

TEA Instructional Materials

When the COVID pandemic began to disrupt in-person learning, Texas public schools were not prepared to provide remote or hybrid instruction with appropriately designed instructional materials, and children fell behind because of lost instructional time. As a result, TEA undertook an accelerated process to acquire effective instructional material resources for schools that could support remote, in-person, and hybrid instruction, both to support schools during the pandemic and to speed up learning recovery efforts longer term.

Background on Local District, State Board of Education and TEA Involvement in Instructional Materials

Under state law, school systems in Texas have total flexibility and final authority to choose the instructional materials (e.g. lessons, books, videos, tutoring content, textbooks, etc.) used with students, as long as those instructional materials, in total, cover the State Board of Education (SBOE)-adopted Texas Essential Knowledge and Skills (TEKS), and do not violate the newly adopted House Bill (HB) 3979 / Senate Bill (SB) 3 provisions of Texas Education Code [TEC §28.0022](#) covering “Certain Instructional Materials and Prohibitions.” State law also directs TEA to make certain instructional programs and materials available for school systems to choose from on an optional basis. For example, statute has directed the agency since 2009 to procure open education resources (OER), which are instructional materials where the underlying intellectual property is either permanently owned by the state of Texas or is structured as a license that allows for the state to modify & use it for free in perpetuity (“Purchase Authority” [TEC §31.071](#)). As such, OER products can be freely used in digital form or printed. This statute exists to ensure the availability of textbooks for teachers aligned to Texas standards with appropriate levels of rigor that have an evidence base that leads to student achievement. The most recent efforts to acquire OER products prior to COVID began with Requests for Proposals (RFPs) issued by the agency in 2018, which resulted in a unit-level pilot with creative commons-based materials to ensure the ability to easily edit content in the materials moving forward.

COVID Response

As part of TEA’s COVID response, TEA expedited the acquisition of open education resource (OER) instructional materials that could be used either in printed form for in-person instruction or digitally for remote instruction, and also to acquire short term licenses when materials could not be secured as fully owned by the state but that still allowed for changes based on feedback. Despite the need for fast turnaround, these were never issued as sole source contracts. Instead, TEA conducted an emergency competitive Requests for Proposal (RFP) for these materials in April 2020. That RFP was advertised to at least 30 instructional materials vendors, 23 instructional materials vendors responded, and contracts were signed with 6 of those vendors. Winning proposals had to demonstrate alignment to the SBOE-adopted TEKS, ensure materials comply with all applicable state statutes (including the avoidance of content that violates any aspect of Texas Penal Code [§43.24\(a\)\(2\)](#) relating to the “Display of Harmful Materials for Minors”), ensure materials included strong supports for teachers, provide evidence that use of those materials has led to improved outcomes for students, and the materials had to be deployable immediately for teachers to use, given the rapid & changing nature of the pandemic’s

disruption to student learning. Separately, TEA also issued an RFP and established contracts with third parties to review materials provided by these vendors, recognizing the need to ensure quality and edit content to ensure it reflected Texas standards.

As an example of what the state acquired during this process: Amplify – one of the six chosen instructional materials vendors – provided content based on Texas standards for grades Kindergarten-5 in English/reading language arts so that Texans could freely access, reproduce, revise, copy, and share it as OER in perpetuity. This equated to a full set of student activity books, teacher textbooks, readers, classroom posters, and more across all 6 elementary grades, covering 180 days of lessons in each grade, totaling roughly 60,000+ pages of content, all of which required immediate review to allow the materials to be provided for schools during COVID response. As part of their contract, content would be modified based on these reviews and some new content would be created solely for the Texas-owned product, including development of Spanish language materials to support bilingual students. While Amplify is a private company with several national products (including digital learning products), what Texas now owns is separate and distinct from the rest of Amplify’s products. This OER product has been in a pilot phase since 2020, being updated regularly based on feedback, and has been piloted as a COVID Emergency Release resource, for now under the name “Amplify Texas Elementary Literacy Program”.

As part of the COVID response and regarding Amplify, TEA also temporarily licensed other Amplify products. Those licenses were temporary, specific to the COVID emergency, and the licensed products are not owned by Texas as OER. One of those products is designed to support a teacher covering a full course of English/language arts for students in grades 6-8 digitally, supporting remote instruction, and the license expires September 2023. There are supplemental reading and tutoring products for students in elementary and middle school that are also entirely digital and designed well for remote instruction that expire at varying times from September 2022 to 2024. Unrelated to COVID, Amplify also offers free of charge to all Texas schools the mCLASS early literacy assessment. Amplify may make other products available for purchase in Texas, and the decision to purchase those products is up to the individual decisions of school districts.

Reviewing & Modifying Content in the OER Pilot Product During COVID Emergency

For the OER pilot product, TEA established a review process in the summer of 2020 to ensure content was aligned with the TEKS and was appropriate for Texas classrooms, using third-party content review contracts and a process to solicit feedback from piloting teachers. Third-party reviews verified TEKS alignment and performed quality reviews based on TEA rubrics, conducted by teams made up primarily of Texas teachers.

Multiple issues were identified and flagged for immediate editing. Due to the accelerated timeline required during the COVID emergency and the volume of content (with 60,000+ pages), some issues were not fully identified during that review. TEA performed immediate edits for the 2020-21 school year, made edited materials available for districts to pilot, posted current versions of material online, and gathered feedback to make additional edits. Efforts have been made to ensure all content is age appropriate and reflective of Texas standards, and that lesson design and pacing reflects feedback from teachers, leading to new updates of the materials to be released throughout the pandemic. The feedback has been used to modify the materials over the course of multiple versions, and piloting districts have been encouraged to perform reviews and make adjustments as appropriate locally.

COVID Emergency Release (CER) Schedule

- **Version: CER v1**
 - Available in School Year: 2020–21
- **Version: CER v2**
 - Available in School Year: 2021–22
- **Version: CER v3**
 - Available in School Year: 2022–23
- **Version: CER v4**
 - Available in School Year: 2023–24

To reflect this process of accelerated development, all Covid Emergency Release products include the following disclaimer:

COVID Emergency Release Product Notice and Disclaimer: The agency has developed these learning resources as a contingency option for school districts. These are optional resources intended to assist in the delivery of instructional materials in this time of public health crisis. Feedback will be gathered from educators and organizations across the state and will inform the continuous improvement of subsequent units and editions. School districts and charter schools retain the responsibility to educate their students and should consult with their legal counsel regarding compliance with applicable legal and constitutional requirements and prohibitions. Given the timeline for development, errors are to be expected. If you find an error, please email us at texashomelearning@tea.texas.gov.

To ensure robust review, feedback is being gathered from parents, caregivers, educators, and organizations across the state. This feedback will inform the continuous improvement of subsequent units and editions. Feedback can be provided by filling out this [online survey](#)

Modifying OER Content Moving Forward

During TEA’s internal review and based on feedback from parents and educators in classrooms piloting the OER material during the COVID emergency period, TEA determined more substantial changes were necessary to improve the product for use moving forward. An RFP was issued in June 2021 to find a vendor to support more significant content modifications and ongoing continuous improvement to the product. Winning proposals had to demonstrate the ability to provide services that ensured content was tightly aligned the SBOE-adopted TEKS and also ensure materials comply with all applicable state statutes including the newly enacted HB 3979 / SB 3 provisions found in [TEC §28.0022](#) covering “Certain Instructional Materials and Prohibitions.” The Florida-based company Public Consulting Group (PCG) was awarded the contract and is leading efforts to make more significant edits to the product. PCG uses sub-contractors, including Amplify, and is likely to bring on alternative contractors given the volume of edits required. Given that these vendors also provide services outside of the state of Texas, the agency is expanding its approach to editorial review, to ensure every aspect of content is closely scrutinized to ensure the content fully reflects Texas standards. This will result in large amounts of content changes. Because OER products are Texas-owned, TEA can make continuous improvements to the product with new versions over time as more teachers use the materials. [A synopsis of changes already planned](#) have been summarized. Additionally, to more accurately reflect the large number of customizations made for

Texas-owned OER products and to minimize the appearance of endorsement of any other private sector product, the brand name of OER products will be changed. These updated versions of OER products, when finalized, will be presented to the SBOE to ensure a public review and approval process.

To ensure maximum transparency, especially for parents, as OER content is modified, current versions are always accessible online at the [TEA website](#) to allow anyone to review and provide feedback on any aspect of the content by emailing openeducationresources@tea.texas.gov. TEA's goal is to ensure OER content is of the highest quality, fully reflective of Texas standards, extremely useful for teachers, supportive of high student achievement, and that it includes lessons that Texas parents are proud for their students to learn in school. TEA is committed to making edits in response to feedback to ensure OER materials reach that goal.

Data Collection and Privacy Practices

TEA takes data security seriously and has robust protections in place to guard confidential student data. Currently, Open Education Resource products have a digital component that is only accessed by teachers so that they can see lesson plans and related content, no student-level data is captured. Digital versions of OER content for students is limited to PDFs that can be shown on student laptops, although printed versions of the material are preferable for learning. Importantly, no student surveys are ever administered as part of any OER product.

Beyond OER, all digital learning products used in schools must comply with federal & state student privacy laws. Any student data collected, in assessments or otherwise, are fully protected by federal law in the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and Texas law including Texas Education Code §32 Subchapter D and Texas Government Code §552.114 and §2054. Any digital learning materials made available to school systems by TEA must meet high standards of data privacy and cybersecurity enforced by contract terms and conditions by TEA and for cloud services must also comply with the Department of Information Resources TX-Ramp program.