

SUBJECT: Public school elective courses for academic study of the Bible

COMMITTEE: Public Education — committee substitute recommended

VOTE: 6 ayes — Eissler, Zedler, Delisi, Hochberg, Olivo, Patrick
0 nays
3 absent — Branch, Dutton, Mowery

WITNESSES: For — Tammy Berkman; Julie Drenner, Texans for Family Values; Richard Ford, Heritage Alliance; Darci Hill; Grace Barber Jordan, Leander School Board; Robert C. Koons; Jonathan Saenz, Free Market Foundation; Richard G. Scurry Jr., Bible Literacy Project; Marie Wachlin; (*Registered, but did not testify*: MerryLynn Gerstenschlager, Texas Eagle Forum; Pastory Sonny Rice; Lucille Turner)

Against — Joy Author, People for the American Way; Neil Blumofe; Mark Chancey; Paul Colbert, Anti-Defamation League; John Ferguson; Benny Hernandez, American Civil Liberties Union of Texas; Kathy Miller, Texas Freedom Network; Jan Soifer, Jewish Community Association of Austin-JCAA and Community Relations Council of the JCAA; Rev. Emilee Whitehurst

On — Mohammed Elibiary, The Freedom and Justice Foundation; Stephen Reeves, Christian Life Commission

DIGEST: CSHB 1287 would amend Education Code, sec. 28.011 to allow school districts to offer an elective course for students in grades nine or above on the Bible's Hebrew scriptures (Old Testament) and its impact, the New Testament and its impact, or a course combining the two.

The bill also would amend Education Code, sec. 28.002 to add religious literature, including the Hebrew Scriptures (Old Testament) and the New Testament, and their impact on history and literature, to the enrichment curriculum in public schools.

The purpose of the course would be to teach students biblical content, characters, poetry, and narratives that are prerequisites to understanding

contemporary society and culture, including literature, art, music, mores, oratory, and public policy. The course would familiarize students with, as applicable, the contents, history, and literary style of the Hebrew scriptures or New Testament of the Bible, as well as their influence on law, history, government, literature, art, music, customs morals, values, and culture.

A student would not have to use any specific translation of the Bible as the sole text and could use, as the basic textbook, a different translation from that chosen by a school board or the course teacher.

A course teacher would be required 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. A teacher selected to teach the course would be required to complete training designed by the Texas Education Agency (TEA), which would provide:

- expertise in the appropriate Bible course curriculum;
- understanding of applicable U.S. Supreme Court rulings and current constitutional law regarding how Bible courses are to be taught with objectivity as part of a secular program;
- understanding of how to present the Bible in an objective and academic manner that would neither promote nor disparage religion;
- 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 teaching of the course.

TEA would develop and make available training materials and resources in consultation with appropriate faculty members of institutions of higher education.

If, for a particular semester, fewer than 15 students at a campus registered for such a course, the district would not have to offer it in that semester.

A course authorized by the bill would be required to abide by all applicable laws, including any state and federal guidelines in maintaining religious neutrality. A course could not favor or disfavor any particular religion or a nonreligious perspective.

The bill would not prohibit a school board from offering an elective course based on books of a religion other than Christianity, according to local demand for such a course and the impact such books have had on history and culture.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007. Provisions pertaining to school districts would not take effect until the 2009-2010 school year.

**SUPPORTERS
SAY:**

HB 1287 would provide students with biblical knowledge necessary for a full appreciation of other academic subjects. Educators widely agree that the study of the Bible is an important part of a complete education. Knowledge of biblical stories and concepts is necessary to understand fully courses in literature, history, law, and art, which contain allusions to the Bible. According to one estimate, Shakespeare alone has more than 1,300 biblical references. Schools that fail to teach about the Bible put students at a disadvantage educationally and deprive them of knowledge essential to being a well-rounded citizen.

An academic and objective study of the Bible would not offend the First Amendment. As a federal district court has stated, "The First Amendment was never intended to insulate our public institutions from any mention of God, the Bible or religion. When such insulation occurs, another religion, such as secular humanism, is effectively established," *Crockett v. Sorenson*, 568 F. Supp. 1422, 1425 (W.D. Va. 1983). The case emphasizes that, "[bible study] when presented objectively as part of a part of a secular program of education, may...be effected consistently with the First Amendment." The court in the *Crockett* case acknowledged that without some basic understanding of the Bible, one cannot truly appreciate great works such as da Vinci's *Last Supper*, Handel's *Messiah*, or Melville's *Moby Dick*.

The teacher training required under the bill would ensure an objective study of the Bible and not the teaching of religion. All teachers of the course would receive specialized training on instructional approaches to presenting the course material in an objective manner that would respect all faiths and meet constitutional guidelines. TEA also would provide training materials and resources to help teachers manage an objective classroom and avoid the inclusion of devotional content. With religious literature offered as an elective in public schools, students would receive

the benefit of learning about a text foundational to society and culture without any imposition of religious traditions or perspectives.

OPPONENTS
SAY:

The constitutionality of a religious literature course does not ensure its academic quality. Texas lacks what is necessary for providing academic quality in Bible courses in public high schools.

Only serious university study prepares someone to teach English, history, or chemistry, and it should not be different for the Bible and other religious texts. The bill would not require, absent certain course work, that a teacher pass a comprehensive test in the subject, while coursework and testing are required for other subject areas, such as English and biology.

Texas should not authorize high school instruction in a subject for which it does not have adequate resources. Texas public universities consistently have opposed adopting religious departments, unlike other states. At the university level, biblical studies include several ancient languages, archaeology, and the histories and literatures of ancient Near Eastern cultures. True academic study accounts for methods of historical inference, dating of artifacts, and linguistic analysis.

Even with the inclusion of safeguards, the teaching of religious texts in public schools could subject some students to religious views contrary to their own. The Bible is the source of many people's religious faiths. Teachers and students could have a difficult time remaining objective in their focus and interject their religious views in classroom discussion. For this reason, study of the Bible should be kept in church.

NOTES:

The original version of the bill would have required school districts to offer an elective course in history and literature of the Old Testament era and an elective course in history and literature of the New Testament era. It would have required the Bible as the basic textbook for the course.

The substitute would allow school districts to offer an elective course on Hebrew Scriptures (Old Testament) and its impact, an elective course on the New Testament and its impact, or an elective course combining the two. It also added provisions for teaching training and qualifications and requirements for curriculum standards and use of different versions of the Bible as a textbook.