Sec. 1. DEFINITIONS

"**Full subject tier one instructional material**" means instructional material designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills adopted by the board for a certain subject and grade level in the required curriculum under Section 28.002 or for prekindergarten without the need for supplementation.

Tex. Educ. Code § 31.002(1).

"**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: (i) material used by a teacher, including a lesson plan, answer key, grading rubric, or unit plan; (ii) material used by a principal or campus instructional leader to support instruction; and (iii) material used by a student, including 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.

Tex. Educ. Code § 31.002(1-a).

"**Open education resource instructional material**" means 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.
Tex. Educ. Code § 31.002(1-b).

"**Partial subject tier one instructional material**" means instructional material designed to, if implemented as designed, provide a student with mastery in a portion of the essential knowledge and skills adopted by the State Board of Education for a certain subject and grade level in the required curriculum under Section 28.002 or for prekindergarten without the need for supplementation in the essential knowledge and skills covered.

Tex. Educ. Code § 31.002(1-c).

"**Supplemental instructional material**" means instructional material designed to assist in the instruction of one or more of the essential knowledge and skills adopted by the State Board of Education for a subject in the required curriculum under Section 28.002 or for prekindergarten.

Tex. Educ. Code § 31.002(3).

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"**Technological equipment**" means hardware, a device, or equipment necessary for (i) instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or (ii) professional use by a classroom teacher.

Tex. Educ. Code § 31.002(4).

Sec. 2. LOCAL SELECTION

a) *Selection Team*

Texas Leadership Public Schools (TLPS) shall establish a team, as needed, to select instructional materials and technological equipment to be purchased with TLPS's instructional materials allotment. The team shall make selections based upon TLPS's instructional needs and in accordance with administrative regulations.

The instructional materials allotment team shall ensure that selected materials, in combination with any other materials in use by TLPS, allow TLPS to certify that all students are provided with instructional materials that cover the essential knowledge and skills, as required by law.

The Board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice.

19 T.A.C. § 66.104(a).

i. *Open Education Resource Instructional Materials*

In selecting material each year, TLPS may consider, but cannot be required to, adopt or use open education resource instructional materials.

Tex. Educ. Code § 31.073(a).

TLPS may adopt open education resource instructional materials at any time. However, TLPS may only adopt or otherwise use an open education resource instructional material that is not included on the list of rejected instructional materials maintained by the State Board of Education under Texas Education Code § 31.022(a).

Tex. Educ. Code 37.073(b)-(c).

ii. *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.

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19 T.A.C. § 66.104(c).

b) *Certification of Provision of Instructional Materials*

TLPS shall annually certify to the State Board of Education ("SBOE") and the Commissioner of Education that,

1. For each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level, the school:
    a. Provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject grade level and;
    b. In the provision of instructional materials, protects students from obscene or harmful content as necessary for compliance with: (i) the Children's Internet Protection Act; (ii) Education Code 28.0022; (iii) Penal Code 43.22; and (iv) any other law or regulation that protects students from obscene or harmful content; and
2. Life School used money allocated to the school under the instructional materials and technology allotment only for purposes allowed under Education Code 31.0211.

Tex. Educ. Code § 31.1011(a).

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

1. Instructional materials adopted by the SBOE;
2. Instructional materials developed, purchased, or otherwise acquired by TLPS; and
3. Open education resource instructional materials and other electronic materials included in the state's open education resource instructional materials repository.

Tex. Educ. Code § 31.1011(b).

TLPS shall annually report to the Texas Education Agency information regarding to the instructional materials used by TLPS during the previous school year, including the cost of each material, to assist the agency in ensuring compliance with Education Code 31.151(a).

Tex. Educ. Code § 31.1012.

Sec. 3. <u>OWNERSHIP AND DISTRIBUTION OF INSTRUCTIONAL MATERIALS</u>

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

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agreement. The Board shall distribute printed instructional material to students in a manner that the Board determines is the most effective and economical.

Tex. Educ. Code § 31.102.

Sec. 4. 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. Ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Tex. Educ. Code § 31.152.

Sec. 5. REQUESTS FOR SUPPLIES

Employees should initiate requests for instructional supplies through the Principal.

Sec. 6. EMPLOYEE TRAINING

The Board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the Instructional Materials Allotment and the use of the instructional materials ordering system. Training shall be completed in accordance with 19 T.A.C. § 66.107(d).

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