



To: Senate Committee on Education
From: Richard Donovan, Oregon School Boards Association
Re: Senate Bill 1513
Date: February 12, 2018

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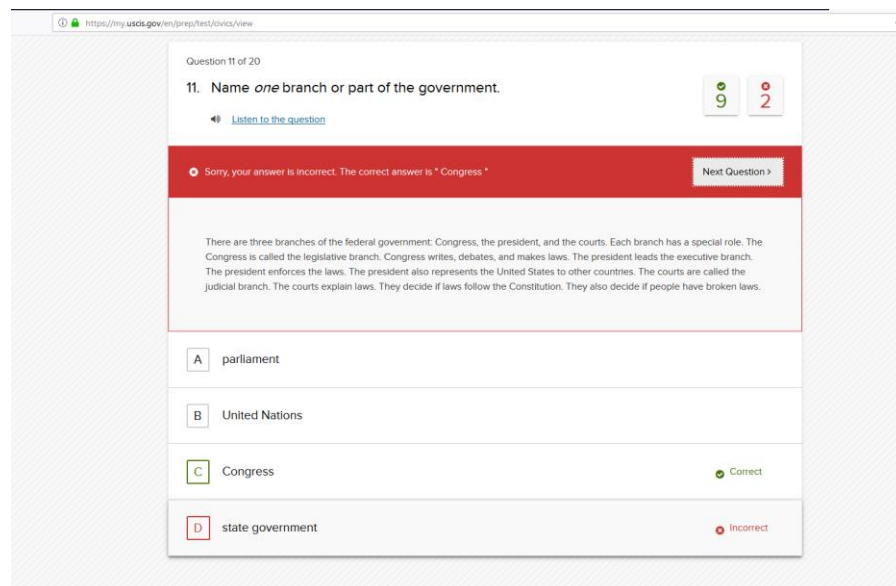
Mary Paulson

Chair Roblan and members of the Senate Committee on Education:

On behalf of OSBA membership thank you for the opportunity to testify on SB 1513. OSBA would like to register strong concerns regarding SB 1513.

SB 1513 would add an additional requirement to graduation for Oregon students, specifically a required 60% correct response rate on the naturalization test required for United States citizenship. OSBA members, including 197 school districts and 19 Education Service Districts throughout the state of Oregon, represent the vast majority of diploma-granting institutions Oregon. Implementing SB 1513 will be problematic for those districts for several reasons.

Unlike other graduation requirements, this test is not normed or aligned to curriculum or content that is under the control of the State Board of Education. In the circumstance where the answers to test questions are unclear or possible to dispute, there is no method for districts, the State Board, or even the Legislature to resolve disputes. Please consider the following screenshots of incorrect answers from recent attempts, taken Feb. 8 and 11, 2018, at the online practice test from <https://www.uscis.gov/citizenship/learners/study-test>:



The screenshot shows a web browser window with the URL <https://my.uscis.gov/en/prep/test/civics/view>. The page title is "Civics Practice Test". Below the title, it says "Question 19 of 20". The question is "19. Who is the 'Father of Our Country'?". To the right of the question, there are two boxes: a green one with the number "18" and a red one with the number "1". Below the question, there is a "Listen to the question" link. A red banner below the question contains the text "Sorry, your answer is incorrect. The correct answer is 'George Washington'." and a "Next Question >" button. Below the banner, there is a paragraph of text: "George Washington is called the 'Father of Our Country.' He was the general of the American army during the War of Independence. He was the first president of the United States. He became a symbol for the new government. His image is on the one-dollar bill. Many places are named for George Washington. The capital of the United States is named Washington, D.C. One of the 50 states is named Washington." Below this text are four multiple-choice options: "A) Abraham Lincoln" (Incorrect), "B) Thomas Jefferson", "C) George Washington" (Correct), and "D) Patrick Henry".

In the first example it is possible that the correct answers to the question “Name *one* branch or part of the government” include “C) Congress” and “D) state government.” In the second example it is possible to argue that all four of the listed responses should be counted as correct. These are just two examples of possible content concerns, and when questions like this come up, it is crucial that the state board be able to modify and change any content required for graduation.

Additionally, how districts would implement the test is unclear, and may require training of educators and staff. The USCIS website, <https://www.uscis.gov/citizenship/learners>, indicates that the test contains 100 questions, but that the test taker will be asked “up to 10” questions, with 60% correct response rate required. The test questions on the online practice test are multiple choice, but the actual test questions are not. The test is given individually, to each applicant. A test administrator, it seems, is required to subjectively score responses, and a scoring guide is issued. The source of the test materials is unclear as well; the test is revised from time to time, but it’s unclear when this occurs, further making implementation difficult.

Furthermore, SB 1513 raises serious questions about appropriate delegation of powers. It is unclear if it is constitutional for a state to delegate a federal

constitutional responsibility to a federal agency. As the practice test indicates, the Constitution gives states the power to educate.

https://my.uscis.gov/en/prep/test/civics/view

Civics Practice Test

Question 13 of 20

13. Under our Constitution, some powers belong to the states. What is *one* power of the states?

13 0

[Listen to the question](#)

Correct [Next Question >](#)

State governments have the power to do many things. They provide schooling and education. State and local governments provide protection and safety. States give drivers' licenses, and approve zoning and land use.

A coin or print money

B provide schooling and education Correct

C make treaties

D create an army

Because the test is controlled by the federal Department of Homeland Security, SB 1513 may represent an unconstitutional delegation of power. In any case, OSBA believes such a delegation is probably not good policy for the students of Oregon.

And students should be the measure of whether SB 1513 should be ratified. The chief sponsors of SB 1513, Sen. Riley and former Sen. Starr, are tremendous advocates for civics, civics education, and for the students of Oregon. They should be commended. However, the practicalities of SB 1513 raises serious concerns for school districts and ESDs. It is unclear what will be gained, and entirely likely that a test over which the state has no control will keep some students from graduating and earning a timely diploma.

Thank you for your consideration, and for the opportunity to testify.