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The legal aspects of the public school curriculum

Zullinger, Sidney "Chip" Wayne, Ed.D.

The University of North Carolina at Greensboro, 1994

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THE LEGAL ASPECTS OF THE PUBLIC
SCHOOL CURRICULUM

by

Sidney "Chip" Zullinger

A Dissertation Submitted to
the Faculty of The Graduate School at
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The purposes of this study were to: (1) analyze the statutes of the fifty states relating to curriculum imperatives; (2) analyze significant federal and state judicial decisions relative to curriculum issues; and (3) present research findings as guidelines for school boards, school administrators, and teachers, so that these guidelines can be used when making decisions regarding curricular issues that are both educational and sound. Predicated upon an analysis of the study, it can be concluded that the involvement of state legislative bodies in establishing the curriculum for local public schools is both widespread and varied. It is difficult to ascertain many similar ties or patterns in the state statutes. Relatively speaking, the legislators are more concerned with requiring or allowing for curriculum activities or courses that meet federal requirements (e.g., plans for the teaching of handicapped students); that have a patriotic flavor (Pledge of Allegiance, the study of state and federal constitutions, history, and government); that control or influence the materials and books that are used in the instructional program; that assures that citizens' general needs are met (moments of silence and prayer, drug and alcohol abuse, health and hygiene, etc.); and that insure the attainment of quality standards such as the number of credits required for graduation.

The statutes among the states not only vary according to purpose; they vary in frequency. For example, states such as Hawaii, Delaware, and Ohio have few statutes. On the other hand, states such as Nevada, New Jersey, and New York have a large number of statutes relating to the establishment of curricula for the

public schools. Furthermore, the states vary greatly in the agencies that are assigned the responsibility for formulating the curriculum. Some states tend to delegate curriculum responsibility to local boards, while others emphasize more state control through delegation to state boards and state administrative officers.

Litigations related to curriculum issues have been mainly concerned with religious and moral concerns. The teaching of a specific religion, the reading of the Bible, prayer, and, even, moments of silence, have been the subjects of litigation. At the end of 1992, prayer and other religious activities in the public schools have been generally declared unconstitutional. The rationale used in deciding which religious cases has been straight forward: if the activity is used to promote a religion, the activity does not meet constitutional standards; if the activity is used to help teach such subjects or skills as history, writing style, or literature, do the activities meet religious standards?

Confusion related to cases concerning school religious disputes can be attributed to conflicting language of the First Amendment, the conflict between the First Amendment and the religious provisions of state constitutions, nondiscriminatory treatment provisions under the Fourteenth Amendment, and federal civil rights statutes where standards of religion and religious discrimination do not parallel constitutional mandates. Courts especially experience difficulty finding a neutral course between the two religious clauses in the First Amendment (the *establishment* clause and the *protection* clause).

Findings of this study suggest that school officials need to have insight into the beliefs and behaviors of legislative bodies and the courts in reference to decisions made about the curriculum.

APPROVAL PAGE

This dissertation has been approved by the following committee of the Faculty of The Graduate School at the University of North Carolina at Greensboro.

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CHAPTER I

INTRODUCTION

The word education is never mentioned in the Constitution of the United States. There is great debate among educational historians regarding the omission. The eminent educational historian, Edward P. Cubberly, has suggested that:

It is not surprising, however, when we consider the time, the men, and the existing conditions, that the founders of our republic did not deem the subject of public education important enough to warrant consideration in the Constitution or inclusion in the document. . . .Were the Constitution to be reframed today there is little doubt but that education would occupy a prominent place in it.¹

There is, however, an implied provision within the Constitution applicable to education. The Preamble states:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessing of liberty, to ourselves and our posterity, do ordain and establish the Constitution of the United States of America.²

¹ Ellwood P. Cubberly, Public Education in the United States (Chicago, Houghton Mifflin Co. 1934), pp. 84-85.

² Constitution of the United States, Preamble, William Benton, Editor, Compton's Encyclopedia (Chicago: 1967), pp. 14, 463.

Thus, providing for the common defense and promoting the general welfare, suggest that framers of the Constitution intended that the federal government be involved in education.³ In recent years most of the elementary and secondary education acts have often centered on "defense" and/or "welfare."⁴ Many features of the acts involved public school curriculum, if not overtly, then implied.⁵

The Tenth Amendment to the United States Constitution indicates that "The powers not delegated to the United States by the Constitution, not prohibited by it to the states, are reserved to the states respectively, of the people."⁶ Thus, since no federal education system emerged and in light of the 10th Amendment, fifty state public education systems developed. To understand fully the legal aspect of the public school curriculum, a state-by-state analysis of the state codes is necessary. Moreover, because state school codes have been continually challenged, an analysis of judicial decisions is imperative.⁷

Each of the fifty state constitutions mandate the state General Assemblies with creating and regulating a public school system. To that extent, General Assemblies have almost absolute authority (limited only by state constitutions and federal constitutions and statutes) in establishing the public school

³ Edward C. Bolmeier, The School in the Legal Structure (Chicago: The W. H. Anderson Company, 1968), pp. 3-10.

⁴ United States Department of Health, Education, and Welfare, Report on the National Defense Education Fiscal Years 1961-1962 (Washington D.C.: United States Government Printing Office, 1963).

⁵ Ibid.

⁶ Constitution of the United States, Tenth Amendment.

⁷ Bolmeier, pp. 3-10.

curriculum. As such, the General Assemblies have plenary authority creating, organizing, governing, and establishing curriculum for schools.⁸

It should be pointed out that the phrase "limited only by state constitutions and federal constitution and statutes" is very important. Often General Assemblies will pass statutes and/or a state board of education or local school boards will promulgate policy that collides with the Federal Constitution or Federal Statute as interpreted by the United States Supreme Court, Federal Appeals Court, or Federal District Court.

It is a recognized fact of law that school boards, school administrators, and classroom teachers have statutory and implied authority to adopt and enforce reasonable policies and rules for effective management, leadership, and governance of public school systems. This authority is especially true with respect to curriculum, instructional methods, and selection and utilization of teaching materials.⁹

Many of the curriculum mandates of the fifty states are general, with authority vested within the local school board. A study of school codes of the fifty states indicates that every state mandates specific subjects be included in public school curriculum. While throughout American education history those specific subjects addressed academic subjects, in recent years specific areas might include drug education or AIDS prevention education.

⁸ Ibid. See also H.C. Hudgins, Jr. and Richard S. Vacca, Law and Education, 3rd Ed. (Charlottesville, Va.: The Michie Company, 1990), pp. 5-21.

⁹ Ibid. pp. 226-233.

Judicial decisions involving curriculum issues have been decided in both federal and state courts. Over the years there have been landmark Supreme Court decisions addressing curriculum issues.

The Purpose of the Study

The purpose of this study is to: (1) analyze statutes of the fifty states relating to curriculum imperatives; (2) analyze significant federal and state judicial decisions relative to curriculum issues; and (3) present research findings as guidelines for school boards, school administrators, and teachers -- so that these guidelines can be used when making decisions regarding curricular issues that are both educationally and legally sound.

Questions to be Answered

As already indicated, one of the purposes of this study was to develop guidelines for school boards, school administrators, and teachers to use when making curriculum decisions. Listed below are key questions that were answered in order to develop the legal guidelines.

- 1) What pertinent federal and state general legislative provisions impact on curriculum development and teaching?
- 2) What academic subjects do the fifty state statutes mandate?
- 3) What non-academic subjects ". . . that promote the general welfare. . ." do the fifty states mandate?
- 4) What restrictions on the selection of instructional materials and books are imposed by state legislative mandate?

- 5) What are the major legal aspects of the curriculum?
- 6) What conclusions and recommendations may be drawn from the findings of this study that may be helpful to those who have to establish policy and take administrative action to operate the schools?

Scope of the Study

This was a historical study of the legal aspects of public school curriculum and is limited to the purposes already expressed and questions already delineated. Specifically, this study was limited to: (1) legislative enactments promulgated by fifty state general assemblies relative to curriculum imperatives; (2) an analysis of judicial decisions and reported results; and, (3) the practical effects both legislative enactments and judicial decisions have on school boards, school administrators, and teachers in administering the public school curriculum.

Methodology

The methodology used for the study encompassed legal research as defined by Huggins and Vacca.¹⁰ This involves analysis of judicial decisions from which principles are derived. The study of case law was supplemented with an analysis of state statutory law.

Legal research begins with framing the problem as a legal issue in this study "The Legal Aspects of the Public School Curriculum." State statutes that control this issue were investigated. Subsequently, a bibliography of judicial decisions

¹⁰ Huggins and Vacca, pp. 23-52.

was compiled. Each decision was read and analyzed around three major areas: the facts of the case; the decision and rationale; and implications of the decision.

Primary sources were state and federal judicial decisions and state statutes. Secondary sources such as legal encyclopedias, law reviews, education articles, and books were utilized to provide supplemental information. Included resources will be the Current Index to Journals in Education, Index to Legal Periodicals, Current Law Index, American Law Reports, and Resources in Education.

Legal cases focusing on school curriculum were located utilizing the *Lexis* computer search system. The actual cases to be examined are reported in the National Reporter System, which includes decisions rendered by the following courts: the United States District Courts, the United States Courts of Appeals, and the state appellate courts.

Legal cases will be "Shepardized" utilizing Shepard's Citations, which provide a history of reported court decisions and treatment of those decisions. This allows the researcher to rely on the applicable court ruling.

Definition of Terms

Public School Curriculum: Traditionally, a curriculum was a collection of syllabuses and textbooks in a given school or class of schools. Yet, as the purpose of education has broadened, the concept of curriculum has changed.

Edward A. Krug defines curriculum as "all the means employed by the school to provide students with opportunities for desirable learning experiences."¹¹

¹¹ Edward A. Krug, Administering Curriculum Planning (New York: Harcourt, Brace, Jovanovich, Inc. 1962), p.11.

Hilda Taba defines curriculum simply. "A curriculum is a plan of learning."¹²

Dale F. Brubaker indicates that curriculum is a total experience. Curriculum is defined as what persons experience in a setting. This includes all the interactions between persons and their physical environment.¹³

Censorship: A process that limits access to books and materials based on value judgments or prejudices of individuals or groups. The act of censorship may be accomplished by (1) suppression of use; (2) removal of books or materials from the library or classroom; or (3) limiting access of library and instructional materials. Censorship withholds or limits the students' right to read, to learn, to be informed, and the teachers' right to academic freedom.¹⁴

Design of the Study

The remainder of the study is divided into four parts. Chapter II contains a review of related literature. In addition to the literature dealing specifically with the legal aspects of public school curriculum, this section includes a summary review of development and growth of American public education and its historical roots.

Chapter III contains a narrative discussion, along with tables merging the fifty state statutory imperatives, relative to the public school curriculum. Attention

¹² Hilda Taba, Curriculum Development: Theory and Practice (New York: Harcourt, Brace, Jovanovich, Inc., 1962), p.11.

¹³ Dale F. Brubaker, Curriculum Planning: The Dynamics of Theory and Practices (Glenview, Il.: Scott Foresman and Company, 1982), p. 2.

¹⁴ Joseph E. Bryson and Elizabeth W. Detty, Censorship of Public School Library Materials (Charlottesville, Va., The Michie Company, 1982), p. 10.

will also be given to emerging implications, such as drug education and AIDS prevention education.

Chapter IV examines pertinent legal cases applicable to public school curriculum. The cases are divided into sub-topics predicated upon the issues. All major Supreme Court landmark curriculum decisions will be analyzed.

Chapter V, the concluding chapter, contains a summary, conclusions, and recommendations. Questions raised in Chapter I will be answered. Guidelines will be developed and included in the recommendations. Also, recommendations for future study will be presented. Finally, a complete bibliography, table of cases, and appendices, including state curriculum statutes, will be incorporated.

CHAPTER II

REVIEW OF THE LITERATURE

OVERVIEW

In the last decade, a number of states have initiated various programs aimed at increasing student performance. These actions, notwithstanding, there would appear to be insufficient research-based knowledge on state-legislated improvement efforts and accountability systems. There have been a number of highly vocal critics of past reform efforts: Wise, Wirth, House, Goodlad, Jackson, Lortie, Shaefer, Silberman and Hart, to name some.¹

¹ There have been numerous attempts to portray the harmful consequences of governmental and private efforts to reform public schools. Attention is called to the following: Arthur E. Wise, *Legislative Learning: The Bureaucratization of the American Classroom* (see especially Chapter 2, "Hyperrationalizing the Schools"); Arthur G. Wirth, *Productive Work in Industry and Schools: Becoming Persons Again*. (Lanham, MD: University Press of America, Inc. 1983). Earnest R. House, "Evaluation as Scientific Movement in US. School Reform," in *Comparative Education Review*, 22:3; John I. Goodlad, "A Perspective on Accountability," *Phi Delta Kappan*, 57:2, Oct. 1973, and "Can Our Schools Get Better?," *Phi Delta Kappan*, Jan. 1979; Phillip W. Jackson, *Life in the Classroom*. (NY: Holt, Rinehart, and Winston, 1986); Dan C. Lortie, *School Teacher*. (Chicago: The University of Chicago Press, 1975); Robert Schaefer, *The School as a Center of Inquiry*. (New York: Harper and Row, 1967); Charles E. Silberman, *Crisis in the Classroom*. (New York: Random House, 1970); Leslie A. Hart, *Human Brain and Human Learning*. (Village of Oak Creek, AZ: Books of

What is now being widely referred to as a "restructuring" of educational efforts is in a state of considerable flux. Indeed, in terms of any long-lasting consequences of restructuring, the jury is still out. Skepticism continues among many reform-minded persons about whether "things will be better this time." This may be due, in some measure, to the high hopes expressed for so many past reform efforts. Consider what Goodlad and Anderson had to say in 1963 about progress toward *non-grading* in the schools. In their introductory remarks in *The Non-graded Elementary School*, they noted, with considerable optimism that they

have witnessed with mixed awe and pleasure a remarkable surge of national interest in non-grading. Hundreds of cities, including some of America's largest, have announced themselves committed to non-graded organization at least for the primary years. Secondary schools and even colleges have begun to follow non-graded patterns, and such agencies as the United States Office of Education and the National Education Association have reported a widespread adoption of non-graded practices. One such report went so far as to state that, in a sample of wealthy suburban schools, non-graded classrooms "have become almost conventional practice."²

Payzant cautions that "the restructuring movement is only beginning to evolve," and that the kind of "far-reaching change" that critics are urging "will not

Educators, 1983); Herbert Walberg, "Productive Teaching and Learning: Assessing the Knowledge Base," *Phi Delta Kappan*, Feb. 1990; Robert E. Slavin, "P.E.T. and the Pendulum: Faddism in Education and How to Stop It," *Phi Delta Kappan*, June. 1989.

² John I. Goodlad and Robert H. Anderson, *The Nongraded Elementary School*. (New York: Harcourt, Brace, and World, revised edition, 1963). Cited in Charles E. Silberman, *Crisis in the Classroom*. (New York: Random House, 1979), p. 167.

come easily."³ A reading of earlier critics of educational reform efforts, however, can provide a distinct sense of *deja vu*, when viewing contemporary attempts at reform, although in the case of North Carolina, there are some notable differences between current and past reform efforts.

For example, a decade before Payzant made his observation, Wise wrote that states were in the process of regulating classrooms into mediocracy. Wise criticized state micro management of education as a world

in which state government called the shots, in which state and local boards of education became irrelevant, in which teachers were told what, when, and how to teach, and in which administrators, caught in the crossfire, could not figure out whether to follow their instinct or law.⁴

Goodlad sees many legislative attempts at school reform as being both redundant and counterproductive:

New legislation takes little or no account of existing requirements in the education code. In fact, most legislators are virtually ignorant of these requirements and the potential impact of new bills on the finite time and resources of schools. Principals and teachers often are caught in a paralytic inertia created by the bombardment of changing and often conflicting expectations.⁵

In short, Goodlad reminds us, governmental attempts at classroom reform, in large measure, have been found wanting. The products that serve as operational guides to schools have, on the whole, been declared mediocre.

³ T.W. Payzant, "To Restructure Schools, We've Changed the Way Bureaucracy Works," *The American School Board Journal*, Oct. 1989, p.1920.

⁴ Wise, op cit.

⁵ Payzant, op cit.

First, they "do not command attention," and second, they "lack precision, clarity, and a ring of authority." He concludes that "neither state nor district officials come out loud and clear as to what our schools are for and how they intend to fulfill their commitments."⁶

If Goodlad's charges are true, then it follows that there is a wide-spread lack of understanding about what "business" schools are in. Without an unambiguous understanding of purpose by school personnel, he concludes, it's difficult to see how any substantial curriculum reform can be achieved. Clarity of purpose, then, may be the primary, overriding curriculum issue, Goodlad seems to be saying. Indeed, without clear, consensual purpose around which to develop school reform, it is difficult to see how any successful restructuring effort can be realized.

Shanker provides this disquieting view: "The big stumbling block ... is the fact that almost everyone believes that we can solve all our problems by improving the traditional model of education."⁷ The reason, notes Shanker, is not difficult to find: "Most of us went to traditional schools, and we have grown accustomed to them. It's easier to think in terms of improving the kind of school we all know than it is to imagine totally different kinds of schools."⁸ "Change" resulting from "the restructuring movement..." Payzant observes, "will not come easily."⁹ Glasser writes that a major impediment to productive change is "boss

⁶ John I. Goodlad, *A Place Called School: Prospects for the Future*. (New York: McGraw-Hill Book Co., 1984), p. 49.

⁷ Albert Shanker, "A Proposal for Using Incentives to Restructure Our Public Schools," *Phi Delta Kappan*, Jan. 1990, p. 345.

⁸ *Ibid.*, p. 345.

⁹ T.W. Payzant, *op cit.*, p. 19.

management,"¹⁰ the kind of top-down management that McNeil exposes in a series of articles, which warn of centralized control.¹¹ Here is how McNeil evaluates her visits: Matters "took an unexpected turn when [outstanding] teachers came under centralized policies of 'reform' that aimed to standardize the content of lessons." The result, she notes, is "to create the very mediocrity that they are intended to eliminate."¹²

Love provides a historical perspective of the extent and kinds of demands imposed upon school curriculum through more than three millennia:

Over 300 years ago, the concept of education centered on the religious and legal aspects of living in our society. Today, the schools are called upon to provide parenting [without *in loco parentis*], socialization, assimilation, manners and morals, immunization, and sex education. Education has suffered from each demand, because it is impossible to be effective when the educator's efforts are spread too thinly.¹³

With what could be called "polycurriculum," brought on by the continuing addition of curriculum demands and inadequate subtraction, Goodlad's advice

¹⁰ William Glasser, "The Quality School," *Phi Delta Kappan*, Feb. 1990, p. 425.

¹¹ Linda M. McNeil, "Contradictions of Control, Part 1: Administrators and Teachers," *Phi Delta Kappan*, Jan. 1988; "Contradictions of Control, Part 2: Teachers, Students, and Curriculum," *Phi Delta Kappan*, Feb. 1988; "Contradictions of Control," Part 3: Contradictions of Reform," *Phi Delta Kappan*, Mar. 1988.

¹² Linda M. McNeil, "Contradictions of Control, Part 2: Teachers, Students, and Curriculum," *Phi Delta Kappan*, Feb. 1988, p. 481.

¹³ Ruth B. Love, "Educational Standards: A Public Educator's View," in W.J. Johnson, *Education on Trial: Strategies for the Future*. (San Francisco, CA: Institute for Contemporary Studies, 1985), p. 39.

commands attention. He recommends that we "look less to test scores in determining the quality of educating in our schools and more to what students are called upon to do."¹⁴ It's probable, suggests Goodlad, that schools may actually be doing better in meeting the demands of a polycurriculum than standardized test scores would have us believe. At any rate, analyses of various standardized tests, including the Scholastic Aptitude Test (SAT) are, according to Goodlad, inconclusive. For example, the record is conclusive that SAT scores have declined, but the reasons cited for the decline are open to question.¹⁵

Review of the literature on educational reform cautions against being over optimistic about exogenous attempts at school reform -- governmental and private. And Hart notes that fundamentally little in the way of significant school reform has taken place in American education since Horace Mann put forth the Prussian, factory model of schooling, over a century ago.¹⁶ Perhaps, no better example exists than that of non-graded schools, urged by Goodlad and Anderson.¹⁷ What's more, declares Hart:

The graded classroom [still] dominates and teacher's task of bringing about learning may well be judged to be hopeless to begin with. There is more than a little evidence (rarely looked at) that at least a considerable share of conventional teaching has *negative* results: it inhibits, prevents, distorts, or holds back learning.¹⁸

¹⁴ John I. Goodlad, op cit., *A Place Called School*, p. 13.

¹⁵ Ibid., pp. 13-14.

¹⁶ Leslie A. Hart, op cit., *Human Brain and Human Learning*, pp. 10-18.

¹⁷ John I. Goodlad and Robert Anderson, op cit.

¹⁸ Leslie A. Hart, *Human Brain and Human Learning*, p. 6.

A sizable body of writing casts serious doubts on just how effective governmental interventions -- local, state, and federal -- are. Take the 1980s, a period of high hopes and considerable ferment. Futrell, while recognizing the failures of the eighties, is less dire than many other critics. She writes: "History will view the 1980s not as the decade of education reform, but the decade of education debate." Futrell is hopeful that out of "these years spent in arguing, posturing, and traveling well-worn roads, we've only begun to address the basic issues related to schooling in America."¹⁹

If the 1980s provided the agenda for the 1990s, as Futrell contends, it can be argued that the late '60s and the decade of the '70s provided much of the content for the "*Agenda of the Nineties*."²⁰

Futrell indicates that the eighties was a decade of regulations in "the national interest." And with national interest as a battle cry, "politicians -- to no one's great surprise -- quickly volunteered for action. Thus was the first wave of education reform born." The operating word, writes Futrell, was " 'More!': more tests for students and teachers, more credits for graduation, more hours in the school day, more days in the school year, more regimentation, more routinization, more regulation."²¹ Ernest Boyer, a former U. S. Commissioner of Education and currently president of the Carnegie Foundation for the Advancement of Teaching, warned that the flood of regulations raining down on the schools, however well-intentioned, was "destroying the spirit of the people in

¹⁹ Mary Hartwood, Futrell, "Mission Not Accomplished: Education Reform in Retrospect," *Phi Delta Kappan*, Sept. 1989, p. 10.

²⁰ *Ibid.*, p. 11.

²¹ *Ibid.*, p. 11.

the classroom."²² In effect, noted Futrell, "the regulations sought to make the curriculum 'teacher-proof.' In fact, they served to make schools 'learning-proof.'"²³ More than that, Futrell charged: "The mass of regulations imposed by the states usurped the authority that appropriately belongs to teachers, principals, parents, and local communities."²⁴ She supported her indictment by citing the following:

Between 1983 and 1985, state legislatures enacted more than 700 statutes stipulating what should be taught, when it should be taught, how it should be taught, and by whom it should be taught.²⁵

Wirth, drawing from Wise,²⁶ has issued a scathing indictment of governmental interventions into the classroom, declaring that "we are witnessing the hyper rationalization of schools through the application of management ideology." Wirth adds that "this effort, which is having unfortunate consequences, is rooted in good intentions: the desire to promote equity and increase productivity in our educational institutions."²⁷ An impressive number of critics, however, have charged that many reforms have proven to be harmful and unproductive.²⁸

²² Jim Bencivenga, "Tightening the Agenda for U.S. Schools," *Christian Science Monitor*, 12 April 1985, 23. Cited in Mary Hatwood Futrell, op cit.

²³ Ibid., p. 11.

²⁴ Ibid., p. 11.

²⁵ Ibid., p. 11.

²⁶ Arthur E. Wise, op cit.

²⁷ Arthur G. Wirth, op cit., p. 115.

²⁸ Many of these critics have already been mentioned. Highlighted should certainly be the following: John I. Goodlad, "A Perspective on Accountability,"

The question would seem to revolve more around *how* legislation or governmental regulations affect the curriculum rather than *whether* they influence the curriculum. It would seem obvious that laws and regulations do bring about significant consequences regarding what goes on in the school. An overriding question becomes, however, to what extent have the statutes enacted by governmental bodies produced the *intended effects*, namely, equity and greater productivity? A sizable number of critics have been quick to claim that the consequences of good governmental intentions have, to a large extent, been harmful -- and that more of the same is hardly what is called for. Brimelow would have us believe that government itself is the major problem:

...We concluded that the U. S. education industry, basically governmentally owned and run, is simply displaying the same classic symptoms that can be observed in the Soviet economy. These are, count them: (1) politicized allocation of resources, (2) proliferating bureaucratic overhead, (3) chronic mismatching of supply and demand; (4) susceptibility to top-down panaceas, and (5) qualitative and quantitative collapse.²⁹

Phi Delta Kappan, Oct. 1975; "Can Our Schools Get Better?," Phi Delta Kappan, Jan. 1979. A Place Called School: Prospects for the Future, (New York: McGraw-Hill Book Co., 1984). Arthur E. Wise, *Legislated Learning: The Bureaucratization of the American Classroom*, (Berkeley, CA: University of California Press, 1979). *Productive Work in Industry and Schools: Becoming Persons Again*, (Lanham, MD: University Press of America, Inc. 1983). Leslie A. Hart, *Human Brain and Human Learning*, (Village of Oak Creek, AZ: Books for Educators, 1983.) Charles E. Silberman, *Crisis in the Classroom*, (New York: Random House, 1970). Linda M. McNeil, "Contradictions of Control," Parts 1, 2, and 3 in *Phi Delta Kappan*, Jan. 1988, Feb. 1988, Mar. 1988.

²⁹ Peter Brimelow, "American Perestroika?" *Forbes*, May 14, 1990.

The lesson Brimelow would have us learn is that restructuring of the socialistic education system in America is as futile an undertaking as perestroika -- the restructuring of the socialistic system was, and is, in what was then the Soviet Union.

CURRICULUM AND THE MATTER OF DEFINITION

Education provides an enormous canvas. Also, the subject of curriculum possesses astounding dimensions. To make this review manageable, therefore, a conscious decision was made to limit the scope of inquiry to encompass only legislative influences -- *direct* and *indirect* -- on curriculum at the pre-collegiate level. Further, in the interest of precision, an urgent need was felt to be as precise as possible in regard to just what is meant by curriculum. This focus on meaning, it turned out, was a matter of considerable importance. The reason comes down to a confusion over two broad classes of curriculum: The first, from *Webster's New World Dictionary of the American Language*, informs us that the word curriculum is derived from the Latin word *currere*, meaning "to run", in the sense of running a course or race.³⁰ Both the word *current* -- meaning a "running or flowing" -- and *curriculum* trace their existence to the same Latin root. This focus on flowing or running of a course or stream, when used in the context of curriculum, suggests movement, dynamism, and change -- both in the "map" and within the voyaging learner.

A course of study, therefore, might be taken to mean literally a guide or manual for helping the student "run the course." In this literal sense, it follows

³⁰ *Webster's New World Dictionary of the American Language*, Second College Edition (William Collins + World Publishing Co., Inc., 1974).

that courses of study are only the map, not the "territory." Few scholars of what goes on in the classroom understand better the distinction between the "map" and the actual "voyage" than Phillip Jackson.³¹

It is a truism that definition is essential to any shared understanding of complex issues. Thus, the first order of business is to establish, as precisely as possible, a consensus of meaning. This, unfortunately, is not as easy as might be thought. Take three different renditions of curriculum, for example -- one by Krug, another by Taba, and the last by Brubaker. Krug views curriculum as "...all the means employed by the school to provide students with opportunities for desirable learning experiences."³² Taba defines curriculum simply as "a plan for learning."³³ Brubaker indicates that curriculum is a total experience. This is curriculum defined as what persons experience in a setting. Experiences include all the interactions between persons and their physical environment.³⁴ Brubaker's conception seems to be closest to what Goodlad calls the "implicit curriculum."³⁵ Allowing for variations in the interpretation of the three definitions, even a cursory examination of the three definitions reveals a difference, intended or not. Key differences lie in Krug's use of the word "all" and "employed by the school," and in Taba's declaration of curriculum as a

³¹ Phillip W. Jackson, *Life in the Classroom*. (New York: Holt, Rinehart and Winston, 1968).

³² Edward A. Krug, *Administrating Curriculum Planning*, (New York: Harcourt, Brace, Jovanovich, 1962), p. 11.

³³ Hilda Taba, *Curriculum Development: Theory and Practice*, (New York: Harcourt, Brace, Jovanovich, 1962), p. 11.

³⁴ Dale F. Brubaker, *Curriculum Planning: The Dynamics of Theory and Practices*. (Glenview, Ill.: Scott Foresman and Company, 1982), p. 2.

³⁵ John I. Goodlad, op cit., *A Place Called School*, 226-32.

"plan," and in Brubaker's perception of curriculum as "total experience." As we shall see, differences in how curriculum is defined is a matter of considerable importance. Few are as aware of this than Goodlad.³⁶

It seems clear that most efforts at educational reform -- whether brought about by the courts, the U. S. Congress, state legislatures, school boards, or their proxies -- center on making changes in courses of study. The prevailing assumption would seem to be that changes in artifacts like courses of study, tests, or reward-and-punishment systems for teachers will significantly affect what happens in the classroom, manifested by improved scholastic achievement and behavior.

EXPLICIT AND IMPLICIT CURRICULUM

Goodlad provides a useful perspective on curriculum, useful because he distinguishes between two forms or manifestations of curriculum,. One, he refers to as the *explicit curriculum*; the other, as the *implicit curriculum*. These distinctions are important because they could possibly lessen some of the ambiguities associated with curriculum. Here is how Goodlad defined the two curricula viewpoints:

By explicit curriculum, I mean the curriculum conveyed through the curriculum guides prepared for teachers, the array of courses offered by the schools, the topics listed for these courses, the tests given, the teaching materials used, the teachers' statements of what they are trying to teach their students, or have them learn...

³⁶ Ibid.

By implicit curriculum, I mean all those teachings that are conveyed by the ways the explicit curriculum is presented -- emphasis on acquiring facts or solving problems, stress on individual performance or collaborative activities, the kind of rules to be followed, the variety of learning styles encouraged, and so on. The implicit curriculum includes also the messages transmitted by both the physical setting for learning and the kinds of social and interpersonal relationships tending to characterize the instructional environment.³⁷

Goodlad illustrates the "hidden" or "implicit curriculum" in this way:

Schools explicitly teach mathematics and have boys and girls learn to read, write, and spell, and so on. But they also teach a good deal implicitly through the way they present the explicit curriculum -- for example, emphasizing acquiring facts or solving problems -- through the kinds of rules they impose, and even through the physical and social settings they provide for learning. Thus, they teach students to work alone competitively or to work cooperatively in groups, to be active or passive, to be content with facts, or also seek insight, and on and on. In brief, schools implicitly teach values.³⁸

Goodlad goes on to add that "In the long run, schools teach both explicitly and implicitly what they are most insistently asked to teach."³⁹

Goodlad's formulation of two forms of curriculum naturally raises the question, when speaking of curriculum reform: exactly what form is being reformed or transformed? A more important issue is, however, one that was identified by Goodlad when he deplored the lack of "parallelism" existing between the explicit and the implicit curriculum.⁴⁰

³⁷ Ibid., p. 197.

³⁸ Ibid., p. 30.

³⁹ Ibid., p. 30.

⁴⁰ Ibid.

This lack of parallelism suggests that an important approach to determining the effect of school reform attempts would be to ascertain the degree of congruence between courses of study -- including the resources for their implementation -- and the implicit curriculum.

EDUCATION: WHOSE RESPONSIBILITY?

Interestingly, the word *education* is not mentioned anywhere in the Constitution of the United States. This omission has led to widespread speculation over the years regarding what role, if any, the federal government should play in education. An eminent historian of education, Ellwood P. Cubberly, concluded the omission could hardly have been otherwise:

It is not surprising, however, when we consider the time, the men, and the existing conditions, that the founders of our republic did not deem the subject of public education important enough to warrant consideration in the Constitution or inclusion in the document. ...[W]ere the Constitution to be reframed today there is little doubt that education would occupy a prominent place in it.⁴¹

As will be noted later -- in a discussion of the National Education Defense Act and other federal education legislation -- there is an implied provision in the Constitution applicable to education. Those who see federal responsibility in education draw on inferences from the Constitution's Preamble:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the

⁴¹ Ellwood P. Cubberly, *Public Education in the United States*, (Chicago: Houghton-Mifflin, Co., 1934), pp. 84-85.

common defense, promote the *general welfare*, and secure the blessing of liberty, to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.⁴² (Italics mine.)

Thus, providing for the *common defense* and promoting the *general welfare* have been taken by some to mean that the framers of the Constitution intended by inference that whatever is necessary should be done in areas of defense and general welfare.

On the other hand, there is the matter of the Tenth Amendment of the United States Constitution, which declares:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, of the people.⁴³

Thus, since no Federal education system emerged, and in light of the Tenth Amendment, fifty separate public state education systems developed.

In recent times, considerable federal elementary and secondary educational legislation centered on what was hailed as the Constitution's "welfare" and "defense" clauses. Moreover, many features of the federal legislation addressed the public school curriculum, directly or indirectly.

These events suggest that law is far from a precise science. That, indeed, the genius of this great document is that it allows different generations to see in the Constitution different intents. This, notwithstanding, the Tenth Amendment

⁴² *Compton's Encyclopedia*, William Benton, Ed. (Chicago, IL, 1967), Volume 14, p. 463.

⁴³ *The Random House Dictionary of the English Language*, Unabridged. (New York: Random House, 1973), p. 1939.

to the United States Constitution, some argue, opens the way for the states' primary educational role.

To understand more fully the legal aspects of the public school curriculum, a state-by-state analysis of state codes is necessary. Also, because state school codes have been continually challenged by citizen groups, legislatures, and the courts, an analysis of judicial decisions is essential.

An overriding fact is that each of the 50 state constitutions mandates that the state general assemblies or legislative bodies create and regulate a public school system. In this matter, state legislative bodies have plenary authority to create, organize, and establish curriculum for schools.

Also, it should be pointed out that the phrase, "limited only by state constitutions and federal constitutions and statutes" looms in importance. The reason is that general assemblies will inevitably enact statutes, or state boards of education or local school boards will promulgate policies that collide with the Federal Constitution or federal statutes, as defined by the United States Supreme Court, Federal Appeals Court, or Federal District Court.

It is an article of faith that school boards, school administrators, and classroom teachers have statutory and implied authority to adopt and enforce reasonable policies and rules for effective management, leadership, and governance of public school systems. This authority applies especially with respect of curriculum, instructional methods, selection and utilization of teaching materials, and how teachers and school administrators are trained.

On the other hand, many of the curriculum mandates of the 50 states tend to be general in nature, with authority being vested within the local school board. A study of school codes of the 50 states indicates that all states mandate that

specific subjects be included in the public school curriculum. Although over the years, those specific subjects were concentrated in academic areas, recent years have resulted in an increased focus on "non-academic" areas, like drug education and AIDS-prevention education. As this is being written, there is growing pressure to undertake interventions dealing with school violence, especially relating to the use of weapons in the school.

Judicial decisions involving curriculum issues have been decided in both federal and state courts. Over the years, there have been landmark decisions related to curriculum. A number of these decisions will be discussed.

CURRICULUM: WHO SHOULD MAKE IT?

McNeil identifies what she calls "three very powerful drivers of the curriculum... that are converging to shape what is taught in American public schools." McNeil predicts a decline in "the influence of curriculum scholars" or the relegation of "those scholars to the role of observers and reactors rather than advocates on behalf of children, teachers, and a democratic curriculum." In short, she declares, "after shy residence in students' textbooks and in teachers' lesson plans, the curriculum has gone public."⁴⁴ Cohen observes, however, that the curriculum has not just "gone public." "Decision making about curriculum has, at least intermittently, been public and political from the outset....

⁴⁴ Linda McNeil, "Reclaiming a Voice: American Curriculum Scholars and the Politics of What is Taught in Schools, *Phi Delta Kappan*, Mar. 1990, pp. 517-518.

...In fact, "she reminds us, "political controversy over curriculum is as old as public education."⁴⁵

Nevertheless, the larger and still-to-be-resolved issue, McNeil writes, is "What should be taught...? And who should decide?"⁴⁶ Cohen cautions:

Curriculum reform involves more than state and federal action: Many individuals and agencies outside the government have been articulate participants in recent debates and innovations.⁴⁷

And their continued involvement is essential.

Eisner, however, wants to know why curriculum specialists are so widely excluded from curriculum reform. His lament follows:

It irks those of us who have devoted our professional lives to the study of curriculum to find that, when efforts are made to improve the schools, we are the least likely to be consulted. Why doesn't the public appreciate our expertise? Why aren't we pursued by the national commissions that shape educational policy, by state boards of education, by foundations eager to make U. S. schools "competitive" with other nations? Why are we left on the sidelines, commenting on the recommendations others make, rather than making recommendations ourselves.⁴⁸

Perhaps, some of the answers to Eisner's questions about curriculum specialists' lack of involvement in curriculum reform can be found in widespread public disenchantment with highly acclaimed earlier curriculum reform efforts,

⁴⁵ Ibid., p. 517.

⁴⁶ Ibid., p. 517.

⁴⁷ David Cohen, "More Voice in Babel? Educational Research and the Politics of Curriculum," *Phi Delta Kappan*, Mar. 1990, p. 518.

⁴⁸ Elliot Eisner, "Who Decides What Schools Teach?" *Phi Delta Kappan*, Mar. 1990, p. 523.

which were engineered by curriculum specialists. Certainly, in retrospect, the success of these earlier efforts appear to have been exaggerated. Consider the statement by Anderson, a professor at the School of Education at Harvard:

...the decade which began in 1955, and through which we are still churning, may ultimately come to be regarded as one of the major turning points in American education.⁴⁹

Speaking of these earlier attempts at school reform, Silberman wrote: "The reform movement has produced innumerable changes, and yet the schools themselves are largely unchanged." Goodlad⁵⁰ reinforced Silberman's assessment, as did Apple, who viewed these curriculum efforts as an attempt to "disempower teachers." "By disempowering them, ...we undercut the skills of curriculum design and teaching."⁵¹

Apple notes that a power shift has transpired: "Today,...the curriculum is not determined by academics and government but by the market for textbooks. And this market in turn is shaped by what is seen as important in the Sun Belt states that have textbook adoption policies."⁵²

If there is one lesson to be learned from a study of curriculum "dynamics," it would seem to be that the entire matter of curriculum reform is extremely

⁴⁹ Robert H. Anderson, "Team Teaching in Elementary and Secondary Schools," Alfred de Grazia and David A. Sohn, eds., *Revolution in Teaching: New Theory, Technology, and Curricula*. (New York: Bantam Books, 1964), p. 158.

⁵⁰ Goodlad cited in Charles E. Silberman, op cit., p.168.

⁵¹ Michael W. Apple, "Is There a Curriculum Voice to Reclaim?," *Phi Delta Kappan*, March 1990, p. 527.

⁵² Ibid., p. 527.

complex and results of reform efforts tend to be, in the short term uncertain, at best. The other lesson gained from studying past curriculum reform efforts is that short-term assessments of results tend to be notoriously unreliable. Borrowing from Karl R. Popper, Wirth suggests that, in regard to educational reform efforts, we adopt Popper's metaphor of a "system of plastic control" for "conceptualizing human reality".⁵³

What we need for understanding rational human behavior is something intermediate between perfect determinism--something intermediate between perfect clouds and perfect clocks...What we want is to understand how such non-physical things as purposes, deliberations, plans, decisions, intentions and values, can play a part in bringing about changes in the physical world.⁵⁴

PUBLIC EDUCATION IN NORTH CAROLINA

New Bern, North Carolina -- then the capital of the state -- established the first public school in the state, in 1766. New Bern also became the first jurisdiction in the state to receive state aid.⁵⁵ Aid came in the form of "gifts of public land and annual public taxes."⁵⁶ It has been recorded that this public largess "marked the beginnings of our public school of today, almost entirely by

⁵³ Op cit., Arthur G. Wirth, p. 16.

⁵⁴ Karl R. Popper, "Of Clouds and Clocks: An Approach to the Problem of Rationality and the Freedom of Man." in Popper, Objective Knowledge: An Evolutionary Approach. (Oxford, Eng.: Clarendon Press, 1972), 228-29. Cited in Wirth, p.16.

⁵⁵ North Carolina Department of Public Instruction, Through the years: A History of Public Schools in North Carolina. (Raleigh, NC, 1983), p. 1.

⁵⁶ Ibid., p. 1.

taxation and devoted to the education of all children in the state."⁵⁷ One decade later, the North Carolina "Constitution of 1776 encouraged the establishment of schools so as to provide instruction at 'low prices.' "⁵⁸

On January 10, 1840, more than seven decades after the founding of the first public school at New Bern, the first public *free* school was established in Rockingham County. State funds in the amount of \$40 were awarded to any school district that created public free schools. In addition, the legislature authorized an appropriation of \$20 for each school within a jurisdiction.⁵⁹

The State Board of Education

Latta observed that "the State Board of Education is the only education board in the state of North Carolina that is established by the State Constitution."⁶⁰ In fact, there have been, not one, but *three Constitutions* in the history of North Carolina: the Constitution of 1776; the Constitution of 1868; and the Constitution of 1971.⁶¹ Each version has had a significant effect on the governance of public education.

In the period between 1776 and 1868, "no references were contained in the Constitution of the state statutes relating to a State Board of Education or a Superintendent of Public Instruction," although a "Superintendent of Common

⁵⁷ Ibid., p. 1.

⁵⁸ Ibid., p. 1.

⁵⁹ Ibid., pp. 1-2.

⁶⁰ E. Michael Latta and James E. Conner, The North Carolina Story: Knowledge Applied is Power!. (Raleigh, NC: State Advisory Council on Vocational Education, 1990), p. 1.

⁶¹ North Carolina Department of Public Instruction, op cit., 1983, pp. 1-4.

Schools for the State" was established. This position was later abolished by the General Assembly in 1866.⁶²

Among the specified duties of the State Superintendent of Public Instruction were:

. . . direct the operations of systems of common schools and enforce the regulations and laws . . .;⁶³

. . . report to the governor annually . . .;⁶⁴

. . . correspond with educators abroad and to investigate the system of free schools established in other states and countries . . .;⁶⁵

. . . acquaint himself with the peculiar educational wants of each section of the state . . .; and⁶⁶

. . . be (ex officio) one of the directors of the asylum of the deaf and dumb and the blind, and of the state reform school and state orphan asylum.⁶⁷

These, and other later-devised job specifications for the state superintendent, underscore the considerable authority of this office to influence what happens in the classrooms of North Carolina.⁶⁸ Latta provides a revealing discussion of the

⁶² E. Michael Latta, *The Constitutional and Statutory Development of the State Board of Education and the State Superintendent of Public Instruction (As Well as the Defunct Office of Controller)*. (Raleigh, NC: North Carolina State Advisory Council on Vocational Education, 1989).

⁶³ Public Laws of North Carolina, 1873, Chapter 78, 654. Cited in Latta, pp. 3-4.

⁶⁴ *Ibid.*, Sec. 79.

⁶⁵ *Ibid.*, Sec. 81.

⁶⁶ *Ibid.*, Sec. 82.

⁶⁷ *Ibid.*, p. 86.

⁶⁸ Latta, *op Cit.*

rationale for changing the structure of the Department of Education and the job description of the Superintendent of Public Instruction.⁶⁹

AN HISTORICAL CHRONOLOGY OF EVENTS IMPACTING DIRECTLY OR INDIRECTLY ON CURRICULUM IN NORTH CAROLINA

The following table highlights historical events that impacted directly or indirectly, subtly or unsubtly, on the creation of curriculum in, as well as the growing power of the state over, the public schools of North Carolina:

1839	First common school law enacted.
1852	Office of Superintendent of Common Schools created.
1868	State Constitution adopted, authorizing the Office of State Superintendent of Public Instruction.
1869	General Assembly added general school tax, a prescribed four-month school term, and education for Negroes.
1901	Governor Charles B. Aycock's influence increased the number of local tax districts, abolished 300 school districts by consolidation, and reorganized the old Literary Fund, setting aside a revolving loan for school buildings.
1907	General Assembly authorized establishment of rural high schools. Normal schools for teacher training established.
1913	Local bond issues for school construction authorized. Four months compulsory school attendance for ages 8-12. Compulsory attendance law passed.
1914	Money for support of vocational education in public schools including agriculture, trade, home economics, and teacher education provided by Smith-Lever Act.
1917	Responsibility for certification of all teachers given to central State Board of Examiners.
1919-20	State-supported school term extended to six months.

⁶⁹ Ibid., pp. 6-12.

- 1921 Teacher training division authorized within Department of Public Instruction.
- 1931 Minimum state support of school libraries.
School machinery Act passed.
- 1933-34 State-supported school term extended to eight months.
- 1935-36 State textbook rental plan established.
- 1937-38 Free textbooks provided for grades 1-8.
- 1942 Constitutional amendment provided State Board of Education appointed by Governor.
Twelfth grade added.
- 1943 State-supported school term extended to nine months.
School lunch program created.
- 1946-47 Compulsory attendance age extended from 14 to 16.
- 1947 General Assembly authorized State Board of Education to use public funds for special education.
- 1949-50 Local unit supervises of instruction provided.
- 1953 \$50 million bond issue for school construction passed.
- 1954 U.S. Supreme Court ruled against separation of races in public schools in Brown vs. Board of Education in Topeka [Kansas].
- 1955 Pearsall Plan presented to General Assembly, resulting in transfer from State Board of Education to county and city boards, complete authority over enrollment and assignment of children in public schools, and buses.
- 1957 Community College Act passed.
- 1963 Governor's School, a program for gifted students, founded.
\$100 million bond issue for school construction passed.
- 1964 National Civil Rights Act passed; discrimination in public education prohibited.
First state-funded experimental program, the Comprehensive School Improvement Program (CSIP), implemented.
Advancement School for students with learning difficulties established.
Learning Institute of North Carolina (LINC) created to provide research in education.
- 1965 Federal Elementary and Secondary School Act passed.

- 1967 General Assembly provided for free textbooks in all high schools.
- 1968 Report of Governor Dan Moore's Study Commission on the Public School System of North Carolina.
- 1969 State-wide experimental kindergarten approved by General Assembly.
- 1971 State Superintendent designated chief administrative officer of the State Board of Education, as well as secretary. General Assembly's State government reorganization names State Department of Education, with the State Board of Education as its head, to include the Department of Public Instruction, the Department of Community College, and the Controller's Office.
- 1972 First regional education service centers established.
- 1973 \$300 million bond issue for school construction passed.
General Assembly provided funds for 10-month term for teachers, 12 months for principals.
- 1975 The Primary Reading Program initiated.
State-wide experimental kindergarten approved by General Assembly.
General Assembly provided funds for 10-month term for teachers.
- 1976-77 Kindergarten made available to all children of the state.
- 1977 Legislation passed authorizing both the Annual Testing Program and a competency testing program. Testing began in 1978.
- 1979 Non-public school responsibility removed from the State Board of Education.
- 1980 The North Carolina School of Science and Mathematics admitted its first students -- the first school of its kind in the nation.
- 1981 A State Board of Community Colleges is established.
North Carolina Commission on Education for Economic Growth issued report and recommendations, spurring widespread efforts for educational reform in North Carolina.
- 1983 Requirements for graduation increased.
- 1985 General Assembly passes Basic Education Program.
- 1986 Statewide standards for promotion implemented.

- 1987 The School Facilities Finance Act was passed, spurring construction and innovation of school facilities.
- 1989 Senate Bill 2 passed, bolstering authority in local schools but holding them accountable.⁷⁰

It can be concluded from this chronology that the involvement of the state of North Carolina in education shows a significant increase and intrusion into what and how much is taught in the schools, dating from the establishment of the first public school in 1766 in the state's capital, New Bern. What is inadequately shown in North Carolina's chronology, however, is the considerable influence of federal laws and court decisions. Indeed, although some feel that federal support for education is inadequate, it is difficult to imagine what North Carolina's schools would be like without such federal programs as: the Smith-Hughes Act of 1919, establishing vocational education as a national priority; the National Defense Education Act (1958), which established the precedent that education is related to the nation's defense; the Civil Rights Act (1964) that, according to Roger Thompson, would "clear the way for congressional approval a year later of the *first general aid bill for public education*"⁷¹ (Italics added.); and the Elementary and Secondary Education Act (1965). Federal involvement or possibly greater intrusion into public education has been manifested by a rash of other legislation impacting on every school in the nation.

⁷⁰ North Carolina Department of Public Instruction, op cit., pp. 5-8.

⁷¹ Thompson, op cit., p. 13.

IMPACTS ON CURRICULUM IN NORTH CAROLINA

In the movie, "All the President's Men," which dramatizes the widely read account for the journalistic investigation of the so-called Watergate scandal, the character, "Deep Throat," tells one of the protagonist reporters that if he hopes to get to the bottom of the scandal, he must "*follow the money.*" This advice of following the money trail applies with equal relevance to any investigation aimed at determining the impact of public laws and regulations on *what -- and how much* of any give "*what*" -- schools must teach. For the purpose of this review, what schools are directed to teach is defined as the curriculum.

Indeed, a simple truth derived from a reading of the history of education in general, North Carolina history in particular, is that money stands as a powerful lever in the determination of *what* is taught, on *how much time* spent teaching it, and to some extent, *how* it is taught in schools -- or indeed, whether some things will be taught at all. In very large measure, the history of education in North Carolina provides convincing confirmation of "Deep Throat's" advice: "Follow the money."

From the earliest history of education in North Carolina, money has had a strong supporting role. Indeed, without money or in-kind contributions such as land for school buildings, it seems safe to say, it is inconceivable we could have created a system of public education. Cubberly clearly linked money with power and control:

The great battle for state schools was not only taxation to stimulate their development where none existed, but was also directly a battle for some form of state control of local schools which had already grown up.⁷²

⁷² Cubberly, *op cit.*

Clearly, Cubberly's observation has been borne out in the "Tar Heel State." The battle for control by the state over local schools continues.

CURRICULUM REFORM EFFORTS IN NORTH CAROLINA

As can be gleaned from a scanning of the "Historical Chronology" of public education in North Carolina, there are distinct "markers" in the development of a system of public education in North Carolina, dating from the establishment of public schools in New Bern and Rockingham County to the passage by the General Assembly of the School Improvement and Accountability Act of 1990, otherwise known as "Senate Bill 2." Between the two historical date markers of 1776 and 1900, state support, as well as state control over many aspects of schooling, increased. With the passage of the Constitution of 1868, for example, greater centralized power of public education was assured by the creation of an office of the State Superintendent of Public Instruction. In 1919, a law was passed to increase the "constitutional school term from four to six months."⁷³ Then, the 1940s saw the compulsory attendance age rise from 14 to 16, creation of the school lunch program, and programs "for the promotion, operation and supervision of special courses of instruction for handicapped, crippled, and other classes of individuals requiring special type instruction." Also, during this period, the school term was extended to nine months.⁷⁴

One of the profound developments in curriculum occurred in 1958 in response to the Brown vs. Board of Education of Topeka. This single

⁷³ North Carolina Department of Public Instruction, *op cit.*, p. 3.

⁷⁴ *Ibid.*, p. 3.

development was to stimulate passionate public debate about equal educational opportunity and foster an array of programs to correct perceived educational deficiencies among blacks and other minorities. The main thrust of the U.S. Supreme Court - that separate education cannot be construed as equal education - would profoundly impact on curriculum at every level of the public school system. Although the progress toward equal educational opportunity was scattered and -- in some places -- slow, "the process of social change . . . had begun, and there was no turning back."⁷⁵ ("Brown" will be discussed further, under federal legislation.) Possibly, an extension of a national "early-intervention" thrust was North Carolina's "Comprehensive School Improvement Project aimed at improving instruction at the primary level, with particular emphasis on language arts and arithmetic." Also, the decade of the sixties would see legislative approval of "a state-wide experimental kindergarten program,"⁷⁶ again attesting to the importance of early childhood education.

A highly significant development in North Carolina's public school history occurred with the enactment of the "Pearsall Plan," the year following "Brown." The enactment was noteworthy because it brought about a significant diminution of the state education agency's authority. Specifically, the Pearsall Plan was a bill "transferring the complete authority over enrollment and assignment of children in public schools and buses from the State Board of Education to county and city school boards."⁷⁷

⁷⁵ Diane Ravitch, The Troubled Crusade. (New York: Basic Books), p. 138.

⁷⁶ North Carolina Department of Public Instruction, op cit., p. 4.

⁷⁷ Ibid., p. 4.

In another effort to strengthen curriculum in the schools and provide needed technical assistance to teachers and administrators, regional education centers were established throughout the state in 1971, and by the 1976-77 school year, the kindergarten program moved from being experimental to full implementation.⁷⁸

In a move that could be interpreted as one toward greater accountability, the eighties saw the establishment of annual testing in grades 1, 3, 6, and 9. Moreover, competency testing was initiated "in the eleventh grade . . . to make sure high school graduates have knowledge and skills to cope with everyday living."⁷⁹

Cockman-Clack calls attention to what she sees as "a farsighted program of school reform and accountability" -- the Basic Education Program (BEP). She notes, however, that the implementation of this program, with its price tag exceeding well over one-half billion dollars, and climbing, was far less than satisfactory. Indeed, an overall conclusion of her study, is that as soon as the BEP attained permanent funding status, vigilance in enforcing guidelines tended to become lax.⁸⁰ In a sense her entire study might be summarized by the following statement:

⁷⁸ Ibid., p. 4.

⁷⁹ Ibid., p. 4.

⁸⁰ Lorna E. Cockman-Clack, "The Effect of School Organization on the State Primary Reading Program: Four Comparative Case Studies, 1991."

Unpublished dissertation. (Chapel Hill, NC: University of North Carolina at Chapel Hill, 1991).

The findings of this study suggest that increased accountability at the school, local educational agency, and at the [State Department of Public Instruction] is needed for the Primary Reading Program.⁸¹

SENATE BILL 2: A NEW PARADIGM?

Senate Bill 2 deserves special attention, because it epitomizes the most significant power shift in education since the Pearsall Plan, a shift of even more power from the State Department of Public Instruction to local education units and, of equal importance, to the schools themselves. Clearly unprecedented in its scope and intent, the extent to which local units and schools will exercise initiative in matters of curriculum, however, is yet to be manifest. Moreover, it is likely that the quality of local curriculum initiatives will not be evident for some time.

Reservations, aside, the School Improvement and Accountability Act of 1989 --or Senate Bill 2-- breaks dramatically with previous educational legislation in the state. Importantly, Senate Bill 2 may be said to be voluntary, not mandatory; that is, in exchange for a given local school unit's willingness to participate, and having had its plan approved, the participating school shall be:

exempt from State requirements to submit reports and plans, other than local school improvement plans to the Department of Public Instruction.⁸²

As much as it breaks with tradition, Senate Bill 2, compared with Kentucky's educational reform program, is, to put it mildly, anemic. Kentucky's school

⁸¹ Ibid., p. 283.

⁸² General Assembly of North Carolina, "Senate Bill 2, An Act to Appropriate Funds for Implementation of the School Improvement and Accountability Act of 1987," Chapter 778. (Raleigh, NC, 1989), p. 1.

reform blueprint is truly a revolutionary undertaking in restructuring. Impetus was provided by the Kentucky Supreme Court, which declared that "the entire state of elementary and secondary education" was unconstitutional.⁸³ The Court wrote:

This decision applies to the entire sweep of the system--all its parts and parcels. This decision applies to the statutes creating, implementing and financing the *system* and to all regulations, etc. . . . This decision covers the creation of local school districts, school boards, and the Kentucky Department of Education. . . . It covers school construction and maintenance, teacher certification--the whole gamut of the common school systems in Kentucky. . . . Since we have, by this decision declared the system of common schools in Kentucky to be unconstitutional, Section 183 places an absolute duty on the General Assembly to re-create, re-establish a new system of common schools in the Commonwealth.⁸⁴

This sweeping change was brought about, it must be emphasized, not by legislation but by court order. Senate Bill 2 -- a creature of the North Carolina General Assembly -- as critics charge, does not go far enough: it still keeps in place far too much of the state bureaucracy. Gibson attempts to show the seeming ambivalence reflected in the legislation:

The irony is hard to miss as one drives along Raleigh's Wilmington Street, where workman are giving rise to a multimillion-dollar edifice for the North Carolina Department of Public Instruction. Just as the structure grows into reality, the state is struggling mightily to undo a strange hold on rules and regulations perpetuated over the past half-century by the bureaucracy that will inhabit the building.⁸⁵

⁸³ *Legislative Research Commission, A guide to the Kentucky School Reform Act of 1990.* (Frankfurt, KY), p. 3.

⁸⁴ *Ibid.*, p. 3.

⁸⁵ Dale Gibson, "Back to School: Education Takes A Business Approach to Restructuring." *Triangle Business*, May 7-14, 1990, p. 1.

Freedom, if local units choose to opt for it, comes with considerable strings and anomalies. For example, schools participating in the program are bound by staffing ratios, which can be a rigid restraint on how staff is deployed. Also, the state agency, that schools are seeking to be free of, is the very body that decides whether they may participate in the program, and how well participating schools perform. Larry D. Coble, superintendent of Forsyth County Public Schools, states the case this way:

One outstanding feature of Senate Bill 2 . . . is a clear shift in the direction of decision-making and power: a movement away from centralized control toward increased local-unit control. This development is much like what is happening in American industry--and is ironically, much like what is happening in Eastern Europe.

Power, it should be noted, as in Eastern Europe, is not easily relinquished. . . . The issue is not whether the decision by the local school districts to participate in the Channel One* program is wise or unwise. No one, it seems, has a [monopoly] on wisdom or stupidity. The issue is, who should have the authority to make wise or even stupid decisions.⁸⁶

Even in view of considerable criticism of Senate Bill 2, it must be conceded that it is a giant step in reform legislation for North Carolina. Whether it goes far is still open to debate. Whether it will prove effective must wait on developments. That Senate Bill 2 has the potential to change curriculum in North Carolina, there can be no doubt.

* Channel One is a set of television programs, with commercials, beamed into the classroom.

⁸⁶ Larry D. Coble, "Effective Strategies for Improving Public Education in North Carolina," unpublished speech. (Winston-Salem, NC: Office of Superintendent, Forsyth County Public Schools, NDG), pp. 5-6.

FEDERAL INFLUENCES ON SCHOOL CURRICULUM

Vocational Education

Leaving aside the issue of unintended legislative and judicial consequences on the curriculum in the schools, numerous authorities have heralded the impact of various programs. For example, there is the Smith-Hughes Act. In spite of mutations in the form of amendments, the basic intent of Smith-Hughes has survived, resulting in the continued growth and influence of vocational education in the public schools. Certainly, this federal legislation, alone, has shaped secondary education in ways that would not be possible without the money it has conferred upon the schools in the states. It would not be until 1977, however, that the North Carolina General Assembly "established a *legal framework* for vocational education in the public schools,"⁸⁷ in the following statutory language: "It is the intent of the General Assembly that vocational education be an integral part of the educational process...."⁸⁸ "The year 1977 further bore witness to the Board of Governors of the University recognizing, for the *first time*, vocational teacher education as a specific function of the public university system."⁸⁹

Also, wrote Latta and Conner, "The 1988-89 fiscal year will be remembered as when the General Assembly provided state funds to pay the 'full' salary for vocational teachers in the public schools, just as it does for all other state-

⁸⁷ E. Michael Latta and James E. Conner, *The North Carolina Story: Knowledge Applied is Power!*. (Raleigh, NC: North Carolina Advisory Council for Vocational Education, 1990).

⁸⁸ *Ibid.*, p. 2.

⁸⁹ *Ibid.*, p. 2.

funded public school teachers."⁹⁰ Thus, if it can be said that money talks, then the message of the '88-89 action by the General Assembly would seem to be: Vocational education is to be on parity with other segments of the public school program.

It is noteworthy, records show that vocational education in North Carolina, as a state interest, dates back to 1887 when the State Superintendent, "who also served as Superintendent of Raleigh Graded Schools," in the *1887-88 Biennial Report* to the governor wrote: . . . "it is a good thing to learn in school what the books teach, but [it] is equally good to *learn to work*."⁹¹ (Italics added.) The State Superintendent added that "manual training for children of the cities in some substantial way, either by private means or in the public schools, is a thing very much to be desired."⁹²

Although the State Superintendent's words were not heeded, they set in motion a continuing fostering of vocational education. Persistence was seen in the State Superintendent's *1902-1904 Biennial Report* to the Governor, in which he noted: "The age is demanding more and more . . . [vocational] training." Furthermore:

The commercial and industrial development of the wonderful resources of the State and the prosperity and happiness of the great masses of the people are making it more and more necessary.⁹³

The longevity of vocational education, notwithstanding, it stands at the crossroads. There is afoot, with the passage by Congress in 1990 of the Carl D.

⁹⁰ Ibid., p. 32.

⁹¹ Ibid., p. 5.

⁹² Ibid., p. 5.

⁹³ Ibid., p. 6.

Perkins Vocational and Applied Technology Act, writes Rosenstock, "a powerful tool for re-creating schools."⁹⁴ Wirt, like Rosenstock, sees the legislation as an attempt at major restructuring. To appreciate the potential impact of this legislation on curriculum, it should be useful to consider the major changes in the federal vocational education program, as enumerated by Wirt:

- The first major change of the new federal legislation is that it begins to shift away from the traditional job-skills orientation of vocational education and toward the broader purpose of using vocational education as a vehicle for learning academic and other kinds of thinking skills and for linking thought with action.
- A second major change is that the new legislation places much greater emphasis on directing federal resources for vocational education to those districts where the needs for reform and improvement are the greatest.
- A third change is that the new law restructures the relationship between the states and the local school districts in an effort to encourage the districts to provide greater leadership in reforming and improving vocational education than they have in the past.
- The fourth change is that, for the first time, the new law distinguishes between secondary and postsecondary levels of vocational education.⁹⁵

The National Defense Education Act (NDEA)

In many respects, NDEA was "the forerunner of general federal aid to education."⁹⁶ The key word fueling the passage of NDEA was "Sputnik," the basketball-sized satellite launched by the Soviet Union in the fall of 1957. The

⁹⁴ Rosenstock, Larry. "The Walls Come Down: The Overdue Reunification of Vocational and Academic Education." *Phi Delta Kappan*, 72:6, Feb. 1991, p. 436.

⁹⁵ Wirt, John G. "A New Federal Law on Vocational Education: Will Reform Follow?" *Phi Delta Kappan*, 72(6), Feb. 1991., p. 423.

⁹⁶ Jean Rosenblatt, "Post-Sputnik Education," *Education Report Card: Schools on the Line*. (Washington, DC: Congressional Quarterly Inc., 1985), p. 67.

immediate effect, apart from shock, was that the "Post-Sputnik shockwaves led to demands for federal funds for mathematics, science, greater emphasis on language instruction, and higher academic standards."⁹⁷ The advent of Sputnik resulted in the last rites for progressive education.⁹⁸ Sputnik, more than any other factor, created a shift toward the rigors of "hard" subjects and standards.

Ravitch cited an unnamed historian as speaking of the effect of Sputnik in the following terms: "a shocked and humbled nation embarked on a bitter orgy of pedagogical soul-searching."⁹⁹ There was the ever-present reminder, noted Ravitch, of "Sputnik itself, orbiting the earth." Prior to Sputnik, Ravitch related, President Eisenhower had tried to move Congress to pass a school construction program, to no avail. But after Sputnik, federal support for education would be elevated to unprecedented levels. Ravitch gave this account:

After Sputnik . . . , the broad popular demand for a federal response to meet the Russian challenge prompted Congress to pass the National Defense Education Act. . . . This act provided fellowships, grants, and loans to encourage the study of science, mathematics, and foreign languages and funded school construction. The active federal aid lobby, defeated so many times in the past, was happy to latch onto national security as a vehicle to establish the legitimacy of the federal role in supporting education.¹⁰⁰

A major player in post-Sputnik curriculum reform was the National Science Foundation, NSF, established by Congress in 1950 "to promote basic research

⁹⁷ Ibid., p. 76.

⁹⁸ Ravitch, *op cit.*, pp. 77-80.

⁹⁹ Ibid., 228. This remark was attributed to Lawrence A. Cremins, *The Transformation of the School: Progressivism in American Education, 1876-1957*. (New York: Alfred A. Knopf, 1961), p. 347.

¹⁰⁰ Ibid., p. 228.

and education in the sciences." NSF entered the curriculum reform movement in a big way. In addition "to sponsor[ing] science fairs and summer institutes for high school teachers of mathematics and science,"¹⁰¹ NSF funded a massive effort of the Massachusetts Institute of Technology (MIT), under the rubric of the MIT Physical Science Study Commission to undertake a comprehensive restructuring of curriculum. Addressed in this undertaking were mathematics, biology, chemistry, and social science. "From these efforts," wrote Ravitch "eventually came a number of innovative curricula, including 'the new math,' 'the new social studies,' and substantial revisions of the natural sciences."¹⁰²

On a note of high optimism, Francis Keppel, in 1963, proclaimed: . . . "more time, talent, and money than ever before in history have been invested in pushing outward the frontiers of educational knowledge, and in the next decade or two we may expect even more significant developments."¹⁰³

The curriculum reform was both broad and deep. Ravitch reports that with money from government and foundations, "school systems experimented with the new (supposedly 'teacher-proof') curricula, new patterns of staffing and scheduling, new ways of training teachers, and new technology."¹⁰⁴

Optimism ran high, writes Ravitch: envisioned was "the automated classroom. The new technology had made the traditional egg-crate school

¹⁰¹ Ibid., p. 229. For her information, Ravitch relied on a doctoral dissertation written by Barbara Barksdale Clowse, "Education as an Instrument of National Security: The Cold War Campaign to 'Beat the Russians,' from Sputnik to the National Defense Education Act of 1958." University of North Carolina, Chapel Hill, 1977. It was later published as *Brain Power for the Cold War: Sputnik and the National Defense Education Act of 1958*. (Westport Conn.: Greenwood Press, 1981), p. 347.

¹⁰² Ibid., pp. 231-232.

¹⁰³ Ibid., p. 233.

¹⁰⁴ Ibid., p. 233.

obsolete." But, alas, writes Ravitch: "The expected revolution in the schools was not to be. It was swept aside by the onrush of the racial revolution, which presented a forceful challenge to the political, social, and economic basis of American schools."¹⁰⁵

The Quest for Equal Educational Opportunity

If Sputnik can be said to have been the harbinger of general federal aid to education, then surely the Civil Rights Act of 1964 -- a non-educational piece of legislation -- was the precursor of the first general federal aid to education.¹⁰⁶ This general aid program for American schools was embodied in the Elementary and Secondary Education Act (ESEA).

What the Civil Rights Act did, in effect, through the use of federal funding, was to leverage many public institutions toward change -- particularly, the public schools. Significant changes in curricular emphases were accomplished "by barring federal aid to segregated schools" and hence, "end[ing] the long-standing controversy over federal support for the South's dual school systems."¹⁰⁷ One decade after "Brown," Congress, in effect, enacted legislation declaring the "separate-but-equal" doctrine null and void. Of course, later, schools in the North would be subject to federal scrutiny. A consequence of enforcement of desegregation of schools was the actual intrusion of judges

¹⁰⁵ Ibid., p. 233.

¹⁰⁶ Ibid., p. 233.

¹⁰⁷ Roger Thompson, "Status of the Schools," *Education Report Card: Schools on the Line*. (Washington, DC: Congressional Quarterly, Inc., 1985), p. 13.

into school administration and curriculum -- North and South, East and West, rural and urban, and suburban.¹⁰⁸

THE COLEMAN REPORT

It is common knowledge that reports can have a profound effect on how schools operate. There are no better testimonies to this truth than what came to be called "The Coleman Report." Issued in 1964, under the title of "Equality of Educational Opportunity," the report, which included not a single recommendation, was to have a profound influence on curriculum developments, nationwide. The report's influence seems all the more remarkable, when one considers the quality of its prose. Peter Schrag observed that the report was "written in the workmanlike prose of an Agriculture Department bulletin on fertilizer."¹⁰⁹

Ravitch writes that ". . . while school improvement received little support from the report, there was a strong suggestion that social class integration might effectively improve the achievement of lower-class students."¹¹⁰

The Coleman Report spawned a rash of articles and books on how the disadvantaged student learns, and under what conditions.¹¹¹ More than, that it expanded interest in early childhood education. Conner identified six

¹⁰⁸ Ibid., pp. 2-15.

¹⁰⁹ This statement was attributed to Christopher Jencks by Peter Schrag in "The Coleman Report--Urban Schools: Equality or Diversity." Cited from James E. Conner's unpublished speech, "The Coleman Report: Some Blind Stitches," April 17, 1959, p. 1.

¹¹⁰ Diane Ravitch, op cit., p. 169.

¹¹¹ James S. Coleman, et. al., *Equality of Educational Opportunity*. (Washington, DC: U.S. Governmental Printing Office, 1966).

characteristics inferred from the Coleman Report, which are related to development of learning-disadvantaged children:

- Integrated education is better than segregated education.
- Children learn a great deal from each other. While advantaged kids did not benefit from interaction with disadvantaged kids, they were not harmed from an achievement standpoint by the association.
- The child's concept of himself may be a significant determinant of how well he learns.
- The child does not see himself as a controller and mover of his world, but rather, sees the world as acting upon and controlling him . . .
- Disadvantaged children have limited role models.
- Early educational intervention is most effective in reversing the effects of cultural and educational deprivation.¹¹²

The initial focus of the studies on culturally deprived children was on their deficiencies.¹¹³ This point of view probably explains the use of the term, "compensatory education." Deutsch, a strong champion of early intervention, presented this view:

1. Earlier intervention is always superior to later.
2. Any intervention is better than none.
3. If a rich, structured program is begun for children when they are three or four years of age, it will ignite growth potential which up to then has been dormant in the child.

¹¹² James E. Conner, "The Coleman Report: Some Blind Stitches," unpublished speech, April 17, 1969, pp. 2-3.

¹¹³ The "deficit perspective," related to economically disadvantaged children is clearly expressed in "Childhood and Compensatory Education," *Implications of Perspective Changes in Society* by Harry Passow. (Denver, CO: Education for the Future Project, 1967), pp. 80-81. Cited in Conner, p. 3.

4. Where there has been limitation of environmental encounters, the child should be exposed to as much compensatory-stimulation as possible.¹¹⁴

As important as its influence on early childhood education may be, the Coleman Report's greatest contribution was, according to Finn, the bringing about of "the biggest reform of all" in education. The reform, which Finn identifies, could prove extremely helpful in understanding some of the changes--and contradictory demands--that are taking place in curriculum development, such as Senate Bill 2. Finn predicts:

History . . . is going to view the final third of this century as a time when the very meaning of *education* was recast, at least in the United States and perhaps throughout the industrial world.¹¹⁵

This recasting of "the very meaning of *education*" was catalyzed, writes Finn, by the Coleman Report. This report, he notes,

. . . was perhaps the single greatest source of tectonic movements that have generated today's earthquake. The report suggested that the cherished 'input' variables might not have that much to do with equality--when the latter is construed in terms of student achievement.¹¹⁶

Here is what Coleman had to say about the report:

The major virtue of the study as conceived and executed lay in the fact that it did not accept that [traditional] definition, and by refusing to do so, has had its major impact in shifting attention from its traditional focus on

¹¹⁴ Martin Deutsch, *Social Intervention and the Malleability for the Child*. (Ithica, NY: Cornell University School of Education, 1964), pp. 5-9. Cited in Conner, p. 3.

¹¹⁵ Finn, op cit., pp. 587-88.

¹¹⁶ *Ibid.*, p. 586.

comparison of inputs (traditional measures of school quality used by school administrators: per-pupil expenditures, class size, teacher salaries, age of building and equipment, and so on) to a focus on output, and the effectiveness of inputs in bringing about changes in output.¹¹⁷

It's clear, notes Finn, that the rules affecting the development of school programs are changing. We are shifting from a "input-and-process paradigm to an output paradigm." We have, in effect, new standards for gauging the quality of schooling. "Under the new definition," declares Finn, "now struggling to be born, education is the result achieved. Only when the process succeeds and learning occurs will we say that *education* happened."¹¹⁸

It's still too early to assess the effect of the "new definition." Apparent, in legislation like Senate Bill 2, is, to the extent that a shift has occurred from the *input-and process* to and *output* paradigm, how curriculum is funded and administered will be affected. At the very least, it is probable under an output paradigm choices will be affected. Coble saw this clearly when he talked about Senate Bill 2:

... "the primary goal" of Senate 2 is to ... "improve the quality of student performance" ... and to lessen control of the State Department of Education. ...¹¹⁹

¹¹⁷ James S. Coleman, "The Evaluation of Equality of Educational Opportunity," in Frederick Mosteller and Daniel P. Mouniham, eds. *On Equality of Educational Opportunity*. (New York: Vintage Books, 1972), 149-50. Cited in Finn, pp. 588 and 592.

¹¹⁸ Finn, op cit., p. 586.

¹¹⁹ Coble, op cit., p. 5.

Finn sees the emerging output paradigm as potentially having an enormous impact on curriculum. What the "new" paradigm will do, he claims, is expand vision:

. . . If we are looking at education in terms of what students *learn* rather than what people in classrooms *do*--judging the cake by how it tastes instead of by the ingredients the baker assembles--then we could restate the entire "textbook problem" as follows: students don't learn as much as they should partly because their formal educational experience relies too heavily on textbooks. We should have sound curricula that relate to what we really want students to learn; we should have teachers who have mastered that content, as well as diverse means of imparting it to students through an array of pedagogical strategies and material (print, electronic, and so on).¹²⁰

Finn continues:

Here we have attacked the puzzle of textbooks by radically shrinking their role rather than producing an entirely new generation of them. And we have done so because we judge that the educational "ingredient" called the textbook needn't be all that important in terms of what students end up learning. You can make a delectable cake without any flour, so long as you don't define *cakes* as things made of flour.¹²¹

When we change the definition of education and end what Conner calls "*paradigmatic blindness*,"¹²² all manner of benefits will accrue, according to Finn. Specifically, he offers an outline of possible, far-reaching consequences of a new, *outcomes* paradigm:

¹²⁰ Chester E. Finn, Jr., op cit., p. 587.

¹²¹ Ibid., p. 587.

¹²² James E. Conner, "Paradigms, Paradoxes, and Possibilities," Part One, *Journal of Developmental Education*, Sept. 1990, pp. 30-31.

- Our understanding of "compulsory education" will come to mean engaging in some form of systematic study until one attains a specified level of knowledge and skill, rather than sitting in school for a set number of years.
- The "cookie cutter" pattern of schooling will yield to an array of delivery systems for education, ranging from home computers to workplace experiences to a hundred different sorts of "classroom" including those run by proprietary schools and those involving electronic links between distant locations.
- The definition of *teacher* will be up for grabs. People with varied backgrounds, incommensurable training, and divergent approaches will qualify. Remember, only surgeons are permitted to perform open-heart surgery, the people best able to help one avoid the need for such an operation may include dietitians, exercise trainers, and ever vigilant family members.
- Our established notions of what constitutes a school year and a school day will evaporate, as the border between schooling and other modes of learning blurs and the obligation to study is tied to a minimum outcome level rather than a fixed number of years of effort.
- The range of materials and mechanisms by which one can legitimately learn will expand hugely.
- Once education is defined in terms of what is learned, it becomes imperative for educators and policy makers to be clear and precise about what they intend for students to learn.
- The taste tests are no joke. Reliable and valid modes of assessing learning are crucial to a new paradigm. They will need to be multidimensional, pushing beyond the limits of the machine-readable multiple-choice test.
- We will have to take special pains to prevent "minimum" outcomes from turning into ceilings on which people bump their heads. Defining education in terms of what is learned does *not* mean that we should rest content when virtually everyone has reached the prescribed minimum.¹²³

Finn cautions that "paradigm shifts are complicated, and nowhere is this truer than in the enterprise of K-12 education."¹²⁴ The encouraging news, he informs

¹²³ Finn, *op cit.*, p. 591.

¹²⁴ *Ibid.*, p. 592.

us is "The most important development in the construction of a new paradigm has been the work of the governors."¹²⁵

The Elementary and Secondary School Act

The Elementary and Secondary School Act (ESEA) (1965) was, and remains, the most massive federal effort at reforming the school. According to Ravitch, ESEA was a blend of social science and law. She noted: "During the decade after the *Brown* decision, the wide disparity between the achievement levels of white and black children was a major problem in desegregating school districts."¹²⁶ The "social science" aspect of the legislation refers to a meeting of some top educators and social scientists in 1964 to deal with the subject of "cultural deprivation" and education. The resulting document explained what "culturally disadvantaged and culturally deprived meant." and sought to explain why "the roots of their problem, in large part, may be traced to their experiences in homes which did not transmit the cultural patterns necessary for the types of learning characteristic of schools and the larger society."¹²⁷

Ravitch observed:

In the jargon of the day, compensatory education was the answer to cultural deprivation. Like so much other jargon of the era, the term compensatory education was a misnomer with an unnecessarily pejorative tone. What is meant when properly defined and implemented,

¹²⁵ Ibid., p. 591.

¹²⁶ Diane Ravitch, op cit., p. 282.

¹²⁷ Diane Ravitch, op cit., p. 149.

was intensive, individualized instruction in an encouraging, supportive environment -- in other words, the good education.¹²⁸

For the first time in the history of education, we saw a massive infusion of federal money for the purpose of developing an early intervention program for culturally disadvantaged children--nutritionally, socially, and educationally. This meant emphasis on nursery schools and kindergartens, "breakfast, lunch, medical care, and necessary clothing, if parents were unable to provide them."¹²⁹

There was a call for teachers to see disadvantaged children as being part of, and possessing a language of, a subculture that has its own strengths. In addition, these children were seen to have different *learning styles* or *preferred ways of learning* from those recognized in traditional educational programs.¹³⁰ The main thrust of this rationale was that disadvantaged children tended to be more non-verbal and motorial than other children, with a strong preference for physical activity.¹³¹

SUMMARY STATEMENT

The facts would seem to support strongly that the effects or consequences of legislative and other exogenous interventions aimed at changing the curriculum of the schools are mixed and often inconclusive. Stated another way, the history

¹²⁸ Benjamin Bloom, Allison Davis, and Robert Hess, *Compensatory Education for Cultural Deprivation*, 25-26. Cited in Ravitch, p. 152.

¹²⁹ Ravitch, *op cit.*, p. 152.

¹³⁰ Frank Riessman, *The Culturally Deprived Child*. (New York: Harper & Row, 1962). Cited by Ravitch as "probably the most widely read book on the subject.", p. 154.

¹³¹ Frank Riessman, *Helping the Disadvantaged Child Learn More Easily*. (Englewood Cliffs, NJ: Prentice-Hall, 1966.) Cited in Ravitch, p. 233.

of curriculum reform over the past three decades shows clearly that legislation and court orders do affect changes in the curriculum of the schools. How the success of any given curriculum reform is judged, however, is dependent to a considerable degree on whether one is looking--as Goodlad, suggested--at the *explicit* or the *implicit* curriculum--or at results that are judged by Finn's sovereign criteria that only when "the process succeeds and learning occurs can we say that *education* happens."¹³²

Indeed, the current move toward restructuring, site-based management, and greater teacher empowerment--by North Carolina's legislature and other law-making bodies--can be seen as a response to the perceived failure of past reform to alter significantly the implicit curriculum -- what really goes on in the classroom.

It is clear that significant changes have been made in the explicit curricula of schools over the past three decades. But even proposed reform efforts, viewed from a perspective of *outcomes* rather than *input-and-process*, provide little cause for optimism. Few students of educational reform have furnished as telling testimony of the public schools' failure to be transformed by reform efforts as Goodlad. Particularly troublesome is, according to Goodlad, the lack of parallelism between officially stated goals and the implicit curriculum.¹³³

"The predictable failure of educational reform," the title of Seymour Sarason's book, conveys a message of despair. The problem with current and past attempts at school reform should be obvious, he wrote: the basic problem is a lack of vision of what education should be about. Without the correct vision,

¹³² Finn, *op cit.*, p. 586.

¹³³ John I. Goodlad, *op cit.*, *A Place Called School*.

failure of school reform is indeed a foregone conclusion -- and notes Sarason, there is little evidence of a clear, compelling vision. And without it:

One can alter curricula, change power relationships, raise standards, and do a lot more, but if these efforts are not powered by altered perceptions of what children are and what makes them tick and keeps them intellectually alive, willingly pursuing knowledge and growth, their results will be inconsequential.¹³⁴

Our vision, cautions Sarason, is too limited, often expressed in terms of minimum standards. "Policy makers and curriculum developers are lacking in vision, their aims sorely pedestrian," Sarason accuses: "Even many of their high-sounding goals miss the mark. They have failed to come to grips with [an] overarching aim."¹³⁵ It would be wise, Sarason advises, to "curb our enthusiasm about what is hoped to be gained by restructuring." Surely, a review of educational reform should endow most with a sense of informed skepticism.

At any rate, it is clear from examining Senate Bill 2 that we are not yet witnessing a paradigm shift--that indeed, there have been a number of contradictory signals sent by policy makers and the state educational bureaucracy. Gibson poses an intriguing question: "We are all in a sense presiding over the demise of a public education systems we have know in the past. The issue is not whether we leave the system as it has been in the past. The issue is: Do we know what system will replace it?"¹³⁶ Sarason answers Gibson's question in the negative: We don't.

¹³⁴ Seymour B. Sarason, *op cit.*, p. 163.

¹³⁵ *Ibid.*, p. 163.

¹³⁶ Dale Gibson, *op cit.*, p. 4.

We are reminded by Timar that the odds against successful restructuring of public schools is a formidable undertaking, that the necessary "decentralization swims against a 30-year current in educational policy, which has relied on centralization and regulation to achieve specific policy goals. Indeed," Timar points out, "many state-level strategies adopted since 1983 perpetuate the regulatory orientation of school improvement."¹³⁷

At the heart of the matter, Timar informs us, is a lack of questioning about our assumptions regarding schooling. Citing Sizer,¹³⁸ Timar notes there "is the need to examine the cultural norms and ideas that reform the structure of the schools." He praises Goodlad and Sizer for being two "restructuralists" who "have . . . seriously challenged the conventional myths and rituals of schooling--the basic assumptions. . . ." ¹³⁹

Given all the complexities of school reform, the overall conclusion to be drawn from this review is, yes, legislation does bring about reform of the curriculum. What changes occur, however, are often less than clear, particularly at the implicit, curricular level. The ultimate conclusion has to be that curriculum change is complex and therefore, often defies our efforts to assess its effect--intended and unintended.

¹³⁷ Thomas Timar, "The Politics of School Restructuring." *Phi Delta Kappan*, Dec. 1989, p. 266.

¹³⁸ Theodore R. Sizer, *Horace's compromise*. (Boston: Houghton Mifflin, 1985). Cited in Tamar, pp. 266 & 275.

¹³⁹ Thomas Timar, op. cit., p. 266.

CHAPTER III

STATE STATUTES RELATING TO PUBLIC SCHOOL CURRICULUM

Introduction

In the broadest sense, the curriculum might be defined as any activity concerning the operation of the schools that impact on learning or changing student behavior. By this definition, riding on the school bus or eating in the school cafeteria, as well as taking formal courses, would constitute the curriculum. In a narrower sense, the curriculum would encompass the total range of activities from extracurricular participation to academic endeavors, which are specifically designed by a school system to facilitate education. The curriculum in this case would include such activities as sports, band and chorus, and dramatics as well as courses such as mathematics, foreign language, and driver education. But from a more limited and useful perspective, what is thought of as the curriculum might focus on two characteristics: the range of courses the students take for credit; and the totality of activities, materials, procedures, and instructional aids used to facilitate the teaching of the courses that students take for credit. Under the latter definition, extra curricular activities, busing and eating would not be a part of the curriculum. Also, administrative procedures such as attendance requirements, dropout prevention, and racial quotas would also fail to meet the curriculum standard. On the other hand, textbooks, library books, films and other visual aids, some computer

software, along with formal courses, would be considered as part of the curriculum.

Though broad in scope, the three definitions of curriculum, above, clearly fail to include some of the most controversial and widespread activities in which students are involved. Among these activities, which have prompted much legal discussion and litigation, are moments of silence, prayer, and pledge of allegiance requirements that are mandated through statutes enacted by the state legislative bodies.

The practical problem in completing this study in a meaningful way is to limit the definition of curriculum to ensure that the most pertinent issues of curriculum are covered while limiting the scope to conform to time and cost factors, as well as the academic standards required of a study of this nature.

With due consideration to the definitions and parameters, alluded to above, the writer chose to delimit curriculum considerations to include the following:

- Courses in the school curriculum that are offered for academic credit, including required courses and electives.
- Instructional materials that are in the form of library books and textbooks.
- Provisions for moment of silence, prayer, Bible reading and Pledge of Allegiance.
- Extra curricular requirement in a broad sense that will not include extensive discussion of specific activities such as sports, music, clubs, drama, debate and the like. The above limitation in the main will be imposed in the discussion in this chapter of curriculum statutes enacted by the fifty states.

Overview of Governmental Authority In the Selection and Regulation of School Curriculum

With a few exceptions, Federal authority in the selection and regulation of school curriculum has been minimal. In the main, both the federal government and its courts have hesitated to dictate the establishment and control of the curriculum. One noted exception to this rule occurred in the 1950's, when following the launching of the Russian satellite Sputnik, American schools were influenced to give stronger emphasis to teaching mathematics and science. Likewise, the Federal courts have not questioned the legality of curriculum provision except in situations where state and local curriculum requirements have threatened constitutional provisions of free speech and religious protection.

While federal regulations of the school curriculum have been limited, state involvement in the selection, establishment, and regulation of instructional programs has been far more extensive. The influence and control of the curriculum among the fifty states, however, is far from being uniform despite the fact that states have the authority to regulate curriculum through constitutional mandates and by statutes. State legislatures frequently exercise the authority to prescribe courses that must be taught in the public schools, while some state constitutions have made provisions for state boards of education to make curriculum provisions, including the selection and adoption of textbooks and other instructional materials.

According to Peterson¹, local boards of education "have complete discretion in determining what courses shall be offered, continued, or discontinued," in the

¹ L. Peterson, *The Law and Public School Operation*. p. 380 (1968).

absence of Federal and state mandatory statutes or constitutional provisions. The broad authority given to local boards in many states may be attributed to the belief that local school boards are in a better position to evaluate local educational needs than either the state legislature or Federal government.

Research Procedures

The statutes pertaining to curriculum in the public schools in the fifty states were obtained from the files of state statutes at a state university law school. The statutes that were collected were screened to eliminate ones that were not relevant for this study, then typed by state and placed in the Appendix of this report. The compiled statutes were classified by subject area or instructional activity so that they could be summarized in tabular form.

To conserve space and to facilitate the presentation of findings, tables were not created for curricular areas for which only a few states have statutes. In these cases, the information that would have appeared in the tables are integrated as part of the dialogue.

Provisions For Local Selection of Curriculum

In all states the local school district is required to offer a curriculum prescribed by the state. To a great extent, the actual requirements for curriculum are delegated to and established by the State Board of Education or through an independent committee established to make decisions on curriculum within state guidelines. In a few instances, however, local districts enjoy some discretion but, again, course offerings must be chosen within guidelines

formulated by state boards. The statutes of most states contain legal requirements that states have to observe, for example, all schools must offer a course in state government.

Extracurricular Statutes

Table 1 presents a summary of states that had extracurricular activities in effect in 1992. Of the 50 states, 11 or 22 percent of the states had statutes that mandated the schools must provide extracurricular programs. California, Illinois, Indiana, Louisiana, Missouri, Nebraska, New Jersey, and South Dakota required that extra curricular programs be established at both the elementary and secondary school levels. In Iowa and Minnesota, the extracurricular requirement was limited to only the secondary level, while in Kansas, the requirement was only at the elementary school level.

Wide variation exists in the extent that the states spell out extracurricular regulations. In only 16, or 32 percent, of states are there no state provisions for administering the extra curricular program. In Iowa, Michigan, New York, Oklahoma, Oregon, Pennsylvania, and South Carolina, the states have detailed extracurricular regulations for local districts; while, in Iowa and Kansas, approval for extracurricular activities at the district level must be obtained from the state.

Provision for the establishment of regulations for athletic competition are covered in the statutes of 19, or 38 percent, of the states. The states that must meet athletic program specifications are Alabama, California, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, New Mexico, North

TABLE 1
EXTRACURRICULAR ACTIVITIES STATUTES
IN EFFECT IN 1992 BY STATES

States	District	Program Specifications					
		Extra-Curricular Activities	No Provisions	Detailed State Regulations	State Approval Required	Regulations for Athletic Competition	Secret Societies Prohibited
Alabama						X	
Alaska		X					
Arizona		X					
Arkansas		X					
California	ES						
Colorado						X	X
Connecticut		X					
Delaware		X					
Florida							X
Georgia		X					
Hawaii		X					
Idaho		X					
Illinois	ES						X
Indiana	ES						
Iowa	S		X	X			
Kansas	E			X		X	
Kentucky		X					
Louisiana	ES					X	X
Maine							X
Maryland						X	X
Mass.						X	
Michigan			X			X	X
Minnesota	S						X
Mississippi							X
Missouri	ES						X
Montana							X
Nebraska	ES					X	X
Nevada		X					
New Hamp.		X					
New Jersey	ES					X	X
New Mexico						X	
New York			X				X
N. Carolina						X	
N. Dakota						X	
Ohio						X	
Oklahoma			X			X	
Oregon			X			X	X
Pennsylvania			X			X	

TABLE 1
 EXTRACURRICULAR ACTIVITIES STATUTES
 IN EFFECT IN 1992 BY STATES
 (Continued)

States	District	Program Specifications				
		Extra-Curricular Activities	No Provisions	Detailed State Regulations	State Approval Required	Regulations for Athletic Competition
Rhode Isl.						X
S. Carolina			X			X
S. Dakota	ES	X				
Tennessee					X	
Texas						X
Vermont		X				
Virginia						
Washington						X
W. Virginia		X				
Wisconsin		X				
Wyoming		X				
Total	11	16	7	2	19	17
Percent	22	32	14	4	38	34

E = Elementary
 S = Secondary

Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, and Tennessee.

Secret societies in the public schools are prohibited in 17, or 34 percent, of the 50 states. These states with the prohibition requirement include Colorado, Florida, Illinois, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, Oregon, Texas, and Washington.

Statutes Regarding the Education Rights of Handicapped Students

The Education for All Handicapped Children Act², enacted by the U.S. Congress in 1975, had a provision that those states seeking federal funds for special education must develop a plan meeting specified guidelines. To comply with the planning provision of the Act, all 50 states enacted legislation to assure compliance with those guidelines. With a few exceptions, the statutes passed by the 50 states were similar in both language and provisions. The most pronounced exception to the similarity among the statutes is found in the Wyoming statute³. The legislation in Wyoming called for the adoption of cooperative teacher education act including cooperation between schools and community colleges in providing special education. To assist those who might wish detailed information about the state statutes regarding the education rights of handicapped students, a list of the statutes for the 50 states is included in Appendix B.

² U.S.C. 1400 et. seq.

³ Wyoming Statute 21-21-101 et. seq.

Statutes Regarding Required Courses/Curriculum and Graduation Requirements

A total of 29, or 58 percent, of the states have statutes that spell out in varying detail required courses or curriculum requirements, whereas 11, or 33 percent, of the states statutes outline graduation requirements. Other states delegate the authority to establish these requirements to the state boards of education. The states that have required courses, or curriculum imperatives, are: Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Montana, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

The range in mandated curriculum of course requirements varies significantly. Iowa has a very detailed list of curriculum and course imperatives in kindergarten through high school that spell out the courses required, the number of units for each, and a degree of requirements that relate to content. For example, the statute specifically states that the kindergarten program shall include programs that enhance the development of health, emotional, and social habits and growth in the language arts and communications skills. The Basic Education Program of North Carolina falls somewhere near the middle of the detail continuum. It states that the Basic Education Program shall provide instruction in arts, communication skills, physical education and personal health and safety, mathematics, media and computer skills, science, second languages, social studies, and vocational education. Beyond these basic requirements, the North Carolina program provides general statements

TABLE 2

**STATUTES REGARDING REQUIRED COURSES/CURRICULUM
AND GRADUATION REQUIREMENTS**

State	Statutes Required Courses Curriculum Requirements	Graduation Requirements
Alabama	16-3-15	
Alaska	14.30.360	
Arizona	15-701.01 15-701.01 Rev.	15-701.01 15-701.01 Rev.
Arkansas	6-16-103	
California	51210 51224 51226	51225.3
Connecticut	10.16b	
Florida		232.246
Georgia	20-2-140 20-2-141 20-2-142	20-2-142
Illinois	27-1	
Indiana	20-10.1-4-5	
Iowa	256.11	
Kansas	72-1101	72-1103
Maine	20-A-4704 20-A-4705 20-A-4711 20-A-4721	20-A-4722
Maryland		7-204
Montana	20-7-111	
Nebraska		79-4, 140.03
New Jersey	18A:35-7	
New Mexico	22-13-1	
N. Carolina	115C-81	
N. Dakota	15-41-06 15-41-24 3313.60	15-41-06
Oklahoma	11-103	
Oregon	336.082	

TABLE 2
 STATUTES REGARDING REQUIRED COURSES/CURRICULUM and
 GRADUATION REQUIREMENTS
 (Continued)

State	Statutes Required Courses Curriculum Requirements	Graduation Requirements
S. Carolina	59-29-10 59-29-160	59-29-120
S. Dakota	13-33-11	
Texas	21.101	
Utah	53A-15-101	53A-15-101
Vermont	906	
Virginia	22.1-200 22.1-208.1	
Washington	28A.05.010	
W. Virginia	18-2-7 18-2-9	
Wisconsin	118.01	
Wyoming	21-9-101	
Total	29 58	11 33

regarding course requirements in vocational education, the prevention of AIDS, and alcohol and drug education. The statute in Wyoming concerned with curriculum and course requirements is very brief in stating that the board of trustees in each school district in the state shall cause the schools under its jurisdiction to adhere to minimum educational standards promulgated by the state board of education.

A total of eleven states have statutes that address high school graduation standards. Three states (California, Maine, and North Dakota) have statutes that include specific courses, and the number of units in each, that must be passed in order to qualify for graduation. The statutes in five states do not specify each course needed for graduation; but they do carry special provisions. Georgia's statutes only allude to history and government; South Carolina, only to the study of the United States Constitution and two courses in Mathematics; Kansas, only to civic government and U.S. history; Nebraska, only to the requirement of 200 credit hours; and Utah, only to the option to graduate at the end of the eleventh grade. The statutes in Arizona and Maryland delegate the establishment of graduation requirements to the state board of education, and Florida statutes provide a general statement regarding graduation without reference to credits by subjects.

Statutes Allowing or Requiring Silent Meditation or Prayer In the Public Schools

In an attempt to avoid the Supreme Court ruling that it is unconstitutional to sanction prayer in public schools, many states have passed legislation that authorizes or requires the school to provide a moment of silence for meditation or prayer. Some of these statutes have been declared unconstitutional because,

by language or legislative history, they have not been neutral toward religion (See Chapter IV). The states that have silent meditation/prayer legislation in 1992 are found in Table 3. The states with such statutes in 1992 are: Alabama, Arkansas, Georgia, Maryland, Massachusetts, Mississippi, New Jersey, Oklahoma, Pennsylvania, Tennessee and Virginia. Statutes in Arkansas, New Jersey, Tennessee, and Virginia are limited to the moment of silence provision; statutes in Massachusetts, Mississippi, Oklahoma are limited to the prayer provision; the statutes in Alabama and Georgia include both the meditation and prayer provisions; Maryland includes the meditation provision along with provisions for prayer or the reading of the holy scripture; and Pennsylvania has a provision for the reading of verses from the Holy Bible.

Some of the statutes may be interpreted as allowing meditation or prayer while others may be interpreting as requiring the activities. The statutes for Alabama, Arkansas, Georgia, and Maryland used the verb "may." The terms "shall be lawful" or "shall be permitted" are used in the Massachusetts, Mississippi, New Jersey, and Oklahoma. In Virginia the local school board is authorized to take action, while in Pennsylvania, verses from the Holy Bible must be read, but teachers may be authorized or directed by local boards to offer a period of silent prayer or meditation.

Statutes Regarding the Pledge of Allegiance and Respect For the Flag

A total of eight, or 16 percent, of the fifty states have statutes that are concerned with the pledge of allegiance and respect of the flag (Table 4.) The states that have these statutes are Colorado, Idaho, Mississippi, New Jersey, New York, Pennsylvania, Tennessee, and Virginia. In each of these states, the

TABLE 3

STATUTES REGARDING SILENT MEDITATION AND PRAYER

STATE	CITATION	SUMMARY OF STATUTE
Alabama	16-1-20-1	In first period in all grades, teachers may announce a period of silence.
	16-1-20-2	Any teacher may pray, may lead willing students in prayer, or may lead students in short prayer provided in the statute.
Arkansas	6-16-119	Any teacher may conduct moment of silent meditation and reflection with all students who desire to participate.
Georgia	20-2-1050	Teacher may conduct a brief period of silent prayer or meditation with the participation of all students.
	20-2-1051	Teacher may not require or prescribe any particular method, but each child has freedom to participate in own manner.
Maryland	7-104(a)(b)	Principals and teachers may require all students to be present and participate in open exercises to meditate silently for approximately one minute. During this period, a student or teacher may read the holy scripture or pray.
Massachusetts	C-71-1B	School committee of any city or town may permit any child attending school to participate in voluntary prayer with parent's approval. Commonwealth funds not withheld for permitting such prayer.
Mississippi	37-13-4	It shall be lawful for teachers to permit the voluntary participation of students in prayer. Teachers are not authorized to prescribe the form and content of any prayer.

TABLE 3
 STATUTES REGARDING SILENT/MEDITATION AND PRAYER
 (Continued)

STATE	CITATION	SUMMARY OF STATUTE
New Jersey	18A:36-4	Principals and teachers shall permit students 1 minute period of silence to be used solely at the discretion of the individual student.
Oklahoma	11-101.1	The Board of Education in each district shall permit those students and teachers who wish to do so participate in voluntary prayer.
Pennsylvania	15-1516	At least ten verses from the Holy Bible shall be read without comment; any child may be excused.
	15-1516.1	Teacher may, or if so authorized or directed by the board of directors shall conduct a brief period of silent prayer or meditation with the participation of all students assembled; period should not be considered a religious service.
Tennessee	49-6-1004	It shall be the responsibility of leader to call the students to order and announce that a moment of silence is to be observed.
Virginia	22.1-203	The school board of each district is authorized to establish the daily observance of one minute of silence; students have freedom to engage in any type of silent activity during this period.

Total = 11
 Percent = 22

requirements are mandatory. In Mississippi and Virginia the legislation requires allegiance and respect for both state and national patriotic emblems, while in Colorado, Idaho, New Jersey, New York, Pennsylvania, and Tennessee, the provisions are limited only to the national emblems. The statute in Idaho includes a provision that instruction be provided to students regarding the words and music of the national anthem and "America." Virginia's statute is the only one among the eight statutes that requires a written explanation.

Statutes Regarding Driver Education

Table 5 presents a summary of the statutes in the eight states that either require or allow for the teaching of driver education. The states with this type of statute include Idaho, Louisiana, Maryland, Nevada, New York, Pennsylvania, Texas, and Vermont. Only in Maryland is the instruction in driver education optional. This statute states that each county board of education may offer instruction in the safe operation of a motor vehicle to high school students who are 15 years or older. In Vermont and Idaho, the legislation requires the cooperating the department of transportation and the department of education in formulating a driver education program. With the exception of Maryland and New York, the responsibility for developing and implementing driver education programs is assigned to state agencies (i.e. department of education and department of transportation). The responsibility in Maryland is delegated to local school boards; the responsibility in New York to regents of the University of the State of New York.

TABLE 4
 STATUTES REGARDING PLEDGE OF ALLEGIANCE
 AND RESPECT FOR FLAG

STATE	CITATION	SUMMARY OF STATUTE
Colorado	22.1.106	Commissioner shall instruction so every teacher may teach pupils respect for flag, to honor and properly salute the flag, and how to display flag.
Idaho	33-1602(b)	Instruction in the proper use, display of the flag shall be given to all students; such instruction shall include the pledge of allegiance to the flag, the words and music of the national anthem, and of "America".
Mississippi	37-13.7(1)	Teachers must have all students to repeat oath of allegiance to the flag of the United States of America and the flag of the State of Mississippi
	37-13-7(2)	The Pledge of Allegiance to the United States flag and the state of Mississippi shall be taught in the public schools of the state.
New Jersey	18A:36-3(C)	Every board of education shall require the pupils in each school in the district on every school day to salute the United States flag and repeat the pledge of allegiance.
New York	802	The commissioner of education shall prepare a program for the use of the public schools that provides for the salute to the flag, and a daily pledge of allegiance to the flag.

TABLE 4
 STATUTES REGARDING PLEDGE OF ALLEGIANCE
 AND RESPECT FOR FLAG
 (Continued)

STATE	CITATION	SUMMARY OF STATUTE
Pennsylvania	15-1511	Each school district shall provide and distribute to each child a copy of the National Flag Code. Shall be the responsibility of teachers to make use of the code.
Tennessee	49-6-1001	All boards of education shall direct and all teachers shall give instruction in the uses, purposes, and methods of displaying the American flag and other patriotic emblems.
Virginia	22.1-202	The Declaration of Independence, principles of the Constitution of the United States, and Virginia statute of Religious Freedom, and the Virginia Declaration of Rights shall be explained and taught. Written examinations on each document will be given.

Total = 8
 Percent = 16

TABLE 5
STATUTES REGARDING DRIVER EDUCATION

STATE	CITATION	SUMMARY OF STATUTE
Idaho	33-1701	The state transportation department is directed to cooperate with the state board of education in the establishment of driver training courses.
Louisiana	270	State Board of Education and State Department of Education shall establish and operate a driver education and training course in each parish for children of secondary school age.
Maryland	7-412	Each county board of education may offer instruction in the safe operation of a motor vehicle to high school students who are 15 years or older.
Nevada	389-090	The state board of education shall adopt regulations governing the establishment, conduct, and scope of automobile driver education in the public schools.
New York	806(1)	The regents of the University of the State of New York shall prescribe instruction in highway safety and traffic regulations. Boards of education shall require instruction in such courses.
	806-a	Effect of alcohol and drug use shall be included in instruction in driver education.
Pennsylvania	15-1519.1	The Department of Public Instruction shall establish for operation a standardized driver-education program for the safe operation of motor vehicle available to high school students.

TABLE 5
STATUTES REGARDING DRIVER EDUCATION
(Continued)

STATE	CITATION	SUMMARY OF STATUTE
Texas	21.102	The Central Education Agency shall develop a program of organized instruction of driver education and traffic safety for students who are 15 years and older.
Vermont	1045	Driver Education and training courses, approved by department of education and the department of motor vehicles, shall be made available to students who have reached their fifteenth birthday.

Statutes Regarding the Teaching of Physical Education

A total of 13, or 26 percent, of the fifty states have statutes that specifically address the teaching of physical education (Table 6.) The states with this type of legislation include Arkansas, California, Georgia, Louisiana, Maine, Michigan, Minnesota, New Jersey, New York, Rhode Island, South Carolina, and Virginia. In each of the 13 states, the statutes have a required provision. The state board of health must be involved in planning the physical education programs in Arkansas and Virginia. California's and Rhode Island's statutes specify time requirement for student participation. Health education is included in the physical education statutes in Georgia, Maine, Michigan, Minnesota, New Jersey, Rhode Island, and Virginia. Louisiana's statutes is the only legislation that directly alludes to sports, stating that sexually segregated and sexually integrated sports shall be a part of the physical education program.

Statutes Regarding the Teaching of Health Education, Safety, and CPR

Table 7 lists the statutes for the states that specifically require or allow for the teaching of health/hygiene, safety, and CPR. The states that have health/hygiene statutes are: Alaska, Georgia, Indiana, Maine, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Utah, and Virginia. A total of 18, or 36 percent, of the 50 states have statutes regarding the teaching of health hygiene. In some states, the health/hygiene provisions are written in statutes that address health/hygiene while in other states, such as

TABLE 6
STATUTES REGARDING THE TEACHING
OF PHYSICAL EDUCATION

STATE	CITATION	SUMMARY OF STATUTE
Arkansas	6-16-114	Director of General Education, executive office of State Board of Education, shall outline a course of physical training -- with advice of State Board of Health--
California	51210(9)	As part of areas of study: physical education with emphasis upon physical activities for total period of time not less than 200 minutes each ten school days shall be provided.
Georgia	20-2-142(e)	As part of area of study: the School Board of Education shall prescribe a course of study in health and physical education for all grades and grade levels.
Louisiana	276	Each city and parish public school system, as part of the physical education program at secondary school level, sexually segregated and sexually integrated sports.
Maine	20-A-4723	The secondary course of study shall include health, safety, and physical education, and physiology and hygiene with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system.
Michigan	15.41502	Health and physical education for pupils of both sexes shall be established and provided. All students that are physically able shall take the course.

TABLE 6

STATUTES REGARDING THE TEACHING
OF PHYSICAL EDUCATION
(Continued)

STATE	CITATION	SUMMARY OF STATUTE
Minnesota	126.02	There shall be established and provided in all public schools, physical health education training, and instruction for both sexes.
New Jersey	18A:35-5	Each board of education shall conduct courses in health, safety, and physical education.
New York	803	All pupils above the age of eight years in all schools shall receive physical education under the direction of the Commissioner of Education as the regents may determine.
Rhode Island	16-22-4	All children in grades one through twelve shall receive instructions in health and physical education which shall average 20 minutes in each school day.
South Carolina	59-29-80	Physical education and training for pupils of both sexes. Modified courses shall be provided for physically and mentally disabled students.
Virginia	22.1-207	Physical and health education shall be emphasized through lessons, drills, and physical exercises. Program shall be prescribed by the Board of Education and approved by the State Board of Health.

TABLE 6
 STATUTES REGARDING THE TEACHING
 OF PHYSICAL EDUCATION
 (Continued)

STATE	CITATION	SUMMARY OF STATUTE
Washington	28A.05.030	Every pupil in grades one through eight shall participate in physical education requirements established by state board of education. May be excused on account of physical disability, religious belief or participation in directed athletics.
	28A.05.040	All high school students participate in physical education program prescribed by state board of education. Student may be excused on account of physical disability, employment of religious belief, or because of participation in directed athletics or military science and tactics with written request of parents and guardians.

Total = 13
 Percent = 26

TABLE 7

STATUTES REGARDING THE TEACHING OF HEALTH
EDUCATION/HYGIENE, SAFETY, AND CPR

States	Health/Hygiene	Safety	CPR
Alaska	14.30.360	14.30.500	14.30.360
Georgia	20-2-142		
Indiana	20-10.1-4-7	20-10-1-46	
Maine	20-A-4723		
Michigan	15.4117		
Minnesota		126.112	126.025
Mississippi	37-13-21		
Missouri	170.031		
Nebraska	79-4, 140.17		
Nevada	389.06		
New Jersey	18A:35-5	18A:35-5	
New York	804	806 809-a	
N. Carolina	115C-81	15C-81	
Oklahoma	11-103.3		
Oregon		336.072	
Pennsylvania	15.1513		
Rhode Island	16-22-3	16-22-5	16-22-15
S. Carolina		59-29-50	
S. Dakota	14-43-3		
Tennessee		46-6-1003	
Utah	53A-13-101		
Virginia	22.1-207	22.1-204	
W. Virginia		18-2-8	
Wisconsin		118.01	
Total	18	13	3
Percent	36	26	6

South Carolina, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Utah, and Virginia. A total of 18, or 36 percent, of the 50 states have statutes regarding the teaching of health hygiene. In some states, the health/hygiene provisions are written in statutes that address health/hygiene while in other states, such as North Carolina, provisions are included in statutes that address other curricular areas.

A total of 13, or 26 percent, of the states have statutes that require or allow for the teaching of safety. These states are Alaska, Indiana, Minnesota, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

Only three states specifically require or allow for the teaching of CPR, although CPR is taught in health, physical education, safety, and science classes throughout the country. The three states that have legislation that specifically address CPR are Alaska, Minnesota, and Rhode Island.

Statutes Regarding Drug/Alcohol Abuse Education

Drug and alcohol abuse continues to be a major concern of many of the state legislative bodies in America. This conclusion can be based on the fact that 16, or 32 percent, of the fifty states have passed laws that specifically deal with drug/alcohol abuse (Table 8). In each of these 16 states, the requirement to establish and administer drug/alcohol abuse programs is mandatory.

The statutes vary according to when and where the drug/alcohol instructions will be provided. For example, instruction in drug and alcohol abuse is required in all grades in the states that follow: Connecticut, Georgia, Indiana,

TABLE 8

STATUTES REGARDING DRUG/ALCOHOL EDUCATION

STATE	CITATION	SUMMARY OF STATUTE
Arizona	15-712	Instructions on the nature of harmful effects of alcohol, tobacco, narcotic drugs, marijuana and other dangerous drugs on the human system shall be included in courses of study in common and high schools with emphasis on grades four through nine.
Arkansas	6-16-115	The State Board of Education is directed and required to include teaching the effects of alcohol and narcotics on the human system in the course of study for grades three to eight inclusive.
Colorado	22.1-110	The nature of controlled substances and alcoholic drinks and their effects on the human system shall be included in the branches of study taught in the public schools of the state.
Connecticut	10.19	The effect of alcohol or tobacco and of drugs shall be taught during academic year to pupils in all grades.
Georgia	20-2-112	The state Board of Education and the Board of Public Safety shall jointly establish an alcohol and drug course to be taught to grade nine or above.
	20-2-144	Each local board of education shall prescribe mandatory instruction concerning alcohol and other drug use in grades from kindergarten to grade 12 every year.

TABLE 8
 STATUTES REGARDING DRUG/ALCOHOL EDUCATION
 (Continued)

STATE	CITATION	SUMMARY OF STATUTE
Indiana	20-10.1-4-9.1	The governing body of each school corporation shall for each grade from kindergarten through grade 12 provide instruction concerning the effects that alcoholic beverages, tobacco, prescription drugs, and controlled substances have on the human body.
Maryland	7-411	The State Board of Education shall develop and implement a program of health education that deals specifically with the abuse of alcohol. Shall be coordinated with other state agencies concerned with alcohol abuse and control.
Massachusetts	6-71-2A	Each school committee shall establish a policy dealing with students who violate the law. This policy may include mandatory education classes on the hazards of tobacco use.
Michigan	15.4117	Instructions shall be given in physiology and hygiene, with special reference to substance abuse.
New York	804	All schools shall include, as an integral part of health education, instruction so as to discourage the misuse and abuse of alcohol, tobacco, and other drugs.
North Carolina	115C-811(a3)	A comprehensive education program that includes alcohol and drug prevention education must be available to every child in kindergarten through high school.

TABLE 8
 STATUTES REGARDING DRUG/ALCOHOL EDUCATION
 (Continued)

STATE	CITATION	SUMMARY OF STATUTE
Rhode Island	16-22-12	The school committees shall provide for the incorporation of mandatory instruction of students grades one through twelve on the effects of alcohol and substance abuse.
South Carolina	59-29-20	The nature of alcoholic drinks and narcotics and special instruction as to their effect upon the human system shall be taught in all the grammar and high schools of the state.
Utah	53A-13-102	The State Board of Education shall adopt rules providing for instructions at each grade level on the harmful effects of alcohol, tobacco, and controlled substances.
Vermont	909	The department of education is authorized and directed to develop a sequential alcohol and drug abuse prevention education curriculum to elementary and secondary schools.
Virginia	22.1-206	Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by the Board of Education.

Total = 16
 Percent =32

North Carolina, Rhode Island, South Carolina, and Utah. The teaching of drug/alcohol abuse in Arizona is emphasized in grades four through nine and grades three through eight in Arkansas. In Michigan and New York the statutes require the inclusion of drug/alcohol abuse in physiology, hygiene, and health education courses respectively. In California, Maryland, and Vermont, the statutes mandate the teaching of alcohol and drug abuse but made no reference as to the grade levels or in which courses teaching should occur. Finally, in Virginia, the legislation assigns the responsibility for prescribing the program to the State Board of Education.

Statutes Regarding the Teaching of United States Constitution / Declaration of Independence, United States History and Government, and State History and Government

The large number of states that have enacted legislation that requires or allows for the teaching of the United States Constitution and Declaration of Independence, United States History and Government, the state constitutions, and state history and government attest to the interest of legislators regarding the concern that young people learn about and appreciate their state's past and government. Table 9 shows that 24, or 48 percent, of the states have statutes that require or allow for the teaching of the United States Constitution and the Declaration of Independence. The same number of states (but not all together the same) have legislation that addresses the teaching of United States History and government. The teaching of the state constitution and state history and government is addressed in the statutes of 17, or 34 percent, of the fifty states in the Union.

TABLE 9

STATUTES REGARDING THE TEACHING OF UNITED STATES CONSTITUTION / DECLARATION OF INDEPENDENCE, UNITED STATES HISTORY AND GOVERNMENT, STATE CONSTITUTION, AND STATE HISTORY AND GOVERNMENT

State	U.S. Constitution Declaration of Independence	U.S. History and Government	State Constitution	State History and Government
Arizona	15-710	15-710	15-710	15-710
Arkansas	6-16-110	6-16-110	6-16-109	6-16-109
Colorado	22.1.108	22.1.104		22.1.104
Conn.		10.18		
Georgia	20-2-142	20-2-142	20-2-142	20-2-142
Idaho	33-1602			
Indiana	20-10.1-4-1 20-10.1-4-2	20-10.1-4-3	20-10.1-4-1 20-10.1-4-2	20-10.1-4-3
Iowa		280.9A		
Kentucky	158.195	158.195	158.195	158.195
Louisiana	268			
Maine	20-A-4706	20-A-4706	20-A-4706	20-A-4706
Mass.	C-71-2	C-71-2	C-71-2	C-71-2
Michigan	15.41166	15-41166	15-41166	15-41166
Missouri	170.111	170.111	170.111	170.111
Nebraska	79-213	79-213	79-213	79-213
Nevada	389.020	389.020 389.030 389.035 389.040 389.050	389.020	
New Hamp.		189.230		
New Jersey	18A:35-2	18A:35-1 18A:35-2	18A:35-2	18:35-1 18:35-2 18:35-3
New York		801		
N. Carolina	115C-81	115C-81		
Oregon	336.057	336.057		
Rhode Isl.	16-22-2	16-22-2 16-22-10	16-22-2	16-22-2
S. Carolina	59-29-120			
S. Dakota	13-33-4	13-33-5	13-33-4	

TABLE 9

STATUTES REGARDING THE TEACHING OF UNITED
STATES CONSTITUTION / DECLARATION OF INDEPENDENCE, UNITED
STATES HISTORY AND GOVERNMENT, STATE CONSTITUTION, AND
STATE HISTORY AND GOVERNMENT
(Continued)

State	U.S. Constitution Declaration of Independence	U.S. History and Government	State Constitution	State History and Government
Tennessee	49-6-1203	49-6-1202	49-6-1203	49-6-1203
Texas				21.03
Virginia	22.1-201	22.1-201	22.1-201	22.1-201
Washington		28A.05.050		28A.05.050
Wisconsin	118.01	118.01		
Wyoming	21-9-102		21-9-102	
Total	24	24	17	17
Percent	48	48	34	34

The states that require that both United States History and Government and the Declaration of Independence and the United States Constitution be taught follow: Arizona, Arkansas, Colorado, Georgia, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, Virginia, and Wisconsin. Idaho, Louisiana, South Carolina, and Wyoming require that the Declaration of Independence and U.S. Constitution be taught but do not require the teaching of U.S. History and Government. On the other hand, Connecticut, Iowa, New Hampshire, and New York require the history and government courses but do not require the teaching of the United States Constitution and the Declaration of Independence.

States that have statutes allowing for or requiring teaching about state constitutions are Arizona, Arkansas, Georgia, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, Rhode Island, South Dakota, Tennessee, Virginia, and Wyoming. With the exception of Nevada, South Dakota, and Wyoming, the statutes in these states require the teaching of state history. The states that require the teaching of state history but not the state constitution are Colorado, Texas, and Washington.

Attention is drawn to the fact that although statutes for the various states do not specifically allude to the teaching of the constitutions or histories of the states, the teaching of one of these components might well be included in the other component. For example, the constitution of a state will most likely be taught in the history and government courses for the state despite the fact that a statute for the teaching of the constitution may be absent. Furthermore, it is obvious that most, if not all states, require the teaching of history, government,

and the constitution that are prescribed by state and local boards rather than the state legislators.

Statutes Related to Teaching the Free Enterprise and Consumer Education

A total of six states, or 12 percent, of the fifty states have passed legislation that requires the teaching of the free enterprise system or consumer education (Table 10.) Arizona's, South Dakota's, and Tennessee's statutes specifically call for the teaching of the free enterprise system; Michigan's and Rhode Island's statutes require courses in consumer education; and Nevada calls for the teaching of thrift on the part of teachers. The statute for South Dakota requires that all pupils be provided with instruction on the essentials and benefits of the free enterprise system, while Arizona requires that all high school students be taught the free enterprise system. In contrast, Tennessee's statutes call for instruction in the free enterprise system for at least one semester, equal to one-half unit credit.

Michigan's legislation states that the State Board shall develop and make available to school districts a recommended curriculum guide for use in teaching consumer economics as a separate course or part of other courses. The requirement for consumer education in Rhode Island is limited to grades eight through twelve, whereas all teachers in the state of Nevada are required to teach thrift.

TABLE 10

**STATUTES REGARDING TEACHING OF FREE
ENTERPRISE AND CONSUMER EDUCATION**

STATE	CITATION	SUMMARY OF STATUTE
Arizona	17-711	All high schools shall give instruction on the essentials and benefits of the free enterprise system.
Michigan	15-A1168	The state board shall develop and make available to school districts a recommended curriculum guide including recommended materials for use in schools for teaching consumer economics as a separate course or as parts of other courses.
Nevada	389.08	All teachers in the public schools of this state must be provided lessons on the subject of thrift.
Rhode Island	16-22-13	People in grades eight through twelve must be taught and required to study consumer education.
South Dakota	13-33-12	All public and non-public schools shall provide instructions on the essentials and benefits of the free enterprise system.
Tennessee	49-6-1205	The state board of education shall establish a program of instruction in the essentials of the free enterprise system for at least one semester, equal to one-half unit of credit.

Total = 6
Percent = 12

Statutes Regarding the Teaching of Morals

There are eight states, among the 50 states in the United States, that require or encourage the teaching of morals in the public schools (Table 11). The teaching of morals is required in Arkansas, Indiana, Oregon, South Dakota, Utah, and Virginia. The statutes in Kentucky and Wisconsin regarding the teaching of morals are enabling rather than mandatory. The statute in Arkansas specifies that a course shall include morals, manners, patriotism and business and professional ethics. Special emphasis in the instruction in Indiana must focus on honesty; morality; courtesy; obedience for the law; respect of the national flag, the United States Constitution, the Indiana Constitution; and respect for parents, home, and the dignity and necessity of honest labor. The specific areas of emphasis in Utah and Oregon are very similar to those listed for Indiana.

The requirements emphasized in South Dakota are somewhat different from the requirements in the other eight states that have statutes on the teaching of morals. In these states, emphasis shall be placed on truthfulness, temperance, purity, sexual abstinence, AIDS instruction, public spirit, patriotism, citizenship, respect of honest labor, obedience to parents, respect of the contributions of minority and ethnic groups to the heritage of South Dakota and due deference to old age. The statutes in Arkansas, Kentucky, Virginia, and Wisconsin are for more general than the other states relative to what should be emphasized in the "moral" courses.

TABLE 11

STATUTES REGARDING THE TEACHING OF MORALS

STATE	CITATION	SUMMARY OF STATUTE
Arkansas	6-16-111	A course in morals, manners, patriotism and business and professional integrity shall be included in the course of study of the public school.
Indiana	20-10.1-4-4	Each school teacher shall present his instruction with special emphasis on honesty, morality, courtesy, obedience for the law, respect for the national flag, the constitution of the United States and Indiana, respect for parents and home, and the dignity and necessity of honest labor.
Kentucky	158.2	The boards of education of independent and county school districts may provide for moral instructions of pupils under their jurisdiction.
Oregon	336.067	Special interest shall be given to honesty, morality, courtesy, obedience to law, respect for the national flag, the Constitution of the United States and the Constitution of the State of Oregon, respect for parents, and the home, and the dignity of honest labor.
South Dakota	13-33-6	Special moral and character instruction shall be given in all schools that is intended to impress upon the minds of students the importance of truthfulness, temperance, purity, sexual abstinence, AIDS instruction, public spirit, patriotism, citizenship, respect for honest labor, obedience to parents, respect for the contribution of minority and ethnic groups to the heritage of South Dakota, and due deference to old age.

TABLE 11
 STATUTES REGARDING THE TEACHING OF MORALS
 (Continued)

STATE	CITATION	SUMMARY OF STATUTE
Utah	53A-13-101(a)	The State Board of Education shall establish curriculum requirements that among other things includes instruction in honesty, temperance, morality, courtesy, obedience to law, respect for and an understanding of the Constitution of the United States and the state of Utah, the essentials and benefits of the free enterprise, respect for parents, and home, and the dignity and necessity of honest labor and other skills.
Virginia	21.1-208	The entire scheme of instruction in the public schools shall emphasize moral education lessons given by teachers and imparted by appropriate reading selections.
Wisconsin	118.01(b)(6)	Each school board should provide a curriculum that would include the ability to construct personal ethics and goals and knowledge of morality and the individual's responsibility as a social being.

Total = 8
 Percent = 16

Statutes Regarding the Teaching of Career Education

Table 12 presents a summary of statutes regarding the teaching of career education in Mississippi, New Jersey, Rhode Island, Virginia, and Wisconsin. In Mississippi the State Department of Education is assigned the responsibility for administering and supervising the career education concept; in Arkansas, the responsibility is jointly shared by the commissioner of education and the state board of education; and in Rhode Island shall make a study of the curriculum offered by the public schools to help them plan careers. In Virginia and Wisconsin, the responsibility for career education is delegated to each local school board. More specifically, the statute of Virginia requires that each school board make employment counseling available to all secondary students, while in Wisconsin, each school board is required to give students an understanding of available occupations and preparation to compete for entry level jobs.

Statutes Regarding Environmental/Agriculture Education

A total of ten, or 20 percent, of the 50 states have laws that make provisions for environmental/agriculture education (Table 14). The requirements for environmental/agriculture education are mandatory in Alaska, Arizona, Arkansas, Nevada, Oregon, Pennsylvania, and South Dakota. The statutes in Minnesota, New York, and Michigan are enabling legislation.

The emphasis in Alaska, Arizona, and Nevada is toward the teaching of environmental science in general. In contrast, the center of emphasis in Oregon, Pennsylvania, and South Dakota is on conducting special activities on Arbor Day or Arbor Week. The Arkansas statute specifies that all students in

TABLE 12
 STATUTES REGARDING COURSES IN
 CAREER EDUCATION

STATE	CITATION	SUMMARY OF STATUTE
Mississippi	37-13-58	The state department of education is designated as the state agency responsible for the administration and supervision of the career education concept.
New Jersey	18A:35-4.2	The commission of Education and the States Board of Education shall have the authority and responsibility to establish and operate a Career Development Program comprised of pilot vocational education projects.
Rhode Island	16-22-1	The department of elementary and secondary schools shall make a study of the curricula offered by the public schools to help them plan careers.
Virginia	22.1-209	Each school board shall make available to secondary students employment counseling.
Wisconsin	118.01	Each school board shall provide an instructional program designed to give pupils an understanding of available occupations and preparation to compete for entry level jobs.

Total = 5
 Percent = 10

TABLE 13

STATUTES REGARDING MILITARY TRAINING

STATE	CITATION	SUMMARY OF STATUTE
Louisiana	269	The state board of education may establish and administer a selective service obligation orientation program of instruction.
Nevada	389.050	All school officials in control of public high schools shall provide for courses of instruction designed to prepare the pupils for the duties of citizenship, both in time of peace and in time of war.
New York	35-10	If the State Board shall determine that courses in physical education for male students shall include a course in military training, such courses shall be prepared by the commissioner and the Adjutant General of the Department of Defense.

Total = 3
Percent = 6

TABLE 14

STATUTES REGARDING ENVIRONMENTAL /AGRICULTURE EDUCATION

STATE	CITATION	SUMMARY OF STATUTE
Alaska	14.30.380	The board shall encourage each school board to initiate and conduct a program of environmental education for kindergarten through grade 12.
Arizona	15-706	All school districts shall develop and implement programs which integrate environmental education into the general curriculum.
Arkansas	6-16-12	All of the high schools shall give instruction in the conservation of natural resources.
	6-16-13	Boards are required to require all teachers to teach elementary agriculture and horticulture in the schools.
Michigan	15-41171	Each school district may develop and maintain one or more nature study areas; shall encourage the involvement of students in the planning, planting, and general preparation of the site.
Minnesota	126.113	The Minnesota Education in Agriculture Leadership Council is established to promote education about agriculture.
Nevada	389.110	Instruction concerning the preservation and protection of the environment shall be included in the curriculum of all elementary and secondary schools.

TABLE 14

STATUTES REGARDING ENVIRONMENTAL /AGRICULTURE EDUCATION
(Continued)

STATE	CITATION	SUMMARY OF STATUTE
Nevada (Cont.)	389.120	All persons in guidance and counseling in secondary schools shall provide students with information concerning careers and further education in the area of environmental quality.
	389.130	Each school district shall investigate the feasibility of programs of outdoor environmental education and camping for students.
New York	810	The commissioner of education may prescribe from time to time a course to increase the interest and knowledge of such pupils in the fish and wildlife, soil and water of the state.
Oregon	336.015	The first full week in April shall be know as Arbor Week . . . the school board shall cause to be conducted, during the school hours of Arbor Week, activities which tend to encourage the planning, protection, and preservation of trees and shrubs and a greater understanding of the environment.
Pennsylvania	15-1541	On Arbor Day, it shall be the duty of each teacher to devote, together with their pupils, at least two hours to the study of birds, trees, and general conservation of resources.
South Dakota	13-33-8	On Arbor Day, teachers are urged to prepare programs telling the importance of tree and bird life in a prairie and plain.

Total = 10
Percent = 20

high schools shall be given instruction in the conservation of natural resources and all teachers must teach elementary agriculture and horticulture in the schools. The emphasis in the Michigan statutes centers around the development of one or more nature sites in each school district and the involvement of students in the planning, planting, and general preparation of the site(s). The New York legislation states that the commissioner of education may prescribe from time to time a course to increase the interest and knowledge of pupils in the fish and wildlife, soil, and water of the state. The Minnesota statute is far more limited than the other statutes in that it established the Minnesota Education in Agriculture Leadership Council to promote education about agriculture.

Statutes Regarding the Teaching of Foreign Languages and Sign Language

Six state legislative bodies have passed statutes regarding the teaching of foreign language and/or sign language. Louisiana's statute requires that French be taught in sequence in the elementary and secondary schools of the state. California's statute, which is more general, calls for the establishment of a program in foreign language to begin as soon as possible, while one provision in the Maine statute requires that each administrative school unit offer a two-year sequence in a foreign language. The Rhode Island statute is unique in that it requires a local school committee to offer courses in Italian, Portuguese, and Spanish in any high school whenever twenty students apply for a course in any of the three languages. Somewhat similar to the Rhode Island statute, the statute for Wisconsin states that a local board may offer any foreign language on the basis

TABLE 15

STATUTES REGARDING THE TEACHING OF
FOREIGN LANGUAGES AND SIGN LANGUAGE

STATE	CITATION	SUMMARY OF STATUTE
California	51212	Intent and purpose of legislature to encourage the establishment of program of instruction in foreign language, with instruction beginning as soon as possible.
Louisiana	272	The French language shall be taught in sequence in elementary and high schools.
	273	Each board is authorized to offer a program designed to ensure proficiency in a second language.
Maine	20-A-4707	Schools may offer instruction in Braille and Nemeth Code as part of the school curriculum.
	20-A-4726	Each school administrative unit shall offer 2-year sequence in foreign language.
Massachusetts	C-71-2B	Courses in American sign language may be taught for the purpose of contributing to a greater understanding of the language and enabling increased interaction between hearing persons and deaf and hard-of-hearing persons.
Rhode Island	16-22-8	Whenever there shall be twenty students who apply for a course in Italian, Portuguese, or Spanish in any high school, the school committee shall arrange a course.

TABLE 15

STATUTES REGARDING THE TEACHING OF
FOREIGN LANGUAGES AND SIGN LANGUAGE
(Continued)

STATE	CITATION	SUMMARY OF STATUTE
Wisconsin	118.017	The school board may cause any foreign language to be taught to pupils who deserve it; the school board may cause any course to be taught in a foreign language if the purpose is to facilitate the instruction of English speaking pupils in that language.

Total = 6
Percent = 12

of student demand. The Wisconsin Statute further states that local boards may offer courses in foreign language to facilitate the instruction of English speaking pupils in a particular language.

In addition to the mandatory requirement that a two-year sequence in foreign language be offered, the Maine statute authorizes each school to offer instruction in Braille and Nemeth Code. In a like manner, the Massachusetts statute encourages the establishment of American sign language courses for the purpose of contributing to a greater understanding of the language and enabling increased interaction between hearing persons and deaf and hard-of hearing persons.

Statutes Concerning Bilingual Programs

A total of nine, or 18 percent, of the states have passed statutes that address bilingual education. The statutes of Washington and West Virginia tend to discourage bilingual instruction. For example, the West Virginia statute is forceful in stating the basic language of instruction in the state shall be English only. The Washington statute is somewhat broader in scope. This statute states that all students shall be taught in the English language providing that nothing shall preclude the teaching of students in a language other than English. The statutes for Colorado, Texas, and Maine encourage bilingual programs.

The statutes regarding bilingual education in Oregon, New Jersey, Michigan, and Alaska are not only mandatory, they are more specific. In Alaska, local boards shall provide bilingual-bicultural education in each attendance area in which there are at least eight students of limited English-speaking ability in one language classification enrolled. In New Jersey, local school districts are

TABLE 16

STATUTES CONCERNING BILINGUAL PROGRAMS

STATE	CITATION	SUMMARY OF STATUTE
Alaska	14-30-400	Boards shall provide a bilingual-bicultural education program for each school in a city or borough school or regional education attendance area that is attended by at least eight pupils of limited English-speaking ability and whose primary language is other than English.
Colorado	22.1.103	It shall be the policy of the state to encourage the school districts of the state to develop bilingual skills and to assist pupils who experience in a language other than English.
Connecticut	10.17f	When a public school within a local school district has twenty or more students who are dominant in one language other than English, the board of education must provide a program of bilingual education.
Maine	20-A-4701	A school may provide instruction in a language other than English to students of limited proficiency in English.
Michigan	15.41153	The board of a school district having an enrollment of 20 or more students of limited English-speaking ability in a language classification in grades K to 12 shall establish and operate a bilingual program.

TABLE 16
 STATUTES CONCERNING BILINGUAL PROGRAMS
 (Continued)

STATE	CITATION	SUMMARY OF STATUTE
New Jersey	18A:35-15	When there are within the schools of the district 20 or more people of limited English-speaking ability in any one language classification, the board of education shall establish, for each classification, a program of bilingual education; may provide for fewer than 20.
Oregon	336.079	Specific courses to teach speaking, reading, and writing of the English language shall be provided at each grade level to those students who are unable to profit from courses taught in English.
Texas	21.109	It is the policy of this state to insure the mastery of English in the schools; bilingual instruction may be offered.
Washington	28A.05.015	All students shall be taught in the English language: provided that nothing shall preclude the teaching of students in a language other than English.
West Virginia	18-2-7	The basic language of instruction in the common school branches in all schools shall be the English language only.

Total = 9
 Percent = 18

required to provide bilingual education to 20 or more limited English-speaking students in one language classification. The standard for providing bilingual education in a local school district in Michigan is also 20 or more limited English-speaking students in one foreign language classification. The statute for bilingual education in Oregon is general and broad in scope. This statute states that a specific course to teach reading, speaking, and writing of the English language shall be provided at each grade level to those students who are unable to profit from courses taught in English.

Statutes Regarding the Teaching of Special Topics

Eight unique teaching areas were found among the curriculum legislation in force at the end of 1992. A statute in Alaska requires the teaching of Child Abuse; Suicide prevention instruction is mandated in Rhode Island; statutes in Louisiana require the teaching of creation science; and the study of holocaust is enforced in Illinois. Statutes in New Jersey and Illinois call for instruction in sex discrimination; the teaching of humanity is mandated in New Jersey and New York; the teaching of Black History is a legislative requirement in South Carolina and Tennessee; the teaching of religious literature is mandated in Pennsylvania and South Dakota; and instruction in military responsibility is required in Louisiana and Nevada.

Statutes Regulating the Selection of Instruction or Library Materials

Schools generally have discretion to select text books and other instructional materials that are used in the teaching/learning process in the

TABLE 17
 STATUTES REGARDING THE TEACHING
 OF SPECIAL TOPICS

CURRICULUM AREA	NUMBER OF STATES	STATES/STATUTE
Child Abuse	1	Alaska (14.30.360)
Suicide Prevention	1	Rhode Island (16-22-14)
Holocaust Study	1	Illinois (27-20.3)
Creation Science	1	Louisiana (286:2)
Sex Discrimination	2	New Jersey (18A:35-4.3) Illinois (27-1)
Humanity	2	New Jersey (18A:35-4-1) New York (809)
Black History	2	South Carolina (59-29-55) Tennessee (49-6-1006)
Religious Literature	2	Pennsylvania (15-1515-16) South Dakota (13-33-10)
Military Responsibility	2	Louisiana (269) Nevada (389.050)

classroom as well as the library. Often, however, there are statutory provisions that provide guidelines for the authority given the schools. The basic criteria for selecting books is education relevancy or suitability. In making decisions regarding the suitability of learning materials, school officials or policy making bodies may not be motivated to select materials to indoctrinate students or to deny students access to views which are considered distasteful.

All but three states (Kansas, Hawaii, and Washington) have state statutes regulating the selection of instructional or library materials. The list of statutes by the 47 states, and the agency that has the authority to delegate or make decisions relative to the selection of instructional materials, is found in Table 18.

A total of 14, or approximately 28 percent, of the 47 states that have statutes regulating the selection of instructional or library materials, assign primary selection responsibility to their state boards of education. These states are: Arizona, California, Delaware, Georgia, Idaho, Indiana, Iowa, Louisiana, Minnesota, Nevada, North Carolina, South Dakota, Virginia, and West Virginia. Several of the states where boards have authority over the selection of instructional materials have special provisions. For example, the statute in Arizona states that the state board of education establishes a list of textbooks for possible selection by school districts; but all books, publications and papers of sectarian, partisan, or denominational character must be excluded. The selection of textbooks by the State Board of Education in California is limited to grades one through eight. The Minnesota statute states that the state board of education shall from time to time furnish a list of books suitable for libraries and the North Carolina statute gives the authority to the state board with advice from a textbook commission.

TABLE 18

STATUTES REGULATING THE SELECTION OF
INSTRUCTIONAL OR LIBRARY MATERIAL

STATE	CITATION	SUMMARY OF STATUTE
Alabama	16-21-2	State superintendent to establish list of books and rules for the choice of books for libraries.
Alaska	14.07.050	Textbook to be selected by district boards.
Arizona	15-203	State board of education to establish lists of textbooks for possible selection by school district.
Arkansas	6-21-401	Textbooks and instructional materials to be chosen by selecting committees from a list of the state board of education.
California	7.5	State Board of Education shall adopt textbooks for use in grades one through eight.
Colorado	22-32-109	School board has duty to prescribe textbooks.
Connecticut	10-221	Boards to select textbooks, subject to state control.
Delaware	14, Section 122	State board of education to prescribe rules regarding textbook selection and shall have authority to determine if rules met.
Florida	233.16	State Department of Education to adopt instructional materials.
Georgia	20-2-1010	State board may prescribe textbooks.
Idaho	33-118	State board to prescribe rules for selecting textbooks.
Illinois	122, Section 28-1	Board to select instructional materials.
Indiana	20-10.1-9-1	State board to adopt proposed textbooks with local selection.
Iowa	301.1	School board to select textbooks.
Kentucky	156.400	State textbook commission to prepare list of texts.
Louisiana	17:351 and 17:7	State board to prescribe and adopt textbooks.

TABLE 18

STATUTES REGULATING THE SELECTION OF
INSTRUCTIONAL OR LIBRARY MATERIAL
(Continued)

STATE	CITATION	SUMMARY OF STATUTE
Maine	20-A, section 1001	School board shall approve a uniform system of textbooks.
Maryland	7-106	Upon recommendations of county superintendent, each county board shall adopt procedure for selection and purchase of textbooks and other materials of instruction.
Massachusetts	71, section 48	School boards to select textbooks.
Michigan	380.1422	Board of each school district shall select, approve and purchase textbooks.
Minnesota	121.496	State board of education shall from time to time furnish a list of books suitable for school libraries.
Mississippi	37-43-31	Local school district can select from list recommended by state accreditation committee and adopted by board of education.
Missouri	170.051	Board to select textbooks from those filed by publishers with state board.
Montana	20-7-204	District superintendent or principal to select school library books subject to approval of trustees.
Nebraska	79-4, 118	School Boards and boards of education shall purchase all textbooks necessary for schools.
Nevada	390.005	The state board of education shall make the final selection of all textbooks, with limited exceptions.
New Hamp.	189:16	School boards to select textbooks.
New Jersey	18A:34-1	Textbooks to be selected by roll call vote of school boards.
New Mexico	22-15-1	Instructional Material Act adopted; schools to select from multiple list adopted by state board.
New York	701	Boards of education to select textbooks.

TABLE 18
 STATUTES REGULATING THE SELECTION OF
 INSTRUCTIONAL OR LIBRARY MATERIAL
 (Continued)

STATE	CITATION	SUMMARY OF STATUTE
N. Carolina	115C-86	State board to select textbooks with advice from Textbook Commission.
N. Dakota	15-21-09	Superintendent of public instruction has charge and supervision of "uniformity of textbooks"
Ohio	3329.08	School boards to select textbooks.
Oklahoma	Art. 13, Section 6	Legislature to provide for a textbook system whereby a committee lists textbooks from which local committees must select.
Oregon	337.011	School boards generally required to select textbooks from list chosen by the State Textbook Commission and approved by state board.
Pennsylvania	8-803	School director to select textbooks in school districts.
Rhode Island	16-23-1	Commissioner to publish list of textbooks for loan purposes.
S. Carolina	59-31-10	State library committee to approve list of books to be furnished for school libraries; use of textbooks prescribed by state board required.
S. Dakota	13-34-11	State Board of Education empowered to review any books or instructional materials selected for use.
Tennessee	49-6-2201	State textbook commission to approve list of textbooks from which local boards must select.
Texas	12.01	State Textbook Committee, subject to review by commissioner of education.
Utah	53A-14-101	State textbook commission to select textbooks; use is mandatory.
Vermont	3743	Board shall select textbooks, subject to approval of district's school superintendent.

TABLE 18
 STATUTES REGULATING THE SELECTION OF
 INSTRUCTIONAL OR LIBRARY MATERIAL
 (Continued)

STATE	CITATION	SUMMARY OF STATUTE
Virginia	22.1-238	State Board of Education may approve textbooks; school board may also select other books in accordance with State Board's regulations.
W. Virginia	18-2A-1	State Board to approve list of textbooks.
Wisconsin	118.03	School board to adopt textbooks.
Wyoming	Art. 7, Section 11	Provides that "neither the legislature nor the superintendent of public instruction shall have power to prescribe textbooks to be used in the public schools."

Statutes in the 20 states provide authority, with some restrictions, to the local school boards for the selection of instructional and library materials. The states that delegate this responsibility to the local boards are: Alaska, Colorado, Connecticut, Illinois, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Rhode Island, Vermont, Wisconsin, and Wyoming. Statutes in New Hampshire and New York state that no materials shall be introduced in the public schools that favor any particular religious sect or political party or contain any seditious or disloyal material. Both Colorado and Wyoming expressed that the states (i.e., general assembly, state board or state superintendent) shall have power to prescribe textbooks to be used in the schools. Statutes in several of the states provide authority to the local school boards to select from lists compiled or recommended by the state or the local superintendent.

Authority for selecting textbooks and instructional material is delegated through legislation to textbook commissions or committees in seven states. These states are Arkansas, Kentucky, Oklahoma, Oregon, Tennessee, Texas, and Utah. These committees provide varying degrees of freedom to local boards to select books from approved lists.

The statutes in North Dakota and Alabama give authority for the selection of books and instructional materials to the state superintendent of public instruction. In contrast, the authority in Montana and Pennsylvania is assigned to the local school superintendent (called director in Pennsylvania). The regulating statute in South Carolina splits the authority to select instructional materials. The State Library Committee selects library books while the state board of education selects textbooks.

CHAPTER IV

LEGAL ASPECTS OF THE PUBLIC SCHOOL CURRICULUM

Introduction

Although it is generally conceded that the local district, with varying degrees of control exercised by the state, must develop a curriculum for its schools, controversy concerning the content and design of the school curriculum continues to grow. This controversy can be attributed to several factors. First, a movement toward site-based management brings into focus the question of whether critical education decisions should be made at the national, state, or local levels. Second, changing public attitudes and behaviors are creating a demand that the schools take on new and often controversial teaching responsibilities that heretofore have been assumed by the church and the home. And finally, there is increasing competition over control of what should be taught in the public schools among school administrators, individual teachers, and parents. Religion-related issues and concerns of teachers relative to academic freedom figure prominently in many disputes among various groups that have a vested interest in public education.

As a result of disagreement about the curriculum on the part of different individuals and groups, many disputes concerning curriculum problems have been taken to the courts for adjudication. In the courts, state statutes and school

board regulations pertaining to the curriculum, and other areas of the education process, must stand the test of constitutionality.

The scope of litigations regarding the public school curriculum disputes is both broad and complicated and the presentation of all cases would be impossible. The main purpose here is to focus on selected cases and accompanying legal principles that are limited to litigation concerned with the teaching of evolution and creationism, litigations regarding religious-related issues, litigations involving academic study of the Bible, and litigations involving textbooks and reading materials. The choice of the legal materials consulted and the presentation of information was limited by arbitrary decisions made by the writer in the process of selective judgment. Attention is directed to the fact that a disproportionate amount of attention in this review was devoted to the use of prayer, the Bible, evolution, and other religious activities in the curriculum. The decision was based on the fact that much of the legal conflict between school officials and parents over course selection and related issues centers around the First Amendment consideration of religious liberty.

Litigations Concerned with the Teaching of Evolution and Creationism

The controversy over the teaching of human evolution in the public schools first gained national attention in 1927 during the famous Scopes trial¹ in the Supreme Court of Tennessee. The case was closely followed by the public because two famous people lead a team of opposing lawyers in the case. Clarence Darrow, the famous lawyer in the twenties defended Scopes, a teacher

¹ Scopes V. State, 152.424, 278 S.W. 27.

who was charged with the Tennessee Anti-Evolution Act; William Jennings Bryan, Jr. joined the state attorney general and staff for the prosecution.

John Thomas Scopes, a public school teacher in Rhea County, Tennessee was charged with violating a statute² forbidding the teaching of evolution theory in public schools. The Tennessee statute read as follows:

An act prohibiting the teaching of evolution theory in all the universities, normals and other public schools of Tennessee, which are supported in whole or in part by the public school funds of the state, and to provide penalties for the violations thereof.

Section 1. Be it enacted by the General Assembly of the state of Tennessee, that it will be unlawful for any teacher in any of the universities, normals and all other public schools of the state which are supported in whole or part by the state, to teach any theory that denies the story of the divine creation of man . . .

Eventually, Scopes was convicted by the court for violating Chapter 27 of the Acts of 1925 in that he did teach in the public school of Rhea County certain theories that refuted the story of the divine creation of man, as taught in the Bible, and rather did teach that man had descended from a lower form of animal.

Despite the attention the Scopes Trial received, the landmark decision in the teaching of human evolution in public schools leads back to the Epperson V. Arkansas³ in 1968. Epperson, a teacher in an Arkansas school brought action for a declaration that Arkansas' anti-evolution statutes⁴ were void and thus her dismissal for violation of the statutes should not stand. The text of the law follows:

² Acts. Tenn. 1925, C.27.

³ Epperson, et. al. Appellants V. Arkansas, 393, U.S. 97, No. 5, (1968).

⁴ Act No. 1, Ark. Acts, 1929; Ark. Stat. Ann. Section 80-1628 (1960 Repl. Val.).

- Doctrine of ascent or decent from lower order of animals prohibited - It shall be unlawful for any teacher or other instructor in any university, college, normal school or other instruction of the State, which is supported in whole or in part from public funds derived from the State and local taxation to teach the theory or doctrine that mankind ascended or descended from a lower order of animals and also it shall be unlawful for any teacher, textbook commission, or other authority exercising the power to select textbooks for above mentioned education instructions to adapt or use in any such institutions a textbook that mankind descended or ascended from a lower order of animals.

The penalty for violating the provisions of the Act was dismissal. Upon dismissal for violating the Act, Epperson brought action against the state declaring that the statute was void and thus her dismissal should be overturned. The case was first heard in the Arkansas Chancery Court, which rendered in favor of the teacher. The Supreme court of Arkansas⁵ reversed the decision and the teacher appealed. The judgment of the Arkansas Supreme Court was reversed by the United States Supreme Court on the grounds that the Arkansas statutes forbidding the teaching of evolution in public schools and in colleges and universities supported in whole or part by public funds are contrary to the freedom of religion mandate of the First Amendment and in violation of the Fourteenth Amendment.

The U.S. Supreme Court decision in the Epperson case found that the Arkansas law represented an attempt by the state to promote one particular theory or view of human origin. In the current view of many citizens, the teaching of Darwinian view of mans' origin is not religiously neutral but presents an anti-religious position. Attempts in Arkansas, Tennessee, Texas, and Louisiana to require that Darwinian evolution be taught as theory rather than

⁵ The Supreme Court of Arkansas, 242 Ark. 922, 416 S.W. 2nd 322.

fact, or to require that alternative religious themes of creation be taught simultaneously with Darwinian evolution themes have been struck down in the courts.⁶

In each of the four states in which the primary purpose of established statutes was to bring about balanced treatment for the Creation-Science and Evolution-Science in the public schools, the higher courts found that the states were in violation of the First Amendment in their attempts to advance particular religious belief. This point of view was especially highlighted in the Houston, Texas trial. In the United States Court of Appeals in 1973, Circuit Judges, Goldberg and Roneg referred to the landmark case of *Epperson V. Arkansas*⁷ and argued that the Federal Court cannot, by judicial decree, do what the Supreme Court has declared the state legislature powerless to do; i.e., prevent the teaching of the theory of evolution for religious reasons.

Litigations Involving Religious-Related Issues

Public school religious disputes are among the most complicated cases faced by the courts in America. Confusion related to these cases can be attributed to the conflicting language of the First Amendment, the conflict between the First Amendment and religious provisions in state Constitutions, nondiscriminatory treatment provisions under the Fourteenth Amendment, and

⁶ *McLean V. Arkansas Board of Education*, 529 F. Supp., 1255 (E.D. Ark. 1982); *Daniel V. Waters*, 515F. 2nd 485 (6th. Cir. 1975), on remand 399F. Supp. 510 (D. Tenn. 1975) accord: *Steele V. Waters*, 527 S.W. 2nd 72 (Tenn. 1975); *Wright V. Houston Independent School District*, n. 107, *intra. Edwards V. Don Aguillard*, 482 U.S. 578, 96 L. Ed. 2nd 510 (Louisiana, 1987).

⁷ *Epperson V. Arkansas*, 393 U.S. 97, 89 sct. 266, 21 L. Ed. 2nd 228 (1968).

federal civil rights statutes, whose standards of religion and religious discrimination do not parallel constitutional mandates.

The very language of the First Amendment ("Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof . . .")⁸ guarantee both freedom "from" and freedom "for" religion. The courts have experienced a difficult time finding a neutral course between the two religious clauses (the establishment clause and the protection clause), both of which are explicit in language. The problem is further complicated by the fact that state constitutions on government-religion relationships often clash with the First Amendment. Many state courts tend to interpret their state constitutions more restrictively than the Religious Clauses of the First Amendment; whereas, others have interpreted their state charters to prohibit practices that are permissible under the federal constitution. The law related to education-religion is further complicated by individual freedom of expression and Association under the First Amendment and the right to nondiscriminatory treatment under the Fourteenth Amendment, as well as the conflict between the constitutional standards of the First and Fourteenth Amendments and federal civil rights statutes. Reconciling the provisions in all the constitutional sources and statutes represents an awesome task for the courts.

Valente⁹ suggests that constitutional analysis or distinctions on religion-related studies or activity be drawn between the following situations:

⁸ Amendment I, U.S. Constitution.

⁹ William D. Valente. *Education Law, Public and Private*, West Publishing Co., St. Paul, Minn., 1985, pp. 493-494.

1. Where the public school officially sponsors and organizes a program that is deemed essentially religious in nature;
2. Where the sponsored program of study is deemed primarily education, and only incidentally religious in nature, e.g. teaching "about" religion and religion-related history;
3. Where students on their own initiative, and without direct official sponsorship are permitted or prohibited from using school facilities for religious discussion or devotional purposes;
4. Where student organizations seek access to public facilities that are open to other organizations;
5. Where school sponsored patriotic exercises are approved by students, parents, or teachers as infringements on their religious precepts.

Litigation Challenging Statutes Allowing or Requiring Silence, Meditation, or Prayer In Public Schools.

In an effort to circumvent constitutional prohibition against overt prayer in public schools, thirty states have passed statutes which merely allow a moment of silence for meditation. Court records indicate that seven states have had litigation brought against elements of their statutes.

Three provisions of the Alabama statute regarding meditation and prayer were challenged in Court. The provision that required one-minute "period of silence . . . for meditation" (Ala. Code: 16-1-20) was contested in 1985 and the claim for unconstitutionality was abandoned. In the same trial, the provision that "authorizes teachers to observe one-minute period of silence . . . for meditation or voluntary prayer" (16-1-20.11) was declared unconstitutional.¹⁰ An early provision in the Alabama statute (Ariz. Rev. State. Ann. 15-522) that "authorizes teachers or professors to lead willing students in prayer" or a prescribed prayer

¹⁰ Alabama: Wallace V. Jeffrey, 472 U.S. 38, 1055, ct. 2479, 86 L. Ed. 2nd 29, 25, Educ. L.R. 39 (1985)

was also declared unconstitutional.¹¹ The statute in Alabama was held unconstitutional on the narrow interpretation that the statute was enacted to return prayer to the public schools rather than for secular purposes.

Statutes allowing or requiring silent prayer were also declared unconstitutional in Arkansas¹², Louisiana¹³, New Jersey¹⁴, New Mexico¹⁵, Tennessee¹⁶, and West Virginia¹⁷. The summary of the statutes in each of these states follow:

Arkansas - Ark. state. Ann. Section 80-1660 required that the Bible be read daily; prayer may be offered, or the Lord's prayer repeated, provided no student be required to take part.

Louisiana - La. Rev. State. Section 17:2115(B) states that the Board may authorize a teacher to ask if a student wishes to volunteer to "offer a prayer," and if no student volunteers, to allow teacher to offer the prayer. Another provision 17:2115(A) in the statute provides that school authorities may allow their schools to start the day for those students desiring to participate with "a brief time of silent meditation," which is not intended as a religious exercise and

¹¹ Alabama: *Wallace V. Jeffrey*, 466 U.S. 924 104 S. Ct. 1704, 80 L. Ed. 2nd 178 (1984), attg. 705 F. 2nd 1526, 11th Cir (1986).

¹² Arkansas: *McLean V. Arkansas Bd. of Educ.*, 529 F. Supp. 1255, 2 Educ. L.R. 685 (E.D. Ark., 1982).

¹³ Louisiana: *Karen B. V. Treen*, 653 F. 2nd 897 (5th Cir. 1981), aff'd mem. 455 U.S. 913, 102 S. Ct. 1267, 71 L. Ed 2nd 455 (1982).

¹⁴ New Jersey: *May V. Cooperman*, 780 F. 2nd. 240, 29 Educ. L.R. 516 (3rd Cir. 1985).

¹⁵ New Mexico: *Duffy V. Las Cruces Public Schools*, 557 F. Supp. 1013, 9 Educ. L.R. 1206 (D.C. N.M. 1983).

¹⁶ Tennessee: *Beck V. McElrath*, 548 F. Supp. 1161, 7 Educ. L.R. (M.D. Tenn. 1982).

¹⁷ West Virginia: *Walter V. West Virginia Bd. of Educ.* 610 F. Supp. 1169, 26 Educ. L.R. S.D. W. Va. (1985).

shall be neutral toward religion. The Attorney General for Louisiana¹⁸ provided an official opinion that this part of the statute might be constitutional, but there was no assurance that the legislation would meet with court approval.

New Jersey - N.J. State. Ann. Section 18A: 36-4 states that principals and teachers shall permit students to "observe a one minute period of silence to be used solely at the discretion of the individual student . . . for quiet private contemplation or introspection." An appeal in the May case was subsequently dismissed in 1987.¹⁹

New Mexico - N.M. State. Ann. Section 22-5-4.1 provides that Boards may authorize "a period of silence not to exceed one minute" to be used "for contemplation, meditation or prayer."

Tennessee - Tenn. Code Ann. Section 49-6-1004(a) requires a mandatory "period of silence of approximately one (1) minute."

West Virginia - W.Va. Const. art. III, Section 15a requires public schools to provide a "designated brief time" for students to "exercise their right to personal and private contemplation, meditation or prayer."

One case has really focused on what constitutes a constitutionally prescribed prayer in the public schools.²⁰ In this particular case a suit was filed to enjoin school district officials from requiring the plaintiff's daughter to recite a verse, along with other students in a kindergarten class. The teacher required the students to recite: "We thank you for the food we eat; we thank you for the birds

¹⁸ Louisiana: La. Op. Atty. Gen. 75-1546.

¹⁹ *Karcher V. May*, 484 U.S. 72 1085 Ct. 388, 98 L.Ed. 2nd 327, 42 Educ. L.R. 1062 (1987).

²⁰ *De Spain V. De Kalb County Community School Dist.* (1967, CA7 Ill.) 38t F20 836, 30 ALR 3d 1342, cert den 390 US906, 19 L.Ed. 2d 873, 885 Ct. 815.

that sing; we thank you for everything" prior to the morning snack. Initially, the District Court dismissed the complaint for failure to state a course of action, ruling that the verse was not a prayer or religious activity. Later, the court of Appeals reversed the District Court judgment, on the basis of evidence that the same teacher had, previous to the District Court trial, required children in her class to recite a verse identical to the above-quoted verse except that the last line in the verse read "we thank you, God, for everything." The teacher had deleted the word "God" following the complaint of parents that their eldest son, then a kindergarten student, was required to recite the verse.

The District Court held that the verse constituted a prayer despite the fact that the word "God" was eliminated. The court concluded that testimony on the part of theologians, as well as the kindergarten teacher, demonstrated that the deletion of the word "God" did not detract from the religious emphasis of the verse. The District Court further concluded that the teacher's statement of purpose, that the verse was used to teach gratitude and good manners, was merely adjustive and supplemental to the main purpose of using the verse, which was praising and thanking the Deity in a religious context.

Litigation Involving Academic Study of the Bible.

The courts have consistently ruled that the study of the Bible cannot be used to promote particular religious precepts but in doing so, have drawn a sharp distinction between employing the Bible as a "religious exercise" and as a source to teach about religion or using the Bible to explore literary or historical aspects. Using the Bible to teach comparative history, writing styles, political history and the like are usually thought to be incidental to religion and therefore

meet the constitutional standards. Valente²¹, however, contends that the practical problem of determining when the Bible is used in the religious context or the education context is difficult to discern and usually can only be resolved case by case.

A distinction can be drawn between the secular and religious use of the Bible by reviewing the rulings of two consolidated cases in 1980. In one case, the court ruled in favor of a city school that (1) compared and contrasted the use of the parables of Jesus as a fable and the use of parables as a method of teaching; and used the Biblical narrative regarding the establishment of the ancient kingdom of Israel as a basis for studying the problems of establishing the modern state of Israel.²² In the other case, the court ruled against the study of the prophecies of Daniel and the story of Sodom and Gomorrah.²³ The former case was interpreted in the education or "teach about" context; the latter case was judged to be a "religious exercise" or relaying an unconstitutional religious message.

Religious Themes and Displays

The major problem associated with religious activities such as displays, pageants, and caroling centers around the inability of the courts, as well as the typical citizen, to determine whether the activities should be interpreted as religious or as symbols of our social, cultural, and political heritage. This problem was highlighted in two U.S. courts. In the *McCullum V. Board of*

²¹ William D. Valente, *Education Law, Public and Private*. West Publishing Co., St. Paul, Minn. (1985), p. 202.

²² *Wiley V. Franklin*, 497 F. Supp. 390 (D. Tenn. 1980.)

²³ *Id.*

Education²⁴ case, the courts argued that . . . "one can hardly respect a system of education that would leave the student wholly ignorant of the currents of religious thought that move the world society . . ." In a similar venue, in the Engle V. Vitale²⁵ case the courts were adamant in stating that "the history of man is inseparable form the history of religion."

Not until 1980, Stone V. Graham, did the U.S. Supreme directly rule on the matter of religious display in the public schools. In this case, the court, in a 5 to 4 ruling, nullified a Kentucky statute that authorized the posting of the Ten Commandments at private expense in every public school classroom.

The Stone decision is remarkable as the first substantive Supreme Court ruling in which the Court invalidated a state statute on a finding that the legislative purpose was religious, notwithstanding expressed legislative declaration of secular purpose and the state court construction that held the legislative purpose to be secular. The majority noted that several of the posted Commandments arguably relate to secular matters (i.e., civic virtue in honoring parents, avoiding homicide, stealing, adultery, false witness, and covetousness); the commandments on serving God, avoiding idolatry, and keeping the Sabbath were undeniably religious and could serve no secular educational function. The fact that the statute required the posting to be made only at private expense, and to contain a legend (in small print) stating that the Commandments are a source of law in Western Civilization, did not cure the fatal defect of religious purpose.²⁶

Interestingly enough, the Stone opinion made no reference to other religious displays in the public schools, and cited only Supreme Court precedents that are

²⁴ McCollum V. Board of Education, 333 U.S. 203, 235-36, 68 S. Ct. 461, 477, 92 L. Ed. 649 (1948).

²⁵ Engle V. Vitale, 370 U.S. 421, 434, 82 S. Ct. 1261, 1268, 6 L. Ed. 2nd 601 (1962).

²⁶ Valente,

related to prayer, Bibles, and aid to non-public schools. The Stone case also did not allude to classroom observances on secular holidays that have religious as well as cultural meaning. Standing alone, the Stone case would confuse legal issues surrounding public school displays that contain religious references.²⁷

Litigation Involving Sex Education

The sex education controversy is mostly related to religious and moral beliefs rather than constitutional and legal considerations. Basic objections to sex education grow from conflicting moral perspectives rather than from infringements the establishment or free exercise clauses, parental or family rights on Equal Protection. As with the evaluation courses, the content of sex education strongly implicates the overlapping interests and assumed responsibility of parents, educators and religious leaders.

The inclusion of sex education courses in the curriculum that honestly addresses AIDS and other venereal disease, birth control devices, and abortion is fairly new as are the cases adjudicating their constitutionality. The cases to-date have weathered constitutional challenges but increase attention given to more explicit material and discussion in the sex education in the schools warrants the conclusion that this area of the curriculum will continue to be tested by litigation.²⁸ In two significant cases²⁹, the courts have evaded the Establishment barrier to preference of religious viewpoints while stating that the only significant constitutional issue centered around the Free Exercise clause.

²⁷ Valente.

²⁸ Smith V. Ricci, 89 N.J. 514, 446 A. 2d 501 (1982).

²⁹ Hopkins V. Hamden Board of Education, 29 Conn. Sup. 397, 289.

Litigations Regarding Textbooks and Reading Materials.

The approval and selection of textbooks are generally shared by the state and local school districts, although the right to adapt is often limited by restrictions imposed by the state. In most states, the district board must select textbooks from lists issued by the state education agency/state school board. In a few states, however, the district school board must adopt a basic text in every course from a list of approved by the state, but the local district is free from state restrictions in other adaptations. Finally, in several states, the local districts are free from state restrictions, although the state likely will supply the locales with recommended lists.

The general authority of school boards to select textbooks has been well established and not challenged in the courts. In recent years, however, challenges surrounding particular vested interest have increased. Various segments of the population, for example, have brought legal action because certain books have (1) offended their moral and religious beliefs, (2) failed to recognize their attainment, (3) cast them in an undesirable light by stereotyping, or (4) attacked other civil rights.

The *Minarcine V. Strongsville City School District*³⁰ involved pupils, by next friends, in a class action challenging action of the school board in refusing to accept recommendations of professional teaching staff concerning the purchase of certain novels for use in English courses. The court held that the school board's refusal to approve the books which were recommended by the school

³⁰ *Minarcine et al. V. Straonsville City School District*, U.S. Dist. N.D. Ohio (1974).

English Department was not arbitrary and capricious and did not deny pupils their right to academic and free speech, due process or equal protection.

The courts also decided in the favor of the school board of a complaint which alleged that the local community school boards' ruling requiring the removal of a book about youths' life in Spanish Harlem violated the First Amendment. In this particular case, the board made the book available only in those junior high schools having the book and on the request of parent.³¹

Textbook selection becomes especially complicated when parents, teachers, and students assert First Amendment freedoms as grounds to limit school board text book control. Students' First Amendment claims of the right to receive information and teacher First Amendment claims of academic freedom in the use of reading materials, have received conflicting rulings from the courts. The diversity in rulings in regard to the scope teachers' and students' constitutional interests have occurred in both the Supreme and lower courts. According to Valente³², the judges, "sometimes driven more by ideals, rhetoric, and slogan than by close analysis and contextual distinctions in the available precedents, have spawned hopeless conflict on essential doctrine and analysis, creating uncertainty on the application of the Constitution to different phases of material control . . ."

Unfortunately, a much discussed landmark Federal case, *Pico V. Board of Education*³³, did little to settle the prevailing confusion. In this case, action was

³¹ President Council, District 25, V. Community School Board, No. 25, U.S. Ct. of Appeals, No. 491 (1972).

³² Valente, P. 175-176.

³³ *Pico V. Board of Education, Island Tree Union Free School District No. 26*, 646 F. 2d, 714 (2d Cir. 1980).

taken against the board of education for removing a number of books that ostensibly contained passages devoted to vulgar and indecent language referring to sexual and other bodily functions and other sexual behavior. The court ruled in favor of the school board, but its plurality and dissenting opinion presented four different positions. Of the nine Justices who ruled in the case, four Justices found no constitutional right or basis to support federal reversal (lower court reversal) of the school board decision; four Justices found some constitutional limitation on the board decision, to be clarified on trial; and the remaining Justices refused to address the constitutional issue. Of the four Justices favoring remand on substantive grounds, three found that the First Amendment provided students with a limited right to receive information through school books while the remaining Justice did not address the student right-to-read issue. In the final analysis, then, four of the nine Justices thought that the motivation of the school board became crucial regarding the question of students' rights to book access.

The motivation issue presents a challenging problem for the courts. In some situations, the board might be motivated for lawful reasons (removing books that are obscene or abhorrent); in other situations, the motivation might be unlawful (removing books for political advantages); and still in other situations the board might be motivated by lawful and unlawful reasons. Needless to say, actions of the board that are based on mixed motives represent the greatest challenge for the courts.

Litigation Concerned with Prescribed Courses Other Than Religion-Related Activities

The courts have in the main upheld school administrators and policy-makers' decisions as to what is relevant for contemporary education in the United States. Judicial disinclination not to rule against educators has not necessarily eliminated conflict over what is taught in the public schools. This is especially true in religion-related areas such as prayer in the school, Bible reading, and the like. It is interesting to note that no recent cases have been heard that relate to common law right of parental objection to the curriculum. The last case to be heard was in 1934.³⁴

The discretionary authority of school officials to determine curriculum includes the power to delete courses or services that have been offered beyond those mandated by the state and eliminate courses due to decline in enrollment.³⁵ The rights of students are not violated just because the courses made available in other school districts are not offered in their districts.³⁶ In the main, the courts will not overrule reduction in services unless decisions are found to be arbitrary or capricious.³⁷

³⁴ Ruff V. Fischler, 115 Fla. 247, 115 S.O. 642, (1934).

³⁵ Broyd V. Governing Boards of El. Segundo United School District, 118 Cal. App. 3d 702 173 Cal. 729 (1981).

³⁶ Chambers V. Board of Education, Lisbon Central School District, 58 A.D. 2d 961, 397 N.Y.S. 2d 436 (1977).

³⁷ Board of Education of Okay Independent School District V. Carroll, 513 P. 2d 872 (Okla 1973).

CHAPTER V

SUMMARY OF FINDINGS, CONCLUSION, AND RECOMMENDATIONS

Summary

Each of the fifty state constitutions mandates that the general assemblies create and regulate a public school system. It follows, therefore, that general assemblies have almost absolute authority (limited only by state constitutions and federal constitutions and statutes) in establishing the public school curriculum. In reality, many of the curriculum mandates of the fifty states are general with authority for rules and regulations and the development of detailed plans and procedures vested within the local school boards.

Often the general assemblies will pass statutes and/or state or local boards of education will develop policy that is in conflict with the Federal Constitution or Federal statutes. Many of these conflicts involving curriculum issues have been decided in both federal and state courts.

The introductory material in Chapter I describes the purpose of the study; provides some general information regarding the responsibility for curriculum development at the national, state, and local levels; and raises pertinent questions that were to be addressed in this investigation. Answers to these questions, coupled with other information in the study, should prove to be helpful to legislators, school boards, school administrators and teachers in making curriculum decisions.

Listed below are key questions that were posed in Chapter I:

- 1) What pertinent federal and state general legislative provisions impact on curriculum development and teaching?
- 2) What academic subjects do the fifty state statutes mandate?
- 3) What non-academic subjects ". . . that promote the general welfare. . ." do the fifty states mandate?
- 4) What restrictions on the selection of instructional materials and books are imposed by state legislative mandate?
- 5) What are the major legal aspects of the curriculum?
- 6) What conclusions and recommendations may be drawn from the findings of this study that may be helpful to those who have to establish policy and take administrative action to operate the schools?

The first question proposed for this study was: what pertinent federal and state general legislative provisions impact on the curriculum and teaching? Generally speaking, while federal regulations of the school curriculum have been limited, state involvement in the selection, establishment, and regulations of instructional programs has been more extensive. In fact, the legislature in each state has control of the curriculum, limited only by constitutional provisions. Currently, 29, or 58 percent, of the fifty states have statutes that spell out in varying detail the required courses or curriculum requirements; whereas, 11, or 22 percent, of the statutes have statutes that outline graduation requirements. Nevertheless, the authority to regulate curriculum may be delegated by the legislature to local boards and other agencies. Local boards of education, however, must carry out state prescriptions for a course of study. In the absence of constitutional and statutory provisions, to the contrary, local school authorities

may make reasonable rules and regulations concerning the curriculum, including adding and deleting subjects.

The second question listed in Chapter I was: what academic subjects do the fifty state statutes mandate? With a few exceptions, the academic subjects that are mandated are listed either in the 29 states statutes that have specific curriculum requirements or the 11 states that have statutes that outline graduation requirements. Generally the academic subjects that are listed as requirements include reading, writing, arithmetic, languages, science, social studies, and mathematics. A relatively large number of states have statutes that specifically require or encourage the teaching of the United States Constitution and Declaration of Independence, United States History and Government. A total of 24, or 48 percent, of the states have statutes that require or allow for the teaching of the United States Constitution, the Declaration of Independence, and the teaching of United States History and Government. In addition, 17, or 34 percent, of the fifty states address the teaching of the state constitution and the state history.

The third question that was asked in Chapter I was: what non-academic subjects " . . . that promote the general welfare. . ." do the fifty states mandate? The answer to this question follows:

- A total of 11, or 22 percent, of the fifty states have statutes that mandate schools provide extracurricular activities.
- Provision for the establishment of regulations for athletic competition are covered in the statutes of 19, or 38 percent, of the states.

- To comply with the planning provision of the Education For All Handicapped Act, enacted by the U.S. Congress in 1975, all 50 states enacted legislation for the education of handicapped students.
- A total of 11, or 22 percent, of the states have statutes that require or allow silent meditation and prayer.
- Only eight, or 16 percent, of the fifty states have statutes regarding the teaching of driver education. In Vermont and Idaho, the legislation requires the cooperation of the department of transportation.
- A total of eight, or 16 percent, of the fifty states have statutes regarding the Pledge of Allegiance and respect for the flag.
- A total of 13, or 26 percent, of the 50 states have statutes that specifically address the teaching of physical education. The State Board of Health must be involved in planning the physical education in Arkansas and Virginia.
- A total of 18, or 36 percent, of the states have statutes regarding the teaching of health/hygiene; 13, or 26 percent, of the states have statutes concerning safety and three or six percent of the states have CPR legislation.
- Drug and alcohol abuse continues to be a major concern of many of the state legislative bodies of America. In the 16, or 32 percent, of the states that have statutes regarding drug/alcohol education, the requirement is mandatory.
- A total of six, or 12 percent, of the 50 states have legislation addressing the teaching of free enterprise and/or consumer education.
- There are eight, or 16 percent, of the 50 states that require or encourage the teaching of morals in the public schools.

- The requirements for environmental/agriculture education are mandatory in Alaska, Arizona, Arkansas, Nevada, Oregon, Pennsylvania, and South Dakota. The statutes in Minnesota, New York, and Michigan are enabling legislation.
- Mississippi, New Jersey, Rhode Island, Virginia, and Wisconsin have legislation that address the teaching of career education.
- Six state legislative bodies have passed statutes regarding the teaching of foreign languages or sign language. These states are California, Louisiana, Maine, Massachusetts, Rhode Island, and Wisconsin.
- A total of nine, or 18 percent, of the 50 states have passed legislation that requires or allows for bilingual programs.
- Eight unique instructional areas were discovered among the statutes for the 50 states in 1992. The curriculum areas are: child abuse in Alaska, suicide prevention in Rhode Island, holocaust study in Illinois, creation science in Louisiana, sex discrimination in New Jersey and Illinois, humanity in New Jersey and New York, Black History in South Carolina and Tennessee, religious literature in Pennsylvania and South Dakota, and military responsibility in Louisiana and Nevada.

The fourth question listed in Chapter I was: what restrictions on the selection of instructional materials and books are imposed by state legislative mandate? All states except three (Kansas, Hawaii, and Washington) have state statutes that regulate the selection of library books and instructional materials. All states except three (Kansas, Hawaii, and Washington), have statutes that regulate the selection of instructional materials. Authority for selection ranges from delegation to state boards of education, textbook commissions, state superintendents of public instruction, and local school boards and

superintendents. In South Carolina the State Library Commission selects library books, while the State Board of Education selects textbooks,. In Wyoming, the statutes that regulate the selection of textbooks prohibit the legislature or the state superintendent from exercising power over the selection of textbooks.

The fifth question that was proposed for this study was: what are the major legal aspects of the curriculum. The major findings related to curriculum litigation follow:

- Controversy concerning the context and design of the school curriculum continues to grow due to movement toward site-based management, changing public attitudes and behaviors, and increasing competition over control of what should be taught in the public schools among school administrators, individual teachers, and parents.
- Due to disagreement about the curriculum, many disputes concerning curriculum problems have been taken to the courts for adjudication where state statutes and school board regulations must stand the test of constitutionality.
- Much of the legal conflict over the curriculum centers around the First Amendment consideration of religious liberty.
- The courts have generally ruled that the teaching of Darwinian evolution is permissible and that established statutes to bring about balanced treatment for the Creation-Science and Evolution-Science were in violation of the First Amendment in their attempt to advance a particular religious belief.
- Confusion related to cases concerning public school religious disputes can be attributed to the conflicting language of the First Amendment, the conflict between the First Amendment and religious provisions in state constitutions,

nondiscriminatory treatment provisions under the Fourteenth Amendment, and federal civil rights statutes whose standards of religion and religious discrimination do not parallel constitutional mandates.

- Courts experience difficulty finding a neutral course between two religious clauses in the First Amendment (the establishment clause and the protection clause).
- Statutes allowing or refusing silent prayer and a period for meditation have generally been declared unconstitutional by the courts.
- The courts have consistently ruled that the Bible cannot be used to promote particular religious precepts, but in doing so, have drawn a sharp distinction between employing the Bible as a "religious exercise" and as a source to teach about religion or using the Bible to explore literary or historical aspects.
- The courts have ruled that sectarian instruction may not be legally included in the curriculum of the public schools.
- The major problem associated with religious activities such as displays, pageants, and caroling centers around the inability of the courts to determine whether the activities should be interpreted as religious or as symbols of our social, cultural, and political heritage.
- The confused legal issues surrounding public school displays that contain religious references warrant the conclusion that each dispute might need to be decided on a case by case basis.
- The inclusion of sex education courses in the curriculum that honorably address AIDS and other venereal diseases, birth control devices, and abortion is fairly new as are the cases adjudicating their constitutionality. The cases to date have weathered constitution challenge.

- The general authority of the school boards to select textbooks has been well established and not challenged in the courts. In recent years, however, particular vested interests have brought legal action because certain books and materials have (1) offended their moral and religious beliefs, (2) failed to recognize their attainment, (3) cast them in an undesirable light because of stereotyping, or (4) attacked other civil rights.
- The motivation issue in selecting textbooks and instructional materials presents a challenge problem to the courts. The school board, when making a decision about the selection of books, for example, may be motivated for lawful reasons (removing books because they are obscene or abhorrent); in other situations, the motivation might be unlawful (removing books for political advantage); and still in other situations, the board might be motivated by lawful and unlawful reasons. Needless to say, deciding the true motives of boards, as well as acting on mixed motives, represents the greatest challenge of the court. As with issues concerning the public display of materials that have religious references, legal dispute on the selection of textbooks and other materials, must be ruled on case by case.
- In regard to the prescribed courses that are offered in the curriculum, the courts in the main uphold school administrators/policymakers as to what is relevant for contemporary education in the United States. No recent cases regarding the common law right of parental objection of the curriculum have been heard.

The sixth and last question listed in Chapter I was: what conclusions and recommendations may be drawn from this study that may be helpful to those

who have to establish policy and take administrative action to operate these schools? The answer to this question is presented below in the sections on conclusions and recommendations.

Conclusion

The involvement of state legislative bodies in establishing the curriculum for local public schools is both widespread and varied. It is difficult to ascertain many similar ties or patterns in the state statutes. Relatively speaking, the legislators are more concerned with requiring or allowing for curriculum activities or courses that meet federal requirements (e.g., plans for the teaching of handicapped students); that have a patriotic flavor (Pledge of Allegiance, the study of state and federal constitutions, history, and government); that control or influence the materials and books that are used in the instructional program; that assures that citizens' general needs are met (moments of silence and prayer, drug and alcohol abuse, health and hygiene, etc.); and that insure the attainment of quality standards such as the number of credits required for graduation.

The statutes among the states not only vary according to purpose; they vary in frequency. For example, states such as Hawaii, Delaware, and Ohio have few statutes. On the other hand, states such as Nevada, New Jersey, and New York have a large number of statutes relating to the establishment of curricula for the public schools. Furthermore, the states vary greatly in the agencies that are assigned the responsibility for formulating the curriculum. Some states tend to delegate curriculum responsibility to local boards while others emphasize more state control through delegation to state boards and state administrative officers.

Litigations related to curriculum issues have been mainly concerned with religious and moral concerns. The teaching of a specific religion, the reading of the Bible, prayer, and, even, moments of silence, have been the subjects of litigation. At the end of 1992, prayer and other religious activities in the public schools have generally been declared unconstitutional. The rationale used in deciding which religious cases have been straight forward: if the activity is used to promote a religion, the activity does not meet constitutional standards; if the activity is used to help teach such subjects or skills as history, writing style, or literature, the activities meet religious standards.

Indisputable is the fact that legislation, and the educational programs it gives rise to, cause "things" to happen organizationally, operationally, and instructionally. Far unclear, however, is the extent to which educational legislation in the United States has resulted in significant learning gains in the classroom.

This is not to suggest that attempts at assessing the extent of legislative impacts on curriculum have not been made. Researchers who have conducted extensive and intensive studies on what actually goes on in the classroom, find a lack of compatibility between official curriculum (*the explicit curriculum*), and what actually occurs in the classroom (*the implicit curriculum*).

Also, judged on the basis of an overriding legislative assumption -- that enacted laws will bring about school improvement, in reading, mathematics, human relations, etc. -- the actual results often prove vague or ambiguous. In short, hard data on the educational consequences of legislation provide little cause for optimism. In hard terms, this view is underscored by declining achievement in reading, writing, arithmetic, science, and SAT scores.

Moreover, if the so-called bottom line of curriculum legislation, as suggested, is improved learning performance, then, with few exceptions, legislation designed to improve curricular content and practices has manifestly been far less than spectacular. As persuasive as this conclusion may sound, such a verdict may be too harsh.

Then, there are the productivity studies of Herbert Walberg. In an examination of over 2,000 school productivity studies, he reduced the most important factors impacting on school achievement to seven. Of these, schools or teachers have control of only two. Of the two, teachers have full control of only one.

A study of North Carolina's "Basic Reading Program," provided what appears to be conclusive evidence that administrative oversight and evaluation of the "Basic Reading Program" virtually ceased once the program attained a permanent funding status. If what is true for this program is true for other state-funded programs, it means that data on the long-term effects of mandated state programs are at risk. From this, it might be concluded that longitudinal studies of state-funded programs are difficult or impossible. In addition, if long-term program assessment is deemed important in making policy decisions regarding the efficacy of programs born of legislative intent, then it is not difficult to understand why discoveries about how well programs are working are arrived at long after the fact, or if at all.

This view should be balanced by what may be called a "political reality": most politicians are motivated and judged by how well they perform in the *short term*. The consequences of this short-termness are poor legislative oversight,

with an attendant lack of administrative diligence. As the saying goes: "We do what we are inspected for, not what is expected."

Recommendations

The findings of this study identified a number of issues and concerns that warrant further study and/or recommendations for action on the part of those who set policy for or administer the instructional program in the public schools. Among the problems that might warrant study are those that follow:

- A study to determine the motivation behind the establishment of curriculum-related legislation should prove to be most interesting and helpful. This is especially important in deciding whether the curriculum statutes are in the best interest of students or were their passage motivated by vested interests.
- An investigation to determine the influence that various vested interest groups have upon the passage of legislation should also prove to be helpful. The primary concern here centers around how much influence is child-centered and education-centered groups having on the legislative decisions. For example, to what extent are parent-teacher associations, school board associations, teacher associations, etc. influencing the creation of curriculum statutes.
- The question of whether litigations concerning curriculum issues are brought about because of the actual statutes, or because the policies and administrative procedures developed to implement the statutes, should be of primary interest to the practitioner. The findings of such a study should be helpful to those who had to formulate policy and administrative procedures.
- A study to obtain the opinion of legal experts regarding the potential of litigation related to proposed future statutes or policies may provide insight into

the issues that either need to be avoided or handled with caution. For example, what legal implications are related to the hiring and dismissal of personnel and outcome-based education requirements.

One of the major advantages of conducting a study of this nature is: summaries of statutes and selected court cases provide insight into the beliefs and behaviors of legislatures as well as the courts. This knowledge should prove to be invaluable to policy-makers and those who are charged with the responsibility of operating the public schools. It is recommended, therefore, that school boards, administrators, and other school officials be provided with training so that they can better understand what motivates the legislators to introduce and pass education legislation; how legislators may be influenced to pass statutes that are in the best interest of students; and how school boards and administrators can best interpret and implement statutes to avoid unnecessary and unwanted litigation.

BIBLIOGRAPHY

- Anderson, John B. "Team Teaching in the Elementary and Secondary Schools," in Alfred de Grazia and David A. Sohn, eds. *Revolution in Teaching: New Theory, Technology, and Curricula*. New York: Bantam Books, 1964.
- Apple, Michael W. "Is There a Curriculum Voice to Reclaim?" *Phi Delta Kappan*, March 1990, pp. 526-30.
- Bencivenga, Jim. "Tightening the agenda for U.S. Schools," *Christian Science Monitor*, April 12, 1985, 23.
- Bloom, Benjamin, Allison Davis and Robert Hess, "Compensatory Education for Cultural Deprivation." pp. 25-26.
- Bolmeier, Edward C., *The School in the Legal Structure*. (Chicago: The W. H. Anderson Company, 1968), pp. 3-10.
- Brimelow, Peter. "American Perestroika?" *Forbes*, May 14, 1990.
- Brubaker, Dale F., *Curriculum Planning: The Dynamics of Theory and Practice*, Glenview, IL: Scott Foresman and Company, 1982.
- Bryson, Joseph E. and Elizabeth W. Dethy, *Censorship of Public School Library Materials* (Charlottesville, VA: The Mitchie Company, 1982), p.10.
- Clowse, Barbara Barksdale, "Education As An Instrument of National Security: The Cold War Campaign to ' Beat the Russians,' from Sputnik to the National Defense Education Act of 1958." Chapel Hill, NC: University of North Carolina, 1977.
- Coble, Larry D. " Effective Strategies for Improving Public Education in North Carolina," unpublished speech. Winston -Salem, NC: Forsyth County Public Schools, NDG.
- Cockman-Clack, Lorna E., "The Effect of School Organization on the State Primary Reading Program: Four Comparative Case Studies, 1991." Unpublished dissertation. Chapel Hill, North Carolina: University of North Carolina at Chapel Hill, 1991.

- Cohen, David. "More Voice in Babel?: Educational Research and the Politics of Curriculum," *Phi Delta Kappan*, March 1990, pp. 518-22.
- Coleman James, et al. *Equality of Educational Opportunity*. Washington, DC: U.S. Government Printing Office, 1966.
- Compton's Encyclopedia*. William Benton, ed. Vol. 14, 463, Chicago, IL, 1967.
- Conner, James E. "The Coleman Report: Some Blind Stitches," Unpublished Speech. Philadelphia, PA: Temple University, College of Education, 1969.
- Conner, James E. "Paradigms, Paradoxes, and Possibilities," *Journal of Developmental Education*, Sept. 1990, pp. 30-31.
- Cremins, Lawrence A., *The Transformation of the School: Progressivism in American Education, 1876-1957*. (NY: Alfred A. Knopf, 1961), p. 347.
- Cubberly, Ellwood P., *Public Education in the United States*. Chicago: Houghton Mifflin, 1934.
- Deutsch, Martin. *Social Intervention and the Malleability for the Child*. (Ithica, NY: Cornell University School of Education, 1964), pp. 5-9.
- Education Codes and Statutes From the Fifty States, State Archives.
- Eisner, Elliot. "Who Decides What Schools Teach?" *Phi Delta Kappan*, Mar. 1990, pp. 522-26.
- Finn, Chester E., Jr. "The Biggest Reform of All," *Phi Delta Kappan*, April 1990, pp. 586-592.
- Futrell, Mary Hatwood. "Mission Not Accomplished: Education Reform in Retrospect," *Phi Delta Kappan*, Sept. 1989.
- Gibson, Dale. "Back to School: Education Takes a Business Approach to Restructuring." *Triangle Business*, May 7-14, 1990, p.1.
- Gimlin, Hoyt, ed. *Education Report Card: Schools on the Line*. Washington, DC: Congressional Quarterly Inc., 1985.
- Glasser, William, "The Quality School," *Phi Delta Kappan*, Feb. 1990, pp. 424-435.

- Goodlad, John I., *A Place Called School: Prospects for the Future*. New York: McGraw-Hill Book Co., 1987.
- Goodlad, John I., "A Perspective on Accountability," *Phi Delta Kappan*, Oct., 1975.
- Goodlad, John I., "Can Our Schools Get Better?" *Phi Delta Kappan*, Jan., 1979.
- Goodlad, John I. and Robert H. Anderson. *The Nongraded School*. New York: Harcourt, Brace and World, 1963
- Hart, Leslie A. *Human Brain and Human Learning*. Village of Oak Creek, AZ: Books for Educators, 1983.
- House, Earnest R. "Evaluation as Scientific Movement in U.S. School Reform," in *Comparative Education Review*, 22:3.
- Hudgins, H.C. and Richard S. Vacca, *Law and Education*, 3rd Ed. (Charlottesville, VA: The Mitchie Company, 1990), pp. 5-21.
- Jackson, Phillip W. *Life in Classrooms*. New York: Holt, Rinehart and Winston, 1968.
- Krug, Edward A. *Administering Curriculum Planning*. New York: Harcourt, Brace and Jovanovich, 1962.
- Latta, E. Michael, *The Constitutional and Statutory Development of the State Board of Education and the State Superintendent of Public Instruction (As Well As the Defunct Office of Controller)*. Raleigh, NC: North Carolina State Advisory Council on Vocational Education, 1989.
- Latta, E. Michael and James E. Conner. *The North Carolina Story: Knowledge Applied is Power!*. Raleigh, NC: North Carolina State Advisory Council on Vocational Education, 1990.
- Legislative Research Commission. *A Guide to the Kentucky Education Reform Act of 1990*. Frankfort, KY, 1990.
- Lortie, Dan C. *School Teacher*. Chicago: University of Chicago Press, 1975.

- Love, Ruth B. "Educational Standards: A Public Educator's View" in W.J. Johnson, *Education on Trial: Strategies for the Future*. San Francisco: Institute for Contemporary Studies, 1985.
- McNeil, Linda M., "Contradictions of Control, Part 1: Administrators and Teachers," *Phi Delta Kappan*, Jan., 1988.
- McNeil, Linda M., "Contradictions of Control Part 2: Teachers, Students and Curriculum," *Phi Delta Kappan*, Feb., 1988.
- McNeil, Linda M., " Contradictions of Control Part 3: Contradictions of Reform," *Phi Delta Kappan*, March, 1988.
- McNeil, Linda M., Reclaiming a Voice: American Curriculum Scholars and the Politics of What is Taught in Schools," *Phi Delta Kappan*, March, 1990.
- North Carolina Department of Public Instruction. *Through the Years: a History of Public Schools in North Carolina*. Raleigh, NC 1983.
- North Carolina General Assembly. "Senate Bill 2, An Act to Appropriate Funds for Implementation of the School Improvement and Accountability Act of 1989," Chapter 778, Raleigh, NC, 1989.
- Payzant, T.W. "To Restructure Schools, We've Changed the Way Bureaucracy Works," *The American School Board Journal*, Oct., 1989.
- Peterson, L. *The Law and Public School Operation*. (1968), p. 380.
- Popper, Carl R. "Of Clouds and Clocks: An Approach to the Problem of Rationality and the Freedom of Man," in Popper, *Objective Knowledge an Evolutionary Approach*. Oxford: Clarendon Press, 1972.
- Public Laws of North Carolina, 1873, Ch 78, p. 654.
- The Random House Dictionary of the English Language*, Unabridged. (NY: Random House, 1973), p. 1939.
- Ravitch, Diane. *The Troubled Crusade: American Education 1945-1980*. New York: Basic Books, Inc., 1963.
- Riessman, Frank. *The Culturally Deprived Child*. New York: Harper & Row, 1962.

- Riessman, Frank. *Helping the Disadvantaged Child Learn More Easily*. Englewood Cliffs, NJ: Prentice-Hall, 1966.
- Rosenblatt, Jean. "Post-Sputnik Education," *Education Report Card: Schools on the Line*. Washington, DC: Congressional Quarterly, Inc., 1985.
- Rosenstock, Larry. "Walls Come Down: The Overdue Reunification of Vocational and Academic Education," *Phi Delta Kappan* pp. 434-36.
- Sarason, Seymour B. *The Predictable Failure of School Reform*. San Francisco: Jossey-Bass, Inc., 1990.
- Schaefer, Robert. *The School as A Center of Inquiry*. New York, Harper and Row, 1967.
- Shanker, Albert. "A Proposal to Use Incentives to Restructure Our Public Schools," *Phi Delta Kappan*, Jan., 1990.
- Silberman, Charles E. *Crisis In the Classroom*. New York: Random House, 1970.
- Sizer, Theodore R. *Horace's Compromise*. Boston: Houghton Mifflin, 1985.
- Slavin, Robert E. "P.E.T. and the Pendulum: Faddism in Education and How to Stop It," *Phi Delta Kappan*, June, 1989.
- Taba, Hilda. *Curriculum Development: Theory and Practice*. New York: Harcourt, Brace and Jovanovich, 1962.
- Thompson, Roger. "Status of the Schools," in *Education Report Card: Schools on the Line*. Washington, DC: Congressional Quarterly, Inc., 1985.
- Timar, Thomas, "The Politics of School Restructuring." *Phi Delta Kappan*, Dec. 1989, p266.
- United States Constitution, Preamble and Tenth Amendment, William Benton, Ed., *Compton's Encyclopedia*. (Chicago: 1967), pp. 14, 463.
- United States Department of Health, Education, and Welfare, *Respect on the National Defense Education Act, Fiscal Years 1961-1962*. (Washington, DC: United States Government Printing Office, 1963).

- Valente, William D. *Education Law, Public and Private*, West Publishing Co., St. Paul, Minn. 1985, pp. 493-494.
- Walberg, Herbert. " Productive Teaching and Learning: Assessing the Knowledge Base," *Phi Delta Kappan*, Feb., 1990.
- Webster's New World Dictionary of the American Language*, Second College Edition, William Collins + World Publishing Co., Inc., 1974.
- Wirt, John G. " A New Federal Law on Vocational Education: Will Reform Follow?" *Phi Delta Kappan*, Feb., 1991, pp. 424-33.
- Wirth, Arthur G. *Productive Work in Industries and in Schools: Becoming Persons Again*. Lanham, MD: University Press of America, Inc., 1983.
- Wise, Arthur E. *Legislated Learning: The Bureaucratization of the American Classroom*. Berkeley, CA: University of California Press, 1979.

APPENDIX A

PUBLIC SCHOOL CURRICULUM STATUTES BY STATES

ALABAMA**Section 16-1-20. Period of silence for meditation at beginning of first class in public schools.**

At the commencement of the first class each day in the first through the sixth grades in all public schools, the teacher in charge of the room in which each such class is held shall announce that a period of silence, not to exceed one minute in duration, shall be observed for meditation, and during any such period silence shall be maintained and no activities engaged in.

Section 16-1-20.1. Period of silence for meditation.

At the commencement of the first class of each day in all grades in all public schools, the teacher in charge of the room in which each such class is held may announce that a period of silence not to exceed one minute in duration shall be observed for meditation or voluntary prayer, and during any such period no other activities shall be engaged in.

Section 16-1-20.2. School prayer.

From henceforth, any teacher or professor in any public educational institution within the state of Alabama, recognizing that the Lord God is one, at the beginning of any homeroom or any class, may pray, may lead willing students in prayer, or may lead the willing students in the following prayer to God:

Almighty God, You alone are our God. We acknowledge You as the Creator and Supreme Judge of the world. May Your justice, Your truth, and Your peace abound this day in the hearts of our countrymen,, in the counsels of our government, in the sanctity of our homes and in the classrooms of our schools in the name of our Lord. Amen.

Section 16-3-15. Definitions; required courses of study; elective courses; rules and regulations.

(a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

(1) **REQUIRED COURSES.** Courses which are mandatory and required to be taken by every student enrolled in public schools in the state of Alabama, grades 9 through 12.

(2) **ELECTIVE COURSES.** Courses which are neither mandatory nor required to be taken by any student enrolled in public schools in the state of Alabama.

(b) The Alabama legislature finds that Alabama students must become more literate in the basic skills needed to compete successfully in an increasingly global economy. The legislature further finds that the English language is a common bond that holds our society together. It is necessary that the state board of education adopt curriculum policies to ensure that Alabama students have a command of the spoken and written English language. The legislature further finds that students in Alabama schools are not receiving an adequate social studies education. The legislature further finds that in Alabama schools, students earning a standard high school diploma are only required to earn two credits of mathematics after they enter the ninth grade and prior to graduation. The legislature further finds that special attention must be given to the Alabama course of study in science. The state board of education shall mandate but not be limited to requiring the following courses for grades 9 through 12 in all public schools in the state of Alabama, phased in beginning with students entering ninth grade in the 1992-93 academic year:

- (1) Four years (equivalent of four credit units) of English;
- (2) Four years (equivalent of four credit units) of mathematics, including but not limited to material designed to ensure that no high school student fails to learn basic mathematical skills and computer literacy;
- (3) Four years (equivalent of four credit units) of science; and
- (4) Four years (equivalent of four credit units) of social studies with an emphasis on history, geography, economics and political science. History courses shall include material on the history of the United States and the Constitution of the United States. The legislature further recommends that the curriculum content of American History shall include the teaching of important historical documents such as the Constitution of the United States, The Declaration of Independence, The Emancipation Proclamation, The Federalist Papers, and other such documents important to the history and heritage of the United States.

(c) It is the intent of the legislature that the content of the required courses be developed based on the learner outcomes as defined in section 16-3-18.1. These learner outcomes shall be based on criterion-referenced tests. Furthermore, credit for required basic core academic courses may be earned in conjunction with vocational courses and/or programs. The legislature further recognizes that the required courses may make it difficult to schedule students in vocational programs earning two or more credits annually. It is the intent of the legislature that local boards of education continue to offer and schedule students into such vocational programs. Therefore, the legislature directs the state and local boards of education to develop flexible scheduling, integrated curriculums, and all other methods necessary to ensure the continued successes of such vocational programs.

(d) It is the intent of the legislature that, in addition to the required courses, elective courses including but not limited to foreign languages, fine arts, physical education, vocational and technical preparation, be available to all students.

(1) The state board of education may approve any elective course as it may deem appropriate for public schools in the state of Alabama.

(2) In the event a city or county board of education has met all performance-based accreditation standards and promotion and retention standards contained in the act and all other such provisions of the Code, such local board may approve elective courses in addition to the required courses set forth in this section and elective courses approved by the state board of education pursuant to subdivision (1); provided, however, that if a local board approves an elective course previously approved by the state board of education, then, in that event, the local school board is required to use any course content approved by the state board of education for such elective.

(3) In the event a city or county board had not met all requirements of performance-based accreditation standards and promotion and retention standards contained in this act and all other such provisions of the Code, such local board shall offer only elective courses approved by the state board of education pursuant to subdivision (1).

(e) The state Board of education shall adopt necessary policies, procedures, rules, regulations, and/or standards to require that:

(1) The required courses set forth in this section must be taken by every student enrolled in grades 9 through 12 of public schools in the state of Alabama, phased in beginning with students entering the ninth grade in the 1992-93 academic year.

(2) The required courses set forth in this section must be successfully passed by a student enrolled in grades 9 through 12 of public schools in the state of Alabama prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the 1992-93 academic year; provided, however, students identified as eligible for special education services as provided by federal and state law shall be required to meet the provisions set forth in the individual education plan prescribed to meet their individual needs as required by law.

(3) A certain number of elective courses must be successfully passed by a student enrolled in grades 9 through 12 of public schools in the state of Alabama prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the 1992-93 academic year.

(4) Other provisions which may be necessary to fully implement this section so long as such provisions are consistent with all requirements, restrictions, definitions, and limitation of this section.

(f) The state board of education, on the recommendation of the state superintendent of education, shall prescribe the minimum contents of courses of study for all public elementary and high schools in the state, and shall fix the

maximum number of books which are compulsory in each grade of the elementary schools. In every elementary school in the state there shall be taught at least reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Alabama, elementary science, hygiene and sanitation, physical training and such other studies as may be prescribed by the state board of education. Moreover, the state board of education shall require the following courses for grades one through eight in all public schools in the state, phased in beginning with students entering grades one through eight in the 1992-93 academic year: English, social studies, mathematics, and science should be taught each year in grades one through eight. English courses shall include but not be limited to material designed to develop language arts, such as reading, writing, speaking, and listening skills.

(g) The state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to encourage college and university departments of education to review their existing educational programs for prospective English, social studies, mathematics, and science teachers in order to ensure that such prospective teachers are properly prepared to teach the courses required by this section.

ALASKA

Section 14.30.360. Curriculum.

(a) Each district in the state public school system shall be encouraged to initiate and conduct a program in health education for kindergarten through grade 12. The program should include instruction in physical health and personal safety including alcohol and drug abuse education, cardiopulmonary resuscitation (CPR), early cancer prevention and detection, dental health, family health, environmental health, the identification and prevention of child abuse, child abduction, neglect, sexual abuse and domestic violence, and appropriate use of health services.

(b) The state board shall establish guidelines for a health and personal safety education program. Personal safety guidelines shall be developed in consultation with the Council on Domestic Violence and Sexual Assault. Upon request, the Department of Education, the Department of Health and Social Services, and the Council on Domestic Violence and Sexual Assault shall provide technical assistance to school districts in the development of personal safety curricula. A school health education specialist position shall be established and funded in the department to coordinate the program statewide. Adequate funds to enable curriculum and resource development, adequate consultation to school districts, and a program of teacher training in health and personal safety education shall be provided.

Section 14.30.380. Environmental education.

The board shall encourage each school board to initiate and conduct a program of environmental education for kindergarten through grade 12. The program should include, but is not limited to, education regarding the need to balance resource development with environmental safeguards, the dependence of the state on resource development, and the opportunity for pollution prevention, waste reduction, and recycling. A school board may implement environmental education as part of regular classroom studies.

Section 14.30.400. Bilingual-bicultural education.

City or borough district school boards and regional educational attendance area boards shall provide a bilingual-bicultural education program for each school in a city or borough school district or regional educational attendance areas that is attended by at least eight pupils of limited English-speaking ability and whose primary languages is other than English. A bilingual-bicultural education program shall be provided under a plan of service that has been developed in accordance with regulations adopted by the department. Nothing in this section precludes a bilingual-bicultural education program from being provided for less than eight pupils in a school.

Section 14.30.500. Adventure-based education program.

An adventure-based education program is a program designed to bring adventure-based education to high school students and appropriate juvenile offenders. A program shall include provision for the following phases:

(1) Phase I: Basic Skills Learning

(A) physical conditioning: running, hiking, swimming, and other related activities;

(B) technical training: the use of specialized tools and equipment, camping, cooking, map reading, navigation, life saving, drown proofing, and solo survival;

(C) safety training: first aid skills, emergency care, preventative medicine, nutrition, health, and personal hygiene care;

(D) team training: rescue techniques, evacuation exercises, and fire fighting;

(E) solo: solitary living for a short period with minimal equipment;

(F) interpersonal skills training: coping skills, individual and group problem solving, and social communication skills;

(G) culturally relevant activities: traditional modes of subsistence living, traveling and surviving in wilderness areas and communities in Alaska, and cross-cultural experiences.

(2) Phase II: Skills Generalization

(A) vocational counseling and placement;

(B) family and interpersonal counseling;

(C) community systems utilization:

(i) transportation,

- (ii) community services systems,
- (iii) community problem solving.

Section 14.30.510. Alaska student leadership development fund.

(a) There is established within the department the Alaska student leadership development fund. The fund shall be used to provide financial support through grants and contracts for

- (1) student leadership organizations;
- (2) student leadership development projects;
- (3) the promotion of student leadership development activities; and
- (4) the administration and coordination of student leadership development activities and projects.

(b) The department shall implement the provisions of this section by regulation.

ARIZONA

Section 15-701.01. High school; graduation; requirements; community college or university courses; transfer from private schools.

(A) Prior to the 1984-85 school year, the state board of education shall prescribe minimum course of study and competency requirements for the graduation of pupils from high school. Prior to the 1986-87 school year, the governing board of a school district shall prescribe course of study and competency requirements for the graduation of pupils from the high schools in the school district. The governing board may prescribe course of study and competency requirements for the graduation of pupils from high school which are in addition to or higher than the course of study and competency requirements which the state board prescribes.

(B) The governing board may prescribe competency requirements for the passage of pupils in courses which are required for graduation from high school

Section 15-701.01. High School; graduation; requirements; community college or university courses.

Text of section effective July 1, 1991.

(A) The state board of education shall:

(1) Prescribe a minimum course of study, as defined in Section 15-101, for the graduation of pupils from high school.

(2) Prescribe as competencies for excellence all of the essential skills adopted by the state board in at least the required subject areas prescribed pursuant to paragraph 1 of this subsection.

(3) Prescribe competency requirements for the graduation of pupils from high school incorporating the essential skills in the areas of reading, writing and mathematics.

(B) The governing board of a school district shall:

(1) Prescribe a course of study and curricula for excellence that include the essential skills in the required subject areas pursuant to subsection A, paragraphs 1 and 2 of this section.

(2) Prescribe criteria for the graduation of pupils from the high schools in the school district. These criteria shall include accomplishment of the essential skills in reading, writing and mathematics, as determined by district assessment.

(C) The governing board may prescribe the course of study, competency requirements for excellence and competency requirements for the graduation of pupils from high school which are in addition to or higher than the course of study and competency requirements which the state board prescribes.

(D) The governing board may prescribe competency requirements for the passage of pupils in courses which are required for graduation from high school.

(E) A teacher shall determine whether to pass or fail a pupil in a course in high school as provided in Section 15-521, subsection A, paragraph 10 on the basis of the competency requirements, if any have been prescribed. The governing board, if it reviews the decision of a teacher to pass or fail a pupil in a course in high school as provided in Section 15-342, paragraph 11, shall base its decision on the competency requirements, if any have been prescribed.

(F) Graduation requirements established by the governing board may be met by a pupil who passes courses in the required or elective subjects at a community college or university, if the course is at a higher level than the course taught in the high school attended by the pupil or, if the course is not taught in the high school, the level of the course is equal to or higher than the level of a high school course. The governing board shall determine if the subject matter of the community college or university course is appropriate to the specific requirement the pupil intends it to fulfill and if the level of the community college or university course is less than, equal to or higher than a high school course, and the governing board shall award one-half of a Carnegie unit for each three semester hours of credit the pupil earns in an appropriate community college or university course. If a pupil is not satisfied with the decision of the governing board regarding the amount of credit granted or the subjects for which credit is granted, the pupil may request that the state board of education review the decision of the governing board, and the state board shall make the final determination of the amount of credit to be given the pupil and for which subjects. The governing board shall not limit the number of credits required for high school graduation which may be met by taking community college or university courses. For the purposes of the subsection, "community college" means a community college under the jurisdiction of the state board of directors for community colleges or a postsecondary educational institution under the

jurisdiction of an Indian tribe recognized by the United State department of the interior and "university" means a university under the jurisdiction of the Arizona board of regents.

Section 15-705. Extracurricular activities; requirements.

(A) Each governing board after consultation with parents and teachers shall adopt policies and procedures governing requirements for pupils' participation in extracurricular activities for pupils in grade six, if the grade is part of a middle school, and grades seven through twelve. The consultation by the governing board with parents and teachers may be accomplished by holding a public hearing or forming an advisory committee. The requirements shall meet or exceed the minimum requirements prescribed by the state board.

(B) The state board of education shall prescribe rules for policies regarding pupils' participation in extracurricular activities including minimum statewide requirements. The minimum statewide requirements:

- (1) Shall be appropriate to the grade in which the pupil is enrolled.
- (2) Shall be based on the number of courses passed or failed, on grades received or on a combination of these factors.
- (3) May incorporate additional factors.
- (4) Shall take into consideration the minimum course of study and competency requirements prescribed by the state board pursuant to Section 15-701.01.

Section 15-706. Instruction in environmental education; assessment; definition.

(A) All school districts shall develop and implement programs which integrate environmental education into the general curriculum. The programs shall be designed to help pupils develop an understanding of the importance of the environment. The environmental education program shall include curricula to increase awareness of the environment and to promote knowledge of environmental concepts, develop positive attitudes and values toward the environment and encourage civic and social responsibility toward environmental issues. The environmental education program of each school district shall be assessed as to the extent to which pupils have developed an understanding of the importance of the environment to the future of this state.

(B) The state board of education shall prescribe guidelines for districts to follow in developing their environmental education programs and assessments for use in evaluating the implementation of the programs.

(C) The department of education shall establish and maintain an environmental education information resource system. The system shall include a current documentation, referral and dissemination program for environmental education materials and information.

(D) The department of education shall collaborate with the universities and other recognized environmental education programs in providing environmental education training programs for certified teachers as prescribed in Section 15-1646.

(E) The department of education, in consultation with the Arizona board of regents, shall develop a list of skills in environmental education to be included in teacher training programs.

(F) In this section "environmental education" means the educational process dealing with the relationship of humans to their natural and artificial surroundings and includes the relation of population, pollution, resource allocation, resource depletion, conservation, transportation, technology and urban and rural planning to the environment.

Section 15-708. Remedial education programs; powers of the governing board; definition

(A) Beginning July 1, 1980 school districts with an estimated student count of five thousand or less for the 1980-1981 school year may provide remedial education programs to children with learning problems who are presently being served in special education programs as provided in article 4 of this chapter but who will no longer qualify for special education from and after July 20, 1979.

(B) Beginning July 1, 1980 school districts with an estimated student count of more than five thousand for the 1980-1981 school year shall provide remedial education programs to children with learning problems who are presently being served in special education programs as provided in article 4 of this chapter but who will no longer qualify for special education from and after July 20, 1979.

(C) Nothing in this section or Section 15-709 shall be construed to preclude a school district from providing remedial education programs for children not specifically provided for in this section or section 15-709.

(D) The governing board may employ teachers who hold valid Arizona teachers certificate or supportive personnel as deemed necessary for the operation of a remedial education program.

Section 15-710. Instruction in state and federal constitutions, American Institutions and history of Arizona.

All schools shall give instruction in the essentials, sources and history of the constitution of the United States and Arizona and instruction in American institutions and ideals and in the history of Arizona. The instruction shall be given in accordance with the state course of study for at least one year of the common school grades and high school grades respectively. The state board of education shall prescribe suitable teaching materials for such instruction.

Section 15-711. Instruction in free enterprise systems; definition.

(A) All high schools shall give instruction on the essentials and b benefits of the free enterprise systems. Instruction shall be given in accordance with the course of study prescribed by the state board of education for at least one semester, equal to one-half unit of credit. The state board of education shall prescribe suitable teaching material for such instruction.

(B) The costs of such instruction, except those of the state board of education in prescribing the course of study, shall be an expense of the school district involved.

(C) As used in this section "Free enterprise" means and economic system characterized by private or corporate ownership of capital goods, by investments that are determined by private decision rather than by state control and by prices, production and the distribution of goods that are determined in a *free* manner.

Section 15-712. Instruction on alcohol, tobacco, narcotic drugs, marijuana and other dangerous drugs; chemical abuse prevention programs; definitions.

(A) Instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana and other dangerous drugs on the human system and instruction of the laws related to the control of these substances and the nonuse and prevention of use and abuse of alcohol, tobacco, narcotic drugs, marijuana and other dangerous drugs shall be included in the courses of study in common and high schools, with emphasis on grades four through nine. Instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana and other dangerous drugs on a human fetus shall be included in the courses of study in grades six through twelve. The instruction shall be taught as part of a comprehensive sequential chemical abuse education curriculum which shall be integrated into existing health, science, citizenship or similar studies and shall meet criteria for chemical abuse prevention education programs developed pursuant to subsection C of this section.

(B) The department of education shall provide technical assistance to school districts in implementing programs to prevent chemical abuse, and the state board of education may, at the request of a school district or county school superintendent, provide the following for use in carrying out the provisions of this section:

- (1) A suggested course of study
- (2) A system of in-service training for teachers.
- (3) A list of available films and other teaching aids.

(C) The department of education and the department of health services, in consultation with the committee established pursuant to Section 41-617, shall establish an interagency committee to coordinate their assistance to school districts and to recommend to the state board of education criteria for chemical abuse prevention education programs. The state board of education shall adopt

rules establishing criteria for chemical abuse prevention education programs. The program criteria shall include requirements regarding in-service training of school employees, early prevention programs, intervention programs, community and parent awareness programs and referral and support programs and shall take into account school district size.

Section 15-741. Assessment of pupils.

(a) The state board of education shall:

(1) Adopt rules for purposes of this article pursuant to title 41, chapter 6.

(2) Adopt and implement essential skills tests that measure pupil achievement of the state board adopted essential skills in reading, writing and mathematics in grades three, eight and twelve. The board may administer assessments in the essential skill areas of social studies and science. Prior to the administration of the tests to pupils in grades three, eight and twelve and following the statewide piloting of the tests, the state board of education shall approve, at a public meeting, the revised essential skills tests.

(3) Adopt and implement a statewide nationally standardized norm-referenced achievement test in three grades designated by the state board.

(4) Ensure that the tests prescribed in this section are uniform throughout the state.

(5) Ensure that the tests prescribed in this section are able to be scored in an objective manner and that the tests are not intended to advocate any sectarian, partisan or denominational viewpoint.

(6) Ensure that the results of the nationally standardized norm-referenced achievement tests established as provided in this article are comparable to associated grade equivalents, percentiles and stanines derived from a multistate sample.

(7) Include within its budget all costs pertaining to the tests prescribed in this article. If sufficient moneys are appropriated, the state board may provide norm-referenced achievement test services to school districts which request assistance in testing pupils in grades additional to those required by this section.

(8) Use subsets of the statewide nationally standardized norm-referenced achievement test as designated by the state board to assess pupils in three grades in reading, grammar and mathematics at a level appropriate for their grade level.

(9) Survey teachers, principals and superintendents on achievement related nontest indicators, including information on graduation rates by ethnicity and dropout rates by ethnicity for each grade level. Prior to the survey, the state board for education shall approve at a public meeting the nontest indicators on which data will be collected. In conducting the survey and collecting data, the state board of education shall not violate the provisions of the family educational rights and privacy act (P.L. 93-380), as amended, nor disclose personally identifiable information.

(10) Require and review district assessment plans and district reports of the numbers of pupils who have accomplished the essential skills.

(11) Participate in other assessments that provide national comparisons as needed.

(b) The standardized norm-referenced achievement tests adopted by the state board as provided in subsection A shall be given annually during the fall. The tests shall be administered over a week period. The state board of education shall determine the testing weeks. The state board shall determine the appropriate testing time frames for the administration of the essential skills tests and the collection of nontest indicator data and other information.

(c) Local school district governing boards shall:

(1) Administer the tests prescribed in subsection A.

(2) Survey teachers, principals and superintendents on achievement related nontest indicator data as required by the state board including information related to district graduation and dropout rates. In conducting the survey and collecting data, the governing board shall not violate the provisions of the family educational rights and privacy act (P.L. 93-380), as amended, nor disclose personally identifiable information.

(3) File a district assessment plan describing how the district governing board will assess pupils in the essential skills. This plan shall describe how districts will report and utilize scores from district tests, state essential skills tests, standardized norm-referenced tests and the data collected in the survey of teachers, principals and superintendents on achievement related nontest indicators.

(4) File a report on how many pupils at grades three, eight, and twelve have accomplished the essential skills as required by the state board. This report may contain other information as required by the state board.

(D) A test for penmanship shall not be required pursuant to this article.

ARKANSAS

Section 6-16-103. Course of study generally.

(a) There shall be taught in all the public or elementary schools of this state such subjects as may be designated by the State Board of Education or required by law.

(b) Nothing in this section shall be construed to prohibit the inclusion of additional subjects in the state course of study or in any course formulated for a school district and approved by the State Board of Education.

Section 6-16-109. History and civics.

(a) The teaching of American history in the primary grades of all the schools, both public and private, of this state shall be compulsory.

(1) Such teaching shall commence in the lowest primary grades in each of such grades and shall be continued all through the primary grades, provided that the teaching of Arkansas history, as now provided by law, may be submitted for American history in one (1) of the grades.

(2) At least one (1) hour in every scholastic week shall be devoted to such instruction.

(3) The instilling into the hearts of the various pupils of an understanding of the United States, a love of country, and a devotion to the principles of American government shall be the primary objective of such instruction, which shall avoid, as far as possible, being a mere recital of dates and events.

(b) No person shall be graduated from any high school, public or private, in this state, until he or she shall have satisfactorily completed at least one (1) full year's work in American history and civics.

(c) From and after the passage of this act every school in this state shall offer not less than one-half (1/2) of a year's instruction in Arkansas history and Arkansas state and local government between the fifth and twelfth grades, inclusive, provided that such courses shall not be a prerequisite for graduation.

(d) Any teacher, official, officer, or person violating any of the provision of this section and Section 6-16-105(b) shall be fined not less that one hundred dollars (\$100) and not more than five hundred dollars (\$500) or be imprisoned in the county jail for a term of not less than thirty (30) days and not more than six (6) months, or both. A violation of any of the provisions of this section and section 6-16-105(b) shall be sufficient grounds for the discharge or removal of the teacher, official, or officer violating the provisions, and in case of a corporation, shall be sufficient grounds for revoking its charter. The Director of General Education is directed to see to the strict carrying out of this law and is authorized to take such steps and measures as may be necessary to effectuate its provisions.

Section 6-16-110. United States Constitution - American institutions and ideals.

(a) All high schools and other educational institutions in this state that are sustained or in any manner supported by public funds shall give instructions in the essentials of the United States Constitution, including the study of and devotion to American institutions and ideals, and no student in the schools or other educational institutions shall receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution.

(b) The instruction provided for in subsection (a) of this section shall be given in all junior and senior classes of the high school and other educational institutions.

(c) All persons applying for certificates authorizing them to become superintendents or teachers in the public schools of this state shall, in addition

to existing requirements and before receiving such certificates, be required to pass a satisfactory examination upon the provisions and principles of the Constitution of the United States and of this state.

(d) Willful neglect or failure on the part of any public school superintendent, principal, or teacher, or the president or teacher or other officer of any school, to observe and carry out the requirements of this section shall be sufficient cause for the dismissal or removal of such party from his or her position.

(e) It shall be the duty of the Director of General Education and the State Board of Education to make due arrangements for carrying out the provisions of this section. For such purpose, the director and the board shall prescribe suitable texts adapted to the needs of the school and grades as specified in subsection (b) of this section.

Section 6-16-111. Morals, manners, patriotism, and business and professional integrity.

(a) A course in morals, manners, patriotism and business and professional integrity shall be included in the course of study for the state public schools.

(b) The state Board of Education is authorized to adopt suitable textbooks on such subjects for use in the public schools.

Section 6-16-112. Conservation, natural resources, and nature study.

(a) All of the high schools supported by public funds shall give instruction in the conservation of natural resources, including the study of fish and game, soil fertility and erosion, forests, and minerals, and all students in such institutions shall be required to take that course of instructions.

(b) Nature study shall be a fundamental requirement of promotion from grades in at least two (2) of the elementary grades of the public schools.

(c) It shall be the duty of the Director of General Education to make arrangements for carrying out the provisions of subsections (a) and (b) of this section.

(d) It shall be the duty of the Director of General Education, within a reasonable time, to prepare or designate a textbook or arrange other suitable subject matter to be used in the high schools of the state as prescribed in subsection (a) of this section in cooperation with the various departments of the state government concerned with the conservation of natural resources.

(e) It shall be the duty of the administrative officers of the state government concerned with the conservation of natural resources to cooperate with the Director of General Education in the preparation or designation of a textbook or arranging other suitable material to be used as the basis for instruction in the conservation of the natural resources as required in subsection (a) of this section.

Section 6-16-113. Elementary agriculture and horticulture.

(a) School district boards of directors of the State of Arkansas are directed and required to require all persons teaching in the public schools of this state to teach elementary agriculture and horticulture in their schools.

(b) all authorities empowered by statute to adopt textbooks for use in their public schools of this state are directed and required to select and adopt some suitable elementary textbook on the subject of agriculture and horticulture to be used in the public schools of their respective counties or districts.

(c) It shall be made the duty of the county school supervisor of each and every county in the state to see that every public school district in the various counties of this state has in its possession the textbook on elementary agriculture and horticulture adopted for use in the respective counties or districts.

(d) It shall be the duty of each and every county school supervisor to see that the provision of this section be enforced.

(e) Any county school supervisor, school director, or other officer having authority to enforce the provision of this section who shall neglect or refuse to enforce the provisions shall forfeit to the district so neglected or refused the sum of twenty-five dollars (\$25.00), which shall be added to the school fund of that district. The sum may be recovered by action brought against him at the instance of any elector in the neglected or refused district.

Section 6-16-114. Physical training.

(a) It shall be the duty of the Director of General Education, as the executive officer of the State Board of Education, to outline a course of physical training for use in the various schools of the state, and for this purpose he shall have the advice and cooperation of the State Board of Health.

(b) The course shall be adapted to the ages, capabilities, and state of health of the pupils in the several grades and departments and shall include exercise, calisthenics, formulation drills, instruction in personal and community health and safety, and instruction in preventing and correcting bodily deficiency.

(c) Every pupil in the schools of this state, except such as may be excused by reason of bodily defect or physical deficiency, shall be required to take the course of physical training herein provided, the time devoted to such course to be as prescribed in the outline prepared by the Director of General Education.

(d) It shall be the duty of the county and city superintendents of schools, boards of directors, and other school officers to see that the provisions of this section are carried into effect.

Section 6-16-115. Effect of alcohol and narcotics.

(a) The State Board of Education is directed and required to include teaching the effects of alcohol and narcotics on the human system in the course of study for grades three (3) to eight (8), inclusive.

(b) The State Board of Education is directed and empowered to require the textbooks on the subject of physiology and hygiene in grades three (3) to eight (8), inclusive, to include a simple, scientific treatment on the effects of alcohol and narcotics on the human system; the textbooks shall be free from political propaganda and shall contain complete, detailed, and scientific information on the subject, to be taught as a unit of work every year, and shall meet the requirements of the state course of study as outlined by the State Board of Education.

(c) Adequate time shall be given to teach the subject efficiently in each grade.

(d) The work in the subject of alcohol and narcotics shall be a part of the work for promotion from one grade to another.

(e) Provisions shall be made in the course of study for the Department of Education to provide aids and devices for the assistance of teachers in teaching the effects of alcohol and narcotics on the human system.

(f) Any person, any board, any member of any board, or any teacher in the public schools of Arkansas violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor exceeding five hundred dollars (\$500), the fine to be paid into the school funds of the county or district where the offense is committed.

Section 6-16-119. Silent meditation and reflection.

The teacher in charge of each public school classroom may, or if so directed by the board of directors of the district in which the teacher is employed, shall, at the opening on each school day, conduct a brief period of silent meditation and reflection with the participation of all students in the classroom who desire to participate.

CALIFORNIA

Section 51210. Areas of Study

The adopted course of study for grades 1 through 6 shall include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:

(a) English, including knowledge of, and appreciation for literature and the language, as well as the skills of speaking, reading, listening, spelling, handwriting, and composition.

(b) Mathematics, including concepts, operational skills, and problem solving.

(c) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of

California and the United States of America; the development of the American economic systems including the role of the entrepreneur and labor; man's relations to his human and natural environment; eastern and western cultures and civilizations; contemporary issues; and the wise use of natural resources.

(d) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry and on man's place in ecological systems.

(e) Fine arts, including instruction in the subjects of art and music, aimed at the development of aesthetic appreciation and the skills of creative expression.

(f) Health, including instruction in the principles and practices of individual, family, and community health.

(g) Physical education, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of the body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period.

(h) Other studies that may be prescribed by the governing board.

Section 51212. Foreign Language

It is the intent and purpose of the Legislature to encourage the establishment of programs of instruction in foreign language, with instruction beginning as early as feasible for each school district.

Section 51224. Courses of study.

The governing board of any school district maintaining a high school shall prescribe courses of study designed to provide the skills and knowledge required for adult life for pupils attending the schools within its school district. The governing board shall prescribe separate courses of study, including, but not limited to, a course of study designed to prepare prospective students for admission to state colleges and universities and a course of study for vocational training.

Section 51225.3. Requirements for graduation commencing with 1988-89 school year.

(a) Commencing with the 1988-89 school year, no pupil shall receive a diploma of graduation from high school who, while in grades 9 to 12, inclusive, has not completed all of the following:

(1) At least the following number of courses in the subjects specified, each course having a duration of one year, unless otherwise specified.

(A) Three courses in English.

(B) Two courses in mathematics.

(C) Two courses in science, including biological and physical sciences.

(D) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics, and a one-semester course in economics.

(e) One course in visual or performing arts or foreign language. For the purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.

(f) Two courses in physical education, unless the pupil has been exempted pursuant to the provisions of this code.

(2) Such other coursework as the governing board of the school district may rule specify.

(b) The governing board, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for students to complete the prescribed course of study which may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, interdisciplinary study, independent study, and credit earned at a postsecondary institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public.

Section 51226. Model curriculum standards.

(a) The Superintendent of Public Instruction shall coordinate the development, on a cyclical basis, of model curriculum standards for the course of study required by section 51225.3. The superintendent shall set forth these standards in terms of a wide range of specific competencies, including higher level skills, in each academic subject area. The superintendent shall review currently available textbooks in conjunction with the curriculum standards. The superintendent shall seek the advice of classroom teachers, school administrators parents, postsecondary educators and representatives of business and industry in developing these curriculum standards. The superintendent shall recommend policies to the State Board of Education for consideration and adoption by the board. The State Board of Education shall adopt these policies no later than January 1, 1985. However, neither the superintendent nor the board shall adopt rules or regulations for course content or methods of instruction.

(b) Not less than every three years, the governing board of each school district shall compare local curriculum, course content and course sequence with the standards adopted pursuant to subdivision (a).

Section 51229. Abstinence from sexual intercourse; video tape and supplementary instructional materials.

(a) The Legislature hereby finds and declares all of the following:

(1) That abstinence is the only completely effective way of preventing pregnancy, acquired immune deficiency syndrome (AIDS) and other sexually transmitted diseases.

(2) That existing law does not provide for either specific instruction or instructional materials in the curriculum to address the issue of abstinence from sexual intercourse, exclusive from other sexual behavior.

(b) The Superintendent of Public Instruction shall contract with an organization to develop a video tape and supplementary materials that would teach abstinence from sexual activity.

(c) Schools electing to use this video tape may use it in the context of comprehensive health education programs.

(d) The video tape and supplementary materials shall be compatible with the Family Life Education Guidelines adopted in 1987 by the State Board of Education and shall, at a minimum, do the following:

(1) Present the main theme of " It's Okay To Say No To Sex," that would be directed to pupils in grades 7 to 12, inclusive.

(2) Be pupil-centered, not teacher-centered, using pupils as presenters in the video to reflect the pressure pupils feel from their peers, both male and

COLORADO

Section 22.1.103. Policy of state to instruct in English - exceptions.

Instruction in the common branches of study in the public schools of this state shall be conducted principally through the medium of the English language; except that it shall be the policy of the state also to encourage the school districts of the state to develop bilingual skills and to assist pupils whose experience is largely in a language other than English to make an effective transition to English, with the least possible interference in other learning activities.

Section 22.1.104. Teaching of history, culture and civil government.

(1) The history and civil government of the state of Colorado shall be taught in all the public schools of this state.

(2) In addition, the history and civil government of the United States including the history, culture, and contributions of minorities, including, but not limited to, the Spanish Americans and American Negroes, shall be taught in all the public schools of the state.

Section 22.1.106. Information as to honor and use of flag.

The commissioner of education shall provide the necessary instruction and information so that all teachers in grade and high schools in the state of Colorado may teach the pupils therein the proper respect of the flag of the United States, to honor and properly salute the flag when passing in parade, and to properly use the flag in decorating and displaying.

Section 22.1.108. Federal constitution to be taught.

In all public and private schools located within the state of Colorado, there shall be given regular courses of instruction in the constitution of the United States.

Section 22.1.110. Effect of use of alcohol to be taught.

The nature of alcoholic drinks and controlled substances, as defined in section 12.22.303 (7), C.R.S. 1973, and special instruction as to their effects upon the human system in connection with the several divisions of the subject of physiology and hygiene shall be included in the branches of study taught in the public schools of the state. They shall be studied and taught, as thoroughly and in the same manner as other like required branches are taught in said schools, by use of textbooks designated by the board of directors of the respective school districts.

CONNECTICUT**Section 10.16b. Prescribed course of study.**

(a) In the public schools the program of instruction offered shall include at least the following subject matter, as taught by legally qualified teachers, the arts; career education; consumer education; health and safety; language arts; including reading, writing, grammar, speaking and spelling; mathematics; physical education; science; social studies, including, but not limited to citizenship, economics, geography, government and history; and in addition, at least on the secondary level, one or more foreign languages and vocational education.

Section 10.17f. Required bilingual education. Adoption of regulations. Submission of plan.

(a) On or before November 1, 1978, and annually thereafter, the board of education for each local and regional school district shall ascertain, in accordance with regulations established by the state board of education, the eligible children in such school district and shall classify such children according to their dominant language.

(b) Whenever it is ascertained that there are in any public school within a local or regional school district twenty or more eligible children classified as dominant in any one language other than English, the board of education of such district shall provide a program of bilingual education for such eligible children for the school year next following.

Section 10.18. Courses in United States history, government and duties and responsibilities of citizenship.

(a) All high, preparatory, secondary and elementary schools, public or private, whose property is exempt from taxation, shall provide a program of United States history, including instruction in United States government at all levels, and in the duties, responsibilities, and rights of United States citizenship. No student shall be graduated from any such school who has not been found to be familiar with said subjects.

Section 10.19. Effect of alcohol, nicotine or tobacco and drugs to be taught.

The effect of alcohol, of nicotine or tobacco and of drugs, as defined in subdivision (17) of section 21a-240 on health, character, citizenship and personality development shall be taught every academic year to pupils in all grades in the public schools; and, in teaching such subjects, textbooks and such other materials as are necessary shall be used.

Section 10.76d. Duties and powers of boards of education to provide special education programs and services. State agency placements; apportionment of costs. Relationship of insurance to special education costs.

(a) In accordance with the regulations and procedures established by the commissioner and approved by the state board of education, each local or regional board of education shall provide the professional services requisite to identification of school age children requiring special education, identify each such child within its jurisdiction, determine the eligibility of such children for special education pursuant to sections 10.76a to 10.76h, inclusive, prescribe suitable educational programs for eligible children, maintain a record thereof and make such reports as the commissioner may require, provided, in the case of any meeting conducted by a planning and placement team established in accordance with regulations issued by the state board of education, the parent or guardian of a child for whom such meeting is conducted shall be given at least three school days prior notice of such meeting and shall have the right to be present at and participate in and to have advisers of their own choosing and at their own expense to be present at and to participate in all portions of such meeting at which an educational, program for such child is discussed, developed, or written....

Section 10.220. Duties of boards of education.

(a) Each local or regional board of education shall maintain good public elementary and secondary schools, implement the educational interests of the state as defined in section 10.4a and provide such other educational activities as in its judgment will best serve the interests of the school district; provided any board of education may secure such opportunities in another school district in

accordance with provisions of the general statutes and shall give all the children of the school district as nearly equal advantages as may be practicable;....

DELAWARE

Section 101. Composition; appointment; term; qualifications; vacancies.

(a) The general administration and supervision of the free public schools and of the educational interests of the State shall be vested in a State Board of Education, hereafter in this chapter referred to as "the Board."

Section 122. Rules and regulations

(a) The Board shall adopt rules and regulations, consistent with the laws of this State, for the maintenance, administration and supervision throughout the State of a general and efficient system of free public schools in accordance with this title, including the rules and regulations specified in subsection (b) of this section. Such rules and regulations, when prescribed and published, shall be binding throughout the State.

(b) The Board shall prescribe rules and regulations:

(1) Governing the hygienic, sanitary and protective construction of school buildings, the selection, arrangement and maintenance of school sites and grounds and the condemnation, for school purposes, of public school buildings that do not conform to such rules and regulations;

(2) Governing the protection of health, physical welfare and physical inspection of public school children in the State;

(3) Governing the grading and standardization of all public schools, including in such standards, equipment, number of teachers, years and grade of instruction offered;

(4) a. Governing the issuance of certificates and diplomas from the public schools of the State; and

b. Determining the minimum requirements for the presentation of any course or program of courses and for the issuing of academic, normal school, collegiate, professional or university degrees of any level by such institutions as are not otherwise authorized by Delaware law to determine such requirements;

(5) Determining the minimum courses of study for all public elementary schools and all public high schools of the State, including provisions that all elementary school subjects be taught in the English language in all schools in the State, and requiring that all pupils of all public elementary schools and all public high schools of the State be instructed in physiology and hygiene with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system;

(6) Governing the choice of textbooks and other instructional materials to be used in all public elementary and secondary schools of the State by adopting a set of criteria, which the reorganized school districts of the State shall apply to

the selection of all such material prior to the acquisition or development and use of those materials. The decision of the State Board shall be final as to whether any textbooks or other instructional materials do, in fact, abide by the prescribed criteria;

Section 202. Free schools; ages' attendance within school district, nonresidents of Delaware.

(a) The public schools of this State shall be free to persons who are residents of this State and who are between the ages of 6 and 21 years when they are attending grades 1 through 12....

Section 203. Special schools.

The State Board of Education and the school board of any local reorganized school district, either separately or jointly, may establish special schools for children who are in need of education not provided for in regular classes or schools. Such schools may include, but are not limited to, schools for persons who are orthopedically handicapped, socially or emotionally maladjusted, autistic, or mentally handicapped, educable or trainable, or for persons who suffer hearing or speech impairment, or for persons who are truant or insubordinate.

FLORIDA

Section 232.2454. Uniform student performance standards, instruments, and assessment procedures.

(1) The State Board of Education shall adopt rules to provide for the development and periodic revision of uniform, statewide student performance standards, instruments, and assessment procedures to measure public-school-student performance in each major subject area or major area of study approved by the state board....

(5) Effective July 1, 1985, student performance standards must be incorporated in the pupil progress plan for students in grades 9 through 12 in order for the district to receive funding through the Florida Education Finance Program.

Section 232. 246. General requirements for high school graduation.

(1) (a) For the 1984-1985 school years, successful completion of a minimum of 22 academic credits in grades 9 through 12 shall be required for graduation. These credits shall include a minimum of three credits in mathematics and three credits in science.

(b) Beginning with the 1986-87 school year and each year thereafter, successful completion of a minimum of 24 academic credits in grades 9 through

12 shall be required for graduation. The 24 credits shall be distributed as follows:

(1) Four credits in English, with major concentration in composition and literature.

(2) Three credits in mathematics.

(3) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirements to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of the plan a priority of the school board.

(4) One credit in American history.

(5) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems in fulfillment of the requirements of s. 233.064.

GEORGIA

Section 20-2-1050. Silent prayer or meditation period authorized; nature of period.

(a) In each public school classroom, the teacher in charge may or, if so authorized or directed by the board of education by which he is employed, shall, at the opening of school upon every school day, conduct a brief period of silent prayer or meditation with the participation of all the pupils therein assembled.

(b) The silent prayer or meditation authorized by subsection (a) of this Code section is not intended to be and shall not be conducted as a religious service or exercise but shall be considered as an opportunity for silent prayer or meditation on a religious theme by those who are so disposed or a moment of silent reflection on the anticipated activities of the day.

Section 20-2-1051. Participation not to be regulated or required.

No teacher, principal, school board, or any other person may require or prescribe any particular method or manner in which a child shall participate in any period of silent prayer or meditation, but each child shall be absolutely free to participate therein or not, in such manner or way as such child shall personally desire, consistent with his or her beliefs.

Section 20-2-140. State Board of Education to establish competencies and uniformly sequenced core curriculum.

The State Board of Education shall establish competencies that each student is expected to master prior to completion of the student's public school education. The state board shall also establish competencies for which each student should

be provided opportunities, at the discretion of the student and the student's parents, to master. Based upon these foregoing competencies, the state board shall adopt a uniformly sequenced core curriculum for grades kindergarten through 12. Each local unit of administration shall include this uniformly sequenced core curriculum as the basis for its own curriculum, although each local unit may expand and enrich this curriculum to the extent it deems necessary and appropriate for its students and communities.

Section 20-2-141. Review of competencies and core curriculum.

The State Board of Education shall establish at least once every four years a review of the adopted competencies and uniformly sequenced core curriculum by a task force broadly representative of educational interests and the concerned public. After considering the findings and recommendations of the task force, the state board shall make such changes in the student competencies lists and core curriculum as it deems in the best interest of the state and its citizens and shall report such proposed changes to local school systems and the General Assembly for review.

Section 20-2-142. Prescribed courses - Development and dissemination of instructional materials on effect of alcohol.

(a) (1) All elementary and secondary schools which receive in any manner funds from the state shall provide the following course offerings in the manner prescribed by the State Board of Education:

(A) A course of study in the background, history, and development of the federal and state governments. The course in the study of federal and state governments shall be supplemented in each high school by a study of the local county and municipal governments; and

(B) A course of study in the history of the United States and in the history of Georgia and in the essentials of the United States and Georgia Constitutions, including the study of American institutions and ideals.

(2) No student shall be eligible to receive a diploma from a high schools unless such student has successfully completed the courses in history and government provided for by this subsection, except as provided in paragraph (3) of this subsection.

(3) Handicapped students who are otherwise eligible for a special education diploma pursuant to subsection (c) of Code Section 20-2-281 shall not be denied this diploma if they have not successfully completed either or both of these courses; provided, however, that their Individualized Education Programs have not specified that the handicapped students must enroll in and successfully complete both of these courses.

(b) (1) The State Board of Education and the Board of Public Safety shall jointly establish an alcohol and drug course of the purpose of informing the young people of this state of the dangers involved in consuming alcohol or certain

drugs in connection with the operation of a motor vehicle. The course shall be designed to generate greater interest in highway safety and accident prevention. The state board and the Board of Public Safety shall jointly, by rules and regulations, determine the contents of the course and its duration. The Board of Public Safety shall make available officers or employees of the Department of Public Safety to teach the alcohol and drug course. The alcohol and drug course shall be offered periodically but not less than once annually in the public schools of this state to students in grades nine and above in the manner prescribed by the state board.

(2) All schools with grade nine or above which receive funds in any manner from the state shall make available to eligible students the alcohol and drug course provided in paragraph (1) of this subsection.

(3) The commissioner of public safety shall make the alcohol and drug course, and instructors where necessary, available to the private schools in this state. In addition, the commissioner of public safety shall offer the alcohol and drug course periodically at various locations in the state in the manner provided by the Board of Public Safety.

(c) The School Board of Education shall prescribe a course of study in health and physical education for all grades and grade levels in the public schools and shall establish standards for its administration. The course shall include instruction concerning the impact of alcohol, tobacco, and drug use upon health and may occupy periods totaling not less than 30 minutes per day in kindergarten through grade eight or equivalent grade levels. A manual setting out the details of such courses of study shall be prepared or approved by the State School Superintendent in cooperation with the Department of Human Resources, the state board, and such expert advisors as they may choose. The Department of Education is directed to assemble or develop instructional resources and materials concerning alcohol and drug abuse, taking into consideration technological enhancements available for utilization of such instructional resources.

(d) The funds allocated under Code Section 20-2-13 shall be used for the purpose of creating and maintaining state educational research services for purposes which shall include, but not be limited to, the following:

(1) For the development, production, and procurement of curriculum materials and units of instruction on the scientific facts in regard to the influence and effect of alcohol on human health and behavior and on social and economic conditions, including suggested methods of instruction in ways of working with boys and girls and young people in the various age groups and grade levels of the public schools of the state, as aids to classroom teachers and others responsible for the conduct of the educational program in the public schools;

(2) For the publication, procurement, and dissemination of curriculum materials, units of instruction, and suggested methods of instruction relating to the influence and effect of alcohol on human health and behavior and on social and

economic conditions for the school teachers and educational officials in the various local school systems of the state, the Department of Education, and the various educational institutions of the state which are engaged in the education and training of teachers; and

(3) For cooperative work, by and between the state educational research service and the local school systems of the state, the Department of Education, and the educational institutions of the state which are engaged in the education and training of teachers, through conferences, study groups, demonstrations of methods and materials of instruction, and other means.

(e) The state board is authorized to expend such amounts as may be necessary of the moneys allocated to it under Code Section 20-2-13 for the employment of a specialist or specialists or for contracting for the services of specialists in research and in development and production of curriculum materials and units of instruction on the scientific facts in regard to the influence of alcohol on human health and behavior and on social and economic conditions, including methods of instruction; for the employment of secretarial and clerical assistants and other office expenses; for expenses of conferences, study groups, and demonstrations; and for all other expenses necessary in carrying out the purposes of this Code section.

(f) The state board shall make available uniformly to the public schools of the state and the educational institutions of the state engaged in the education and training of teachers the curriculum materials, the units of instruction, and the suggested methods of instruction which are developed under this Code section.

Section 20-2-143. Sex education and AIDS prevention instruction; implementation; student exemption.

(a) Each local board of education shall prescribe a course of study in sex education and AIDS prevention instruction for such grades and grade levels in the public school systems as shall be determined by the State Board of Education. Such course of study shall implement either the minimum course of study provided for in subsection (b) of this Code section or its equivalent, as approved by the State Board of Education. Each local board of education shall be authorized to supplement and develop the exact approach of content areas of such minimum course of study with such specific curriculum standards as it may deem appropriate. Such standards shall include instruction relating to the handling of peer pressure, promotion of high self-esteem, local community values, and abstinence from sexual activity as an effective method of prevention of pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome.

(b) The State Board of Education shall prescribe a minimum course of study in sex education and AIDS prevention instruction which may be included as a part of a course of study in comprehensive health education for such grades and grade levels in the public school system as shall be determined by the state

board and shall establish standards for its administration. The course may include instruction concerning human biology, conception, pregnancy, birth, sexually transmitted diseases, and acquired immune deficiency syndrome. A manual setting out the details of such course of study shall be prepared by or approved by the State School Superintendent in cooperation with the Department of Human Resources, the State Board of Education, and such expert advisers as they may choose.

(c) The minimum course of study to be prescribed by the State Board of Education pursuant to subsection (b) of this Code section shall be ready for implementation not later than July 1, 1988. Each local board shall implement either such minimum course of study or its equivalent not later than July 1, 1989. Any local board of education which fails to comply with this subsection shall not be eligible to receive any state funding under this article until such minimum course of study or its equivalent has been implemented.

(d) Any parent or legal guardian of a child to whom the course of study set forth in this Code section is to be taught shall have right to elect, in writing, that such child not receive such course of study.

Section 20-2-144. Mandatory instruction concerning alcohol and drug use.

(a) Each local board of education shall prescribe mandatory instruction concerning alcohol and other drug use in every year in every grade from kindergarten through grade 12 as shall be determined by the State Board of Education. Such course of study shall implement the minimum course of study provided for in subsection (b) of this Code section or its equivalent, as approved by the State Board of Education. Each local board of education may supplement the exact approach of content areas of such minimum course of study with such curriculum standards as it may deem appropriate. Such standards shall include instruction which discourages the use of alcohol, tobacco, and controlled substances and communicates that the use of illicit drugs and improper use of legally obtained drugs is wrong and dangerous.

(b) The State Board of Education shall prescribe a minimum course of study of alcohol and other drug use which may be included as part of a course of study in comprehensive health education where offered and where appropriate. Instruction also shall be integrated into other curriculum requirements as determined by the State Board of Education. The course shall be age appropriate, shall be sequential in method of study, and shall include the following elements where appropriate in the instruction:

(1) Detailed, factual information regarding physiological, psychological, sociological, and legal aspects of substance abuse;

(2) Detailed information concerning the availability of help and assistance for persons with chemical dependency problems;

(3) Skills needed to evaluate advertisements for, and media portrayals, of alcohol, tobacco,, and controlled substances; and

(4) Detailed instruction on the need for, and role of, lawful authority and law-abiding behavior, which instruction may include interacting and working with members of the legal and justice professions.

(c) A manual setting out the details of such course of study shall be prepared by or approved by the State School Superintendent in cooperation with the Department of Human Resources, the State Board of Education, the Department of Public Safety, and such expert advisors as they may choose.

(d) The minimum course of study to be prescribed by the State Board of Education pursuant to subsection (b) of this Code section shall be ready for implementation not later than July 1, 1990. Each local board shall implement either such minimum course of study or its equivalent not later than December 31, 1990. Any local board of education which fails to comply with this subsection shall not be eligible to receive any state funding under this article until such minimum course study or its equivalent has been implemented.

HAWAII

Section 298-2. Department powers and duties.

(a) The department of education shall have entire charge and control and be responsible for the conduct of all affairs pertaining to public instruction. The department may establish and maintain schools for secular instruction at such places and for such terms as in its discretion it may deem advisable and the funds at its disposal may permit. The schools may include high schools, kindergarten schools, schools or classes for pregrade education, boarding schools, evening as well as day schools. The department may also maintain classes for technical and other instruction in any school where there may not be pupils sufficient in number to justify the establishment of separate schools for such purposes.

(b) The department shall regulate the courses of study to be pursued in all grades of public schools and classify them by such methods as the department deems proper; provided that the course of study and instruction in the first eight grades shall be so regulated that not less than fifty per cent of the study and instruction in each school day shall be devoted to the oral expression, the written composition, and the spelling of the English language, except for special projects using the Hawaiian language as approved by the board of education.

(c) Nothing in this section shall interfere with those attending a summer school.

IDAHO

Section 33-1602. United States Constitution - National flag and colors - National anthem - "America."

(a) Instruction in the Constitution of the United States shall be given in all elementary and secondary schools. The state board of education shall adopt such materials as may be deemed necessary for said purpose, and shall also determine the grades in which such instruction shall be given;

(b) Instruction in the proper use, display and history of and respect for the American flag and the national colors shall be given in all elementary and secondary schools. Such instruction shall include the pledge of allegiance to the flag, the words and music of the national anthem, and of "America."

Section 33-1701. Driver training courses.

In conjunction with its supervision of traffic on public highways, the Idaho transportation department is directed to cooperate with the state board of education in its establishment of driver training courses in the public schools of the state.

ILLINOIS

Section 27-1. Branches of education taught - Discrimination on account of sex

Every school established under this act shall be for instruction in the branches of education prescribed in the qualifications for teachers and in such other branches of education prescribed in the qualifications for teachers and in such other branches, including vocal music and drawing as the school board, or the voters of the district at a regular scheduled election of the school board members, may prescribe. The school board may provide for instruction in instrumental music and other visual and performing arts in order to provide an educated and useful citizenry, encourage intellectual development, and foster appreciation for, and active participation in , music and the other arts.

Areas of education taught-discrimination on account of sex. The State of Illinois, having the responsibility of defining requirements for elementary and secondary education, established that the primary purpose of schooling is the transmission of knowledge and culture through which children learn in areas necessary to their continuing development and entry into the world of work. Such areas include the language arts, mathematics, the biological, physical and social sciences, the fine arts and physical development and health.

Section 27-9.2. Family life.

If any school district provides courses of instruction designed to promote wholesome and comprehensive understanding of the emotional, psychological,

physiological, hygienic and social responsibility aspects of family life, then such courses of instruction shall include the teaching of the alternatives to abortion, appropriate to the various grades levels; and whenever such courses of instruction are provided in any of grades 6 through 12, then such courses shall include instruction on the prevention, transmission and spread of AIDS. However, no pupil shall be required to take or participate in any family life class or course on AIDS instruction if his parent or guardian submits written objection thereto, and refusal to take or participate in such course or program shall not be reason for suspension or expulsion of such pupil.

The State Superintendent of Education shall prepare and make available to local school districts courses of instruction designed to satisfy the requirements of the Section.

27-20.3. Holocaust study.

Every public elementary schools and high school shall include in its curriculum a unit of instruction studying the events of the Nazi atrocities of 1933 to 1945. This period in world history is know as the Holocaust, during which 6,000,000 Jews and millions of non-Jews were exterminated. The studying of this material is a reaffirmation of the commitment of free peoples from all nations to never again permit the occurrences of another Holocaust.

The State Superintendent of Education may prepare and make available to all school boards instructional materials which may be used as guidelines for development of a unit of instruction under this Section; provided, however, that each school boards shall itself determine the minimum amount of instruction time which shall qualify as a unit of instruction satisfying the requirements of this Section.

INDIANA

Section 20-10.1-4-1. Constitutions.

(a) In each of grades six (6) through twelve (12), every public and nonpublic school shall provide instruction in the constitutions of Indiana and of the United States.

(b) In public elementary school instruction in the constitution shall be included as a part of American history, and in the public high schools, instruction in the constitution shall be included as a part of civics, or otherwise, as the state board of education may prescribe by rules. Failure of any public school teacher or principal to comply with this requirement constitutes misconduct in office under IC 20-6.1-3-7.

(c) Each nonpublic elementary school and high school shall provide this instruction as prescribed by the state board of education.

Section 20-10.1-4-2. Constitutions - Interdisciplinary course.

Each public and nonpublic high school shall provide a required course, of not less than one (1) year of school work, in the historical, political, civic, sociological, economic, and philosophical aspects of the constitutions of Indiana and of the United States. The state board of education shall prescribe this course and its appropriate outlines and shall adopt the necessary textbooks for uniform instruction. No high school student may receive a diploma unless he has successfully completed this interdisciplinary course.

Section 20-10.1-4-3. System of government - American history.

(a) Each public and nonpublic school shall provide within the two (2) weeks preceding each general election for all students in each of grades six (6) through twelve (12), five (5) full recitation periods of class discussion concerning the system of government in Indiana and in the United States, methods of voting, party structures, election laws, and the responsibilities of citizen participation in government and in elections.

(b) No one may receive a high school diploma unless he has completed a two (2) semester course in American history.

(c) If a public school superintendent violates this section, the state superintendent shall receive and record reports of the violations, and the general assembly may examine these reports.

Section 20-10.1-4-4. Morals instruction.

Each public and nonpublic school teacher, employed to instruct in the regular courses of the first twelve (12) grades, shall present his instruction with special emphasis on honesty, morality, courtesy, obedience to law, respect for the national flag, the constitutions of the United States and Indiana, respect for parents and the home, the dignity and necessity of honest labor and other lessons of a steadying influence, which tend to promote and develop an upright and desirable citizenry. The state superintendent shall prepare outlines or materials for this instruction and incorporate them in the regular courses of these twelve (12) grades.

Section 20-10.1-4-5. School corporation curriculum.

Each school corporation shall include in its curriculum the following studies:

(1) Language arts, including English, grammar, composition, speech, and second languages.

(2) Mathematics.

(3) Social studies and citizenship, including the constitutions, governmental systems, and histories of Indiana and the United States.

(4) Sciences.

(5) Fine arts, including music and art.

(6) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.

(7) Additional studies selected by each governing body, subject to revision by the state board of education.

Section 20-10.1-4-6. Safety education.

A course in safety education for no less than one (1) full semester shall be taught in the eight grade of each public and nonpublic school. The state board of education shall:

(1) Prepare a guide for this course which the teacher shall use and which may be revised under the direction of the state board of education; and

(2) Adopt textbooks or other materials for this course.

Section 20-10.1-4-7. Hygiene.

The principals of hygiene and sanitary science shall be taught in the fifth grade of each public school and may be taught in other grades; this instruction must explain the ways [of] dangerous communicable diseases are spread and the sanitary methods for disease prevention and restriction. The state health commissioner and the state superintendent shall jointly compile a leaflet describing the principles of hygiene, sanitary science, and disease prevention. They shall supply these leaflets to each superintendent, who in turn shall supply them to each school and shall require the teachers to comply with this section. Each prosecuting attorney to whom the state board of health or its agents reports any violation of this section shall commence proceedings against the violator.

Any person who objects in writing, or any person under the age of eighteen (18) whose parent or guardian objects in writing, to health and hygiene courses because the courses conflict with his religious teachings is entitled to be excused from receiving medical instruction or instruction in hygiene or sanitary science, without penalties as to grades or graduation.

Section 20-10.1-4-8. Disease spread by rats, flies, and mosquitoes - Prevention.

The trustee of each township and the board of school trustees of each city shall provide in each of their public schools for the illustrative teaching of the spread of disease by rats, flies, and mosquitoes, and its effect, and of disease prevention by the proper selection and consumption of food. A school official who fails to comply with this section commits a Class C infraction.

Section 20-10.1-4-9.1. Drugs.

(a) Beginning in the 1991-92 school year, the governing body of each school corporation shall for each grade from kindergarten through grade 12 provide

instruction concerning the effects that alcoholic beverages, tobacco, prescription drugs, and controlled substances have on the human body and society at large.

(b) The board shall make available to all school corporations a list of appropriate available instructional material on the matters described in subsection (a).

(c) The department shall develop curriculum guides to assist teachers assigned to teach the material described in subsection (a).

(d) The board shall approve drug education curricula for every grade from kindergarten through grade 12.

(e) The department shall provide assistance to each school corporation to train at least one (1) teacher in the school corporation in drug education.

Section 20-10.1-4-10. AIDS.

(a) Each school corporation shall include in its curriculum instruction concerning the disease known as acquired immune deficiency syndrome (AIDS) and shall integrate this effort to the extent possible with instruction on other dangerous communicable diseases.

IOWA

Section 256.11. Educational standards.

The state board shall adopt rules under chapter 17A and a procedure for accrediting all public and nonpublic schools in Iowa offering instruction at any or all levels from prekindergarten level through grade twelve. The rules of the state board shall require that a multicultural, nonsexist approach is used by the schools and school districts. The educational program shall be taught from a multicultural, nonsexist approach. Global perspectives shall be incorporated into all levels of the educational program.

The rules adopted by the state board pursuant to section 256.17, Code Supplement 1987, to establish new standards shall satisfy the requirements of this section to adopt rules to implement the educational program contained in this section.

The educational program shall be as follows:

(1) If a school offers a prekindergarten program, the program shall be designed to help children to work and play with others, to express themselves, to learn to use and manage their bodies, and to extend the interest and understanding of the world about them. The prekindergarten program shall relate the role of the family to the child's developing sense of self and perception of others. Planning and carrying out prekindergarten activities designed to encourage cooperative efforts between home and school shall focus on community resources. Except as otherwise provided in this subsection, a prekindergarten teacher shall hold a license certifying that the holder is qualified to teach in prekindergarten. A

nonpublic school which offers only a prekindergarten may, but is not required to, seek and obtain accreditation.

If the board of directors of a school district contracts for the operation of a prekindergarten program, the program shall be under the oversight of an appropriately licensed teacher. If the program contracted with was in existence on July 1, 1989, oversight of the program shall be provided by the district. If the program contracted with was not in existence on July 1, 1989, the director of the program shall be a licensed teacher and the director shall provide program oversight. Any director of a program contracted with by a school district under this section who is not a licensed teacher is required to register with the department of education.

(2) The kindergarten program shall include experiences designed to develop healthy emotional and social habits and growth in the language arts and communication skills, as well as capacity for the completion of individual tasks, and protect and increase physical well-being with attention given to experiences relating to the development of life skills and human growth and development. A kindergarten teacher shall be licensed to teach in kindergarten. An accredited nonpublic school must meet the requirements of this subsection only if the nonpublic school offers a kindergarten program.

(3) The following areas shall be taught in grades one through six: English-language arts, social studies, mathematics, science, health, human growth and development, physical education, traffic safety, music, and visual art. The health curriculum shall include the characteristics of communicable disease including acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the elementary program.

(4) The following shall be taught in grades seven and eight: English-language arts; social studies; mathematics; science; health; human growth and development, family, consumer, career, and technology education; physical education; music; and visual art. The health curriculum shall include the characteristics of sexually transmitted diseases and acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the program in grades seven and eight. However, this subsection shall not apply to the teaching of family, consumer, career, and technology education in nonpublic schools.

(5) In grades nine through twelve, a unit of credit consists of a course or equivalent related components or partial units taught throughout the academic year. The minimum program to be offered and taught for grades nine through twelve is:

(a) Five units of science including physics and chemistry; the units of physics and chemistry may be taught in alternate years.

(b) Five units of the social studies including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting

machines in the election process, and the method of acquiring and casting an absentee ballot.

The county auditor, upon request and at a site chosen by the county auditor, shall make available to schools within the county voting machines or sample ballots that are generally used within the county, at times when these machines or sample ballots are not in use for their recognized purpose.

(c) Six units of English-language arts.

(d) Four units of a sequential program in mathematics.

(e) Two additional units of mathematics.

(f) Four sequential units of one foreign language other than American sign language. Provision of instruction in American sign language shall be in addition to and not in lieu of provision of instruction in other foreign languages. The department may waive the third and fourth years of the foreign language requirement on an annual basis upon the request of the board of directors of a school district of the authorities in charge of a nonpublic school if the board or authorities are able to prove that a licensed teacher was employed and assigned a schedule that would have allowed students to enroll in a foreign language class, the foreign language class was properly scheduled, students were aware that a foreign language class was scheduled, and no students enrolled in the class.

(g) All students physically able shall be required to participate in physical education activities during each semester they are enrolled in school except as otherwise provided in this paragraph. A minimum of one-eighth unit each semester is required. A twelfth grade student who meets the requirements of this paragraph may be excused from the physical education requirement by the principal of the school in which the student is enrolled if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. A student who wishes to be excused from the physical education requirement must be seeking to be excused in order to enroll in academic courses not otherwise available to the student, or be enrolled or participating in one of the following:

(1) A cooperative or work-study program or other educational program authorized by the school which requires the student to leave the school premises for specified periods of time during the school day.

(2) An organized and supervised athletic program which requires at least as much participation per week as one-eighth unit of physical education.

Students in grades nine through eleven may be excused from the physical education requirement in order to enroll in academic courses not otherwise available to the student if the board of directors of the school district in which the school is located, or the authorities in charge of the school, if the school is a nonpublic school, determine that students from the school may be permitted to be excused from the physical education requirement. A student may be excused by the principal of the school in which the student is enrolled, in consultation

with the student's counselor, for up to one semester, trimester, or the equivalent of a semester or trimester, per year if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. The student seeking to be excused from the physical education requirement must, at some time during the period for which the excuse is sought, be a participant in an organized and supervised athletic program which requires at least as much time of participation per week as one-eighth unit of physical education.

The principal of the school shall inform the superintendent of the school district or nonpublic school that the student has been excused. Physical education activities shall emphasize leisure time activities which will benefit the student outside the school environment and after graduation from high school.

(h) A minimum of three sequential units in at least four of the following six vocational service areas: agriculture, business or office occupations, health occupations, family and consumer sciences or home economics occupations, industrial technology or trade and industrial education, and marketing education. Instruction shall be competency-based, articulated with postsecondary programs of study, and include field, laboratory, or on-the-job training. Each sequential unit shall include instruction in a minimum set of competencies established by the department of education that relate to the following: new and emerging technologies; job-seeking, job-adaptability, and other employment, self-employment and entrepreneurial skills that reflect current industry standards and labor-market needs; and reinforcement of basic academic skills. The instructional programs shall also comply with the provisions of chapter 258 relating to vocational education. However, this paragraph does not apply to the teaching of vocational education in nonpublic schools.

The department of education shall permit school district, in meeting the requirements of this section, to use vocational core courses in more than one vocational service area and to use multi-occupational courses to complete a sequence in more than one vocational service area.

(i) Three units in the fine arts which shall include at least two of the following: dance, music, theater, and visual art.

(j) One unit of health education which shall include personal health; food and nutrition; environmental health; safety and survival skills; consumer health; family life; human growth and development; substance abuse and nonuse; emotional and social health; health resources; and prevention and control of disease, including sexually transmitted diseases and acquired immune deficiency syndrome.

The state board as part of accreditation standards shall adopt curriculum standards for implementing the program in grades nine through twelve.

(6) A pupil is not required to enroll in either physical education or health courses if the pupil's parent or guardian files a written statement with the school principal that the course conflicts with the pupil's religious belief.

(7) Programs that meet the needs of each of the following:

(a) Pupils requiring special education.

(b) Gifted and talented pupils.

(c) Programs for at-risk students. Rules adopted by the state board to implement the paragraph shall be based upon the definition of at-risk student developed by the child coordinating council established in section 256A.2 and the department of education, and the state board shall consider the recommendations of the child coordinating council and the department in developing the rules.

(8) Upon request of the board of directors of a public school district or the authorities in charge of nonpublic school, the director may, for a number of years to be specified by the director, grant the district board or the authorities in charge of the nonpublic school exemption from one or more of the requirements of the educational program specified in subsection 5. The exemption may be renewed. Exemptions shall be granted only if the director deems that the request made is an essential part of a planned innovative curriculum project which the director determines will adequately meet the educational needs and interests of the pupils and be broadly consistent with the intent of the educational program as defined in subsection 5.

The request for exemption shall include all of the following:

(a) Rationale of the project to include supportive research evidence.

(b) Objective of the project.

(c) Provisions for administration and conduct of the project, including the use of personnel, facilities, time, techniques, and activities.

(d) Plans for evaluation of the project by testing and observational measures of pupil progress in reaching the objectives.

(e) Plans for revisions of the project based on evaluation measures.

(f) Plans for periodic reports to the department.

(g) The estimated cost of the project.

(9) (a) Effective July 1, 1989, through June 30, 1992, to facilitate the implementation and economical operation of the educational program defined in subsections 4 and 5, each school offering any of grades seven through twelve, except a school which offers grades one through eight as a elementary school, shall meet the media center requirements specified in section 256.11, subsection 9, paragraph "A", Code Supplement 1987.

(b) Effective July 1, 1990, unless a waiver has been obtained under section 256.11A, each school or school district shall have a qualified school media specialist who shall meet the licensing standards prescribed by the board of educational examiners and shall be responsible for supervision of the media centers. Each school or school district shall establish a media center, in each attendance center, which shall be accessible to students throughout the school day. However, in determining the requirements for nonpublic schools, the

department shall evaluate the schools on a school systems basis rather than on an individual school basis.

(9A) Each school or school district shall provide an articulated sequential guidance program for grades kindergarten through twelve. Until July 1, 1992, a school or school district may obtain a waiver from meeting the requirements of this subsection pursuant to section 256.11A. The guidance counselor shall meet the licensing standards of the board of educational examiners. However, in determining the requirements for nonpublic schools, the department shall evaluate the schools on a school system basis rather than on an individual school basis.

(10) The state board shall establish an accreditation process for school districts and nonpublic schools seeking accreditation pursuant to this subsection and subsections 11 and 12. By July 1, 1989, all school districts shall meet standards for accreditation. For the school year commencing July 1, 1989, and school years thereafter, the department of education shall use a two-phase process for the continued accreditation of schools and school districts....

Section 280.9A. History and government required - voter registration.

(1) The board of directors of each local public school district and the authorities in charge of each nonpublic school shall require that all students in grades nine through twelve complete, as a condition of graduation, instruction in American history and the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

(2) The board of directors of each local public school district and the authorities in charge of each nonpublic school shall submit a list of currently enrolled full-time and part-time students who have attained the age of eighteen years or will attain the age of eighteen years within six months, twice each calendar year, to the county commissioner of elections in the county or counties in which the public school district or nonpublic school is located. The list shall be submitted on September 30 and March 30 of each school year and shall list the student's name, address, and a date of birth. The county commissioner of elections may use this list to send a voter registration form to the student.

KANSAS

Section 72-1101. Required subjects in elementary schools.

Every accredited elementary school shall teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of the state of Kansas, civil government and the duties of citizenship, health and hygiene, together with such other subjects as the state board may

determine. The state board shall be responsible for the selection of subject matter within the several fields of instruction and for its organization into courses of study and instruction of the guidance of teachers, principals and superintendents.

Section 72-1103. Required courses of instruction; graduation requirements.

All accredited schools, public, private or parochial, shall provide and give a complete course of instruction to all pupils, in civil government, and United States history, and in patriotism and the duties of a citizen, suitable to the elementary grades; in addition thereto, all accredited high schools, public, private or parochial, shall give a course of instruction concerning the government and institutions of the United States, and particularly of the constitution of the United States; and no student who has not taken and satisfactorily passed such course shall be certified as having completed the course requirements necessary for graduation from high school.

KENTUCKY

Section 156.160. Promulgation of administrative regulations by State.

Board for Elementary and Secondary Education.

(1) The State Board for Elementary and Secondary Education shall promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. These regulations shall comply with the expected outcomes for students and schools set forth in KRS 158.6451. Administrative regulations shall be promulgated for the following:

(a) Courses of study for the different grades and kinds of common schools, including procedures for developing an ungraded primary program as defined in KRS 158.030 which shall be implemented by the beginning of the 1992-93 school year, and the program, in its entirety, shall be fully implemented for all students who have not entered the fourth grade in every elementary school in every district by the beginning of the 1993-94 school year. The primary program shall include the following critical attributes: developmentally appropriate educational practices, multiage and multiability classrooms; continuous progress; authentic assessment; qualitative reporting methods, professional teamwork; and positive parent involvement. The implementation of the primary program may take into consideration the necessary arrangements required for students attending part-time. The courses of study for students shall include American sign language and it shall be accepted as meeting the foreign language requirements in common schools notwithstanding other provisions of law;

(b) The acquisition and use of educational equipment for the schools as recommended by the Council for Education Technology;

(c) The minimum requirements for high school graduation. Prior to the beginning of the 1994-95 school year, the State Board for Elementary and Secondary Education shall review graduation requirements in light of the expected outcomes for students and schools set forth in KRS 158.6451;

Section 158.190. Sectarian, infidel, or immoral books prohibited.

No other publication of a sectarian, infidel, or immoral character, or that reflects on any religious denomination, shall be used or distributed in any common school. No sectarian, infidel or immoral doctrine shall be taught in any common school.

Section 158.195. Reading and posting in public schools of texts and documents on American history and heritage.

Local boards may allow any teacher or administrator in a public school district of the Commonwealth to read or post in a public school building, classroom, or event and excerpts or portions of the national motto; the national anthem; the pledge of allegiance; the preamble to the Kentucky Constitution; the Declaration of Independence; the Mayflower Compact; the writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States; U.S. Supreme Court decisions; and acts of the U.S. Congress including the published text of the Congressional Record. There shall be no content-based censorship of American history or heritage in the Commonwealth based on religious references in these writings, documents, and records.

Section 158.200. Moral instruction.

The boards of education of independent and county school districts may provide for moral instruction of pupils in their jurisdiction, in the manner provided in KRS 158.210 to 158.260.

LOUISIANA

Section 268. Declaration of Independence and Federalist Papers.

The Declaration of Independence of the United States of America shall be made a required course in all elementary schools throughout the state.

The Federalist Papers shall be made a required course in all the high school throughout the state.

Section 269. Selective service obligation orientation program.

The state board of education may establish and administer, and each parish and city school board in the state may maintain in each public school to which applicable a selective service obligation orientation program of instruction which may be part of the required curriculum for all male students in grades higher than the eighth grade in the public schools of this state.

The program so established may require that every male student in the ninth, tenth and eleventh grades be given one hour of non credit instruction during each semester of each of such grades, by representatives of the Louisiana Selective Service System, in subject matter pertaining to armed forces obligations.

During the second semester of the twelfth grade, every male student may be given six hours of instruction, without credit, in matters pertaining to his armed forces obligations, including but not necessarily restricted to matters relating to service in the regular armed forces, the reserves and officer procurement. Such instruction may include one hour of lecture by representatives of each of the following: (1) the Louisiana Selective Service System, (2) the Air Forces of the United States, (3) the United States Army, (4) the United States Navy, (5) the United States Marine Corps and (6) the United States Coast Guard.

Section 270. Driver education and training program for children.

(A) The State Board of Education and the State Department of Education shall establish and operate a driver education and training program in each parish of this state for children of secondary school age. The program shall consist of a course of not less than six hours of actual driving experience and thirty hours of classroom instruction. The aims and purposes of the driver education and training program shall be to educate drivers to be competent, to develop a knowledge of those provisions of the law of this state relating to the operation of motor vehicles, a proper acceptance of personal responsibilities in traffic, a true appreciation of the causes, seriousness and consequences of traffic accidents, and to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

(B) The State Board of Education shall prescribe such rules and regulations as are necessary and proper to provide for the conduct and operation of the driver education and training program. The State Board of Education shall approve operating procedures defining the conduct and scope of the use of driving simulators to be used in the program. In addition to and supplementary to all other powers authorized by law, the State Superintendent of Public Education is authorized to purchase for cash or by lease-purchase agreement all the necessary equipment, visual and training aids and devices, and all related materials required to conduct and operate the program.

(C) The State Superintendent of Education shall account for all funds provided for and expended under authority of this section in a detailed statement submitted to the next regular session of the legislature, and annually thereafter.

(D) The driver training program conducted by the State Department of Public Safety under the authority of R.S. 40:1461-40:1465 is hereby abolished and all driving simulators, necessary equipment, visual and training aids and devices and related materials used in such program shall be transferred to the State Board of Education and the State Department of Education. All funds appropriated to the State Department of Public Safety for the conduct of the driver training program shall be transferred to the State Department of Education.

Section 272. French language and culture; teaching in public schools.

(A) The French language and the culture and history of French populations in Louisiana and elsewhere in the Americas shall be taught for a sequence of years in the public elementary and high school systems of the state, in accordance with the following general provisions:

(1) As expeditiously as possible but not later than the beginning of the 1972-1973 school year, all public elementary schools shall offer at least five years of French instruction starting with oral French in the first grade; except that any parish or city school board, upon request to the State Board of Education, shall be excluded from this requirement, and such request shall not be denied. School boards which have not already requested exclusion may do so at any time between July 1, 1971, and the beginning of the 1972-73 school year. The fact that any board is excluded, as here provided, from participation in the program established by this section shall in no case be construed to prohibit such school board from offering and conducting French courses in the curriculum of the schools it administers. In any school where the program provided for herein has been adopted the parent or other person legally responsible for a child may make written request to the parish school board requesting that said child be exempted from this program.

(2) As expeditiously as possible but not later than the beginning of the 1972-1973 school year, all public high schools shall offer a program of at least three years of instruction in the French language and at least one course included in the culture and history of the French populations of Louisiana and other French speaking areas in the Americas; except that any parish or city school board may request the State Board of Education to be excluded from this requirement and such request shall not be denied. Requests already received from school boards for exclusion from the provision of Act 408 of 1968 shall also be valid for exclusion from the provisions of this Act unless individual school boards deem otherwise. School boards which have not already requested exclusion may do so at any time between July 1, 1971, and the beginning of the 1972-1973 school year.

(B) Repealed by Acts 1971, No. 13, Section 3.

(C) The State Board of Education, the state superintendent of education, and all other public educational officials and administrators are properly charged with the implementation of this section.

(D) The State Board of Education, the state superintendent of education, and the parish School Boards participating in the program set forth in this section shall include in their budget provision for the implementation of this program; and may avail themselves of any funds which may be provided by the federal government or other sources in accordance with the existing law and regulations of this state.

Section 273. Second languages; teaching in public schools.

(A) Commencing with the 1976-1977 school year, each parish school board and city school board in the state is hereby authorized to establish as a part of the general curriculum of instruction the teaching of a second language. The second language curriculum shall be so established as to include a program extending upward through all grades, commencing in the first grade and extending upwards to the twelfth grade, in a well articulated, sequential manner so as to afford all school children in the state the opportunity of attaining proficiency in a second language.

Section 276. Physical education programs; secondary schools.

Each city and parish public school systems, in accordance with the mandates of federal law and regulations, shall offer, as part of the physical education program at the secondary schools in such school system, sexually segregated contact sports and sexually integrated noncontact sports. Students enrolling in such physical education programs shall have the option of participating in sexually segregated contact sports, sexually integrated noncontact sports, or both.

Section 281. Instruction in sex education.

(A) Any public elementary or secondary school in Louisiana may, but is not required to, offer instruction in subject matter designated as "sex education," provided such instruction and subject matter is integrated into an existing course of study such as biology, science, physical hygiene, or physical education. Whether or not instruction in such matter is offered and at what grade level it is to be offered shall be at the option of each public local or parish school board, provided that no such instruction shall be offered in kindergarten or in grades one through six. All instruction in "sex education" shall be identified and designated "sex education". It is the intent of the legislature that, for the purposes of this Section, "sex education" shall mean the dissemination of factual biological or pathological information that is related to the human reproduction system and may include the study of venereal disease, pregnancy, childbirth,

puberty, menstration, and menopause. It is the intent of the legislature that, for the purposes of this Section, "sex education" shall not include religious beliefs, values, customs, practices in human sexuality nor the subjective moral and ethical judgments of the instructor or other persons. Students shall not be tested, quizzed, or surveyed about their personal or family beliefs or practices in sex, morality, or religion.

(B) Notwithstanding any other provisions of law, the qualifications for all teachers or instructors in "sex education" shall be established and the selection of all such teachers or instructors shall be made solely and exclusively by the public local or parish school board.

(C) All books, films, and other materials to be used in instruction in "sex education" shall be submitted to and approved by the local or parish school board and by a parental review committee, whose membership shall be determined by such board.

(D) Any child may be excused from receiving instruction in "sex education" at the option and discretion of his parent or guardian. The local or parish school board shall provide procedures for the administration of this Subsection.

(E) In the event of any violation of the provisions of this Section, the public local or parish school board in charge of administering and supervising the school where said violation has occurred, after proper investigation and hearing, shall correct the violation and take appropriate action to punish the offending party or parties responsible for said violation.

(F) No program offering sex education instruction shall in any way counsel or advocate abortion.

(G) No program offering sex education instruction shall be funded in any manner with federal funds nor shall funds be solicited or accepted. Federal involvement in programs offering sex education is expressly prohibited.

Section 286. BALANCED TREATMENT FOR CREATION SCIENCE AND EVOLUTION-SCIENCE IN PUBLIC SCHOOL INSTRUCTION

Section 286.2. Purpose.

This Subpart is enacted for the purposes of protecting academic freedom.

Section 286.3. Definitions.

As used in the Subpart, unless otherwise clearly indicated, these terms have the following meanings:

(1) "Balanced treatment" means providing whatever information and instruction in both creation and evolution models the classroom teacher determines is necessary and appropriate to provide insight into both theories in view of the textbooks and other instruction materials available for use in his classroom.

(2) "Creation-science" means the scientific evidences for creation and inferences from these scientific evidences.

(3) "Evolution-science" means the scientific evidences for evolution and inferences from those scientific evidences.

MAINE

Section 20-A-4701. English as language of instruction.

The language of instruction in elementary and secondary schools shall meet these requirements.

(1) Basic language. The basic language of instruction in all schools shall be the English language.

(2) Exceptions. A school may provide instruction in a language other than English in the following circumstances, subject to approval of the commissioner:

(A) Transitional instruction using bilingual techniques may be provided to students of limited proficiency in English; and

(B) Schools may also establish bilingual programs for the purpose of providing proficiency in both English and a 2nd language.

Section 20-A-4703. Instruction for gifted and talented students in accordance with chapter 311.

Elementary and secondary schools may provide special instruction for gifted and talented students.

Section 20-A-4704. Courses prescribed by the commissioner.

The commissioner shall prescribe by rule the basic courses of study for the elementary and secondary schools, consistent with the requirements of this chapter, and may include minimum time requirements and performance standards.

Section 20-A-4705. Courses prescribed by local boards.

The school board of each school administrative unit may prescribe instructional requirements in addition to minimum state requirements, subject to approval by the commissioner.

Section 20-A-4706. Instruction in American history and Maine studies.

The following subjects shall be required.

(1) American history. American history and civil government, including the Constitution of the United States, the Declaration of Independence, the importance of voting and the privileges and responsibilities of citizenship, shall be taught in and required for graduation from all elementary and secondary schools, both public and private.

(2) Maine studies. A course in Maine history, including the Constitution of Maine, Maine geography and environment and the natural, industrial and economic resources of Maine and Maine's cultural and ethnic heritage must be taught in at least one grade from grade 6 to grade 8, in all schools, both public and private. These concepts must be integrated into the curriculum in grades 9 to 12.

Section 20-A-4707. Instruction in Braille and Nemeth Code.

Schools may offer instruction in Braille and Nemeth Code as part of the school curriculum. When Braille or Nemeth Code courses are offered, schools shall determine appropriate credit for completion of those courses.

Section 20-A-4711. Elementary course of study.

The basic course of study for the elementary schools shall provide for the instruction of all students in the English language, including, reading, writing, spelling and grammar; library instruction; mathematics; science; music, art and drama; American history and government; social studies; Maine studies, including the history, geography, culture and natural and industrial resources of the State; health, hygiene and safety; physical education; and physiology and hygiene, with special reference to the effects of substance abuse, including alcohol, tobacco, and narcotics upon the human system.

Section 20-A-4721. General requirement.

A secondary school shall provide a course of study of at least 2 years in length, which shall meet the requirements of this chapter.

Section 20-A-4722. High school diploma standards.

A secondary school shall provide at least one course of study leading to a high school diploma which shall meet the following standards.

(1) Minimum instructional requirements. A diploma course of study shall include a minimum 4-year program of instruction which meets the curriculum requirements established by this chapter and any other instructional requirements established by the commissioner and the school board.

(2) Required subjects. Courses in the following subjects shall be provided in separate or integrated study programs to all students and required for a high school diploma:

- (A) English - 4 years;
- (B) Social studies and history, including American history and government - 2 years;
- (C) Mathematics - 2 years;
- (D) Science, including at least one year of laboratory study - 2 years; and
- (E) Fine arts, which may include art, music, forensics or drama - one year.

(3) Satisfactory completion. A diploma shall be awarded only to secondary school students who have satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit. Applied technology students may, with the approval of the commissioner, satisfy the 2nd-year math and science, the 2nd year social studies and the fine arts requirements of subsection 2 through separate or integrated study within the applied technology school curriculum.

(4) Exception. A secondary school student who has satisfactorily completed the freshman year in an accredited degree-granting institution of higher education may be eligible to receive a high school diploma from the school the student last attended, although the student may not meet the graduation requirements of this Title.

(5) Advanced Study. Nothing in this chapter may prevent the award of a diploma to a student who has completed all diploma requirements in fewer than 4 years of study.

Section 20-A-4723. Health and physical education.

The secondary course of study shall include instruction in health, safety and physical education, as prescribed by the commissioner, and physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system.

Section 20-A-4724. Computer instruction.

Instruction in the use and application of computer skills shall be available to secondary school students. Each school administrative unit shall develop, with the approval of the commissioner, standards for computer literacy, proficiency and performance levels which shall be required for graduation.

Section 20-A-4725. Applied technology education.

Each school administrative unit operating a secondary school shall provide applied technology education through an applied technology center or region in accordance with chapter 313.

Section 20-A-4726. Foreign languages.

Each school administrative unit:

(1) *Required to offer.* Shall offer one 2-year sequence in a foreign language; and

(2) *Encouraged to offer.* Is encouraged to offer one or more additional foreign languages as part of its secondary school program.

(3) *Deleted.* Laws 1991, c. 279, section 3.

Section 20-A-4727. Additional instruction.

Secondary schools may provide additional instruction in applied technology and other subjects not included within the applied technology courses of study operating pursuant to chapter 313.

MARYLAND**Section 7-104. Daily period of silent meditation.**

(a) *Silent meditation.* Principals and teachers in each public elementary and secondary school in this State may require all students to be present and participate in opening exercises on each morning of a school day and to meditate silently for approximately 1 minute.

(b) *Praying or reading holy scripture permitted.* During this period, a student or teacher may read the holy scripture or pray.

Section 7-202. Minimum reading levels required.

(a) *State Board to require minimum reading levels.* The State Board shall require a minimum level of reading ability for each grade 2 through 12 that rises for each succeeding grade.

(b) *Failure to meet minimum levels.* If a county board, based on local assessment of student progress and in conjunction with the Maryland education accountability program, finds that a student in grade 3, 7, or 9 through 11 who is not moderately, severely, or profoundly intellectually limited has not met either a minimum grade level competency or the minimum reading level as required by the State Board for the previous grade, the student shall be:

(1) Kept in the current grade; or

(2) Enrolled in an appropriate reading assistance program as part of his instructional program.

(c) *Limitation on withholding grade advancement.* The provisions of this section may not be the sole reason for withholding grade advancement more than once in grades 2 through 7.

(d) *Bylaws.* The State Board shall adopt bylaws to implement this section.

Section 7-203. Education accountability program.

(a) *Program established.* The State Board, the State Superintendent, each county board, and each public school shall implement a program of education accountability for the operation and management of the public schools.

(b) *Contents of program.* The education accountability program shall include the following:

(1) The State Board and the State Superintendent shall assist each county board to establish educational goals and objective that conform with statewide

educational objective for subject areas including reading, writing, and mathematics;

(2) With the assistance of its county board, each public school shall survey current student achievement in reading, language, mathematics, and other areas to assess its needs;

(3) Each public school shall establish as the basis for its assessment of its needs, project goals and objectives that are in keeping with the goals and objectives established by its county board and the State Board.

(4) With the assistance of its county boards, the State Board, and the State Superintendent, each public school shall develop programs to meet its needs on the basis of the priorities it sets;

(5) Evaluation programs shall be developed at the same time to determine if the goals and objectives are being met; and

(6) A reevaluation of programs, goals, and objectives shall be undertaken regularly.

(c) *Standardized testing not the only measurement.* National standardized testing may not be the only measure for evaluating educational accountability.

(d) *Assistance from Department.* The Department shall assist each county board to establish and education accountability program by providing:

(1) Guidelines for development and implementation of the program by the county boards; and

(2) Assistance and coordination where it is needed and requested by the county boards.

(e) *Annual report* The State Superintendent shall send the Governor and, subject to section 2-1312 of the State Government Article, the General Assembly a report each January that includes:

(1) Documentation of the progress of the Department, the county boards, and each public school in this State towards their respective goals and objectives; and

(2) Recommendations for legislation that the State Board and the State Superintendent consider necessary to improve the quality of education in this State.

(f) *Funding.* On the recommendation of the State Superintendent, the State Board shall include in its annual budget request the funds it considers necessary to carry out the provisions of this section.

Section 7-204. Promotion and graduation of students.

(a) *Policies, rules, and regulations governing promotion and graduation.* The promotion of students in a public school and graduation from a public high school shall be in accordance with:

(1) Policies established by the county board; and

(2) The rules and regulations of the State Board.

(b) *Diplomas.* (1) Each student who graduates from a public high school shall receive the same type of diploma or certificate, regardless of the high school attended or the course taken.

(2) The diploma or certificate shall state that the student has completed a program of studies satisfactorily in accordance with the requirements of the State Board.

Section 7-411. Alcohol abuse program.

(a) *State Board to implement program.* (1) By the fall of 1978, the State Board shall develop and implement a program of health education that deals specifically with the abuse of alcohol.

(2) This program may be included in the drug education program under Section 7-409 of this subtitle.

(b) *Coordination with other State agencies.* This program shall be coordinated with other State agencies that are responsible for alcohol abuse education and control.

Section 7-412. Driver education program - In general.

(a) *Driver education course may be offered.* (1) Each county board may offer instruction in the safe operation of a motor vehicle to high school students who are 15 years old or older.

(2) The instruction shall be given as provided by Title 16, Subtitle 5 or the Transportation Article.

(3) Each county board shall determine whether the course is an elective or a required course.

(4) The State Board shall determine what credit, if any, is allowed to successful students of the course.

(b) *Course not to interfere with school work.* The principal of each school that offers the driver education course shall arrange the time set aside for actual driving instruction so that it does not interfere with other school work.

(c) *Motor vehicles to bear identification; instruction to be off State roads.* (1) Each motor vehicle used for instruction shall bear the identification required by the Motor Vehicle Administration.

(2) If practical, the actual driving instruction shall be conducted on private or public property that is removed from State roads.

MASSACHUSETTS

Section C-71-1B. Participation in Voluntary Prayer.

The school committee of any city or town may permit any child attending its public schools to participate in voluntary prayer with the approval of such child's parents before the commencement of each daily school session.

Notwithstanding any provision of law to the contrary, no city or town which permits such prayer shall be denied any funds for school purpose to which it may be entitled from the commonwealth.

Section C-71-2. Teaching of American History, Civics, Local History, etc.

In all public elementary and high schools American history and civics, including the Constitution of the United States, the Declaration of Independence, and the Bill of Rights, and in all public schools the constitution of the commonwealth and local history and government, shall be taught as required subjects for the purpose of promoting civic service and a greater knowledge thereof, and of fitting the pupils, morally and intellectually, for the duties of citizenship.

Section C-71-2A. Use of Tobacco Products on School Grounds Prohibited; School Committee Policy Regarding Violations.

It shall be unlawful for any student, enrolled in either primary or secondary public schools in the commonwealth, to use tobacco products of any type on school grounds during normal school hours.

Each school committee shall establish a policy dealing with students who violate this law. This policy may include, but not be limited to, mandatory education classes on the hazards of tobacco use.

Section C-71-2B. American Sign Language Recognized as Standard, Independent Language.

In all public elementary and secondary schools, American Sign Language shall be recognized as a standard, independent language with its own grammar, syntax, vocabulary, and cultural heritage. Courses in American Sign Language may be taught for the purpose of contributing to a greater understanding of the social and cultural dimensions of the language, and to encourage and enable increased interaction between hearing persons and deaf and hard-of-hearing persons in society. School committees may credit such courses toward satisfaction of foreign language requirements.

MICHIGAN

Section 15.41153. Bilingual instruction programs; 20 or more children.]

Sec. 1153. (1) The board of a school district having an enrollment of 20 or more children of limited English-speaking ability in a language classification in grades K to 12 shall establish and operate a bilingual instruction program for those children.

Fewer than 20 children.] (2) The board may establish and operate a bilingual instruction program with respect to a language classification if the school district has fewer than 20 children of limited English-speaking ability.

Section 15.41166. Constitution, history and government, instruction.]

Sec. 1166. (1) In all public and nonpublic schools in this state regular courses of instruction shall be given in the constitution of the United States, in the constitution of Michigan, and in the history and present form of government of the United States, Michigan, and its political subdivisions. Instruction shall begin not later than the opening of the eighth grade, or its equivalent, except in schools maintaining a junior high school, in which case it may begin in the ninth grade.

Civics courses; inapplicability of requirement.] (2) A high school in this state which offers 12 grades shall require a 1-semester course of study of 5 periods per week in civics which shall include the form and functions of the federal, state, and local governments and shall stress the rights and responsibilities of citizens. A diploma shall not be issued by a high school to a pupil who has not successfully completed this course. This requirements shall not be applicable as a graduation requirement for a high school pupil who has enlisted or been inducted into military service.

Section 15.41168. Consumer economics curriculum guide.]

Sec. 1168. The state board shall develop and make available to school districts a recommended curriculum guide including recommended materials for use in schools for teaching consumer economics as a separate course or as parts of other courses.

Section 15.41169. Communicable diseases, instruction]

Sec. 1169. (1) The principal modes by which dangerous communicable diseases, including, but not limited to, [human immunodeficiency virus infection] and acquired immunodeficiency syndrome, are spread and the best methods for the restriction and prevention of these diseases shall be taught in every public school in the state.

Instructor training.] (2) Except for licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome, each person who teaches K to 12 pupils about human immunodeficiency virus infection and acquired immunodeficiency syndrome pursuant to subsection (1) shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young people. The state board, in cooperation with the department of public health, shall train trainers to provide for the development and distribution to school districts of material on the teaching of human immunodeficiency virus infection and acquired immunodeficiency syndrome to young people.]

Approval of curricula.] (3) The [choice of] curricula to be used for [human immunodeficiency virus infection and] acquired immunodeficiency syndrome [education] required to be taught under subsection (1) shall be approved by the

appropriate [school] board [and implemented] in the school setting [not later than October 1, 1990.]

Section 15.41170. Physiology, hygiene, substance abuse; instruction.]

Sec. 1170. (1) Instruction shall be given in physiology and hygiene, with special reference to substance abuse, including the abusive use of tobacco, alcohol, and drugs, and their effects upon the human system.

Section 15.41171 (1) Definitions.

Sec. 1171a. (1) As used in this section:

(a) "Land ethic education" means education dealing with the relationship of pupils and others in the school community with nature through their nature study area.

(b) "Nature study area" means an area of public school land or nearby public land or contractually agreed upon use of private land possessing natural history study values. A preferred nature study area would measure not less than 400 square meters, approximately 1/10 acre, and be so located as to be available for general use in nature study and the development of knowledge of natural processes otherwise known as land ethic education. A nature study area shall include land in its natural state and may include man-made ponds and native Michigan trees, shrubs, and wildflowers planted to enhance the biological diversity of nonhuman species in the school neighborhood.

Creation of nature study area.] (2) Each school district may develop and maintain 1 or more nature study areas within its boundaries. A nature study area shall be designated to increase biological diversity among nonhuman species and shall be used to make pupils aware of the interrelationship between human beings and the land and of the natural processes that have occurred and will occur upon the land. A nature study area also shall be used as a model of how public school land can be managed to combat major threats to civilization, including, but not limited to, soil erosion, the extinction of nonhuman species, the depletion of oil reserves, groundwater contamination, and air pollution.

Involvement of students.] (3) A school district that intends to have a nature study area shall encourage the involvement of the pupils and the school community in the planning, planting, and general preparation of the site of their nature study area and shall...

Section 15.41502. Health and physical education courses.

Sec. 1502. Health and physical education for pupils of both sexes shall be established and provided in all public schools of this state. Every pupil attending public schools of this state so far as the pupil is physically fit and capable of doing so shall take the course in physical education.

Section. 15.41506. Reproductive health instruction; supervision; excusal from attendance.

Sec. 1506. (1) A program of instruction in [reproductive health] shall be supervised by a registered physician, a registered nurse, or [other] person [certified by the state board as qualified]. Upon [the] written request of a [pupil or the pupil's] parent or guardian, a [pupil] shall be excused, [without penalty or loss of academic credit,] from attending classes in which the subject of [reproductive health is] under discussion.

Reproductive health defined.] [(2) As used in subsection (1) and sections 1507 and 1508, "reproductive health" means that state of individual's well-being which involves the reproductive system and its physiological, psychological, and endocrinological functions.]

MINNESOTA

Section 126.02. Physical and health education.

Subdivision 1. Instruction required in public schools. There shall be established and provided in all the public schools of this state, physical and health education, training, and instruction of pupils of both sexes. Every pupil attending any such school, to the extent physically fit and able to do so, shall participate in the physical training program. Suitable modified courses shall be provided for pupils physically or mentally unable or unfit to take the courses prescribed for normal pupils. No pupil shall be required to undergo a physical or medical examination or treatment if the parent or legal guardian of the person of such pupil shall in writing notify the teacher or principal or other person in charge of such pupil of an objection to such physical or medical examination or treatment; provided that secondary school pupils in junior and senior years need not take the course unless required by the local school board.

Section 126.025. Cardiopulmonary resuscitation instruction.

Subdivision 1. Authorization. Pupils attending public senior high schools may receive a course of instruction in the techniques of cardiopulmonary resuscitation, sufficient to enable the pupils to give emergency assistance to victims of cardiac arrest. The instruction shall be given by a person certified as a cardiopulmonary resuscitation instructor by either the American Red Cross or the American Heart Association, but that person need not be a licensed teacher. Districts are encouraged to use equipment, teaching materials, and training courses provided by public or private agencies, educational cooperative service units, or organizations such as the American Red Cross, American Heart Association.

Section 126.112. Automobile safety awareness week.

Subdivision 1. Special observances. The third week in March is automobile safety awareness week. During that week there may be special observances throughout the state emphasizing the importance of automobile safety. Public schools are encouraged to devote time to appropriate instruction in the use of seat belts, the hazards of drinking and driving, courtesy to pedestrians, and safety measures that can make travel by automobile safer.

Section 126.113. Education in agriculture leadership council.

Subdivision 1. Establishment. The Minnesota education in agriculture leadership council is established to promote education about agriculture.

Subdivision 2. Governance. The council must be appointed by the governor and has 12 members. One member must be appointed from each congressional district and the remaining members must be appointed at large. Council terms and removal of members are as provided in section 15.0575. The council is governed by an executive board of directors. The council may organize and appoint committees as it considers necessary.

Section 126.115. Motorcycle safety education program.

Subdivision 1. Established; administration; rules. A motorcycle safety program is established. The program shall be administered by the commissioners of public safety and education. The program shall include but is not limited to training and coordination of motorcycle safety instructors, motorcycle safety promotion and public information, and reimbursement for the cost of approved courses offered by schools and organizations.

MISSISSIPPI**Section 37-13-4. Voluntary participation in prayer.**

It shall be lawful for any teacher in any of the schools of the state which are supported, in whole or in part, by the public funds of the state, to permit the voluntary participation by students or others in prayer. Nothing contained in this section shall authorize any teacher or other school authority to prescribe the form or content of any prayer.

Section 37-13-7. Pledges of allegiance to United States and Mississippi flags.

(1) The boards of trustees of the public schools of this state shall require the teachers under their control to have all pupils repeat the oath of allegiance to the flag of the United States of America at least once during each school month, such oath of allegiance being as follows: "I pledge allegiance to the flag of the

United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

(2) The official pledge of the State of Mississippi shall read as follows:

"I salute the flag of Mississippi and the sovereign state for which it stands with pride in her history and achievements and with confidence in her future under the guidance of Almighty God."

The pledge of allegiance to the Mississippi flag shall be taught in the public schools of this state, along with the pledge of allegiance to the United States flag.

Section 37-13-21. Health education program.

The state board of health and the various county health departments are hereby authorized and empowered to establish and provide for health education programs in the public schools of this state and to employ county health educators for such purpose. . . .

Section 37-13-58. Career education -- duties of state department of education; office of career education.

(1) The state department of education is hereby designated as the state agency responsible for the administration and supervision of the career education concept as an educational innovation in the State of Mississippi. It is the intent of the legislature that all funds made available to the State of Mississippi, for the purpose of enhancing career education, be administered by the state department of education.

Section 37-17-6. Establishment and implementation of permanent performance based accreditation system; creation of performance-based school assessment task force.

(1) The State Board of Education, acting through the Commission on School Accreditation, shall establish and implement a permanent performance-based accreditation system, and all public elementary and secondary schools shall be accredited under such a system. Nothing in this section shall be deemed to require a nonpublic school which received no local, state, or federal funds for support to become accredited by the State Board of Education.

(2) The State Board of Education shall create an accreditation audit unit under the Commission on School Accreditation. This audit unit shall be made up of full-time employees of the State Department of Education who are trained as accreditation auditors. This audit unit shall conduct field audits of schools on a random basis or when ordered by the Commission on School Accreditation, to determine whether schools are complying with accreditation standards. The audit unit shall also train the evaluators set forth in subsection (3) of this section. The audit unit shall report directly to the Commission on School Accreditation on the result of all audits.

(3) The Commission on School Accreditation shall select, approve, train and assign all evaluators who conduct on-site accreditation reviews. Prior to this action, the commission shall have established guidelines and criteria for the selection and training of all evaluators and shall have obtained the approval of the State Board of Education of these guidelines and criteria. All on-site accreditation reviews shall be submitted directly to the Commission on School Accreditation.

(4) The State Board of Education shall, for those schools failing to meet accreditation standards, establish a program of development to be complied with in order to receive state funds, except as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards.

(5) The State Board of Education shall be charged with the implementation of the program of development in each applicable school district as follows:

(a) Develop an impairment report for each district failing to meet accreditation in conjunction with school district officials, no later than the end of the school year, shall make recommendations for corrective action to remove the impairment status;

(b) Shall notify the school district failing to meet accreditation standards that it is on probation until the recommendations for corrective actions are taken. The probationary period of time shall be negotiated by the local school district and the State Board of Education, but shall not exceed eighteen (18) months;

(c) Shall offer, during the probationary period, technical assistance to the school district in making corrective actions;

(d) Shall be authorized to contract with the institutions of higher learning to develop corrective action plans for schools placed on probation;

(e) Shall be responsible for public notice at least one (1) time during the probationary period, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein, the following: declaration of school system's status as being on probation; all details relating to the impairment report, length of probationary period, and corrective action recommendations made. Public notice issued under this section shall be subject to Section 13-3-31, Mississippi Code of 1972, and not contrary to other laws regarding newspaper publication.

(6) If the recommendations for corrective action to remedy impairments are not taken by the local school district failing to meet accreditation standards, by the end of the probationary period, the Commission on School Accreditation shall conduct a hearing to allow such affected school district to present evidence or other reasons why its accreditation should not be withdrawn. Subsequent to its consideration of the results of such hearing, the Commission on School Accreditation shall be authorized, with the approval of the State Board of

Education, to withdraw the accreditation of a public school district, and issue a request to the Governor that a state of emergency be declared in that district which would allow the State Board of Education to select from the following actions:

(a) Declare a state of emergency, under which some or all of the state funds a can be escrowed except as otherwise provided in Section 206, Constitution of 1890, until the board determines corrective actions are being taken or that the needs of students warrant the release of funds. Such funds may be restored to standard even though the state of emergency may not as yet be terminated for the district as a whole;

(b) Have the authority to override any decision of the local school board concerning the establishment of the budget and expenditures until the Department of Finance and Administration declares the school district fiscally solvent, if the district's deficiencies are related to the fact that the district did not operate in a fiscally sound manner;

(c) Assign an interim "conservator" who will administer the management and operation of the school system through the school superintendent until corrective actions are implemented. The school superintendent of a deficient school shall comply fully with the conservator appointed by the State Board of Education;

(d) If the district's accreditation deficiencies are related to the fact that a particular school lacks the resources to meet these standards, then the State Board of Education may grant transfers to students who attend this school so that they may attend other accredited schools in a manner which is not in violation of the state or federal law;

(e) If the accreditation deficiencies are related to the fact that the school district is too small, with too few resources, to meet the required standards and if another school district is willing to accept those students, then the State Board of Education may abolish that district and assign that territory to another school district or districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest of the pupils of the district for such consolidation to proceed, said voluntary consolidation shall have priority over any such assignment of territory by the State Board of Education.

(7) The Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks, after a state of emergency has been declared, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of such notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. Such notice shall begin as follows: "By authority of Section ----, Mississippi Code of 1972, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the

jurisdiction of the State Department of Education acting through its appointed conservator (name of conservator)." (FL) the notice shall also include all details relating the school district's emergency status including impairment deficiencies, conditions of conservatorship and corrective actions recommended. Public notices issued under this section shall be subject to Section 13-3-31, Mississippi Code of 1972, and not contrary to other laws regarding newspaper publication;

(8) The Commission on School Accreditation shall have the authority to require school districts to produce the necessary reports, correspondence, financial statements, and any other documents and information necessary to fulfill the requirements of this section.

Nothing in this section shall be construed to grant any individual, corporation, board or conservator the authority to levy taxes except in accordance with presently existing statutory provisions.

MISSOURI

Section 170.011. Courses in the constitutions, American history and Missouri government, required, penalty - student awards - requirements not applicable to foreign exchange students.

(1) Regular courses of instruction in the Constitution of the United States and of the state of Missouri and in American history and institutions shall be given in all public and private schools in the state of Missouri, except privately operated trade schools, and shall begin not later than the seventh grade and continue in high school to an extent determined by the state commissioner of education, and shall continue in college and university courses to an extent determined by the state commissioner of higher education. In the 1990-91 school year and each year thereafter, local school districts maintaining high schools shall comply with the provisions of this section by offering grade nine, ten, eleven, or twelve a course of instruction in the institutions, branches and functions of the government of the state of Missouri, including local governments, and of the governments of the United States, and in the electoral process. A local school district maintaining such a high school shall require a high school diploma or certificate of graduation on each pupil, who received a high school diploma or certificate of graduation on or after January 1, 1994, shall satisfactorily complete such a course of study. Such course shall be at least one semester in length and may be two semesters in length. The department of elementary and secondary education may provide assistance in developing such a course if the district requests assistance.

(2) No pupil shall receive a certificate of graduation from any public or private school other than private trade schools unless he has satisfactorily passed an examination on the provisions and principles of the Constitution of the United States and of the state of Missouri, and in American history and American

institutions. A student of a college or university, who, after having completed a course of instruction prescribed in this section and successfully passed an examination on the United States Constitution, and in American history and American institutions required hereby, transfers to another college or university, is not required to complete another such course or pass another such examination as a condition precedent to his graduation from the college or university.

(3) In the 1990-91 school year and each year thereafter, each school district maintaining a high school may annually nominate to the state board of education a student who has demonstrated knowledge of the principles of government and citizenship through academic achievement, participation in extracurricular activities, and service to the community. Annually, the state board of education shall select fifteen students from those nominations by the local school districts and shall recognize and award them for their academic achievement, participation and service.

(4) The state commissioner of education and the state commissioner of higher education shall make arrangements for carrying out the provisions of this section and prescribe a list of suitable texts adapted to the needs of the school grades and college courses, respectively.

(5) The willful neglect of any superintendent, principal, or teacher to observe and carry out the requirements of this section is sufficient cause for termination of his contract.

(6) The provisions of this section shall not apply to students from foreign countries who are enrolled in public or private high schools in Missouri, if such students are foreign exchange students sponsored by a national organization recognized by the department of elementary and secondary education.

Section 170.031. Physiology texts to contain chapter on dental hygiene.

One or more chapters on dental hygiene is required in all textbooks in physiology used in the public schools of the state of Missouri. The chapters shall convey the proper knowledge to the pupil on the care, function and relation of the teeth to the general health. . . .

MONTANA

Section 20-7-111. Instruction in public schools.

The board of public education shall define and specify the basic instructional program for pupils in public schools, and such program shall be set forth in the standards of accreditation. Other instruction may be given when approved by the board of trustees.

NEBRASKA**Section 79-213. American citizenship; committee; created; duties; required instruction; patriotic exercises; duties of officers.**

An informed, loyal, just, and patriotic citizenry is necessary to a strong, stable, just, and prosperous America. Such a citizenry necessitates that every member thereof be fully acquainted with the nation's history, that he be in full accord with our form of government, and fully aware of the liberties, opportunities, and advantages of which we are possessed and the sacrifices and struggles of those through whose efforts these benefits were gained. Since youth is the time most susceptible to the acceptance of principles and doctrines that will influence men throughout their lives, it is one of the first duties of our educational system to so conduct its activities, choose its textbooks, and arrange its curriculum in such a way that the love of liberty, justice, democracy, and America will be instilled in the heart and minds of the youth of the state.

(1) Every school board shall, at the beginning of each school year, appoint from its members a committee of three, to be known as the committee on Americanism, whose duties shall be:

(a) To carefully examine, inspect, and approve all textbooks used in the teaching of American history and civil government in the school. Such textbooks shall adequately stress the services of the men who achieved our national independence, established our constitutional government, and preserved our union and shall be so written to include contributions by ethnic groups as to develop a pride and respect for our institutions and not be a mere recital of events and dates;

(b) Assure themselves as to the character of all teachers employed, and their knowledge and acceptance of the American form of government; and

(c) Take all such other steps as will assure the carrying out of the provisions of this section.

(2) Beginning with the school term in 1971, all American history courses approved for grade levels and provided by this section, shall include and adequately stress contributions of all ethnic groups (a) to the development and growth of America into a great nation, (b) to art, music, education, medicine, literature, science, politics, and government, and (c) the war services in all wars of this nation.

(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 recital of stories having to do with American history, or the deeds and exploits of American heroes;

(b) The singing of patriotic songs and the insistence that every pupil shall memorize the Star Spangled Banner and America; and

(c) The development of reverence for the flag and instruction as to proper conduct in its presentation.

(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 at least three periods per week shall be set aside to be devoted to the teaching of American history from approved textbooks, taught in such a way as to make the course interesting and attractive, and to develop a love of country.

(5) In at least two grades of every high school, at least three periods per week shall be devoted to the teaching of civics, during which courses specific attention shall be given to the following matters:

(a) The Constitution of the United States and of the State of Nebraska;

(b) The benefits and advantages of our form of government and the dangers and fallacies of Nazism, Communism, and similar ideologies; and

(c) The duties of citizenship.

(6) Appropriate patriotic exercise suitable to the occasion shall be held under the direction of the school superintendent in every public, private, denominational, and parochial school on Lincoln's birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans Day, or on the day preceding or following such holiday, if the school is in session.

(7) Every school board, the State Board of Education, each county superintendent of schools, and the superintendent of each individual school in the state shall be held directly responsible, in the order named, for the carrying out of the provisions of this section, and neglect thereof by any employee or appointed official shall be considered a dereliction of duty and cause for dismissal.

Section 79-214. Character education; principles of instruction; duty of teachers.

Each teacher employed to give instruction in any public, private, parochial, or denominational school in the State of Nebraska shall so arrange and present his instruction as to give special emphasis to common honesty, morality, courtesy, obedience to law, respect of the national flag, the Constitution of the United States, and the Constitution of the State of Nebraska, respect for parents and the home, the dignity necessity of honest labor, and other lessons of a steady influence which tend to promote and develop an upright and desirable citizenry.

Section 79-4, 140.03. High school students; graduation requirements.

The Legislature recognizes the importance of assuring that all persons who graduate from Nebraska high schools possess certain minimum levels of knowledge, skills, and understanding. Beginning in school year 1987-88, each high school student shall complete a minimum of two hundred high school credit hours prior to graduation. At least eighty per cent of such credit hours shall be core curriculum courses prescribed by the State Board of Education. The State Board of Education may establish recommended statewide graduation

guidelines. This section shall not apply to high school students whose individualized education plans prescribe a different course of instruction. Nothing in this section shall prohibit the governing board of any high school from prescribing specific graduation guidelines as long as such guidelines do not conflict with this section. For purposes of this section, high school shall mean grades nine through twelve and credit hour shall be defined by appropriate rules and regulations of the State Board of Education but shall not be less than the amount of credit given for successful completion of a course which meets at least one period per week for at least one semester.

Section 79-4,140.17. Public school; health education; requirements.

Provisions shall be made by the proper local school authorities for instructing the pupils in all public schools in a comprehensive health education program which shall include instruction (1) as the physiological, psychological, and sociological aspects of drug use, misuse, and abuse and (2) on mental retardation and other developmental disabilities, such as cerebral palsy, autism, and epilepsy, their causes, and the prevention thereof through proper nutrition and the avoidance of the consumption of drugs as defined in this section. For purposes of this section, drugs shall mean any and all biologically active substances used in the treatment of illnesses or for recreation or pleasure. Special emphasis shall be placed upon the commonly abused drugs of tobacco, alcohol, marijuana, hallucinogenics, amphetamines, barbituates, and narcotics.

NEVADA

Section 385.110. Board to prescribe courses of study for public schools.

The state board of education shall prescribe and cause to be enforced the courses of study for the public schools of this state; provided:

- (1) That high schools may have modified courses of study, subject to the approval of the state board of education; and
- (2) That any high school offering courses normally accredited as being beyond the level of the 12th grade shall, before offering such courses, have them approved by the state board of education.

Section 389.020. Instruction in American government.

(1) In all public schools, the Nevada girls training center, and the Nevada youth training center, instruction must be given in American government, including but not limited to the essentials of the Constitution of the United States, the constitution of the State of Nevada, the origin and history of the constitutions and the study of and devotion to American institutions and ideals.

Section 389.030. Instruction in American history.

American history, including the history of the State of Nevada must be taught in all of the public schools in the State of Nevada for a period of at least 1 year.

Section 389.035. Satisfactory completion of courses in American government and American history required for graduation.

No pupil in any public high school, the Caliente youth center or the Nevada youth training center may receive a certificate or diploma of graduation without having passed a course in American government and American history as required by NRS 389.020 and 389.030.

Section 389.040. Patriotic exercises.

There shall be at least 1 hour set aside each school week in all graded schools and high schools in the State of Nevada for the purpose of holding patriotic exercises.

Section 389.050. High school instruction in citizenship, physical training.

(1) All school officers in control of public high schools in the state shall provide for courses of instruction designed to prepare the pupils for the duties of citizenship, both in time of peace and in time of war. . .

Section 389.060. Instruction in physiology and hygiene.

Physiology and hygiene shall be taught in the public schools of this state, and special attention shall be given to the effects of controlled substances as defined in chapter 453 of NRS upon the human system.

Section 389.080. Instruction in thrift.

All teachers in the public schools of this state shall teach, in their respective schools, lessons on the subject of thrift. The lessons shall emphasize:

- (1) The importance of industry, production, earning, wise spending, regular saving, safe investment and government taxes.
- (2) The importance of thrift in time and material.

Section 389.090. Automobile driver education: Regulations; purposes; conduct; insurance.

(1) The state board of education shall adopt regulations governing the establishment, conduct and scope of automobile driver education in the public schools of this state.

(2) The aims and purposes of automobile driver education are to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

(3) The board of trustees of a school district may establish and maintain automobile driver education classes during regular semesters and summer sessions and during the regular school day and at times other than during the regular school day for:

(a) Pupils enrolled in summer classes conducted in high schools in the school district.

(4) A board of trustees maintaining courses in automobile driver education shall insure against any liability arising out of the use of motor vehicles in connection with such courses. The cost of such insurance shall be paid from available school district funds.

(5) Automobile driver education shall be provided by boards of trustees of school districts in accordance with regulations of the state board of education and may not be duplicated by any other agency, department, commission or officer of the State of Nevada.

Section 389.110. Environmental education: Instruction in environmental protection, conservation of resources.

Instruction concerning the preservation and protection of our environment, the principles of ecology and the principles of conservation of our natural and human resources shall be included in the curriculum of all elementary and secondary schools of the state.

Section 389.120. Environmental education: Counseling programs.

All persons responsible for guidance and counseling programs in secondary schools shall provide students with information concerning careers and further education in the area of environmental quality.

Section 389.130. Environmental education: Outdoor education and camping programs.

(1) Each school district shall investigate the feasibility of programs of outdoor environmental education and camping for its students.

(2) Such investigation must be coordinated with the superintendent of public instruction.

NEW HAMPSHIRE

Section 189.23. Distribution.

The state board of education is hereby directed to distribute copies of said constitution and election laws to all teachers of history and civics in the upper grades of elementary schools and to teachers of United States history in junior

and senior high schools to be used by them in instructing their pupils relative to the laws governing election and voting.

NEW JERSEY

Section 18A:35-1. Course in history of the United States in high school.

The superintendent of schools in each school district shall prepare and recommend to the board of education of the district, and the board of education shall adopt a suitable two-year course of study in the history of the United States, including the history of New Jersey, to be given to each student during the last four years of high school. Said course of study shall include materials recommended by the commissioner dealing with the history of the Negro in America.

Section 18A:35-2. Nature and purpose of United States history course.

Such course of study shall include instruction in

(1) The principles and ideals of the American form of representative government as expressed in the Declaration of Independence and the Constitution of the United States and particularly in the Bill of Rights; and

(2) The history of the origin and growth of the social, economic and cultural development of the United States, of American family life and of the high standard of living and other privileges enjoyed by the citizens of the United States; and

(3) Such other events in the history of the United States as will tend to instill, into every girl and boy, a determination to preserve these principles and ideals as those of citizens of the United States and an appreciation of their solemn duty and obligation to exercise the privilege of the ballot, upon their reaching voting age, to the end that said principles and ideals may be so preserved; and

(4) The history of the State of New Jersey.

Section 18A:35-3. Course in civics, geography and history of New Jersey.

Each board of education shall adopt a course of study in community civics, the geography, history and civics of New Jersey, and the privileges and responsibilities of citizenship as they relate to community and national welfare, which course shall be taken by all pupils in the public elementary schools in the grade or grades in which it is given, with the object of producing the highest type of patriotic citizenship.

Section 18A:35-4.1. Course of study in principles of humanity.

Each board of education may teach, by special courses or by emphasis in appropriate places of the curriculum, in a manner adapted to the ages and capabilities of the pupils in the several grades and departments, the principles of

humanity as the same apply to kindness and avoidance of cruelty to animals and birds, both wild and domesticated.

Section 18A:35-4.2. Career development program.

That the Commissioner of Education and the State Board of Education shall have the authority and responsibility under this act to establish and operate a Career Development Program comprised of pilot vocational education projects.

Section 18A:35-4.3. Sexual assault prevention education program.

The Department of Education in consultation with the advisory committee provided for in section 2 of this act, shall develop and establish guidelines for the teaching of sexual assault prevention techniques for utilization by local school districts in the establishment of a sexual assault prevention education program. Such program shall be adapted to the age and understanding of the pupils and shall be emphasized in appropriate places of the curriculum sufficiently for a full and adequate treatment of this subject.

Section 18A:35-5. Maintenance of physical training courses; features.

Each board of education shall conduct as a part of the instruction in the public schools courses in health, safety and physical education, which courses shall be adapted to the ages and capabilities of the pupils in the several grades and departments. To promote the aims of these courses any additional requirements or rules as to medical inspection of school children may be imposed.

Section 18A:35-7. Course required.

Every pupil, except kindergarten pupils, attending the public schools, insofar as he is physically fit and capable of doing so, as determined by the medical inspector, shall take such courses, which shall be part of the curriculum prescribed for the several grades, and the conduct and attainment of the pupils shall be marked as in other courses or subjects, and the standing of the pupil in connection therewith shall form a part of the requirements for promotion or graduation.

Section 18A:35-10. Military training course; when required; preparation.

If the State board shall determine that the courses in health, safety and physical education, as prescribed for male pupils in the high school, shall include a course in military training, such course in military training shall be prepared by the commissioner and the Adjutant General of the Department of Defense and be a part of the courses in health, safety, and physical education for male pupils, and all male pupils in the high school shall be required to take the same except those who are physically unfit, as determined by the medical inspector, or whose parents have conscientious scruples against military training.

Section 18A:35-15. Legislative findings.

The Legislature finds that there are large numbers of children in the State who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English and often inadequate for the education of children whose native tongue is another language. The legislature believes that a program of bilingual education can meet the needs of those children and facilitate their integration into the regular public school curriculum. Therefore, pursuant to the policy of the state to insure equal opportunity, to every child, and in recognition of the educational needs of children of limited English speaking ability, it is the purpose of this act to provide for the establishment of bilingual education programs in the public schools.

Section 18A:35-18. Programs in bilingual education; establishment; number of pupils.

When, at the beginning of any school year, there are within the schools of the district 20 or more pupils of limited English-speaking ability in any one language classification, the board of education shall establish, for each such classification, a program in bilingual education for all the pupils therein; provided, however, that a board of education may establish a program in bilingual education for any language classification with less than 20 children therein.

Section 18A:36-3. Display of and salute to flag; pledge of allegiance.

Every board of education shall:

(a) Procure a United States flag, flagstaff and necessary appliances thereof for each school in the district and display such flag upon or near the public school building during school hours;

(b) Procure a United States flag, flagstaff and necessary appliances or standard thereof for each assembly room and each classroom in each school, and display such flag in the assembly room and each classroom during school hours and at such other time as the board of education may deem proper; and

(c) Require the pupils in each school in the district on every school day to salute the United States flag and repeat the following pledge of allegiance to the flag: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all," which salute and pledge of allegiance shall be rendered with the right hand over the heart, except that pupils who have conscientious scruples against such pledge or salute, or are children of accredited representatives of foreign governments to whom the United States government extends diplomatic immunity, shall not be required to render such salute and pledge. . . .

Section 18A:36-4. Period of silence.

Principals and teachers in each public elementary and secondary school of each school district in this State shall permit students to observe a 1 minute period of silence to be used solely at the discretion of the individual student, before the opening exercises of each school day for quiet and private contemplation or introspection.

Section 18A: 36-11. Observances of Commodore Barry Day.

It shall be the duty of the authorities of every public school in this state to assemble the pupils in their charge on such day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct such exercises or instructions as shall tend to (1) acquaint such pupils with the achievements of Commodore John Barry, "father of the American navy," and (2) honor the memory of Commodore Barry.

Section 18A:36-13. Patriotic exercises preceding holidays.

Appropriate exercises for the development of a higher spirit of patriotism shall be held in all public schools on the last school day preceding Lincoln's birthday, Washington's birthday, Decoration or Memorial Day, Columbus Day, Veteran's Day, and Thanksgiving Day, and . . . patriotic holidays established by law.

NEW MEXICO**Section 22-13-1. Public schools; required courses of instruction.**

The state board shall, by regulation, prescribe courses of instruction to be taught in all public schools in the state, including courses in the history of New Mexico.

Section 22-13-5. Special education for exceptional children.

School district shall provide special education appropriate to meet the needs of all exceptional children unless otherwise provided by law. Regulations and standards shall be developed and established by the state board for the conduct of special education in the schools and classes of the public school system in the state and in all institutions wholly or partly supported by the state. The state board shall monitor and enforce the regulations and standards. School districts shall also provide services for three-year-old and four-year-old developmentally disabled children unless the parent or guardian chooses not to enroll his child. These services may include evaluating and diagnosing particular needs, providing learning experiences that develop cognitive and social skills, arranging for or providing speech, physical or occupational therapy and providing parent

education. The services may be provided by school personnel or contracted for with other community agencies and may be either home-based or center-based.

NEW YORK

Section 801. Courses of instruction in patriotism and citizenship and in certain historic documents.

(1) In order to promote a spirit of patriotic and civic service and obligation and to foster in the children of the state moral and intellectual qualities which are essential in preparing to meet the obligations of citizenship in peace or in war, the regents of The University of the State of New York shall prescribe courses of instruction in patriotism and citizenship, to be maintained and followed in all schools of the state. The boards of education and trustees of the several cities and school districts of the state shall require instruction to be given in such courses, by the teachers employed in the schools therein. All pupils attending such schools, over the age of eight years, shall attend upon such instruction.

Section 802. Instruction relating to the flag; holidays.

(1) It shall be the duty of the commissioner of education to prepare, for the use of the public schools of the state, a program providing for a salute to the flag and a daily pledge of allegiance to the flag, for instruction in its correct use and display and such other patriotic exercises as may be deemed by him to be expedient, under such regulations and instructions as might best meet the varied requirements of the different grades in such schools.

(2) It shall also be his duty to make special provision for the observance in the public schools on Lincoln's birthday, Washington's birthday, Memorial day and Flag day, and such other legal holidays of like character as may be hereafter designated by law when the legislature makes an appropriation therefor.

(3) Nothing herein contained shall be construed to authorize military instruction or drill in the public schools during school hours, except that the board of education of any school during school hours a junior reserve officer training program in conjunction with the United States Department of Defense to those students in grades nine through twelve who are at least fourteen years of age provided that enrollment and participation in such program is voluntary on the part of the student and written consent of parent or guardian is submitted by each student and further provided, that the conduct of instruction on or the presence within any school of any type of current or future weaponry as part of such program is prohibited.

Section 803. Instruction in physical education and kindred subjects.

(1) All pupils above the age of eight years in all elementary and secondary schools, shall receive as part of the prescribed courses of instruction therein

such physical education under the direction of the commissioner of education as the regents may determine. Such courses shall be designed to aid in the well-rounded education of pupils and in the development of character, citizenship, physical fitness, health and the worthy use of leisure. Pupils above such age attending the public schools shall be required to attend upon such prescribed courses of instruction.

(2) The board of education or trustees of every school district regularly employing twenty or more teachers shall employ a teacher or teachers qualified and duly licensed under the regulations of the regents to give such instruction; in every other district of the state, they shall require such instruction to be given by the teacher or teachers regularly employed to give instruction in other subjects or by a teacher or teachers qualified and duly licensed under the regulations of the regents.

(3) The boards of education or trustees of two or more contiguous districts in the same supervisory district, however, may join in the employment of a teacher qualified and duly licensed under the regulations of the regents to give such instruction; and the salary of such teacher and the expenses incurred on account of such instruction shall be apportioned by the district superintendent among such districts according to the assessed valuation thereof, and as so apportioned shall be a charge upon each of such district.

(4) Similar courses of instruction shall be prescribed and maintained in private schools in the state and all pupils in such schools over eight years of age shall attend upon such courses; and if such courses are not so established and maintained in any private school, attendance upon instruction in such school shall not be deemed substantially equivalent to instruction given to children of like ages in the public school or schools of the city or district in which the child resides.

(5) It shall be the duty of the regents to adopt rules determining the subjects to be included in courses of physical education provided for in this section, the period of instruction in each of such courses, the qualifications of teachers, and the attendance upon such courses of instruction.

(6) The physical education herein before provided for, may be given, when practicable, in any armory of the state where such armory is within convenient distance from the school, and at such times and in such manner as not to interfere with the regular military uses of such armory. The commanding officer in charge of any such armory shall, upon application made by any board of education or trustees of the several cities and school districts within the state, permit access to any such armory, for the purposes herein mentioned.

Section 804. Health education regarding alcohol, drugs and tobacco abuse.

(1) All schools shall include, as an integral part of health education, instruction so as to discourage the misuse and abuse of alcohol, tobacco, and other drugs

and promote attitudes and behavior that enhance health, well being, and human dignity.

(2) Instruction regarding alcohol, tobacco, and other drugs shall be included in the health education provided for all elementary school pupils and shall be taught by the regular classroom teachers or by teachers certified to teach health education. Such instruction shall be designed according to the needs and abilities of the pupils at successive grade levels with the purpose of developing desirable health behavior, attitudes, and knowledge as well as self-reliance and problem solving capacity.

(3) Instruction regarding alcohol, tobacco, and other drugs, in addition to continued health guidance in the junior high school grades and the senior high schools, shall be an integral part of a required health education course at each of these levels in the secondary schools curriculum. Any such courses shall be taught by teachers holding a certificate to teach health. Related courses in the secondary school curriculum shall be taught in a manner supportive of health education regarding alcohol, tobacco, and other drugs.

(4) The commissioner may prescribe in regulations such health education courses which may include instruction regarding alcohol, tobacco, and other drugs as he may deem necessary and desirable for the welfare of pupils and the community. The contents may be varied to meet the needs of particular school districts, or portions thereof, and need not to be uniform throughout the state.

(5) School authorities shall provide the needed facilities, time, and place for the instruction set forth herein and shall provide learning aids and curriculum resource materials which contribute to effective teaching methods and learning in health education regarding alcohol, tobacco, and other drugs.

(6) All pre-service training programs in the state for elementary teachers shall include adequate preparation regarding the instruction in alcohol, tobacco, and other drugs set forth herein, and no teacher shall be licensed except upon satisfactory demonstration of the competencies included in the institutional proposals approved by the educational department.

(7) Nothing in this section shall be deemed to diminish or impair the duties of the commissioner with respect to the continuing program for critical health problems established by chapter seven hundred eighty-seven of the laws of nineteen hundred sixty-seven as amended. The commissioner shall coordinate actions taken under authority of this section with the provisions of said chapter as they relate to health education in schools, inservice training and training programs, and curriculum or syllabus development regarding the deleterious effects resulting from the use, misuse, and abuse of alcohol, tobacco, and other drugs.

Section 806. Courses of instruction in highway safety and traffic regulations; school safety patrols.

(1) The regents of The University of the State of New York shall prescribe courses of instruction in highway safety and traffic regulation which shall include bicycle safety, to be maintained and followed in all the schools of the state. The boards of education and trustees of the several cities and school districts of the state shall require instruction to be given in such courses, by the teachers employed in the schools therein. All pupils attending such schools shall attend upon such instruction.

Similar courses of instruction shall be prescribed and maintained in private schools in the state, and all pupils in such schools shall attend upon such courses. If such courses are not so established and maintained in a private school, attendance upon instruction in such school shall not be deemed substantially equivalent to instruction given to pupils of like grade in the public schools in the city or district in which such pupils reside.

(2) The regents shall determine the subjects to be included in such courses of instruction in highway safety and traffic regulation including bicycle safety, and the period of instruction in each of the grades in such subjects. They shall adopt rules providing for attendance upon such instruction and for such other matters as are required for carrying into effect the teaching of the courses of instruction prescribed by this section. The commissioner of education shall be responsible for the enforcement of such section and shall cause to be impacted and supervise the instruction to be given in such subjects. The commissioner may, in his discretion, cause all or a portion of the public school money to be apportioned to a district or city to be withheld for failure of the school authorities of such district or city to provide instruction in such courses and to compel attendance upon such instruction, as herein prescribed, and for a noncompliance with the rules of the regents adopted as herein provided.

(3) Any board of education or school district board is empowered to organize in the school over which it has control a school safety patrol and, with the written consent of the parents, to appoint pupils as members thereof for the purpose of influencing and encouraging the safe use of highways and highway crossings and bicycles by the pupils of the school. Nothing herein contained shall be construed to authorize or permit the use of any safety patrol member for the purpose of directing vehicular traffic nor shall any safety patrol member be stationed in that portion of the highway intended for the use of vehicular traffic. Such patrol shall function only under the direction and control of the principal or teacher in charge of such school. No liability shall attach either to the school district or any individual, trustee, board member, superintendent, principal, teacher, or other school authority by virtue of the organization, maintenance or operation of a school safety patrol organized, maintained and operated under authority of this section.

Section 806-a. Driver education.

Notwithstanding any other provision of law, all school districts providing instruction in driver education shall include in such instruction a drive safety component with an emphasis on the effects of alcohol and drug use. The commissioner of education, upon approval by the commissioner of motor vehicles, shall establish a curriculum for the alcohol and drug education component which shall include but not limited to: instruction describing the hazards of driving while impaired or intoxicated; the penalties for alcohol related motor vehicle violations including sanctions set forth in the penal law that apply to homicides and assaults arising out of the operation of a motor vehicle while intoxicated and those sanctions set forth in the vehicle and traffic law relating to driving while intoxicated; and the medical, biological and physiological effects of the consumption of alcohol and their impact on the operation of a motor vehicle.

Section 809. Instruction in the humane treatment of animals and birds.

The officer, board or commission authorized or required to prescribe courses of instruction shall cause instruction to be given in every elementary school under state control or supported wholly or partly by public money of the state, in the humane treatment and protection of animals and birds and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals which are subsequently abandoned and caused to suffer extreme cruelty. Such instruction shall be for such period of time during each school year as the board of regents may prescribe and may be joined with work in literature, reading, language, nature study or ethnology. Such weekly instruction may be divided into two or more periods. A school district shall not be entitled to participate in the public school money on account of any school or the attendance at any school subject to the provisions of this section, if the instruction required hereby is not given therein.

Section 809-a. Instruction in the safe use of firearms and in the game laws.

The officer, board, or commission authorized or required to prescribe courses of instructions in any school under state control, may authorize instructions to be given in the safe and proper use of firearms allowed by law to be used in the taking of wild game, and may also authorize instructions to be given in the study of game laws and of proper hunting and conservation practices. Such courses of instruction shall be approved by both the education department and the department of environmental conservation.

Section 810. Conservation day.

(1) The last Friday in April each year is hereby made and declared to be known as Conservation day, and observed in accordance with the provisions of this chapter, except that for the year nineteen hundred seventy-eight, Conservation day shall be May third.

(2) It shall be the duty of the authorities of every public school in this state to assemble the pupils in their charge on that day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct (1) such exercise as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results, and (2) such lectures, pictures or tours, as shall tend to increase the interest and knowledge of such pupils in the fish and wild life, soil and water of the state.

(3) The commissioner of education may prescribe from time to time a course of exercises and instruction in the subjects herein before mentioned, which shall be adopted and observed by the public school authorities on Conservation day. Upon receipt of copies of such course sufficient in number to supply all the schools under their supervision, the school authorities aforesaid shall promptly provide each of the schools under their charge with a copy, and cause it to be observed.

NORTH CAROLINA

Section 115C-81. The Basic Education Program.

. . . The State Board shall implement the Basic Education Program within funds appropriated for that purpose by the General Assembly and by units of local government. It is the intent of the General Assembly that until the Basic Education Program is fully funded, the implementation of the Basic Education Program shall be the focus of State educational funding. It is the goal of the General Assembly that the Basic Education Program be fully funded and completely operational in each local school administrative unit by July 1, 1995.

It is further a goal of the General Assembly to provide supplemental funds to low-wealth counties to allow those counties to enhance the instructional program and student achievement.

(a1) The Basic Education Program shall describe the education program to be offered to every child in the public schools. It shall provide every student in the State equal access to a Basic Education Program. Instruction shall be offered in the areas of arts, communication skills, physical education and personal health and safety, mathematics, media and computer skills, science, second languages, social studies, and vocational education.

Instruction in vocational education under the Basic Education Program shall be based on factors including:

- (1) The integration of academic and vocational education;
- (2) A sequential course of study leading to both academic and occupational competencies;
- (3) Increased student work skill attainment and job placement;

(4) Increased linkage, where geographically feasible, between public schools and community colleges, so the public schools can emphasize academic preparation and the community colleges can emphasize specific job training; and

(5) Instruction and experience, to the extent practicable, in all aspects of the industry the students are prepared to enter.

(a2) Instruction in the prevention of Acquired Immune Deficiency Syndrome (AIDS) virus infection and other communicable diseases shall be offered in the public schools and shall be conducted under guidelines to be developed by the State Board of Education emphasizing parental involvement, abstinence from sex and drugs, and other accurate and appropriate information to prevent the spread of the diseases.

(a3) Alcohol and Drug Education Program to Be Recommended and implemented:

(1) A comprehensive education program that includes alcohol and drug prevention education must be available to every child in North Carolina schools in kindergarten through high school. . . .

(b) The Basic Education Program shall include course requirements and descriptions similar in format to materials previously contained in the standard course of study and it shall provide:

(1) A core curriculum for all students that take into account the special needs of children and includes appropriate modifications for the learning disabled, the academically gifted, and the students with discipline and emotional problems;

(2) A set of competencies, by grade level, for each curriculum are; . . .

(3) A list of textbooks for use in providing the curriculum;

(4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation;

(5) A program of remedial education;

(6) Require support programs;

(7) A definition of the instructional day;

(8) Class size recommendations and requirements;

(9) Prescribed staffing allotment ratios;

(10) Material and equipment allotment ratios;

(11) Facilities standards; and

(12) Any other information the Board considers appropriate and necessary....

(d) The standard course of study as it exists on January 1, 1985, and as subsequently revised by the State Board, shall remain in effect until its components have been fully incorporated and implemented as a part of the Basic Education.

(e) School Health Education Program to be developed and administered.

(1) A comprehensive school health education program shall be developed and taught to pupils of the public schools of the State from kindergarten through ninth grade.

(2) As used above, "comprehensive school health" includes the subject matter of mental and emotional health, drug and alcohol abuse prevention, nutrition, dental health, environmental health, family living, consumer health, disease control, growth and development, first aid and emergency care, and any like subject matter. Comprehensive school health also includes the subject matter of bicycle safety in geographical areas where appropriate....

(f) Establishment and Maintenance of Kindergartens.

(1) Local boards of education shall provide for their respective local school administrative unit Kindergartens as a part of the public school system for all children living in the local school administrative unit who are eligible for admission pursuant to subdivision (2) of this subsection provided that funds are available from State, local, federal or other sources to operate a kindergarten program as provided in this subsection....

(g) Civic Literacy.

(1) Local boards of education shall require during the high school years the teaching of the nation's founding and related documents, which shall include at least the major principles in the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.

(2) Local boards of education shall require that high school students demonstrate knowledge and understanding of the nation's founding and related documents in order to receive a certificate or diploma of graduation from high school.

(3) Local boards of education shall include among the requirements for graduation from high school a passing grade in all courses that include primary instruction in the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.

(4) The State Board of Education shall require that any curriculum-based tests develop and administered statewide....

Section 115C-174.10. Purposes of the Statewide Testing Program.

The three testing programs in this Article have three purposes: (i) to assure that all high school graduates possess those minimum skills and that knowledge thought necessary to function as a member of society; (ii) to provide a means of identifying strengths and weaknesses in the education process; and (iii) to establish additional means for making the education system accountable to the public for results.

Section 115C-174.11. Components of the testing program.

(a) (Effective until July 1, 1992) Annual Testing Program. - In order to assess the effectiveness of the educational process, and to ensure that each pupil receives the maximum educational benefit from the educational process, the State Board of Education shall implement an annual statewide testing program

in basic subjects. It is the purpose of this testing program to help local school systems and teachers identify and correct students needs in basic skills rather than to provide a tool for comparison of individual students or to evaluate teacher performance. The annual testing program shall be conducted each school year for the third, sixth and eighth grades. Students in these grade levels who are enrolled in special education programs or who have been officially designated as eligible for participation in such programs may be excluded from the testing program if special testing procedures are required for testing such students. The State Board of Education shall select annually the type or types of tests to be used in the testing program.

The State Board of Education shall also adopt and provide to the local school administrative units developmentally appropriate individualized assessment instruments consistent with the Basic Education Program for the first and second grades, rather than standardized tests. Local school administrative units may use these assessment instruments provided to them by the State Board for first and second grade students, and shall not use standardized tests. The State Board of Education shall report to the Joint Legislative Commission on Governmental Operations prior to May 1, 1988, and to the Senate and House Appropriations Committees on Education prior to March 1, 1989, on the assessment instruments it develops.

(a) (Effective July 1, 1992) Annual Testing Program. - The State Board of Education shall adopt and provide to the local school administrative units developmentally appropriate individualized assessment instruments consistent with the Basic Education Program of the first and second grades, rather than standardized test. Local school administrative units may use these assessment instruments provided to them by the State Board for first and second grade students, and shall not use standardized tests. The State Board of Education shall report to the Joint Legislative Commission on Governmental Operation prior to May 1, 1988, and to the Senate and House Appropriations Committees on Education prior to March 1, 1989, on the assessment instruments it develops.

If the State Board of Education finds that testing in grades other than first and second grade is necessary to allow comparisons with national indicators of student achievement, that testing shall be conducted with the smallest size sample of students necessary to assure valid comparisons with other states.

(b) Competency Testing Program.

(1) The State Board of Education shall adopt tests or other measurement devices which may be used to assure that graduates of the public high schools and graduates of non-public schools supervised by the State Board of Education pursuant to the provisions of Part 1 of Article 39 of this Chapter possess the skills and knowledge necessary to function independently and successfully in assuming the responsibilities of citizenship.

(2) The test shall be administered annually to all tenth grade students in the public schools. Students who fail to attain the required minimum standard for

graduation in the tenth grade shall be given remedial instruction and additional opportunities to take the test up to and including the last month of the twelfth grade. Students who fail to pass parts of the test shall be retested on only those parts they fail. Students in the tenth grade who are enrolled in special education programs or who have been officially designated as eligible of participation in such programs may be excluded from the testing programs.

(3) The State Board of Education may develop and validate alternate means and standards for demonstrating minimum competence. These standards, which must be more difficult than the tests adopted pursuant to subdivision (1) of this subsection, may be passed by students in lieu of the testing requirement of subdivision (2) of this subsection.

(4) Funds appropriated for the purpose of remediation support for students who fail the high school competency test shall be distributed in accordance with rules promulgated by the State Board of Education. The State Board of Education shall allocate remediation funds to institutions administered by the Department of Human Resources on the same basis as funds allocated to other local education agencies.

(c) End-of-course and End-of-grade Tests. - The State Board of Education shall adopt a system of end-of-course and end-of-grade test for grades three through 12. These tests shall be designated to measure progress toward selected competencies, especially core academic competencies, described in the Standard Course of Study for appropriate grade levels. With regard to students who are identified as not demonstrating satisfactory academic progress, end-of-course and end-of-grade test results shall be used in developing strategies and plans for assisting those students in achieving satisfactory academic progress.

NORTH DAKOTA

Section 15-41-06. High school courses - Requirements - Credits - Alternative curriculum plans.

Four units of high school work shall be considered the minimum number of any year from the ninth grade through the twelfth grade. However, students in their fourth year of standard high school coursework may be enrolled in fewer than four units if the students require fewer than four units for graduation and if the school board of their school district of attendance has adopted an alternative high school senior curriculum plan. An alternative high school senior curriculum plan may be adopted by board action, and must contain specifically described criteria under which high school seniors may be enrolled in fewer than four units. An alternative high school curriculum plan of coursework shall become effective only following formal approval by the superintendent of public instruction, and no student shall be eligible to be enrolled in fewer than four units of coursework in his or her twelfth-grade year unless that student can graduate during that same

school year while carrying fewer than four units. A school board is not obligated to adopt an alternative high school senior curriculum plan, but once having adopted such a plan, a district must permit high school seniors satisfying criteria set forth in the plan to be enrolled in fewer than four units in accordance with this section. All unit courses shall be taught a minimum of forty minutes a day for at least one hundred eighty days, subject to the provisions of section 15-47-33, except that all natural science courses shall exceed forty minutes to such an extent as may be determined by the superintendent of public instruction. In all high schools and in all schools maintaining any of the grades from the ninth to the twelfth and doing high school work, it shall be made possible for each grade to complete four units of work each year. The work which is done by pupils in any school which does not conform to the requirements contained in this section shall not be accredited by the superintendent of public instruction through state high school examinations or otherwise.

Section 15-41-24. High schools - Minimum curriculum.

The following units of study shall be made available to all students in each public and private high school in this state at least once during each four-year period, and each private high school shall comply with the requirements of this section if such high school is to receive approval by the department of public instruction:

- (1) English four units.
- (2) Mathematics, three units.
- (3) Science, four units.
- (4) Social studies, three units. Effective July 1, 1994, social studies must include one unit of world history and one unit of United States history, each of which must be integrated with a strong geography component.
- (5) Health and physical education, one unit.
- (6) Music, one unit.
- (7) Any combination of the following course areas: business education, economics and the free enterprise systems, foreign language, industrial arts, vocational education, six units. For purposes of this subsection vocational education shall include home economics, agriculture, office education, distributive education, trade industrial, technical, and health occupations.

Each public or private high school may count for purposes of compliance with this section those vocational education courses which are offered through cooperative arrangements approved by the state board of vocational education.

OHIO**Section 3313.60. Courses of study required.**

Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (D) of this section do not apply to any cooperative education school district.

(A) Boards of education of city, exempted village, and county school districts shall prescribe a graded course of study for all schools under their control subject to the approval of the state board of education. In such graded courses of study there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources.

(5) Health education, which shall include instruction in:

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, the use and effects of food additives;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco.

(c) Venereal disease education, except that upon written request of his parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of his parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention.

(6) Physical education;

(7) The fine arts, including music.

(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of his parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.

(B) Every school shall include in the requirements for promotion from eighth grade to the ninth grade one year's course of study of American history.

(C) Every high school shall include in the requirements for graduation from any curriculum one unit of American history and government, including a study of the constitution of the United States and of Ohio.

(D) Basic instruction in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism and communism.

(E) The board of education of any cooperative education school district shall prescribe a graded course of study for each course of study offered in any school under its control. Such courses of study shall be subject of the approval of the state board of education.

OKLAHOMA

Section 11-101.1. Voluntary prayer.

The board of education of each school district shall permit those students and teachers who wish to do so to participate in voluntary prayer. Nothing in this act shall be construed to be in conflict with Section 11-101 of Title 70 of the Oklahoma Statutes.

Section 11-103. Courses for instruction -- What to include.

(A) The State Board of Education shall formulate, prescribe, adopt or approve such courses for instruction of pupils in the public schools of the state that are necessary to ensure:

(1) The teaching of the necessary basic skills of learning and communication, including reading, English, writing, the use of numbers and science; and

(2) The teaching of citizenship in the United States, in the State of Oklahoma, and other countries, through the study of the ideals, history and government of the United States, other countries of the world, and the world, and the State of Oklahoma and through the study of the principles of democracy as they apply in the lives of citizens.

It is the intent of the Legislature that the public school districts of this state ensure that each child enrolled therein be provided with adequate instruction in the basic skills as set out in paragraphs 1 and 2 of this subsection. Provided, prior to May 30, 1983, each local board of education shall develop a process whereby such district shall annually evaluate the district's curriculum in order to determine whether each child in the district is receiving adequate basic skill instruction as set out in paragraphs 1 and 2 of this subsection. Such process shall provide for parental involvement.

(B) The State Board of Education may formulate, prescribe, adopt or approve such courses for instruction of pupils in the public schools of the state that are approved by a local board of education and are necessary to ensure:

(1) The teaching of health through the study of proper diet, the effects of alcoholic beverages, narcotics and other substances on the human system and through the study of such other subjects as will promote healthful living and help to establish proper health habits in the lives of school children;

(2) The teaching of safety through training in the driving and operation of motor vehicles and such other devices of transportation as may be desirable and other aspects of safety which will promote the reduction of accidents and encourage habits of safe living among school children;

(3) The teaching of physical education to all physically able students during the entire school year from first through sixth grade, through physical education, a weekly minimum of seventy-five minutes per student, exclusive of recess activity, supervised play, intramurals, interschool athletics, or other extracurricular activities, provided any student participating as a member of any school athletic team shall be excused from physical education classes. And provided further that certified physical education instructors shall not be required to administer the programs required for grades first through sixth. An elective program of instructional physical education designed to provide a minimum of 150 minutes per week per student shall be provided for all students in the seventh grade through the twelfth grade . . . Provided, further, that any student who has exceptional talent in music may, with the approval of the superintendent of schools in independent districts or with the approval of the county superintendent in dependent districts, substitute a course in music for the above required physical education course;

(4) The teaching of the conservation of natural resources of the state and the nation that are necessary and desirable to sustain life and contribute to the comfort and welfare of the people now living and those who will live here in the future, such as soil, water, forests, minerals, oils, gas, all forms of wildlife, both plant and animal, and such other natural resources as may be considered desirable to study;

(5) The teaching of vocational education, by the study of the various aspects of agriculture, through courses and farm youth organizations, such as FFA and 4-H clubs, homemaking and home economics, trades and industries, distributive education, mechanical and industrial arts and such other aspects of vocational education as will promote occupational competence among school children and adults as potential and actual citizens of the state and nation;

(6) The teaching of such other aspects of human living and citizenship as will achieve the legitimate objectives and purposes of public education.

(C) It is the duty of the State Board of Education to require that there be included in a yearly report authorized in paragraph 16 of Section 3-104 of this title, a certification of compliance with the provisions of subsection A of this section or an acceptable explanation of non-compliance with any such provision.

**Section 11-103.3. AIDS prevention education - Curriculum and material -
Inspection by parents and guardians.**

(A) Acquired immune deficiency syndrome (AIDS) prevention education shall be taught in the public schools of this state. AIDS prevention education shall be limited to the discussion of the disease AIDS and its spread and prevention. Students shall receive such education:

(1) at the option of the local school district, a minimum of once during the period from grade five through grade six;

(2) a minimum of ones during the period from grade seven through grade nine; and

(3) a minimum of once during the period from grade ten through grade twelve.

(B) The State Department of Education shall develop curriculum and materials for AIDS prevention education in conjunction with the State Department of Health. A school district may also develop its own AIDS prevention education curriculum and materials. Any curriculum and materials developed for use in the public schools shall be approved for medical accuracy by the State Department of Health. A school district may use any curriculum and materials which have been developed and approved pursuant to this subsection.

(C) School districts shall make the curriculum and materials that will be used to teach AIDS prevention education available for inspection by the parents and guardians of the students that will be involved with the curriculum and materials. Furthermore, the curriculum must be limited in time frame to deal only with factual medial information for AIDS prevention. The school districts, at least one (1) month prior to teaching AIDS prevention education in any classroom, shall conduct for the parents and guardians of the students involved during weekend and evening hours at least one presentation concerning the curriculum and materials that will be used for such education. No student shall be required to participate in AIDS prevention education of a parent or guardian of the student objects in writing to such participation.

(D) AIDS prevention education shall specifically teach students that:

(1) engaging in homosexual activity, promiscuous sexual activity, intravenous drug use or contact with contaminated blood products is now known to be primarily responsible for contact with the AIDS virus;

(2) avoiding the activities specified in paragraph 1 of this subsection is the only method of preventing the spread of the virus;

(3) sexual intercourse, with or without condoms, with any person testing positive for human immunodeficiency virus (HIV) antibodies, or any other person infected with HIV, places that individual in a high risk category for developing AIDS.

(E) The program of AIDS prevention education shall teach that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus through sexual contact. It shall also teach that artificial means of birth control are not a certain means of preventing the spread

of the AIDS virus and reliance on such methods puts a person at risk for exposure to the disease.

(F) The State Department of Health and the State Department of Education shall update AIDS education curriculum material as newly discovered medical facts make it necessary.

OREGON

Section 336.015. Arbor Week.

(1) The first full week in April shall be known as Arbor Week. In order that pupils in the public schools shall be made better aware of the benefits of the preservation and perpetuation of forests and the growing of timber and of the environment, the district school board shall cause to be conducted, during school hours, activities which tend to encourage the planting, protection and preservation of trees and shrubs and a greater understanding of the environment and means for preserving and improving it. . . .

Section 336.025. Women in History Week.

The second week in March shall be known as Woman in History Week. During school hours in Woman in History Week, time shall be set apart for instruction and appropriate activities in commemoration of the lives, history and achievements of women in history, including Frances E. Willard and women in Oregon history.

Section 336.057. Courses in Constitution and history of United States.

(1) In all public and private schools courses of instruction in the Constitution of the United States and in the history of the United States shall be given.

(2) The courses prescribed under subsection (1) of this section shall begin not later than the opening of the eighth grade and shall continue in grades 9 through 12.

(3) Such courses shall also be required in all state institutions of higher education. . . .

Section 336.067. Instruction in ethics and morality.

(1) In public schools special emphasis shall be given to instruction in :

(a) Honesty, morality, courtesy, obedience to law, respect for the national flag, the Constitution of the United States and the Constitution of the State of Oregon, respect for parents and the home, the dignity and necessity of honest labor and other lessons which tend to promote and develop an upright and desirable citizenry.

(b) Respect for all humans, regardless of race, color, creed, national origin, religion, age, sex or handicaps. Acknowledgment of the dignity and worth of individuals and groups and their participative roles in society.

(c) Humane treatment of animals.

(d) The effects of tobacco, alcohol, drugs and controlled substances upon the human system.

(2) The Superintendent of Public Instruction shall prepare an outline with suggestions which will best accomplish the purpose of this section, and shall incorporate the outline in the courses of study for all public schools.

Section 336.072. Fire drills; unlocked exits; instruction in fire dangers; course of instruction.

(1) In every public, private or parochial school or educational institution having an average daily attendance of 50 or more, pupils shall be instructed and drilled so that they may, in sudden emergency, be able to leave the school building in the shortest possible time and without confusion or panic. Drills or rapid dismissals shall be held at least once each school month. All exit doors shall be maintained so that they can be opened from the inside without a key during school hours.

(2) At least 30 minutes in each school month shall be used to instruct children in grades one through eight on fire dangers and drills.

(3) For the purpose of instruction on fire dangers and drills, the Superintendent of Public Instruction shall prepare a written course of instruction which shall be printed and distributed at state expense in quantities sufficient to provide a copy for each teacher who provides the instruction required by this section.

Section 336.074. Teaching in English required; exceptions.

Instruction in all subjects in public, private and parochial schools shall be conducted primarily in English, except:

(1) Instruction in foreign languages.

(2) Instruction may be conducted in more than one language in order that pupils whose native language is other than English can develop bilingual skills to make an early and effective transition to English and benefit from increased educational opportunities.

Section 336.079. Special English courses for certain children.

Specific courses to teach speaking, reading, and writing of the English language shall be provided at each grade level, starting at the first grade, to those children who are unable to profit from classes taught in English. Such courses shall be taught to such a level in school as may be required until children are able to profit from classes conducted in English.

Section 336.082. Development of nondiscriminatory curriculum to improve instructional effectiveness.

(1) The State Board of Education shall encourage the development or implementation of curriculum for public elementary and secondary schools in Oregon that will improve instructional effectiveness or efficiency and that is nondiscriminatory by race, sex, age, marital status, creed or color.

(2) The State Board of Education shall stimulate the development of nondiscriminatory courses of study or parts of courses to improve instructional effectiveness or efficiency in public elementary and secondary schools in Oregon. The board may contract with the Department of Education or other appropriate public educational agencies to develop program materials and to establish a mechanism for the purpose of introducing the materials and implementing the techniques.

PENNSYLVANIA

Section 15-1511. Subjects in instruction: flag code.

In every elementary public and private school, established and maintained in this Commonwealth, the following subjects shall be taught, in the English language and from English texts: English, including spelling, reading, and writing, arithmetic, geography, the history of the United States, and of Pennsylvania, civics, including loyalty to the State and National Government, safety education, and the humane treatment of birds and animals, health, including physical education, and physiology, music and art. Other subjects shall be taught in the public elementary schools and also in the public high schools as may be prescribed by the standards of the State Board of Education. All such subjects, except foreign languages, shall be taught in the English language and from English texts: Provided, however, That, at the discretion of the Superintendent of Public Instruction, the teaching of subjects in a language other than English may be permitted as part of a sequence in foreign language study or as part of a bilingual education program if the teaching personnel are properly certified in the subject fields. Each school district shall provide and distribute to each pupil, enrolled in the eighth grade of the public and distribute to each pupil, enrolled in the eighth grade of the public schools, one illustrated copy of the National Flag Code, and shall, from time to time, make available such copies as are necessary for replacements from year to year. It shall be the duty of each teacher in the public schools to make such use of the code as may, from time to time, seem proper.

Section 15-1513. Physiology and hygiene.

Physiology and hygiene, which shall in each division of the subject so pursued include special reference to the effect of alcoholic drinks, stimulants, and

narcotics upon the human systems, and which shall also include special reference to tuberculosis and its prevention, shall be introduced and studied as a regular branch by all pupils in all departments of the public schools, and in all educational institutions supported wholly or in part by appropriations from this Commonwealth.

Section 15-1515. Religious literature.

(a) Courses in the literature of the Bible and other religious writings may be introduced and studied as regular courses in the literature branch of education by all pupils in the secondary public schools. Such courses shall be elective only and not required of any student.

(b) Such courses shall be prepared and adopted according to age levels by the Department of Public Instruction with the advice and counsel of the Council of Basic Education and the approval of the State Board of Education.

Section 15-1516. Bible reading in public schools.

At least ten verses from the Holy Bible shall be read, without comment at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian.

Section 15-1516.1. Meditation and prayer periods.

(a) In each public school classroom, the teacher in charge may, or if so authorized or directed by the board of school directors by which he is employed, shall, at the opening of school upon every school day, conduct a brief period of silent prayer or meditation with the participation of all pupils therein assembled.

(b) The silent prayer or meditation authorized by subsection (a) of this section is not intended to be, and shall not be conducted as, a religious service or exercise, but shall be considered as an opportunity for silent prayer or meditation on a religious theme by those who are so disposed, or a moment of silent reflection on the anticipated activities of the day.

Section 15-1519.1. Standardized driver-education program.

(a) The Department of Public Instruction shall establish, for operation in the public school system of the Commonwealth, a standardized driver-education program in the safe operation of motor vehicles available to all public high school pupils and all high school pupils attending nonpublic high schools.

(b) The Department of Public Instruction shall assist school districts throughout the Commonwealth in the functioning of such program by-

(1) Preparation, publication and free distribution of driver-education instructional material to insure a more complete understanding of the duties of motor vehicle operators;

(2) Making such rules and regulations as may be necessary to carry out such program.

(c) Annual expenditures of the Department of Public Instruction from the Motor License Fund for (1) salaries and expenses of employees of the Department of Public Instruction essential to the program; (2) purchase of visual training aids and psychophysical testing equipment; and (3) costs of preparation, publication and distribution of driver-education instructional material, for assistance to their driver-education programs shall not exceed three (3) percentum of the annual total amount paid by the Commonwealth to all school districts, or joint school organizations, on account of standardized driver-education programs.

Section 15-1541. Study of birds, trees and conservation of resources.

Each day designated and proclaimed by the Governor as Arbor Day shall be know also as Bird Day, and it shall be the duty of every teacher in the public schools, to devote, together with their pupils, at least two hours of such school day to the study of birds, trees and general conservation of resources; and it shall be the duty of all district superintendents to see to it that the requirements of this act are complied with.

RHODE ISLAND

Section 16-22-1. Study of curricula - Vocational guidance.

The department of elementary and secondary education shall make a study of curricula offered by the public schools within this state for the purpose of planning a more practical educational program. The object of the program shall be the training of pupils so that at the completion of their schooling they may be qualified to seek specialized occupations in the fields of business, industry, manufacturing, and the various trades, or to pursue further studies for the various professions. Through vocational guidance counselors within the schools each pupil shall receive assistance in selecting studies which help to fit him or her for some specialized occupation or profession upon his or her graduation from high school or college.

Section 16-22-2. Courses in history and government.

The principles of popular and representative government as enunciated in the Constitution of Rhode Island and the Constitution of the United States study shall be taught in all the public schools of this state. The course of study shall be prescribed by the department of elementary and secondary education. Commencing with the fourth grade in elementary school instruction shall be given in the history and government of Rhode Island, and in every high school thorough instruction shall be given in the Constitution and government of Rhode Island and in the Constitution and government of the United States. No private

school or private instruction shall be approved for the purposes of Chapter 19 of this title unless the course of study therein shall make provision for instruction substantially equivalent of that required by this chapter for public schools.

Section 16-22-3. Instruction in physiology and hygiene.

The school committees of the several towns shall make provision for the instruction of the pupils in all schools supported wholly, or in part, by public money, in physiology and hygiene, with special reference to the effects of alcoholic liquors, stimulants, and narcotics upon the human system.

Section 16-22-4. Instruction in health and physical education.

All children in grades one through twelve (12) attending public schools or such other schools as are managed and controlled by the state, shall receive therein instruction in health and physical education under such rules and regulations as the department of elementary and secondary education may prescribe or approve during periods which shall average at least twenty (20) minutes in each school day. No private school or private instruction shall be approved by any school committee for the purposes of chapter 19 of this title, a substantially equivalent to that required by law of a child attending a public school in the same city and/or town unless instruction in health and physical education similar to that required in public schools shall be given.

Section 16-22-5. Course in fire prevention prescribed.

The department of education is hereby empowered and directed to prescribe a course of study in fire prevention for use in the public schools of the state, dealing with the protection of lives and property against loss or damage as a result of preventable fire.

Section 16-22-8. Foreign language courses.

Whenever there shall be twenty (20) students who apply for a course in the Italian, Portuguese, or Spanish language in any high school of the state, the school committee of the specific town shall arrange a course in Italian, Portuguese, or Spanish to be conducted by a competent teacher.

Section 16-22-10. Voting instruction.

The school committees of the several cities, towns, and school districts shall provide for students of the senior class in high school, a course of instruction and demonstration in the operation of a voting machine, and of the manner of casting a valid ballot. The board of elections is hereby directed to make available to each city and town school committee one voting machine per town, to carry out the purposes of this section.

Section 16-22-12. Required courses in alcohol and substance abuse.

(a) The school committees of the several cities, towns, and school districts shall provide for the incorporation of mandatory instruction of students grades one through twelve (12) on the effects of alcohol and substance abuse upon the human system in existing health education or other courses.

(b) The board of regents for elementary and secondary education shall institute courses of instructions for teachers in the public school system on the effects of alcohol and substance abuse.

Section 16-22-13. Consumer education.

The school committees of the several cities, towns, and school districts shall provide for pupils in the public schools in grades eight (8) through twelve (12) to be taught and be required to study courses which include instruction in consumer education, which may include but not necessarily be limited to installment purchasing, budgeting, comparison of prices, credit and the law, employment and income, rights and responsibilities in the marketplace, money management, and other personal finance or consumer economic topics of study approved by the department of elementary and secondary education.

Section 16-22-14. Suicide prevention awareness.

(a) The department of elementary and secondary education shall develop and prescribe a suicide prevention awareness program for public school students in grades nine (9) through twelve (12). The school committees of the several cities, towns, and school districts shall provide for the incorporation of the program in existing health education courses.

(b) The board of regents for elementary and secondary education shall institute workshops to be developed and provided by the samaritans, inc. for those public school teachers who are designated to teach the suicide prevention awareness program.

Section 16-22-15. Cardiopulmonary resuscitation training.

(a) The development of elementary and secondary education shall develop and prescribe a cardiopulmonary resuscitation (CPR) training course for public school students in the state. The course shall be established in accordance with the requirements and criteria obtained from the Red Cross and/or the American Heart Association, Rhode Island Affiliate, Inc. and the director of the department of health. The department of elementary and secondary education shall promulgate course guidelines including the age or grade level of pupils required to receive said training.

(b) The school committees of the several cities, towns, and school districts shall provide for the incorporation of the course in training in existing health education courses.

Section 16-22-16. Blocked air passage treatment training.

(a) The department of elementary and secondary education shall develop and prescribe a training course in the emergency treatment for blocked air passages. The course shall be established in accordance with criteria and requirements established by the director of the department of health. The department of elementary and secondary education shall determine the age or grade level of pupils required to receive training.

(b) The school committees of the several cities, towns, and school districts shall provide for the incorporation of the course of training in existing health education courses.

Section 16-22-17. AIDS education program.

The department of elementary and secondary education shall, pursuant to rules promulgated by the commissioner of elementary and secondary education and the director of the department of health, established comprehensive AIDS (acquired immune deficiency syndrome) instruction, which shall provide students with information and instruction on AIDS transmission and prevention, and which course shall also address abstinence from sexual activity as the preferred means of prevention, as a basic education program requirement.

Section 16-22-18. Health and family life courses.

Every secondary school teaching courses in family life or sex education within this state shall include, as a part of the course instruction, abstinence from sexual activity and refraining from sexual intercourse as the preferred method of pregnancy prevention, and the prevention of sexually transmitted diseases.

SOUTH CAROLINA**Section 59-29-10. Required subjects.**

The county board of education and the board of trustees for each school district shall see that in every school under their care there shall be taught, as far as practicable, orthography, reading, writing, arithmetic, geography, English grammar, the elements of agriculture, the history of the United States and of this State, the principles of the Constitution of the United States and of this State, morals and good behavior, algebra, physiology and hygiene (especially as to the effects of alcoholic liquors and narcotics upon the human system), English literature and such other branches as the State Board may from time to time direct.

Section 59-29-20. Required subjects: nature and effect of alcoholic drinks and narcotics.

The nature of alcoholic drinks and narcotics and special instruction as to their effect upon the human system shall be taught in all the grammar and high schools of the State which receive any State aid whatsoever and shall be studied and taught as thoroughly and in the same manner as all other required branches in such schools, as may be required by the State Board of Education. The State Board of Education shall provide for the enforcement of the provisions of this section.

Section 59-29-50. Required subjects: traffic laws.

The State Department of Education and the trustees of the State institutions of higher learning shall establish and require to be taught in the respective schools under their control a course of instruction on the traffic laws of this State. Such course of instruction shall be by lectures.

Section 59-29-55. Instruction on Black history.

The State Board of Education shall examine the current status of the teaching of South Carolina History. By the 1989-1990 school year, each public school of the State must instruct students in the history of the black people as a regular part of its history and social studies courses. The State Board of Education shall establish regulations for the adoption of history and social studies textbooks which incorporate black history and social studies textbooks which incorporate black history and shall, through the State Department of Education, assist the....

Section 59-29-70. Required subjects: instruction in fire prevention.

The State Board of Education shall provide for instruction in fire prevention in the elementary public schools of the State. Each teacher in a public school of this State shall give such instruction in fire prevention as may be prescribed by the State Board.

Section 59-29-80. Courses in physical education: ROTC programs.

There shall be established and provided in all the public schools of the State physical education, training, and instruction of pupils of both sexes, and every pupil attending any such school, in so far as he is physically fit and able to do so, shall take the course or courses therein as provided by this section. Suitable modified courses shall be provided for students physically or mentally unable or unfit to take the course or courses prescribed for normal pupils. Provided, however, that in any public school which offers a military or naval ROTC program sponsored by one of the military services of the United States, training in such a program may be deemed equivalent to physical education instruction, and may be accepted in lieu of such instruction for all purposes, academic or nonacademic, as may hereinafter be provided.

Section 59-29-120. Study of United States Constitution requisite for graduation; proof of loyalty.

All high schools, colleges and universities in this State that are sustained or in any manner supported by public funds shall give instruction in the essentials of the United States Constitution, including the study of and devotion to American institutions and ideals, and no student in any such school, college or university may receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution, and, if a citizen of the United States, satisfying the examining power of his loyalty thereto.

Section 59-29-160. Two units of mathematics requisite for graduation.

Every student in an accredited high school in this State shall, as a prerequisite to graduation therefrom, successfully complete at least two units of work in the field of mathematics.

SOUTH DAKOTA

Section 13-33-1. Conformity to standards adopted by state board.

All the public schools in the state shall provide instruction in substantial conformity to the accreditation standards adopted by the state board of education.

Section 13-33-4. Instruction on United States and state Constitutions required - Years which given.

In all public and nonpublic schools located within the state there shall be given regular courses of instruction in the Constitutions of the United States and the state of South Dakota. Such instruction shall begin not later than the opening of the eighth grade and shall continue in the high school to an extent to be determined by the state board of education.

Section 13-33-5. Patriotic instruction required.

In addition to other courses, special instruction shall be given in all public and nonpublic elementary and secondary schools in the state in patriotism, including the singing of patriotic songs, the reading of patriotic addresses, and a study of the lives and history of American patriots.

Section 13-33-6. Moral instruction required - Promulgation of rules to prescribe a course of study.

In addition to other courses, special moral and character instruction shall be given in all public and nonpublic elementary and secondary schools in the state

that is intended to impress upon the minds of students the importance of truthfulness, temperance, purity, sexual abstinence, AIDS instruction, public spirit, patriotism, citizenship, respect for honest labor, obedience to parents, respect for the contributions of minority and ethnic groups to the heritage of South Dakota and due deference to old age.

The South Dakota board of education shall promulgate rules pursuant to chapter 1-26 to prescribe a course of study for the instruction required by this section.

Section 13-33-8. Arbor Day--Instruction on tree and shrub planting.

The last Friday in April in each year is hereby designated and established as Arbor Day in South Dakota and teachers are urged to observe Arbor Day by preparation of programs telling the importance of trees and bird life in a prairie and plains country and to have ceremonies in connection with actual tree planting; also to emphasize the need for care throughout the year of individual tree and shrub planting as well as shelter belt plantings.

Section 13-33-10. Released time for religious instruction.

A child may, on application of his parent or guardian, be excused from school for one hour per week for the purpose of taking and receiving religious instruction conducted by some church or association of churches. The school board shall decide at what hour pupils may be excused. No such instruction may be given in whole or in part at public expense. The school board may allow the student to accumulate up to four hours of excused leave time to be taken consecutively on any one day or two hours to be taken on any two days.

Section 13-33-11. Instruction to promote mastery of English language.

Instruction in any school shall be such that it promotes a mastery of the English language in oral and written communications.

Section 13-33-12. Free enterprise system instruction required.

All public and nonpublic schools shall provide instruction on the essentials and benefits of the free enterprise system. Instruction shall be given in accordance with guidelines prescribed by the state board of education. The state board of education shall prescribe a course of study for such instruction.

Section 13-43-3. Health certification requirements for employment - Tuberculosis test.

The school board of a public or the governing body of a nonpublic school shall require each employee, who is in regular contact with pupils, to submit, within ten days after being employed, a certification of health signed by a licensed physician. The certification shall include a statement that there is no evidence of physical condition that would endanger health, safety or welfare of the pupils in

the initial examination. Certification of freedom from tuberculosis shall be established by chest X-ray or negative tuberculin skin tests. . . .

TENNESSEE

Section 49-6-1001. Flag.

All boards of education shall direct, and all teachers employed by the public schools shall give instructions to the pupils of the schools, and shall have the pupils study as a part of the curriculum, the uses, purposes and methods of displaying the American flag and other patriotic emblems.

Section 49-6-1003. Safety instruction.

(a) Whenever any state funds are used in any of the public schools of the state, it shall be the duty of the principal of the school or schools including all subprincipals and teachers therein, to instruct pupils in the art of safety as against injury on the public thoroughfares, highways and streets of the state, and other places where the students may come in contact with, or be in danger of bodily injury, for at least fifteen minutes in each week during the time the school is in session. . . .

Section 49-6-1004. Period of silence or prayer.

(a) In order for all students and teachers to prepare themselves for the activities of the day, a period of silence of approximately one minute in duration shall be maintained in each grade in public schools at the beginning of each school day. At the opening of the first class each day it shall be the responsibility of each teacher in charge of each class to call the students to order and announce that a moment of silence is to be observed. The teacher shall not indicate or suggest to the students any action to be taken by them during this time, but shall maintain silence for the full time. At the end of this time, the teacher shall indicate resumption of the class in an appropriate fashion, and may at that time make school announcements or conduct any other class business before commencing instruction. . . .

Section 49-6-1005. Sex education.

(a) It is unlawful for any person in any manner to teach courses in sex education pertaining to homo sapiens in the public, elementary, junior high or high schools in their state unless the courses are approved by the state board of education and the local school board involved, and taught by qualified instructors as determined by the local school board involved. Any such course in sex education shall, in addition to teaching facts concerning human reproduction, hygiene and health concerns, include presentations encouraging abstinence from sexual intercourse during the teen and pre-teen years. With

respect of sex education courses otherwise offered in accordance with the requirements of this subsection, no instructor shall be construed to be in violation of this section for answering in good faith any question, or series of questions, germane and material to the course, asked of the instructor and initiated by a student or students enrolled in the course.

(b) This section shall not apply to general high school courses in biology, physiology, health, physical education or home economics taught to classes.

Section 49-6-1006. Black history and culture.

(a) The course of instruction in all public schools should include at some appropriate grade level or levels as determined by the local board of education, courses and content designed to educate children in black history and culture and the contribution of black people to the history and development of this country and of the world. The general assembly finds that the goal of curriculum shall include the history, the heritage, the culture, the experience and ultimate destiny of all social, ethnic, gender, and national groups and individuals, and that such are represented as interdependent, interactive and complimentary. The state board of education shall include multi-cultural diversity when developing frameworks and curriculum to be taught at appropriate grade levels kindergarten (K) through grade twelve (12).

(b) The commissioner of education shall annually advise all school district boards of education of the provisions of this section.

(c) The study material used in the course of instruction authorized by this section shall follow the state board of education's guidelines concerning pornography.

Section 49-6-1007. Character education.

(a) The course of instruction in all public schools shall include character education to help each student develop positive values and improve student conduct as students learn to act in harmony with their positive values and learn to become good citizens in their school, community, and society.

(b) (1) The state board of education shall provide the appropriate method of instruction in grades seven (7) through twelve (12), in conformity with the elementary school curriculum provided for in subsection (c).

(2) Local boards of education may implement additional courses and materials in character education at their discretion.

(c) (1) Each local education agency should provide the character education curriculum in grades kindergarten (K) through six (6) developed by the American Institute for Character Education of San Antonio, Texas, or a comparable program approved by the state board of education. The materials for this curriculum shall be provided by the state as part of the Tennessee foundation program.

(2) Local boards of education may implement additional courses or materials in character education at their discretion.

Section 49-6-1008. AIDS education programs - Prevention of AIDS or other sexually transmitted diseases.

(a) All material which includes information pertaining to the prevention of acquired immune deficiency syndrome (AIDS) or other sexually transmitted diseases, which is written, published, distributed or used by and public entity, or is paid for, in whole or in part, with any public moneys, and which is directed to children in grades kindergarten through twelve (K-12), shall place primary emphasis on abstinence from premarital intimacy and on the avoidance of drug abuse in controlling the spread of AIDS.

(b) Adoption of any program of AIDS education shall be permissive and shall not be required in any local education agency adopted by the local board of education.

Section 49-6-1202. American history and government.

(a) (1) Every four year high school in Tennessee which receives public funds from city, county and/or state governments shall require every student to have at least one year of instruction in American history and government, preferably in the fourth year.

(2) If any student in any of the designated schools fails or refuses to take the subjects above named, he shall not be admitted of the University of Tennessee or the state university and communicate college system of Tennessee unless and until he agrees to earn credit in these subjects in the first or second year of attendance.

(b) (1) Every private high school in Tennessee which gives a four year course in literacy branches is budgeted to the same requirements as are the public high schools in Tennessee in regard to teaching American history and government.

(2) Failure or refusal to comply with the provisions of subsections (a) and (b) by private high schools will automatically remove them from the list of accredited high schools in Tennessee.

(c) Failure to carry our the provision if subsection (a) shall constitute a misdemeanor on the part of any principal of a public high school in Tennessee and shall cause the school to be removed from the accredited list of high schools and the teaching license of the teacher shall be revoked.

(d) Any dean of the University of Tennessee or dean of any state college who shall violate the provisions of this section shall be removed from his position and shall not be permitted to engage in any form of public school or college work in Tennessee for the four years next succeeding his dismissal. This provision also applies to any person who may be substituting for any of the deans.

Section 49-6-1203. Federal and state constitutions.

(a) A treatise on the history and interpretation of the Constitution of the United States approved or adopted by the state board of education is required to be taught in the high schools of Tennessee.

(b) (1) It shall be the duty of the state board of education and all local boards of education to the cause of teaching in each public high school in this state the Constitution of Tennessee.

(2) The state board of education shall determine the nature and extent of the instruction to be given thereon and the credits to be given for such course, provided, that such course need not extend for more than one year.

Section 49-6-1205. Free enterprise system.

(a) The state board of education shall establish a program of instruction for the public high schools in the essentials of the free enterprise system. Instruction shall be given in accordance with the course of study prescribed by the state board of education for at least one semester, equal to one half unit of credit. The state board of education shall prescribe suitable teaching material for such instruction.

(b) As used in this section, "instruction on the essentials of the free enterprise system" may be construed to include a minimum of thirty weeks participation in the Junior Achievement Program, and such participation shall render the student eligible for the one half unit of credit granted under this section.

(c) As used in this section "free enterprise" means an economic system characterized by private or corporate ownership of capital goods, by investments, that are determined by private decision rather than by state control, and by prices, production, and the distribution of goods that are determined in a free manner.

Section 49-6-1206. Reserve officer training.

In high schools offering programs of reserve officer training, a student may, at his or her discretion, substitute credit earned in the reserve officer training program for required credit in physical education.

Section 49-6-1301. Family life instruction - Local programs - Content - Review.

(a) Beginning with the 1991-92 school year, if the most recent annual data maintained by the department of health and environment, state center for health statistics indicate that pregnancy rates in any county exceeded nineteen point five (19.5) pregnancies per one thousand (1,000) females aged fifteen (15) through seventeen (17), then every local education agency within such county shall locally devise, adopt, and implement a program of family life instruction in conformance with the curriculum guidelines established for such programs by the state board of education.

(b) The locally devised and implemented program of family life education shall emphasize abstinence from sexual relations outside marriage, the right and responsibility of a person to refuse to engage in such relations, basic moral values, as well as the obligations and consequences which arise from intimacy. The program shall also include a component which specifically addresses the nature and prevention of AIDS and other sexually transmitted diseases. . . .

TEXAS

Section 21.101. Required Curriculum.

(a) Each school district that offers kindergarten through grade 12 shall offer a well-balanced curriculum that includes:

- (1) English language arts;
- (2) other languages, to the extent possible;
- (3) mathematics;
- (4) science;
- (5) health;
- (6) physical education;
- (7) fine arts;
- (8) social studies;
- (9) economics, with an emphasis on the free enterprise system and its benefits;
- (10) business education;
- (11) vocational education; and
- (12) Texas and United States history as individual subjects and in reading courses.

(b) The State Board of Education by rule shall designate subjects comprising a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.

(c) The State Board of Education by rule shall designate the essential elements of each subject listed in Subsection (a) of this section and shall require each district to provide instruction in those elements at appropriate grade levels. In order to be accredited, a district must provide instruction in those essential elements as specified by the state board.

(d) Local instructional plans may draw upon state curriculum frameworks and program standards as appropriate. The responsibility for enabling all children to participate actively in a balanced curriculum which is designed to meet individual needs rests with the local school district. Districts are encouraged to exceed minimum requirements of the law. A primary purpose of the public school curriculum in Texas shall be to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free

enterprise society with appreciation for the basic demographic values of our state and national heritage.

(e) . . . the commissioner of education may permit a school district to vary from the required curriculum as necessary to avoid hardship to the district.

(f) Not later than the 30th day preceding the day on which each regular session of the legislature convenes, the State Board of Education shall transmit to the governor, the lieutenant governor, and the legislature a report on the status of curriculum in the public schools. The report shall include recommendations for legislative changes necessary to improve, modify, or add to the curriculum.

(g) The State Board of Education and local school districts shall foster the continuation of the tradition of teaching American and Texas history and the free enterprise system in regular subject matter and in reading courses in the public free schools of Texas and in the adoption of textbooks.

Section 21.102. Driver Education.

(a) The Central Education Agency shall develop a program of organized instruction in driver education and traffic safety for public schools students who are 15 years of age or older.

(b) With the approval of the State Board of Education, the commissioner of education shall establish standards for the certification of professional and paraprofessional personnel who conduct the programs in the public schools.

Section 21.103. Texas History.

The history of Texas shall be taught in all public schools in and only in the history courses of all such schools. The course shall be taught for not less than two hours in any one week. The commissioner of education shall notify the different county, city, and district superintendents as to how the course may be divided.

Section 21.109. Language of Instruction.

(a) English shall be the basic language of instruction in all schools.

(b) It is the policy of this state to insure the mastery of English by all pupils in the schools; provided that bilingual instruction may be offered or permitted in those situations when such instruction is necessary to insure their reasonable efficiency in the English language so as not to be educationally disadvantaged.

UTAH

Section 53A-13-101. Instruction in health - Parental consent requirements - Character habits - Partisan political and religious doctrine prohibited.

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

- (a) community and personal health;
- (b) physiology;
- (c) personal hygiene; and

(d) prevention of communicable disease, including acquired immunodeficiency syndrome. That instruction shall stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods of prevention of acquired immunodeficiency syndrome.

(2) Instruction in the courses described in Subsection (1) shall be consistent and systematic in grades eight through 12. At the request of the board, the Department of Health shall cooperate with the board in developing programs to provide instruction in those areas.

(3) The board shall adopt rules that provide that the parental consent requirements of Sections 76-7-322 and 76-7-323 are complied with, and rules that require a student's parent or legal guardian to be notified in advance and have an opportunity to review the information for which parental consent is required under Sections 76-7-322 and 76-7-323. The board shall also provide procedures for disciplinary action for violation of Section 76-7-322 or 76-7-323.

(4) Honesty, temperance, morality, courtesy, obedience to law, respect for and an understanding of the constitutions of the United States and the state of Utah, the essentials and benefits of the free enterprise system, respect for parents and home, and the dignity and necessity of honest labor and other skills, habits, and qualities of character which will promote an upright and desirable citizenry and better prepare students for a richer, happier life shall be taught in connection with regular school work.

(5) Partisan political, atheistic, sectarian, religious, or denominational documents may not be taught in the public schools.

(6) Local school boards and their employees shall cooperate and share responsibility in carrying out the purposes of this chapter.

Section 53A-13-102. Instruction on the harmful effects of alcohol, tobacco, and controlled substances - Assistance from the Division of Alcohol and Drugs.

(1) Sections 32A-12-209 and 76-10-105 and Subsection 58-37-8(2)(a)(i) prohibit school-aged persons from using alcohol, tobacco and controlled substances. The State Board of Education shall adopt rules providing for instruction at each grade level on the harmful effects of alcohol, tobacco, and controlled substances upon the human body and society. The rules shall require but are not limited to instruction on the following:

(a) teaching of skills needed to evaluate advertisements for, and media portrayal of, alcohol, tobacco, and controlled substances;

(b) directing students towards health and productive alternatives to the use of alcohol, tobacco and controlled substances; and

(c) discouraging the use of alcohol, tobacco, and controlled substances.

(2) At the request of the board, the Division of Alcohol and Drugs shall cooperate with the board in developing programs to provide this instruction.

(3) The board shall participate in efforts to enhance communication among community organizations and state agencies, and shall cooperate with those entities in efforts which are compatible with the purposes of this section.

Section 53A-15-101. State board standards for public schools - Optional eleventh grade graduation - College credit courses in the twelfth grade - Dual program - Student education plan - State Board of Regents rules - Cooperation between the two boards.

(1) Beginning July 1, 1989, the State Board of Education shall implement standards for the public schools to include the following:

(a) a curriculum program and delivery system which allows students the option to complete high school graduation requirements and prepares students to meet college admission requirements at the conclusion of the eleventh grade, but does not preclude a student involved in accelerated learning programs from graduating at an earlier time;

(b) a twelfth grade program of selected college credit courses in general education, vocational, and technical education, made available in cooperation with the State Board of Regents, as resources allow, through advanced placement courses or concurrent enrollment with one of the state's institutions of higher education;

(c) a course of study for a student who decides to continue on through the twelfth grade that would allow the student to take courses necessary to graduate from high school, and at the student's option, to become better prepared for the world of work, or complete selected college level courses corresponding to the first year of course work at a university, college, or community college in the state system of higher education; and

(d) preparation of a student education plan by each student at the beginning of the ninth grade which focuses on the student's intent and course of study necessary to complete graduation requirements while participating in one of the programs listed in Subsections (a), (b), and (c). The student education plan shall be prepared by the student under the guidance of the student's parent or guardian and school counselor.

(2) The State Board of Regents shall adopt rules to ensure the following:

(a) early high school graduates who are academically prepared and meet college admission requirements may be enrolled in one of the state's institutions of higher education;

(b) college credit courses are taught in high school concurrent enrollment or advance placement programs by college or university faculty or public school educators under the following conditions:

(i) public school educators in concurrent enrollment programs must first be approved as adjunct faculty and supervised by a state institution of higher education;

(ii) teaching is done through live classroom instruction or telecommunications; and

(iii) course content, procedures, and teaching materials in concurrent enrollment programs are approved by the appropriate department or program at an institution of higher education in order to ensure quality and comparability with courses offered on college and university campuses; and

(c) college credits obtained in the twelfth grade under this section shall be accepted for transfer of credit purposes as if they had been obtained at any public institution of higher education within the state system. College-level courses taught in the high school carry the same credit hour value as when taught on a college or university campus and apply toward graduation on the same basis as courses taught at an institution of higher education to which the credits are submitted.

(3) The State Board of Education shall provide students the option of accelerating their educational program and graduating at the conclusion of the eleventh grade.

(4) The State Board of Education and State Board of Regents shall work in close cooperation in developing and implementing the twelfth year component of the program established under this section. The Joint Liaison Committee of the two boards shall provide leadership and monitor the program in order to assess and ensure its effectiveness.

VERMONT

Section 906. Course of study.

[Subsection (a) effective until June 1, 1990; see also subsection (a) set out below]

(a) In public schools, approved and reporting private schools and in home study programs, learning experiences shall be provided for pupils in the minimum course of study.

[Subsection (a) effective June 1, 1990; see also subsection (a) set out above.]

(a) In public schools, approved an recognized independent schools and in home study programs, learning experiences shall be provided for pupils in the minimum course of study.

(b) For purposes of this title, the minimum course of study means learning experiences adapted to a pupil's age and ability in the fields of :

(1) Basic communication skills, including reading, writing, and use of numbers.

(2) Citizenship, history, and government in Vermont and the United States;

(3) Physical education and comprehensive health education including the effects of tobacco, alcoholic drinks, and drugs on the human systems and on society;

(4) English, American and other literature;

(5) The natural sciences; and

(6) The fine arts.

Section 909. Tobacco use, alcohol and drug abuse prevention education curriculum.

(a) The department of education, in conjunction with the alcohol and drug abuse council, and where appropriate, with the division of health promotion, is hereby authorized and directed to develop a sequential alcohol and drug abuse prevention education curriculum that includes teaching the effects of the use of tobacco and tobacco products for elementary and secondary schools.

(b) The department of education shall:

(1) provide for pre-service and in-service training programs for school personnel on alcohol and drug abuse prevention and on the effects of the use of tobacco and tobacco products.

(2) provide teaching materials which are appropriate to the age and learning ability of the students;

(3) provide technical assistance to the local school districts for implementation of the curriculum;

(4) encourage coordination of effort with existing community resources.

(c) In order to encourage young people to enter into a dialogue with each other and with school boards about the use of tobacco, the student governmental body, or any other student group designated by the school board, may present a proposed tobacco use policy to the school board.

Section 1045. Driving training course.

(a) A driver education and training course, approved by the department of education and the department of motor vehicles shall be made available to pupils whose parent or guardian is a resident of Vermont and who have reached their fifteenth birthday and who are regularly enrolled in a public or independent high school approved by the state board.

VIRGINIA

Section 22.1-200. Subjects taught in elementary grades.

In the elementary grades of every public school the following subjects shall be taught: Spelling, reading, writing, arithmetic, grammar, geography, health and physical education, drawing, civil government, history of the United States and history of Virginia.

Section 22.1-201. Study of documents of Virginia history and United States Constitution.

The Declaration of American Independence, the general principles of the Constitution of the United States, the Virginia Statute of Religious Freedom, and the Virginia Declaration of Rights shall be thoroughly explained and taught by teachers to pupils in public elementary, middle, and high schools. Emphasis shall be given to the citizenship responsibilities inherent in the rights included in these documents. Written examinations as to each of such documents shall be given.

Section 22.1-202. Instruction in history and principles of flags of United States and Virginia.

Instruction in the history of the flag of the United States and the flag of the Commonwealth shall be given in one or more grades in every school division.

Section 22.1-203. Daily observance of one minute silence.

In order that the right of every pupil to the free exercise of religion be guaranteed within the schools and that the freedom of each individual pupil be subject to the least possible pressure from the State either to engage in, or to refrain from, religious observance on school grounds, the school board of each school division is authorized to establish the daily observance of one minute of silence in each classroom of the division.

Where such one-minute period of silence is instituted, the teacher responsible for each classroom shall take care that all pupils remain seated and silent and make no distracting display to the end that each pupil may, in the exercise of his or her individual choice, meditate, pray, or engage in any other silent activity which does not interfere with, distract, or impede other pupils in the like exercise of individual choice.

Section 22.1-204. Study of accident prevention.

In one or more of the elementary or secondary grades of every school division there shall be provided a course of study including elementary training in accident prevention, in proper conduct on streets and highways, in the operation of motor vehicles as required by the traffic laws of this Commonwealth, and in

ways and means of preventing loss of lives and damage to property through preventable fires. Such course shall be required of every pupil completing the course of study in any such grade.

Section 22.1-206. Instruction concerning drugs and drug abuse.

Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by the Board of Education.

Section 22.1-207. Physical and health education.

Physical and health education shall be emphasized throughout the public school curriculum by lessons, drills and physical exercises, and all pupils in the public elementary and secondary schools shall receive as part of the educational program such health instruction and physical training as shall be prescribed by the Board of Education and approved by the State Board of Health.

Section 22.1-208. Emphasis on moral education.

The entire scheme of instruction in the public schools shall emphasize moral education through lessons given by teachers and imparted by appropriate reading selections.

Section 22.1-208.1. Reading to learn; Virginia Reading to Learn Project.

(a) In the secondary schools of every school division, reading to learn shall be emphasized as an integral part of instruction in every subject. In order to better equip secondary teachers to provide this emphasis, there is hereby established the Virginia Reading to Learn Project.

(b) The Project shall consist initially of six regional sites established at state universities which will include, but not be limited to, summer institutes for secondary teachers, and program planning and development support in cooperation with local school division.

(c) The initial regional university sites will be Old Dominion University/Norfolk State University, the University of Virginia, Virginia Polytechnic Institute and State University, George Mason University, Virginia Commonwealth University, and James Madison University.

(d) The Virginia Department of Education will distribute and monitor the funds necessary to implement the Project from available appropriations according to guidelines established by the Department.

Section 22.1-209. Employment counseling and placement services.

(a) Each school board shall make available to secondary students employment counseling and placement services to furnish information relating to the employment opportunities available to student graduating from or leaving the public schools in the school division.

(b) No fee, compensation or other consideration shall be charged to or received from any student utilizing such services.

WASHINGTON

Section 28A.05.010. Common school curriculum--Fundamentals in conduct.

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system, the history of the United States, and such other studies as may be prescribed by rule or regulation of the state board of education. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise, and the worth of kindness to all living creatures.

Section 28A.05.015. Students taught in English language--Exception.

All students in the common school of the state of Washington shall be taught in the English language: Provided, That nothing in this section shall preclude the teaching of students in a language other than English when such instruction will aid the educational advancement of the student.

Section 28A.05.030. Physical education in grades one through eight.

Every pupil attending grades one through eight of the public schools shall receive instruction in physical education as prescribed by rule or regulation of the state board of education: Provided, That individual pupils or students may be excused on account of physical disability, religious belief or participation in directed athletics.

Section 28A.05.040. Physical education in high schools.

All high schools of the state shall emphasize the work of physical education, and carry into effect all physical education requirements established by rule or regulation of the state board of education: Provided, That individual students may be excused from participating in physical education otherwise required under this section on account of physical disability, employment or religious belief, or because of participation in directed athletics or military science and tactics: Provided further, That individual high school students shall be excused therefrom upon the written request of parents or guardians.

Section 28A.05.050. History and government in high schools.

To promote good citizenship and a greater interest in and better understanding of our national and state institutions and system of government, the state board of education shall prescribe a one-year course of study in the history and government of the United States, and the equivalent of a one-semester course of study in the state of Washington's history and government. No person shall be graduated from high school without completing such courses of study: Provided, That students in the twelfth grade who have not completed such a course of study in Washington's history and state government because of previous residence outside the state may have the foregoing requirement waived by their principal.

WEST VIRGINIA

Section 18-2-7. Courses of Study; language of instruction.

The state board of education shall prescribe minimum standard in the courses of study to be offered in elementary schools, high schools, vocational schools, and in all other kinds, grades, and classes of schools, or departments thereof, or which may not or hereafter be maintained in the State, in whole or in part, from any state fund or funds: Provided, however, that the courses of study in the state educational institutions shall be prepared by the faculties, teachers, to other constituted authority thereof, and shall, before going into effect, be submitted to the state board of education for its approval, except that the courses of study prepared for the West Virginia University shall be submitted to the board of governors of the university for its approval. The basic language of instruction in the common school branches in all schools, public, private, and parochial, shall be the English language only.

Section 18-2-8. Course of study in fire prevention.

The state board of education shall, with the advice of the state superintendent of schools, prescribe a course of study in fire prevention for use in the public, private and parochial schools of this State, dealing with the protection of lives and property against loss or damage as a result of preventable fires. It shall be the duty of the county superintendent, board of education, directors, trustees, or other committees or persons having control of public, private and parochial schools in each county, village, city or school district, to arrange for such course of study in fire prevention and to compel its use in each school under their control or direction.

Section 18-2-9. Required courses of instruction; violation and penalty.

In all public, private, parochial and denominational schools located within this State there shall be given prior to the completion of the eight grade at least one

year of instruction in the history of the State of West Virginia. Such schools shall also give regular courses of instruction in the history of the United States, in civics, and in the Constitution of the United State and of the State of West Virginia, of the purpose of teaching, fostering, and perpetuating the ideals, principles and spirit of Americanism, and increasing the knowledge of the organization and machinery of the government of the United State and of the State of West Virginia. The state board of education shall, with the advice of the state superintendent of schools, prescribe the courses of study covering these subjects of the public elementary and grammar schools, public high schools and state normal schools. It shall be the duty of the officials or boards having authority over the respective private, parochial and denominational schools to prescribe courses of study of the schools under their control and supervision similar to those required for the public schools.

The state board of education shall cause to be taught in all the public schools of this State the subject of scientific temperance, including the nature of alcoholic drinks and narcotics, with special instruction as to their effect upon the human system and upon society in general; and the textbooks on the subjects of health and hygiene, biology, and the social sciences, adopted for use in the public schools of the State, shall contain appropriate material for such teaching.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding ten dollars. For each violation and each week during which there is a violation shall constitute a separate offense. If the person so convicted occupy a position in connection with the public schools, he shall be ineligible for reappointment to that or a similar position for the period of one year.

WISCONSIN

Section 118.01. Educational goals and expectations.

(1) **Purpose.** Public education is a fundamental responsibility of the state. The constitution vests in the state superintendent the supervision of public instruction and directs the legislature to provide for the establishment of district schools. The effective operation of the public schools is dependent upon a common understanding of what the public schools should be and do. Establishing such goals and expectations is a necessary and proper complement to the state's financial contribution to education. Each school board should provide curriculum, course requirements and instruction consistent with the goals and expectations established under sub. (2). Parents and guardians of pupils enrolled in the school district share with the state and school board the responsibility for pupils meeting the goals and expectations under sub. (2).

(2) **Educational goals.** (a) *Academic skills and knowledge.* Since the development of academic skills and knowledge is the most important goal for

schools, each school board shall provide an instructional program designed to give pupils:

(1) Basic skills, including the ability to read, write, spell, perform basic arithmetical calculations, learn by reading and listening and communicate by writing and speaking.

(2) Analytical skills, including the ability to think rationally, solve problems, use various learning methods, gather and analyze information, make critical and independent judgments and argue persuasively.

(3) A basic body of knowledge that includes information and concepts in literature, fine arts, mathematics, natural sciences, including knowledge of the elements of agriculture and the conservation of natural resources, and social sciences, including knowledge of the rights and responsibilities of the family as a consumer, cooperative marketing and consumers' cooperatives.

(4) The skills and attitudes that will further lifelong intellectual activity and learning.

(5) Knowledge in computer science, including problem solving, computer applications and the social impact of computers.

(b) *Vocational skills.* Each school board shall provide an instructional program designed to give pupils:

(1) An understanding of the range and nature of available occupations and the required skills and abilities.

(2) Preparation to compete for entry level jobs not requiring postsecondary school education.

(3) Preparation to enter job-specific vocational training programs.

(4) Positive work attitudes and habits.

(c) *Citizenship.* Each school board shall provide an instructional program designed to give pupils:

(1) An understanding of the basic workings of all levels of government, including the duties and responsibilities of citizenship.

(2) A commitment to the basic values of our government, including by appropriate instruction and ceremony the proper reverence and respect for and the history and meaning of the American flag, the Declaration of Independence, the U.S. Constitution and the constitution and laws of this state.

(3) The skills to participate in political life.

(4) An understanding of the function of organizations in society.

(5) Knowledge of the role and importance of biological and physical resources.

(6) Knowledge of state, national and world history.

(7) An appreciation and understanding of different value systems and cultures.

(8) At all grade levels, an understanding of human relations, particularly with regard to American Indians, Black Americans, and Hispanics.

(d) *Personal development.* Each school shall provide an instructional program designed to give pupils:

(1) The skills needed to cope with social change.

(2) Knowledge of the human body and the means to maintain lifelong health, including:

(a) Knowledge of the theory and practice of physical education, including the development and maintenance of physical fitness;

(b) Knowledge of the true and comparative vitamin content of food and food and health values of dairy products and their importance for the human diet; and

(c) Knowledge of physiology and hygiene, sanitation, the effects of controlled substances under ch. 161 and alcohol upon the human system, symptoms of disease and the proper care of the body. No pupil may be required to take instruction in these subjects if his or her parent files with the teacher a written objection thereto. Instruction in physiology and hygiene shall include instruction on sexually transmitted diseases and shall be offered in every high school.

(3) An appreciation of artistic and creative expression and the capacity for self-expression.

(4) The ability to construct personal ethics and goals.

(5) Knowledge of morality and the individual's responsibility as a social being, including the responsibility and morality of family living and the value of frugality and other basic qualities and principles referred to in article I, section 22, of the constitution insofar as such qualities and principles affect family and consumer education.

(6) Knowledge of the prevention of accidents and promotion of safety on the public highways, including instruction on the relationship between highway safety and the use of alcohol and controlled substances under ch. 161.

(7) The skills needed to make sound decisions, knowledge of the conditions which may cause and the signs of suicidal tendencies, knowledge of the relationship between youth suicide and the use of alcohol and controlled substances under ch. 161 and knowledge of the available community youth suicide prevention and intervention services. Instruction shall be designed to help prevent suicides by pupils by promoting the positive emotional development of pupils.

(8) Knowledge of effective means by which pupils may recognize, avoid, prevent and halt physically or psychologically instructive or abusive situations which may be harmful to pupils, including child abuse, sexual abuse and child enticement. Instruction shall be designed to help pupils develop positive psychological, emotional and problem-solving responses to such situations and avoid relying on negative, fearful or solely reactive methods of dealing with such situations. Instruction shall include information on available school and community prevention and intervention assistance or services and shall be provided to pupils in elementary schools.

Section 118.015. Reading instruction.

(1) Purpose and intent. It is the purpose and intent of this section to provide for a developmental reading program for pupils at all grade levels. . . .

Section 118.017. Foreign language instruction.

(1) All instruction shall be in the English language except:

(a) Those programs established under subch. VII of ch. 115 where instruction shall be in the English language and in the non-English language of the bilingual-bicultural program.

(b) The school board may cause any foreign language to be taught to pupils who desire it.

(c) The school board may cause any course to be taught in a foreign language if the purpose is to facilitate the instruction of English speaking pupils in that language.

(2) A school board may grant foreign language credit to a pupil who has satisfactorily completed a high school course in American sign language.

Section 118.019. Human growth and development instruction.

(1) **Purpose.** The purpose of this section is to encourage all school boards to make available to pupils instruction in topics related to human growth and development in order to promote accurate and comprehensive knowledge in this area and responsible decision making and to support and enhance the efforts of parents to provide moral guidance to their children.

(2) **Subjects.** A school board may provide an instructional program in human growth and development in grades kindergarten to 12. If provided, the program shall offer information and instruction appropriate to each grad level and the age and level of maturity of the pupils. The program may include instruction in any of the following areas:

(a) Self-esteem, responsible decision making and personal responsibility.

(b) Interpersonal relationships.

(c) Discouragement of adolescent sexual activity.

(d) Family life and skills required of a parent.

(e) Human sexuality; reproduction; contraception, including natural family planning; human immunodeficiency virus and acquired immunodeficiency syndrome; prenatal development; childbirth; adoption; available prenatal and postnatal support; and male responsibility.

(f) Sex stereotypes and protective behavior.

(3) **Distribution of curriculum to parents.** Each school board that provides an instructional program in human growth and development shall annually provide the parents of each pupil enrolled in the school district an outline of the human growth and development curriculum used in the pupil's grade level and information regarding how the parent may inspect the complete curriculum and instructional materials. The school board shall make the complete human

growth and development curriculum and all instructional materials available upon request for inspection at any time, including prior to their use in the classroom.

(4) **Exemption for individual pupils.** No pupil may be required to take instruction in human growth and development or in the specific subjects under sub. (2) if the pupil's parent files with the teacher or school principal a written request that the pupil be exempted.

WYOMING

Section 21-9-101. Schools to adhere to minimum standards promulgated by state board of education.

The board of trustees of each school district within the state shall cause the schools under its jurisdiction to adhere to the minimum standards relating to educational programs promulgated by the state board of education.

Section 21-9-102. Instruction in state and federal constitutions required; satisfactory examination a prerequisite to graduation.

All schools and college in this state that are supported in any manner by public funds shall give instruction of the essentials of the United States constitution and the constitution of the state of Wyoming, including the study of and devotion to American institution and ideals, and no student shall receive a high school diploma, associate degree or baccalaureate degree without previously passing a satisfactory examination on the principles of the constitution of the United State and the state of Wyoming. The instruction shall be given for at least three years in the elementary grades and for one year each in the secondary and college grades.

APPENDIX B

STATUTES REGARDING THE EDUCATION
RIGHTS OF HANDICAPPED STUDENTS

<u>STATE</u>	<u>CITATION</u>
Alabama	Ala. Code Section 16-39-1
Alaska	Alaska Stat. Section 14.30.180 et seq.
Arizona	Ariz. Rev. Stat. Ann. Section 15-761
Arkansas	Ark. Code Section 6-41-101 et seq.
California	Cal. Educ. Code Section 56000 et seq.
Colorado	Colo. Rev. Stat. Section 22-20-101
Connecticut	Conn. Gen. Stat. Ann. Section 10-76a et seq.
Delaware	Del. Code Ann. tit. 14, Section 3101 et seq.
Florida	Fla. Stat. Ann. Section 228.051
Georgia	Ga. Code. Ann. Section 20-2-152 and Section 20-2-1160
Hawaii	Hawaii Rev. Stat. Section 301-21 et seq.
Idaho	Idaho Code Section 33-2001 et seq.
Illinois	Ill. Rev. Stat. ch. 1122, par. 14-1.01 et seq.
Indiana	Ind. Code Ann. Section 20-1-6-1 et seq.
Iowa	Iowa Code Ann. Section 281.1 et seq.
Kansas	Kan. Stat. Ann. Section 72-961 et seq.
Kentucky	Ky. Rev. Stat. Ann. Section 157.200 et seq.
Louisiana	La. Rev. Stat. Ann. Section 17:1941 et seq.
Maine	Me. Rev. Stat. Ann. tit. 20-A, Section 7001 et seq.
Maryland	Md. Educ. Code Ann. Section 8-101 et seq.
Massachusetts	Mass. Ann. Laws ch. 71B Section 1 et seq.
Michigan	Mich. Comp. Laws Section 380.1701 et seq.
Minnesota	Minn. Stat. Ann. Section 120.01 et seq.
Mississippi	Miss. Code Ann. Section 37-23-1 et seq.
Missouri	Mo. Rev. Stat. Section 162.670 et seq.
Montana	Mont. Code Ann. Section 20-7-401 et seq.
Nebraska	Neb. Rev. Stat. Section 79-3301, et seq.
Nevada	Nev. Rev. Stat. Section 388.440 et seq.
New Hampshire	N.H. Rev. Stat. Ann. Section 186-A:1 et seq.
New Jersey	N.J. Stat. Ann. Section 18A:46-1 et seq.
New Mexico	N.M. Stat. Ann. Section 22-13-5 et seq.
New York	N.Y. Educ. Law Section 4401 et seq.
North Carolina	N.C. Gen. Stat. Section 115C-106 et seq.
North Dakota	N.D. Cent. Code Section 15-59-01 et seq.

Ohio	Ohio Rev. Code Ann. Section 3323.01 et seq.
Oklahoma	Okla. Stat. Ann. tit. 70, Section 13-101 et seq.
Oregon	Or. Rev. Stat. Section 343-035 et seq.
Pennsylvania	Pa. Stat. Ann. tit. 24 Section 13-1371 et seq.
Rhode Island	R.I. Gen Laws Section 16-24-1 et seq.
South Carolina	S.C. Code Ann. Section 59-33-10 et seq.
South Dakota	S.D. Codified Laws Ann. Section 13-37-1 et seq.
Tennessee	Tenn. Code Ann. Section 49-10-101 et seq.
Texas	Tex. Educ. Code Ann. Section 21.501 et seq.
Utah	Utah Code Ann. Section 53A-15-301 et seq.
Vermont	Vt. Stat. Ann. tit. 16, Section 2941 et seq.
Virginia	Va. Code Section 21.1-213 et seq.
Washington	Wash. Rev. Code Ann. Section 28A.13.005 et seq.
West Virginia	W. Va. Code Section 18-20-1 et seq.
Wisconsin	Wis. Stat. Ann. Section 115.76 et seq.
Wyoming	Wyo. Stat. Section 21-2-501 et seq. and 21-21-101 et seq.