Sec. 1. 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, online 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 education resource instructional material, as defined by Education Code 31.1002(1).

"Open education resource instructional material" means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

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).

Sec. 2. LOCAL SELECTION

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

The Board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice.

19 TAC 66.104(a).

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a) ***Notice to State Board of Education ("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).

i. *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 of Education's ("Commissioner") instructional materials list.

Education Code 31.101(a)(1).

ii. *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).

iii. *Open Education Resource Instructional Materials*

In selecting material each year, Midland Academy Charter may consider the use of open education resource instructional materials.

Education Code 31.073.

Midland Academy Charter may adopt state-developed open education resource instructional materials at any time, regardless of the instructional material review and adoption cycle.

Education Code 37.073(c).

b) ***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, Midland Academy Charter shall certify to Texas Education Agency ("TEA") that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by Midland Academy Charter, cover the essential knowledge and skills for the course.

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Education Code 31.035(d), (f).

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(c).

d) *Duration of Selection*

i. *Listed Materials*

If Midland Academy Charter selects subscription-based instructional material on the SBOE instructional materials list or electronic instructional material on the Commissioner's instructional materials list, Midland Academy Charter may cancel the subscription and 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. Midland Academy Charter 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 Midland Academy Charter that specifies the reasons for changing the electronic textbook or instructional material used by Midland Academy Charter.

Education Code 31.101(e).

ii. *Other Materials*

For instructional material that is not on the instructional materials list, Midland Academy Charter must use the instructional materials 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).

Sec. 3. OWNERSHIP AND DISTRIBUTION OF INSTRUCTIONAL MATERIALS

Each instructional material purchased by Midland Academy Charter is the property of Midland Academy Charter. Electronic instructional material purchased by Midland Academy Charter is the property of Midland Academy Charter 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.

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Sec. 4. 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. Ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152.

Sec. 5. REQUESTS FOR SUPPLIES

Employees should initiate requests for instructional supplies through the Principal.

Sec. 6. EMPLOYEE TRAINING

The Board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the Instructional Materials Allotment and the use of the instructional materials ordering system. Training shall be completed in accordance with 19 TAC 66.107(d).

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