

The Texas Education Agency (TEA) proposes new §67.1501 and §67.1502, concerning local district operations related to instructional materials. The proposed new sections would outline the process for school districts and open-enrollment charter schools to submit requests for reviews of local classroom instructional materials and establish eligibility for reviewers.

**BACKGROUND INFORMATION AND JUSTIFICATION:** House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, significantly revised Texas Education Code (TEC), Chapter 31, Instructional Materials and Technology, including adding a provision for local reviews of classroom instructional materials.

TEC, §31.0252, Local Review of Classroom Instructional Materials, requires that TEA develop standards in consultation with stakeholders, including educators, by which a school district is authorized to conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course under TEC, §28.002(a)(1), to determine the degree to which the material corresponds with the instructional materials adopted by the school district or campus and meets the level of rigor of the knowledge and skills adopted under TEC, §28.002, for the grade level in which it is being used.

Proposed new §67.1501, Review of Local Classroom Instructional Materials, would clarify the conditions under which TEA would conduct a review of local classroom instructional materials requested by a school district or open-enrollment charter school.

New subsection (a) would specify the rule's application to school districts and open-enrollment charter schools.

New subsection (b) would establish a request process and statewide submission window beginning September 1. Additionally, the subsection would outline how the review process would be customized to evaluate the specific types of instructional materials chosen by the school district, specify that the results will be shared in a written report, and establish how grant funds will be prioritized.

New subsection (c) would require that reviews and rubric development for foundation curriculum courses be aligned with the instructional materials review and approval process rubric development schedule and review cycles.

New subsection (d) would require school districts and open-enrollment charter schools to establish data management processes and track certain information related to requests for review.

New subsection (e) would require school districts to publish review reports on their websites.

Proposed new §67.1502, Reviewer Eligibility, would establish that reviews will be conducted by education service centers or a curriculum review service provider approved by TEA and that all reviewers must meet TEA eligibility criteria. The new section would also prohibit reviewers from having a financial interest in instructional materials adoption or accepting gifts or other items from certain individuals.

**FISCAL IMPACT:** Megha Kansra, associate commissioner of district planning and supports, 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 create new regulations to establish a process for reviews of local classroom instructional materials and the eligibility for reviewers.

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 expand, limit, or repeal 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:** Ms. Kansra 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 outline the process for school districts and open-enrollment charters to submit review requests and the eligibility for reviewers. 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 require a cover page document to be completed by a principal or classroom teacher. However, the proposal would impose the least burdensome requirement possible to achieve the objective of the rule. The teacher would complete a form to specify the assignment source; the text, title, and author (if applicable); the daily student learning objective; and the primary Texas Essential Knowledge and Skills addressed by the assignments in the collection.

**PUBLIC COMMENTS:** The public comment period on the proposal begins June 6, 2025, and ends July 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 June 6, 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 new sections are proposed under Texas Education Code (TEC), §26.0061, as added by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which requires the board of trustees of each school district to establish a process by which a parent may request an instructional material review under TEC, §31.0252, for a subject area in the grade level in which the parent's student is enrolled; TEC, §31.003(b), as added by HB 1605, 88th Texas Legislature, Regular Session, 2023, which allows the commissioner to adopt rules consistent with TEC, Chapter 31, as necessary to implement a provision of the chapter that the commissioner or agency is responsible for; TEC, §31.0205, which states that an open-enrollment charter school is subject to TEC, Chapter 31, as if the charter school were a school district; and TEC, §31.0252, as added by HB 1605, 88th Texas Legislature, Regular Session, 2023, which requires the Texas Education Agency (TEA) to develop a rubric, approved by the State Board of Education, to determine if reviewed instructional material complies with the rigor requirements described by TEC, §31.0252(a)(2).

**CROSS REFERENCE TO STATUTE.** The new sections implement Texas Education Code (TEC), §26.0061, as added by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; §31.003(b), as added by HB 1605, 88th Texas Legislature, Regular Session, 2023; §31.0205; and §31.0252, as added by HB 1605, 88th Texas Legislature, Regular Session, 2023.

<rule>

**§67.1501. District Request for Review of Local Classroom Instructional Materials.**

- (a) For the purposes of this section, the definition of a school district includes an open-enrollment charter school.
- (b) A school district may request a review by the Texas Education Agency (TEA) of local classroom instructional materials.
  - (1) A request for a review of local classroom instructional materials must be submitted between September 1 and the last instructional day for students.
  - (2) If a review of local classroom instructional materials is granted, the school district must submit blank student assignments and other required instructional materials.
  - (3) TEA will evaluate requests according to the type of materials adopted by the school district.
    - (A) A school district using instructional materials not reviewed by the instructional materials review and approval (IMRA) process will receive a review of local classroom instructional materials focused on the degree to which the materials meet the rigor of the Texas Essential Knowledge and Skills and align with the instructional materials adopted by the district.
    - (B) A school district using materials on the State Board of Education (SBOE)-approved instructional materials list will receive a review of local classroom instructional materials to determine alignment with the instructional materials adopted by the district, as the rigor of the materials has already been reviewed and approved by the SBOE.
  - (4) A request for the review of materials on the SBOE's rejected instructional materials list will be automatically denied, and the requesting school district will receive the IMRA report for those materials.
  - (5) TEA will provide the results from a review of local classroom instructional materials in a local classroom review report to the school district.
  - (6) TEA will use grant funds to cover the costs of approved reviews in accordance with the following requirements.
    - (A) School district requests for parent-initiated reviews of local classroom instructional materials will be prioritized and conducted as grant funding is available.
    - (B) School district requests for districtwide reviews of local classroom instructional materials will be conducted if grant funds are available. Once grant funds are exhausted, districts may continue to submit districtwide requests with the option to use local funds to conduct the reviews.
- (c) Local classroom instructional materials reviews and rubric development for foundations curriculum courses will be aligned with the IMRA rubric development schedule and review cycles.
- (d) School districts must establish data management processes to ensure reviews of local classroom instructional materials are authorized no more than once per year for any classroom teacher in a specific subject or grade level at a specific campus. The process must track, at a minimum, the teacher of record, date of the review request, grade level, content area, campus, and amount of time the teacher reports to complete the request.
- (e) School districts must publish local classroom instructional materials review reports from TEA on the district website within 10 school days following the receipt of the results. These reports must be accessible to the public without requiring a login or password. Prior to publication on the district website, the district must redact any student or teacher information from the report and must not make any other modifications to the report.

**§67.1502. Reviewer Eligibility.**

- (a) Local classroom reviews shall be conducted by education service centers or a curriculum review service provider approved by the Texas Education Agency (TEA). All reviewers must meet eligibility criteria approved by TEA.
- (b) Reviewers may not have a financial interest in or be employed by a publisher or any person or entity with a financial interest in the adoption of instructional materials in the previous three years.
- (c) Reviewers of local classroom instructional materials shall not accept meals, entertainment, gifts, or gratuities in any form from publishers, authors, or depositories; agents for publishers, authors, or depositories; any person who holds any official position with publishers, authors, depositories, or agents; or any person or organization interested in influencing the evaluations of the reviews.