

BILL ANALYSIS

C.S.H.B. 1287
By: Chisum
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recent research studies have shown that virtually all surveyed high school English teachers and English Department heads – including those at Yale, Harvard, Stanford, Rice, and Texas A&M – believe that Biblical knowledge confers a major educational advantage to those who have it. In one of the popular study workbooks for the Advanced Placement Literature and Composition exam, more than 60% of the allusions recommended for test-takers are from the Bible. Just one example: the works of Shakespeare have more than 1300 Biblical references.

The purpose of CSHB 1287 is educational. Without Biblical knowledge, students cannot have a full appreciation of other courses in English, Social Studies or the arts. This bill will ensure that Texas school districts are able to offer an academic, non-devotional Bible course – a course which the courts have declared is constitutionally acceptable.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Note: Unless otherwise specified, statutory references in this Bill Analysis are to the Education Code.

This bill adds new provisions to the Education Code relating to elective courses on the Bible's Hebrew Scriptures (Old Testament) and New Testament and their impact on the history and literature of Western Civilization. The bill provides that a school district may offer to students in grade nine or above an elective course on the Hebrew Scriptures (Old Testament) and its impact and an elective course on the New Testament and its impact, or an elective course that combines such courses.

The purpose of such a course is to teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy, and familiarize students with the contents of the Hebrew Scriptures or New Testament, the history of the Hebrew Scriptures or New Testament, the literary style and structure of the Hebrew Scriptures or New Testament, and the influence of the Hebrew Scriptures or New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.

The bill provides that a student may not be required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament and may use as the basic textbook a different translation of the Hebrew Scriptures or New Testament from that chosen by the board of trustees of the student's school district or the student's teacher.

The bill provides that such a course shall follow applicable law and all federal and state guidelines in maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of students in their school district. Such a course shall not endorse, favor, or promote, or disfavor or show hostility toward, any particular religion or nonreligious faith or religious perspective. The bill provides that nothing in the bill is intended to violate any provision of the United States Constitution or federal law, the Texas Constitution or any state law, or any rules or guidelines provided by the United States Department of Education or the Texas Education Agency.

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The bill provides that a teacher of such a course must hold a minimum of a High School Composite Certification in language arts, social studies, or history with, where practical, a minor in religion or biblical studies, that a teacher selected to teach such a course shall successfully complete staff development training outlined in Section 21.459, as added by the bill, and that a course under this section may only be taught by a teacher who has successfully completed training under Section 21.459.

The bill provides that, for the purpose of a student earning credit for high school graduation, a school district shall grant one-half academic elective credit for satisfactory completion of a course on the Hebrew Scriptures, one-half academic elective credit for satisfactory completion of a course on the New Testament, and one-half academic elective credit for satisfactory completion of a combined course on both the Hebrew Scriptures and the New Testament. This provision applies only to a course that is taught in strict compliance with the provisions of Section 28.011, as added by the bill.

The bill provides that if, for a particular semester, fewer than 15 students at a school district campus register to enroll in a course required by this section, the district is not required to offer the course at that campus for that semester.

The bill provides that Section 28.011, as added by the bill, does not prohibit the board of trustees of a school district from offering an elective course based on the books of a religion other than Christianity. In determining whether to offer such a course, the board may consider various factors, including student and parent demand for such a course and the impact such books have had on history and culture.

The bill adds provisions to the Education Code relating to Bible course training. The bill provides that the Commissioner of Education (commissioner) shall develop and make available training materials and other teacher training resources for a school district to use in assisting teachers of elective Bible courses in developing expertise in the appropriate Bible course curriculum, understanding of applicable supreme court rulings and current constitutional law regarding how Bible courses are to be taught in public schools objectively as a part of a secular program of education, understanding of how to present the Bible in an objective, academic manner that neither promotes nor disparages religion, nor is taught from a particular sectarian point of view, proficiency in instructional approaches that present course material in a manner that respects all faiths and religious traditions, while favoring none, and expertise in how to avoid devotional content or proselytizing in the classroom. The bill further provides that the commissioner shall develop materials and resources under Section 21.459, as added by the bill, in consultation with appropriate faculty members at institutions of higher education, and that the commissioner shall make such training materials and other teacher training resources available to Bible course teachers through access to in-service training, and that the commissioner shall use funds appropriated for the purpose to administer Section 21.459.

The bill amends the Education Code to provide that each school district that offers kindergarten through grade 12 shall offer, as a required curriculum religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.

The bill specifies that the provisions of this Act pertaining to a school district do not take effect until the 2009-2010 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The captions of the original and the substitute differ. The original caption reads "relating to public school elective courses in the history and literature of the Old and New Testaments eras." The substitute caption reads "relating to public school elective courses providing academic study of the Bible."

The original bill provided that a school district shall offer an elective course in the history and literature of the Old Testament era and an elective course in the history and literature of the New Testament era Bible classes bill. The substitute provides that a school district may offer an elective course on the Hebrew Scriptures (Old Testament) and its impact and an elective course on the New Testament and its impact or an elective course that combines the two courses.

The provisions of the original and substitute differ with respect to the purpose of such a course. The original bill provided that the purpose of such a course is to accommodate the rights and desires of teachers who wish to teach and students who wish to study, as applicable, the Old or New Testament, and familiarize students with, as applicable, the contents of the Old or New Testament, the history recorded by the Old or New Testament, the literary style and structure of the Old or New Testament, the customs and cultures of the peoples and societies recorded in the Old or New Testament, and the influence of the Old or New Testament on law, history, government, literature, art, music, customs, morals, values, and culture. The substitute provides that purpose of such a course is to teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy, and familiarize students with the contents of the Hebrew Scriptures or New Testament, the history of the Hebrew Scriptures or New Testament, the literary style and structure of the Hebrew Scriptures or New Testament, and the influence of the Hebrew Scriptures or New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.

The original bill provided that, for such a course, State Board of Education may not identify the essential knowledge and skills, or adopt textbooks under Chapter 31. The original also provided that the book or collection of books commonly known as the Old Testament shall be used as the basic textbook for a course in the history and literature of the Old Testament era. The book or collection of books commonly known as the New Testament shall be used as the basic textbook for a course in the history and literature of the New Testament era, and further provided that in addition to the basic textbooks, students may be assigned a range of reading materials for the courses, including selections from secular historical and cultural works and selections from religious and cultural traditions other than the Judeo-Christian tradition. The original further provided that such a course must familiarize students with, as applicable, the customs and cultures of the times and places referred to in the Old or New Testament, the methods and tools of writing during the period the Old or New Testament was written, the means by which the Old or New Testament book was preserved, the languages in which the Old or New Testament book was written and into which that book was translated, and the historical and cultural events that led to the translation of the Old or New Testament book into English. The original further provided that the board of trustees of a school district may recommend which version of the Old or New Testament may be used in a course offered by the district, except that the teacher of the course may not be required to adopt the board's recommendation and may use the recommended version or another version, and a student may not be required to use a specific version as the sole text of the Old or New Testament and may use as the basic textbook a different version of the Old or New Testament from that chosen by the board of trustees or the teacher. The substitute provides that a student may not be required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament and may use as the basic textbook a different translation of the Hebrew Scriptures or New Testament from that chosen by the board of trustees of the student's school district or the student's teacher.

The original provided that such a course must be taught in an objective and nondevotional manner that does not attempt to indoctrinate students as to either the truth or falsity of the Judeo-Christian biblical materials or of texts from other religious or cultural traditions other than the Judeo-Christian tradition, may not include teaching of a religious doctrine or a sectarian interpretation of the Old or New Testament or of texts from other religious or cultural traditions other than the Judeo-Christian tradition, and may not disparage or encourage a commitment to a set of religious beliefs. The substitute provides that such a course shall follow applicable law and all federal and state guidelines in maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of students in their school district. Such a course shall not endorse, favor, or promote, or disfavor or show hostility toward, any particular religion or nonreligious faith or religious perspective. The substitute provides that nothing in the bill is intended to violate any provision of the United States Constitution or federal law, the

Texas Constitution or any state law, or any rules or guidelines provided by the United States Department of Education or the Texas Education Agency.

The original bill provided that the board of trustees of a school district shall determine the qualifications, assignment, and training of teachers of a course under this section, except that the teacher must be certified as provided by Subchapter B, Chapter 21, unless an exception to that requirement exists, and the board may not assign a person to teach a course under this section based in whole or in part on any religious test, profession of faith or lack of faith, prior or present religious affiliation or lack of affiliation, or criteria involving particular beliefs or lack of beliefs about the Old or New Testament. The substitute provides that a teacher of such a course must hold a minimum of a High School Composite Certification in language arts, social studies, or history with, where practical, a minor in religion or biblical studies, that a teacher selected to teach such a course shall successfully complete staff development training outlined in Section 21.459, and that a course under this section may only be taught by a teacher who has successfully completed training under Section 21.459.

The original bill provided that, for the purpose of a student earning credit for high school graduation, a school district shall grant one-half academic elective credit for satisfactory completion of a course in the history and literature of the Old Testament era and one-half academic elective credit for satisfactory completion of a course in the history and literature of the New Testament era. This provision applies only to a course that is taught in strict compliance with the provisions of Section 28.011, as added by the bill.. The substitute provides that, for the purpose of a student earning credit for high school graduation, a school district shall grant one-half academic elective credit for satisfactory completion of a course on the Hebrew Scriptures, one-half academic elective credit for satisfactory completion of a course on the New Testament, and one-half academic elective credit for satisfactory completion of a combined course on both the Hebrew Scriptures and the New Testament. This provision applies only to a course that is taught in strict compliance with the provisions of Section 28.011, as added by the bill.

The substitute provides that if, for a particular semester, fewer than 15 students at a school district campus register to enroll in a course required by this section, the district is not required to offer the course at that campus for that semester.

The original bill provides that the board of trustees of a school district may, as the board determines appropriate, monitor the content and teaching of a course offered under the provisions of Section 28.011, as added by the bill, that such section does not limit the authority of the board of trustees of a school district to offer a course regarding the Old Testament or the New Testament that does not comply with this section, except that the district may not spend state funds distributed under this title in connection with a course that does not meet the requirements of such section, and that such section does not prohibit the board of trustees of a school district from offering an elective course based on the books of a religion or society other than one with Judeo-Christian traditions. The substitute provides that Section 28.011, as added by the bill, does not prohibit the board of trustees of a school district from offering an elective course based on the books of a religion other than Christianity.

The substitute bill adds provisions to the Education Code, as fully described in the ANALYSIS section above, relating to Bible course training .

The original provided that each school district that offers kindergarten through grade 12 shall offer, as a required curriculum, the history and literature of the Old and New Testaments eras as provided by Section 28.011. The substitute bill provides that each school district that offers kindergarten through grade 12 shall offer, as a required curriculum religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.

The original bill provided that a school district shall offer a course in the history and literature of the Old Testament era and a course in the history and literature of the New Testament era that comply with Section 28.011, Education Code, as added by this Act, beginning with the 2007-2008 school year. The substitute bill provides that the provisions of this Act pertaining to a school district do not take effect until the 2009-2010 school year.