



900 S.W. Jackson Street, Suite 600
Topeka, Kansas 66612-1212
(785) 296-3203
www.ksde.org

Janet Waugh District 1	Melanie Haas District 2	Michelle Dombrosky District 3	Ann E. Mah District 4	Jean Clifford District 5
Dr. Deena Horst District 6	Ben Jones District 7	Betty Arnold District 8	Jim Porter District 9	Jim McNiece District 10

Written Opponent Testimony

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

Presented to the House Education Committee

Wednesday, Feb. 3, 2021

By

Deena Horst and Ben Jones, Legislative Liaisons
Kansas State Board of Education

Chairman Huebert, Vice Chairman Thomas, Ranking Minority Stogsdill and Members of the Committee,

HB 2039 requires students to satisfactorily pass a civics examination based on the principles of civics in order to graduate from high school. The exam is to consist of 100 questions which are very similar to the questions administered by the United States Citizenship and Immigration Services to applicants for United States citizenship through naturalization.

Students may request to take the test as early as seventh grade and may take it as often as needed to obtain a passing score. The test also may be administered as a part of the instruction required of all accredited high schools. Accommodations are to be made for students with an IEP according to the student's IEP. Whether or not the requirements are applicable to a student is also governed by a student's IEP. We appreciate the recognition that students may need to be able to take the test more than once and recognition that a student's IEP should govern the appropriateness of requiring such a test and/or the accommodations that are required.

The State Board of Education is allowed to adopt rules and regulations in order to implement the provisions of this bill and may provide a model exam for use by school districts or the governing body of any accredited private or parochial high school. The State Board of Education could also establish the passing score for a model exam that satisfies the requirements of HB 2039.

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
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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 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. We consider this bill to be encroaching into the Constitutional responsibilities of the State Board. We have no issue with such suggestions being made, but the appropriateness of implementing the contents of a test should be made by educators. In regard to a similar request by the Attorney General and a subsequent similar bill, we have 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 the key components of our Kansans Can Vision and is a part of being considered a successful high school graduate]. This obviously doesn't require every Kansas student to take the test, or to pass the test, only those students in the districts who wish recognition in the area of civic engagement. Such a decision also recognizes that local districts have jurisdiction over the content of instruction and tests as related to instruction.

A news account regarding this bill 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 members consider it important that each Kansas student have the knowledge to pass such a test, but using a high stakes test as a learning tool for very important information and understandings about our responsibilities as citizens is not likely to achieve the desired internalization of the concept of patriotism, the duties of a citizen, etc. There are better ways to guide students to acquire such concepts than cramming for a high stakes test. 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.

For example, we would guess, each of you have crammed for a test at some time in your lifetime.

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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. As a bit of trivia, one of the two listed on this testimony has served as a State Representative. When first elected, this former representative remembers that there were numerous attempts across the nation to pass high stakes tests tied to graduation. States where such tests were implemented seemed to remove them later, likely, because they discovered they did not solve the problem they were trying to address.

We ask that you allow the State Board of Education to involve 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.