

Department of Legislative Services  
 Maryland General Assembly  
 2020 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 284 (Delegates Szeliga and 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, 2022, 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.

Fiscal Summary

**State Effect:** General fund expenditures increase by \$1.0 million or more annually. Revenues are not affected.

(\$ in millions)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
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 that these adjustments can be handled with existing resources.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** An individual may repeat taking the civics test until achieving a passing score. On or before the first day of the 2021-2022 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.

**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. In general, 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 the Maryland State Department of Education (MSDE) or completing Bridge Plans.

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.”

The More Learning, Less Testing Act of 2017 (Chapter 731) requires local boards of education and exclusive employee representatives to meet and confer regarding school assessments as specified in the bill and, by December 1, 2017, and every two years thereafter, mutually agree to a limited amount of time that may be devoted to federal, State, and locally mandated assessments for each grade. If the parties fail to mutually agree, the time that may be devoted to specified assessments must be limited to 2.2% of the minimum required annual instructional hours for every grade except for eighth grade, which must be limited to 2.3%.

**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.

In 2017, MSDE advised 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.

Maryland Department of Labor (MDL) advises that it issues from 3,000 to 4,000 high school diplomas annually to adult learners who have successfully completed the GED or National External Diploma Program. The number of individuals who take at least one test is much higher.

**State Expenditures:** General fund expenditures increase by \$1.0 million beginning in fiscal 2021 for MSDE to create and grade the civics test for all students. General fund expenditures for MDL increase by \$92,764 in fiscal 2022 for one-time expenditures and to administer the exam to adult learners 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 2021, which includes developing an online delivery system for the exam. 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 2021. It is assumed that MSDE's contract to create and score the civics test includes grading of the test for MDL students.
- MDL 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 2022.
- MDL further advises that providing 125 test proctors three hours per month costs approximately \$67,500 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.

- MDL 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 MDL increase by \$38,648 in fiscal 2022, which reflects an October 1, 2021 hiring date to allow time for the first civics test administrations to be scheduled early in fiscal 2022.

Position – MDL	1
Salaries and Fringe Benefits	\$38,648
MDL Proctors	33,750
MDL IT Module – One-time	15,000
Operating Expenses	<u>5,366</u>
<b>Total MDL FY 2022 State Expenditures</b>	<b>\$92,764</b>

Future year expenditures reflect a full salary with annual increases and employee turnover and ongoing operating expenses as well as elimination of one-time costs for MDL and the ongoing cost of \$1.0 million annually for MSDE to administer and score the civics test.

### Additional Information

**Prior Introductions:** HB 834 of 2017 received a hearing in the House Ways and Means Committee and was withdrawn. HB 324 of 2016 received a hearing in the House Ways and Means Committee, but no further action was taken.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Maryland Department of Labor; Baltimore City Public Schools; Baltimore County Public Schools; Montgomery County Public Schools; Frederick County Public Schools; St. Mary’s County Public Schools; U.S. Citizenship and Immigration Services; Department of Legislative Services

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Analysis by: Caroline L. Boice

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510