



Incentives for Instructional Materials that Enforce Classroom Censorship Compromise Student Education

IDRA Testimony against SB 2565, submitted by Paige Duggins-Clay, J.D., to the Texas Senate Education Committee, March 29, 2023

Dear Chair Creighton and Honorable Members of the Committee:

My name is Paige Duggins-Clay, J.D., and I am the chief legal analyst at IDRA, an independent, non-partisan 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.

IDRA opposes SB 2565 as written.

Students should be encouraged, challenged and supported in their learning by high-quality instructional materials that engage them. While instructional materials should be reviewed and approved to uphold the Texas Essential Knowledge and Skills, they should also reflect high-quality standards in content, in rigor and student engagement.

In addition to being free of factual errors, they should be inclusive of diverse perspectives. This enables students to develop advanced cognitive and critical thinking skills and to draw connections across texts and subjects to their own lives and society. This is how materials can spark students' inquiry and inspire them in their learning.

Over the past two years, IDRA has monitored implementation of the past session's major curriculum legislation, HB 3979 (87R) and SB 3 (87, 2). As a result of that legislation, school districts across the state have pulled renowned books from library shelves and censored curricula in classes for fear of treading the fine line of the "prohibited concepts." Some schools have skewed the teaching of historical events, such as accurate discussions about U.S. slavery, the Holocaust, and even current events that are racially targeted, such as the Buffalo mass shooting event of May 2022 (Hixenbaugh, 2022).

The main lesson here is that restricting curriculum and materials squelches inquiry and inspiration, and it weakens the quality of the curriculum and students' learning experiences. Worse, skewing and silencing conversations on race, gender, history and current events can lead to new incidents of discrimination and insensitivity in schools that jeopardize students' learning and their sense of belonging and safety in schools (see IDRA, December 2022).

This bill unfortunately protects only the teaching and provision of materials that adhere to prohibited concepts that have led to widespread classroom censorship, weakened school curricula and increased discriminatory school-based incidents (IDRA Knowledge is Power, 2022).

As a result of the past two years of monitoring restrictive curriculum legislation, IDRA has the following concerns.

First, Section 4 of SB 2565, regarding immunity from disciplinary proceedings for classroom teachers, offers school district protections for educators teaching exclusively to the use of state instructional materials. This suggests that teachers do not have such protection to use other materials, even as they might be available and serve their students well. It imposes a chilling effect on how teachers can be creative conductors of classrooms to inspire student learning.

Additionally, since the protected materials apply to those used by students (Section 11, SB 2565), the provision limits the instructional materials options that students have to engage in their own learning experiences, such as through self-directed and exploratory assignments.

Second, Section 31 of SB 2565 establishes an Open Education Resources Advisory Board through the Texas Education Agency but does not name who will sit on this board, the duration of members' terms, the selection process of board members or any other details about the advisory board's process of review. However, the bill does name, without detail, that the board will be tasked with ensuring materials adhere to the censorship concepts (TEC §28.0022) from SB 3 (87, 2) and are free from bias and error. However, given IDRA's research, censored curriculum and materials have prompted bias, error and inaccuracy, including omission, from classroom teaching.

Third, Section 48 of SB 2565 creates two new instructional materials allotments at a total of \$60 per student enrolled in a district, which amounts to over \$328 million. IDRA would rather see these funds invested in the basic allotment to support districts' acquisition of high-quality instructional materials as well as overall operations through high-quality student learning programs and increased teacher and staff salaries.

Lastly, any state-approved list of instructional materials must ensure that appropriate and high-quality materials for emergent bilingual students are readily available and updated.

Texas should absolutely invest in high-quality instructional materials for school districts and classrooms, but those materials should not compromise teachers' ability to meet student needs, student opportunities to be inspired, or students' access to accurate and honest curricula that reflect their realities.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact chloe.sikes@idra.org or paige.duggins-clay@idra.org.

Resources

Hixenbaugh, M. (May 18, 2022). Laws restricting lessons on racism are making it hard for teachers to discuss the massacre in Buffalo. *NBC News*. <https://www.nbcnews.com/news/us-news/buffalo-shooting-teachers-racism-laws-rcna29500>

IDRA. (2022). Knowledge is Power, website. <https://www.idra.org/services/knowledge-is-power/>
IDRA. (April 7, 2022). Students Deserve Access to Books and Curricula that Reflect their Experiences – IDRA Statement on U.S. House Hearing “Free Speech Under Attack: Book Bans & Academic Censorship.” *IDRA Knowledge is Power*. <https://idra.news/KnowledgeisPower14>
IDRA. (December 13, 2022). IDRA, Lubbock NAACP Join Slaton and Lubbock Families in Demanding End to School-Based Discrimination. <https://idra.news/LBKstatement>

IDRA is an independent, non-profit organization led by Celina Moreno, J.D. 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 leading policy analyses and advocacy; dynamic teacher training and principal coaching; useful research, evaluation and frameworks for action; and innovative student, family and community engagement.