

1   **CIVIC AND CHARACTER EDUCATION IN**  
2   **SCHOOLS**

3   2004 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: LaVar Christensen**

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7 **LONG TITLE**

8 **General Description:**

9           This bill provides legislative recognition that Civic and Character Education are  
10 fundamental elements of the public education system's core mission and constitutional  
11 responsibility and are required to be included in the curriculum of the public education  
12 system.

13 **Highlighted Provisions:**

14           This bill:

- 15           ▶ provides definitions;
- 16           ▶ provides legislative recognition of the fundamental civic purpose and constitutional  
17 responsibility of public education;
- 18           ▶ requires Civic and Character Education to be:
- 19               • included in the social studies curriculum of kindergarten through grade 12; and
- 20               • universally taught in connection with regular school work;
- 21           ▶ consolidates requirements for the teaching of Civic and Character Education; and
- 22           ▶ specifies the shared values to be taught and role modeled, and the materials and  
23 methods for Civic and Character Education programs.

24 **Monies Appropriated in this Bill:**

25           None

26 **Other Special Clauses:**

27           None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53A-13-101**, as last amended by Chapter 299, Laws of Utah 2002

31 ENACTS:

32 **53A-13-109**, Utah Code Annotated 1953



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

35 Section 1. Section **53A-13-101** is amended to read:

36 **53A-13-101. Instruction in health -- Parental consent requirements -- Conduct**  
37 **and speech of school employees and volunteers -- Political and religious doctrine**  
38 **prohibited.**

39 (1) (a) The State Board of Education shall establish curriculum requirements under  
40 Section 53A-1-402, that include instruction in:

- 41 (i) community and personal health;
- 42 (ii) physiology;
- 43 (iii) personal hygiene; and
- 44 (iv) prevention of communicable disease.

45 (b) (i) That instruction shall stress:

- 46 (A) the importance of abstinence from all sexual activity before marriage and fidelity
- 47 after marriage as methods for preventing certain communicable diseases; and
- 48 (B) personal skills that encourage individual choice of abstinence and fidelity.

49 (ii) (A) At no time may instruction be provided, including responses to spontaneous  
50 questions raised by students, regarding any means or methods that facilitate or encourage the  
51 violation of any state or federal criminal law by a minor or an adult.

52 (B) Subsection (1)(b)(ii)(A) does not preclude an instructor from responding to a  
53 spontaneous question as long as the response is consistent with the provisions of this section.

54 (c) (i) The board shall recommend instructional materials for use in the curricula  
55 required under Subsection (1)(a) after considering evaluations of instructional materials by the  
56 State Instructional Materials Commission.

57 (ii) A local school board may choose to adopt:

- 58 (A) the instructional materials recommended under Subsection (1)(c)(i); or

59 (B) other instructional materials as provided in state board rule.

60 (iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a  
61 minimum:

62 (A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B)  
63 shall be based upon recommendations of the school district's Curriculum Materials Review  
64 Committee that comply with state law and state board rules emphasizing abstinence before  
65 marriage and fidelity after marriage, and prohibiting instruction in:

66 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;

67 (II) the advocacy of homosexuality;

68 (III) the advocacy or encouragement of the use of contraceptive methods or devices; or

69 (IV) the advocacy of sexual activity outside of marriage;

70 (B) that the adoption of instructional materials shall take place in an open and regular  
71 meeting of the local school board for which prior notice is given to parents and guardians of  
72 students attending schools in the district and an opportunity for them to express their views and  
73 opinions on the materials at the meeting;

74 (C) provision for an appeal and review process of the local school board's decision; and

75 (D) provision for a report by the local school board to the State Board of Education of  
76 the action taken and the materials adopted by the local school board under Subsections  
77 (1)(c)(ii)(B) and (1)(c)(iii).

78 (2) (a) Instruction in the courses described in Subsection (1) shall be consistent and  
79 systematic in grades eight through 12.

80 (b) At the request of the board, the Department of Health shall cooperate with the board  
81 in developing programs to provide instruction in those areas.

82 (3) (a) The board shall adopt rules that:

83 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323  
84 are complied with; and

85 (ii) require a student's parent or legal guardian to be notified in advance and have an  
86 opportunity to review the information for which parental consent is required under Sections  
87 76-7-322 and 76-7-323.

88 (b) The board shall also provide procedures for disciplinary action for violation of  
89 Section 76-7-322 or 76-7-323.

90           ~~[(4) Honesty, temperance, morality, courtesy, obedience to law, respect for and an~~  
91 ~~understanding of the Declaration of Independence and the Constitutions of the United States~~  
92 ~~and the state of Utah, Utah history including territorial and preterritorial development to the~~  
93 ~~present, the essentials and benefits of the free enterprise system, respect for parents and home,~~  
94 ~~and the dignity and necessity of honest labor and other skills, habits, and qualities of character~~  
95 ~~which will promote an upright and desirable citizenry and better prepare students for a richer,~~  
96 ~~happier life shall be taught in connection with regular school work.]~~

97           ~~[(5)]~~ (4) (a) In keeping with the requirements of ~~[Subsection (4)]~~ Section 53A-13-109,  
98 and because school employees and volunteers serve as examples to their students, school  
99 employees or volunteers acting in their official capacities may not support or encourage  
100 criminal conduct by students, teachers, or volunteers.

101           (b) To ensure the effective performance of school personnel, the limitations described  
102 in Subsection ~~[(5)]~~ (4)(a) also apply to school employees or volunteers acting outside of their  
103 official capacities if:

104           (i) they knew or should have known that their action could result in a material and  
105 substantial interference or disruption in the normal activities of the school; and

106           (ii) that action does result in a material and substantial interference or disruption in the  
107 normal activities of the school.

108           (c) Neither the State Office of Education nor local school districts may provide training  
109 of school employees or volunteers that supports or encourages criminal conduct.

110           (d) The State Board of Education shall adopt rules implementing this section.

111           (e) Nothing in this section limits the ability or authority of the State Board of  
112 Education and local school boards to enact and enforce rules or take actions that are otherwise  
113 lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing  
114 unfitness for duty.

115           ~~[(6)]~~ (5) Except as provided in Section 53A-13-101.1, political, atheistic, sectarian,  
116 religious, or denominational doctrine may not be taught in the public schools.

117           ~~[(7)]~~ (6) (a) Local school boards and their employees shall cooperate and share  
118 responsibility in carrying out the purposes of this chapter.

119           (b) Each school district shall provide appropriate inservice training for its teachers,  
120 counselors, and school administrators to enable them to understand, protect, and properly

121 instruct students in the values and character traits referred to in this section and Sections  
 122 53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-109, 53A-13-301, and 53A-13-302 and  
 123 distribute appropriate written materials on the values, character traits, and conduct to each  
 124 individual receiving the inservice training.

125 (c) The written materials shall also be made available to classified employees, students,  
 126 and parents and guardians of students.

127 (d) In order to assist school districts in providing the inservice training required under  
 128 Subsection [~~(7)~~] (6)(b), the State Board of Education shall as appropriate, contract with a  
 129 qualified individual or entity possessing expertise in the areas referred to in Subsection [~~(7)~~]  
 130 (6)(b) to develop and disseminate model teacher inservice programs which districts may use to  
 131 train the individuals referred to in Subsection [~~(7)~~] (6)(b) to effectively teach the values and  
 132 qualities of character referenced in that subsection.

133 (e) In accordance with the provisions of Subsection [~~(5)~~] (4)(c), inservice training may  
 134 not support or encourage criminal conduct.

135 [~~(8)~~] (7) If any one or more provision, subsection, sentence, clause, phrase, or word of  
 136 this section, or the application thereof to any person or circumstance, is found to be  
 137 unconstitutional, the balance of this section shall be given effect without the invalid provision,  
 138 subsection, sentence, clause, phrase, or word.

139 Section 2. Section **53A-13-109** is enacted to read:

140 **53A-13-109. Civic and Character Education -- Definitions -- Legislative finding --**  
 141 **Elements -- Requirements.**

142 (1) As used in this section:

143 (a) "Character Education" means the systematic effort to help students identify,  
 144 acquire, and act upon personal and basic societal principles, values, and human needs.

145 "Character Education" includes teaching established values and qualities of character which  
 146 promote an upright and desirable citizenry.

147 (b) "Civic Education" means the cultivation of informed, responsible participation in  
 148 political life by competent citizens committed to the fundamental values and principles of  
 149 American constitutional democracy.

150 (c) "Value judgments" means judgments which rate things with respect to their worth.

151 (d) "Values" means established principles or standards of worth.

152           (2) The Legislature recognizes that:

153           (a) Civic and Character Education are fundamental elements of the public education  
154 system's core mission as originally intended and established under Article X of the Utah  
155 Constitution;

156           (b) Civic and Character Education are fundamental elements of the constitutional  
157 responsibility of public education and shall be included in the curriculum of the public  
158 education system;

159           (c) Civic and Character Education shall be a continuing emphasis and focus in public  
160 schools;

161           (d) the cultivation of a continuing understanding and appreciation of representative  
162 democracy in Utah and the United States among succeeding generations of educated and  
163 responsible citizens relies upon successful adherence to and implementation of the provisions  
164 in this section; and

165           (e) the primary responsibility for the education of children within the state resides with  
166 their parents or guardians and that the role of state and local governments is to support and  
167 assist parents in fulfilling that responsibility.

168           (3) (a) The State Board of Education shall establish curriculum requirements under  
169 Section 53A-1-402 that include Civic and Character Education, consistent with the provisions  
170 of this section.

171           (b) Civic and Character Education shall be:

172           (i) included and primarily taught in the social studies curriculum of kindergarten  
173 through grade 12; and

174           (ii) a universal responsibility among all teachers.

175           (4) In accordance with Sections 53A-13-101.4 and 53A-13-101.6, students shall be  
176 taught in all courses in connection with regular school work and each school shall provide the  
177 setting and opportunities to teach by precept, example, and role modeling the following values:

178           (a) uphold the principles, rights, freedoms, and responsibilities embodied in the  
179 founding history and documents, including the Declaration of Independence and the  
180 Constitutions of the United States and of the state of Utah;

181           (b) the history and founding principles of the United States, including the flag and the  
182 pledge of allegiance to the flag of the United States of America;

183 (c) assume the commensurate personal and societal responsibilities which assure the  
184 preservation and perpetuation of a moral, responsible, and educated citizenry among  
185 succeeding generations and a continuing understanding and commitment to the founding  
186 principles upon which representative democracy in the United States and Utah are based;

187 (d) each individual has dignity and worth;

188 (e) a free society requires respect for persons, property, and principles;

189 (f) each individual has a right to learn and the freedom to achieve;

190 (g) each individual, regardless of race, creed, color, sex, ethnic background, or  
191 economic status shall have equal opportunity;

192 (h) honesty, integrity, caring service, temperance, morality, courtesy, and obedience to  
193 law;

194 (i) each individual has the right to personal liberties so long as the rights of others are  
195 not violated;

196 (j) each individual is responsible for personal choices and actions;

197 (k) respect for parents, home, the rule of law, the environment, and commitment to  
198 community and country;

199 (l) each individual has a responsibility to the total society;

200 (m) a democratic government is based on rule of the majority with guaranteed  
201 protection of the rights of the minority;

202 (n) a democratic society is based on law;

203 (o) problems should be solved through reason and orderly processes;

204 (p) individuals should be tolerant of the religious beliefs of others and shall have the  
205 freedom to exercise their own religious beliefs within the context of appropriate activity;

206 (q) the essentials and benefits of the free enterprise system, the dignity and necessity of  
207 honest labor and other skills, habits, and qualities of character which will promote an upright  
208 and desirable citizenry; and

209 (r) each individual has the right to work, to pursue an occupation, and to gain  
210 satisfaction from personal efforts.

211 (5) Students shall be:

212 (a) assisted in developing skill in value analysis in harmony with their maturity;

213 (b) taught to recognize that there are inherent and inevitable value conflicts of both a

214 personal and societal nature; and  
 215 (c) assisted in developing skills to deal effectively with value conflict situations.  
 216 (6) Materials used in Civic and Character Education shall be:  
 217 (a) sensitive to and consistent with the community's values;  
 218 (b) disclosed to parents; and  
 219 (c) available to parents for review upon request.  
 220 (7) (a) Teaching positive character traits is a clear and necessary responsibility of  
 221 schools.  
 222 (b) Local school districts and schools shall promote and help students develop  
 223 character, ethical judgement, and the skills needed to enable them to be productive adults and  
 224 good citizens.  
 225 (c) Local school boards and school administrators shall provide appropriate training,  
 226 direction, and encouragement, as needed, to accomplish the intent and requirements of this  
 227 section and to diligently emphasize Civic and Character Education in the course of regular  
 228 instruction in the public schools.  
 229 (d) Methods and procedures for teaching values shall:  
 230 (i) facilitate change in behavior based upon the guided choice of the individual;  
 231 (ii) emphasize individual student self-discipline and obligation; and  
 232 (iii) foster appropriate behavior and regulate inappropriate behavior, as needed and as  
 233 determined by local school districts and schools.  
 234 (8) Civic and Character Education in public schools are:  
 235 (a) not intended to be separate programs in need of special funding or added specialists  
 236 to be accomplished; and  
 237 (b) a set of core principles which reflect the shared values of the citizens of Utah.

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**Legislative Review Note**  
**as of 11-19-03 4:32 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Interim Committee Note**



**12-16-03 4:50 PM**

**H.B. 22**

**as of 12-10-03 11:08 AM**

The Education Interim Committee recommended this bill.

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**Fiscal Note**  
**Bill Number HB0022**

**Civic and Character Education in Schools**

*19-Jan-04*

*8:51 AM*

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**State Impact**

Local school districts may choose to enhance teacher training regarding the civic and character education curriculum provisions outlined in this bill. It is anticipated that the provisions of this bill can be implemented within existing resources.

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**Individual and Business Impact**

No Fiscal Impact

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**Office of the Legislative Fiscal Analyst**