

By: Hughes, et al.

S.B. No. 3

A BILL TO BE ENTITLED

AN ACT

relating to certain curriculum in public schools, including certain instructional requirements and prohibitions.

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

SECTION 1. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.4555 to read as follows:

Sec. 21.4555. CIVICS TRAINING PROGRAM. (a) To facilitate the teaching of curriculum consistent with Sections 28.002(h-2) and 28.0022, the commissioner shall develop and make available civics training programs for teachers and administrators.

(b) A civics training program developed under this section must include training in:

(1) the essential knowledge and skills for the social studies curriculum related to civic knowledge adopted under Section 28.002(h-2);

(2) guided classroom discussion of current events, as appropriate for the grade level and consistent with the restrictions under Section 28.0022;

(3) classroom simulations and models of governmental and democratic processes consistent with the requirements and restrictions of Sections 28.002(h-2) and 28.0022;

(4) media literacy, including instruction on verifying information and sources, identifying and responding to logical fallacies, and identifying propaganda, as appropriate for

1 the grade level and consistent with the restrictions under Section  
2 28.0022; and

3 (5) strategies for incorporating civics instruction  
4 into subject areas other than social studies.

5 (c) The commissioner by rule shall establish the grade  
6 levels at which a teacher provides instruction to be eligible to  
7 participate in a civics training program. In making the  
8 determination, the commissioner shall include grade levels for  
9 which the State Board of Education makes significant revisions to  
10 the essential knowledge and skills for the social studies  
11 curriculum under Section 28.002(h-2).

12 (d) Each civics training program developed under Subsection  
13 (a) must be reviewed and approved by the State Board of Education.  
14 The board shall annually review each program.

15 (e) Each school district and open-enrollment charter school  
16 shall ensure that each district or school campus that offers a grade  
17 level described by Subsection (c) has at least one teacher and one  
18 principal or campus instructional leader who has attended a civics  
19 training program. The agency shall provide assistance to school  
20 districts and open-enrollment charter schools in complying with the  
21 requirements of this subsection.

22 (f) From funds available for that purpose, a teacher who  
23 attends a civics training program may receive a stipend in an amount  
24 determined by the commissioner. A stipend received under this  
25 section is not included in determining whether a district is paying  
26 the teacher the minimum monthly salary under Section 21.402.

27 (g) The commissioner may delay implementation of Subsection

1 (e) to a school year not later than the 2025-2026 school year if the  
2 revision of the essential knowledge and skills for the social  
3 studies curriculum under Section 28.002(h-2) or the availability of  
4 civics training programs does not occur in a manner that reasonably  
5 affords public schools the ability to comply with that subsection  
6 by an earlier school year. This subsection expires September 1,  
7 2026.

8 (h) Nothing in this section may be construed as limiting the  
9 teaching of or instruction in the essential knowledge and skills  
10 adopted under Subchapter A, Chapter 28.

11 SECTION 2. Section 28.002, Education Code, as effective  
12 September 1, 2021, is amended by adding Subsections (h-2), (h-7),  
13 and (h-8) to read as follows:

14 (h-2) In adopting the essential knowledge and skills for the  
15 social studies curriculum for each grade level from kindergarten  
16 through grade 12, the State Board of Education shall adopt  
17 essential knowledge and skills that develop each student's civic  
18 knowledge, including:

19 (1) an understanding of:

20 (A) the fundamental moral, political,  
21 entrepreneurial, and intellectual foundations of the American  
22 experiment in self-government;

23 (B) the history, qualities, traditions, and  
24 features of civic engagement in the United States;

25 (C) the structure, function, and processes of  
26 government institutions at the federal, state, and local levels;

27 (D) the founding documents of the United States,

1 including:  
2 (i) the Declaration of Independence;  
3 (ii) the United States Constitution;  
4 (iii) the Federalist Papers, including  
5 Essays 10 and 51;  
6 (iv) excerpts from Alexis de Tocqueville's  
7 Democracy in America;  
8 (v) the transcript of the first  
9 Lincoln-Douglas debate; and  
10 (vi) the writings of the founding fathers  
11 of the United States; and  
12 (E) the history and importance of:  
13 (i) the federal Civil Rights Act of 1964 (42  
14 U.S.C. Section 2000a et seq.);  
15 (ii) the Thirteenth, Fourteenth, and  
16 Nineteenth Amendments to the United States Constitution;  
17 (iii) the complexity of the historic  
18 relationship between Texas and Mexico; and  
19 (iv) the diversity of the Hispanic  
20 population in Texas;  
21 (2) the ability to:  
22 (A) analyze and determine the reliability of  
23 information sources;  
24 (B) formulate and articulate reasoned positions;  
25 (C) understand the manner in which local, state,  
26 and federal government works and operates through the use of  
27 simulations and models of governmental and democratic processes;

1           (D) actively listen and engage in civil  
2 discourse, including discourse with those with different  
3 viewpoints;

4           (E) responsibly participate as a citizen in a  
5 constitutional democracy; and

6           (F) effectively engage with governmental  
7 institutions at the local, state, and federal levels; and

8           (3) an appreciation of:

9           (A) the importance and responsibility of  
10 participating in civic life;

11           (B) a commitment to the United States and its  
12 form of government; and

13           (C) a commitment to free speech and civil  
14 discourse.

15           (h-7) The agency shall ensure that each school district or  
16 open-enrollment charter school teaches civics education as part of  
17 the district's social studies curriculum in a manner consistent  
18 with the essential knowledge and skills adopted under Subsection  
19 (h-2).

20           (h-8) Nothing in Subsections (h-2) and (h-7) may be  
21 construed as limiting the teaching of or instruction in the  
22 essential knowledge and skills adopted under this subchapter.

23           SECTION 3. Section 28.002(h-2), Education Code, as added by  
24 H.B. 4509, Acts of the 87th Legislature, Regular Session, 2021, is  
25 redesignated as Section 28.002(h-6), Education Code, to read as  
26 follows:

27           (h-6) [~~(h-2)~~] In providing instruction regarding the

1 founding documents of the United States as described by Subsection  
2 (h-1)(4), a school district or open-enrollment charter school shall  
3 use those documents as part of the instructional materials for the  
4 instruction.

5 SECTION 4. Subchapter A, Chapter 28, Education Code, is  
6 amended by adding Section 28.0022 to read as follows:

7 Sec. 28.0022. CERTAIN INSTRUCTIONAL REQUIREMENTS AND  
8 PROHIBITIONS. (a) For any course or subject, including an  
9 innovative course, for a grade level from kindergarten through  
10 grade 12:

11 (1) a teacher may not be compelled to discuss a  
12 particular current event or widely debated and currently  
13 controversial issue of public policy or social affairs;

14 (2) a teacher who chooses to discuss a topic described  
15 by Subdivision (1) shall, to the best of the teacher's ability,  
16 strive to explore that topic from diverse and contending  
17 perspectives without giving deference to any one perspective;

18 (3) a school district, open-enrollment charter  
19 school, or teacher may not require, make part of a course, or award  
20 a grade or course credit, including extra credit, for a student's:

21 (A) work for, affiliation with, or service  
22 learning in association with any organization engaged in:

23 (i) lobbying for legislation at the  
24 federal, state, or local level; or

25 (ii) social policy advocacy or public  
26 policy advocacy;

27 (B) political activism, lobbying, or efforts to

1 persuade members of the legislative or executive branch at the  
2 federal, state, or local level to take specific actions by direct  
3 communication; or

4 (C) participation in any internship, practicum,  
5 or similar activity involving social policy advocacy or public  
6 policy advocacy; and

7 (4) a teacher, administrator, or other employee of a  
8 state agency, school district, or open-enrollment charter school  
9 may not:

10 (A) require or make part of a course inculcation  
11 in the concept that:

12 (i) one race or sex is inherently superior  
13 to another race or sex;

14 (ii) an individual, by virtue of the  
15 individual's race or sex, is inherently racist, sexist, or  
16 oppressive, whether consciously or unconsciously;

17 (iii) an individual should be discriminated  
18 against or receive adverse treatment solely or partly because of  
19 the individual's race or sex;

20 (iv) an individual's moral character,  
21 standing, or worth is necessarily determined by the individual's  
22 race or sex;

23 (v) an individual, by virtue of the  
24 individual's race or sex, bears responsibility for actions  
25 committed in the past by other members of the same race or sex;

26 (vi) an individual should feel discomfort,  
27 guilt, anguish, or any other form of psychological distress on

1 account of the individual's race or sex;

2 (vii) meritocracy or traits such as a hard  
3 work ethic are racist or sexist or were created by members of a  
4 particular race to oppress members of another race;

5 (viii) the advent of slavery in the  
6 territory that is now the United States constituted the true  
7 founding of the United States; or

8 (ix) with respect to their relationship to  
9 American values, slavery and racism are anything other than  
10 deviations from, betrayals of, or failures to live up to the  
11 authentic founding principles of the United States, which include  
12 liberty and equality;

13 (B) teach, instruct, or train any administrator,  
14 teacher, or staff member of a state agency, school district, or  
15 open-enrollment charter school to adopt a concept listed under  
16 Paragraph (A); or

17 (C) require an understanding of the 1619 Project.

18 (b) Subsection (a)(3) may not be construed to apply to a  
19 student's participation in community charitable projects, such as  
20 building community gardens, volunteering at local food banks, or  
21 other service projects.

22 (c) A state agency, school district, or open-enrollment  
23 charter school may not accept private funding for the purpose of  
24 developing a curriculum, purchasing or selecting curriculum  
25 materials, or providing teacher training or professional  
26 development for a course described by Subsection (a)(4).

27 (d) A school district or open-enrollment charter school may

1 not implement, interpret, or enforce any rule, including a standard  
2 provided by a student code of conduct adopted under Section 37.001,  
3 in a manner that would result in the punishment of a student for  
4 discussing the concepts described by Subsection (a)(4) or have a  
5 chilling effect on student discussions involving those concepts.

6 (e) Nothing in this section may be construed as limiting the  
7 teaching of or instruction in the essential knowledge and skills  
8 adopted under this subchapter.

9 SECTION 5. Sections 28.002(h-2), (h-3), (h-4), and (h-5),  
10 as added by H.B. 3979, Acts of the 87th Legislature, Regular  
11 Session, 2021, and effective September 1, 2021, are repealed.

12 SECTION 6. (a) Except as provided by Subsection (b) of this  
13 section, this Act applies beginning with the 2021-2022 school year.

14 (b) Section 28.002(h-2), Education Code, as added by this  
15 Act, applies beginning with the 2022-2023 school year.

16 SECTION 7. Not later than December 31, 2022, the State Board  
17 of Education shall review and revise, as needed, the essential  
18 knowledge and skills of the social studies curriculum as required  
19 by Section 28.002(h-2), Education Code, as added by this Act.

20 SECTION 8. If any provision of this Act or its application  
21 to any person or circumstance is held invalid, the invalidity does  
22 not affect other provisions or applications of this Act that can be  
23 given effect without the invalid provision or application, and to  
24 this end the provisions of this Act are declared to be severable.

25 SECTION 9. This Act takes effect September 1, 2021, if it  
26 receives a vote of two-thirds of all the members elected to each  
27 house, as provided by Section 39, Article III, Texas Constitution.

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1 If this Act does not receive the vote necessary for effect on that  
2 date, this Act takes effect on the 91st day after the last day of the  
3 legislative session.