

The State Board of Education (SBOE) adopts new §67.69, concerning the local review of classroom instructional materials. The new section is adopted without changes to the proposed text as published in the February 28, 2025 issue of the *Texas Register* (50 TexReg 1076) and will not be republished. The new section implements House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, by outlining the local process requirements for a parent to petition for a review of instructional materials.

REASONED JUSTIFICATION: HB 1605, 88th Texas Legislature, Regular Session, 2023, significantly revised Texas Education Code (TEC), Chapter 31, including adding a provision for local classroom reviews of instructional materials.

HB 1605 established new TEC, §31.0252, Local Review of Classroom Instructional Materials, which requires that the Texas Education Agency (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 essential knowledge and skills adopted under TEC, §28.002, for the grade level in which it is being used.

TEC, §31.0252, also requires TEA to develop a rubric, approved by the SBOE, to determine if reviewed instructional material complies with the rigor requirements.

At the June 2023 SBOE meeting, the Committee of the Full Board held a work session to receive an overview presentation on HB 1605 from the commissioner of education and begin discussing preliminary decisions and next steps. The June 2023 SBOE HB 1605 Work Session Presentation shared during the work session is available on the TEA website at <https://tea.texas.gov/about-tea/leadership/state-board-of-education/sboe-2023/sboe-2023-june/sboe-hb1605-working-session-slidedeck-062223.pdf>.

At the November 2024 SBOE meeting, TEA staff presented to the Committee of the Full Board for discussion the local classroom review rubrics and considerations for the proposed rule.

New §67.69 clarifies the conditions under which a local review of classroom instructional materials will be conducted.

In accordance with TEC, §7.102(f), the SBOE approved the new section for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2025-2026 school year. The earlier effective date will allow the rule to apply to the 2025-2026 school year. The effective date is 20 days after filing as adopted with the Texas Register.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began February 28, 2025, and ended at 5:00 p.m. on March 31, 2025. The SBOE also provided an opportunity for registered oral and written comments at its April 2025 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comment received and the corresponding response.

Comment. A commenter requested that TEA review a math intervention product from a publisher.

Response. This comment is outside the scope of the proposed rulemaking.

STATUTORY AUTHORITY. The new section is adopted 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 student is enrolled and allows the State Board of Education (SBOE) to adopt rules to implement this section; TEC, §31.003(a), which permits the SBOE to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials; and TEC, §31.0252, as added by HB 1605, 88th Texas Legislature, Regular Session, 2023, which requires the Texas Education Agency to develop a rubric, approved by the SBOE, to determine if reviewed instructional material complies with the rigor requirements described by TEC, §31.0252(a)(2).

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

<rule>

§67.69. Local Review of Classroom Instructional Materials.

- (a) School districts and open-enrollment charter schools must establish a process by which a parent of a student may request an instructional material review under Texas Education Code, §31.0252, for a subject area in the grade level in which the student is enrolled. This process shall:
 - (1) establish minimum requirements for a parent's petition to the school district board of trustees for a local review of classroom instructional materials, including submission guidelines and timelines for the petition. The process must align to the statewide submission window of September 1 through the last instructional day for students. The process must require that the board consider such petitions at the regular board meeting that allows proper posting immediately following submission of the petition provided that it is submitted by the prescribed submission deadline;
 - (2) require parent petitions to include the student assignment, grade level, content area, campus name, and teacher name to complete the local review process; and
 - (3) establish an appeal process for parents if a petition for a local review is denied by the school district board of trustees, detailing steps for submitting an appeal, the criteria for reviewing the appeal, and the timelines for a final decision.
- (b) A school district or open-enrollment charter school is requested to notify the State Board of Education member(s) representing the district or charter school, at the member's state email address as listed on the SBOE.Texas.gov website, within one week of a decision to approve a parent request for local classroom review and one week after receiving the final report.