

**TEXANS FOR EXCELLENCE IN EDUCATION, INC.**

**Classical Social & Emotional Learning (CSEL) Policy for Texas Independent School Districts**

**Definitions**

For purposes of this Policy, the following definitions apply:

**Administration** – the Superintendent and those persons employed by the District who report directly to the Superintendent.

**Board** – that group of persons elected as described in Texas Education Code § 11.051(a).

**District** – an independent school district in Texas as described in Texas Education Code § 11.001 *et seq.*

**Prohibited Materials** – material that advocates CRT/SDI or Gender Fluidity theories, and all Potentially Pornographic Material that the Board has not affirmatively voted to include in the District’s Instructional Materials, in each case as more specifically defined in this Policy.

**Subject Persons** – those persons who (1) are employed by the District, (2) volunteer time or services on behalf of the District and (3) directly interact with District students.

**Superintendent** – that person employed by the District in the capacity described in Texas Education Code § 11.201(a).

**SECTION 1. INSTRUCTIONAL MATERIALS**

SECTION 1.1. The District shall provide a wide range of Instructional Materials (as defined below) for students and faculty that present varying levels of difficulty, diversity of appeal, and a variety of points of view. Although the Superintendent may select Instructional Materials for their use in accordance with District policy and administrative regulations, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

SECTION 1.2. In this Policy, “Instructional Materials” may include, but is not limited to: textbooks, workbooks, library acquisitions, supplementary resources for classroom use, a combination of book, workbook, and supplementary materials, as well as any other material kept in any District library, including all media, writings, drawings, graphs, charts, photographs, pictures, film, videotapes, sound recordings, images, data, and data compilations of any kind, electronic resources, such as computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic media or other means of conveying information to students or otherwise contributing to the learning process through electronic means, that are used for formal or informal teaching and learning purposes. The primary objectives of Instructional Materials are to implement, enrich, and support the District’s educational program.

SECTION 1.3. In the selection of Instructional Materials, Subject Persons shall ensure that the resources:

1. Enrich and support the curriculum consistent with the general educational goals of the state and District, the aims and objectives of individual schools and specific courses, and the District and campus improvement plans.
2. Meet high standards for artistic quality and/or literary style, authenticity, educational significance, factual content, physical format, presentation, readability, and technical quality.
3. Are appropriate for the subject area and for the age, ability level, learning styles, interests and social and emotional development of the students for whom they are selected.
4. Are designed to help students gain an awareness of our pluralistic society.
5. Are designed to provide information that will motivate students and staff to examine their own attitudes and behavior; to understand their duties, responsibilities, rights, and privileges as citizens participating in our society; and to make informed choices in their daily lives.
6. Promote literacy.
7. Balance cost with need.
8. For library selections, are integral to the instructional program, are appropriate for the reading levels and understanding of students, reflect the interests and needs of the students and faculty, are included because of their literary or artistic value and merit, and present information with the greatest degree of accuracy and clarity.
9. Are designed to develop each student's civil knowledge, including (a) an understanding of (i) the fundamental moral, political, and intellectual foundations of the American experiment in self-government; (ii) the history, qualities, traditions, and features of civic engagement in the United States; (iii) the structure, function, and processes of government institutions at the federal, state, and local levels; and (iv) the founding documents of the United States; (b) the ability to (i) analyze and determine the reliability of information sources; (ii) formulate and articulate reasoned positions; (iii) understand the manner in which local, state, and federal government works and operates through the use of simulations and models of governmental and democratic processes; (iv) actively listen and engage in civil discourse, including discourse with those with different viewpoints; and (v) participate as a citizen in a constitutional democracy by voting; and (c) an appreciation of (i) the importance and responsibility of participating in civic life; (ii) a commitment to the United States and its form of government; and (iii) a commitment to free speech and civil discourse.
10. When providing instruction regarding the founding documents of the United States, these shall be presented appropriately for the grade level and in supportive, comprehensive, and affirmatory manner that respects the entirety of the document. The founding documents of the United States include the entirety of the Declaration of Independence; the entirety of the United States Constitution; the Federalist Papers, including the entirety of Essays 10 and 51; excerpts from Alexis de Tocqueville's

Democracy in America; the transcript of the first Lincoln-Douglas debate; the writings of the founding fathers of the United States; the entirety of Frederick Douglass's speeches "The Meaning of July Fourth for the Negro" and "What the Black Man Wants"; and the entirety of Martin Luther King Jr.'s speech "I Have a Dream."

SECTION 1.4. The District shall address controversial topics in an impartial and objective manner. Teachers shall not use the classroom to transmit personal beliefs regarding political or sectarian issues. Students and educators shall ensure that, to the extent possible, discussions are conducted fairly and courteously. Teachers shall not be compelled to discuss widely debated and currently controversial issues of public policy or social affairs. However, in the event a teacher chooses to discuss a topic described above, the teacher must explore that topic objectively and in a manner free from political bias. In guiding classroom discussion of controversial issues, teachers shall comply with the instructional requirements and prohibitions imposed under Texas law and by the District. In guiding classroom discussion of controversial issues, teachers shall:

1. Foster students' critical thinking skills.
2. Encourage discussion based on rational analysis.
3. Create an atmosphere in which students learn to respect others' opinions and disagree courteously.
4. Ensure that multiple viewpoints about the issue are presented by introducing an unexpressed viewpoint when necessary.
5. Avoid any attempt to coerce or persuade students to adopt the teacher's point of view.
6. Comply with the instructional requirements and prohibitions imposed under Texas law.

## **SECTION 2. CRITICAL RACE THEORY AND OTHER SYSTEMIC DISCRIMINATION IDEOLOGIES**

SECTION 2.1. The District, including its teachers and administrators, shall not:

1. require, teach, make part of a course or training, or otherwise instruct any Subject Persons or students that: (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex; (d) an individual's moral character, standing, or worth is partially or necessarily determined by the individual's race or sex; (e) an individual, by virtue of the individual's race or sex, bears responsibility, blame, or guilt for actions committed by other members of the same race or sex; (f) meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or group to oppress members of another race or group; (g) the delivery of slaves and the advent of slavery in the territory that is now the United States constituted the true founding of the United States; or (h) with respect to their relationship to American values, slavery and

racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality;

2. teach, instruct, train, introduce, discuss or require an understanding of The 1619 Project, which began as a compilation of essays, poems, and other works originally published in *The New York Times Magazine* in August 2019 but has become the impetus for the development of resources, programs, and curricula for educators; or
3. teach, instruct, advocate, promote, or discuss any ideas, beliefs, concepts, theories, principles, rules, thoughts, or impressions that have any connection to, relationship with, refer to, are influenced by, or are otherwise consistent with so-called “Critical Race Theory” or systemic discrimination ideologies, including, but not limited to, those ideologies set forth in Section 2.1.1, Section 2.1.2 and Section 2.1.3 herein, as such ideologies have been understood, developed, taught, interpreted, defined/redefined by individuals, organizations, and others who have created, defined, redefined, interpreted, taught, instructed, advocated, promoted, or discussed or used understand so-called “Critical Race Theory” or systemic discrimination ideologies. This Section 2.1.3, together with Sections 2.1.1 and 2.1.2 above, shall be collectively referred to as “Critical Race Theory or Systemic Discrimination Ideologies” or “CRT/SDI”.

SECTION 2.2. No course of instruction, unit of study, materials, Instructional Materials or any other curricular or extracurricular offerings adopting, supporting, or promoting CRT/SDI shall be used or introduced in any District school or otherwise. For the avoidance of doubt, this prohibition will also include any such materials or Instructional Materials that a teacher or administrator might seek to provide to any student, including any situation in which a teacher or administrator would allow a student to “borrow” such materials or Instructional Materials from the teacher’s or administrator’s private collection. Any materials or Instructional Materials adopting, supporting or promoting CRT/SDI shall be removed from any District premises generally accessible to the student population, including but not limited to any library or classroom setting, and shall be kept solely and exclusively in an isolated and safeguarded section of the District’s primary library facilities (hereinafter referred to as the “Parental Consent Area”). Prior to providing any student access to the Parental Consent Area, a student must submit evidence of written consent from his or her parent or legal guardian (which written evidence shall be kept and maintained by the District in a manner consistent with its existing document retention policies), which consent shall include the date range of the allowed access (which may not exceed six (6) months from the date of such consent) and must be independently verified by the District through an in-person meeting or direct telephone communication between the parent or legal guardian and an appointed District representative. Students shall also be prohibited from distributing any communications, flyers or other materials promoting the concepts restricted by this Section 2.2 while on District premises.

SECTION 2.3. A Subject Person may not use, or permit others to use, any District resource, funds, property, or personnel to adopt, support, or promote CRT/SDI, including for the use of

so-called “audits” to collect, measure, and analyze data from and within the District, including, but not limited to, District policies, programs, and practices that allegedly directly or indirectly impact students or Subject Person relative to their race, ethnicity, gender, national origin, color, disability, age, sexual orientation, gender identity, religion, or other socio-culturally significant factors (“Equity Audits”). Furthermore, any and all offices, titles, programs or functions of the District that adopt, support or promote CRT/SDI or Equity Audits will be immediately disbanded and any such positions will be terminated from the District’s budget and payroll. This specifically includes the elimination of “DEI” (Diversity, Equity and Inclusion) currently in operation at the District as DEI programs operate as a cover for the furtherance of racist policies. For any District positions or offices that are terminated as a result of this Section 2.3, the District will take all necessary measures to ensure that any contractual arrangements associated with such position or officer are not renewed and any impacted personnel will be transferred to another position with different duties within the District for the duration of such person’s contract. For the avoidance of doubt, this Section 2.3 is not intended to prohibit students from forming student-led groups or otherwise discussing such issues in private forums, subject to other restrictions set forth in this Policy. This includes, but is not limited to, District policies, programs, and practices that allegedly directly or indirectly impact students or any Subject Person relative to their race, ethnicity, gender, national origin, color, disability, age, sexual orientation, gender identity, religion, or other socio-culturally significant factors.

SECTION 2.4. Most traditional social and emotional learning (SEL) teachings are consistent with the District’s general education goals, particularly concepts relating to the development of self-awareness, individualism, self-reliance, self-motivation, communication, conflict resolution, and interpersonal skills that are vital for academic, professional, and life success. However, some SEL concepts can be potentially divisive, conflict with District policy, and be inconsistent with the District’s education goals. As such, the District, including its Subject Persons, shall not teach, instruct, train or otherwise require any Subject Person or any individual or group, to adopt, support, or otherwise promote SEL concepts that are divisive, conflict with District policy, or are inconsistent with the District’s education goals. Furthermore, any Instructional Materials that adopt, support or promote the subject matter described in the immediately preceding sentence shall be removed from the District premises that are generally accessible to District students, and shall be kept solely and exclusively in the Parental Consent Area. Prior to providing any student access to the Parental Consent Area, a student must submit evidence of written consent from his or her parent or legal guardian (which written evidence shall be kept and maintained by the District in a manner consistent with its existing document retention policies), which consent shall include the date range of the allowed access (which may not exceed six (6) months from the date of such consent) and must be independently verified by the District through an in-person meeting or direct telephone communication between the parent or legal guardian and an appointed District representative. Students shall also be prohibited from distributing any materials, flyers or other communications or materials promoting the concepts restricted by this Section 2.4 while on District premises. For the avoidance of doubt, the District will continue to support and promote the following ideologies and concepts, which are generally consistent the positive components of SEL and with the general educational goals of

the state and District: individualism; a rejection of victimhood mentality; conflict resolution techniques; aspiration to serve as entrepreneurs and spiritual and community leaders; financial self-sufficiency; importance of the nuclear family; liberty, hard work and perseverance as the basis for a successful society; and the virtues of self-discipline, forgiveness, patience, kindness, determination, hope, thankfulness, reliability, honesty, industry and responsibility.

SECTION 2.5. Nonschool literature shall not be distributed by students on District property if the materials constitute or promote Prohibited Materials as that term is defined herein or are otherwise inappropriate for the age and maturity of the audience.

SECTION 2.6. Subject Persons shall not use the term “Latinx” but shall instead use the terms “Hispanic,” “Hispanics,” “Latino,” “Latinos,” “Latina” or “Latinas.” Additionally, in the selection of Instructional Materials, Subject Persons shall not select materials which use the term “Latinx.”

### **SECTION 3. GENDER FLUIDITY AND GENDER THEORY**

SECTION 3.1. The District, including its Subject Persons, shall not teach, instruct, train or otherwise require any Subject Person or any individual or group, to adopt, support or otherwise promote Gender Fluidity (as defined herein). Additionally, Subject Persons shall not teach, instruct, train, or otherwise require any other Subject Person to teach, instruct, train, or otherwise communicate to any individual or group topics regarding sexual orientation or gender identity.

SECTION 3.2. For purposes of this policy, “Gender Fluidity” means any belief, theory or ideology that (1) espouses the view that gender is merely a social construct; (2) espouses the view that it is possible for a person to be any gender or none (i.e., non-binary); (3) espouses the view that an individual’s biological sex should attempt to be changed to “match” a gender different from that person’s biological sex; and (4) supports hormone therapy or other medical treatments or procedures to temporarily or permanently alter a person’s body so that it “matches” a gender different from that person’s biological sex.

SECTION 3.3. No course of instruction, unit of study, materials, Instructional Materials or any other curricular or extracurricular offerings adopting, supporting, or promoting Gender Fluidity shall be used or introduced in any District school or otherwise. For the avoidance of doubt, this prohibition will also include any such materials or Instructional Materials that a teacher or administrator might seek to provide to any student, including any situation in which a teacher or administrator would allow a student to “borrow” such materials or Instructional Materials from the teacher’s or administrator’s private collection. Any materials or Instructional Materials adopting, supporting or promoting Gender Fluidity shall be removed from any District premises generally accessible to the student population, including but not limited to any library or classroom setting, and shall be kept solely and exclusively in the Parental Consent Area. Prior to providing any student access to the Parental Consent Area, a student must submit evidence of

written consent from his or her parent or legal guardian (which written evidence shall be kept and maintained by the District in a manner consistent with its existing document retention policies), which consent shall include the date range of the allowed access (which may not exceed six (6) months from the date of such consent) and must be independently verified by the District through an in-person meeting or direct telephone communication between the parent or legal guardian and an appointed District representative. Students shall also be prohibited from distributing any communications, flyers or other materials promoting the concepts restricted by this Section 3.3 while on District premises.

SECTION 3.4. A Subject Person may not use, or permit others to use, any District resource, funds, property, or personnel to adopt, support, or promote Gender Fluidity as defined herein. Furthermore, any and all offices, titles, programs or functions of the District that adopt, support or promote Gender Fluidity will be immediately disbanded and any such positions will be terminated from the District's budget and payroll. For any District positions or offices that are terminated as a result of this Section 3.4, the District will take all necessary measures to ensure that any contractual arrangements associated with such position or officer are not renewed and any impacted personnel will be transferred to another position with different duties within the District for the duration of such person's contract. For the avoidance of doubt, this Section 3.4 is not intended to prohibit students from forming student-led groups or otherwise discussing such issues in private forums, subject to other restrictions set forth in this Policy.

SECTION 3.5. The District will formulate, interpret and apply its rules concerning the use of rest rooms, locker rooms, changing facilities and participation in all extracurricular activities, including sports competition in a manner consistent with the biological sex of each student. Except as provided below, an interscholastic athletic team sponsored or authorized by the District may not allow a student to compete in an interscholastic athletic competition sponsored or authorized by the District that is designated for the biological sex opposite to the student's biological sex as correctly stated on: (1) the student's official birth certificate; or (2) if the student's official birth certificate is unobtainable, another government-issued record. An interscholastic athletic team sponsored or authorized by the District may allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available. For purposes of this Section 3.5, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was: (1) entered at or near the time of the student's birth; or (2) modified to correct any type of scrivener or clerical error in the student's biological sex.

SECTION 3.6. The District will not promote, require or encourage the use of pronoun identifiers for students, teachers or any other persons in any manner that is inconsistent with the biological sex of such person as listed on: (1) the student's official birth certificate; or (2) if the student's official birth certificate is unobtainable, another government-issued record. However, to the extent a student (with the written consent of such student's parent or legal guardian), parent or legal guardian has specifically, in writing, requested or directed the use of a specific

pronoun for that particular student, a teacher or administrator interacting with the student may comply with such request. A Subject Person shall not be permitted to require a student to use a pronoun to refer to such Subject Person in a manner that is inconsistent with the biological sex of such Subject Person as listed on: (1) the Subject Person's official birth certificate; or (2) if the Subject Person's official birth certificate is unobtainable, another government-issued record.

SECTION 3.7. No Subject Person shall instruct, refer, or otherwise guide any student to any Internet website, chat room, or other online forum for publication for instruction or other information regarding Gender Fluidity or any issues pertaining to any sexual matter, including, but not limited to sexual orientation, unless such website, chat room, or other online forum has been approved for use in the District's Instructional Materials as set forth in Section 1 of this policy.

#### **SECTION 4. PORNOGRAPHIC MATERIAL**

SECTION 4.1. For purposes of this Policy, "Potentially Pornographic Material" means all media, writings, drawings, graphs, charts, photographs, pictures, films, tapes, sound recordings, images, data, and data compilations of every kind that addresses or contains the following topics: (1) human sexuality and/or nudity; (2) sexually transmitted diseases; (3) sexually explicit acts; (4) graphic presentations of sexual behavior; and/or (5) drag shows. For purposes of this policy, "drag show" means a show, exhibition, or presentation, whether live or recorded, which depicts or simulates human sexuality and/or nudity (including partial nudity), sexually explicit acts, or other presentations of sexual behavior in order to appeal to a prurient interest or in which any individual wears minimal clothing, removes clothing in a manner in which to appeal to a prurient interest, or acts in any sexually provocative manner.

SECTION 4.2. On an annual basis, and as otherwise necessary as determined by the Board in its sole discretion, the District shall identify all Potentially Pornographic Material available, utilized, or assigned in the District. All Potentially Pornographic Material that has been identified by the District as well as any future Potentially Pornographic Material that the District intends to use in any manner as Instructional Materials, shall first be presented to the Board in an open meeting in accordance with the Texas Open Meetings Act. During the open meeting, the Administration shall inform parents, legal guardians, and the Board regarding the educational value of, and the reasoning behind, the use and selection of the materials as Instructional Materials. All Potentially Pornographic Material will be deemed to be Prohibited Materials unless and until the Board affirmatively votes in public, with each Board member's individual vote being discernible, to include such Potentially Pornographic Material in the District's Instructional Materials.

SECTION 4.3. The District shall develop, maintain, and make publicly available a single, searchable website database on the District's website that allows the public at no cost to review all the details concerning Potentially Pornographic Material which has been included or



excluded in the District's materials or Instructional Materials by the Board. The District's website database shall identify the Potentially Pornographic Material and state the District's position regarding the educational value of, and reasoning behind, the use and selection of each item of Potentially Pornographic Material. The website will also clearly identify how the Potentially Pornographic Material is being utilized by the District and at which campuses and in which classrooms the Potentially Pornographic Material has been made available to students. The vote of each individual Board member as well as the vote of the full Board shall be made clearly visible in this same location on the District's website.

SECTION 4.4. The District shall not teach, instruct, or train any Subject Person or any other individual or group, to adopt, support, or promote Potentially Pornographic Material that the Board has not voted to include in the District's materials or Instructional Materials, nor shall the District allow any such Potentially Pornographic Material to be introduced or otherwise discussed. For the avoidance of doubt, this prohibition will also include any such materials or Instructional Materials that a teacher or administrator might seek to provide to any student, including any situation in which a teacher or administrator would allow a student to "borrow" such materials or Instructional Materials from the teacher's or administrator's private collection.

SECTION 4.5. No course of instruction, unit of study, materials, Instructional Materials or any other curricular or extracurricular offerings adopting, supporting, or promoting Potentially Pornographic Material that the Board has not voted to include in the District's materials or Instructional Materials shall be used or introduced in any District school or otherwise. Any materials or Instructional Materials adopting, supporting or promoting Potentially Pornographic Material that has not been specifically approved by the Board pursuant to Section 4.2 above to be included in the District's materials or Instructional Materials shall be removed from any District premises generally accessible to the student population, including but not limited to any library or classroom setting, and shall be kept solely and exclusively in the Parental Consent Area. Prior to providing any student access to the Parental Consent Area, a student must submit evidence of written consent from his or her parent or legal guardian (which written evidence shall be kept and maintained by the District in a manner consistent with its existing document retention policies), which consent shall include the date range of the allowed access (which may not exceed six (6) months from the date of such consent) and must be independently verified by the District through an in-person meeting or direct telephone communication between the parent or legal guardian and an appointed District representative. Students shall also be prohibited from distributing any communications, flyers or materials promoting the concepts restricted by this Section 4.5 while on District premises.

SECTION 4.6. The District shall not permit the use of the term "minor-attracted person" and shall require the use of the term "pedophile" for any reference to sexual acts or attraction to children. Any Instructional Materials that speak to or reference pedophilia should only refer to it as an abhorrent crime.

SECTION 4.7. No District buildings or grounds shall be used for any drag show event. The District shall not sponsor, promote, advertise, affiliate with, or otherwise require or encourage student attendance at any drag show event.

## **SECTION 5. IMPLEMENTATION**

SECTION 5.1. All provisions of this Policy (as may be amended, supplemented or otherwise modified from time to time, this "Policy") shall be implemented fully by the Board and the Superintendent within one (1) year of its adoption. The Board shall, within two (2) months of the date of adoption of this Policy, designate specific individual, publicly named administrators responsible for ensuring full compliance with this Policy.

SECTION 5.2. In the event that the Board or the Superintendent cite additional cost as a deterrent for the implementation of this Policy, the Board will establish an Implementation Committee made up of three individuals appointed by the Board. Each individual appointed to the Implementation Committee by the Board shall serve for a term of three (3) years. To be qualified to serve as a member of the Implementation Committee, each individual shall be a resident of the District. The Implementation Committee shall ensure that each provision of this Policy is implemented in a timely fashion. The Implementation Committee shall be tasked with identifying cost savings sufficient to offset any alleged additional costs incurred to implement this Policy and shall recommend such cost-saving measures to the Board for consideration in order to ensure that implementation of the Policy does not create any additional net costs to the District. The Implementation Committee shall not identify cost-saving measures that negatively affect the education of the students including teacher salaries or benefits or reduction in teacher headcount. The District will take all necessary measures to ensure that the Implementation Committee has complete, immediate and unfettered access to all information available to the District, including any privileged or otherwise confidential information (which shall be otherwise maintained by the Implementation Committee in such confidential manner).

SECTION 5.3. None of the terms or provisions of this Policy can be changed, altered or otherwise amended without first providing written notification to all citizen stakeholders in the District, which shall include but not be limited to the parents and/or legal guardians of each student, all residents of the District and all taxpayers of the District. Such written notice must be provided to all such persons in the form of a postal mailer delivered no later than 60 days in advance of the proposed meeting of the Board at which such proposed modification or amendment will be considered.