



HB 1605

SBOE Work Session

06/22/23

With the passage of **HB 1605**,
the elected **State Board of Education**
now has control over

\$324,175,680

of new annual foundation school
program formula funding for school
systems to buy textbooks.



Instructional Materials Review and Adoption (IMRA)

Creates new criteria and an overall process for SBOE review and adoption; Criteria include:

- TEKS Coverage
- Quality
- Suitable for Grade & Subject
- Free from Factual Error
- No Harmful Content & Other Statutory Compliance
- Parent Portal Compliance

Requires the SBOE to review Open Education Resources (ie, state-owned textbooks).



TEKS Review & Revision

Requires a new vocabulary and book list addendum to the Reading Language Arts standards.

Creates flexibility in the TEKS review & revision schedule.

Creating this new process for getting materials formally adopted is a necessary precondition for districts to access \$324M per year of new funds to purchase printed textbooks.

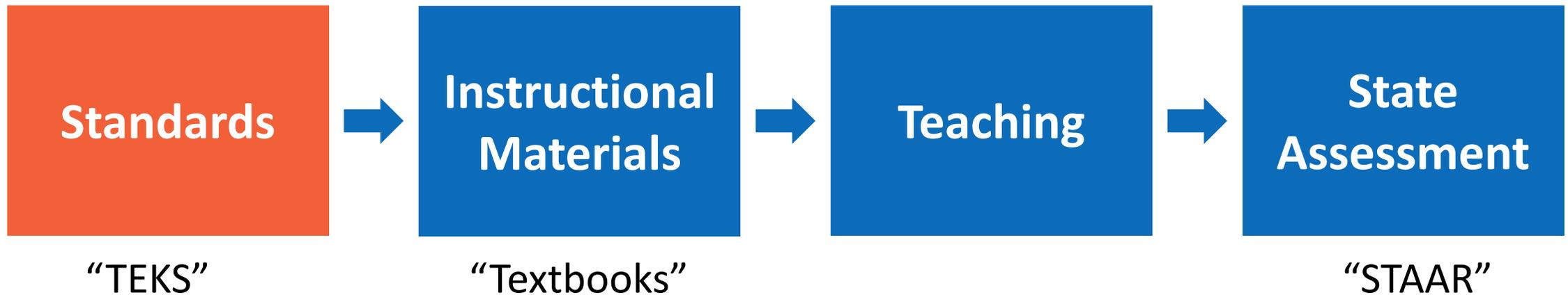


Parent Transparency

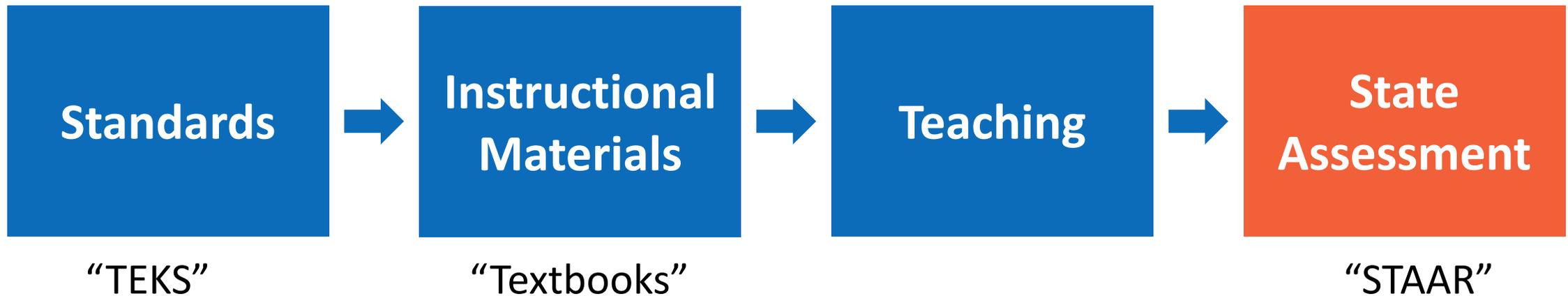
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Requires publishers to make textbooks accessible to parents through Internet portals under rules set by SBOE.

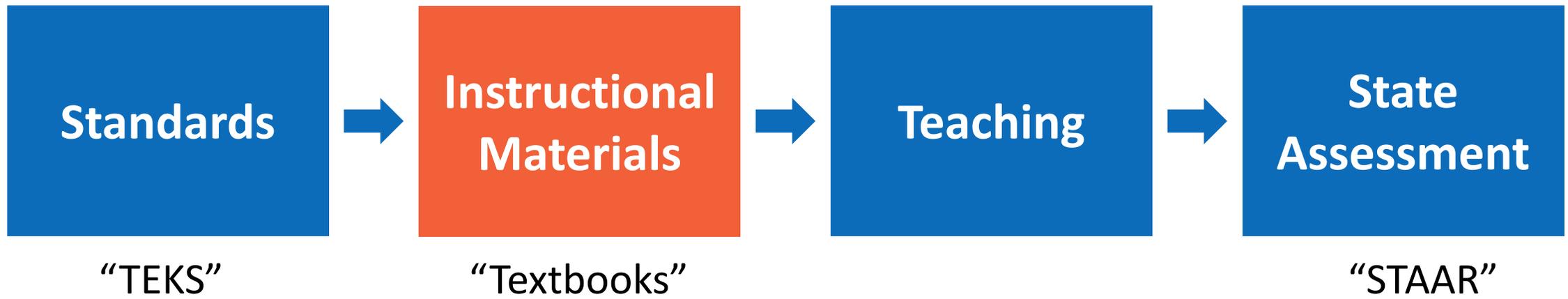
How is public education structured to ensure students receive a general diffusion of knowledge?



The TEKS are the foundation of all content found in Texas public schools.

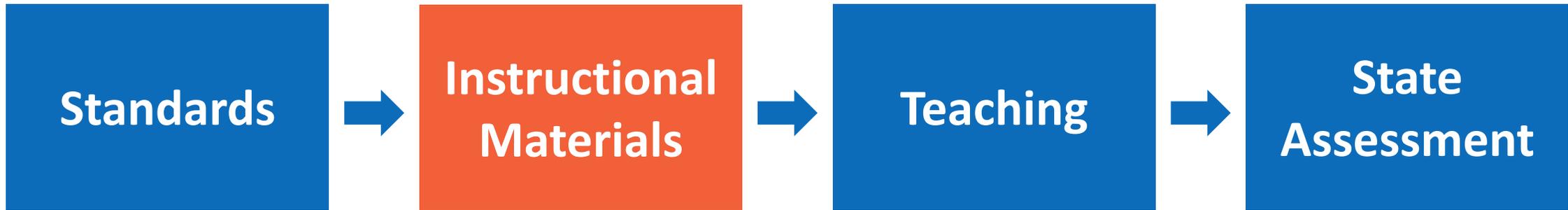


State summative assessments are designed to tell us whether students have learned the TEKS.



While the TEKS describe what students should know, instructional materials are the content students actually see.

What are instructional materials?



Scope & Sequence
An ordered list of the standards that are covered in a school year, including pacing guides or curriculum maps



Unit Plans & Assessments
Topical layout of a section (e.g., 4 weeks) of a scope & sequence, and how students should demonstrate mastery when done



Lessons Plans & Assessments
Specific description of all actions done by the teacher and students during the delivery of a single component of a unit plan, along with how students should demonstrate mastery when done



Content Resources
Texts, novels, manipulatives, videos, prompts, etc., that are used throughout the lesson by the students and/or the teacher

SBOE oversight of Instructional Materials massively changed in 2011 with Senate Bill 6 (82-1)

Before 2011:

- Funding was appropriated to TEA for the purchase of SBOE-adopted textbooks.
- The SBOE approved a list of textbooks that were conforming (100% TEKS coverage) & non-conforming (<100% coverage).
- School districts ordered a quantity of textbooks based on enrollment and the state paid the costs of the textbook (pro-rated for non-conforming percentages). School districts could purchase textbooks not on either list as well, but in foundation subjects would have to pay the full cost out of other local funds (i.e., a 0% reimbursement) and in enrichment subjects were provided a 70% reimbursement.

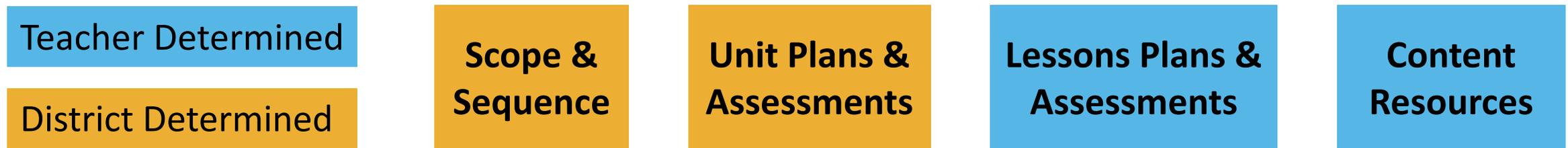
In 2011, the Texas legislature passed SB 6 to create the instructional materials allotment to replace the state's direct purchase of instructional materials for LEAs. SB 6 also:

- retained the SBOE Review and Adoption Process, but eliminated the concept of a non-conforming list and maximum cost, and set minimum approval threshold at 50% coverage of the TEKS;
- created an instructional materials allotment, which allocated funding directly to school districts to purchase instructional materials on a per-student basis;
- broadened purchase eligibility from textbooks to instructional materials, including technology, and gave school systems flexibility to purchase any materials desired with their instructional materials allotment; and
- required districts to certify IMA funds are only used for eligible expenses and 100% of the TEKS have been covered by ordered materials.

SB 6 changed law so that school districts could now get full state textbook funding even if they never purchased an SBOE-approved textbook, and textbook funding could now be used for other kinds of instructional materials that weren't textbooks.

Since SB 6, school system management of instructional materials has shifted away from textbooks

School systems take a spectrum of approaches in terms of how they provide instructional materials to their teachers.



The most popular approach involves districts setting common pacing expectations, giving teachers access to content resources, and asking teacher teams on each campus to craft lesson specifics. In this approach:

- It is far less common to visit a classroom where a teacher is following a specific product throughout the year (i.e., **no textbooks**).
- Teachers must be given **extensive planning time** to engage in lesson design, in addition to time teaching students. This does not occur consistently.

Since the SB 6 shift away from textbooks, teachers have not been given enough time to build rigorous instructional materials

Teachers reported spending **7 hours per week** or **250 hours per year** developing or selecting instructional materials.

What percent of materials did teachers say they typically create or find on their own?

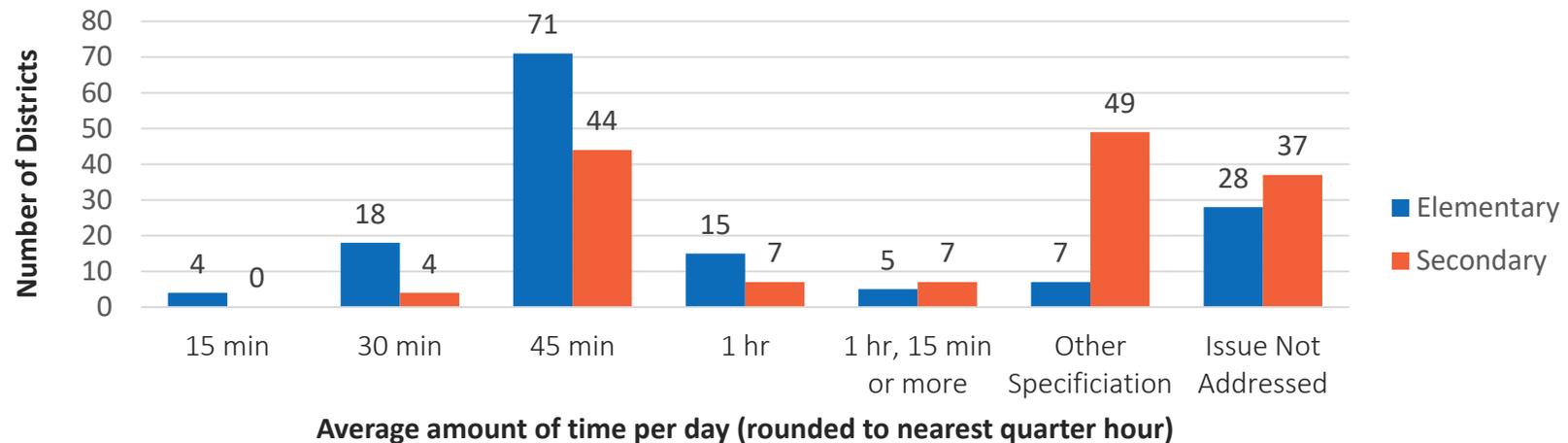


What percent of assignments collected did teachers actually create or select?



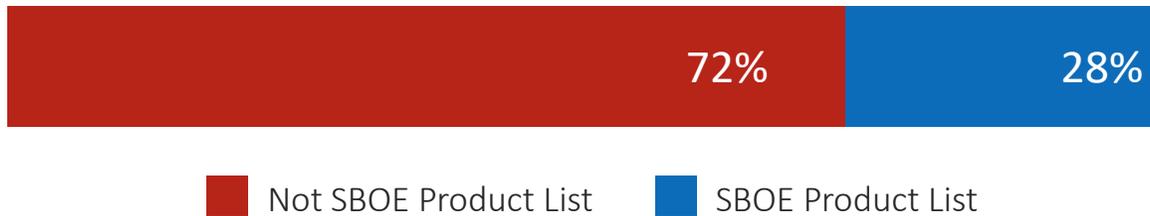
Teachers reported being given only **3 hours 45 mins per week** on average for all planning activities.

How much planning time do teachers receive?



Since SB 6, school systems have used more instructional materials that are not from an SBOE adoption

All Instructional Materials Adoptions by LEAs in **RLA K-12**



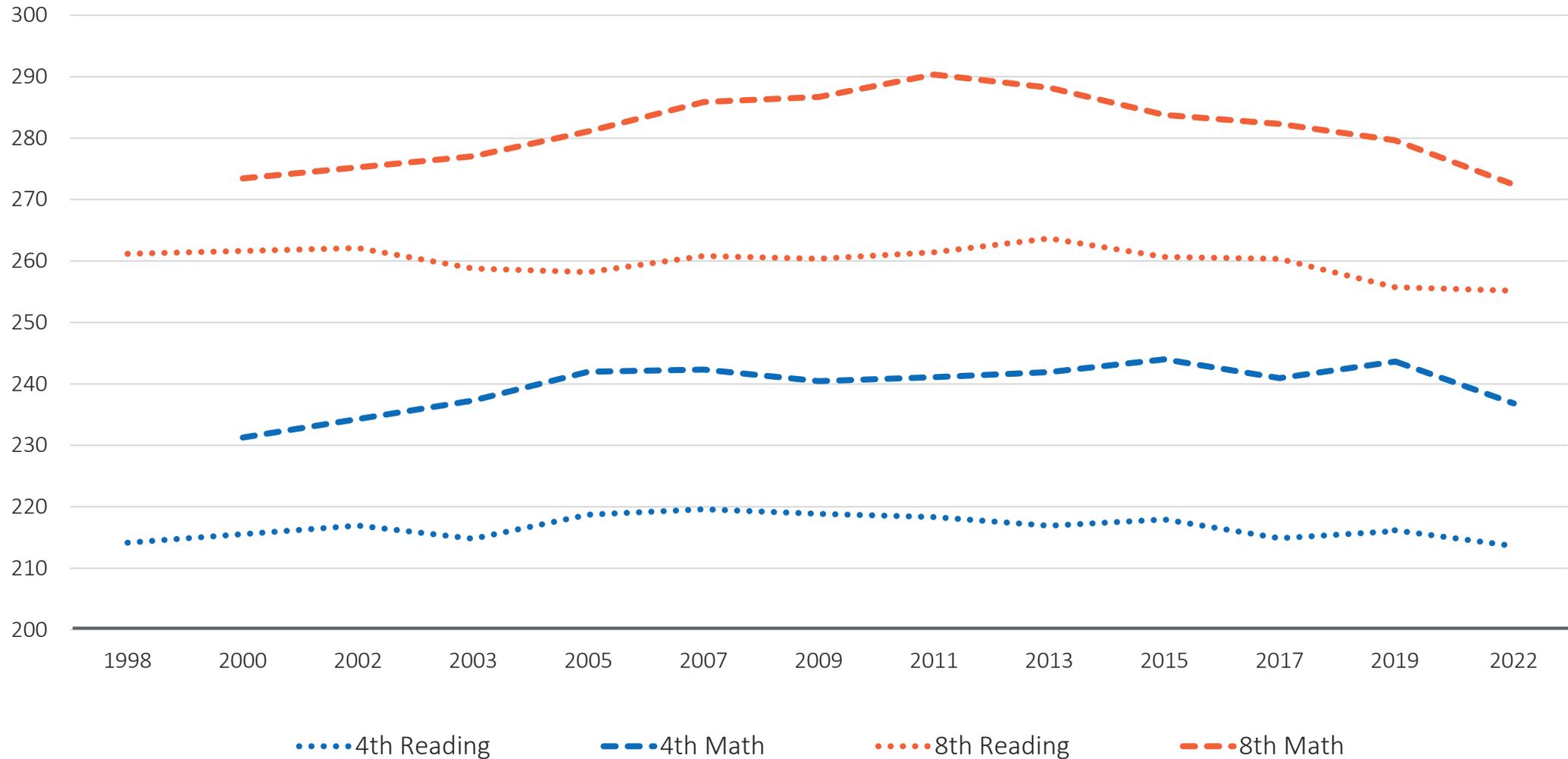
72% of instructional materials adopted by LEAs for ELAR are not SBOE-approved.

All Instructional Materials Adoptions by LEAs in **Math K-12**

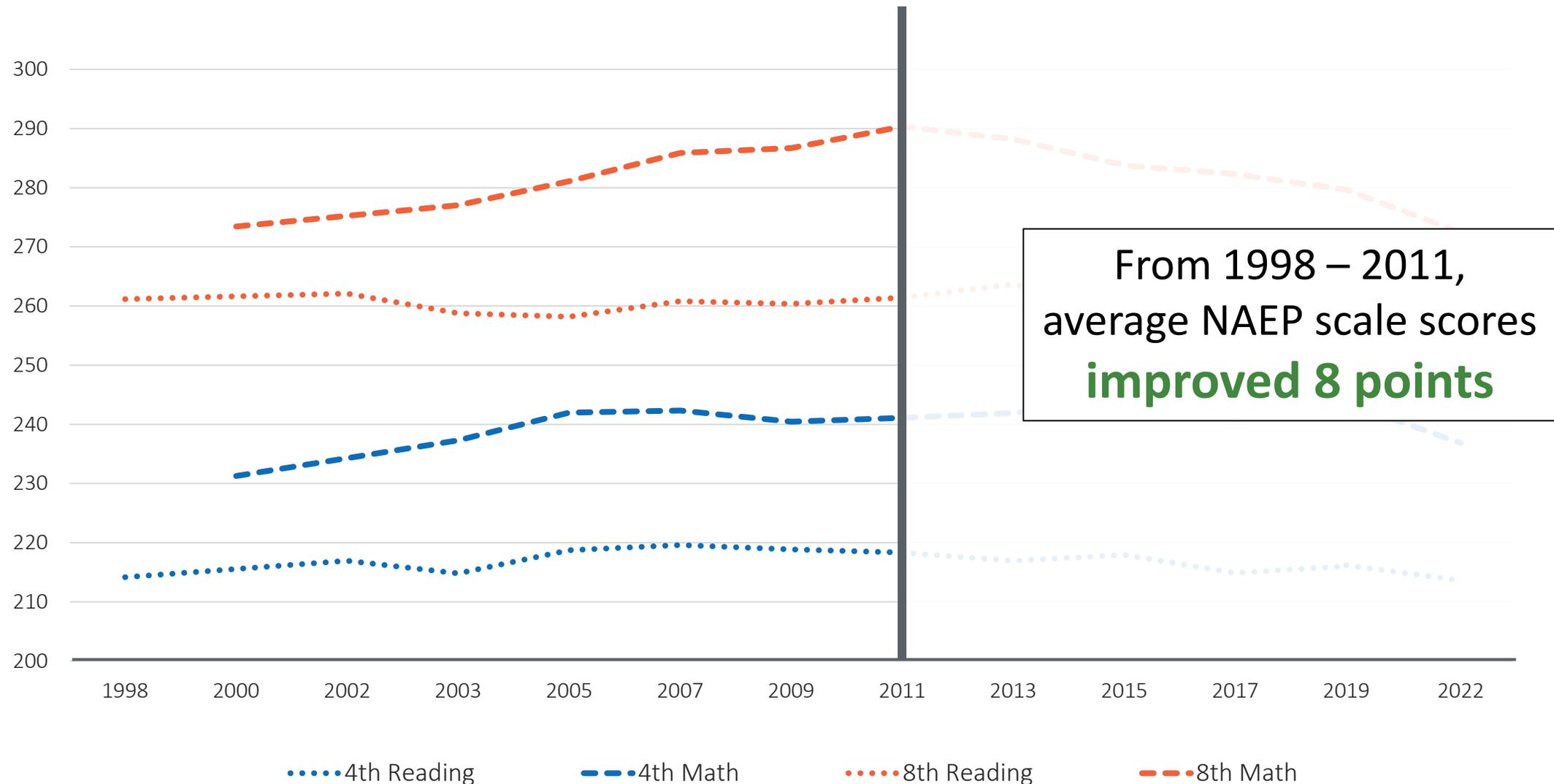


61% of instructional materials adopted by LEAs for math are not SBOE-approved.

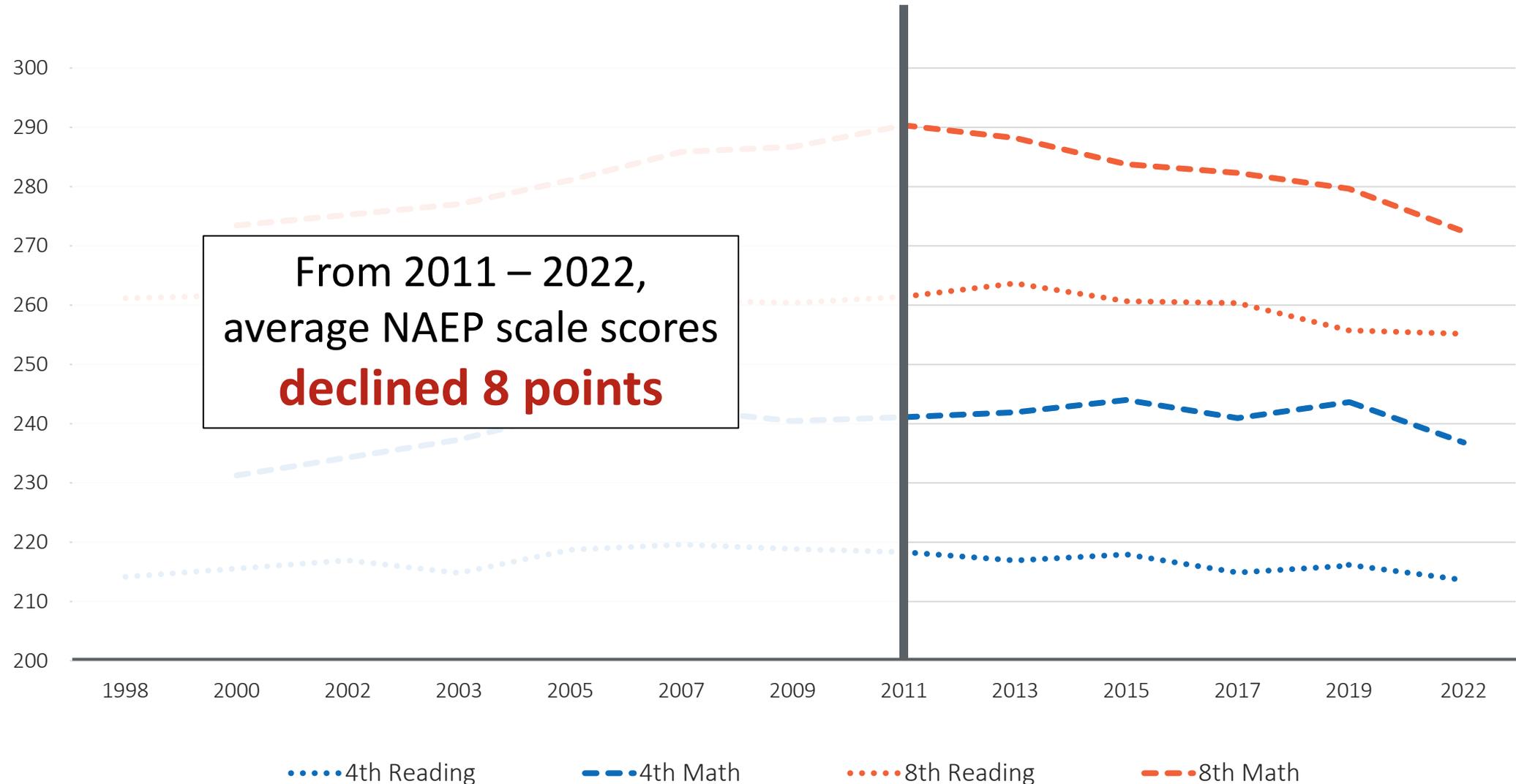
Student learning trends as reported by the NAEP are notably different before and after SB 6 passed in 2011

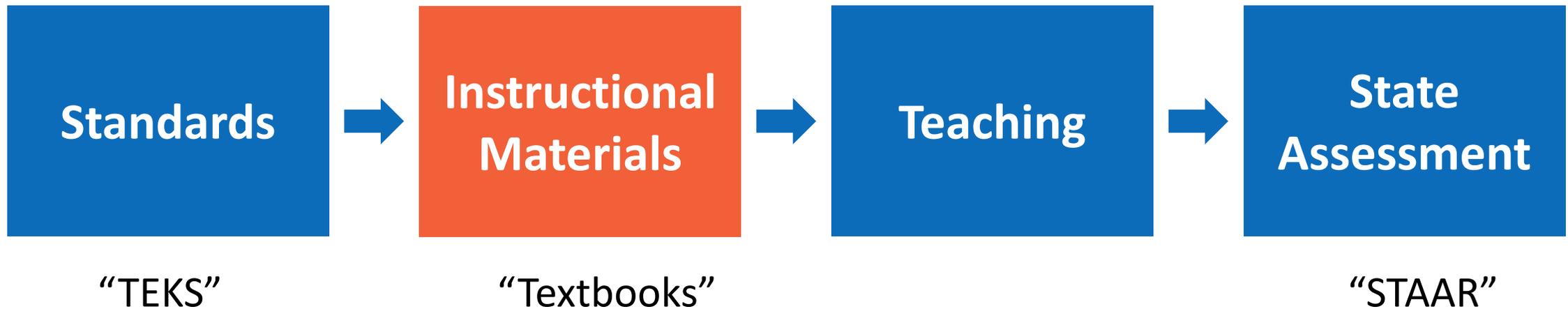


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HB 1605 returns control over instructional materials to the SBOE
to support a shift back to providing textbooks as a resource for teachers



HB 1605 Accomplishes the SBOE Legislative Agenda Items Related to Instructional Materials

- C. Textbooks – All local education agencies would use State Board of Education textbooks approved by State Board of Education or seek a Texas Education Agency waiver
 - HB 1605 passed which expanded SBOE authority to review and approve instructional materials (including textbooks), with new funding to LEAs subject to the requirement that LEAs must use these SBOE approved textbooks.
- D. Combine State Board of Education approval process with Texas Resource Review with State Board of Education approval of rubric
 - HB 1605 passed which repealed the Commissioner’s authority to administer the Texas Resource Review. The SBOE textbook review authority has been expanded to include quality, using a rubric developed by TEA but approved by the SBOE.
- E. Align instructional materials to cover 100% of TEKS/standards
 - HB 1605 passed which repealed prior statute referencing a 50% TEKS coverage requirement, instead expanding SBOE authority to set the minimum required percentage of TEKS coverage at any percentage determined by the SBOE, including 100%.



Overview of HB 1605



HB 1605: High Quality Curriculum

- Establishes an expanded process for the SBOE to review and approve high quality textbooks and instructional materials, supported by TEA, and repeals prior law authorizing TEA instructional materials portal and quality reviews
- Additional funding (on top of IMTA) provided to districts who choose to use SBOE-approved materials: \$40/student. An additional \$20/student for districts printing state-owned materials
- SBOE textbook approval no longer bound to 8-year cycle, no longer limited to 50% of TEKS
- Districts exempted from RFP processes if purchasing SBOE-approved materials
- Publishers must offer parent portals for instructional materials transparency
- Local curriculum reviews are established, funded, and can be initiated via parent requests, with SBOE approval of grade-level rigor rubric
- SBOE must add book/word list to the ELAR TEKS
- Teachers cannot be required to use bi-weekly planning time to create initial instructional materials unless there is a supplemental duty agreement with the teacher
- Requires the TEA to develop state-owned textbooks in certain grades & subjects, which are subject to approval by SBOE
- Provides optional teacher training on state-owned textbooks for districts to utilize, and grant program to educator prep programs to support
- Prohibits three-cueing in early literacy instruction



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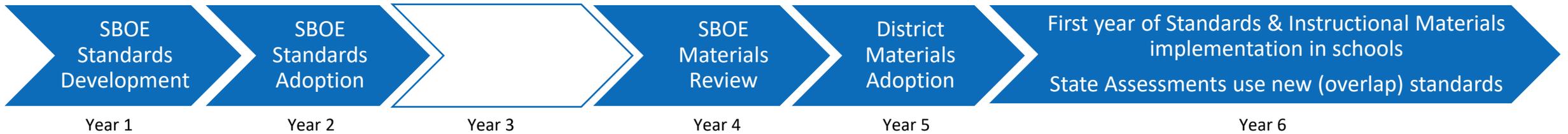
Instructional Materials and Technology Account

The Instructional Materials & Technology Allotment was restored in HB 1 to traditional levels (roughly \$1B per biennium). HB 1605 establishes two new FSP entitlements for SBOE-approved instructional materials, in addition to the Allotment. These new FSP funds will be managed in each district’s Instructional Materials and Technology Account.

	Instructional Materials and Technology Allotment		SBOE-Approved Instructional Materials		SBOE-Approved OER Instructional Materials
2022 & 2023 Biennium	\$ 61.72 per student + \$ 11.32 per EB student		n/a		n/a
2024 & 2025 Biennium	\$ 171.82 per student + \$ 15.58 per EB student	+	\$40 per student each school year	+	\$20 per student each school year
Timing	Biennially		Annually		Annually
Carryover of Funding	Yes, unexpended balances carryover		Yes, unexpended balances carryover		No, unexpended balances do not carryover
Allowable Use of Funds	Any instructional materials and technology needed to implement those instructional materials		Only SBOE-approved instructional materials from the new process established in HB 1605		Only costs associated with printing SBOE-approved open education resource (i.e. state-owned) instructional materials

Total allotment for the 2024 & 2025 biennium including new state aid is \$1.562 Billion or \$275.41 per-student

This has always been a multi-year process



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HB 1605 also allows the SBOE to review instructional materials independent of a change to the TEKS, which can help address new products or new content concerns.

New option: Annual review





New SBOE IMRA Process

TEC §31.022 & §31.023 establish a new Instructional Materials Review & Adoption **Process** with an expanded set of **Criteria** requiring review. The SBOE has **final authority** on approvals, the process, and criteria to be used. TEA is required to assist in conducting reviews and provide recommendations.

IMRA Process

Materials are selected for review:
31.023(a)(1) & 31.023(a)(2)

Materials are available for in person public review: 31.022(b)(5) and via electronic samples: 31.022(b)(2), with feedback provided to SBOE: 31.022(a)

TEA uses teachers & experts to review materials: 31.023(a)(3), provides reports on reviews to SBOE: 31.023(c)

SBOE deliberates on TEA reviews & public comments, **approves** or **rejects** materials: 31.022(a)

Pricing and unit ordering details finalized, posted on website: 31.025

IMRA Criteria

Materials must be reviewed based on SBOE approved **criteria**:

- Minimum TEKS coverage: 31.022(b)(1) & 31.023(b)(3)
- Quality: 31.023(b)(2)
- No Three-Cueing: 31.022(a)
- Suitable for grade & subject: 31.022(a)
- No obscene or harmful content: 31.022(b)(4) & 31.023(b)(4)
- Free from factual error: 31.022(a) & 31.023(b)(1)
- Physical (and electronic component) specifications: 31.022(b)(3)
- Complies with parent portal rules: 31.022(d)

TEA ensures SBOE **terms and conditions** are followed by publishers: 31.151



New SBOE IMRA Criteria

Instructional Materials Review and Adoption (IMRA) Criteria

Standards Alignment Percentage

Materials cover a minimum % of standards as determined by SBOE

Quality Review

Standards Proficiency

Material quality supports student’s ability to demonstrate proficiency in the standards

Instructional Design*

Materials designed in alignment with cognitive research on how students learn and with appropriate supports for the teacher

* Also ensures compliance with three-cuing ban

Suitable & Appropriate*

Content in materials meet suitability requirements defined by SBOE and other provisions of TEC (e.g., §28.002(h))

* Also ensures no obscene or harmful content under CIPA, TEC §28.0022, Penal Code §43.22

Factual Errors

Materials do not contain factual errors

Physical and Electronic Specifications

Material components meet physical and digital requirements

Parent Portal

Materials included on parent portal that meet transparency requirements

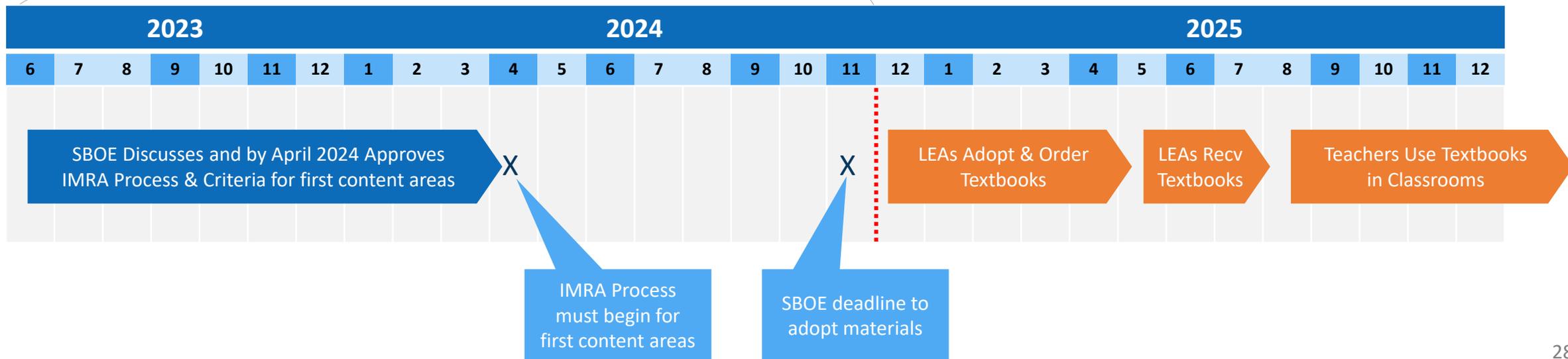
Possible Instructional Materials Timeline for SBOE

Components	2023	2024	2025	2026	2027	2028	2029
 <p>Instructional Materials Review & Adoption</p>	<p>Discuss new SBOE IMRA Process and Criteria for first content areas</p>	<ul style="list-style-type: none"> • Adopt new SBOE IMRA Process and Criteria for first content areas • Conduct first IMRA Process and adopt first set of materials 	<ul style="list-style-type: none"> • Adopt SBOE IMRA Criteria for additional content areas and conduct the IMRA Process in these content areas • Continue to conduct IMRA Process for content areas with Criteria previously approved 		<ul style="list-style-type: none"> • Continue to conduct IMRA Process for content areas with Criteria previously approved • Conduct IMRA Process and adopt materials in ELAR due to the updated ELAR TEKS Addendum 	<p>Continue to conduct IMRA Process for all content areas on an ongoing basis, and in any content area when TEKS are changed</p>	<p>Continue to conduct IMRA Process for all content areas on an ongoing basis, and in any content area when TEKS are changed</p>

HB 1605 – Near Term Timeline Implications

Components	2023	2024
 <p>Instructional Materials Review & Adoption</p>	Discuss new SBOE IMRA Process and Criteria for first content areas	<ul style="list-style-type: none"> • Adopt new SBOE IMRA Process and Criteria for first content areas • Conduct first IMRA Process and adopt first set of materials

There are key deadlines between now and November 2024 in order for schools to begin using SBOE-approved materials in the 2025-26 school year



Key SBOE Decisions Needed Near Term

Before quality rubrics can begin to be built (Summer 2023)

- Advise on the first content areas (grade/subject) to be reviewed

Before materials reviews can begin (April 2024)

- IMRA Criteria decisions:
 - Set minimum TEKS percentage
 - Approve quality rubrics
 - Adopt suitability rubric
 - Re-adopt factual error definition
- IMRA Process decisions:
 - Approve material selection rules
 - Approve review procedure rules
 - Adopt public review requirements

2023												2024					
6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11

Only 4 board meetings are scheduled through April 2024. Initial discussion on IMRA Criteria components & Process likely needs to begin at Aug/Sep board meeting

Before any materials can be given final approval (November 2024)

- Approve physical & digital materials specifications requirements
- Approve parent portal requirements
- Adopt standard terms & conditions

[Title 19, Part II, TAC Chapter 66](#) rules will need to be repealed and/or revised due to the changes in statutory authority created by HB 1605.

Most of these rulemaking decisions will be incorporated into the IMRA criteria and process development by the SBOE.

Other rules will be addressed outside of those decisions and in September staff will provide a more thorough outline of rule revisions for the board to review.

19 TAC Chapter 66. State Adoption and Distribution of Instructional Materials

State Board of Education Rules

Subchapter A. General Provisions

§66.4. Requirement for Registers.

§66.10. Procedures Governing Violations of Statutes--Official Complaints.

§66.15. Administrative Penalty.

Subchapter B. State Adoption of Instructional Materials

§66.21. Review and Adoption Cycle.

§66.27. Proclamation, Public Notice, and Schedule for Adopting Instructional Materials.

§66.28. Requirements for Publisher Participation.

§66.29. Websites in State-Adopted Instructional Materials.

§66.30. State Review Panels: Eligibility and Appointment.

§66.36. State Review Panels: Training, Duties, and Conduct.

§66.39. Regional Education Service Centers: Procedures for Handling Samples; Public Access to Samples.

§66.41. Adding Content During the Panel Review.

§66.42. Public Comment on Instructional Materials.

§66.43. Adding Content During the Public Comment Period.

§66.63. Report of the Commissioner of Education.

§66.66. Consideration and Adoption of Instructional Materials by the State Board of Education.

§66.67. Adoption of Open Education Resource Instructional Materials.

§66.72. Contracts.

§66.73. Delivery of Adopted Instructional Materials.

§66.75. Updates to Adopted Instructional Materials.

§66.76. New Editions of Adopted Instructional Materials.

§66.81. Ancillary Materials.

Subchapter C. Local Operations

§66.101. Sample Copies of Instructional Materials for School Districts.

§66.104. Selection of Instructional Materials by School Districts.

§66.105. Certification by School Districts.

§66.107. Local Responsibility.



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HB 1605 TEKS Impact – Possible Timeline for ELAR

- The SBOE shall specify a list of required vocabulary and at least one literary work to be taught in each grade level.¹
- The SBOE shall initiate the process of specifying an initial list of vocabulary and literary works not later than February 1, 2024, by requesting recommendations from the agency.²

Components	2023	2024	2025	2026	2027	2028	2029
 <p>TEKS Review & REvision</p>	Initiate process for initial draft of ELAR Addendum (vocab and book list)	TEKS review work groups begin for ELAR Addendum	<ul style="list-style-type: none"> • Adopt ELAR TEKS Addendum (vocab and book list) • Issue proclamation for publishers to prepare for IMRA Process for ELAR 	Publishers revise ELAR materials	Conduct IMRA Process and adopt materials in ELAR due to the updated ELAR TEKS Addendum	First year of district implementation for ELAR Addendum	State assessment administered is now based on ELAR Addendum

Beyond the required ELAR Addendum, HB 1605 allows SBOE to now determine if/when to revise TEKS in any particular content area.³

¹ Section 7 of HB 1605, TEC §28.002 (c-4)

² Section 7 of HB 1605, TEC §28.002 (c-5)

³ Section 22 of HB 1605, TEC §31.022(b)

Changes in law give the SBOE more flexibility in the schedule of revising TEKS

Prior Law: 8-Year Instructional Materials Timeline Drives TEKS Timeline

- Under prior law, every 8 years the SBOE must issue an instructional materials proclamation in foundation curriculum subjects to sign new contracts with publishers.
- This often resulted in the SBOE revising TEKS on timelines to align with the 8-year cycle for adoption of instructional materials in the foundation curriculum subjects.
- The 8-year cycle has been repealed: §31.022(b)

New Law: Instructional Material Reviews Can Occur Any Year; Must Occur when TEKS are Changed

- Under HB 1605, the SBOE can review new instructional materials for a subject each year, even if TEKS aren't changed: §31.023(a)
- Under HB 1605, when TEKS are changed, the SBOE must issue a proclamation for instructional materials and adopt materials by Dec 1 of the year before the TEKS take effect: §31.022(c)(c-1) & §31.023(a)(1)(D)



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SBOE Actions to Improve Parent Transparency

- The SBOE shall adopt standards for parent portals made available by publishers.¹
- The SBOE shall determine if textbooks are available on compliant parent portals in order for materials to be eligible for additional state aid.²
- The SBOE may establish rules governing parental requests for a local instructional material review.³
- The SBOE shall approve a rubric to discern whether materials assigned to students meet grade level rigor.⁴

Components	2023	2024	2025	2026	2027	2028	2029
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Grants are provided to school systems to cover the cost of local curriculum reviews once they can begin to be implemented. Grants cannot begin to be issued until SBOE approval is provided for the rubric on rigor.

¹ Section 46 of HB 1605, TEC, §31.154

² Section 22 of HB 1605, TEC §31.022(c) and Section 49 of HB 1605, TEC §48.307

³ Section 6 of HB 1605, TEC § 26.0061

⁴ Section 24 of HB 1605, TEC §31.0252

HB 1605 – Possible Timeline for SBOE Actions

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Timeline Considerations: Initial IMRA Grade / Subject Areas

- Roughly **200** sets of instructional materials (i.e., textbooks) can be reviewed in a given year.¹ In some cases a set of materials is reviewed as a singular offering across a grade band.
- The count of all instructional materials offerings by publishers in each of the four foundation subjects for all 13 grade levels is approximately **572**.
- The count of enrichment subject area instructional materials products that have been approved by the SBOE from previous proclamations is **467**
- We do not have a count of the universe of supplemental materials.
- Given it will take multiple years to do the initial review of all grades & subjects, **we need to plan the order in which to proceed.**

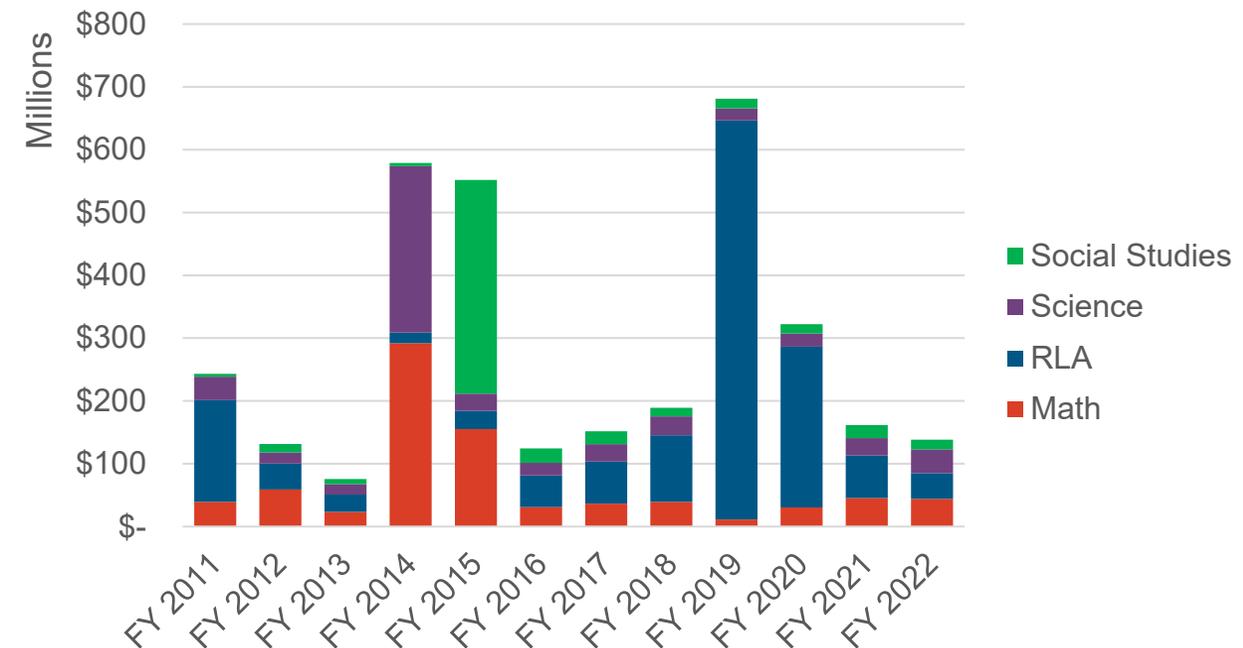
Grade Band	Subject	Language	Count of Instructional Materials Offerings Adopted by SBOE
K-2	Reading Language Arts	English	40
K-2	Reading Language Arts	Spanish	27
3-5	Reading Language Arts	English	36
3-5	Reading Language Arts	Spanish	24
6-8	Reading Language Arts	English	28
9-12	Reading Language Arts	English	46
K-2	Mathematics	English	14
K-2	Mathematics	Spanish	9
3-5	Mathematics	English	16
3-5	Mathematics	Spanish	8
6-8	Mathematics	English	30
9-12	Mathematics	English	36
K-2	Social Studies	English	9
K-2	Social Studies	Spanish	6
3-5	Social Studies	English	7
3-5	Social Studies	Spanish	6
6-8	Social Studies	English	14
9-12	Social Studies	English	27
K-2	Science	English	29
3-5	Science	English	31
3-5	Science	Spanish	25
6-8	Science	English	44
9-12	Science	English	47
PreK	Prekindergarten Systems	English	15
PreK	Prekindergarten Systems	Spanish	10
6-12	Career Development	English	13
9-12	Career and Technical Education	English	190
9-12	Computer Science	English	7
K-12	Fine Arts	English	107
6-12	Health	English	3
K-12	Languages Other Than English	n/a	115
9-12	Personal Financial Literacy	English	9
K-8	Technology Applications	English	11
Total Count of Instructional Materials Offerings			1,039

¹ Section 23 of HB 1605, TEC, §31.023, Instructional Material Review

District Instructional Materials Ordering Cycles

- HB 1605 allows for current instructional materials contracts to continue through their 12-year term¹ (8-year term + 4-year renewal).
- The next set of contracts to reach the 12-year expiration are part of *Proclamation 2014* and will end on 04/30/2026:
 - Science K-12
 - Math K-8
- Districts are expecting to make science and math materials purchases for school year 2026 in these content areas and would do so without locked in pricing without SBOE imposed terms & conditions.

Instructional Materials Purchases by Foundation Subject



New Purchases Required By Phonics Rule

- HB 3 (2019) required the use of a phonics curriculum, pending TEA rulemaking. TEA rules took effect April 2022, and a compliant & non-compliant phonics textbook list was published by TEA in spring 2023.
- With the updated phonics rules many districts need to purchase new phonics instructional materials, but new funding doesn't come with TEA's phonics list, instead new funding only comes for materials approved under the new SBOE Instructional Materials Review and Approval Process.
- HB 1605 explicitly establishes the SBOE's authority to adopt an approved list of phonics instructional materials: 31.023(a)(2)(A)