

House Bill 313

By: Representatives Dunahoo of the 31st, Byrd of the 20th, Kahaian of the 81st, Tarvin of the 2nd, Cameron of the 1st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 19A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to American history recognition and significant documents, so as to authorize and
3 require all public elementary and secondary schools in this state to display the Ten
4 Commandments in multiple locations; to provide for specifications for such displays; to
5 provide legislative findings and intent; to make conforming changes; to provide for related
6 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 (a) The General Assembly finds that:

- 10 (1) In 2005, in the case of *Van Orton v. Perry*, 545 U.S. 677 (2005), the Supreme Court
11 of the United States recognized that it is permissible to display the Ten Commandments on
12 government property;
- 13 (2) In 2010, in the case of *Pleasant Grove City, Utah v. Summan*, 555 U.S. 460 (2006), the
14 Supreme Court of the United States acknowledged that the Ten Commandments may be
15 displayed on local government property when a private donation is made for the purchase
16 of the historical monument;

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17 (3) In 2019, in the case of *American Legion v. American Humanist Association*, 588
18 U.S. 29 (2019), the Supreme Court of the United States further recognized that the Ten
19 Commandments have historical significance as one of the foundations of our legal system,
20 and the court also ruled that displaying the Ten Commandments on public property may
21 reflect "historical significance" and represent "common cultural heritage";

22 (4) Inclusion in our education system recognizes the historical significance of the Ten
23 Commandments in the United States and the understanding of the nation's founders such
24 as James Madison, the fourth president of the United States of America, who stated, "We
25 have staked the whole future of our new nation ... upon the capacity of each of ourselves
26 to govern ourselves, according to the moral principles of the Ten Commandments";

27 (5) The Mayflower Compact of 1620 was America's first written constitution, it made a
28 covenant with Almighty God to "form a civil body politic," it was the first purely American
29 document of self-government, and it affirmed the link between civil society and God;

30 (6) The Northwest Ordinance of 1787 provided a method of admitting territories to the
31 union as the nation expanded westward and extended the fundamental principles of civil
32 and religious liberty to the territories, stating that "religion, morality, and knowledge being
33 necessary to good government and the happiness of mankind, schools and the means of
34 education shall forever be encouraged"; and

35 (7) Inclusion of the Ten Commandments in the education of our children is part of our
36 state and national history, culture, and tradition.

37 (b) It is the intent of the General Assembly:

38 (1) To apply the decision of the Supreme Court of the United States in the *Van Orton* case
39 to continue the rich tradition and ensure that the students of our public schools may
40 understand and appreciate the foundational documents of our state and national
41 government;

42 (2) That this Act shall not create an unfunded mandate on any public school, local school
43 system, or local board of education; and

44 (3) To encourage public schools, local school systems, and local boards of education to use
45 documents that are printed and made available free of charge to comply with the
46 requirements of this Act.

47 **SECTION 2.**

48 Article 19A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
49 American history recognition and significant documents, is amended by revising
50 subsection (a) of Code Section 20-2-1021, relating to display of historically significant
51 documents, as follows:

52 "(a) To increase student understanding of, and familiarity with, American historical
53 documents, public schools may display historically important excerpts from, or copies of,
54 those documents in school classrooms and common areas as appropriate. Local boards of
55 education and charter schools are strongly encouraged to allow and may encourage any
56 public school teacher or administrator to read or post in a public school building,
57 classroom, or event excerpts or portions of writings, documents, records, or images that
58 reflect the history of the United States, including, but not limited to:

- 59 (1) The Preamble to the Georgia Constitution;
60 (2) The Declaration of Independence;
61 (3) The United States Constitution, with emphasis on the 13th, 14th, and 15th
62 Amendments;
63 (4) The Bill of Rights;
64 (5) The Mayflower Compact;
65 (6) The national motto;
66 (7) The Pledge of Allegiance to the United States flag;
67 ~~(7.1)~~(8) The Pledge of Allegiance to the Georgia flag;
68 ~~(8)~~(9) The National Anthem;

69 ~~(9)~~(10) The writings, speeches, documents, and proclamations of the Founding Fathers
 70 and Presidents of the United States;
 71 ~~(9-1)~~(11) The Emancipation Proclamation;
 72 ~~(9-2)~~(12) The Gettysburg Address;
 73 (13) The Ten Commandments;
 74 (14) The Northwest Ordinance of 1787;
 75 ~~(10)~~(15) Decisions of the United States Supreme Court; and
 76 ~~(11)~~(16) Acts of the Congress of the United States, including the published text of the
 77 Congressional Record."

78 **SECTION 3.**

79 Said article is further amended by redesignating subsection (b) of Code Section 20-2-1021,
 80 relating to display of historically significant documents, as subsection (c) and by adding a
 81 new subsection to read as follows:

82 "(b)(1) No later than July 1, 2025, each public elementary and secondary school in this
 83 state shall display in each of the three locations provided for in paragraph (2) of this
 84 subsection a durable poster or framed copy of the Ten Commandments that meets the
 85 requirements of paragraph (3) of this subsection.

86 (2) A poster or framed copy of the Ten Commandments, as required in paragraph (1) of
 87 this subsection shall be displayed in a manner and location in which it can easily be read
 88 by both students and adults in locations within each school facility fitting the following
 89 descriptions:

90 (A) The main entrance of the main building;

91 (B) The main entrance of the school library or media center; and

92 (C) The main entrance of the cafeteria.

93 (3) Each poster or framed copy of the Ten Commandments, as required in paragraph (1)
 94 of this subsection, shall:

95 (A) Be at least 16 inches wide and 20 inches tall; and
 96 (B) Include the following text, in a size and typeface legible to a person with average
 97 vision from anywhere in the school facility in which the poster or framed copy is
 98 displayed:

99 'The Ten Commandments

100 I AM the LORD thy God.
 101 Thou shalt have no other gods before me.
 102 Thou shalt not make to thyself any graven images.
 103 Thou shalt not take the Name of the Lord thy God in vain.
 104 Remember the Sabbath day, to keep it holy.
 105 Honor thy father and thy mother, that thy days may be long upon the land
 106 which the Lord thy God giveth thee.
 107 Thou shalt not kill.
 108 Thou shalt not commit adultery.
 109 Thou shalt not steal.
 110 Thou shalt not bear false witness against thy neighbor.
 111 Thou shalt not covet thy neighbor's house.
 112 Thou shalt not covet thy neighbor's wife, nor his manservant, nor his
 113 maidservant, nor his cattle, nor anything that is thy neighbor's.'

114 (4) Each poster or framed copy of the Ten Commandments, as required in paragraph (1)
 115 of this subsection, shall be displayed with a separate context statement that reads as
 116 follows:

117 *'The history of the Ten Commandments in American public education.* The Ten
 118 Commandments were a prominent part of American public education for almost three
 119 centuries. Around the year 1688, *The New England Primer* became the first published
 120 American textbook and was the equivalent of a first grade reader. *The New England*
 121 *Primer* was used in public schools throughout the United States for more than 150 years

122 to teach Americans to read and contained more than 40 questions about the Ten
123 Commandments. The Ten Commandments were also included in public school
124 textbooks published by educator William McGuffey, a noted university president and
125 professor. A version of his famous *McGuffey Readers* was written in the early 1800s
126 and became one of the most popular textbooks in the history of American education,
127 selling more than 100 million copies. Copies of the *McGuffey Readers* are still
128 available today. The Ten Commandments also appeared in a textbook published by
129 Noah Webster which was widely used in American public schools along with America's
130 first comprehensive dictionary that Webster also published. His textbook, *The*
131 *American Spelling Book*, contained the Ten Commandments and sold more than 100
132 million copies for use by public school children all across the nation and was still
133 available for use in American public schools in the year 1975.'

134 (5)(A) Nothing in this subsection shall be construed to require any public school, local
135 school system, or local board of education, to spend public funds to purchase posters
136 or framed copies of the Ten Commandments, as required in paragraph (1) of this
137 subsection.

138 (B) Each public school, local school system, or local board of education shall accept:

139 (i) Funds donated for the purchase posters or framed copies of the Ten
140 Commandments, as required in paragraph (1) of this subsection; and

141 (ii) Any offer of a privately donated poster or framed copy of the Ten
142 Commandments; provided, however, that such poster or framed copy:

143 (I) Meets the requirements of paragraph (3) of this subsection; and

144 (II) Does not contain any additional content.

145 (6) The State Board of Education shall adopt rules and regulations necessary to
146 implement the requirements of this subsection.

147 (7) The Department of Education shall publish on its public website information that
148 identifies free resources that comply with the provisions of this subsection."

149 **SECTION 4.**

150 Said article is further amended by revising Code Section 20-2-1022, relating to online
151 instructional resources relating to American history for educators, as follows:

152 "20-2-1022.

153 To increase student understanding of, and familiarity with, American historical documents
154 and to provide curriculum support to classroom teachers of United States history, American
155 government and civics, economics, and social studies, the Department of Education is
156 strongly encouraged to create an online instructional resource page or pages for teachers,
157 which may include, but is not limited to, links to websites, foundational documents, and
158 lesson plan ideas. In order to create shared digital resources available to all students in this
159 state, such online resources may be integrated with the Teacher Resource Link of the
160 Statewide Longitudinal Data System. At a minimum, such resource page or pages may
161 include the items in paragraphs (1) through ~~(11)~~ (16) of subsection (a) of Code
162 Section 20-2-1021 and may focus on the foundational principles of limited constitutional
163 government, federalism, religious liberty, freedom of speech, the right to private property,
164 free enterprise, and the rule of law. There shall be no content based censorship of
165 American history, writings of the Founding Fathers, or heritage documents referred to in
166 this Code section due to their religious or cultural nature. It is strongly encouraged that the
167 online teacher resource page be completed and made easily available to teachers no later
168 than July 31, 2016, and support the requirements specified in Code Section 20-2-1020."

169 **SECTION 5.**

170 This Act shall become effective upon its approval by the Governor or upon its becoming law
171 without such approval.

172 **SECTION 6.**

173 All laws and parts of laws in conflict with this Act are repealed.