

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/26/17

Date

Honorable Dan Patrick  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 801 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

*Kel Seliger*  
SELIGER

*Ken King*

*Paul Bettencourt*  
BETTENCOURT

*Frank Ashley*

*Al Campbell*  
CAMPBELL

*Doug Cook*

*Byron Hughes*  
HUGHES

*[Signature]*

*[Signature]*

On the part of the Senate  
URESTI

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.



# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

S.B. No. 801

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(b), Education Code, is amended to read as follows:

(b) Each instructional material on the list must be:

(1) free from factual errors;

(2) suitable for the subject and grade level for which the instructional material was submitted; and

(3) reviewed by academic experts in the subject and grade level for which the instructional material was submitted.

SECTION 2. Section 31.035(a), Education Code, is amended 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

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 3. Sections 31.023(b) and 31.035(a), Education  
9 Code, as amended by this Act, apply only to an instructional  
10 material list or supplemental instructional material adopted on or  
11 after the effective date of this Act. An instructional material  
12 list or supplemental instructional material adopted before the  
13 effective date of this Act is governed by the law in effect when the  
14 instructional material list or supplemental instructional material  
15 was adopted, and the former law is continued in effect for that  
16 purpose.

17 SECTION 4. This Act takes effect September 1, 2017.

**Senate Bill 801**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Section 31.023(b), Education Code, is amended to read as follows:

(b) Each instructional material on the list must be:

(1) free from factual errors;

(2) suitable for the subject and grade level for which the instructional material was submitted; and

(3) reviewed by academic experts in the subject and grade level for which the instructional material was submitted.

*No equivalent provision.*

SECTION 2. Section 31.035(a), Education Code, is amended 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

HOUSE VERSION (IE)

SECTION 1. Section 31.023, Education Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows: [FA1(1)]

(b) Each instructional material on the list must be:

(1) free from factual errors ***and aligned with contemporary scholarship;*** [FA1(2)]

(2) suitable for the subject and grade level for which the instructional material was submitted, ***as determined by an instructional material review team appointed by the commissioner;*** and [FA1(3)]

(3) reviewed by academic experts in the subject and grade level for which the instructional material was submitted.

(c) For purposes of Subsection (b), an academic expert may not be an author of the instructional material under consideration or an employee of the publisher of the instructional material under consideration. An academic expert must have at least five years of higher education teaching experience in:

(1) the subject under review and a terminal degree in that subject; or

(2) the field of education and a doctoral degree in education. [FA1(4)]

SECTION 2. Section 31.035, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows: [FA1(5)]

(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

CONFERENCE

SECTION 1. Same as Senate version.

SECTION 2. Same as Senate version.

**Senate Bill 801**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

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) 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.

*No equivalent provision.*

SECTION 3. Saving provision.

SECTION 4. This Act takes effect September 1, 2017.

HOUSE VERSION (IE)

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) is free from factual errors *and aligned with contemporary scholarship*; [FA1(6)]

(5) is suitable for the subject and grade level, as determined by an instructional material review team appointed by the commissioner; and [FA1(7)]

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

(a-1) For purposes of Subsection (a), an academic expert may not be an author of the instructional material under consideration or an employee of the publisher of the instructional material under consideration. An academic expert must have at least five years of higher education teaching experience in:

- (1) the subject under review and a terminal degree in that subject; or
  - (2) the field of education and a doctoral degree in education.
- [FA1(8)]

SECTION 3. Same as Senate version.

SECTION 4. Same as Senate version.

CONFERENCE

SECTION 3. Same as Senate version.

SECTION 4. Same as Senate version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 27, 2017**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **SB801** by Seliger (Relating to the instructional material list and supplemental instructional materials adopted by the State Board of Education. ), **Conference Committee Report**

**No fiscal implication to the State is anticipated.**

The bill would amend the Education Code to add the requirements that instructional and supplemental materials be suitable for and reviewed by academic experts in the subject and grade level for which the material was submitted.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, THo, AM, AW

**Certification of Compliance with  
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on SB801 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

  
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(name)

5-27-17  
\_\_\_\_\_

(date)