

By: Representative Dixon

To: Education;
Appropriations

HOUSE BILL NO. 834

1 AN ACT TO REQUIRE EACH PUBLIC SCHOOL DISTRICT EXPEND ALL
 2 FUNDS ALLOCATED FROM THE ANNUAL TEXTBOOK APPROPRIATION AND OTHER
 3 SOURCES OF FUNDING FOR THE PURCHASE OF NEW TEXTBOOKS BEFORE ANY
 4 OTHER EXPENDITURE MAY BE MADE; TO PROVIDE THAT ADDITIONAL FUNDS
 5 MAY BE DERIVED FROM THE STATE TEXTBOOK FUND, THE LOCAL SCHOOL
 6 DISTRICT TEXTBOOK CARRYOVER FUND AND ANY ADDITIONAL CATEGORICAL
 7 FUNDS FROM THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM FUNDS, WHICH
 8 SHALL INCLUDE THE BASE-STUDENT COST ALLOCATION; TO PROVIDE THAT
 9 THE TEXTBOOKS PURCHASED SHALL ONLY BE THE MOST RECENT EDITION OF
 10 PHYSICAL, PRINTED, HARD COPY TEXTBOOKS AVAILABLE FOR PURCHASE BY
 11 THE SCHOOL DISTRICT FOR USE AT THE BEGINNING OF THE IMMEDIATE
 12 SUCCEEDING ACADEMIC YEAR, AND SHALL NOT BE TEXTBOOKS ON A
 13 COMPUTER, TABLET, MODULE OR ANY OTHER ELECTRONIC FORMAT; TO PLACE
 14 A PERMANENT RESTRICTION ON SALARY INCREASES TO LOCAL
 15 SUPERINTENDENTS, PRINCIPALS, DISTRICT ADMINISTRATIVE AND CENTRAL
 16 OFFICE PERSONNEL IF NEW TEXTBOOKS ARE NOT PURCHASED AND MADE
 17 AVAILABLE TO EVERY STUDENT IN ACCORDANCE WITH THE PROVISIONS OF
 18 THIS ACT; TO AMEND SECTIONS 37-43-31, 37-43-33 AND 37-43-41,
 19 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
 20 PURPOSES.

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

22 **SECTION 1.** (1) Each public school district shall expend all
 23 funds disbursed by the State Department of Education from the
 24 annual textbook appropriation by the Legislature, the State
 25 Textbook Fund and the Local School District Textbook Carryover
 26 Fund established in Section 37-43-41, and any additional
 27 categorical funds from the Mississippi Adequate Education Program



28 funds, which shall include the base-student cost allocation, to
29 purchase new textbooks for every student enrolled in the public
30 school districts of the state. The funds received by each public
31 school district under this section shall be allocated based on the
32 total student enrollment in the district, and shall be the first
33 expenditure made by the district to ensure that every student has
34 textbooks for every class offered in the district's curriculum.
35 The textbooks purchased shall only be the most recent edition of
36 physical, printed, hard copy textbooks available for purchase by
37 the school district for use at the beginning of the immediate
38 succeeding academic year, and shall not be textbooks on a
39 computer, tablet, module or any other electronic format.

40 (2) Failure of public school districts to purchase new
41 textbooks in compliance with the requirements of subsection (1) of
42 this section shall result in a permanent restriction on the
43 ability of local superintendents, principals, district
44 administrative and central office personnel to receive any
45 increase in their annual salary or other compensation until such
46 time that it is determined by the school board that all students
47 in the district are provided textbooks for the every class of
48 enrollment. The permanent restriction on salary increases for
49 lack of compliance shall not be applicable to salaries of teachers
50 and auxiliary staff.

51 **SECTION 2.** Section 37-43-31, Mississippi Code of 1972, is
52 amended as follows:



53 37-43-31. (1) The State Board of Education shall adopt and
54 furnish textbooks only for use in those courses set up in the
55 state course of study as recommended by the State Accreditation
56 Commission and adopted by such board, or courses established by
57 acts of the Legislature. In all subjects the board, in its
58 discretion, * * * shall only adopt textbooks and/or series from
59 those recommended by the textbook rating committees. The
60 board * * * shall adopt a plan which permits the local school
61 districts to choose the book or books to be requisitioned from
62 those adopted, provided:

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

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

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

71 (d) That the State Department of Education is
72 authorized to disburse the annual textbook appropriation directly
73 to the public school districts in accordance with * * * paragraph
74 (b) of this subsection, and purchase by the school boards of
75 public school districts in accordance with Section 1 of this act
76 and Section 37-43-33. The textbooks procured through this
77 chapter, as well as textbooks which are on hand on June 30, * * *



78 2018, which were previously purchased through the provisions of
79 this statute, shall become the property of the public school
80 district which purchased them, unless the State Department of
81 Education authorizes the transfer of unneeded textbooks to another
82 location in accordance with rules and regulations promulgated by
83 the State Board of Education;

84 (e) That textbooks which are on loan to other than
85 public schools as referenced in Section 37-43-1, shall remain the
86 property of the State of Mississippi. All requisitions for
87 textbooks from these schools shall be submitted to the State
88 Department of Education to be processed and subsequently shipped
89 to the requesting school. No funds shall be disbursed directly
90 from the State Department of Education to the schools in this
91 category for the purpose of procuring textbooks; and

92 (f) That funds made available through this chapter may
93 be used to purchase any state-adopted or nonadopted textbook from
94 any state depository, directly from the publisher, or in
95 accordance with the provisions of Sections 37-43-21(5) and
96 37-43-31(3). For purchases made directly from the publisher, the
97 public school district, or the State Department of Education when
98 purchasing for other than public schools, shall not pay a higher
99 price for a textbook than that listed on the current state-adopted
100 list.

101 (2) Whenever any book under contract is displaced by a new
102 adoption, the board may continue to require the schools to use the



103 recently purchased books from any previous adoption; however, such
104 period of use shall not exceed four (4) years.

105 (3) If five (5) or more school boards petition the State
106 Board of Education to add a book, or a series of books, to the
107 approved list of state adoptions in a given subject area, then the
108 State Superintendent of Public Education shall have sixty (60)
109 days to show cause to the State Board of Education why the books
110 in question should or should not be purchased with state funds.
111 If the petition is not acted upon within the sixty-day period, the
112 petition shall be deemed to be approved. Once a textbook has been
113 approved through the petition process, any public school district
114 or eligible other school may procure the said textbook utilizing
115 funds appropriated through this chapter.

116 (4) If new and innovative textbooks that would improve a
117 particular course of study become available between adoption
118 cycles, a school board may petition the State Board of Education
119 for permission to purchase these books out of sequence to be paid
120 for with state textbook funds.

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

- 124 (a) Obscene, lewd, sexist or vulgar material;
- 125 (b) Advocating prejudicial behavior or actions; or
- 126 (c) Encouraging acts determined to be antisocial or
127 derogatory to any race, sex or religion.



128 (6) All books or series of books adopted under the petition
129 procedures of this chapter shall be purchased under the provisions
130 for bidding, pricing and distribution as prescribed in Section
131 37-43-23.

132 (7) Petition procedure books or series of books adopted
133 under this section shall be considered only until the date of the
134 next regular adoption series in the applicable subject area.
135 Petition procedure books shall be submitted for formal adoption at
136 the next applicable regular textbook adoption as prescribed under
137 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;
138 otherwise, such books adopted under the petition procedures which
139 do not receive formal adoption approval as recommended by the
140 textbook rating committee shall be dropped from the state textbook
141 petition adoption list. Provided, however, this provision shall
142 in no way prohibit a school district from using other funds,
143 federal or local, for the purchase of such books.

144 **SECTION 3.** Section 37-43-33, Mississippi Code of 1972, is
145 amended as follows:

146 37-43-33. Any parent, person or school board in any
147 community of the state may purchase books from the depository who
148 is given authority to sell books under the provisions of this
149 chapter. However, the purchase of books from the depository by
150 school boards shall be purchased in accordance with the
151 requirements of Section 1 of this act. The price of the books so



152 ordered or brought shall be the same as the contract price, plus
153 whatever postage or delivery charges might accrue.

154 **SECTION 4.** Section 37-43-41, Mississippi Code of 1972, is
155 amended as follows:

156 37-43-41. The State Textbook Fund of Mississippi shall
157 consist of the amounts appropriated by the Legislature for the
158 same, all monies accruing from the sale of disused books from
159 other than public schools, all monies derived from the purchase of
160 books by both public and private schools trustees, and by private
161 individuals, all monies collected in damage suits under the terms
162 of this chapter, and all other monies collected in any way
163 whatsoever under the terms of this chapter.

164 There is hereby created a special fund in the State Treasury
165 to be designated as the "Local School District Textbook Carryover
166 Fund." * * * The fund shall be credited with any funds which were
167 appropriated by the Legislature to the State Textbook Fund for any
168 fiscal year in which * * * those funds were allocated to local
169 school districts but unexpended by * * * the districts. * * * The
170 unexpended funds shall be deposited by the board into the Local
171 School District Textbook Carryover Fund to the credit of the local
172 school districts which were originally allocated * * * those
173 funds. All carryover funds which exist on June 30, 1994, which
174 belong to public school districts shall be disbursed to the
175 respective school districts to be used only for the purchase of
176 textbooks as required under Section 1 of this act. Carryover



177 funds for other than public schools shall be handled in the same
178 manner as previously described in this section.

179 **SECTION 5.** This act shall take effect and be in force from
180 and after July 1, 2018.

