

Representative Lloyd W. Frandsen proposes to substitute the following bill:

TEXTBOOKS IN PUBLIC SCHOOLS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Lloyd W. Frandsen

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT TEXTBOOKS SHALL BE PROVIDED FREE OF CHARGE THROUGH THE EIGHTH GRADE IN THE PUBLIC SCHOOLS; PROVIDING THAT A REFUNDABLE DEPOSIT MAY BE REQUIRED FOR DAMAGE TO OR LOSS OF TEXTBOOKS; PROVIDING SCHOOL DISTRICTS WITH \$50 FOR EACH STUDENT IN GRADES 7 AND 8 TO ELIMINATE TEXTBOOK FEES IN THOSE GRADES; MAKING CERTAIN TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-12-201, as enacted by Chapter 2, Laws of Utah 1988

53A-12-204, as last amended by Chapter 174, Laws of Utah 1997

This act enacts uncodified material.

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-12-201** is amended to read:

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]~~ (3) Beginning July 1, 1999, a school board may not sell textbooks or otherwise charge textbook fees or deposits except as provided in Title 53A, Chapter 12, Part 2, Textbooks.

Section 2. Section **53A-12-204** is amended to read:

53A-12-204. Purchase of textbooks by local school board -- State board approval -- Free textbooks -- Textbooks provided to teachers.

(1) A local school board, under rules adopted by the State Board of Education, may purchase textbooks approved by the state board 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) (a) Each school board[, however,] shall provide, free of charge, textbooks and workbooks required for courses of instruction for each [child] student attending public schools whose parent or guardian is financially unable to purchase them.

(b) (i) The school board may require a refundable textbook deposit in grades 7 through 12 to offset costs associated with lost or damaged textbooks.

(ii) Each school board that requires a textbook deposit under Subsection (2)(b)(i) shall provide for a refund of the deposit at the conclusion of the school year under rules adopted by the State Board of Education.

(3) [Children] Students 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 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] students 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) (a) In school districts that require [pupils] students in grades 9 through 12 to rent books instead of purchasing them or providing them free of charge, the school board shall waive rental fees for a [child] student whose parent or guardian is financially unable to pay the rental fee.

(b) The [children] students considered eligible under Subsection (3) are also eligible for the purposes of this subsection.

Section 3. Elimination of textbook fees in grades 7 and 8 -- Reduction or elimination

57 **of other fees.**

58 (1) (a) For the school year beginning July 1, 1999, each school district shall receive \$50
59 for each student in grades 7 and 8 to eliminate textbook fees in those grades.

60 (b) Each district's allocation shall be based on the previous year's October 1 student count
61 in grades 7 and 8, with adjustments for anticipated growth under rules adopted by the State Board
62 of Education.

63 (2) If a school district's anticipated textbook fees for the 1999 school year would have been
64 less than \$50 per seventh and eighth grade student, then the district shall use its allocation under
65 Subsection (1) to eliminate its textbook fees and apply the balance to reduce or eliminate other
66 anticipated course fees and activity fees that would be charged to seventh and eighth grade students
67 but for this allocation.

68 (3) The State Board of Education, in consultation with the state's 40 school districts, shall
69 make a recommendation prior to December 31, 1999, for consideration by the Legislature that
70 would incorporate the funding provision in Subsection (1) into Title 53A, Chapter 17a, Minimum
71 School Program Act, as a line item, with weighted pupil units that take into account growth and
72 inflation factors.

73 **Section 4. Effective date.**

74 This act takes effect on July 1, 1999.