

Chapter 67. State Review and Approval of Instructional Materials

Subchapter D. Duties of Publishers and Manufacturers

§67.81. Instructional Materials Contracts.

- (a) The state contract for materials placed on the list of approved materials shall not be changed or modified without the approval of Texas Education Agency (TEA) legal counsel.
- (b) Contracts shall be sent to publishers for signature. Signed contracts returned by publishers shall be signed by the chair of the State Board of Education (SBOE) and attested to by the commissioner of education. Properly signed and attested contracts shall be filed with TEA.
- (c) The publisher of instructional materials approved by the SBOE shall:
 - (1) enter into a contract with the SBOE for a term not to exceed an initial term of eight years; and
 - (2) commit to provide the instructional materials in the manner specified by the publisher in the official bid specified in §67.23 of this title (relating to Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA)).
- (d) The commissioner shall annually review contracts for instructional materials and present to the SBOE those contracts that are eligible for renewal.
- (e) The SBOE shall renew existing contracts upon determining that the renewal would be in the best interest of the state and after considering the following factors:
 - (1) placement of subject areas in the Texas Essential Knowledge and Skills review schedule;
 - (2) willingness of publishers to renew contracts; and
 - (3) cost of instructional materials under a renewal contract.
- (f) Publishers awarded new contracts shall be prepared to make the approved instructional materials available for at least one contract renewal period of not more than four years at prices that are mutually agreeable to publishers and to the commissioner. The SBOE may consider refusing to award future contracts to a publisher that, after receiving written notice to do so, refuses to rebid instructional materials at least once. Failure of a publisher to negotiate an acceptable price for an extended contract shall not be considered failure to rebid instructional materials.
- (g) Contracts with publishers are subject to all provisions of Texas Education Code (TEC), Chapter 31.
- (h) This section does not apply to open education resource instructional material.

Statutory Authority: The provisions of this §67.81 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 §67.81 adopted to be effective March 31, 2024, 49 TexReg 1917.

§67.83. Publisher Parent Portal.

- (a) Standards under this section apply to any publisher that supplies instructional materials that are reviewed by a review panel under Texas Education Code (TEC), §31.022 and §31.023, and placed on the list of approved instructional materials by the State Board of Education (SBOE) as outlined in TEC, §31.022.
- (b) Standards under this section apply to any instructional materials, including:
 - (1) full-subject tier one instructional material;
 - (2) open education resource instructional material;
 - (3) partial-subject tier one instructional material; and

- (4) supplemental instructional material.
- (c) A publisher must host an instructional materials parent portal that:
 - (1) includes in the portal all components placed on the list of instructional materials approved by the SBOE, including teacher- and student-facing materials, excluding materials outlined in TEC, §31.154(c);
 - (2) for each school district or open-enrollment charter school that purchases the instructional materials, makes the parent portal capable of single-sign-on with the learning management system or online learning portal used by the district or charter school to assign, distribute, present, or make available instructional materials as defined by TEC, §31.002, to students. If a publisher is unable to make instructional materials operational at the time of purchase by a school district or open-enrollment charter school, the publisher has 60 days from the date of purchase to make its portal operational with the learning management system of the school district or charter school that purchased the materials;
 - (3) for instructional materials not available in a digital format, contains the instructional materials component International Standard Book Number (ISBN) or part number, title, edition, and author to allow a parent to locate a physical copy of the material;
 - (4) allows access beginning not later than 30 days before the school year begins and concluding not earlier than 30 days after the school year ends;
 - (5) optimizes the portal for viewing on large monitors, laptops, tablets, and smartphone devices; and
 - (6) meets Web Content Accessibility Guidelines (WCAG) identified in the associated proclamation or annual request for instructional materials for review and any technical standards required by the Federal Rehabilitation Act, Section 508.
- (d) A publisher hosting an instructional materials parent portal may not:
 - (1) include any instructional materials as defined by TEC, §31.002, that were not reviewed and placed on the approved materials list; or
 - (2) include any instructional materials on the portal that would undermine, subvert, or impede any local education agency or open-enrollment charter school from complying with TEC, §31.1011.
- (e) For instructional materials that do not meet the single-sign-on capability requirements within the time period established under subsection (c)(2) of this section, the Texas Education Agency shall recommend to the SBOE the removal of the publisher's instructional materials from the list of approved materials unless the failure to meet the functionality is due to inaction by the school district or charter school or the district's or school's learning management system provider. The SBOE may remove the publisher's material from the approved list.

Statutory Authority: The provisions of this §67.83 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.

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