S.B. No. 3

AN ACT

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.

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

SECTION 1.  Subchapter J, Chapter 21, Education Code, is amended by adding Sections 21.4555 and 21.4556 to read as follows:

Sec. 21.4555.  CIVICS TRAINING PROGRAM. (a) To facilitate the teaching of curriculum consistent with 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 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)  The commissioner by rule shall establish the grade levels at which a teacher provides instruction to be eligible to participate in a civics training program. In making the determination, the commissioner shall include grade levels for which the State Board of Education makes significant revisions to the essential knowledge and skills for the social studies curriculum under Section 28.002(h-2).

(d)  Each civics training program developed under Subsection (a) must be reviewed and approved by the State Board of Education. The board shall annually review each program.

(e)  Each school district and open-enrollment charter school shall 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. The agency shall provide assistance to school districts and open-enrollment charter schools in complying with the requirements of this subsection.

(f)  From funds available for that purpose, a teacher who attends a civics training program may receive a stipend in an amount determined by the commissioner. 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.

(g)  The commissioner may 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. This subsection expires September 1, 2026.

(h)  Nothing in this section may be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under Subchapter A, Chapter 28.

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

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

(c)  Each member must be a current or former educator with at least 10 years of experience.

(d)  Members are not entitled to reimbursement for travel or other expenses.

(e)  The advisory board is not subject to Chapter 551 or 552, Government Code.

(f)  Chapter 2110, Government Code, does not apply to the advisory board.

SECTION 2.  Section 26.006, Education Code, is amended by adding Subsection (e) to read as follows:

(e)  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 to students shall provide login credentials to the system or portal to each student's parent.

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

(h-2)  In adopting the essential knowledge and skills for the social studies curriculum for each grade level from kindergarten through grade 12, the State Board of Education shall 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)  The agency shall 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)  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 this subchapter.

SECTION 4.  Section 28.002(h-2), Education Code, as added by H.B. 4509, Acts of the 87th Legislature, Regular Session, 2021, is redesignated as Section 28.002(h-6), Education Code, to read as follows:

(h-6) [~~(h-2)~~]  In providing instruction regarding the founding documents of the United States as described by Subsection (h-1)(4), a school district or open-enrollment charter school shall use those documents as part of the instructional materials for the instruction.

SECTION 5.  Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0022 to read as follows:

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

(1)  a teacher may not be 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) shall explore that topic objectively and in a manner free from political bias;

(3)  a school district, open-enrollment charter school, or teacher may not require, make part of a course, or award 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 may not:

(A)  require or make 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)  teach, instruct, or train 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)  require an understanding of the 1619 Project.

(b)  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; 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)  A state agency, school district, or open-enrollment charter school may not accept 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)  A school district or open-enrollment charter school may not implement, interpret, or enforce 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)  Nothing in this section may be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under this subchapter.

(f)  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. A school district or open-enrollment charter school may 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)  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.  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, are repealed.

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

SECTION 8.  Not later than December 31, 2022, the State Board of Education shall 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.  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, the State Board of Education may not use 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:

(A)  the Declaration of Independence;

(B)  the United States Constitution; and

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

SECTION 11.  If this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution, this Act takes effect on the first day that occurs after August 31, 2021, and is on or after the earliest date on which this Act may take effect. If this Act does not receive the vote necessary for effect on that date, this Act takes effect on the 91st day after the last day of the legislative session.

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I hereby certify that S.B. No. 3 passed the Senate on August 11, 2021, by the following vote: Yeas 18, Nays 11; and that the Senate concurred in House amendments on September 2, 2021, by the following vote: Yeas 18, Nays 13.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 3 passed the House, with amendments, on September 2, 2021, by the following vote: Yeas 84, Nays 41, one present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor