

Representative LaVar Christensen proposes the following substitute bill:

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

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: LaVar Christensen**

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 shall be taught in connection with regular school work.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides definitions;
- 15 ▶ provides legislative recognition of the fundamental civic purpose and constitutional
16 responsibility of public education;
- 17 ▶ requires Civic and Character Education to be taught through an integrated
18 curriculum in connection with regular school work; and
- 19 ▶ consolidates requirements for the teaching of Civic and Character Education.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:



26 53A-13-101, as last amended by Chapter 299, Laws of Utah 2002

27 ENACTS:

28 53A-13-109, Utah Code Annotated 1953

29

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

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

32 **53A-13-101. Instruction in health -- Parental consent requirements -- Conduct**
33 **and speech of school employees and volunteers -- Political and religious doctrine**
34 **prohibited.**

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

- 37 (i) community and personal health;
- 38 (ii) physiology;
- 39 (iii) personal hygiene; and
- 40 (iv) prevention of communicable disease.

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

42 (A) the importance of abstinence from all sexual activity before marriage and fidelity
43 after marriage as methods for preventing certain communicable diseases; and

44 (B) personal skills that encourage individual choice of abstinence and fidelity.

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

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

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

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

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

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

56 (iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a

57 minimum:

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

- 62 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;
- 63 (II) the advocacy of homosexuality;
- 64 (III) the advocacy or encouragement of the use of contraceptive methods or devices; or
- 65 (IV) the advocacy of sexual activity outside of marriage;

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

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

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

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

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

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

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

81 (ii) require a student's parent or legal guardian to be notified in advance and have an
82 opportunity to review the information for which parental consent is required under Sections
83 76-7-322 and 76-7-323.

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

86 ~~[(4) Honesty, temperance, morality, courtesy, obedience to law, respect for and an~~
87 ~~understanding of the Declaration of Independence and the Constitutions of the United States~~

88 and the state of Utah, Utah history including territorial and preterritorial development to the
89 present, the essentials and benefits of the free enterprise system, respect for parents and home,
90 and the dignity and necessity of honest labor and other skills, habits, and qualities of character
91 which will promote an upright and desirable citizenry and better prepare students for a richer,
92 happier life shall be taught in connection with regular school work.]

93 [~~(5)~~] (4) (a) In keeping with the requirements of [~~Subsection (4)~~] Section 53A-13-109,
94 and because school employees and volunteers serve as examples to their students, school
95 employees or volunteers acting in their official capacities may not support or encourage
96 criminal conduct by students, teachers, or volunteers.

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

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

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

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

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

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

111 [~~(6)~~] (5) Except as provided in Section 53A-13-101.1, political, atheistic, sectarian,
112 religious, or denominational doctrine may not be taught in the public schools.

113 [~~(7)~~] (6) (a) Local school boards and their employees shall cooperate and share
114 responsibility in carrying out the purposes of this chapter.

115 (b) Each school district shall provide appropriate inservice training for its teachers,
116 counselors, and school administrators to enable them to understand, protect, and properly
117 instruct students in the values and character traits referred to in this section and Sections
118 53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-109, 53A-13-301, and 53A-13-302 and

119 distribute appropriate written materials on the values, character traits, and conduct to each
120 individual receiving the inservice training.

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

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

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

131 [~~(8)~~] (7) If any one or more provision, subsection, sentence, clause, phrase, or word of
132 this section, or the application thereof to any person or circumstance, is found to be
133 unconstitutional, the balance of this section shall be given effect without the invalid provision,
134 subsection, sentence, clause, phrase, or word.

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

136 **53A-13-109. Civic and Character Education -- Definitions -- Legislative finding --**
137 **Elements.**

138 (1) As used in this section:

139 (a) "Character Education" means reaffirming values and qualities of character which
140 promote an upright and desirable citizenry.

141 (b) "Civic Education" means the cultivation of informed, responsible participation in
142 political life by competent citizens committed to the fundamental values and principles of
143 representative democracy in Utah and the United States.

144 (c) "Values" means time-established principles or standards of worth.

145 (2) The Legislature recognizes that:

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

149 (b) Civic and Character Education are fundamental elements of the constitutional

150 responsibility of public education and shall be a continuing emphasis and focus in public
151 schools;

152 (c) the cultivation of a continuing understanding and appreciation of representative
153 democracy in Utah and the United States among succeeding generations of educated and
154 responsible citizens is important to the nation and state;

155 (d) the primary responsibility for the education of children within the state resides with
156 their parents or guardians and that the role of state and local governments is to support and
157 assist parents in fulfilling that responsibility;

158 (e) public schools fulfill a vital purpose in the preparation of succeeding generations of
159 informed and responsible citizens who are deeply attached to essential democratic values and
160 institutions; and

161 (f) the happiness and security of American society relies upon the public virtue of its
162 citizens which requires a united commitment to a moral social order where self-interests are
163 willingly subordinated to the greater common good.

164 (3) Through an integrated curriculum, students shall be taught in connection with
165 regular school work:

166 (a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;

167 (b) respect for and an understanding of the Declaration of Independence and the
168 Constitutions of the United States and of the State of Utah;

169 (c) Utah history, including territorial and preterritorial development to the present;

170 (d) the essentials and benefits of the free enterprise system;

171 (e) respect for parents, home, and family;

172 (f) the dignity and necessity of honest labor; and

173 (g) other skills, habits, and qualities of character which will promote an upright and
174 desirable citizenry and better prepare students to recognize and accept responsibility for
175 preserving and defending the blessings of liberty inherited from prior generations and secured
176 by the constitution.

177 (4) Local school boards and school administrators may provide training, direction, and
178 encouragement, as needed, to accomplish the intent and requirements of this section and to
179 effectively emphasize Civic and Character Education in the course of regular instruction in the
180 public schools.

181 (5) Civic and Character Education in public schools are:
182 (a) not intended to be separate programs in need of special funding or added specialists
183 to be accomplished; and
184 (b) core principles which reflect the shared values of the citizens of Utah and the
185 founding principles upon which representative democracy in the United States and the state of
186 Utah are based.