

28 Section 2. Section 53A-12-204 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
42 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
44 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~~
47 ~~Employment Program, supplemental security income, or who are in the custody of the Division~~
48 ~~of Child and Family Services within the Department of Human Services are eligible for free~~
49 ~~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~~

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
63 for each student in grades 7 through 12 to eliminate textbook fees in secondary schools.

64 (b) Each district's allocation shall be based on the previous year's October 1 student count
65 in grades 7-12, with adjustments for anticipated growth under rules adopted by the State Board of
66 Education.

67 (2) If a school district's anticipated textbook fees for the 1999 school year would have been
68 less than \$50 per secondary school student, then the district shall use its allocation under
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
74 would incorporate the funding provision in Subsection (1) into Title 53A, Chapter 17a, Minimum
75 School Program Act, as a line item, with weighted pupil units that take into account growth and
76 inflation factors.

77 Section 4. **Repealer.**

78 This act repeals:

79 Section **53A-12-205, Free textbook system.**

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

Committee Note

The Education Interim Committee recommended this bill.