

By: Bernal

H.B. No. 781

A BILL TO BE ENTITLED

AN ACT

relating to certain public school instructional requirements and prohibitions and the incorporation of certain instructional activities as part of student coursework.

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

SECTION 1. Sections 21.4555(a) and (b), Education Code, are amended to read as follows:

(a) To facilitate the teaching of curriculum consistent with Section [~~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 Section [~~Sections~~] 28.002(h-2) [~~and 28.0022~~];

(4) media literacy, including instruction on verifying information and sources, identifying and responding to

1 logical fallacies, and identifying propaganda, as appropriate for
2 the grade level [~~and consistent with the restrictions under Section~~
3 ~~28.0022~~]; and

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

6 SECTION 2. Section 22.05125(b), Education Code, is amended
7 to read as follows:

8 (b) A classroom teacher employed by a school district may
9 not be subject to disciplinary proceedings for an allegation that
10 the teacher violated [~~Section 28.0022,~~] the Establishment Clause of
11 the First Amendment of the United States Constitution [~~7~~] or a
12 related state or federal law if:

13 (1) the teacher used only instructional material
14 included on the list of approved instructional material maintained
15 by the State Board of Education under Section 31.022 and adopted by
16 the district; and

17 (2) the allegation does not dispute that the teacher
18 delivered instruction from instructional material described by
19 Subdivision (1) with fidelity.

20 SECTION 3. The heading to Section 28.0022, Education Code,
21 is amended to read as follows:

22 Sec. 28.0022. CERTAIN INSTRUCTIONAL ACTIVITIES PERMITTED
23 [~~REQUIREMENTS AND PROHIBITIONS~~].

24 SECTION 4. Section 28.0022(a), Education Code, is amended
25 to read as follows:

26 (a) For any course or subject, including an innovative
27 course, for a grade level from kindergarten through grade 12, [+]

1 ~~[(1) a teacher may not be compelled to discuss a widely~~
2 ~~debated and currently controversial issue of public policy or~~
3 ~~social affairs;~~

4 ~~[(2) a teacher who chooses to discuss a topic~~
5 ~~described by Subdivision (1) shall explore that topic objectively~~
6 ~~and in a manner free from political bias;~~

7 ~~[(3)]~~ a school district, open-enrollment charter
8 school, or teacher may, as an option for student learning ~~[not~~
9 ~~require]~~, make part of a course, or award a grade or course credit,
10 including extra credit, for a student's:

11 (1) ~~[(A)]~~ work for, affiliation with, or service
12 learning in association with any organization engaged in~~+~~

13 ~~[(i)]~~ lobbying for legislation at the
14 federal, state, or local level~~[, if the student's duties involve~~
15 ~~directly or indirectly attempting to influence social or public~~
16 ~~policy or the outcome of legislation]; or~~

17 (2) ~~[(ii) social policy advocacy or public policy~~
18 ~~advocacy;~~

19 ~~[(B) political activism, lobbying, or efforts to~~
20 ~~persuade members of the legislative or executive branch at the~~
21 ~~federal, state, or local level to take specific actions by direct~~
22 ~~communication; or~~

23 ~~[(C)]~~ participation in any internship,
24 practicum, or similar activity involving social policy advocacy or
25 public policy advocacy~~[, and~~

26 ~~[(4) a teacher, administrator, or other employee of a~~
27 ~~state agency, school district, or open-enrollment charter school~~

1 may not:

2 ~~[(A) require or make part of a course inculcation~~
3 ~~in the concept that:~~

4 ~~[(i) one race or sex is inherently superior~~
5 ~~to another race or sex;~~

6 ~~[(ii) an individual, by virtue of the~~
7 ~~individual's race or sex, is inherently racist, sexist, or~~
8 ~~oppressive, whether consciously or unconsciously;~~

9 ~~[(iii) an individual should be~~
10 ~~discriminated against or receive adverse treatment solely or partly~~
11 ~~because of the individual's race or sex;~~

12 ~~[(iv) an individual's moral character,~~
13 ~~standing, or worth is necessarily determined by the individual's~~
14 ~~race or sex;~~

15 ~~[(v) an individual, by virtue of the~~
16 ~~individual's race or sex, bears responsibility, blame, or guilt for~~
17 ~~actions committed by other members of the same race or sex;~~

18 ~~[(vi) meritocracy or traits such as a hard~~
19 ~~work ethic are racist or sexist or were created by members of a~~
20 ~~particular race to oppress members of another race;~~

21 ~~[(vii) the advent of slavery in the~~
22 ~~territory that is now the United States constituted the true~~
23 ~~founding of the United States; or~~

24 ~~[(viii) with respect to their relationship~~
25 ~~to American values, slavery and racism are anything other than~~
26 ~~deviations from, betrayals of, or failures to live up to the~~
27 ~~authentic founding principles of the United States, which include~~

1 ~~liberty and equality,~~
2 ~~[(B) teach, instruct, or train any~~
3 ~~administrator, teacher, or staff member of a state agency, school~~
4 ~~district, or open-enrollment charter school to adopt a concept~~
5 ~~listed under Paragraph (A), or~~
6 ~~[(C) require an understanding of the 1619~~
7 ~~Project].~~

8 SECTION 5. Section 31.0712, Education Code, is amended to
9 read as follows:

10 Sec. 31.0712. OPEN EDUCATION RESOURCE ADVISORY BOARD. The
11 agency shall establish an open education resource advisory board to
12 ensure that open education resource instructional materials made
13 available under this subchapter are:

- 14 (1) of the highest quality;
- 15 (2) aligned with the essential knowledge and skills
16 adopted by the State Board of Education under Section 28.002 for the
17 applicable subject and grade level;
- 18 (3) suitable for the age of students at the grade level
19 for which the materials are developed; and
- 20 (4) free from bias and factual error [~~, and~~
21 ~~[(5) in compliance with Section 28.0022].~~

22 SECTION 6. Section 31.1011(a), Education Code, is amended
23 to read as follows:

24 (a) Each school district and open-enrollment charter school
25 shall annually certify to the State Board of Education and the
26 commissioner that:

- 27 (1) for each subject in the required curriculum under

1 Section 28.002, other than physical education, and each grade
2 level, the district or school:

3 (A) provides each student with instructional
4 materials that cover all elements of the essential knowledge and
5 skills adopted by the State Board of Education for that subject and
6 grade level; and

7 (B) in the provision of instructional materials,
8 protects students from obscene or harmful content as necessary for
9 compliance with:

10 (i) the Children's Internet Protection Act
11 (Pub. L. No. 106-554);

12 (ii) [~~Section 28.0022,~~
13 [~~(iii)~~] Section 43.22, Penal Code; and

14 (iii) [~~(iv)~~] any other law or regulation
15 that protects students from obscene or harmful content; and

16 (2) the district or school used money allocated to the
17 district or school under the instructional materials and technology
18 allotment only for purposes allowed under Section 31.0211.

19 SECTION 7. Sections 28.0022(b), (c), (d), (e), (f), and
20 (g), Education Code, are repealed.

21 SECTION 8. This Act applies beginning with the 2025-2026
22 school year.

23 SECTION 9. 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, 2025.