

ASSEMBLY BILL NO. 82—ASSEMBLYMAN WHEELER

PREFILED JANUARY 26, 2021

Referred to Committee on Education

SUMMARY—Requires that instruction in the founding principles of American government be specifically included in public schools. (BDR 34-206)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring public schools to provide pupils with certain instruction in the founding principles of American government; requiring the Department of Education to submit reports to certain committees of the Legislature; requiring the Department to make available to teachers certain opportunities for professional development regarding the required instruction in the founding principles of American government; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires that all public schools provide instruction in American
2 government, including the essentials, origin and history of the United States
3 Constitution, to pupils. (NRS 389.054) **Section 4** of this bill expands that
4 requirement to include instruction on the Federalist Papers, the structure of
5 government, the role of the separation of powers and the freedoms guaranteed by
6 the Bill of Rights. **Section 2** of this bill requires the Department of Education to
7 submit a report biennially on the implementation of the instruction required by
8 **section 4** to the Legislative Committee on Education and the Director of the
9 Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing
10 Committees on Education. **Section 3** of this bill requires the Department to make
11 available to teachers professional development opportunities regarding such
12 instruction.



1 WHEREAS, The United States of America is currently
2 celebrating the 245th year of its independence and the 232nd year of
3 its people living free under the United States Constitution, the
4 greatest governing principles ever written; and

5 WHEREAS, It is the obligation and responsibility of every United
6 States citizen to understand the rights of the people to private
7 property, due process and other inalienable rights and to understand
8 the importance of the Declaration of Independence, the Constitution,
9 the Federalist Papers and other documents that set forth and
10 explain the principles of federalism, a governing system whereby
11 the states and the Federal Government share responsibility for
12 governing; and

13 WHEREAS, The Tenth Amendment to the United States
14 Constitution provides that “[t]he powers not delegated to the United
15 States by the Constitution, nor prohibited by it to the States, are
16 reserved to the States respectively, or to the people”; and

17 WHEREAS, The preservation of our great nation depends on
18 strict adherence to the Tenth Amendment and other principles that
19 protect the states and the people from overzealous acts of all
20 branches of the Federal Government; and

21 WHEREAS, Preeminent legal scholar Laurence Tribe has
22 observed that “[i]f there is any danger, it lies in the tyranny of small
23 decisions—in the prospect that Congress will nibble away at state
24 sovereignty, bit by bit, until someday essentially nothing is left but a
25 gutted shell”; and

26 WHEREAS, Understanding the proper role of the government and
27 its limitations has been a recurring issue for our courts throughout
28 the history of our nation; and

29 WHEREAS, Every state has constitutional requirements for the
30 education of the children of the state; and

31 WHEREAS, Many states comply with these constitutional
32 mandates of education by enacting laws that require graduating
33 students to have a working knowledge of the founding principles of
34 American government; and

35 WHEREAS, As stated by Founding Father George Mason, “No
36 free government, or the blessings of liberty, can be preserved to any
37 people, but . . . by frequent recurrence to fundamental principles”;
38 and

39 WHEREAS, Educating our children on the Founding Principles of
40 our nation is crucial to the continuance of our free Republic; now,
41 therefore,



1 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
2 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
3

4 **Section 1.** Chapter 389 of NRS is hereby amended by adding
5 thereto the provisions set forth as sections 2 and 3 of this act.

6 **Sec. 2.** *The Department shall, on or before October 15 of*
7 *each odd-numbered year, submit a report to the Legislative*
8 *Committee on Education and the Director of the Legislative*
9 *Counsel Bureau for transmittal to the Senate and the Assembly*
10 *Standing Committees on Education documenting the*
11 *implementation of required instruction in American government*
12 *pursuant to NRS 389.054.*

13 **Sec. 3.** *The Department shall make available by physical or*
14 *electronic means professional development opportunities for*
15 *teachers regarding the instruction in American government*
16 *required by NRS 389.054.*

17 **Sec. 4.** NRS 389.054 is hereby amended to read as follows:

18 389.054 1. In all public schools, the Caliente Youth Center,
19 the Nevada Youth Training Center and any other state facility for
20 the detention of children that is operated pursuant to title 5 of NRS,
21 instruction must be given in American government, including,
22 without limitation, instruction on:

23 (a) The essentials of:

24 (1) The Constitution of the United States, including, without
25 limitation, *the Federalist Papers, the structure of government, the*
26 *role of the separation of powers and the freedoms guaranteed by*
27 *the Bill of Rights;*

28 (2) The Constitution of the State of Nevada; and

29 (3) The Declaration of Independence;

30 (b) The origin and history of the Constitutions;

31 (c) The study of and devotion to American institutions and
32 ideals; and

33 (d) Civics.

34 2. Except as otherwise provided in NRS 388C.120, the
35 instruction required in subsection 1 must be given during at least 1
36 year of the elementary school grades and for a period of at least 1
37 year in all high schools.

38 **Sec. 5.** The provisions of subsection 1 of NRS 218D.380 do
39 not apply to any provision of this act which adds or revises a
40 requirement to submit a report to the Legislature.



1 **Sec. 6.** This act becomes effective upon passage and approval
2 for the purpose of adopting regulations and performing any
3 preparatory administrative tasks that are necessary to carry out the
4 provisions of this act, and on July 1, 2021, for all other purposes.

