

SUBJECT: TEXTBOOK EVALUATION COMMITTEE MAKEUP AND PROCEDURE

SUMMARY:

Textbook evaluation committee members may conduct 30 minute interviews with textbook publishers without violating the Ethics Reform Act.

QUESTION:

The General Counsel for the SC Department of Education has provided information concerning the Textbook Evaluation and Rating Committee. Publishers provide either personally or by mail copies of textbook samples and briefs to members of the appropriate committee. Textbook representatives are allotted thirty minutes of personal interview with the committee member. The Counsel also advises that members of the committees shall be obtained from, but not be limited to, district superintendents, State Board of Education members, and Department curriculum specialists. He questions whether publishers should be allowed to continue individual 30 minute interviews with committee members.

DISCUSSION:

This opinion is rendered in response to a letter dated March 19, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

As to the first question, it does not appear that 30 minute interviews are prohibited by the Ethics Reform Act. The Ethics Reform Act prohibits public employees, officials, or members from utilizing their official positions to obtain an economic benefit for themselves or their business associations. It does not appear that any such misuse of a public position is involved in the interview process. Whether this process violates ex parte communications in the procurement process is a question which should be addressed to the Budget and Control Board's Division of General Services.