

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

SERIES 40  
RULES FOR GRANTING EXEMPTIONS TO THE LEGAL  
REQUIREMENTS FOR THE ADOPTION AND UTILIZATION OF  
TEXTBOOKS/PROGRAMS (2445.44)

**§126-40-1. General.**

1.1. Scope. -- This legislative rule identified the exceptions to the rule that county boards of education shall adopt and schools use only those basal textbooks on the current official state multiple list.

1.2. Authority. -- W. Va. Code §18-2A-8

1.3. Filing Date. -- July 10, 1985

1.4. Effective Date - September 10, 1985

**§126-40-2. Preface.**

Chapter 18, Article, 2A, Section 8 of the State Code provides that all textbooks used for basal instruction in required areas of study in the public schools in West Virginia must be approved by the State Board of Education and listed on the state multiple list. The Code further permits the West Virginia Board of Education to make such rules and regulations necessary for carrying out the provisions of Article 2A. County boards of education shall adopt (and schools shall use) only those basal textbooks on the current official state multiple list unless "exempted" by an official action of the West Virginia Board of Education under the provisions of this policy.

**§126-40-3. Rules.**

3.1. An "exemption" will be granted when based on any expressed provision of Article 2A.

3.2. A request for exemption must fall in one of four categories:

a. The additional adoption of textbooks from the state multiple list not provided in the original county adoption;

b. The guaranteed use of textbooks for a period commensurate to the appropriate adoption grouping for textbooks adopted/purchased for use in grades 7-12 (middle childhood and adolescent education) prior to the approval of a state multiple list;

c. The continued use of textbooks from the most recently expired state multiple list with documentation assuring availability to each student enrolled in the class for the duration of the adoption period; and/or,

d. Requests not in the three (3) preceding categories will be reviewed on a case-by-case basis and shall be presented to the State Board for its determination.

3.3. Any student, instructed by an Individual Educational Program (IEP), under the rules and regulations for exceptional students, shall be excluded from any request provided herein.

3.4. Any request for an "exemption" must address the limitations imposed (if any) for the respective textbook adoption grouping and may exceed a period of six (6) years or be reduced to coincide with the adoption period of the respective subject area.

3.5. Comprehensive documentation must accompany each request approved by the county board of education as to meeting the specific needs of the learner(s), compatibility of different copyrighted editions in classroom instruction, and purchasing replacements to assure the availability of textbooks for the duration of the request.

3.6. A request for an "exemption" may be submitted to the State Superintendent of Schools only after it has been:

a. reviewed by the county textbook committee which was appropriate for the subject;

b. recommendation by the county superintendent of schools; and,

c. approved by the county board of education.

3.7. A county board of education shall not claim an "exemption" until it has the formal, written approval of the State Superintendent of Schools.

3.8. Upon approval, the "exemption" will become an official record for purposes of the county textbook

adoption report, school utilization report, and county accreditation.

**§126-40-4. Implementation.**

4.1. The department may develop the procedures to implement these rules.

4.2. A summary date analysis relative to the exemptions granted will be reviewed annually by the State Board of Education to determine if the need exists for revision and/or modification within the textbook laws or these rules.