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January 7, 2008

Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17101

Attn: James Smith, Esq.

Re: Regulation #6-295
IRRC #2499

Dear Chairman Coccodrilli:

Please find enclosed the original, plus ten (10) copies of my remarks concerning the above-noted regulation, a summary of which will be delivered orally at the Commission's January 10 meeting.

Thank you for your attention.

Very truly yours,

Marilyn C. Zilli
Executive Director
Senate Democratic Education Committee

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2008 JAN -7 PM 12:36
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REVIEW COMMISSION

Enclosures

IRRC #2499
REGULATION #6-295

REMARKS PRESENTED BY MARILYN C. ZILLI, ESQ.
EXECUTIVE DIRECTOR,
SENATE DEMOCRATIC EDUCATION COMMITTEE
requesting DISAPPROVAL OF TITLE 22, CHAPTER 4
for failure to include world languages standards

JANUARY 10, 2008

INDEPENDENT REGULATORY
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State Board of Education's position: The Board's position is that adopting standards for the teaching of foreign languages automatically makes foreign language study a graduation requirement for all students. This is based on Section 4.11(d) of the Code, to wit, that "academic standards describe the knowledge and skills which students will be expected to demonstrate before graduating from a public school." It then argues that we cannot adopt standards because to employ all of the teachers necessary to teach foreign languages to all students would cost school districts large sums of money and would constitute imposition of another "unfunded mandate." It is for this reason that it removed world languages from subsection (g) of Section 4.11, which sets forth the areas in which students are to develop "knowledge and skills," and why all other references to "world languages" were removed from the Section. And although world languages standards have been written and approved by many professional organizations and the Board was initially willing to make them effective some five years from the date of their adoption, when those five years had elapsed, the Board reversed its position and refused to adopt the standards. It is now asking that the Commission approve Chapter 4 without these standards.

Position in favor of disapproval of Chapter 4 without world languages standards: Those who propose disapproval of Chapter 4 want proficiency in at least one foreign language made a graduation requirement in Pennsylvania. This would mean that all students would be required to study foreign languages. We want to use just the mandate of Section

4.11(d) that the Board so fears to drive proficiency. Adoption of standards should be the first step in what we acknowledge will be a multi-phased and multi-faceted campaign to bring all Pennsylvania students to this achievement level. We posit that standards must be adopted now to guide the teaching of foreign languages where that teaching is already taking place. The "guidelines" proposed by the Board and set forth on the Department's website do not have the same force and effect as standards. If we are serious about preparing our students to function successfully in the 21st century, we must be serious about requiring them to achieve proficiency in one or more foreign languages and to acquire the concomitant cultural awareness and sensitivity, which such proficiency brings. To achieve this goal, we must be serious about building a cadre of highly qualified teachers of foreign languages. We must start now holding both students and teachers to rigorous standards of instruction and achievement.

We would like to establish immediately that we are not talking about just French, Spanish, German, and Latin but also about what President Bush has identified as "critical languages," that is, Arabic, Farsi, Hindi, Chinese, Japanese, Korean and Russian.

Here is what is wrong with the Board's argument:

1. **It suffers terrible inconsistency with other Board action:** The Board has singled out foreign languages standards, imposing requirements for their adoption which it did not impose, or which were not a concern, with any of the other "knowledge and skills areas" set forth in Section 4.11, including math, science, ecology, arts and humanities, social studies and even "career education and work," "health, safety and physical education," and "family and consumer science." In all of these other areas, standards were developed over time and school districts were required to find the teachers to teach these subjects and to teach them to all students. Given the dearth of certified teachers in some of these other areas (see Paragraph 3, infra.), it is difficult to understand why the Board did not hesitate to act concerning these other subjects. This is especially true given that foreign languages is the only academic, college and career preparatory subject excluded from Section 4.24(c) ("Planned instruction in the following areas

shall be provided to every student...) and the only academic, college and career preparatory subject included in Section 4.24(d) ("The following planned instruction shall be made available to every student...). The justification for this arrangement is difficult to perceive.

2. The argument concerning the impossibility of "all students achieving proficiency" is erroneous. Although Chapter 4's definition of "standards" means that, in order to graduate, all students will be expected to demonstrate proficiency in all the "knowledge and skills areas," the Chapter also distinguishes between "standards" and "assessments." "Assessments" are defined as "a valid and reliable measure of student performance." Apart from the PSSAs, Pennsylvania does not currently have any statewide subject matter assessments, although the Board and PDE are now proposing the use of "GCAs" as a graduation requirement, however, in certain subject areas only, not including foreign languages. Without statewide assessments, school districts may develop their own local assessments and impose certain achievement levels as a graduation requirement. Without a statewide foreign language assessment, why is the Board so concerned about proficiency in *all* students? And if it is concerned about the inadequacy of local assessments, why is it not willing to adopt standards to guide the teaching of foreign languages in all school districts, pending the adoption of a statewide assessment in this subject area? Again, the "guidelines" proposed by the Board and set forth on the Department's website do not have the same force and effect as standards. If we are serious about proficiency in our students and about building a cadre of highly qualified teachers of foreign languages, we must start holding both groups now to rigorous standards of instruction and achievement.

It should also be noted that in its most recent GCA proposal, the Board has proposed the following language: that "beginning in the 2013-14 school year, school districts shall...specify requirements for high school graduation in [their] strategic plan, that shall, at a minimum, include....(3) demonstration of proficiency, as assessed and determined by the school district, in each of the State academic standards not assessed by a State assessment..." The genesis of the GCA proposal was the Board's and the Department's concern that local assessment standards were not rigorous enough to ensure that Pennsylvania high school graduates were in fact prepared to meet the challenges of post-secondary education and/or

employment. If the Board is now willing to continue to permit local assessments in some areas, which would include foreign languages since there would be no statewide assessment for this subject, shouldn't it want at a minimum to ensure that at least the *teaching* of foreign languages was conducted according to rigorous statewide standards, pending the development of a statewide assessment? If not, how will the Commonwealth ever fill the need for qualified foreign language teachers? It should also be noted that, if adopted, the time-line proposed would clearly give the Board time to adopt world language standards and school districts time to secure the teachers needed to provide instruction for *all* students.

3. The Board's argument that without the requirement to hire approximately 2,700 additional world languages teachers to provide instruction to those students not currently taking any foreign language course, school districts would save approximately \$114million per year is simplistic and mistaken. First, the argument doesn't take into account those programs currently in operation, which are offering languages in grades and in formats not contemplated by the current language requirement; it does not address how those teachers have been secured or how they are being paid. In fact, to respond to the demands of parents, college and universities and businesses, school districts are finding ways to provide world language instruction to their students. They are using Accountability Block Grant funds. They are using the computers provided through the Classrooms for the Future initiative to develop distance-learning opportunities in foreign languages. Thanks to CAPE (Center for Advancing Partnerships in Education, a consortium of secondary and post-secondary institutions that assists its members in promoting educational opportunities), over 600 Pennsylvania high school students in 15 school districts have been learning a critical foreign language even though their schools didn't have the resources to offer such study on their own. Finally, school districts are applying for federal dollars to support their programs, and the federal government has been willing to put substantial funds, especially into "critical" language programs.

There are language programs all over the Commonwealth, from Montgomery to Cambria to Butler Counties. Pam Kolega, World Languages Curriculum Coordinator for the Department, reports that at least five superintendents call her every month wanting to start Chinese,

Arabic, other languages, that at least 225 of the state's 501 school districts have K-12 foreign language programs, some aided by online learning opportunities, and that in the 2005-06 school year, 405,467 public school students in grades 7-12 were enrolled in foreign language classes. (As quoted in Post-Gazette, June 25, 2007, "State board refuses to require foreign language studies because of high cost.") These kids are leaving the State Board behind.

In addition, the argument assumes that the additional number of teachers needed would all have to be provided in one year. This simply could not be the case. There are not sufficient world language teacher preparation programs to produce, overnight, the number of teachers needed; and there is currently no program in effect to certify native speakers or others not otherwise PA certified to teach in Pennsylvania on a provisional basis (although I understand the Department is working on that). This need was recognized by the Governor's Commission on Training America's Teachers, which, in the section of its final report entitled "What Are Our Most Pressing Needs?" found that Pennsylvania must "focus [its] teacher education systems on [its] greatest needs," those being teachers of math, science, special education and world languages. The conclusion was based on the results of a survey of school district superintendents and human resources directors who specifically identified these positions as the most difficult to fill.

Finally, the argument proposes no solution to the problem. In fact, the solution is a matter of simple logic: Pennsylvania must teach foreign languages, at both the secondary and post-secondary levels, in order to develop the needed cadre of certified teachers. If we don't teach foreign languages, we will never have teachers of foreign languages.

In other words, everyone understands that we cannot accomplish universal foreign language study, no less foreign language proficiency, overnight. I assume this explains why the Board, when it first spoke of adopting standards, set an implementation date well in the future. This was meant to give school districts time to meet the standards. But then the standards were not adopted and, of course, the implementation date came and went and we were no further along. I believe it also explains why Rep. Daylin Leach was willing to accept PSBA's suggestion that his legislation

to require the Board to adopt world languages standards be amended to make clear that the requirement would not be immediately self-effectuating and would not immediately impose foreign language study as a graduation requirement. But we must start somewhere or we will never have the needed teachers and our students will never have this necessary preparation for post-secondary education and careers.

4. **The Board's determined opposition to adoption of world language standards suggests that it sees no need for foreign language study, despite its claims to the contrary:** Whether or not this is the case, the Board's position has prompted sharp criticism from many quarters. For example, Mary Abbott, director of education for the American Council on Teaching of Foreign Languages, has suggested that the need to study foreign languages has not been felt because "historically we've been a nation that hasn't needed to know about the rest of the world. We've been isolated geographically and economically." She rebuts the Board's claim concerning the lack of teachers: "I think it's short-sighted to say that teachers can't be trained. They manage to do it in math and science. I think it's whatever you value gets funded." (Post-Gazette, June 25, 2007, "State board refuses to require foreign languages studies because of high cost") Perhaps the most unfortunate criticism, for Pennsylvania's image in the rest of the civilized world, has come from Dan Simpson, retired U.S. ambassador and currently an associate editor for the Pittsburgh Post-Gazette, who, in a July 2007 editorial, accused the Board of "xenophobia" and of "defiant ignorance of the world that Pennsylvanians and American live in." He said that the Board's decision that it would cost too much and that there weren't enough teachers anyway to require all Pennsylvanians to learn a foreign language had to be seen as "part of an effort to pretend that the rest of the world doesn't exist."

There is a reason why the National Commission on Excellence in Education, in its report, "A Nation at Risk," placed the study of foreign languages and cultures at the same level of importance as the five "basic" academic fields (English, mathematics, computer science, social studies and natural science). In fact, the benefits derived from foreign language study have been well documented. First, studies have shown that foreign language study has a positive impact on student learning in other subjects. At the secondary level, these studies include Bruck, Lambert and Tucker,

1974; Hakuta, 1986; Weatherford, 1986; Bamford and Mizokawa, 1991; Easton, 1994; Collier, 1995; Louisiana Public School study, 2004. These studies prove that students who have studied a second language have higher scores on standardized tests in reading, language arts and mathematics, goals set by NCLB and by many Department of Education initiatives. In addition, an ACT study in 2007 showed that students who took at least two years of language had a significantly higher mean composite score than those who reported less than two years of study. A student's post-secondary readiness was significantly increased by foreign language study. Again, since college and career success are goals set by the Department and the Board for all students, it is difficult to understand how the important tool of foreign language study can be ignored.

Equally important, the need for foreign language proficiency as part of a student's resume for employment application can no longer be denied. More and more employers are looking for employees who have the cultural awareness to deal appropriately with foreign businesses. In the best-case scenario, they hope for proficiency in the needed critical language.

Education Week cites business leaders and policymakers touting foreign language proficiency as an necessary tool for maintaining the nation's global competitiveness and for preparing students to work in the 21st century marketplace. The federal government recommends language proficiency in foreign languages, particularly those it deems critical to security and international trade and development. And on the occasion of his retirement as CEO of Harsco Corp., Derek Hathaway stressed the need for foreign language study in order to prepare workers to function with mutually offered respect and understanding in an increasingly shrinking world economy.

A more dire prediction on the consequences of failing to teach foreign languages came from Sandi Vito, Deputy Secretary for Workforce Development in Pennsylvania's Department of Labor and Industry in remarks delivered at Pennsylvania Council on International Education conference in 2006. She said that nationally, "the lack of proficiency in foreign languages is complicating our government's efforts in trade, peacemaking, diplomacy, security and intelligence." More to our own point, she said Pennsylvania's economy depends on world markets. In

2005, Pennsylvania posted the ninth largest export total among the 50 states, to more than 200 foreign destinations. Exports sustain thousands of Pennsylvania businesses and the state ranks sixth in the US in the number of employees supported by US subsidiaries. And yet, among its competitors for foreign direct investment (Maryland, Delaware, Virginia, New York, New Jersey and other states), the Commonwealth fares poorest in percentage of population that speaks a language other than English. Pennsylvania businesses are desperate for workers able to communicate with foreign businesses in the businesses' own tongues. Secretary Vito concluded her remarks as follows: "We simply cannot ignore the need for comprehensive and international skill-building programs [which include foreign language study]. Unless our workers acquire the education and skills needed to succeed in today's highly competitive economy, the long-run support needed to sustain increases in trade and foreign investments that we have seen in the past few years in our economy will fail to develop."

The question must be asked how, with all of its other initiatives designed to give our students needed 21st century skills, the Board can justify holding our students back by not insisting that they achieve proficiency in at least one foreign language.

5. It is unfortunate that the State Board persists in its opposition to adoption of world language standards. Those who think foreign language study is important include the federal government (16+ different bills currently pending in Congress); contiguous or neighboring states that have adopted world languages standards and/or which have a foreign language graduation requirement (e.g., Maryland, New Jersey, Delaware, New York; also Virginia and D.C.); other states which have or will have a foreign language graduation requirement (e.g., California, Hawaii, Indiana, Maine, North Carolina, Oklahoma, Oregon, Rhode Island, Texas, Georgia); NASBE (the Board's mother organization, in its Policy Statement on School Improvement and in a recent white paper in which it recommended that not only all students but all teachers receive foreign language training, because of the necessity of integrating global awareness into all subjects); PSBA (which supported an amendment to the Accountability Block Grant statute to permit school districts to use these funds to establish or expand language programs in the early grades, either as immersion classrooms or a separate period of study and, as previously indicated, Rep. Leach's

legislation, as amended); Governor Rendell (several public statements, on the occasion of International Education Week, for example); Pennsylvania's Departments of Labor and Industry and Community and Economic Development; certain Bureaus within the Department of Education; the Pa Council on International Education (which passed a Resolution recommending that the Board adopt standards); many school districts; parents; and many professional organizations. For those of us who have followed this topic nationwide, this amounts easily to four expandable folders of materials.

Conclusion: For all of these reasons, it is respectfully requested that the Commission disapprove Chapter 4 as submitted and return the Chapter to the State Board with direction that it include world languages standards in the Chapter.

Thank you.

A handwritten signature in black ink, reading "Marilyn C. Zilli". The signature is written in a cursive style and is positioned above a horizontal line.

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