



Recent State Policy on Curriculum Leads to Classroom Censorship in Schools

IDRA Testimony on Interim Charge to Monitor State Policy on Curriculum and Instructional Materials Used in Public Schools, Re: HB 3979 (87R) and SB 3 (87, 2)
Submitted to the Texas House Public Education Committee, July 26, 2022

IDRA is an independent, non-partisan education non-profit committed to achieving equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. We submit this testimony for your consideration on the implementation to date of HB 3979 (87R) and SB 3 (87, 2), otherwise known as Texas' classroom censorship policies, and their negative impacts on Texas students, educators and schools. Although SB 3 largely replaced HB 3979, they collectively impacted the last school year as documented by this interim testimony.

The implementation of HB 3979 and SB 3 has been confusing, vague and disruptive to school districts and students' education. IDRA has monitored and analyzed the impacts of this legislation through direct educator surveys and focus groups, student and family engagement, published reports from other organizations and media outlets, and an extensive legal review of egregious actions taken by some school districts to comply with the new state policies.

Based on these analyses, IDRA presents four main impacts to schools and students from these bills: (1) Weakened quality curriculum; (2) Lower teacher, staff and student morale; (3) Limited real-world learning and leadership opportunities for students; and (4) Threats to students' civil rights and safe school climates.

Texas' Recent Censorship Policies Weaken Curriculum Quality

HB 3979 and the later SB 3 (now current law) weakened the quality of comprehensive and accurate curriculum in schools. Many school districts have censored school curriculum and instructional materials to comply with the legislation. This occurs by limiting the discussion of important current and historical events; restricting available instructional materials, such as videos, news media and books across genres; compromising the rigor and diversity of perspectives in classroom discussions and materials; and attempting to repeal board-approved ethnic studies programs.

In IDRA's educator survey on these policies' impact, **over 89% of educators reported they received no guidance** about complying with HB 3979 or SB 3 from their district or professional teacher groups; and **58% of educators reported negative impacts** on restricted classroom discussions, curriculum and content selection. However, **nearly two thirds said their students specifically request lessons on race, history, current events and forms of discrimination** that they have experienced.

In some cases, the policies have led to canceled advanced classes and ethnic studies programs. In an IDRA focus group with educators, one teacher shared that their school district effectively

canceled a new AP course in African American Studies: “There was a campus that was piloting an AP African American Studies course, and when the high school campus followed up with the district to see where they were in the process, they found out that the **district leadership had never completed the paperwork and pumped the breaks on offering that course, ‘in accordance with the law.’”**

One of the most prolific impacts of the vague and confusing implementation of HB 3979 and SB 3 has been school districts’ sweeping book bans. **No specific texts are banned from school libraries in the bills.** Yet book bans prompted by the bills and state leadership have been a destructive and harmful impact related to these bills’ implementation.

Banned books largely include texts related to Black history, the civil rights movement and racial justice efforts, and LGBTQ+ stories and authors (Latham Sikes, 2021; Waller, 2021). Banning books reduces students’ exposure to literature, to diverse voices and points of view, and to accurate accounts of historical and current events. Surveilling students’ library activity based on a school districts’ partisan or ideological values also violates students’ First Amendment constitutional rights, as upheld in numerous federal court decisions (see Duggins-Clay, May 5, 2022 for ACLU demand letters). As the Supreme Court stated nearly a century ago, “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion” (*West Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642, 1943). School districts taking these actions under the auspices of HB 3979 and SB 3 also often violated their own policies relating to the management and review of library materials.

A weakened curriculum hurts students’ quality education and ability to become engaged citizens. These policies have already contributed to canceling advanced-level courses, constitutional rights violations, and censored conversations in classrooms where students specifically ask to learn about what is happening in the world and in Texas. For Black, Latino and LGBTQ+ students, censored curricula and books also deprive students of the opportunity to access ideas, stories and histories that reflect their identities and of expressing their experiences with discrimination.

State Censorship Policies Lower Teacher, Staff and Student Morale

The implementation of HB 3979 and SB 3 has lowered teacher and school staff morale and contributed to the acute teacher shortage in Texas schools. A recent Texas AFT report cites that respecting teachers through trust-building between parents and school staff is important for teacher retention (Texas AFT, 2021). Yet, in IDRA’s educator survey on the impact of these policies, **53% of educators reported a negative impact on their relationships with students, parents or their colleagues.**

This legislation has created hostile work environments for educators and district leaders. In IDRA educator focus groups, teachers reported experiencing “**pervasive fear,**” “**judgment and distrust**” and a “**chilling effect**” on how they teach and engage with students, parents and administrators. Some educators and librarians have lost their jobs over allegations of violating the new state policies (e.g., Grapevine-Colleyville ISD incident, see López, 2021, and Neammanee, 2022; Llano County Public Library incident, see Park, 2022; Irving ISD incident, see Zeeble, 2022). Some school employees, including school librarians, have even faced criminal investigations into school libraries. In Granbury ISD in Hood County, constables appeared at the

Granbury High School library during school hours to investigate book titles on the shelves related to a complaint made by someone *outside* the school district. Students and parents described law enforcement investigation as unnecessary, upsetting and “like a witch hunt” (Wainwright, 2022).

The presence of law enforcement in public schools undermines school morale by diminishing students’ and educators’ feelings of safety and destabilizing school climates (Craven, June 16, 2022). In light of the Granbury High School incident, one ninth-grader said the investigation “has angered a lot of students” and that the removal of educational texts was “really wrong” (Wainwright, 2022). Students’ and educators’ morale and sense of security is further diminished when police interrogate educators for no reason other than possessing a book that is deemed by political actors as “controversial” or “divisive.”

The law is clear: State officials – including law enforcement officials – “may not remove books from their school library shelves simply because they dislike the ideas contained in those books” (*Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 872, 1982) (plurality). Classroom censorship laws politicize the school community to the detriment of the school climate and morale.

State Censorship Policies Limit Real-World Student Learning and Leadership Opportunities

HB 3979 and SB 3 restrict students earning academic credit for civic engagement activities. This compromises students’ civics education and leadership opportunities in real-world settings. For example, immediately after HB 3979 passed in June 2021, McKinney ISD cancelled a popular government program that allowed students to gain real-world experience (Dallas News, 2021).

Despite SB 3’s amendments to revise that provision, IDRA has been contacted for consultation by other civic engagement and youth leadership programs that planned to **cancel or narrow their scope** due to the bill’s prohibition. This has deprived Texas students of gaining real-world experiences as part of their coursework to prepare them for college, career and postsecondary life, and to be engaged citizens. Contrary to the state policies stated goals for civic education, the policies have limited the curriculum and opportunities for students to be civically engaged.

Texas Censorship Policies Threaten Students’ Civil Rights and Safe Schools

HB 3979 and SB 3 specifically threaten students’ civil rights and safe school climates for Black, Latino and LGBTQ+ identified students. SB 3 specifically targets discussions of racism and sexism in its prohibited concepts (Section 5 of bill). In light of the vagueness, confusion and misinformation regarding how to comply, school districts across Texas are removing books that primarily reflect Black, Latino and LGBTQ+ identities. Removals have often occurred outside of districts’ typical book adoption and removal procedures and violated students’ First Amendment rights as upheld in the U.S. Supreme Court’s 1982 decision in *Pico* and in other federal court decisions (see Duggins-Clay, May 5, 2022 for ACLU demand letters).

Furthermore, HB 3979 and SB 3’s censorship of racial and gender inclusivity in classroom conversations and texts makes schools less safe. Censorship in classrooms and libraries has made teachers and students fearful of discussing important current events, in turn making schools unsafe for open dialogue, learning and sharing diverse perspectives. For instance, the country and Texas have seen multiple incidents of fatal racially-motivated violence, including recent mass

shooting tragedies in Buffalo, N.Y. (2022) and El Paso, Texas (2019). Teachers report feeling like they cannot address these incredibly important events that affect their students' lives due to censorship legislation (Hixenbaugh, 2022; IDRA educator survey on censorship impact).

High school students shared testimony at a U.S. Congressional subcommittee hearing on Civil Rights and Civil Liberties that censorship bills "politicized" their identities, infringed upon their free speech rights and detracted from real educational issues (Duggins-Clay, May 20, 2022).

Texas students likewise shared in their letter to the Texas Attorney General that censoring conversations about racial justice, gender inclusivity and discrimination **makes them feel less safe in schools**, as they are unable to report incidents of discrimination in schools or believe that nothing will be done to remedy discrimination if they do share their experiences (TEACH Coalition, 2021).

Moreover, SB 3 specifically restricts teacher training in important and sensitive topics like racial justice, gender inclusivity and related current events. At this important moment in our society, when we ask teachers to be academic experts, mental health counselors and even first responders, educators must be equipped to handle all important issues that arise in their classrooms. Restricting conversations that matter to students' personal safety – like racism and gender discrimination – makes schools less safe for students seeking help, guidance and basic information. Censorship silences students and leaves educators ill-equipped to meet their academic, social and emotional needs.

Recommendations

All students deserve high quality schools. To raise school quality, protect students' civil rights and enhance school climates, IDRA recommends the legislature:

- Repeal SB 3 from the 87th Second Special session in full;
- Support culturally-sustaining civics education that includes accurate and comprehensive history and texts from diverse perspectives and authors;
- Promote student leadership, policy and civic engagement opportunities for course credit and extra-credit; and
- Allocate funds to support teacher training in culturally sustaining pedagogies and school practices.

For questions or more information, please contact Chloe Latham Sikes, Ph.D., IDRA Deputy Director of Policy, at chloe.sikes@idra.org.

IDRA is an independent, non-profit organization. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by providing dynamic training; useful research, evaluation, and frameworks for action; timely policy analyses; and innovative materials and programs.

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