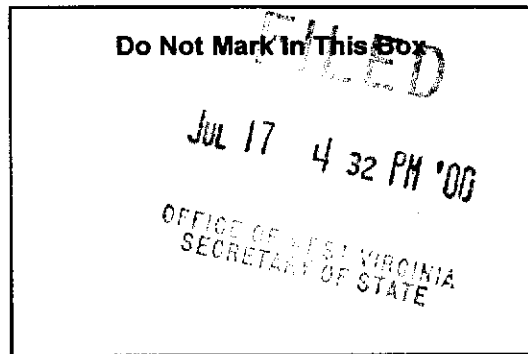


WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5



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. Constitution, Article XII, §2, 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 XX NO _____

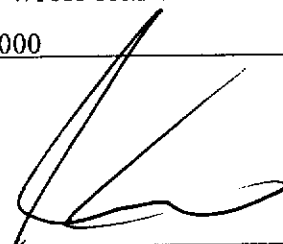
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 35

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, August 16, 2000



William J. Luff, Jr.
Associate State Superintendent

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 2009.

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:

The comment period extended from May 12, 2000 through June 12, 2000. Only one comment was received and no change was made to the policy.

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION
SERIES 35
Policy 2445.40**

**Groupings for Textbook Adoption for Early Childhood Education, Middle
Childhood Education, and Adolescent Education**

§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 textbook 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 17, 2000

1.4. Effective Date - August 14, 2000

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.

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 West Virginia 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 eight (8) adoption periods for each group from 2001-2009.

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 TEXTBOOK (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.

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
2001 to 2007	I	English Language Arts	English Language Arts Driver Education
2002 to 2008	II	English Language Arts Foreign Language (7-8)	English Language Arts Vocational Agriculture Mathematics in the Community Biology: Technical/Conceptual Drama
2003 to 2009			Foreign Language Family & Consumer Science
2004 to 2010	III	Social Studies	Social Studies
2005 to 2011	IV	Mathematics	Mathematics
2006 to 2012	V	Science Health	Science Health
2007 to 2013	I	English Language Arts	English Language Arts
2008 to 2014	II	English Language Arts	English Language Arts
2009 to 2015	VI	Foreign Language (7-8) Music (K-8) Fine Arts (K-8)	Foreign Language Driver Education Fine Arts Vocational Agriculture Family & Consumer Science

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; revised October 1, 2000.

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		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$	\$ See Below	\$ See Below
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

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

The following chart details expenses associated with the changes to Policy 2445.40: Groupings for Textbook Adoption. These costs may occur during fiscal years 2002, 2009, and on a six year cycle thereafter.

Foreign Language	\$590,000
Robert C. Beach Vocational Agricultural Credit	\$65,000
Total	\$655,000

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

_____ West Virginia Department of Education _____

POLICY 2445.40: GROUPINGS FOR "TEXTBOOKS: (INSTRUCTIONAL MATERIALS) ADOPTION FOR EARLY CHILDHOOD EDUCATION, MIDDLE CHILDHOOD EDUCATION, AND ADOLESCENT EDUCATION

COMMENT LOG

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

Date	Individual/ Organization	Comments	Action/ Type	Rationale
May 18, 2000	Phil Wyatt, Washington Irving Middle School, Harrison County	<p>The grouping for music K-8 is 5 years later than it should be. The nature of band texts being softbound doesn't lend itself to this length of time. Even with the seven-year wait this past adoption period our books were deteriorating.</p> <p>Again, I feel that music has been kicked to the bottom of the pile. If it is due to the emphasis on math and science, why not look at the studies. Students that participate in Arts programs have higher test scores in both math and science. So why not emphasize the arts more and enhance the math, science, creative writing, etc. After all, aren't we developing the "whole child?"</p>	NA	<p>The music grouping would be four years later (not five). Not all music books are softbound.</p> <p>Music is being moved off the six year cycle one time only to alleviate the need for music waivers due to a lack of funding caused by the expense of the mathematics adoption. With music placed with other non-core subjects there will be increased funding for music materials and waivers will not be necessary.</p>

MAY 24

Policy 2445.40 - Groupings for Textbook Adoption

Please use this form when commenting on proposed Policy 2445.40. You may attach additional sheets if necessary.

Individual/Organization: Phil Wyatt Washington Irving Middle

Title: music/band - band textbook committee chair

Street Address: ^{home:} 312 Hartland Ave City/State/Zip: Clarksburg WV 26301
^{school:} 443 Lee Avenue

Comments/Suggestions

126-5-1. General

The grouping for music K-8 is 5 years later than it should be. The nature of band texts being softbound doesn't lend to this length of time. Even with the 7 years we (over)

125-5-2. Rule Format

125-5-3. State Board Report on Meeting Educational Goals

125-5-4. Replacement of Certificate of Proficiency with Electronic Portfolio

Complete response form by listing each section of the policy.

Return comments by June 12, 2000 to:
 Steve McBride, Executive Director of Instructional Materials
 West Virginia Department of Education
 1900 Kanawha Boulevard, East, B-318
 Charleston, West Virginia 25305-0330
 Email: smcbride@access.k12.wv.us
 Fax: 304.558.6268

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