

By: Chisum

H.B. No. 2534

A BILL TO BE ENTITLED

AN ACT

relating to the content requirements and limitations for public school textbooks.

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

SECTION 1. Subchapter B, Chapter 31, Education Code, is amended by adding Sections 31.0221-31.0226 to read as follows:

Sec. 31.0221. CONTENT REQUIREMENTS AND LIMITATIONS IN GENERAL; AUTHORSHIP; EDITORIAL REVIEW. (a) Each adopted textbook:

(1) must meet the content requirements and limitations prescribed by this section and Sections 31.0222-31.0226, as applicable to the category in which the textbook is adopted;

(2) must be written by an author who has expertise and experience that provide authoritative credibility to the author's work;

(3) may not have been written by an employee of the agency; and

(4) may not include blatantly offensive language or illustrations.

(b) When appropriate, a textbook may include illustrations that are informative, closely related to the content, and placed where the illustrations may be used in conjunction with written text.

(c) The content of an adopted textbook must be organized to facilitate both teaching and learning.

1 (d) The publisher of a textbook submitted for adoption
2 shall:

3 (1) conduct a systematic and thorough editorial review
4 of the textbook; and

5 (2) verify facts, including historical dates,
6 contained in the textbook.

7 (e) Before the state may purchase an adopted textbook, the
8 publisher shall delete from the textbook content and suggested
9 readings that violate the requirements and limitations of this
10 section or Section 31.0222, 31.0223, 31.0224, 31.0225, or 31.0226.

11 Sec. 31.0222. CONTENT REQUIREMENTS AND LIMITATIONS: FACTS
12 AND THEORIES. An adopted textbook must present the most current
13 factual information accurately and objectively and without
14 editorial opinion or bias by the authors. A theory must be clearly
15 distinguished from facts and presented in an objective educational
16 manner.

17 Sec. 31.0223. CONTENT REQUIREMENTS AND LIMITATIONS:
18 CITIZENSHIP, PATRIOTISM, AND FREE ENTERPRISE SYSTEM. (a) An
19 adopted textbook must promote citizenship, patriotism,
20 understanding of the essentials and benefits of the free enterprise
21 system, respect for recognized authority, and respect for
22 individual rights.

23 (b) For purposes of this section, "free enterprise" means an
24 economic system characterized by:

25 (1) private or corporate ownership of capital goods;

26 (2) investments that are determined by private
27 decisions rather than state control; and

1 (3) the determination in a free market of prices,
2 production, and the distribution of goods.

3 Sec. 31.0224. CONTENT REQUIREMENTS AND LIMITATIONS:
4 TREATMENT OF VIOLENCE AND CIVIL DISORDER. An adopted textbook may
5 not include selections or works that encourage or condone civil
6 disorder, social strife, or disregard of the law. A textbook that
7 describes violence must do so in the context of the cause and
8 consequences of the violence and may not include descriptions of
9 violence for reasons of unwholesome excitement or sensationalism.

10 Sec. 31.0225. CONTENT REQUIREMENTS AND LIMITATIONS:
11 HISTORY. An adopted textbook must present positive aspects of the
12 United States and its heritage. In discussing significant
13 political or social movements in history that generate contrasting
14 points of view, a textbook must present balanced and factual
15 treatment of each position.

16 Sec. 31.0226. CONTENT REQUIREMENTS AND LIMITATIONS;
17 DIVERGENT INDIVIDUALS AND GROUPS. (a) An adopted textbook must
18 treat divergent groups fairly without stereotyping and must reflect
19 the positive contribution of all individuals and groups to the
20 American way of life. Illustrations and written materials must
21 avoid bias toward any particular individual or group and must
22 present a wide range of goal choices. Textbook authors shall take
23 particular care in the treatment of ethnic groups, issues relating
24 to the aging and aged, roles of men and women, the dignity of
25 workers, and respect for the work ethic.

26 (b) An adopted textbook may not encourage lifestyles that
27 deviate from generally accepted standards of society.

1 (c) An adopted textbook must provide an objective view of
2 cultural confluence and must include information needed to develop
3 mutual understanding and respect among all elements of our
4 population. Textbooks must reflect an awareness that culture and
5 language variation does exist and can be used to promote successful
6 learning.

7 (d) An adopted textbook must present:

8 (1) examples of men and women participating in a
9 variety of roles and activities; and

10 (2) the economic, political, social, and cultural
11 contributions of men and women, past and present.

12 (e) An adopted textbook that treats aspects of the world of
13 work should reflect the positive contributions of all types of
14 careers to the American economic system and way of life. People
15 presented in textbooks should reflect varieties of work and be
16 treated without bias toward particular kinds of work.

17 (f) An adopted textbook must present traditional and
18 contemporary roles of men, women, boys, and girls.

19 (g) An adopted textbook must present balanced treatment of
20 issues relating to the aging and aged.

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

23 (a) For each subject and grade level, the State Board of
24 Education shall adopt two lists of textbooks. The conforming list
25 includes each textbook submitted for the subject and grade level
26 that complies with Sections 31.0221-31.0226, meets applicable
27 physical specifications adopted by the State Board of Education,

1 ~~and~~ contains material covering each element of the essential
2 knowledge and skills of the subject and grade level as determined by
3 the State Board of Education under Section 28.002, and is adopted
4 under Section 31.024. The nonconforming list includes each
5 textbook submitted for the subject and grade level that:

- 6 (1) complies with Sections 31.0221-31.0226;
7 (2) meets applicable physical specifications adopted
8 by the State Board of Education;
9 (3) [~~(2)~~] contains material covering at least half,
10 but not all, of the elements of the essential knowledge and skills
11 of the subject and grade level; and
12 (4) [~~(3)~~] is adopted under Section 31.024.

13 SECTION 3. Sections 31.0221-31.0226, Education Code, as
14 added by this Act, and Section 31.023(a), Education Code, as
15 amended by this Act, apply only to the adoption of a textbook for
16 which the State Board of Education publishes notice of the review
17 and adoption cycle on or after the effective date of this Act. The
18 adoption of a textbook for which the State Board of Education
19 publishes notice of the review and adoption cycle before the
20 effective date of this Act is governed by the law in effect on the
21 date the board publishes notice of the review and adoption cycle,
22 and the former law is continued in effect for that purpose.

23 SECTION 4. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2005.