

BILL ANALYSIS

Senate Research Center
87S10388 ANG-D

S.B. 3
By: Hughes
State Affairs
7/14/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 3 updates civics and social studies curriculum and instruction and prohibits the teaching of critical race theory and its elements. The bill creates a civics training program for teachers and administrators, directs that the training program be reviewed and approved annually by the State Board of Education, and requires each district to have one teacher and one leader from each campus attend the training.

Additionally, the bill clarifies that social studies curriculum standards are for K-12 grade levels, outlines what should be included in the Texas Essential Knowledge and Skills, and adds proficiency requirements.

S.B. 3 prohibits teachers from being compelled to discuss current events or controversial issues in public policy or social affairs, prohibits districts, charters, or teachers from requiring or granting a grade or extra credit for a student's work or service with any organization that lobbies for legislation or is involved in social or public policy advocacy or any political activism. The bill prohibits teachers, administrators, or any other public school employee from being required to engage in training, orientation, or therapy that presents any form of race or sex stereotyping.

S.B. 3 prohibits the teaching or course requirement that includes the concept of one race or sex being inherently superior to another; or that one race or sex should be held to blame for actions committed in the past by other members of that race or sex; or that traits such as hard work ethic are inherently racist or sexist.

S.B. 3 adds clarifying language that the prohibition on students receiving a grade or credit for political activism does not include service in non-partisan, community-based projects or activities such as community gardens, food banks, and other philanthropic projects.

As proposed, S.B. 3 amends current law relating to the social studies curriculum in public schools.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 21.4555, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter J, Chapter 21, Education Code, by adding Section 21.4555, as follows:

Sec. 21.4555. CIVICS TRAINING PROGRAM. (a) Requires the commissioner of education (commissioner), to facilitate the teaching of curriculum consistent with Sections 28.002(h-2) and (h-3), to develop and make available civics training programs for teachers and administrators.

(b) Requires that a civics training program developed under this section 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 28.002(h-3);
- (3) classroom simulations and models of governmental and democratic processes consistent with the requirements and restrictions of Sections 28.002(h-2) and (h-3);
- (4) media literacy, including instruction on verifying information and sources and identifying propaganda, as appropriate for the grade level and consistent with the restrictions under Section 28.002(h-3); and
- (5) strategies for incorporating civics instruction into subject areas other than social studies.

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

(d) Requires that each civics training program developed under Subsection (a) be reviewed and approved by SBOE. Requires SBOE to annually review each program.

(e) Requires each school district and open-enrollment charter school to ensure that each district or school campus that offers a grade level described by Subsection (c) has at least one teacher and one principal or campus instructional leader who has attended a civics training program. Requires the Texas Education Agency (TEA) to provide assistance to school districts and open-enrollment charter schools in complying with the requirements of this subsection.

(f) Authorizes a teacher who attends a civics training program to receive a stipend in an amount determined by the commissioner from funds available for that purpose. Provides that a stipend received under this section is not included in determining whether a district is paying the teacher the minimum monthly salary under Section 21.402 (Minimum Salary Schedule for Certain Professional Staff).

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

SECTION 2. Amends Section 28.002(h-2), Education Code, as added by H.B. No. 3979, Acts of the 87th Legislature, Regular Session, 2021, and effective September 1, 2021, as follows:

(h-2) Requires SBOE, in adopting the essential knowledge and skills for the social studies curriculum for each grade level from kindergarten through grade 12, to adopt essential knowledge and skills that develop each student's civic knowledge, including:

- (1) an understanding of, among other matters, the founding documents of the United States, including the Federalist Papers, including Essays 10 and 51, excerpts from Alexis de Tocqueville's Democracy in America, and the history and importance of the federal Civil Rights Act of 1964 (42 U.S.C. Section 2000a et

seq.), the Thirteenth, Fourteenth, and Nineteenth Amendments to the United States Constitution, the complexity of the historic relationship between Texas and Mexico, and the diversity of the Hispanic population in Texas;

(2) the ability to:

(A) analyze and determine the reliability of information sources;

(B) formulate and articulate reasoned positions;

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

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

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

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

(3) an appreciation of the importance and responsibility of participating in civic life, a commitment to the United States and its form of government, and a commitment to free speech and civil discourse.

Deletes existing text requiring SBOE to adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of the history of Native Americans; the writings of and about the founding mothers and other founding persons of the United States; the writings of George Washington, Ona Judge, Thomas Jefferson, Sally Hemings and any other founding persons of the United States; writings from Frederick Douglass's newspaper, the *North Star*, the Book of Negroes, the Fugitive Slave Acts of 1793 and 1850, the Indian Removal Act, Thomas Jefferson's letter to the Danbury Baptists, and William Still's Underground Railroad Records; historical documents related to the civic accomplishments of marginalized populations, including documents related to the Chicano movement, women's suffrage and equal rights, the civil rights movement, the Snyder Act of 1924, and the American labor movement; the history of white supremacy, including but not limited to the institution of slavery, the eugenics movement, and the Ku Klux Klan, and the ways in which it is morally wrong; the history and importance of the civil rights movement, including certain historical documents; the history and importance of the women's suffrage movement, including certain historical documents; the life and works of Dr. Hector P. Garcia; the American GI Forum; the League of United Latin American Citizens; and *Hernandez v. Texas* (1954). Makes nonsubstantive changes.

SECTION 3. Amends Section 28.002, Education Code, as effective September 1, 2021, by amending Subsections (h-3) and (h-4) and adding Subsections (h-6) and (h-7), as follows:

(h-3) Provides that, for any social studies course or subject, including an innovative course, for a grade level from kindergarten through grade 12:

(1) makes no changes to this subdivision;

(2) makes a nonsubstantive change to this subdivision;

(3) a school district, open-enrollment charter school, or teacher is prohibited from requiring, making part of a course, or awarding a grade or course credit, including extra credit, for certain activities a student's work for, affiliation with, or service learning in association with any organization engaged in lobbying for legislation at the federal, state, or local level, or social policy advocacy or public policy

advocacy, or participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy; and

(4) a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school is prohibited from:

(A) requiring, or making part of a course, concepts that serve to inculcate;

(B) teaching, instructing, or training any administrator, teacher, or staff member of a state agency, school district, or open-enrollment charter school to adopt certain concepts including the concept that an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex, rather than because of the individual's race.

Deletes existing text providing that, for any social studies course in the required curriculum a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school is prohibited from being required to engage in training, orientation, or therapy that presents any form of race or sex stereotyping or blame on the basis of race or sex and requiring or making part of a course the concept that members of one race or sex cannot and should not attempt to treat others without respect to race or sex. Makes nonsubstantive changes.

(h-4) Prohibits a state agency, school district, or open-enrollment charter school from accepting private funding for the purpose of developing a curriculum, purchasing or selecting curriculum materials, or providing teacher training or professional development for a course described by Subsections (h-3)(3) and (4), rather than a course described by Subsection (h-3)(3).

(h-6) Prohibits Subsection (h-3)(3) from being construed to apply to a student's participation in community charitable projects, such as building community gardens, volunteering at local food banks, or other service projects.

(h-7) Requires TEA to ensure that each school district or open-enrollment charter school teaches civics education as part of the district's social studies curriculum in a manner consistent with the essential knowledge and skills adopted under Subsection (h-2).

SECTION 4. Redesignates Section 28.002(h-2), Education Code, as added by H.B. No. 4509, Acts of the 87th Legislature, 2021, as Section 28.002(h-8), Education Code, and makes no further changes to that subsection.

SECTION 5. (a) Provides that, except as provided by Subsection (b) of this section, this Act applies beginning with the 2021-2022 school year.

(b) Provides that Section 28.002(h-2), Education Code, as added by H.B. No. 3979, Acts of the 87th Legislature, Regular Session, 2021, effective September 1, 2021, and as amended by this Act, applies beginning with the 2022-2023 school year.

SECTION 6. Requires SBOE, not later than December 31, 2022, to review and revise, as needed, the essential knowledge and skills of the social studies curriculum as required by Section 28.002(h-2), Education Code, as added by H.B. No. 3979, Acts of the 87th Legislature, Regular Session, 2021, effective September 1, 2021, and as amended by this Act.

SECTION 7. Severability clause.

SECTION 8. Effective date: September 1, 2021, or the 91st day after the last day of the legislative session.