♣ Approved for Filing: JLW♣ 12-16-98 1:22 PM♣

1	TEXTBOOKS IN PUBLIC SCHOOLS
2	1999 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Lloyd W. Frandsen
5	AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT TEXTBOOKS SHALL
6	BE PROVIDED FREE OF CHARGE IN THE PUBLIC SCHOOLS; PROVIDING THAT A
7	REFUNDABLE DEPOSIT MAY BE REQUIRED FOR DAMAGE TO OR LOSS OF
8	TEXTBOOKS; PROVIDING SCHOOL DISTRICTS WITH \$50 FOR EACH STUDENT IN
9	GRADES 7 THROUGH 12 TO ELIMINATE TEXTBOOK FEES; MAKING CERTAIN
10	TECHNICAL CHANGES; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE
11	DATE.
12	This act affects sections of Utah Code Annotated 1953 as follows:
13	AMENDS:
14	<b>53A-12-201</b> , as enacted by Chapter 2, Laws of Utah 1988
15	53A-12-204, as last amended by Chapter 174, Laws of Utah 1997
16	REPEALS:
17	53A-12-205, as enacted by Chapter 2, Laws of Utah 1988
18	<b>53A-12-206</b> , as enacted by Chapter 2, Laws of Utah 1988
19	This act enacts uncodified material.
20	Be it enacted by the Legislature of the state of Utah:
21	Section 1. Section <b>53A-12-201</b> is amended to read:
22	53A-12-201. State policy on providing textbooks.
23	(1) It is the public policy of this state that public education shall be free.
24	[(2) A student may not be denied an education because of economic inability to purchase
25	textbooks necessary for advancement in or graduation from the public school system.]
26	[(3) A] (2) Beginning July 1, 1999, a school board may not [sell textbooks or otherwise]
27	charge textbook fees or deposits except as provided in [Title 53A] Section 53A-12-204.

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28	Section 2. Section <b>55A-12-204</b> is amended to read:
29	53A-12-204. Purchase of textbooks by local school board State board approval
30	Free textbooks Textbooks provided to teachers.
31	(1) A local school board, under rules adopted by the State Board of Education, may
32	purchase textbooks approved by the state board for use in the public schools directly from the
33	publisher at prices and terms approved by the state board [and may sell those books to pupils in
34	grades nine through 12 at a cost not to exceed the actual cost of the book plus costs of
35	transportation and handling].
36	(2) (a) Each school board[, however,] shall provide, free of charge, textbooks and
37	workbooks required for courses of instruction for each [child] student attending public schools
38	[whose parent or guardian is financially unable to purchase them], except that a textbook fee may
39	be assessed for a textbook required in a concurrent enrollment class under rules adopted by the
40	State Board of Education.
41	(b) (i) The school board may require a refundable textbook deposit in grades 7 through 12
12	to offset costs associated with lost or damaged textbooks.
43	(ii) Each school board that requires a textbook deposit under Subsection (2)(b)(i) shall
14	provide for a refund of the deposit at the conclusion of the school year under rules adopted by the
45	State Board of Education.
46	[(3) Children who are receiving cash assistance under Title 35A, Chapter 3, Part 3, Family
<del>1</del> 7	Employment Program, supplemental security income, or who are in the custody of the Division
18	of Child and Family Services within the Department of Human Services are eligible for free
19	textbooks and workbooks under this section.]
50	[(4)] (3) The school board shall also purchase all books necessary for teachers to conduct
51	their classes.
52	[(5) The cost of furnishing textbooks and workbooks may be paid from school operating
53	funds, the textbook fund, or from other available funds.]
54	[(6)] (4) Books provided to teachers and [pupils without charge or at less than full cost are
55	paid for out of funds of the district and] students remain the property of the district.
56	[(7) In school districts that require pupils to rent books instead of purchasing them or
57	providing them free of charge, the school board shall waive rental fees for a child whose parent
58	or guardian is financially unable to pay the rental fee. The children considered eligible under

12-16-98 1:22 PM 59 Subsection (3) are also eligible for the purposes of this subsection. 60 Section 3. Elimination of textbook fees in secondary schools -- Reduction or 61 elimination of other fees. 62 (1) (a) For the school year beginning July 1, 1999, each school district shall receive \$50 for each student in grades 7 through 12 to eliminate textbook fees in secondary schools. 63 64 (b) Each district's allocation shall be based on the previous year's October 1 student count in grades 7-12, with adjustments for anticipated growth under rules adopted by the State Board of 65 Education. 66 67 (2) If a school district's anticipated textbook fees for the 1999 school year would have been less than \$50 per secondary school student, then the district shall use its allocation under 68 69 Subsection (1) to eliminate its textbook fees and apply the balance to reduce or eliminate other 70 anticipated course fees and activity fees that would be charged to secondary students but for this 71 allocation. 72 (3) The State Board of Education, in consultation with the state's 40 school districts, shall 73 make a recommendation prior to December 31, 1999, for consideration by the Legislature that would incorporate the funding provision in Subsection (1) into Title 53A. Chapter 17a, Minimum 74 School Program Act, as a line item, with weighted pupil units that take into account growth and 75 76 inflation factors. Section 4. Repealer. 77 78 This act repeals: Section 53A-12-205, Free textbook system.

- 79
- 80 Section 53A-12-206, Repurchase and resale of textbooks.
- 81 Section 5. Effective date.
- 82 This act takes effect on July 1, 1999.

## **Legislative Review Note** as of 11-19-98 12:40 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

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## **Committee Note**

The Education Interim Committee recommended this bill.