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MEMORANDUM ON LB 399

During this legislative session, Governor Ricketts signed LB 399 into law. LB 399 has been referred to as the “Americanism” bill because of its requirements regarding American history and civics instruction in the classroom. This memorandum outlines the bill’s requirements and the timelines for school districts to incorporate these requirements.

THE “OLD” LAW

Under the “old”¹ law, every school board was required to appoint three members to a “committee on Americanism.” This committee was required to undertake several steps, including reviewing the curriculum to ensure that students were taught about the American form of government. The “old” law included a very harsh consequence for districts that failed to meet all of the statute’s requirements: both the board and the superintendent “shall be held directly responsible” for implementing the law, and the failure of a school district to abide by the law “shall be considered cause for removal.”

THE “NEW” LAW

LB 399 becomes operative three months after the Legislature adjourns. The current belief is that the final day of the session will be May 31. Assuming that date holds, LB 399 will become operative in September. This means that the majority of LB 399’s requirements will become effective during the 2019-2020 school year. As a result, school districts need to begin taking steps this summer to ensure that they will be in compliance with the law when the bill becomes law.

LB 399 imposes the following requirements that must be met:

1. Each calendar year, the Board must appoint three board members to the “Committee on American Civics.”²
 - a. The Committee on American Civics must meet at least twice per year. One meeting must include public testimony. The Committee is to keep minutes of each meeting showing the time and place of

¹ The reference to the “old” law is to the current Neb. Rev. Stat. § 79-724. The current version of Neb. Rev. Stat. § 79-724 will remain in effect until LB 399 becomes operative in September 2019.

² The school board of each school district shall, at the beginning of each calendar year, appoint from its members a committee of three, to be known as the committee on American civics . . .” LB 399, Sec. 1(1) (emphasis supplied). Note that the law specifically requires that “three” board members be appointed to the committee (and not “at least” three board members).

the meeting, which members were present or absent, and the substance and details of all matters discussed.

- b. During the meetings, the Committee is to review the social studies curriculum to ensure that it aligns with NDE standards and LB 399's requirements. (A copy of the law with the curriculum requirements is attached to this memo.)
2. Students between eighth grade and twelfth grade must complete one of the following:
 - i. Administration of a written test that is identical to the entire civics portion of the naturalization test used by United States Citizenship and Immigration Services prior to the completion of eighth grade and again prior to the completion of twelfth grade with the individual score from each test for each student made available to a parent or guardian of such student; or
 - ii. Attendance or participation between the commencement of eighth grade and completion of twelfth grade in a meeting of a public body . . . followed by the completion of a project or paper in which each student demonstrates or discusses the personal learning experience of such student related to such attendance or participation; or
 - iii. Completion of a project or paper and a class presentation between the commencement of eighth grade and the completion of twelfth grade on a person or persons or an event commemorated by a holiday listed below.
 3. For grade levels below sixth grade, at least one hour per week is to be devoted to exercises or teaching American history topics (including those listed in LB 399).
 4. For grade levels between fifth grade and eighth grade, there must be time "set aside" for the teaching of American history (including those topics listed in LB 399).
 5. In at least two courses in every high school, time shall be devoted to the teaching of civics and American history (as outlined in LB 399).
 6. "Appropriate patriotic exercises" are to be held on George Washington's birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s birthday, Native American Heritage Day, Constitution Day, Memorial Day, Veterans Day, and Thanksgiving Day, or on the day or week preceding or following such holiday, if the school is in session.

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If the district does not comply with these requirements, the harsh consequence under the “old” law is not included in LB 399. Indeed, under the “new” law, there is no “penalty” for a superintendent or board who fails to implement the law’s requirements. Instead, an employee who neglects to carry out the law’s requirements *may* be cause for dismissal.

OVERALL

This bill includes a number of legal requirements—some new and others that were in place under the “old” bill. In any event, now is a good time for districts to plan and ensure that they are in compliance with the “new” law prior to the beginning of the 2019-2020 school year. Districts that currently have an Americanism committee (pursuant to the “old” law) should rename the committee to be the “Committee on American Civics.” In order to help schools with the “new” requirements, we have attached a “checklist” for the Committee on American Civics to complete each year.

COMMITTEE ON AMERICAN CIVICS CHECKLIST

For the calendar year _____, the Board appointed the following three members to serve on the Committee on American Civics: _____, _____, and _____.

The Committee on American Civics met on the following dates: _____ and _____. *(At least two meetings per year are required.)* The Committee accepted public testimony on the following date: _____.

The Committee completed the following tasks *(check when completed)*:

_____ Minutes of the Committee on American Civics' meetings have been kept and show the time and place of the meeting, which members were present or absent, and the substance and details of all matters discussed.

_____ Confirmed the District's social studies curriculum is aligned with NDE standards.

_____ Confirmed that the District's social studies curriculum stresses the required patriotic themes.

_____ Confirmed that the District's social studies curriculum includes a requirement, in accordance with state law, that high school students (i) complete a written test; (ii) attend a public meeting; or (iii) present or write a paper on an appropriate topic.

_____ Confirmed that the curriculum approved by the Committee is available for public inspection.

_____ Confirmed that the District's social studies curriculum includes all required components, in accordance with state law and NDE standards, including (a) one hour per week of patriotic instruction for grade levels below sixth grade; (b) a set amount of time to teach American history for grade levels from fifth grade to eighth grade; and (c) at least two courses in high school that teach American civics.


_____ Confirmed that the District will conduct appropriate patriotic exercises for the following holidays: George Washington's birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s birthday, Native American Heritage Day, Constitution Day, Memorial Day, Veterans Day, and Thanksgiving Day.

R.R.S. Neb. § 79-724

Current through the 2019 regular session of the 106th Legislature First Session acts: LB 1, LB 2, LB 3, LB 8, LB 11, LB 12, LB 16, LB 25A, LB 31A, LB 32, LB 33, LB 33A, LB 42, LB 48, LB 49, LB 56, LB 59, LB 61, LB 63, LB 71, LB 75, LB 77, LB 78, LB 79, LB 80, LB 82, LB 87, LB 102, LB 103, LB 112A, LB 115, LB 117, LB 122, LB 124, LB125, LB 127, LB 139, LB 141, LB 145, LB 146, LB 160, LB 190, LB192, LB 192A, LB 194, LB 195, LB 196, LB 200, LB 212, LB 217, LB 222, LB 252, LB 258, LB 259, LB 264, LB 268, LB 269, LB 307, LB 318, LB 319, LB 320, LB 339, LB 340, LB 348, LB 354, LB 354A, LB 355, LB 359, LB 372, LB 384, LB 399, LB 409, LB 428, LB 430, LB443, LB 445, LB 463, LB514, LB 556A, LB 590, LB 603, LB 638, LB 660, LB 660A, LB 663, LB 669, and LB 698.

Revised Statutes of Nebraska Annotated > Chapter 79 Schools (Arts. 1 — 26) > Article 7 Accreditation, Curriculum, and Instruction (§§ 79-701 — 79-777) > (c) Curriculum and Instruction Requirements (§§ 79-705 — 79-728)

Notice

 This section has more than one version with varying effective dates.

§ 79-724. American citizenship; committee on Americanism; created; duties; required instruction; patriotic exercises; duties of officers. [Effective September 7, 2019]

It is the responsibility of society to ensure that youth are given the opportunity to become competent, responsible, patriotic, and civil citizens to ensure a strong, stable, just, and prosperous America. Such a citizenry necessitates that every member thereof be knowledgeable of our nation's history, government, geography, and economic system. The youth in our state should be committed to the ideals and values of our country's democracy and the constitutional republic established by the people. Schools should help prepare our youth to make informed and reasoned decisions for the public good. Civic competence is necessary to sustain and improve our democratic way of life and must be taught in all public, private, denominational, and parochial schools. A central role of schools is to impart civic knowledge and skills that help our youth to see the relevance of a civic dimension for their lives. Students should be made fully aware of the liberties, opportunities, and advantages we possess and the sacrifices and struggles of those through whose efforts these benefits were gained. Since young people are most susceptible to the acceptance of principles and doctrines that will influence them throughout their lives, it is one of the first duties of our educational system to conduct its activities, choose its textbooks, and arrange its curriculum in such a way that the youth of our state have the opportunity to become competent, responsible, patriotic, and civil American citizens.

(1) The school board of each school district shall, at the beginning of each calendar year, appoint from its members a committee of three, to be known as the committee on American civics, which shall:

(a) Hold no fewer than two public meetings annually, at least one when public testimony is accepted;

(b) Keep minutes of each meeting showing the time and place of the meeting, which members were present or absent, and the substance and details of all matters discussed;

- (c)** Examine and ensure that the social studies curriculum used in the district is aligned with the social studies standards adopted pursuant to section 79-760.01 and teaches foundational knowledge in civics, history, economics, financial literacy, and geography;
- (d)** Review and approve the social studies curriculum to ensure that it stresses the services of the men and women who played a crucial role in the achievement of national independence, establishment of our constitutional government, and preservation of the union and includes the incorporation of multicultural education as set forth in sections 79-719 to 79-723 in order to instill a pride and respect for the nation's institutions and not be merely a recital of events and dates;
- (e)** Ensure that any curriculum recommended or approved by the committee on American civics is made readily accessible to the public and contains a reference to this section;
- (f)** Ensure that the district develops and utilizes formative, interim, and summative assessments to measure student mastery of the social studies standards adopted pursuant to section 79-760.01;
- (g)** Ensure that the social studies curriculum in the district incorporates one or more of the following for each student:

 - (i)** Administration of a written test that is identical to the entire civics portion of the naturalization test used by United States Citizenship and Immigration Services prior to the completion of eighth grade and again prior to the completion of twelfth grade with the individual score from each test for each student made available to a parent or guardian of such student; or
 - (ii)** Attendance or participation between the commencement of eighth grade and completion of twelfth grade in a meeting of a public body as defined by section 84-1409 followed by the completion of a project or paper in which each student demonstrates or discusses the personal learning experience of such student related to such attendance or participation; or
 - (iii)** Completion of a project or paper and a class presentation between the commencement of eighth grade and the completion of twelfth grade on a person or persons or an event commemorated by a holiday listed in subdivision (6) of this section or on a topic related to such person or persons or event; and
- (h)** Take all such other steps as will assure the carrying out of the provisions of this section and provide a report to the school board regarding the committee's findings and recommendations.
- (2)** All social studies courses approved for grade levels as provided by this section shall include and adequately stress contributions of all ethnic groups to (a) the development and growth of America into a great nation, (b) art, music, education, medicine, literature, science, politics, and government, and (c) the military in all of this nation's wars.
- (3)** All grades of all public, private, denominational, and parochial schools, below the sixth grade, shall devote at least one hour per week to exercises or teaching periods for the following purpose:

 - (a)** The discussion of noteworthy events pertaining to American history or the exceptional acts of individuals and groups of Americans;
 - (b)** The historical background, memorization, and singing of patriotic songs such as the Star-Spangled Banner and America the Beautiful;
 - (c)** The development of respect for the American flag as a symbol of freedom and the sacrifices of those who secured that freedom; and
 - (d)** Instruction as to proper conduct in the presentation of the American flag.
- (4)** In at least two of the three grades from the fifth grade to the eighth grade in all public, private, denominational, and parochial schools, time shall be set aside for the teaching of American history from the social studies curriculum, which shall be taught in such a manner that all students are given the opportunity to (a) become competent, responsible, patriotic, and civil citizens who possess a deep

understanding of and respect for both the Constitution of the United States and the Constitution of Nebraska and (b) prepare to preserve, protect, and defend freedom and democracy in our nation and our world.

(5) In at least two courses in every high school, time shall be devoted to the teaching of civics and American history as outlined in the social studies standards adopted pursuant to section 79-760.01, during which specific attention shall be given to the following matters:

(a) The Declaration of Independence, the United States Constitution, the Constitution of Nebraska, and the structure and function of local government in this state;

(b) The benefits and advantages of representative government, the rights and responsibilities of citizenship in our government, and the dangers and fallacies of forms of government that restrict individual freedoms or possess antidemocratic ideals such as, but not limited to, Nazism and communism;

(c) The duties of citizenship, which include active participation in the improvement of a citizen's community, state, country, and world and the value and practice of civil discourse between opposing interests; and

(d) The application of knowledge in civics, history, economics, financial literacy, and geography to address societal issues.

(6) Appropriate patriotic exercises suitable to the occasion shall be held under the direction of the superintendent in every public, private, denominational, and parochial school on George Washington's birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s birthday, Native American Heritage Day, Constitution Day, Memorial Day, Veterans Day, and Thanksgiving Day, or on the day or week preceding or following such holiday, if the school is in session.

(7) Every school board, the State Board of Education, and the superintendent of each school district in the state shall be held directly responsible in the order named for carrying out this section. Neglect thereof by any employee may be considered a cause for dismissal.

History

Laws 1949, c. 256, § 19, p. 697; Laws 1969, c. 705, § 1, p. 2705; Laws 1971, LB 292, § 3; R.S.1943, (1994), § 79-213; Laws 1996, LB 900, § 398; Laws 1999, LB 272, § 86; Laws 2011, LB 544, § 1; Laws 2019, LB 399, § 1.

Revised Statutes of Nebraska Annotated
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