

Text of Proposed Amendments to 19 TAC

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 ~~§66.22(f)~~ of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials ~~Midcycle Review and Adoption~~).
- (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.

§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 to include procedures for providing: ~~[Final selections must be recorded in the minutes of the board of trustees or governing body.]~~
 - (1) public notice to parents and members of the public of instructional materials under consideration certifying 100% Texas essential knowledge and skills (TEKS) coverage;
 - (2) public access to parents and members of the public who wish to review material described in paragraph (1) of this subsection prior to being chosen and, to the extent possible, doing so through an avenue (including online if possible) that gives interested parties a comment period; and
 - (3) public input to include at least one public meeting that allows for public comment before materials used to certify 100% TEKS coverage are adopted.
- ~~(b) Final selections must be made in a public meeting and recorded in the minutes of the board of trustees or governing body meeting in which instructional materials are selected.~~
- ~~[(b) A report listing instructional materials selected for use in a school district or open enrollment charter school shall be transmitted to the Texas Education Agency (TEA) no later than April 1 each year.]~~
- (c) A [In making a requisition, 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.
- (d) Adopted instructional materials shall be supplied to a student ~~[pupil]~~ in special education classes as appropriate to the level of the student's ~~[pupil's]~~ ability and without regard to the grade for which the instructional material is adopted or the grade in which the student ~~[pupil]~~ is enrolled.
- ~~[(e) A school district or open enrollment charter school may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials.]~~

(e) ~~(f)~~ School districts or open-enrollment charter schools shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials.

~~(g) Selection and use of ancillary materials provided by publishers under §66.69 of this title (relating to Ancillary Materials) is at the discretion of each local board of trustees or governing body.]~~

§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 of education and can be based on both state-adopted and non-state-adopted materials. Upon request by the commissioner of education, the certification shall include supporting documentation describing the instructional materials on which the certificate is based.
- (b) The certifications shall be ratified by local school boards of trustees or governing bodies in public, noticed meetings.

~~(c) The provisions in subsections (a) and (b) of this section are applicable both to state-adopted instructional materials and to non-state-adopted instructional materials.]~~

§66.107. Local Responsibility ~~[Accountability]~~ .

- (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. [Reimbursement and/or replacement shall be made for all instructional materials determined to be lost.]
- (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 the 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 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.