

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1157 (Delegate Thiam)
 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, 2023, 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. **The bill takes effect July 1, 2021.**

Fiscal Summary

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

(\$ in millions)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
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 can administer the test using 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 2022-2023 school year, the State Board of Education (SBE) 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:

Federal Nationalization Tests

Section 312 of the Immigration and Nationality Act outlines the English and civics requirements for naturalization. By law, candidates for naturalization must have “knowledge and understanding of the fundamentals of the history, and of the principals and form of government, of the United States.” On November 12, 2020, CIS [released a revised version of the civics portion](#) of the naturalization test. Applicants who apply for naturalization on or after December 1, 2020, will take the updated version of the test. The updated version has 128 potential questions. To be successful, an applicant must answer at least 12 (60%) out of 20 questions chosen from the 128 potential questions correctly. The last update, which was from 2008, had 100 potential questions.

Required Elementary and Secondary Assessments

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.

SBE 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.

Graduation Requirements

SBE 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 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.

Testing Time Reduction Law

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 annually. 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%.

State Expenditures: General fund expenditures increase by \$1.0 million beginning in fiscal 2022 for MSDE to create and grade the civics test for all students. This cost reflects creating and field testing the civics test, including an online delivery system, in fiscal 2022, and administration and scoring of the test beginning in fiscal 2023.

General fund expenditures for the Maryland Department of Labor (MDL) increase by \$94,024 in fiscal 2023 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.

- In 2020, MDL advised that creation of a new information technology module to capture test results costs approximately \$15,000. The Department of Legislative Services assumes this one-time cost is incurred early in fiscal 2023.
- MDL further advised 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 services facilities. These costs begin in January 2023; thus, one-half of the cost is included in the estimate in fiscal 2023.
- This estimate also reflects one full-time clerk to schedule, score, and report on the civics test for MDL. Thus, general fund expenditures for MDL increase by \$39,693

in fiscal 2023, which reflects an October 1, 2022 hiring date to allow time for the first civics test administrations to be scheduled early in fiscal 2023.

Position – MDL	1
Salaries and Fringe Benefits	\$39,693
MDL Proctors	33,750
MDL IT Module – One-time	15,000
Operating Expenses	<u>5,581</u>
Total MDL FY 2023 State Expenditures	\$94,024

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 284 of 2020, HB 834 of 2017, and HB 324 of 2016 received hearings in the House Ways and Means Committee, but all the bills were subsequently withdrawn or received no further action.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Maryland Department of Labor; Baltimore City Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2021
md/rhh

Analysis by: Caroline L. Boice

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