

The State Board of Education (SBOE) proposes new §§128.10, 128.30, and 128.70, concerning Texas Essential Knowledge and Skills (TEKS) for Spanish language arts and reading and English as a second language. The proposed new sections would add lists of literary works to be taught in each grade level as required by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The 88th Texas Legislature, Regular Session, 2023, passed HB 1605 relating to instructional material and technology. HB 1605 added Texas Education Code (TEC), §28.002(c-4), which requires the SBOE, in adopting essential knowledge and skills for English language arts, to specify a list of required vocabulary and at least one literary work to be taught in each grade level. A discussion item at the November 2025 SBOE meeting provided an opportunity for the Committee of the Full Board to discuss recommendations from the commissioner of education for literary works to be taught in each grade level as required by HB 1605. At the January 2026 meeting, the SBOE postponed first reading and filing authorization of proposed new 19 TAC §§128.10, 128.30, and 128.70 until the April 2026 meeting.

The proposed new sections would adopt literary works lists required to be taught in English and Spanish language arts and reading in Kindergarten-Grade 12.

The SBOE approved the proposed new sections for first reading and filing authorization at its April 10, 2026 meeting.

**FISCAL IMPACT:** Shannon Trejo, deputy commissioner for school programs, has determined that for the first five years the proposal is in effect (2026-2030), there are no additional costs to state government. There will be fiscal implications for school districts and charter schools to implement the proposed literary works lists, which would include the purchase of the literary works and may also include the need for professional development and revisions to district-developed curriculum and scope and sequence documents. Since instructional material purchases and curriculum and instruction decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

**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 create new regulations by adding lists of required literary works to the TEKS for reading language arts.

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:** Dr. Trejo 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 ensure that

all students in the state of Texas have the opportunity to read the same literary works. 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 May 15, 2026, and ends at 5:00 p.m. on June 15, 2026. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 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 May 15, 2026.

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

<rule>

#### **§128.10. Literary Works Lists, Kindergarten-Grade 5, Adopted 2026.**

- (a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1).
- (b) The literary works in an English or Spanish version included in the figures in subsection (f)(1)-(6) of this section shall be included in instruction at or before the designated grade level for students receiving instruction in Spanish language arts and reading. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1)-(6) of this section.
- (c) Students shall demonstrate proficiency in the student expectations described in §§128.2-128.7 of this chapter (relating to Spanish Language Arts and Reading, Kindergarten, Adopted 2017; Spanish Language Arts and Reading, Grade 1, Adopted 2017; Spanish Language Arts and Reading, Grade 2, Adopted 2017; Spanish Language Arts and Reading, Grade 3, Adopted 2017; Spanish Language Arts and Reading, Grade 4, Adopted 2017; and Spanish Language Arts and Reading, Grade 5, Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1)-(6) of this section. The literary works required by this section represent the minimum literary works to be read by or for students in that grade. Additional literary works to be used in instruction may be selected at the local level. When making local selections of additional literary works for instruction in Spanish language arts and reading, school districts and charter schools should prioritize texts with content that reinforces required student expectations of knowledge from other subjects, including social studies.
- (d) It is recommended that students read from printed versions of required literary works as opposed to digital copies on digital devices.
- (e) Students in Kindergarten-Grade 4 are still developing proficiency in beginning reading and writing skills. Specific reading material used to develop those reading and writing skills, including decodable readers and grammar and handwriting guidance documents, are necessary to support that instruction but are not

referenced in this section. Student expectations related to listening and speaking in those grades can be supported by exposing students to a range of literary works with more complex vocabulary. Consequently, certain literary works required by this section in Kindergarten-Grade 4 are noted as being recommended for implementation as being read aloud to the student as noted in the figures in subsection (f)(1)-(6) of this section. Even if a literary work is listed with a recommendation that it be read aloud, it may be read directly by students when appropriate, potentially with adult assistance. If a literary work is not listed with a recommendation that it be read aloud, it must be read by students, with adult assistance where necessary.

- (f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.
  - (1) Kindergarten list, entitled "Required Spanish Literary Works - Kindergarten."  
Figure: 19 TAC §128.10(f)(1)
  - (2) Grade 1 list, entitled "Required Spanish Literary Works - Grade 1."  
Figure: 19 TAC §128.10(f)(2)
  - (3) Grade 2 list, entitled "Required Spanish Literary Works - Grade 2."  
Figure: 19 TAC §128.10(f)(3)
  - (4) Grade 3 list, entitled "Required Spanish Literary Works - Grade 3."  
Figure: 19 TAC §128.10(f)(4)
  - (5) Grade 4 list, entitled "Required Spanish Literary Works - Grade 4."  
Figure: 19 TAC §128.10(f)(5)
  - (6) Grade 5 list, entitled "Required Spanish Literary Works - Grade 5."  
Figure: 19 TAC §128.10(f)(6)
- (g) All titles must be taught, either in English or in Spanish. The determination as to whether a title is taught in English or Spanish is based on the language of instruction determined by the Language Proficiency Assessment Committee (LPAC), as applicable, and the bilingual program model as described in Chapter 89, Subchapter BB, of this title (relating to Commissioner's Rules Concerning State Plan for Educating Emergent Bilingual Students) and further adjusted based on individual student need.
- (h) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1)-(6) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1)-(6) of this section or the information maintained on the TEA website.
- (i) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.
- (j) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1)-(6) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

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**§128.30. Literary Works Lists, Grade 6 and English Learners Language Arts (ELLA), Grades 7 and 8, Adopted 2026.**

- (a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1).
- (b) The literary works in an English or Spanish version included in the figures in subsection (f)(1)-(3) of this section shall be included in instruction at or before the designated grade level for students receiving instruction in Spanish language arts and reading. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1)-(3) of this section.
- (c) Students shall demonstrate proficiency in the student expectations described in §§128.21-128.23 of this chapter (relating to Spanish Language Arts and Reading, Grade 6, Adopted 2017; English Learners Language Arts (ELLA), Grade 7, Adopted 2017; and English Learners Language Arts (ELLA), Grade 8, Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1)-(3) of this section. The literary works required by this section represent the minimum literary works to be read by or for students in that grade. Additional literary works to be used in instruction may be selected at the local level. When making local selections of additional literary works for instruction in Spanish language arts and reading, school districts and charter schools should prioritize texts with content that reinforces required student expectations of knowledge from other subjects, including social studies.
- (d) It is recommended that students read from printed copies of required literary works as opposed to digital copies on digital devices.
- (e) Literary works listed in the figures for Grades 6-12 are organized by grouping required titles into a set. Each set of literary works identifies an anchor work along with additional shorter works that may be read to support the anchor, with the shorter works denoted in the figures with a set of dashes that points back to each anchor. This approach to grouping is recommended as an option to consider for instruction but is not required.
- (f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.
  - (1) Grade 6 list, entitled "Required Spanish Literary Works - Grade 6."  
Figure: 19 TAC §128.30(f)(1)
  - (2) ELLA Grade 7 list, entitled "Required Literary Works - Grade 7."  
Figure: 19 TAC §128.30(f)(2)
  - (3) ELLA Grade 8 list, entitled "Required Literary Works - Grade 8."  
Figure: 19 TAC §128.30(f)(3)
- (g) All titles must be taught, either in English or in Spanish. The determination as to whether a title is taught in English or Spanish is based on the language of instruction determined by the Language Proficiency Assessment Committee (LPAC), as applicable, and the bilingual program model as described in Chapter 89, Subchapter BB, of this title (relating to Commissioner's Rules Concerning State Plan for Educating Emergent Bilingual Students) and further adjusted based on individual student need.

- (h) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1)-(3) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1)-(3) of this section or the information maintained on the TEA website.
- (i) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.
- (j) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1)-(3) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

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**§128.70. Literary Works Lists, High School, Adopted 2026.**

- (a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1).
- (b) The literary works included in the figures in subsection (f)(1) and (2) of this section shall be included in instruction at or before the designated grade level for students receiving instruction in Spanish language arts and reading. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1) and (2) of this section.
- (c) Students shall demonstrate proficiency in the student expectations described in §128.34 and §128.35 of this chapter (relating to English I for Speakers of Other Languages (One Credit), Adopted 2017; and English II for Speakers of Other Languages (One Credit), Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1) and (2) of this section. The literary works required by this section represent the minimum literary works to be read by or for students in that grade. Additional literary works to be used in instruction may be selected at the local level. When making local selections of additional literary works for instruction in Spanish language arts and reading, school districts and charter schools should prioritize texts with content that reinforces required student expectations of knowledge from other subjects, including social studies.
- (d) It is recommended that students read from printed versions of required literary works as opposed to digital copies on digital devices.
- (e) Literary works listed in the figures for Grades 6-12 are organized by grouping required titles into a set. Each set of literary works identifies an anchor work along with additional shorter works that may be read to support the anchor, with the shorter works denoted in the figures with a set of dashes that points back to each anchor. This approach to grouping is recommended as an option to consider for instruction but is not required.
- (f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.
  - (1) English I for Speakers of Other Languages (ESOL) list, entitled "Required Literary Works - ESOL I."  
Figure: 19 TAC §128.70(f)(1)
  - (2) English II for Speakers of Other Languages (ESOL) list, entitled "Required Literary Works - ESOL II."  
Figure: 19 TAC §128.70(f)(2)
- (g) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1) and (2) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1) and (2) of this section or the information maintained on the TEA website.

- (h) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.
- (i) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1) and (2) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.