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**Note:** For provisions regarding inventory and requisition of instructional materials, including the annual certification, see CMD.

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## Definitions

“Instructional material” is defined as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student.

The term includes:

1. Material used by a teacher, including a lesson plan, answer key, grading rubric, or unit plan;
2. Material used by a principal or campus instructional leader to support instruction; and
3. Material used by a student, including 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.

### *Education Code 31.002(1-a)*

“Open education resource (OER) instructional material” is 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-b)*

“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)*

## State Materials Selection and Assistance

The State Board of Education (SBOE) shall review instructional materials provided to the board by the Texas Education Agency (TEA) under Education Code 31.023. Before approving instructional material, the SBOE may review the material and must determine that the material is free from factual error and suitable for the subject and grade level for which the material is designed, and, if

INSTRUCTIONAL RESOURCES  
INSTRUCTIONAL MATERIALS

EFA  
(LEGAL)

the material is intended to cover the foundational skills reading curriculum in kindergarten through third grade, does not include three-cueing, as defined by Education Code 28.0062(a-1). The SBOE shall add each approved material to a list of approved instructional materials and may add a material not approved to a list of rejected instructional materials. *Education Code 31.022(a)*

TEA Website

TEA shall develop and maintain an instructional material website to assist districts in locating and selecting instructional material. *Education Code 31.025(a)*

TEA Support

On request of a district, TEA shall provide the district assistance in evaluating, adopting, or using instructional materials.

Except as otherwise provided, TEA may not require a district to adopt or otherwise use instructional material reviewed by TEA or included on the list of approved instructional materials maintained by the SBOE.

*Education Code 31.0251*

OER Instructional  
Material

Except as provided by Education Code 31.0721(b), OER instructional material may not be made available to students, teachers, educators, or other education professionals before being reviewed by TEA and included on the list of approved instructional materials maintained by the SBOE. *Education Code 31.0721(a)*

Except as otherwise provided by the Education Code, the commissioner may not require a district to adopt or use an OER instructional material. A district may adopt OER material at any time. A district may not be charged for a cost associated with the selection of an OER, except for the cost of printing copies of the material.

*Education Code 31.073*

**Local Selection**

A 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)*

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)*

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 state instructional materials funds.

"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*

**Human Sexuality  
Materials**

Course materials relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by a board with the advice of the local school health advisory council (SHAC).  
*Education Code 28.004(e)*

[For more information on the requirements for adopting human sexuality instructional materials, see EHAA.]