

The Texas Education Agency (TEA) proposes the repeal of §66.1307, concerning the Instructional Materials and Technology Allotment. The proposed repeal would move the Instructional Materials and Technology Allotment rule to proposed new 19 TAC §67.1001, which is presented in a separate rule action in the Proposed Rules section of this issue of the *Texas Register*.

BACKGROUND INFORMATION AND JUSTIFICATION: House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, significantly revised Texas Education Code, Chapter 31, related to instructional materials. The proposed repeal of §66.1307 would remove provisions related to the Instructional Materials and Technology Allotment that are being replaced by proposed new 19 TAC §67.1001. Proposed new §67.1001 would clarify the allowable uses of funds in alignment with HB 1605.

FISCAL IMPACT: Todd Davis, associate commissioner of instructional strategy, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal an existing regulation to move information related to the Instructional Materials and Technology Allotment to proposed new 19 TAC §67.1001.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Davis has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to repeal a rule that is being replaced by proposed new §67.1001. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins March 7, 2025, and ends April 7, 2025. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on March 7, 2025. A form for submitting public comments is available on the TEA website at

[https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §31.0211, as amended by House Bill (HB) 1605 and HB 4595, 88th Texas Legislature, Regular Session, 2023, which permits the commissioner to adopt rules regarding the instructional materials and technology allotment, including the amount of the per-student allotment, the authorization of juvenile justice alternative education program allotments, allowed expenditures, required priorities, and adjustments to the number of students for which a district's allotment is calculated; TEC, §31.0212, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, which addresses the documentation required for requisitions and disbursements to be approved, districts' online instructional materials ordering system accounts, and school district submission to the commissioner of the title and publication information for any materials the districts purchase with their allotments; TEC, §31.0214, as transferred and amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, which permits the commissioner to establish procedures to adjust the instructional materials and technology allotment of school districts experiencing high enrollment growth; TEC, §31.0215, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, which addresses allotment purchases, including announcing to districts the amount of their allotments and delayed payment options; TEC, §31.029, which requires the commissioner to adopt rules regarding instructional materials for use in bilingual education classes; TEC, §31.031, which requires the commissioner to adopt rules regarding the purchase of college preparatory instructional materials with the allotment; TEC, §31.076, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, which permits the commissioner to adopt rules necessary to implement TEC, Chapter 31, Subchapter B-1, and states that a decision made by the commissioner under the subchapter is final and may not be appealed; and TEC, §31.104, which requires the commissioner to adopt rules that include criteria for determining whether instructional materials and technological equipment are returned in an acceptable condition.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code (TEC), §31.0211, as amended by House Bill (HB) 1605 and HB 4595, 88th Texas Legislature, Regular Session, 2023; §31.0212, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023; §31.0214, as transferred and amended by HB 1605, 88th Texas Legislature, Regular Session, 2023; §31.0215, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023; §31.029; §31.031; §31.076, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023; and §31.104.

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§66.1307. Instructional Materials and Technology Allotment