

INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION
TEXTBOOK SELECTION AND ADOPTION

EFAA
(LEGAL)

Note: For provisions regarding inventory and requisition of textbooks, see CMD.

STATE TEXTBOOK LISTS	For each subject and grade level, the State Board of Education (SBOE) shall adopt two lists of textbooks: conforming and nonconforming:
CONFORMING LIST	1. The conforming list includes each textbook that meets applicable physical specifications and contains material covering each element of the essential knowledge and skills of the subject and grade level.
NONCONFORMING LIST	2. The nonconforming list includes each textbook that meets the applicable physical specifications and contains material covering at least half, but not all, of the elements of the essential knowledge and skills.
	<i>Education Code 31.023</i>
REVIEW AND ADOPTION CYCLES	The SBOE shall adopt a review and adoption cycle for textbooks for each subject in the required curriculum under Education Code 28.002. <i>Education Code 31.022(a)</i>
INFORMATION FROM PUBLISHERS	A publisher shall provide each district with information that fully describes each of the publisher's adopted textbooks. On request of the District, a publisher shall provide a sample copy of an adopted textbook. <i>Education Code 31.027</i> Samples 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. <i>19 TAC 66.101(c)</i>
LOCAL SELECTION	Each year, during a period established by the SBOE, the Board shall select textbooks for subjects in the foundation and enrichment curricula. <i>Education Code 31.101(a)</i>
POLICY	The Board shall adopt a policy for selecting instructional materials. Final selections must be recorded in Board minutes. <i>19 TAC 66.104(a)</i>
FOUNDATION TEXTBOOKS	The Board shall select textbooks for a subject in the foundation curriculum from either the conforming list or the nonconforming list. <i>Education Code 31.101(a)(1)</i>
ENRICHMENT TEXTBOOKS	The Board may select textbooks for courses in the enrichment curriculum from the conforming list or the nonconforming list, or it may select books that do not appear on either list (nonadopted materials). <i>Education Code 31.101(a)(2)</i>

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DURATION OF SELECTION	Once instructional materials have been requisitioned and delivered, including nonadopted materials, the District shall continue to use those materials 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. <i>Education Code 31.101(d); 19 TAC 66.104(f), (j)</i>
REPORT	By April 1 of each year, the District shall transmit a report to TEA listing the instructional materials selected for use in the District. 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. <i>19 TAC 66.104(g), (h)</i>
CRIMINAL OFFENSE	<p>A trustee, administrator, or teacher commits an offense if the person receives any commission or rebate on any textbooks used in the schools with which the person is associated.</p> <p>A trustee, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:</p> <ol style="list-style-type: none">1. Is given to the person or the person's school;2. Might reasonably tend to influence the person in the selection of a textbook; and3. Could not be lawfully purchased with funds from the state textbook fund. <p>"Gift, favor, or service" does not include:</p> <ol style="list-style-type: none">1. Staff development, in-service, or teacher training; or2. Instructional materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process. <p><i>Education Code 31.152</i></p>
TEXTBOOK FUNDING	Annually, the SBOE shall set aside out of the available school fund an amount sufficient for districts to purchase and distribute the necessary textbooks for the use of the students of this state for the following school year. <i>Education Code 31.021(b)</i>
MAXIMUM COST	<p>The SBOE shall set a limit on the cost that may be paid from the state textbook fund for a textbook on the conforming or nonconforming list. <i>Education Code 31.025</i></p> <p>If the District selects instructional materials priced above the limit set by SBOE, the District is responsible for paying the publisher the portion of the cost above the state maximum. <i>19 TAC 66.104(b)</i></p>

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NONADOPTED MATERIALS	<p>If the District selects a book for a course in the enrichment curriculum and grade level that is not on either of the SBOE lists, the state shall pay the District the lesser of:</p> <ol style="list-style-type: none"><li data-bbox="560 409 1435 483">1. Seventy percent of the total actual cost to the District of the books; or<li data-bbox="560 493 1435 535">2. Seventy percent of the limit set by SBOE for that book. <p><i>Education Code 31.101(b)</i></p>
BRAILLE / LARGE- TYPE	<p>Funds received from the state under this provision may be used only to purchase the nonadopted instructional materials selected and ratified by the Board. The minutes of the Board meeting at which such a selection is ratified shall reflect the District's agreement to bear responsibility for the portion of the costs not eligible for payment by the state. <i>19 TAC 66.104(c), (e)</i></p> <p>The District also bears responsibility for providing Braille and/or large-type versions of nonadopted enrichment materials. <i>19 TAC 66.104(d)</i></p>
LOCAL FUNDS	<p>The District may use local funds to purchase any textbooks in addition to those selected under Education Code Chapter 31. <i>Education Code 31.106</i></p>
ANCILLARY MATERIALS	<p>Selection and use of ancillary materials is at the discretion of the Board. <i>19 TAC 66.104(p)</i></p>
HUMAN SEXUALITY MATERIALS	<p>Course materials relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by the Board with the advice of the local school health advisory council. <i>Education Code 28.004(e)</i> [See EHAA]</p>