

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

CIVICS COURSE ACT

Introduction

Existing state legislation often mandates instruction in either “Civics” or “American Government.” Our mandated year-long Civics course corresponds to instruction under either name.

Many states already mandate Civics instruction, but only one semester. Our model bill includes instruction in the intellectual sources of America’s founding documents, as well as in the structure, function, and processes of government institutions at the state and local levels. This provides more than enough material for a year-long Civics course.

Curriculum Specifics

Legislative language should be simple and brief. Moreover, in an ideal world a legislature could delegate the details of a civics curriculum to state education departments and individual teachers. Yet given the reality that large numbers of education administrators will subvert legislative intent if they are given the chance, there traditional civics proponents may also want to include as many curriculum details as possible in a civics law, to ensure that schools teach the specified material. Moreover, the more required material, the less room there is for action civics proponents to insert their own material.

Our solution to the conflicting imperatives of simplicity and detail has been to provide a simple definition of the civics course’s required curriculum in **SECTION A**, and to provide detailed catalogues of what that curriculum should include in our **DEFINITIONS**. We believe our Definitions provide a good sense of what a civics curriculum should include, but we provide them as suggestions to policymakers. We expect that each state would provide its own Definitions, with its own list of precise items to be studied.

Documents

We have keyed our model bill to include substantial mandates to study *documents*. Good civics instruction ought to include study of our foundational documents—and it is harder for action civics proponents to subvert a civics course that mandates study of documents.

Military Virtues

Our model bill includes a requirement to study the progress of the American Revolution. Its list of civic virtues include the military virtues of courage and endurance. Its list of famous Americans includes notable generals, such as George Washington, Ulysses S. Grant, and George Marshall. A civics course should remind students that America needed brave fighting men to establish a free republic and needs them still to maintain it.

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 civics 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 civics 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 civics 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 civics curriculum. It also forbids state education departments from providing supplemental readings, textbooks, teacher trainings, lists

of instructional resources, and curriculums for the civics course. Any formally optional resources provided by state education departments will act as informal civics curricula. We believe that the most reliable version of a state mandate for a civics 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 civics 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 civics 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 civics in grade nine, ten, eleven, or twelve.

(2) This course shall instruct students in, at a minimum, study of and devotion to,

(A) the intellectual sources of the United States' founding documents;

(B) the political and military narrative of the causes and progress of the American Revolution;

(C) the United States' founding documents and their original intent;

(D) the Constitution of the United States, with emphasis on the Bill of Rights, and the Constitution of [state name];

(E) the basic principles of the United States' republican form of government;

(F) the historical development of the United States' republican form of government;

(G) the structure, function, and processes of government institutions at the federal, state, and local levels; and

(H) civic virtues exemplified in the lives of famous Americans.

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

SECTION B:

(1) This year-long course of instruction in civics 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 civics 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 civics 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 civics.

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 civics.

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 civic literacy 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.

DEFINITIONS:

- 1) “Intellectual sources of the United States’ founding documents” means historical sources including documents that illustrate the Greek, Hebrew, and Roman exemplars of liberty and republican government; the Christian synthesis of Greek, Hebrew, and Roman thought that emphasized the equal dignity of all individual humans in the eyes of God; the medieval English inheritance of common law, jury, local self-government, liberty, and representative government; the early modern English inheritance of Christian liberty, republicanism, militia, accountable government, mixed government, parliamentary sovereignty, freedom of the press, and the English Bill of Rights and Toleration Act; the colonial American inheritance of Christian liberty, self-government, and local government; and the Enlightenment theories of Locke, Montesquieu, Smith, and their contemporaries that universalized the European traditions of liberty.
- 2) “Political and military narrative of the causes and progress of the American Revolution” means events including the French and Indian War, colonial American debates about and resistance to increased British regulation and taxation, the Boston Massacre (including the roles of John Adams and Crispus Attucks), the Boston Tea Party, the military occupation of Boston, the Intolerable Acts, the preparation of the colonists for armed conflict; Patrick Henry’s ‘Liberty or Death’ speech; the proceedings of the First and Second Continental Congresses; the Battles of Lexington and Concord; the capture of Fort Ticonderoga and the Noble Train of Artillery; the Siege of Boston and the Battle of Bunker Hill; the loss of New York City; the victories at Trenton and Princeton; the victory at Saratoga; the training and reorganization of the army at Valley Forge; Benjamin Franklin’s diplomacy and the French alliance; the Battle of Monmouth; Benedict Arnold’s attempted treason; successful American resistance to British efforts to crush the Revolution in the South, the Yorktown campaign, the disbanding of the Continental Army, the Treaty of Peace, and Washington's resignation.
- 3) “United States’ founding documents” means texts including the Mayflower Compact, Thomas Paine’s *Common Sense*, Declaration of Independence, the Articles of Confederation, the Pennsylvania Act for the Gradual Abolition of Slavery, the Virginia Statute of Religious Freedom, the Northwest Ordinance, the United States Constitution, the Federalist Papers (including but not limited to Essays 10 and 51), George Washington’s Farewell Address, excerpts from Alexis de Tocqueville’s *Democracy in America*, the first Lincoln-Douglas debate, the Emancipation Proclamation, and the writings of the Founding Fathers of the United States.
- 4) “Basic principles of the United States’ republican form of government” means institutions and principles including balance of power, consent of the governed, the Electoral College, federalism, individual liberties, popular sovereignty, representative government, rule of law, and separation of powers.

- 5) “Historical development of the United States’ republican form of government” means events including the federalist and antifederalist debates, the rise of Jacksonian democracy, the causes and the constitutional consequences of the Civil War, the thirteen, fourteenth, and fifteenth Amendments, the rise of the New Deal administrative state, and supreme court cases including *Marbury v. Madison*, *McCulloch v. Maryland*, *Dred Scott v. Sandford*, *Pembina Consolidated Silver Mining Co. v. Pennsylvania*, *Plessy v. Ferguson*, and *Brown v. Board of Education*.
- 6) “Civic virtues” means virtues including ambition, charity, cheerfulness, courage, curiosity, endurance, faith, forbearance, gratitude, hardiness, industry, initiative, patience, pluck, prudence, responsibility, self-control, self-reliance, temperance, thrift, and tolerance.
- 7) “Famous Americans” means individuals including George Washington, Benjamin Franklin, Alexander Hamilton, Abigail Adams, Thomas Jefferson, Andrew Jackson, Frederick Douglass, Susan B. Anthony, Abraham Lincoln, Ulysses S. Grant, Thomas Edison, Andrew Carnegie, Walter Reed, Theodore Roosevelt, Jackie Robinson, George Marshall, Martin Luther King, Jr., Richard Feynman, and Neil Armstrong.

Existing State Statutes

Arkansas: [A.C.A. § 6-15-1003](#) [*Academically competent students*]

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 § 51225.3](#) [*Courses of Study, Grades 7 to 12 [51220 - 51230]*]

Colorado: [C.R.S. 22-1-104](#) [*Teaching of history, culture, and civil government*]; [C.R.S. 22-7-1005](#) [*Preschool through elementary and secondary education - aligned standards - adoption – revisions*]; [C.R.S. 22-33-104.5](#) [*Home-based education—legislative declaration—definitions—guidelines*]

Connecticut: [CT Gen Stat § 10-16b](#) [*Prescribed courses of study*]; [CT Gen Stat § 10-18](#) [*Courses in United States history, government and duties and responsibilities of citizenship*]; [CT Gen Stat § 10-221a](#) [*High school graduation requirements*]

District of Columbia: [Rule 5-A2203.3](#) [*Academic Requirements*]

Florida: [Fla. Stat. § 1003.41](#) [*Next Generation Sunshine State Standards*]; [Fla. Stat. § 1003.4156](#) [*General requirements for middle grades promotion*]; [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*]

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

Illinois: [105 ILCS 5/27-3.10](#) [*Elementary school civics course of study*]; [105 ILCS 5/27-22](#) [*Required high school courses*]

Indiana: [IC 20-19-2-14.7](#) [*Civics education standards*]; [IC 20-30-5-7.3](#) [*Civics education course*]

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

Kansas: [K.S.A. 72-3214](#) [*Required subjects in elementary schools*]; [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*]; [La. R.S. 17:274.1](#) [*Civics and Free Enterprise; required; exceptions*]; [La. R.S. 17:3996](#) [*Charter schools; exemptions; requirements*]

Maine: [M.R.S. Title 20-A §4722](#) [*High school diploma standards*]

Maryland: [Md. Code Regs. 13A.03.02.03](#) [*Enrollment and Credit Requirements*]; [Md. Code Regs. 13A.03.02.06](#) [*Maryland High School Assessments*]; [Md. Code Regs. 13A.04.08.01](#) [*Requirements for Social Studies Instructional Programs for Grades Prekindergarten - 12*]

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

Michigan: [MCL 380.1166](#) [*Constitution and government; civics; mandatory courses; commencement of instruction; exception; revision of state curriculum content standards for high school social studies; definition*]; [MCL 380.1278a](#) [*Requirements for high school diploma*]

Minnesota: [Minn. Stat. § 120A.22](#) [*Compulsory instruction*]; [Minn. Stat. § 120B.021](#) [*Required academic standards*]

Missouri: [RSMo 160.257](#) [*Pupil testing for competency in certain subjects — each school district to establish — department of elementary and secondary education, duties, limitations*]; [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*]; [RSMo 170.350](#) [*Constitution Project of the Missouri Supreme Court, participation in, effect of*]

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 § 389.054](#) [*Instruction in American government; exception*]; [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- 2 .1](#) [*Civics curriculum guidelines*]; [N.J. Stat. § 18A:35-3](#) [*Course in civics, geography and history of New Jersey*]

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-12](#) [*Powers and duties of the Board generally*]; [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 § 15.1-21-02](#) [*High schools - Required units*]; [N.D. Cent. Code § 15.1-21-02.2](#) [*High school graduation - Minimum requirements*]; [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*]

Oregon: [ORS 329.451](#) [*High school diploma; modified diploma; extended diploma; alternative certificate; grade level advancement*]; [ORS 329.485](#) [*Statewide assessment system*]

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

Rhode Island: [R.I. Gen. Laws § 16-22-2](#) [*Civics education*]

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

Texas: [Texas Education Code §28.002](#) [*Required Curriculum*]; [Texas Education Code §28.0025](#) [*High School Diploma and Certificate; Academic Achievement Record*]; [Texas Government Code, Title 4, Subtitle D, Chapter 451](#) [*Texas 1836 Project*]

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.230.094](#) [*High school civics course*]; [Rev. Code Wash. § 28A.230.095](#) [*Essential academic learning requirements and assessments—Verification reports*]

West Virginia: [W. Va. Code § 18-2-8b](#) [*West Virginia Remembers Program; rulemaking*]; [W. Va. Code § 18-2-9](#) [*Required course of instruction*]

Wisconsin: [Wi. Stat. sec. 118.33](#) [*High school graduation standards; criteria for promotion*]

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*]