

THE CIVICS ALLIANCE
NATIONAL ASSOCIATION OF SCHOLARS
MODEL CIVICS LEGISLATION

HISTORICAL DOCUMENTS ACT

Introduction

Many states make separate provision for instruction in historical documents, and liberty to use historical documents—above all, liberty to use historical documents that invoke specific religious traditions. We have included provisions in earlier chapters of our model civics legislation which mandate both instruction in historical documents and the liberty to use historical documents. We believe, however, that the state legislators who passed these laws were correct to make specific provision for these principles. Civics instruction requires the use of our historical documents, above all the Declaration of Independence and the Constitution of the United States, and their use should be protected expressly in a separate law. Our model Historical Documents bill provides this express and discrete protection.

Detail

Our model Historical Documents bill provides a lengthy list of documents that must be studied, but does not specify when in high school they should be studied, or in which course. We wish to ensure that students study all these documents, but not to force individual schools to teach them in a particular course.

Level of Study

Some states mandate historical document instruction in elementary school (grades 1-4) or middle school (grades 5-8). Our model Historical Documents Instruction and Liberty bill only mandates historical document instruction in high school (grades 9-12), but we endorse its extension to lower grades, in age-appropriate manner.

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 take and pass courses of instruction in grades 9, 10, 11, or 12 that include the content, history, meaning, significance, and effect of documents including:

- (A) Magna Carta;
- (B) the Mayflower Compact;
- (C) the Massachusetts Body of Liberties;
- (D) the English Bill of Rights and Act of Toleration;
- (E) Thomas Paine's pamphlet entitled "Common Sense";
- (F) the Declaration of Independence;
- (G) the Articles of Confederation;
- (H) the Northwest Ordinance;
- (I) the Constitution of the United States, especially the Bill of Rights;
- (J) the Federalist Papers, especially Essays #10 and #51;
- (K) President George Washington's Farewell Address;
- (L) the Monroe Doctrine;
- (M) the Emancipation Proclamation;
- (N) the Gettysburg Address;
- (O) President Abraham Lincoln's Second Inaugural Address;
- (P) the Constitution of [name of state]; and
- (Q) other such documents important to the history and heritage of the United States and [name of state].

(2) When instruction in the content, history, meaning, significance, and effect of documents mentioned in Subsection 1 includes less than an entire document, the excerpt or portion must include as much material as is reasonably necessary to reflect accurately the sentiment of the entire document.

SECTION B:

(1) Public schools shall adopt, when appropriate to the comprehension of pupils and the course of study, textbooks for social science, history, or civics classes that contain the Declaration of Independence and the Constitution of the United States.

(2) Public schools shall give preference to the adoption, when appropriate to the comprehension of pupils and the course of study, of textbooks for social science, history, or civics classes that include content, history, meaning, significance, and effect of a broad selection of documents listed in Section A.

SECTION C:

(1) No public school or charter school may prohibit any teacher from displaying or providing instruction in a part or whole of any document listed in Section A, when relevant to the course of instruction.

(2) No public school or charter school may prohibit any student from displaying or citing a part or whole of any document listed in Section A, when relevant to the student's assignment.

(3) No public school or charter school may permit content-based censorship in any social science, history, or civics class of religious or cultural references in a writing, document, or record pertaining to the course of instruction.

(4) No public school or charter school may permit a student to be prevented in any social science, history, or civics class 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 the course of instruction.

(5) The documents whose instruction this section authorizes may include religious quotations, references, or illustrations; provided, however, that no instruction seeks to establish or promote religion or to persuade any person to embrace a particular religion, denomination of a religion, or other philosophy.

SECTION D:

Public schools and charter schools shall maintain for student use in the permanent collection of a library, a media center, or an equivalent facility at least one (1) copy of each document listed in Subsection 1 of Section A.

SECTION E:

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

Historical Documents: Instruction

Alabama: [Alabama Code Title 16. Education § 16-6B-2](#) [*High School Curriculum Requirements*]

Arizona: [A.R.S. § 15-710](#) [*Instruction in state and federal constitutions, American institutions and history of Arizona*]

Arkansas: [ACA § 6-16-122](#) [*American heritage*]

California: [Cal Ed Code Div. 2 Part 20 Chap. 4 § 33540](#) [*Instructional Quality Commission [33530 - 33546]*]; [Cal Ed Code Div. 4 Part 28, Chap. 2 § 51220](#) [*Courses of Study, Grades 7 to 12 [51220 - 51230]*]; [Cal Ed Code Div. 4 Part 33 Chap. 1 § 60043](#) [*Requirements, Materials [60040 - 60052]*]

Colorado: [C.R.S. 22-1-104](#) [*Teaching of history, culture, and civil government*]; [C.R.S. 22-1-108](#) [*Federal constitution to be taught*]; [C.R.S. 22-1-109](#) [*Taught at what stages*]; [C.R.S. 22-33-104.5](#) [*Home-based education—legislative declaration—definitions—guidelines*]

Delaware: [14 DE Code § 4101](#) [*Reading of First Amendment of the United States Constitution*]; [14 DE Code § 4103](#) [*Teaching Constitution of the United States, Constitution and government of Delaware and the free enterprise system*]

Florida: [Fla. Stat. § 1003.4156](#) [*General requirements for middle grades promotion*]; [Fla. Stat. § 1003.42](#) [*Required instruction*]; [Fla. Stat. § 1003.421](#) [*Recitation of the Declaration of Independence*]

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

Idaho: [Idaho Code § 33-1602](#) [*United States Constitution — National Flag and Colors — National Anthem — “America” — Citizenship — Civics Test*]

Illinois: [105 ILCS 5/27-3](#) [*Patriotism and principles of representative government - Proper use of flag - Method of voting - Pledge of Allegiance*]

Indiana: [IC 20-30-5-1](#) [*Constitutions*]; [IC 20-30-5-2](#) [*Constitutions; interdisciplinary course*]

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

Kansas: [K.S.A. 72-3217](#) [*Required courses of instruction; graduation requirements*]; [K.S.A. 72-3234](#) [*Same; state board of education; rules and regulations*]

Louisiana: [La. R.S. 17:261](#) [*Constitution of the United States*]; [La. R.S. 17:268](#) [*Declaration of Independence and Federalist Papers*]; [La. R.S. 17:3996](#) [*Charter schools; exemptions; requirements*]

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

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

Minnesota: [Minn. Stat. § 120B.235](#) [*American heritage education*]

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 § 389.054](#) [*Instruction in American government; exception*]; [NV Rev Stat § 389.057](#) [*Instruction in American history; exception*]

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

New Jersey: [N.J. Stat. § 18A:6-3](#) [*Courses in Constitution of United States*]; [N.J. Stat. § 18A:35-2](#) [*Contents of course of study*]

New Mexico: [NMSA §22-13-1.1](#) [*Graduation requirements*]

New York: [NY CLS Title 1, Article 17, § 801](#) [*Courses of instruction in patriotism and citizenship and in certain historic documents*]

North Carolina: [N.C. Gen. Stat. §115C.81.45](#) [*Classes conducted in English; citizenship; and civic literacy*]

North Dakota: [N.D. Cent. Code § 15.1-21-01](#) [*Elementary and middle schools - Required instruction*]; [N.D. Cent. Code § 15.1-21-22](#) [*Required reading of historical documents*]

Ohio: [Ohio Rev. Code Ann. §3313.60](#) [*Prescribed curriculum*]

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, § 24-152](#) [*Veterans Day and Celebrate Freedom Week in public schools - Instruction on Declaration of Independence and U.S. Constitution*]

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

Pennsylvania: [24 P.S. § 16-1605](#) [*Courses of study*]

South Carolina: [S.C. Code Ann. §59-29-10](#) [*Required subjects*]; [S.C. Code Ann. §59-29-120](#) [*Study of United States Constitution requisite for graduation; attendance at veteran's activities*]; [S.C. Code Ann. §59-29-130](#) [*Duration of instruction in essentials of United States Constitution*]; [S.C. Code Ann. §59-29-150](#) [*Willful noncompliance with requirements for program of study of United States Constitution as cause for dismissal*]; [S.C. Code Ann. §59-29-155](#); [*Founding principles instruction required; reporting requirements; professional development*]

South Dakota: [SDCL 13-33-4](#) [*Instruction on United States and state Constitutions required--Years when given*]

Tennessee: [Tenn. Code Ann. § 49-6-1011](#) [*Historical documents, writings and records - Use in classrooms - Censorship prohibited*]; [Tenn. Code Ann. § 49-6-1014](#) [*Celebrate Freedom Week*]; [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. § 49-6-1203](#) [*Federal and state constitutions*]

Texas: [Texas Education Code §28.002](#) [*Required Curriculum*]

Utah: [Utah Code Ann. § 53G-10-204](#) [*Civic and character education -- Definitions -- Legislative finding -- Elements -- Reporting requirements*]; [Utah Code Ann. § 53G-10-302](#) [*Instruction in American history and government -- Study and posting of American heritage documents*]

Virginia: [Va. Code Ann. § 22.1-201](#) [*Study of documents of Virginia history and United States Constitution*]

Washington: [Rev. Code Wash. § 28A.230.170](#) [*Study of constitutions compulsory—Rules*]

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

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

Wyoming: [Wyo. Stat. Ann. § 21-9-101](#) [*Educational programs for schools; standards; core of knowledge and skills; special needs programs; class size requirements; cocurricular activities*]; [Wyo. Stat. Ann. § 21-9-102](#) [*Instruction in state and federal constitutions required; satisfactory examination a prerequisite to graduation*]

Historical Documents: Liberty

Arizona: [A.R.S. § 15-717](#) [*American history and heritage*]

Arkansas: [ACA § 6-16-122](#) [*American heritage*]

Florida: [Fla. Stat. § 1003.44](#) [*Patriotic programs; rules*]

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

Kentucky: [KRS § 158.195](#) [*Display of national motto in public elementary and secondary schools -- Reading and posting in public schools of texts and documents on American history and heritage*]

Minnesota: [Minn. Stat. § 120B.235](#) [*American heritage education*]

North Carolina: [N.C. Gen. Stat. § 115C-47](#) [*Powers and duties generally*]

Oklahoma: [Okla. Stat. tit. 70, § 24-106.1](#) [*Classroom display – Motto of the United States of America – Classroom use of founding documents*]

Tennessee: [Tenn. Code Ann. § 49-6-1011](#) [*Historical documents, writings and records - Use in classrooms - Censorship prohibited*]