

By: Representative Brown

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 308

1 AN ACT TO AMEND SECTION 37-43-1, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE LOCAL SCHOOL BOARDS TO MAKE AVAILABLE SURPLUS TEXTBOOKS TO
3 THE PARENTS OR LEGAL GUARDIANS OF HOME SCHOOL STUDENTS TO BE USED
4 AS PART OF THE HOME SCHOOL INSTRUCTIONAL PROGRAM; TO PROVIDE THAT
5 LOCAL SCHOOL BOARDS MAY ESTABLISH POLICIES AND PROCEDURES THAT
6 ALLOW HOME SCHOOL STUDENTS FULL ACCESS TO PUBLIC SCHOOL LIBRARIES
7 AS PART OF THE HOME SCHOOL INSTRUCTIONAL PROGRAM; AND FOR RELATED
8 PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** Section 37-43-1, Mississippi Code of 1972, is
11 amended as follows:

12 37-43-1. This chapter is intended to furnish a plan for the
13 adoption, purchase, distribution, care and use of free textbooks
14 to be loaned to the pupils in all elementary and high schools of
15 Mississippi.

16 The books herein provided by the State Board of Education,
17 which shall be the State Textbook Procurement Commission, shall be
18 distributed and loaned free of cost to the children of the free
19 public schools of the state and of all other schools located in
20 the state, which maintain educational standards equivalent to the
21 standards established by the State Department of Education for the
22 state schools as outlined in the Approval Requirements of the
23 State Board of Education for Nonpublic Schools.

24 Teachers shall permit all pupils in all grades of any public
25 school to carry to their homes for home study, the free textbooks
26 loaned to them, and any other regular textbooks whether they be
27 free textbooks or not.

28 For the purposes of this chapter, the term "board" shall mean
29 the State Board of Education.

30 Textbook shall be defined as any medium or manual of
31 instruction which contains a systematic presentation of the
32 principles of a subject and which constitutes a major
33 instructional vehicle for that subject.

34 In addition to the authority granted in this chapter, local
35 school boards shall make available to the parents or legal
36 guardians of home school students who reside in the school
37 district administered by the school board, upon request, any
38 textbooks on the state surplus inventory list that will assist in
39 the home school instructional program. The parent or legal
40 guardian is responsible for the return of the textbook(s) to the
41 local school district upon completion of the textbook(s) use as
42 part of the home school instructional program. Failure to return
43 the textbook(s) to the school district will result in the parents
44 or legal guardians being responsible for compensating the school
45 district for the fair market value of the textbook(s).

46 Local school boards may establish policies and procedures
47 that allow home school students full access to public school
48 libraries as part of the home school instructional program.
49 However, school boards shall not adopt any policy that would
50 prohibit home school students from access to public school
51 libraries because their parents or legal guardians do not pay ad
52 valorem taxes.

53 **SECTION 2.** This act shall take effect and be in force from
54 and after July 1, 2006.