

By: Toth

H.B. No. 3987

A BILL TO BE ENTITLED

1 AN ACT
2 relating to requiring the disclosure of certain information
3 regarding public school teaching materials and activities.

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

5 SECTION 1. Chapter 26, Education Code, is amended by adding
6 Section 26.0061 to read as follows:

7 Sec. 26.0061. REQUIRED DISCLOSURE REGARDING TEACHING
8 MATERIALS AND ACTIVITIES. (a) In this section:

9 (1) "Activity" includes a presentation, assembly,
10 lecture, or other event facilitated by a school district, other
11 than a student presentation.

12 (2) "Teaching material" includes:

13 (A) instructional material, as that term is
14 defined by Section 31.002;

15 (B) teaching aids; and

16 (C) any other material a student is given the
17 option to select for the student's instruction.

18 (b) Subject to Subsection (g), not later than the fifth day
19 of each month, each school district shall make available to the
20 public on the district's Internet website:

21 (1) a list disaggregated by subject area and grade
22 level that states all information, including the title, author,
23 organization, or Internet website, as applicable, necessary to
24 identify a teaching material or activity that was assigned,

1 distributed, or otherwise presented to the district's students
2 during the preceding month in:

3 (A) a course for which students receive academic
4 credit; or

5 (B) an educational event that the district
6 requires students to attend or in which a majority of students
7 participate;

8 (2) the district's procedures for documenting,
9 reviewing, or approving a material or activity described by
10 Subdivision (1); and

11 (3) any changes made in the preceding month to the
12 procedures described by Subdivision (2).

13 (c) For purposes of Subsection (b)(1), a school district is
14 not required to list the individual components of teaching
15 materials produced as a single volume except that for a volume that
16 contains works by multiple authors, the district shall include in
17 the list under that subsection:

18 (1) a table of contents for the volume; or

19 (2) a link to an Internet website that discloses the
20 title and author of each work included in the volume.

21 (d) Information posted to a school district's Internet
22 website under Subsection (b) must be maintained on the website for
23 not less than one year.

24 (e) A school district may use collaborative online document
25 or spreadsheet software to prepare or post on the district's
26 Internet website the information required under Subsection (b).

27 (f) This section does not require a school district to

1 reproduce a material or activity described by Subsection (b)(1).

2 (g) This section does not apply to:

3 (1) a school district with a student enrollment of
4 less than 300 students; or

5 (2) a material or activity described by Subsection
6 (b)(1) that is selected independently by teachers employed at a
7 campus with a student enrollment of less than 50 students for use
8 only at that campus.

9 SECTION 2. Section 12.104(b), Education Code, as amended by
10 Chapters 262 (H.B. 1597), 464 (S.B. 11), 467 (H.B. 4170), and 943
11 (H.B. 3), Acts of the 86th Legislature, Regular Session, 2019, is
12 reenacted and amended to read as follows:

13 (b) An open-enrollment charter school is subject to:

14 (1) a provision of this title establishing a criminal
15 offense;

16 (2) the provisions in Chapter 554, Government Code;
17 and

18 (3) a prohibition, restriction, or requirement, as
19 applicable, imposed by this title or a rule adopted under this
20 title, relating to:

21 (A) the Public Education Information Management
22 System (PEIMS) to the extent necessary to monitor compliance with
23 this subchapter as determined by the commissioner;

24 (B) criminal history records under Subchapter C,
25 Chapter 22;

26 (C) reading instruments and accelerated reading
27 instruction programs under Section 28.006;

- 1 (D) accelerated instruction under Section
2 [28.0211](#);
- 3 (E) high school graduation requirements under
4 Section [28.025](#);
- 5 (F) special education programs under Subchapter
6 [A](#), Chapter [29](#);
- 7 (G) bilingual education under Subchapter [B](#),
8 Chapter [29](#);
- 9 (H) prekindergarten programs under Subchapter E
10 or E-1, Chapter [29](#);
- 11 (I) extracurricular activities under Section
12 [33.081](#);
- 13 (J) discipline management practices or behavior
14 management techniques under Section [37.0021](#);
- 15 (K) health and safety under Chapter [38](#);
- 16 (L) public school accountability under
17 Subchapters [B](#), [C](#), [D](#), [F](#), [G](#), and [J](#), Chapter [39](#), and Chapter [39A](#);
- 18 (M) the requirement under Section [21.006](#) to
19 report an educator's misconduct;
- 20 (N) intensive programs of instruction under
21 Section [28.0213](#);
- 22 (O) the right of a school employee to report a
23 crime, as provided by Section [37.148](#);
- 24 (P) bullying prevention policies and procedures
25 under Section [37.0832](#);
- 26 (Q) the right of a school under Section [37.0052](#)
27 to place a student who has engaged in certain bullying behavior in a

1 disciplinary alternative education program or to expel the student;

2 (R) the right under Section 37.0151 to report to
3 local law enforcement certain conduct constituting assault or
4 harassment;

5 (S) a parent's right to information regarding the
6 provision of assistance for learning difficulties to the parent's
7 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

8 (T) establishment of residency under Section
9 25.001;

10 (U) [~~(T)~~] school safety requirements under
11 Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.115,
12 37.207, and 37.2071;

13 (V) [~~(T)~~] the early childhood literacy and
14 mathematics proficiency plans under Section 11.185; [~~and~~]

15 (W) [~~(U)~~] the college, career, and military
16 readiness plans under Section 11.186; and

17 (X) the disclosure of certain information
18 regarding a teaching material or activity described by Section
19 26.0061.

20 SECTION 3. This Act applies beginning with the 2021-2022
21 school year.

22 SECTION 4. To the extent of any conflict, this Act prevails
23 over another Act of the 87th Legislature, Regular Session, 2021,
24 relating to nonsubstantive additions to and corrections in enacted
25 codes.

26 SECTION 5. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2021.