

## **Part 2 Textbooks**

### **53A-12-201 State policy on providing textbooks.**

- (1) It is the public policy of this state that public education shall be free.
- (2) A student may not be denied an education because of economic inability to purchase textbooks necessary for advancement in or graduation from the public school system.
- (3) A school board may not sell textbooks or otherwise charge textbook fees or deposits except as provided in Title 53A, State System of Public Education.

Enacted by Chapter 2, 1988 General Session

### **53A-12-202 "Textbooks" defined.**

For the purposes of Sections 53A-12-201 through 53A-12-206, "textbooks" includes textbooks and workbooks necessary for participation in any instructional course. Textbooks shall not include personal or consumable items, such as pencils, papers, pens, erasers, notebooks, other items of personal use, or products which a student may purchase at his option, such as school publications, class rings, annuals, and similar items.

Enacted by Chapter 2, 1988 General Session

### **53A-12-204 Purchase of textbooks by local school board -- Sales to pupils -- Free textbooks -- Textbooks provided to teachers -- Payment of costs -- Rental of textbooks.**

- (1) A local school board, under rules adopted by the State Board of Education, may purchase textbooks for use in the public schools directly from the publisher at prices and terms approved by the state board and may sell those books to pupils in grades nine through 12 at a cost not to exceed the actual cost of the book plus costs of transportation and handling.
- (2) Each local school board, however, shall provide, free of charge, textbooks and workbooks required for courses of instruction for each child attending public schools whose parent or guardian is financially unable to purchase them.
- (3) Children who are receiving cash assistance under Title 35A, Chapter 3, Part 3, Family Employment Program, supplemental security income, or who are in the custody of the Division of Child and Family Services within the Department of Human Services are eligible for free textbooks and workbooks under this section.
- (4) The local school board shall also purchase all books necessary for teachers to conduct their classes.
- (5) The cost of furnishing textbooks and workbooks may be paid from school operating funds, the textbook fund, or from other available funds.
- (6) Books provided to teachers and pupils without charge or at less than full cost are paid for out of funds of the district and remain the property of the district.
- (7) In school districts that require pupils to rent books instead of purchasing them or providing them free of charge, the local school board shall waive rental fees for a child whose parent or guardian is financially unable to pay the rental fee. The children considered eligible under Subsection (3) are also eligible for the purposes of this Subsection (7).

Amended by Chapter 299, 2002 General Session

**53A-12-205 Free textbook system.**

- (1) If a local school board considers it desirable or necessary, or if the board is petitioned by two-thirds of those voting in the district, it shall provide free textbooks to all pupils in the schools under its charge.
- (2) Books purchased under this section shall be paid for out of the funds of the district.
- (3) The board shall assure that sufficient funds are raised and set aside for this purpose.
- (4) A board that has adopted the free textbook system shall terminate the system if petitioned by two-thirds of those voting in an election conducted for that purpose vote to terminate the system.
- (5) The board may not act upon a petition to terminate the free textbook system during a period of four years after the system is adopted.
- (6) The board may not reinstitute a free textbook system until four years after its termination.

Enacted by Chapter 2, 1988 General Session

**53A-12-206 Repurchase and resale of textbooks.**

- (1) If a student moves from a district in which free textbooks were not provided, the school board of that district may purchase the books used by the student at a reasonable price, based upon the original cost and the condition of the book upon return.
- (2) The books purchased by the district under this section may be resold to other students in the district.

Enacted by Chapter 2, 1988 General Session

**53A-12-207 Disposal of textbooks.**

- (1) For a school year beginning with or after the 2012-13 school year, a local school district may not dispose of textbooks used in its public schools without first notifying all other school districts in the state of its intent to dispose of the textbooks.
- (2) Subsection (1) does not apply to textbooks that have been damaged, mutilated, or worn out.
- (3) The State Board of Education shall develop rules and procedures directing the disposal of textbooks.

Amended by Chapter 305, 2010 General Session