

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 324 (Delegate Kittleman, *et al.*)
 Ways and Means

Education - Maryland High School Diploma - Civics Test Requirement

This bill requires on or after January 1, 2018, to graduate from a public high school, a student must 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 Maryland Adult External High School 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 2017-2018 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 2017 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 Regulations (DLLR) increase by \$90,600 in FY 2017 due to one-time expenditures and to administer the exam to its students who meet the Maryland Adult External High School or GED requirements. Future year expenditures reflect annualization, inflation, and elimination of one-time costs. Revenues are not affected.

(\$ in millions)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1.1	1.1	1.1	1.1	1.1
Net Effect	(\$1.1)	(\$1.1)	(\$1.1)	(\$1.1)	(\$1.1)

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

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, 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, 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 the Maryland State Department of Education (MSDE) or completing Bridge Plans. However, students entering grade 9 from the 2008-2009 to 2012-2013 school years do not need to pass the government HSA to graduate but may use it if they pursue a combined score to satisfy this requirement. Students entering grade 9 in the 2013-2014 school year and beyond must either pass the government HSA or include the government HSA score to meet a combined score of 1602. With the transition to the Partnership for Assessment of College and Career Readiness assessments in the 2014-2015 school year, students taking the English 10 or algebra HSA in the 2014-2015 and 2015-2016 school years do not need to pass the assessments in order to graduate.

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.

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.

DLLR advises that fewer adult learners may earn a high school diploma or a GED due to requiring these students to pass the civics test. In fiscal 2015, 220 students graduated from a Maryland Adult External High School, and 2,187 students earned a GED.

State Expenditures: General fund expenditures increase by \$1.0 million beginning in fiscal 2017 for MSDE to create and grade the civics test for all students. General fund expenditures for DLLR increase by \$90,600 in fiscal 2017 for one-time expenditures and to administer the exam to its students who meet the Maryland Adult External High School or GED requirements. This estimate reflects the bill's October 1, 2016 effective date. 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. The Department of Legislative Services (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 \$2 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 minimal. Thus, it is assumed that creating and grading the civics test will cost approximately \$1.0 million per year. (Since the civics test must also be administered to students who graduate from a Maryland Adult 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.)

- DLLR advises that creation of a new information technology (IT) module to capture test results costs approximately \$15,000 in fiscal 2017.
- DLLR further advises that providing 125 test proctors 3 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. Due to the bill's October 1, 2016 effective date, expenditures for contractors are approximately \$30,000 in fiscal 2017.
- 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 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 \$45,606 in fiscal 2017. This estimate reflects the bill's October 1, 2016 effective date.

Position – DLLR	1
Test Creation and Scoring – MSDE	\$1,000,000
Salaries and Fringe Benefits	40,791
DLLR Proctors	30,000
DLLR IT Module	15,000
Operating Expenses	<u>4,815</u>
Total FY 2017 State Expenditures	\$1,090,606

Future year expenditures reflect annualization, inflation, and elimination of one-time costs.

Additional Information

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

Cross File: None.

Information Source(s): Maryland State Department of Education; Department of Labor, Licensing, and Regulation; U.S. Citizenship and Immigration Services; Department of Legislative Services

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