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Subject: Disposition of Instructional Materials Samples after State Adoption Process

History: 4785

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- 01/09/2018 Received by Lt. Gov & Speaker 05/09/2018

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- 03/12/2018 Agency Withdrawal

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- 03/12/2018 Permanently Withdrawn

Document No. 4785

**STATE BOARD OF EDUCATION**

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-5-65

43-73. Disposition of Instructional Materials Samples after State Adoption Process.

**Synopsis:**

State Board of Education Regulation 43-73 sets forth the procedures for the Board**-**appointed members of the Instructional Materials Review Panels (Panels), the State Department of Education (SCDE), and the publishers/vendors regarding the disposition, retention, and sampling of the instructional materials provided during the review of instructional materials.

 The changes to the regulation are proposed to update the process as more materials are provided digitally, combine similar Sections, and delete obsolete procedures.The change to combine content from Section A(5) to Section A(1) will make Section A(5) unneeded.

 The proposed change to delete Sections A(6) and A(7) will make obsolete the requirement for the SCDE to store state adopted instructional materials for the duration of the contract. Storage of print materials is no longer needed as state adopted materials are accessible in digital formats.

 Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July 28, 2017.

**Instructions:**

Entire regulation is to be replaced with the following text.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

43-73. Sampling and Disposition of Instructional Materials ~~Samples after~~ for the State Adoption Process.

~~A.~~ Sample copies and digital access of instructional materials~~, textbooks, and~~ including supplementary materials ~~furnished~~ provided by bidding publishers/vendors to members of the Instructional Materials Review Panels (Panels) and the South Carolina Department of Education (SCDE) shall remain in possession of or accessible to ~~p~~Panel members and the SCDE until the adoption process has been completed. State Board of Education (SBE) action on recommendations from the ~~p~~Panels will be considered as the completion of the adopt~~ed~~ion cycle in a given year. Samples ~~furnished~~ provided by publishers/vendors shall be handled in the following manner:

A. Print Instructional Materials

 1. The publisher/vendor shall notify the ~~State Department of Education~~ SCDE of its intent to reclaim samples of print materials when official bids are submitted.

 2. Each publisher/vendor electing to reclaim samples must arrange for collecting samples at its own expense from Panel members and the SCDE within 30 days after the ~~State Board of Education~~ SBE has approved the adoption.

 3. ~~Where publishers do not elect to reclaim samples or fail to collect the materials~~ Sample materials not reclaimed or collected, according to the procedures set forth in the policy, ~~panel members~~ may be used by Panel members or SCDE staff ~~them~~ in their ~~own~~ work, or donated ~~them~~ to public schools, state-supported institutions, or charitable non-profit organizations.

 4. A ~~p~~Panel member or employee of the ~~State Department of Education~~ SCDE shall not dispose of any instructional material samples or supplementary materials for profit or personal gain.

 ~~5. Samples furnished to the State Department of Education that are not adopted may be reclaimed at the publisher's expense by mail or picked up by the publisher's representative within 30 days after the adoption. Any samples not collected after 30 days may be donated to public schools, state-supported institutions, or charitable non-profit organizations but may not be sold.~~

 ~~6. A sample copy of all adopted instructional materials including workbooks and other supplemental materials shall be stored at the State Department of Education for the duration of the contract with its publisher.~~

 ~~7. Samples of materials stored at the State Department of Education, with expired contracts, be sent to the Central Depository for donating to public schools, state-supported institutions, charitable non-profit organizations, or disposing/recycling but may not be sold.~~

B. ~~Samples of~~ Digital and Non-Textbook Instructional Materials

 1. A publisher/vendor may propose in writing to the SCDE’s designee for the ~~i~~Instructional ~~m~~Materials ~~a~~Adoption ~~p~~Program ~~coordinator~~ an alternative plan for the sampling of digital or non-textbook materials (kit~~s, software, Internet~~**-**based programs, etc.). If the proposal is approved by the SCDE’s designee ~~program coordinator~~ such sampling shall be deemed acceptable for meeting the requirement of the SBE~~State Board of Education sampling requirements~~.

 2. Non-textbook s~~S~~amples under the approved alternative plan must be reclaimed from ~~p~~Panel members and SCDE staff in the same manner as traditional samples as stated in ~~A.2. of~~ this policy. ~~Unless excluded by the alternative plan, the State Department of Education shall retain non-textbook samples of adopted materials and access to adopted Internet programs for the duration of the contract with its publisher.~~

 3. Publishers/vendors with digital materials must ensure that the Panel members and the SCDE’s designees retain access to the digital instructional materials until the adoption process has been completed. SBE action on recommendations from the Panels will be considered as the completion of the adoption cycle in a given year. Upon adoption, publishers/vendors shall continue to provide the SCDE designees with access to the digital materials for the duration of the contract.

**Fiscal Impact Statement:**

 None.

**Statement of Rationale:**

Regulation 43-73, Section A details the procedures for publishers to retrieve samples at their own expenses from Panel members and the SCDE.

 Regulation 43-73, Sections A(6) and (7) which require the SCDE to store state adopted instructional materials for the duration of the contract will be eliminated.

 Regulation 43-73, Section B(3) requires the publishers/vendors to make available digital access to the state adopted materials for the duration of the instructional materials contract.