

SUBJECT: Establishing provisions for certain instructional materials and allotments

COMMITTEE: Public Education — committee substitute recommended

VOTE: 11 ayes — Buckley, Allison, Cunningham, Dutton, Cody Harris, Harrison, Hefner, K. King, Longoria, Schaefer, Talarico

2 nays — Allen, Hinojosa

WITNESSES: For —Amber Shields, Early Matters Dallas; Jo Ann Cauthron, Joanna Ministries; Bobby Ott, Temple ISD; Mary Lynn Pruneda, Texas 2036; Justin Yancy, Texas Business Leadership Council; Larry Taylor, Texas Conservative Coalition Research Institute; Erin Valdez, Texas Public Policy Foundation; Jonathan Dant, Uplift Education; Jennifer Kuehne; Laura Unnasch (*Registered, but did not testify*: Kate Greer, Commit Partnership; Matthew Garcia, Dallas Regional Chamber; Bibi Yasmin Katsev, District Charter Alliance; Glen Austin, Greater Houston Partnership; Molly Sprenger, Libertforkids; Gilbert Zavala, Opportunity Austin; Megan Mauro, Texas Association of Business; Jonathan Covey, Texas Values; Mary Castle, Texas Values Action; Peyton LaBauve, Texas Young Republican Federation; Jonathan Feinstein, The Education Trust; Travis Krogman, The Greater Austin Chamber of Commerce; Michael Barba, TPPF; and seven individuals)

Against —Chloe Latham Sikes, Intercultural Development Research Association; Kelsey Kling, Texas AFT; Carrie Griffith, Texas State Teachers Association; Charles Cooper; Lynn Davenport; Mary Lowe; Jan Stell (*Registered, but did not testify*: Kathryn Kizer, Access Education RRISD; Brian Klosterboer, ACLU of Texas; Christin Bentley, Republican Party of Texas; Aaron Sever, Teaching Strategies; Diana Richards, Texas Education 911; Carisa Lopez, Texas Freedom Network; Cynthia Van Maanen, Travis County Democratic Party; and 18 individuals)

On — Tricia Cave, Association of Texas Professional Educators; Wesley Cunningham, Frisco ISD; Julie Pickren, State Board of Education; Paige Williams, Texas Classroom Teachers Association; Kristen Hole, Mike

Meyer, Texas Education Agency; Christy Rome, Texas School Coalition; Pam Little (*Registered, but did not testify*: Daniel Dawer, Educators in Solidarity; Colby Nichols, Instructional Materials Coordinators' Association of Texas; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Von Byer, Eric Marin, Jessica McLoughlin, Texas Education Agency; Dee Carney, Texas School Alliance; Henry Bohnert; Heather Sheffield)

BACKGROUND: Education Code ch. 31 establishes provisions regarding public education instructional materials for Texas schools. The chapter requires that instructional materials selected for use in the public schools be furnished without cost to the students attending those schools. With certain exceptions, a school district may not charge a student for instructional material or technological equipment purchased by the district with the district's instructional materials and technology allotment.

Sec. 31.002 defines “instructional material” as content that conveys the essential knowledge and skills of subject in the public school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.

“Open education resource instructional material” is defined as teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with other, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge. The term includes state-developed open education resource instructional material.

DIGEST: CSHB 1605 would amend and establish provisions of the Education Code to expand access to certain instructional materials, remove certain requirements for teacher duties, and create allotments for instructional materials.

Revisions and additions to Chapter 31

Instructional materials and technology. CSHB 1605 would amend provisions of Education Code ch. 31 regarding instructional materials and would include new provisions related to technological needs with public and private schools.

Definitions. The bill would define “full subject tier one instructional material” as instructional material designed to provide a student with mastery of the essential knowledge and skills for a certain subject and level in the required curriculum or for prekindergarten without the need for supplementation.

“Partial subject tier one instructional material” would be defined as instructional material designed to provide a student with mastery in a portion of the essential knowledge and skills adopted by the state board for a certain subject and level in the required curriculum or for prekindergarten without the need for supplementation.

“Supplemental instructional material” would be defined as instructional material designed to assist in the instruction of one or more of the essential knowledge and skills for a subject in the required curriculum or for prekindergarten.

The bill would amend the definition of “instructional material” to include:

- material used by a teacher, including a lesson plan, answer key, grading rubric, or unit plan;
- material used by a principal or campus instructional leader to support instruction; and
- material used by a student.

The bill would amend the definition of “open education resource instructional material” by removing from the term state-developed open education resource instructional material purchased under subch. B-1.

Advisory committee. The bill would allow the Texas Education Agency (TEA) to form an advisory committee to comply with the provisions of the chapter. Certain Government Code provisions regarding advisory committees would not apply to the advisory committee established under the bill.

State instructional materials and technology fund. The bill would remove the requirement for money in the state instructional materials and technology fund to pay the expenses associated with the instruction materials web portal.

Instructional materials and technology account. The bill would include the requirement for TEA to provide for the development and maintenance of an online requisition and disbursement system for each school district’s instructional materials and technology account.

The bill would remove the authorization for a school district to use funds in the district’s account to purchase electronic instructional materials or technological equipment as well as removing the requirement that a district submit to the commissioner a request for funds for such purchases. Requirements that the commissioner adopt rules regarding the documentation a school district must submit would be removed.

Instructional materials and technology allotment. The bill would remove the requirement that, each biennium, the commissioner of education assess the technology needs for all school districts and provide an estimate of the cost for these resources to the State Board of Education (SBOE).

Instructional materials and technology allotment purchases. The bill would require, rather than allow, for the commissioner of education to allow a school district or charter school to place an order for instructional

materials before the beginning of a fiscal biennium and to receive instructional materials before payment.

Agency purchase of instructional materials and technology. The bill would allow TEA, from appropriated funds, to contract directly for the purchase of instructional materials and technology for use by a school district. Certain provisions of the Government Code regarding state agency contracts developed or preapproved by the Department of Information Resources would not apply to such a TEA contract. TEA could participate in a program authorized by those Government Code provisions.

State Board of Education instructional materials review and approval. The bill would require SBOE to review instructional materials provided to the board by TEA. Before approving such material, the board would determine that the material was free from factual error and suitable for the subject and grade level for which the material was designed. The board would add each approved material to a list of approved instructional materials and could add a material not approved to a list of rejected instructional materials. SBOE could adopt criteria necessary for approval of instructional materials and could require:

- all instructional material submitted as full subject tier one instructional material to cover a minimum percentage of the essential knowledge and skills for the subject and grade level for which the material was designed;
- electronic samples of the materials; and
- certain physical specifications.

SBOE could remove instructional material from the approved list if the essential knowledge and skills intended to be covered by the material were revised or the material was revised without the approval of the board. If the board intended to remove an instructional material from the approved list, the board would be required to provide the updated list to each school district, no later the December 1 of the year preceding the school year for which the revisions would take effect. The board would be

required to indicate whether each reviewed instructional material would be capable of being made available through an instructional materials parent portal.

The bill would remove from the chapter certain provisions regarding the review of elementary and secondary grade level foundation and enrichment curriculum instructional materials.

Instructional material review. The bill would require the commissioner of education to establish, with the approval of SBOE, a process for the annual review of instructional materials by TEA. The process would be required to:

- establish a process for TEA to select instructional materials for review that included evaluating review requests, reviewing instructional materials requisitioned or purchased through the instructional materials and technology account, and reviewing instructional materials using a time frame appropriate for updating the approved list;
- describe the types of instructional materials TEA could review including partial subject tier one instructional material, open education resource instructional material, school district developed material, and commercially available full subject tier one material;
- establish procedures for TEA to conduct instructional material reviews; and
- ensure the review procedures allowed TEA to review at least 200 individual instructional materials each year.

In conducting a review, TEA would be required to use a rubric developed by TEA and approved by SBOE that included a determination of:

- whether the material was free from factual error and satisfied criteria adopted by the board;
- the quality of the material; and
- the essential knowledge and skills for the subject and grade level for which the material was developed, including the percentage of

the essential knowledge and skills covered by the material.

The bill would require TEA, after completing a review, to provide the results of the review and any related recommendations to SBOE for approval or rejection of the instructional material as well as the inclusion of the material on a list maintained by the board. TEA would be required to use appropriated funds or funds available in the state instructional materials and technology fund for the purposes of implementing these provisions. A review process or rubric would be automatically approved by SBOE if it was not rejected by the board before the 91st day after the date TEA submitted the item to the board.

The bill would remove certain provisions from the chapter regarding a list of instructional materials developed by SBOE.

Instructional material website. The bill would require TEA to develop and maintain an instructional material website to assist school districts in locating and selecting instructional material. For each material included, the website would be required to provide the price of the material, the technological requirements needed to use the material, the results of a TEA review, a statement of whether the material was included on the State Board of Education list of approved material or rejected by the board, and any other relevant information determined by TEA.

The website would be required to include the repository of open education resource instructional material. TEA would use appropriated funds or funds available to the state instructional materials and technology fund to implement the website.

Instructional material support. The bill would require TEA, on request of a school district, to provide the district assistance in evaluation, adopting, or using instructional materials. TEA could not require a district to adopt or otherwise use instructional material reviewed by TEA or included on the approved materials list maintained by SBOE.

Local review of classroom instructional material. The bill would require

TEA to develop standards in consultation with stakeholders, including educators, by which a school district could conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course to determine the degree to which the material corresponded with the instructional materials adopted by the district or campus and met the level of rigor of the essential knowledge and skills for the relevant grade level. TEA would be required to develop a rubric, approved by SBOE, to determine if reviewed instructional material complied with certain rigor requirements. TEA, in developing such standards:

- would be required to minimize the time a classroom teacher was required to spend complying with a review;
- could not require a teacher to spend more than 30 minutes on a single review, if possible; and
- could not authorize the review of instructional materials used by a classroom teacher for a specific subject or grade level at a district campus more than once per school year.

Under the bill, TEA would have to permit a regional education service center or a curriculum review service provider approved by TEA to conduct the review for a district and provide training to approved centers and providers training to appropriately conduct the review. TEA would be required to award grants to assist school districts in conducting reviews.

Open education resource instructional material. CSHB 1605 would amend provisions of Education Code ch. 31 regarding open education resource instructional material.

Availability of open education resource instructional material. The bill would amend certain provisions regarding the availability of open education resource instructional material. The bill would require the commissioner of education to ensure that open education resource instructional materials were available for use by school districts. To ensure the availability of open education resource instructional materials, the commissioner could:

- purchase a license authorizing the use of open education resource instructional materials;
- purchase or otherwise acquire ownership of open education resource instructional materials;
- develop open education resource instructional materials;
- adopt open education resource instructional materials; or
- use any combination of the established methods to acquire open education resource instructional materials.

The commissioner could make available more than one open education resource instructional material for a subject or grade level. The commissioner would, to the extent possible, be required to ensure that full subject tier one instructional materials were available as open education resource instructional material for:

- English language arts and mathematics courses in prekindergarten through eighth grade; and
- all foundation curriculum courses in kindergarten through grade five in a manner that permitted the instruction of the content to be provided in an integrated manner and for approximately 240 minutes of daily instructional time.

The commissioner also would be required to ensure open education resource instructional materials were available to all students, parents, classroom teachers, and school districts in the state free of charge, except for a fee for the printing or shipping of the materials. Costs of administering these provisions and ensuring the availability of such materials would be paid from appropriated funds and the state instructional materials and technology fund.

Free use, reuse, modification, or sharing license. CSHB 1605 would require that instructional material be licensed to the state under an intellectual property license that allowed for free use, reuse, modification, or sharing with others if the license:

- was irrevocable and perpetual;
- permitted the state to sublicense the material;
- authorized the use of the material by any person in any location permitted by the terms of the original license;
- authorized access, use, transmission, adaption, public display, public performance, public distribution, and copying of the material; and
- authorized the creation of derivative works as permitted by the terms of the original license.

Instructional material licensed to the state under a license that was restricted to noncommercial or educational use would qualify as instructional material licensed to the state under a license that allowed for free use, reuse, modification, or sharing with others.

Content not owned by state. The bill would include the authorization for open education resource instructional material made available by the bill to include content not owned by the state and for which preexisting right could exist if the content:

- had been made available by the copyright owner under a Creative Commons license or another intellectual property license that allowed for free use, reuse, modification, or sharing; or
- was licensed to the state under another license that granted access to and allowed for use of the material by students, teachers, educators, and other education professionals, and permitted access use, public display, public performance, public distribution, and copying of the material for non commercial or educational purposes.

Open education resource advisory board. The bill would require TEA to establish an open education resource advisory board to ensure that available open education resource instructional materials were:

- of the highest quality;
- aligned with the essential knowledge and skills adopted by SBOE;

- suitable for the age of students at the grade level for which the materials were developed;
- free from bias and factual error; and
- in compliance with certain instructional requirements and prohibitions.

Content requirements. The bill would amend content requirements for open education resource instructional material to include the requirement that, before being made available, such material be evaluated by students' parents. Based on feedback received by TEA from teachers, parents, and other experts regarding available open education resource instructional materials, the commissioner of education could, at any time, require additional revision of the material.

The bill would remove from these content requirements provisions regarding the use of a competitive process by the commissioner to request proposals.

Review and release of open education resource instructional material. The bill would prohibit open education resource instructional material from being made available to students, teachers, educators, or other education professionals before being reviewed by TEA and included on the SBOE approved list of instructional materials.

TEA could make open education resource instructional material available to a limited number of classroom teachers for a limited time before the material was reviewed by TEA and included on the board's list to assist in developing or testing the quality of the material. A school district could only use available unreviewed material in a grade level in which the material had not been used previously if the district's board of trustees approved the use of the unreviewed material and the district provided evidence to TEA showing that classroom teachers supported the use of the material.

Open education resource instructional materials repository. The bill would require the commissioner of education to include a repository of

open education resource instructional materials, including such materials made available by the bill, in the instructional materials website developed and maintained by TEA. The repository would be required to comply with the requirements of a parent access portal and allow a person to provide comments on open education resource instructional material contained in the repository to assist TEA in improving and updating the material. TEA would be required to ensure that a person could order a print copy of any open education resource instructional material included in the repository that was reducible to print. The bill would remove the authorization for a publisher to submit instructional materials for inclusion in the repository.

Selection by school district. The bill would prohibit the commissioner of education from requiring a school district or charter school to adopt or use an open education resource instructional material, except as otherwise provided by statute. A school district or open-enrollment charter school could not be charged for a cost associated with the selection of such a material except for the cost of printing copies of the material.

Distribution. TEA would not be required to comply with certain provisions of the Government Code, pertaining to state agency reports and publications, with regard to the printing or reproduction of an open education resource instructional material made available by the bill.

Open education resource instructional material transition plan. To qualify for an open education resource instructional material allotment, a school district's board of trustees would be required to adopt a plan to assist classroom teachers in the district who would be using such material in a specific subject or grade level for which the teacher had not previously used such material. A transition plan would be required to ensure that open education resource instructional materials would be used in a manner that maintained the instructional flexibility of a classroom teacher to address the needs of each student. A district that participated in the open education resource instructional material support program would not be required to adopt a transition plan.

Open education resource instructional material support program. TEA

would be required to develop and maintain a program to assist school districts and charter schools in adopting and using open education resource instructional material made available by the bill, including by assisting districts and charter schools to:

- maintain the instructional flexibility of classroom teachers to address the needs of each student; and
- schedule instructional periods in a manner that allowed classroom teachers sufficient time to effectively prepare and present instructional material with the teacher's normal work day.

Miscellaneous Chapter 31 provisions. CSHB 1605 would establish provisions regarding certain programs, licensing, certifications, reports, and district purchases.

Teacher candidate access and support program. The bill would require TEA to develop and maintain a program to assist educator preparation programs.

State ownership and licensing. The bill would allow, rather than require, for the commissioner of education, in encouraging the use of state-purchased instructional materials by school districts and charter schools, to provide a license for certain instructional materials. The bill would remove the condition that such material would need to allow for the free use, reuse, modification, or sharing of the material by any person or entity.

Certification of provision of instructional materials. The bill would require each school district and charter school to certify to SBOE, for each grade level and each subject in the required curriculum, the district or school:

- in the provision of instructional materials, protected students from obscene or harmful content as necessary for compliance with the Children's Internet Protection Act; and
- used money allocated under the instructional materials and technology allotment only for certain purposes.

Report to TEA. Each school district would be required to report annually to TEA information regarding the instructional materials used the district during the previous school year, including the cost of each material, to assist TEA in ensuring compliance.

School district purchases. A school district would not be required to use certain methods to purchase instructional materials that were reviewed by TEA and included on the approved materials list maintained by SBOE.

Other provisions.

Access to instructional materials. The bill would amend and establish provisions regarding parental access to instructional materials.

Instructional materials parent portal. The bill would require TEA to adopt standards for entities that supplied instructional materials reviewed by TEA to make such material available on a parent portal hosted by the entities. Such standards could not require a classroom teacher to submit instructional materials developed by the teacher for inclusion in a portal, but would have to require that the portal:

- provide to each district or charter school student's parent access to instructional material that was included in the portal and used by the district or school;
- organize instructional material by unit and in the order in which the material was designed to be used;
- be capable of being searched by key word; and
- for instructional material not available in a digital format, contain sufficient information to allow a parent to locate a physical copy.

To comply with an intellectual property license or other restrictions and to maintain security of information contained in a portal, a parent could be required, before accessing the portal, to:

- enter a password;

- comply with other user access verification procedures; and
- accept user terms and conditions.

A parent's access to a portal could be temporarily denied if the parent failed or refused to comply with any restriction. An entity that hosted a portal would be required to comply with requests regarding parental access to the portal made by a school district.

Parental access to teaching materials. The bill would require a school district to make teaching materials and tests available for review by parents both in person and through an instructional materials parent portal established by a material supplying entity. In providing access to instructional materials to a student's parent, the district would be required to:

- allow access beginning no later than 30 days before the school year began and concluding not earlier than 30 days after the school year ended; and
- include access to all instructional materials that pertained to each subject area in the student's grade level, except for tests or exams that had not yet been administered and the student's graded assignments.

The district could specify reasonable hours for the in-person review of materials. A district that denied a parent access to an instructional material parent portal would be required to permit the parent to appeal the denial to the district's board of trustees.

The bill would require that instructional materials not available through a portal be available for a parent or guardian to preview during school hours. Materials not included on a portal or not available on the campus could not be used by the school.

Right to request instructional material review. The bill would require the board of trustees of each school district to establish a process by which a student's parent could request an instructional material review for a

subject area in the student's grade level. Such a process:

- could not require more than one parent to make a request;
- would be required to provide for the district's board of trustees to determine if the request would be granted, either originally or on appeal; and
- could permit the requesting parent to review the instructional material directly before the district conducted a review.

If the parents of at least 25 percent of the students enrolled at a campus presented to the district's board of trustees a petition for the board to conduct a review, the board would be required to conduct the review, unless the board denied the request by a majority vote. An instructional material review would be required to include a review of materials for each subject area or grade level specified in the petition. A district's board of trustees would be required to conduct a review of a specific subject area or grade level at a specific campus only once per year.

Contracts. The bill would amend and establish provisions regarding educator and publisher contracts.

Planning and noninstructional duties of teachers. The bill would allow a school district to permit, but not require, a classroom teacher for a foundation curriculum course to spend entitled planning and preparation time creating or selecting instructional materials to cover the applicable essential knowledge and skills for the course unless the teacher's contract explicitly stated that the teacher was responsible for lesson plan design or instructional material selection. The bill would require a contract to explicitly state each of the teacher's noninstructional duties, for a contract between a district and teacher under which the teacher was assigned duties unrelated to providing instruction and that required the teacher to work a greater number of hours than other comparable district teachers.

State Board of Education contracts for instructional material purchases. The bill would allow, rather than require, SBOE to execute a contract for the purchase or licensing of each adopted instructional material.

Duties of publishers and manufacturers. The bill would require SBOE to adopt standard terms and conditions for use in contracts for the procurement of instructional materials from publishers and manufacturers. A publisher or manufacturer of instructional materials would be required to comply with all other standard terms and conditions adopted by SBOE for use in contracts for the procurement of instructional materials.

Relevant contracts entered into after the effective date of the bill for a program called for by SBOE under Proclamation 2024 would be governed by the law in effect on the date the proclamation was issued.

Allotments. CSHB 1605 would establish certain instructional material allotments for school districts.

Allotment for state-approved instructional materials. The bill would entitle a school district to an allotment equal to \$40, or a greater amount provided by appropriation, for each district student in order to reimburse the district for the costs incurred to procure instructional material that was:

- reviewed by TEA;
- placed on the SBOE approved material list;
- designated by SBOE as being included or capable of being included in an instructional materials parent portal; and
- acquired from a publisher, manufacturer, or other entity that was never found to violate certain provisions regarding the duties of publishers and manufacturers.

Allotment for open education resource instructional materials. The bill would entitle a school district to an annual allotment of no more than \$20 for each student in order to reimburse the district for the costs incurred during the school year in which the allotment was provided for the printing and shipping of open education resource instructional material.

Funds allotted by the bill would be deposited to the credit of the district's instructional materials and technology account maintained by the

commissioner of education. For a school district that was required to reduce the district's local revenue level or that did not receive state aid in an amount sufficient for the full amount of funds allotted to be deposited to the credit of the district's instructional materials and technology account, the commissioner would be required to adopt a process to permit a district to deposit funds retained by the district due to the district's entitlement to the credit of the state instructional materials and technology fund for use by the district. Such funds would be subject to all restrictions on spending applicable to funds allocated to the district under the instructional materials and technology allotment. If the commissioner determined that a district that deposited funds in accordance with the adopted process should have received additional state aid deposited to the credit of the district's instructional materials and technology account, the district would be entitled to additional state aid in the amount necessary to compensate the district.

Required curriculum. SBOE, in adopting essential knowledge and skills for English language arts, would be required to specify a list of required vocabulary and at least one literary work to be taught in each grade level. The specified vocabulary would be required to support the essential knowledge and skills adopted for other courses offered under the foundation curriculum. SBOE would be required to initiate the process of specifying an initial list of vocabulary and literary works no later than February 1, 2024. The board would also be required to request recommendations from TEA regarding the list, which could be considered an initiation of the process. These provisions would expire September 1, 2025.

Required written information. The bill would amend the written information which a board of trustees could require a classroom teacher to prepare to include a unit or weekly lesson plan that was included in instructional material and adopted by the board of trustees of the school district at which the teacher was employed.

Teaching certificate training requirement. Under the bill, any training requirements for a teaching certificate would have to require that the

person demonstrate thorough understanding of and competence in the use of open education resource instructional materials included on the list of approved instructional materials maintained by SBOE in each subject area and grade level covered by the person's certificate.

Disciplinary immunity. The bill would prohibit a classroom teacher employed by a school district from being subject to disciplinary proceedings for an allegation that the teacher violated federal or state law if:

- the teacher used only instructional material included on the list of approved instructional material maintained by SBOE and adopted by the district; and
- the allegation did not dispute that the teacher delivered instruction from such instructional material with fidelity.

The immunity provided by the bill would be in addition to any other immunity provided by law and would not interfere with any other immunity.

Repealed sections. The bill would repeal certain sections of the Education Code regarding instructional materials.

Conforming changes. The bill would make conforming language changes to the Education Code. These changes would add “instructional materials” to provisions regarding district curriculum scope and sequence, and removing references to “state-developed” open education resource instructional materials. The bill would specify that any remaining reference in Education Code ch. 31 to a “state-developed open education resource instructional material” meant an open education resource instructional material.

The bill, to the extent of any conflict, would prevail over another bill passed by the 88th Legislature relating to nonsubstantive additions to and corrections in enacted codes.

The bill would apply beginning with the 2023-2024 school year.

The bill, except for certain provisions, would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023. Education Code sec. 48.157 and 48.158, as added by the bill, would take effect September 1, 2023.

**SUPPORTERS
SAY:**

CSHB 1605 would help to ease the unsustainable workloads and certain non-instructional duties that are negatively impacting teachers by providing teachers with access to approved, high-quality instructional materials as recommended by the Teacher Vacancy Taskforce. Having the option to use such materials could provide more flexibility for teachers in planning the scope and pacing of their lesson plans. Similar pilot programs implemented in school districts throughout the state have yielded positive results that show the bill could benefit other Texas schools as well.

The bill would create new allotments to help fund district use of high-quality instructional materials. The bill also would improve parental and public access to instructional materials by requiring all such materials to be available online or in physical formats. Furthermore, parents would have the right to request a curriculum review to ensure transparency over what was being taught to their children.

The bill would provide district implementation grants to provide support to districts to implement the provisions of the bill. The bill would not place additional administrative strain on school districts by requiring instructional materials to be available 30 days before the start of a school year, since district curriculum is adopted well in advance of the school year. Each school district would have the authority to choose which instructional materials it deemed fit to use, and the disciplinary immunity provided by the bill would not unduly influence such choices.

While some have expressed concerns that the bill could increase reliance on technology in classrooms, the bill instead would incentivize the use of

such printed materials by classroom teachers by providing funding to print SBOE approved materials.

CRITICS
SAY:

CShB 1605 may not adequately address certain issues currently facing teachers. Lesson planning is not a duty that should be taken away or relieved from teachers, and the bill could impact the ability of teachers to meet the unique needs of their students. Expanding instructional material access for school districts may not guarantee success, as districts that have implemented pilot programs had grant funding and access to instructional coaches to work with teachers, which would not necessarily be available to other districts.

The bill could require instructional materials to be available for review by parents 30 days before the beginning of a school year, which may not be a realistic timeline for many districts to meet. The immunity provided for by the bill, which would apply only to teachers using the approved curriculum, could influence teachers' choices to use the curriculum.

The bill could lead to greater reliance on technology use in certain classrooms, which should not replace personal interactions between students and teachers.

NOTES:

According to the Legislative Budget Board, the cost to the state of the bill for the biennium would be \$731,600,000.