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Written Opponent Testimony

HB 2039 - Requiring students to pass a civics examination for high school graduation

Presented to the Senate Education Committee
Monday, March 22, 2021
By
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Kansas State Board of Education

Chairwoman Baumgardner, Vice Chairwoman Erickson, Ranking Minority Sykes and Members of the Committee:

HB 2039 amends KSA 72-3217 by demanding schools, within the mandatory course(s) of instruction concerning government, the US Constitution, etc., require students to pass a basic civics test, or series of tests. The test(s) is to be comprised of a total of 60 questions selected randomly from the questions of the civics examination administered by the United States Citizenship and Immigration Services. The bill also requires each accredited high school to submit to the State Board of Education an annual report that provides aggregate student achievement data for the civic test or series of tests. The bill then requires the State Board to compile and present such reports to the Legislature on or before January 31 of each year.

Accommodations for, or possible exemptions to, the civics test requirement are allowed in the bill for a student with an individualized education program. We appreciate the recognition that a student's IEP should govern the appropriateness of requiring such a test and/or the accommodations that are required.

While the Kansas State Board of Education has developed a list of Legislative Priorities, the subject of this bill is not covered. It is, however, a subject we feel must be addressed. According to the Kansas Constitution, Article 6- Education, Section 2. a) *The legislature shall provide for a state board of education which shall have general supervision of public schools, educational interests of the state except educational functions delegated by law to the state board of regents. The state board of education shall perform such*

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other duties as may be provided by law. Case law (State, ex rel., v Board of Education, 212 K. 482, 485, 495, 497, 511 P.2d 705) found that the Constitution grants general supervisory powers over district boards directly to state board of education. This has been interpreted for years as meaning that one of the powers the State Board has is to set standards for learning and determine the content of tests in addition to determining requirements for graduation. We consider this bill to encroach upon the Constitutional responsibilities of the State Board.

To address the statement, **WHEREAS**, The state board of education discontinued the 60-item objective history, government and social studies assessment and implemented a subjective performance task assessment, again we have no issue with specific suggestions being made by Legislators and state officers, but subject matter standards and the assessment of those standards should be developed by a team of educators, not legislators. As required by state law, the standards were revised and approved last year. When revision of the standards occurs, the test is then also revised so the standards that are being taught are tested. The team of teachers who worked on developing the standards asked to have a year to develop and pilot a statewide test. Since the standards being taught were not those being tested and teachers were reporting that students were tired of taking so many tests, that they began just marking answers, thus, it was determined to discontinue the test and allow the development of a different type of assessment which would be a more valid means of assessing the new standards. This year would have been the pilot year, with plans to potentially implement it statewide next school year; however, COVID has interrupted the schedule. We also know that subjectivity can be reduced by using a common rubric that each teacher knows how to properly use.

We also believe this bill to be yet another intrusion into the Constitutional right of *local school boards who*, according to the Constitution, *are to maintain, develop, and operate the schools in their district.* [Kansas Constitution, Article 6-Education, Section 5.] For years that has been interpreted as a Constitutional right to Local Control which has always included control of curriculum and how that curriculum is taught, including the day-to-day assessment of the effectiveness of the teaching and subsequent learning of that curriculum. District teachers determine the content of the tests they give to periodically determine the level of student learning of the content of the district-selected curriculum.

Because of a similar request made a few years ago by the Attorney General and a subsequent similar bill, we previously asked the Civic Engagement Coordinator at the Department of Education to meet with Rep. Huebert and develop a compromise solution to the earlier bill. Prior to his retirement, the Coordinator met numerous times with the Chair and it was determined in order to earn distinction in the area of civic engagement through our Star Recognition Program, a school district would be encouraged to give the citizenship test to their students. [As a reminder: Civic Engagement is one of

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the key components of our Kansans Can Vision and is a part of being considered a successful high school graduate.] While it doesn't require every Kansas student to take the test, or to pass the test, those students in the districts who wish recognition for civic engagement do give the test to their students. This decision does recognize that local districts have jurisdiction over the content of the curriculum, the instruction provided by teachers and tests as they relate to said instruction.

A recent news account made it appear as if the State Board of Education totally rejected the idea that students should have the same knowledge that new citizens possess. We believe that all State Board of Education members consider it important that each Kansas student have the knowledge to pass such a test, but using a citizenship test as a high stakes test and as the most informative tool to measure student understandings about our responsibilities as citizens will not determine the acquisition of the desired internalization of the concept of patriotism, the duties of a citizen, etc. There are better ways to determine whether students have acquired such concepts than cramming for what would become a high stakes test(s). We ask that you allow the experts in education, particularly civics educators, to work with you to develop more lasting experiences which are much more likely to guide students to the desired outcomes. Regurgitating rote answers does not equate to civic literacy, just a continuance of No Child Left Behind policies forcing instructors to teach to a test without the critical thinking skills desperately needed for today's solutions. [Most likely, all of us have seen individuals on TV talk shows who have been randomly selected to identify a former President in a picture, someone who is the current Vice-President, etc. Strangely enough, none of those individuals have indicated they attended a Kansas School, yet we are certain they are from Kansas. We also don't know if those individuals just gave the wrong answer to increase the likelihood they will appear on TV. If those individuals memorized the information, there is great possibility they will not be able to recall it, years later, at the snap of fingers.]

For example, we would guess, each of you have crammed for a test at some time in your lifetime. Most of us remember little of the details from that test, if any of it. On the other hand, we also would guess that you did research or some other project as a part of learning in a course of study. Most of us remember at least portions of such activities because it actively involved us in learning beyond memorization.

We ask that you allow the State Board of Education to involve education experts in designing an answer to the concern this bill seems to be attempting to address. In fact, we would ask that you partner with us in such an effort to ensure all Kansas students have the opportunity to develop a strong sense of responsibility as citizens of Kansas and the United States of America.

Thank you for considering our concerns and our thoughts about HB 2039!