



TSTA IS NEUTRAL WITH CONCERNS ON SB 1972

*The following is the Texas State Teachers Association's
testimony regarding SB 1972*

The Texas State Teachers Association fully supports laws that make child abuse punishable as a felony under Penal Code Chapter 21, Sexual Offenses, and Penal Code Chapter 43, Public Indecency. We also support every effort to protect children from exposure to harmful material as defined in Sec 43.24 of the Penal Code, and we agree that exposure to such material is deserving of a felony offense and should be grounds for the revocation of a professional license, including an educator certificate.

TSTA has concerns, however, that “harmful material” will be mistaken to include literature with themes related to sexuality and gender identity or literature that centers LGBTQ+ characters or content. Sec. 43.24 of the Penal Code provides a clear definition of “harmful material” that should in no way be conflated with literature that portrays themes, characters or content of this nature. However, we worry that recent grandstanding by some elected officials to decry LGBTQ+ lifestyles as depraved and books thereof as pornographic will send a different signal.

The author’s stated intent reports a desire to protect students from exposure to pornographic library materials. The presence of pornography in schools is made as a statement of fact, but in truth there has been a wide and vocal pushback on that claim. TSTA worries that this stated intent will unfairly threaten educators with criminal charges for maintaining diverse libraries. This inclusive practice not only is not “harmful” according to the word’s definition in code, but has in fact been shown to be beneficial to student learning.

Additionally, we worry that this legislation would result in increased censorship of quality materials in school libraries out of fear of heightened penalty. Students should be encouraged, challenged and supported in their selection of reading materials that are engaging and reflective of differing identities. A weakened curriculum hurts students’ quality education and ability to become engaged citizens, and censored materials deprive students of the opportunities to access ideas, stories and histories that reflect their identities.

TSTA wants to acknowledge the efforts made by the author to protect students from harm, including exposure to pornographic materials. But it is critical that we guard against policies that may unintentionally punish educators unduly or deprive students the right to high quality instructional environments.