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**Testimony in Support of House Bill 2039  
Requiring students pass an American civics test in order to graduate  
with a high school diploma.**

**Presented to the Senate Committee on Education  
By Kansas Attorney General Derek Schmidt**

**March 22, 2021**

Chair Baumgardner and Members of the Committee:

Thank you for this opportunity to testify in support of House Bill 2039, which proposes to require Kansas students to pass an American civics test, similar to the United States Citizenship Test, in order to graduate from high school.

I have had a long interest in proposals to increase civic education in our Kansas schools. In fact, in 2015, I presented a very similar proposal to the one you are considering today before the Kansas State Board of Education. While the Board did not adopt my recommendation of making the test a graduation requirement, that presentation did contribute to the creation of the Civic Advocacy Network, which recognizes Kansas schools who have exemplified civic engagement practices in their schools. I also testified in support of similar legislation in this Committee last year.

**The Critical Civic Mission of Schools**

I share the view that “the well-being of our body politic is best served by an informed, engaged citizenry that *understands how and why our system of government works*” and that “the country shortchanges the civic mission of its schools at its peril.”<sup>1</sup>

Noting data that only one-third of Americans trust the federal government as an institution, in preface to the 2011 report “Guardian of Democracy: The Civic Mission of Schools,” Justice Sandra Day O’Connor and Congressman Lee Hamilton wrote:

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<sup>1</sup> “Guardian of Democracy: The Civic Mission of Schools,” The Lenore Annenberg Institute for Civics of the Annenberg Public Policy Center at the University of Pennsylvania and the Campaign for the Civic Mission of Schools (2011), available at [https://production-carnegie.s3.amazonaws.com/filer\\_public/ab/dd/abdda62e-6e84-47a4-a043-348d2f2085ae/ccny\\_grantee\\_2011\\_guardian.pdf](https://production-carnegie.s3.amazonaws.com/filer_public/ab/dd/abdda62e-6e84-47a4-a043-348d2f2085ae/ccny_grantee_2011_guardian.pdf) (last accessed February 2, 2021), p. 4 (emphasis added).

“[M]any believe that the democratic process ... is growing incapable of meeting America’s great national challenges. ... When this distrust leads to disengagement, cynicism, and a national attention span that fails to see politics as much more than a series of elections and scandals, it distracts from the many challenges that we as a society must face – and can only face together through civic and political engagement. The great national challenges of our times can only be solved by an engaged citizenry knowledgeable about our problems and how best to solve them.”<sup>2</sup>

The data-based criticism of civic learning is well-known. For example, the results of a national survey released last year on Constitution Day showed that while some knowledge of some principals of our government had improved over the past year, there is still much room for improvement:

- Just over half (51%) Americans were able to name all three branches of government. More than one-fifth (23%) couldn’t name a single branch.
- Less than half (47%) knew that a two-thirds vote of Congress is required to override a presidential veto.
- More than one-fourth (29%) believed that if the president and the Supreme Court disagree on whether an action of the president is constitutional, Congress has the final responsibility for determining whether the act was constitutional.<sup>3</sup>

Justice O’Connor and Congressman Hamilton noted that bringing a “high-quality civic education to every American student requires more than individual programs and curricula” but instead “requires a systematic approach that is only possible through public policy.”<sup>4</sup> Notable among the recommendations of the Guardian of Democracy report:

- For local schools and administrators: “Encourage student participation in in-school and out-of-school civic learning experiences” and “[u]se civic learning to build twenty-first century skills, help prevent dropouts, and improve school climate.”
- For state policymakers: “Send a strong message that preparation for active, informed citizenship is the co-equal purpose of education along with preparation for higher education and career.”<sup>5</sup>

It is in the spirit of those recommendations – for state policymakers to “[s]end a strong message” of their commitment to civic education and for all to “[e]ncourage student participation in in-school and out-of-school civic learning experiences” – that I am here today.

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<sup>2</sup> Id. at 5.

<sup>3</sup> News release, “Amid Pandemic and Protests, Civics Survey Finds Americans Know More of Their Rights,” Annenberg Public Policy Center – University of Pennsylvania (September 14, 2020), available at <https://www.annenbergpublicpolicycenter.org/pandemic-protests-2020-civics-survey-americans-know-much-more-about-their-rights/> (last accessed February 2, 2021).

<sup>4</sup> Guardian of Democracy report, at 4.

<sup>5</sup> Id. at 41.

There is no cure-all to resolve this gap between the lack of civic knowledge and the nation’s vital need for it, and I am well aware of the dedicated and ongoing work of civics and government instructors and other leaders throughout Kansas schools. I admire their work, have worked with many in the past, and offer this recommendation today in the spirit of offering an additional tool to *assist and contribute* to their dedicated efforts – not to micromanage or second-guess them. It is a recommendation borrowed from a tried-and-true source: The longstanding process our nation relies upon in creating *new* citizens from immigrants.

### **The Civics (History and Government) Questions for the Naturalization Test**

From time to time, I have had the privilege of addressing classes of new Americans at naturalization ceremonies in our state. Without exception, these are moving occasions: Joining with people from throughout the world who still today, like so many generations before them, leave their lands, uproot their families and their lives, and come to the United States in pursuit of liberty and opportunity in our great nation. They believe in the promise of America and are willing to reshape their lives to pursue it.

During these ceremonies, I sometimes reflect on how much we demand of those who wish to become American citizens by their own choice. In many ways, it is more than we demand of those fortunate to have been *born* to citizenship. As I have on occasion said to newly naturalized citizens, “The nature of citizenship is not always fully understood or appreciated by those to whom it came without effort.”

One of the requirements we impose on naturalized citizens is that they take and pass the Naturalization Test administered by the U.S. Citizenship and Immigration Services. This test includes 128 questions in civics – history and government – that are basic to any understanding of how our system of government operates and the principles upon which it rests. I have attached as Exhibit 1 a copy of the current test that is posted on the USCIS website. If you review it, I think you will agree it presents basic information about the workings of our republic that every citizen should know.

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*“Knowledge of our system of governance and our rights and responsibilities as citizens is not passed along through the gene pool. Each generation of Americans must be taught these basics. Families and parents have a key role to play, yet our schools remain the one universal experience we all have to gain civic knowledge and skills. That is the civic mission of schools.”<sup>6</sup>*

*Justice Sandra Day O’Connor and Congressman Lee Hamilton*

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<sup>6</sup> Guardian of Democracy report, at 5.

The concept behind making the Naturalization Test a high school graduation requirement – that the country would be well-served by applying to all of us the same measure of basic civic knowledge we insist upon for new immigrants – strikes me as eminently sensible.

A 2018 report by Education Week showed that 19 states require a civics exam to graduate from high school.<sup>7</sup> At least seven states considered legislation to expand civic education requirements in 2019.<sup>8</sup>

### **Conclusion**

The basic idea of requiring passage of the citizenship test seems to me unassailable: We should combat the natural human tendency to take for granted that which comes easily – such as citizenship for those of us born to it – and a ready way to do so is to hold us to the same standard for knowledge (or, viewed a different way, to give us the same *opportunity*) as those who *choose* to join our citizenry.

I encourage you to pass House Bill 2039. Thank you.

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<sup>7</sup> “Data: Most States Require History, But Not Civics,” Education Week (October 23, 2018), available at <https://www.edweek.org/ew/section/multimedia/data-most-states-require-history-but-not.html> (last accessed February 2, 2021).

<sup>8</sup> “Civics Education Bills Are on Legislative Agendas in Seven States,” Sasha Jones, Education Week (March 5, 2019), available at [http://blogs.edweek.org/edweek/curriculum/2019/03/states\\_introduce\\_legislation\\_t.html](http://blogs.edweek.org/edweek/curriculum/2019/03/states_introduce_legislation_t.html) (last accessed February 2, 2021).