

By: Representative Arnold

To: Education

HOUSE BILL NO. 834

1 AN ACT TO REQUIRE THE STATE SUPERINTENDENT OF PUBLIC
2 EDUCATION TO DETERMINE ANNUALLY THE AREAS IN WHICH DIGITAL
3 INSTRUCTIONAL MATERIALS SHALL BE SUBMITTED TO THE STATE BOARD OF
4 EDUCATION FOR ADOPTION OF TEXTBOOKS; TO REQUIRE THE STATE
5 SUPERINTENDENT OF PUBLIC EDUCATION TO APPOINT EXPERTS TO REVIEW
6 THE DIGITAL INSTRUCTIONAL MATERIALS AND EVALUATE THE CONTENT FOR
7 ALIGNMENT WITH THE APPLICABLE STATE CURRICULUM STANDARDS; TO
8 REQUIRE THAT ALL INSTRUCTIONAL MATERIAL FOR STUDENTS IN GRADES
9 K-12 BE PROVIDED IN ELECTRONIC OR DIGITAL FORMAT AT THE START OF
10 THE 2015-2016 ACADEMIC YEAR; TO REQUIRE THE STATE DEPARTMENT OF
11 EDUCATION TO DEVELOP A TRAINING PROGRAM FOR INDIVIDUALS SELECTED
12 AS INSTRUCTIONAL MATERIAL REVIEWERS; TO REQUIRE THE STATE
13 SUPERINTENDENT TO CERTIFY TO EACH LOCAL SUPERINTENDENT AN
14 ESTIMATED ALLOCATION OF STATE FUNDS FOR THE PURCHASE OF MATERIAL;
15 TO REQUIRE EACH SCHOOL DISTRICT TO USE 50% OF ITS ANNUAL TEXTBOOK
16 ALLOCATION FOR THE PURCHASE OF DIGITAL OR ELECTRONIC INSTRUCTIONAL
17 MATERIALS AND DEVICES BY THE 2015-2016 FISCAL YEAR; TO PROVIDE FOR
18 THE CREATION OF LOCAL INSTRUCTIONAL IMPROVEMENT SYSTEMS WITHIN
19 SCHOOL DISTRICTS; TO ALLOW THE STATE BOARD OF EDUCATION TO
20 DESIGNATE PILOT PROGRAM SCHOOLS TO IMPLEMENT THE TRANSITION TO
21 DIGITALLY OR ELECTRONICALLY FORMATTED INSTRUCTIONAL MATERIALS; TO
22 CREATE THE DIGITAL INSTRUCTIONAL MATERIALS WORK GROUP FOR THE
23 PURPOSE OF PLANNING AND MONITORING THE IMPLEMENTATION OF THE
24 TRANSITION TO DIGITAL OR ELECTRONIC INSTRUCTIONAL MATERIALS; TO
25 AMEND SECTION 37-43-1, MISSISSIPPI CODE OF 1972, TO EXPAND THE
26 DEFINITION OF TEXTBOOKS TO INCLUDE ELECTRONIC TEXTBOOKS; TO
27 AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO CONTRACT WITH THE
28 PUBLISHERS OF TEXTBOOKS FOR THE PURCHASE OF LICENSE AGREEMENTS TO
29 USE THE TEXTBOOK IN A DIGITAL OR ELECTRONIC FORMAT THAT IS
30 ACCESSIBLE BY STUDENTS THROUGH THE USES OF A COMPUTER, E-READER OR
31 OTHER ELECTRONIC MEDIUM; TO AMEND SECTIONS 37-43-19, 37-43-31 AND
32 37-43-23, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
33 PROVISIONS; AND FOR RELATED PURPOSES.



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

35 **SECTION 1.** (1) (a) The State Superintendent of Public
36 Education shall determine annually the areas in which digital
37 instructional materials shall be submitted to the State Board of
38 Education for adoption, taking into consideration the desires of
39 the district school boards. The State Superintendent of Public
40 Education shall also determine the number of titles in each area
41 to be submitted to the board for adoption.

42 (b) By April 15 of each school year, the State
43 Superintendent of Public Education shall appoint three (3) experts
44 in the content areas submitted for adoption to review the digital
45 instructional materials and evaluate the content for alignment
46 with the applicable state curriculum standards, and to assist the
47 textbook rating committee, established in Section 37-43-21, in
48 selecting the appropriate electronic textbooks to be used in
49 public schools throughout the state. These reviewers shall be
50 designated as state instructional materials reviewers and shall
51 review the materials for the level of instructional support and
52 the accuracy and appropriateness of progression of introduced
53 content. Instructional materials shall be made electronically
54 available to the reviewers. The initial review of the materials
55 shall be made by only two (2) of the three (3) reviewers. If the
56 two (2) reviewers reach different results, the third reviewer
57 shall break the tie. The reviewers shall independently make
58 recommendations to the State Superintendent of Public Education



59 regarding materials that should be placed on the list of adopted
60 materials through an electronic feedback review system.

61 (c) The State Superintendent of Public Education shall
62 request each district school superintendent to nominate one (1)
63 classroom teacher or district-level content supervisor to review
64 two (2) or three (3) of the submissions recommended by the state
65 instructional materials reviewers. School districts shall ensure
66 that these district reviewers are provided with the support and
67 time necessary to accomplish a thorough review of the
68 instructional materials. District reviewers shall independently
69 rate the recommended submissions on the instructional usability of
70 the resources.

71 (2) For purposes of this act, the term "instructional
72 materials" means items having intellectual content that by design
73 serve as a major tool for assisting in the instruction of a
74 subject or course. These items may be available in bound,
75 unbound, kit, or package form and may consist of hardcover or
76 softcover textbooks, electronic content, consumables, learning
77 laboratories, manipulatives, electronic media, and computer
78 courseware or software. A publisher or manufacturer providing
79 instructional materials as a single bundle shall also make the
80 instructional materials available as separate and unbundled items,
81 each priced individually. A publisher may also offer sections of
82 state adopted instructional materials in digital or electronic
83 versions at reduced rates to districts, schools, and teachers.



84 (3) Beginning in the 2015-2016 academic year, all adopted
85 instructional materials for students in kindergarten through Grade
86 12 must be provided in an electronic or digital format. For
87 purposes of this section, the term:

88 (a) "Electronic format" means text-based or image-based
89 content in a form that is produced on, published by, and readable
90 on computers or other digital devices and is an electronic version
91 of a printed book, whether or not any printed equivalent exists.

92 (b) "Digital format" means text-based or image-based
93 content in a form that provides the student with various
94 interactive functions that:

95 (i) Can be searched, tagged, distributed and used
96 for individualized and group learning;

97 (ii) Includes multimedia content such as video
98 clips, animations and virtual reality; and

99 (iii) Has the ability to be accessed at any time
100 and anywhere.

101 The terms do not include electronic or computer hardware,
102 even if the hardware is bundled with software or other electronic
103 media, nor does it include equipment or supplies.

104 (4) The State Department of Education shall develop a
105 training program for persons selected as state instructional
106 materials reviewers and school district reviewers. The program
107 shall be structured to assist reviewers in developing the skills
108 necessary to make valid, culturally sensitive and objective



109 decisions regarding the content and rigor of instructional
110 materials. All persons serving as instructional materials
111 reviewers must complete the training program before beginning the
112 review and selection process.

113 **SECTION 2.** (1) On or before July 1 each year, the State
114 Superintendent of Public Education shall certify to each district
115 school superintendent the estimated allocation of state funds for
116 instructional materials and the expenditure of those funds for the
117 purchase of devices upon which the materials may be accessed
118 electronically.

119 (2) (a) The State Department of Education shall purchase
120 current instructional materials to provide students in each school
121 district with a major tool of instruction in core courses of the
122 subject areas of mathematics, language arts, science, social
123 studies, reading, and literature for kindergarten through Grade
124 12. The purchase must be made within the first two (2) years
125 after the effective date of the adoption cycle. For the 2014-2015
126 mathematics adoption, a district using a comprehensive mathematics
127 instructional materials program adopted in the 2011-2012 adoption
128 cycle shall be deemed in compliance with this subsection if it
129 provides each student with such additional state-adopted materials
130 as may be necessary to align the previously adopted comprehensive
131 program to common core standards and the other criteria of the
132 2014-2015 mathematics adoption.



133 (b) The department shall purchase electronic devices as
134 prescribes in this act to be issued to school districts upon
135 requisition to the department by each school district.
136 Additionally the department is authorized to enter into agreement
137 with the publishers of any electronic instructional materials for
138 the purchase of license agreements to use the materials in the
139 teaching of students in Grades K-12.

140 (3) (a) By the 2015-2016 fiscal year, the department shall
141 use at least fifty percent (50%) of the annual allocation for the
142 purchase of digital or electronic instructional materials included
143 on the state-adopted list, except as otherwise authorized in
144 paragraphs (b) and (c).

145 (b) Up to fifty percent (50%) of the annual allocation
146 may be used for the purchase of electronic devices through which
147 instructional materials may be accessed through as Internet-based
148 provider and licensees of digitally formatted material, including,
149 but not limited to, computers, E-readers, I-pads, personal
150 communication devices or any other electronic medium.

151 (4) The funds described in subsection (3) of this section
152 which district school boards may use to purchase materials shall
153 be used for the purchase of instructional materials or other items
154 having intellectual content which assist in the instruction of a
155 subject or course. These items may be available in bound,
156 unbound, kit, or package form and may consist of hardcover or
157 softcover textbooks, electronic content, learning laboratories,



158 manipulatives, electronic media, computer courseware or software,
159 and other commonly accepted instructional tools as prescribed by
160 State Board of Education policy.

161 (5) The State Board of Education shall adopt rules, and each
162 district school superintendent shall implement procedures, that
163 assure the maximum use by students of the authorized instructional
164 materials and devices.

165 **SECTION 3.** (1) The term "local instructional improvement
166 system" means a system that uses electronic and digital tools that
167 provide teachers, administrators, students, and parents with data
168 and resources to systematically manage continuous instructional
169 improvement. The system supports relevant activities such as
170 instructional planning, information gathering and analysis,
171 rapid-time reporting, decision making on appropriate instructional
172 sequence, and evaluating the effectiveness of instruction. The
173 system shall integrate instructional information with
174 student-level data to provide predictions of future student
175 achievement.

176 (2) The department shall provide each school district
177 teachers, administrators, students, and parents access to a local
178 instructional improvement system. The system must provide access
179 to electronic and digital instructional materials and teaching and
180 learning tools and resources, including the ability for teachers
181 and administrators to manage, assess, and track student learning.



182 (3) By June 30, 2014, a school district's local
183 instructional improvement system shall comply with minimum
184 standards established by the department. The system must allow
185 for a single, authenticated sign-on and include the following
186 functionality:

187 (a) Vertically searches for, gathers, and organizes
188 specific standards-based instructional materials;

189 (b) Enables teachers to prepare lessons, individualize
190 student instruction, and use best practices in providing
191 instruction, including the ability to connect student assessment
192 data with electronic and digital instructional materials;

193 (c) Provides communication, including access to
194 up-to-date student performance data, in order to help teachers and
195 parents better serve the needs of students;

196 (d) Provides access for administrators to ensure
197 quality of instruction within every classroom;

198 (e) Enables district staff to plan, create, and manage
199 professional development and to connect professional development
200 with staff information and student performance data; and

201 (f) Provides access to multiple content providers and
202 provides the ability to seamlessly connect the local instructional
203 improvement system to electronic and digital content.

204 (4) The department shall provide advisory assistance as
205 requested by school districts in their development of a local
206 instructional improvement system.



207 (5) The State Board of Education shall adopt rules to
208 administer this section, including rules that establish minimum
209 standards for a local instructional improvement system.

210 **SECTION 4.** (1) The State Board of Education may designate
211 pilot program schools to implement the transition to instructional
212 materials that are in an electronic or a digital format as defined
213 in Section 1 of this act.

214 (2) The board may designate pilot program schools if a
215 school district:

216 (a) Implements a local instructional improvement system
217 as prescribed under Section 3 of this act, which enables district
218 staff to plan, create, and manage professional development and to
219 connect professional development with staff information and
220 student performance, provides the ability to seamlessly connect
221 the system to electronic and digital instructional materials and
222 the instructional materials to student assessment data, and
223 includes the minimum standards published by the Department of
224 Education.

225 (b) Requests only the electronic or digital format of
226 the sample copies of instructional materials submitted under
227 Section 37-43-23.

228 (c) Uses at least fifty percent (50%) of the pilot
229 program school's annual allocation from the district for the
230 purchase of electronic or digital instructional materials included
231 on the state-adopted list.



232 (3) A school designated as a pilot program school by the
233 State Board of Education is exempt from:

234 (a) Section 2(2) of this act, if the school provides
235 comprehensive electronic or digital instructional materials to all
236 students; and

237 (b) The provisions of Section 37-43-47, relating to the
238 payment of bills for textbooks.

239 (4) By August 1 of each year, beginning in 2014, the
240 department must report to the State Board of Education the schools
241 which have been designated as pilot program schools. The
242 department shall publish the list of pilot program schools on the
243 department's website. The report must include:

244 (a) The name of the pilot program school, the school
245 district where located, the name of the contact person and contact
246 person information, and the grade or grades and associated course
247 or courses included in the pilot program school.

248 (b) A description of the type of technological tool or
249 tools that will be used to access the electronic or digital
250 instructional materials included in the pilot program school,
251 whether district-owned or student-owned.

252 (c) The projected costs and funding sources, which must
253 include cost savings or cost avoidances associated with the pilot
254 program.

255 (5) By September 1 of each year, beginning in 2014, each
256 school board that has a designated pilot program school shall



257 provide to the Department of Education, the Office of the
258 Governor, and the chairmen of the Education and Appropriations
259 committees of the Senate and the House of Representatives a review
260 of the pilot program schools which must include, but need not be
261 limited to:

262 (a) Successful practices;

263 (b) The average amount of online internet time needed
264 by a student to access and use the school's electronic or digital
265 instructional materials;

266 (c) Lessons learned;

267 (d) The level of investment and cost-effectiveness; and

268 (e) Impacts on student performance.

269 **SECTION 5.** (1) The Digital Instructional Materials Work
270 Group is created to plan and monitor the implementation of the
271 transition to digital instructional materials as required in
272 Section 1(3) and Section 2(3) of this act.

273 (2) The State Superintendent of Public Education or his or
274 her designee, shall serve as the ex officio, nonvoting executive
275 director of the work group.

276 (3) The work group shall be comprised of the following:

277 (a) One (1) school district instructional technology
278 expert;

279 (b) One (1) school district instructional content
280 expert with experience in digital learning initiatives;



281 (c) One (1) representative from an institution of
282 postsecondary education;

283 (d) One (1) high school principal with experience in
284 digital learning initiatives;

285 (e) One (1) middle school principal
286 with experience in digital learning initiatives;

287 (f) One (1) business representative; and

288 (g) One (1) parent.

289 (4) A member may not represent a company that has a business
290 interest in education content or technology.

291 (5) The chair shall schedule and conduct the first meeting
292 of the work group by October 1, 2013. The work group shall
293 conduct a majority of its meetings virtually.

294 (6) The work group shall submit a report to the Governor,
295 the President of the Senate, the Speaker of the House of
296 Representatives and the State Board of Education by March 1, 2014.
297 The report shall include an implementation plan for meeting the
298 deadline of transition to digital instructional materials as
299 provided in Section 1(3) and Section 2(3) of this act. The plan
300 must specify options for the provision of access to electronic
301 devices for students, options for providing content by subject
302 area, provisions for training and professional development for
303 teachers, and a detailed review of options for funding, including
304 the reprioritization of existing resources and recommendations for
305 new funding.



306 **SECTION 6.** Section 37-43-1, Mississippi Code of 1972, is
307 amended as follows:

308 37-43-1. (1) This chapter is intended to furnish a plan for
309 the adoption, purchase, distribution, care and use of free
310 textbooks to be loaned or electronic textbooks and electronic
311 devices, as authorized in Sections 1 through 5 of this act, to be
312 made available to the pupils in all elementary and high schools of
313 Mississippi.

314 (2) The books herein provided by the State Board of
315 Education, which shall be the State Textbook Procurement
316 Commission, shall be distributed and loaned free of cost to the
317 children of the free public schools of the state and of all other
318 schools located in the state, which maintain educational standards
319 equivalent to the standards established by the State Department of
320 Education for the state schools as outlined in the Approval
321 Requirements of the State Board of Education for Nonpublic
322 Schools.

323 (3) Teachers shall permit all pupils in all grades of any
324 public school to carry to their homes for home study, the free
325 textbooks loaned to them, and any other regular textbooks whether
326 they be free textbooks or not.

327 (4) For the purposes of this chapter, the term "board" shall
328 mean the State Board of Education.

329 (5) "Textbook" * * * means any medium or manual of
330 instruction, printed or electronic, which contains a systematic



331 presentation of the principles of a subject and which constitutes
332 a major instructional vehicle for that subject.

333 (6) * * * "Electronic textbook" means any book or book
334 substitutes that a student accesses through the use of a computer,
335 E-reader or other electronic medium or that is available through
336 an Internet-based provider of course content, or any other
337 material that contributes to the learning process through
338 electronic means.

339 (* * * 7) In addition to the authority granted in this
340 chapter, local school boards shall make available to the parents
341 or legal guardians of any children of school age who reside in the
342 school district administered by the school board, upon request,
343 any textbooks on the state surplus inventory list. The parent or
344 legal guardian is responsible for the return of the textbook(s) to
345 the local school district upon completion of the textbook(s) use.
346 Failure to return the textbook(s) to the school district will
347 result in the parents or legal guardians being responsible for
348 compensating the school district for the fair market value of the
349 textbook(s).

350 (8) In addition to the authority granted in this chapter,
351 the State Department of Education is empowered to enter into
352 contract with the publishers of any textbook on the state-adopted
353 list used as instructional material for the purchase of license
354 agreements to use the textbook in digital or electronic format in
355 the teaching of students in grades K-12, which provides student



356 access through the uses of a computer, E-reader or other
357 electronic medium.

358 **SECTION 7.** Section 37-43-19, Mississippi Code of 1972, is
359 amended as follows:

360 37-43-19. The board shall have the power and is hereby
361 authorized:

362 (a) To promulgate rules and regulations for the
363 purchase, care, use, disposal, distribution and accounting for all
364 books to be furnished under the terms of this chapter, and to
365 promulgate such other rules and regulations as may be necessary
366 for the proper administration of this chapter.

367 (b) To adopt, contract for, and make available for
368 purchase, cash or credit, basal, supplementary * * *,
369 or electronic textbooks and electronic devices, as authorized in
370 Sections 1 through 5 of this act, through twelve (12) grades as
371 provided in the school curriculum, or for any other course that it
372 may add thereto.

373 (c) To determine the period of contract for rated and
374 adopted textbooks which shall not be for less than four (4) years
375 nor more than five (5) years, with the right of the board, in its
376 discretion, to renew or extend such contract from year to year for
377 a period not exceeding two (2) additional years and to determine
378 the conditions of the approval or forfeiture of a contract and
379 such other terms and conditions as may be necessary and not
380 contrary to law.



381 (d) To have complete power and authority over additions
382 and amendments to textbooks, advertising for bids and the contents
383 thereof, including auxiliary materials and workbooks, advertising
384 on the protective covers of textbooks, bids and proposals, prices
385 of textbooks, specimen copies, cash deposits, selection and
386 adoption, distribution, fumigation, emergencies, selling to
387 others, return of deposits, forfeiture of deposits, regulations
388 governing deposits, renovation and repair of books, requisition,
389 transportation or shipment of books, and any other acts or
390 regulations, not contrary to law, that may be deemed necessary for
391 furnishing and loaning free textbooks to the school children, as
392 provided in this chapter.

393 **SECTION 8.** Section 37-43-23, Mississippi Code of 1972, is
394 amended as follows:

395 37-43-23. (1) The State Board of Education is * * *
396 authorized, empowered and directed to advertise for and receive
397 sealed bids for textbooks. Bidders shall quote their lowest net
398 wholesale prices, f.o.b. Central Depository, Jackson, Mississippi;
399 however, the board may, in its discretion, establish a state
400 depository or depositories or inaugurate any other plan for the
401 distribution of books. * * * The prices shall not be higher than
402 the lowest price at which books are sold anywhere in the United
403 States, after all discounts are allowed. It is the intent of the
404 Legislature that the price paid for a textbook shall not exceed
405 the lowest price at which the same book, both having the same



406 copyright date, is sold anywhere in the United States after all
407 discounts are allowed. Every contract entered into under the
408 provisions of this section by the board and any publisher or
409 publishing company shall contain a provision that the publisher
410 covenants and agrees that he is not furnishing under contract
411 executed after the first day of January of the year in which the
412 contract becomes effective, to any state, county or school
413 district in the United States, the textbooks embraced in the
414 contract at a price below the price stipulated therein. At any
415 time that the board may find that any book or books, in either
416 regular or special editions, are being furnished in any other
417 state at a lower price under contract than it is being furnished
418 in Mississippi, the contract shall be forfeited to the state. Any
419 contractor who violates this provision shall return all money paid
420 out for such book or books and also forfeit such book or books to
421 the state, and suit may be brought on the bond of the contractor
422 for all losses sustained.

423 (2) Successful bidders or contractors shall be required to
424 maintain a depository at a place within the State of Mississippi,
425 to be named by the board, where a stock of books sufficient to
426 meet all reasonable and immediate demands shall be kept. Upon
427 requisition of the board, the depository shall ship books,
428 transportation charges paid, to the various shipping points in
429 Mississippi to be specified by the board. For such service the
430 depository shall make no charge to the board except the actual



431 cost of transportation from the depository to the shipping point
432 designated. The cost of distribution shall not exceed eight
433 percent (8%) of the total appropriation for any fiscal year.

434 (3) All books furnished the State of Mississippi by
435 contractors under this chapter shall continue to measure up to the
436 same standards as are required in the contract, said standards to
437 include printing, binding, cover boards, mechanical makeup, and
438 any other relevant points as set out in the plans and
439 specifications as fixed by the board. Any contractor of any book
440 or books, who fails to keep said books up to said standards, shall
441 forfeit, not only his contract to the state, but shall return all
442 money paid out for such book or books and also forfeit said books
443 to the state.

444 (4) (a) As it relates to electronic textbooks and
445 electronic devices, the advertisements shall give information
446 regarding digital specifications that have been adopted by the
447 department, including minimum format requirements that will enable
448 electronic and digital content to be assessed through a school
449 district's local instructional improvement system and a variety of
450 mobile, electronic and digital devices. Beginning with
451 specifications released in 2014, the digital specifications shall
452 include requiring the capabilities for searching by state
453 standards and site and student-level licensing. The digital
454 format specifications shall be appropriate for the
455 interoperability of the content.



456 (b) Sample copies of all instructional materials that
457 have been made the bases of contracts under this section shall,
458 upon request for the purpose of public inspection, be made
459 available by the publisher to the department and the local school
460 superintendent of each school district that adopts instructional
461 material from the state list.

462 **SECTION 9.** Section 37-43-31, Mississippi Code of 1972, is
463 amended as follows:

464 37-43-31. (1) The State Board of Education shall adopt and
465 furnish textbooks only for use in those courses set up in the
466 state course of study as recommended by the State Accreditation
467 Commission and adopted by such board, or courses established by
468 acts of the Legislature. In all subjects the board, in its
469 discretion, may adopt textbooks and/or series from those
470 recommended by the textbook rating committees. The board may
471 adopt a plan which permits the local school districts to choose
472 the book or books to be requisitioned from those adopted,
473 provided:

474 (a) That, when a book is furnished by the state, it
475 shall remain in use during the period of its adoption;

476 (b) That the average per pupil cost of textbooks so
477 furnished any unit shall not exceed that allowed for all other
478 units in the state;



479 (c) That nothing herein provided shall be construed as
480 giving any school the authority to discard or replace usable
481 copies of textbooks now being furnished by the state;

482 (d) That the State Department of Education is
483 authorized to disburse the annual textbook appropriation directly
484 to the public school districts in accordance with * * * paragraph
485 (b) of this subsection. The textbooks procured through this
486 chapter, as well as textbooks which are on hand on June 30, 1994,
487 which were previously purchased through the provisions of this
488 statute, shall become the property of the public school district
489 which purchased them, unless the State Department of Education
490 authorizes the transfer of unneeded textbooks to another location
491 in accordance with rules and regulations promulgated by the State
492 Board of Education;

493 (e) That textbooks which are on loan to other than
494 public schools as referenced in Section 37-43-1, shall remain the
495 property of the State of Mississippi. All requisitions for
496 textbooks from these schools shall be submitted to the State
497 Department of Education to be processed and subsequently shipped
498 to the requesting school. No funds shall be disbursed directly
499 from the State Department of Education to the schools in this
500 category for the purpose of procuring textbooks; and

501 (f) That funds made available through this chapter may
502 be used to purchase any state-adopted or nonadopted textbook from
503 any state depository, directly from the publisher, or in



504 accordance with the provisions of Sections 37-43-21(5) and
505 37-43-31(3). For purchases made directly from the publisher, the
506 public school district, or the State Department of Education when
507 purchasing for other than public schools, shall not pay a higher
508 price for a textbook than that listed on the current state-adopted
509 list.

510 (2) Whenever any book under contract is displaced by a new
511 adoption, the board may continue to require the schools to use the
512 recently purchased books from any previous adoption; however, such
513 period of use shall not exceed four (4) years.

514 (3) If five (5) or more school boards petition the State
515 Board of Education to add a book, or a series of books, to the
516 approved list of state adoptions in a given subject area, then the
517 State Superintendent of Public Education shall have sixty (60)
518 days to show cause to the State Board of Education why the books
519 in question should or should not be purchased with state funds.
520 If the petition is not acted upon within the sixty-day period, the
521 petition shall be deemed to be approved. Once a textbook has been
522 approved through the petition process, any public school district
523 or eligible other school may procure the said textbook utilizing
524 funds appropriated through this chapter.

525 (4) If new and innovative textbooks that would improve a
526 particular course of study become available between adoption
527 cycles, a school board may petition the State Board of Education



528 for permission to purchase these books out of sequence to be paid
529 for with state textbook funds.

530 (5) The State Board of Education shall not allow previously
531 rejected textbooks to be used if such textbooks were rejected for
532 any of the following reasons:

- 533 (a) Obscene, lewd, sexist or vulgar material;
- 534 (b) Advocating prejudicial behavior or actions; or
- 535 (c) Encouraging acts determined to be antisocial or
536 derogatory to any race, sex or religion.

537 (6) All books or series of books adopted under the petition
538 procedures of this chapter shall be purchased under the provisions
539 for bidding, pricing and distribution as prescribed in Section
540 37-43-23.

541 (7) Petition procedure books or series of books adopted
542 under this section shall be considered only until the date of the
543 next regular adoption series in the applicable subject area.
544 Petition procedure books shall be submitted for formal adoption at
545 the next applicable regular textbook adoption as prescribed under
546 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;
547 otherwise, such books adopted under the petition procedures which
548 do not receive formal adoption approval as recommended by the
549 textbook rating committee shall be dropped from the state textbook
550 petition adoption list. Provided, however, this provision shall
551 in no way prohibit a school district from using other funds,
552 federal or local, for the purchase of such books.



553 **SECTION 10.** This act shall take effect and be in force from
554 and after July 1, 2013.

