

Model Legislation, Civics Literacy Act

The Civics Alliance

National Association of Scholars

High School Graduates Should Know Civics

Establish A Mandatory Civics Literacy Assessment

The Civics Literacy Act (CLA) requires high school students, as a condition of graduation, to pass the U.S. Civics Test given to immigrants who wish to be naturalized. The CLA, by requiring 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. The CLA's reliance on the U.S. Civics Test as the basis of that factual knowledge also prevents state education bureaucrats from defining that core of factual knowledge. The CLA defends K-12 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 should form the foundation of thorough instruction in civics.

In other words, this provides a *floor* for civics education, not a *ceiling*. Civics education reformers should not declare victory and go home if their state passes a CLA. A CLA is only the beginning of civics education reform.

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: 6 states have passed into law a rigorous version of the CEI model bill, 18 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 18 states. The CEI itself appears to be moribund as an active political force,¹ but state bills based on the CEI continue to be introduced in state legislatures.

CEI bills are an excellent model for a required civics literacy assessment for high-school graduates.

¹ [Joe Foss Institute Joins CPTL](#), Center for Political Thought and Leadership, Arizona State University.

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Needed Reform: Specify 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.² The Trump administration, however, substituted a more rigorous 128-question test in 2020,³ which was rescinded by the Biden administration in 2021.⁴ 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.⁵

CEI laws and bills should be revised on the model of New Hampshire House Bill 320⁶ 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 repeal⁷ or to weaken the rigor⁸ 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.

² [Study for the Test \(2008 version\)](#), U.S. Citizenship and Immigration Services.

³ [Study for the Test \(2020 version\)](#), U.S. Citizenship and Immigration Services.

⁴ [The Naturalization Interview and Test](#), U.S. Citizenship and Immigration Services.

⁵ Dana Devon, “[Revisions to the citizenship exam can help revitalize US civics education](#),” *The Hill*, March 21, 2021.

⁶ [New Hampshire House Bill 320](#).

⁷ [Minnesota Senate Bill 240](#).

⁸ [Minnesota House Bill 563](#).

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Standardization and Links to Undergraduate Civics Literacy Assessments

States should also pass CEI laws for their public universities.⁹ 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.

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 Legislation: The Civics Literacy Act

The Civics Literacy Act (CLA) largely follows The Civics Education Initiative's (CEI) 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.

CLA Text

WHEREAS, each generation of American leaders has recognized that informing the next generation of Americans in basic civics and ensuring American students understand basic facts about the United States government and its creation and the nation's history is vital to the survival of the Republic; and

WHEREAS, students should not only be expected to have a basic understanding of the principles upon which the nation was founded, they deserve to be armed with that information in their adult lives as they vote for representatives who will make critical decisions about the future of the nation, [state name], and its local communities and as they take on the role of active and engaged citizens; and

WHEREAS, according to the National Assessment of Educational Progress, only twenty-four percent of United States high school students are proficient in civics, and studies by the

⁹ [New Hampshire House Bill 319](#).

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Annenberg Public Policy Center show that a third of United States citizens cannot name even one branch of the federal government; and

WHEREAS, numerous studies and surveys confirm that young Americans are not proficient in the basics of United States civics, history, and geography, which are covered on the United States citizenship and immigration services citizenship civics exam; and

WHEREAS, Americans across the political spectrum overwhelmingly support providing measurable civics education in public schools and requiring high school students, as a condition of graduation, to pass the same civics exam that all immigrants must pass to become United States citizens; and

WHEREAS, learning the most basic, foundational facts about the nation and passing the same test all new immigrants must successfully complete to become United States citizens establishes a foundation of civic knowledge and helps [state name] high school students understand and exercise their responsibilities as active citizens; now, therefore,

BE IT ENACTED:

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).

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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.

CLA: Legislative Progress

Statutes

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

Wisconsin: [Wisconsin Stat. sec. 118.33\(1m\)](#)

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

Arizona: [Arizona Revised Statutes Title 15. Education § 15-701.01](#)

Arkansas: [Arkansas Code Title 6. Education § 6-16-149](#)

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Kentucky: [Kentucky Revised Statutes Title XIII. Education § 158.141](#)

North Dakota: [N.D. Cent. Code § 15.1-21-27](#)

Wyoming: [House Bill 129 \(2019\)](#)

Weaker Requirement Linked to 2008 U.S. Civics Test

Alabama: [Alabama Code Title 16. Education § 16-40-10](#)

Idaho: [Idaho Statutes Title 33. Education § 33-1602](#)

Indiana: [Indiana Code § 20-30-5-7](#)

Louisiana: [Louisiana Rev Stat § 17:274.1 \(2018\)](#)

Michigan: [Michigan Compiled Laws, Chapter 380. School Code of 1976 § 380.1166](#)

Minnesota: [Minnesota Statutes Education Code: Prekindergarten-Grade 12 \(Ch. 120-129C\) § 120B.02](#)

Missouri: [Missouri Revised Statutes Title XI. Education and Libraries § 170.345](#)

Montana: [Montana Title 20. Education § 20-7-119](#)

Nebraska: [Nebraska Revised Statute 79-724](#)

Nevada: [Nevada Rev Stat § 389.009 \(2019\)](#)

Oklahoma: [70 OK Stat § 70-11-103.6 \(2019\)](#)

Pennsylvania: [2018 Act 35](#)

South Carolina: [South Carolina Code § 59-29-240 \(2017\)](#)

Tennessee: [Tennessee Code Title 49. Education § 49-6-408](#)

Texas: [Texas Education Code - EDUC § 39.023](#)

Utah: [Utah Code Section 53E-4-205](#)

Virginia: [Virginia Code Title 22.1. Education § 22.1-253.13:1](#)

Washington: [Washington Rev Code § 28A.230.094 \(2019\)](#)

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New Hampshire: [New Hampshire Rev Stat § 189:11 \(2016\)](#)

Bills Proposed

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

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

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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 \(2021\)](#)

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

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Rhode Island

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