

BILL ANALYSIS

Senate Research Center
87R18960 ANG-F

C.S.S.B. 2202
By: Creighton
State Affairs
4/20/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Conversations around race in the United States are contentious and rapidly evolving. Our education system should promote all viewpoints and encourage discussion of diverse ideas and not be driven by the political leanings of an educator or outside organizations who promote advocacy for one viewpoint.

S.B. 2202 promotes the adoption of a curriculum that promotes the understanding of the moral, political, and intellectual foundations of the country, the processes of governance at the local, state, and federal levels, and the founding documents of our nation. However, it discourages the teaching of current controversial issues of public policy or social affairs unless the teacher promotes all diverse viewpoints on the issue. Additionally, no teacher shall require course load in association with an organization that lobbies any level of government or that promotes social or public policy advocacy. Lastly, it prevents teaching that any race or sex is superior to another.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 2202 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), and (h-4), 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 structure, function, and processes of government institutions at the federal, state, and local levels; and
- (4) the founding documents of the United States, including the Declaration of Independence, the United States 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.

(h-3) Provides that for courses in the social studies curriculum in Texas history, United States history, world history, government, civics, social studies, or other similar subjects:

(1) a teacher is prohibited from being compelled to discuss current events or widely debated and currently controversial issues of public policy or social affairs;

(2) a teacher who chooses to discuss topics described by Subdivision (1) is required, 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;

(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) 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 engaged in social 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 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; and

(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 or sex;

(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 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; or

(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.

(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).

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