**Enrolled Version of House Bill 1605 - Buckley**

House Bill 1605 as filed by Representative Buckley; Chairman of the House Committee on Public Education was identical to Senate Bill 2565 as filed by Senate Education Chairman Creighton. The original bill had 50 sections and the final enrolled version has 55 sections. Multiple amendments and alterations were made in each chamber.

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| Section | Description | Notes |
| 1 | Amends section 11.164. (a) Prohibits a classroom teacher from being required to prepare any written information other than certain documents, including a unit or weekly lesson plan that outlines, subject to Subsection (a-1), in a brief and general manner, the information to be presented during each period at the secondary level or in each subject or topic at the elementary level. (a-1) Provides that a unit or weekly lesson plan that is included in instructional material, as defined by Section 31.002 (Definitions), and adopted by the board of trustees of the school district at which a teacher is employed is sufficient to satisfy a requirement to prepare written information described by Subsection (a)(6).  | Paperwork Reduction |
| 2 | Amends Section 21.044 (a-1). Makes changes to certification requirements to include thorough understanding and competence of open education resource instructional materials (OERIMs). | Certification |
| 3 | Amends Subchapter I, Chapter 21 by adding Section 21.4045. Limits requirements related to Planning and Noninstructional duties per teacher contract. Requires a supplemental agreement with teachers for agreement to develop initial lesson plan designs or instructional material selection. | Limits on Non-instructional Duties and Teacher Contracts |
| 4 | Amends Subchapter B, Chapter 22, by adding Section 22.05125. A classroom teacher employed by a school district may not be subject to disciplinary proceedings for an allegation that the teacher violated Section 28.0022, the Establishment Clause of the First Amendment of the United States Constitution, or a related state or federal law if: (1) the teacher used only instructional material approved and included on the list maintained by the State Board of Education under Section 31.022 and adopted by the district | Liability Limits for Teachers |
| 5 | Amends Section 26.006. Requires school districts to make teaching materials and tests readily available for review by parents both in person and, if applicable, through an instructional materials parent portal established under Section 31.154. Must be available at least 30 days prior to start of school year and 30 days after end of school year | Parent Access |
| 6 | Amends Chapter 26 by adding Section 26.0061. Requires the board of trustees of each school district to establish a process by which a parent of a student, as indicated on the student registration form at the student ’s campus, may request an instructional material review under Section 31.0252 for a subject area in the grade level in which the student is enrolled. – Board Review. Section has triggers based on percentage students’ parents signing petition for revew. | Parent Rights – Instructional Material Review |
| 7 | Amends Section 28.002, by adding Subsections (c-4) and (c-5). ELA Essential Knowledge and Skills - The State Board of Education shall specify a list of required vocabulary and at least one literary work to be taught in each grade level. The vocabulary specified by the board must support the essential knowledge and skills adopted for other courses offered under the foundation curriculum. | Requirements for SBOE ELA Adoptions |
| 8 | Amends Sec. 28.007 to become 28.0027. Alters Section heading by adding AND INSTRUCTIONAL MATERIALS to DISTRICT CURRICULUM SCOPE AND SEQUENCE. | Heading Change |
| 9 | Amends Section 28.0027, by adding Subsection (d). Requires school districts to ensure sufficient time for mastery of TEKS. A district may not penalize a teacher who does not follow the pacing of the recommended scope and sequence for a subject in the required curriculum. | Teacher Flexibility in Pacing |
| 10 | A school district or open enrollment charter school may not include any instruction that incorporates three-cueing in the phonics curriculum required under Subsection (a)(1). Section 28.0062 | Prohibits “three-cueing” |
| 11 | Amends heading to CH. 31 – Adds AND TECHNOLOGY to INSTRUCTIONAL MATERIALS. | Heading Change |
| 12 | Amends CH 31.002 – Defines full subject tire one instructional material and adds language to definition of instructional materials to include(A) material used by a teacher, including a lesson plan, answer key, grading rubric, or unit plan; (B) material used by a principal or campus instructional leader to support instruction; and (C) material used by a student. Adds significant language to definition of “Open educational resource instructional material (Section 31.0711) | Definition of Instructional Materials |
| 13 | Amends Sec. 31.003 – Rules. Adds that in addition to the SBOE adopting rules consistent with this chapter, the commissioner may also adopt rules to implement requirements of this chapter.  | Commissioner Rulemaking Authority |
| 14 | Adds Section 31.006 - ADVISORY COMMITTEE. An advisory committee established under this chapter is not subject to Chapter 2110, Government Code | Advisory Committee |
| 15 | Adds Subchapter A-1 to Chapter 31 - STATE FUNDING FOR INSTRUCTIONAL MATERIALS AND TECHNOLOGY | State Funding |
| 16 | Conforming Language |  |
| 17 | Conforming Language and edits language on use of and expenditure of Instructional Materials Allotment. The agency shall provide for the development and maintenance of an online requisition and disbursement system for each school district ’s instructional materials and technology account | Use of and Payment for IMA |
| 18 | Moves Section [31.0211](https://statutes.capitol.texas.gov/Docs/ED/htm/ED.31.htm#31.0211) to Subchapter A-1, Chapter 31 and creates new Section 31.0211 – Adds language on usage of Instructional Materials and Technology Allotment | Use of IMA |
| 19 | Amends Subchapter A-1, Chapter 31 by adding Section 31.0216. The agency may contract directly, including by extending a contract, for the purchase of instructional materials and technology for use by school districts. | State Procurement of Instructional Materials |
| 20 | Subchapter B, Chapter 31, is amended to read as follows: STATE REVIEW AND [~~FUNDING,]~~ ADOPTION ~~[, AND PURCHASE]~~ | Heading Change |
| 21 | Amends Heading for Section 31.022 to read State Board of Education Instructional Review and Approval ~~Adoption~~ | Heading Change |
| 22 | Amends Section 31.022, subsections a, b, c & d. Adds language around SBOE review and adoption of instructional materials including requirement that material be free from factual errors and is suitable for the grade level for which the material is designed. Prohibits “three-Cueing.’ Contains additional requirements as well. In addition to other rules SOBE must follow in adoptions, the instructional material must not contain obscene or harmful content and otherwise be compatible with certification requirements under Section 31.1011(a)(1)(B); and (5) the instructional material is to be made publicly available for review. | SBOE Review and Adoption |
| 23 | Amends Section 31.023. Requires commissioner to establish an annual process for reviewing instructional materials. The State Board of Education must approve the process prior to implementation of the process. The review process must address requests for reviews of instructional materials by school districts, a majority of the SBOE, or a publisher.  | TEA Instructional Material Review |
| 24 | Amends Subsection B, Chapter 31 by adding Sections 31.025, 31.0241 and 31.0252. Requires the agency to develop and maintain an instructional material website to assist school districts in locating and selecting instructional materials. Additionally, agency shall develop standards in consultation with stakeholders, including educators, by which a school district may conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course under Section 28.002. Requires TEA to all ESCs or a curriculum review service provider to conduct the review for a school district.  | Agency Website/ Instructional Material Review by School Districts |
| 25 | Amends Section 31.026 by adding Subsections (a) and (b) regarding SBOE contracts for purchasing instructional materials.  | SBOE Contracts  |
| 26 | Changes Heading on Subchapter B-1, Chapter 31, from State Developed to Open Education Resource Instructional Materials.  | Open Educational Resource Instructional Materials |
| 27 | Subchapter B-1, Chapter 31 is amended by adding Sections 31.0701 and 31.002. Clarifies that a reference to a state-developed open education resource instructional material means an open education resource instructional material, as defined by Section 31.002.  | OERIM Language |
| 28 | Amends Section 31.071. Requires commissioner to ensure that open educational resource instructional materials are available for use by school districts through licensing, purchase contracts, development, adoption, or combination of methods. Also outlines specific requirements of “availability.” | OEIRM Procurement/Availability |
| 29 | Amends Subchapter B-1, Chapter 31 by adding Section 31.0712. Outlines licensing requirements for instructional materials.  | OEIRM Licensing |
| 30 | Amends Section 31.0712. Provides definitions/parameters for open educational resource instructional materials. | OEIRM Definitions/Parameters |
| 31 | Subchapter B-1, Chapter 31 is amended by adding Section 31.0713. Requires the agency to establish an open education resource advisory board to ensure that open education resource instructional materials made available meet the associated requirements.  | OEIRM Advisory Board |
| 32 | Amends Section 31.072. Requires open education resource instructional materials it be evaluated by teachers, other experts as defined by the commissioner, and parents of students.  | OEIRM Evaluation |
| 33 | Amends Subchapter B-1, Chapter 31. Prohibits the release of open educational resource instructional material without agency review, except for providing limited availability in order to assist with the review/evaluation.  | OEIRM TEA Review |
| 34 | Recodes Section 31.083 to B-1, Chapter 31 and is redesignated as Section 31.0722 which is then amended. Requires commissioner to include repository of all open education resource instructional materials (OERIM) on website and make materials available for comment and allow individuals to order print copies of materials included in repository.  | OEIRM Repository |
| 35 | Amends sections 31.073 and 31.074. Except as otherwise provided, commissioner may not require a school district or open-enrollment charter school to adopt or use an open education resource instructional material. | OEIRM Optional Use |
| 36 | Alters heading to Section 31.075 to add State to Ownership; Licensing.  | Section Heading |
| 37 | Amends Sections 31.075 (a), (b), (c), (d), and (e). Provides requirements around the use of OEIRMs.  | OEIRM Use |
| 38 | Amends Subchapter B-1, Chapter 31 by adding Sections 31.0751, 31.0752, and 31.0753. Requires school districts to adopt an open education resource instructional material transition plan to assist classroom teachers in the district who will be using an open education resource instructional material in a specific subject or grade level for which the teacher has not previously used an open education resource instructional material. However, the agency shall develop and maintain a program to assist school districts and open-enrollment charter schools in adopting and using open education resource instructional material and districts that participate in this program are not required to develop a transition plan.  | OEIRM Transition Plan |
| 39 | Amends Section 31.076 (b) by extending the commissioner’s authority regarding instructional materials.  | Commissioner Authority |
| 40 | Transfers Section 31.004 to Subchapter C, Chapter 31, Section 31.1011. Amends Section 31.1011. In addition to certifying that instructional materials for all courses and grade levels are provided to all students, school districts and charters are required to certify that in the provision of instructional materials, protects students from obscene or harmful content as necessary for compliance with the Children ’s Internet Protection Act. | Protecting Students |
| 41 | Amends Subchapter c, Chapter 31 by adding Section 31.1012. Provides for required reporting by school districts regarding selection and use of instructional materials.  | Required Reporting |
| 42 | Amends heading to Section 31.102 to add School District Purchases to Title and Custody | Conforming Language |
| 43 | Amends Section 31.102 by adding Subsection (d). Relaxes purchasing requirements for agency reviewed instructional materials which have been approved and included on the SBOE maintained list.  | IM Purchasing |
| 44 | Amends Section 31.103 (c). – Conforming Language | Conforming Language |
| 45 | Section 31.151 by adding Subsection (a) and Subsection (a-1). Publisher compliance.  | Publisher Compliance |
| 46 | Amends Subchapter D, Chapter 31 by adding Section 31.154. Provides standards for publishers in order for materials to be included on a parent portal and requires agency to make an instructional materials parent portal available to all parents and students. | Parent Portal |
| 47 | Amends Section 33.004 (b). Requires comprehensive school counseling programs to annually conduct a preview of the program. if the curriculum is not made available through and instructional materials parent portal it must be made available for parental/guardian preview during school hours.  | School Counseling Programs |
| 48 | Amends Subchapter D, Chapter 48, by adding Sections 48.157 and 48.158. Provides for a $40/student allotment for state – approved instructional materials and a $20/student allotment for printing and shipping of OERIM.  | IM/OERIM Financial Allotment |
| 49 | List of repealed sections. | Repealed Sections |
| 50-55 | Act prevalence status; legal-associated contracts; application date of Act (2023-2024); Takes effect immediately with 2/3 vote of all members of each house.  | Legal |