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

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**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 education resource instructional material. *Education Code 31.002(1)*

“Open education resource instructional material” is teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge. *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)*

A district may requisition instructional materials on the SBOE’s list for grades above the grade level in which the student is enrolled. *19 TAC 66.104(b)*

Open Education  
Resource  
Instructional  
Material

The SBOE shall place open education resource 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 of education, 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 adopted by the SBOE:

1. Must contain material covering one or more primary focal points or primary topics of a subject in the required curriculum;
2. Is not designed to serve as the sole instructional material for a full course;
3. Meets applicable physical specifications adopted by the State Board of Education;
4. Is free from factual errors;
5. Is suitable for the subject and grade level; and
6. Is reviewed by academic experts in the subject and grade level.

*Education Code 31.035(a)*

**Local Selection**

A board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice.  
*19 TAC 66.104(a)*

Notice to SBOE

Each year, during a period established by the SBOE, a 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, a 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)*

INSTRUCTIONAL RESOURCES  
INSTRUCTIONAL MATERIALS

EFA  
(LEGAL)

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| <i>Enrichment Curriculum</i>                           | For a subject in the enrichment curriculum, a 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. <i>Education Code 31.101(a)(2)</i>   |
| <i>Open Education Resource Instructional Materials</i> | <p>In selecting instructional material each year, a district may consider the use of open education resource instructional materials. <i>Education Code 31.101(b)</i></p> <p>A district may adopt state-developed open education resource instructional material at any time, regardless of the instructional material review and adoption cycle. <i>Education Code 31.073(c)</i></p>   |
| Supplemental Materials                                 | A board may requisition supplemental instructional materials adopted by the SBOE, as set forth at Education Code 31.035 [see CMD]. If a board requisitions 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. <i>Education Code 31.035(d), (f)</i>   |
| 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. <i>19 TAC 66.104(c)</i>   |
| Duration of Selection<br><i>Listed Materials</i>       | <p>A district that selects subscription-based instructional material on the SBOE instructional materials list or electronic instructional material on the commissioner's instructional materials list 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:</p> <ol style="list-style-type: none"><li>1. The district has used the instructional material for at least one school year; and</li><li>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.</li></ol> <p><i>Education Code 31.101(e)</i></p> |
| <i>Other Materials</i>                                 | For instructional material that is not on the instructional materials list, a 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. <i>Education Code 31.101(d)</i>   |

INSTRUCTIONAL RESOURCES  
INSTRUCTIONAL MATERIALS

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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*

**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 a board with the advice of the local school health advisory council. *Education Code 28.004(e)* [See EHAA]