

The State Board of Education (SBOE) adopts an amendment to §74.27, concerning innovative courses and programs. The amendment is adopted with changes to the proposed text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1243) and will be republished. The adopted amendment updates the process for review and approval of proposed innovative courses and sunset of existing courses and updates requirements for implementation of approved innovative courses.

REASONED JUSTIFICATION: After the SBOE adopted new rules concerning graduation requirements, the previously approved experimental courses were phased out as of August 31, 1998. Following the adoption of the Texas Essential Knowledge and Skills (TEKS), school districts now submit requests for innovative course approval for courses that do not have TEKS. The process outlined in §74.27 provides authority for the SBOE to approve innovative courses. Each year, the Texas Education Agency (TEA) provides the opportunity for school districts and other entities to submit applications for proposed innovative courses. TEA staff works with applicants to fine tune their applications, which are then submitted to the Committee on Instruction for consideration.

At the June 2023 meeting, the Committee on Instruction discussed an amendment to §74.27 to add a provision for the sunset of innovative courses that meet certain criteria. The board approved for second reading and final adoption the proposed amendment to §74.27 at its August-September 2023 meeting. At the November 2023 SBOE meeting, the board approved for second reading and final adoption the proposed amendment to §74.27, which included as a criterion for consideration for sunset a provision that a course must have been approved for at least three years and meet at least one additional criteria. When TEA staff filed the rule as adopted with the Texas Register, the filing did not include the provision that a course must have been approved for at least three years and meet at least one additional criteria to be considered for sunset. The amendment became effective February 18, 2024. In order to correct the error made by TEA, the board adopted an additional amendment effective November 10, 2024.

At the September 2025 meeting, the Committee on Instruction discussed the innovative course approval process and asked TEA staff to prepare a possible amendment to the rule for the committee to consider. At the November 2025 SBOE meeting, a proposed amendment to §74.27 was presented for first reading and filing authorization to the Committee on Instruction and recommended for SBOE approval. Due to a procedural error, the item was not approved by the SBOE at its general meeting. The proposed amendment to §74.27 was approved by the SBOE for first reading and filing authorization at its January 2026 meeting. At the April 2026 meeting, the board temporarily approved the proposed amendment to §74.27 for second reading and final adoption contingent upon approval by the Committee on Instruction within 60 days. At a special called meeting on April 21, 2026, the Committee on Instruction postponed second reading and final adoption of the proposed amendment to §74.27 until the June 2026 meeting.

The adopted amendment sets more specific criteria for a course to be considered by the board as an innovative course; establishes new timelines for SBOE action related to innovative courses; clarifies requirements related to instructional materials for innovative courses; and adjusts requirements for implementation of approved innovative courses.

The following changes were made since approved for first reading and filing authorization.

Subsection (a)(2)(A) was amended by changing the proposed application window from occurring every two years for new courses to occurring every year.

Subsection (a)(10) was amended by increasing the number of sunset criteria a course must meet to be considered for sunset from one to two.

The SBOE approved the amendment for first reading and filing authorization at its January 30, 2026 meeting and for second reading and final adoption at its June 26, 2026 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the amendment for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2027-2028 school year. The earlier effective date will allow for adjustments to be made, as necessary, to the process to be used for consideration of innovative courses in future school years. The effective date is August 1, 2026.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began February 27, 2026, and ended at 5:00 p.m. on March 30, 2026. The SBOE also provided an opportunity for registered oral and written comments at its April 2026 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of public comments received and corresponding responses.

Comment. One parent expressed concern that innovative courses could be used in place of career and technical education (CTE) courses for students in self-contained classrooms. The commenter suggested limiting innovative courses to areas of specialized student need such as "Independent Living" to ensure CTE is prioritized where appropriate.

Response. The SBOE disagrees that innovative courses should be limited to only courses that apply to specialized groups of students. The SBOE took action to approve §74.27(a)(1) as proposed to establish that in addition to a specialized group of students such as students with disabilities or gifted/talented students, innovative courses may also address documented student needs, generalized skills that prepare students for college and career, or a need identified in an emerging CTE field or regional program of study.

Comment. One community member expressed concern that subjecting a course to sunset review a year after the arduous renewal process is discouraging and could limit opportunities for students who rely on these courses.

Response. The SBOE provides the following clarification. The application renewal process does not exempt a course from consideration for sunset review. However, in response to this and other public comments, the SBOE took action to amend §74.27(a)(10) at adoption to increase the number of sunset criteria a course must meet to be considered for sunset from one to two.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code, §28.002(f), which authorizes local school districts to offer courses in addition to those in the required curriculum for local credit and requires the State Board of Education to be flexible in approving a course for credit for high school graduation.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §28.002(f).

<rule>

§74.27. Innovative Courses and Programs.

- (a) A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum. After the State Board of Education (SBOE) approves an application for a new course or a renewal, a district shall obtain local board approval prior to offering the course.
 - (1) The SBOE may approve discipline-based courses in the foundation or enrichment curriculum and courses that do not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates at least one of the following:
 - (A) is academically rigorous and addresses documented student needs;
 - (B) applies to a specialized group of students such as students with disabilities or gifted/talented students;
 - (C) is content agnostic and supports generalized skills that prepare students for career and/or college; or
 - (D) a need is identified in an emerging career and technical education (CTE) field or related to a regional program of study for a course that does not already exist as a Texas Essential Knowledge and Skills (TEKS)-based course.
 - (2) The SBOE shall take action related to innovative courses on the following timelines.

- (A) An application window shall be made available every year for new courses.
 - (B) For existing courses, at the appropriate three-year or four-year mark as described by paragraph (8) of this subsection, the SBOE shall:
 - (i) invite the applicant to submit updates to be considered as part of a renewal;
 - (ii) set the course for expiration; or
 - (iii) initiate a process for the course to become a TEKS-based course.
 - (C) Notice of an upcoming application opportunity shall be published on the SBOE website at least six months in advance of the start of the application window.
 - (D) Applications for new courses and renewals shall be posted on the Texas Education Agency (TEA) website for public comment at least 30 days prior to SBOE action.
 - (E) Applications for new courses and renewals shall be approved not later than the January SBOE meeting for implementation of a course in the subsequent school year.
- (3) Applications shall not be approved if the proposed course significantly duplicates the content of a TEKS-based course or can reasonably be taught within an existing TEKS-based course.
- (4) To request approval from the SBOE, the applying school district or organization must submit a request for approval, including the following information, within the window designated by the SBOE:
- (A) a description of the course and its essential knowledge and skills;
 - (B) the rationale and justification for the request in terms of student need;
 - (C) data that demonstrates successful piloting of the course in Texas;
 - (D) the methods of evaluating student outcomes;
 - (E) the qualifications of the teacher;
 - (F) any training required in order to teach the course and any associated costs;
 - (G) the amount of credit requested; and
 - (H) a copy of or electronic access to any teacher resources and student-facing instructional materials required to teach the course.
- (5) To request approval for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.
- (6) To request approval of a new innovative course, the applying school district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas.
- (7) The requirements of paragraphs (4)(C) and (6) of this subsection do not apply to the consideration of a course developed to support a program of study in career and technical education.
- (8) Newly approved innovative courses shall be approved for a period of three years, and courses approved for renewal shall be approved for a period of four years.
- (9) Following SBOE approval, with the approval of the local board of trustees, a school district may offer, without changes or deletions to the approved standards and instructional materials, any state-approved innovative course.
- (10) TEA shall review all approved innovative courses once every year and provide for consideration for sunset a list of innovative courses that have been approved as an innovative course for at least three years and meet at least two of the following criteria:
- (A) zero enrollment for the previous two years;

- (B) average enrollment of less than 100 students statewide for the previous three years;
 - (C) student enrollment at an average of fewer than 20 districts or charter schools statewide for the previous three years;
 - (D) duplicative of another innovative or TEKS-based course; or
 - (E) approved for implementation as a TEKS-based course.
- (b) An ethnic studies course that has been approved by the SBOE as an innovative course shall be considered by the SBOE at a subsequent meeting for inclusion in the TEKS.
- (1) Only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies, inclusive of history, government, economics, civic engagement, culture, and science and technology, shall be considered by the SBOE.
 - (2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b), shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following SBOE approval of the innovative course.