

By: Leo-Wilson

H.B. No. 1804

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the instructional material list and supplemental
3 instructional materials adopted by the State Board of Education.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 31.023, Education Code, is amended by
6 amending Subsection (b) and adding Subsection (c) to read as
7 follows:

8 (b) Each instructional material on the list:

9 (1) must ~~be~~:

10 (A) be ~~[(1)]~~ free from factual errors;

11 (B) be ~~[(2)]~~ suitable for the subject and grade
12 level for which the instructional material was submitted; ~~and~~

13 (C) be ~~[(3)]~~ reviewed by academic experts in the
14 subject and grade level for which the instructional material was
15 submitted;

16 (D) present a scientific theory in an objective
17 educational manner that:

18 (i) clearly distinguishes the theory from
19 fact; and

20 (ii) includes evidence for both the
21 scientific strengths and scientific weaknesses of the theory;

22 (E) present violence, if it appears, in the
23 context of the causes and consequences of the violence and not for
24 unwholesome excitement or sensationalism;

1 (F) present positive aspects of the United States
2 and its heritage, if the instructional material discusses the
3 United States or its heritage;

4 (G) present contrasting points of view regarding
5 significant political or social movements in history in a balanced
6 and factual manner;

7 (H) treat all groups fairly and avoid biases or
8 stereotypes regarding any particular individual, group, or type of
9 work to reflect the positive contributions of all individuals and
10 groups to the American way of life; and

11 (I) include information needed to develop mutual
12 respect and understanding among all persons; and

13 (2) may not:

14 (A) include selections or works that condone
15 civil disorder, social strife, or disregard for the law;

16 (B) include blatantly offensive language or
17 illustrations;

18 (C) encourage lifestyles that deviate from
19 generally accepted standards of society;

20 (D) contain a concept described by Section
21 [28.0022\(a\)\(4\)\(A\)](#); or

22 (E) be authored by an employee of the agency.

23 (c) If the State Board of Education determines that an
24 instructional material being considered for adoption under this
25 section contains content that does not comply with the standards
26 under Subsection (b), the board may not adopt the instructional
27 material unless the publisher removes the content or modifies the

1 content in a manner that complies with the standards under that
2 subsection.

3 SECTION 2. Section 31.035, Education Code, is amended by
4 amending Subsection (a) and adding Subsection (a-1) to read as
5 follows:

6 (a) Notwithstanding any other provision of this subchapter,
7 the State Board of Education may adopt supplemental instructional
8 materials that are not on the list adopted under Section 31.023.
9 The State Board of Education may adopt supplemental instructional
10 material under this section only if the instructional material:

11 (1) contains material covering one or more primary
12 focal points or primary topics of a subject in the required
13 curriculum under Section 28.002, as determined by the State Board
14 of Education;

15 (2) is not designed to serve as the sole instructional
16 material for a full course;

17 (3) meets applicable physical specifications adopted
18 by the State Board of Education; and

19 (4) complies with the standards under Section
20 31.023(b) [is free from factual errors,

21 ~~[(5) is suitable for the subject and grade level, and~~

22 ~~[(6) is reviewed by academic experts in the subject~~
23 ~~and grade level].~~

24 (a-1) If the State Board of Education determines that an
25 instructional material being considered for adoption under this
26 section contains content that does not comply with the standards
27 under Subsection (a), the board may not adopt the instructional

1 material unless the publisher removes the content or modifies the
2 content in a manner that complies with the standards under that
3 subsection.

4 SECTION 3. Sections 31.023 and 31.035, Education Code, as
5 amended by this Act, apply only to an instructional material list or
6 supplemental instructional material adopted on or after the
7 effective date of this Act. An instructional material list or
8 supplemental instructional material adopted before the effective
9 date of this Act is governed by the law in effect when the
10 instructional material list or supplemental instructional material
11 was adopted, and the former law is continued in effect for that
12 purpose.

13 SECTION 4. This Act takes effect September 1, 2023.