

## **Model Legislation, Civics Course Act**

### **The Civics Alliance**

### **National Association of Scholars**

### **School Districts Should Determine Civics Curricula**

### **Require Civics Courses Only in the Right Circumstances**

Action civics proponents are pushing for civics courses around the nation, because they are confident that civics courses can be seized to support progressive politics and action civics. They are right to be confident, since education department administrators in the states frequently sympathize with their ambitions. Advocates of traditional civics must be careful about whether to push for a required civics course, since a loosely worded law might end up supporting action civics. In many circumstances, traditional civics proponents should prefer local decisions about civics courses to any state-mandated civics course.

### **Require Civics Course Using Carefully Worded Bills**

In many other circumstances, however, traditional civics proponents will prefer to push for a required civics course. Certainly, if there will be a state-mandated civics course, it should be crafted so as to teach traditional civics and to avoid capture by action civics. We have drafted our model bill with that goal in mind. We have also drafted our bill so as to encourage flexibility in its precise curricular requirements. We do not want a standard civics curriculum throughout the fifty states, but would rather that each state and each school district chose its own civics curriculum.

## **Model Legislation: The Civics Course Act**

The Civics Course Act (CCA) incorporates the following principles:

### *Localism*

The CCA 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.

### *Documents*

We have keyed the CCA 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.

### *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

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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.

The CCA’s 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.

### *Military Virtues*

The CCA 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. CCA includes 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). If a POCA bill has not yet been passed, this language is necessary as a way to prevent a required civics class from being turned into an action civics class.

### *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.

### *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 D** 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.

### CCA Text: Standard Model

WHEREAS, each generation of American leaders has recognized that informing the next generation of Americans in basic civics and ensuring American students understand basic facts

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about the United States government and its creation and the nation's history is vital to the survival of the Republic; and

WHEREAS, students should not only be expected to have a basic understanding of the principles upon which the nation was founded, they deserve to be armed with that information in their adult lives as they vote for representatives who will make critical decisions about the future of the nation, [state name], and its local communities and as they take on the role of active and engaged citizens; and

WHEREAS, according to the National Assessment of Educational Progress, only twenty-four percent of United States high school students are proficient in civics, and studies by the Annenberg Public Policy Center show that a third of United States citizens cannot name even one branch of the federal government; and

WHEREAS, numerous studies and surveys confirm that young Americans are not proficient in the basics of United States civics, history, and geography; now, therefore,

### **BE IT ENACTED:**

#### **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.

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(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

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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:**

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.

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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.

## Select Recent Bills Proposed

We do not recommend these bills. We list them to give a sense of the substance and legislative language of a variety of recent bills establishing civics curricula.

Florida: [Senate Bill 1450 \(2021\)](#)

Maine: [House Bill 1186 \(2021-2022\)](#)

Mississippi: [House Bill 1120 \(2021\)](#)

Mississippi: [Senate Bill 2663 \(2021\)](#)

Mississippi: [Senate Bill 2686 \(2021\)](#)

Missouri: [House Bill 284 \(2021\)](#)

Nevada: [Assembly Bill 22 \(2021\)](#)

North Dakota: [Senate Concurrent Resolution 4011 \(2021-2022\)](#)

Oklahoma: [House Bill 2084 \(2021\)](#)

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Oklahoma: [Senate Bill 503 \(2021\)](#)

South Carolina: [House Bill 3002 \(2021-2022\)](#)

South Carolina: [Senate Bill 38](#)

Texas: [House Bill 3979 \(2021-2022\)](#)

Texas: [House Bill 4509 \(2021-2022\)](#)

West Virginia: [House Bill 2555 \(2021\)](#)

West Virginia: [House Bill 3305 \(2021\)](#)

Wyoming: [House Bill 177 \(2021\)](#)

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