

**TITLE 126**  
**PROCEDURAL RULES**  
**BOARD OF EDUCATION**

**SERIES 34**  
**RESOLUTION REGARDING U.S. DISTRICT**  
**COURT ORDER (2445.4A)**

**126-34-1. General.**

1.1. Scope. -- The United States District Court for the Northern District of West Virginia ordered the modification of existing textbook adoption regulations to provide free textbooks and other necessary instructional materials for needy students.

1.2. Authority. -- W. Va. Code 18-5-21

1.3. Filing Date. -- October 17, 1986

1.4. Effective Date. -- October 17, 1986

**126-34-2. Resolution.**

Whereas, the United States District Court for the Northern District of West Virginia has ordered, adjudged, and decreed on the 17th day of June, 1977 that twenty (20) days from the issuance of said order certain policy statements, procedures, and regulations be adopted by the West Virginia Board of Education which will provide for free textbooks and other necessary instructional materials for needy students of this state, therefore be it

Resolved, that the State Board of Education hereby establishes criteria for free textbooks and other necessary instructional materials which are consistent with the United States Department of Agriculture criteria concerning the establishing of eligibility for free and reduced-price lunches, and be it further

Resolved, that such criteria are hereby incorporated into an application form which shall be used in every public school in the state in order to determine student eligibility for free textbooks and instructional materials, and be it further

Resolved, that controversies and disputes over a student's eligibility for free textbooks and other necessary instructional materials shall be settled according to 1340 of the State Board of Education's previously stated policies, rules, and regulations and must be processed by each county board of education by substantially the same procedure used for determining eligibility for free and reduced lunches, and be it further

Resolved, that the State Board of Education hereby orders that each county board of education amend its 1977-78 budget to reflect an adequate allocation of funds so as to enable each eligible child to be provided with individual copies of free textbooks and individual quantities of other necessary instructional materials. Such budget revision shall be accomplished by August 20, 1977, and be it further

Resolved, that no county board of education shall charge needy school children rental fees for any textbooks, workbooks, or other printed material necessary for

use in elective or non-elective courses in the curriculum necessary for graduation or the completion of public school education, grades K-12, and be it further

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Resolved, that on this 8<sup>th</sup> day of July, 1977 the State Board of Education does hereby require that all orders so directed by the Court's decision of June 17, 1977 be fully implemented to ensure that each needy student in West Virginia be provided free textbooks, workbooks and other educational materials, and activities beginning with the school term of 1977-78.