

SENATE AMENDMENTS

2nd Printing

By: Geren, Price, Bonnen of Brazoria,
Anderson of McLennan, Bohac, et al.

H.B. No. 1291

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the inclusion of American principles in the public
3 school curriculum and instructional materials.

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

5 SECTION 1. Section 28.002, Education Code, is amended by
6 adding Subsection (h-1) to read as follows:

7 (h-1) To accomplish the primary purpose stated in
8 Subsection (h), the State Board of Education and each school
9 district shall ensure that:

10 (1) the public school curriculum emphasizes an
11 understanding of the principles underlying the United States form
12 of government, including the study of the Founding Fathers of the
13 United States, the Declaration of Independence, the United States
14 Constitution, the Bill of Rights, and the Federalist Papers; and

15 (2) each historical event addressed in the public
16 school curriculum meets a reasonable standard of historical
17 significance, in relation to the limited amount of available
18 instructional time.

19 SECTION 2. Section 31.023(a), Education Code, is amended to
20 read as follows:

21 (a) For each subject and grade level, the State Board of
22 Education shall adopt a list of instructional materials. The list
23 includes each instructional material submitted for the subject and
24 grade level that meets applicable physical specifications adopted

1 by the State Board of Education, that [~~and~~] contains material that
2 is consistent with the purpose and guidelines of Sections 28.002(h)
3 and (h-1), and that covers [~~covering~~] at least half of the elements
4 of the essential knowledge and skills of the subject and grade level
5 in the student version of the instructional material, as well as in
6 the teacher version of the instructional material, as determined by
7 the State Board of Education under Section 28.002 and adopted under
8 Section 31.024.

9 SECTION 3. (a) Except as provided by Subsection (b) of this
10 section, this Act applies beginning with the 2017-2018 school year.

11 (b) The changes in law made by this Act to Section
12 31.023(a), Education Code, apply to instructional materials
13 adopted by the State Board of Education on or after September 1,
14 2018.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.

ADOPTED

MAY 19 2017

By: Campbell

Robert Spaw
Secretary of the Senate

H.B. No. 1291

Substitute the following for H.B. No. 1291 :

By: James Lewis Jr.

C.S. H.B. No. 1291

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the instructional material list and supplemental
3 instructional materials and the inclusion of American principles in
4 those materials and the public school curriculum.

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

6 SECTION 1. Section 28.002, Education Code, is amended by
7 adding Subsection (h-1) to read as follows:

8 (h-1) To accomplish the primary purpose stated in
9 Subsection (h), the State Board of Education and each school
10 district shall ensure that:

11 (1) the public school curriculum emphasizes an
12 understanding of the principles underlying the United States form
13 of government, including the study of the Founding Fathers of the
14 United States, the Declaration of Independence, the United States
15 Constitution, the Bill of Rights, and the Federalist Papers; and

16 (2) each historical event addressed in the public
17 school curriculum meets a reasonable standard of historical
18 significance, in relation to the limited amount of available
19 instructional time.

20 SECTION 2. Sections 31.023(a) and (b), Education Code, are
21 amended to read as follows:

22 (a) For each subject and grade level, the State Board of
23 Education shall adopt a list of instructional materials. The list
24 includes each instructional material submitted for the subject and

1 grade level that meets applicable physical specifications adopted
2 by the State Board of Education, that [~~and~~] contains material that
3 is consistent with the purpose and guidelines of Sections 28.002(h)
4 and (h-1), and that covers [~~covering~~] at least half of the elements
5 of the essential knowledge and skills of the subject and grade level
6 in the student version of the instructional material, as well as in
7 the teacher version of the instructional material, as determined by
8 the State Board of Education under Section 28.002 and adopted under
9 Section 31.024.

- 10 (b) Each instructional material on the list must be:
- 11 (1) free from factual errors;
 - 12 (2) suitable for the subject and grade level for which
13 the instructional material was submitted; and
 - 14 (3) reviewed by academic experts in the subject and
15 grade level for which the instructional material was submitted.

16 SECTION 3. Section 31.035(a), Education Code, is amended to
17 read as follows:

18 (a) Notwithstanding any other provision of this subchapter,
19 the State Board of Education may adopt supplemental instructional
20 materials that are not on the list adopted under Section 31.023.
21 The State Board of Education may adopt supplemental instructional
22 material under this section only if the instructional material:

- 23 (1) contains material covering one or more primary
24 focal points or primary topics of a subject in the required
25 curriculum under Section 28.002, as determined by the State Board
26 of Education;
- 27 (2) is not designed to serve as the sole instructional

1 material for a full course;

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

4 (4) is free from factual errors;

5 (5) is suitable for the subject and grade level; and

6 (6) is reviewed by academic experts in the subject and
7 grade level.

8 SECTION 4. (a) Except as provided by Subsections (b) and
9 (c) of this section, this Act applies beginning with the 2017-2018
10 school year.

11 (b) The changes in law made by this Act to Section
12 31.023(a), Education Code, apply to instructional materials
13 adopted by the State Board of Education on or after September 1,
14 2018.

15 (c) Sections 31.023(b) and 31.035(a), Education Code, as
16 amended by this Act, apply only to an instructional material list or
17 supplemental instructional material adopted on or after the
18 effective date of this Act. An instructional material list or
19 supplemental instructional material adopted before the effective
20 date of this Act is governed by the law in effect when the
21 instructional material list or supplemental instructional material
22 was adopted, and the former law is continued in effect for that
23 purpose.

24 SECTION 5. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

1 Act takes effect September 1, 2017.

ADOPTED

VJ
MAY 19 2017

Antony Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Campbell*

1 Amend CSH.B. 1291 by adding the following appropriately
2 numbered SECTIONS to the bill and renumbering SECTIONS of the bill
3 accordingly:

4 SECTION _____. Subchapter D, Chapter 12, Education Code, is
5 amended by adding Section 12.1102 to read as follows:

6 Sec. 12.1102. APPEAL OF APPLICATION SELECTION
7 DETERMINATION. (a) This section applies only if the charter
8 application selection process includes:

9 (1) scoring criteria and procedures for use of the
10 criteria by an external application review panel selected by the
11 commissioner; and

12 (2) selection criteria that include the minimum score
13 necessary for an applicant to be eligible for selection.

14 (b) The State Board of Education shall adopt procedures for
15 the appeal of an application selection determination made based on
16 the submission of an application under a process described by
17 Subsection (a).

18 (c) The procedures adopted under this section must provide
19 for an applicant who scores within five percentage points of the
20 minimum score necessary for an applicant to be eligible for
21 selection to appeal to the State Board of Education a score
22 determined by the external application review panel. Under the
23 procedures adopted under this section, the State Board of Education
24 may not provide more than 15 days from the date the applicant
25 receives notice that the applicant did not meet the minimum score
26 for the applicant to submit a request for an appeal.

27 (d) The determination of the State Board of Education in an
28 appeal under the procedures adopted under this section is final.

29 (e) If the charter applicant prevails in an appeal to the

1 State Board of Education, the commissioner shall consider the
2 applicant's application.

3 (f) If the State Board of Education fails to issue a
4 determination in an appeal on or before the 90th day after the date
5 the applicant submits a request for an appeal, the decision of the
6 external application review panel is affirmed.

7 SECTION _____. Section 12.101(b-0), Education Code, is
8 repealed.

9 SECTION _____. As soon as practicable after the effective
10 date of this Act, the State Board of Education shall adopt
11 procedures for the appeal of an application selection determination
12 as provided by Section 12.1102, Education Code, as added by this
13 Act.

14 SECTION _____. Section 12.1102, Education Code, as added by
15 this Act, applies only to an application submitted on or after the
16 effective date of this Act.

ADOPTED

MAY 19 2017

Lataj Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *Don Hoffner*

1 Amend C.S.H.B. No. 1291 (senate committee report) as
2 follows:

3 (1) In the recital to SECTION 1 of the bill (page 1, line
4 28), before "adding", insert "amending Subsection (b-3) and".

5 (2) In SECTION 1 of the bill, immediately following the
6 recital (page 1, between lines 28 and 29), insert the following:

7 (b-3) A school district may not use common core state
8 standards to comply with the requirement to provide instruction in
9 the essential knowledge and skills at appropriate grade levels
10 under Subsection (c). The State Board of Education shall adopt
11 rules necessary to implement this subsection.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 20, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1291 by Geren (Relating to the instructional material list and supplemental instructional materials and the inclusion of American principles in those materials and the public school curriculum.), **As Passed 2nd House**

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| <p>No significant fiscal implication to the State is anticipated.</p> |
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The bill would amend the Education Code to require the State Board of Education (SBOE) and each school district to ensure that the public school curriculum and instructional materials emphasize an understanding of the principles underlying the United States form of government and that each historical event addressed in the curriculum meets a reasonable standard of historical significance. The bill would require that instructional materials and supplemental instructional materials must be suitable for the subject and grade level for which the materials were submitted and reviewed by academic experts in the subject and grade level for which the materials were submitted in order to be adopted by the SBOE.

The bill would require the SBOE to adopt rules related to the requirement that school districts may not use common core state standards to provide instruction in the essential knowledge and skills at appropriate grade levels. The bill would require the State Board of Education to adopt procedures for the appeal of a charter school application, and would require the Commissioner of Education to consider the applicant's application if the charter applicant prevails in an appeal to the State Board of Education.

The bill would require the SBOE to adopt procedures relating to the charter application process, and specifies certain requirements regarding those procedures.

The bill would take effect immediately if passed within the necessary voting margins, or on September 1, 2017, and would apply beginning in school year 2017-18. Provisions of the bill related to instructional materials adoption by the SBOE would take effect on or after September 1, 2018.

This analysis estimates the Texas Education Agency could absorb the costs associated with the provisions of the bill with existing resources.

Local Government Impact

School districts and charters would likely incur costs if the SBOE were to amend the TEKS to align with the provisions of the bills. Costs for school districts and charters to review their existing

curriculum to ensure it meets the requirements of this legislation would vary from district to district. There may also be costs to local school districts to purchase or develop curriculum programs that meet the requirements of this legislation if the district does not already have that curriculum. If the TEKS are changed, school districts could be required to purchase new curriculum or instructional materials. Costs would vary among districts.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, AW, THo, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1291 by Geren (Relating to the instructional material list and supplemental instructional materials and the inclusion of American principles in those materials and the public school curriculum.), **Committee Report 2nd House, Substituted**

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| <p>No significant fiscal implication to the State is anticipated.</p> |
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The bill would amend the Education Code to require the State Board of Education (SBOE) and each school district to ensure that the public school curriculum and instructional materials emphasize an understanding of the principles underlying the United States form of government and that each historical event addressed in the curriculum meets a reasonable standard of historical significance. The bill would require that instructional materials and supplemental instructional materials must be suitable for the subject and grade level for which the materials were submitted and reviewed by academic experts in the subject and grade level for which the materials were submitted in order to be adopted by the SBOE. The bill would take effect immediately if passed within the necessary voting margins, or on September 1, 2017, and would apply beginning in school year 2017-18. Provisions of the bill related to instructional materials adoption by the SBOE would take effect on or after September 1, 2018.

This analysis estimates the Texas Education Agency could absorb the costs related to reviewing and modifying the social studies Texas Essential Knowledge and Skills (TEKS) standards, instructional materials, and supplemental instructional materials to ensure the elements required by the provisions of this bill.

Local Government Impact

School districts and charters would likely incur costs if the SBOE were to amend the TEKS to align with the provisions of the bills. Costs for school districts and charters to review their existing curriculum to ensure it meets the requirements of this legislation would vary from district to district. There may also be costs to local school districts to purchase or develop curriculum programs that meet the requirements of this legislation if the district does not already have that curriculum. If the TEKS are changed, school districts could be required to purchase new curriculum or instructional materials. Costs would vary among districts.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, AW, THo, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 9, 2017

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1291 by Geren (Relating to the inclusion of American principles in the public school curriculum and instructional materials.), **As Engrossed**

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| No significant fiscal implication to the State is anticipated. |
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The bill would amend the Education Code to require the State Board of Education (SBOE) and each school district to ensure that the public school curriculum and instructional materials emphasize an understanding of the principles underlying the United States form of government and that each historical event addressed in the curriculum meets a reasonable standard of historical significance. The bill would take effect immediately if passed within the necessary voting margins, or on September 1, 2017, and would apply beginning in school year 2017-18. Provisions of the bill related to instructional materials adoption by the SBOE would take effect on or after September 1, 2018.

This analysis estimates the Texas Education Agency could absorb the costs related to reviewing and modifying the social studies Texas Essential Knowledge and Skills (TEKS) standards to ensure the elements required by the provisions of this bill.

Local Government Impact

School districts and charters would likely incur costs if the State Board of Education (SBOE) were to amend the Texas Essential Knowledge and Skills (TEKS) to align with the provisions of the bills. Costs for school districts and charters to review their existing curriculum to ensure it meets the requirements of this legislation would vary from district to district. There may also be costs to local school districts to purchase or develop curriculum programs that meet the requirements of this legislation if the district does not already have that curriculum. If the TEKS are changed, school districts could be required to purchase new curriculum or instructional materials. Costs would vary among districts.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, AW, THo, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 1, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1291 by Geren (Relating to the inclusion of American principles in the public school curriculum and instructional materials.), **Committee Report 1st House, Substituted**

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| <p>No significant fiscal implication to the State is anticipated.</p> |
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The bill would amend the Education Code to require the State Board of Education (SBOE) and each school district to ensure that the public school curriculum and instructional materials emphasize an understanding of the principles underlying the United States form of government and that each historical event addressed in the curriculum meets a reasonable standard of historical significance. The bill would take effect immediately if passed within the necessary voting margins, or on September 1, 2017, and would apply beginning in school year 2017-18. Provisions of the bill related to instructional materials adoption by the SBOE would take effect on or after September 1, 2018.

This analysis estimates the Texas Education Agency could absorb the costs related to reviewing and modifying the social studies Texas Essential Knowledge and Skills (TEKS) standards to ensure the elements required by the provisions of this bill.

Local Government Impact

School districts and charters would likely incur costs if the State Board of Education (SBOE) were to amend the Texas Essential Knowledge and Skills (TEKS) to align with the provisions of the bills. Costs for school districts and charters to review their existing curriculum to ensure it meets the requirements of this legislation would vary from district to district. There may also be costs to local school districts to purchase or develop curriculum programs that meet the requirements of this legislation if the district does not already have that curriculum. If the TEKS are changed, school districts could be required to purchase new curriculum or instructional materials. Costs would vary among districts.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, AW, THo, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 13, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1291 by Geren (Relating to the inclusion of American principles in the public school curriculum and instructional materials.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1291, As Introduced: a negative impact of (\$674,612) through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|--------------------|---|
| 2018 | (\$674,612) |
| 2019 | \$0 |
| 2020 | \$0 |
| 2021 | \$0 |
| 2022 | \$0 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from General Revenue Fund |
|--------------------|--|
| 2018 | (\$674,612) |
| 2019 | \$0 |
| 2020 | \$0 |
| 2021 | \$0 |
| 2022 | \$0 |

Fiscal Analysis

The bill would amend Education Code to require the State Board of Education (SBOE) and each school district to ensure that the public school curriculum and instructional materials emphasize an understanding of the principles underlying the United States form of government, that each historical event addressed in the curriculum meets a reasonable standard of historical

significance, and that any issue considered controversial is presented in a balanced manner. The bill would require that any curriculum generated, purchased, or obtained by a district is in compliance with the Texas Essential Knowledge and Skills (TEKS) requirements provided in the legislation.

The bill would take effect immediately if passed within the necessary voting margins, or on September 1, 2017, and would apply beginning in school year 2017-18. Provisions of the bill related to instructional materials adoption by the SBOE would take effect on or after September 1, 2018.

Methodology

Reviewing and modifying the social studies Texas Essential Knowledge and Skills (TEKS) standards to ensure the elements required by the provisions of this bill are addressed would cost an estimated \$674,612 in fiscal year 2018. This estimate assumes the Texas Education Agency (TEA) would incur all costs associated with the review and modification of the TEKS standards and instructional materials in the 2018-19 biennium due to the September 1, 2017 implementation date. In addition to these costs, there would be additional costs related to revising instructional materials if the provisions required in the bill are not currently addressed in the TEKS. The costs related to revising instructional materials cannot be determined at this time since those costs would depend on the amount and complexity of the changes to the TEKS standards.

According to information provided by TEA, the agency would convene committees to review and modify the social studies TEKS in fiscal year 2018. Based on information provided by TEA, a committee would meet for two days to review the TEKS standards and make any recommendations for adjustments. Committee membership would total 76 members. The estimated cost of travel reimbursement, including lodging, meals and incidentals, and mileage, would be \$791 per committee member, totaling approximately \$120,232 in fiscal year 2018 (\$791 per person x 76 committee members x 2 meetings). Cost related to meeting space and materials would total \$3,400, resulting in a total cost of \$123,632 in fiscal year 2018 for the committee meetings.

According to information provided by TEA, the agency would also convene committees to review currently adopted social studies instructional materials for compliance with the provisions of the bill. TEA anticipates that 39 elementary school products and 50 secondary school products would be reviewed. The agency estimates 38 review panels consisting of five people in each panel would be required for this review. Based on the number of review panels and committee members, this estimate assumes a cost of approximately \$269,990 per meeting for travel reimbursement, including lodging, meals and incidentals, and mileage. (\$1,421 per person x 190 committee members). Costs related to meeting space and materials would total \$11,000, resulting in a total cost of \$550,980 in fiscal year 2018 for the two instructional material review committee meetings.

Local Government Impact

School districts and charter would likely incur significant cost if the State Board of Education (SBOE) were to amend the Texas Essential Knowledge and Skills (TEKS) to align with the provisions of the bills. Costs for school districts and charters to review their existing curriculum to ensure it meets the requirements of this legislation would vary from district to district. There may be costs to local school districts to purchase or develop curriculum programs that meet the requirements of this legislation if the district does not already have that curriculum. If the TEKS are changed, school districts could be required to purchase new curriculum or instructional materials. Costs would vary among districts and could be significant.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, THo, AM, AW