

- **Are High-Quality Instructional Materials (HQIM) and Open Education Resources (OER) in House Bill (HB) 1605 the same thing?**

High-Quality Instructional Materials (HQIM) are approved and vetted through the State Board of Education (SBOE)'s Instructional Materials Review and Approval (IMRA) process. Established by HB 1605, the IMRA process charges the SBOE with reviewing all submitted curricular materials against the Texas Essential Knowledge and Skills (TEKS), quality and suitability rubrics. HQIM are curricular resources that:

- *Ensure full coverage of TEKS*
- *Are aligned to evidence-based best practices in the relevant content areas of RLA, math, science, and social studies*
- *Support all learners, including students with disabilities, English learners, and students identified as gifted and talented*
- *Enable frequent progress monitoring through embedded and aligned assessments.*
- *Include implementation supports for teachers*
- *Provide teacher and student-facing lesson-level materials*

If the curricular materials are deemed high quality by the SBOE, they'll be added to the SBOE's HQIM list starting in November 2024.

Texas OER Textbooks have been submitted for review through the IMRA 2024 process. If Texas OER Textbooks are approved by the SBOE as approved high-quality instructional materials (HQIM), OER remains an optional resource for public schools. School systems in Texas have local control over which instructional materials they wish to use.

- **What are Open Education Resources (OER)?**

Open Education Resources (OER) are optional, high-quality instructional materials (HQIM) that are freely available for use. In plain terms, they are textbooks owned by the state that can be modified over time to improve them for students and teachers. Texas OER textbooks are built specifically for Texans based on Texas' state standards, the Texas Essential Knowledge and Skills (TEKS). OER materials are also built using the best evidence from cognitive science to ensure teachers have access to high-quality, on-grade-level materials, freeing up teacher time to provide the highest quality instruction and differentiated supports for students. Texas OER textbooks are being made available, subject to approval by the Texas State Board of Education, as an optional resource for schools.

TEC, §31.002, defines OER. As instructional materials, OER can be designed to be a full subject, tier one instructional material, which includes a full textbook and related components including teachers guides. Texas OER Textbooks and the grades & subjects submitted to SBOE for the 2024 IMRA process:

- *OER K-5 English Language Arts & Reading (ELAR)*
 - *OER K-5 Reading Language Arts (RLA) is built to cover the ELAR TEKS, weaving together elements of the science of reading with a cross-curricular knowledge*

building approach consistent with a classical education model that is focused on the fundamentals.

OER RLA immerses students in classic literature along with reading lessons about art, history, culture, science, and technology. As a product built for Texas students, the content features strong representation from the diverse people, places, and history of Texans.

- **OER K-Algebra Math**

- *OER Math instructional materials are a comprehensive and clearly sequenced suite of materials that provide teachers with the knowledge and tools outlined in the Math TEKS, guiding students to be thinkers and doers of mathematics.*

These instructional materials are built on basic scientific insights about how people learn math, growing out of cognitive and developmental sciences. With OER Math textbooks, students will learn the fundamentals to build a strong foundation in mathematics, mastering arithmetic and memorizing math facts while steadily building their mathematical reasoning skills.

- **Why did the Texas Education Agency develop Open Education Resources (OER)?**

To prepare Texas students for success after graduation, school systems must ensure that all students have access to effective teachers who use proven, rigorous instructional materials. To assist school systems with this, the 88th Texas Legislature passed HB 1605 which established a State Board of Education review process for high-quality instructional materials (HQIM) and directed TEA to develop a set of state-owned instructional materials. These materials are called Open Education Resources, or OER. OER materials are designed with teachers in mind, crafted around the Texas Essential Knowledge and Skills (TEKS), showcase the diversity of Texas, and provide a rigorous, knowledge-building foundation of learning and cultural literacy for students.

- **Are districts required to use new SBOE-approved high-quality instructional materials (HQIM) under HB 1605?**

No, instructional materials decisions are inherently local in Texas (Texas Education Code 31.0211). HB 1605 did not change this. School systems retain the responsibility under state law to ensure TEKS are covered in ways deemed most appropriate by the local school system. SBOE-approved HQIM are optional for school systems and may be considered for use based on a district's local context. TEC, §31.0251 specifically states “except as otherwise provided, the agency may not require a school district to adopt or otherwise use instructional material” adopted by the SBOE.

- **Are Open Education Resources optional?**

Yes, OER is optional for school systems to use. Instructional materials decisions are inherently local in Texas (Texas Education Code 31.0211). School districts and public charter schools retain the responsibility under state law to ensure TEKS are covered in ways deemed most appropriate by the local school system. Texas OER Textbooks and instructional materials are optional for school systems and may be considered for use based on a district's local context.

- **Are OER materials accessible and transparent?**

Yes. The draft materials submitted as part of the SBOE's IMRA review process are accessible via sboe.texas.gov/imra during the review process from May to November 2024. If approved in November, the final materials will be available to the public.

Parents/guardians, families, and community members are important educational partners in Texas schools.

Texas OER materials are meant to be printed for use with students and are also easily accessible online for review by those closest to students and educators. By providing a clear view into instructional materials, parents can continue to take an active role in their child's education.

- **Are the OER materials printed textbooks or digital resources?**

Texas OER materials are print resources, not digital. While the source files are available for online review in PDF format by parents and districts for the purposes of evaluating the materials, the Texas OER materials are designed to be printed. Printed teacher guides are used by teachers both during the lesson and for annotation during planning time.

Printed student activity books are used for student assignments. Printed student readers are used for reading assignments. Ancillary printed resources are also available, including flip books, classroom image cards, and certain manipulative kits.

- **Are OER products currently available to school systems? Who approves them?**

Currently, pilot materials (COVID Emergency Release {CER} versions) are being used in school systems across Texas. School systems began using the CER versions during the COVID-19 pandemic as a way to deploy HQIM to help students recover academically. If approved by the SBOE during the IMRA process, Texas OER will be available to all Texas public school systems as part of the SBOE's approved HQIM list.

OER and Texas Teachers

- **How does OER support Texas teachers?**

Texas OER materials allow teachers to focus on instructional delivery and the needs of each student while being certain that what they teach has been vetted, reviewed and is on-grade level.

- **In what ways do the OER materials reinforce teacher autonomy and professional expertise?**

The OER materials are structured to reinforce teacher expertise and autonomy with instructional delivery. The materials are designed so that teachers do not need to spend time creating or selecting instructional materials to initially cover the applicable essential knowledge and skills for the course, consistent with requirements of districts established under Texas Education Code 21.4045(b).

Consistent with the judgment and autonomy expected in the profession, during planning time, teachers using OER materials engage in internalization practices to prepare for instruction. During this time, teachers make decisions about scaffolding background knowledge, types of questions to present to students, dedicated time for portions of the lesson based on student need, and when and how to implement checks for understanding during and after the lesson. This involves a significant number of professional decisions about how to adjust and adapt content to meet their needs and the needs of their students. Additionally, during lesson delivery, teachers using OER

materials make countless real-time decisions to respond to student misconceptions, extend student understanding, or connect the topic at hand to another area of student interest.

- **Are there protections to support the professional judgment and autonomy of teachers to differentiate OER lesson materials to meet student needs?**

For OER and non-OER materials, TEC 28.0027(b) states that a district may not "penalize a teacher who does not follow the pacing of recommended or designated instructional materials or the pacing of the recommended or designated scope and sequence for a subject in the required curriculum under Section 28.002(a) in a particular grade level based on the teacher's determination that the teacher's students need more or less time in a specific area to demonstrate proficiency in the essential knowledge and skills for that subject and grade level."

- **What feedback did teachers share during the Governor's Teacher Vacancy Task Force related to instructional materials?**

One of the challenges identified by the Teacher Vacancy Task Force was the amount of time teachers spent searching for or creating instructional materials aligned to the state standards, the Texas Essential Knowledge and Skills (TEKS), as well as research-based practices, when those were not provided by their district. See recommendation #6 in the [Teacher Vacancy Task Force report](#).

- **For teachers who are new to the materials, what supports are offered to prepare them to teach new curriculum like OER?**

There are intentional supports offered as part of the OER product designed to prepare teachers to teach the new curriculum.

- *Family Support Letters help teachers communicate with families on the general topics being discussed in the unit. These letters can be printed and sent home to give parents an outline of the topics students will learn about in the upcoming unit and how to engage with their child about those topics. Depending on the unit, there may be a summary of the literature included in the RLA unit and how it impacts the topics included. These letters are provided in both English and Spanish.*
- *Unit Overviews provide a variety of tools for the teacher who may need a more comprehensive view of the unit content and how the topics align. This might include essential background knowledge, unit components, and additional information on why the topics included are important for and connected to the knowledge map.*
 - *For example, a unit overview in RLA might include a list of historical figures, the connected literature to that person and the historical event, as well as how this knowledge is supportive of previous and/or future learning.*
- *Lesson Introductions provide detailed information to support the teacher in introducing concepts prior to the lesson. These supports might include:*
 - *Specific connections to prior student learning to identify ways that teachers can access resources to fill in knowledge gaps.*
 - *Essential background knowledge, including age-appropriate references to source materials. The background information is specifically identified to support teacher background knowledge or support teachers with building background for students.*

- *Providing additional context connects teachers to key resources such as visuals, image cards, manipulatives, and contextual cues that would be helpful with lesson introductions.*
- *Vocabulary and pronunciation supports are available to preview with students to build background prior to and during the lesson.*
- *Embedded prompts support teachers in helping students make sense of the text.*

- **Do the OER materials provide support to help teachers plan lessons?**

The Texas OER textbooks and materials include a full suite of resources to support preparation and implementation as well as family support letters to help teachers engage families in student learning throughout the year. The [Program and Implementation Guide](#) includes information to support the use of all materials.

- *For example: Teachers guides are available in grades K–5 that provide daily lesson outlines along with related texts and student assignments, which speeds up lesson planning and annotation activities. Each of the teachers guides lay out the scope and sequence of lessons in a manner that helps teachers plan instruction for a wide range of learners. Teachers guides highlight primary focus objectives and tie practice activities to scaffolded instruction toward mastery of content for students. Teachers guides include a Lesson at-a-Glance chart for each lesson, which outlines lesson segments, groupings, time, and materials. In addition, teachers guides provide an understanding of overall unit goals and include appendices with additional professional resources and required for implementation of the instructional materials.*

- **How does HB 1605 protect teachers and schools with vetted materials?**

Teachers are given additional employment protections in HB 1605 (88R). If a teacher is using materials that have been adopted by the SBOE IMRA Process, they cannot face disciplinary action for complaints related to TEC, §28.0022 or related to the Establishment Clause of the First Amendment when using those vetted materials with fidelity (TEC, §22.05125).

This bill also protects teacher time in two ways:

- *Teachers cannot be required to use bi-weekly planning time to create initial instructional materials unless there is a supplemental duty agreement with the teacher (TEC, §21.4045); and*
- *For school systems that have adopted instructional materials that include instructional materials with detailed lesson plans, teachers are not required to turn in weekly lesson plans (TEC, §11.164).*

Development of OER

- **Who reviewed and helped develop the OER products?**

HB 1605 added TEC, §31.0712, which directed TEA to establish an [Open Education Resource Advisory Board](#) to ensure that the open education resource instructional materials made available are:

- *the highest quality and aligned with the TEKS adopted by the SBOE under TEC, §28.002, for the applicable subject and grade level*
- *suitable for the age of the students at the grade level for which the materials are developed*

- free from bias or factual error
- in compliance with TEC, § 28.0022, which enumerates criteria the SBOE shall develop

In addition, paid contractors and subcontractors provided drafting and editing. More than 300 additional stakeholders and reviewers shared proposed changes. Districts and teachers using the pilot materials also provided feedback and proposed changes from version to version.

Pilot OER

- **What is the history of the pilot OER versions?**

TEA has been authorized to acquire OER under law since 2009. When the COVID pandemic began to disrupt in-person learning, Texas public schools needed appropriately designed instructional materials to support students in remote or hybrid instruction. As a result, TEA undertook an accelerated process to acquire effective instructional material resources for schools that could support remote, in-person, and hybrid instruction, both to support schools during the pandemic and to speed up learning recovery efforts longer term.

- **Can a current pilot district continue using the COVID Emergency Release (CER) version? How can they access those materials?**

TEA has been authorized to acquire OER under law since 2009. Current pilot materials (CER versions), in use in districts across Texas, meet the working definition of HQIM. These materials have been piloted by a small number of districts since 2020, demonstrating positive results for students. Districts may continue to use the CER pilot instructional materials in classrooms if they have been approved for use by the local board or governing body. Hard copy instructional materials related to these CER versions will be available for purchase from the partner publisher. However, new funding from HB 1605 will not be an approved source of funding for these materials.

Only the new Texas OER Textbooks, when approved by the SBOE, will qualify for the new \$40- (for HQIM) and \$20- (for OER) per student entitlements.

- **If a current pilot district wants to switch to using the SBOE-approved Texas OER, what should they do next?**

A pilot district will need to repurchase all new materials if using CER pilot materials and wanting to begin to use the SBOE-approved OER. The materials submitted for review to the SBOE as part of IMRA are updated from the pilot CER materials and therefore will require a new purchase of durable and consumable instructional materials. However, Texas OER, if approved by the SBOE in the IMRA process, will qualify for the additional funding for instructional materials outlined in HB 1605.

- **If a district wants to use OER, does it require a vote by the Board of Trustees?**

Yes, the school board is required to take a board vote to ratify the document that reports on the TEKS Certification of the materials used, including OER or other curriculum.

Funding

- **How do school systems access funding for instructional materials such as OER?**

The Instructional Materials and Technology Allotment (IMTA) was restored in House Bill 1, 88th Texas Legislature, to traditional levels (approximately \$1 billion per biennium). School system IMTA account allocations have already been made based on HB 1. HB 1605 does not change the current IMTA process or structure. Districts may spend IMTA funds on any instructional materials and instructional technologies. HB 1605 established additional funding for school systems, above funds provided by the IMTA:

- *To support the purchase of high-quality instructional materials (HQIM) approved by the State Board of Education, public school systems are entitled to \$40 per student per year (the State-Approved Materials Allotment (TEC, §48.307).*
- *For any school system that chooses to use Texas OER Textbooks, school systems are entitled to an additional \$20 per student to cover the costs of printing the textbooks. (OER Textbooks are free for anyone to download). (Open Education Resources (OER) Printing Allotment (TEC, §48.308).*
- *Note: The State-Approved Materials Allotment (TEC, §48.307) accumulates in a school system's account even in a year when the school system places no requisitions in EMAT for SBOE-approved materials. So, in November 2024, a school system will have two years' worth of allotment funds from which to purchase at that time.*

However, the OER Printing Allotment (TEC, §48.308) is only available for printing costs in the same year, so no additional funds will be available under that allotment during the 2023–24 school year given SBOE timelines for materials approval under the new IMRA Process.

- **Is there additional funding for using Open Education Resources?**

Yes. HB 1605 provides additional funding for any instructional materials selected by the SBOE for inclusion on the HQIM list. Districts that use OER will also receive a second stream of additional funding to help defray printing and implementation costs.

- **I thought OER was free. Why are districts being charged for materials?**

OER Edition 1 products are free of charge for any Texan to access online in their digital format, however, hard copy print materials are not. Districts may leverage the new instructional materials funding in HB 1605 to help offset the cost of the hard-copy printed materials necessary for classroom instruction.

OER Content

- **What do OER materials consist of?**

OER materials are rigorous, relevant, and grade level appropriate instructional materials that include lessons on art, history, culture, science, and technology – key components of a knowledge-building, content-rich curriculum.

OER materials have a broad base of topics including history, literature, the arts, and culture which, when contextually relevant, can include religious topics sampling from a wide range of faiths.

- **Are there religious lessons/text included in the OER materials?**

No, there is no religious instruction in OER. OER materials have a broad base of topics including history, literature, the arts, and culture which, when contextually relevant, can include religious references sampling from a wide range of faiths.

- **Are religious references, including the Bible, allowable in Texas public schools?**

State law ([TEC Sec. 28.002](#)) requires that curriculum includes “religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.” While public schools may not provide religious instruction, guidance from the United States Department of Education (DOE) indicates that public schools may teach about religion and promote religious liberty and respect for the religious views of all. Texas OER materials adhere to both state statute and this federal standard.