

By: Toth

H.B. No. 28

A BILL TO BE ENTITLED

AN ACT

relating to curriculum, materials, and activities in public schools.

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

SECTION 1. Chapter 26, Education Code, is amended by adding Section 26.0061 to read as follows:

Sec. 26.0061. REQUIRED DISCLOSURE REGARDING TEACHING MATERIALS AND ACTIVITIES. (a) In this section:

(1) "Activity" includes a presentation, assembly, lecture, or other event facilitated by a school district or open-enrollment charter school, other than a student presentation.

(2) "Teaching material" includes:

(A) instructional material, as that term is defined by Section 31.002;

(B) teaching aids; and

(C) any other material a student is given the option to select for the student's instruction.

(b) Subject to Subsection (g), not later than the fifth day of each month, each school district and open-enrollment charter school shall make available to the public on the district's or school's Internet website:

(1) a list disaggregated by subject area and grade level that states all information, including the title, author, organization, or Internet website, as applicable, necessary to

1 identify a teaching material or activity that was assigned,  
2 distributed, or otherwise presented to the district's or school's  
3 students during the preceding month in:

4 (A) a course for which students receive academic  
5 credit; or

6 (B) an educational event that the district or  
7 school requires students to attend or in which a majority of  
8 students participate;

9 (2) the district's or school's procedures for  
10 documenting, reviewing, or approving a material or activity  
11 described by Subdivision (1); and

12 (3) any changes made in the preceding month to the  
13 procedures described by Subdivision (2).

14 (c) For purposes of Subsection (b)(1), a school district or  
15 open-enrollment charter school is not required to list the  
16 individual components of teaching materials produced as a single  
17 volume except that for a volume that contains works by multiple  
18 authors, the district or school shall include in the list under that  
19 subsection:

20 (1) a table of contents for the volume; or

21 (2) a link to an Internet website that discloses the  
22 title and author of each work included in the volume.

23 (d) Information posted to a school district's or  
24 open-enrollment charter school's Internet website under Subsection  
25 (b) must be maintained on the website for not less than one year.

26 (e) A school district or open-enrollment charter school may  
27 use collaborative online document or spreadsheet software to

1 prepare or post on the district's or school's Internet website the  
2 information required under Subsection (b).

3 (f) This section does not require a school district or  
4 open-enrollment charter school to reproduce a material or activity  
5 described by Subsection (b)(1).

6 (g) This section does not apply to:

7 (1) a school district or open-enrollment charter  
8 school with a student enrollment of less than 300 students; or

9 (2) a material or activity described by Subsection  
10 (b)(1) that is selected independently by teachers employed at a  
11 campus with a student enrollment of less than 50 students for use  
12 only at that campus.

13 SECTION 2. Sections 28.002(h-3), (h-4), and (h-5),  
14 Education Code, as effective September 1, 2021, are redesignated as  
15 Section 28.0022, Education Code, and amended to read as follows:

16 Sec. 28.0022. CERTAIN INSTRUCTIONAL REQUIREMENTS AND  
17 PROHIBITIONS. (a) [~~(h-3)~~] For any [~~social studies~~] course for a  
18 grade level from kindergarten through grade 12 [~~in the required~~  
19 curriculum]:

20 (1) [~~a teacher may not be compelled to discuss a~~  
21 ~~particular current event or widely debated and currently~~  
22 ~~controversial issue of public policy or social affairs,~~

23 ~~(2)]~~ a teacher who discusses a current event or widely  
24 debated and currently controversial issue of public policy or  
25 social affairs [~~chooses to discuss a topic described by Subdivision~~  
26 ~~(1)] shall, to the best of the teacher's ability, strive to explore  
27 the topic from diverse and contending perspectives without giving~~

1 deference to any one perspective;

2           (2) [~~(3)~~] a school district, open-enrollment charter  
3 school, or teacher may not require, make part of a course, or award  
4 a grade or course credit, including extra credit, for a student's:

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

9           (B) participation in any internship, practicum,  
10 or similar activity involving social or public policy advocacy;  
11 [~~and~~]

12           (3) [~~(4)~~] a teacher, administrator, or other employee  
13 of a state agency, school district, or open-enrollment charter  
14 school may not[+]

15           ~~(A) be required to engage in training,~~  
16 ~~orientation, or therapy that presents any form of race or sex~~  
17 ~~stereotyping or blame on the basis of race or sex;~~

18           ~~(B)~~] require or make part of a course [~~the~~]  
19 concepts [~~concept~~] that serve to inculcate that:

20           (A) [~~(i)~~] one race or sex is inherently superior  
21 to another race or sex;

22           (B) [~~(ii)~~] an individual, by virtue of the  
23 individual's race or sex, is inherently racist, sexist, or  
24 oppressive, whether consciously or unconsciously;

25           (C) [~~(iii)~~] an individual should be  
26 discriminated against or receive adverse treatment solely or partly  
27 because of the individual's race;

1           (D) [~~(iv)~~] members of one race or sex cannot and  
2 should not attempt to treat others without respect to race [~~or sex~~];

3           (E) [~~(v)~~] an individual's moral character,  
4 standing, or worth is necessarily determined by the individual's  
5 race [~~or sex~~];

6           (F) [~~(vi)~~] an individual, by virtue of the  
7 individual's race or sex, bears responsibility for actions  
8 committed in the past by other members of the same race or sex;

9           (G) [~~(vii)~~] an individual should feel  
10 discomfort, guilt, anguish, or any other form of psychological  
11 distress on account of the individual's race or sex;

12           (H) [~~(viii)~~] meritocracy or traits such as a hard  
13 work ethic are racist or sexist or were created by members of a  
14 particular race to oppress members of another race;

15           (I) [~~(ix)~~] the advent of slavery in the territory  
16 that is now the United States constituted the true founding of the  
17 United States; or

18           (J) [~~(x)~~] with respect to their relationship to  
19 American values, slavery and racism are anything other than  
20 deviations from, betrayals of, or failures to live up to, the  
21 authentic founding principles of the United States, which include  
22 liberty and equality; and

23           [~~(C) require an understanding of The 1619~~  
24 ~~Project.~~]

25           (4) a teacher, administrator, or other employee of a  
26 state agency, school district, or open-enrollment charter school  
27 may not teach, instruct, or train any administrator, teacher, or

1 other employee of a state agency, school district or  
2 open-enrollment charter school any of the concepts described by  
3 Subsection (a)(3).

4 (b) [~~(h-4)~~] A state agency, school district, or  
5 open-enrollment charter school may not accept private funding for  
6 the purpose of developing a curriculum, purchasing or selecting  
7 curriculum materials, or providing teacher training or  
8 professional development for a course described by Subsection  
9 (a)(3) [~~(h-3)(3)~~].

10 (c) [~~(h-5)~~] A school district or open-enrollment charter  
11 school may not implement, interpret, or enforce any rules or  
12 student code of conduct in a manner that would result in the  
13 punishment of a student for discussing, or have a chilling effect on  
14 student discussion of, the concepts described by Subsection (a)(3)  
15 [~~(h-3)(4)~~].

16 SECTION 3. Section 28.002(h-2), Education Code, as added by  
17 H.B. 3979, Acts of the 87th Legislature, Regular Session, 2021, as  
18 effective September 1, 2021, is repealed.

19 SECTION 4. This Act applies beginning with the 2021-2022  
20 school year.

21 SECTION 5. If any provision of this Act or its application  
22 to any person or circumstance is held invalid, the invalidity does  
23 not affect other provisions or applications of this Act that can be  
24 given effect without the invalid provision or application, and to  
25 this end the provisions of this Act are declared to be severable.

26 SECTION 6. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect on the 91st day after the last day of the  
4 legislative session.