

**THE CIVICS ALLIANCE  
NATIONAL ASSOCIATION OF SCHOLARS  
MODEL CIVICS LEGISLATION**

**CIVICS LITERACY ACT**

**Introduction**

High school students, as a condition for graduation, should be able to pass the U.S. Civics Test given to immigrants who wish to be naturalized. A graduation-requirement Civics Literacy Assessment (CLA) that uses the U.S. Civics Test requires K-12 civics education to include a core of factual knowledge, prevents state education bureaucrats from drafting curricula and standards that replace factual knowledge with social justice propaganda and/or action civics. A CLA that relies on the U.S. Civics Test also prevents state education bureaucrats from defining that core of factual knowledge.

A CLA defends K-12 civics curricula from complete takeover by action civics, but it will not by itself guarantee that high school students learn enough about their country's history and government. It provides a *floor* for civics education, not a *ceiling*. A CLA law is only the beginning of civics education reform—and one we include as only one chapter of our model civics legislation.

**The Civics Education Initiative (CEI)**

The Civics Education Initiative (CEI) worked since *ca.* 2015 to pass state laws requiring high school students, as a condition of graduation, to pass the U.S. Civics Test given to immigrants who wish to be naturalized.

The CEI forwarded a central strategic goal of civics education reform, to base civics education on a core of factual knowledge. The CEI also prevented state education bureaucrats from using their powers to draft curricula and standards to eliminate factual knowledge from public K-12 curricula and replace it with social justice propaganda and/or action civics.

The CEI relied on an intelligently chosen tactic, to use the already-extant U.S. Civics Test as the basis of that factual knowledge rather than ask state legislators to draft their own core knowledge list—which practically would result in state legislators delegating the task of assembling that core knowledge list to state education bureaucrats.

The CEI has had remarkable success: 5 states have passed into law a rigorous version of the CEI model bill, 20 states have passed laws that incorporate elements of the CEI model bill, and bills to pass CEI model legislation, or elements thereof, have been introduced in a further 22 states.

The CEI itself appears to be moribund as an active political force, but state bills based on the CEI continue to be introduced in state legislatures.

Our CLA model legislative language largely follows the CEI’s model language. We have revised the language to take account of political issues that have arisen since the CEI began work. We have also incorporated language from CEI laws and bills in various states, whose modifications of the CEI model language seem to be good models.

### **Needed Specification: Which U.S. Civics Test to Use**

CEI laws as they now stand do not take account of an important issue that has recently arisen. CEI laws generally assume an unchanging U.S. Civics Test; indeed, some refer to the specific number of questions (100) on the 2008 U.S. Civics Test. The Trump administration, however, substituted a more rigorous 128-question test in 2020, which was rescinded by the Biden administration in 2021. These changes reveal that the CEI laws as they now stand have a weak foundation, because they depend on the rigor of the existing U.S. Civics Test. The U.S. Civics Test can be changed—and already there is a movement to ‘reinvigorate’—degrade—the quality of the U.S. Civics Test.

CEI laws and bills should be revised to specify that they refer to the 2020 U.S. Civics Test.

### **Needed Rigor**

A significant number of states have passed weaker versions of CEI into law—statutes that “encourage” use of the U.S. Civics Test, which incorporate the U.S. Civics Test within existing curriculum, which reduce the number of questions students must answer, or which specify that students must take the U.S. Civics Test, but need not pass it to graduate. In other states, lawmakers have introduced bills that attempt to repeal or to weaken the rigor of existing CEI laws. Still other states direct their own education administrations to devise their own civics literacy assessments. Weak alternatives are better than no civics literacy assessment at all, but civics reformers should work for rigorous CEI laws.

States with existing, weaker legislation should revise their laws to pass a rigorous CEI law which explicitly requires passing the 2020 U.S. Civics Test as a high school graduation requirement.

The Civics Literacy Act model legislation below requires as a condition of graduation that high school students correctly answer at least seventy (70) of the one hundred twenty eight (128) test questions on the 2020 U.S. Civics Test. Existing state laws vary, but most frequently require answering sixty (60) questions from the one hundred (100) test questions on the 2008 U.S. Civics Test. Requiring high school students to answer sixty (60) questions from the one hundred (100) test questions on the 2008 U.S. Civics Test should be taken as a stepping stone to the stronger requirements of our model legislation.

## **Standardization and Links to Undergraduate Civics Literacy Assessments**

States should also pass CEI laws for their public universities. The states should pass standard requirements, to make it easier for students in one state to attend or to transfer to public universities in another state. States should standardize their high school CEI laws as part of this broader standardization procedure.

Florida has already [passed laws](#) that link its high school and undergraduate civic literacy requirements.

## **More Advanced Civics Literacy Assessments**

States should also consider passing more rigorous CEI laws for college graduates and for teacher licensure. Lawmakers should consider a sequence of three requirements, all linked to the 2020 U.C. Civics Test.

- 1) students must correctly answer 70 of the 128 questions on the 2020 U.S. Civics Test as a high school graduation requirement.
- 2) students must correctly answer 90 of the 128 questions on the 2020 U.S. Civics Test as a public university graduation requirement.
- 3) teachers must correctly answer 110 of the 128 questions on the 2020 U.S. Civics Test as a teacher licensure requirement.

## **Model Legislative Text**

### **SECTION A:**

(1) Beginning in the 20XX-20XX school year, in order to receive a high school diploma from a public school or a charter school, or a high school equivalency diploma from a state entity, a student shall

(A) Take a test that is identical to the 128-question 2020 Civics Test (history and government naturalization examination) developed by the United States Citizen and Immigration Service; and

(B) Correctly answer at least seventy (70) of the one hundred twenty eight (128) test questions.

(2) A student may retake the test as many times as necessary to achieve a passing score.

(3) A student shall not receive a regular high school diploma from a public school or a charter school, or a high school equivalency diploma from a state entity until the student passes the test.

**SECTION B:**

The State Board of Education shall determine the method and manner by which to administer a test that is identical to the 128-question 2020 Civics Test (history and government naturalization examination) developed by the United States Citizen and Immigration Service.

**SECTION C:**

When a student meets the requirements of Section A, the public school, charter school, or state entity governing high school equivalency diplomas shall document on the student's transcript that the student has correctly answered at least seventy (70) of the one hundred twenty eight (128) test questions from the 2020 Civics Test (history and government naturalization examination).

**SECTION D:**

A special education student who is at least 18 years of age is not required to achieve a passing score on the civics test in order to graduate from high school unless he or she is learning at a level appropriate for his or her grade level in a specific academic area and unless a passing score on the civics test is specifically required in a specific academic area by the individualized education program of the student.

**SECTION E:**

Neither the superintendent of public instruction nor a school district may impose or collect any fees or charges in connection with this section.

**SECTION F:**

If any provision of this chapter, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this chapter and the application of its provisions to any other person or circumstance shall not be affected thereby.

**DEFINITIONS:**

- 1) "2020 Civics Test (history and government naturalization examination) developed by the United States Citizen and Immigration Service" means the one hundred twenty eight questions that, as of December 31, 2020, officers of the United States Citizenship and Immigration Services used in order that the applicants could demonstrate a knowledge and understanding of the fundamentals of United States history and the principles and form of United States government, as required by 8 U.S.C. 1423.
- 2) "Special education" means specially designed individualized or group instruction or special services or programs and special transportation, provided at no cost to the parent, to meet the unique needs of students with disabilities.

**Existing State Statutes**

*Require High School Students to Answer 65 Questions From the 2008 U.S. Civics Test*

Wisconsin: [Wi. Stat. sec. 118.33](#) [*High school graduation standards; criteria for promotion*]

*Require High School Students to Answer 60 Questions From the 2008 U.S. Civics Test*

Arizona: [A.R.S. § 15-701.01](#) [*High schools; graduation; requirements; community college or university courses; transfer from other schools; academic credit*]

Arkansas: [ACA § 6-16-149](#) [*United States citizenship civics test*]

Kentucky: [KRS § 158.141](#) [*Passing grade on civics test required for high school graduation*]

North Dakota: [N.D. Cent. Code § 15.1-21-27](#) [*High school graduation requirement - Civics test*];  
[N.D. Cent. Code § 15.1-21-NEW](#) [*North Dakota scholarship*]

*Weaker Requirement Linked to 2008 U.S. Civics Test*

Alabama: [Alabama Code Title 16. Education § 16-40-10](#) [*Civics Test High School Graduation Requirement*]

Florida: [Fla. Stat. § 1003.4282](#) [*Requirements for a standard high school diploma*]

Idaho: [Idaho Code § 33-1602](#) [*United States Constitution — National Flag and Colors — National Anthem — “America” — Citizenship — Civics Test*]

Indiana: [IC 20-30-5-7](#) [*Curriculum; ethnic and racial groups course; naturalization examination report; posting pass rate*]

Louisiana: [La. R.S. 17:274.1](#) [*Civics and Free Enterprise; required; exceptions*]

Michigan: [MCL 380.1166](#) [*Constitution and government; civics; mandatory courses; commencement of instruction; exception; revision of state curriculum content standards for high school social studies; definition*]

Minnesota: [Minn. Stat. § 120B.02](#) [*Educational expectations and graduation requirements for Minnesota’s students*]

Missouri: [RSMo 170.013](#) [*Missouri higher education civics achievement examination, required when — question requirements*]; [RSMo 170.345](#) [*Missouri civics education initiative — examination required — waiver, when*]

Montana: [Mont. Code Ann. § 20-7-119](#) [*Administration Of United States Civics Test*]

Nebraska: [Neb. Rev. Stat. § 79-724](#) [*Committee on American civics; created; duties; school board, State Board of Education, and superintendent; duties*]

Nevada: [NV Rev Stat § 389.009](#) [*Public high school to administer certain examination concerning civics; requirements for administration of examination; pupil required to take examination as condition for graduation; waiver from examination*]

Oklahoma: [Okla. Stat. tit. 70, § 11-103.6](#) [*State Board of Education - Adoption of subject matter standards - Option for high school graduation - Adoption and approval of promotional system*]

Pennsylvania: [24 P.S. § 16-1605.1](#) [*Assessment of civic knowledge*]

South Carolina: [S.C. Code Ann. §59-29-240](#) [*Civics test required; report*]

Tennessee: [Tenn. Code Ann. § 49-6-408](#) [*Administration of United States civics test*]

[Texas Education Code §39.023](#) [*Adoption and Administration of Instruments*]

Utah: [Utah Code Ann. § 53E-4-205](#) [*American civics education initiative*]; [Utah Code Ann. § 53E-4-205.1](#) [*Waiver of basic civics test graduation requirement*]

[Va. Code Ann. § 22.1-253.13:1](#) [*Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives*]

Washington: [Rev. Code Wash. § 28A.230.094](#) [*High school civics course*]

West Virginia: [W. Va. Code § 18-2-9](#) [*Required course of instruction*]

#### *Alternate Civics Literacy Assessment*

New Hampshire: [NH RSA §189:11](#) [*Instruction in National and State History and Government*]

### **Bills Proposed**

*Require High School Students to Answer 70% of 128 Questions From the 2020 U.S. Civics Test*

New Hampshire: [House Bill 320 \(2021\)](#)

*Require High School Students to Answer 60 Questions From the 2008 U.S. Civics Test*

Colorado: [Senate Bill 16-148 \(2016\)](#)

Delaware: [House Bill 564 \(2017-2018\)](#)

Georgia: [Senate Bill 219 \(2019-2020\)](#)

Hawaii: [House Bill 857 \(2015\)](#)

Iowa: [Senate File 2341 \(2018\)](#)

Kansas: [House Bill 2039 \(2021-2022\)](#)

Maryland: [House Bill 284 \(2020\)](#)  
Massachusetts: [House Bill \(574 \(2021-2022\)\)](#)  
Mississippi: [Senate Bill 2308 \(2021\)](#)  
North Carolina: [Senate Bill 586 \(2017-2018\)](#)  
Oklahoma: [House Bill 2030 \(2021\)](#)  
Oregon: [Senate Bill 1038 \(2017\)](#)  
West Virginia: [House Bill 2152 \(2021\)](#)  
Wyoming: [House Bill 129 \(2019\)](#)

*Weaker Requirement Linked to 2008 U.S. Civics Test*

Illinois: [House Bill 4064 \(2021\)](#)  
Ohio: [House Bill 544 \(2015-2016\)](#)  
South Dakota: [House Bill 1066 \(2019\)](#)  
Vermont: [House Bill 216 \(2021-2022\)](#)

*Alternate Civics Literacy Assessment*

Alaska: [Senate Bill 712 \(2021-2022\)](#)  
Connecticut: [House Bill 6137 \(2021\)](#)  
Florida: [House Bill 507 \(2021\)](#)

**States and Federal District Without Civics Literacy Assessment Laws or Bills Proposed**

California  
District of Columbia  
Maine  
New Jersey  
New Mexico  
New York  
Rhode Island