

The State Board of Education (SBOE) proposes new §67.69, concerning the local review of classroom instructional materials. The proposed new section would implement 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.

**BACKGROUND INFORMATION AND 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 the agency 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.

Proposed new §67.69 would clarify the conditions under which a local review of classroom instructional materials would be conducted.

The SBOE approved the proposed new rule for first reading and filing authorization at its January 31, 2025 meeting.

**FISCAL IMPACT:** Todd Davis, associate commissioner for instructional strategy, has determined that for the first five years 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 a new regulation regarding the process for local reviews of classroom instructional materials conducted by school districts.

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:** 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 define the requirements for a school district's process for parent petitions for instructional material review. 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 or 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 February 28, 2025, and ends at 5:00 p.m. on March 31, 2025. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2025 in accordance with the SBOE board operating policies and procedures. 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 February 28, 2025.

**STATUTORY AUTHORITY.** The new rule is 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 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 rule 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.