

ATTACHMENT  
Text of Proposed New 19 TAC

**Chapter 67. State Review and Approval of Instructional Materials**

**Subchapter B. State Review and Approval**

**§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 instructional material to which the district or charter school is subscribed is removed from the list of approved instructional materials by the SBOE.
- (f) The list of rejected instructional materials shall be maintained by the SBOE.
- (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.