

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 834 (Delegate Kittleman)
 Ways and Means

Education - Maryland High School Diploma - Civics Test Requirement

This bill requires a student, in order to graduate from a public high school on or after January 1, 2019, to take and answer correctly at least 60% of the 100 questions used for the civics portion of the naturalization test administered by the U.S. Citizenship and Immigration Services (CIS). Likewise, to obtain a Maryland high school diploma through the National External Diploma Program or through examination (e.g., the GED), an individual must meet this requirement. An individual may repeat taking the civics test until achieving a passing score. On or before the first day of the 2018-2019 school year, the State Board of Education must determine the means of providing each high school student an opportunity to take the civics test. Each local board of education must indicate on the official educational record of each high school student whether the student has achieved a passing score on the test.

Fiscal Summary

State Effect: General fund expenditures increase by \$1.0 million beginning in FY 2018 for the Maryland State Department of Education (MSDE) to create and grade the civics test for all students. General fund expenditures for the Department of Labor, Licensing, and Regulation (DLLR) increase by \$83,200 in FY 2019 due to one-time expenditures and to administer the exam to students who meet the National External High School or GED requirements. Future year expenditures reflect annualization and elimination of one-time costs. Revenues are not affected.

(\$ in millions)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1.0	1.1	1.1	1.1	1.1
Net Effect	(\$1.0)	(\$1.1)	(\$1.1)	(\$1.1)	(\$1.1)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local school systems may need to adjust their curriculums to include the 100 questions used for the civics portion of the naturalization test administered by CIS or their school schedules to accommodate the new assessment, but it is assumed it can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: The most recent reauthorization of the Elementary and Secondary Education Act (ESEA), the Every Student Succeeds Act of 2015, requires annual assessments of all students in grades 3 through 8 and at least once in high school in reading/language arts and mathematics. Since 2008, ESEA also requires students to be tested in science at least once in grades 3 through 5, 6 through 8, and 9 through 12. ESEA does not require a government or civics test.

The State Board of Education and the State Superintendent of Schools are required to implement assessment programs in reading, language, mathematics, science, and social studies. Assessments are required annually. At the middle school level, the assessment program must be a statewide, comprehensive, grade band program that measures the learning gains of each public school student toward achieving mastery of the standards set forth in the State's adopted curricula or the common core curricula. At the high school level, the assessment program must be a statewide, standardized, end-of-course assessment that is aligned with and that measures each public school student's skills and knowledge of the State's adopted curricula.

The State Board of Education sets statewide graduation requirements and local school systems may add additional graduation requirements. According to the Code of Maryland Regulations, to be awarded a high school diploma students must achieve a passing score on the Maryland high school assessments (HSAs) for algebra, biology, English, and government or meet one of the alternative methods of meeting the requirement, such as achieving a combined score as set by MSDE or completing Bridge Plans. To be awarded a diploma, all students, including elementary and middle school students who take high school level courses, must take the HSAs for algebra, biology, English, and government after the student completes the required course. For students who are graduating in school years 2016-2017 and 2017-2018 and who are first-time test takers of Algebra I or English 10 in those school years, if a student has taken the corresponding course and has passed the course but failed the HSA aligned with the course, that student is exempt from completing a Bridge Plan for Academic Validation and will have met the corresponding assessment requirement.

Chapter 452 of 2015 established the Commission to Review Maryland's Use of Assessments in Public Schools with the aim of reducing the number of mandated tests. According to the final [report](#) of the commission, members came to the agreement that student assessments serve a number of important purposes; however, instructional time must be protected to the greatest degree possible so that assessments given provide the most useful information possible while taking the least amount of time away from instruction.

Recommendation 2.1B of the report specifically addresses civics assessments in the State. It states that, "MSDE shall continue the assessment of national, State and local government to assure knowledge in civics, but with a fundamentally different structure than that which currently exists. Innovative approaches to measuring student progress should be considered, and the assessment should be designed in a way that is least disruptive to classroom instruction. The current two hour and thirty minute schoolwide assessment structure creates a significant resource and time burden on the teaching and learning process. The Commission recommends strongly that an assessment structure be developed allowing for the assessment to be administered within class periods, on one or multiple days, without needing to alter the normal school day for students or overly impacting instructional time for students."

Background: To become a naturalized U.S. citizen, qualified applicants must pass a civics test in addition to English speaking, reading, and writing tests. During an applicant's naturalization interview, the applicant is asked up to 10 questions from a list of 100 history and government questions. An applicant must answer correctly 6 of the 10 questions to pass the civics test. The list of 100 questions from which the interviewer may choose are provided by the federal government on its website so that applicants can learn the material.

The questions are asked and must be answered orally. The 100 questions have set answers, although some answers such as, "Who is one of the applicant's U.S. Senators?" change due to elections, and some questions such as, "What is *one* right or freedom from the First Amendment?" have multiple answers (*i.e.*, speech, religion, assembly, press, and petition the government). The 100 questions and answers can be found on CIS's [website](#). CIS also has developed a quick civics lessons [handbook](#) that explains the answers.

MSDE advises that there are clear and substantive connections between the materials tested within the civic portion of the naturalization test and the government HSA. MSDE provided the Department of Legislative Services (DLS) a matrix outlining the content that must be taught to all Maryland students, those content standards aligned with the content covered by the civics portion of the federal naturalization test and publicly released items from the government HSA.

DLLR advises that in fiscal 2016, 471 students graduated from a Maryland Adult External High School, and 3,911 students earned a GED.

State Expenditures: General fund expenditures increase by \$1.0 million beginning in fiscal 2018 for MSDE to create and grade the civics test for all students. General fund expenditures for DLLR increase by \$83,229 in fiscal 2019 for one-time expenditures and to administer the exam to its students who meet the National External High School or GED requirements. The following information and assumptions are used in this estimate.

- MSDE advises that creating and grading the civics test will increase general fund expenditures by \$4.5 million annually. DLS advises that since the questions and answers already exist, creating the test will be less expensive than \$4.5 million.
- Conducting the government HSA, a more complicated test, costs an estimated \$4.5 million annually. It is assumed that since the questions are already set, item development and psychometric validity testing costs for the civics test will be substantially less. Thus, it is assumed that creating the civics test will cost approximately \$1.0 million in fiscal 2018. To the extent test items can be taken from the government HSA, costs will be less. (Since the civics test must also be administered to students who graduate from a National External High School or with a GED, and these students are not required to take or pass the government HSA, it is assumed that the civics test cannot be incorporated into the existing government HSA.)
- It is further assumed that administration and scoring of the civics test costs approximately \$1.0 million annually beginning in fiscal 2019. It is assumed that MSDE's contract to create and score the civics test includes grading of the test for DLLR students.
- DLLR advises that creation of a new information technology module to capture test results costs approximately \$15,000. DLS assumes this one-time cost is incurred early in fiscal 2019.
- DLLR further advises that providing 125 test proctors three hours per month costs approximately \$40,000 per year. This would ensure that the test is delivered at least once a month in all 24 jurisdictions, the State's 13 prisons, and the State's juvenile service facilities. These costs begin in January 2019; thus, one-half of the cost is included in the estimate in fiscal 2019.
- DLLR advises that two full-time clerical staff are required to schedule, score, and report on the civics test. DLS advises that one full-time clerical staff member is

sufficient to schedule and report on the test. Thus, general fund expenditures for DLLR increase by \$43,100 in fiscal 2019, which reflects an October 1, 2018 hiring date to allow time for the first civics test administrations to be scheduled early in fiscal 2019.

Position – DLLR	1
Salaries and Fringe Benefits	43,120
DLLR Proctors	20,000
DLLR IT Module – One-time	15,000
Operating Expenses	<u>5,109</u>
Total DLLR FY 2019 State Expenditures	\$83,229

Future year expenditures reflect annualization and elimination of one-time costs for DLLR and the ongoing cost of \$1.0 million annually for MSDE to administer and score the civics test.

Additional Information

Prior Introductions: HB 324 of 2016 received a hearing in the House Ways and Means Committee, but no further action was taken. A similar bill, HB 1200 of 2015, was assigned to the House Rules and Executive Nominations Committee, but no further action was taken. A similar bill, SB 806 of 2014, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: None. However, SB 263 (Senator Bates - Education, Health, and Environmental Affairs) is nearly identical.

Information Source(s): Maryland State Department of Education; Department of Labor, Licensing, and Regulation; U.S. Citizenship and Immigration Services; Baltimore City; Caroline, Montgomery, and Prince George’s counties; Department of Legislative Services

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