

BILL ANALYSIS

S.B. 3
By: Hughes
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been calls to update state standards for civics and social studies curriculum and instruction in a manner that prevents certain instructional practices and prohibits the teaching of critical race theory and its elements. S.B. 3, in response to these calls and other related concerns, requires certain revisions to state curriculum standards for K-12 social studies, creates a civics training program for public school teachers and administrators, and prohibits compelling teachers to discuss particular current events or widely debated and currently controversial issues of public policy or social affairs. The bill prohibits school districts, open-enrollment charter schools, and teachers from requiring or granting a grade or 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.

S.B. 3 increases transparency for parents by requiring school districts and open-enrollment charter schools that make instructional materials available to students through a learning management system or online learning system portal to provide login credentials to the system or portal to parents.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

S.B. 3 repeals and replaces provisions of H.B. 3979, Acts of the 87th Legislature, Regular Session, 2021:

- requiring the State Board of Education (SBOE), in adopting state curriculum standards for social studies, to adopt certain essential knowledge and skills that develop each student's civic knowledge; and
- setting out certain instructional requirements and prohibitions.

S.B. 3 amends the Education Code to require the SBOE, in adopting state curriculum standards for social studies for each grade level from kindergarten through grade 12, to adopt essential knowledge and skills that develop each student's civic knowledge, including the following:

- an understanding of the fundamental moral, political, entrepreneurial, and intellectual foundations of the American experiment in self-government;
- an understanding of the history, qualities, traditions, and features of civic engagement in the United States;
- an understanding of the structure, function, and processes of government institutions at the federal, state, and local levels;
- an understanding of the founding documents of the United States;
- the ability to do the following:

- analyze and determine the reliability of information sources;
- formulate and articulate reasoned positions;
- 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;
- actively listen and engage in civil discourse, including discourse with those with different viewpoints; and
- participate as a citizen in a constitutional democracy by voting; and
- an appreciation of the following:
 - 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.

S.B. 3 requires the Texas Education Agency (TEA) to ensure that each school district (district) or open-enrollment charter school (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 the bill's provisions. The bill requires the SBOE, not later than December 31, 2022, to review and revise the social studies curriculum's essential knowledge and skills as needed with regard to the bill's applicable requirements. The bill's provisions relating to the adoption of state curriculum standards apply beginning with the 2022-2023 school year.

S.B. 3 sets out the following instructional requirements and prohibitions for any course or subject from kindergarten through grade 12:

- prohibits compelling a teacher to discuss a particular current event or widely debated and currently controversial issue of public policy or social affairs;
- requires a teacher who chooses to discuss such an event or issue, to the best of the teacher's ability, to strive to explore the topic from diverse and contending perspectives without giving deference to any one perspective; and
- prohibits a district, charter school, or teacher from requiring, making part of a course, or awarding a grade or course credit for the following:
 - 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 engaged in social policy advocacy or public policy advocacy;
 - a student's political activism, lobbying, or efforts to persuade, by direct communication, members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or
 - a student's participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy.

The bill's prohibition against requiring, making part of a course, or awarding a grade or course credit for certain student activities or participation expressly does not apply to a student's participation in community charitable projects, such as building community gardens, volunteering at local food banks, or other service projects, or in an internship or practicum for which the student receives course credit under the P-TECH program and that does not involve the student directly engaging in lobbying, social policy advocacy, or public policy advocacy.

S.B. 3, with regard to instruction in any course or subject from kindergarten through grade 12, prohibits a teacher, administrator, or other employee of a district, charter school, or state agency from doing the following:

- requiring an understanding of the 1619 Project; or
- requiring or making part of a course inculcation in the following concepts, or teaching, instructing, or training any administrator, teacher, or staff member of a district, charter school, or state agency to adopt any of the following concepts:
 - one race or sex is inherently superior to another race or sex;
 - an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
 - an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;

- an individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
- an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- 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;
- the advent of slavery in the territory that is now the United States constituted the true founding of the United States; or
- 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.

S.B. 3 prohibits a district, charter school, or state agency 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 any of the concepts specified above whose inculcation may not be required or made part of a course by applicable employees. The bill prohibits a district or charter school from implementing, interpreting, or enforcing any rule in a manner that would result in the punishment of a student for discussing those specified concepts or would have a chilling effect on student discussion involving those concepts.

S.B. 3 requires the commissioner of education to develop and make available civics training programs for teachers and administrators for purposes of facilitating the teaching of curriculum consistent with the bill's provisions. Each civics training program must be reviewed and approved by the SBOE and must include training in the following areas:

- the essential knowledge and skills for the social studies curriculum related to civic knowledge and adopted under the bill's provisions;
- guided classroom discussion of current events, as appropriate for the grade level and consistent with the restrictions under the bill's instructional requirements and prohibitions;
- classroom simulations and models of governmental and democratic processes consistent with the bill's applicable requirements and restrictions;
- media literacy, as appropriate for the grade level and consistent with the restrictions under the bill's instructional requirements and prohibitions; and
- strategies for incorporating civics instruction into subject areas other than social studies.

The bill 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. The bill requires the commissioner, in making that determination, to include grade levels for which the SBOE makes significant revisions to the social studies curriculum standards as prescribed by the bill. The bill requires the SBOE to review each program annually.

S.B. 3 requires each district and charter school to ensure that each district or school campus offering a grade level whose teachers are eligible for a civics training program has at least one teacher and one principal or campus instructional leader who has attended such a program. The bill requires TEA to provide assistance to districts and charter schools in complying with this requirement. The bill makes a teacher who attends such a program eligible to receive a stipend in an amount determined by the commissioner from funds available for that purpose and establishes that the stipend is not included in determining whether a district is paying the teacher the minimum monthly salary.

S.B. 3 requires each district and charter school that uses a learning management system or any online learning portal for purposes of assigning, distributing, presenting, or making available instructional materials to students to provide login credentials to the system or portal to each student's parent.

S.B. 3 adds a temporary provision set to expire September 1, 2026, authorizing the commissioner to delay implementation of the civics training program attendance requirements to a school year not later than the 2025-2026 school year if the revision of the social studies curriculum standards prescribed by the bill or the availability of civics training programs does not occur in a manner that reasonably affords public schools the ability to comply with the training program attendance requirements by an earlier school year.

S.B. 3 establishes that the bill's provisions may not be construed as limiting the teaching of or instruction in any essential knowledge and skills adopted as state curriculum standards.

If any provision of the bill or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the bill that can be given effect without the invalid provision or application, and to this end the bill's provisions are declared to be severable.

S.B. 3 repeals Sections 28.002(h-2), (h-3), (h-4), and (h-5), as added by H.B. 3979, Acts of the 87th Legislature, Regular Session, 2021, and effective September 1, 2021.

EFFECTIVE DATE

The first day that occurs after August 31, 2021, and is on or after the earliest date on which the bill may take effect, if the bill receives the necessary vote, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.