

## Chapter 66. State Adoption and Distribution of Instructional Materials

### Subchapter C. Local Operations

#### §66.101. Sample Copies of Instructional Materials for School Districts.

- (a) According to the schedule of adoption procedures, a publisher shall provide each school district and open-enrollment charter school with information that fully describes instructional materials submitted for adoption. Descriptive information provided to each school district or open-enrollment charter school shall be identical to the descriptive information provided to the Texas Education Agency and education service centers.
- (b) Upon request by the instructional materials coordinator of a school district or open-enrollment charter school, a publisher shall provide one complete electronic sample in an open file format or closed format of adopted instructional materials. Samples of learning systems and electronic, visual, or auditory media may be provided in demonstration or representative format. Samples of instructional materials provided to school districts shall be labeled "Sample Copy - Not for Classroom Use." Samples to schools are not required for materials submitted for midcycle review, as specified in §66.27 of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials).
- (c) Samples supplied to school districts shall be provided and distributed at the expense of the publisher. No state or local funds shall be expended to purchase, distribute, or ship sample materials. Publishers may make arrangements with school districts or open-enrollment charter schools to retrieve samples after local selections are completed, but the state does not guarantee return of sample instructional materials.

*Statutory Authority: The provisions of this §66.101 issued under the Texas Education Code, §§7.102, 31.003, 31.004, 31.005, 31.027, 31.030, 31.101, 31.103, and 31.104.*

*Source: The provisions of this §66.101 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective February 7, 2002, 27 TexReg 746; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137.*

#### §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 select instructional materials in an open meeting as required by Texas Government Code, Chapter 551, including public notice.
- (b) A school district or an open-enrollment charter school may requisition instructional materials on the list adopted under the Texas Education Code, §31.023, for grades above the grade level in which the student is enrolled.
- (c) 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.
- (d) School districts or open-enrollment charter schools shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials.

*Statutory Authority: The provisions of this §66.104 issued under the Texas Education Code, §§7.102, 31.003, 31.004, 31.005, 31.027, 31.030, 31.101, 31.103, and 31.104.*

*Source: The provisions of this §66.104 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective March 4, 2001, 26 TexReg 1706; amended to be effective February 7, 2002, 27 TexReg 746; amended to be effective October 12, 2006, 31 TexReg 8358; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137.*

**§66.105. Certification by School Districts.**

- (a) Prior to the beginning of each school year, each school district and open-enrollment charter school shall submit to the State Board of Education (SBOE) and commissioner of education certification that for each subject in the required curriculum under the Texas Education Code, §28.002, other than physical education, and each grade level, the district or charter school provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE. The certification shall be submitted in a format approved by the commissioner and can be based on both state-adopted and non-state-adopted materials.
- (b) Each school district or open-enrollment charter school shall certify, in a format approved by the commissioner, that the district or charter school protects against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 USC §254(h)(5)(B) and (C).
- (c) The certifications shall be ratified by local school boards of trustees or governing bodies in public, noticed meetings.

*Statutory Authority: The provisions of this §66.105 issued under the Texas Education Code, §§7.102, 31.003, 31.004, 31.005, 31.0211, 31.027, 31.030, 31.101, 31.103, and 31.104; Senate Bill 1, Article III, 87th Texas Legislature, Regular Session, 2021; and 47 United States Code §254(h)(5)(B) and (C).*

*Source: The provisions of this §66.105 adopted to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective October 16, 2022, 47 TexReg 6580.*

**§66.107. Local Responsibility.**

- (a) Each school district or open-enrollment charter school shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by, and delivered to, the district. The results of the inventory shall be recorded in the district's files.
- (b) All instructional materials owned by the district or charter school must be turned in to the school at the end of the school year or when a student withdraws from school.
- (c) The board of trustees of a school district or governing body of a charter school may not require an employee of the district or charter school to pay for instructional materials or instructional technology that is stolen, misplaced, or not returned by a student.
- (d) The board of trustees of a school district shall require the employee responsible for ordering instructional materials to complete Texas Education Agency-developed training in the use of the technology and instructional materials allotment and the use of the instructional materials ordering system known as EMAT. Training shall be completed prior to ordering instructional materials for the first time and again each time the district or charter school is notified by the Texas Education Agency that the training has been updated. The school district or charter shall maintain documentation of the completion of the required training.

*Statutory Authority: The provisions of this §66.107 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.004, 31.005, 31.027, 31.030, 31.101, 31.103, and 31.104.*

*Source: The provisions of this §66.107 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective September 1, 1998, 24 TexReg 7779; amended to be effective February 7, 2002, 27 TexReg 746; amended to be effective October 12, 2006, 31 TexReg 8358; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847.*