A BILL FOR AN ACT

CONCERNING REQUIRING STUDENTS TO CORRECTLY ANSWER A PORTION OF THE CIVICS QUESTIONS ON THE UNITED STATES NATURALIZATION TEST AS PART OF THE EXISTING STATE REQUIREMENT FOR HIGH SCHOOL STUDENTS TO SATISFACTORILY COMPLETE A COURSE ON CIVIL GOVERNMENT BEFORE GRADUATING FROM HIGH SCHOOL.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Under existing law, each high school student must satisfactorily
complete a civics course as a condition of high school graduation. In connection with this requirement, the bill requires each student who is enrolled in ninth grade during or after the 2016-17 school year to correctly answer, before graduating from high school, at least 60 questions from the civics portion of the naturalization test (test) used by the United States citizenship and immigration services. The school district, charter school, or school operated by a board of cooperative services (local education provider) that enrolls the student may allow the student to take the test on multiple occasions while enrolled in ninth through twelfth grade and, if necessary, to repeat the test until the student correctly answers at least 60 questions. Once the student correctly answers 60 questions, the local education provider will note the accomplishment on the student's transcript. A student who has a disability is excused from this requirement, except to the extent it may be required in the student's individualized education program. The superintendent or principal of a local education provider may waive the requirement for a student who meets all of the other graduation requirements and demonstrates the existence of extraordinary circumstances that justify the waiver. Each local education provider has complete flexibility in determining the manner of delivering the test and may incorporate the test into its existing curriculum. A local education provider shall not use the results of the test in measuring educator effectiveness.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) Each generation of American leaders has recognized that informing and engaging 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;

(b) 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, Colorado, and its local communities and as they take on the
role of active and engaged citizens;

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

(d) 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;

(e) According to the Civics Education Initiative, 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

(f) 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 Colorado high school students understand and exercise their responsibilities as active citizens.

SECTION 2. In Colorado Revised Statutes, 22-1-104, add (3.5) as follows:

22-1-104. Teaching of history, culture, and civil government.

(3.5) (a) In meeting the graduation requirement specified in subsection (3) of this section, each student who is enrolled in ninth grade during or after the 2016-17 school year must, before graduating from twelfth grade, correctly answer at least
SIXTY OF THE QUESTIONS FROM THE CIVICS PORTION OF THE NATURALIZATION TEST. THE SCHOOL DISTRICT, CHARTER SCHOOL, OR PUBLIC SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES IN WHICH A STUDENT IS ENROLLED SHALL ENSURE THAT EACH STUDENT ENROLLED IN GRADES NINE THROUGH TWELVE TAKES THE CIVICS PORTION OF THE NATURALIZATION TEST, IN WHOLE OR IN PART, ON ONE OR MULTIPLE OCCASIONS AT ANY TIME WHILE ENROLLED IN GRADES NINE THROUGH TWELVE. THE SCHOOL DISTRICT, CHARTER SCHOOL, OR PUBLIC SCHOOL MAY ALLOW A STUDENT TO REPEAT ALL OR ANY PORTION OF THE CIVICS PORTION OF THE NATURALIZATION TEST AS OFTEN AS NECESSARY UNTIL THE STUDENT CORRECTLY ANSWERS AT LEAST SIXTY QUESTIONS. WHEN A STUDENT MEETS THE REQUIREMENTS OF THIS PARAGRAPH (a), THE SCHOOL DISTRICT, CHARTER SCHOOL, OR PUBLIC SCHOOL SHALL DOCUMENT ON THE STUDENT’S TRANSCRIPT THAT THE STUDENT HAS CORRECTLY ANSWERED AT LEAST SIXTY QUESTIONS FROM THE CIVICS PORTION OF THE NATURALIZATION TEST.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3.5):

(I) A STUDENT WHO HAS AN INDIVIDUALIZED EDUCATION PROGRAM PURSUANT TO SECTION 22-20-108 IS NOT REQUIRED TO MEET THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3.5) UNLESS OTHERWISE PROVIDED, AND ONLY TO THE EXTENT PROVIDED, IN THE STUDENT’S INDIVIDUALIZED EDUCATION PROGRAM; AND

(II) THE SUPERINTENDENT OF A SCHOOL DISTRICT OR THE PRINCIPAL OF A CHARTER SCHOOL OR OF A PUBLIC SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES MAY WAIVE THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3.5) IF A STUDENT
ENROLLED IN THE SCHOOL DISTRICT, CHARTER SCHOOL, OR PUBLIC SCHOOL MEETS ALL OF THE OTHER GRADUATION REQUIREMENTS OF THE SCHOOL DISTRICT, CHARTER SCHOOL, OR PUBLIC SCHOOL AND THE STUDENT DEMONSTRATES THE EXISTENCE OF EXTRAORDINARY CIRCUMSTANCES THAT JUSTIFY GRANTING THE WAIVER, AS DETERMINED BY THE SUPERINTENDENT OR PRINCIPAL.

(c) To meet the requirements specified in paragraph (a) of this subsection (3.5), a school district, charter school, or public school operated by a board of cooperative services may use the civics portion of the naturalization test and the teaching materials that are available from the United States citizenship and immigration services. Each school district, charter school, and public school has complete authority and flexibility in determining the manner in which it administers the civics portion of the naturalization test and may incorporate the test into the existing history, cultural, or civil government curriculum used by the school district, charter school, or public school.

(d) A school district, charter school, or public school operated by a board of cooperative services shall not use the results of the civics portion of the naturalization test:

(I) as a measure for a performance indicator in determining school district accreditation or public school performance under article 11 of this title; or

(II) as a measure of student academic growth in measuring educator effectiveness pursuant to article 9 of this title.

(e) As used in this subsection (3.5), "civics portion of the naturalization test" means the one hundred questions that
OFFICERS OF THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES USE AS THE BASIS FOR SELECTING THE QUESTIONS POSED TO APPLICANTS FOR NATURALIZATION TO ALLOW APPLICANTS TO 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. SEC. 1423.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.