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OFFICIAL
CIRCULAR

ISSUED TO BOARDS OF
EDUCATION IN OHIO by
the State Commissioner of
Common Schools with the
Full Text of the :: :: :: ::

SCHOOL
BOOK
LAW

Passed April 22, 1896, and
the Names and Addresses
of all Publishers who have
Agreed in Writing to fur-
nish their Publications upon
the Terms Prescribed in
the Law. :: :: :: :: ::

THE WESTBOTE
PUBLISHING Co.



STATE PRINTERS
COLUMBUS, OHIO

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...OFFICE OF THE...

State Commissioner of Common Schools.

COLUMBUS, OHIO, JUNE 12, 1903.

To Boards of Education in Ohio:

The following is the full text of the School Book Law passed April 22, 1896:

AN ACT

To provide for supplying the Schools of Ohio with good and sufficient school books at the lowest possible prices.

(4020-10) Sec. 1. [Filing and preservation of copies and prices of school books.] Any publisher or publishers of school books in the United States desiring to offer school books for use by pupils in the common schools of Ohio as hereinafter provided, shall, before such books may be lawfully adopted and purchased by any school board in this state, file in the office of the state commissioner of common schools, a copy of each book proposed to be so offered, together with the published list wholesale price thereof, and no revised edition of any such book shall be used in the common schools until a copy of such revised edition shall have been filed in the office of the said commissioner together with the published list wholesale price thereof. The said commissioner shall carefully preserve in his office all such copies of books and the prices thereof so filed. (92 v. 282.)

(4020-11) Sec. 2. [Maximum price; notification of publisher.] Whenever and so often as any book and the price thereof shall be so filed in the commissioner's office as provided in section 1, a commission consisting of the governor, the secretary of state and the state commissioner of common schools [he] shall immediately fix the maximum price at which such books may be sold to or purchased by boards of education as hereinafter provided, which maximum price so fixed on any book shall not exceed seventy-five per cent. of the published list wholesale price thereof, and the state commissioner of common schools shall immediately notify the publisher of such books so filed, of the maximum price so fixed. If the publisher so notified, shall notify the commissioner in writing that he accepts the price so fixed, and shall agree in writing to furnish such book during a period of five years at the price so fixed, such written acceptance and

agreement shall entitle said publisher to offer said book so filed for sale to said board of education for use by the pupil under the terms of this act. (92 v. 282.)

State commissioner of common schools not authorized to permit publishers to withdraw books after they have been listed, before expiration of contract. Com.

(4020-12) Sec. 3. [Notices to boards; legality dependent on compliance.] The said commissioner shall during the first half of the month of June, 1896, and during the first half of the month of June in each year thereafter, furnish to each board of education the names and addresses of all publishers who shall have during the year ending on the first day of said month of June in each year agreed in writing to furnish their publications upon the terms provided in this act. And it shall not be lawful for any board of education to adopt or cause to be used in the common schools any book whose publisher shall not have complied, as to said book, with the provisions of this act. (92 v. 282.)

(4020-13) Sec. 4. [Procedure upon violation of agreement by publisher.] If any publisher who shall have agreed in writing to furnish books as provided in this act, shall fail or refuse to furnish such books adopted as herein provided to any board of education or its authorized agent upon the terms as herein provided, it shall be the duty of said board at once to notify the said commission of such failure or refusal, and the commission shall at once cause an investigation of such charge to be made, and if the same is found to be true the commission shall at once notify said publisher and each board of education in the state that said book shall not hereafter be adopted and purchased by boards of education; and said publisher shall forfeit and pay to the state of Ohio five hundred dollars for each failure, to be recovered in the name of the state, in an action to be brought by the attorney general, in the court of common pleas of Franklin county, or in any other proper court or in any other place where service can be made, and the amount, when collected, shall be paid into the state treasury to the credit of the common school fund of the state. (92 v. 282.)

(4020-14) Sec. 5. [Studies, etc.; shipment of books, etc.; sale to pupils; purchase from pupils; free books.] Each board of education on receiving the statements, above mentioned, from said commissioner, shall on the third Monday in August thereafter meet, and at such meeting, or at any adjourned meeting within two weeks after said Monday, determine by a majority vote of all members elected the studies to be pursued and which of said text-books so filed shall be used in the schools under its control, but no text-books so adopted shall be changed, nor any part thereof altered or revised, nor shall any other text-book be substituted therefor for five years after the date of the selection and adoption thereof without the consent of three-fourths of all the members elected, given at a regular meeting; and each board of education shall cause it to be ascertained, and

at regular meetings in April and August shall determine which, and the number of each of said books the schools under its charge shall require, until the next regular meetings in April and August, and shall cause an order to be drawn for the amount in favor of the clerk of the board of education, payable out of the contingent fund; and said clerk shall at once order said books so agreed upon by the board, of the publisher, and the publisher, on the receipt of such order, shall ship such books to said clerk without delay, and the clerk shall forthwith examine such books, and, if found right and in accordance with said order, remit the amount to said publisher, and the board of education shall pay all charges for the transportation of such books, out of the school contingent fund; but if said boards of education can, at any time, secure of the publishers books at a price less than said maximum price, it shall be its duty so to do, and may without unnecessary delay, make effort to secure such lower price before adopting any particular text-book. Each board of education shall have power to, and shall make all necessary provisions and arrangements to place the books so purchased within easy reach of and accessible to all pupils in their district, and for that purpose may make such contracts, and take such security as they may deem necessary, for the custody, care and sale of such books and accounting for the proceeds; but not to exceed ten per cent. of the cost price shall be paid therefor, and said books shall be sold to the pupils of school age in the district, at the price paid the publisher, and not to exceed ten per cent. therefor added, and the proceeds of such sale shall be paid into the contingent fund of such district, and whoever receives said books from the board of education for sale as aforesaid to the pupils, and fails to account honestly and fully for the same, or for the proceeds to the board of education when required, shall be guilty of embezzlement and punished accordingly. Provided, however, boards of education may contract with local retail dealers to furnish said books at prices above specified, the said board being still responsible to the publishers for all books purchased by the said board of education. And when pupils remove from any district, and have text-books of the kind adopted in such district, and not being of the kind adopted in the district to which they remove, and wish to dispose of the same, the board of the district from which they remove, when requested, shall purchase the same at the fair value thereof, and resell the same as other books; and nothing in this act shall prevent the board of education from furnishing free books to pupils as provided by law. That for the purpose of carrying into effect the foregoing provisions of this act, and paying the expenses incident thereto, there be and is hereby appropriated out of any money in the state treasury, to the credit of the general revenue fund, not otherwise appropriated, the sum of five hundred dollars, to be disbursed and paid on the allowance and order of said commissioner. (92 v. 282.)

COURT DECISIONS.

Where the committee on text-books of a school board recommended the adoption of a certain series of books, and the school board amended the report and then adopted it, this "determines" the books to be used under R. S., Sec. 4020, and exhausts the power to change them, and a majority vote ten days afterwards to reconsider is a nullity. 35 O. S., 368.

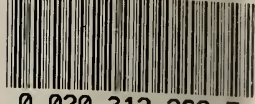
The adoption of the books being in connection with a proposition of the publisher, its terms as to prices are conditions of the adoption. Id.

A rule of the board, that resolutions for changing text-books shall be referred to a committee and delayed four weeks, is a reasonable one under R. S., Sec. 3985, and binding. Nor can a bare majority abrogate it, for Sec. 3982 must be construed with Sec. 3985. Hence, an adoption of a text-book by a majority, without reference to the committee and four weeks' delay, will not be enforced by mandamus on the application of a parent who has purchased the new books. 2 C. C., 510.

In accordance with the provisions of section 3 of this law, I hereby notify you that the following publishers of school books have complied with the provisions of the law, and are therefore entitled to offer for sale, to boards of education, for use by the pupils in the schools, such books of their publication as have been authorized by the school book commission:

	Ainsworth & Co.....	Chicago, Ill.
	Allyn & Bacon.....	Chicago, Ill.
(1)	American Book Co.....	Cincinnati, Ohio.
	A. S. Barnes & Co.....	New York City, N. Y.
	Arthur J. Barnes.....	St. Louis, Mo.
	D. Appleton & Co.....	Chicago, Ill.
	The Bigelow & Main Co.....	New York City, N. Y.
	C. C. Birchard & Co.....	Boston, Mass.
	Burrows Bros. Co.....	Cleveland, Ohio.
(2)	Central School Supply House.....	Chicago, Ill.
	O. C. Clark & Co.....	Cleveland, Ohio.
	The John Church Co.....	Cincinnati, Ohio.
(3)	Columbia Book Co.....	Philadelphia, Pa.
	Crane & Co.....	Topeka, Kans.
	The Creamer Publishing Co.....	Washington C. H., O.
	D. W. Crist.....	Moultrie, Ohio.
	Dement Publishing Co.....	Chicago, Ill.
	Eaton & Co.....	Chicago, Ill.
	Educational Association.....	Chicago, Ill.
	Eldredge & Bro.....	Philadelphia, Pa.
	Ellis Publishing Co.....	Battle Creek, Mich.
	The Ellsworth Co.....	New York City, N. Y.
	C. W. Emerson.....	Boston, Mass.
	Fillmore Bros.....	Cincinnati, Ohio.
	A. Flanagan & Co.....	Chicago, Ill.
	Fisher & Schwatt.....	Philadelphia, Pa.
	Ginn & Co.....	Columbus, Ohio.
	Globe School Book Co.....	New York City, N. Y.
(4)	Goodyear-Marshall Publishing Co.....	Cedar Rapids, Iowa.
	E. A. Hall.....	Youngstown, Ohio.
	D. C. Heath & Co.....	Chicago, Ill.
	Henry Holt & Co.....	Chicago, Ill.
	Houghton, Mifflin & Co.....	Boston, Mass.

- Indiana Publishing Co. Danville, Ind.
 The Inland Publishing Co. Terre Haute, Ind.
 Frank V. Irish. Chicago, Ill.
 William O. Krohn & Co. Chicago, Ill.
 Lee & Shepard. Boston, Mass.
 (5) J. B. Lippincott & Co. Philadelphia, Pa.
 Little, Brown & Co. Boston, Mass.
 Longmans, Green & Co. New York City, N. Y.
 A. Lovell & Co. New York City, N. Y.
 J. D. Luse. Sandusky, Ohio.
 The Macmillan Co. Chicago, Ill.
 Maynard, Merrill & Co. New York City, N. Y.
 E. N. Miner. New York City, N. Y.
 The Morse Co. New York City, N. Y.
 R. L. Myers & Co. Harrisburg, Pa.
 National Educational Co. Columbus, Ohio.
 National Publishing Co. Louisville, Ky.
 Isabel Howard Neff. Cincinnati, Ohio.
 Newson & Co. New York City, N. Y.
 Normal Publishing House. Indianapolis, Ind.
 J. G. Park. Ada, Ohio.
 The Penn Publishing Co. Philadelphia, Pa.
 Phonographic Institute Co. Cincinnati, Ohio.
 Herman R. Postle. Columbus, Ohio.
 Potter & Putnam Co. New York City, N. Y.
 Powers & Lyons. Chicago, Ill.
 Practical Bookkeeping Co. Chicago, Ill.
 Practical Text Book Co. Cleveland, Ohio.
 The Prang Educational Co. Chicago, Ill.
 Public School Publishing Co. Bloomington, Ill.
 Rand, McNally & Co. Chicago, Ill.
 Raub & Co. Philadelphia, Pa.
 Richardson, Smith & Co. New York City, N. Y.
 W. S. Rogers. Sandusky, Ohio.
 The Sadler-Rowe Co. Baltimore, Md.
 (6) Benj. H. Sanborn & Co. Boston, Mass.
 Scott, Foresman & Co. Chicago, Ill.
 Charles Scribner's Sons. New York City, N. Y.
 Sibley & Ducker. Chicago, Ill.
 Silver, Burdett & Co. Chicago, Ill.
 H. P. Smith Publishing Co. New York City, N. Y.
 Christopher Sower Co. Philadelphia, Pa.
 E. Steiger & Co. New York City, N. Y.
 Stewart & Glover. Cleveland, Ohio.
 Thomas & Mattill. Cleveland, Ohio.
 Thompson, Brown & Co. Boston, Mass.
 University Publishing Co. New York City, N. Y.
 A. C. Van Sant. Omaha, Neb.
 (7) L. S. Wells. Columbus, Ohio.
 Werner School Book Co. Chicago, Ill.
 Western Publishing House. Chicago, Ill.
 W. H. Wheeler & Co. Chicago, Ill.
 Williams & Rogers. Rochester, N. Y.



- The Woodward & Tiernan Printing Co.....St. Louis, Mo
 (8) Young America Publishing Co.....New York City, N. Y.
 Zaner & Bloser.....Columbus, Ohio.

1. The American Book Company has purchased the books listed by Harper & Bros. of New York, also books listed by Butler, Sheldon & Co.

2. The Central School Supply House has purchased the books listed by James O. Wise.

3. The Columbia Book Company has purchased the books listed by John E. Potter & Co. of Philadelphia, Pa.

4. Goodyear-Marshall Publishing Co. of Cedar Rapids, Iowa, are the successors of the Goodyear Publishing Co.

5. J. B. Lippincott & Co. have purchased the books listed by J. N. Patrick, St. Louis, Mo.

6. Benj. H. Sanborn & Co. have purchased the books listed by Thos. R. Shewell & Co. of Chicago, Ills.

7. L. S. Wells has purchased the books listed by the late W. G. Williams of Delaware, Ohio.

8. The Young America Publishing Co. has purchased the books listed by Victor C. Bell & Co.

Each publisher named above has been furnished with a duplicate of the afore-said list of his books on file with the commission, together with the maximum price of each publication, and a copy of said list can be secured by application to the publisher. The State does not publish the prices as fixed and they must be secured from the publisher.

Lewis D. Bonebrake

Commissioner.

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