

## ATTACHMENT I

### **Statutory Citation Relating to Proposed New 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.36, Requirements for Elective Courses on the Bible's Hebrew Scriptures (Old Testament) and New Testament and Their Impact on the History and Literature of Western Civilization**

#### **Texas Education Code, §28.011, Elective Courses on the Bible's Hebrew Scriptures (Old Testament) and New Testament and Their Impact on the History and Literature of Western Civilization, as added by House Bill 1287, 80th Texas Legislature, 2007:**

- (a) A school district may offer to students in grade nine or above:
  - (1) an elective course on the Hebrew Scriptures (Old Testament) and its impact and an elective course on the New Testament and its impact; or
  - (2) an elective course that combines the courses described by Subdivision (1).
- (b) The purpose of a course under this section is to:
  - (1) teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy; and
  - (2) familiarize students with, as applicable:
    - (A) the contents of the Hebrew Scriptures or New Testament;
    - (B) the history of the Hebrew Scriptures or New Testament;
    - (C) the literary style and structure of the Hebrew Scriptures or New Testament; and
    - (D) the influence of the Hebrew Scriptures or New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.
- (c) A student may not be required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament and may use as the basic textbook a different translation of the Hebrew Scriptures or New Testament from that chosen by the board of trustees of the student's school district or the student's teacher.
- (d) A course offered under this section shall follow applicable law and all federal and state guidelines in maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of students in their school district. A course under this section shall not endorse, favor, or promote, or disfavor or show hostility toward, any particular religion or nonreligious faith or religious perspective. Nothing in this statute is intended to violate any provision of the United States Constitution or federal law, the Texas Constitution or any state law, or any rules or guidelines provided by the United States Department of Education or the Texas Education Agency.
- (e) Before adopting rules identifying the essential knowledge and skills of a course offered under this section, the State Board of Education shall submit the proposed essential knowledge and skills to the attorney general. The attorney general shall review the proposed essential knowledge and skills to ensure that the course complies with the First Amendment to the United States Constitution, and the board may not adopt rules identifying the essential knowledge and skills of a course offered under this section without the attorney general's approval under this subsection.

- (f) A teacher of a course offered under this section must hold a minimum of a High School Composite Certification in language arts, social studies, or history with, where practical, a minor in religion or biblical studies. A teacher selected to teach a course under this section shall successfully complete staff development training outlined in Section 21.459. A course under this section may only be taught by a teacher who has successfully completed training under Section 21.459.
- (g) For the purpose of a student earning credit for high school graduation, a school district shall grant one-half academic elective credit for satisfactory completion of a course on the Hebrew Scriptures, one-half academic elective credit for satisfactory completion of a course on the New Testament, and one-half academic elective credit for satisfactory completion of a combined course on both the Hebrew Scriptures and the New Testament. This subsection applies only to a course that is taught in strict compliance with this section.
- (h) If, for a particular semester, fewer than 15 students at a school district campus register to enroll in a course required by this section, the district is not required to offer the course at that campus for that semester.
- (i) This section does not prohibit the board of trustees of a school district from offering an elective course based on the books of a religion other than Christianity. In determining whether to offer such a course, the board may consider various factors, including student and parent demand for such a course and the impact such books have had on history and culture.
- (j) This section does not prohibit a school district from offering a course, other than the course authorized by this section, in the academic study of the Hebrew Scriptures, the New Testament, or both for local credit or for state elective credit towards high school graduation.

*Added by Acts 2007, 80th Leg., R.S., ch. 856, §1, eff. June 15, 2007.*

*Section 4 of Acts 2007, 80th Leg., ch. 856 provides: The provisions of this Act pertaining to a school district do not take effect until the 2009-2010 school year.*

**Texas Education Code, §21.459. Bible Course Training, as added by House Bill 1287, 80th Texas Legislature, 2007:**

- (a) The commissioner shall develop and make available training materials and other teacher training resources for a school district to use in assisting teachers of elective Bible courses in developing:
  - (1) expertise in the appropriate Bible course curriculum;
  - (2) understanding of applicable supreme court rulings and current constitutional law regarding how Bible courses are to be taught in public schools objectively as a part of a secular program of education;
  - (3) understanding of how to present the Bible in an objective, academic manner that neither promotes nor disparages religion, nor is taught from a particular sectarian point of view;
  - (4) proficiency in instructional approaches that present course material in a manner that respects all faiths and religious traditions, while favoring none; and
  - (5) expertise in how to avoid devotional content or proselytizing in the classroom.

- (b) The commissioner shall develop materials and resources under this section in consultation with appropriate faculty members at institutions of higher education.
- (c) The commissioner shall make the training materials and other teacher training resources required under Subsection (a) available to Bible course teachers through access to in-service training.
- (d) The commissioner shall use funds appropriated for the purpose to administer this section.

*Added by Acts 2007, 80th Leg., R.S., Ch. 856, §2, eff. June 15, 2007.*

**Texas Education Code, §28.002, Required Curriculum (excerpts):**

- (a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:
  - (1) a foundation curriculum that includes:
    - (A) English language arts;
    - (B) mathematics;
    - (C) science; and
    - (D) social studies, consisting of Texas, United States, and world history, government, and geography; and
  - (2) an enrichment curriculum that includes:
    - (A) to the extent possible, languages other than English;
    - (B) health, with emphasis on the importance of proper nutrition and exercise;
    - (C) physical education;
    - (D) fine arts;
    - (E) economics, with emphasis on the free enterprise system and its benefits;
    - (F) career and technology education;
    - (G) technology applications; and
    - (H) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.
- (b) The State Board of Education by rule shall designate subjects constituting a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.
- (c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating textbooks under Chapter 31 and addressed on the assessment instruments required under Subchapter B, Chapter 39. As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels.