

**ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019**  
**COMMITTEE STATEMENT**  
**LB399**

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**Hearing Date:** Tuesday January 29, 2019  
**Committee On:** Education  
**Introducer:** Slama  
**One Liner:** Change the name and provisions related to the committee on Americanism

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Brewer, Groene, Kolowski, Linehan, Morfeld, Murman,  
Pansing Brooks, Walz

**Nay:**

**Absent:**

**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Senator Julie Slama  
Doug Kagan  
John Ross  
Nancy Carr  
S. Wayne Smith  
Audrey Worthing  
Lee Todd  
John Worthing  
Amber Parker  
Lyle Bartels  
Edward Schnabel  
Dean Magee  
Mark Bonkiewicz  
Dean Tickle

**Representing:**

Introducer  
Nebraska Taxpayers for Freedom  
Self  
America on My Mind  
America on My Mind  
Arthur County Schools  
Self  
Elm Creek School Board  
Self  
American Legion  
American Legion, Post 3  
Nebraskans for Founders' Values  
Nebraskans for Founders' Values  
Elm Creek Schools

**Opponents:**

Brian Halstead  
De Tonack  
Marriane Williams  
Angelie Salahou-Philips  
Robert Klotz  
Donna Roller  
Jack Moles  
Colby Coash  
Julie Nichols

**Representing:**

Nebraska Department of Education  
Nebraska State Education Association  
Self  
Self  
Self  
Self  
Nebraska Rural Community Schools Association  
Nebraska Association of School Boards  
Self

**Neutral:**

James Woody

**Representing:**

Self

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## Summary of purpose and/or changes:

### Brief Summary

Nebraska law currently requires school boards to appoint three of its members to a committee on Americanism. This committee is charged with reviewing and approving textbooks used to teach American history and civil government to make sure the textbooks adequately stress the services of people who helped form and maintain our country and ensure that teachers have good character which is consistent with democracy. The current law requires a certain number of American history courses and that such courses stress certain topics, both depending on the grade. These topics include contributions of all ethnic groups, stories of American history and heroes, patriotic songs, respect for the flag, the U.S. Constitution, and other founding documents. Also required are patriotic exercises on Lincoln's birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans Day. If a person violates current law, they are guilty of a Class III misdemeanor.

LB 399 amends current law to more specifically define Nebraska's posture on the matter. The bill renames the committee to the committee on American civics and requires that this committee meet publically at least twice per year and keep records of all meetings. LB 399 removes the requirement that the committee inspect textbooks and instead charges the committee with examining the social studies curriculum to make sure it aligns with the State Board of Education's standards and teaches and assesses foundational knowledge in civics, history, economics, financial literacy, and geography. The bill requires assessments to be made twice, once no later than eighth grade and again no later than eleventh grade. The grades of such assessment shall be given to the parent or guardians. LB 399 more specifically defines the goal of social studies courses in two grades chosen from fifth through eighth and spells out more topics that should be taught in high schools. Flag Day is removed from the law and replaced with Dr. Martin Luther King, Jr.'s birthday, Native American Day, Constitution Day, and Thanksgiving Day. Finally the bill changes the law so that the State Board of Education adopts rules and regulations, the State Department of Education is responsible to see that the law is carried out, and the criminal penalty is removed.

Following the Section-by-Section Summary is a table comparing current law to the proposed law pursuant to LB 399.

### Section-by-Section Summary

#### Section 1

##### Nebraska's Posture

Current law proclaims Nebraska's position that in order to have "a strong, stable, just, and prosperous America," citizens must be "informed, loyal, just, and patriotic." This is achieved by citizens being "fully acquainted with the nation's history."

LB 399, amends this provision to state that "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."

Citizens should be "fully literate," rather than "fully acquainted," with topics such as "government, geography, and the economic system," in addition to the "nation's history."

Section 1 adds to current law a statement that:

- 1) Youth in our schools should be committed to the ideals and values of our country's democracy and the constitutional republic established by the people;
- 2) Schools should help prepare our youth to make informed and reasoned decisions for the public good;
- 3) 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; and

4) 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.

The law is also amended to state that ". . . one of the first duties of our educational system [is] 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." The statute's present goal is that the "love of liberty, justice, democracy, and America will be instilled in the hearts and minds of the youth of the state."

#### American Civics Committee Duties

Existing statutes require every school board to appoint from its members a committee of three known as the committee on Americanism. LB 399 changes the name to "the committee on American civics."

The bill would direct the committee on American civics to:

- a) Hold at least two (2) public meetings per year - one of these needs to have accept public testimony;
- b) Keep minutes of each meeting, which show the time and place, who was present or absent, and the substance and details of all matters discussed;
- c) Carefully examine and ensure that the district's social studies curriculum:
  - a. Is aligned to the social studies standards adopted pursuant to Sec. 79-760.01 (the measurable standards adopted by the State Board of Education for reading, writing, mathematics, science, and social studies); and
  - b. Teaches and assesses foundational knowledge in civics, history, economics, financial literacy, and geography;
- d) Review and approve social studies curriculum to ensure that it:
  - a. Adequately stresses the services of the men and women who achieved our national independence, established our constitutional government, and preserved our union; and
  - b. Includes the incorporation of multicultural education as set forth in Sec. 79-719 to 79-723;
- e) Ensure the committee's recommended or approved curriculum is accessible to the public and references this law;
- f) Ensure that the school district creates and uses formative, interim, and summative assessments so the student's mastery of the social studies standards adopted by the State Board of Education can be measured. This includes the civics portion of naturalization examination used by the U.S. Citizenship and Immigration Services. This test is administered once no later than eighth grade and again no later than eleventh grade. The score of this exam is then made available to the parents or guardians of the student;
- g) Assure that the teachers are knowledgeable and accepting of the American form of government and have acceptable character; and
- h) Take all steps necessary to carry out this law and provide a report to the school board regarding the committee's findings and recommendations.

Compared to Current Statute: Points a), b), c), e) and f) are entirely new language. Points d) and h) are original, but amended. Point g) is the same as current law.

#### Class Requirements

##### All Grades Affected by Law

The social studies courses for all grades affected by this law shall include and adequately stress contributions of all ethnic groups to:

- a) The development and growth of America into a great nation;
- b) To art, music, education, medicine, literature, science, politics, and government, and;
- c) To the war services in all wars of this nation.

Compared to Current Statute: "American history courses" is changed to "social studies courses."

## Below Sixth Grade

One hour per week for all grades below sixth grade shall be for:

- a) The discussion of stories having to do with American history or the deeds and exploits of American heroes;
- 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 the proper conduct in the presentation of the American flag.

Compared to Current Statute: The bill requires a "discussion" of stories, rather than a "recital." Other changes to the law are that children should learn the historical background of patriotic songs, not just memorize them, and develop "respect" for the flag, as opposed to "reverence."

## Fifth to Eighth Grade

In at least two grades, chosen from fifth, sixth, seventh, and eighth grade, an unspecified amount of time shall be set aside for teaching American history from the social studies curriculum.

This shall be taught in such a way that all students are given the opportunity to become citizens who:

- 1) Are competent, responsible, and patriotic;
- 2) Possess a deep understanding of and respect for the U.S. Constitution and Nebraska Constitution; and
- 3) Are prepared to preserve, protect, and defend freedom and democracy in our nation and our world.

Compared to Current Statute: LB 399 removes requirement that "at least three periods per week should be devoted to the teaching of American history. . ." This is changed to "time shall be set aside." The statute presently requires the course be "taught in such a way as to make the course interesting and attractive to develop a love of country." Points 1), 2), and 3) replace this language as to the way the course should be taught.

## High School

In at least two courses in high school, an unspecified amount of time shall be devoted to the teaching of civics and American history (pursuant to the social studies standards under Sec. 79-760.01). During this time specific attention shall be given to:

- 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 our form of 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, including 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 in order to address meaningful issues within our society.

Compared to Current Statute: Present law requires that "at least three periods per week" be devoted to teaching civics. LB 399 requires that "time" be devoted to teaching civics. "The Declaration of Independence" and "structure and function of the local government" is added to point a). Point b) is amended to include "the rights and responsibilities of citizenship" and to specify that students are to learn about "forms of government that restrict individual freedoms or possess antidemocratic ideals" as opposed to learning about "ideologies" similar to Nazism or Communism. Point c) is

in statute as-is and point d) is entirely new language.

### Patriotic Occasions

Schools shall hold appropriate patriotic exercises suitable for the occasion in every school on these days (or on the week or day preceding or following such holidays when school is in session):

- 1) George Washington's birthday;
- 2) Abraham Lincoln's birthday;
- 3) Dr. Martin Luther King, Jr.'s birthday;
- 4) Native American Day;
- 5) Constitution Day;
- 6) Memorial Day;
- 7) Veterans Day; and
- 8) Thanksgiving Day.

LB 399 removes Flag Day, but Dr. Martin Luther King, Jr.'s birthday, Native American Day, Constitution Day, and Thanksgiving Day are added.

### Responsibility of School Board, State Board of Education, and Superintendent

The duties under this law are the direct responsibility of every school board, the State Board of Education, and the superintendent. If there is a neglect of duty by any employee or appointed official, such neglect is considered a dereliction of duty and can be considered a cause for dismissal.

Current law states that this is a cause for dismissal, rather than can be a cause for dismissal.

### Section 2

#### Rules and Regulations

The State Board of Education shall adopt and promulgate rules and regulations to carry out the requirements of this bill.

The State Department of Education is responsible for ensuring that this law and the accompanying rules and regulations are followed by each school district.

This is new language and replaces the present law, which provides that a person who violates this law is guilty of a Class III misdemeanor.

### Section 3

Section 3 repeals original Neb. Rev. Stat. Sec. 79-724 and 79-727.

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### **Explanation of amendments:**

LB 399 requires school districts to administer the civics portion of the naturalization exam used by United States Citizenship and Immigration Services to students once no later than eighth grade and again no later than eleventh grade. Student scores must be given to the student's parent or guardian.

AM 286 to LB 399 removes the requirement that school districts must administer the test and instead requires that school districts choose at least one of three options to incorporate in the district's curriculum. Specifically, these options are:

- 1) Administer the naturalization test used by United States Citizenship and Immigration Services to students once before the completion of eighth grade and again before the completion of twelfth grade. Each student's score must be made available to the student's parent or guardian;
- 2) Require that the student attend or participate in a meeting of a public body and subsequently complete a project or paper discussing what the student learned; or
- 3) Require that the student complete a project or paper and a class presentation between eighth grade and twelfth grade on a person, persons, or even commemorated by one of the holidays listed in subsection 6 of Section 1 of this bill or on a topic related to such person, persons, or event.

School districts do not have to incorporate all three options. They must only incorporate one of the options listed above.

"Native American Day" on page 6, line 1 of LB 399 is changed to "Native American Heritage Day," which is the proper name for the federal holiday.

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Mike Groene, Chairperson