

September 20, 2017

TO THE ADMINISTRATOR ADDRESSED:

Subject: Instructional Materials Concerns Related to Hurricane Harvey

School districts and charter schools continue to feel the impact of Hurricane Harvey and are still assessing the extent of that impact. The purpose of this correspondence is to clarify issues related to instructional materials and affected districts.

Districts That Need Instructional Materials

Districts that need materials, either because of enrollment of students displaced by the hurricane or property damage, are encouraged to take advantage of the new needs list transaction in EMAT before making purchases. The Texas Education Agency (TEA) has created this new transaction type to allow districts to build a needs list to inform potential donors of instructional materials needs. The intent is to coordinate donations so that districts' specific needs are met efficiently.

A needs list can be created by anyone with a district ordering account in EMAT. Detailed instructions are provided at http://tea.texas.gov/Academics/Hurricane_Harvey_Instructional_Materials_Assistance/. A needs list transaction will add specific material to the needs list and will include details about materials needs like quantity, grade level, publisher, and ISBN. The list will be available within EMAT so any district choosing to donate may respond directly to a district in need. It will also be available to the general public at http://tea.texas.gov/Academics/Hurricane_Harvey_Instructional_Materials_Assistance/ so other potential donors are able to contact districts in need directly. Needs lists will be updated daily.

When a potential donor expresses interest in providing items on a needs list, the district's instructional materials coordinator will be notified via email so he or she can work directly with the potential donor. Districts accepting donations of instructional materials (or any donations) should maintain careful records as required by FEMA regulations. An instructional materials coordinator arranging receipt of donations should work closely with his or her district's FEMA team.

Districts That Want to Donate Instructional Materials

Many districts have contacted TEA about donating instructional materials to districts in need. Districts that wish to do so should use the needs list option in EMAT. Specific instructions on how to do so are provided at http://tea.texas.gov/Academics/Hurricane_Harvey_Instructional_Materials_Assistance/. Districts that wish to donate instructional materials (or any money or property) should be aware of requirements and considerations applicable to the donation of public property. Please see, for

example, Texas Education Code (TEC) §45.105(c), as well as Article III, Sections 51 and 52(a), of the Texas Constitution. Districts may find additional guidance in *Edgewood ISD v. Meno*, 917 S.W.2d 717, 739-40 (Tex. 1995) and Attorney General Opinion No. GA-0076. Districts should also review any local policies they may have related to donations. As TEA does not provide legal advice to school districts, districts may wish to contact the Texas Association of School Boards' Legal Services division for additional assistance.

Other Organizations and Individuals That Want to Donate Instructional Materials

Potential donors without access to EMAT can also make use of the needs list to make the most useful donations. The list can be accessed at http://tea.texas.gov/Academics/Hurricane_Harvey_Instructional_Materials_Assistance/ and will be updated daily. Although the list includes pricing information, donors should contact publishers directly to see if special relief pricing might be available. Publisher contact information is also available at the link above along with specific instructions for potential donors.

Reporting Destroyed/Lost Adopted Instructional Materials

Districts that lost adopted instructional materials because of Hurricane Harvey must report the losses in EMAT so that TEA staff can update local instructional materials inventories. Districts report the loss of most instructional materials using the TEX-012. Districts report the loss of special instructional material (braille, large-print, or audio) using the TEX-009. Both forms are available in EMAT. We ask that Harvey-affected districts file those reports in EMAT no later than February 1, 2018, so that all inventories are corrected prior to the end of the 2017–18 EMAT ordering year.

Information Specific to Special Instructional Materials

As noted above, lost or destroyed braille, large-print, and audio materials must be reported using the TEX-009 (available in EMAT). For districts in the 58 counties declared disaster areas by Governor Greg Abbott, TEA will provide needed replacements free of charge for the 2017–18 school year. Please contact Debbie Gonzales (debbie.gonzales@tea.texas.gov) or Lea Ann Lee (leaann.lee@tea.texas.gov) with questions specific to the loss and replacement of special instructional materials,

Thank you for all you do for Texas students, especially under the difficult circumstances of the beginning of the 2017–18 school year. Please contact instructional.materials@tea.texas.gov or (512) 463-9601 with questions or for assistance.

Sincerely,

Monica Martinez
Associate Commissioner, Standards and Support Services