

## TEXTBOOK SELECTION AND ADOPTION

Code **IFAA**

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### **Constitutional and Statutory Provisions:**

The State Board of Education is responsible for the selection and adoption of the textbooks to be used in the public schools. (See §§59-5-90, 59-31-30, and 59-5-60(7), South Carolina Code.) The State Board of Education is also empowered to negotiate and execute contracts with publishers for the rental or purchase of textbooks. (See §59-31-510, et seq., South Carolina Code.) Members of the State Board of Education are prohibited from making a textbook contract, or to be pecuniarily interested in the contract, or make a profit from such textbook contract. (See §59-5-130, South Carolina Code.)

Based on the 1991 Ethics Reform Act, the State Ethics Commission has rendered the opinion that sample materials not reclaimed by publishers/vendors should be used by schools or other institutions and not retained for personal use. (Advisory Opinion SEC A092-163)

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### **State Board Rule:**

#### **SOUTH CAROLINA DEPARTMENT OF EDUCATION POLICY FOR DISPOSITION OF INSTRUCTIONAL MATERIAL/TEXTBOOK SAMPLES AFTER STATE ADOPTION PROCESS**

Sample copies of instructional materials/textbooks and supplementary materials furnished to members of Instructional Material Review Panels shall remain in the possession of Panel members until the adoption process has been completed. State Board of Education action on recommendations from the Panels will be considered at the completion of the adoption cycle in a given year. Samples furnished by publishers/vendors shall be handled in the following manner:

1. The option of reclaiming or not reclaiming samples provided to members of the Instructional Materials Review Panels shall be the option of publishers/vendors.
2. The publisher/vendor shall notify the State Department of Education of its intent to reclaim samples when bids are submitted.
3. Each publisher/vendor electing to reclaim samples must arrange for collecting all samples from Panel members within 30 days after the State Board of Education has approved the adoption.
4. A Panel member or employee of the State Department of Education shall not dispose of any samples or supplementary materials for profit or personal gain.

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5. One sample copy of each item adopted with Form B Warranty shall become the property of the State Department of Education and maintained during the duration of the contract for display and reference purposes.
6. Any samples furnished to the State Department of Education which are not adopted may be picked up by the publisher/vendor's representative within 30 days after the adoption. All samples not picked up after 30 days may be donated to public schools, state-supported institutions, or charitable non-profit organizations, but shall not be sold or disposed of for personal gain.