

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER B. STATE REVIEW AND ADOPTION

TEC, §31.023. INSTRUCTIONAL MATERIAL REVIEW.

- (a) The commissioner shall establish, in consultation with and with the approval of the State Board of Education, a process for the annual review of instructional materials by the agency. The process established under this subsection must:
- (1) establish a process for the agency to select instructional materials for review that includes:
 - (A) evaluating requests for review of instructional materials submitted to the agency by:
 - (i) a school district;
 - (ii) a majority of the members of the State Board of Education; or
 - (iii) a publisher of instructional material, which may only be submitted for material published by the requesting publisher;
 - (B) requiring the agency to review materials if the State Board of Education requests by a majority vote that the material be reviewed by the agency;
 - (C) reviewing instructional materials requisitioned or purchased under Section [31.0212](#); and
 - (D) reviewing instructional materials using a time frame appropriate for the proclamation requesting the revision of the instructional materials under Section [31.022\(c-1\)](#) to address revisions made by the State Board of Education to the essential knowledge and skills for a particular subject or grade level;
 - (2) describe the types of instructional materials the agency may review, including:
 - (A) partial subject tier one instructional material, including those designed for use in the phonics curriculum required under Section [28.0062\(a\)\(1\)](#);
 - (B) open education resource instructional material;
 - (C) instructional materials developed by a school district and submitted to the agency by the district for review; and
 - (D) commercially available full subject tier one instructional material;

- (3) establish procedures for the agency to conduct reviews of instructional materials, including:
 - (A) the use of a rubric approved under Subsection (b); and
 - (B) consultation with classroom teachers and other curriculum experts for the appropriate subject and grade level; and
 - (4) ensure the procedures for review allow the agency to review at least 200 individual instructional materials each year.
- (b) In conducting a review under this section, the agency must use a rubric developed by the agency in consultation with and approved by the State Board of Education that includes, with respect to the instructional material being reviewed, a determination of:
- (1) whether the material is free from factual error and satisfies the criteria adopted by the board under Section [31.022](#);
 - (2) the quality of the material;
 - (3) the essential knowledge and skills for the subject and grade level for which the material was developed that are covered by the material, including identification of:
 - (A) each essential knowledge and skill covered by the material;
 - (B) for a full subject tier one instructional material, the percentage of the essential knowledge and skills adopted for the subject and grade level covered by the material; and
 - (C) for a partial subject tier one instructional material, the percentage of the essential knowledge and skills for the relevant portion of the subject and grade level covered by the material; and
 - (4) whether the material contains obscene or harmful content or is otherwise incompatible with certification requirements under Section [31.1011\(a\)\(1\)\(B\)](#).
- (c) After completing a review under this section, the agency shall provide the results of the review and any related recommendations to the State Board of Education for approval or rejection of the instructional material and the inclusion of the instructional material on a list maintained by the State Board of Education under Section [31.022](#).
- (d) The agency shall use funds appropriated to the agency for the purposes of reviewing instructional material or available in the state instructional materials and technology fund for purposes of implementing this section.

- (e) A process established under Subsection (a) or a rubric developed under Subsection (b) is automatically approved by the State Board of Education if not rejected by the board before the 91st day after the date the agency submits the item to the board.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 445 (H.B. [188](#)), Sec. 4, eff. June 16, 2007.

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 26, eff. July 19, 2011.

Acts 2017, 85th Leg., R.S., Ch. 578 (S.B. [801](#)), Sec. 1, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. [1605](#)), Sec. 23, eff. June 13, 2023.