

A BILL

FOR AN ACT CREATING A COUNTY BOARD OF EDUCATION, PROVIDING FOR COUNTY UNIFORMITY OF SCHOOL TEXT BOOKS AND FOR THE PURCHASE AND SALE OF SAME TO PUPILS AT COST; PROVIDING FOR THE PURCHASE OF SCHOOL TEXT BOOKS AND THE LOANING OF THEM TO PUPILS FREE OF CHARGE; PROVIDING FOR STATE REGULATION OF PRICES OF SCHOOL TEXT BOOKS AND CONTRACTS FOR THE SAME; LICENSING OF SCHOOL TEXT BOOK PUBLISHERS AND PROVIDING FOR STATE SUPERVISION OF SAME; PROHIBITING COMBINATIONS OF PUBLISHERS OF SCHOOL TEXT BOOKS; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ACT AND REPEALING ALL STATUTES IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The county superintendent, the county auditor and the convention of school board members representing each school corporation in each county throughout the state, as provided for in chapter one hundred seven (107), section one (1) of the acts of the Thirty-fifth (35) General Assembly for the election of a county superintendent, shall (ex-officio) constitute a county board of education.

Sec. 2. On the last Monday in March in the year 1916, and on the last Monday in March of every sixth (6) year thereafter, said county board of education shall meet at the county seat, notice of which meeting shall be given by the county auditor in same general manner as is provided for in chapter one hundred seven (107), section one (1) of the acts of the Thirty-fifth (35) General Assembly, and said county board of education when thus assembled shall and is hereby empowered to select, to adopt and to contract for, for a period of six years, all text books in common school branches prescribed by law for use in all the public schools of the county, from the authorized state list hereinafter provided, as follows: orthography, reading, writing, arithmetic, geography, grammar, including language and composition, history of the United States, civil government, vocal music, physiology and hygiene, agriculture, domestic science and manual training, and all other branches that are now or may hereafter be authorized to be taught in the public schools of the state. The county superintendent shall be chairman of the county board of education for the adoption of text books, and the county auditor shall be secretary, and a full and complete record shall be kept of their proceedings in a book

15 kept for that purpose in the office of the county auditor. The list of text books thus selected,
16 adopted and contracted for, with their contract prices, shall be reported to the state superin-
17 tendent of public instruction by the county superintendent with his annual report. Provided,
18 that all adoptions and contracts made and entered into by county boards of education of boards
19 of directors within five (5) years prior to the taking effect of this act shall continue in force
20 until their expiration, when the new adoption and contract made by the county boards of edu-
21 cation under this act shall become of full force and effect. Provided, that in all counties not
22 now having county uniformity adoptions heretofore prescribed by law the said county board of
23 education shall adopt for the first period of adoption provided for by this act, the text book or
24 text books in each of the aforesaid branches which are found to be in use in the majority of the
25 school districts of the county, which shall be ascertained from reports which shall be made
26 to the county auditor by the secretary of each school corporation at least thirty days before
27 said meeting of the county board of education, said reports to be made on suitable blanks pre-
28 pared by the county auditor.

Sec. 3. When the county board of education shall select, adopt and enter into contract for
2 school text books under the provisions of this act, such contracts shall provide a reasonable
3 exchange allowance for the books displaced by such adoptions. Provided that the period of
4 time during which the privilege of such exchange allowance shall apply shall not terminate
5 before the first day of January next following the said adoptions and contract. Provided, fur-
6 ther, that in case of adoptions and contracts made and entered into with publishers of school
7 text books by county boards of education or boards of directors within five (5) years prior to
8 the taking effect of this act and continued to their expiration as provided in section two (2)
9 of this act, the exchange privilege shall extend to the patrons of the schools represented by
10 such county boards of education or boards of directors for not less than a period of ninety (90)
11 days from the expiration of the said adoptions and contracts. Provided, that new books of
12 latest editions on the dealers shelves which are displaced in the schools by the adoption of
13 other books corresponding in subject and grade and made under the provisions of this act, shall
14 be taken by the contracting publishers of the books so adopted and replaced by them with an
15 equal value of the adopted books of the said contracting publishers.

Sec. 4. The county board of education is hereby authorized and empowered to buy all text
2 books selected, adopted and contracted for under the provisions of this act, and pay for the
3 said text books out of the county funds as provided by law, and to sell the same to pupils
4 attending the public schools within the county, at cost, the money to be returned to the
5 county funds.

Sec. 5. The county board of education may arrange for such depositories as it may deem
2 best to keep said books for sale, and to insure the safety of the books and moneys the board

3 shall require of each person so appointed a bond to be approved by the county attorney in such
4 sum as may seem to the board to be sufficient. Provided, that such local depositories shall
5 be allowed a commission of ten (10%) per cent on the actual cash collected as full compensa-
6 tion for handling the books; and provided further, that all commissions and transportation
7 charges incident to the distribution of said text books shall be paid from the county funds as
8 provided by law and shall in no manner be added to the price at which said text books shall
9 be sold. The county board of education may authorize the local depositories to purchase out
10 of the county funds in the hands of said depositories all adopted text books in actual use by
11 the children of any family moving from the county, at a fair price based upon the cost of
12 the books to the county and the condition of the same, and the books so purchased may be
13 held in reserve for the supplying of indigent children as hereinafter provided, or may be re-
14 sold by the depositories at the prices paid for the same, and the money so received placed
15 to the credit of the county.

Sec. 6. All adoptions and contracts made and entered into by the county board of educa-
2 tion under the provisions of this act shall become of full force and effect on the first day of
3 August next following said adoption and contract, except the adoptions and contracts made
4 within five (5) years prior to the taking effect of this act as provided for in section two (2)
5 of this act. Any teacher or school director who within four (4) months after the aforesaid date,
6 August first, when said adoption and contract take effect, shall sanction or permit the use of
7 any books not adopted and contracted for in accordance with the provisions of this act, shall
8 be guilty of a misdemeanor and shall be subject to a fine of not less than five (5) dollars nor
9 more than twenty-five (25) dollars. Provided, that the penalties herein named shall not apply
10 to the teachers and school directors in the counties and districts having contracts and adop-
11 tions made within five (5) years prior to the taking effect of this act, until six (6) months
12 following the expiration of such cotracts.

Sec. 7. Nothing in this act shall be construed to prohibit boards of directors of any school
2 corporation in the State of Iowa from authorizing the use of such supplementary books as they
3 may consider necessary. Provided, that such supplementary books shall not displace books
4 regularly adopted under the provisions of this act. Provided, further, that nothing in this act
5 shall be construed as preventing any board of directors from furnishing school books to indi-
6 gent pupils when such pupils are likely to be deprived of the proper benefits of school instruc-
7 tion unless so aided, as provided for in section twenty-eight hundred seventy-three (2873),
8 supplement to the code, 1907.

Sec. 8. It shall be unlawful for any school, officer, teacher, superintendent, or member of
2 a county board of education to act as agent for any school text books during such term of office
3 or employment, and any school officer, teacher, superintendent or member of a county board

4 of education who, directly or indirectly shall act as agent for any school text books offered
5 for adoption in his or her county under the provisions of this act, during the term of such of-
6 fice or employment, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of
7 not less than twenty-five dollars (\$25.00) nor more than one hundred (\$100.00) dollars.

Sec. 9. The county board of education upon two-thirds vote of its members when regularly
2 assembled under the provisions of this act, is hereby empowered to purchase all text books
3 needful for teaching the branches authorized to be taught in the public schools of the county
4 as enumerated in section two (2) of this act, and loan the same to the pupils free of charge.
5 Provided that when the county board of education elects to purchase school text books for
6 the schools of the county as herein provided, then the board of directors of each school cor-
7 poration in said county shall estimate the sum of money required for furnishing text books
8 for the free use of the pupils in their respective districts. Provided further, that the sum so
9 estimated as required shall not exceed one dollar per annum for each person of school age in
10 the district, based on the last school enumeration. The said board of directors shall certify
11 the sum so estimated as aforesaid to the board of supervisors of the county and the said board
12 of supervisors shall thereupon make the necessary levy each year upon all the taxable prop-
13 erty of the respective districts of the county to provide for the purchase and maintenance of
14 the necessary school text books for use of all the pupils of the said districts and the fund so
15 created shall be used for no other purpose. Provided further, that the school text books so
16 purchased by boards of directors shall be the property of the district and shall be loaned to
17 pupils free of charge under such rules and regulations for their careful use and preservation as
18 said county board of education may prescribe.

19 Provided that the county board of education shall estimate the sum of money required each
20 year of the adoption period for furnishing the free use of text boks to all the pupils of the pub-
21 lic schools, not exceeding one dollar for each person of school age, as determined from the
22 last school enumeration, and shall certify the said sums required to the board of supervisors
23 before the third (3) Monday in August, which sums shall be, by the board of supervisors,
24 levied each year respectfully, upon the taxable property of the county to create a fund for the
25 purchase and maintenance of free books for the use of all pupils in the public schools of the
26 county, and said sum shall be used for no other purpose. The said text books so purchased
27 shall be the property of the county and shall be loaned to the pupils free of charge under such
28 rules and regulations for their careful use and preservation as said county board of education
29 may prescribe. In establishing the free use of text books as herein provided the board of di-
30 rectors of each school corporation shall become the local depository and shall make requisi-
31 tion from time to time upon the county auditor for such school text books as may be needed
32 by the pupils attending the schools under their respective jurisdictions, and shall make such

33 reports to the county auditor as may be required by the county board of education. Provided,
34 that nothing herein contained shall prevent any pupil from buying his or her books at cost to
35 the county from the board of directors of the school which he or she may attend. Provided
36 further, that nothing in this act shall be construed as rendering inoperative or null and void
37 the provisions of section twenty-eight hundred thirty-six (2836), and twenty-eight hundred
38 thirty-seven (2837), supplement to the code, 1907, in counties in which the county board of edu-
39 cation may not elect to purchase and loan text books free of charge to pupils under the provi-
40 sions of this act; but that in such case said sections twenty-eight hundred thirty-six (2836),
41 and twenty-eight hundred thirty-seven (2837), supplement to the code, 1907, shall remain in
42 full force and effect.

Sec. 10. It shall be the duty of the board of directors making requisition upon the county
2 auditor for text books to be loaned to pupils under the provisions of this act to hold said
3 pupils responsible for any damage resulting from misuse of or loss of such text books, or for
4 failure to return when required such text books to the care and custody of said board of direc-
5 tors or such person as they may designate. Provided that any pupil maliciously destroying or
6 damaging, ordinary wear excepted, any text book or text books loaned under the provisions of
7 this act, shall be required to replace said text book without costs to the county. Provided,
8 further, that when a pupil to whom such text books have been loaned has completed the course
9 of study covering the subjects for which the books are used, he may be permitted to retain
10 custody of the books for reference and review during the remainder of his school work in the
11 district.

Sec. 11. It shall be the duty of the secretary of the board of directors, under the advice and
2 direction of said board of directors, to make requisition upon the county auditor for the nec-
3 essary books in the various branches to properly supply each pupil in the schools, and said
4 secretary shall distribute the books to the pupils, and keep a record of all books so distributed
5 and loaned. Provided, that in a school township the sub-director of each school district shall
6 receive the books necessary for said district from the distribution under the rules and regu-
7 lations adopted by the school township board of directors, and in accordance with the provi-
8 sions of this act.

Sec. 12. Before any person, company or corporation publishing school text books, shall of-
2 fer any school text book for adoption, sale or exchange to any county board of education in the
3 State of Iowa, said person, company or corporation shall file a copy of such text book in the
4 office of the state superintendent of public instruction, with a sworn statement of the usual list
5 price and the lowest wholesale price, based on six-year adoption periods, at which said book
6 is sold to any school board, school corporation or state school text book commission anywhere
7 in the United States where similar methods of distribution prevail. Said publishers shall file
8 with the state superintendent of public instruction a written agreement.

9 (1) To enter into written contract under the provisions of this act to furnish said book or
10 books to any county board of education in the State of Iowa at the said lowest prices so filed,
11 and to maintain said prices uniformly throughout the state.

12 (2) To reduce such prices automatically in Iowa whenever reductions are made elsewhere
13 in the United States, and to guarantee that at no time shall any book so filed by said person,
14 company or corporation be sold by said person, company or corporation in Iowa to any county
15 board of education at a higher contract price than is received for such book elsewhere in the
16 United States.

17 (3) That all text books offered for sale in Iowa shall be equal in quality to those deposited
18 in the office of the state superintendent of public instruction as regards, paper, binding, print,
19 illustrations, subject matter and all points that may affect the value of said text books.

Sec. 13. It shall be the duty of the state superintendent of public instruction to distribute
2 in January, 1916, to the county superintendents, county auditors, and members of the county
3 boards of education of each county throughout the state, a certified list of all school text books
4 filed under the provisions of this act, giving the usual list price and the lowest contract price,
5 and issue supplemental lists of books subsequently filed as deemed necessary for the informa-
6 tion and guidance of school officers and teachers throughout the state, which list or lists shall
7 be known as the authorized list, and all books adopted and contracted for under the provi-
8 sions of this act shall be chosen therefrom.

Sec. 14. Whenever any person, company, or corporation shall prepare an abridged or spe-
2 cial edition of any of his books listed with the state superintendent of public instruction and
3 shall supply such special edition elsewhere at a lower wholesale price than the contract price
4 filed with the state superintendent of public instruction, the said person, company or corpora-
5 tion shall agree to furnish such special edition at the wholesale price at which it is furnished
6 elsewhere as long as it is supplied at the said lower price anywhere outside of Iowa; and it
7 shall be understood that the bond given by the said person, company or corporation shall cover
3 this provision as to special edition. In case an action is brought upon such bond, the State
9 of Iowa if successful, shall recover the full amount of the bond, which amount shall be paid into
10 the state school fund.

Sec. 15. Said person, company or corporation shall file with the state superintendent of
2 public instruction a bond of not less than two thousand (\$2,000.00) dollars, nor more than ten
3 thousand (\$10,000.00) dollars, said bond to be approved by the attorney general and to continue
4 in force for the period during which the adoption of text books shall run. Upon compliance
5 with the foregoing conditions said person, company or corporation shall be licensed to sell
6 school text books in the State of Iowa under the provisions of this act.

Sec. 16. If any person, company or corporation licensed to sell text books in Iowa under the provisions of this act, shall furnish to any county board of education books inferior in any particular to the samples on file with the state superintendent of public instruction, or charge a higher price therefor than that filed with the state superintendent of public instruction or charge a higher price than that for which the said book or books are sold elsewhere in the United States, then it shall be the duty of the county superintendent to inform the state superintendent of public instruction of the failure of said person, company or corporation, to comply with the terms of his contract; and upon receipt of such information, the state superintendent of public instruction shall notify the said person, company or corporation of said complaint, and if said person, company or corporation shall disregard the notification and fail to comply immediately with the terms of agreement filed with the state superintendent of public instruction, then the bond of said person, company or corporation shall be forfeited and the attorney general shall, upon written request of the state superintendent of public instruction, proceed to collect the full amount of the bond of said person, company or corporation.

Sec. 17. If any person, company or corporation shall enter into an understanding, agreement or combination to control the prices or to restrict competition in the adoption or sale of the school text books so filed, then the attorney general shall institute and prosecute legal proceedings for the forfeiture of the bond of said person, company or corporation and for the revocation of his license to sell school books in the State of Iowa, and each and every contract made by said person, company or corporation under this article shall thereupon become null and void at the option of the other parties thereto.

Sec. 18. If the state superintendent of public instruction, his assistant or any employee connected with his office, or any member of any county board of education, shall accept or receive any money, gift or any property, or favor whatsoever, from any person, company or corporation offering for sale any text books, or from any agent thereof, or from any person in any way interested in the sale of text books, he shall upon conviction be punished by a fine of not exceeding five hundred (\$500.00) dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Sec. 19. It shall be the duty of the state superintendent of public instruction to prepare with the advice and assistance of the attorney general, a form of contract between county boards of education and publishers of school text books, which contract shall in all its stipulations comply with the provisions of this act, and which the state superintendent of public instruction shall cause to be printed and furnish a sufficient number of same to the county auditors of the State of Iowa in sufficient number for use in their respective counties, and no other form of contract shall be used in carrying out the provisions of this act.

Sec. 20. All acts and parts of acts in conflict with this act are hereby repealed.