

The Texas Education Agency (TEA) proposes new §67.1315, concerning open education resource (OER) instructional materials. The proposed new rule would implement House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, by providing clarification on the requirements for a school district's OER transition plan.

BACKGROUND INFORMATION AND JUSTIFICATION: HB 1605, 88th Texas Legislature, Regular Session, 2023, significantly revised Texas Education Code (TEC), Chapter 31, which addresses instructional materials in public education. Specifically, the bill added TEC, §31.0751, to require school districts to adopt an OER instructional materials transition plan to qualify for additional state aid under TEC, §48.308. School districts participating in an OER instructional material support program are not required to adopt a transition plan.

Proposed new §67.1315 would provide clarification on the requirements for a school district's OER transition plan, including when a plan must be submitted and what it must contain. The proposed new rule would also specify that the commissioner may request and review OER instructional material transition plans at any time and reject a plan subsequent to review.

FISCAL IMPACT: Todd Davis, associate commissioner for instructional strategy, has determined that for the first five-year period tr maJ0 Tc 0s

RURAL COMMUNITY IMPACT: The proposal has no direct impact on small businesses, or rural communities; therefore, no regulatory impact under Texas Education Code, §2006.002, is required.

REGULATORY BURDEN: The proposal does not impose a cost on regulated persons, and therefore, is not subject to Texas Government Code, §2007.043.

PROPERTY BURDEN: The proposal does not impose a burden on private real property and, therefore, is not subject to Texas Government Code, §2007.043.

IMPACT STATEMENT: TEA prepared a Government Growth Impact Statement assessment for the proposed rulemaking. If the proposed rulemaking would be in effect, it would create a requirement for a school district's OER transition plan to implement HB 1605, 88th Texas Legislature, Regular Session, 2023.

EMPLOYMENT AND FEES: The proposal would not require the creation of new employee positions; would not require an increase or decrease in the number of employees; would not require an increase or decrease in fees paid to the agency; and would not increase or decrease the number of individuals receiving services.

IMPLEMENTATION: The proposal would require a school district or an open-enrollment charter school ordering OER materials to indicate, if applicable, that the district or charter school has an approved OER transition plan in the state's instructional materials ordering system, EMAT.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS:

- (6) the maintenance of instructional flexibility through clear guidance for acceptable teacher modifications to instructional pacing, sequencing, and lesson content to address the needs of each student; and
- (7) sufficient professional learning and development for school leaders, instructional coaches, and teachers, including:
 - (A) pre-service product onboarding and orientation; and
 - (B) ongoing, job-embedded, curriculum-based professional learning, including cycles of observation and feedback.
- (e) The commissioner may request and review OER instructional material transition plans at any time and reject a plan subsequent to review.