

The State Board of Education (SBOE) proposes an amendment to §67.27, concerning eligibility and appointment of instructional materials review and approval (IMRA) reviewers. The proposed amendment would update the requirements for suitability reviewers and the process for the appointment and selection of suitability reviewers.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), Chapter 31, addresses instructional materials in public education and permits the SBOE to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials. House Bill 1605, 88th Texas Legislature, Regular Session, 2023, significantly revised TEC, Chapter 31, including several provisions under SBOE authority.

The IMRA process requires the use of both quality and suitability reviewers. Dedicated suitability reviewers were introduced for the first time as part of IMRA Cycle 2025. The proposed amendment would incorporate feedback gathered during the first year of implementation. Certain language requirements for nominees would be added, and the process for reviewer selection would be clarified, specifically related to timelines.

The SBOE approved the proposed amendment for first reading and filing authorization at its November 21, 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: Texas Education Agency (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 the requirements, timeline, and process for the appointment and selection of suitability 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 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 clarify the process for nomination and selection of suitability 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 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 SBOE requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins December 19, 2025, and ends at 5:00 p.m. on January 20, 2026. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January 2026 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 December 19, 2025.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §31.003(a), which permits the State Board of Education (SBOE) to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials; TEC, §31.022, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which requires the SBOE to review instructional materials that have been provided to the board by the Texas Education Agency (TEA) under TEC, §31.023; and TEC, §31.023, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, which requires the commissioner of education to establish, in consultation with and with the approval of the SBOE, a process for the annual review of instructional materials by TEA. In conducting a review under this section, TEA must use a rubric developed by TEA in consultation with and approved by the SBOE.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §31.003(a); and §31.022 and §31.023, as amended by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

<rule>

§67.27. IMRA Reviewers: Eligibility and Appointment.

- (a) All instructional materials review and approval (IMRA) reviewers must complete an application. The application will include a resume and supervisor, if applicable, or another reference contact information and must request any professional associations, affiliations, and groups in a format approved by the State Board of Education (SBOE) chair. SBOE members shall have access to all completed applications in their respective districts.
- (b) The IMRA reviewer application shall be posted to the SBOE website.
- (c) An IMRA reviewer may serve as a quality reviewer or as a suitability reviewer.
- (d) Quality reviewers.
 - (1) IMRA quality reviewers must meet one of the following minimum qualification requirements:
 - (A) educators with three or more years of experience;
 - (B) district or campus personnel who have taught and/or directly supported the grade level(s) and subject area(s) or course(s) for at least three years;
 - (C) professors at an accredited institution of higher education in Texas with at least three years or more experience in the subject area(s) or courses; or
 - (D) persons with evidence of strong content knowledge and experience in the grade level(s) and subject area(s) or course(s).
 - (2) The Texas Education Agency (TEA) may reject a quality reviewer applicant if the candidate does not meet minimum eligibility as outlined in this section with approval of the SBOE member for which the applicant is a district resident. The member has one week to respond to TEA's decision. If the SBOE member approves applicants who were previously rejected by TEA, those applications shall be reinstated to the applicant pool to be rated.

- (3) All eligible quality reviewer applicants shall be evaluated by TEA staff using the applicants' experience and qualifications rated on a scale of 1-3. The best qualified individuals are ranked 1.
- (4) Once rated, all eligible quality reviewer applicants are shared with the SBOE member for which the applicant is a district resident.
- (5) TEA staff provides all quality reviewer applicants and their applications to the SBOE member for which the applicant is a district resident, and the SBOE member may adjust rankings, veto applicants, and/or identify top candidates.
- (6) The SBOE member has two weeks to return applicants and their rankings to TEA staff. If the SBOE member does not submit a response, TEA staff's ranking shall remain unchanged.
- (7) IMRA quality reviewers must be approved by the SBOE member for which they are a district resident.
- (8) If an individual invited to serve on a quality review panel declines the invitation, the relevant SBOE member will select an alternate from the list of candidates within one week. To the extent an SBOE member fails to select an alternate within one week, the top-ranked applicant is deemed selected.
- (9) In the event TEA does not receive enough applications to fill available roles, TEA may:
 - (A) reduce the size of the review team to no fewer than three reviewers;
 - (B) postpone the review of materials using the SBOE-approved strategy for prioritizing selection of instructional materials for review; or
 - (C) modify the review schedule to allow for additional recruitment efforts.
- (10) TEA staff shall build quality review panels using top candidates identified from each SBOE district. As final selections are made, TEA may consider the following characteristics to ensure that each individual review panel is balanced and has the necessary qualifications. The guidelines are established to ensure that the work groups are highly qualified, reflect the make-up of the state's educators, and include representation from the following.
 - (A) Experience: highly qualified educators and others with evidence of strong content knowledge and experience in the subject and/or grade level or bands and/or course(s).
 - (B) Position: a variety of positions reflected such as parents, classroom teachers, campus- and district-level administrators/specialists, education service center subject area personnel, representatives from higher education, and community members, including employers.
 - (C) School district size: large, midsize, and small school districts.
 - (D) Demographics: multiple and different racial and ethnic groups and males and females.
 - (E) School district/charter school: a variety of local education agencies are represented, including open-enrollment charter schools.
 - (F) Expertise: if a work group is assigned a grade band, at least one reviewer with experience teaching for each grade level will be prioritized.
- (11) TEA staff shall maintain a database of individuals who have served on an IMRA review panel during the review process.
- (12) Only if the SBOE member responds affirmatively to a request from TEA will an applicant be exempt from subsection (a) of this section, and only if the applicant has previously served as an IMRA quality reviewer in at least one of the prior two IMRA cycles and received an acceptable performance rating.
- ~~[(12) Applicants are exempt from subsection (a) of this section if they have previously served as an IMRA quality reviewer and received an acceptable performance rating; however, an SBOE member may waive this provision and require all applicants to resubmit their applications in accordance with subsection (a) of this section.]~~

(e) Suitability reviewers.

- (1) Texas residency is a minimum requirement for any IMRA suitability reviewer.
- (2) Each SBOE member shall annually nominate a minimum of 40 ~~[20]~~ applicants to serve as suitability reviewers and rank them from most preferred to least preferred.
- (3) At least 20% of nominees must be fluent in the Spanish language and ranked separately from most preferred to least preferred.
- (4) For the review of instructional materials for languages other than English, members must each nominate and rank at least five reviewers fluent in the languages to be reviewed.
- (5) ~~[(3)]~~ A panel for suitability review consists of three reviewers and shall reflect the political affiliation of the membership of the SBOE. No more than one suitability reviewer per panel may be nominated by ~~from~~ any one SBOE member ~~[district]~~.
- (6) ~~[(4)]~~ TEA staff shall build suitability review panels using top candidates identified from each SBOE district. As final selections are made, TEA may consider the following characteristics to ensure that each individual review panel is balanced and has the necessary qualifications.
 - (A) Experience: successful participation as a quality or suitability reviewer in a past review.
 - (B) Demographics: multiple and different racial and ethnic groups and males and females.
- (7) ~~[(5)]~~ If an individual invited to serve on a review panel declines the invitation, TEA will then invite the next eligible reviewer from the SBOE member's list. ~~[the relevant SBOE member will select an alternate from the list of candidates within one week. To the extent a member fails to select an alternate within one week, the top ranked applicant is deemed selected.]~~
- (8) ~~[(6)]~~ If there are not enough suitability reviewers available for a review cycle, TEA shall request more nominations from each SBOE member. To the extent a member fails to nominate additional candidates within one week of being notified by TEA, candidates from other SBOE member districts may be considered.
- (9) If TEA still requires additional suitability candidates to complete the review after notifying SBOE members of the need for more nominations and fewer than 14 calendar days remain before the review begins, final reviewer selections shall be made in consultation with the SBOE chair to preserve SBOE authority.
- (10) ~~[(7)]~~ If an SBOE member who nominated reviewers no longer holds the office before the start of the annual review, the new SBOE member may nominate different suitability reviewers or adjust their rankings. If the office is vacant, the SBOE chair may nominate different suitability reviewers or adjust their rankings.