

BILL ANALYSIS

Senate Research Center

H.B. 1287
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International Relations & Trade
5/21/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent research studies have shown that virtually all surveyed high school English teachers and university English Department heads – including those at Yale, Harvard, Stanford, Rice, and Texas A&M – believe that Biblical knowledge confers a major educational advantage to those who have it. In one of the popular study workbooks for the Advanced Placement Literature and Composition exam, more than 60 percent of the allusions recommended for test-takers are from the Bible. Just one example: the works of Shakespeare have more than 1,300 Biblical references.

H.B. 1287 ensures that Texas school districts are able to offer a course which the courts have declared is constitutionally acceptable relating to academic, non-devotional study of the Bible.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board of education in SECTION 1 (Section 28.011, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.011, as follows:

Sec. 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. (a) Authorizes a school district to offer to students in grade nine or above an elective course on the Hebrew Scriptures (Old Testament) and its impact and an elective course on the New Testament and its impact, or an elective course that combines those two courses.

(b) Provides that the purpose of a course under this section is to 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 familiarize students with, as applicable, the contents of the Hebrew Scriptures or New Testament, the history of the Hebrew Scriptures or New Testament, the literary style and structure of the Hebrew Scriptures or New Testament, and the influence of the Hebrew Scriptures or New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.

(c) Prohibits a student from being required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament and authorizes a student to 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) Requires a course offered under this section to 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. Prohibits a course under this section from endorsing, favoring, or promoting, or disfavoring or showing hostility toward, any particular religion or nonreligious faith or religious perspective. Provides that

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) Requires the State Board of Education (SBOE), before adopting rules identifying the essential knowledge and skills of a course offered under this section, to submit the proposed essential knowledge and skills to the attorney general. Requires the attorney general to review the proposed essential knowledge and skills to ensure that the course complies with the First Amendment to the United States Constitution, and prohibits SBOE from adopting rules identifying the essential knowledge and skills of a course offered under this section without the attorney general's approval under this subsection.
- (f) Requires a teacher of a course offered under this section to 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. Requires a teacher selected to teach a course under this section to successfully complete staff development training outlined in Section 21.459. Authorizes a course under this section to only be taught by a teacher who has successfully completed training under Section 21.459.
- (g) Requires a school district, for the purpose of a student earning credit for high school graduation, to 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. Provides that this subsection applies only to a course that is taught in strict compliance with this section.
- (h) Provides that a school district is not required to offer the course at that campus for that semester, if, for a particular semester, fewer than 15 students at a school district campus register to enroll in a course required by this section.
- (i) Provides that this section does not prohibit the board of trustees of a school district (board) from offering an elective course based on the books of a religion other than Christianity. Authorizes the board, in determining whether to offer such a course, to consider various factors, including student and parent demand for such a course and the impact such books have had on history and culture.
- (j) Provides that 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.

SECTION 2. Amends Subchapter J, Chapter 21, Education Code, by adding Section 21.459, as follows:

Sec. 21.459. BIBLE COURSE TRAINING. (a) Requires the commissioner of education (commissioner) to 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 expertise in the appropriate Bible course curriculum, 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, 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, proficiency in instructional approaches that present course material in a manner that respects all faiths and religious traditions, while favoring none, and expertise in how to avoid devotional content or proselytizing in the classroom.

- (b) Requires the commissioner to develop materials and resources under this section in consultation with appropriate faculty members at institutions of higher education.
- (c) Requires the commissioner to 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) Requires the commissioner to use funds appropriated for the purpose to administer this section.

SECTION 3. Amends Section 28.002(a), Education Code, to require each school district that offers kindergarten through grade 12 to offer, as a required curriculum an enrichment curriculum that includes religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.

SECTION 4. Makes application of this Act prospective to the 2009-2010 school year.

SECTION 5. Effective date: upon passage or September 1, 2007.