

OFFICE OF CHIEF ACADEMIC OFFICER
Summary of State Board of Education Agenda Items
Consent Agenda
January 16, 2025

OFFICE OF ELEMENTARY EDUCATION AND READING/TEXTBOOK OFFICE

- C. Approval to revise the *Textbook and Instructional Materials Administration Handbook: . Rules and Regulations for the Adoption, Distribution, Care and Use of Textbooks and Instructional Materials in Mississippi* in accordance with Miss. Code Ann. § 37-43-1 and Miss. Code Ann. § 37-43-19
(Has cleared the Administrative Procedures Act Process without public comments)

Executive Summary

Pursuant to Miss. Code Ann. § 37-43-19, the State Board of Education shall promulgate rules and regulations for the purchase, care, use, disposal, distribution, and accounting for all books to be furnished under the terms of the *Textbook and Instructional Materials Administration Handbook: Rules and Regulations for the Adoption, Distribution, Care and Use of Textbooks and Instructional Materials in Mississippi* and to promulgate such other rules and regulations as may be necessary for the proper administration of the textbook handbook. The publication is designed to provide guidance and information for textbook publishing companies, public and non-public schools of Mississippi.

The *Textbook and Instructional Materials Administration Handbook: Rules and Regulations for the Adoption, Distribution, Care and Use of Textbooks and Instructional Materials in Mississippi* was approved by the State Board on November 7, 2024. The public comment period was open from November 19, 2024, through 5:00 p.m. on December 19, 2024. The MDE received no public comments.

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
Instructional Materials in Mississippi



Office of Elementary Education and Reading
**OFFICE OF INSTRUCTIONAL MATERIALS
AND LIBRARY SERVICES**
Fall 2024

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INTRODUCTION

[Mississippi. Code Ann. § 37-43-19](#), or the Textbook Law, authorizes the Mississippi State Board of Education (SBE):

- 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 knowledge-building complex 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 [Miss. Code Ann. § 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.”

This publication is designed to provide guidance and information for textbook publishing companies, public schools, nonpublic schools of Mississippi.

Textbook and instructional material issues not covered in this handbook should be directed to the MDE Office of Instructional Materials and Library Media.



Section One

NONPUBLIC SCHOOLS

RULES AND REGULATIONS

Administration of the Textbook Adoption Program

The head of school 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 materials and completes reports required by the MDE Office of Instructional Materials and Library Media. The Textbook Coordinator should oversee the correct inventory for the school in the Textbook Inventory Management System (TIMS 2.0) as well as any other reports deemed necessary by the Office of Instructional Materials and Library pursuant to [Miss. Code Ann. § 37-43-51](#). If a different person manages TIMS 2.0, the person should be noted as the TIMS 2.0 Contact. The following is a job description that may be used by the school to outline the Textbook Coordinator's responsibilities:

The School Textbook Coordinator will assist with the following duties:

A. SUBMISSION OF THE FOLLOWING ITEMS

1. Report of the local adoption results
 - Intent to Purchase is due no later than the **SECOND FRIDAY IN FEBRUARY**
2. Instructional Materials Purchases
 - Purchase of state-adopted instructional materials from the textbook depository are due no later than the **FIRST MONDAY IN APRIL**
3. Documents due on the **SECOND FRIDAY IN JUNE**
 - Fines
 - ADA Annual Report
4. Report on TIMS Inventory no later than **SECOND FRIDAY IN JUNE**, which includes:
 - TIMS contact updates
 - Active Inventory
 - Surplus Inventory

According to [Miss. Code Ann. § 37-43-51](#), any nonpublic school that is part of the state-adopted textbook program to refuses, neglects, or fails to file any report listed above shall be denied a new allocation of funds until such reports have been completed and filed.

B. ADOPTION PROCESS AT THE DISTRICT LEVEL

1. The adoption process should follow the Logistics of Local Adoption and the [8 Elements of Effective Implementation](#) to improve teaching and learning of purchase materials
2. Inform the Local Selection Committee about the yearly virtual adoption

caravan

3. Provide professional learning to the Local Selection Committee on how to use the virtual review site (ms.classsgather.com) and [Mississippi Instructional Materials Matter](#) site to evaluate instructional materials
4. Meet with the Local Selection Committee to complete the **INTENT TO PURCHASE FORM**
5. Work with the Local Selection Committee to make sure “Official Local Adoption Examination” copies are returned to the individual publishers/vendors

C. ORDERING PROCESS AT THE SCHOOL LEVEL

1. Assist with the allocation of funds needed by each school
2. Make sure the policies of the Department of Finance and Administration are followed as related to the purchase of state-adopted textbooks
3. Review the purchase orders before sending to the MDE Office of Instructional Materials and Library Services

Acquisition/Requisition

[Mississippi Code Ann. § 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 Nonpublic School Accountability](#).

Requirements For Participation:

When a nonpublic school is in compliance with all applicable nonpublic school standards, the Office of Accreditation submits a request to the SBE to award an accredited status to the school.

Once the school receives approved accreditation status, the nonpublic school must enroll into the state textbook program on the yearly Nonpublic School Accreditation Application. The SBE will review this data and determine if the school should be approved to receive textbooks.

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

Textbooks and instructional materials that are on the state-adopted ([Miss. Code Ann. § 37-43-31 \(1f\)](#)) list may be procured through the regional depository. The MDE Office of Instructional Materials and Library Services **shall** approve all requisitions.

Nonpublic schools wishing to use this procurement provision **shall** complete and submit a **TEXTBOOK ORDER FORM** to the MDE Office of Instructional Materials and Library Services for processing. Textbook law requires that a school not pay more for a textbook procured from the publisher than the price stated in the current state-adopted catalog.

To ensure that internal controls are in place to document the most efficient use of taxpayer dollars, nonpublic schools are required to follow the state bid requirements established by [Miss. Code Ann. § 31-7-13](#). Textbooks that are **adopted and approved** by the SBE are placed under state contract and are exempt from the bidding process [DFA 31-7-13\(m\)\(xxv\)](#) which means that only **one (1)** quote is necessary to purchase instructional materials.

Request for Quotes: Adopted Instructional Materials

1. Complete a Request for Quotes for the Textbook Depository
2. Include a quote from the Textbook Depository
3. Complete the Educational Enhancement Fund Order Form

B. NON-ADOPTED TEXTBOOKS

Textbooks that are not on the state-adopted textbook and instructional material list may be purchased by the nonpublic schools directly from the regional textbook depository or the vendor/publisher using **LOCAL FUNDS ONLY** ([Miss. Code. Ann § 37-43-31 \(1f\)](#)).

NOTE: Educational Enhancement Funds cannot be used to purchase non-adopted textbooks.

However, schools 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.

Ordering and Handling Textbooks and Materials

A. STAMPING, MARKING, AND RETURNING TEXTBOOKS

- Do not stamp, mark, or write the school's name, number, or student name in textbooks until it is determined that the textbooks received are the ones ordered and needed for the particular course. The regional depository typically does not accept returned textbooks that have been stamped or marked.
- Schools are reminded that any unused textbooks should be returned to the regional depository, publisher, or vendor from which they were purchased.
- Textbooks purchased during a fiscal year shall be returned during the same year of purchase to receive credit from the regional depository. Any textbooks that are not returned by June 30th of the fiscal year shall not be returned for credit. Such textbooks, if not to be used by the purchasing school district, shall be placed on the surplus textbook list.

- Textbooks cannot be returned to the regional depository for credit if they have been marked or barcoded. Opened kits cannot be returned. Any textbook that is no longer on contract on June 30th cannot be returned at the end of the fiscal year.

B. HANDLING INCOMING TEXTBOOK SHIPMENTS

It is recommended that each school develop and follow a plan to ensure all incoming textbook shipments are received in an orderly manner.

Textbook Coordinator's Responsibility

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

Checking Freight Shipments

When the freight company secures a signed delivery receipt without any exceptions noted, the shipping company is 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.

Shortage in Freight Shipments

The number of cartons missing shall 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.

Damaged Cartons

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

Checking Textbooks

The regional depository or publishers shall include with each shipment, a copy of the packing slip that will indicate only the textbooks contained in the shipment. Backorders and textbooks previously shipped 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, 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.

Difference in Packing Slip and Shipment

If it is found that the number of textbooks ordered does not match 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, immediately notify the appropriate publisher or the regional depository of the discrepancies. If the error relates to an overage, do not take any disposition action until so instructed by the regional depository or publisher.

Backorders

If any title on the requisition is out of stock at the regional depository or with the publisher, it will be noted on the invoice that will be received 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 regional depository or vendor shall be notified. However, when a school experiences a lengthy delay in the filling of a backorder, the MDE Office of Instructional Materials and Library Media shall be contacted and notified.

Textbook Order Shipment Confirmation

The **TEXTBOOK ORDER SHIPMENT CONFIRMATION** provides proof that the requisitioned textbooks have been properly received in the local school; therefore, the shipment confirmation form shall be completed and returned to the MDE Office of Instructional Materials and Library Media within five (5) business days of receiving the confirmation.

C. TEACHER EDITIONS AND FREE MATERIALS

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

1. Publishers/vendors with state-adopted textbooks may offer to provide teacher editions to accompany the student editions requisitioned by the school.
2. Publishers/vendors are required to list on the **STATEMENT OF FREE MATERIALS FORM** all materials along with the terms and conditions under which the materials will be provided to the schools. This information is a part of the contract between the MDE and the publisher. This information is listed on the [MDE Adopted Price List Webpage](#).
3. School 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 school fails to obtain the promised free materials, the school should contact the publisher or vendor immediately. Schools are reminded that publishers/vendors will not be permitted to give away or promise free materials not certified on their **STATEMENT OF FREE MATERIALS FORM**. The provision of free material will be in accordance with the terms and conditions

included on the **TEXTBOOK BID FORM** and contract.

NOTE: Free materials must be ordered straight from the publisher/vendor. The regional depository does not handle the ordering and shipping of free materials. **FREE MATERIALS MUST BE ADDED INTO THE TIMS 2.0 PLATFORM.**

D. LARGE-PRINT AND BRAILLE TEXTBOOKS

The Mississippi Instructional Resource Center (MIRC) is located on the campus of the Mississippi Schools for the Deaf and the Blind. MIRC is a statewide resource center designed to assist Mississippi's students who are visually impaired with specialized textbooks, equipment, and materials. MIRC operates as a repository for acquired books, equipment, and instructional materials and provides local educational agencies a process to register qualified students through the Federal Quota Fund.

Agencies can order accessible formats of print instructional materials (Braille, large print, and National Instructional Media Access Standards (NIMAS) files for the creation of digital and audio formats) for students with a qualifying print disability.

At the close of the school term, all large-print and Braille textbooks must be returned to MIRC. Materials and/or textbooks may also be personally delivered to MIRC by appointment. Materials can be shipped postage free if mailed by the United States Postal Service. Simply place a label on the box with the following information:

“FREE MATTER FOR THE BLIND”
MS Schools for the Deaf and the Blind
MIRC/Admin. Bldg.
1403 Eastover Drive
Jackson, MS 39211

E. OTHER ACADEMIC PROGRAMS

Textbooks needed for use in early childhood, distance learning and Accelerated Programs such as Advanced Placement, Cambridge, International Baccalaureate, or Dual Enrollment courses should be purchased by the school from the regional depository, publisher, or vendor of the textbooks. Pursuant to [MS Ann. Code § 37-31-7](#), Career and Technical Education programs should follow the same protocols with purchasing and managing instructional materials as other academic courses.

Funding

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 [Miss. Code Ann. § 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

The Mississippi Legislature annually appropriates funds to the MDE for the procurement of textbooks. The funds are distributed to nonpublic schools on a per-pupil basis based on the average daily attendance calculation 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 nonpublic schools will be issued as credit that may be used to procure state-owned textbooks.

B. FREIGHT COSTS

Each nonpublic school will be responsible for the payment of the freight costs incurred in the shipment of the textbooks to the school. This cost will be charged against the school's allocation.

C. CARRYOVER

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

Accounting and Condition of Textbooks

A. OWNERSHIP

In nonpublic schools, all textbooks are the property of the State of Mississippi and are on loan to the nonpublic school from the MDE. Each school must make available for transfer all textbooks that have been declared surplus by the nonpublic 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 regarding the inventory process.

C. STORAGE OF TEXTBOOKS

The school should provide adequate storage or shelving space for safe and accessible textbook storage.

D. ISSUANCE OF TEXTBOOKS

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

Duplicate textbook cards 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 nonpublic 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 nonpublic school next attended before any textbooks are issued to him/her.

NOTE: Digital textbooks, online platform access, and consumables must be accounted for in TIMS 2.0 to meet the MS Nonpublic Accountability Standard 16.1. **TEXTBOOKS CAN BE BARCODED AND CHECKED OUT THROUGH TIMS 2.0 PLATFORM.**

E. RETURNING TEXTBOOKS FROM INELIGIBLE NONPUBLIC SCHOOLS

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

1. All nonpublic 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. Nonpublic schools whose eligibility expires by the December meeting of the SBE 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 nonpublic 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 nonpublic school, MDE staff will be available to assist each nonpublic 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.

NOTE: The nonpublic school **shall not** 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 nonpublic 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 nonpublic school.

F. SURPLUS TEXTBOOKS FROM CLOSING NONPUBLIC SCHOOLS

Closing nonpublic schools that are not part of a larger group, will follow the steps outlined in the Section E: Returning Textbooks from Ineligible Nonpublic Schools.

However, nonpublic schools that are a part of a larger group (e.g., catholic dioceses) may follow the steps outlined in the Surplus Textbooks section.

G. 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 that fails to receive defective textbook replacement assistance from the publisher should contact the MDE Office of Instructional Materials and Library Media.

1. When the school receives defective textbooks, the regional depository or publisher from which the textbooks were purchased should be contacted with a request to replace the textbooks. Contact the regional 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 should contact the regional depository or publisher and discuss the problem and seek replacement of the defective textbooks.

H. LOCAL POLICY ON TEXTBOOK REPLACEMENT OR DAMAGES

Each school should have a 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 [Miss. Code Ann. § 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 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 |

All fine and damage collections shall be reported on the proper **FINES AND DAMAGES FORM** and the money sent to the MDE Office of Instructional Materials and Library Media. 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 school in which they were collected for expenditure in the collecting school.

I. REBINDING OF TEXTBOOKS

Contact information for rebinding companies is available at [MDE Textbook Website](#). Schools are **not** required to use such company recommended by MDE. Each school 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.

J. INVENTORY

An annual inventory of active, surplus and disposable textbooks, including kits and consumables, must be conducted and submitted by way of the TIMS program to the MDE by the first Friday of August each year. The MDE Office of Instructional Materials and Library Media will send an **TIMS INVENTORY FORM** to the school’s Textbook Coordinator to be signed verifying that the inventory report in the TIMS 2.0 system is correct.

K. SALES

The [Miss. Code Ann. § 37-43-33](#) provides that parents, persons, or school boards may purchase textbooks directly from the regional depository. The price of textbooks shall be at contract price plus whatever postage or delivery charges might accrue.

L. NON-PREVENTABLE LOSSES

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

Textbook Use

A. PUPIL USE

In accordance with [Miss. Code Ann. § 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 Ann. § 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).

C. COPYRIGHT AND FAIR USE INFRINGEMENT

A textbook is a protected work as a whole but contains facts or information that is not protected by copyright laws. Teachers can use the facts in any way but cannot freely use the protected elements of the instructional material. Making copies of workbooks, novels, or other consumables—meant to be purchase for each student—will have a negative impact on the instructional materials market. Along with print materials, online or digital content that accompanies textbooks may have its own terms of use. Purchasing a single copy of a student textbook, consumable, or teacher resource to copy for whole class or school use is against fair use due to clearing interfering with the marketing monopoly of the copyright owner [DynaStudy, Inc. v. Hous. Indep. Sch. Dist., 325 F. Supp. 3d 767 \(S.D. Tex. 2017\)](#).

SOURCES: Russell, Carrie (2023). *Complete Copyright for K-12 Librarians and Educators* and Western Oregon University (2023). *Copyright and Fair Use: Common Copyright Scenarios*.

Textbook Inventory Management System 2.0

The Textbook Inventory Management System (TIMS 2.0) is the web-based inventory system for the MDE Office of Instructional Materials and Library Media. **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 10 years or older) – must be entered into the TIMS in timely fashion according to [Mississippi Nonpublic Accountability Standard 16.2](#) and [Miss. Code Ann. § 37-43-51](#).

NOTE: Digital textbooks, online platform access, kits, ancillary materials, and consumables must be accounted for in TIMS 2.0 to meet the MS Nonpublic Standard 16.2.

A. DETERMINATION OF DISPOSABLE TEXTBOOKS

Each school will determine if textbooks are unusable. Textbooks may be unusable because they are **ten (10) 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 disposes of textbooks, approval must be granted by the Superintendent or lead administrator, and the information must be entered into the TIMS for final approval by the MDE Textbook Director.

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 schools in the location of a company that would purchase the textbooks for debinding and subsequent recycling of the paper. Schools are not required to use such company recommended by the MDE. Each school 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 board of the school from which the textbooks are being requested. School districts should maintain records of the textbooks disposed through this method.

NOTE: Schools desiring assistance with the application process for the donation of unusable textbooks to non-profit groups should contact the MDE Office of Instructional Materials and Library Services.

4. Unusable textbooks may 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 a written application. An example of a **NON-PROFIT ORGANIZATION APPLICATION FORM** may be secured from the MDE Office of Instructional Materials and Library Media.
 - All applications must be approved by the local-school board prior to the donation of any unusable textbooks to any agency submitting such application.
 - Schools are urged to use extreme discretion in the donation of unusable textbooks so as not to enter into a conflict with other legal requirements.

NOTE: 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 **nine (9) years of age or less** should be kept in the surplus book program.

Steps to be Followed in the Surplus Textbook Program:

For the surplus textbook program to operate in an efficient manner, schools 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 starting May 1st and must be completed no later than June 15th of each year.

2. Schools in need of additional textbooks may go to **SURPLUS** in the Inventory section of ClassGather. Surplus can be searched by ISBN, title, HQIM, publisher, subject, and grade.
3. If surplus inventory is available for the textbook(s) searched, schools can **claim** the surplus inventory.
4. When inventory is **claimed**, the surplus **posting school** will receive a request which the **posting school's district textbook coordinator** will review and approve or deny the **claiming school**.
5. If approved, a notification will be sent to the **claiming school** alerting them of the **posting school's** decision.
6. A **PACKING SLIP** will be generated for the **posting school** with the ISBN and quantity claimed, along with the **claiming school's** shipping address and contact information.
7. Shipping arrangements should be made by both districts' Textbook Coordinators before approval is given.
8. All freight costs incurred in the transfer of the surplus textbooks will be paid by the **claiming school**.
9. Once the shipment arrives at the **claiming school**, the **claiming school** must mark the Transfer as **RECEIVED** in ClassGather for the claimed textbooks to be added to their Active inventory.
10. 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.
11. If the proper process is not followed, the ending inventory of the two districts will not be correct.

| TERM | DEFINITION |
|-----------------|--|
| Claim | The process of claiming surplus inventory from the Posting School for transfer into the Claiming School's Active Inventory |
| Claiming School | The school desiring the surplus textbooks who receives into Active Inventory |
| Posting School | The school with surplus textbooks who transfer inventory into Surplus |
| "School" | The school district or individual school; those managing inventory for their institution(s) |

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 Office of Instructional Materials and Library Media, Mississippi Department of Education; P. O. Box 771, Jackson, MS 39205-0771 within ten (10) business days after the person/company making the complaint has knowledge of the violation. The MDE will not consider any complaints made 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* and shall contain sufficient detail of the alleged violations. The complaint letter shall 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.
- B. Within seven (7) business days of receipt of the complaint, the MDE Office of Instructional Materials and Library Media will investigate the violation(s) and forward the findings to the Executive Director of the Office of Elementary Education and Reading. The Executive Director will review the staff's findings and make a recommendation to the Chief Academic Officer.
- C. The Chief Academic Officer will review the findings and request 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 ten (10) business days of receipt of the request. Responses received after the deadline will not be considered.
- D. The Chief Academic Officer will review all relevant documentation timely received. If the Chief Academic Officer determines that there is insufficient evidence of a violation, then the Chief Academic Officer will notify all parties in writing within seven (7) business days.
- E. If the Chief Academic Officer determines that sufficient evidence exists of a violation of policies procedures, will notify all parties in writing within seven (7) business days.

Forms

Several forms are utilized in the implementation of the state-owned textbook program. All forms can be found on the Textbook Adoption and Procurement website: msinstructionalmaterials.org.

A. MDE REQUEST FOR QUOTES

This form is used to request quotes for adopted instructional materials from the textbook depository. It must be completed and returned with all required order forms.

B. TEXTBOOK ORDER FORM

This form is turned into the MDE when ordering adopted textbooks.

C. TEXTBOOK SHIPMENT CONFIRMATION FORM

The textbook shipment confirmation form provides proof that the ordered textbooks have been properly received. The form must be returned to pay the corresponding invoice.

D. INTENT TO PURCHASE

This form helps adopted publishers/vendors and the regional textbook depository expediate shipping of purchased instructional materials.

E. ANNUAL ATTENDANCE REPORT

The annual attendance report is due by the second Friday in June to receive an allocation for the upcoming school year's instructional materials. Failure to return the form will result in loss of funding.

F. RECORD OF REFUND

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

G. TIMS 2.0 INVENTORY REPORT

This is part of the End-of-Survey which is due from each school by the second Friday in June to ensure that TIMS is up to date.

H. TIMS 2.0 CONTACT INFORMATION

Information to update TIMS 2.0 contacts should be emailed to helpdesk@classgather.com.



Section Two

PUBLIC SCHOOLS

RULES AND REGULATIONS

Administration of the Textbook Adoption Program

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 materials and complete reports required by the MDE Office of Instructional Materials and Library Media. The Textbook Coordinator should oversee the correct inventory for the district in the Textbook Inventory Management System (TIMS 2.0) as well as any other reports deemed necessary by the Office of Instructional Materials and Library pursuant to [Miss. Code Ann. § 37-43-51](#). If a different person manages TIMS 2.0, the person should be noted as the TIMS 2.0 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. Report of the local adoption results
 - Intent to Purchase is due no later than the **SECOND FRIDAY OF FEBRUARY**
2. Report on TIMS Inventory no later than the **SECOND FRIDAY OF JUNE**, which includes:
 - Active Inventory
 - Surplus Inventory
 - TIMS contact updates

If the District fails to complete the yearly textbook requirements and pay the TIMS subscription fee by the abovementioned deadlines, then the Office of Accreditation shall be notified for violation of MS Public Accountability Standards 19 and 19.2. A citation of record shall be placed in the district's Accreditation Record Summary (ARS) pursuant to Accreditation Policy 2.4 of the [Mississippi Public School Accountability Standards, 2023](#).

B. ADOPTION PROCESS AT THE DISTRICT LEVEL

1. The adoption process should follow the Logistics of Local Adoption and the [8 Elements of Effective Implementation](#) to improve teaching and learning of purchase materials
2. Inform the Local Selection Committees about the yearly virtual adoption caravan
3. Provide professional learning to the Local Selection Committees on how to use the virtual review site (ms.classgather.com) and [Mississippi Instructional Materials Matter](#) site to evaluate instructional materials

4. Meet with the Local Selection Committee to complete the **INTENT TO PURCHASE FORM**
5. Work with the Local Selection Committee to make sure “Official Local Adoption Examination” copies are returned to the individual publishers/vendors

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

Acquisition/Requisition

[Mississippi Code Ann. § 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 Public School Accountability](#).

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

[Miss. Code Ann. § 37-43-1](#) 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 regional depository or publisher/vendor. State funds from the instructional cost of the Mississippi Student Funding Formula is the estimated cost of educating a student. The yearly determined instructional cost **SHALL** be used to purchase state-adopted textbooks only ([Miss. Code Ann. § 37-43-31 \(1f\)](#), [Miss. Code Ann. § 37-151-201 \(a\)](#), [Miss. Code Ann. § 37-151-203 \(1a\)](#), and [Miss. Code Ann. § 37-151-209](#)).

All requisitions will need to be submitted by the local school district to the depository 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.

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.

To ensure that internal controls are in place to document the most efficient use of taxpayer dollars, public schools are required to follow the state bid requirements established by [Miss. Code Ann. § 31-7-13](#). Textbooks that are **adopted and approved**

by the SBE are placed under state contract and are exempt from the bidding process [DFA 31-7-13\(m\)\(xxv\)](#). Which means that only **one (1)** quote is necessary to purchase instructional materials.

B. NON-ADOPTED TEXTBOOKS

Textbooks that are not on the state-adopted textbook and instructional material list may be purchased by the nonpublic schools directly from the regional textbook depository or the vendor/publisher using **LOCAL FUNDS ONLY** ([Miss. Code. Ann § 37-43-31 \(1f\)](#)).

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.

Ordering and Handling Textbooks and Materials

A. ORDERING TEXTBOOKS

The MDE Office of Instructional Materials and Library Media does not complete textbook orders for public school districts. All orders should go to the regional depository, publisher, or used textbook vendor. Inventory should be entered into the Textbook Inventory Management System (TIMS 2.0) as soon as it is processed and received.

B. STAMPING, MARKING, AND RETURNING TEXTBOOKS

- Do not stamp, mark, or write the school's name, number, or student name in textbooks until it is determined that the textbooks received are the ones ordered and needed for the particular course. The regional depository typically does not accept for returned textbooks that have been stamped or marked.
- Schools are reminded that any unused textbooks should be returned to the regional depository, publisher, or vendor from which they were purchased.
- Textbooks purchased during a fiscal year shall be returned during the same year of purchase to receive credit from the regional depository. Any textbooks that are not returned by June 30th of the fiscal year shall not be returned for credit. Such textbooks, if not to be used by the purchasing school district, shall be placed on the surplus textbook list.
- Textbooks cannot be returned to the regional depository for credit if they have been marked or barcoded. Opened kits cannot be returned. Any textbook that is no longer on contract on June 30th cannot be returned after June 30th.

C. HANDLING INCOMING TEXTBOOK SHIPMENTS

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.

Textbook Coordinator's Responsibility

The Textbook Coordinator 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 Coordinator cannot attend to this, the responsibility should be delegated to someone who has a comprehensive understanding of the textbook procurement process.

Checking Freight Shipments

When the freight company secures a signed delivery receipt without any exceptions noted, 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.

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.

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 regional 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.

Checking Textbooks

The regional depository or publishers 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.

Difference in Packing Slip and Shipment

If it is found that the number of textbooks ordered disagree 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, immediately notify the appropriate publisher or the regional depository of the discrepancies. If the error relates to an overage, do not take any disposition action until so instructed by the vendor.

Backorders

If any title on the requisition is out of stock at the regional depository or with the publisher, it will be noted on the invoices that will be received from the regional depository approximately one week after the textbook shipment. Any title that is backordered will be shipped as soon as stock becomes available. If a school desires to cancel an existing backorder, the appropriate regional depository or vendor should be notified. However, when a school district experiences a lengthy delay in the filling of a backorder, the MDE Office of Instructional Materials and Library Media should be contacted and notified.

NOTE: This action is essential since requisitions no longer flow through the MDE Office of Instructional Materials and Library Media.

D. TEACHER EDITIONS AND FREE MATERIALS

It has become common practice for publishers/vendors to provide free materials, as well as teacher editions, when a school 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. 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 **STATEMENT OF FREE MATERIALS FORM** all materials along with the terms and conditions under which the materials will be provided to the schools. This information is a part of the contract between the MDE and the publisher. This information is listed on the [MDE Textbook Website](#).
3. School 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 school fails to obtain the promised free materials, the school should contact the MDE Office of Instructional Materials and Library Media. Schools are reminded that publishers/vendors will not be permitted to give away or promise free materials not certified on their **STATEMENT OF FREE MATERIALS FORM**. The provision of free material will be in accordance with the terms and conditions included on the **TEXTBOOK BID FORM** and contract.

NOTE: Free materials must be ordered straight from the publisher/vendor. The regional depository does not handle the ordering and shipping of free materials. **FREE MATERIALS MUST BE ADDED INTO THE TIMS 2.0 PLATFORM.**

E. LARGE-PRINT AND BRAILLE TEXTBOOKS

The Mississippi Instructional Resource Center (MIRC) is located on the campus of the Mississippi Schools for the Deaf and the Blind. MIRC is a statewide resource

center designed to assist Mississippi's students who are visually impaired with specialized textbooks, equipment, and materials. MIRC operates as a repository for acquired books, equipment, and instructional materials and provides local educational agencies a process to register qualified students through the Federal Quota Fund.

Agencies can order accessible formats of print instructional materials (Braille, large print, and National Instructional Media Access Standards (NIMAS) files for the creation of digital and audio formats) for students with a qualifying print disability.

At the close of the school term, all large-print and Braille textbooks must be returned to the MIRC. Materials and/or textbooks may also be personally delivered to the MIRC by appointment. Materials can be shipped postage free if mailed by the United States Postal Service. Simply place a label on the box with the following information:

“FREE MATTER FOR THE BLIND”

MS Schools for the Deaf and the Blind
MIRC/Admin. Bldg.
1403 Eastover Drive
Jackson, MS 39211

F. OTHER ACADEMIC PROGRAMS

Textbooks needed for use in early childhood, distance learning and Accelerated Programs such as Advanced Placement, Cambridge, International Baccalaureate, or Dual Enrollment courses should be purchased by the school from the regional depository, publisher, or vendor of the textbooks. Pursuant to [MS Ann. Code § 37-31-7](#), Career and Technical Education programs should follow the same protocols with purchasing and managing instructional materials as other academic courses.

Petition Process

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

A. School districts may petition the SBE to allow for the requisition of non-adopted textbooks.

1. Five or more school boards may petition the SBE to add one or more textbooks or series of textbooks to the state adopted list. The SBE 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 the regional textbook depository. 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 SBE 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.

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 the regional 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 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 Office of Instructional Materials and Library Media to be used for review purposes. If the textbook is subsequently approved by the SBE, it will be placed on file for review. Contracts 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, with expertise in the respective subject area(s) for which textbooks are petitioned, to review the petition and the textbook, and recommend to the SBE the appropriate action to be taken

regarding the addition of the textbooks to the state adopted list.

1. Regardless of the value of the contract, any contract which the Agency declares as a sole source must follow the rules and regulations herein. Sole-source procurement is available in only two circumstances: (1) there is a single personal or professional service that will meet the Agency's need and only one vendor provides that service in the marketplace or (2) a Court has ordered that an Agency use a specific vendor to provide a personal or professional service.
2. Where an Agency contends there is a single provider of the service needed, the Agency Head of the procuring Agency shall sign a written determination stating:
 - i. an explanation of the Agency's need, including why the particular service is the only one which will meet the Agency's need,
 - ii. a certification that the Agency has determined there is only a single provider of the service in the marketplace, including an explanation of the market research conducted, and
 - iii. An explanation as to why the amount to be expended by the Agency on the personal or professional service is reasonable, including the efforts made to obtain the best price possible.
3. The Agency shall publish the following documents publicly in the newspaper and on the Agency website:
 - i. the Agency Head signed written determination described,
 - ii. a complete copy of the proposed contract, and
 - iii. instructions for filing an objection to the sole source determination.
4. Agencies shall retain documentation proving the time, date, and means of all public notice required by this rule. Public Notice shall remain publicly posted on the Agency's website until a contract resulting from the sole source procurement is fully executed or the procurement is canceled.
5. The Agency shall publish the documents listed in the Public Notice section for a minimum of 21 calendar days prior to awarding the contract.
6. The instructions for filing an objection to the sole source determination shall include, at a minimum:
 - i. contact information for the Agency official responsible for the procurement;
 - ii. the deadline to file an objection to the sole source determination, which shall be a minimum of 21 calendar days following the date of first publication;

- iii. the reasonable requirements for the Agency to determine it has received the objection (e.g., received upon personal delivery to the Agency, received when the Agency acknowledges receipt of an emailed objection, etc.). The Agency shall have discretion to determine what constitutes receipt of the objection so long as the requirement is reasonable under the circumstances.
 7. If any person or entity objects to the Agency's determination that the service provider is a sole source and alleges the service can be provided by another person or entity, the objecting person or entity shall notify program contact or Superintendent. The objecting party shall submit a written, detailed explanation of the basis for the objection to the Agency's sole source determination.
 8. Any objection shall be received by the Agency in accordance with the instructions in the Agency's published sole source determination prior to deadline in the Agency's sole source determination. The objecting party shall bear all risk of delivery.
 9. If, after reviewing the objection, the Agency determines that the service provider **is not** a sole source, then the Agency shall withdraw the sole source determination and use another valid procurement method to procure the required personal or professional services.
 10. If, after reviewing the objection, the Agency determines that the service provider **is** a sole source, the Agency **must** procure a contract along with its sole source determination and the objection for review and approval by legal. The Agency shall have the burden to prove the service provider is a sole source. If there is any reasonable doubt that the service provider is not a sole source, the Agency will be required to use another valid procurement method to procure the required services.
 11. If a binding, valid court order has been issued mandating that a particular service provider be used for the required personal or professional service, the Agency shall proceed with the sole source procurement.
 12. The MDE shall report all Sole Source Procurements to the Chairs for both chambers of the Legislature. Agencies submitting sole source contracts shall cooperate with DFA in providing the information necessary for such reports, if required.
- D. Districts receiving SBE 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.

Funding

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 [Miss. Code Ann. § 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

Funds to purchase state-adopted textbooks are a part of the Mississippi Student Funding Formula’s instructional cost. The district will allocate from the annual funds the amount to be used for the purchase of textbooks in accordance with the policies contained in this handbook.

B. FREIGHT COSTS

Each public school district will be responsible for the payment of the freight costs incurred in the shipment of the textbooks to the local school or district.

Accounting and Condition of Textbooks

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.

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 regarding the inventory process.

C. STORAGE OF TEXTBOOKS

The school should provide adequate storage or shelving space for safe and accessible textbook storage.

D. ISSUANCE OF TEXTBOOKS

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

The school district shall maintain 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).)

NOTE: Digital textbooks, online platform access, and consumables must be accounted for in TIMS 2.0 to meet the MS Nonpublic Standard 19.1. **TEXTBOOKS CAN BE BARCODED AND CHECKED OUT THROUGH TIMS 2.0 PLATFORM.**

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 Office of Instructional Materials and Library Media.

1. When the school receives defective textbooks, the regional depository or publisher from which the textbooks were purchased should be contacted with a request to replace the textbooks. Contact the regional 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 regional 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 a 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 [Miss. Code Ann. § 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 |

G. REBINDING OF TEXTBOOKS

Contact information for rebinding companies is available at [MDE Textbook Website](#). 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, including kits and consumables, must be conducted and submitted by way of the TIMS program to the MDE by the first Friday in August each year. The MDE Office of Instructional Materials and Library Media will send a **TIMS INVENTORY FORM** to the school’s

TIMS contact to be signed verifying that the inventory report in the TIMS system is correct.

I. SALES

[Mississippi Code Ann. § 37-43-33](#) provides that parents, persons, or school boards may purchase textbooks directly from the regional 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. Each school district shall maintain and file current inventory with the MDE Office of Instructional Materials and Library Media.

Textbook Use

A. PUPIL USE

In accordance with [Miss. Code Ann. § 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 Ann. § 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).

C. COPYRIGHT AND FAIR USE INFRINGEMENT

A textbook is a protected work as a whole but contains facts or information that is not protected by copyright laws. Teachers can use the facts in any way but cannot freely use the protected elements of the instructional material. Making copies of workbooks, novels, or other consumables—meant to be purchase for each student—will have a negative impact on the instructional materials market. Along with print materials, online or digital content that accompanies textbooks may have its own terms of use. Purchasing a single copy of a student textbook, consumable, or teacher resource to copy for whole class or school use is against fair use due to clearing interfering with the marketing monopoly of the copyright owner [DynaStudy, Inc. v. Hous. Indep. Sch. Dist., 325 F. Supp. 3d 767 \(S.D. Tex. 2017\)](#).

SOURCES: Russell, Carrie (2023). *Complete Copyright for K-12 Librarians and Educators* and Western Oregon University (2023). *Copyright and Fair Use: Common Copyright Scenarios*.

Textbook Inventory Management System 2.0

The Textbook Inventory Management System (TIMS 2.0) is the web-based inventory system for the MDE Office of Instructional Materials and Library Media. **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 in a timely fashion according to [Mississippi Public Accountability Standard 19.2](#) and [Miss. Code Ann. § 37-43-51](#).

NOTE: Digital textbooks, online platform access, kits, ancillary materials, and consumables must be accounted for in TIMS 2.0 to meet the MS Nonpublic Standard 19.2.

A. PAYMENT OF TEXTBOOK INVENTORY MANAGEMENT SYSTEM

1. The Office of Instructional Materials and Library Services shall run a report from TIMS that includes a list of districts and schools in the Textbook Inventory Management System (TIMS 2.0).
2. The report shall serve as back up documentation for the amount listed on the yearly TIMS Subscription requisition.
3. The Office of Instructional Materials and Library Services shall use an approval form that certifies that the TIMS report has been reviewed and the calculations are correct based on the approved price per student and the previous year's enrollment.
 - a. The form shall include the formula calculations, name of the school district, purchase period, and include signatures from the Director of Instructional Materials and Library Services and the Executive Director of Elementary Education and Reading.
4. The requisition, approval form, and a copy of the TIMS 2.0 report shall be attached to the requisition and submitted to the Office of Accounting for payment.

B. DETERMINATION OF DISPOSABLE TEXTBOOKS

Each local school district will determine if textbooks are unusable. Textbooks may be unusable because they are **ten (10) 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 2.0 for final approval by the MDE Textbook Director.

C. 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.
3. Unusable textbooks may 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 Office of Instructional Materials and Library Media. 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 a **NON-PROFIT ORGANIZATION APPLICATION** may be secured from the MDE Office of Instructional Materials and Library Media.
 - 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.

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

D. 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 **nine (9) years of age or less** should be kept in the surplus book program.

Steps to be Followed in the Surplus Textbook Program:

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 2.0 starting May 1st and must be completed no later than June 15th of each year.
2. Schools in need of additional textbooks may go to **SURPLUS** in the Inventory section of ClassGather. Surplus can be searched by ISBN, title, HQIM, publisher, subject, and grade.
3. If surplus inventory is available for the textbook(s) searched, schools can **claim** the surplus inventory.
4. When inventory is **claimed**, the surplus **posting school** will receive a request which the **posting school's district textbook coordinator** will review and approve or deny the **claiming school**.
5. If approved, a notification will be sent to the **claiming school** alerting them of the **posting school's** decision.
6. A **PACKING SLIP** will be generated for the **posting school** with the ISBN and quantity claimed, along with the **claiming school's** shipping address and contact information.
7. Shipping arrangements should be made by both districts' Textbook Coordinators before approval is given.
8. All freight costs incurred in the transfer of the surplus textbooks will be paid by the **claiming school**.

9. Once the shipment arrives at the **claiming school**, the **claiming school** must mark the Transfer as **RECEIVED** in ClassGather for the claimed textbooks to be added to their Active inventory.
10. 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.
11. If the proper process is not followed, the ending inventory of the two districts will not be correct.

| TERM | DEFINITION |
|-----------------|--|
| Claim | The process of claiming surplus inventory from the Posting School for transfer into the Claiming School’s Active Inventory |
| Claiming School | The school desiring the surplus textbooks who receives into Active Inventory |
| Posting School | The school with surplus textbooks who transfer inventory into Surplus |
| “School” | The school district or individual school; those managing inventory for their institution(s) |

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 Office of Instructional Materials and Library Media, Mississippi Department of Education; P. O. Box 771, Jackson, MS 39205-0771 within ten (10) business days after the person/company making the complaint has knowledge of the violation. The MDE will not consider any complaints made 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* and shall contain sufficient detail of the alleged violations. The complaint letter shall 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.
- B. Within seven (7) business days of receipt of the complaint, the MDE Office of Instructional Materials and Library Media will investigate the violation(s) and forward the findings to the Executive Director of the Office of Elementary Education and Reading. The Executive Director will review the staff’s findings and make a recommendation to the Chief Academic Officer.

- C. The Chief Academic Officer will review the findings and request 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 ten (10) business days of receipt of the request. Responses received after the deadline will not be considered.
- D. The Chief Academic Officer will review all relevant documentation timely received. If the Chief Academic Officer determines that there is insufficient evidence of a violation, then the Chief Academic Officer will notify all parties in writing within seven (7) business days.
- E. If the Chief Academic Officer determines that sufficient evidence exists of a violation of policies procedures, will notify all parties in writing within seven (7) business days.

Forms

Several forms are utilized in the implementation of the state-owned textbook program. All forms can be found on the Textbook Adoption and Procurement website: msinstructionalmaterials.org.

A. INTENT TO PURCHASE

This form helps adopted publishers/vendors and the regional textbook depository expediate shipping of purchased instructional materials.

B. TIMS 2.0 INVENTORY REPORT

This is part of the End-of-Survey which is due from each school by the second Friday in June to ensure that TIMS is up to date.

C. TIMS 2.0 CONTACT INFORMATION

Information to update TIMS 2.0 contacts should be emailed to helpdesk@classgather.com.



Section Three

TEXTBOOK PUBLISHERS

RULES AND REGULATIONS

Introduction

The textbook adoption system utilized by the State of Mississippi is a process by which textbooks from the marketplace are reviewed and selected for use in school classrooms. 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.

Rubric Development

A. RUBRIC DEVELOPMENT STAKEHOLDERS

- Teachers and instructional leaders
- District leaders
- MS Department of Education content specialists
- Institute of Higher Learning professors
- Leading researchers

B. RUBRIC DEVELOPMENT PROCESS

A new rubric is developed in response to new standards in a subject area, the Mississippi School Board priorities, or local education needs. Due to the MDE's commitment to transparency, final rubrics are posted on the [Mississippi Instructional Materials Matter](#) website.

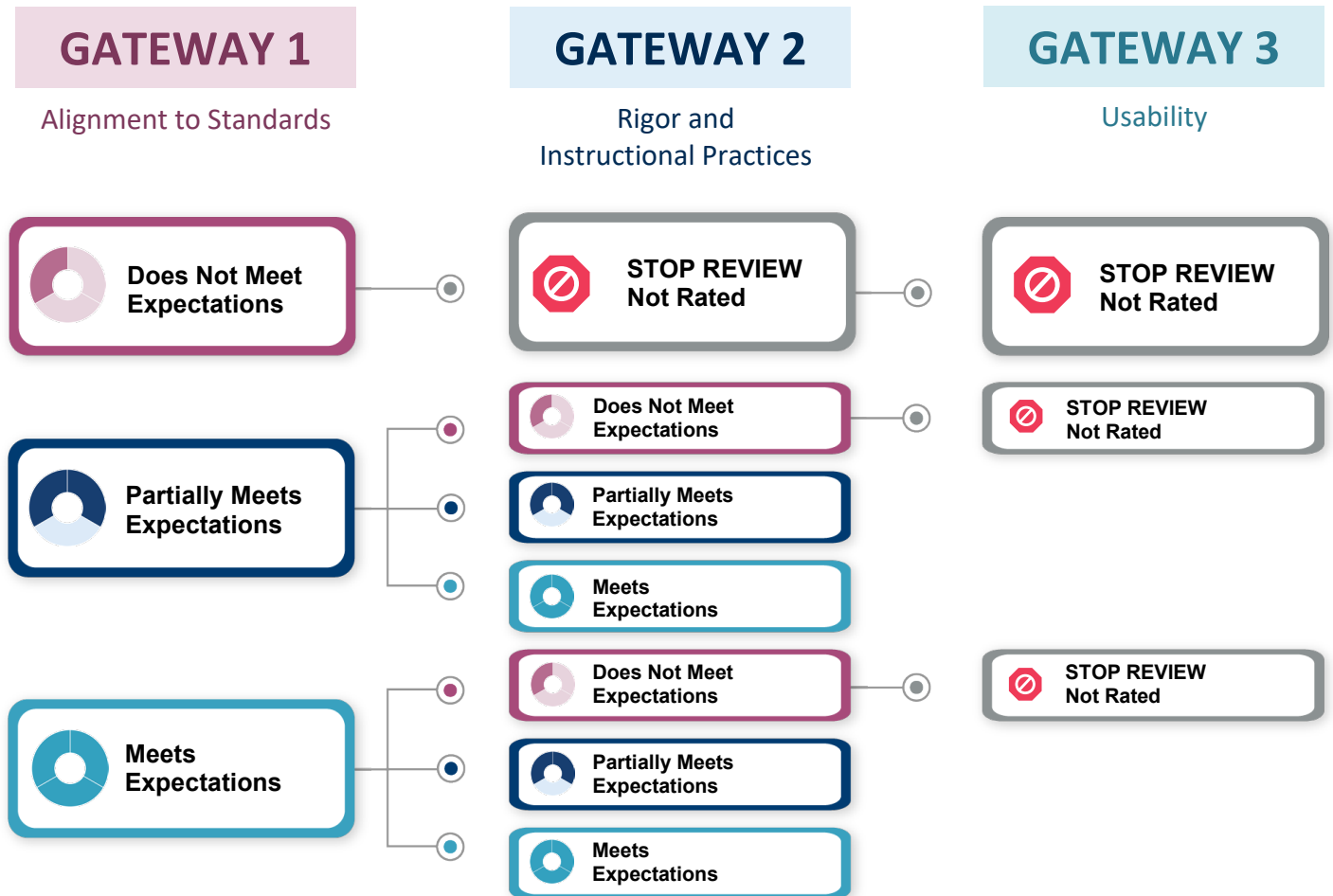
C. RUBRIC COMPONENTS

Each rubric is customized for a content area and grade band with some commonalities across them all. This evaluation rubric is designed to offer an evaluation to determine how well instructional materials align to the Mississippi College- and Career- Readiness Standards (MS CCRS) for a particular content area. The evaluation rubric includes key considerations for high-quality instructional materials and outlines three Gateways for consideration when evaluating materials. Within each Gateway, Criterion and related Indicators are provided along with Guiding/Key Questions.

D. RUBRIC KEY TERMS

- **Indicator:** Specific item that reviewers look for in materials.
- **Criterion:** Combination of all the individual indicators for a single focus area.
- **Gateway:** Organizing feature of the evaluation rubric that combines criteria and prioritizes order for sequential review.
- **Alignment Rating:** Degree to which materials meet expectations for alignment, including that all standards are present and treated with the appropriate depth to support students in learning the skills and knowledge that they need to be ready for college and career.

Rubric Gateways



Selection of State Rating Committee

- A. The State Rating Committees will be appointed by and work under the supervision of the Mississippi Department of Education. The rating committee members will reflect the size and geographical diversity of school districts through Mississippi as well as racial and ethnic diversity of Mississippi students and teachers. The committee members will be chosen from a pool of individuals solicited from local districts.
- B. A rating committee in each subject or content area are appointed the Spring preceding a state adoption. The team leads of each committee will create the rubric to be used in evaluating the instructional materials submitted for considerations.
- C. Committees shall conduct committee work in time to present the list of adopted instructional materials to the State Board of Education by the board's December meeting in the year of the adoption.

- D. Each committee shall be led by the MS Department of Education content specialists in the particular content area. In the event that there is not a content specialist in a particular subject field, the Department shall obtain a specialist to serve as team lead.
- E. Each rating committee shall include no less than five (5) selected from among Mississippi classroom teachers and district curriculum specialists with active Mississippi educator licenses in the content area under consideration ([Miss. Code Ann. § 37-43-21](#)).

Internal Evaluation Process

A. State Rating Committee

1. The State Rating Committee members will meet with team leads and the Director of Instructional Materials and Library Services using Microsoft TEAMS at the start of the evaluation process with an orientation session to review the rubrics and sign required forms.
2. The internal evaluation process will take no longer than five (5) school days. Each day the State Rating Committee members and the team lead will log into Microsoft TEAMS for attendance. The team lead will be available throughout the day to monitor questions and give assistance if necessary.

NOTE: The State Rating Committee members are not required to take personal leave from school during the evaluation process. Miss. Code Ann. § 37-7-307 requires that local school boards credit each certified employee with a professional leave allowance for each day that an employee is absent due to the performance of official duties as a member of a State Textbook Rating Committee.

3. The State Rating Committee will have access to Microsoft TEAMS folder that will include the required documents listed in the Call for Bids as well as a pre-recorded video. There will be no face-to-face publisher presentations.
4. The State Rating Committee will use the ClassGather portal to add scores and comments.

B. Evaluation Process

1. All bids received in response to this solicitation by the stated deadline will receive a comprehensive, fair, and impartial evaluation. The State Rating Committee will evaluate the proposals using a two-phase process.
2. The evaluation of any bid may be suspended and/or terminated at the MDE's discretion at any point during the evaluation process at which the MDE determines that said proposal and/or Publisher/Vendor fails to meet any of the mandatory requirements as stated in this solicitation, the bid is determined to contain fatal deficiencies to the extent that the likelihood of selection for contract negotiations is minimal, or the MDE and/or the Board receives reliable information that would make contracting with the Publisher/Vendor

impractical or otherwise not in the best interests of the Board and/or the State of Mississippi.

3. **Phase 1:** In this pass or fail phase of the evaluation process, all bid packets received will be reviewed by the Director of Instructional Materials and Library Services to determine if the following mandatory requirements of this solicitation have been satisfied:
 - Proposal received by submission deadline;
 - Required proposal submission format followed;
 - Minimum Qualifications met;
 - Submission Cover Sheet;
 - Pricing Options Form;
 - Free Materials Form, if applicable;
 - Form B for Print Materials, if applicable;
 - Form M for Digital Materials, if applicable;
 - Bond Letter;
 - All Other Required Items; and
 - Presentation Video

Failure to comply with these requirements will result in the bid being eliminated from further consideration. Publisher/Vendors passing Phase 1 will be evaluated further.

4. **Phase 2:** In this phase of the evaluation process, the State Rating Committee will score bids to determine numerical scores for each qualified Publisher/Vendor. Numerical scores will be calculated based on the following criteria. Sample rubrics will be available on the MDE instructional materials website msinstructionalmaterials.org/selecting-materials/rubrics. Evaluation factors are listed below in order as they appear in the rubric:
 - a. **Gateway 1:** Alignment to Standards
 - b. **Gateway 2:** Alignment to Rigor and Instructional Practice
 - c. **Gateway 3:** Usability
5. Each rubric is customized for a content area and grade band with some commonalities across them all. This evaluation rubric is designed to offer an evaluation to determine how well instructional materials align to the Mississippi College- and Career- Readiness Standards (MCCRS) for a particular content area. The evaluation rubric includes key considerations for high-quality instructional materials and outlines three Gateways for consideration when evaluating materials. Within each Gateway, Criterion and related Indicators are provided along with Guiding/Key Questions.
6. Upon completion of Phase 2, the State Rating Committee's average score will determine the Awarded Publisher/Vendor(s). The Office of Instructional Materials and Library Services will make a recommendation to the SBE as to the proposal deemed most advantageous to the State and to authorize the issuance of an Intent to Award contract notification to the selected vendor and authorize contract negotiations with the selected vendor, if applicable.

Subsequent to authorization by the Board, all participating Publisher/Vendors will be notified in writing of the contract award.

Publisher Regulations and Procedures

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

A. CALL FOR BIDS

1. All bids for textbooks shall 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 cannot 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 shall not be considered.
3. No changes shall be made in the submitted **BID SUBMISSION PACKET** 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.) The 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 SBE. Failure to meet this deadline will result in the textbook being removed from consideration for adoption.
4. Publishers **SHALL** make and execute a sufficient bond (executed in triplicate, [Miss. Code Ann. § 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 shall be voided. No funds are paid to the Mississippi Department of Education. **The bond will be automatically released when the contract ends.**
 - a. It is the publisher's responsibility to reach out to an insurance or bond agent to purchase a performance bond. The bond is purchased by the publisher or behalf of the state. The purpose should be to guarantee performance of the publisher to deliver on their commitment to as required by the state.
 - b. The bond can be purchased through an insurance agent who has access to bond products. The agent/bond issuer will deliver a policy/contract that's specific to the textbook contract. The agent/company will have experience in this area and will understand what's needed.
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 shall be in the format listed in the bid.

6. Instructional Materials 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 shall not be considered for adoption by the SBE ([Miss. Code Ann. § 37-43-31\(5\)](#)) and [Miss. Code Ann. § 37-11-81](#)).
7. Bidders will quote their lowest net wholesale price, according to the provisions and under the conditions set forth in [Miss. Code Ann. § 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 ([Miss. Code Ann. § 37-43-1](#)).
 - **Teacher's Edition:** Hardbound book that may be referred to as an Annotated Teacher's Edition or Wraparound. Digital teacher's editions may be accepted. Consideration will be given on an individual basis for companies that produce anything other than the traditional teacher's edition.
 - **Digital Components:** Digital-based materials (e.g., assessments, multimedia, simulations, interactive presentations) adopted by the State Rating Committee including teacher and student components that are designed to support a curriculum. Digital or virtual components will be evaluated using the same rubric as printed instructional materials.
 - **Comprehensive or Core Materials:** Core student or teacher materials that are aligned to the Mississippi College-and Career- Readiness Standards for a particular course or subject area (e.g., English Language Arts). The materials are validated externally and contain knowledge-building complex texts, problems, and assessments.
 - **Complementary Materials:** Student or teacher materials that are aligned to most of the Mississippi College-and Career-Readiness Standards in a particular course or subject area (e.g., cursive handwriting) that may contain knowledge-building complex text, problems, and assessments.
 - **Ancillary Materials:** Student or teacher materials that are designed to support a textbook but are not an integral part of the textbook (e.g., consumables and kits).
 - **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 for their review and consideration for adoption. These materials must be returned to the MDE Office of Instructional Materials and Library Media.

B. ELECTRONIC FILES FOR BRAILLE TEXTBOOKS – NIMAS

Publishers/vendors shall 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 [Miss. Code Ann. § 37-43-24](#). Publishers shall 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 SHALL FURNISH, WITHIN TEN WORKING DAYS, A HARD COPY AND ELECTRONIC MEDIA TO:

MS Schools for the Deaf and the Blind
MIRC/Administration Building Room 300
1403 Eastover Drive
Jackson, MS 39211

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 SUBMIT BID FORM** and **BID SUBMISSION PACKET** the non-escalating price at which the ancillaries will be sold. These may be purchased through the regional depository for the duration of the textbook contract. In districts where terminal servers are used, a site license shall 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 to utilize software being provided.

B. FREE MATERIAL

Publishers/vendors that wish to make free materials (e.g., correlation, ancillary materials, etc.) in either print or digital format 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 **TEXTBOOK BID FORM**. The MDE reserves the right to reject this portion of the bid if terms are not easily interpreted. Publishers/vendors **shall not** give away or promise free material not certified on the **TEXTBOOK 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**, shall be shipped at publishers/vendors' expense.

NOTE: Publishers/vendors shall be required to provide all listed free materials in accordance with the terms and conditions included on the bid form.

Free materials shall be given during the first year of the purchase and are reoccurring over the life of the contract. Gratis materials must be ordered directly from the publisher/vendor by the district or school. It is the responsibility of the publisher/vendor to ship the free materials to the district or school.

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 ([Miss. Code Ann. § 37-43-25](#)). 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 Office of Instructional Materials and Library Media 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 mark all products by placing a label on the cover that state “Examination Copy Not for Classroom Use”. This includes the official examination copies and any other copies that come into the state as samples.
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 **label** with the following information in the lower right-hand corner (sure match the Call for Bids information):
 - Subject and Course
 - Course Code
 - Grade Level
 - Complete Title
 - Edition (Student/Teacher)
 - Publisher
 - Copyright
 - ISBN

LABEL EXAMPLE

Subject and Course: Math/ Algebra I
Course Code: 270404
Grade Level: Grades 9-12
Complete Title: Algebra I
Edition: Student
Publisher: ABC Publisher
Copyright: 2024
ISBN: XXXXXXXXXXXXXXXX

5. Each publisher/vendor is required to provide rating committee members access to full student and teacher editions. If digital student and teacher editions are not available, then it is the responsibility of the publisher/vendor to ship each member of the rating committee a print student and teacher editions along with paid return postage.

NOTE: Do not tape or staple documents to examination copies. Also, do not place documents inside the examination copies. Please do not bind or staple required documents.

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.

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 attorney of any textbook publishing company, the acceptance of such agency or attorney shall work a forfeiture of the office or position as teacher held at the time of the acceptance of such agency or attorney ([Miss. Code Ann. § 37-43-39](#)).

B. PUBLISHER REPRESENTATIVES

Publishers/vendors shall be limited to **five (5)** 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 (5) 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.

Publisher Companies' Presentations

The adoption process in Mississippi involves State Rating Committees in the evaluation and rating of textbooks as provided by law ([Miss. Code Ann. § 37-43-21](#)). Publishers/vendors will receive a listing of the State Rating Committee members before the scheduled presentations. All material considered for adoption shall 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, complexity and usability. All titles submitted shall be presented to the State Rating committee (with feedback from the pre-review panel) regardless of the pre-review results.

A. PRESENTATIONS

Each publisher/vendor shall be limited to one (1) pre-recorded presentation for each State Rating Committee to which textbooks have been submitted for adoption consideration. Each presentation will be uploaded to the corresponding Microsoft TEAMS for review. The presentation shall be limited to fifteen (15) minutes for presenting the components of the core curriculum, ten (10) minutes for teacher supports, and five (5) minutes for each additional material.

NO presentations are to be made to the State Rating Committee members on an individual basis.

NOTE: Publishers are not permitted to have any contact with state rating committee members during the adoption process. Telephone calls, personal visits, written/electronic correspondence, and communication through third parties with committee members are strictly prohibited and will remove publisher/vendor from the adoption process immediately.

Each publisher shall furnish the MDE Office of Instructional Materials and Library Services on the specified date, a copy of a one-page, one-sided, 8½" x 11", sheet of features, benefits and any other important information about the book/series being considered for adoption. The information will be uploaded to corresponding Microsoft TEAMS for review.

B. ADOPTION HEARINGS

There shall be no formal adoption hearings by the SBE with publishers'/vendors' representatives. The results of the Board's adoption shall be available in the MDE Office of Instructional Materials and Library Services the day following the SBE's meeting when the textbooks are adopted.

Virtual Caravan Regulations

The virtual caravan will start the day after the SBE's approval of the newly adopted instructional materials and will end the second Friday of the following February. This will allow districts and schools to review adopted materials in alignment with the 8 Elements of Effective Implementation. The virtual platform gives all adopted publishers'/vendors equitable access to Mississippi districts and schools.

- A. Information and digital access received during the adoption process will be used to create a virtual "caravan" housed on the Mississippi Instructional Materials Matter website. The online platform shall include the pre-recorded presentation, features and benefits documents, and limited digital access to showcase the adopted textbook and instructional materials as well as all accompanying manuals, workbooks, and other ancillary materials. No other products may be shown or discussed.

The Local Selection Committee members may request one-on-one conversations with adopted publishers'/vendors during this time. However, cold calls **SHALL NOT** take place during the virtual caravan.

- B. Publishers/vendors having textbooks adopted by the SBE will receive a spreadsheet containing the Local Selection Committee members of each of the school district and their adoption intent (**INTENT TO PURCHASE FORM**). 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 once the virtual caravan is concluded.
- C. After the virtual caravan, **ADOPTED** publishers/vendors may provide examination copies of pupil edition and teacher's edition at the request of the 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.

NOTE: No examination copy may be given to school personnel during the state's evaluation process and the virtual caravan.

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.

- D. 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.

NOTE: 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.

Product(s) sent to the Local Selection Committee must be returned to the individual publishers/vendors. Passwords for online curriculum will expire on a date set by the publisher/vendor.

Teachers will be advised that textbooks are not to be numbered, marked in any manner, or issued to students. All district textbook coordinators will be notified by the individual publisher/vendor of the procedures to be followed for the return of the examination copies. Publishing companies and their local representatives will make the determination if textbooks have been returned to the individual publishers/vendors.

It will be the publisher's responsibility to furnish the MDE Office of Instructional Materials and Library Services a listing and cost of textbooks not returned from each school district. **This information shall be filed no later than twelve (12) months after the adoption date.**

This listing is necessary to debit the district allocation for the textbooks not returned from nonpublic schools and report to public school districts the amount of payment due to the respective publishers/vendors.

Contracts with the State of Mississippi

The bidder, or bidders, to whom contracts are awarded, shall be required to **provide three copies** of the Official Mississippi Textbook Contract without change, addition, or modification. Publishers **must** also, make and execute a sufficient bond (executed in triplicate, [Miss. Code Ann. § 37-43-25](#)) payable to the State of Mississippi with a surety thereon. If changes are made to the ownership of the original contract during the adoption period, a statement of novation is required to continue the contract. The amount of said bond as fixed by the SBE is \$2,500 plus \$500 per title or grade level. Publishers shall 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 the regional depository for the distribution of adopted instructional materials.

NOTE: A stock of textbooks sufficient to meet all reasonable and immediate demands shall be held at the regional textbook depository.

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

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 SBE. 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.) The MDE reserves the right to review and grant permission before any change can be made.

'Finished form' is defined as the final form of the textbook or the instructional material that would be distributed to nonpublic and public schools, if purchased. Textbooks and instructional materials must meet the Minimum Manufacturing Standards and Specifications as developed by the State Instructional Materials Review Association ("SIMRA").

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 ([Miss. Code Ann. § 37-43-19 \(c\)](#)). Textbooks adopted by the SBE will go under contract the following April 1st.

C. ACCESS FOR EDUCATOR PREPARATION PROVIDERS

Adopted publishers/vendors will provide Educator Preparation Providers (EPPs) limited digital access for instructional purposes for preparing candidates for teacher licensure with the Mississippi Department of Education in accordance with [Miss. Code Ann. § 37-3-2](#).

D. 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.

E. SUBSTITUTIONS DURING CONTRACT PERIOD

The SBE 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** with no more than **ten (10) percent** of changes.
2. The MDE will convene an internal review committee to review the substitution request.
3. There will be no price increase in the contracted amount unless there are new items as part of the substitutions.
4. Publishers keep in print the original (old) copyright for an adoption and

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. The textbook is compatible and may be used in the same classroom as the previous copyright.
6. Substitution requests **shall not** be submitted within one year of contract expiration or extensions.
7. Since districts or schools are required to use state funds to purchase state-adopted materials, then publishers/vendors **shall** maintain up-to-date adoption options. If a publisher/vendor is not able to maintain a current adoption catalog, then the publisher/vendor should not participate in the adoption process.

Public Records Request

To receive a copy of State Rating Committee members' scores and comments, publishers/vendors must complete the Public Records Request form located on the Mississippi Department of Education's website: www.mdek12.org/OPR/Reporting/Request.

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 SBE may impose any other penalty deemed appropriate. According to [Miss. Code Ann. § 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.



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