

## **BILL ANALYSIS**

C.S.H.B. 3979  
By: Toth  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised relating to social studies curriculum in Texas public schools and these concerns have resulted in calls to build a curriculum that fosters a student's understanding of the fundamental moral, political, and intellectual foundations of the American experiment in self-government.

There are additional calls to prohibit a teacher from being compelled to discuss current events or widely debated and currently controversial issues of public policy or social affairs and to prohibit a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school from, among other things, being required to engage in training, orientation, or therapy that presents any form of race or sex stereotyping or blame on the basis of race or sex.

C.S.H.B. 3979 seeks to address these and other concerns by providing for the development of students' civic knowledge in Texas social studies curriculum standards.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3979 amends the Education Code to require the State Board of Education (SBOE), in adopting state social studies curriculum standards, to adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of the following:

- the fundamental moral, political, and intellectual foundations of the American experiment in self-government;
- the history, qualities, traditions, and features of civic engagement in the United States;
- the structure, function, and processes of government institutions at the federal, state, and local levels; and
- the founding documents of the United States, including the following:
  - the Declaration of Independence;
  - the U.S. Constitution;
  - the Federalist Papers, including Essays 10 and 51;
  - excerpts from Alexis de Tocqueville's *Democracy in America*;
  - the transcript of the first Lincoln-Douglas Debate; and
  - the writings of the founding fathers of the United States.

The bill requires the SBOE to review and revise, as needed, the curriculum standards not later than December 31, 2022. The bill's provisions relating to the adoption of state curriculum standards apply beginning with the 2022-2023 school year.

C.S.H.B. 3979, with respect to courses in the social studies curriculum in Texas history, United States history, world history, government, civics, social studies, or similar subject areas, does the following:

- prohibits a state agency, public 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 such a course;
- prohibits a teacher from being compelled to discuss current events or widely debated and currently controversial issues of public policy or social affairs;
- requires a teacher who chooses to discuss such events or issues, to the best of the teacher's ability, to strive to explore those topics from diverse and contending perspectives without giving deference to any one perspective;
- 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 in social or public policy advocacy;
  - a student's political activism, lobbying, or efforts to persuade members of the legislative or executive branch to take specific actions by direct communication at the federal, state, or local level; or
  - a student's participation in any practicum or similar activity involving social or public policy advocacy;
- prohibits an employee of a state agency, district, or charter school from being required to engage in training, orientation, or therapy that presents any form of race or sex stereotyping or blame on the basis of race or sex; and
- prohibits an employee of a state agency, district, or charter school from requiring or making part of a course 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;
  - members of one race or sex cannot and should not attempt to treat others without respect to race or sex;
  - an individual's moral character 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; or
  - 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 bill's provisions relating to courses in the social studies curriculum and private funding apply beginning with the 2021-2022 school year.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3979 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a campus or school administration among the entities to which the original's prohibitions on required training, orientation, therapy, and course components relating to the following concepts addressing race and sex:

- 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;
- members of one race or sex cannot and should not attempt to treat others without respect to race or sex;
- an individual's moral character 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; or
- 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 substitute does not include a specification in the original that a teacher may not be compelled by a policy of any state agency, district, campus, charter school, or school administration to discuss current events or widely debated and currently controversial issues of public policy or social affairs. However, the substitute includes the provision prohibiting a teacher from being compelled to discuss the events or issues but without that specification that it be discussion compelled by the policy of those entities.

The substitute includes a charter school, which is not included in the original, among the entities both the substitute and original prohibit from requiring, making part of a course, or awarding a grade or course credit based on the following student activities:

- 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 in social or public policy advocacy;
- a student's political activism, lobbying, or efforts to persuade members of the legislative or executive branch to take specific actions by direct communication at the federal, state, or local level; or
- a student's participation in any practicum or similar activity involving social or public policy advocacy.

The substitute includes provisions not in the original establishing that the bill's provisions apply beginning with the specified school years and requiring the SBOE to review and revise the state social studies curriculum standards.