

## 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) for enrichment subjects as defined by TEC, §28.002(a)(2):
  - (A) the product components for full-subject tier one instructional materials cover 100% of the TEKS 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 covered by instructional materials, each student expectation shall count as an independent element of the standards; and
  - (B) the product components for partial-subject tier one instructional materials cover 100% of the applicable TEKS for the specific grade level and subject area when the proclamation or request for instructional materials was issued. The agency will bring recommendations regarding which TEKS are applicable to the SBOE for approval. In determining the percentage of the TEKS covered by instructional materials, each student expectation shall count as an independent element of the standards;

- (3) for supplemental instructional materials as defined by TEC, §31.002(3), the publisher will indicate which TEKS are applicable, and the product and its components cover 100% of the applicable student expectations in the TEKS for the specific subject or course for which the materials are designed;
- (4) materials have been reviewed through the process required by TEC, §31.023;
- (5) 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;
- (6) 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;
- (7) 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;
- (8) materials are compliant with the suitability standards adopted by the SBOE and are compliant with all applicable state laws; and
- (9) 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; §28.002; 31.003(a); 31.022; 31.023, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; 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; amended to be effective February 2, 2025, 50 TexReg 8304.*

#### **§67.27. IMRA Reviewers: Eligibility and Appointment.**

- (a) All instructional materials review and approval (IMRA) reviewers must complete an application. The application will include a resume and supervisor, if applicable, or another reference contact information and must request any professional associations, affiliations, and groups in a format approved by the State Board of Education (SBOE) chair. SBOE members shall have access to all completed applications in their respective districts.
- (b) The IMRA reviewer application shall be posted to the SBOE website.
- (c) An IMRA reviewer may serve as a quality reviewer or as a suitability reviewer.
- (d) Quality reviewers.
  - (1) IMRA quality reviewers must meet one of the following minimum qualification requirements:
    - (A) educators with three or more years of experience;
    - (B) district or campus personnel who have taught and/or directly supported the grade level(s) and subject area(s) or course(s) for at least three years;
    - (C) professors at an accredited institution of higher education in Texas with at least three years or more experience in the subject area(s) or courses; or
    - (D) persons with evidence of strong content knowledge and experience in the grade level(s) and subject area(s) or course(s).
  - (2) The Texas Education Agency (TEA) may reject a quality reviewer applicant if the candidate does not meet minimum eligibility as outlined in this section with approval of the SBOE member for which the applicant is a district resident. The member has one week to respond to TEA's decision. If the SBOE member approves applicants who were previously rejected by TEA, those applications shall be reinstated to the applicant pool to be rated.

- (3) All eligible quality reviewer applicants shall be evaluated by TEA staff using the applicants' experience and qualifications rated on a scale of 1-3. The best qualified individuals are ranked 1.
  - (4) Once rated, all eligible quality reviewer applicants are shared with the SBOE member for which the applicant is a district resident.
  - (5) TEA staff provides all quality reviewer applicants and their applications to the SBOE member for which the applicant is a district resident, and the SBOE member may adjust rankings, veto applicants, and/or identify top candidates.
  - (6) The SBOE member has two weeks to return applicants and their rankings to TEA staff. If the SBOE member does not submit a response, TEA staff's ranking shall remain unchanged.
  - (7) IMRA quality reviewers must be approved by the SBOE member for which they are a district resident.
  - (8) If an individual invited to serve on a quality review panel declines the invitation, the relevant SBOE member will select an alternate from the list of candidates within one week. To the extent an SBOE member fails to select an alternate within one week, the top-ranked applicant is deemed selected.
  - (9) In the event TEA does not receive enough applications to fill available roles, TEA may:
    - (A) reduce the size of the review team to no fewer than three reviewers;
    - (B) postpone the review of materials using the SBOE-approved strategy for prioritizing selection of instructional materials for review; or
    - (C) modify the review schedule to allow for additional recruitment efforts.
  - (10) TEA staff shall build quality review panels using top candidates identified from each SBOE district. As final selections are made, TEA may consider the following characteristics to ensure that each individual review panel is balanced and has the necessary qualifications. The guidelines are established to ensure that the work groups are highly qualified, reflect the make-up of the state's educators, and include representation from the following.
    - (A) Experience: highly qualified educators and others with evidence of strong content knowledge and experience in the subject and/or grade level or bands and/or course(s).
    - (B) Position: a variety of positions reflected such as parents, classroom teachers, campus- and district-level administrators/specialists, education service center subject area personnel, representatives from higher education, and community members, including employers.
    - (C) School district size: large, midsize, and small school districts.
    - (D) Demographics: multiple and different racial and ethnic groups and males and females.
    - (E) School district/charter school: a variety of local education agencies are represented, including open-enrollment charter schools.
    - (F) Expertise: if a work group is assigned a grade band, at least one reviewer with experience teaching for each grade level will be prioritized.
  - (11) TEA staff shall maintain a database of individuals who have served on an IMRA review panel during the review process.
  - (12) Only if the SBOE member responds affirmatively to a request from TEA will an applicant be exempt from subsection (a) of this section, and only if the applicant has previously served as an IMRA quality reviewer in at least one of the prior two IMRA cycles and received an acceptable performance rating.
- (e) Suitability reviewers.
- (1) Texas residency is a minimum requirement for any IMRA suitability reviewer.

- (2) Each SBOE member may annually nominate a minimum of 40 applicants to serve as suitability reviewers and rank them from most preferred to least preferred.
- (3) At least 20% of nominees must be fluent in the Spanish language and ranked separately from most preferred to least preferred.
- (4) For the review of instructional materials for languages other than English, members may each nominate and rank at least five reviewers fluent in the languages to be reviewed.
- (5) A panel for suitability review consists of three reviewers and shall reflect the political affiliation of the membership of the SBOE. No more than one suitability reviewer per panel may be nominated by any one SBOE member.
- (6) TEA staff shall build suitability review panels using top candidates identified from each SBOE district. As final selections are made, TEA may consider the following characteristics to ensure that each individual review panel is balanced and has the necessary qualifications.
  - (A) Experience: successful participation as a quality or suitability reviewer in a past review.
  - (B) Demographics: multiple and different racial and ethnic groups and males and females.
- (7) If an individual invited to serve on a review panel declines the invitation, TEA will then invite the next eligible reviewer from the SBOE member's list.
- (8) If there are not enough suitability reviewers available for a review cycle, TEA shall request more nominations from each SBOE member. To the extent a member fails to nominate additional candidates within one week of being notified by TEA, candidates from other SBOE member districts may be considered.
- (9) If TEA still requires additional suitability candidates to complete the review after notifying SBOE members of the need for more nominations and fewer than 14 calendar days remain before the review begins, final reviewer selections shall be made in consultation with the SBOE chair to preserve SBOE authority.
- (10) If an SBOE member who nominated reviewers no longer holds the office before the start of the annual review, the new SBOE member may nominate different suitability reviewers or adjust their rankings. If the office is vacant, the SBOE chair may nominate different suitability reviewers or adjust their rankings.

*Statutory Authority: The provisions of this §67.27 issued under Texas Education Code, §31.003(a); and §31.022 and §31.023, as amended by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.*

*Source: The provisions of this §67.27 adopted to be effective March 30, 2025, 50 TexReg 2072; amended to be effective April 7, 2026, 51 TexReg 2249.*

#### **§67.29. IMRA Reviewers: Training, Duties, and Conduct.**

- (a) Instructional materials review and approval (IMRA) reviewers shall participate in training that includes at least the following:
  - (1) the responsibilities of an IMRA reviewer;
  - (2) statutes and rules pertaining to the IMRA process;
  - (3) essential knowledge and skills specified for subjects and grades or courses included in the proclamation or request for instructional materials, including clear and consistent guidelines for determining Texas Essential Knowledge and Skills (TEKS), Texas Prekindergarten Guidelines (TPG), or English Language Proficiency Standards coverage within the instructional materials;
  - (4) identifying factual errors;
  - (5) the schedule of IMRA procedures;
  - (6) regulatory requirements, including Texas Government Code, §572.051 (relating to Standards of Conduct), and Texas Penal Code, §36.02 (relating to Bribery); and

- (7) IMRA quality and suitability rubrics.
- (b) IMRA reviewers shall not accept meals, entertainment, gifts, or gratuities in any form from State Board of Education (SBOE) members; publishers, authors, or depositories; agents for publishers, authors, or depositories; any person who holds any official position with publishers, authors, depositories, or agents; or any person or organization interested in influencing the selection of instructional materials.
  - (c) IMRA reviewers shall be afforded the opportunity to collaborate with other panel members during the official virtual and face-to-face reviews to discuss coverage of TEKS or TPG, errors, components, or any other aspect of instructional materials being evaluated. Reviewers shall not discuss with other reviewers of the panel the instructional materials being reviewed, except during official virtual and face-to-face reviews.
  - (d) IMRA reviewers shall not discuss instructional materials being evaluated with a member of the SBOE, unions, organizations, or associations or with any party having a financial interest in the approval of instructional materials prior to the conclusion of the review. The review is considered to have concluded on the date that the final list of instructional materials recommended for approval is posted on the SBOE website.
  - (e) SBOE members may attend review panel meetings but may not discuss materials under review with state review panel members.
  - (f) IMRA reviewers shall observe a no-contact period that shall begin upon execution of their contract and end when they are released from their duties. During this period, IMRA reviewers shall not have direct or indirect communication with any person having an interest in the approval process regarding content of instructional materials under evaluation by the panel.
  - (g) The restrictions in subsections (c)-(f) of this section are not intended to prohibit IMRA reviewers from providing public testimony to the SBOE either at a public hearing or in any regularly scheduled meeting in accordance with the SBOE Operating Rules, §2.12 (relating to Public Hearings).
  - (h) IMRA reviewers shall report immediately to the commissioner of education and chair of the SBOE any communication or attempted communication by any person not officially involved in the review process regarding instructional materials being evaluated by the panel.

*Statutory Authority: The provisions of this §67.29 issued under Texas Education Code, §31.003(a); and §31.022 and §31.023, as amended by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.*

*Source: The provisions of this §67.29 adopted to be effective March 30, 2025, 50 TexReg 2072.*

### **§67.31. Procedures for Public Access to and Handling of IMRA Samples.**

- (a) Each regional education service center (ESC) executive director shall designate one person to supervise all access to pre-approval instructional materials under consideration.
- (b) On or before the date specified in the request for instructional materials for review, each ESC representative shall notify the commissioner of education of all irregularities in electronic samples in a manner designated by the commissioner. The appropriate publisher shall be notified of any sample irregularities reported by the ESCs.
- (c) One electronic sample of all pre-approval instructional materials under consideration shall be retained in each ESC for review by interested persons. The review sample must remain available until the ESC receives the electronic final approved product sample on the date specified in the schedule of instructional materials review and approval (IMRA) procedures.
- (d) Appropriate information, such as locator and login information and passwords, shall be made available by the ESCs to ensure public access to Internet-based instructional content throughout the review or contract period, as appropriate.
- (e) Regional ESCs shall ensure reasonable public access to pre-approval instructional materials under consideration, including access outside of normal working hours that shall be scheduled by appointment.

- (f) On or before the date specified in the schedule of IMRA procedures, each ESC shall publicize the date on which pre-approval instructional materials under consideration will be available for review and shall notify all school districts in the region of the schedule.
- (g) One electronic final sample of all instructional materials approved by the State Board of Education shall be retained in each ESC for the entire contract period for review by interested persons. Samples of approved prekindergarten materials must match the format of the products to be provided to schools upon ordering.

*Statutory Authority: The provisions of this §67.31 issued under Texas Education Code, §31.003(a); and §31.022 and §31.023, as amended by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.*

*Source: The provisions of this §67.31 adopted to be effective March 30, 2025, 50 TexReg 2072.*

### **§67.33. Public Comment on Instructional Materials.**

- (a) The instructional materials public comment period begins when the electronic samples of materials under consideration for approval are posted on the State Board of Education (SBOE) website and ends after 60 calendar days.
- (b) Any resident of Texas may submit written comments for, against, or about any instructional materials submitted for review. All feedback shall be submitted to the commissioner of education in a format designated by the commissioner on or before the deadlines specified in the schedule of instructional materials review and approval (IMRA) procedures.
- (c) Copies of written feedback and lists of reported alleged factual errors and suitability flags shall be posted on the SBOE website and provided to the SBOE and participating publishers.
- (d) The SBOE shall hold a hearing on instructional materials submitted for review during a regularly scheduled meeting prior to the meeting at which the SBOE will vote to approve instructional materials.
  - (1) Testimony at the hearing shall be accepted from Texas residents and non-residents with priority given to Texas residents.
  - (2) Copies of written testimony provided at the hearing shall be distributed to SBOE members and to publishers with materials under consideration.
  - (3) Persons who wish to testify must register in accordance with registration procedures in the SBOE Operating Rules, §2.10 (relating to Oral Public Testimony in Connection with Regular Board and Committee Meetings).
  - (4) The SBOE may limit the time available for each person to testify to hear from everyone who has registered to testify.
  - (5) Persons may also be allowed to register to testify at the hearing, but priority will be given to those persons who registered prior to the deadline, in accordance with the SBOE Operating Rules, §2.12 (relating to Public Hearings).
  - (6) Oral responses to testimony at the hearing may be made by official representatives of publishing companies.
  - (7) An archived recording of the hearing shall be provided on the Texas Education Agency (TEA) website.
  - (8) All written publisher responses to comments or public testimony provided at the hearing shall be posted to the TEA website within five working days of their receipt from the publisher.
- (e) Public comment on instructional materials not approved by the SBOE on the date specified in the schedule of IMRA procedures shall be accepted according to the SBOE Operating Rules, §2.10.

*Statutory Authority: The provisions of this §67.33 issued under Texas Education Code, §31.003(a); and §31.022 and §31.023, as amended by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.*

*Source: The provisions of this §67.33 adopted to be effective March 30, 2025, 50 TexReg 2072.*

**§67.39. Updates to Approved Instructional Materials.**

- (a) A publisher may submit a request to the commissioner of education for approval to update content in State Board of Education (SBOE)-approved instructional materials. A publisher requesting approval of a content update shall provide a written request in a manner designated by the commissioner that includes an explanation of the reason for the update. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. The request must be accompanied by an electronic sample of the proposed updates. Proposed changes shall be posted on the Texas Education Agency (TEA) website for a minimum of 30 calendar days prior to approval.
- (b) A publisher that requests to update content in state-approved instructional materials must comply with the following additional requirements:
  - (1) provide that there will be no additional cost to the state or local education agencies (LEAs);
  - (2) certify in writing that the new material meets the applicable essential knowledge and skills, is free from factual errors, and is suitable and appropriate for the grade level and subject/course(s); and
  - (3) certify that the updates do not affect the product's coverage of Texas Education Code, §28.002(h), as it relates to that specific subject and grade level or course(s) in understanding the importance of patriotism and functioning productively in a free-enterprise society with appreciation for the basic democratic values of our state and national heritage.
- (c) All requests for updates must be approved by the SBOE prior to their introduction into state-approved and locally adopted instructional materials.
- (d) The SBOE may assess penalties as allowed by law against publishers that fail to obtain approval for updates to content in state-approved instructional materials prior to delivery of the materials to school districts.
- (e) A publisher of instructional materials may provide alternative formats for use by school districts if:
  - (1) the content is identical to SBOE-approved content; and
  - (2) the alternative formats include the identical revisions and updates as the original product and the cost to the state and LEAs is equal to or less than the cost of the original product.
- (f) Alternative formats may be developed and introduced at any time during the instructional materials review and approval cycle using the procedures for approval of other SBOE-approved materials.
- (g) Publishers must notify the commissioner in writing if they are providing SBOE-approved products in alternative formats.

*Statutory Authority: The provisions of this §67.39 issued under Texas Education Code, §31.003(a); and §31.022 and §31.023, as amended by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.*

*Source: The provisions of this §67.39 adopted to be effective March 30, 2025, 50 TexReg 2072.*

**§67.41. New Editions of Approved Instructional Materials.**

- (a) A publisher may submit a request to the commissioner of education for approval to substitute a new edition of state-approved instructional materials. A publisher requesting approval of a new edition shall provide a written request in a manner designated by the commissioner that includes an explanation of the reason for the substitution. The request must be accompanied by an electronic sample and a correlation document that meets all the requirements of the correlation document provided for the initial review. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. Proposed changes shall be made available for public review on the Texas Education Agency website for a minimum of 60 calendar days prior to approval.
- (b) A publisher that requests to substitute a new edition of state-approved instructional materials must comply with the following additional requirements:
  - (1) provide that there will be no additional cost to the state or local education agencies;

- (2) certify in writing that the new material meets the applicable Texas Essential Knowledge and Skills or Texas Prekindergarten Guidelines, is free from factual errors, and is suitable and appropriate for the grade level and subject/course(s); and
  - (3) certify that the updates in the new edition do not affect the product's coverage of Texas Education Code, §28.002(h), as it relates to that specific subject and grade level or course(s) in understanding the importance of patriotism and functioning productively in a free-enterprise society with appreciation for the basic democratic values of our state and national heritage.
- (c) All requests for updates involving content used in determining the product's eligibility for approval must be approved by the State Board of Education (SBOE) prior to their introduction into state-approved and locally adopted instructional materials.
  - (d) The SBOE may assess penalties as allowed by law against publishers that fail to obtain approval for updates to content in SBOE-approved instructional materials prior to delivery of the materials to school districts.

*Statutory Authority: The provisions of this §67.41 issued under Texas Education Code, §31.003(a); and §31.022 and §31.023, as amended by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.*

*Source: The provisions of this §67.41 adopted to be effective March 30, 2025, 50 TexReg 2072.*

#### **§67.43. Lists of Approved and Rejected Instructional Materials.**

- (a) The list of approved instructional materials shall be maintained by the State Board of Education (SBOE).
- (b) The SBOE may remove instructional materials from the list of approved instructional materials if:
  - (1) the Texas Essential Knowledge and Skills (TEKS), Texas Prekindergarten Guidelines (TPG), or applicable English Language Proficiency Standards (ELPS) intended to be covered by the material are revised or a publisher revises the material without the approval of the SBOE in accordance with Texas Education Code (TEC), §31.022(c);
  - (2) the instructional materials, through a finding of the SBOE, are not compliant with the parent portal standards in §67.83 of this title (relating to Publisher Parent Portal); or
  - (3) the instructional materials violate any provisions of TEC, Chapter 31.
- (c) A publisher of the specific instructional material shall be provided a minimum of 30 days' notice of the proposed removal. A representative of the publisher of the specific instructional material shall be given the opportunity to address the SBOE at the meeting where the SBOE is considering removing that publisher's product from the list of approved materials.
- (d) If instructional materials are removed from the list of approved instructional materials, school districts and open-enrollment charter schools may not apply the entitlements outlined in TEC, §48.307 or §48.308, to future purchases or subscriptions of the removed instructional materials.
- (e) A school district or an open-enrollment charter school that selects subscription-based instructional materials from the list of approved instructional materials approved under TEC, §31.022 and §31.023, may cancel the subscription and subscribe to a new instructional material on the list of approved instructional materials before the end of the state contract period under TEC, §31.026, if:
  - (1) the district or charter school has used the instructional material for at least one school year and the Texas Education Agency (TEA) approves the change based on a written request to TEA by the district or charter school that specifies the reasons for changing the instructional material used by the district or charter school; or
  - (2) the SBOE removes the instructional material to which the district or charter school is subscribed from the list of approved instructional materials.
- (f) The SBOE shall maintain the list of rejected instructional materials.

- (g) Instructional materials shall be removed from the list of rejected instructional materials if a publisher submits a revised set of instructional materials for review through the process required by TEC, §31.022 and §31.023, and the SBOE places the revised instructional materials on the list of approved instructional materials.
- (h) The SBOE may remove instructional materials from the list of rejected instructional materials if a publisher submits a revised set of instructional materials for review through the process required by TEC, §31.023 and §31.022, and the SBOE takes no action before the end of the calendar year.
- (i) This section applies to instructional materials approved by the SBOE after January 1, 2024.

*Statutory Authority: The provisions of this §67.43 issued under Texas Education Code, §31.003(a) and §31.022, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023.*

*Source: The provisions of this §67.43 adopted to be effective November 10, 2024, 49 TexReg 8710.*