

By: Representative Evans (91st)

To: Universities and
Colleges

HOUSE BILL NO. 527

1 AN ACT TO BE KNOWN AS THE "MISSISSIPPI POSTSECONDARY TEXTBOOK
2 PRICING AND ACCESS ACT OF 2010"; TO REQUIRE PUBLISHERS SELLING OR
3 DISTRIBUTING MATERIAL FOR USE IN PUBLIC COMMUNITY COLLEGE OR
4 UNIVERSITY CLASSROOMS TO DISCLOSE CERTAIN PRICING INFORMATION,
5 FORMAT REVISIONS AND RETURN POLICIES REGARDING THE PURCHASE OF
6 TEXTBOOKS BY STUDENTS; TO DIRECT UNIVERSITY AND COMMUNITY COLLEGE
7 INSTRUCTORS TO PROVIDE ADEQUATE NOTICE OF ORDERS TO APPROPRIATE
8 BOOKSTORES IN ORDER THAT THE INSTRUCTOR WILL BE INFORMED AS TO
9 PRICE, FORMAT AVAILABILITY, AND ANY PLANS FOR REVISION OF THE
10 TEXTBOOK; TO REQUIRE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS
11 OF HIGHER LEARNING AND THE STATE BOARD FOR COMMUNITY AND JUNIOR
12 COLLEGES TO JOINTLY DEVELOP MATERIALS NECESSARY TO INFORM FACULTY
13 AND STUDENTS AS TO METHODS TO OBTAIN THE LOWEST TEXTBOOK COST; TO
14 AUTHORIZE THE ESTABLISHMENT OF A PILOT TEXTBOOK RENTAL PROGRAM FOR
15 COMMUNITY COLLEGE AND UNIVERSITY STUDENTS; AND FOR RELATED
16 PURPOSES.

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

18 **SECTION 1.** (1) This section shall be known and may be cited
19 as the "Mississippi Postsecondary Textbook Pricing and Access Act
20 of 2010."

21 (2) (a) The Legislature finds and declares the following:

22 (i) The increasing cost of postsecondary education
23 and the increase in the price of textbooks places a financial
24 burden on the students and threatens their opportunity for higher
25 education.

26 (ii) It is in the best interests of the State of
27 Mississippi that high-quality course materials be made available
28 and more affordable to students attending community and junior
29 colleges and universities.

30 (iii) It is critical that each student has access
31 to all required textbooks before the start of his or her classes.

32 (iv) To deliver high-quality materials that are
33 affordable to students, all of the following should occur:



34 1. Textbook publishers should produce
35 textbooks that are as inexpensive as possible without sacrificing
36 educational quality;

37 2. Textbook publishers should keep their
38 products on the market for as long as possible without sacrificing
39 educational quality, and textbook revisions should be done only
40 when the new content is significant;

41 3. Textbook publishers should disclose to
42 faculty members and the public all of the different products they
43 sell, the price of each product and how long they intend to
44 produce each product;

45 4. Textbook publishers should ensure that any
46 textbooks and supplementary items bundled together are also
47 available for purchase separately;

48 5. Faculty should consider the least costly
49 practices in assigning textbooks, consistent with educationally
50 sound practices;

51 6. Bookstores should work with faculty to
52 review timeliness and processes for ordering and stocking
53 textbooks, disclose textbook costs and actively promote and
54 publicize book buyback programs; and

55 7. Public community and junior colleges and
56 universities should do everything possible to promote a vibrant
57 used book market, including, but not limited to, exchange
58 programs, buyback programs and textbook rental programs.

59 (b) The purpose of this section is to ensure that every
60 student in higher education is offered better and more timely
61 access to affordable textbooks. It is the policy of the State of
62 Mississippi that any community or junior college or university
63 that receives money from the state must work to find ways to
64 decrease the cost of textbooks for students.

65 (3) For the purposes of this section, the following words
66 and phrases have the meanings ascribed in this section:



67 (a) "Bundled" means a textbook and any other learning
68 material packaged together to be sold for one (1) price,
69 including, but not limited to, workbooks, dictionaries, CD-ROMS
70 and books.

71 (b) "Bookstore" means a store that is in the business
72 of selling textbooks, supplemental learning materials, bundled
73 textbook packages and school-related supplies on the campus of or
74 in the near vicinity of a public community or junior college or
75 university in Mississippi.

76 (c) "Publisher" means a publishing house, firm or
77 company that publishes printed material.

78 (d) "Required textbook" means any textbook, bundled or
79 unbundled, which is required for a course.

80 (e) "Supplemental learning material" means learning
81 materials used in teaching a course which supplement the primary
82 textbook in the form of another book, workbook or a CD-ROM.

83 (4) (a) No public community or junior college or university
84 shall have business dealings related to the sale of textbooks with
85 any publisher that is in violation of this section.

86 (b) A publisher engaging in a discussion on the sale of
87 any textbook with any faculty member at a public community or
88 junior college or university in Mississippi must disclose at the
89 time of an offering, in writing:

90 (i) All modifications to all textbook editions
91 printed within the last ten (10) years;

92 (ii) The price of all textbooks;

93 (iii) The modifications to all supplemental
94 learning materials within the last ten (10) years;

95 (iv) The price of all supplemental learning
96 materials;

97 (v) The total price of the bundled materials if a
98 sale includes supplemental learning materials bundled with a
99 textbook; and



100 (vi) The modifications to all supplemental
101 learning materials that are bundled with a textbook within the
102 last ten (10) years.

103 (5) Any faculty member or entity in charge of selecting
104 textbooks, supplemental learning materials and bundled textbook
105 packages must take the following actions:

106 (a) Consider the least costly practices in assigning
107 textbooks, consistent with educationally sound practices as
108 determined by the appropriate faculty or entity;

109 (b) Consider the use of textbooks, supplemental
110 learning materials and bundled textbook packages for a longer
111 period of time, to the extent they are not outdated;

112 (c) Work with bookstores to review timeliness and the
113 processes involved in ordering and stocking selected course
114 materials, disclose textbook costs to students and actively
115 promote and publicize book buyback programs;

116 (d) Provide a written statement to the president of the
117 community or junior college or university detailing the textbooks
118 or supplemental learning materials, whether bundled or unbundled,
119 that are required for each course and any textbooks or
120 supplementary learning materials, bundled or unbundled, that are
121 recommended for the course; and

122 (e) Provide a written statement to the president of the
123 community or junior college or university indicating the earliest
124 edition of any required textbook that may be effective for use by
125 a student for a particular course.

126 Nothing in this section shall prohibit the faculty member
127 from requiring the most recent edition of a textbook.

128 (6) (a) A publisher may bundle together a required textbook
129 and any other required textbook or required supplemental learning
130 material.

131 (b) Any bookstore or faculty member that places an
132 order with a publisher for a required textbook or required



133 supplemental learning material bundled with a textbook or
134 supplemental learning material that is not required also must
135 order the textbook in an unbundled form in at least the same
136 quantity as in the bundled form. The requirement for ordering
137 equal quantities does not apply after an initial shipment of
138 bundled and unbundled textbooks if both the faculty member and the
139 bookstore determine that there is a disproportionate need for
140 either bundled or unbundled textbooks.

141 (7) At student registration, all bookstores and public
142 community and junior colleges and universities shall make
143 available a listing of all textbooks and supplemental learning
144 materials required and recommended for courses taught during the
145 upcoming term. The list must include the International Standard
146 Book Number (ISBN) for each textbook. The listing must be
147 available on the Internet with the Web address communicated to
148 students or posted in a nonrestricted area of the bookstore if a
149 Web site is unavailable.

150 (8) Bookstores shall adopt policies to price required
151 textbooks and supplemental learning materials so that they are
152 affordable to students. All community and junior colleges and
153 universities that distribute financial aid to students shall
154 establish policies and procedures to provide credit or financial
155 aid for the purchase of required textbooks and supplies at any
156 bookstore.

157 **SECTION 2.** (1) The Board of Trustees of State Institutions
158 of Higher Learning and the State Board for Community and Junior
159 Colleges may establish a textbook rental program for the students
160 at a single campus under the jurisdiction of each which meets the
161 following conditions:

162 (a) The student government association of the campus
163 votes to request a textbook rental program; and



164 (b) Any existing contracts or other established
165 arrangements with entities operating bookstores allow or can be
166 made to accommodate a textbook rental program.

167 (2) A campus with a pilot project may convene a task force
168 to determine recommended policies and procedures to establish and
169 operate a textbook rental program. The task force must include,
170 but not necessarily be limited to, students, faculty,
171 administrators and bookstore managers.

172 (3) A pilot textbook rental program must comply with the
173 following requirements:

174 (a) The program must be self-sustaining through revenue
175 generated from student tuition and fees, excluding the initial
176 start-up costs to be paid from supplemental funding from other
177 sources;

178 (b) The average annual textbook rental cost for
179 full-time students may not exceed thirty-three percent (33%) of
180 the average annual retail purchase cost of textbooks for full-time
181 students;

182 (c) The program may not limit the rights of faculty to
183 select appropriate textbooks in accordance with established
184 policies and procedures;

185 (d) Students must have the option to purchase textbooks
186 they rent under the program;

187 (e) The program may be disbanded with the approval of
188 the student government association of the campus; and

189 (f) The campus must report to the Board of Trustees of
190 State Institutions of Higher Learning or the State Board for
191 Community and Junior Colleges, as the case may be, for a minimum
192 of four (4) years any information required to effectively evaluate
193 the pilot textbook rental program, including savings to students,
194 system efficiency and faculty satisfaction. After four (4) years,
195 the appropriate board shall report the findings of the pilot



196 textbook rental study to the Chairs of the House and Senate
197 Universities and Colleges Committees.

198 (4) A participating campus with a textbook rental program
199 may do the following:

200 (a) Charge a campus-based or course-based textbook
201 rental fee to each student as a part of tuition or mandatory fees
202 to cover the costs of administering the program and maintaining an
203 appropriate stock of textbooks;

204 (b) Establish policies for the program, including, but
205 not limited to, implementing practices to achieve the best
206 possible purchase price for textbooks and for the provision of
207 rental services;

208 (c) Charge students a fine for any late, lost or
209 damaged book, as determined by the textbook rental service; and

210 (d) Establish other procedures required to establish
211 and operate a textbook rental program in accordance with the
212 provisions of this act.

213 **SECTION 3.** This act shall take effect and be in force from
214 and after July 1, 2010.

