

By: Creighton

S.B. No. 2089

A BILL TO BE ENTITLED

AN ACT

relating to the instructional material list and supplemental instructional materials adopted by the State Board of Education.

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

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

(b) Each instructional material on the list:

(1) must ~~be~~:

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

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

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

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

(i) clearly distinguishes the theory from fact; and

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

(E) present violence, if it appears, in the context of the causes and consequences of the violence and not for 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; or

20           (D) be authored by an employee of the agency.

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

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

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

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

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

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

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

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

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

23 (a-1) 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 (a), 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 3. Sections 31.023 and 31.035, Education Code, as  
4 amended by this Act, apply only to an instructional material list or  
5 supplemental instructional material adopted on or after the  
6 effective date of this Act. An instructional material list or  
7 supplemental instructional material adopted before the effective  
8 date of this Act is governed by the law in effect when the  
9 instructional material list or supplemental instructional material  
10 was adopted, and the former law is continued in effect for that  
11 purpose.

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