

OFFICE OF CHIEF ACADEMIC OFFICER
Summary of State Board of Education Agenda Items
July 19, 2018

OFFICE OF ELEMENTARY EDUCATION AND READING

09. Action: Begin the Administrative Procedures Act process: To establish the Textbook and Instructional Materials Administration Handbook [Goals 1 and 2 – MBE Strategic Plan]

Background and Purpose: In accordance with Miss. Code Ann. § 37-43-1 thru § 37-43-19, the Mississippi State Board of Education shall also serve as the State Textbook Procurement Commission, and is authorized to:

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

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

The Mississippi Department of Education (MDE) seeks to provide schools and districts with clearly aligned supports and guidelines for the adoption of high-quality instructional materials and textbooks. The proposed handbook includes updated procurement procedures and requirements as provided by new state statutes, including Miss. Code Ann. § 27-103-159 which requires evidence or research-based justification of programs or practices.

This item references Goals 1 and 2 of the *Mississippi Board of Education 2016-2020 Strategic Plan*.

Recommendation: Approval

Back-up material attached

Textbook and Instructional Materials ADMINISTRATION HANDBOOK

RULES AND REGULATIONS

For the Adoption, Distribution, Care, and Use
of Textbooks and Materials in Mississippi



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TABLE OF CONTENTS

SECTION ONE: TEXTBOOK REGULATIONS AND REQUIREMENTS	6
I. Administration of the Textbook Adoption Program: Public Schools, Non-Public Schools, and Special State Schools	7
II. Acquisition/Requisition: Public Schools, Non-Public Schools, and Special State Schools	8
III. Ordering and Handling Textbooks and Materials	11
IV. Petition Process: Public Schools, Non-Public Schools, and Special State Schools.....	15
V. Funding: Public Schools, Non-Public Schools, and Special State Schools.....	17
VI. Accounting and Condition of Textbooks: Public Schools, Non-Public Schools, and Special State Schools	18
VII. Textbook Use: Public Schools, Non-Public Schools, and Special State Schools.....	22
VIII. Textbook Inventory Management System: Public Schools, Non-Public Schools, and Special State Schools	23
IX. Process to File a Complaint	26
X. Forms: Non-Public Schools and Special State Schools	27
SECTION TWO: PUBLISHER REGULATIONS	28
I. Introduction	29
II. Publisher Regulations and Procedures	29
III. Textbook Materials	31
IV. Representatives from Publisher Companies	33
V. Publisher Companies' Presentations	34
VI. Time Between State Adoption and Caravan	35
VII. Regulations for Caravan	36
VIII. Contracts with the State of Mississippi.....	37
IX. Violations	38
X. Process to File a Complaint	39

INTRODUCTION

Section 37-43-19 of Mississippi Code, or the Textbook Law, authorizes the Mississippi Board of Education (MBE):

- a) To promulgate rules and regulations for the purchase, care, use, disposal, distribution and accounting for all books to be furnished under the terms of this chapter and to promulgate such other rules and regulations as may be necessary for the proper administration of this chapter.
- b) To adopt, contract for, and make available for purchase, cash or credit, basal, supplementary or alternative textbooks through twelve (12) grades as provided in the school curriculum, or for any other course that it may add thereto.
- c) To determine the period of contract for rated and adopted textbooks which shall not be for less than four (4) years nor more than five (5) years, with the right of the board, in its discretion, to renew or extend such contract from year to year for a period not exceeding two (2) additional years and to determine the conditions of the approval or forfeiture of a contract and such other terms and conditions as may be necessary and not contrary to law.
- d) To have complete power and authority over additions and amendments to textbooks, advertising for bids and the contents thereof, including auxiliary materials and workbooks, advertising on the protective covers of textbooks, bids and proposals, prices of textbooks, specimen copies, cash deposits, selection and adoption, distribution, fumigation, emergencies, selling to others, return of deposits, forfeiture of deposits, regulations governing deposits, renovation and repair of books, requisition, transportation or shipment of books, and any other acts or regulations, not contrary to law, that may be deemed necessary for furnishing and loaning free textbooks to the school children, as provided in this chapter.

The Mississippi Department of Education (MDE) is dedicated to providing all students access to high-quality instructional materials (HQIM) to support instruction in schools. Mississippi's defines HQIM as materials that are externally validated, comprehensive and aligned with the Mississippi College- and Career-Readiness Standards. This material includes engaging text and books – both digital and print, multimedia material, rigorous problems, and aligned assessments. HQIM can be used to identify students' areas of strength and opportunities for growth and are sequentially mapped and designed to prepare students to graduate ready for college and the workforce, educative for teachers, and accessible to students with differentiated needs.

When appropriated, funds for the procurement of textbooks must be used to purchase items that meet the definition of a textbook as stated in Section 37-43-1 of Mississippi Code: "Textbook shall be defined as any medium or manual of instruction, which contains a systematic presentation of the principles of a subject and which constitutes a major instructional vehicle for

that subject.” This publication is designed to provide guidance and information for textbook publishing companies, public schools, non-public schools, and special state schools of Mississippi.

Textbook and instructional material issues not covered in this handbook should be directed to the MDE Textbook Office.

SECTION ONE

Textbook Regulations and Requirements

I. Administration of the Textbook Adoption Program: Public Schools, Non-Public Schools, and Special State Schools

The district superintendent should appoint a staff member to serve as the Textbook Coordinator. The Textbook Coordinator should supervise the local adoption and purchase of textbooks and instructional material and completes reports required by the MDE Textbook Office. The Textbook Coordinator should oversee the correct inventory for the district in the Textbook Inventory Management System (TIMS). If a different person manages TIMS, the person should be noted as the TIMS Contact. The following is a job description that may be used by the district to outline the Textbook Coordinator's responsibilities:

The District Textbook Coordinator will assist with the following duties:

A. SUBMISSION OF THE FOLLOWING ITEMS:

1. Local Textbook Selection Committee FORM C
 - Submitted online at www.mdek12.org/ESE/TAP no later than October 1st
2. Report of the local adoption results
 - Due 35 days after the local hearing
3. Report on end of year closeout in TIMS no later than June 15th, which includes:
 - Active Inventory,
 - Surplus Inventory, and
 - Request to Dispose of Unusable Textbooks
4. Form to recommend State Rating Committee members
 - Due mid-June.

B. ADOPTION PROCESS AT THE DISTRICT LEVEL

1. Ensure that the Local Selection Committee is informed about the local hearing and can attend the meeting.
2. Work with the Local Selection Committee members so that they understand how to evaluate textbooks and that they work together as a committee.
3. Work with the Local Selection Committee to make sure "Official Local Adoption Examination Copies" are returned to the depository.
4. Meet with the Local Selection Committee after the hearing to complete the ballot.

C. ORDERING PROCESS AT THE DISTRICT LEVEL

1. Assist with the allocation of funds needed by each school.
2. Review the purchase orders before sending to the depository.

3. Make sure the policies of the local board are followed as related to the purchase of textbooks.

II. Acquisition/Requisition: Public Schools, Non-Public Schools, and Special State Schools

Mississippi Code 37-43-1 ensures that state-adopted textbooks shall be distributed and loaned free of cost to the children of the free public schools of the state and of all other schools located in the state which maintain educational standards equivalent to the standards established by the MDE for the state schools as outlined in the *Mississippi Non-Public School Accountability*.

REQUIREMENTS FOR PARTICIPATION OF NON-PUBLIC AND SPECIAL STATE SCHOOLS

When a non-public school has verified compliance with all applicable non-public school standards, the Office of Accreditation will submit a request to the MBE to award an accredited status to the school.

Once the school has received approved accreditation status, a letter requesting to receive textbooks should be submitted. The MDE Textbook Office will provide the appropriate forms to document that the school operates in a non-discriminatory manner in its admission and enrollment practices. The MBE will review this data and determine if the school should be approved to receive textbooks. After the approval of the MBE, the documents will be forwarded to the Northern U.S. District Court for final approval.

Textbooks may be procured with state or local funds in a variety of ways. Listed below are the approved methods and procedures:

A. STATE-ADOPTED TEXTBOOKS

1. Public Schools

Mississippi Code 37-43-5 states that “Textbooks” shall be defined as any medium or manual of instruction which contains a systematic presentation of the principles of a subject and which constitutes a major instructional vehicle for that subject; this would include both print and digital formats. Textbooks that are on the state-adopted list may be purchased directly from the publishers' depositories. All requisitions will need to be submitted by the local school district to publishers' depositories in accordance with the procedures established by that entity and communicated to school districts. Requisitions for textbooks are **NOT** to be sent through the MDE.

Textbooks and instructional materials that are listed on the state-adopted list may also be purchased directly from the publisher. School districts are

reminded that the textbook law requires that a district pay no more for a textbook procured directly from the publisher than the price stated in the current state-adopted catalog.

2. **Non-Public Schools**

Textbooks and instructional materials that are on the state-adopted list may be procured through the MDE from the publishers' depositories. The MDE Textbook Office **must** approve all requisitions.

Textbooks and instructional materials that are listed on the state-adopted list may be procured through the MDE Textbook Office. Non-public schools wishing to use this procurement provision must complete and submit a **TEXTBOOK ORDER FORM** to the MDE Textbook Office for processing. The form may be obtained at <http://www.mdek12.org/ESE/TAP>. Schools are reminded that textbook law requires that a district not pay more for a textbook procured from the publisher than the price stated in the current state-adopted catalog.

B. NON-ADOPTED TEXTBOOKS

1. **Public Schools**

Textbooks and instructional materials that are not state-adopted may be purchased by the local school district directly from the appropriate publisher or vendor. Approval **is not** required from the MBE or the MDE Textbook office, prior to purchase. However, districts are strongly encouraged to develop a review and evaluation plan to ensure that quality textbooks are being purchased. The purchase of textbooks and instructional materials must follow the state purchasing procedures if textbooks are not under state contract.

2. **Non-Public Schools**

Textbooks that are not on the state-adopted textbook and instructional material list may be purchased by the non-public schools through the MDE directly from the publisher or vendor. Schools desiring to utilize this provision should submit any such request on the **TEXTBOOK ORDER FORM**, which can be downloaded at www.mdek12.org/ESE/TAP. While there are no review requirements associated with this procurement method, schools are encouraged to develop a review and evaluation plan to ensure that high-quality textbooks and instructional materials are being purchased. Districts are strongly encouraged to develop a review and evaluation plan to ensure that high-quality, evidenced-based textbooks and instructional material are being purchased, and that the materials address the depth and breadth of the Mississippi College-and Career-Readiness Standards.

If this option is selected, MDE procurement policies **MUST** be followed (see Section One, II.C.).

C. PURCHASING PROCEDURES

To ensure that internal controls are in place to document the most efficient use of taxpayer dollars, public and non-public schools are required to follow the state bid requirements established by Mississippi Code 31-7-13. Textbooks that are **adopted and approved** by the MBE are placed under state contract and are exempt from the bidding process.

1. Bidding Requirements

- a. 0 – \$5,000: Purchase from any vendor with no bidding.
- b. \$5,001 – \$50,000: Obtain two (2) or more written quotes. Facsimiles and emails with PDF quotes are acceptable.
- c. Over \$50,000: Must allow 3½ to 4 weeks for bid to be awarded and must be advertised.
 - Public schools that purchase non-adopted textbooks in excess of \$50,000 are required to maintain sealed bid documentation for three (3) years after the audit report is released. If a purchase is in litigation, the files shall be maintained until resolved.
 - The documentation is required to support award decisions, assure approvals, compliance with regulation, and sustain any reviews or litigation. Documentation should include but is not limited to the following: bid list, bid opening sign-in sheet, bidders' spreadsheets, witness signature, requisition, notice to Contract Procurement Center, public notice to newspaper, bid specifications, original bids, bid envelopes, bid addendum, proof of advertisement, bid evaluation, award by the school, or letter from the MDE Textbook Office.

Note: The bid dollar limit does not include shipping or freight costs.

2. Sole Source Textbook Purchases

Textbooks that are sold by one supplier or one source may be purchased using the Mississippi Procurement Procedures.

D. PAYMENT FOR TEXTBOOKS

All purchases and subsequent payments for textbooks are between the local school districts making the purchase and the depository, the publisher, or the vendor as may be appropriate.

Cash Purchases (Non-Public)

If a non-public school desires to use funds other than state textbook funds for the procurement of textbooks, all such requisitions and/or purchase orders should be submitted directly to the depository, publisher, or used textbook vendor.

III. Ordering and Handling Textbooks and Materials

A. ORDERING TEXTBOOKS: PUBLIC SCHOOLS

The MDE Textbook Office does not complete textbook orders for public school districts. All orders should go to the depository, publisher, or used textbook vendor. Inventory should be entered into the Textbook Inventory Management System as soon as it is processed and received.

B. STAMPING, MARKING, AND RETURNING TEXTBOOKS: PUBLIC SCHOOLS

- Do not stamp, mark, or write the school name, number, or student name in textbooks until it is positively determined that the textbooks received are the ones that were actually ordered and needed for the particular course. The depository normally will not accept for return, textbooks that have been stamped or marked.
- Schools are reminded that any unused textbooks should be returned to the depository, publisher, or vendor from which they were purchased.
- Textbooks purchased during a fiscal year must be returned during the same year of purchase in order to receive credit from School Book Supply Company of Mississippi. Any textbooks that are not returned by June 30th of the fiscal year shall not be returned for credit. These textbooks, if not to be used by the purchasing school district, must be placed on the surplus textbook list.
- Textbooks may no longer be returned to Mississippi School Book Supply/Textbook Depository Company of Mississippi for credit if they have been marked or bar-coded. Opened kits may not be returned. Any textbook that has come off contract on June 30th cannot be returned after June 30th.

C. HANDLING INCOMING TEXTBOOK SHIPMENTS: NON-PUBLIC AND SPECIAL STATE SCHOOLS

It is suggested that each school and district develop and follow a plan to ensure all incoming textbook shipments have been received in an orderly manner.

1. **School's Responsibility**

Each school district should designate someone at each school to serve as Textbook Custodian. Usually this person is the principal, but it could be a teacher or other school employee.

2. **Textbook Custodian's Responsibility**

The Textbook Custodian is accountable for all textbooks shipped to the school. Therefore, he/she should personally accept and check all incoming shipments of textbooks requisitioned through the district's textbook program. If the Textbook Custodian cannot attend to this personally, the responsibility should be delegated to someone who is thoroughly competent and has a comprehensive understanding of the textbook procurement process.

3. **Checking Freight Shipments**

When the freight company secures a signed delivery receipt without any exceptions being noted on it, the shipping company is automatically released of its liability for losses in the shipment. Therefore, it is imperative that the total number of cartons delivered to the school be accurately counted and recounted before a shipment is accepted.

4. **Shortage in Freight Shipments**

The number of cartons missing should be plainly marked on all copies of the delivery receipt before they are signed. Do not sign for any shipment unless a copy of the receipt is provided for the school's files. Do not sign for a complete shipment contingent upon the shipper's promise to locate the missing cartons later.

5. **Damaged Cartons**

If there is evidence that any cartons have been damaged by rough handling or in any other way, damages should be noted on all copies of the delivery receipt. If it is later found that some of the textbooks have been damaged, the depository should be notified so that the textbooks may be replaced. If a school is purchasing from a publisher or other vendor, then the appropriate business should be notified.

6. **Checking Textbooks**

The depositories with state-adopted textbooks in Mississippi will include with each shipment, a copy of the packing slip that will indicate only the textbooks contained in the shipment. Backorders and textbooks shipped previously will not be listed on the packing slip. As soon as possible, after the receipt of the shipment, all cartons should be opened and checked against the packing slip. As each carton is opened, please make sure that the name of

the school appears on each box. If the shipment does not match the packing slip, the textbooks may belong to another school.

7. Difference in Packing Slip and Shipment

If it is found that the number of textbooks ordered does not agree with the number and title listed on the enclosed copy of the packing slip, recheck to verify the original count. If this recheck shows the same error as the first count, please immediately notify the appropriate publisher's depository of the discrepancies. If the error relates to an overage, do not take any disposition action until so instructed by the depository.

8. Backorders

If any title on the requisition is out of stock at the depository, it will be noted on the green invoice that will be received from the publisher's depository approximately one week after the textbook shipment. Any title that is on backorder will be shipped as soon as stock becomes available. If a school desires to cancel an existing backorder, the appropriate publisher's depository or vendor should be notified. However, when a school district experiences a lengthy delay in the filling of a backorder, the MDE Textbook Office should be contacted and notified. PUBLIC SCHOOLS-This action is essential since requisitions no longer flow through the MDE Textbook Office.

9. Green Invoices

The green invoice provides proof that the requisitioned textbooks have been properly received in the local school; therefore, each green invoice must be on file at the local district office. When a determination has been made that the shipment has been satisfactorily received, the Textbook Custodian should:

- i. Public Schools- sign each green invoice and return it to the local district office.
- ii. Non-public schools or special state schools- sign each green invoice and return it to the Textbook Office, Mississippi Department of Education, and P. O. Box 771, Jackson, MS 39205-0771. Please return each green invoice soon after the receipt of the textbooks. Do not hold the invoices until the end of the year.

D. TEACHER EDITIONS AND COMPLIMENTARY MATERIALS

It has become common practice for publishers/vendors to provide complimentary materials, as well as teacher editions, when a school district purchases a publisher's textbooks.

1. Publishers/vendors with state-adopted textbooks are required to provide teacher editions, when available, to accompany the student editions requisitioned by the school district. One teacher edition per certified teacher per classroom is required. This requirement includes special education teachers, advanced placement teachers, and alternative teachers.

2. Publishers/vendors are required to list on the textbook **BID FORM** all complimentary materials along with the terms and conditions under which the materials will be given to the schools. This information is a part of the contract between the MDE and the publisher. This information is listed at www.mde.k12.org/ESE/TAP.
3. School district personnel should not ask a publisher to provide materials that are not listed on the company bid. This type of request is a violation of the contract between the MDE and the company. Also, a company representative should not promise items that are not a part of the bid.
4. If a district fails to obtain the promised complimentary materials, the district should contact the MDE Textbook Office. Schools are reminded that publishers/vendors will not be permitted to give away or promise free materials not certified on their **BID FORM**. The provision of free material will be in accordance with the terms and conditions included on the **BID FORM** and contract.

E. LARGE-PRINT AND BRAILLE TEXTBOOKS

Large-print and Braille textbooks may be obtained through the Mississippi School for the Blind by any school district that has students who are visually impaired. Inquiries for large-print and Braille textbooks should be submitted to:

Mississippi Instructional Resource Center (MIRC)
1252 Eastover Drive, Adm. Bldg. Rm. 300
Jackson, MS 39211
Phone: (601) 984-8226

At the close of the school term, all large-print and Braille textbooks must be returned to the Mississippi Instructional Resource Center. They are to be returned through the United States Post Office and marked: **READING MATTER FOR THE BLIND – FREE – 138.32 – 138.92**. If the package containing the large-print and Braille textbooks is labeled in this manner, there will be no cost for the shipping. **DO NOT** ship textbooks back by freight line or UPS.

F. DISTANCE LEARNING AND ADVANCED PLACEMENT TEXTBOOKS

Textbooks needed for use in distance learning and Advanced Placement courses should be purchased by the local school district directly from the depository, publisher or vendor of the textbooks.

G. USED TEXTBOOKS

1. Used textbooks, both adopted and non-adopted, may be purchased from vendors of used textbooks. Approval of the MDE is not required for these

purchases. A listing of used textbook companies may be downloaded at www.mdek12.org/ESE/TAP.

2. School districts are **not** required to use such companies recommended by the MDE. Each district has the discretion and authority to secure its own used textbook company.
3. Used textbooks purchased from used textbook companies will not receive a free teacher edition or any other ancillary materials that are listed as free under state contract. Please be aware that textbooks purchased from used textbook companies may be first editions or first printing and may contain errors.
4. School districts are reminded that defective used textbooks should be discussed with the vendor from which the used textbooks were purchased.

IV. Petition Process: Public Schools, Non-Public Schools, and Special State Schools

Mississippi Code 37-43-31 contains a provision whereby five or more school boards may petition the MBE to add a book or series of textbooks to the state-adopted list. If a district so chooses to petition the MBE, the following policies and procedures should be adhered to:

- A. School districts may petition the MBE to allow for the requisition of non-adopted textbooks.
 1. Five or more school boards may petition the MBE to add one or more textbooks or series of textbooks to the state adopted list. The MBE will have sixty days to act upon the petition. If it is not acted upon in this time period, the petition shall be deemed as approved.
 2. A school board may petition for the requisition of "new and innovative" textbooks that have become available since the last textbook adoption in the respective subject area.
 3. Textbooks may be procured through the petition process from School Book Supply Company of Mississippi or directly from the publisher. Since non-adopted textbooks may now be purchased with state funds, it is no longer necessary to follow the steps of the petition process. However, if the district or districts should choose to go the petition route, the MBE will consider the petition for approval.

- B.** Consideration shall be given to the following by the local school districts in the submission of petitions under any of the above-named provisions:
1. Each district that submits a petition must secure at least one copy of each textbook included in the petition for review and evaluation purposes. Each district submitting a petition shall select a committee of no fewer than three individuals to review and evaluate each textbook or series included in the petition. These individuals must have expertise in the subject area being reviewed, and at least two of these individuals must be teachers. Each reviewer/evaluator shall utilize and submit a copy of the review rubric used to evaluate the instructional material. Each textbook will be reviewed based on minimum quality indicators, which include but not limited to alignment to the Mississippi College- and Career-Readiness standards.
 2. Each district submitting a petition shall provide a rationale as to why currently adopted textbooks are not sufficient to meet the needs for the courses for which the non-adopted textbooks are intended.
 3. All textbooks requisitioned through this process shall be purchased by the petitioning district. Districts may submit petitions at any time during the school year.
 4. Each school district submitting a petition for non-adopted textbooks shall receive approval of its school board prior to submission, and it must state on the petition the date of such board action.
 5. Each district submitting a petition request shall state on the petition the quantity of each title petitioned along with information regarding the publisher.
 6. Publishers/vendors having textbooks adopted through the petition process must be willing to submit a bid, execute a contract and bond with the state of Mississippi, and provide a stock of textbooks in their Mississippi depository sufficient to meet all reasonable demands. Consequently, school districts must initially determine if the publisher whose textbooks are being petitioned is willing to meet all of these requirements before submitting a petition. Each publisher whose textbooks are petitioned must supply one copy of each student and teacher edition to the MDE Textbook Office to be used for review purposes. If the textbook is subsequently approved by the MBE, it will be placed on file for review. Contracts entered into with publishers/vendors of successfully petitioned textbooks will have the same expiration dates as all other textbooks in like subject areas.

- C. The MDE shall designate one person, having expertise in the respective subject area(s) for which textbooks are petitioned, to review the petition and the textbook, and recommend to the MBE the appropriate action to be taken regarding the addition of the textbooks to the state adopted list.
- D. Districts receiving MBE approval on petitions will be notified promptly, and action will be taken to add the requested textbooks to the state-adopted list as soon as possible.
- E. School districts considering the petition process should be reminded of the following:
 1. The petition process requires considerable effort to demonstrate the quality and alignment of the content.
 2. The petition must be approved by the local school board.
 3. The publisher of the petitioned textbook will need to submit a bid and execute a contract and bond upon approval by the MBE.
 4. State textbook law now permits the purchase of non-adopted textbooks directly from the publisher resulting in a timely delivery if this approach is selected over the petition process.

V. **Funding: Public Schools, Non-Public Schools, and Special State Schools**

When appropriated, funds for the procurement of textbooks distributed must be used to purchase items that meet the definition of a textbook as stated in Mississippi Code 37-43-1: “Textbook shall be defined as any medium or manual of instruction, which contains a systematic presentation of the principles of a subject and which constitutes a major instructional vehicle for that subject.”

A. **DISTRIBUTION**

1. **Public Schools**

The Mississippi Legislature will annually appropriate funds to the MDE for the procurement of textbooks. The funds are a part of the Mississippi Adequate Education Program. The district will allocate from the annual funds the amount to be used for the purchase of textbooks. All textbook budgeted funds may be utilized to procure textbooks in accordance with the policies contained in this handbook.

2. **Non-Public Schools and Special State Schools**

The Mississippi Legislature annually appropriates funds to the MDE for the procurement of textbooks. The funds are distributed to non-public and

special state schools on a per-pupil basis based on the average daily attendance for the entire nine months of the previous school year for grades K-12. All textbook funds may be utilized to procure textbooks in accordance with the policies contained in this handbook. Textbook funds for non-public schools will be issued as credit that may be used to procure state-owned textbooks.

B. FREIGHT COSTS

Each school district and non-public school will be responsible for the payment of the freight costs incurred in the shipment of the textbooks to the local school or district. For non-public schools only, this cost will be charged against the school's allocation.

C. CARRYOVER

All unexpended credit on June 30th for a respective **non-public school** will be carried over for the expenditure for state-owned textbooks in the next school year.

VI. Accounting and Condition of Textbooks: Public Schools, Non-Public Schools, and Special State Schools

A. OWNERSHIP

Textbooks are the property of the local **public-school** districts. Each district must make available for transfer all textbooks that have been declared surplus by the district.

In **non-public schools**, all textbooks are the property of the State of Mississippi and are on loan to the non-public school from the MDE. Each school must make available for transfer all textbooks that have been declared surplus by the non-public school.

B. FUNDING SOURCES

There is no need to differentiate between funding sources such as State, Local, Educational Enhancement, etc., in the maintenance of an inventory. Regardless of the funding, all sources are to be treated the same in regard to the inventory process.

C. ISSUANCE OF TEXTBOOKS

The label on the inside cover of each textbook shall be completed before the textbook is issued to the pupil.

Public Schools

The school district shall have in place a plan for maintaining adequate records regarding the issuance of textbooks to students. It is suggested that the method of issuing textbooks to students reflect the condition of the book. The parent or guardian should sign that the child has received books. A statement similar to the following should be part of the signature process. "I hereby accept the responsibility of the books listed and for any other books issued to my child during the current school year. If any book is lost, damaged or destroyed, I agree to pay such loss before my child will be entitled to any further books." (See MS AG op., Johnson (Jan 10, 1997).)

Non-Public Schools or Special State Schools

Duplicate textbooks cards (MT-6) shall be made for all pupils receiving textbooks. These cards shall be completed so that the identity and condition of the textbooks are clearly shown. After the parent's signature has been obtained on the card, the pupil shall be issued the textbook. At the end of the session, upon the student transferring to another non-public school or special state school or at any time ordered by the teacher or the administrative head, all books shall be returned by the pupil. The textbook card shall be signed by the teacher and given as a receipt. The pupil shall present the card upon re-enrollment at the non-public school next attended before any textbooks are issued to him/her.

D. RETURNING TEXTBOOKS FROM INELIGIBLE NON-PUBLIC SCHOOLS

If any non-public school fails to maintain accreditation approval by the MBE, it will be necessary for all state-owned textbooks to be returned. Procedures for the return of state-owned textbooks from ineligible non-public schools are outlined below.

1. All non-public schools that are ineligible for participation in the state-owned textbook program shall return all state-owned textbooks to the MDE or its designee.
2. Non-public schools whose eligibility expires by the December meeting of the MBE of any year shall have until the following June 30th to complete the return of its state-owned inventory to the MDE.
3. Each ineligible non-public school will be supplied no later than May 1st with a listing of its current textbook inventory as reflected by the most recently submitted inventory plus an inventory of all textbooks procured since the last inventory was filed. Any discrepancies between the inventory of the school and that of the MDE must be justified in writing.

4. During the month of July after the loss of eligibility of the non-public school, MDE staff will be available to assist each non-public school in inventorying and packaging textbooks for return to the MDE. As the textbooks are packed, a detailed accounting will be made jointly by the school and the MDE staff. **Under no circumstances should the non-public school pack and return textbooks without the involvement and assistance of MDE staff.**
5. Once the textbooks are packed and reconciled with the MDE inventory for each respective school, the cartons will be sealed and numbered. Once this action is completed, a tentative receipt will be provided the non-public school by the MDE staff. The MDE will notify a truck line to pick up the textbooks for return to the MDE or its designee. All shipping costs incurred in the return of the textbooks will be paid by the MDE. Once the textbooks are returned, a formal official receipt will be given to the non-public school.

E. DEFECTIVE TEXTBOOKS

Textbooks that are on the state-adopted list are built by very rigid construction specifications. The contract between the publisher and the MDE requires that the adopted textbooks continue to measure up to these construction standards. Therefore, any school district that fails to receive defective textbook replacement assistance from the publisher should contact the MDE Textbook Office.

1. When the school receives defective textbooks, the depository or publisher from which the textbooks were purchased should be contacted with a request to replace the textbooks. Contact the depository or publisher before returning defective textbooks for instructions on the method of return.
2. Textbooks may become defective after they have been in use for a while. Usually defects will take the form of pages falling out of the textbooks or covers coming loose from the textbook block. Normally if there is a defect of this type in workmanship, it will usually become noticeable within the first two or three years of use. The school or school district should contact the depository or publisher and discuss the problem and seek replacement of the defective textbooks.

F. LOCAL POLICY ON TEXTBOOK REPLACEMENT OR DAMAGES

Each local district should have board policy that deals with the issuance of textbooks plus fines or damages. This policy needs to be a part of the student handbook. This plan should be sufficient to comply with Mississippi Code 37-7-301(ff), which states:

“As part of their duties, the local district school board may require that parents/legal guardians be responsible for the textbooks and for the compensation to the school district for any textbooks that are not

returned to the proper schools upon the withdrawal of their dependent child. If a textbook is lost or not returned by any student who drops out of the public-school district, the parent or legal guardian shall also compensate the school district for the fair market value of the textbooks.”

The following is an example of the type of policy that could be used:

“ _____ School District provides textbooks free of charge to students. It is the duty of each student to care for the textbooks to the best of his/her ability. Students who lose or damage textbooks are required to pay for them. Students should take pride in the upkeep of their textbooks. Teachers are instructed to assess fines for amounts up to the current value of a book when it is obvious that the student has damaged or defaced the book.”

The following is an example of one district’s fines and damage replacement schedule. The example is given to aid in the development of a district policy.

DAMAGE	FINE
Writing/drawing/scribbling in book	\$1.00 per page
Excess wear/damage but still usable	10% of cost of the book
Cover of book damaged	25% of cost of the book
Spine damaged	25% of cost of the book
Water damaged but still usable	25% of cost of the book
Water damaged, not usable	Cost of the book
Pages missing, not usable	Cost of the book
Obscene writing or drawing on or in the book	Cost of the book
Non-returned book	Cost of the book

Non-Public Schools and Special State Schools

All fine and damage collections shall be reported on the proper FORM (MT-8) and the money sent to the MDE Textbook Office. If a student pays a fine based on the total cost of the textbook, the book then belongs to the student. All fines and damages received in the MDE will be credited back to the respective non-public and special state school system in which they were collected for expenditure in the collecting school.

G. REBINDING OF TEXTBOOKS

Contact information for rebinding companies is available at www.mdek12.org/ESE/TAP. School districts are **not** required to use such company recommended by MDE. Each district has the discretion and authority to secure its own rebinding company. The cost for rebinding may be paid from funds used for the purchase of textbooks.

H. INVENTORY

An annual inventory of active, surplus and disposable textbooks must be conducted and submitted by way of the TIMS program to the MDE by June 15th of each year. The MDE Textbook Office will send an **INVENTORY SIGN OFF FORM** to the district superintendent to be signed verifying that the inventory report in the TIMS system is correct.

I. SALES

The Mississippi Code 37-43-33 provides that parents, persons, or school boards may purchase textbooks directly from the publisher's depository. The price of textbooks shall be at contract price plus whatever postage or delivery charges might accrue.

J. NON-PREVENTABLE LOSSES

Since the textbooks now are the property of each local school district, no emergency fund is maintained at the state level. Consequently, districts are encouraged to maintain a contingency fund or plan to utilize in the replacement of textbooks in the event of a disaster. Further, districts are reminded to delete textbooks that may have been destroyed from their current inventory. It is imperative for each school district to maintain and file current inventory with the MDE Textbook Office.

VII. Textbook Use: Public Schools, Non-Public Schools, and Special State Schools

A. PUPIL USE

In accordance with Mississippi Code 37-43-1, **“Teachers shall permit all pupils in all grades of any public school to carry to their homes for home study, the free textbooks loaned to them, and any other regular textbooks whether they be free textbooks or not.”**

B. HOME SCHOOL PUPIL USE

Mississippi Code 37-43-1 requires local school boards to make available to parents or legal guardians of any school-age children who reside in a school district, upon request, any textbook(s) on the state surplus inventory list. The parent or legal guardian is responsible for the return of the textbook(s) to the district upon completion of use of the textbook(s) or they will be required to compensate the district for the fair market value of the textbook(s). Local school districts can contact the MDE Textbook Office for an example of a suggested home policy.

VIII. Textbook Inventory Management System: Public Schools, Non-Public Schools, and Special State Schools

The Textbook Inventory Management System (TIMS) is the web-based inventory system for the MDE Textbook Office. **All inventory reports** – active inventory (textbooks that have been purchased during the school year), surplus inventory (textbooks that are no longer used in the district, but do not qualify for disposal), and disposal inventory (textbooks that have been lost, destroyed or the copyright date is twelve years or older) – must be entered into the TIMS by **June 15th** of each year unless otherwise notified.

A. DETERMINATION OF DISPOSABLE TEXTBOOKS

Each local school district will determine if textbooks are unusable. Textbooks may be unusable because they are twelve years or older, or not relative to current state standards, or the textbooks may be physically worn to the point that continued use is not practical. Before a school district disposes of textbooks, approval must be granted by the Superintendent, and the information must be entered into the TIMS.

B. METHODS OF DISPOSAL

Several approaches are available for the disposal of unusable textbooks. Listed below are methods in priority order of consideration:

1. Priority should be given to providing the unusable textbooks to students presently in attendance. School districts should maintain records regarding the number of textbooks disposed of through this method.
2. Unusable textbooks can be sold to a debinding company for paper-recycling purposes. Any funds received for the sale of textbooks through this provision shall be credited back to the school that sold the textbooks for use in the purchase of additional textbooks. Because of the small price paid for the textbooks by debinding companies, this method is not very practical unless a district has a large quantity of unusable textbooks for disposal. Records must be maintained by the district relative to the number of textbooks disposed through this method. **Note:** The MDE will attempt to assist local districts in

the location of a company that would purchase the textbooks for debinding and subsequent recycling of the paper. Contact information is listed at www.mdek12.org/ESE/TAP. School districts are **not** required to use such company recommended by the MDE. Each district has the discretion and authority to secure its own debinding company.

3. Unusable textbooks can be donated to local non-profit organizations. Any non-profit organization desiring to receive unusable textbooks must make application to the local school board from which it desires to receive the donated textbooks. This application should detail the plans and intentions relative to the future utilization of the donated textbooks along with background information on the non-profit group. As part of the application to receive books, a copy of the IRS designation should be requested. When the IRS gives a designation of a 504-3-C, this is an approved non-profit organization. In no case may textbooks be donated to any group without prior approval of the local school board of the district from which the textbooks are being requested. School districts should maintain records of the textbooks disposed through this method. **Note:** School districts desiring assistance with the application process for the donation of unusable textbooks to non-profit groups should contact the MDE Textbook Office. Further, districts are encouraged to utilize much discretion in the donation of textbooks to agencies outside the public domain so as not to conflict with other regulatory requirements placed upon local districts.
4. Unusable textbooks can be donated to national non-profit organizations for distribution to Third World and similar countries. Several factors should be taken into consideration when one is making donations of unusable textbooks.
 - All donations should involve non-profit or similar agencies that will place the textbooks in Third World countries or in an area that experiences vast depravity as far as instructional materials are concerned.
 - All agencies interested in receiving donated unusable textbooks must first complete and submit to the school district a written application. An example of an APPLICATION FORM may be secured from the MDE Textbook Office.
 - All applications must be approved by the local-school board prior to the donation of any unusable textbooks to any agency submitting such application.
 - School districts are urged to use extreme discretion in the donation of unusable textbooks so as not to enter into a conflict with other legal requirements.

Regardless of which method is used, it is suggested that records be kept of inventory, date, and method used to dispose of unusable textbooks.

C. SURPLUS TEXTBOOKS

The surplus textbook program has been beneficial to schools throughout the state. A surplus textbook is one that is still in good physical condition but is no longer being used in the district. In most situations, the surplus textbooks will be from a previous adoption and may be much more current than those being used in some districts. Books with a copyright of **12 years of age or less** should be kept in the surplus book program.

Steps to be Followed in the Surplus Textbook Program

In order for the surplus textbook program to operate in an efficient manner, local school districts are required to use the following steps:

1. Each school shall update the inventory of surplus textbooks at the conclusion of each school year. The inventory update shall be entered into the TIMS and must be completed no later than June 15th of each year. If changes are made during the year, the system must be updated.
2. Schools that need surplus textbooks should go to the TIMS. Select the request screen and make the surplus inquiry. The ISBN should be entered into the system along with the quantity needed. This is a request system, not a **SEARCH** tool. Request one ISBN at a time.
3. Once the needed textbooks have been located in TIMS, contact the Textbook Coordinator and ask that the request be approved. The Textbook Coordinator will indicate the approval in the system under Inquire/Modify request and contact the district that owns the textbook to ask if the district will release the books.
4. The district that owns the books will approve or deny the surplus transfer in the system by going to the approval surplus transfer screen.
5. This is a district-to-district function. At no time should a principal call schools to ask if they have books and if they will release the books that they own.
6. If the proper process is not followed, the ending inventory of the two districts will not be correct.
7. All freight costs incurred in the transfer of the surplus textbooks will be paid by the receiving school/district. Shipping arrangements should be made before approval is given.

IX. PROCESS TO FILE A COMPLAINT

Any person who wishes to report a violation of the policies and procedures stated in the *Mississippi Textbook and Instructional Materials Administration Handbook* should follow the process listed below:

- A.** A written complaint letter must be received by the Textbook Office, Mississippi Department of Education; P. O. Box 771, Jackson, MS 39205-0771 within fourteen (14) calendar days after the person/company making the complaint has knowledge of the violation. The MDE will not investigate any complaints made after the deadline, and the MBE will not hear any matters concerning the complaint filed after the deadline. The complaint letter must indicate the policies and procedures being violated with a reference to the page and paragraph in the *Mississippi Textbook and Instructional Materials Administration Handbook*. The complaint letter must include the name of the person/company that violated the rule, the date and location where the violation occurred and the signature of the individual making the complaint. Please give as much information as possible in order for the complaint to be investigated.

Within seven (7) business days of receipt of the complaint, the MDE Textbook Office will investigate the violation(s) and forward the findings to the Bureau Director of the Office of Elementary Education and Reading. The Bureau Director will review the staff's findings and make a recommendation to the Chief Academic Officer.

- B.** The Chief Academic Officer will review the findings and request by certified mail a written response to the complaint from the person/company who has been reported as violating the policies and/or procedures. The person/company shall file a written response to the complaint addressed to the Chief Academic Officer within fourteen (14) calendar days of receipt of the request. Responses received after the deadline will not be considered. Upon receipt of all relevant documentation received prior to the deadline, the Chief Academic Officer will forward the information with a recommendation to the State Superintendent.
- C.** If the State Superintendent determines that there is not sufficient reliable evidence of a violation, then the State Superintendent will notify by letter the person/company making the complaint and the person/company reported to have violated the policies and procedures.
- D.** If a resolution cannot be reached, the matter will be presented at a formal hearing before the MBE at its regularly conducted business meeting. The staff of the MDE will present the evidence of the violation(s) with a penalty recommendation. The person/company reported to have violated the policies and procedures will be given an opportunity to present any information relevant to the subject issues. Board members may ask questions of any person.

- E. The MBE will determine what, if any, violation(s) of the policies and/or procedures of the *Textbook and Instructional Materials Administration Handbook* occurred and what penalty or penalties to impose upon the person/company that violated said policies and procedures. The person/company before the MBE will receive notification of the decision by Board Order.

X. Forms: Non-Public and Special State Schools

Several forms are utilized in the implementation of the state-owned textbook program. Below is a listing of current forms:

A. TEXTBOOK LABEL (MT-1)

This property label is used for textbooks after the original label is no longer usable. The MDE Textbook Office will continue to maintain a stock of both and will distribute labels to the schools upon request.

B. TEXTBOOK CARD (MT-6)

This card is used for issuing textbooks to students. This allows the school to keep a record of the students to whom the textbooks have been issued.

C. RECORD OF REFUND (MT-8)

This form is used to accompany the remittance of collections for fines and damages to the MDE.

D. SOLE SOURCE (FORM SC-1)

This form must be used when requesting special approval to purchase textbooks from only one source due to special circumstances.

E. EEF FUNDS FORM (MT-2EE)

This form must be used when using EEF funds for textbooks not ordered from the state depository.

F. GENERAL FUNDS FORM (MT-2G)

This form must be used when using general funds for textbooks not ordered from the state depository.

SECTION TWO

Publisher Regulations

I. Introduction

The textbook adoption system employed by the State of Mississippi is an orderly process by which textbooks from the marketplace are reviewed and selected for use in school classrooms. In order to maintain the integrity of the process, specific procedures have been developed for publishers/vendors. The MDE specifies dates to be followed during each adoption year.

II. Publisher Regulations and Procedures

Publishers are required to follow the procedures below in order to participate in state adoption process.

A. INTENT TO PARTICIPATE

Publishers/vendors who have current textbook contracts with the State of Mississippi will receive an INTENT TO PARTICIPATE FORM and all other information necessary for the submission of a textbook bid. Failure to submit the INTENT TO PARTICIPATE FORM will not prevent publishers/vendors from submitting bids. Other interested publishers/vendors should contact the MDE Textbook Office or download information at www.mdek12.org/ESE/TAP.

B. CALL FOR BIDS

1. All bids for textbooks must be submitted to the MDE by 5:00 p.m. on the date designated on the CALL FOR BIDS.
2. A textbook may be proposed and bid in only one category and can not be currently under contract. Publishers must list each book, separately, along with the copyright price, printing edition, and grade/subject area to be considered for adoption. Bids not following the format will not be considered.
3. No changes will be made in the submitted BID FORM after the training activities for the State Rating Committee have begun. When a manuscript/galley is submitted for review by the committee, **no substantive changes** may be made in the content. (Minimum changes may be made that do not affect the compatibility of the textbooks.) MDE reserves the right to review and grant permission before any change can be made in the title or in the content of the textbooks or series or in the manuscript. A bound official sample SHALL be filed with the MDE by 5:00 p.m. on the day preceding the adoption declaration by the MBE. Failure to meet this deadline will result in the textbook being removed from consideration for adoption.
4. Publishers **must** make and execute a good and sufficient bond (executed in triplicate, Mississippi Code 37-43-25) payable to the State of Mississippi with a surety thereon. Publishers/vendors are required to provide proof that

the company can secure a textbook bond with the Mississippi Department of Insurance by the date specified. If a textbook bond cannot be secured, the textbook bid will be voided.

5. Publishers must take appropriate measures to ensure that the textbooks being bid are consistent with the requirements outlined in the applicable Mississippi College- and Career-Readiness Standards. The correlation is required for each textbook/software product submitted for adoption consideration. The materials that a publishing company submits for adoption must provide comprehensive coverage of the course content as outlined in the Mississippi College- and Career-Readiness Standards. Therefore, a correlation to the content standards is required. The correlation must be in the format listed in the bid.
6. Textbooks that contain obscene, lewd, sexist or vulgar material; advocating prejudicial behavior or actions; encouraging acts determined to be anti-social or derogatory to any race, sex or religion will not be considered for adoption by the MBE (Mississippi Code 37-43-31(5)).
7. Bidders will quote their lowest net wholesale price, according to the provisions and under the conditions set forth in Mississippi Code 37-43-23.
8. Some terms used in the "Call for Bids" require clarification. For the convenience of publishers/vendors the following terms are defined:
 - **Textbook** – Any medium or manual of instruction which contains a systematic presentation of the principles of a subject and which constitutes a major instructional vehicle for that subject. (Mississippi Code 37-43-1)
 - **Teacher's Edition** – Hardbound book that may be referred to as an Annotated Teacher's Edition or Wraparound. Teacher's editions in the form of a CD or online may be accepted. Consideration will be given on an individual basis for companies that produce anything other than the traditional teacher's edition.
 - **Supplemental Materials** – Student or teacher materials that stand alone and do not constitute the principal source of study for a subject or course.
 - **Ancillary Materials** – Student or teacher materials that are designed to support a textbook but are not an integral part of the textbook.
 - **Sample Copy** – Any product sent by publisher/vendor to school district that is free. Complimentary copy is also a term used to refer to a sample copy.
 - **Examination Copy** – Product sent to State Rating Committee member and/or Local Selection Committee member for their review

and consideration for adoption. These materials must be returned to School Book Supply Company of Mississippi.

- **Hardware** – The equipment required to use electronic-based materials. The MBE adopts the teacher and pupil edition. It does not approve supplemental materials and hardware.

C. ELECTROIC FILES FOR BRAILLE TEXTBOOKS – NIMAS

Publishers/vendors must have available a hard copy and electronic media for Braille versions of literary and non-literary subjects according to the provisions and under the conditions set forth in Mississippi Code 37-43-24. Publishers must provide an electronic file that includes transcribed, formatted Braille files, including tactile images, that adhere to the Braille Authority of North America (BANA) standards. UPON REQUEST, PUBLISHERS/VENDORS MUST FURNISH, WITHIN TEN WORKING DAYS, A HARD COPY AND ELECTRONIC MEDIA TO:

Mississippi Instructional Resource Center (MIRC)
1252 Eastover Drive, Adm. Bldg. Rm. 300
Jackson, MS 39211
Phone: (601) 984-8207

III. Textbook Materials

A. ANCILLARY MATERIALS

Publishers/vendors submitting products for adoption that are routinely sold to accompany the student textbook shall state on the INTENT TO PARTICIPATE FORM and BID FORM(S) the non-escalating price at which the ancillaries will be sold. These may be purchased through the Mississippi depository for the duration of the textbook contract. In districts where terminal servers are used, a site license must be provided to the school district at no extra charge. Schools should be aware of the minimum specifications of the hardware and be aware that not all software is compatible with all systems. Schools will be responsible for any technical support and any additional costs incurred in order to utilize software being provided.

B. FREE MATERIAL

Publishers/vendors that wish to make free materials (e.g., correlation, ancillary materials, supplementary materials, etc.) available to school districts in Mississippi must state their intentions to do so on their STATEMENT OF FREE MATERIALS FORM. The conditions under which these materials will be available to the schools must be clearly stated on the BID FORM. If publishers have electronic items that are available in audiocassette, CD ROM, DVD, or electronic format, they may offer the different formats so that districts may select the preferred format. MDE reserves the right to reject this portion of the bid if terms are not easily interpreted.

Publishers/vendors **will not be** permitted to give away or promise free material not certified on the BID FORM. No changes in the free materials list will be permitted after the bid's due date. All free material provided by publishers/vendors, **EXCEPT TEACHER EDITIONS**, must be shipped at publishers/vendors' expense. **PUBLISHERS/VENDORS WILL BE REQUIRED TO PROVIDE ALL LISTED FREE MATERIAL IN ACCORDANCE WITH THE TERMS AND CONDITIONS INCLUDED ON THE BID FORM.** Publishers/vendors who bid free material to be given per student textbook every year for the life of the contract should remember that some schools have four by four schedules. In this case the free material must be given to the school each time they teach the course.

C. OFFICIAL EXAMINATION COPY

An official examination copy, **both pupil edition and teacher edition**, of each textbook for which a bid is submitted must be filed with the MDE. All textbooks furnished under the contract shall, at all times, during the existence of, be manufactured equal to, or in excess of, the Manufacturing Standards and Specifications for Textbooks established by the National Association of State Textbook Administrators.

1. "First edition, first printing" is defined as a new book, series or product that has been created and printed for the first time. Revised books with new copyrights and ISBN changes are not considered "first edition, first printing" books. State-specific teacher editions that are customized from the national editions are not considered first printing, first edition books. The MDE Textbook Office will review a new product to determine if the new product is a "first edition, first printing".
2. Publishers submitting "first edition, first printing" textbooks or other products for review in the state must permanently mark all products. This includes the official examination copies and any other copies that come into the state as samples. Acceptable markings are:
 - Printing on the cover that states "Examination Copy Not for Classroom Use"
 - Drill a hole in the upper right-hand corner
 - Cut the upper right-hand corner
3. Special consideration may be given on an individual basis for different markings for "first edition, first printing".

4. Each official examination copy must have a **removable label** with the following information in the lower right-hand corner:
 - Subject and Course
 - Grade Level
 - Complete Title
 - Student Edition
 - Publisher
 - Copyright
 - ISBN

D. FORM B AND FORM M

Each bidder shall place **inside the front cover of the OFFICIAL pupil examination copy**, a statement of warranty (FORM B or FORM M). The publisher/vendor shall certify warranty whether the textbook or media furnished will conform to the Manufacturing Standards and Specifications. **Do not file FORM B and FORM M with the bid.** Official pupil-sample copies received without a FORM B or FORM M inside the front cover will not be considered until a representative of the publisher/vendor correctly affixes the form. **(NOTE: Publishers/vendors submitting galleys or manuscripts should attach a FORM B or FORM M based on the standards and specifications that the textbooks/media, when they are finished, will meet).**

IV. Representatives from Publisher Companies

A. PUBLISHER EMPLOYEES

No teacher in any of the schools of the state, no school district superintendent of schools, and no person officially connected with the government or direction of any school shall, during employment with the school district, act as agent or attorney for any textbook publishing company selling textbooks in this state. If, after employment with a school district, any person filling such position accepts the agency or attorneyship of any textbook publishing company, the acceptance of such agency or attorneyship shall work a forfeiture of the office or position as teacher held at the time of the acceptance of such agency or attorneyship (Mississippi Code 37-43-39).

B. PUBLISHER REPRESENTATIVES

Publishers/vendors will be limited to **five** representatives working in the state at any one time during an adoption. Teachers may not act as a publisher's representative. Managers may have consultations with the representatives during the adoption

process. Managers that are in the state consulting with their representatives are not counted as one of the five representatives. However, if the manager contacts schools or attends the local hearings/caravan, he/she will be considered one of the five representatives.

C. COLLEGE REPRESENTATIVES

If a publisher has a college representative, this representative's activities will be limited to the college area unless he/she is one of the five representatives to work in the adoption. If the college representative works outside the college area, that representative must be considered as one of the five working in the state.

V. Publisher Companies' Presentations

The adoption process in Mississippi involves State Rating Committees in the evaluation and rating of textbooks as provided by law. Publishers/vendors will receive a listing of the State Rating Committee members before the scheduled presentations. All material considered for adoption will be pre-reviewed and vetted for alignment to the Mississippi College- and Career-Readiness Standards by a trained cadre of teachers and leaders. Teachers will receive rigorous training and supports on reviewing instructional materials based on alignment, rigor/complexity and usability. All titles submitted will be presented to the State Rating committee (with feedback from the pre-review panel) regardless of the pre-review results.

A. PRESENTATIONS

Each publisher will be limited to one presentation with each State Rating Committee to which textbooks have been submitted, by the respective publisher, for adoption consideration. Each vendor must provide the necessary equipment that will be needed for making presentations to the State Rating Committee. Each publisher will be allotted fifteen minutes for presenting one book and ten minutes for each additional book or grade level. In no case will a publisher be allotted more than a total of 60 minutes for a presentation to any one committee.

NO presentations are to be made to the State Rating Committee members on an individual basis. PUBLISHERS ARE NOT PERMITTED TO HAVE ANY CONTACT WITH STATE RATING COMMITTEE MEMBERS UNTIL THE AUTHORIZED DATE FOR PRESENTATIONS. TELEPHONE CALLS, PERSONAL VISITS, WRITTEN/ELECTRONIC CORRESPONDENCE, AND COMMUNICATION THROUGH THIRD PARTIES WITH COMMITTEE MEMBERS ARE STRICTLY PROHIBITED.

During the state rating committee presentations, the features and benefits of the pupil edition, teacher edition, and ancillary materials/supportive materials may be displayed and discussed within the allotted timeframe.

Each publisher shall furnish the MDE Textbook Office on the specified date, a copy of a one-page, one-sided, 8½" x 11", 3-hole punched sheet of features, benefits and any other important information about the book/series being considered for adoption.

B. ADOPTION HEARINGS

There will be no formal adoption hearings by the MBE with publishers'/vendors' representatives. The results of the Board's adoption will be available in the MDE Textbook Office the day following the MBE Meeting when the textbooks are adopted.

C. AWARENESS SESSIONS

Publishers/vendors may conduct awareness sessions. A school or district may invite a publisher to its district to present materials provided it is held during the period before the MBE adoption.

VI. Time Between State Adoption and Caravan

- A.** During this period after the adoption by the MBE, individual publishers/vendors may provide examination copies of pupil edition and teacher's edition for local selection committee members. In some cases, examination copies will not be possible because of the nature of the adopted material. Publishers/vendors may make available examination copies based on their individual products and budgets.
- B.** Publishers/vendors having textbooks adopted by the MBE will receive a listing of each of the school districts (**FORM C**) participating in the textbook program. This listing will provide the name and shipping information for the person receiving the official examination copies. This information will be sent to the local representative by e-mail and/or mail once the adoption listing is released. Each school shall receive no more than one set of a complete product. The pupil edition, teacher edition, correlation, list of free materials, and price list for each grade level will be considered the official examination copy. Each textbook and each consumable packaging shall contain a removable label that states **Local Selection EXAMINATION COPY**, plus grade level/instructional category in which the textbook has been adopted. Product(s) sent to the State Rating Committee member and/or Local Selection Committee must be returned to School Book Supply Company of Mississippi. Passwords for online curriculum will expire after the adoption process. **All textbooks should be shipped in a consumable package, not weighing more than 25 pounds, and should not be placed in sample boxes or display boxes.**

- C. All examination copies received at the local level are to be returned to the Mississippi depository, freight collected, and **MUST NOT BE DESIGNATED AS COMPLIMENTARY COPIES. Each book/product and the outside of the box must have a removable label that gives the grade level and instructional category.**

NO EXAMINATION COPY MAY BE GIVEN TO SCHOOL PERSONNEL DURING LOCAL HEARINGS, NOR WILL COMMITTEE MEMBERS OR SCHOOL PERSONNEL BE PERMITTED TO KEEP OFFICIAL EXAMINATION COPIES.

Teachers will be advised that textbooks are not to be numbered, marked in any manner, or issued to students. All superintendents will be notified by the MDE Textbook Office of the procedures to be followed for the return of the examination copies. Publishing companies, their local representatives, and the Mississippi depository will make the determination if textbooks have been returned to the depository. It will be the publisher's responsibility to furnish the MDE Textbook Office a listing and cost of textbooks not returned from each school district. This information must be filed no later than twelve months after the adoption date. This listing is necessary to debit the district allocation for the textbooks not returned from non-public schools and report to public school districts the amount of payment due to the respective publishers/vendors.

VII. Regulations for Caravan

- A. Local textbook selection caravan will be conducted using a virtual platform located on the MDE Website (www.mdek12.org/ESE/TAP). The MDE Textbook Office will be in charge of the virtual caravan.
- B. Only the newly adopted materials will be presented during the local hearing. No other products may be shown or discussed.
- C. During local hearings, publishers may show the pupil edition, teacher edition, and all supportive materials that accompany the materials submitted on the bid. The publisher may distribute the free-with-order brochure.
- D. Textbook selection ballots are due 35 days from the date of the hearing attended by the local textbook selection committees for the respective districts. The selection results will be emailed to local publishers' representatives on a regular basis as results become available.

VIII. Contracts with the State of Mississippi

The bidder, or bidders, to whom contracts are awarded, will be required to **provide three copies** of the Official Mississippi Textbook Contract without change, addition, or modification. Publishers **must** also, make and execute a good and sufficient bond (executed in triplicate, Mississippi Code 37-43-25) payable to the State of Mississippi with a surety thereon. The amount of said bond as fixed by the MBE is \$2,500 plus \$500 per title or grade level. Publishers must execute the sufficient bond by the date specified.

The bidder or bidders to whom contracts are awarded by the State of Mississippi shall be required to execute contracts with a publishers' depository in Jackson, Mississippi, for the distribution of adopted textbooks. **A STOCK OF TEXTBOOKS SUFFICIENT TO MEET ALL REASONABLE AND IMMEDIATE DEMANDS SHALL BE HELD AT A MISSISSIPPI DEPOSITORY.**

Publishers should submit for adoption textbooks that will be available in ample supply on July 1 of the fiscal year after the adoption. It is the responsibility of the publisher to meet with depository personnel prior to the implementation of the contract to ensure that adequate copies of the adopted textbooks are on hand at the depository to meet anticipated needs.

Publishers/vendors with state-adopted textbooks are required to provide teacher editions, if published, to accompany the pupil editions requisitioned by the school district. One teacher edition per certified teacher per classroom is required. This requirement includes special education teachers, Advanced Placement teachers, and alternative education teachers.

A. MANUSCRIPT/GALLEY PROOF

If the finished textbook is not available by the date designated on the Adoption Calendar for Publishers, a publisher may submit a manuscript/galley proof. However, a bound official sample **SHALL** be filed with the MDE by 5:00 p.m. on the day preceding the adoption declaration by the MBE. Failure to meet this deadline will result in the textbook being removed from consideration for adoption. If the finished textbook becomes available after the manuscript/galley has been submitted, but before the presentation of the said textbook to the committee, the publisher's representative may hand deliver the finished textbook to the committee and pick up the manuscript/galley. When a manuscript/galley is submitted for review by the committee, **no substantive changes** may be made in the content. (Minimum changes may be made that do not affect the compatibility of textbooks.) MDE reserves the right to review and grant permission before any change can be made.

B. ADOPTION PERIOD

The schools of Mississippi follow a five (5) year adoption cycle with the right of the board, in its discretion, to renew or extend the contract from year to year for a period not exceeding two (2) additional years (Mississippi Code 37-43-19 (c)). Textbooks adopted by the MBE will go under contract the following July 1.

C. DURING THE ADOPTION PROCESS

When a company has bid an item during the adoption process for sale or to be given with the product, it must sell the product for the full catalog price. If the item is specific to the state, then it cannot be given or sold until after the adoption process is complete.

D. SUBSTITUTIONS DURING CONTRACT PERIOD

The MBE permits a publisher to substitute an updated copyright at any time after an adoption or during a contract period provided the following conditions are met:

1. The substitution request is submitted in writing along with one copy of the revised student and teacher editions along with a revised FORM B or FORM M.
2. The textbook is compatible and may be used in the same classroom as the previous copyright.
3. There will be no price increase in the contracted amount.
4. Publishers keep in print the original (old) copyright for an adoption and also make available the substitution (new) copyright so that either copyright can be available to the schools for purchase and flexibility. Exceptions will be made on a book-by-book situation especially in Advanced Placement (AP) courses.
5. The new copyright must also have new teacher materials/resources or must be compatible with the old copyright.

IX. Violations

If a publishing company violates any of the provisions of the handbook, such publishing/vending company's textbooks may not be considered for adoption; or the MBE may impose any other penalty deemed appropriate. According to Mississippi Code 37-43-57, except as may otherwise be provided in this chapter, any person willfully violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment not to exceed twelve (12) months in the county jail, or by both, in the discretion of the court.

X. Process to File a Complaint

Any person who wishes to report a violation of the policies and procedures stated in the *Textbook and Instructional Materials Administration Handbook* should follow the process listed below:

- A.** A written complaint letter must be received by the MDE Textbook Office; P. O. Box 771, Jackson, MS 39205-0771 within fourteen (14) calendar days after the person/company making the complaint has knowledge of the violation. The MDE will not investigate any complaints made after the deadline, and the MBE will not hear any matters concerning the complaint filed after the deadline. The complaint letter must indicate the policies and procedures being violated with a reference to the page and paragraph in the *Textbook and Instructional Materials Administration Handbook*. The complaint letter must include the name of the person/company that violated the rule, the date and location where the violation occurred and the signature of the individual making the complaint. Please give as much information as possible in order for the complaint to be investigated.
- B.** The individual's signature on the letter constitutes a certificate that to the best of the individual's knowledge, information and belief there is good ground to support the complaint, and the complaint is not being made frivolously. If two (2) unsubstantiated complaints are made from the same person/company, that person/company will receive a written warning from the State Superintendent. If a third unsubstantiated complaint is made by the same person/company, the matter will be presented at a formal hearing before the MBE at its regularly conducted business meeting. The staff of the MDE will present evidence of the unsubstantiated complaints. The person/company making three (3) unsubstantiated complaints will be given an opportunity to present any information relevant to the unsubstantiated complaints. The Board members may ask questions of any person. The MBE will determine if one or more of the complaints were made frivolously. If the MBE determines the person/company made a frivolous complaint, the MBE may impose any penalty deemed appropriate. The person/company before the MBE will receive notification of the decision by Board Order.
- C.** Within seven (7) business days of receipt of the complaint, the MDE Textbook Office will investigate the violation(s) and forward the findings to the Bureau Director of the Office of Elementary Education and Reading. The Bureau Director will review the staff's findings and make a recommendation to the Chief Academic Officer.
- D.** The Chief Academic Officer will review the findings and request by certified mail a written response to the complaint from the person/company who has been reported as violating the policies and/or procedures. The person/company shall file

a written response to the complaint addressed to the Chief Academic Officer within fourteen (14) calendar days of receipt of the request. Responses received after the deadline will not be considered. Upon receipt of all relevant documentation received prior to the deadline, the Chief Academic Officer will forward the information with a recommendation to the State Superintendent.

- E. If the State Superintendent determines that there is not sufficient reliable evidence of a violation, then the State Superintendent will notify by letter the person/company making the complaint and the person/company reported to have violated the policies and procedures.
- F. The State Superintendent may provide an opportunity for the person/company reported to have violated the policies and procedures to meet with him and/or the Chief Academic Officer to discuss a possible resolution of the matter.
- G. If a resolution cannot be reached, the matter will be presented at a formal hearing before the MBE at its regularly conducted business meeting. The staff of the MDE will present the evidence of the violation(s) with a penalty recommendation. The person/company reported to have violated the policies and procedures will be given an opportunity to present any information relevant to the subject issues. The Board members may ask questions of any person.
- H. The MBE will determine what, if any, violation(s) of the policies and/or procedures of the *Textbook and Instructional Materials Administration Handbook* occurred and what penalty or penalties to impose upon the person/company that violated said policies and procedures.
The person/company before the MBE will receive notification of the decision by Board Order.