TEXTBOOK ADMINISTRATION HANDBOOK

RULES AND REGULATIONS

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

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INTRODUCTION

The State Textbook Law (Section 37-43-19 c, Mississippi Codes of 1972 Annotated) authorizes the State Board of Education

> **(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.**

This publication is designed to provide a comprehensive outline reference for textbook publishing companies, public schools, non-public schools, special state schools of Mississippi and textbook publishing companies. Textbook issues not covered in the handbook should be directed to the Mississippi Department of Education's Textbook Office.

Section One:

Public Schools

I. ADMINISTRATION OF THE TEXTBOOK ADOPTION PROGRAM – PUBLIC SCHOOLS

The district superintendent appoints a staff member to serve as the textbook coordinator. The textbook coordinator supervises the local adoption and purchase of textbooks and completes reports required by the Textbook Office. Since the implementation of the Textbook Inventory Management System (TIMS), the textbook coordinator may also be responsible for the management of this system. If a different person manages TIMS, the person should be referred as the TIMS Contact Person. The following is a job description that may be used by the district to describe the textbook coordinator's responsibilities.

A. Assist the Textbook Office by submitting the following items:

1. **Local Textbook Selection Committee FORM C** is to be submitted online at www.mde.k12.ms.us/textbooks no later than October 1st.

2. Report of the local adoption results is due 35 days after the local hearing.

3. Report on end of year closeout which includes Active Inventory, Surplus Inventory, and Request to Dispose of Unusable Textbooks is to be submitted in Textbook Inventory Management System (TIMS) no later than June 15th.

4. Form to recommend State Rating Committee members is due mid-June.

B. Assist with the adoption process at the district level.

1. Make sure that the Local Selection Committee is informed about the local hearing and can attend the meeting.

2. Work with the Local Selection Committee members so that they understand how to evaluate textbooks and that they work together as a committee.

3. Work with the Local Selection Committee to make sure "Official Local Adoption Examination Copies" are returned to the depository.

4. Meet with the Local Selection Committee after the hearing to complete the ballot.

C. Assist with the ordering process for the district.

1. Assist with the allocation of funds needed by each school.

2. Review the purchase orders before sending to the depository.

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

II. ACQUISITION/REQUISITION – PUBLIC SCHOOLS

Mississippi Code 37-43-1 requires 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 Mississippi Department of Education for the state schools as outlined in the *Mississippi Public School Accountability Standards*. 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 that are on the state-adopted list may be purchased directly from the publishers' depositories. All requisitions will need to be submitted by the local school district to publishers' depositories in accordance with the procedures established by that entity and communicated to school districts. Requisitions for textbooks are **NOT** to be sent through the Mississippi Department of Education.

Textbooks that are listed on the state-adopted list may also be purchased directly from the publisher. School districts are reminded that the textbook law requires that a district pay no more for a textbook procured directly from the publisher than the price stated in the current state-adopted catalog.

B. NON-ADOPTED TEXTBOOKS

Textbooks that are not state-adopted may be purchased by the local school district directly from the appropriate publisher or vendor. Approval **is not** required from the Mississippi Board of Education or the Mississippi Department of Education Office of Textbooks, prior to purchase. However, districts are strongly encouraged to develop a review and evaluation plan to ensure that quality textbooks are being purchased. The purchase of textbooks should follow the state purchasing guidelines if textbooks are not under state contract.

C. PURCHASING PROCEDURES

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 MS Code 31-7-13, Annotated 1972. Textbooks that are adopted are placed under state contract and are exempt from the bidding process.

BIDDING REQUIREMENTS

1. 0 – $3,500: Purchase from any vendor.

2. $3,500 – $15,000: Obtain two (2) or more written quotes. Facsimiles and emails are acceptable.

3. Over $15,000: Must allow 3½ to 4 weeks for bid to be awarded and must be advertised.
   - Public schools that purchase non-adopted textbooks in excess of $15,000 are required to maintain sealed bid documentation for three (3) years after the audit report is released. If a purchase is in litigation, the files shall be maintained until resolved.
   - The documentation is required to support award decisions, assure approvals, compliance with regulation, and sustain any reviews or litigation. Documentation should include but is not limited to the following: bid list, bid opening sign-in sheet, bidders spreadsheets, witness signature, requisition, notice to Contract Procurement Center, public notice to newspaper, bid specifications, original bids, bid envelopes, bid addendum, proof of advertisement, bid evaluation, award by the school, or letter from the Textbook Office.
   - The Mississippi Contract Procurement center is a non-profit corporation that assists Mississippi businesses with bid notifications. Mississippi Code, 31-7-13 (c) (i) (1) requires that purchases over $15,000 be advertised in a newspaper once per week for two consecutive weeks, 31-7-13 (c) (i) (2) requires that the same notice sent to the newspaper is also mailed or electronically sent to the main office of the Mississippi Contract Procurement Center.

Mississippi Contract Procurement Center
1636 Popps Ferry Road, Suite 229
Biloxi, MS 39532
Telephone: 228-396-1288
FAX: 228-396-2520
Email: mprogoff@mscpc.com

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

4. **SOLE SOURCE TEXTBOOK PURCHASES**

   Textbooks that are sold by one supplier or one source may be purchased without competitive bids. Follow the local board policy regarding the use of the sole source.

D. PAYMENT FOR TEXTBOOKS

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

III. ORDERING TEXTBOOKS AND MATERIALS – PUBLIC SCHOOLS

A. ORDERING TEXTBOOKS

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

B. HANDLING INCOMING TEXTBOOK SHIPMENTS

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

1. SCHOOL'S RESPONSIBILITY

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

2. TEXTBOOK CUSTODIAN'S RESPONSIBILITY

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

3. CHECKING FREIGHT SHIPMENTS

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

4. SHORTAGE IN FREIGHT SHIPMENTS

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

5. DAMAGED CARTONS

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

6. CHECKING TEXTBOOKS

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

7. DIFFERENCE IN PACKING SLIP AND SHIPMENT

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

8. BACKORDERS

If any title on the requisition is out of stock at the depository, it will be noted on the green invoice that will be received from the publisher’s depository approximately one week after the textbook shipment. Any title that is on backorder will be shipped as soon as stock becomes available. If a school desires to cancel an existing backorder, the appropriate publisher’s depository or vendor should be notified. However, when a school district experiences a lengthy delay in the filling of a backorder, the Textbook

Office of the Mississippi Department of Education should be contacted and notified. This action is essential since requisitions no longer flow through the Textbook Office.

9. GREEN INVOICES

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

10. STAMPING, MARKING, AND RETURNING TEXTBOOKS – PUBLIC SCHOOLS

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

C. TEACHER EDITIONS AND COMPLIMENTARY MATERIALS

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

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

2. Publishers/vendors are required to list on the textbook **BID FORM** all complimentary materials along with the terms and conditions under which the materials will be given to the schools. This information is a part of the contract between the Mississippi Department of Education and the publisher. This information is listed at http://www.mde.k12.ms.us/Textbook/textbooks.htm.

3. School district personnel should not ask a publisher to provide materials that are not listed on the company bid. This type of request is a violation of the contract between the Mississippi Department of Education and the company. Also, a company representative should not promise items that are not a part of the bid.

4. If a district fails to obtain the promised complimentary materials, the district should contact the Textbook Office. Schools are reminded that publishers/vendors will not be permitted to give away or promise free materials not certified on their **BID FORM**. The provision of free material will be in accordance with the terms and conditions included on the **BID FORM** and contract.

D. LARGE-PRINT AND BRAILLE TEXTBOOKS

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

Mississippi School for the Blind
1252 Eastover Drive, Adm. Bldg. Rm. 300
Jackson, MS 39211
Phone: (601) 984-8226

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

E. DISTANCE LEARNING AND ADVANCED PLACEMENT TEXTBOOKS

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

F. USED TEXTBOOKS

1. Textbooks, both adopted and non-adopted, may be purchased from vendors of used textbooks. Approval of the Mississippi Department of Education is not required for these purchases. A listing of used textbook companies may be downloaded at www.mde.k12.ms.us/Textbooks.

2. School districts are **not** required to use such companies recommended by the Mississippi Department of Education. Each district has the discretion and authority to secure its own used textbook company.

3. Textbooks purchased from used textbook companies will not receive a free teacher edition or any other ancillary materials that are listed as free under state contract. Please be aware that textbooks purchased from used textbook companies may be first editions or first printing and may contain errors.

4. School districts are reminded that defective used textbooks should be discussed with the vendor from which the used textbooks were purchased.

IV. PETITION PROCESS – PUBLIC SCHOOLS

Section 37-43-31 of the Mississippi Code of 1972 contains a provision whereby five or more school boards may petition the State Board of Education to add a book or series of textbooks to the state-adopted list. If a district so chooses to petition the State Board of Education, the following policies and procedures should be adhered to:

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

1. Five or more school boards may petition the State Board of Education to add one or more textbooks or series of textbooks to the state adopted list. The State Board of Education will have sixty days to act upon the petition. If it is not acted upon in this time period, the petition shall be deemed as approved.

2. A school board may petition for the requisition of "new and innovative" textbooks that have become available since the last textbook adoption in the respective subject area.

3. Textbooks may be procured through the petition process from School Book Supply Company of Mississippi or directly from the publisher. Since non-adopted textbooks may now be purchased with state funds, it is no longer necessary to follow the steps of the petition process. However, if the district or districts should choose to go the petition route, the State Board of Education 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 review form provided by the Mississippi Department of Education.

2. Each district submitting a petition shall provide a rationale as to why currently adopted textbooks are not sufficient to meet the needs for the courses for which the non-adopted textbooks are intended.

3. All textbooks requisitioned through this process shall be purchased by the petitioning district. Districts may submit petitions at any time during the school year.

4. Each school district submitting a petition for non-adopted textbooks shall receive approval of its school board prior to submission, and it must state on the petition the date of such board action.

5. Each district submitting a petition request shall state on the petition the quantity of each title petitioned along with information regarding the publisher.

6. Publishers/vendors having textbooks adopted through the petition process must be willing to submit a bid, execute a contract and bond with the state of Mississippi, and provide a stock of textbooks in their Mississippi depository sufficient to meet all reasonable demands. Consequently, school districts must initially determine if the publisher whose textbooks are being petitioned is willing to meet all of these requirements before submitting a petition. Each publisher whose textbooks are petitioned must supply one copy of each student and teacher edition to the Textbook Office to be used for review purposes. If the textbook is subsequently approved by the State Board of Education, it will be placed on file for review. Contracts entered into with publishers/vendors of successfully petitioned textbooks will have the same expiration dates as all other textbooks in like subject areas.

C. The Mississippi Department of Education shall designate one person, having expertise in the respective subject area(s) for which textbooks are petitioned, to review the petition and the textbook, and recommend to the State Board of Education the appropriate action to be taken regarding the addition of the textbooks to the state adopted list.

D. Districts receiving State Board of Education approval on petitions will be notified promptly, and action will be taken to add the requested textbooks to the state-adopted list as soon as possible.

E. School districts considering the petition process should be reminded of the following:

1. The petition process requires considerable paper work which must be approved by the local school board.

2. The publisher of the petitioned textbook will need to submit a bid and execute a contract and bond upon approval by the State Board of Education.

3. State textbook law now permits the purchase of non-adopted textbooks directly from the publisher resulting in a much more timely delivery if this approach is selected over the petition process.

V. FUNDING - PUBLIC SCHOOLS

Funds for the procurement of textbooks distributed through the Mississippi Department of Education must be used to purchase items that meet the definition of a textbook as stated in Section 37-43-1 of the Mississippi Code of 1972: "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 will annually appropriate funds to the Mississippi Department of Education for the procurement of textbooks. The funds are a part of the Mississippi Adequate Education Program. The district will allocate from the annual funds the amount to be used for the purchase of textbooks. All textbook budgeted funds may be utilized to procure textbooks in accordance with the policies contained in this handbook.

B. FREIGHT COSTS

Each 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.

C. CARRYOVER

It is the responsibility of each local school district to maintain records relative to carryover funds.

VI. ACCOUNTING AND CONDITION OF TEXTBOOKS – PUBLIC SCHOOLS

A. OWNERSHIP

On July 1, 1994, all textbooks became the property of the local school districts to which they had been on loan from the Mississippi Department of Education. While the textbooks are now the property of the local 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 in regard to the inventory process.

C. ISSUANCE OF TEXTBOOKS

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

D. DEFECTIVE TEXTBOOKS

Textbooks that are on the state-adopted list are built by very rigid construction specifications. The contract between the publisher and the Mississippi Department of Education 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 Textbook Office.

1. When the school receives defective textbooks, the depository or publisher from which the textbooks were purchased should be contacted with a request to replace the textbooks. Contact the depository or publisher before returning defective textbooks for instructions on the method of return.

2. Textbooks may become defective after they have been in use for a while. Usually defects will take the form of pages falling out of the textbooks or covers coming loose from the textbook block. Normally if there is a defect of this type in workmanship, it will usually become noticeable within the first two or three years of use. The school or school district should contact the depository or publisher and discuss the problem and seek replacement of the defective textbooks.

E. LOCAL POLICY ON TEXTBOOK DAMAGES

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

F. REBINDING OF TEXTBOOKS

Contact information for rebinding companies is available at www.mde.k12.ms.us./Textbooks. 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.

G. INVENTORY

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

H. SALES

The State Textbook Law, Section 37-43-33 of the Mississippi Code of 1972 provides that parents, persons or school boards may purchase textbooks directly from the publisher's depository. The price of textbooks shall be at contract price plus whatever postage or delivery charges might accrue.

I. NON-PREVENTABLE LOSSES

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

VII. TEXTBOOK USE – PUBLIC SCHOOLS

A. PUPIL USE Teachers should permit all pupils in all grades of any school to carry textbooks to their homes for study. This is based on the following excerpt from Section 37-43-1 of the Mississippi Code of 1972:

"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

Section 37-43-1 of the Mississippi Code of 1972 requires a local school board to make available to parents or legal guardians of any school-age children who reside in a school district, upon request, any textbook(s) on the state surplus inventory list. The parent or legal guardian is responsible for the return of the textbook(s) to the district upon completion of use of the textbook(s) or they will be required to compensate the district for the fair market value of the textbook(s). Local school districts can contact the Office of Textbooks for an example of a suggested home policy.

VIII. TEXTBOOK INVENTORY MANAGEMENT SYSTEM - PUBLIC – SCHOOLS

The Textbook Inventory Management System (TIMS) is the web-based inventory system for the Mississippi Department of Education – Office of Textbooks. **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 the disposal inventory (textbooks that have been lost, destroyed or the copyright date is twelve years or older), must be entered into the TIMS system by **June 15th** of each year unless otherwise notified. The Textbook Office no longer provides forms to assist with the implementation of the TIMS program.

A. DETERMINATION OF DISPOSABLE TEXTBOOKS

Each local school district will determine if textbooks are unusable. Textbooks may be unusable because they are twelve years or older, or not relative to current curriculum framework, or the textbooks may be physically worn-out to the point that it is not feasible or practical for continued use. Before a school district disposes of textbooks, approval must be granted by the Superintendent, and the information must be entered into the Textbook Inventory Management System (TIMS).

B. METHODS OF DISPOSAL

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

1. Priority should be given to providing the unusable textbooks to students presently in attendance. School districts should maintain records regarding the number of textbooks disposed of through this method.

2. Unusable textbooks can be sold to a debinding company for paper-recycling purposes. Any funds received for the sale of textbooks through this provision shall be credited back to the school that sold the textbooks for use in the purchase of additional textbooks. Because of the small price paid for the textbooks by debinding companies, this method is not very practical unless a district has a large quantity of unusable textbooks for disposal. Records must be maintained by the district relative to the number of textbooks disposed through this method. **Note:** The Mississippi Department of Education will attempt to assist local districts in the location of a company that would purchase the textbooks for debinding and subsequent recycling of the paper. Contact information is listed at http://www.mde.k12.ms.us/Textbook/textbooks.htm. School districts are **not** required to use such company recommended by the MDE. Each district has the discretion and authority to secure its own debinding company.

3. Unusable textbooks can be donated to local non-profit organizations. Any non-profit organization desiring to receive unusable textbooks must make application to the local school board from which it desires to receive the donated textbooks. This application should detail the plans and intentions relative to the future utilization of the donated textbooks along with background information on the non-profit group. As part of the application to receive books, a copy of the IRS designation should be requested. When the IRS gives a designation of a 504-3-C, this is an approved non-profit organization. In no case may textbooks be donated to any group without prior approval of the local school board of the district from which the textbooks are being requested. School districts should maintain records of the textbooks disposed through this method. **Note:** School districts desiring assistance with the application process for the donation of unusable textbooks to non-profit groups should contact the Textbook Office at the Mississippi Department of Education. 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 a vast depravity as far as instructional materials are concerned.
- All agencies interested in receiving donated unusable textbooks must first complete and submit to the school district a written application. An example of an APPLICATION FORM may be secured from the Textbook Office.
- All applications must be approved by the local-school board prior to the donation of any unusable textbooks to any agency submitting such application.
- School districts are urged to <u>use extreme discretion</u> in the donation of unusable textbooks so as not to enter into a conflict with other legal requirements.

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

C. SURLUS TEXTBOOKS

The surplus textbook program has been beneficial to schools throughout the state. A surplus textbook is one that is still in good physical condition but is no longer being

used in the district. In most situations, the surplus textbooks will be from a previous adoption and may be much more current than those being used in some districts. Books with a copyright of **12 years of age or less** should be kept in the surplus book program. Without the implementation of the surplus program, there would be cases where students might not have textbooks.

STEPS TO BE FOLLOWED IN THE SURPLUS TEXTBOOK PROGRAM
In order for the surplus textbook program to operate in an efficient manner, local school districts are required to use the following steps:

1. Each school shall update the inventory of surplus textbooks at the conclusion of each school year. The inventory update shall be entered into the Textbook Inventory Management System (TIMS) and must be completed no later than June 15th of each year. If changes are made during the year, the system must be updated.

2. Schools that need surplus textbooks should go to the Textbook Inventory Management System (TIMS). Select the request screen and make the surplus inquiry. The ISBN should be entered into the system along with the quantity needed. This is a request system, not a **SEARCH** tool. Request one ISBN at a time.

3. Once the needed textbooks have been located in Textbook Inventory Management System (TIMS), contact the district textbook coordinator and ask that the request be approved. The district textbook coordinator will indicate the approval in the system under Inquire/Modify request and contact the district that owns the textbook to ask if the district will release the books.

4. The district that owns the books will approve the surplus transfer in the system by going to the approval surplus transfer screen.

5. This is a district-to-district function. At no time should a principal call schools to ask if they have books and if they will release the books that they own.

6. If the proper process is not followed, the ending inventory of the two districts will not be correct.

7. All freight costs incurred in the transfer of the surplus textbooks will be paid by the receiving school/district. Shipping arrangements should be made before approval is given.

IX. PROCESS TO FILE A COMPLAINT – PUBLIC SCHOOLS

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

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

B. The individual's signature on the letter constitutes a certificate that to the best of the individual's knowledge, information and belief there is good ground to support the complaint, and the complaint is not being made frivolously. If two (2) unsubstantiated complaints are made from the same person/company, that person/company will receive a written warning from the State Superintendent. If a third unsubstantiated complaint is made by the same person/company, the matter will be presented at a formal hearing before the State Board of Education at its regularly conducted business meeting. The staff of the Mississippi Department of Education will present evidence of the unsubstantiated complaints. The person/company making three (3) unsubstantiated complaints will be given an opportunity to present any information relevant to the unsubstantiated complaints. The Board members may ask questions of any person. The State Board of Education will determine if one or more of the complaints were made frivolously. If the State Board of Education determines the person/company made a frivolous complaint, the State Board of Education may impose any penalty deemed appropriate. The person/company before the State Board of Education will receive notification of the decision by Board Order.

C. Within seven (7) business days of receipt of the complaint, the Textbook Office will investigate the violation(s) and forward the findings to the Bureau Director of the Office of Curriculum and Instruction. The Bureau Director will review the staff's findings and make a recommendation to the Deputy Superintendent, Office of Instructional Programs and Services.

D. The Deputy Superintendent, Office of Instructional Programs and Services will review the findings and request by certified mail a written response to the complaint from the person/company who has been reported as violating the

policies and/or procedures. The person/company shall file a written response to the complaint addressed to the Deputy Superintendent, Office of Instructional Programs and Services within fourteen (14) calendar days of receipt of the request. Responses received after the deadline will not be considered. Upon receipt of all relevant documentation received prior to the deadline, the Deputy Superintendent, Office of Instructional Programs and Services will forward the information with a recommendation to the State Superintendent.

E. If the State Superintendent determines that there is not sufficient reliable evidence of a violation, then the State Superintendent will notify by letter the person/company making the complaint and the person/company reported to have violated the policies and procedures.

F. The State Superintendent may provide an opportunity for the person/company reported to have violated the policies and procedures to meet with him and/or the Deputy Superintendent, Office of Instructional Programs and Services to discuss a possible resolution of the matter.

G. If a resolution cannot be reached, the matter will be presented at a formal hearing before the State Board of Education at its regularly conducted business meeting. The staff of the Mississippi Department of Education will present the evidence of the violation(s) with a penalty recommendation. The person/company reported to have violated the policies and procedures will be given an opportunity to present any information relevant to the subject issues. The Board members may ask questions of any person.

H. The State Board of Education will determine what, if any, violation(s) of the policies and/or procedures of the Mississippi Textbook Adoption Handbook occurred and what penalty or penalties to impose upon the person/company that violated said policies and procedures. The person/company before the State Board of Education will receive notification of the decision by Board Order.

Section Two:

Non-Public And Special State Schools Regulations

REQUIREMENTS FOR PARTICIPATION OF NON-PUBLIC AND SPECIAL STATE SCHOOLS

Mississippi Code 37-43-1 requires 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 Mississippi Department of Education for the state schools as outlined in the Non-public School Accreditation Requirements of the State Board of Education.

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

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

I. ADMINISTRATION OF THE TEXTBOOK ADOPTION PROGRAM – NON-PUBLIC AND SPECIAL STATE SCHOOLS

The district superintendent appoints a staff member to serve as the textbook coordinator. The textbook coordinator supervises the local adoption and the purchase of textbooks and completes reports required by the Textbook Office. Since the implementation of the Textbook Inventory Management System (TIMS), the textbook coordinator may also be responsible for the management of this system. If a different person manages TIMS, the person should be referred to as the TIMS Contact Person. The following is a job description that may be used by the district to describe the textbook coordinator's responsibilities.

A. Assist the Textbook Office by submitting the following items:

1. **Local Textbook Selection Committee Form C** is to be submitted online at www.mde.k12.ms.us/textbooks no later than October 1st.

2. Report of the local adoption results is due 35 days after the local hearing.

3. Report on end of year closeout which includes Active Inventory, Surplus Inventory, and Request to Dispose of Unusable Textbooks is to be submitted in Textbook Inventory Management System (TIMS) no later than June 15th.

4. Form to recommend State Rating Committee members is due mid-June.

B. Assist with the adoption process at the district level.

1. Make sure that the Local Selection Committee is informed about the local hearing and can attend the meeting.

2. Work with the Local Selection Committee members so that they understand how to evaluate textbooks and that they work together as a committee.

3. Work with the Local Selection Committee to make sure "Official Local Adoption Examination Copies" are returned to the depository.

4. Meet with the Local Selection Committee after the hearing to complete the ballot.

C. Assist with the ordering process for the district.

1. Assist with the allocation of funds needed by each school.

2. Review the purchase orders before sending to the depository.

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

II. ACQUISITION/REQUISITION – NON-PUBLIC AND SPECIAL STATE SCHOOLS

State-owned textbooks may be procured in a variety of ways. However, all requisitions for non-public schools utilizing state funds must flow through the Textbook Office in the Mississippi Department of Education. Please find listed below, the approved methods and procedures to follow in the procurement of state-owned textbooks.

A. STATE-ADOPTED TEXTBOOKS

1. Textbooks that are on the state-adopted list may be procured through the Mississippi Department of Education from the publishers' depositories. The Textbook Office in the MDE **must** approve all requisitions.

2. Textbooks that are listed on the state-adopted list may be procured through the Textbook Office in the Mississippi Department of Education directly from the publisher. Schools wishing to use this procurement provision must complete and submit a **TEXTBOOK ORDER FORM** to the Textbook Office for processing. The form may be obtained at www.mde.k12.ms.us/Textbooks/textbooks.com. Schools are reminded that textbook law requires that a district not pay more for a textbook procured from the publisher than the price stated in the current state-adopted catalog.

B. NON-ADOPTED TEXTBOOKS

Textbooks that are not state-adopted may be purchased by the non-public schools through the Mississippi Department of Education directly from the publisher or vendor. Schools desiring to utilize this provision should submit any such request on the **TEXTBOOK ORDER FORM**, which can be downloaded at www.mde.k12.ms.us/textbooks. While there are no review requirements associated with this procurement method, schools are encouraged to develop a review and evaluation plan to ensure that quality textbooks are being purchased.

C. PURCHASING PROCEDURES

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 Mississippi Code 31-7-13, Annotated 1972. The Mississippi Board of Education also requires that non-public and special state schools comply with the procedures set forth in the Department of Finance and Administration's Procurement Manual, Section 3.202 when purchasing non-adopted textbooks. Textbooks that are adopted are placed under state contract and are exempt from the bidding process.

BIDDING REQUIREMENTS

1. $0 – $3,500: Purchase from any vendor.

2. $3,500 – $15,000: Obtain two (2) or more written quotes. Facsimiles and emails are acceptable.

3. Over $15,000: Must allow 3½ to 4 weeks for bid to be awarded and must be advertised.

    - Non-public and special state schools that purchase non-adopted textbooks in excess of $15,000 are required to maintain sealed bid supportive documentation for three (3) years after the audit report is released. If a purchase is in litigation, the files shall be maintained until resolved.

    - The documentation is required to support award decisions, assure approvals, compliance with regulation, and sustain any reviews or litigation. Documentation should include but is not limited to the following: bid list, bid opening sign-in sheet, bidders' spreadsheets, witness signature, requisition, notice to Contract Procurement Center, public notice to newspaper, bid specifications, original bids, bid envelopes, bid addendum, proof

of advertisement, bid evaluation, award by the school, or letter from the Textbook Office.

- The Mississippi Contract Procurement center is a non-profit corporation that assists Mississippi businesses with bid notifications. Mississippi Code, 31-7-13 (c) (i) (1) requires that purchases over $15,000 be advertised in a newspaper once per week for two consecutive weeks, 31-7-13 (c) (i) (2) requires that the same notice sent to the newspaper is also mailed or electronically sent to the main office of the Mississippi Contract Procurement Center.

Mississippi Contract Procurement Center
1636 Popps Ferry Road, Suite 229
Biloxi, MS 39532
Telephone: 228-396-1288
FAX: 228-396-2520
Email: mprogoff@mscpc.com

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

4. SOLE SOURCE TEXTBOOK PURCHASE

- Textbooks that are sold by only one supplier or one source may be purchased without competitive bids. The Textbook Office must approve the sole source purchase. In addition to prior approval by the Textbook Office, the procedures listed must be followed.
- Each school must provide written certification of the conditions and circumstances that require the purchase.
- The requesting school will complete the Mississippi Department of Education's SPECIAL CIRCUMSTANCES APPROVAL SOLE SOURCE FORM (SC-1), for sole source textbook purchases. The designated school official must sign the SC-1 form.
- The requesting school will submit a letter from the vendor on company letterhead stating that the particular textbook supplier is classified as a sole source. The letter must be signed and dated.
- The Textbook Office will review and approve the sole source purchase.
- The Textbook Office will return the approved Mississippi Department of Education SOLE SOURCE FORM (SC-1) to the requesting school. Documentation should be maintained with the purchasing files.

D. CASH PURCHASES

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

III. ORDERING TEXTBOOKS AND MATERIALS – NON-PUBLIC AND SPECIAL STATE SCHOOLS

A. CASH ORDERS

Non-public schools should not send any cash orders for textbooks to the Mississippi Department of Education. All orders should go to the depository, publisher, or the vendor in the case of used textbooks. Only orders that are to be charged against the school's credit allocation should be sent to the Textbook at the Mississippi Department of Education.

B. INSTRUCTIONS FOR HANDLING INCOMING TEXTBOOK SHIPMENTS

1. SCHOOL'S RESPONSIBILITY

It is suggested that each school develop a plan that will ensure incoming textbook shipments have been received. Each school should designate someone to serve as Textbook Custodian. Usually this person is the principal, but it could be a teacher or other school employee.

2. TEXTBOOK CUSTODIAN'S RESPONSIBILITY

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

3. CHECKING IN FREIGHT SHIPMENTS

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

4. SHORTAGE IN FREIGHT SHIPMENTS

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

5. DAMAGED CARTONS

If there is evidence that any cartons have been damaged by rough handling or in any other way, damages should be noted on all copies of the delivery receipt. If it is later found that some of the textbooks have been damaged, the appropriate depository should be notified so that the books may be replaced. If the books are being procured from a publisher or other vendor, then the appropriate business should be notified. If it is not possible to reach the depository, publisher or other vendor, please contact the Textbook Office.

6. CHECKING TEXTBOOKS

The publisher's depositories with state-adopted textbooks in Mississippi will include with each shipment, a copy of the packing slip that will indicate only the textbooks contained in the shipment. Backorders and textbooks shipped previously will not be listed on the packing slip. As soon as possible, after the receipt of the shipment, all cartons should be opened and checked against the packing slip. As each carton is opened, please make sure that the name of the school appears on each box. If the shipment does not match the packing slip, the shipment of textbooks may belong to another school.

7. DIFFERENCE IN PACKING SLIP AND SHIPMENT

If it is found that the quantity of textbooks ordered does not agree with the number and title listed on the enclosed copy of the packing slip, recheck to verify the original count. If this recheck shows the same error as the first count please immediately notify the depositories, publishers or vendors of the discrepancy. If the error relates to an overage, do not take any disposition action until so instructed by the depository. If you are unable to reach the depositories, publishers or vendors, please contact the Textbook Office.

8. BACKORDERS

If the depository is out of stock of any title included on a requisition, it will be noted on the green invoice that will be received from the publisher

depository approximately one week after the textbook shipment. Any title that is on backorder will be shipped as soon as stock becomes available. If a school desires to cancel an existing backorder, please notify the publishers' depositories or vendor.

9. GREEN INVOICES

The green invoice provides proof that the requisitioned textbooks have been properly received in the local school; therefore, each green invoice must be on file in the Textbook Office. When a determination has been made that the shipment has been satisfactorily received, the Textbook Custodian should sign each green invoice and return it to the Textbook Office, Mississippi Department of Education, and P. O. Box 771, Jackson, MS 39205-0771. Please return each green invoice soon after the receipt of the textbooks. Do not hold the invoices until the end of the year.

10. DEFECTIVE TEXTBOOKS

Occasionally, the textbooks that may be defective in workmanship will be received. If one or more defective textbooks are received, the school should notify the depository and request immediate replacement of any defective textbooks.

11. STAMPING AND MARKING TEXTBOOKS

Please do not stamp, mark, or write the school name, number, or student name in textbooks until it is positively determined that the books received are the ones that were actually ordered and needed for that particular course. A depository will not accept for return textbooks that have been stamped or marked.

C. TEACHER EDITIONS AND COMPLIMENTARY MATERIALS

It has become a common practice for publishers to provide complimentary 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 district. One teacher edition per certified teacher per classroom is required. This requirement includes special education teachers, advanced placement teachers, and alternative teachers.

2. Publishers/vendors are required to list on the textbook **BID FORM** all complimentary materials along with the terms and conditions under which the materials will be given to the schools. This information is a part of the

contract between the Mississippi Department of Education and the publisher. This information is listed at http://www.mde.k12.ms.us/Textbook/textbooks.htm.

3. School personnel should not ask a publisher to provide materials as part of an adoption that is not listed on the company bid. This type of request is a violation of the contract between the Mississippi Department of Education 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 complimentary materials, the school should contact the Textbook Office. Schools are reminded that publishers/vendors will not be permitted to give away or promise free materials not certified on their **BID FORM**. The provision of free material will be in accordance with the terms and conditions included on the **BID FORM** and contract.

D. LARGE PRINT AND BRAILLE TEXTBOOKS

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

Mississippi School for the Blind
1252 Eastover Drive, Adm. Bldg. Rm. 300
Jackson, MS 39211
Phone: (601) 984-8226

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

E. DISTANCE LEARNING AND ADVANCED PLACEMENT TEXTBOOKS

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

F. USED TEXTBOOKS

1. Used textbooks, both adopted and non-adopted, may be procured through the Textbook Office in the Mississippi Department of Education. A TEXT BOOK ORDER FORM must be completed and submitted to the Textbook Office, who will submit the order to vendors of used textbooks.

2. Textbooks purchased from used textbook companies will not receive a free teacher edition or any other ancillary materials that are listed as free under state contract. Please be aware that textbooks purchased from used textbook companies may be first editions or first printing and may contain errors.

IV. PETITION PROCESS FOR NON-PUPLIC AND SPECIAL STATE SCHOOLS

Section 37-43-31 of the Mississippi Code of 1972 contains a provision whereby five or more school boards may petition the State Board of Education to add a book or series of textbooks to the state-adopted list. If a district so chooses to petition the State Board of Education, the following policies and procedures should be adhered to:

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

1. Five or more school boards may petition the State Board of Education to add one or more textbooks or series of textbooks to the state-adopted list. The State Board of Education will have sixty days to act upon the petition and if it is not acted upon in this time period, the petition shall be deemed as approved.

2. A school board may petition for the requisition of "new and innovative" textbooks that have become available since the last textbook adoption in the respective subject area.

3. Textbooks may be procured through the petition process from School Book Supply Company of Mississippi or directly from the publisher. Since non - adopted textbooks may now be purchased with state funds, it is no longer necessary to follow the steps of the petition process. However, if the district or districts should choose to go the petition route, the State Board of Education 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 school 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 review form provided by the Mississippi Department of Education.

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 school. Schools may submit petitions at any time during the school year.

4. Each school submitting a petition under the "new and innovative" provision (Item 1, Provision B) must provide evidence that the petitioned textbooks meet both the "new and innovative" requirements.

5. Each school 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.

6. Each school submitting a petition request shall state on the petition the quantity of each title petitioned along with information regarding the publisher.

7. Publishers/vendors having textbooks adopted through the petition process must be willing to submit a bid, execute a contract and bond with the state of Mississippi, and provide a stock of textbooks in their Mississippi depository sufficient to meet all reasonable demands. Consequently, school districts must initially determine if the publisher whose textbooks are being petitioned is willing to meet all of these requirements before submitting a petition. Each publisher whose textbooks are petitioned must supply one copy of each student and teacher edition to the Textbook Office to be used for review purposes; and if the textbook is subsequently approved by the State Board of Education, it will be placed on file for review. Contracts entered into with publishers/vendors of successfully petitioned textbooks will have the same expiration dates as all other textbooks in like subject areas.

C. The Mississippi Department of Education shall designate one person, having expertise in the respective subject area(s) for which textbooks are petitioned, to review the petition and the textbook and recommend to the State Board of Education the appropriate action to be taken regarding the addition of the textbooks to the state-adopted list.

D. Schools receiving State Board of Education approval on petitions will be notified promptly, and action will be taken to add the requested textbooks to the state-adopted list as soon as possible.

E. Schools considering the petition process should be reminded of the following:

1. The petition process requires considerable paper work which must be approved by the local school board.

2. The publisher of the petitioned textbook will need to submit a bid and execute a contract and bond upon approval by the State Board of Education.

V. FUNDING – NON-PUBLIC AND SPECIAL STATE SCHOOLS

Funds for the procurement of textbooks distributed through the Mississippi Department of Education must be used to purchase items that meet the definition of a textbook as stated in Section 37-43-1 of the Mississippi Code of 1972: **"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 Mississippi Department of Education for the procurement of textbooks. The funds are distributed to non-public and special state schools on a per-pupil basis based on the average daily attendance for the entire nine months of the previous school year for grades K-12. All textbook funds may be utilized to procure textbooks in accordance with the policies contained in this handbook. Textbook funds for non-public schools will be issued as credit that may be used to procure state-owned textbooks.

B. FREIGHT COST

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

C. CARRYOVER

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

VI. ACCOUNTING AND CONDITION OF TEXTBOOKS – NON-PUBLIC AND SPECIAL STATE SCHOOLS

A. OWNERSHIP

All textbooks are the property of the State of Mississippi and are on loan to the non-public school from the Mississippi Department of Education. Each school must

make available for transfer all textbooks that have been declared surplus by the non-public school.

B. ISSUANCE OF TEXTBOOKS

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

C. REPLACEMENT OF TEXTBOOKS

If at any time during the session the pupil loses a textbook, he/she shall be charged a replacement fee. The replacement fee charged the student must meet the statutory requirements of Section 37-7-301 (ff) of the Mississippi Code of 1972, 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."**

D. RETURNS

Any unused textbooks should be returned to the depository, publisher, or vendor from which they were purchased.

Textbooks purchased during a fiscal year must be returned during the same year of purchase in order to receive credit from School Book Supply Company of Mississippi. Any textbooks that are not returned by June 30th of the fiscal year shall not be returned for credit. These textbooks, if not to be used by the purchasing school district, must be placed on the surplus textbook list.

Textbooks may no longer be returned to School Book Supply Company of Mississippi for credit if they have been marked or bar-coded. Opened kits may not be returned.

RETURNING TEXTBOOKS FROM INELIGIBLE NON-PUBLIC SCHOOLS

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

1. All non-public schools that are ineligible for participation in the state-owned textbook program shall return all state-owned textbooks to the Mississippi Department of Education or its designee.

2. Non-public schools whose eligibility expires by the December meeting of the State Board of Education of any year shall have until the following June 30th to complete the return of its state-owned inventory to the MDE.

3. Each ineligible non-public school will be supplied no later than May 1st with a listing of its current textbook inventory as reflected by the most recently submitted inventory plus an inventory of all textbooks procured since the last inventory was filed. Any discrepancies between the inventory of the school and that of the MDE must be justified in writing.

4. During the month of July after the loss of eligibility of the non-public school, MDE staff will be available to assist each non-public school in inventorying and packaging textbooks for return to the MDE. As the textbooks are packed, a detailed accounting will be made jointly by the school and the MDE staff. **Under no circumstances should the non-public school pack and return textbooks without the involvement and assistance of MDE staff**.

5. Once the textbooks are packed and reconciled with the MDE inventory for each respective school, the cartons will be sealed and numbered. Once this action is completed, a tentative receipt will be provided the non-public school by the MDE staff. The MDE will notify a truck line to pick up the textbooks for return to the MDE or its designee. All shipping costs incurred in the return of the textbooks will be paid by the MDE. Once the textbooks are returned, a formal official receipt will be given to the non-public school.

E. DEFECTIVE TEXTBOOK

Textbooks that are on the state-adopted list are built by very rigid construction specifications. The contract between the publisher and the Mississippi Department of Education 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 Textbook Office. School districts are also reminded that the issue of defective used textbooks should be discussed with the vendor from which the used textbooks were purchased.

1. When the school receives defective textbooks, the depository or publisher from which the textbooks were purchased should be contacted with a request to replace the textbooks. Contact the depository or publisher before returning defective textbooks for instructions on the method of return.

2. Textbooks may become defective after they have been in use for a while. Usually defects will take the form of pages falling out of the textbooks or covers coming loose from the textbook block. Normally if there is a defect of this type in workmanship, it will usually become noticeable within the first two or three years of use. The school or school district should contact the depository or publisher and discuss the problem and seek replacement of the defective textbooks.

F. DAMAGES

Administrators and teachers distributing the textbooks to pupils in non-public and special state schools are authorized to collect for any damage to, or excess wear of, textbooks. The amount collected should be determined by the extent such damage has impaired in the future use of the textbook and should be sufficient to impress upon parents and students the necessity of the proper care of state-owned textbooks. It is recommended that the collection be based on a percentage of the depreciated cost of the textbook and that a chart be developed by the non-public school for this purpose to bring about equalized charges among all classes and schools in the system. All money thus collected shall be transmitted to the Textbook Office in the Mississippi Department of Education. The following is an example of a fines and damage replacement schedule. The example is given to aid in the development of a school 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 FORM (MT-8) and the money sent to the Textbook Office in the Mississippi Department of Education. If a student pays a fine based on the total cost of the textbook, the book then belongs to the student. All fines and damages received in the MDE will be credited back to the respective non-public and special state school system in which they were collected for expenditure in the collecting school.

G. REBINDING OF TEXTBOOKS

Contact information for rebinding companies is available at http://www.mde.k12.ms.us/Textbook/textbooks.htm. Schools are **not** required to use such company recommended by MDE. Each district has the discretion and authority to secure its' own rebinding company. The cost for rebinding may be paid from funds used for the purchase of textbooks.

H. INVENTORY

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

I. SALES

The State Textbook Law, Section 37-43-33 of the Mississippi Code of 1972 provides that parents, persons or school boards may purchase textbooks directly from the publisher's depository. The price of books shall be at contract price plus postage or delivery charges.

J. NON-PREVENTABLE LOSSES

In the past whenever textbooks were lost through non-preventable causes such as tornado, fire, theft, or hurricane, funds were maintained at the state level to replace the destroyed state-owned textbooks. Since this emergency fund is no longer maintained, non-public schools are encouraged to maintain a contingency fund or plan to utilize in the replacement of textbooks in the event of a disaster occurring in a school. Further, schools are reminded to delete textbooks that may have been destroyed from their current inventory.

VII. TEXTBOOK USE – NON-PUBLIC AND SPECIAL STATE SCHOOLS

A. PUPIL USE – Teachers should permit all pupils in all grades of any school to carry textbooks to their homes for study. This is based on the following excerpt from Section 37-43-1 of the Mississippi Code of 1972:

"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

Section 37-43-1 of the Mississippi Code of 1972 requires a local school board to make available to parents or legal guardians of any school-age children who reside in a school district, upon request, any textbook(s) on the state surplus inventory list. The parent or legal guardian is responsible for the return of the textbook(s) to the district upon completion of use of the textbook(s) or they will be required to compensate the district for the fair market value of the textbook(s). Local school districts can contact the Office of Textbooks for an example of a suggested home policy.

VIII. TEXTBOOK INVENTORY MANAGEMENT SYSTEM – NON-PUBLIC AND SPECIAL STATE SCHOOLS

The Textbook Inventory Management System (TIMS) is the web-based inventory system for the Mississippi Department of Education – Office of Textbooks. **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 the disposal inventory (textbooks that have been lost, destroyed or the copyright date is twelve years or older), must be entered into the TIMS system by **June 15th,** of each year unless otherwise notified. The Textbook Office no longer provides forms to assist with the implementation of the TIMS program.

A. DETERMINATION OF DISPOSABLE TEXTBOOKS

Each local school district will determine if textbooks are unusable. Textbooks may be unusable because they are twelve years or older, or not relative to current curriculum framework or the textbooks may be physically worn-out to the point that it is not feasible or practical for continued use. Before a school district disposes of textbooks, approval must be granted by the Superintendent and the information must be entered into the Textbook Inventory Management System (TIMS).

B. METHODS OF DISPOSAL

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

1. Priority should be 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 of through this method.

NOTE: The Mississippi Department of Education will attempt to assist local districts in the location of a company that would purchase the textbooks for debinding and subsequent recycling of the paper. Contact information is listed at http://www.mde.k12.ms.us/Textbook/textbooks.htm. School districts are **not** required to use such company recommended by the MDE. Each district has the discretion and authority to secure its' own debinding company.

3. Unusable textbooks can be donated to local non-profit organizations. Any non-profit organization desiring to receive unusable textbooks must make application to the local school board from which it desires to receive the donated textbooks. This application should detail the plans and intentions relative to the future utilization of the donated textbooks along with background information on the non-profit group. As part of the application to receive books, a copy of the IRS designation should be requested. When the IRS gives a designation of a 504-3-C, this is an approved non-profit organization. In no case may textbooks be donated to any group without prior approval of the local school board of the district from which the textbooks are being requested. School districts should maintain records of the textbooks disposed through this method.

4. School districts desiring assistance with the application process for the donation of unusable textbooks to non-profit groups should contact the Textbook Office at the Mississippi Department of Education. 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.

- 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 a vast depravity as far as instructional materials are concerned.
- All agencies interested in receiving donated unusable textbooks must first complete and submit to the school district a written application. An

example of an Non-profit Application Form may be secured from the Textbook Office.

- All applications must be approved by the local-school board prior to the donation of any unusable textbooks to any agency submitting such application.
- School districts are urged to use extreme discretion in the donation of unusable textbooks so as not to enter into a conflict with other legal requirements.

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

C. SURPLUS TEXTBOOKS

The surplus textbook program has been beneficial to schools throughout the state. A surplus textbook is one that is still in good physical condition but is no longer being used in the district. In most situations, the surplus textbooks will be from a previous adoption and may be much more current than those being used in some districts. Books with a copyright of **12 years of age or less** should be kept in the surplus book program. Without the implementation of the surplus program, there would be cases where students might not have textbooks.

STEPS TO BE FOLLOWED IN THE SURPLUS TEXTBOOK PROGRAM – In order for the surplus textbook program to operate in an efficient manner, local school districts are required to use the following steps:

1. Each school shall update the inventory of surplus textbooks at the conclusion of each school year. The inventory update shall be entered into the Textbook Inventory Management System (TIMS) and must be completed no later than June 15th of each year. If changes are made during the year, the system must be updated.

2. Schools that need surplus textbooks should go to the Textbook Inventory Management System (TIMS). Select the request screen and make the surplus inquiry. The ISBN should be entered into the system along with the quantity needed. This is a request system, not a **SEARCH** tool. Request one ISBN at a time.

3. Once the needed textbooks have been located in Textbook Inventory Management System (TIMS), contact the district textbook coordinator and ask that the request be approved. The district textbook coordinator will indicate the approval in the system under Inquire/Modify request and contact the district that owns the textbook to ask if the district will release the books.

4. The district that owns the books will approve the surplus transfer in the system by going to the approval surplus transfer screen.

5. This is a district-to-district function. At no time should a principal call schools to ask if they have books and if they will release the books that they own.

6. If the proper process is not followed, the ending inventory of the two districts will not be correct.

7. All freight costs incurred in the transfer of the surplus textbooks will be paid by the receiving school/district. Shipping arrangements should be made before approval is given.

IX. PROCESS TO FILE A COMPLAINT – NON-PUBLIC AND SPECIAL STATE SCHOOLS

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

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

B. The individual's signature on the letter constitutes a certificate that to the best of the individual's knowledge, information and belief there is good ground to support the complaint, and the complaint is not being made frivolously. If two (2) unsubstantiated complaints are made from the same person/company, that person/company will receive a written warning from the State Superintendent. If a third unsubstantiated complaint is made by the same person/company, the matter will be presented at a formal hearing before the State Board of Education at its regularly conducted business meeting. The staff of the Mississippi Department of Education will present evidence of the unsubstantiated complaints. The person/company making three (3) unsubstantiated complaints will be given an opportunity to present any information relevant to the unsubstantiated complaints. The Board members may ask questions of any person. The State Board of Education will determine if one or more of the

complaints were made frivolously. If the State Board of Education determines the person/company made a frivolous complaint, the State Board of Education may impose any penalty deemed appropriate. The person/company before the State Board of Education will receive notification of the decision by Board Order.

C. Within seven (7) business days of receipt of the complaint, the Textbook Office will investigate the violation(s) and forward the findings to the Bureau Director of the Office of Curriculum and Instruction. The Bureau Director will review the staff's findings and make a recommendation to the Deputy Superintendent, Office of Instructional Programs and Services.

D. The Deputy Superintendent, Office of Instructional Programs and Services will review the findings and request by certified mail a written response to the complaint from the person/company who has been reported as violating the policies and/or procedures. The person/company shall file a written response to the complaint addressed to the Deputy Superintendent, Office of Instructional Programs and Services within fourteen (14) calendar days of receipt of the request. Responses received after the deadline will not be considered. Upon receipt of all relevant documentation received prior to the deadline, the Deputy Superintendent, Office of Instructional Programs and Services will forward the information with a recommendation to the State Superintendent.

E. If the State Superintendent determines that there is not sufficient reliable evidence of a violation, then the State Superintendent will notify by letter the person/company making the complaint and the person/company reported to have violated the policies and procedures.

F. The State Superintendent may provide an opportunity for the person/company reported to have violated the policies and procedures to meet with him and/or the Deputy Superintendent, Office of Instructional Programs and Services to discuss a possible resolution of the matter.

G. If a resolution cannot be reached, the matter will be presented at a formal hearing before the State Board of Education at its regularly conducted business meeting. The staff of the Mississippi Department of Education will present the evidence of the violation(s) with a penalty recommendation. The person/company reported to have violated the policies and procedures will be given an opportunity to present any information relevant to the subject issues. The Board members may ask questions of any person.

H. The State Board of Education will determine what, if any, violation(s) of the policies and/or procedures of the Mississippi Textbook Adoption Handbook occurred and what penalty or penalties to impose upon the person/company that violated said policies and procedures. The person/company before the State Board of Education will receive notification of the decision by Board Order.

X. FORMS FOR NON-PUBLIC AND SPECIAL STATE SCHOOLS

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

A. TEXTBOOK LABEL (MT-1)

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

B. TEXTBOOK CARD (MT-6)

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

C. RECORD OF REFUND (MT-8)

This form is used to accompany the remittance of collections for fines and damages to the Mississippi Department of Education.

D. SOLE SOURCE (FORM SC-1)

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

E. EEF FUNDS FORM (MT-2EE)

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

F. GENERAL FUNDS FORM (MT-2G)

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

Section Three:

Publishers Regulations

I. INTRODUCTION

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

II. PUBLISHERS REGULATIONS AND PROCEDURES

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

A. INTENT TO PARTICIPATE

Publishers/vendors who have current textbook contracts with the State of Mississippi will receive an INTENT TO PARTICIPATE FORM and all other information necessary for the submission of a textbook bid. Failure to submit the INTENT TO PARTICIPATE FORM will not prevent publishers/vendors from submitting bids. Other interested publishers/vendors should contact the Mississippi Department of Education (MDE) – Textbook Office or download information at www.mde.k12.ms.us/Textbooks/textbooks.com.

B. CALL FOR BIDS

1. All bids for textbooks must be submitted to the Mississippi Department of Education by 5:00 P.M. on the date designated on the CALL FOR BIDS.

2. A textbook may be proposed and bid in only one category and can not be currently under contract. Publishers must list each book, separately, along with the copyright price, printing edition, and grade/subject area to be considered for adoption. Bids not following the format will not be considered.

3. No changes will be made in the submitted BID FORM after the training activities for the State Rating Committee have begun. When a manuscript/galley is submitted for review by the committee, **no substantive changes** may be made in the content. (Minimum changes may be made that do not affect the compatibility of the textbooks.) MDE reserves the right to review and grant permission before any change can be made in the title or in the content of the textbooks or series or in the manuscript. A bound official sample SHALL be filed with the Mississippi Department of Education by 5:00 P.M. on the day preceding the adoption declaration by the State Board of Education. Failure to meet this deadline will result in the textbook being removed from consideration for adoption.

4. Publishers **must** make and execute a good and sufficient bond (executed in triplicate, Mississippi Code Annotated 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 no later than November 1st of the adoption year. If a textbook bond cannot be secured, the textbook bid will be voided.

5. Publishers must take appropriate measures to ensure that the textbooks being bid are consistent with the requirements outlined in the Mississippi Curriculum Frameworks. 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 Curriculum Framework and meets 80% of the mandated competencies. Therefore a correlation to the curriculum framework is required. The correlation must be in the format listed in the bid.

6. Textbooks that contain obscene, lewd, sexist or vulgar material; advocating prejudicial behavior or actions; encouraging acts determined to be anti-social or derogatory to any race, sex or religion will not be considered for adoption by the Mississippi State Board of Education.(Mississippi Code Annotated 37-43-31(5))

7. Bidders will quote their lowest net wholesale price, according to the provisions and under the conditions set forth in Section 37-43-23 of the Mississippi Code of 1972.

8. Some terms used in the "Call for Bids" require clarification. For the convenience of publishers/vendors the following terms are defined:

- **Textbook** – Any medium or manual of instruction which contains a systematic presentation of the principles of a subject and which constitutes a major instructional vehicle for that subject. (Mississippi Code Annotated Section 37-43-1)

- **Teacher's Edition** – Hardbound book that may be referred to as an Annotated Teacher's Edition or Wraparound. Teacher's editions in the form of a CD or online may be accepted. Consideration will be given on an individual basis for companies that produce anything other than the traditional teacher's edition.

- **Supplemental** – Student or teacher materials that stand alone and do not constitute the principal source of study for a subject or course.

- **Ancillary Materials** – Student or teacher materials that are designed to support a textbook but are not an integral part of the textbook.

- **Sample** – Any product sent by publisher/vendor to school district that is free. Complimentary is also a term used when referring to a sample.

- **Examination Copy** – Product sent to State Rating Committee member and/or Local Selection Committee member for their review and consideration for adoption. These materials must be returned to School Book Supply Company of Mississippi.

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

C. COMPUTER DISKETTES FOR BRAILLE TEXTBOOKS – NIMAS

Publishers/vendors must have available a hard copy and electronic media for Braille versions of literary and non-literary subjects according to the provisions and under the conditions set forth in Section 37-43-24 of the Mississippi Code of 1972. UPON REQUEST, PUBLISHERS/VENDORS MUST FURNISH, WITHIN TEN WORKING DAYS, A HARD COPY AND ELECTRONIC MEDIA TO:

The Mississippi School for the Blind
1252 Eastover Drive, Adm. Bldg. Room 300
Jackson, MS 39211
(601) 948-8207

D. LEXILE FRAMEWORK FOR READING

The Mississippi Department of Education utilizes the Lexile Framework for Reading as part of the state assessment. In order to work with the system, publishing companies are strongly urged to provide the Lexile Reading Level (www.mde.k12.ms.us/lexile) for each title submitted for adoption.

III. TEXTBOOK MATERIALS

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

B. FREE MATERIAL – Publishers/vendors that wish to make free materials (e.g., correlation, ancillary materials, supplementary materials, etc.) available to school districts in Mississippi must state their intentions to do so on their STATEMENT OF FREE MATERIALS FORM. The conditions under which these materials will be available to the schools must be clearly stated on the BID FORM. If publishers have electronic items that are available in audiocassette, CD ROM, DVD, or electronic format, they may offer the different formats so that districts may select the preferred format. MDE reserves the right to reject this portion of the bid if terms are not easily interpreted. Publishers/vendors **will not be** permitted to give away or promise free material not certified on the BID FORM. No changes in the free materials list will be permitted after the bid's due date. All free material provided by publishers/vendors, **EXCEPT TEACHER EDITIONS**, must be shipped at publishers/vendors' expense. **PUBLISHERS/VENDORS WILL BE REQUIRED TO PROVIDE ALL LISTED FREE MATERIAL IN ACCORDANCE WITH THE TERMS AND CONDITIONS INCLUDED ON THE BID FORM.** Publishers/vendors who bid free material to be given per student textbook every year for the life of the contract should remember that some schools have four by four schedules. In this case the free material must be given to the school each time they teach the course.

C. OFFICIAL EXAMINATION COPY – An official examination copy, **both pupil edition and teacher edition,** of each textbook for which a bid is submitted must be filed with the Mississippi Department of Education. 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 Textbook Office will review a new product to determine if the new product is a "first edition, first printing".

2. Publishers submitting "first edition, first printing" textbooks or other products for review in the state must permanently mark all products. This includes the official examination copies and any other copies that come into the state as samples. Acceptable markings are:

- Printing on the cover that states "Examination Copy Not for Classroom Use"
- Drill a hole in the upper right hand corner
- Cut the upper right hand corner

3. Special consideration may be given on an individual basis for different markings for "first edition, first printing".

4. Each official examination copy must have a **removable label** with the following information in the lower right-hand corner:

   - Subject and Course
   - Grade Level
   - Complete Title
   - Student Edition
   - Publisher
   - Copyright
   - ISBN

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

IV. REPRESENTATIVES FROM PUBLISHER COMPANIES

The State Board of Education has approved the following general information concerning representatives from the publishing companies:

A. **PUBLISHER EMPLOYEES –** No teacher in any of the schools of the state, no county or municipal superintendent of schools, and no person officially connected with the government or direction of any school shall, during the term of his office as said superintendent or during the time of his or her employment as teacher, act as agent or attorney for any textbook publishing company selling textbooks in this state. If, after election as county or municipal superintendent or employment as teacher, any person filling such position accepts the agency or attorneyship of any textbook publishing company, the acceptance of such agency or attorneyship shall work a forfeiture of the office or position as teacher held at the time of the acceptance of such agency or attorneyship. (Section 37-43-39 of the Mississippi Code of 1972, Annotated.)

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

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

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

V. PUBLISHER COMPANIES' PRESENTATIONS

The adoption process in Mississippi involves State Rating Committees in the evaluation and rating of textbooks as provided by law. Publishers/vendors will receive a listing of the State Rating Committee members before the scheduled presentations.

A. PRESENTATIONS

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

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

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

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

B. ADOPTION HEARINGS

There will be no formal adoption hearings by the State Board of Education with publishers'/vendors' representatives. The results of the Board's adoption will be

available in the Textbook Office the day following the Board Meeting when the textbooks are adopted.

C. AWARENESS SESSIONS

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

VI. TIME BETWEEN STATE ADOPTION AND CARAVAN

A. During this period after the adoption by the State Board, individual publishers/vendors may provide examination copies of pupil edition and teacher's edition for local selection committee members. In some cases examination copies will not be possible because of the nature of the adopted material. Publishers/vendors may make available examination copies based on their individual products and budgets.

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

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

NO EXAMINATION COPY MAY BE GIVEN TO SCHOOL PERSONNEL DURING LOCAL HEARINGS, NOR WILL COMMITTEE MEMBERS OR SCHOOL PERSONNEL BE PERMITTED TO KEEP OFFICIAL EXAMINATION COPIES. Teachers will be advised that textbooks are not to be numbered, marked in any manner, or issued to students. All superintendents will be

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

VII. REGULATIONS FOR CARAVAN

A. Local textbook selection caravan will be conducted at designated sites throughout Mississippi. The Mississippi Department of Education Office of Textbooks will be in charge of caravan.

B. Publishers who chose to participate in caravan must attend all sites.

C. Only the newly adopted materials will be presented during the local hearing. No other products may be shown or discussed.

D. During local hearings, publishers may show the pupil edition, teacher edition and all supportive materials that accompany the materials submitted on the bid. The publisher may distribute the free with order brochure.

E. Textbook selection ballots are due 35 days from the date of the hearing attended by the local textbook selection committees for the respective districts. The selection results will be emailed to local publishers' representatives on a regular basis as results become available.

VIII. CONTRACTS WITH THE STATE OF MISSISSIPPI

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

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

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

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

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

B. ADOPTION PERIOD – The schools of Mississippi follow a five (5) year adoption cycle with the right of the board, in its discretion, to renew or extend the contract from year to year for a period not exceeding two (2) additional years, (Section 37-43-19 (c), Mississippi Code of 1972, Annotated). Textbooks adopted by the State Board of Education will go under contract the following July 1.

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

D. SUBSTITUTIONS DURING CONTRACT PERIOD – The State Board of Education permits a publisher to substitute an updated copyright at any time after an adoption or during a contract period provided the following conditions are met:

1. The substitution request is submitted in writing along with one copy of the revised student and teacher editions along with a revised FORM B or FORM M.

2. The textbook is compatible and may be used in the same classroom as the previous copyright.

3. There will be no price increase in the contracted amount.

4. Publishers keep in print the original (old) copyright for an adoption and also make available the substitution (new) copyright so that either copyright can be available to the schools for purchase and flexibility. Exceptions will be made on a book-by-book situation especially in Advanced Placement (AP) courses.

5. The new copyright must also have new teacher materials/resources or must be compatible with the old copyright.

IX. VIOLATIONS

If a publishing company violates any of the provisions of the handbook, such publishing/vending company's textbooks may not be considered for adoption; or the State Board of Education may impose any other penalty deemed appropriate. According to Section 37-43-57 of the Mississippi Codes of 1972, Annotated, except as may otherwise be provided in this chapter, any person willfully violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Five Hundred Dollars($500.00) nor more than Five Thousand Dollars ($5,000.00), or by imprisonment not to exceed twelve (12) months in the county jail, or by both, in the discretion of the court.

X. PROCESS TO FILE A COMPLAINT

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

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

B. The individual's signature on the letter constitutes a certificate that to the best of the individual's knowledge, information and belief there is good ground to

support the complaint, and the complaint is not being made frivolously. If two (2) unsubstantiated complaints are made from the same person/company, that person/company will receive a written warning from the State Superintendent. If a third unsubstantiated complaint is made by the same person/company, the matter will be presented at a formal hearing before the State Board of Education at its regularly conducted business meeting. The staff of the Mississippi Department of Education will present evidence of the unsubstantiated complaints. The person/company making three (3) unsubstantiated complaints will be given an opportunity to present any information relevant to the unsubstantiated complaints. The Board members may ask questions of any person. The State Board of Education will determine if one or more of the complaints were made frivolously. If the State Board of Education determines the person/company made a frivolous complaint, the State Board of Education may impose any penalty deemed appropriate. The person/company before the State Board of Education will receive notification of the decision by Board Order.

C. Within seven (7) business days of receipt of the complaint, the Textbook Office will investigate the violation(s) and forward the findings to the Bureau Director of the Office of Curriculum and Instruction. The Bureau Director will review the staff's findings and make a recommendation to the Deputy Superintendent, Office of Instructional Programs and Services.

D. The Deputy Superintendent, Office of Instructional Programs and Services will review the findings and request by certified mail a written response to the complaint from the person/company who has been reported as violating the policies and/or procedures. The person/company shall file a written response to the complaint addressed to the Deputy Superintendent, Office of Instructional Programs and Services within fourteen (14) calendar days of receipt of the request. Responses received after the deadline will not be considered. Upon receipt of all relevant documentation received prior to the deadline, the Deputy Superintendent, Office of Instructional Programs and Services will forward the information with a recommendation to the State Superintendent.

E. If the State Superintendent determines that there is not sufficient reliable evidence of a violation, then the State Superintendent will notify by letter the person/company making the complaint and the person/company reported to have violated the policies and procedures.

F. The State Superintendent may provide an opportunity for the person/company reported to have violated the policies and procedures to meet with him and/or the Deputy Superintendent, Office of Instructional Programs and Services to discuss a possible resolution of the matter.

G. If a resolution cannot be reached, the matter will be presented at a formal hearing before the State Board of Education at its regularly conducted business

meeting. The staff of the Mississippi Department of Education will present the evidence of the violation(s) with a penalty recommendation. The person/company reported to have violated the policies and procedures will be given an opportunity to present any information relevant to the subject issues. The Board members may ask questions of any person.

H. The State Board of Education will determine what, if any, violation(s) of the policies and/or procedures of the Mississippi Textbook Adoption Handbook occurred and what penalty or penalties to impose upon the person/company that violated said policies and procedures. The person/company before the State Board of Education will receive notification of the decision by Board Order.