

POLICY

(REQUIRED BY LAW)

19 Tex. Admin. Code § 66.104 – Selection of Instructional Materials by School Districts

(a) Each local board of trustees of a school district or governing body of an open-enrollment charter school shall adopt a policy for selecting instructional materials. Final selections must be recorded in the minutes of the board of trustees or governing body.

POLICY

In this policy, “instructional materials” means content that conveys the essential knowledge and skills of a subject in the 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, on-line 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, as defined by Education Code 31.1002.

Local Selection

The Superintendent, at the appropriate time following adoption of instructional materials by the State Board of Education (“State Board”), shall make recommendations to the Board of Directors for appointment of a local textbook selection committee. The Superintendent or designee shall be a member and serve as chair of the committee. Members of the committee shall be professional staff, and the majority shall be classroom teachers. Should the Board reject any recommendation, the Superintendent shall present another recommendation. The official minutes of the Board meeting at which the appointment is made shall include the names of the persons appointed to serve.

A quorum, consisting of a majority of the committee members, must be present when selections are made. After examining all instructional materials adopted by the State Board, the textbook selection committee shall select materials for use in the School and recommend the selections to the Board for ratification. In the event that the Board does not ratify all of the selections, the reasons shall be included in the Board minutes. The committee shall make other recommendations for selection until the Board has ratified all selections.

The Superintendent or designee shall be responsible for coordinating the time frame for meetings of the committee and meetings of the Board to ensure compliance with state timelines.

Foundation Textbooks

The Board shall select textbooks for a subject in the foundation curriculum from among the textbooks on the appropriate conforming list or the nonconforming list, including the electronic textbook and instructional materials list. Education Code 31.101(a)(1)

The Board may select a supplemental textbook adopted by the SBOE, as set forth at Education Code 31.035. If the Board selects a supplemental textbook for a course in the foundation curriculum, the School shall certify to TEA that the supplemental textbook, in combination with any other textbooks or supplemental textbooks used by the School, cover the essential knowledge and skills for the course. Education Code 31.035(d), (f)

Enrichment Textbooks

The Board may select textbooks for courses in the enrichment curriculum from among the textbooks on the appropriate conforming list or the nonconforming list, including the electronic textbook and instructional materials list, or it may select books that do not appear on either list (nonadopted materials). Education Code 31.101(a)(2)

The School is responsible for providing Braille and/or large-type versions of nonadopted enrichment materials. [19 TAC 66.104\(d\)](#)

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

Nonadopted instructional materials selected and purchased by the School shall be used during the period of the review and adoption cycle the SBOE has established for the subject and grade level for which the materials are used. Instructional materials requisitioned by and delivered to the School shall be continued in use during the contract period or periods of the materials. Education Code 31.101(d); [19 TAC 66.104\(f\), \(j\)](#)

Exception

If the School selects a subscription-based electronic textbook or instructional material on the conforming list or the electronic textbook and instructional materials, the School may cancel the subscription and subscribe to a new electronic textbook or instructional material on either list before the end of the state contract period if:

1. The School has used the electronic textbook or instructional material for at least one school year; and

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2. TEA approves the change based on a written request to TEA by the School that specifies the reasons for changing the electronic textbook or instructional material used by the School.

Education Code 31.101(e)

Ownership and Distribution of Instructional Materials

Each instructional material purchased by the School is the property of the School.

Electronic instructional material purchased by the School is the property of the School only to the extent of any applicable licensing agreement.

The Board shall distributed printed instructional material to students in a manner that the Board determines is the most effective and economical. Education Code 31.102.

Report

By April 1 of each year, the School shall transmit a report to TEA listing the instructional materials selected for use by the School. Selections certified to TEA are final and, therefore, not subject to reconsideration during the original contract period or readoption contract periods covering the instructional materials selected. [19 TAC 66.104\(g\), \(h\)](#)

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 funds from the state textbook fund.

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

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

Education Code 31.152

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Ancillary Materials

Selection and use of ancillary materials is at the discretion of the Board. [19 TAC 66.104\(p\)](#)

Certification of Provision of Instructional Materials

The School shall annually certify to the State Board and the Commissioner that, for each subject in the required curriculum under Section 28.002, other than physical education, and each grade level, the School provides each student with instructional materials that cover all elements of the essential knowledge and skills for that subject and grade level.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, the School may consider:

1. Instructional materials adopted by the State Board;
2. Materials adopted or purchased by the Commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B–1;
3. Open-source instructional materials submitted by eligible institutions and adopted by the State Board;
4. Open-source instructional materials made available by other public schools; and
5. Instructional materials developed or purchased by the School.

Education Code 31.004.