

1-1 By: Hughes S.B. No. 3
1-2 (In the Senate - Filed August 9, 2021; August 9, 2021, read
1-3 first time and referred to Committee on State Affairs;
1-4 August 10, 2021, reported favorably by the following vote: Yeas 6,
1-5 Nays 3; August 10, 2021, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|------------|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | Hughes | X | | |
| 1-9 | Birdwell | X | | |
| 1-10 | Campbell | X | | |
| 1-11 | Hall | X | | |
| 1-12 | Lucio | | X | |
| 1-13 | Nelson | X | | |
| 1-14 | Powell | | X | |
| 1-15 | Schwertner | X | | |
| 1-16 | Zaffirini | | X | |

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to civics training programs for certain public school
1-20 social studies teachers and principals, parental access to certain
1-21 learning management systems, and certain curriculum in public
1-22 schools, including certain instructional requirements and
1-23 prohibitions.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter J, Chapter 21, Education Code, is
1-26 amended by adding Section 21.4555 to read as follows:

1-27 Sec. 21.4555. CIVICS TRAINING PROGRAM. (a) To facilitate
1-28 the teaching of curriculum consistent with Sections 28.002(h-2) and
1-29 28.0022, the commissioner shall develop and make available civics
1-30 training programs for teachers and administrators.

1-31 (b) A civics training program developed under this section
1-32 must include training in:

1-33 (1) the essential knowledge and skills for the social
1-34 studies curriculum related to civic knowledge adopted under Section
1-35 28.002(h-2);

1-36 (2) guided classroom discussion of current events, as
1-37 appropriate for the grade level and consistent with the
1-38 restrictions under Section 28.0022;

1-39 (3) classroom simulations and models of governmental
1-40 and democratic processes consistent with the requirements and
1-41 restrictions of Sections 28.002(h-2) and 28.0022;

1-42 (4) media literacy, including instruction on
1-43 verifying information and sources, identifying and responding to
1-44 logical fallacies, and identifying propaganda, as appropriate for
1-45 the grade level and consistent with the restrictions under Section
1-46 28.0022; and

1-47 (5) strategies for incorporating civics instruction
1-48 into subject areas other than social studies.

1-49 (c) The commissioner by rule shall establish the grade
1-50 levels at which a teacher provides instruction to be eligible to
1-51 participate in a civics training program. In making the
1-52 determination, the commissioner shall include grade levels for
1-53 which the State Board of Education makes significant revisions to
1-54 the essential knowledge and skills for the social studies
1-55 curriculum under Section 28.002(h-2).

1-56 (d) Each civics training program developed under Subsection
1-57 (a) must be reviewed and approved by the State Board of Education.
1-58 The board shall annually review each program.

1-59 (e) Each school district and open-enrollment charter school
1-60 shall ensure that each district or school campus that offers a grade
1-61 level described by Subsection (c) has at least one teacher and one

2-1 principal or campus instructional leader who has attended a civics
2-2 training program. The agency shall provide assistance to school
2-3 districts and open-enrollment charter schools in complying with the
2-4 requirements of this subsection.

2-5 (f) From funds available for that purpose, a teacher who
2-6 attends a civics training program may receive a stipend in an amount
2-7 determined by the commissioner. A stipend received under this
2-8 section is not included in determining whether a district is paying
2-9 the teacher the minimum monthly salary under Section 21.402.

2-10 (g) The commissioner may delay implementation of Subsection
2-11 (e) to a school year not later than the 2025-2026 school year if the
2-12 revision of the essential knowledge and skills for the social
2-13 studies curriculum under Section 28.002(h-2) or the availability of
2-14 civics training programs does not occur in a manner that reasonably
2-15 affords public schools the ability to comply with that subsection
2-16 by an earlier school year. This subsection expires September 1,
2-17 2026.

2-18 (h) Nothing in this section may be construed as limiting the
2-19 teaching of or instruction in the essential knowledge and skills
2-20 adopted under Subchapter A, Chapter 28.

2-21 SECTION 2. Section 26.006, Education Code, is amended by
2-22 adding Subsection (e) to read as follows:

2-23 (e) Each school district and open-enrollment charter school
2-24 that uses a learning management system or any online learning
2-25 portal to assign, distribute, present, or make available
2-26 instructional materials as defined by Section 31.002 to students
2-27 shall provide login credentials to the system or portal to each
2-28 student's parent.

2-29 SECTION 3. Section 28.002, Education Code, as effective
2-30 September 1, 2021, is amended by adding Subsections (h-2), (h-7),
2-31 and (h-8) to read as follows:

2-32 (h-2) In adopting the essential knowledge and skills for the
2-33 social studies curriculum for each grade level from kindergarten
2-34 through grade 12, the State Board of Education shall adopt
2-35 essential knowledge and skills that develop each student's civic
2-36 knowledge, including:

2-37 (1) an understanding of:

2-38 (A) the fundamental moral, political,
2-39 entrepreneurial, and intellectual foundations of the American
2-40 experiment in self-government;

2-41 (B) the history, qualities, traditions, and
2-42 features of civic engagement in the United States;

2-43 (C) the structure, function, and processes of
2-44 government institutions at the federal, state, and local levels;
2-45 and

2-46 (D) the founding documents of the United States;

2-47 (2) the ability to:

2-48 (A) analyze and determine the reliability of
2-49 information sources;

2-50 (B) formulate and articulate reasoned positions;

2-51 (C) understand the manner in which local, state,
2-52 and federal government works and operates through the use of
2-53 simulations and models of governmental and democratic processes;

2-54 (D) actively listen and engage in civil
2-55 discourse, including discourse with those with different
2-56 viewpoints; and

2-57 (E) participate as a citizen in a constitutional
2-58 democracy by voting; and

2-59 (3) an appreciation of:

2-60 (A) the importance and responsibility of
2-61 participating in civic life;

2-62 (B) a commitment to the United States and its
2-63 form of government; and

2-64 (C) a commitment to free speech and civil
2-65 discourse.

2-66 (h-7) The agency shall ensure that each school district or
2-67 open-enrollment charter school teaches civics education as part of
2-68 the district's social studies curriculum in a manner consistent
2-69 with the essential knowledge and skills adopted under Subsection

3-1 (h-2).
 3-2 (h-8) Nothing in Subsection (h-2) or (h-7) may be construed
 3-3 as limiting the teaching of or instruction in the essential
 3-4 knowledge and skills adopted under this subchapter.

3-5 SECTION 4. Section 28.002(h-2), Education Code, as added by
 3-6 H.B. 4509, Acts of the 87th Legislature, Regular Session, 2021, is
 3-7 redesignated as Section 28.002(h-6), Education Code, to read as
 3-8 follows:

3-9 (h-6) [~~(h-2)~~] In providing instruction regarding the
 3-10 founding documents of the United States as described by Subsection
 3-11 (h-1)(4), a school district or open-enrollment charter school shall
 3-12 use those documents as part of the instructional materials for the
 3-13 instruction.

3-14 SECTION 5. Subchapter A, Chapter 28, Education Code, is
 3-15 amended by adding Section 28.0022 to read as follows:

3-16 Sec. 28.0022. CERTAIN INSTRUCTIONAL REQUIREMENTS AND
 3-17 PROHIBITIONS. (a) For any course or subject, including an
 3-18 innovative course, for a grade level from kindergarten through
 3-19 grade 12:

3-20 (1) a teacher may not be compelled to discuss a
 3-21 particular current event or widely debated and currently
 3-22 controversial issue of public policy or social affairs;

3-23 (2) a teacher who chooses to discuss a topic described
 3-24 by Subdivision (1) shall, to the best of the teacher's ability,
 3-25 strive to explore that topic from diverse and contending
 3-26 perspectives without giving deference to any one perspective;

3-27 (3) a school district, open-enrollment charter
 3-28 school, or teacher may not require, make part of a course, or award
 3-29 a grade or course credit, including extra credit, for a student's:

3-30 (A) work for, affiliation with, or service
 3-31 learning in association with any organization engaged in:

3-32 (i) lobbying for legislation at the
 3-33 federal, state, or local level; or

3-34 (ii) social policy advocacy or public
 3-35 policy advocacy;

3-36 (B) political activism, lobbying, or efforts to
 3-37 persuade members of the legislative or executive branch at the
 3-38 federal, state, or local level to take specific actions by direct
 3-39 communication; or

3-40 (C) participation in any internship, practicum,
 3-41 or similar activity involving social policy advocacy or public
 3-42 policy advocacy; and

3-43 (4) a teacher, administrator, or other employee of a
 3-44 state agency, school district, or open-enrollment charter school
 3-45 may not:

3-46 (A) require or make part of a course inculcation
 3-47 in the concept that:

3-48 (i) one race or sex is inherently superior
 3-49 to another race or sex;

3-50 (ii) an individual, by virtue of the
 3-51 individual's race or sex, is inherently racist, sexist, or
 3-52 oppressive, whether consciously or unconsciously;

3-53 (iii) an individual should be discriminated
 3-54 against or receive adverse treatment solely or partly because of
 3-55 the individual's race or sex;

3-56 (iv) an individual's moral character,
 3-57 standing, or worth is necessarily determined by the individual's
 3-58 race or sex;

3-59 (v) an individual, by virtue of the
 3-60 individual's race or sex, bears responsibility for actions
 3-61 committed in the past by other members of the same race or sex;

3-62 (vi) an individual should feel discomfort,
 3-63 guilt, anguish, or any other form of psychological distress on
 3-64 account of the individual's race or sex;

3-65 (vii) meritocracy or traits such as a hard
 3-66 work ethic are racist or sexist or were created by members of a
 3-67 particular race to oppress members of another race;

3-68 (viii) the advent of slavery in the
 3-69 territory that is now the United States constituted the true

4-1 founding of the United States; or
4-2 (ix) with respect to their relationship to
4-3 American values, slavery and racism are anything other than
4-4 deviations from, betrayals of, or failures to live up to the
4-5 authentic founding principles of the United States, which include
4-6 liberty and equality;

4-7 (B) teach, instruct, or train any administrator,
4-8 teacher, or staff member of a state agency, school district, or
4-9 open-enrollment charter school to adopt a concept listed under
4-10 Paragraph (A); or

4-11 (C) require an understanding of the 1619 Project.

4-12 (b) Subsection (a)(3) may not be construed to apply to a
4-13 student's participation in community charitable projects, such as
4-14 building community gardens, volunteering at local food banks, or
4-15 other service projects.

4-16 (c) A state agency, school district, or open-enrollment
4-17 charter school may not accept private funding for the purpose of
4-18 developing a curriculum, purchasing or selecting curriculum
4-19 materials, or providing teacher training or professional
4-20 development related to a concept listed in Subsection (a)(4)(A).

4-21 (d) A school district or open-enrollment charter school may
4-22 not implement, interpret, or enforce any rule, including a standard
4-23 provided by a student code of conduct adopted under Section 37.001,
4-24 in a manner that would result in the punishment of a student for
4-25 discussing the concepts described by Subsection (a)(4) or have a
4-26 chilling effect on student discussions involving those concepts.

4-27 (e) Nothing in this section may be construed as limiting the
4-28 teaching of or instruction in the essential knowledge and skills
4-29 adopted under this subchapter.

4-30 SECTION 6. Sections 28.002(h-2), (h-3), (h-4), and (h-5),
4-31 as added by H.B. 3979, Acts of the 87th Legislature, Regular
4-32 Session, 2021, and effective September 1, 2021, are repealed.

4-33 SECTION 7. Section 28.002(h-2), Education Code, as added by
4-34 this Act, applies beginning with the 2022-2023 school year.

4-35 SECTION 8. Not later than December 31, 2022, the State Board
4-36 of Education shall review and revise, as needed, the essential
4-37 knowledge and skills of the social studies curriculum as required
4-38 by Section 28.002(h-2), Education Code, as added by this Act.

4-39 SECTION 9. If any provision of this Act or its application
4-40 to any person or circumstance is held invalid, the invalidity does
4-41 not affect other provisions or applications of this Act that can be
4-42 given effect without the invalid provision or application, and to
4-43 this end the provisions of this Act are declared to be severable.

4-44 SECTION 10. If this Act receives a vote of two-thirds of all
4-45 the members elected to each house, as provided by Section 39,
4-46 Article III, Texas Constitution, this Act takes effect on the first
4-47 day that occurs after August 31, 2021, and is on or after the
4-48 earliest date on which this Act may take effect. If this Act does
4-49 not receive the vote necessary for effect on that date, this Act
4-50 takes effect on the 91st day after the last day of the legislative
4-51 session.

4-52 * * * * *