

1-1 By: Hughes, et al. S.B. No. 3
 1-2 (In the Senate - Filed July 9, 2021; July 9, 2021, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 July 15, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 2; July 15, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15			X	
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 3 By: Hughes

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain curriculum in public schools, including certain
 1-22 instructional requirements and prohibitions.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter J, Chapter 21, Education Code, is
 1-25 amended by adding Section 21.4555 to read as follows:

1-26 Sec. 21.4555. CIVICS TRAINING PROGRAM. (a) To facilitate
 1-27 the teaching of curriculum consistent with Sections 28.002(h-2) and
 1-28 28.0022, the commissioner shall develop and make available civics
 1-29 training programs for teachers and administrators.

1-30 (b) A civics training program developed under this section
 1-31 must include training in:

1-32 (1) the essential knowledge and skills for the social
 1-33 studies curriculum related to civic knowledge adopted under Section
 1-34 28.002(h-2);

1-35 (2) guided classroom discussion of current events, as
 1-36 appropriate for the grade level and consistent with the
 1-37 restrictions under Section 28.0022;

1-38 (3) classroom simulations and models of governmental
 1-39 and democratic processes consistent with the requirements and
 1-40 restrictions of Sections 28.002(h-2) and 28.0022;

1-41 (4) media literacy, including instruction on
 1-42 verifying information and sources and identifying propaganda, as
 1-43 appropriate for the grade level and consistent with the
 1-44 restrictions under Section 28.0022; and

1-45 (5) strategies for incorporating civics instruction
 1-46 into subject areas other than social studies.

1-47 (c) The commissioner by rule shall establish the grade
 1-48 levels at which a teacher provides instruction to be eligible to
 1-49 participate in a civics training program. In making the
 1-50 determination, the commissioner shall include grade levels for
 1-51 which the State Board of Education makes significant revisions to
 1-52 the essential knowledge and skills for the social studies
 1-53 curriculum under Section 28.002(h-2).

1-54 (d) Each civics training program developed under Subsection
 1-55 (a) must be reviewed and approved by the State Board of Education.
 1-56 The board shall annually review each program.

1-57 (e) Each school district and open-enrollment charter school
 1-58 shall ensure that each district or school campus that offers a grade
 1-59 level described by Subsection (c) has at least one teacher and one
 1-60 principal or campus instructional leader who has attended a civics

2-1 training program. The agency shall provide assistance to school
 2-2 districts and open-enrollment charter schools in complying with the
 2-3 requirements of this subsection.

2-4 (f) From funds available for that purpose, a teacher who
 2-5 attends a civics training program may receive a stipend in an amount
 2-6 determined by the commissioner. A stipend received under this
 2-7 section is not included in determining whether a district is paying
 2-8 the teacher the minimum monthly salary under Section 21.402.

2-9 (g) The commissioner may delay implementation of Subsection
 2-10 (e) to a school year not later than the 2025-2026 school year if the
 2-11 revision of the essential knowledge and skills for the social
 2-12 studies curriculum under Section 28.002(h-2) or the availability of
 2-13 civics training programs does not occur in a manner that reasonably
 2-14 affords public schools the ability to comply with that subsection
 2-15 by an earlier school year. This subsection expires September 1,
 2-16 2026.

2-17 SECTION 2. Section 28.002, Education Code, as effective
 2-18 September 1, 2021, is amended by adding Subsections (h-2) and (h-7)
 2-19 to read as follows:

2-20 (h-2) In adopting the essential knowledge and skills for the
 2-21 social studies curriculum for each grade level from kindergarten
 2-22 through grade 12, the State Board of Education shall adopt
 2-23 essential knowledge and skills that develop each student's civic
 2-24 knowledge, including:

2-25 (1) an understanding of:

2-26 (A) the fundamental moral, political, and
 2-27 intellectual foundations of the American experiment in
 2-28 self-government;

2-29 (B) the history, qualities, traditions, and
 2-30 features of civic engagement in the United States;

2-31 (C) the structure, function, and processes of
 2-32 government institutions at the federal, state, and local levels;

2-33 (D) the founding documents of the United States,
 2-34 including:

2-35 (i) the Declaration of Independence;

2-36 (ii) the United States Constitution;

2-37 (iii) the Federalist Papers, including
 2-38 Essays 10 and 51;

2-39 (iv) excerpts from Alexis de Tocqueville's
 2-40 Democracy in America;

2-41 (v) the transcript of the first
 2-42 Lincoln-Douglas debate; and

2-43 (vi) the writings of the founding fathers
 2-44 of the United States; and

2-45 (E) the history and importance of:

2-46 (i) the federal Civil Rights Act of 1964 (42
 2-47 U.S.C. Section 2000a et seq.);

2-48 (ii) the Thirteenth, Fourteenth, and
 2-49 Nineteenth Amendments to the United States Constitution;

2-50 (iii) the complexity of the historic
 2-51 relationship between Texas and Mexico; and

2-52 (iv) the diversity of the Hispanic
 2-53 population in Texas;

2-54 (2) the ability to:

2-55 (A) analyze and determine the reliability of
 2-56 information sources;

2-57 (B) formulate and articulate reasoned positions;

2-58 (C) understand the manner in which local, state,
 2-59 and federal government works and operates through the use of
 2-60 simulations and models of governmental and democratic processes;

2-61 (D) actively listen and engage in civil
 2-62 discourse, including discourse with those with different
 2-63 viewpoints;

2-64 (E) responsibly participate as a citizen in a
 2-65 constitutional democracy; and

2-66 (F) effectively engage with governmental
 2-67 institutions at the local, state, and federal levels; and

2-68 (3) an appreciation of:

2-69 (A) the importance and responsibility of

3-1 participating in civic life;
 3-2 (B) a commitment to the United States and its
 3-3 form of government; and
 3-4 (C) a commitment to free speech and civil
 3-5 discourse.
 3-6 (h-7) The agency shall ensure that each school district or
 3-7 open-enrollment charter school teaches civics education as part of
 3-8 the district's social studies curriculum in a manner consistent
 3-9 with the essential knowledge and skills adopted under Subsection
 3-10 (h-2).
 3-11 SECTION 3. Section 28.002(h-2), Education Code, as added by
 3-12 H.B. 4509, Acts of the 87th Legislature, Regular Session, 2021, is
 3-13 redesignated as Section 28.002(h-6), Education Code, to read as
 3-14 follows:
 3-15 (h-6) [~~h-2~~] In providing instruction regarding the
 3-16 founding documents of the United States as described by Subsection
 3-17 (h-1)(4), a school district or open-enrollment charter school shall
 3-18 use those documents as part of the instructional materials for the
 3-19 instruction.
 3-20 SECTION 4. Subchapter A, Chapter 28, Education Code, is
 3-21 amended by adding Section 28.0022 to read as follows:
 3-22 Sec. 28.0022. CERTAIN INSTRUCTIONAL REQUIREMENTS AND
 3-23 PROHIBITIONS. (a) For any course or subject, including an
 3-24 innovative course, for a grade level from kindergarten through
 3-25 grade 12:
 3-26 (1) a teacher may not be compelled to discuss a
 3-27 particular current event or widely debated and currently
 3-28 controversial issue of public policy or social affairs;
 3-29 (2) a teacher who chooses to discuss a topic described
 3-30 by Subdivision (1) shall, to the best of the teacher's ability,
 3-31 strive to explore that topic from diverse and contending
 3-32 perspectives without giving deference to any one perspective;
 3-33 (3) a school district, open-enrollment charter
 3-34 school, or teacher may not require, make part of a course, or award
 3-35 a grade or course credit, including extra credit, for a student's:
 3-36 (A) work for, affiliation with, or service
 3-37 learning in association with any organization engaged in:
 3-38 (i) lobbying for legislation at the
 3-39 federal, state, or local level; or
 3-40 (ii) social policy advocacy or public
 3-41 policy advocacy;
 3-42 (B) political activism, lobbying, or efforts to
 3-43 persuade members of the legislative or executive branch at the
 3-44 federal, state, or local level to take specific actions by direct
 3-45 communication; or
 3-46 (C) participation in any internship, practicum,
 3-47 or similar activity involving social policy advocacy or public
 3-48 policy advocacy; and
 3-49 (4) a teacher, administrator, or other employee of a
 3-50 state agency, school district, or open-enrollment charter school
 3-51 may not:
 3-52 (A) require or make part of a course inculcation
 3-53 in the concept that:
 3-54 (i) one race or sex is inherently superior
 3-55 to another race or sex;
 3-56 (ii) an individual, by virtue of the
 3-57 individual's race or sex, is inherently racist, sexist, or
 3-58 oppressive, whether consciously or unconsciously;
 3-59 (iii) an individual should be discriminated
 3-60 against or receive adverse treatment solely or partly because of
 3-61 the individual's race or sex;
 3-62 (iv) an individual's moral character,
 3-63 standing, or worth is necessarily determined by the individual's
 3-64 race or sex;
 3-65 (v) an individual, by virtue of the
 3-66 individual's race or sex, bears responsibility for actions
 3-67 committed in the past by other members of the same race or sex;
 3-68 (vi) an individual should feel discomfort,
 3-69 guilt, anguish, or any other form of psychological distress on

4-1 account of the individual's race or sex;
 4-2 (vii) meritocracy or traits such as a hard
 4-3 work ethic are racist or sexist or were created by members of a
 4-4 particular race to oppress members of another race;

4-5 (viii) the advent of slavery in the
 4-6 territory that is now the United States constituted the true
 4-7 founding of the United States; or

4-8 (ix) with respect to their relationship to
 4-9 American values, slavery and racism are anything other than
 4-10 deviations from, betrayals of, or failures to live up to the
 4-11 authentic founding principles of the United States, which include
 4-12 liberty and equality;

4-13 (B) teach, instruct, or train any administrator,
 4-14 teacher, or staff member of a state agency, school district, or
 4-15 open-enrollment charter school to adopt a concept listed under
 4-16 Paragraph (A); or

4-17 (C) require an understanding of the 1619 Project.

4-18 (b) Subsection (a)(3) may not be construed to apply to a
 4-19 student's participation in community charitable projects, such as
 4-20 building community gardens, volunteering at local food banks, or
 4-21 other service projects.

4-22 (c) A state agency, school district, or open-enrollment
 4-23 charter school may not accept private funding for the purpose of
 4-24 developing a curriculum, purchasing or selecting curriculum
 4-25 materials, or providing teacher training or professional
 4-26 development for a course described by Subsection (a)(4).

4-27 (d) A school district or open-enrollment charter school may
 4-28 not implement, interpret, or enforce any rule, including a standard
 4-29 provided by a student code of conduct adopted under Section 37.001,
 4-30 in a manner that would result in the punishment of a student for
 4-31 discussing the concepts described by Subsection (a)(4) or have a
 4-32 chilling effect on student discussions involving those concepts.

4-33 SECTION 5. Sections 28.002(h-2), (h-3), (h-4), and (h-5),
 4-34 as added by H.B. 3979, Acts of the 87th Legislature, Regular
 4-35 Session, 2021, and effective September 1, 2021, are repealed.

4-36 SECTION 6. (a) Except as provided by Subsection (b) of this
 4-37 section, this Act applies beginning with the 2021-2022 school year.

4-38 (b) Section 28.002(h-2), Education Code, as added by this
 4-39 Act, applies beginning with the 2022-2023 school year.

4-40 SECTION 7. Not later than December 31, 2022, the State Board
 4-41 of Education shall review and revise, as needed, the essential
 4-42 knowledge and skills of the social studies curriculum as required
 4-43 by Section 28.002(h-2), Education Code, as added by this Act.

4-44 SECTION 8. If any provision of this Act or its application
 4-45 to any person or circumstance is held invalid, the invalidity does
 4-46 not affect other provisions or applications of this Act that can be
 4-47 given effect without the invalid provision or application, and to
 4-48 this end the provisions of this Act are declared to be severable.

4-49 SECTION 9. This Act takes effect September 1, 2021, if it
 4-50 receives a vote of two-thirds of all the members elected to each
 4-51 house, as provided by Section 39, Article III, Texas Constitution.
 4-52 If this Act does not receive the vote necessary for effect on that
 4-53 date, this Act takes effect on the 91st day after the last day of the
 4-54 legislative session.

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