By:  Leo-Wilson H.B. No. 1804

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 scientific strengths and scientific 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;

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

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

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

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

(2)  may not:

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

(B)  include blatantly offensive language or illustrations;

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

(D)  contain a concept described by Section 28.0022(a)(4)(A); or

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

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

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

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

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

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

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

(4)  complies with the standards under Section 31.023(b) [~~is free from factual errors;~~

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

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

(a-1)  If the State Board of Education determines that an instructional material being considered for adoption under this section contains content that does not comply with the standards under Subsection (a), the board may not adopt the instructional material unless the publisher removes the content or modifies the content in a manner that complies with the standards under that subsection.

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

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