

## **BILL ANALYSIS**

Senate Research Center

H.B. 3979  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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.

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.

H.B. 3979 amends current law relating to the social studies curriculum in public schools.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 28.002, Education Code, by adding Subsections (h-2), (h-3), (h-4), and (h-5), as follows:

(h-2) Requires the State Board of Education (SBOE), in adopting the essential knowledge and skills for the social studies curriculum, to adopt essential knowledge and skills that develop each student's civic knowledge, including 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;

(C) the Federalist Papers;

(D) the transcript of the first Lincoln-Douglas debate;

(E) the writings of and about the founding fathers and mothers and other founding persons of the United States, including the writings of George Washington, Ona Judge, Thomas Jefferson, Sally Hemings, and any other founding persons of the United States;

(F) writings from Frederick Douglass's newspaper, the *North Star*;

(G) the Book of Negroes;

(H) the Fugitive Slave Acts of 1793 and 1850;

(I) the Indian Removal Act;

(J) Thomas Jefferson's letter to the Danbury Baptists; and

(K) William Still's Underground Railroad Records;

(6) historical documents related to the civic accomplishments of marginalized populations, including documents related to:

(A) the Chicano movement;

(B) women's suffrage and equal rights;

(C) the civil rights movement;

(D) the Snyder Act of 1924; and

(E) the American labor movement;

(7) the history of white supremacy, including but not limited to the institution of slavery, the eugenics movement, and the Ku Klux Klan, and the ways in which it is morally wrong;

(8) 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*;

(D) the Emancipation Proclamation;

(E) the Universal Declaration of Human Rights;

(F) the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution;

(G) the United States Court of Appeals for the Ninth Circuit decision in *Mendez v. Westminster*;

(H) Frederick Douglass's *Narrative of the Life of Frederick Douglass, an American Slave*;

(I) the life and work of Cesar Chavez; and

(J) the life and work of Dolores Huerta;

(9) 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) Abigail Adams's letter "Remember the Ladies";

(D) the works of Susan B. Anthony; and

(E) the Declaration of Sentiments;

(10) the life and works of Dr. Hector P. Garcia;

(11) the American GI Forum;

(12) the League of United Latin American Citizens; and

(13) *Hernandez v. Texas* (1954).

(h-3) Provides that for any social studies course in the required curriculum:

(1) a teacher is prohibited from being compelled to discuss a particular current event or 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) is required, 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;

(3) a school district, open-enrollment charter school, or teacher is prohibited from requiring, making part of a course, or awarding a grade or course credit, including extra credit, for a student's:

(A) 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

(B) participation in any internship, practicum, or similar activity involving social or public policy advocacy; and

(4) a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school is prohibited from:

(A) 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;

(B) requiring or making part of a course 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;
- (iv) members of one race or sex cannot and should not attempt to treat others without respect to race or sex;
- (v) an individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
- (vi) 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;
- (vii) an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- (viii) 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;
- (ix) the advent of slavery in the territory that is now the United States constituted the true founding of the United States; or
- (x) 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; and

(C) requiring an understanding of The 1619 Project.

(h-4) Prohibits a state agency, 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 a course described by Subsection (h-3)(3).

(h-5) Prohibits a school district or open-enrollment charter school from implementing, interpreting, or enforcing any rules or student code of conduct in a manner that would result in the punishment of a student for discussing, or have a chilling effect on student discussion of, the concepts described by Subsection (h-3)(4).

SECTION 2. (a) Provides that, except as provided by Subsection (b) of this section, this Act applies beginning with the 2021-2022 school year.

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

SECTION 3. Requires SBOE, not later than December 31, 2022, to 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 4. Severability clause.

SECTION 5. Effective date: upon passage or September 1, 2021.