Note: For provisions regarding inventory and requisition of instructional materials, see CMD.

DEFINITIONS

"Instructional material" is defined as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open-source instructional material. *Education Code 31.002(1)*

"Open-source instructional material" is electronic instructional material that is available for downloading from the Internet at no charge to a student and without requiring the purchase of an unlock code, membership, or other access or use charge, except for a charge to order an optional printed copy of all or part of the instructional material. *Education Code 31.002(1-a)*

"Technological equipment" is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. *Education Code 31.002(4)*

SBOE INSTRUCTIONAL MATERIALS LIST

For each subject and grade level, the State Board of Education (SBOE) shall adopt a list of instructional materials.

The list includes each instructional material that meets applicable physical specifications and contains material covering at least half of the elements of the essential knowledge and skills of the subject and grade level. *Education Code 31.023(a)*

OPEN-SOURCE INSTRUCTIONAL MATERIAL

The SBOE shall place open-source instructional material for a secondary-level course submitted for adoption by an eligible institution on the list if it satisfies the requirements described in Education Code 31.0241. *Education Code 31.0241(b)*

COMMISSIONER INSTRUCTIONAL MATERIALS LIST

The Commissioner, with input from the SBOE, shall adopt a list of:

1. Electronic instructional material; and
2. Material that conveys information to the student or otherwise contributes to the learning process, including tools, models, and investigative materials designed for use as part of the foundation curriculum for science in kindergarten through

grade 5 and personal financial literacy in kindergarten through grade 8.

Education Code 31.0231(a)

SUPPLEMENTAL INSTRUCTIONAL MATERIALS LIST

The SBOE may adopt supplemental instructional materials that are not on the SBOE instructional materials list. Supplemental instructional material contains material covering one or more primary focal points or primary topics of a subject in the required curriculum but is not designed to serve as the sole textbook for a full course. *Education Code 31.035(a)*

LOCAL SELECTION POLICY

The Board shall adopt a policy for selecting instructional materials. Final selections must be recorded in Board minutes. *19 TAC 66.104(a)*

NOTICE TO SBOE

Each year, during a period established by the SBOE, the Board shall notify the SBOE of instructional materials selected in accordance with Education Code 31.101. *Education Code 31.101(a)*

FOUNDATION CURRICULUM

For subjects in the foundation curriculum, the Board shall notify the SBOE of the instructional materials it selects from the instructional materials list, including the Commissioner's instructional materials list. *Education Code 31.101(a)(1)*

ENRICHMENT CURRICULUM

For a subject in the enrichment curriculum, the Board shall notify the SBOE of instructional material it selects from the instructional materials list, including the Commissioner's instructional materials list, or that it selected instructional materials that do not appear on the list. *Education Code 31.101(a)(2)*

SUPPLEMENTAL MATERIALS

The Board may select supplemental instructional materials adopted by the SBOE, as set forth at Education Code 31.035 [see CMD]. If the Board selects supplemental instructional materials, the District shall certify to TEA that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by the District, cover the essential knowledge and skills for the course. *Education Code 31.035(d), (f)*

OPEN-SOURCE MATERIAL

The District may adopt state-developed open-source instructional material at any time, regardless of the instructional material review and adoption cycle. *Education Code 31.073(c)*

SPECIAL EDUCATION

Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. *19 TAC 66.104(m)*

DURATION OF SELECTION

LISTED MATERIALS

If the District selects subscription-based instructional material on the SBOE instructional materials list or electronic instructional material on the Commissioner's instructional materials list, the District may cancel the subscription and subscribe to new instructional material on the SBOE list or electronic instructional material on the Commissioner's list before the end of the state contract period if:

1. The District has used the instructional material for at least one school year; and
2. TEA approves the change based on a written request to TEA by the District that specifies the reasons for changing the instructional material used by the District.

Education Code 31.101(e)

OTHER MATERIALS

For instructional material that is not on the instructional materials list, the District must use the instructional material for the period of the review and adoption cycle the SBOE has established for the subject and grade level for which the instruction material is used. *Education Code 31.101(d)*

CRIMINAL OFFENSE

A Board member, administrator, or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated.

A Board member, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence the person in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with state instructional materials funds.

"Gift, favor, or service" does not include:

1. Staff development, in-service, or teacher training; or
2. Ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

ANCILLARY MATERIALS

Selection and use of ancillary materials is at the discretion of the Board. *19 TAC 66.104(p)*

HUMAN SEXUALITY MATERIALS

Course materials relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by the Board with the advice of the local school health advisory council. *Education Code 28.004(e)* [See EHAA]