

**Chapter 66. State Adoption and Distribution of Instructional Materials**

**Subchapter BB. Commissioner's Rules Concerning State-Developed Open-Source Instructional Materials**

**§66.1113. Requirements for State-Developed Open-Source Instructional Materials.**

- (a) The commissioner of education may purchase state-developed open-source instructional materials in accordance with the Texas Education Code (TEC), §31.071. The purchase shall be through a competitive process.
- (b) State-developed open-source instructional materials must be irrevocably owned by or licensed to the state

**§66.1115. Cost and Distribution of State-Developed Open-Source Instructional Materials.**

- (a) State-developed open-source instructional materials shall be provided free of cost to Texas public schools and open-enrollment charter schools.
- (b) The commissioner of education may choose to provide a license to use state-developed open-source instructional material to entities other than Texas public schools and open-enrollment charter schools.
- (c) The commissioner shall determine the cost to an entity other than a Texas school district or an open-enrollment charter school for state-developed open-source instructional materials. In determining that cost, the commissioner shall consider state expenses associated with the instructional materials, including expenses incurred by the state in soliciting, evaluating, revising, and purchasing the open-source instructional materials.
- (d) State-developed open-source instructional materials shall be distributed electronically to school districts, open-enrollment charter schools, and entities that choose to purchase them in a manner to be determined by the commissioner.

*Statutory Authority: The provisions of this §66.1115 issued under the Texas Education Code, §§31.0211, 31.0212, 31.0214, 31.0215, 31.0231, 31.029, 31.031, 31.076, and 31.104.*