

## **BILL ANALYSIS**

Senate Research Center

S.B. 3  
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State Affairs  
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Enrolled

### **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.

S.B. 3 increases transparency for parents by requiring that public schools that utilize a learning management system or any online learning system portal to assign, distribute, present, or make available instructional materials to students to provide login credentials to the system or portal to each student's parents.

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; and 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 a student 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.

(Original Author's / Sponsor's Statement of Intent)

S.B. 3 amends current law relating to civics training programs for certain public school social studies teachers and principals, parental access to certain learning management systems, and certain curriculum in public schools, including certain instructional requirements and prohibitions.

### **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 Sections 21.4555 and 21.4556, 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 28.0022, 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 28.0022;

(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 the grade level and consistent with the restrictions under Section 28.0022; 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, from funds available for that purpose, a stipend in an amount determined by the commissioner. 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.

(h) Provides that nothing in this section may be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under Subchapter A (Essential Knowledge and Skills; Curriculum), Chapter 28 (Courses of Study; Advancement).

Sec. 21.4556. CIVICS TRAINING PROGRAM ADVISORY BOARD. (a) Requires the commissioner to establish an advisory board to advise the commissioner in developing the civics training programs under Section 21.4555.

(b) Provides that the advisory board is composed of nine members appointed by the commissioner.

(c) Requires each member to be a current or former educator with at least 10 years of experience.

(d) Provides that members are not entitled to reimbursement for travel or other expenses.

(e) Provides that the advisory board is not subject to Chapter 551 (Open Meetings) or 552 (Public Information), Government Code.

(f) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the advisory board.

SECTION 2. Amends Section 26.006, Education Code, by adding Subsection (e), as follows:

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

SECTION 3. Amends Section 28.002, Education Code, as effective September 1, 2021, by adding Subsections (h-2), (h-7), and (h-8), 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:

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

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

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

(D) the founding documents of the United States;

(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; and

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

(3) an appreciation of:

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

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

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

(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).

(h-8) Provides that nothing in Subsection (h-2) or (h-7) may be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under Subchapter A.

SECTION 4. Redesignates Section 28.002(h-2), Education Code, as added by H.B. 4509, Acts of the 87th Legislature, Regular Session, 2021, as Section 28.002(h-6), Education Code, and makes no further changes.

SECTION 5. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.0022, as follows:

Sec. 28.0022. CERTAIN INSTRUCTIONAL REQUIREMENTS AND PROHIBITIONS. (a) Provides that for any course or subject, including an innovative course, for a grade level from kindergarten through grade 12:

(1) a teacher is prohibited from being compelled to discuss a widely debated and currently controversial issue of public policy or social affairs;

(2) a teacher who chooses to discuss a topic described by Subdivision (1) is required to explore that topic objectively and in a manner free from political bias;

(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 a student's:

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

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

(ii) social policy advocacy or public policy advocacy;

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

(C) 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 inculcation in the concept that:

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

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

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

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

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

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

(vii) the advent of slavery in the territory that is now the United States constituted the true founding of the United States; or

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

(B) teaching, instructing, or training any administrator, teacher, or staff member of a state agency, school district, or open-enrollment charter school to adopt a concept listed under Paragraph (A); or

(C) requiring an understanding of the 1619 Project.

(b) Provides that Subsection (a)(3) does not apply to a student's participation in:

(1) community charitable projects, such as building community gardens, volunteering at local food banks, or other service projects;

(2) an internship or practicum:

(A) for which the student receives course credit under a career and technology education program or under the P-TECH program established under Section 29.553 (P-TECH Program); and

(B) that does not involve the student directly engaging in lobbying, social policy advocacy, or public policy advocacy; or

(3) a program that prepares the student for participation and leadership in this country's democratic process at the federal, state, or local level through the simulation of a governmental process, including the development of public policy.

(c) 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 related to a concept listed in Subsection (a)(4)(A).

(d) Prohibits a school district or open-enrollment charter school from implementing, interpreting, or enforcing any rule in a manner that would result in the punishment of a student for reasonably discussing the concepts described by Subsection (a)(4) in school or during a school-sponsored activity or have a chilling effect on reasonable student discussions involving those concepts in school or during a school-sponsored activity.

(e) Provides that nothing in this section may be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under Subchapter A.

(f) Provides that this section does not create a private cause of action against a teacher, administrator, or other employee of a school district or open-enrollment charter school. Authorizes a school district or open-enrollment charter school to take appropriate action involving the employment of any teacher, administrator, or other employee based on the individual's compliance with state and federal laws and district policies.

(g) Provides that nothing in this section may be construed as prohibiting a teacher employed by a school district or open-enrollment charter school from directing a classroom activity that involves students communicating with an elected official so long as the district, school, or teacher does not influence the content of a student's communication.

SECTION 6. Repealers: Sections 28.002(h-2) (relating to requiring SBOE, in adopting the essential knowledge and skills for the social studies curriculum, to adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of certain topics) and (h-3) (relating to prohibiting a school district, open-enrollment charter school, or teacher from partaking or being required to partake in certain actions pertaining to social studies courses in the required curriculum), as added by H.B. 3979, Acts of the 87th Legislature, Regular Session, 2021, and effective September 1, 2021.

Repealers: Sections 28.002(h-4) (relating to prohibiting 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 certain courses) and (h-5) (relating to prohibiting a school district or open-enrollment charter school from implementing, interpreting, or enforcing any rules or student code of conduct in a manner that would result in the punishment of a student for discussing, or have a chilling effect on student discussion of, certain concepts), as added by H.B. 3979, Acts of the 87th Legislature, Regular Session, 2021, and effective September 1, 2021.

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

SECTION 8. 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 this Act.

SECTION 9. Prohibits SBOE, during the revision of the essential knowledge and skills for the social studies curriculum beginning in 2021 and scheduled to conclude in or around 2023, from using the removal by this Act of documents, speeches, historical figures, and other knowledge and skills from specific statutory reference in Section 28.002(h-2), Education Code, as added by H.B. 3979, Acts of the 87th Legislature, Regular Session, 2021, as a reason for the removal or noninclusion of those documents, speeches, historical figures, or other knowledge and skills from the essential knowledge and skills for the social studies curriculum, including any essential knowledge and skills that require an understanding of:

- (1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government;
- (2) the history, qualities, traditions, and features of civic engagement in the United States;
- (3) the history of Native Americans;
- (4) the structure, function, and processes of government institutions at the federal, state, and local levels;
- (5) the founding documents of the United States, including the Declaration of Independence, the United States Constitution, and the Federalist Papers;
- (6) the contributions of Frederick Douglass;
- (7) the Fugitive Slave Acts of 1793 and 1850;
- (8) the Indian Removal Act;
- (9) the political organizations that promoted the Chicano movement;
- (10) the impact of the women's suffrage and equal rights movements;
- (11) the history of white supremacy, including the institution of slavery, the eugenics movement, and the Ku Klux Klan, and the ways in which it is morally wrong;
- (12) the history and importance of the civil rights movement, including the following documents:
  - (A) Martin Luther King Jr.'s "Letter from a Birmingham Jail" and "I Have a Dream" speech;
  - (B) the federal Civil Rights Act of 1964 (42 U.S.C. Section 2000a et seq.);
  - (C) the United States Supreme Court's decision in *Brown v. Board of Education* (1954);
  - (D) the Emancipation Proclamation;
  - (E) the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution;
  - (F) the life and work of Cesar Chavez; and
  - (G) the life and work of Dolores Huerta;
- (13) the history and importance of the women's suffrage movement, including the following documents:
  - (A) the federal Voting Rights Act of 1965 (52 U.S.C. Section 10101 et seq.);

(B) the Fifteenth, Nineteenth, and Twenty-Sixth Amendments to the United States Constitution;

(C) the role of Abigail Adams during the American Revolution; and

(D) the works of Susan B. Anthony;

(14) the life and works of Dr. Hector P. Garcia;

(15) the League of United Latin American Citizens; and

(16) the United States Supreme Court's decision in *Hernandez v. Texas* (1954).

SECTION 10. Severability clause.

SECTION 11. Effective date: upon passage or the 91st day after the last day of the legislative session.