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TO CONNECT

Original: 2499

January 4, 2006

Jim Buckheit, Executive Director
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333

COPY

RE: Proposed Rulemaking 2-295 (22 PA Code, Chapter 4)

Dear Mr. Buckheit:

Pursuant to Section 5 of Act 181 of 1982, known as the Regulatory Review Act, the House Education Committee held a meeting on Tuesday, December 20, 2005, to review proposed rulemaking #6-295, State Board of Education, 22 Pa Code, Chapter 4: Academic Standards and Assessment. At this time, the Committee has several concerns, and thus offers the following comments, which were prepared by the Committee's bipartisan staff.

World Language Requirements (22 PA Code, §4.25(a)): The proposal maintains the current requirement that school districts must offer at least two world languages (non-English). While proficiency is expected of students who take world languages, there is no requirement that students should take a language. The Board should consider language to require demonstration of proficiency. The Board should also consider whether students without disabilities should be required to take a language.

High School Graduation (22 PA Code, §4.52(c)): The Committee questions the Board's proposal to implement policy allowing the Secretary to require proficiency on the PA System of School Assessment (PSSA) test as a graduation requirement in school districts where there is a discrepancy between graduation (i.e. due to proficiency on local assessments aligned with State standards) and district results on the PSSA.

Specifically, the Committee:

- Questions the validity of the correlation between local assessments and state assessments. The former is a multi-strategy measurement of proficiency using written and oral work, culminating projects, course and program assessments, portfolios, and other very specific demonstrations. The PSSA, on the other hand, is a single test in three subject areas (reading, writing and math) taken by all students of the district simultaneously. As such, the nature and purposes of the measures could vary from district to district.

- Has concerns about the threshold the Secretary will use to implement the mandate on PSSA proficiency as a graduation requirement. How much of discrepancy between graduates who pass local assessments and proficiency on the PSSA test must exist before the Secretary imposes the mandate? 25%? 50%? 75%?
- Questions the specifics of departmental assistance. Once the Department of Education has determined that a school district's local assessment is not "comparable" to the PSSA, what is the Department of Education required to do in terms of providing assistance to school districts whose local assessments are not "comparable" to the PSSA? Does the department have the capacity to provide this assistance?
- Raises similar concerns about the threshold used to permit a district on the PSSA proficiency graduation mandate to return to the use of a local assessment for graduation. Nothing is specific in these proposed regulations.
- Has concerns about the Board's intrusion on PA's historic principle of local board control over graduation requirements. Apparently, a significant number of the districts in PA have opted for proficiency on local assessments rather than the PSSA. How many school districts presently use the PSSA as part of their local assessment and/or for graduation requirements?
- Expresses concern over the fiscal impact of implementing these proposals. The Board's regulatory analysis shows minimal impact on the Department's budget and staffing capacity to handle these new duty, as well as minimal impact on school entities. Staff questions how minimal this will be, since some departmental staff members will need to review data on the discrepancy between graduation and PSSA performance; evaluate the local assessments and the goals in strategic plans; and analyze performance for possibly half of the Commonwealth's school districts (depending upon the threshold of discrepancy). Staff does not believe the Department has the current capacity to handle this with only minimal costs.

Furthermore, staff believes the impact upon school entities to adjust to, monitor and analyze the changes imposed by the regulations will be significant on a statewide basis.

- Maintains that the PSSA might not be the best means of determining the proficiency of state standards. What study or data suggests a correlation between the quality of the education that graduates receive and their performance on the PSSA? If such data or a study exists, the results should be shared with the Committee.

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The Committee and its staff greatly appreciate many of the other issues addressed by the Board and the effort which went into the proposed changes. We compliment the Board members and its staff for their hard work and look forward to working with them in their effort to improve Chapter 4.

Sincerely,

A handwritten signature in black ink, appearing to read "Jess M. Stairs", written in a cursive style.

Representative Jess M. Stairs
Chairman, House Education Committee

JMS/er

cc: Mr. John R. McGinley, Chair, Independent Regulatory Review Commission
Members of the House Education Committee