

Chapter 67. State Review and Approval of Instructional Materials

Subchapter B. State Review and Approval

§67.21. Proclamations, Public Notice, and Requests for Instructional Materials for Review.

- (a) Upon the adoption of revised Texas Essential Knowledge and Skills (TEKS) or Texas Prekindergarten Guidelines (TPG), the State Board of Education (SBOE) shall determine if the extent of the revisions have created a need to remove instructional materials from the list approved under Texas Education Code, §31.022.
- (b) The SBOE shall issue a proclamation calling for instructional materials if the determination in subsection (a) of this section results in a decision that a proclamation is necessary. The proclamation shall serve as notice to:
 - (1) all publishers to submit instructional material for review for the subject and grade level or course(s); and
 - (2) all publishers with approved instructional materials for the subject and grade level or course(s) that to remain on the list of approved materials, the publisher must submit new or revised materials or new information demonstrating alignment of current instructional materials to the revised TEKS or TPG.
- (c) The Texas Education Agency shall issue an annual request for instructional materials to notify all publishers and the public that submissions of instructional materials aligned to quality rubrics and the suitability rubric approved by the SBOE are being invited for review.
- (d) Each proclamation and annual request for instructional materials for review shall contain the following:
 - (1) information about and reference to applicable TEKS, TPG, and English Language Proficiency Standards in each subject for which submissions are being invited;
 - (2) the student enrollment of the courses or grade levels called for, to the extent that it is available, for the school year prior to the year in which the proclamation or annual request for instructional materials is issued;
 - (3) the requirement that a publisher grant electronic access to the instructional materials being submitted that complies to the specifications in the proclamation or annual request for instructional materials for review and may not submit a print copy;
 - (4) specifications for providing computerized files to produce accessible formats of approved instructional materials;
 - (5) specifications for ensuring that electronic instructional materials are fully accessible to students with disabilities; and
 - (6) a schedule of instructional materials review and approval procedures.

Statutory Authority: The provisions of this §67.21 issued under the Texas Education Code, §§26.006, 31.003(a), 31.022, 31.023, and 31.151, as amended by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, and 31.154, as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

Source: The provisions of this §67.21 adopted to be effective March 31, 2024, 49 TexReg 1917.

§67.23. Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA).

- (a) A publisher with approved materials shall comply with product standards and specifications.
- (b) Publishers participating in the adoption process are responsible for all expenses incurred by their participation.

- (c) A publisher may not submit instructional materials for review that have been authored or contributed to by a current employee of the Texas Education Agency (TEA). This does not apply to open education resource instructional materials as developed by TEA in accordance with Texas Education Code, Chapter 31, Subchapter B-1.
- (d) On or before the deadline established in the schedule of approval procedures, publishers shall submit correlations of instructional materials submitted for review in a format designated by the commissioner of education. Correlations shall be provided for materials designed for student use and materials designed for teacher use and include:
 - (1) evidence of coverage of each student expectation, in the context of the lesson, of the Texas Essential Knowledge and Skills or Texas Prekindergarten Guidelines and applicable English Language Proficiency Standards required by the proclamation or the request for instructional materials for review; and
 - (2) evidence of alignment to the quality rubric indicators.
- (e) On or before the deadline established in the schedule of approval procedures, publishers shall certify that after exercising reasonable efforts, the submitted material complies with suitability standards and all applicable state laws.
- (f) A publisher that intends to offer instructional materials for review and approval shall comply with additional requirements included in a proclamation or the annual request for instructional materials for review.

Statutory Authority: The provisions of this §67.23 issued under the Texas Education Code, §§26.006, 31.003(a), 31.022, 31.023, and 31.151, as amended by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, and 31.154, as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

Source: The provisions of this §67.23 adopted to be effective March 31, 2024, 49 TexReg 1917.

§67.25. Consideration and Approval of Instructional Materials by the State Board of Education.

The State Board of Education (SBOE) shall review the results of the instructional materials reviews completed by a review panel and submitted by the commissioner of education in accordance with Texas Education Code (TEC), §31.022 and §31.023. Instructional materials may be placed on the list of approved instructional materials only if they meet the following criteria:

- (1) for full-subject and partial-subject tier one instructional materials for foundation subjects as defined by TEC, §28.002(a)(1), the product components cover 100% of the Texas Essential Knowledge and Skills (TEKS) and applicable English Language Proficiency Standards (ELPS) for the specific grade level and subject area when the proclamation or request for instructional materials was issued. In determining the percentage of the TEKS and ELPS covered by instructional materials, each student expectation shall count as an independent element of the standards;
- (2) materials have been reviewed through the process required by TEC, §31.023;
- (3) materials are free from factual error, defined as a verified error of fact or any error that would interfere with student learning, including significant grammatical or punctuation errors;
- (4) materials meet the Web Content Accessibility Guidelines (WCAG) and meet the technical specifications of the Federal Rehabilitation Act, Section 508, as specified when a request for instructional materials or proclamation was issued;
- (5) materials conform to or exceed in every instance the latest edition of the Manufacturing Standards and Specifications for Textbooks (MSST), developed by the State Instructional Materials Review Association, when the proclamation or request for instructional materials was issued;
- (6) materials are compliant with the suitability standards adopted by the SBOE and are compliant with all applicable state laws; and
- (7) materials provide access to a parent portal as required by TEC, §31.154.

Statutory Authority: The provisions of this §67.25 issued under the Texas Education Code, §§26.006, 31.003(a), 31.022, 31.023, and 31.151, as amended by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, and 31.154, as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

Source: The provisions of this §67.25 adopted to be effective March 31, 2024, 49 TexReg 1917.