

POLICY

Definitions

“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 a book, supplementary materials, a combination of a book, workbook and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, on-line 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-source instructional material, as defined by Education Code 31.1002(1).

“Open-source instructional material” is electronic instructional material that is available for downloading from the Internet at no charge to a student and without requiring the purchase of an unlock code, membership, or other access or use charge, except for a charge to order an optional printed copy of all or part of the instructional material. Education Code 31.002(1-a).

“Technological equipment” is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. Education Code 31.002(4).

Local Selection

Heritage Academy shall establish a team, as needed, to select instructional materials and technological equipment to be purchased with Heritage Academy’s instructional materials allotment. The team shall make selections based upon Heritage Academy’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 Heritage Academy, allow Heritage Academy to certify that all students are provided with instructional materials that cover the essential knowledge and skills, as required by law.

The Board shall approve final selections and ratify Heritage Academy’s certification of instructional materials. Final selections shall be recorded in Board minutes.

Notice to SBOE

Each year, during a period established by the SBOE, the Board shall notify the SBOE of instructional materials selected in accordance with Education Code 31.101. Education Code 31.101(a).

Foundation Curriculum

For subjects in the foundation curriculum, the Board shall notify the SBOE of the instructional materials it selects from the instructional materials list, including the Commissioner's instructional materials list. Education Code 31.101(a)(1).

Enrichment Textbooks

For a subject in the enrichment curriculum, the Board shall notify the SBOE of instructional material it selects from the instructional materials list, including the Commissioner's instructional materials list, or that it selected materials that do not appear on the list. Education Code 31.101(a)(2).

Supplemental Materials

The Board may select supplemental instructional materials adopted by the SBOE, as set forth at Education Code 31.035. If the Board selects supplemental instructional materials, Heritage Academy shall certify to TEA that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by Heritage Academy, cover the essential knowledge and skills for the course. Education Code 31.035(d), (f).

Open-Source Material

Heritage Academy may adopt state-developed open-source instructional material at any time, regardless of the instructional material review and adoption cycle. Education Code 31.073(c).

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. 19 TAC 66.104(m).

Duration of Selection

Non-adopted instructional materials selected and purchased by Heritage Academy shall be used 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. Instructional materials requisitioned by and delivered to Heritage Academy shall be continued in use during the contract period or periods of the materials. Education Code 31.101(d); 19 TAC 66.104(f), (j).

Exception

Listed Materials

If Heritage Academy selects subscription-based instructional material on the SBOE instructional materials list or electronic instructional material on the Commissioner's instructional materials list, Heritage Academy may cancel the subscription and

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subscribe to new instructional materials on the SBOE list or electronic instructional material on the Commissioner's list before the end of the state contract period if:

1. Heritage Academy has used the instructional material for at least one school year; and
2. TEA approves the change based on a written request to TEA by Heritage Academy that specifies the reasons for changing the electronic textbook or instructional material used by Heritage Academy.

Education Code 31.101(e).

Other Materials

For instructional material that is not on the instructional materials list, Heritage Academy must use the instructional material for the period of the review and adoption cycle the SBOE has established for the subject and grade level for which the instruction material is used. Education Code 31.101(d).

Ownership and Distribution of Instructional Materials

Each instructional material purchased by Heritage Academy is the property of Heritage Academy.

Electronic instructional material purchased by Heritage Academy is the property of Heritage Academy only to the extent of any applicable licensing agreement.

The Board shall distribute printed instructional material to students in a manner that the Board determines is the most effective and economical. Education Code 31.102.

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

Education Code 31.152

Ancillary Materials

Selection and use of ancillary materials is at the discretion of the Board. 19 TAC 66.104(p).

Certification of Provision of Instructional Materials

Heritage Academy shall annually certify to the State Board and the Commissioner that, for each subject in the required curriculum under Section 28.002, other than physical education, and each grade level, Heritage Academy provides each student with instructional materials that cover all elements of the essential knowledge and skills for that subject and grade level.

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

1. Instructional materials adopted by the State Board;
2. Materials adopted or purchased by the Commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B–1;
3. Open-source instructional materials submitted by eligible institutions and adopted by the State Board;
4. Open-source instructional materials made available by other public schools; and
5. Instructional materials developed or purchased by Heritage Academy.

Education Code 31.004.