

By: Representative Owen

To: Education

HOUSE BILL NO. 1391

1 AN ACT TO CREATE NEW SECTION 37-43-60, MISSISSIPPI CODE OF
2 1972, TO REQUIRE THE STATE BOARD OF EDUCATION TO IMPLEMENT
3 PROCEDURES FOR THE APPROVAL, ADOPTION AND PROCUREMENT OF TEXTBOOKS
4 AND OPEN EDUCATIONAL RESOURCE INSTRUCTIONAL MATERIALS, INCLUDING
5 MATERIALS TO BE USED BY EARLY CHILDHOOD LEARNING COLLABORATIVE; TO
6 DESIGNATE THE OFFICE OF INSTRUCTIONAL MATERIALS WITHIN THE STATE
7 DEPARTMENT OF EDUCATION TO ADMINISTER THE PROVISIONS OF THIS ACT;
8 TO AMEND SECTION 37-43-1, 37-43-19, 37-43-21, 37-43-23, 37-43-25,
9 37-43-31, 37-43-41, 37-43-43, 37-43-45, 37-43-51 AND 37-43-59,
10 MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS OF THE STATE
11 TEXTBOOK PROCEDURES LAW EMPLOYED BY THE STATE DEPARTMENT OF
12 EDUCATION TO EXPAND THE DEFINITION OF "TEXTBOOK" TO INCLUDE OPEN
13 EDUCATIONAL RESOURCE INSTRUCTIONAL MATERIALS, TO CLARIFY THE
14 COMPONENT OF WHAT CAN BE ADOPTED AS PARTS OF OPEN EDUCATIONAL
15 RESOURCE INSTRUCTIONAL MATERIALS; TO REQUIRE THE STATE BOARD OF
16 EDUCATION TO DEVELOP A WEB-BASED TEXTBOOK INVENTORY MANAGEMENT
17 SYSTEM; TO REVISE THE COMPOSITION AND APPOINTING AUTHORITY FOR
18 MEMBERS OF TEXTBOOK RATING COMMITTEES; TO INCLUDE THE CONTRACT FOR
19 PRINTED INSTRUCTIONAL MATERIAL AND TEXTBOOKS WITH THE REGIONAL
20 DEPOSITORY IN ORDER TO ALLOW DISTRICT TO PRINT ADOPTED TEXTBOOKS
21 AND OPEN EDUCATIONAL RESOURCE INSTRUCTIONAL MATERIALS WITHOUT THE
22 NEED FOR ADDITIONAL QUOTES; TO CLARIFY WHAT MATERIALS ARE REQUIRED
23 BY PUBLISHERS TO BE HOUSE AT THE INSTRUCTIONAL MATERIALS SPECIAL
24 LIBRARY; TO CLARIFY THE PROCESS OF TRANSFERRING INSTRUCTIONAL
25 MATERIALS AND HOW NEW EDITION OF THE INSTRUCTIONAL MATERIAL MAY BE
26 ADDED TO THE STATE-APPROVED LISTS; TO REVISE THE NAME OF THE STATE
27 TEXTBOOK FUND TO REFLECT THAT THE FUNDS THEREIN SHALL BE USED FOR
28 THE BENEFIT OF ACCREDITED NONPUBLIC SCHOOL TEXTBOOK ALLOCATION
29 ACCOUNTS; TO SPECIFY HOW LOCAL EDUCATIONAL AGENCIES ARE TO MANAGE
30 INVENTORY USING THE TEXTBOOK INVENTORY MANAGEMENT SYSTEM; TO
31 REVISE LANGUAGE RELATED TO TEXTBOOKS SUBMITTED AS SAMPLES TO
32 TEXTBOOK RATING COMMITTEES; TO REPEAL SECTION 37-43-2, MISSISSIPPI
33 CODE OF 1972, WHICH DISSOLVED THE STATE TEXTBOOK PROCUREMENT
34 COMMISSION AND TRANSFERRED THE FUNCTIONS PERTAINING THERETO TO THE



35 STATE BOARD OF EDUCATION; TO REPEAL SECTION 37-43-47, MISSISSIPPI
36 CODE OF 1972, WHICH PRESCRIBED THE PROCESS FOR THE PAYMENT OF
37 TEXTBOOKS PURCHASED BY THE STATE SUPERINTENDENT OF EDUCATION AND
38 PUBLIC SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

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

40 **SECTION 1.** The following shall be codified as Section
41 37-43-60, Mississippi Code of 1972:

42 37-43-60. (1) In order to ensure access of teachers and
43 students to high-quality instructional materials, the State Board
44 of Education shall implement procedures for the approval, adoption
45 and procurement of textbooks and open educational resource
46 instructional materials, which are designed to meet all students'
47 need and provide equity and access to grade-level complex text
48 aligned with the Mississippi College- and Career-Readiness
49 Standards, to be integrated across content areas at all levels of
50 instructions, including early learning instructional material to
51 be provided through Early Childhood Learning Collaboratives
52 approved by the state.

53 (2) The board's selection of open educational resource
54 instructional materials to be used as curricula shall be
55 identified through a process of review by internal and external
56 sources of expertise before making its final approval. The
57 internal process must consist of a review of the level of external
58 reviews that focus on child outcomes. Selected materials shall be
59 reviewed every five (5) years for evaluation of continued
60 effectiveness or the need for updated revisions.



61 (3) In addition to reviewing and procuring textbooks and
62 open educational resource instructional materials for public and
63 accredited nonpublic K-12 schools, the department's selection of
64 early learning instructional materials shall include, but not be
65 limited to, teachers' guides, trade books and classroom materials.

66 (4) The provisions of this section and the entirety of this
67 chapter shall be administered by the Office of Instructional
68 Materials.

69 **SECTION 2.** Section 37-43-1, Mississippi Code of 1972, is
70 amended as follows:

71 37-43-1. (1) This chapter is intended to furnish a plan for
72 the adoption, purchase, distribution, care and use of free
73 textbooks to be loaned to the pupils in all elementary and high
74 schools, other than charter schools, of Mississippi.

75 (2) The * * * textbooks herein provided by the State Board
76 of Education, * * * shall be distributed and loaned free of cost
77 to the children of the free public school districts of the state
78 and of all other schools located in the state, which maintain
79 educational standards equivalent to the standards established by
80 the State Department of Education for the state schools as
81 outlined in the Approval Requirements of the State Board of
82 Education for Nonpublic Schools.

83 (3) Teachers shall permit all pupils in all grades of any
84 public school in any school district to carry to their homes for



85 home study, the free textbooks loaned to them, and any other
86 regular textbooks whether they be free textbooks or not.

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

89 (5) (a) "Textbook" shall be defined as any medium or manual
90 of instruction which contains a systematic presentation of the
91 principles of a subject and which constitutes a major
92 instructional vehicle for that subject. For purposes of this
93 chapter, the term "textbook":

94 (i) Includes printed textbooks, ancillary
95 materials, a combination of materials, digital components or other
96 means of conveying information to the student, or otherwise
97 contributing to the learning process, including open educational
98 resource instructional materials; but

99 (ii) Does not include those materials that employ
100 the three-cueing system model of reading, visual memory for
101 teaching word recognition or the three-cueing system model of
102 reading based on meaning, structure, syntax and visual (MSV).

103 (b) "Open educational resource instructional materials"
104 means teaching, learning and research resources that reside in the
105 public domain or have been released under an intellectual property
106 license which allows for free uses, reuse, modification and
107 sharing with others, including:

108 (i) Full courses;

109 (ii) Course materials;



110 (iii) Modules;
111 (iv) Textbooks;
112 (v) Streaming videos;
113 (vi) Assessments;
114 (vii) Software; and
115 (viii) Any other tools, materials or techniques
116 used to support access to knowledge.

117 The terms includes state-developed open educational resource
118 instructional materials.

119 (6) In addition to the authority granted in this chapter,
120 local school boards shall make available to the parents or legal
121 guardians of any children of school age who reside in the school
122 district administered by the school board, upon request, any
123 textbooks on the state surplus inventory list. The parent or
124 legal guardian is responsible for the return of the * * *
125 textbooks to the local school district upon completion of
126 the * * * textbooks use. Failure to return the * * * textbooks to
127 the school district will result in the parents or legal guardians
128 being responsible for compensating the school district for the
129 fair market value of the * * * textbooks.

130 **SECTION 3.** Section 37-43-19, Mississippi Code of 1972, is
131 amended as follows:

132 37-43-19. The board shall have the power and is hereby
133 authorized:



134 (a) To promulgate rules and regulations for the
135 purchase, care, use, disposal, distribution and accounting for
136 all * * * textbooks to be furnished under the terms of this
137 chapter, and to promulgate such other rules and regulations as may
138 be necessary for the proper administration of this chapter.

139 (b) To adopt, contract for, and make available for
140 purchase, cash or credit, basal, supplementary or alternative
141 textbooks through twelve (12) grades as provided in the school
142 curriculum, or for any other course that it may add thereto.

143 (c) To determine the period of contract for rated and
144 adopted textbooks which shall not be for less than four (4) years
145 nor more than five (5) years, with the right of the board, in its
146 discretion, to renew or extend such contract from year to year for
147 a period not exceeding two (2) additional years and to determine
148 the conditions of the approval or forfeiture of a contract and
149 such other terms and conditions as may be necessary and not
150 contrary to law.

151 (d) To have complete power and authority over additions
152 and amendments to textbooks, advertising for bids and the contents
153 thereof, including auxiliary materials and workbooks, advertising
154 on the protective covers of textbooks, bids and proposals, prices
155 of textbooks, specimen copies, cash deposits, selection and
156 adoption, distribution, fumigation, emergencies, selling to
157 others, return of deposits, forfeiture of deposits, regulations
158 governing deposits, renovation and repair of books, requisition,



159 transportation or shipment of books, and any other acts or
160 regulations, not contrary to law, that may be deemed necessary for
161 furnishing and loaning free textbooks to the school children, as
162 provided in this chapter.

163 (e) To develop and maintain a web-based textbook
164 inventory management system to assist public and accredited
165 nonpublic schools in selecting and purchasing state-adopted
166 instructional materials. The system must:

167 (i) Include information such as an online catalog
168 with state-adopted print and digital instructional materials;

169 (ii) Require relevant specifications for each
170 instructional material, professional learning opportunities,
171 digital usage and assessment connection;

172 (iii) Require publishers to submit information for
173 inclusion on the textbook inventory management system for uses by
174 the textbook rating committees in creating the lists of
175 state-adopted instructional materials; and

176 (iv) Require the board to establish procedures by
177 which publishers may submit instructional materials for inclusion
178 in the textbook inventory management system.

179 **SECTION 4.** Section 37-43-21, Mississippi Code of 1972, is
180 amended as follows:

181 37-43-21. (1) For the purpose of assisting the board during
182 an adoption, there shall be rating committees in each of the
183 fields in which textbooks are considered for adoption. Each



184 committee shall be composed of seven (7) members selected from
185 among Mississippi classroom teachers, curriculum specialists and
186 others having experience in the subject area under consideration.
187 The State Superintendent of Public Education * * * and the
188 Governor of the State of Mississippi thereupon shall * * * approve
189 members of each of said committees * * * deemed competent to
190 participate in the appraisal of * * * textbooks offered for
191 adoption, in each field, for use in the public and accredited
192 nonpublic schools of this state.

193 (2) It shall be the duty of said rating committees to
194 appraise the * * * textbooks offered for adoption in each field in
195 which textbooks are offered for adoption and recommend eight
196 (8) * * * textbooks and/or series for each adoption to be made by
197 the board and giving the reasons * * * for or basis of such
198 recommendations. * * * All appraisals, recommendations, and
199 dissents, if any, shall be in writing and filed with the board for
200 its consideration upon the adoption. * * * The rating committees
201 shall be subject to the provisions of Section 37-43-17. The board
202 shall have the power to reject any and all recommendations of the
203 rating committees and to call for further recommendations; in no
204 case shall the board adopt any * * * textbook not recommended by
205 the rating committees.

206 * * *

207 (* * *3) No state official, state employee, school board
208 member, school superintendent, principal, teacher or any other



209 individual shall sell or donate sample textbooks furnished them by
210 the Regional School * * * Textbook Depository as part of the
211 textbook adoption or selection process. Said individuals and
212 public officials shall not receive payment by the regional
213 depository, any publisher or any other company for sample
214 textbooks.

215 (* * * 4) School districts may annually utilize any portion
216 of the textbook allotment for the repair of textbooks; provided,
217 however, that school districts are authorized and encouraged to
218 utilize the Mississippi Department of Corrections bookbinder for
219 the repair of textbooks.

220 (* * * 5) Prices for new textbook purchases shall not be
221 higher than the lowest price at which * * * textbooks are sold
222 anywhere in the United States, after all discounts are allowed.

223 **SECTION 5.** Section 37-43-23, Mississippi Code of 1972, is
224 amended as follows:

225 37-43-23. The State Board of Education is hereby authorized,
226 empowered and directed to advertise for and receive sealed bids
227 for textbooks. Bidders shall quote their lowest net wholesale
228 prices, f.o.b. destination being the board-authorized regional
229 depository. The board may, in its discretion, establish a state
230 depository or approve regional depositories located in reasonable
231 proximity to the state, or inaugurate any other plan for the
232 distribution of * * * textbooks. Such prices shall not be higher
233 than the lowest price at which * * * textbooks are sold anywhere



234 in the United States, after all discounts are allowed. It is the
235 intent of the Legislature that the price paid for a textbook shall
236 not exceed the lowest price at which the same book, both having
237 the same copyright date, is sold anywhere in the United States
238 after all discounts are allowed. Every contract entered into
239 under the provisions of this section by the board and any
240 publisher or publishing company shall contain a provision that the
241 publisher covenants and agrees that he is not furnishing under
242 contract executed after the first day of January of the year in
243 which the contract becomes effective, to any state, county or
244 school district in the United States, the textbooks embraced in
245 the contract at a price below the price stipulated therein. At
246 any time that the board may find that any * * * textbook or books,
247 in either regular or special editions, are being furnished in any
248 other state at a lower price under contract than it is being
249 furnished in Mississippi, the contract shall be forfeited to the
250 state. Any contractor who violates this provision shall return
251 all money paid out for such * * * textbook or * * * textbooks and
252 also forfeit such * * * textbook or * * * textbooks to the state,
253 and suit may be brought on the bond of the contractor for all
254 losses sustained.

255 Successful bidders or contractors may maintain a depository
256 at a place within the State of Mississippi or within a regional
257 area located in reasonable proximity to the state, to be named by
258 the board, where a stock of * * * textbooks sufficient to meet all



259 reasonable and immediate demands shall be kept. Upon requisition
260 of the board, an approved depository shall ship * * * textbooks,
261 transportation charges paid, to the various shipping points in
262 Mississippi to be specified by the board. For such service the
263 depository shall make no charge to the board except the actual
264 cost of transportation from the depository to the shipping point
265 designated. The cost of distribution shall not exceed eight
266 percent (8%) of the total appropriation for any fiscal year.

267 All * * * textbooks furnished the State of Mississippi by
268 contractors under this chapter shall continue to measure up to the
269 same standards as are required in the contract, said standards to
270 include printing, binding, cover boards, mechanical makeup, and
271 any other relevant points as set out in the plans and
272 specifications as fixed by the board. Any contractor of any * * *
273 textbook or books, who fails to keep said * * * textbooks up to
274 said standards, shall forfeit, not only his contract to the state,
275 but shall return all money paid out for such * * * textbook
276 or * * * textbooks and also forfeit said * * * textbooks to the
277 state.

278 The State Department of Education may execute a contract for
279 the printing or open educational resource instructional materials
280 placed on the list. The contract must allow a school district to
281 requisition printed copies of open educational resource
282 instructional materials from the regional textbook depository.



283 **SECTION 6.** Section 37-43-25, Mississippi Code of 1972, is
284 amended as follows:

285 37-43-25. * * * At least one (1) set of all textbooks,
286 including ancillary, manuals, consumables and professional
287 learning materials, which have been made the basis of contracts
288 under the provisions of this chapter, clearly marked and
289 identified as such, shall be deposited by the publisher of
290 said * * * textbooks with the State Superintendent of Public
291 Education. Said specimen copies shall be preserved and kept open
292 for inspection by the public through the Instructional Materials
293 Special Library located in the Office of Instructional Materials.
294 In addition to the finished printed materials and textbooks not
295 missing essential content, publishers shall make all textbooks
296 proposed for adoption available for online inspection by the Board
297 of Trustees of State Institutions of Higher Learning, local
298 educational agencies and the public through the web-based textbook
299 inventory management system.

300 A copy of all contracts and bonds executed under the
301 provisions of this chapter shall be provided to the following, one
302 (1) copy for the contractor, one (1) copy to be filed in the
303 Office of the Secretary of State, and one (1) copy to be filed in
304 the office of the State Superintendent of Public Education.

305 An original of each bid, whether accepted or rejected, shall
306 be filed and preserved in the office of the State Superintendent
307 of Public Education for at least five (5) years.



308 **SECTION 7.** Section 37-43-31, Mississippi Code of 1972, is
309 amended as follows:

310 37-43-31. (1) The State Board of Education shall adopt and
311 furnish textbooks only for use in those courses set up in the
312 state course of study as recommended by the State Accreditation
313 Commission and adopted by such board, or courses established by
314 acts of the Legislature. In all subjects the board, in its
315 discretion, may adopt textbooks and/or series from those
316 recommended by the textbook rating committees. The board may
317 adopt a plan which permits the local school districts to choose
318 the * * * textbook or * * * textbooks to be requisitioned from
319 those adopted, provided:

320 (a) That, when a * * * textbook is furnished by the
321 state, it shall remain in use during the period of its adoption;

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

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

328 (d) That the State Department of Education is
329 authorized to disburse the annual textbook appropriation directly
330 to the public school districts in accordance with paragraph (b) of
331 this subsection. The textbooks procured through this
332 chapter, * * * shall become the property of the public school



333 district which purchased them, unless the * * * public school
334 district authorizes the transfer of unneeded textbooks to another
335 location in accordance with rules and regulations promulgated by
336 the State Board of Education;

337 (e) That textbooks which are on loan to other than
338 public schools as referenced in Section 37-43-1, shall remain the
339 property of the State of Mississippi. All requisitions for
340 textbooks from these schools shall be submitted to the State
341 Department of Education to be processed and subsequently shipped
342 to the requesting school. No funds shall be disbursed directly
343 from the State Department of Education to the schools in this
344 category for the purpose of procuring textbooks; and

345 (f) That funds made available through this chapter may
346 be used to purchase any state-adopted textbook from any
347 board-approved depository, directly from the publisher, or in
348 accordance with the provisions of Sections 37-43-21(5) and
349 37-43-31(3). For purchases made directly from the publisher, the
350 public school district, or the State Department of Education when
351 purchasing for other than public schools, shall not pay a higher
352 price for a textbook than that listed on the current state-adopted
353 list.

354 (2) Whenever any * * * textbook under contract is displaced
355 by a new adoption, the board may continue to require the schools
356 to use the recently purchased * * * textbooks from any previous



357 adoption; however, such period of use shall not exceed four (4)
358 years.

359 (3) If five (5) or more school boards petition the State
360 Board of Education to add a * * * textbook, or a series of * * *
361 textbooks, to the approved list of state adoptions in a given
362 subject area, then the State Superintendent of Public Education
363 shall have sixty (60) days to show cause to the State Board of
364 Education why the * * * textbooks in question should or should not
365 be purchased with state funds. If the petition is not acted upon
366 within the sixty-day period, the petition shall be deemed to be
367 approved. Once a textbook has been approved through the petition
368 process, any public school district or eligible other school may
369 procure the said textbook utilizing funds appropriated through
370 this chapter.

371 (4) If a new * * * edition of state-adopted textbook becomes
372 available between adoption cycles, a * * * publisher may petition
373 the State Board of Education * * * to review these * * * textbooks
374 out of sequence to be * * * adopted.

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

- 378 (a) Obscene, lewd, sexist or vulgar material;
- 379 (b) Advocating prejudicial behavior or actions; or
- 380 (c) Encouraging acts determined to be derogatory to any
381 race, sex or religion.



382 (6) (a) Publishers submitting textbooks for possible state
383 adoption shall execute an agreement to correct all factual and
384 editing errors found in the instructional material, at the
385 publisher's expense.

386 (b) The publisher shall submit a corrective action plan
387 to the department for review and approval by the State Board of
388 Education within thirty (30) days of receiving notification from
389 the department of the existence of errors in the textbook.

390 Factual errors apply to information that is inaccurate at the time
391 of the board's approval of the textbook.

392 (* * *7) All * * * textbooks or series of * * * textbooks
393 adopted under the petition procedures of this chapter shall be
394 purchased under the provisions for bidding, pricing and
395 distribution as prescribed in Section 37-43-23.

396 (* * *8) Petition procedure * * * textbooks or series
397 of * * * textbooks adopted under this section shall be considered
398 only until the date of the next regular adoption series in the
399 applicable subject area. Petition procedure * * * textbooks shall
400 be submitted for formal adoption at the next applicable regular
401 textbook adoption as prescribed under the provisions of Chapter
402 43, Title 37, Mississippi Code of 1972; otherwise, such * * *
403 textbooks adopted under the petition procedures which do not
404 receive formal adoption approval as recommended by the textbook
405 rating committee shall be dropped from the state textbook petition
406 adoption list. Provided, however, this provision shall in no way



407 prohibit a school district from using other funds, federal or
408 local, for the purchase of such books.

409 **SECTION 8.** Section 37-43-41, Mississippi Code of 1972, is
410 amended as follows:

411 37-43-41. * * * The accredited nonpublic school textbook
412 allocation accounts shall consists of amounts appropriated by the
413 Legislature for the same, all monies derived from the purchase of
414 textbooks by accredited nonpublic schools, all monies collected in
415 damage suits under the terms of this chapter, and all other monies
416 collected in any way whatsoever under the terms of this chapter.

417 There is hereby created a special fund in the State Treasury
418 to be designated as the " * * * Accredited Nonpublic Schools
419 Textbook Carryover Fund." * * * Any unexpended funds shall be
420 deposited by the board into the * * * Accredited Nonpublic Schools
421 Textbook Carryover Fund to the credit of the * * * accredited
422 nonpublic schools which were originally allocated such funds.

423 * * *

424 **SECTION 9.** Section 37-43-43, Mississippi Code of 1972, is
425 amended as follows:

426 37-43-43. The State Superintendent of Public Education shall
427 deposit all funds sent to him from accredited nonpublic schools
428 for lost * * * textbooks or damaged * * * textbooks as well as all
429 other funds accruing under this chapter in the State Treasury to
430 the credit of the * * * accredited nonpublic school textbook
431 allocation accounts.



432 **SECTION 10.** Section 37-43-45, Mississippi Code of 1972, is
433 amended as follows:

434 37-43-45. Any loss occasioned by the neglect, carelessness
435 or failure of duty by the county superintendent or any principal
436 or teacher in charge of any school, shall entitle the state to
437 bring suit for the recovery of the amount of the loss or losses
438 occasioned thereby.

439 Any writ or suit of any nature instituted under the
440 provisions of this chapter shall be brought in the name of the
441 State of Mississippi by the Attorney General. Any money or moneys
442 recovered by such suit shall be placed to the credit of the * * *
443 accredited nonpublic school textbook allocation accounts.

444 **SECTION 11.** Section 37-43-51, Mississippi Code of 1972, is
445 amended as follows:

446 37-43-51. (1) The management of all public, private,
447 parochial or denominational schools wherein the board is
448 furnishing to the students thereof free school textbooks and said
449 free school textbooks are used by the students in said school,
450 shall file annually with the State Board of Education any and all
451 reports as may be required by the board set forth by the Textbook
452 Administration Handbook.

453 * * *

454 (2) All public and accredited nonpublic schools shall
455 maintain instructional material inventory through the web-based
456 textbook inventory management system.



457 **SECTION 12.** Section 37-43-59, Mississippi Code of 1972, is
458 amended as follows:

459 37-43-59. (1) Not more than one (1) pupil copy, one (1)
460 teacher's edition, and one (1) copy of any limited auxiliary
461 materials shall be furnished as samples or specimen copies to any
462 single person involved in the state rating, adoption process of
463 free textbooks. Any and all sample or specimen textbooks or other
464 materials furnished to any person serving in an official capacity
465 or as an officer or employee in a school receiving free textbooks
466 shall be furnished only by the State Board of Education after
467 receipt from the publishers. No samples shall be furnished by
468 publishers directly to any such person. The board shall keep
469 detailed records of all samples furnished to all persons and
470 establish such procedures for return of all samples. The intent
471 of this provision is that no person serving in an official
472 capacity shall receive personal benefit or profit from sale of
473 sample or specimen textbooks.

474 (2) Not more than one (1) pupil copy, one (1) teacher's
475 edition, and one (1) copy of any limited auxiliary materials shall
476 be furnished for review and inspection to any single person
477 involved in the local educational agency (LEA) selection committee
478 process of free textbooks. Any and all textbooks or other
479 materials furnished to any such person serving in a selection
480 committee capacity for inspection and review shall be furnished
481 subject to the rules and regulations adopted by the board which



482 such rules and regulations shall not prohibit direct delivery by
483 the publishers to such persons. The board shall keep detailed
484 records of all textbooks and auxiliary materials furnished to all
485 such persons and establish such procedures for the return thereof.
486 Any and all textbooks furnished to persons serving on selection
487 committees shall be turned in to the * * * publisher without any
488 cost to the State of Mississippi * * * or the LEA. Any and all
489 textbooks so furnished to persons serving on selection committees
490 which have not been returned within one (1) year of the receipt of
491 same the value thereof shall be charged against the allocation of
492 state funds to said school district to the same extent as if
493 said * * * textbooks had been purchased by said school district.
494 The intent of this provision is that no person serving as a
495 selection committee member shall receive personal benefit or
496 proceeds from the sale of said textbooks.

497 * * *

498 (* * *3) Any person converting to personal use or selling
499 any sample or specimen textbook or other materials contrary to
500 provisions of this section shall be guilty of the crime of
501 embezzlement as provided by Section 97-11-25, and in addition,
502 shall upon conviction pay a fine of Fifty Dollars (\$50.00)
503 per * * * item sold or converted to personal use and shall be
504 removed from any public office or public employment position held.

505 **SECTION 13.** Section 37-43-2, Mississippi Code of 1972, which
506 dissolved the State Textbook Procurement Commission and



507 transferred the functions pertaining thereto to the State Board of
508 Education, is repealed.

509 **SECTION 14.** Section 37-43-47, Mississippi Code of 1972,
510 which prescribed the process for the payment of textbooks
511 purchased by the State Superintendent of Education and public
512 school districts, is repealed.

513 **SECTION 15.** This act shall take effect and be in force from
514 and after July 1, 2024.

