

Tex. Educ. Code § 28.002

This document is current through the 2023 Regular Session; the 1st C.S.; the 2nd C.S.; the 3rd C.S. and the 4th C.S. of the 88th Legislature; and the November 7, 2023 general election results.

Texas Statutes & Codes Annotated by LexisNexis® > Education Code > Title 2 Public Education (Subts. A — I) > Subtitle F Curriculum, Programs, and Services (Chs. 28 — 36) > Chapter 28 Courses of Study; Advancement (Subchs. A — C) > Subchapter A Essential Knowledge and Skills; Curriculum (§§ 28.001 — 28.0181)

Sec. 28.002. Required Curriculum.

(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, economics, with emphasis on the free enterprise system and its benefits, and geography; and

(2) an enrichment curriculum that includes:

(A) to the extent possible, languages other than English;

(B) health, with emphasis on:

(i) physical health, including the importance of proper nutrition and exercise;

(ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and

(iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;

(C) physical education;

(D) fine arts;

(E) career and technology education;

(F) technology applications;

(G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and

(H) personal financial literacy.

(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.

(b-1) In this section, “common core state standards” means the national curriculum standards developed by the Common Core State Standards Initiative.

(b-2) The State Board of Education may not adopt common core state standards to comply with a duty imposed under this chapter.

(b-3) A school district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels under Subsection (c).

(b-4) Notwithstanding any other provision of this code, a school district or open-enrollment charter school may not be required to offer any aspect of a common core state standards curriculum.

(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 instructional materials 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 and to make available to each high school student in the district an Algebra II course.

(c-1) The State Board of Education shall adopt rules requiring students enrolled in grade levels six, seven, and eight to complete at least one fine arts course during those grade levels as part of a district’s fine arts curriculum.

(c-2) Each time the Texas Higher Education Coordinating Board revises the Internet database of the coordinating board’s official statewide inventory of workforce education courses, the State Board of Education shall by rule revise the essential knowledge and skills of any corresponding career and technology education curriculum as provided by Subsection (c).

(c-3) In adopting the essential knowledge and skills for the technology applications curriculum for kindergarten through grade eight, the State Board of Education shall adopt essential knowledge and skills that include coding, computer programming, computational thinking, and cybersecurity. The State Board of Education shall review and revise, as needed, the essential knowledge and skills of the technology applications curriculum every five years to ensure the curriculum:

(1) is relevant to student education; and

(2) aligns with current or emerging professions.

(c-4) In adopting essential knowledge and skills for English language arts under Subsection (a)(1)(A), the State Board of Education shall specify a list of required vocabulary and at least one literary work to be taught in each grade level. The vocabulary specified by the board must support the essential knowledge and skills adopted for other courses offered under the foundation curriculum under Subsection (a)(1).

(c-5)[Expires September 1, 2025] The State Board of Education shall initiate the process of specifying an initial list of vocabulary and literary works as required by Subsection (c-4) not later than February 1, 2024. The State Board of Education shall request from the agency recommendations regarding the list, and that request for recommendations may be considered an initiation of the process. This subsection expires September 1, 2025.

(d) The physical education curriculum required under Subsection (a)(2)(C) must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall ensure that the curriculum:

- (1)** emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;
- (2)** is consistent with national physical education standards for:
 - (A)** the information that students should learn about physical activity; and
 - (B)** the physical activities that students should be able to perform;
- (3)** requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;
- (4)** offers students an opportunity to choose among many types of physical activity in which to participate;
- (5)** offers students both cooperative and competitive games;
- (6)** meets the needs of students of all physical ability levels, including students who have a chronic health problem, disability, including a student who is a person with a disability described under Section 29.003(b) or criteria developed by the agency in accordance with that section, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;
- (7)** takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;
- (8)** teaches self-management and movement skills;
- (9)** teaches cooperation, fair play, and responsible participation in physical activity;
- (10)** promotes student participation in physical activity outside of school; and
- (11)** allows physical education classes to be an enjoyable experience for students.

(e) American Sign Language is a language for purposes of Subsection (a)(2)(A). A public school may offer an elective course in the language.

(f) A school district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:

- (1)** be flexible in approving a course for credit for high school graduation under this subsection; and
- (2)** approve courses in cybersecurity for credit for high school graduation under this subsection.

(g) A local instructional plan may draw on state curriculum frameworks and program standards as appropriate. Each district is encouraged to exceed minimum requirements of law and State Board of Education rule. Each district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

- (1)** includes teacher input;
- (2)** provides district employees with the opportunity to express opinions regarding the initiative; and
- (3)** includes a meeting of the board of trustees of the district at which:
 - (A)** information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and
 - (B)** members of the public and district employees are given the opportunity to comment regarding the initiative.

(g-1) A district may also offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board of trustees for credit without obtaining State Board of Education approval if:

- (1)** the district develops a program under which the district partners with a public or private institution of higher education and local business, labor, and community leaders to develop and provide the courses; and
- (2)** the course or other activity allows students to enter:
 - (A)** a career or technology training program in the district's region of the state;
 - (B)** an institution of higher education without remediation;
 - (C)** an apprenticeship training program; or
 - (D)** an internship required as part of accreditation toward an industry-recognized credential or certificate for course credit.

(g-2) Each school district shall annually report to the agency the names of the courses, programs, institutions of higher education, and internships in which the district's students have enrolled under Subsection (g-1) and the names of the courses and institutions of higher education in which the district's students have enrolled under Subsection (g-3). The agency shall make available information provided under this subsection to other districts.

(g-3) A district may also offer a course in cybersecurity that is approved by the board of trustees for credit without obtaining State Board of Education approval if the district partners with a public

or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course.

(h) The State Board of Education and each school district shall require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.

(h-1) In adopting the essential knowledge and skills for the foundation curriculum under Subsection (a)(1), the State Board of Education shall, as appropriate, adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of:

- (1)** the fundamental moral, political, and intellectual foundations of the American experiment in self-government;
- (2)** the history, qualities, traditions, and features of civic engagement in the United States;
- (3)** the structure, function, and processes of government institutions at the federal, state, and local levels; and
- (4)** the founding documents of the United States, including:
 - (A)** the entirety of the Declaration of Independence;
 - (B)** the entirety of the United States Constitution;
 - (C)** the Federalist Papers, including the entirety of Essays 10 and 51;
 - (D)** excerpts from Alexis de Tocqueville's *Democracy in America*;
 - (E)** the transcript of the first Lincoln-Douglas debate;
 - (F)** the writings of the founding fathers of the United States;
 - (G)** the entirety of Frederick Douglass's speeches "The Meaning of July Fourth for the Negro" and "What the Black Man Wants"; and
 - (H)** the entirety of Martin Luther King Jr.'s speech "I Have a Dream."

(h-2) In adopting the essential knowledge and skills for the social studies curriculum for each grade level from kindergarten through grade 12, the State Board of Education shall adopt essential knowledge and skills that develop each student's civic knowledge, including:

- (1)** an understanding of:
 - (A)** the fundamental moral, political, entrepreneurial, and intellectual foundations of the American experiment in self-government;
 - (B)** the history, qualities, traditions, and features of civic engagement in the United States;
 - (C)** the structure, function, and processes of government institutions at the federal, state, and local levels; and
 - (D)** the founding documents of the United States;

(2) the ability to:

- (A)** analyze and determine the reliability of information sources;
- (B)** formulate and articulate reasoned positions;
- (C)** 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;
- (D)** actively listen and engage in civil discourse, including discourse with those with different viewpoints; and
- (E)** participate as a citizen in a constitutional democracy by voting; and

(3) an appreciation of:

- (A)** the importance and responsibility of participating in civic life;
- (B)** a commitment to the United States and its form of government; and
- (C)** a commitment to free speech and civil discourse.

(h-3)[Repealed.]**(h-4)**[Repealed.]**(h-5)**[Repealed.]

(h-6)In providing instruction regarding the founding documents of the United States as described by Subsection (h-1)(4), a school district or open-enrollment charter school shall use those documents as part of the instructional materials for the instruction.

(h-7)The agency shall ensure that each school district or open-enrollment charter school teaches civics education as part of the district's social studies curriculum in a manner consistent with the essential knowledge and skills adopted under Subsection (h-2).

(h-8)Nothing in Subsection (h-2) or (h-7) may be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under this subchapter.

(i) The State Board of Education shall adopt rules for the implementation of this subchapter. Except as provided by Subsection (j), the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject.

(j) The State Board of Education by rule may require laboratory instruction in secondary science courses and may require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.

(k) The State Board of Education, in consultation with the Department of State Health Services and the Texas Diabetes Council, shall develop a diabetes education program that a school district may use in the health curriculum under Subsection (a)(2)(B).

(l) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a

school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:

- (1) any student who is unable to participate in the required physical activity because of illness or disability; and
- (2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.

(l-1) In adopting rules relating to an activity described by Subsection (l)(2), the commissioner may permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation in the activity.

(l-2) To encourage school districts to promote physical activity for children through classroom curricula for health and physical education, the agency, in consultation with the Department of State Health Services, shall designate nationally recognized health and physical education program guidelines that a school district may use in the health curriculum under Subsection (a)(2)(B) or the physical education curriculum under Subsection (a)(2)(C).

(l-3)

- (1) This subsection may be cited as "Lauren's Law."
- (2) The State Board of Education, the Department of State Health Services, or a school district may not adopt any rule, policy, or program under Subsections (a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:
 - (A) children in the classroom of the child of the parent or grandparent on the occasion of the child's birthday; or
 - (B) children at a school-designated function.

(m) Section 2001.039, Government Code, as added by Chapter 1499, Acts of the 76th Legislature, Regular Session, 1999, does not apply to a rule adopted by the State Board of Education under Subsection (c) or (d).

(n) The State Board of Education may by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technology education curriculum under Subsection (a)(2)(E).

(o) In approving career and technology courses, the State Board of Education must determine that at least 50 percent of the approved courses are cost-effective for a school district to implement.

(p) The State Board of Education, in conjunction with the office of the attorney general, shall develop a parenting and paternity awareness program that a school district shall use in the district's high school health curriculum. A school district may use the program developed under this subsection in the district's middle or junior high school curriculum. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level. The program must:

- (1)** address parenting skills and responsibilities, including child support and other legal rights and responsibilities that come with parenthood;
- (2)** address relationship skills, including money management, communication skills, and marriage preparation; and
- (3)** in district middle, junior high, or high schools that do not have a family violence prevention program, address skills relating to the prevention of family violence.

(p-1)[Blank.]

(p-2)A school district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed under Subsection (p). The programs and curriculum materials may provide instruction in:

- (1)** child development;
- (2)** parenting skills, including child abuse and neglect prevention; and
- (3)** assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.

(p-3)The agency shall evaluate programs and curriculum materials developed under Subsection (p-2) and distribute to other school districts information regarding those programs and materials.

(p-4)A student under 14 years of age may not participate in a program developed under Subsection (p) without the permission of the student's parent or person standing in parental relation to the student.

(q) [Repealed by Acts 2013, 83rd Leg., ch. 211 (H.B. 5), § 78(b)(1), effective September 1, 2014.]

(r) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the science, risk factors, causes, dangers, consequences, signs, symptoms, and treatment of substance abuse, including the use of illegal drugs, abuse of prescription drugs, abuse of alcohol such as by binge drinking or other excessive drinking resulting in alcohol poisoning, inhaling solvents, and other forms of substance abuse. The agency shall compile a list of evidence-based substance abuse awareness programs from which a school district shall choose a program to use in the district's middle school, junior high school, and high school health curriculum. In this subsection,

“evidence-based substance abuse awareness program” means a program, practice, or strategy that has been proven to effectively prevent substance abuse among students, as determined by evaluations that are evidence-based.

(s) In this subsection, “bullying” has the meaning assigned by Section 37.0832 and “harassment” has the meaning assigned by Section 37.001. In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.

(t) The State Board of Education, in consultation with the commissioner of higher education and business and industry leaders, shall develop an advanced language course that a school district may use in the curriculum under Subsection (a)(2)(A) to provide students with instruction in industry-related terminology that prepares students to communicate in a language other than English in a specific professional, business, or industry environment.

(u) [Blank.]

(v) [Blank.]

(w) [Repealed.]

(x) [Blank.]

(y) [Blank.]

(z) The State Board of Education by rule shall require each school district to incorporate instruction in digital citizenship into the district’s curriculum, including information regarding the potential criminal consequences of cyberbullying. In this subsection:

(1) “Cyberbullying” has the meaning assigned by Section 37.0832.

(2) “Digital citizenship” means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

History

Enacted by Acts 1995, 74th Leg., ch. 260 (S.B. 1), § 1, effective May 30, 1995; am. Acts 1997, 75th Leg., ch. 1285 (S.B. 162), art. 4, § 4.02, effective September 1, 1997; am. Acts 2001, 77th Leg., ch. 907 (S.B. 19), § 1, effective June 14, 2001; am. Acts 2001, 77th Leg., ch. 925 (S.B. 467), § 3, effective June 14, 2001; am. Acts 2003, 78th Leg., ch. 61 (H.B. 242), § 2, effective September 1, 2003; am. Acts 2003, 78th Leg., ch. 1264 (S.B. 815), §§ 1, 2, effective September 1, 2003; am. Acts 2003, 78th Leg., ch. 1275 (H.B. 3506), § 2(14), effective September 1, 2003; am. Acts 2005, 79th Leg., ch. 784 (S.B. 42), § 1, effective June 17, 2005; am. Acts 2007, 80th Leg., ch. 254 (H.B. 2176), § 1, effective September 1, 2007; am. Acts 2007, 80th Leg., ch. 856 (H.B. 1287), § 3, effective June 15, 2007; am. Acts 2007, 80th Leg., ch. 1377 (S.B. 530), § 1, effective June 15, 2007; am. Acts 2009, 81st Leg., ch. 529 (S.B. 1344), § 2, effective June 19, 2009; am. Acts 2009, 81st Leg., ch. 773 (S.B. 891), § 1, effective June 19, 2009; am. Acts 2009, 81st Leg., ch. 895 (H.B. 3), § 25, effective June 19, 2009; am. Acts 2009, 81st Leg., ch. 1419 (H.B. 3076), § 1,

effective June 19, 2009; am. Acts 2009, 81st Leg., ch. 1421 (S.B. 1219), § 1, effective June 19, 2009; am. Acts 2011, 82nd Leg., ch. 91 (S.B. 1303), § 27.001(5), effective September 1, 2011; am. Acts 2011, 82nd Leg., ch. 776 (H.B. 1942), § 4, effective June 17, 2011; am. Acts 2011, 82nd Leg., 1st C.S., ch. 6 (S.B. 6), § 13, effective July 19, 2011; am. Acts 2013, 83rd Leg., ch. 211 (H.B. 5), § 8(a), effective June 10, 2013; am. Acts 2013, 83rd Leg., ch. 211 (H.B. 5), § 78(b)(1), effective September 1, 2014; am. Acts 2013, 83rd Leg., ch. 796 (S.B. 1474), § 1, effective June 14, 2013; am. Acts 2013, 83rd Leg., ch. 861 (H.B. 462), § 1, effective June 14, 2013; am. Acts 2013, 83rd Leg., ch. 1026 (H.B. 2662), § 1, effective June 14, 2013; Acts 2015, 84th Leg., ch. 1175 (S.B. 968), § 1, effective June 19, 2015; Acts 2015, 84th Leg., ch. 729 (H.B. 1431), § 1, effective June 17, 2015; Acts 2015, 84th Leg., ch. 89 (H.B. 440), § 1, effective May 23, 2015; Acts 2017, 85th Leg., ch. 1088 (H.B. 3593), § 1, effective June 15, 2017; Acts 2019, 86th Leg., ch. 352 (H.B. 18), §§ 1.07, 4.01(2), effective December 1, 2019; Acts 2019, 86th Leg., ch. 464 (S.B. 11), § 7, effective June 6, 2019; Acts 2019, 86th Leg., ch. 1149 (H.B. 2984), § 1, effective June 14, 2019; 2021, 87th Leg., H.B. 3979, § 1, effective September 1, 2021; Acts 2021, 87th Leg., ch. 1005 (H.B. 4509), § 3, effective June 18, 2021; 2021, 87th Leg., 2nd C.S., S.B. 3, §§ 3, 4, 6, effective December 2, 2021; Acts 2023, 88th Leg., ch. 818 (H.B. 1605), § 7, effective June 13, 2023.