

HOUSE BILL No. 2833

By Representatives Cook, Campbell, Dahl, Freeborn, Howell, Huebert, Hutchins, Huy, Landwehr, Lloyd, P. Long, Mayans, Mays, McCreary, McLeland, Miller, Judy Morrison, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Patterson, Pauls, L. Powell, T. Powell, Powers, Pyle, Toplikar, Vickrey, D. Williams

2-12

AN ACT concerning schools and school districts; relating to courses of instruction and patriotic exercises; amending K.S.A. 72-1103 and K.S.A. 2001 Supp. 72-5308 and repealing the existing sections.

WHEREAS, The Legislature finds and declares that the atrocity committed by terrorists on September 11, 2001, has revealed that our strongest weapon against terrorism is the survival of a basic understanding of our declaration of independence and our constitution; and

WHEREAS, In writing the declaration of independence, Thomas Jefferson set forth in 55 words a statement of the fundamental human principles of government upon which the new nation was to be founded; and

WHEREAS, Historically, our declaration of independence has been invoked when natural rights have come into question. Two examples are the abolition of slavery and the women's right to vote; and

WHEREAS, The documents of the civil rights movement are rife with references to the equal rights ideal of the declaration of independence culminating in the civil rights act of 1964; and

WHEREAS, The United States code cites only four fundamental laws on which all federal laws must still be based. Those four are the articles of confederation, the constitution, the northwest ordinance and the declaration of independence; and

WHEREAS, The Oxford companion to the supreme court of the United States explains that "the Declaration of Independence is the preamble of the Constitution," and American Jurisprudence states that "It has been said that it is always safe to read the letter of the Constitution in the spirit of the Declaration of Independence, and the courts sometime refer to the Declaration in determining constitutional questions"; and

WHEREAS, In the 21st Century, most nations view America's ideals as the hope of humankind. However, some divisions within nations view America with envy for its wealth and as a threat to their own barbaric cause. Theirs is the weapon of inhumanity, also called terrorism. Our

1 founding documents contain the principles that allow us to understand
2 that justice isn't just for some but for all. The documents contain values
3 that teach us about recognizing our common humanity and that each
4 person deserves to be treated with respect and human dignity, no matter
5 how small, how weak, how old or how disabled; and

6 WHEREAS, The Kansas Constitution emphasizes these same ideas in
7 the Kansas Bill of Rights which states in the first amendment, "All men
8 are possessed of equal and inalienable natural rights, among which are
9 life, liberty, and the pursuit of happiness."; and

10 WHEREAS, Memorizing and reciting the leading principles of the
11 declaration of independence will better prepare our students to become
12 effective citizens and enable them to explain the justice of our cause
13 against terrorism. It is important that our children believe that our most
14 basic freedoms and rights are not granted to us from the government but
15 that they are intrinsically ours.

16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 72-1103 is hereby amended to read as follows: 72-
18 1103. (a) All accredited schools, public, private or parochial, shall provide
19 and give a complete course of instruction to all pupils, in civil government,
20 and United States history, and in patriotism and the duties of a citizen,
21 suitable to the elementary grades; ~~in addition thereto, all~~

22 (b) All accredited high schools, public, private or parochial, shall give
23 a course of instruction concerning the government and institutions of the
24 United States, and particularly of the constitution of the United States;
25 ~~and no~~ *and the declaration of independence in their original, 18th century*
26 *context.*

27 (c) No student who has not taken and satisfactorily passed such course
28 shall be certified as having completed the course requirements necessary
29 for graduation from high school.

30 (d) *Included in such age-appropriate curriculum shall be the meaning*
31 *and importance of the declaration of independence in its 18th century*
32 *context, including the relationship of its ideas to the American revolution,*
33 *the formulation of the American constitution and amendments, women's*
34 *suffrage, the civil rights movement and other developments in American*
35 *history both political and economic.*

36 (e) *Every accredited school shall determine the appropriate means of*
37 *implementing this section.*

38 Sec. 2. K.S.A. 2001 Supp. 72-5308 is hereby amended to read as
39 follows: 72-5308. (a) The state board of education shall prepare for the
40 use of the public schools a program providing for patriotic exercises the
41 board deems to be expedient, under such instructions as may best meet
42 the varied requirements of the different grades in such schools. The pro-
43 gram of patriotic observation of every school district shall include:

1 (1) A daily recitation of the pledge of allegiance to the flag of the
2 United States of America *and a daily recitation of the following excerpt*
3 *from the declaration of independence: “We hold these truths to be self-*
4 *evident, that all men are created equal, that they are endowed by their*
5 *Creator with certain unalienable rights, that among these are life, liberty,*
6 *and the pursuit of happiness. That to secure these rights, governments are*
7 *instituted among men, deriving their just powers from the consent of the*
8 *governed.”;*

9 (2) instructions relating to flag etiquette, use and display; and

10 (3) provisions relating to the observance in public schools of Lincoln’s
11 birthday, Washington’s birthday, Memorial day, and Flag day and such
12 other legal holidays designated by law.

13 (b) The state board of education shall adopt any rules and regulations
14 necessary to implement the provisions of subsection (a).

15 (c) *This section shall not apply to any pupil who has conscientious*
16 *scruples against recitation required by this section or who is a child of an*
17 *accredited representative of a foreign government to whom the United*
18 *States government extends diplomatic immunity. Any pupil wishing to be*
19 *excused from the recitation will provide a letter to the school giving the*
20 *reason or reasons for the excuse with a signed endorsement agreeing with*
21 *the excuse by such pupil’s parent or guardian. This letter will be main-*
22 *tained on file at the student’s school.*

23 Sec. 3. K.S.A. 72-1103 and K.S.A. 2001 Supp. 72-5308 are hereby
24 repealed.

25 Sec. 4. This act shall take effect and be in force from and after its
26 publication in the statute book.

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