

1 HB212
2 135240-2
3 By Representative Boyd
4 RFD: Ways and Means Education
5 First Read: 07-FEB-12

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, students enrolled in
9 public K-12 schools are provided approved textbooks
10 free of charge.

11 This bill would require the State Board of
12 Education to provide students with textbooks within
13 the first 10 days of a semester that are no more
14 than five years old commencing with the 2013-2014
15 school year.

16 Amendment 621 of the Constitution of Alabama
17 of 1901, now appearing as Section 111.05 of the
18 Official Recompilation of the Constitution of
19 Alabama of 1901, as amended, prohibits a general
20 law whose purpose or effect would be to require a
21 new or increased expenditure of local funds from
22 becoming effective with regard to a local
23 governmental entity without enactment by a 2/3 vote
24 unless: it comes within one of a number of
25 specified exceptions; it is approved by the
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to public K-12 education; to require the
16 State Department of Education to provide textbooks within the
17 first 10 days of a semester that are no more than five years
18 old; and in connection therewith would have as its purpose or
19 effect the requirement of a new or increased expenditure of
20 local funds within the meaning of Amendment 621 of the
21 Constitution of Alabama of 1901, now appearing as Section
22 111.05 of the Official Recompilation of the Constitution of
23 Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 16-36-70 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§16-36-70.

1 "(a) The Legislature finds that textbooks and other
2 instructional materials are among the basic tools of learning
3 that must exist if Alabama students are to succeed.

4 "(b) ~~All~~ Commencing with the 2013-2014 school year,
5 all students in the public schools shall be provided ~~with~~
6 within the first 10 days of a semester adequate and current
7 textbooks that are less than 5 years old and other necessary
8 instructional supplies for use in their education. Textbooks
9 and other supporting materials shall be appropriate for their
10 course work and shall be in suitable condition. Where
11 textbooks are issued pursuant to Section 16-36-69, every
12 student shall have his or her own copy of the issued textbook
13 of the correct edition, which he or she shall be permitted to
14 take home each day for home study for the entire school year
15 or for the portion of the year when the book is issued.

16 "(c) It is the intent of the Legislature that it is
17 the student's responsibility, as well as the student's parent
18 or guardian, to care for the textbooks and instructional
19 supplies provided by the state in a manner so that the
20 materials are not damaged to the point of being unusable.

21 "(d) The State Department of Education has a
22 continuing obligation to provide systems and schools with
23 information about textbooks and other instructional materials,
24 including computer software and technology-related materials.
25 The State Textbook Committee shall ensure that textbooks
26 recommended to the State Board of Education for approval
27 support the appropriate course or courses of study.

1 "(e) Instructional supplies, including library books
2 and media resources, science equipment, classroom furniture,
3 audiovisual equipment, maps and globes, chalkboards, art and
4 music supplies, and other educational materials shall be
5 provided in all schools in adequate form and quantity. It
6 shall not be necessary for teachers to make personal
7 expenditures to provide the materials described in this
8 section."

9 Section 2. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill requires expenditures only by a school board.

16 Section 3. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.