

**THE CIVICS ALLIANCE
NATIONAL ASSOCIATION OF SCHOLARS
MODEL CIVICS LEGISLATION**

UNITED STATES HISTORY ACT

Introduction

Most states make provision for teaching one year of United States History in high school. Our model legislation, which mandates a year-long United States History course, ensures that this commitment will not be discarded. We also frame the mandate to ensure that the United States History course teaches a proper American History sequence.

Curriculum Specifics

We have not provided as many details to guide the content of our model United States History course as we did for our model Civics course. We believe that it is more appropriate for state legislators to provide their own list of required topics for inclusion. We make the following general notes:

- 1) The [Massachusetts History and Social Science Curriculum Framework \(2003\)](#) provides an excellent series of United States History standards to guide legislative intent.
- 2) Legislators should ensure that the United States History course focuses on the history of English North American colonies and the United States, with minimal material on the history of the Indian tribes, the Spanish Empire, and England's French and Dutch rivals.
- 3) Legislators should continue to exercise oversight, to ensure that the public schools fulfil legislative intent.

Documents

We have keyed our model bill to include a mandate to study primary-source documents. Good history instruction ought to include study of documents—and it is harder for action civics proponents to subvert a history course that mandates study of documents.

Devotion

A legislature cannot prescribe in detail how a class should be taught, but it can suggest legislative intent as to the general spirit. We include the phrases “study of and devotion to” to suggest the spirit in which the United States History course should be taught.

Forbidding Action Civics

SECTION B repeats much of the language from our Partisanship Out of Civics Act (POCA) that forbids action civics. We also include the Partisanship Out of Civics Act as a separate chapter in our model civics legislation. If a POCA bill has not yet been passed, however, this language is necessary as a way to prevent a required United States History class from providing instruction in action civics.

Forbidding Critical Race Theory

SECTION C repeats much of the language from our Partisanship Out of Civics Act (POCA) that forbids the intellectual components of Critical Race Theory. We also include the Partisanship Out of Civics Act as a separate chapter in our model civics legislation. If a POCA bill has not yet been passed, however, this language is necessary as a way to prevent a required United States History class from promoting Critical Race Theory.

Liberty

Our model bill specifies that schools cannot prevent instruction in or citation of documents because of any religious or cultural references in a writing, document, or record pertaining to this course of instruction.

Localism

Our model bill directs each school district to craft its own United States History curriculum. It also forbids state education departments from providing supplemental readings, textbooks, teacher trainings, lists of instructional resources, and curriculums for the United States History course. Any formally optional resources provided by state education departments will act as informal United States History curricula. We believe that the most reliable version of a state mandate for a United States History course will delegate the mandate to the school districts rather to the state education department.

Accountability

Public schools should be directly accountable to state legislators, not to the state education department. Any power delegated to a state education department to demand accountability will

also give it power to subvert the intent of this bill. We therefore require in **SECTION E** that the state education department transmit annually to state legislators an account of how each school district has put the United States History course into practice—and leave any disciplinary response to the state legislators, not to the state education department. The requirement that schools make their curricula and teacher training public will by itself deter action civics proponents from smuggling their material into a United States History course.

Model Legislative Text

SECTION A:

(1) Beginning in the 20XX-20XX school year, all public schools or charter schools located within this state shall require students to complete a regular year-long course of instruction in United States History in grade nine, ten, eleven, or twelve.

(2) This course shall instruct students in, at a minimum,

(A) the study of and devotion to America’s exceptional and praiseworthy history;

(B) the basic political, diplomatic, and military history of America, which shall include the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the World Wars, the Cold War, the Civil Rights movement, and the September 11 attacks to the present.

(C) the basic history of business and technology in America;

(D) the basic history of the religious and secular aspects of America’s common culture;

(E) primary-source documents that illustrate (B), (C), and (D); and

(E) that American history shall be viewed as factual, not as constructed, shall be viewed as knowable, teachable, and testable, and shall be defined as the creation of a new nation based largely on the universal principles stated in the Declaration of Independence.

(3) Each school district shall craft its own curriculum for this year-long course of instruction in United States History.

SECTION B:

(1) This year-long course of instruction in United States History may not require, make part of such course, or award course grading or credit to, student work for, affiliation with, practicums in, or service learning in association with, any organization engaged in lobbying for legislation at the state or federal level, or in social or public policy advocacy.

(2) This year-long course of instruction in United States History may not require, make part of such course, or award course grading or credit to, lobbying for legislation at the state or federal level, or any practicum, or like activity, involving social or public policy advocacy. (3) This

year-long course of instruction in United States History may not compel any teacher to discuss current events or widely debated and currently controversial issues of public policy or social affairs. (4) Teachers who choose to discuss current events or widely debated and currently controversial issues of public policy or social affairs shall, to the best of their ability, strive to explore such issues from diverse and contending perspectives. (5) No private funding shall be accepted by state agencies or school districts for curriculum development, purchase or choice of curricular materials, teacher training, professional development, or continuing teacher education pertaining to this year-long course of instruction in United States History.

SECTION C:

(1) No teacher shall be compelled by a policy of any state agency, school district, or school administration to affirm a belief in the so-called systemic nature of racism, or like ideas, or in the so-called multiplicity or fluidity of gender identities, or like ideas, against his or her sincerely held religious or philosophical convictions. (2) No state agency, school district, or school shall teach, instruct, or train any administrator, teacher, staff member, or employee to adopt or believe any of the following concepts: (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race; (d) members of one race cannot or should not attempt to treat others without respect to race; (e) an individual's moral standing or worth is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; (h) 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; (i) fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex. (3) No teacher, administrator, or other employee in any state agency, school district, open enrollment charter school, or school administration shall approve for use, make use of, or carry out, standards, curricula, lesson plans, textbooks, instructional materials, or instructional practices that serve to inculcate the following concepts: (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race; (d) members of one race cannot and should not attempt to treat others without respect to race; (e) an individual's moral standing or worth is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a members of a particular race to oppress members of another race; (i) that the advent of slavery in the territory that is now the United States

constituted the true founding of the United States; or (j) that, 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.

SECTION D:

The State Board of Education shall prescribe no list of documents, no supplemental readings, no textbooks, no teacher training, no list of instructional resources, and no curriculum for this year-long course of instruction in United States History.

SECTION E:

The State Board of Education shall report on or before September 1 of each year to the Chairmen of the Education Committees of the Senate and the House of Representatives on the specific United States History curriculum content and teacher training used by each school district to implement this legislation.

SECTION F:

(1) No public school or charter school may permit content-based censorship in this course based on religious or cultural references in a writing, document, or record pertaining to this course of instruction.

(2) No public school or charter school may permit a student to be prevented in this course from, or punished in any way, including a reduction in grade, for, using a religious or cultural reference from a writing, document, or record pertaining to this course of instruction.

SECTION G:

If any provision of this chapter, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this chapter and the application of its provisions to any other person or circumstance shall not be affected thereby.

Existing State Statutes

Connecticut: [CT Gen Stat § 10-18](#) [*Courses in United States history, government and duties and responsibilities of citizenship*]

Florida: [Fla. Stat. § 1003.42](#) [*Required instruction*]; [Fla. Stat. § 1003.4282](#) [*Requirements for a standard high school diploma*]

Georgia: [O.C.G.A. § 20-2-142](#) [*Prescribed courses*]

Illinois: [105 ILCS 5/27-21](#) [*History of United States*]; [105 ILCS 5/27-22](#) [*Required high school courses*]

Indiana: [IC 20-30-5-3](#) [*Protected writings, documents, and records of American history or heritage*]; [IC 20-30-5-4](#)[*System of government; American history*]

Iowa: [Iowa Code § 256.11](#) [*Educational standards*]

Kansas: [K.S.A. 72-3217](#) [*Required courses of instruction; graduation requirements*]

Louisiana: [La.R.S. 17:183.3](#) [*Career major; description; curriculum and graduation requirements*]

Maine: [M.R.S. Title 20-A §4706](#) [*Instruction in American history, Maine studies and Maine Native American history*]; [M.R.S. Title 20-A §4722](#) [*High school diploma standards*]

Maryland: [Md. Code Regs. 13A.03.02.03](#) [*Enrollment and Credit Requirements*]

Massachusetts: [Ma. Gen. Laws, Ch. 71, §2](#) [*Teaching of history and social science; professional development; student-led civic projects; commonwealth civics challenge*]

Michigan: [MCL 380.1278a](#) [*Requirements for high school diploma*]

Missouri: [RSMo 170.011](#) [*Courses in the constitutions, American history and Missouri government, required, penalty — waiver, when — student awards — requirements not applicable to foreign exchange students*]

Nebraska: [Neb. Rev. Stat. § 79-724](#) [*Committee on American civics; created; duties; school board, State Board of Education, and superintendent; duties*]

Nevada: [NV Rev Stat § 389.018](#) [*Designation of core academic subjects; minimum units of credit required in high school; exception; additional subjects to be taught. [Effective July 1, 2022.]*]; [NV Rev Stat § 389.057](#) [*Instruction in American history; exception*]; [NV Rev Stat § 389.077](#) [*Satisfactory completion of courses in American government and American history required for graduation; exception for certain pupils*]

New Hampshire: [NH RSA §189:11](#) [*Instruction in National and State History and Government*]

New Jersey: [N.J. Stat. § 18A:35-1](#) [*2-year course of study in history*]

New Mexico: [NMSA §22-13-1](#) [*Subject areas; minimum instructional areas required; accreditation*]; [NMSA §22-13-1.1](#)[*Graduation requirements*]

North Dakota: [N.D. Cent. Code § 15.1-21-01](#) [*Elementary and middle schools - Required instruction*]; [N.D. Cent. Code § 15.1-21-02](#) [*High schools - Required units*]; [N.D. Cent. Code § 15.1-21-25](#) [*High school graduation - Minimum requirements*]

Ohio: [Ohio Rev. Code Ann. §3313.60](#) [*Prescribed curriculum*]; [Ohio Rev. Code Ann. §3313.603](#) [*Requirements for high school graduation; workforce or college preparatory units*]

Oklahoma: [Okla. Stat. tit. 70, § 11-103](#) [*Courses for instruction - What to include*]; [Okla. Stat. tit. 70, § 11-103.6](#) [*State Board of Education - Adoption of subject matter standards - Option for high school graduation - Adoption and approval of promotional system*]; [Okla. Stat. tit. 70, §](#)

[11-111](#) [*College preparatory curriculum - Parental approval for exemption*]; [Okla. Stat. tit. 70, § 1210.508](#) [*Statewide student assessment system*]

Oregon: [ORS 336.057](#) [*Courses in Constitution and history of United States*]

Pennsylvania: [24 P.S. § 13-1327.1](#) [*Home education program*]; [24 P.S. § 15-1511](#) [*Subjects of instruction; flag code*]; [24 P.S. § 16-1605](#) [*Courses of study*]

South Carolina: [S.C. Code Ann. §59-29-10](#) [*Required subjects*]

Tennessee: [Tenn. Code Ann. § 49-6-1028](#) [*Legislative findings - Public school courses and content to educate children in the United States and Tennessee governments*]; [Tenn. Code Ann. § 49-6-1202](#) [*American history and government*]

Texas: [Texas Education Code §28.002](#) [*Required Curriculum*]; [Texas Education Code §28.0025](#) [*High School Diploma and Certificate; Academic Achievement Record*]

Utah: [Utah Code Ann. § 53G-10-302](#) [*Instruction in American history and government -- Study and posting of American heritage documents*]

Vermont: [Vt. Stat. Ann. tit. 16 § 906](#) [*Course of study*]

Virginia: [Va. Code Ann. § 22.1-200](#) [*Subjects taught in elementary grades*]

Washington: [Rev. Code Wash. § 28A.230.020](#) [*Common school curriculum*]

West Virginia: [W. Va. Code § 18-2-9](#) [*Required course of instruction*]

Wisconsin: [Wi. Stat. § 118.01](#) [*Educational goals and expectations*]