

BILL ANALYSIS

Senate Research Center
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S.B. 2089
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years, political conversations have had an undue influence on the way that facts are presented to students in their instructional materials. Currently, the standards that the State Board of Education (SBOE) uses to adopt instructional materials do not allow for SBOE to take into account an instructional material's viewpoint when evaluating the material's content. S.B. 2089 creates several new criteria that the SBOE must use when reviewing instructional materials. In sum, instructional materials must present material in an objective manner that avoids biases and treats all groups fairly so that materials reflect the positive contributions of all individuals and groups to the American way of life.

As proposed, S.B. 2089 amends current law relating to the instructional material list and supplemental instructional materials adopted by the State Board of Education.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(b) Provides that each instructional material on the list:

(1) is required to:

(A)-(C) makes nonsubstantive changes to these paragraphs;

(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;

(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) is prohibited from:

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

(B) including blatantly offensive language or illustrations;

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

(D) be authored by an employee of the Texas Education Agency.

(c) Prohibits the State Board of Education (SBOE), if SBOE determines that an instructional material being considered for adoption under Section 31.0213 (Instructional Material List) contains content that does not comply with the standards under Subsection (b), from adopting 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. Amends Section 31.035, Education Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Authorizes SBOE to adopt supplemental instructional material under Section 31.035 (Supplemental Instructional Materials) only if the instructional material:

(1)-(2) makes no changes to these subdivisions;

(3) makes a nonsubstantive change to this subdivision; and

(4) complies with the standards under Section 31.023(b), rather than is free from factual errors.

Deletes existing text authorizing SBOE to adopt supplemental instructional material under this section only if the instructional material is suitable for the subject and grade level, and is reviewed by academic experts in the subject and grade level.

(a-1) Prohibits SBOE, if SBOE determines that an instructional material being considered for adoption under this section contains content that does not comply with the standards under Subsection (a), from adopting 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. Makes application of Sections 31.023 and 31.035, Education Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2023.