CJ (LOCAL)

In compliance with Texas Education Code (TEC) sections 11.005 and 28.0022, the District has adopted Board Policy CJ (LOCAL). This website is intended to facilitate compliance by providing additional information regarding provisions in Board Policy CJ(LOCAL) that, if violated, may result in termination of a contract with the District.

Prohibition on Diversity, Equity, and Inclusion

Board Policy CJ(LOCAL), under Prohibition on Diversity, Equity, and Inclusion, states:

> A contract is subject to termination if the District contractor intentionally or knowingly:
>
> - Engages in diversity, equity, and inclusion (DEI) duties.
> - Assigns to another individual DEI duties.

TEC section 11.005(c) requires a school district to "adopt a policy and procedure for the appropriate discipline, including termination, of a district employee **or contractor** who intentionally or knowingly engages in or assigns to another person diversity, equity, and inclusion duties." Diversity, equity, and inclusion duties are defined in section 11.005 (a) as:

(1) influencing hiring or employment practices with respect to race, sex, color, or ethnicity except as necessary to comply with state or federal antidiscrimination laws;
(2) promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
(3) developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation except:
    (A) for the purpose of student recruitment efforts by colleges and universities designated as historically black colleges and universities in collaboration with school districts or open-enrollment charter schools; or
    (B) as necessary to comply with state or federal law; and
(4) compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

However, under TEC 11.005(e) this prohibition does not:

1. Limit or prohibit a district from contracting with historically underutilized businesses or businesses owned by members of a minority group or by women in accordance with applicable state law;

2. Limit or prohibit a district from acknowledging or teaching the significance of state and federal holidays or commemorative months and how those holidays or months fit into the themes of history and the stories of this state and the United States of America in accordance with the TEKS adopted under Education Code, Subchapter A, Chapter 28;

3. Affect a student's rights under the First Amendment to the U.S. Constitution or Section 8, Article I, Texas Constitution;

4. Limit or prohibit a school district from analyzing school-based causes and taking steps to eliminate unlawful discriminatory practices as necessary to address achievement gaps and differentials described by Education Code 39.053; or

5. Apply to:

    a. Classroom instruction that is consistent with the TEKS adopted by the State Board of Education;

    b. The collection, monitoring, or reporting of data;

    c. A policy, practice, procedure, program, or activity intended to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity; or

    d. A student club that is in compliance with the requirements of Education Code 33.0815.

Prohibited Classroom Instruction and Activities

Board Policy CJ(LOCAL), under Prohibited Classroom Instruction or Activities, states:

> A District contractor is prohibited from intentionally or knowingly engaging in or assigning to another individual instruction, guidance, activities, or programming prohibited by law.

TEC section 28.0022(h) requires a school district to "adopt a policy and procedure for the appropriate discipline, including termination, of a district or school employee **or contractor** who intentionally or knowingly engages in or assigns to another person an act prohibited by this section." Section 28.0022(a) provides the following prohibitions for any course or subject:

(1) a teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs;
(2) a teacher who chooses to discuss a topic described by Subdivision (1) shall explore that topic objectively and in a manner free from political bias;

(3) a school district, open-enrollment charter school, or teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's:

a. work for, affiliation with, or service learning in association with any organization engaged in:

i. lobbying for legislation at the federal, state, or local level, if the student's duties involve directly or indirectly attempting to influence social or public policy or the outcome of legislation; or

ii. social policy advocacy or public policy advocacy;

b. political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or

c. participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy; and

(4) a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school may not:

a. require or make part of a course inculcation in the concept that:

i. one race or sex is inherently superior to another race or sex;

ii. an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

iii. an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;

iv. an individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;

v. 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;

vi. meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;

vii. the advent of slavery in the territory that is now the United States constituted the true founding of the United States; or

viii. 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;

b. teach, instruct, or train any administrator, teacher, or staff member of a state agency, school district, or open-enrollment charter school to adopt a concept listed under Paragraph (a); or

c. require an understanding of the 1619 Project.

However, under various sections of TEC 28.0022, this prohibition does not:

(b) apply to a student's participation in (1) certain community charitable projects; (2) an internship or practicum provided certain requirements are met; or (3) a program that prepares the student for participation in leadership in this country's democratic process;

(d) support the punishment of a student for reasonably discussing the concepts described in school or during a school-sponsored activity or have a chilling effect on reasonable student discussions involving those concepts in school or during a school-sponsored activity;

(e) limit the teaching of or instruction in the adopted essential knowledge and skills;

(f) create a private cause of action against a teacher, administrator, or other employee of a school district; or,

(g) prohibit a teacher employed by a school district from directing a classroom activity that involves students communicating with an elected official so long as the district, school, or teacher does not influence the content of a student's communication.

Appeal

Any action taken by the District pursuant to the provision of CJ (LOCAL) may be appealed in accordance with GF(LOCAL).

Relevant Board Policies

CJ (LEGAL) – Contains relevant quotes from TEC sections 11.005 and 28.0022.

CJ (LOCAL) – Contains prohibitions that, if violated, may result in termination of a contract with the District

BT (LEGAL) – Contains definition of "diversity, equity, and inclusion duties" along with additional information on prohibited activities and activities not prohibited.

EMB(LEGAL) – Contains information on instructional requirements and prohibitions.

GF (LOCAL) – Contains information on the District's public complaint procedures.