

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 397

BY EDUCATION COMMITTEE

AN ACT

1
2 RELATING TO EDUCATION; AMENDING SECTION 33-1602, IDAHO CODE, TO REVISE
3 PROVISIONS REGARDING CIVICS INSTRUCTION AND TO MAKE TECHNICAL CORREC-
4 TIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 33-1602, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 33-1602. UNITED STATES CONSTITUTION -- NATIONAL FLAG AND COLORS -- NA-
9 TIONAL ANTHEM -- "AMERICA" -- CITIZENSHIP -- CIVICS TEST. (1) Instruction in
10 the ~~Constitution of the United States~~ constitution shall be given in all ele-
11 mentary and secondary schools. The state board of education shall adopt ~~such~~
12 any materials as may be deemed necessary for ~~said such~~ purpose and shall also
13 determine the grades in which such instruction shall be given.

14 (2) Instruction in the proper use, display, and history of and respect
15 for the American flag and the national colors shall be given in all elemen-
16 tary and secondary schools. Such instruction shall include the pledge of al-
17 legiance to the flag and the words and music of the national anthem and of
18 "America."

19 (3) Every school board of trustees shall cause the United States flag to
20 be displayed in every classroom during the school hours of each school day.

21 (4) Every public school shall offer the pledge of allegiance or the na-
22 tional anthem in grades 1 through 12 at the beginning of each school day.

23 (5) No pupil shall be compelled, against the pupil's objections or
24 those of the pupil's parent or guardian, to recite the pledge of allegiance
25 or to sing the national anthem.

26 (6) Instruction in citizenship shall be given in all elementary and
27 secondary schools. Citizenship instruction shall include lessons on the
28 role of a citizen in a constitutional republic, how laws are made, how of-
29 ficials are elected, and the importance of voting and of participating in
30 government. Such instruction shall also include the importance of respect-
31 ing and obeying statutes that are validly and lawfully enacted by the Idaho
32 legislature and the congress of the United States.

33 (7) Starting with the 2016-2017 school year, all secondary pupils ~~must~~
34 shall show that they have met the state civics and government standards for
35 such instruction through the successful completion of the civics test, par-
36 ticipation in a course in United States government and politics, and partic-
37 ipation in an associated college credit-bearing examination, or alternate
38 path established by the local school district or charter school that shows
39 the student has met the standards. Assessment of standards shall be included
40 as part of the course at the secondary level. Students graduating prior to
41 January 1, 2029, who have satisfied the requirement outlined in this subsec-

1 tion prior to the start of the 2026-2027 school year are exempt from complet-
 2 ing the requirement provided for in subsection (8) of this section.

3 (8) Beginning with the 2026-2027 school year, all secondary pupils
 4 shall show that they have met the state civics and government standards for
 5 such instruction through the successful completion of the civics test and
 6 participation in a course in United States government and history, or par-
 7 ticipation in an associated college credit-bearing course or examination.
 8 Assessment of standards shall be included as part of the course at the sec-
 9 ondary level. A school district or public charter school shall document on
 10 the pupil's transcript that the pupil has passed the civics test pursuant to
 11 this subsection. The school district or governing body of the charter school
 12 may determine the method and manner in which to administer the civics test.
 13 A pupil may take the civics test, in whole or in part, at any time after en-
 14 rolling in grade 7⁹ and may repeat the test as often as necessary to pass the
 15 test. The applicability of this subsection to a pupil who receives special
 16 education services shall be governed by such pupil's individualized educa-
 17 tion plan. For the purposes of this subsection, "civics test" means the one
 18 hundred (100) questions used by officers of the United States citizenship
 19 and immigration services as a basis for selecting the questions posed to ap-
 20 plicants for naturalization, in order that the applicants can demonstrate a
 21 knowledge and understanding of the fundamentals of United States history and
 22 the principles and form of United States government, as required by 8 U.S.C.
 23 section 1423. The state board of education may promulgate rules implement-
 24 ing the provisions of this subsection. an assessment developed by the state
 25 department of education with the approval of the state board of education
 26 that includes but is not limited to the following components from the Idaho
 27 content standards in American government:

28 (a) The influence of the history of Western civilization on the found-
 29 ing of the American republic, including Greek democracy, Roman republi-
 30 canism, and the English political and legal tradition;

31 (b) The arguments presented in the declaration of independence;

32 (c) The governing principles at the foundation of the United States
 33 constitution, including popular sovereignty, rule of law, federalism,
 34 separation of powers, checks and balances, judicial review, and major-
 35 ity rule and protection of minority rights;

36 (d) The role of the bill of rights in limiting the powers of government
 37 and protecting individual rights;

38 (e) The enumerated powers of the United States congress, including ap-
 39 propriations, declarations of war, commerce, confirmations, necessary
 40 and proper clauses, and oversight and impeachment;

41 (f) The legislative process of how a bill becomes law;

42 (g) Article II of the United States constitution as it relates to the
 43 executive branch and the powers of the president, along with the devel-
 44 opment and growth of administrative agencies;

45 (h) The function and development of the electoral college;

46 (i) The power of the judiciary as conferred by article III of the United
 47 States constitution and legal precedents that developed these powers;

48 (j) The functions, powers, interactions, and dynamic relationships
 49 among federal, state, local, and tribal governments, including the

1 tenth amendment to the United States constitution and legal precedent;
2 and

3 (k) The organization and powers of state and local government as de-
4 scribed in the constitution of the state of Idaho, including the leg-
5 islative, executive, and judicial branches.

6 (9) Components of the assessment developed pursuant to subsection (8)
7 of this section shall be reviewed concurrently with the review of the Idaho
8 content standards in American government. The state board of education may
9 promulgate rules, subject to legislative approval, implementing the provi-
10 sions of subsection (8) of this section.

11 ~~(8)~~ (10) Subject to state-appropriated funds, the state department
12 of education shall make available funding for high quality professional
13 development focused on advanced high school civics or government courses,
14 including those with college credit-bearing civics or government examina-
15 tions. Allowable expenses include summer institutes offered at different
16 sites throughout the state and workshops to help high school teachers pre-
17 pare students for success in college-level courses.

18 SECTION 2. An emergency existing therefor, which emergency is hereby
19 declared to exist, this act shall be in full force and effect on and after
20 July 1, 2025.