

1                   **RELIGIOUS FREEDOM INSTRUCTION REQUIREMENTS**

2                                   2014 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Stuart C. Reid**

5                           House Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **General Description:**

9           This bill provides for instruction in American history to include a study of religious  
10 freedom.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ requires instruction in American history in public schools to include a study of  
14 religious freedom granted by the Establishment Clause and the Free Exercise Clause  
15 of the First Amendment to the United States Constitution;

16           ▶ requires a higher education student to demonstrate a knowledge of religious  
17 freedom granted by the Establishment Clause and the Free Exercise Clause of the  
18 First Amendment to the United States Constitution, prior to receiving a bachelor's  
19 degree or teaching credential; and

20           ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 AMENDS:

27           **53A-13-101.4**, as last amended by Laws of Utah 2011, Chapter 298



28 **53B-16-103**, as last amended by Laws of Utah 1988, Chapter 137



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **53A-13-101.4** is amended to read:

32 **53A-13-101.4. Instruction in American history and government -- Study and**  
33 **posting of American heritage documents.**

34 (1) The Legislature recognizes that a proper understanding of American history and  
35 government is essential to good citizenship, and that the public schools are the primary public  
36 institutions charged with responsibility for assisting children and youth in gaining that  
37 understanding.

38 (2) (a) The State Board of Education and local school boards shall periodically review  
39 school curricula and activities to ensure that effective instruction in American history and  
40 government is taking place in the public schools.

41 (b) The boards shall solicit public input as part of the review process.

42 (c) Instruction in American history and government shall include a study of:

43 (i) forms of government, such as a republic, a pure democracy, a monarchy, and an  
44 oligarchy;

45 (ii) political philosophies and economic systems, such as socialism, individualism, and  
46 free market capitalism; [~~and~~]

47 (iii) the United States' form of government, a compound constitutional republic[-]; and

48 (iv) religious freedom granted by the Establishment Clause and the Free Exercise  
49 Clause of the First Amendment to the United States Constitution.

50 (3) School curricula and activities shall include a thorough study of historical  
51 documents such as:

52 (a) the Declaration of Independence;

53 (b) the United States Constitution;

54 (c) the national motto;

55 (d) the pledge of allegiance;

56 (e) the national anthem;

57 (f) the Mayflower Compact;

58 (g) the writings, speeches, documents, and proclamations of the Founders and the

59 Presidents of the United States;

60 (h) organic documents from the pre-Colonial, Colonial, Revolutionary, Federalist, and  
61 post Federalist eras;

62 (i) United States Supreme Court decisions;

63 (j) Acts of the United States Congress, including the published text of the  
64 Congressional Record; and

65 (k) United States treaties.

66 (4) To increase student understanding of, and familiarity with, American historical  
67 documents, public schools may display historically important excerpts from, or copies of, those  
68 documents in school classrooms and common areas as appropriate.

69 (5) There shall be no content-based censorship of American history and heritage  
70 documents referred to in this section due to their religious or cultural nature.

71 (6) Public schools shall display "In God we trust," which is declared in 36 U.S.C. 302  
72 to be the national motto of the United States, in one or more prominent places within each  
73 school building.

74 Section 2. Section **53B-16-103** is amended to read:

75 **53B-16-103. Granting of degrees, diplomas, or certification -- Board approval --**  
76 **Termination of previous approval.**

77 (1) (a) An institution of higher education may not issue a degree, diploma, or certificate  
78 unless it first receives approval from the board of the adequacy of the study for which the  
79 degree, diploma, or certificate is offered.

80 (b) A student shall demonstrate a reasonable understanding of the history, principles,  
81 form of government, and economic system of the United States, including religious freedom  
82 granted by the Establishment Clause and the Free Exercise Clause of the First Amendment to  
83 the United States Constitution, prior to receiving a bachelor's degree or teaching credential.

84 (2) Degrees, diplomas, and certificates issued prior to the effective date of this chapter  
85 do not require board approval.

86 (3) The board may terminate the granting of previously approved degrees, diplomas,  
87 and certificates if they are inconsistent with the role prescribed by the board for the affected  
88 institution.

**Legislative Review Note**  
**as of 1-27-14 2:09 PM**

**Office of Legislative Research and General Counsel**