



# State Board of Education

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*By Opinion Committee at 10:12 am, Oct 09, 2025*

October 9, 2025

The Honorable Ken Paxton  
Texas Attorney General  
Attn: Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

**RQ-0621-KP**

Re: The extent of the requirements under Section 28.002(a)(2)(G) to adopt and implement essential knowledge and skills regarding religious literature for and in Texas public schools.

Dear General Paxton:

This letter requests guidance regarding implementation requirements at the state level of Texas Education Code (TEC), Sec. 28.002(a)(2)(G). Clarification of this requirement is of utmost importance to ensure students receive the educational instruction required by the legislature.

The legislature has clearly established that Texas students should be grounded in the founding documents of our nation and, by understanding the noble purpose of our state and nation, students will possess intellectual independence and understanding and become productively functioning citizens in a free enterprise society. See TEC, Sec. 4.001(a), which states "[t]he mission of the public education system of this state is to ensure that all Texas children have access to a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation. That mission is grounded on the conviction that a general diffusion of knowledge is essential for the welfare of this state and for the preservation of the liberties and rights of citizens." TEC, Sec. 4.001(b), provides that "[a] well-balanced and appropriate curriculum will be provided to all students. Through that curriculum, students will be prepared to succeed in a variety of postsecondary activities, including employment and enrollment in institutions of higher education." Section 4.001(b) further states that

Educators shall cultivate in students an informed American patriotism and lead students in a close study of the founding documents of the United States and Texas. The purpose of this objective is to: (1) increase students' knowledge of the deepest and noblest purposes of the United States and Texas; ) guidance students' intellectual independence so that students may become

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thoughtful, informed citizens who have an appreciation for the fundamental democratic principles of our state and national heritage; and (3) guide students toward understanding and productively functioning in a free enterprise society.

#### TEKS REQUIREMENTS WITH REGARD TO RELIGIOUS LITERATURE

One of the pillars of public education established by the legislature is the required curriculum. TEC, Sec. 28.002(a), requires school districts to offer a required curriculum composed of both a foundation and enrichment curriculum. Under TEC, Sec. 28.002(c), the SBOE identifies the essential knowledge and skills of each subject of the required curriculum. These are referred to as the Texas Essential Knowledge and Skills, or TEKS, adopted by the SBOE as rule in Title 19 of the Texas Administrative Code (TAC) in chapters 110 through 128.

As part of the required curriculum in TEC, Sec. 28.002(a)(2)(G), the legislature requires the inclusion in the enrichment curriculum the following: religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.

In addition to TEC, Sec. 28.002(a)(2)(G), the legislature has enacted TEC, Sec. 28.011. This section authorizes an elective course on the Bible's Hebrew scriptures (Old Testament) and New Testament and their impact on the history and literature of Western civilization for grade 6 and above. Per TEC, Sec. 28.011(e), the SBOE must seek constitutional review and approval of the TEKS for this course from the attorney general.

The legislature in 2007, through House Bill 1287, established this requirement for religious literature in the required curriculum. That legislation also enacted TEC, Sec. 28.011. After the bill's passage, an attorney general opinion addressed whether every school must offer the course under TEC, Sec. 28.011. Opinion No. GA-0657 concluded that the legislature did not require every school district to offer the course under TEC, Sec. 28.011.

While the opinion notes the Sec. 28.011 elective course was not required to be offered, the opinion states that "[a] school district must, of course, offer *instruction* in the subject matter described by Subsection 28.002(a)(2)(H)." See page 4 of GA-0657. [At the time of the opinion the religious literature requirement was designated as Subparagraph H which a subsequent legislature redesignated as Subparagraph G.] The opinion also recognizes that a curriculum requirement may be met in various ways including inclusion in other courses. See pages 4-5 of GA-0657.

While GA-0657 removed the confusion of whether a school district must offer the course under Section 28.011, how the requirements of Section 28.002(a)(2)(G) must be implemented by school districts and open-enrollment charter schools remains unclear, in part because the SBOE has never adopted a rule that identified essential knowledge and skills related to religious literature. To clear up confusion and ensure Texas children have access to the instruction required by the legislature, please address the following questions:

1. Is the SBOE required to adopt TEKS to implement TEC, Sec. 28.002(a)(2)(G)?
2. If the answer to question 1 is an affirmative, must the SBOE adopt TEKS that satisfy TEC, Sec. 28.002(a)(2)(G), as a standalone course requirement or may it implement TEKS by other means, including by embedding student expectations that cover TEC, Section 28.002(a)(2)(G), in other subjects such as English language arts or social studies?

Given the importance the legislature has placed on curriculum standards, driving educational outcomes and the legislature's emphasis on religious literature as foundational documents for preparing Texas students, and the SBOE's current deliberations on TEKS for social studies, your guidance is appreciated in this matter. Please contact Mr. Von Byer, Deputy Commissioner and General Counsel, TEA, at (512) 463-9720, if we can be of further assistance.

Sincerely,



Aaron Kinsey  
Chair  
State Board of Education