

IC 20-26-12

Chapter 12. Textbooks

IC 20-26-12-1

Mandatory purchase and rental; public school students

Sec. 1. (a) Except as provided in subsections (b) and (c) and notwithstanding any other law, each governing body shall purchase from a publisher, either individually or through a purchasing cooperative of school corporations, the textbooks selected by the proper local officials, and shall rent these textbooks to each student enrolled in a public school that is:

- (1) in compliance with the minimum certification standards of the state board; and
- (2) located within the attendance unit served by the governing body.

(b) This section does not prohibit the purchase of textbooks at the option of a student or the providing of free textbooks by the governing body under sections 6 through 21 of this chapter.

(c) This section does not prohibit a governing body from suspending the operation of this section under a contract entered into under IC 20-26-15.

As added by P.L.1-2005, SEC.10. Amended by P.L.73-2011, SEC.8.

IC 20-26-12-2

Purchase and rental; rental fee; limitations

Sec. 2. (a) A governing body may purchase from a publisher, any textbook selected by the proper local officials. The governing body may rent these textbooks to students enrolled in any public or nonpublic school that is:

- (1) in compliance with the minimum certification standards of the state board; and
- (2) located within the attendance unit served by the governing body.

The annual rental rate may not exceed twenty-five percent (25%) of the retail price of the textbooks.

(b) Notwithstanding subsection (a), the governing body may not assess a rental fee of more than fifteen percent (15%) of the retail price of a textbook that has been:

- (1) extended for usage by students under section 24(e) of this chapter; and
- (2) paid for through rental fees previously collected.

(c) This section does not limit other laws.

As added by P.L.1-2005, SEC.10. Amended by P.L.73-2011, SEC.9.

IC 20-26-12-3

Obsolete textbooks; conveyance; distribution to parents or residents; storage

Sec. 3. (a) Upon a written determination by the governing body of a school corporation that a textbook is no longer scheduled for use in the school corporation, the governing body may sell, exchange,

transfer, or otherwise convey the textbook. However, before a governing body may mutilate or otherwise destroy a textbook, the governing body must first comply with the following provisions:

- (1) Subsection (b).
- (2) Subsection (c).
- (3) Section 4 of this chapter.
- (4) Section 5 of this chapter.

(b) Before a governing body may mutilate or otherwise destroy a textbook, the governing body shall provide at no cost and subject to availability one (1) copy of each textbook that is no longer scheduled for use in the school corporation to:

- (1) the parent of each student who is enrolled in the school corporation and who wishes to receive a copy of the textbook; and
- (2) if any textbooks remain after distribution under subdivision (1), to any resident of the school corporation who wishes to receive a copy of the textbook.

(c) If a governing body does not sell, exchange, transfer, or otherwise convey unused textbooks under subsection (a) or (b), each public elementary and secondary school in the governing body's school corporation shall provide storage for at least three (3) months for the textbooks in the school corporation. A school corporation may sell or otherwise convey the textbooks to another school corporation at any time during the period of storage.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-4

State master list; textbook requests

Sec. 4. (a) A school corporation shall compile a list of textbooks in storage under section 3 of this chapter. The list must include the names of the publishers and the number of volumes being stored. The list must be mailed to the department. The department shall maintain a master list of all textbooks being stored by school corporations.

(b) Upon request, the state superintendent shall mail to a nonprofit corporation or institution located in Indiana a list of textbooks available for access. A nonprofit corporation or institution may acquire the textbooks from the appropriate school corporation by paying only the cost of shipping and mailing.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-5

Disposal of obsolete textbooks

Sec. 5. Textbooks stored for at least three (3) months under section 3 of this chapter may not be mutilated or destroyed and must be maintained and stored according to regulations prescribed by local and state health authorities. Textbooks that have not been requested after at least three (3) months may be mutilated, destroyed, or otherwise disposed of by the school corporation.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-6

Free textbooks; school libraries

Sec. 6. (a) Sections 7 through 21 of this chapter apply to school libraries that contain free textbooks. The textbooks must be selected by the proper local officials.

(b) As used in sections 6 through 21 of this chapter, "resident student" means a student enrolled in any of the grades in any school located in a school corporation, whether the student resides there or is transferred there for school purposes.

As added by P.L.1-2005, SEC.10. Amended by P.L.73-2011, SEC.10.

IC 20-26-12-7

Free textbooks; voters' petition

Sec. 7. (a) If a petition requesting the establishment of an elementary school library is filed with a governing body, the governing body shall provide a library containing textbooks in sufficient numbers to meet the needs of every resident student in each of the eight (8) grades of each elementary school. The petition must be signed by at least fifty-one percent (51%) of the registered voters of the governing body's school corporation.

(b) This subsection applies to a governing body that has established an elementary school library under subsection (a). If a petition requesting establishment of a high school library is filed with the governing body, the governing body shall provide a library containing textbooks in sufficient numbers to meet the needs of every resident student in each of the four (4) grades of each high school. The petition must be signed by at least twenty percent (20%) of the voters of the school corporation as determined by the total vote cast at the last general election for the trustee of the township, clerk of the town, or mayor of the city.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-8

Form of petition

Sec. 8. A petition for an elementary or a high school library under section 7 of this chapter must be in substantially the following form:

To the governing body of the school corporation of _____

We, the undersigned voters of the school corporation of _____ respectfully petition the governing body of the school corporation of _____ to establish an elementary school (or high school, as appropriate) library and to lend its school textbooks free of charge to the resident students of the school corporation of _____, under IC 20-26-12.

| NAME | ADDRESS | DATE |
|-------|---------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

STATE OF INDIANA)
)
 _____ COUNTY) SS:

_____ being duly sworn, deposes and says that he or she

is the circulator of this petition paper and that the appended signatures were made in his or her presence and are the genuine signatures of the persons whose names they purport to be.

Signed _____
Subscribed and sworn to before me this ____ day of _____,
20 __.

Notary Public

As added by P.L.1-2005, SEC.10.

IC 20-26-12-9

Petition signatures

Sec. 9. The signatures to each petition may be appended to one (1) petition paper. An affidavit of the circulator must be attached to each petition paper. The affidavit must state that each signature was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. Each signature must be made in ink or indelible pencil. Each signer shall state the signer's name, the signer's residence by street and number, or any other description sufficient to identify the place and the date of the signing.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-10

Qualified petitioner

Sec. 10. A person who signs a petition under this chapter must be registered to vote in the precinct in which the person resides to be qualified to sign and to have the signature count.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-11

Petition filing

Sec. 11. All petition papers requesting the establishment of a library under this chapter must be assembled and filed as one (1) instrument before July 2.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-12

Examination of petitions; employment of clerks

Sec. 12. (a) A governing body shall examine petition papers filed under section 11 of this chapter and shall have the names checked against the voter registration records in the county in which the governing body's school corporation is located.

(b) A governing body may employ clerks to check voter registration records under this section. The governing body may pay these expenses from the school corporation's general fund without a specific appropriation.

(c) A clerk employed under subsection (b) shall take an oath to perform honestly and faithfully. The clerk is entitled to daily compensation of not more than three dollars (\$3) for this work.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-13

Duty of school corporation

Sec. 13. If a sufficient petition is filed under section 11 of this chapter, a governing body shall note on the records of the governing body's school corporation that by filing the petition the school corporation must maintain:

- (1) an elementary school library containing textbooks in sufficient numbers to meet the needs of every resident student in each of the first eight (8) grades of each elementary school located within the school corporation; or
- (2) a high school library containing textbooks in sufficient numbers to meet the needs of every resident student in each of the four (4) grades of each high school located within the school corporation;

as applicable.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-14

Appropriation by governing body

Sec. 14. (a) This subsection applies to a school corporation described in section 13(1) of this chapter. The governing body shall make the first appropriation from the school corporation's general fund in August following the petition's filing. Not later than the school term following the first appropriation, the library must be established and textbooks must be loaned to resident students enrolled in the first five (5) grades of the elementary school. Not later than the second school term following the first appropriation, textbooks must be procured and loaned to resident students enrolled in the eight (8) grades of the elementary school.

(b) This subsection applies to a school corporation described in section 13(2) of this chapter. The governing body shall make the first appropriation from the school corporation's general fund in September following the petition's filing. Not later than the second school term following the first appropriation, the library must be established and textbooks of the library must be loaned to resident students enrolled in grade nine of the high school. During each following school term, textbooks must be procured and loaned to resident students for an additional high school grade, in addition to the earlier high school grades.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-15

Purchase of textbooks

Sec. 15. (a) A governing body shall purchase the necessary textbooks from publishers. The publisher shall ship the textbooks to the governing body not more than ninety (90) days after the requisition. On receipt of the textbooks, the governing body's school corporation has custody of the textbooks. The governing body shall provide a receipt to the contracting publisher and reimburse the contracting publisher the amount owed by the school corporation

from the school corporation's general fund.

(b) A governing body shall purchase textbooks:

(1) from a resident student who presents the textbooks for sale on or before the beginning of the school term in which the books are to be used;

(2) with money from the school corporation's general fund; and

(3) at a price based on the original price to the school corporation minus a reasonable reduction for damage from usage.

As added by P.L.1-2005, SEC.10. Amended by P.L.231-2005, SEC.34; P.L.73-2011, SEC.11.

IC 20-26-12-16

Availability of free textbooks

Sec. 16. Upon receipt of the textbooks, a governing body shall loan the textbooks at no charge to each resident student. Library textbooks are available to each resident student under this chapter and under regulations prescribed by the superintendent and governing body of the school corporation.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-17

Textbooks for transferred students

Sec. 17. (a) If a student transfers to a school corporation other than the one in which the student resides under IC 20-26-11, the governing body of the school corporation to which the student transfers shall purchase a sufficient supply of books for the transferred student.

(b) In the annual settlement between the school corporations for tuition of transferred students, the amounts must include rental of the books furnished to the transferred students. The state board shall determine the rental rate.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-18

Sale of textbooks

Sec. 18. A governing body may provide a sufficient number of textbooks for sale to resident students at the price stipulated in the contracts under which the textbooks are supplied to the governing body's school corporation. Proceeds from sales under this section must be paid into the school corporation's general fund.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-19

Facilities for textbooks

Sec. 19. A governing body shall provide sufficient library facilities for the textbooks to best accommodate the resident students.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-20**Care of textbooks**

Sec. 20. A governing body shall prescribe reasonable rules and regulations for the care, custody, and return of library textbooks. A resident student using library textbooks is responsible for the loss, mutilation, or defacement of the library textbooks, other than reasonable wear.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-21**Fumigation or destruction of textbooks; distribution to parents or residents**

Sec. 21. A governing body shall provide for the fumigation or destruction of library textbooks at the times and under regulations prescribed by local and state health authorities. Before a governing body may mutilate or otherwise destroy a textbook, the governing body shall provide at no cost and subject to availability one (1) copy of each textbook that is no longer scheduled for use in the school corporation to:

- (1) the parent of each child who is enrolled in the school corporation and who wishes to receive a copy of the textbook; and
- (2) if any textbooks remain after distribution under subdivision (1), to any resident of the school corporation who wishes to receive a copy of the textbook.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-22**Time basis purchase of textbooks**

Sec. 22. If a school corporation purchases textbooks on a time basis:

- (1) the schedule for payments shall coincide with student payments to the school corporation for textbook rental; and
- (2) the schedule must not require the school corporation to assume a greater burden than payment of twenty-five percent (25%) within thirty (30) days after the beginning of the school year immediately following delivery by the contracting publisher with the school corporation's promissory note evidencing the unpaid balance.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-23**Borrowing to purchase textbooks**

Sec. 23. (a) A school corporation may:

- (1) borrow money to buy textbooks; and
- (2) issue notes, maturing serially in not more than six (6) years and payable from its general fund, to secure the loan.

However, when an adoption is made by the proper local officials for less than six (6) years, the period for which the notes may be issued is limited to the period for which that adoption is effective.

(b) Notwithstanding subsection (a), a school township may not borrow money to purchase textbooks unless a petition requesting such an action and bearing the signatures of twenty-five percent (25%) of the resident taxpayers of the school township has been presented to and approved by the township trustee and township board.

As added by P.L.1-2005, SEC.10. Amended by P.L.73-2011, SEC.12.

IC 20-26-12-24

Local textbook adoption

Sec. 24. (a) The superintendent shall establish procedures for textbook adoption.

(b) The governing body, upon receiving these recommendations from the superintendent, shall adopt a textbook for use in teaching each subject in the school corporation.

(c) A special committee of teachers and parents may also be appointed to review books, magazines, and audiovisual material used or proposed for use in the classroom to supplement state adopted textbooks and may make recommendations to the superintendent and the governing body concerning the use of this material.

(d) A textbook selected shall be used for the lesser of:

(1) six (6) years; or

(2) the effective period of the academic standards adopted by the state board to which that textbook is aligned.

(e) A selection may be extended beyond that period for up to six (6) years.

(f) The governing body may, if the governing body considers it appropriate, retain a textbook adopted under this section and authorize the purchase of supplemental materials to ensure continued alignment with academic standards adopted by the state board.

(g) The superintendent, advisory committee, and governing body may consider using the list of curricular materials (as defined in IC 20-20-5.5-1) provided by the department under IC 20-20-5.5.

(h) Notwithstanding subsection (g) and this chapter, the superintendent, advisory committee, and governing body shall adopt reading textbooks from the list of recommended curricular materials provided by the department under IC 20-20-5.5.

(i) A governing body may not purchase textbooks from a publisher unless the publisher agrees, in accordance with Sections 612(a)(23)(A) and 674(4) of the Individuals with Disabilities Education Act 2004 (20 U.S.C. 1400 et seq.), to provide or grant a license to the school corporation to allow for the reproduction of adopted textbooks in:

(1) large type;

(2) Braille; and

(3) audio format.

As added by P.L.1-2005, SEC.10. Amended by P.L.73-2011, SEC.13; P.L.229-2011, SEC.174.

IC 20-26-12-25

Report of selections

Sec. 25. After a local superintendent has selected textbooks under this chapter, and not later than July 1, when new contracts become effective, the superintendent shall forward to the state board a list of those selections for all subjects and grades.

As added by P.L.1-2005, SEC.10. Amended by P.L.73-2011, SEC.14.

IC 20-26-12-26**Mandatory offer to purchase textbooks**

Sec. 26. If a family moves during the school term from one (1) school corporation to another within the state, the corporation from which they move shall:

- (1) evaluate the affected children's textbooks; and
- (2) offer to purchase the textbooks at a reasonable price for resale to any family that moves into that corporation during a school term.

As added by P.L.1-2005, SEC.10.

IC 20-26-12-27**Repealed**

(Repealed by P.L.73-2011, SEC.22.)

IC 20-26-12-28**Repealed**

(Repealed by P.L.73-2011, SEC.22.)