on public comment for a period of 60 days.

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 2001.

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 adoptions 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:

Comments received during the comment period have been reviewed and reacted to as indicated on the attached comment log. As a result of the acceptance of some comments, appropriate changes have been made to the "Scheduling and Groupings of Instructional Materials For Adoption." These changes consist of moving Art from Group III to Group IV and including the nomenclature Visual Art. Music and Visual Art were removed at the secondary level, Group III and English Language Arts was inserted in the adoption period of 2001 to 2007. Please refer to comment log for complete report on policy comments.

FISCAL NOTE WORKSHEET

(Submit 4 Copies)

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

SUBJECT Policy 2445 40 Groupings and Adoption Schdule for Textbooks FUND _____

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

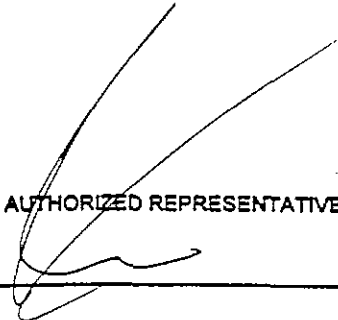
EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$ -0-	\$ -0-	\$ -0-
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

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

No Fiscal Impact due to policy revision.

DATE 4/26/68

AGENCY _____

AUTHORIZED REPRESENTATIVE 

126CSR35

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

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 gives the West Virginia Board of Education the authority to set the adoption period for textbooks groupings I-VI for the required subjects taught in Early Childhood Education, Middle Childhood Education, and Adolescent Education.

1.2. Authority - West Virginia Code 18-2A-1

1.3. Filing Date - July 16, 1996

1.4. Effective Date - August 15, 1996

1.5. Repeal of Former Rules - These groupings replace the periods of adoption previously established under authority granted to the Board of Education under 18-2A-1 of the West Virginia Adoption Of Textbooks, Instructional Materials And Learning Technologies.

§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. A schedule for periods of adoption are indicated as directed by the West Virginia Board of Education.

§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 18-2A-1 of the West Virginia Adoption Of Textbooks, Instructional Materials And Learning Technologies.

126CSR35

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

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. If otherwise noted, the adoption period will be defined by years and group.

3.5. Groupings I-VI are indicated along with the six (6) year adoption periods for each group from 1995-2001.

3.6. The required subjects, as applicable, are listed under classifications of Early and 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 as indicated.

GROUPINGS FOR TEXTBOOK³³ (INSTRUCTIONAL MATERIALS) ADOPTION
FOR
EARLY CHILDHOOD EDUCATION, MIDDLE CHILDHOOD EDUCATION,
AND ADOLESCENT EDUCATION

The establishment of groupings and periods of adoption complies with West Virginia 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.

<u>Adoption Period*</u>	<u>Group</u>	<u>Subjects</u>	
July 1/June 30	I	Required Subjects, as applicable, in Early Childhood Education, Middle Childhood Education, and Adolescent Education, unless otherwise indicated.	
		EARLY & MIDDLE CHILDHOOD EDUCATION	ADOLESCENT EDUCATION
1995 to 2001	I	English Language Arts	English Language Arts Driver Education
1996 to 2002	II	English Language Arts	English Language Arts
1997 - (Postponed due to restructuring of Instructional Goals and Objectives and Assessment Adoption)			
1998 to 2004	III	Social Studies Music (K-8)	Social Studies
1999 to 2005	IV	Mathematics Visual Art (K-8)	Mathematics
2000 to 2006	V	Science Health	Science Health
2001 to 2007	I	English Language Arts	English Language Arts

The *State* 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.

Summary of Comment Log

Policy 2445.4 was on a sixty (60) day comment period from April 18 to June 18, 1996. There were eleven (11) comments received from seven (7) people. Of the eleven comments, seven (7) were of a positive nature, two resulted in changes to the Groupings and Schedule, and two (2) were not accepted.

The two (2) comments not accepted were of the same nature. These comments requested that mathematics proceed in the adoption process next year. This request is not recommended because of the nature of the national and international events that have occurred within the past six years and have had a social, economic, and/or political impact on our society. Students must have the benefit of the historical, social, economic, and governmental events that affect their lives and the daily existence and operations of the United States government.

Comments and Suggestions Log
 Policy 2445.40
 Textbook Groupings and Adoptions

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

<u>Section</u>	<u>Received</u>	<u>Individual/ Organization</u>	<u>Comments/Suggestions</u>	<u>Action Type</u>	<u>Rationale</u>
General	4/8/96	Nick Baker, President WV Council of Teachers of Mathematics	It has come to our attention that consideration is being given to postponing, for at least one year, the adoption of new mathematics textbooks. In light of the revisions to the mathematics curriculum which are now being completed under the direction of Dr. Parnell, we would urge that the mathematics textbook adoption process proceed by the original timetable.	NA	To delay social studies for another year would deprive students the study of national and international events that have occurred since the last adoption of social studies in 1991. An examples of social studies events not included in current instructional materials are listed on page 7 of this log.

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

<u>Section</u>	<u>Received</u>	<u>Individual/ Organization</u>	<u>Comments/Suggestions</u>	<u>Action Type</u>	<u>Rationale</u>
Groupings & Schedule	5/16/96	Larry Myres Hampshire County BOE 46 S. High Street Ronney, WV 26757	Social Studies and Science are <u>Major</u> adoptions and are <u>major</u> expenses. Therefore, would it be possible to place Music, Art, and Health into the "open" year of 2001 - 2007 (Group VI)?	NA	The noted "open" year, Group VI (2001) has been revised to schedule English language arts in order to maintain the six (6) year cycle for this core subject. Music and visual art (K-8) have been recommended for adoption in 1998 and 1999, respectively, with health remaining in 2000.
Purpose	5/28/96	John W. Rose Jefferson County Schools PO Box 987 Charles Town, WV 25414	We are in favor of postponing the adoption of social studies books for one year. This will allow for the completion of the revised Instructional Goals and Objectives and for the adoption of instructional materials that more closely correlate to these goals and objectives.	N+	

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

<u>Section</u>	<u>Received</u>	<u>Individual/ Organization</u>	<u>Comments/Suggestions</u>	<u>Action Type</u>	<u>Rationale</u>
General	5/31/96	P. Douglas Perks Jefferson County Schools PO Box 987 Charles Town, WV 25414	I strongly support the restructuring process for Instructional Goals and Objectives and Assessment Adoption. It is important that a consistent format be used in <u>all</u> content areas. I also support the recommendation to postpone the 1997 adoption which moves Group III adoption to 1998.	N+	
Groupings & Schedules	5/31/96	P. Douglas Perks Jefferson County Schools PO Box 987 Charles Town, WV 25414	In Group III, 1998 to 2004, Early & Middle Childhood, should Art (K-8) be <u>renamed</u> "Visual Arts" (K-8)?	A	This was accepted and moved to Group IV.
General	6/19/96	Janice Kable Instructional Specialists Jefferson County Schools PO Box 987 Charles Town, WV 25414	The proposal in this policy clearly authorizes programs of study and more logically approaches the task of adoption of instructional materials.	N+	
Purpose	6/19/96	Janice Kable Instructional Specialists Jefferson County Schools PO Box 987 Charles Town, WV 25414	This move is very positive and targets the responsibility of materials selection better than current policy. It is generally a good move.	N+	

Action
 N: No Response
 NA: Not Accepted
 A: Accepted

Type
 - Negative
 + Positive
 ● Neutral

<u>Section</u>	<u>Received</u>	<u>Individual/ Organization</u>	<u>Comments/Suggestions</u>	<u>Action Type</u>	<u>Rationale</u>
Implementation	6/19/96	Janice Kable Instructional Specialists Jefferson County Schools PO Box 987 Charles Town, WV 25414	It is a step in the right direction to allow the year for social studies to "regroup," so to speak. The new schedule is most welcome!	NA	
Grouping & Schedule	6/21/96	Mary Ellen Komorowski Professor of Mathematics Bethany College Bethany, WV 26032	The schedule for Instructional Materials adoption for consideration in West Virginia, Policy 2445.40, <u>Groupings For Instructional Materials For Early Childhood Education, Middle Childhood Education, and Adolescent Education</u> does not take into consideration the following points.	NA	[same as rationale for Nick Baker, 4/8/96]
Grouping & Schedule (continued from previous page)	6/21/96	Mary Ellen Komorowski Professor of Mathematics Bethany College Bethany, WV 26032	After considering these points, the recommendation is that Mathematics Instructional Materials (Group IV) be considered for adoption in 1998 and Social Studies (Group III) in 1999. This reflects the year that adoption would have taken place if the process was not postponed.		

Supporting reasons:

1. State assessment data for mathematics, including NAEP results, indicate that although there has been some gain in scores, there is considerable room for improvement.

Action
 N: No Response
 NA: Not Accepted
 A: Accepted

Type
 - Negative
 + Positive
 ● Neutral

<u>Section</u>	<u>Received</u>	<u>Individual/ Organization</u>	<u>Comments/Suggestions</u>	<u>Action Type</u>	<u>Rationale</u>
Grouping & Schedule (continued)	6/21/96	Mary Ellen Komorowski Professor of Mathematics Bethany College Bethany, WV 26032	<p>2. With the Revised Curriculum emphasizing mathematics and reading at the K-4 level, the latest materials must be available to start the implementation.</p> <p>3. Instructional materials (textbooks) selected after the last curriculum revision (1989) were not fully aligned with the National Council of Teachers of Mathematics, NCTM Standards or with the WV Mathematics Curriculum which models the Standards. Supplemental workshops and information were needed to provide teachers with necessary materials for curriculum implementation.</p> <p>4. The recent revision (1996) of the West Virginia Mathematics Curriculum deserves a more Standards-based set of materials for its implementation.</p> <p>5. Unlike the Social Studies Curriculum revisions, the Mathematics Curriculum is ready for comment and implementation.</p> <p>6. Mathematics texts are taken home by students to do homework and thus receive considerable wear and tear. The mathematics tests are presently in "well used" condition.</p>		

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

<u>Section</u>	<u>Received</u>	<u>Individual/ Organization</u>	<u>Comments/Suggestions</u>	<u>Action Type</u>	<u>Rationale</u>
Groupings & Schedule	6/19/96	James F. Snyder WV Dept. of Education Charleston, WV 25305	The designation of [Open] for years 2001 to 2007 actually represents the beginning of the next cycle for English language arts. Due to the adoption postponement of social studies, English language arts should be listed for years 2001 to 2007 to maintain the six year cycle for core subject areas.	A+	The six year cycle of adoption would be maintained for English language arts.

Examples of Social Studies Events since 1991

National

Oklahoma City Bombing
 UniBomber Identified
 NAFTA
 Election of William "Bill" Clinton, President of the United States
 Contract With America/Rise of the Republican Party
 Republican Political Revolution, First Time Control of Both Houses
 Health Care Reform
 Telecommunications Bill
 Financial Aid/Americore Civil Service Work Corporate Downsizing
 Windows Based Operating Systems/Computers
 O.J. Simpson Trial
 While AT&T Corporate Shareholders Stock Risks,
 AT&T Layoff 40,000 Employees
 Split of AT&T Into Three Companies
 Tobacco Company Lawsuit
 Third Party Candidacy of Ross Perot
 HIV
 Drug Testing
 Death of Jackie Kennedy
 Federal Shutdown Over Budget
 Prozac and Ritalin, socially accepted drugs
 96 Olympics - Atlanta, Georgia
 Internet - Computer Technology
 Space Station Muir - (Joint Project U.S./Russia)
 Civil Rights Issues and the Burning of Predominately Black Churches
 Death of Richard M. Nixon, Former President of the United States

International

Normalization of Relations with Vietnam
 Mad Cow Disease
 Gulf War
 Stealth Bomber
 The Fall of Soviet Union
 Social Revolution in South Africa (Majority Rule)
 Namibia Gaining Independence
 Fall of Berlin Wall/Opening of East Berlin/Reunited Germany
 Single Monetary System (European Community)
 German Military Forces in Bosnia Hertzagovina First Time
 Chinese Missile Tests on Taiwan
 Taiwan/Free Election
 Soviet Invasion of Chechnia
 96 Olympics - Atlanta, Georgia
 92 Olympics - Barcelona, Calgary
 Devaluation of the Mexican Economy
 Fall of Michael Gorbachev
 Internet - Computer Technology
 Yitzhak Rabin Shooting
 Netanyahu Beats Peres (Israel)
 Space Station Muir - (Joint Project U.S./Russia)
 Ebola Virus
 Rowanda/Military Crises
 Change of Leadership in Great Britain (Margaret Thatcher/John Major)
 Desert Storm (Military Crisis)
 Building of the Chunnel connecting England and France



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

STEPHEN N. REED
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000
FAX: (304) 558-0900

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

(Plus all the volunteer
help we can get)

TO: ~~VIC BARONE~~ *Jim Snyder*

AGENCY: EDUCATION

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: August ~~28~~ ²⁹, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 35 TITLE: 126 EDUCATION

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: *James F. Snyder*

TITLE OF PERSON SIGNING: *Ass't. Division Chief, Div. Instructional and Stu. Serv.*

DATE: *8/29/96*

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.