

The Texas Education Agency (TEA) proposes an amendment to §67.1001, concerning the instructional materials and technology allotment. The proposed amendment would implement Senate Bill (SB) 13, 89th Texas Legislature, Regular Session, 2025, and codify a tacit allowable expense by updating the allowable expenditures from a district's instructional materials and technology allotment.

**BACKGROUND INFORMATION AND JUSTIFICATION:** SB 13, 89th Texas Legislature, Regular Session, 2025, added TEC, §33.023(d), which requires school districts to adopt procedures for parental access to a school district's library catalog and access by the parent's child to certain library materials. The statute allows a school district to use funds from its instructional materials and technology allotment to comply with the requirement.

To implement SB 13, new §67.1001(e)(6) would specify that allotment funds may be used to pay for costs connected to parents' ability to access the library or for access by their child to certain materials.

New §67.1001(e)(5) would specify that allotment funds may be used to pay for software relating to analyzing content for its appropriateness to Texas Essential Knowledge and Skills content under TEC, §28.002. This addition would codify into rule a tacit allowable expense already in practice.

**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 expand an existing regulation by clarifying additional guidance regarding allowable uses of the Instructional Materials and Technology Allotment.

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 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:** 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 provide school districts with clarifications on the allowable uses of the instructional materials and technology allotment. 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 September 12, 2025, and ends October 13, 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 September 12, 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 amendment is proposed under Texas Education Code (TEC), §31.003(b), which authorizes the commissioner of education to adopt rules consistent with TEC, Chapter 31, as necessary to implement a provision of the chapter that the commissioner or the agency is responsible for implementing; TEC, §31.0211, 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, which addresses the documentation required for requisitions and disbursements to be approved, districts' online instructional materials ordering system accounts, and school district submissions to the commissioner of the title and publication information for any materials the districts purchase with their allotments; TEC, §31.0215, 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, §31.071, which addresses state-developed open-source instructional materials; TEC, §31.076, 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; 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; TEC, §33.023(d), as added by SB 13, 89th Texas Legislature, Regular Session, 2025, which authorizes school districts and open-enrollment charter schools to use funds from the district's or school's instructional materials and technology allotment under TEC, §31.0211, for costs associated with complying with statutes relating to parental access to library catalog and access by the parent's child to certain library materials; TEC, §48.004, which requires the commissioner to adopt rules, act, and require reports consistent with TEC, Chapter 48, as necessary to implement and administer the Foundation School Program.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§31.003(b); 31.0211; 31.0212; 31.0215; 31.029; 31.031; 31.071; 31.076; 31.104; 33.023(d), as added by Senate Bill 13, 89th Texas Legislature, Regular Session, 2025; and 48.004.

<rule>

#### **§67.1001. Instructional Materials and Technology Allotment.**

- (a) The commissioner of education shall determine the amount of the Instructional Materials and Technology Allotment for a school district or an open-enrollment charter school based on Texas Student Data System Public Education Information Management System (TSDS PEIMS) student enrollment data from the fall snapshot collection of the school year preceding the first year of each biennium.
- (b) The commissioner shall determine the amount of the allotment for Texas Juvenile Justice Department facilities.
- (c) The commissioner shall determine the amount of the allotment for bilingual education based on TSDS PEIMS bilingual enrollment data from the fall collection of the school year preceding the first year of each biennium.
- (d) The amount of the allotments determined by the commissioner in this section is final and may not be appealed.
- (e) Allotment funds may be used to pay for:

- (1) any approved uses outlined in Texas Education Code (TEC), §31.0211(c);
  - (2) formats of instructional materials that are fully accessible to students with disabilities;
  - (3) activities related to the local review and adoption of instructional materials;
  - (4) software for analyzing the use and effectiveness of instructional materials;
  - (5) software for analyzing the appropriateness of instructional materials necessary for the teaching of instruction in, or demonstration of knowledge of the essential knowledge and skills adopted under TEC, §28.002; and
  - (6) costs associated with complying with TEC, §33.023, relating to parental access to library catalog and access by the parent's child to certain library materials.
- (f) Allotment funds may not be used to pay for:
- (1) services for installation;
  - (2) the physical conduit that transmits data, such as cabling and wiring, or electricity;
  - (3) office and school supplies;
  - (4) items that are not directly related to student instruction, such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment;
  - (5) travel expenses;
  - (6) equipment used for moving or storing instructional materials;
  - (7) instructional material that contains obscene or harmful content or would otherwise cause the school district to which the funds were allotted to be unable to submit the certification required under TEC, §31.11011(a)(1)(B); or
  - (8) instructional material that incorporates three-cueing in the phonics curriculum required under TEC, Chapter 28.
- (g) The allotments for each biennium will be made available for school district and open-enrollment charter school use through the state's online instructional materials ordering system as early as possible in the fiscal year preceding the beginning of the biennium for which the funds have been appropriated.
- (h) A school district or an open-enrollment charter school may access its allotment funds for an upcoming school year after submitting to the commissioner:
- (1) certification that the school district or open-enrollment charter school has instructional materials that cover all the required Texas Essential Knowledge and Skills (TEKS), except those for physical education, as required by TEC, §31.1011;
  - (2) certification that the school district or open-enrollment charter school has used its allotment for only the allowable expenditures provided in subsection (e) of this section; and
  - (3) information regarding the instructional materials used by the district during the previous school year, including the cost of each material as required by TEC, §31.1012.
- (i) Upon completion of the requirements listed in subsection (h) of this section, school districts and open-enrollment charter schools may access their allotment funds by correctly providing all the information required in the state ordering system.
- (j) Information required in the state ordering system may include verification of TEKS coverage for certain disbursement requests.