

U.S. FOUNDING DOCUMENTS INSTRUCTION

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Senate Bill 209 (reported from House committee as H-1)

Sponsor: Sen. Patrick J. Colbeck

House Committee: Education

Senate Committee: Education

Complete to 12-15-15

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: The bill would amend the Revised School Code to do the following:

- Encourage local school boards and boards of directors of public school academies (PSAs, also known as charter schools) to direct instruction on the Declaration of Independence, United States Constitution, and Michigan Constitution (founding documents), to all students in grades K-12 in an age-appropriate manner as described in the bill.
- Allow a school district or PSA to develop curricula and materials for instruction on the founding documents, as described in the bill.
- Require the State Board of Education, by May 1, 2016, to update the recommended model core academic curriculum content standards for each grade subject to a social studies state assessment, so that the standards cover the founding documents.
- Beginning in the 2015-2016 school year, require the Superintendent of Public Instruction to include questions on the founding documents for each grade subject to a social studies state assessment.

The bill would take effect 90 days after its enactment.

FISCAL IMPACT: The bill would have an indeterminate fiscal impact for the Michigan Department of Education (MDE). Michigan's content expectations for social studies already include learning objectives on the documents in question, but there may be minimal cost for the MDE in ensuring that the content expectations and state assessments cover each of the specifically mentioned topics. There would be no fiscal impact on local school districts.

THE APPARENT PROBLEM:

Currently, the Michigan Revised School Code (MCL 380.1166) requires that students receive regular courses of instruction in the U.S. Constitution and Michigan Constitution no later than the eighth or ninth grade. Additionally, students must complete a one-semester course in civics in order to graduate high school.

In spite of this emphasis on civics and social studies, critics say, many Michigan students do not understand the purpose or function of government or what it means to be an informed, engaged citizen. According to the 2013 Michigan Educational Assessment Program (MEAP) results, only 27% of sixth graders and 26% of ninth graders could be classified as advanced or proficient in social studies.

THE CONTENT OF THE BILL:

The bill would encourage that schools emphasize study of the founding documents, both as a whole and also with special attention to enumerated sections and amendments. These listed areas of emphasis, deserving of not just reading but also instruction, are:

- The entire contents of the Declaration of Independence, with special instruction on the following core principles:
 - (i) We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.
 - (ii) The purpose of government is to secure our unalienable rights.
 - (iii) Government derives its just powers from the consent of the governed.
- The entire text of the U.S. Constitution, with instruction in certain core principles, including:
 - The preamble;
 - Articles I through V, which describe the three branches of government, the representative nature of the United States, and the process for amending the U.S. Constitution;
 - The First Amendment, which enshrines freedoms of speech, press and assembly as well as prohibiting Congress from making any law respecting an establishment of religion or prohibiting the free exercise thereof.
 - The Second Amendment, which enshrines the rights to a well-regulated militia and of the people to keep and bear arms.
 - The Fifth Amendment, which guarantees protection from self-incrimination, double jeopardy, and unlawful takings, as well as due process of the law and the right to a grand jury.
 - The Tenth Amendment, which emphasizes that all powers belong with the states, except those delegated to the federal government.
 - The 15th, 19th, 24th, and 26th Amendments, which guarantee the right to vote to all citizens regardless of race, color, previous condition of servitude, sex, failure to pay taxes, or age over 18.
- The Michigan Constitution, specifically:
 - Article I, Sections 1, 2, and 6, and parts of Sections 4, 10, and 17, which along with 21 other sections comprise the Declaration of Rights for the people of the state. Section 1 states that all power is inherent in the people and government is instituted for equal benefit, security, and protection of the people. Section 2 guarantees equal protection of the laws regardless of religion, race, color, or national origin. Section 4 guarantees religious freedoms. Section 6 guarantees the right to keep and bear arms. Section 10 states that the obligation of contract may not be abridged. Section 17 enshrines the right of all individuals, firms, corporations and voluntary associations to fair and just treatment during legislative and executive investigations.

- Article IV, section 51, which states that the public health and general welfare of the people of the state are matters of primary public concern, and the legislature passes laws in order to protect and promote public health.
- Article VIII, sections 1 and 2, which stress the importance of schools and education and provide that the legislature maintain and support a system of free public elementary and secondary schools.

HOUSE COMMITTEE ACTION:

The committee reported out the bill with a recommendation that the H-1 substitute be adopted. The substitute includes four amendments: (1) a clarification that the list is not meant to be exclusive and that instruction may include a full reading of the founding documents; (2) addition of the 15th, 19th, 24th, and 26th US Constitutional Amendments to the list; (3) addition of the 5th US Amendment; and (4) addition of Article I, Section 17, of the Michigan Constitution to the list.

ARGUMENTS:

For:

Proponents of the bill argue that the list of key constitutional amendments and concepts concentrates instruction on the most important parts of the documents. They state that the list is not intended to diminish other articles or amendments, but merely to ensure that the enumerated portions are included in every curricula. These guidelines focus on the sections of the document that express the main ideals and goals of the country and state, as well as those that define what makes a good citizen.

Moreover, with limited hours for classroom instruction, the legislature, and citizens generally, have an interest in ensuring that Michigan's students are not only exposed to the founding documents, but also that they know and understand its guiding tenets. When a primary or secondary school teacher is charged with teaching subject matter that often challenges university students, a focused approach best ensures that students get the greatest benefit from the instruction.

Against:

Critics of the bill are not opposed to instruction on the founding documents; instead, they oppose singling out certain parts of the founding documents for specific emphasis. They argue that by enumerating the "important" parts of the founding documents, the bill implies that the sections not included are unimportant or less important. In order to understand and appreciate the founding documents fully, they say, students must study the totality of the documents. To do otherwise would disserve Michigan's youth by creating a skewed view of the founding documents and, by extension, the state and country.

Not only does the bill single out certain amendments, but it also picks only certain language from listed articles and amendments. For example, Article I, Section 4, of the Michigan Constitution (freedom of worship and religious beliefs) contains four sentences, two of which are included in the listed curricula and two of which are omitted. The included first

and fourth sentence provide that persons are free to worship according to the dictates of their own consciences and that their rights may not be diminished or enlarged because of those beliefs. The omitted second and third sentence provide that a person may not be compelled to worship or otherwise support a place of religious worship or religious figure, and that state money or property may not be appropriated for the benefit of a religious sect. Critics argue that if proponents insist on a list of important parts, the list should include additional provisions, including the following parts of the US Constitution: the 13th Amendment, prohibiting slavery, for which the Civil War was fought; the 4th Amendment prohibition of unreasonable search and seizure; and the 6th Amendment right to legal counsel. These additions were rejected in committee.

Additionally, some argue that such specific guidelines at the state level are inconsistent with the legislature's emphasis on curriculum flexibility and local control.

POSITIONS:

There are no positions at present.

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