

The Texas Education Agency (TEA) adopts new §67.1315, concerning open education resource (OER) instructional materials. The new section is adopted with changes to the proposed text as published in the September 6, 2024 issue of the *Texas Register* (49 TexReg 6950) and will be republished. The adopted new rule implements House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, by providing clarification on the requirements for a school district's OER transition plan.

REASONED 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.

New §67.1315 provides 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 new rule also specifies that the commissioner may request and review OER instructional material transition plans and reject a plan subsequent to review.

At adoption, a change was made to subsection (e) to limit the timeframe for rejection of a transition plan by the commissioner from "at any time" to "before funding is released."

SUMMARY OF COMMENTS AND AGENCY

transition plan are enabling systems necessary to successful instructional materials implementation. The OER transition plan is statutorily required in TEC, §31.0751.

Comment: A publisher commented that it is unclear which districts would need to create an OER definition is not provided for "an OER instructional material support program."

Response: The agency provides the following clarification. TEC, §31.0752, defines "Open Educational Instructional Material Support Program" as a program developed and maintained by the agency "for school districts and open-enrollment charter s

hDentitled to additional state aid for each district is obligated to pay during the school year. The agency is not required to pay for education resource instructional materials. School districts that do not participate in an OER program do not qualify for this additional state aid, this

Comment: Texas Classroom Teachers Association (TCTA) commented on proposed §67.1315(d)(4), stating it is unclear how the rule shifts responsibilities away from lesson design and development of instructional materials and OER materials. TCTA requested the rule be amended in subsection (d)(4)(B) to read, "lesson design and development protocols."

- (C) curriculum-embedded assessments;
- (5) processes for stakeholder communication and public posting, as outlined in TEC, §26.006, if materials have been modified by the school district or open-enrollment charter school;
- (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 before funding is released and reject a plan subsequent to review.